

**TOWNSHIP OF WALL  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF THE REGULAR MEETING  
HELD IN THE MUNICIPAL MEETING ROOM  
FEBRUARY 18, 2004**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairman Clayton at 7:40 P.M. Members present were Chairman Clayton, Dominick Cinelli, Wilma Morrissey, Anthony Rembiszewski, Jim Gray, Wayne Palmer, first alternate Bob Kerr, second alternate Ray Slocum, Attorney Hirsch, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Daniel Swayze, Planner Art Bernard and Reporter Deborah Arnone.

**SALUTE TO THE FLAG**

Attorney Hirsch announced that all requirements under the Open Public Meetings Act had been complied with for this meeting and read the purposes of the Board of Adjustment.

**NEW APPLICATION**

**CASE #BA38-2003** – Date application complete: December 22, 2003

**APPLICANT:** SUNNYSIDE MANOR

**PROPERTY:** Ramshorn Drive & Lakewood Road, Block 876, Lots 16 & 44.01, R-30 zone

**RELIEF REQUESTED:** Use/Bulk with variances

Attorney Hirsch reviewed the file and stated the Board had jurisdiction to proceed.

Michael Landis, Esq. appeared for the applicant.

Attorney Hirsch said this hearing is a little out of the ordinary. This hearing is to approve a settlement relative to litigation. The applicant filed the prior application some time ago for a major expansion. The Board denied the application. The applicant filed suit under the Fair Housing Act. During the litigation a settlement ensued. As a result a new proposal was developed for the site. Concepts were presented to the Board and suggestions were made. It resulted with the applicant coming up with a plan that has been filed. There was an agreement reached. Township property is involved. The applicant will present the application to the Board and before a public hearing. An actual settlement can only be approved at a public hearing. The concept was approved by the Board. The settlement will be concluded at the end of this hearing. The Board has spent substantial time on this. This hearing will proceed like any other hearing before the Board. The public will have the opportunity to ask questions as well as the Board members. The public will have a chance to present any evidence after the applicant is finished.

Attorney Hirsch explained the Board must come to a vote on this application within 60 days.

Attorney Landis said he has five witnesses.

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Preliminary and Final site plan
- A-3 Monmouth County Board of Health review letter dated January 12, 2004
- A-4 Drainage study
- A-5 Traffic report

- BOA-1 Review letter from Daniel Swayze, Engineer, dated January 23, 2004
- BOA-2 Review letter from Art Bernard, Planner, dated January 24, 2004
- BOA-3 Review letter from Art Bernard, Planner, dated February 12, 2004
- BOA-4 Review letter from Joseph Rizzitello, Wall Township Fire Prevention, dated December 23, 2003
- BOA-5 Review letter from South Wall Fire Rescue, prepared by Richard Conte, dated January 21, 2004
- BOA-6 Review letter from Daniel Swayze, Engineer, dated February 18, 2004
- BOA-7 Wall Township Environmental Advisory Committee Plan Review dated January 18, 2004

Richard Arzeberger, Architect, was sworn. Mr. Arzeberger gave his credentials which were accepted by the Board.

Attorney Landis said Mr. Arzeberger will testify as an architect. He will give an overview of the proposal.

Entered into Evidence:

- A-6 Rendering of site plan
- A-7 Rendering of elevation
- A-8 Rendering of Lakewood Road landscape elevation

Mr. Arzeberger said A-6 is a rendering of the site plan. It shows Lakewood Road to the north and Ramshorn Drive to the east. It also shows the properties to the west and the public owned property to the south. The high point on the west side runs to a low point on Ramshorn Drive. The existing building is located on the westerly side of the property. The existing entrance is off Ramshorn Drive. The publicly owned property is along Ramshorn Drive.

Mr. Arzeberger said what is being proposed is shown on the lower portion of the rendering. The existing structure will be demolished. The new structure will be closer to Lakewood Road. The subdivision of lots would occur before demolition. A parcel will be deeded to the Township for public use. The portion to the south will be titled to Sunnyside Manor. The easement associated with lot 44.02 holds the pump station. New lot 16.02 will be deeded to the township.

Chairman Clayton asked what will take place first. Mr. Arzeberger said the new building will be constructed first. Then the residents will be moved to the new facility and the existing facility will be demolished.

Attorney Landis said the new facility will be 90,000+ s.f. Mr. Arzeberger said that is correct.

Attorney Landis asked Mr. Arzeberger to describe the new facility. Mr. Arzeberger said exhibit A-7 shows elevation from Ramshorn Drive. From Ramshorn Drive three stories of the building will be exposed.

Mr. Arzeberger said the high point along the westerly portion of the property flows down toward Ramshorn Drive. There is a wooded area along the westerly portion of the site. Because of the terrain of the site the building was located where proposed to minimize the view from Lakewood Road. From Lakewood Road the building appears to be two stories.

Mr. Arzeberger said A-1 shows the lowest level plain. There is a portion of the building below grade. Half of the building is below grade. Ramshorn Drive is the main entrance to the building.

Mr. Arzeberger said A-4 shows the three levels from Ramshorn Drive. From the southerly elevation this portion of the building is three stories. A-2 shows the westerly elevation which is two stories in height. The north elevation faces Lakewood Road and is two stories.

Attorney Landis asked Mr. Arzeberger to go over the floor plans. Mr. Arzeberger said A-1 shows the lower level. The lower level contains the public part of the assisted living section of the building. It contains a living room for the assisted living residents. The main entrance is off Ramshorn Drive. To the west are the support facilities. It contains various rooms, such as, the kitchen, living room, dining room and activity areas of the assisted living portion.

Mr. Arzeberger said the first floor is split. The westerly side contains the nursing home and nursing section. The east wing contains some assisted living. The building is H-shaped.

Mr. Arzeberger said the assisted living units contain one and two bedrooms. Some units will contain a separate bedroom as well as kitchen, living room and dining area.

Mr. Arzeberger said the existing building contains 54 nursing beds and 16 assisted living for a total of 70 beds. The proposed is 75 assisted living beds and 60 nursing beds for a total of 135.

Mr. Palmer said at previous discussion wasn't there 60 nursing and 62 assisted living beds proposed. Attorney Hirsch said the settlement that was reached indicated 96 units or 135 beds. Mr. Arzeberger said the number of units for the assisted living was 75 beds with 60 units. The nursing portion consisted of 60 beds. Mr. Palmer asked if they will be delineated. Mr. Arzeberger said there will be some assisted living on the first floor and the balance will be nursing home beds. The second floor will be all assisted living units. There is a double doorway separating the sections.

Attorney Landis asked Mr. Arzeberger to describe the exterior. Mr. Arzeberger said off of Lakewood Road there is an access drive which provides access to a parking lot. The main access to the building is off Ramshorn Drive. There is a turn-a-round which loops around the entrance. There is adjacent parking and also a lane connected to a larger parking area. The nursing home portion has 15 parking spaces for visitors. The balance of 44 parking spaces are located in the area that will be used by employees and guests.

Mr. Arzeberger said A-6 shows the Lakewood Road elevation. You will see two stories from Lakewood Road. The wings of the building front Lakewood Road. The building will have siding and shingles. We are trying to mask some of the neighborhood. It will have residential style windows and columns which will be carried around the building.

Mr. Palmer asked what is the maximum height of the building at the center. Attorney Landis said Mr. Buleza our engineer will answer that.

Mr. Palmer asked for the total length of the building. Mr. Arzeberger said it is a total of 305'.

Chairman Clayton asked for the width. Mr. Arzeberger said at its widest point it is 205'.

Chairman Clayton asked for the width on Ramshorn Drive. Mr. Arzeberger said 155'.

Chairman Clayton asked about the siding. Mr. Arzeberger said the siding will have three materials, mostly brick, horizontal siding and a vinyl type of siding.

Chairman Clayton asked about colors. Mr. Arzeberger said neutral colors.

Chairman Clayton asked about the HVAC system. Mr. Arzeberger said lower levels will have air conditioning units below the windows. The upper levels will be using roof type units. The roof type will be hidden by the parapet.

Chairman Clayton asked if the decibel level will be within the Township ordinance limits. Attorney Landis said we will comply with the Township ordinances.

Chairman Clayton asked about the dumpster. Mr. Arzeberger said the engineer will answer questions regarding the dumpster.

Mr. Swayze asked where the refrigeration units will be located. Mr. Arzeberger said on the lowest level. The kitchen will be located near the court yard area.

Chairman Clayton asked if they will be doing their own laundry. Mr. Arzeberger said there will be a laundry room provided. Mr. Keane will give testimony regarding that.

Tom Ross, 2407 Ramshorn Drive, asked how many windows will be facing Ramshorn Drive. He also asked what is the distance from Ramshorn Drive to the circular driveway. Mr. Arzeberger said the front of the building is about 155' from the ROW. As far as number of windows on Ramshorn Drive, between 70 – 80 windows.

Mr. Ross is there going to be any grading to the land. Attorney Landis said the engineer will answer that.

Mr. Ross asked if there will be a two way access going in off of Ramshorn Drive. Mr. Arzeberger said yes. Mr. Ross asked from Lakewood Road. Mr. Arzeberger said two ways.

Debby Gallo, 1530 Lakewood Road, asked is the new proposed parking going to be where the current parking is. Mr. Arzeberger said the old parking is on the south side. The proposed parking is behind the building, by the pumping station.

Ms. Gallo asked if special event parking was part of the 44 parking spaces or is that another parking area. Mr. Arzeberger said it is not a true parking area. It will just be used for special events. Ms. Gallo asked if those spaces will be striped, etc. Mr. Arzeberger said no.

Ms. Gallo asked where the residents are going to park. Attorney Landis said Mr. Keane will answer that.

Ms. Gallo asked about the land being given to Wall Township. What does that mean? What will it be used for? Attorney Hirsch said they have not determined any designation. Ms. Gallo asked if it will be built on. Attorney Hirsch said the Township Committee controls that. At this point it will be open space. There is no plan to do anything with it. That is a question for the Township Committee.

Kevin Murphy, 2430 Sycamore, asked for the total square footage of the building. Mr. Arzeberger said about 90,000 s.f.

Ed Brown, 1606 Lakewood Road, asked what the facility will impact from the top of the bank if you go down toward the entrance (toward Lakewood Road). Attorney Hirsch said we have not heard from the engineer or landscape architect yet. If you are heading south down Ramshorn Drive you are going down hill. What will you see? Mr. Arzeberger said along Ramshorn Drive from the south there is a crest in the road. There will be extensive landscaping along the length of the street. On Lakewood Road you will see trees and a wooded area. You will see the extension of the buffer. It will be very densely landscaped. That buffering turns the corner and goes down that street as well. The building is set down on the site.

Mr. Brown said from the southerly property line to Ramshorn Drive, from the high point and Sycamore Street. He said you will see the air conditioning system. What will the impact be?

Entered into evidence:

A-9 Aerial topography plan

Mr. Arzeberger said the high point is approximately at 43.5' grade elevation. The low point is 29.4'. 13' grade difference. When the property is developed the parking level is going to be 37'. That drop off is not that significant. There is extensive landscaping buffer. The landscape architect will give more information. There will be two buffers which compile the view of the parking area. When you get to a certain point the site is not visible. The extended wood area will remain. As far as the view to the building at the elevation you describe you will not be high enough to look down and see the roof top units. They will not be visible anywhere on Sycamore.

Mr. Brown asked will we be able to see the top of the building. Mr. Arzeberger said from Sycamore Street you will not be able to see over the flat area of the roof or see the HVAC system.

Kevin Murphy asked about the view from his house. Mr. Arzeberger said there is a 50' ROW and an additional 100' back from the closest point of either wing and an additional 60' to the main part of the building.

Mr. Murphy said you said you would not be able to see the top of the building. Mr. Arzeberger said you would not see the top. You may see a portion of the building.

Mr. Murphy asked if the entrance is two way. Mr. Arzeberger said yes.

Mr. Murphy asked if the site will be gated. Mr. Arzeberger said no.

Mr. Murphy asked if there will be a security entrance. Mr. Arzeberger said no.

Mr. Ross asked what is going to be done with the road that goes to the original building and the existing buffer on Lakewood Road. Mr. Arzeberger said the access drive from Ramshorn Drive will be partly close to where the new entrance would be. The wooded area there may have some minor clearing but generally it will remain and be supplemented.

Mr. Gray asked if the exiting road that is there now will remain. Mr. Arzeberger said it will be removed in its entirety.

Richard Drewes, 2507 Ramshorn Drive, asked if there was any consideration given to a smaller footprint. How did you come about this type of layout? Mr. Arzeberger said the layout is a result of a number of factors. The building had to be a certain distance from Lakewood Road. This new design has been through a number of changes. Efficiency was the most in our minds. Mr. Drewes asked if the units could be smaller. Mr. Arzeberger said the units themselves are governed by agencies. He said he did not believe they could make a reduction in the size of the building by reducing the size of or eliminating some functions. It has been pretty much honed down to exactly what is needed.

Mr. Drewes asked if there are two or three levels. Mr. Arzeberger said three levels are visible along Ramshorn Drive. The west and north façade appear to be two levels above grade.

Mr. Drewes asked about siding. Mr. Arzeberger said the building will be covered with brick, shingles, vinyl siding and other elements used to reduce the overall visual impact. Mr. Arzeberger said he thinks those materials were chosen to be consistent with what is in the neighborhood.

Dennis Malanga, 2520 Autumn Drive, asked do you feel that using cedar would disrupt the look you are trying to create. Mr. Arzeberger said we are trying to reduce the overall impact of the building.

Mr. Malanga asked about the removal of the driveway. He said he is very concerned about the portion that backs up to his house. Attorney Landis said their engineer will testify.

Mr. Malanga asked why wall units. Mr. Arzeberger said that was a recommendation from our engineer.

Chairman Clayton said pass experience with low decibels state there is less noise using roof top units. Attorney Landis said they will comply with any noise ordinance.

Nick Montenegro, 2500 Autumn Drive, said he lives directly behind Sunnyside. Mr. Montenegro said the subdivision for the back lots, they will be conveyed to the Township. Attorney Landis said that is part of this application.

Mr. Montenegro said some units will have kitchenettes. Mr. Arzeberger said they will be very small. They will contain 4' base cabinet, sink and a microwave. Mr. Montenegro said there will be no storage. Mr. Arzeberger said no.

Mr. Montenegro said he reviewed the floor plan and the Alzheimer units were not part of the first application. How many? What are the special needs and concerns? How are you going to protect those residents? Mr. Arzeberger said there will be 15 one-bedroom units. Mr. Montenegro asked if there will be any lock up. Mr. Arzeberger said Mr. Keane can answer that.

Mr. Montenegro asked how many special events will there be and how many parking spaces? Mr. Arzeberger said the site engineer will answer that.

Mr. Montenegro said he thinks the ingress and egress should be at the high point. Mr. Arzeberger said that is up to the traffic engineer.

Mr. Montenegro asked how many AC units on the roof? Mr. Arzeberger said all the units for the top floor will be on the roof. He said there are 60 beds, 45 units. Mr. Montenegro asked about the noise level. Mr. Arzeberger said those types of units; the noise would not be an issue.

Mr. Montenegro asked if Mr. Arzeberger follows up on all his past projects. Mr. Arzeberger said yes and over the last 15 years he has been involved in a lot of projects. Mr. Montenegro asked if he designed this structure. Mr. Arzeberger said he was a member of the team.

Mr. Montenegro asked if all three levels were the same as far as size. Mr. Arzeberger said they are all approximately equal.

Mr. Montenegro said 92,000+ s.f. Mr. Arzeberger said the site plan shows 30,879 s.f. each. It is approximately 90,000 s.f.

Mr. Montenegro asked when demolition will take place. Attorney Landis said that is part of the settlement agreement. Attorney Hirsch said the settlement gives a time limit. Mr. Montenegro asked when? Attorney Hirsch said it will be no later than 90 days after the issuance of a C.O.

Mr. Montenegro said when construction of the new building takes place what will the construction entrance be. Mr. Arzeberger said that is up to the applicant.

9:40 P.M. the Board recessed.

10:00 P.M. the meeting resumed.

Mr. Montenegro asked how the exiting building will be serviced during the construction of the new one. Give some thought to that.

Mr. Brown asked what is the distance of the roof line to Lakewood Road in relation to the noise from the AC. Mr. Arzeberger said from the ROW about 80'. As far as the distance there is 80' to the ROW, the ROW is 50' from Lakewood Road so that is 130'.

Mr. Arzeberger said in his experience he is not aware of any problems associated with noise levels resulting from the HVAC units that are being proposed. The noise is shielded by the parapet and the distance. It is my opinion that any noise would not have a negative effect on the surrounding properties.

Mr. Drewes, back to the elevations, asked if there is any way, based on the basement, could the two-story level be on the Lakewood Road side. He said he lives right next to the project. Mr. Arzeberger said the spaces at the lower level are the living, dining, activity area. He said he thinks if that can be bermed up around the building it would have a negative effect on the living there.

Andrew Balas, 2508 Ramshorn Drive, said he is concerned about the cooking smell. They will cook three meals a day. Mr. Arzeberger said the owner will address that.

John Buletza, Engineer, was sworn. Mr. Buletza gave his credentials which were accepted by the Board.

Mr. Buletza said he helped prepare this project. Attorney Landis asked Mr. Buletza to go over the drainage.

Mr. Buletza said the drainage plan will meet all DEP standards, even those put into effect in the last few weeks. Mr. Buletza said they are proposing to remove the existing building. A significant amount of impervious area will be removed. It will reduce the run-off. The run-off will flow to the east. The run-off will go through a storm drain system and pipe directly to a manhole to a water quality control device. It will increase the water quality. The run-off will enter the detention basin and be released at a reduced rate. It will drain into the same easement that it drains into now. A small portion from the Ramshorn Drive ROW will capture the run-off and make it go in a southerly direction to the existing location of the water shed. At the beginning of this month new rules were enacted by the DEP. The Stormwater system meets all the criteria of all those rules. The water quality will be increased.

Attorney Landis asked Mr. Buletza to describe the detention basin. Mr. Buletza said it is located at the southerly property line. It is at a low portion of the site. It is 40' lower in elevation. The existing building is on the highest portion of the site. The grade took the basement floor and lowered it into the ground. We have worked to reduce the height. On the easterly side of the building it is 38.5'. It meets existing grade at that location. The only area where there is any type of fill is at the southeast wing. The property drops off.

Attorney Landis asked about the drainage collection area. Mr. Buletza said the drainage compaction is located at the rear at the southerly property line. That is a low portion of the site.

A 10' high retaining wall extends toward the east and the compaction is located in that area. It is shielded on three sides.

Attorney Landis asked about the lighting plan. Mr. Buletza said Mr. Boesch will answer that.

Attorney Landis asked about parking. Mr. Buletza said the over flow parking is located at the west side of the existing building. It is a paved parking area now. We are going to remove the pavement and compact that. We will sod over top of that parking area. We will create a green area. It will allow for emergency access and over flow parking.

Attorney Landis asked about variances. Mr. Buletza said a use variance is being sought. A variance is also needed for loading area. The loading area that is provided is near the dumpster area. The applicant can testify that the amount of deliveries is on a very structured schedule and one loading area is sufficient.

Attorney Landis asked about the buffer variance. Mr. Buletza said the buffer area along the southerly side of the property contains the detention basin. We have landscaped the basin area. We propose that the only activity that will take place in this area will be the maintenance of the lawns. No human activity.

Attorney Landis asked about the waiver as to sidewalks. Mr. Buletza said all of the lots surrounding this property have been developed. There are no sidewalks on any of those streets.

Attorney Landis asked Mr. Buletza if he has reviewed Mr. Swayze's review letter. Mr. Buletza said yes. The applicant has agreed to comply with most of the items. The major portion of those items was already taken care of. Some minor issues remain. Mr. Swayze wants more studies done. We will work with him. We have agreed to do everything requested in Mr. Swayze's letter.

Mr. Swayze said he has just a few items. He said since this will be sent to DEP we will rely on them to make sure it complies with the new regulations. We can work out the drainage design with the applicant. We do have a concern with the design of the drainage facility on Ramshorn Drive. We did request additional information and they have agreed to provide it.

Mr. Buletza said the run-off now runs perpendicular until it gets to the drainage easement. The area in question is a low part in the road adjacent to the property located on Ramshorn Drive at the northwest center of the property. Water comes up the road in a northerly and southerly direction and then collects. It runs through the existing storm drain and dumps onto the property. It then dissipates to the low area. The run-off then is piped to the south and then to the property line. It will end up at the drainage easement.

Mr. Gray asked what effect the run-off will have on the properties on Autumn Drive. Mr. Buletza said there is a ridge line, the water that lands at the west side of the building will go to the west. There will be less run-off in that area. It will reduce the run-off by about 50% - 60%.

Mr. Gray said the Township is going to keep that property as open space. Mr. Buletza said if you have trees you will have less run-off.

Mr. Slocum said in the storm drainage report the basin appears to be undersized. Mr. Swayze said he prepared two reports. We still believe there is some work needed. He said at this time he is not prepared to say it is properly designed. Mr. Swayze said he would like to see the drainage report in its entirety.

Chairman Clayton said the nine parking spaces along Ramshorn Drive, they are 16' off the roadway. Can you move them? Mr. Buletza said it is basically a paved driveway and a pump station. The parking lot would be an improvement. There would be added buffering in that area.

Chairman Clayton asked what the access in the court yard is. Mr. Buletza said that is a turn-around for delivery vehicles.

Chairman Clayton said the basin, is that going to hold water for any length of time? Mr. Buletza said for only a minimal amount of time. Mr. Buletza went over the length of time it will take for the basin to empty. The DEP wants you to capture and contain the water in the basin for 36 hours. This increases the water quality.

Chairman Clayton asked if there was going to be a fence around the basin. Mr. Buletza said a 4' fence. Chairman Clayton asked what type. Mr. Buletza said a 4' high black plastic chain link fence. Attorney Hirsch asked if the fence will be visible. Mr. Buletza said it is mostly obscured by buffer plantings.

Chairman Clayton said you are requesting a variance for a basin in the buffer zone. You are not going to have a full buffer there. He asked if there was a way of berming that up. Mr. Buletza said instead of a berm we will plant a lot of shrubs.

Chairman Clayton asked why you need a waiver for sidewalks. Mr. Buletza said the people who live there won't use the sidewalks. Most of the activities will be contained within the property itself. I don't think the residents would venture out. The applicant can go through more detail.

Mr. Bernard said, you said there are no sidewalks now. Mr. Buletza said he believes there are none. Mr. Bernard said before the Board grants a waiver they would want to know if the Township plans to put any sidewalks in the area. The Township may want them so the residents can walk to the open space. We may just need to get a contribution for sidewalks. Mr. Buletza said there are no sidewalks. There would be nothing to tie into. Attorney Hirsch said we will follow-up with the Township Committee.

Mr. Swayze asked if a complete underground system was designed. This would also allow for a berm. Mr. Buletza said we normally shy away from underground systems because it is not recognized by DEP. The maintenance tends to be much more expensive. Mr. Swayze asked how many underground systems he has designed. Mr. Buletza said about two dozen. He said the underground system tends to freeze up.

Mr. Swayze asked about the ability of a car to turn around if the lot is full. Mr. Buletza said there is a 10' turn-around required by ordinance. We have met that. We have a 24' island. If we change that we will go into the buffer. We can also reduce it by 2 parking spaces but then we

would not be conforming. Mr. Swayze said he has a sketch map for a way to change that. Mr. Buletza said he would look at it.

Attorney Hirsch said the Board discussed having a special meeting. Chairman Clayton said we will have to have a special meeting.

Attorney Hirsch said this application will be carried to March 8, 2004. Chairman Clayton said we will also put this application on for March 17, 2004.

Mr. Gray said the meeting will start at 7:00 P.M. There will be no workshop.

Chairman Clayton said we will also schedule this application for April 7, 2004. That is a regular meeting.

**MINUTES TO BE MEMORIALIZED:** Mr. Gray moved to approve the minutes of the study sessions and regular minutes of December 3, 2003 and January 14, 2004. Mr. Rembiszewski seconded the motion, which was unanimously approved.

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 11:20 P.M.

Respectfully submitted,

Betty Schinestuhl  
Recording Secretary