

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

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairman Clayton at 7:20 P.M. Members present were Chairman Michael Clayton, Vice Chairperson Mary DeSarno, Dominick Cinelli, Anthony Rembiszewski, Wilma Morrissey, Jim Gray, Wayne, Palmer, second alternate Ray Slocum, Attorney Hirsch, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Swayze, Planner John Fussa and court reporter Bonnie Patterson.

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.

Chairman Clayton said the Board will hear the carried application for Sunnyside Manor.

CARRIED APPLICATION

CASE #BA38-2003 – Date application complete: December 22, 2003. Carried from February 18, 2004, March 9, 2004, March 17, 2004, March 30, 2004, April 7, 2004 and May 4, 2004.

APPLICANT: SUNNYSIDE MANOR

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

RELIEF REQUESTED: Use with variances

Attorney Landis said he closed the examination of Mr. Boesch. He would like Mr. Boesch to address one issue the variances and waives being asked for. Attorney Landis said he received a letter from Mr. Swayze stating he concurs with the variances and waivers. He said Mr. Boesch will go over the variances, waivers and the parking spaces.

Mr. Dave Boesch is still under oath.

Mr. Boesch said in the current application we have 135 beds which require one parking space per three beds for a total of 45 parking spaces. The ordinance requires one parking space for the staff Doctor and one parking space for every two employees. There are 26 employees.

Attorney Landis said there has been a correction to those numbers. Mr. Boesch said there is no staff Doctor. The new facility will have 30 employees in the maximum shift which would require 15 parking spaces. That would be a total of 60 parking spaces required. We currently show 59 spaces. We will provide the 60 spaces by shifting the compactor and the dumpster areas further to the west.

Attorney Hirsch said there would be an enclosure for the dumpster and compactor. Mr. Boesch said yes. Attorney Hirsch said that whole wall structure is being shifted. Mr. Boesch said not the whole structure. The pavement can be shifted without moving the retaining wall and masonry. The retaining wall will remain in its current location. Attorney Hirsch asked what the distance that is being shifted is. Mr. Boesch said the width of one parking space.

Dennis Malanga, 2520 Autumn Drive, was sworn. Mr. Malanga said Mr. Boesch was introduced as an expert landscape architect and project manager. He asked what Mr. Boesch's duties are as a project manager. Mr. Boesch said he coordinates the professionals in the firm. He acts as liaison to the other consultants and he prepared the landscape design.

Mr. Malanga asked if Mr. Boesch has any input to the exterior design. Mr. Boesch said none.

Mr. Malanga said Mr. Boesch describes the landscape on the north side as dense, on the east side as heavy and on the south side as thick. When you got to my side you said the landscaping was meandering. You said you are willing to make changes. Mr. Boesch said Mr. Malanga expressed concern that some of the landscape materials were placed down on the slope rather than at the top of the slope. We will move the landscaping to the top and make it a continuous buffer.

Mr. Malanga said you will not use deciduous trees. Mr. Boesch said evergreen. We discussed white pines but I recommend a spruce variety. They retain their density.

Mr. Malanga said if planted at the bottom of the slope it would be possibly 11' lower than the fill at the building. The top of the tree would be at the bottom of the building. Mr. Boesch said that is correct.

Mr. Cinelli said Mr. Malanga is lot 36. Mr. Malanga said correct.

Mr. Malanga said on the north side of my lot there are very old maple trees. There are additional trees on that plan. What are your plans with them? Mr. Boesch said they are breaking off very large branches. It is not our intention to remove them except in the area of the proposed construction. We are proposing approximately six additional shade trees and approximately a dozen ornamental trees between your lot and the proposed overflow parking area.

Mr. Malanga said looking at the plans it looks like the overflow parking lot has been moved further north. Mr. Boesch said this is the same plan as submitted on April 5, 2004. We are not moving the parking lot. We did move it previously. It is now 50' off your northern line.

Mr. Malanga asked if the access driveway was also moved. Mr. Boesch said yes the same amount that the parking lot shifted the driveway shifted.

Mr. Malanga asked about plantings. Mr. Boesch said there are two rows of eight ornamental trees serving to outline the area directing the emergency vehicles along the corridor to the building.

Mr. Malanga said the overflow parking lot is going to be grass. Mr. Boesch said yes. Mr. Malanga asked how much topsoil will be put in. Mr. Boesch said about 4" of topsoil on top of the stabilized base. The landscape areas will be irrigated. He said he doesn't know if the parking lot warrants irrigation. Mr. Malanga said he doesn't think 4" is enough. Mr. Boesch said they don't want to make it so thick it would be inclined to rut out when vehicles come in.

Mr. Malanga asked where the stock pile of soil will go while the building is under construction. Mr. Boesch said it will be located to the northeast side of the building. Mr. Malanga asked if there will be enough topsoil to fill in the existing nursing home excavation and topsoil the rest of the property. Mr. Boesch said there will be adequate topsoil.

Mr. Malanga asked how people will get into the existing nursing home during construction. Mr. Boesch said the access driveway to the emergency overflow parking will be constructed temporarily as a fully paved driveway.

Mr. Malanga said there are going to be 60 parking spaces and you based that on 15 people for? Mr. Boesch said it was based on one parking space for every two employees. Mr. Malanga said when you say a maximum of 30 employees is that per shift or is that the transition of shifts. Mr. Boesch said that is the number of people that are on the shift. Mr. Malanga said if there are 20 people leaving and 30 people coming in that only leaves 10 extra spaces. Mr. Boesch said Mr. Keane will tell the Board the need for staggering of the arrival and departure times of employees. Attorney Hirsch said the applicant is supplying what the ordinance requires.

Mr. Cinelli said lot 35 which borders the southwest, do you need to enhance that buffering line. Mr. Boesch said the buffer adjustments would satisfy both properties, lots 35 & 36. Mr. Cinelli asked what about going toward the west. Mr. Boesch said additional shade trees are proposed and additional ornamental trees are being added along that area.

Mr. Cinelli asked how is the property that is being dedicated back to the Township going to be finished and how will it look when completed. Mr. Boesch said once the existing building is demolished and the debris is removed the basement area will be filled and the surface restored with topsoil and a lawn will be established. Mr. Cinelli asked if that area will be irrigated. Mr. Boesch said no. Mr. Cinelli asked why? Mr. Boesch said because there are maintenance costs associated with irrigation. We don't know whether or not the Township is willing to accept that cost.

Chairman Clayton asked why wasn't the 75' buffer carried over to the parking area that backs up to Mr. Malanga's. Why only a 50' buffer? Mr. Boesch said to move the parking area further north would encroach into the existing wooded area and we thought it was more appropriate to preserve the maximum number of trees to the north side. Mr. Boesch went over the buffer requirements. Mr. Swayze's letter makes no reference to a variance for construction or structures within a required buffer area. The re-codified ordinance addresses specific types of uses. Offices, retail sales, recreation, industrial types of uses require a buffer to a residential use or zone. This does not fall into any of these categories.

Ron Gasiorowski, Esq. said he was retained by a group of residents. The trustees or directors of the Ramshorn Preservation Association are Richard Capparelli and Dale Sunday. Attorney

Gasiorowski explained to his clients that since they have retained an attorney they will not be able to ask questions. They will have to go through him. Attorney Gasiorowski said he has read four of the six transcripts.

Attorney Gasiorowski asked Mr. Boesch if he was a landscape architect. Mr. Boesch said yes. Attorney Gasiorowski asked who is your present employer. Mr. Boesch answered Nelson Engineering Associates. Attorney Gasiorowski asked how long have you been employed there. Mr. Boesch said 20 years. Attorney Gasiorowski asked if Mr. Boesch has ever been associated with a nursing home or assisted living facility. Attorney Landis objected. He said this was all gone over previously. Attorney Hirsch said Mr. Boesch can answer the question. Mr. Boesch said no. Attorney Gasiorowski asked if he has ever done any consulting work or engineering work with a nursing home. Mr. Boesch said he has worked on half a dozen nursing or health care facilities. Attorney Gasiorowski said the testimony you gave was of personal knowledge. Mr. Boesch said yes. Attorney Gasiorowski said the testimony given earlier with regard to parking, staff, hours of operation and how many cars will be necessary, that was not of a personal knowledge. This is not your area of expertise. Mr. Boesch said that is correct.

Attorney Gasiorowski said, focusing on the overflow parking, beneath the level of topsoil there is a layer of asphalt. Mr. Boesch said that is not correct. The layer of asphalt will be removed.

Attorney Gasiorowski asked if the entrance ways into the overflow parking will be macadamized. Mr. Boesch said only for that period of time when the new facility is under construction.

Attorney Gasiorowski said when he looked at the plans there are 54 nursing beds. Mr. Boesch said he believes there is more than that. Attorney Hirsch said 60 nursing beds existing. Attorney Hirsch said Mr. Keane will testify to that.

Attorney Gasiorowski asked about the proposed facility. Mr. Boesch said a total of 135 beds proposed, 60 nursing and 75 assisted living. Attorney Gasiorowski asked how many assisted living beds are existing. Mr. Boesch said he does not know.

Attorney Gasiorowski asked if he treated the assisted living beds in the same manner as nursing beds with regard to parking. Mr. Boesch said he treated them as directed by the Township ordinance which does not differentiate.

Attorney Gasiorowski asked what type of patient will utilize the assisted living facility. Attorney Hirsch said Mr. Keane will answer that.

Chairman Clayton asked if there were any other questions from the public.

Attorney Hirsch said anyone who is a part of the association Mr. Gasiorowski is representing cannot ask questions.

Joe Lamendella, 1555 Deer Run Drive, said he has two questions. Mr. Lamendella said in his notes it was testified to that the day shift would have 32 employees with 45 employees during

shift change. Has there been a change? Mr. Boesch said Mr. Keane will clarify the employee count.

Mr. Lamendella said he has a question regarding the buffer and ordinance. Since the ordinance does not mention this type of facility buffers are not required. Mr. Boesch said that is an interpretation. Mr. Lamendella said any facility that is not mentioned in the ordinance would require no buffer. Mr. Boesch said that is his reading of the language. Since the language is specific mentioning industrial, research, recreation, etc.

Attorney Hirsch said there may be an exception to that because of conditional uses. The general requirement and certain uses have a specific requirement. This type of use, as a conditional permitted use, has a 50' buffer. Mr. Swayze said he agrees, based on the reading of the ordinance, with Mr. Boesch. He said he agrees with Attorney Hirsch's interpretation stating a 50' buffer is required.

Tom Ross, 2407 Ramshorn Drive, had a question regarding irrigation. He asked what type of irrigation they will use. Mr. Boesch said it will be an underground, permanent underground still. The specific design is normally left to the contractor. Mr. Ross asked if it will be a well. Mr. Boesch said it still has not been designed. Mr. Ross said he would like to make a suggestion. He said there should be an answer to that for this reason. Four Seasons sunk numerous wells and they went down into the aquifer. He said he lives below Four Seasons and had to go down an additional 11' into the aquifer. If you are going to go into the aquifer the Board needs to have that addressed. Mr. Ross asked about the irrigation system. Attorney Hirsch said that has already been answered. Mr. Ross said if this gets approved and it is irrigated what stops somebody from sinking 6' – 8' wells in that area and tax a well still in the aquifer. Attorney Hirsch said if someone built six or eight homes there that would be permitted. This is no different. A well permit will be needed. Mr. Ross said the town will not allow a well to go there if the aquifer is going to be affected. Attorney Hirsch anything the town would look at for homes they will look at the same thing for this. No different. Mr. Ross asked if wells have to be put in do they have to come before the Board. Attorney Hirsch said the Board, as part of its approval can indicate as a condition that they want or prefer to have the landscaping with an irrigation or not. The Board by granting this application does not give them carte blanche.

Mr. Ross said Mr. Cinelli asked if the property that would be returned to the Township would be irrigated and Mr. Boesch said no. Mr. Boesch said that is correct.

Mr. Cinelli asked Mr. Swayze if well permits are under the jurisdiction of the County. Mr. Swayze said this should be handled by your engineering department. I don't have an exact answer for that. I can find out by next week.

Debra Gallo, 1530 Lakewood Road, had a question regarding lighting. Ms. Gallo said the lighting is turned off at a certain time at the existing facility. Mr. Boesch said he did not testify as to the existing facility he testified to the proposed facility. Lights are turned off a half hour after visiting hours except for one light in the employee parking area. Ms. Gallo said those would stay on all night. Mrs. Boesch said correct. Ms. Gallo said they are currently on all night now. Mr. Boesch said he believes so.

Ms. Gallo asked if Mr. Boesch was familiar with the developments on Lakewood Road. Mr. Boesch said yes. Ms. Gallo said then you are familiar with Four Seasons having illumination all night. There are no street lights on Lakewood Road. There is a blinking light at the corner of Lakewood and Ramshorn. How much illumination from the building will be seen at night when you get to the corner of Lakewood and Ramshorn? How long will those lights be on? Mr. Boesch said the intersection of Lakewood Road and Ramshorn Drive will be primarily affected by those light fixtures located to the east side of the proposed building. At the five parking spaces adjacent to the pump station there are a couple of fixtures in the center turn-a-round island and there is a fixture located near the southeast corner of the building. There are also some wall mounted fixtures by the front entranceway and secondary exit. Those fixtures are scheduled to be turned off at 8:30 P.M. At the intersection of Ramshorn Drive and Lakewood Road the illumination level will be at .02 foot candles. A foot candle is very close to an illumination generated by one candle mass.

Ms. Gallo said there are a number of windows in the front. Will the hallway lights be on all night? Mr. Boesch said yes. Ms. Gallo said there will be illumination within the building 24 hours a day. Mr. Boesch said yes. Ms. Gallo said a building with this type of illumination fits into a residential neighborhood. Mr. Boesch said this facility is appropriate for this location.

Louise McInerney, 2411 Cherry Street, asked Mr. Boesch to go over the irrigation again, the irrigation that Mr. Cinelli referred to regarding the property to be conveyed to Wall Township. Mr. Boesch said part of the application involves a land swap. Lot 44.01 is currently owned by the Township. As part of the application the applicant will use that lot and turn over 90,000 s.f. of property located at the west end of the existing property. Ms. McInerney said you don't know if the Township will want that irrigated. Mr. Boesch said it will be Township property and it will be their call.

Ms. McInerney said there is a security fence on Sunnyside's property. She said it is not on the plans. Mr. Boesch said it is not proposed on the plan. The owner is investigating additional fencing around the property perimeter. The fencing would be suited to the neighborhood. There is a mixture of fences on the property today. We would be more consistent.

Ms. McInerney asked Mr. Keane if the existing pool will be filled in. Attorney Hirsch said he cannot answer that. He is not under oath yet. When he gets sworn.

Ms. McInerney said a few meetings ago Mr. Boesch talked about a new type drainage system. You are still going to use the new system? Mr. Boesch said yes. The Board asked us to investigate an underground storm sewer management system. We did that. That underground system is located underneath the southern parking area. Ms. McInerney asked if this has ever been tested or used on sandy soil. Attorney Hirsch said that question would be more appropriate for the engineer, Mr. Buletza.

Richard Drewes, 2505 Ramshorn Drive. Mr. Drewes said it was indicated that there will be 30 employees. Mr. Boesch said that is correct. Mr. Drewes asked for the current number of employees. Mr. Boesch said he does not know the number. Mr. Drewes said the plan indicates 26. Mr. Boesch said he believes that was from the application that was denied. Mr. Drewes

asked if the traffic engineer was coming back to provide testimony. Mr. Boesch said no, Mr. Keane will address the number of employees.

Mr. Drewes said at the last meeting he brought up a question regarding the new ordinance 140-17 which defines building height. On March 30th testimony was provided to section 400. That has been changed. Are you planning to provide testimony tonight and indicate height of the building and how you determined it? Mr. Boesch said the definition for building height reads as the elevation above average finished grade at the building corners. The roof line is at elevation 74. The proposed building has 16 primary corners. The ordinance also indicates that where the grade has changed or there has been more than 3' of fill above the existing grade that the existing grade shall govern in the calculation to the building height rather than the finished grade. Based on that the average finished grade for those 16 primary building corners is elevation 45.75. There was only one of those 16 points that satisfied that criteria. All the other 15 points were either in less than 3' of fill or actually in a cut situation. The building calculates out to 28.25'.

Mr. Drewes said he asked that an EIS be prepared for this project. It was submitted. You provided testimony. Mr. Boesch said that is correct. Mr. Drewes asked if he used other experts in preparing the EIS. Mr. Boesch said he used the experts in the firm. We also consulted Area Land and Sea, Point Pleasant. Mr. Drewes asked what they provided expertise for. Mr. Boesch said they provided guidance and expertise in the area addressing the habitat for threatened and endangered species.

Mr. Drewes said on page two of the EIS it talks about trying to save trees where you can. Was a tree plan prepared? Mr. Boesch said yes, it is sheet 12 of 15 of the site plan documents.

Mr. Drewes asked if Mr. Boesch has been to the site in the last week or so. Mr. Boesch said no. Mr. Drewes said he wants to enter into evidence some pictures of the site and the vegetation on site. Attorney Hirsch said you will get a chance to enter evidence when you testify. You can mark it for identification. Mr. Drewes said he is going to show the maple trees that Mr. Boesch said are in decline.

Marked for identification:

OD-1 Photo of maple trees

Mr. Cinelli asked when these photos were taken. Mr. Drewes said today.

Mr. Drewes said why you would not want to preserve those trees. It appears that every one of those trees will be cut down. Mr. Boesch said if you look at the photo you will see that a number of them are missing the main central leader and a number of large primary branches have broken off.

Marked for identification:

OD-2 Photo of trees going toward the west

Mr. Drewes said those trees are coming down. Is there any reason why you can't try to save them? Mr. Boesch said those trees are not going to be all cut down. The majority of the ones adjacent to Lakewood Road will remain. Attorney Hirsch said if this were approved the Township Planner would go out to the site and work with the applicants to make sure all trees that can be saved are saved. The Township is very concerned about trees.

Marked for identification:

OD-3 Photo of pump station and vegetation

Mr. Drewes asked why the existing evergreens and vegetation are not being saved. Mr. Boesch said holly trees and dogwood trees are the trees that are to be identified under the ordinance. With the exception of one or two trees at the west independent of that row the rest of the trees could probably remain. Attorney Hirsch said if this is approved the Board would retain jurisdiction over the landscaping issues. A Maintenance bond will be posted for the landscaping.

Marked for identification:

OD-4 Photo of some very tall trees, evergreens, specimen trees

Mr. Drewes asked why these could not be saved. Mr. Boesch said on the tree preservation plan a number of those trees are depicted.

Marked for identification:

OD-5 Photo identifying part of the area that is being cleared for proposed construction

Mr. Drewes said, again, some very tall evergreens and mixed vegetation. Any reason why they cannot be saved? Mr. Boesch said this photo identifies part of the area that is being cleared for construction.

Mr. Drewes asked if Mr. Boesch was familiar with section 140-122 of the land use and development regulations. Mr. Boesch said not by number.

Mr. Drewes asked if Mr. Boesch knew there was a removal of tree section in the ordinance. Mr. Boesch said if that's the section referenced. Mr. Drewes asked if Mr. Boesch has reviewed that section of the ordinance. Mr. Boesch said no. Mr. Drewes said under certain sections of the ordinance it asks for the location of all shrubs, tree lines, species and diameter of all single standing trees and specimen trees. Many of those are not identified. Mr. Boesch said he was not aware of that requirement.

Mr. Drewes asked if Mr. Boesch had an opinion on the amount of clearing that is going on the subject property and the Township's property. Would that adversely impact any of the property values in the neighborhood? Mr. Boesch said although there is an impact by clearing of the existing trees, which is more than adequately compensated for by the new landscape species.

Mr. Drewes said back to the EIS. Mr. Drewes said in the EIS it states there are slopes up to 10% - 20%. The Township Master Plan considers 15% as a steep slope and considers that to be environmentally sensitive. Mr. Boesch said he was aware of that. Mr. Drewes asked Mr. Boesch to describe the extent of steep slopes on the subject property and the Township property. Mr. Boesch said the majority of the steep slopes are in the western section of the site. That section will remain relatively unchanged. There is a small area adjacent to the existing driveway that will be disturbed because of the proposed parking lot expansion. There is an area to the south of the pump station that has an existing steep slope area and with the construction of the berms will continue to be classified as a steep slope area.

Mr. Drewes asked if Mr. Boesch was aware of ordinance 140-254 that talks about site protection and steep slopes. He asked if Mr. Boesch used that with design of the project. Mr. Boesch said when designing the project he was looking to accommodate the requirement and the request for landscape berms which in and of themselves are classified as steep slopes. That section of the ordinance was not utilized. We used traditional grading and landscaping techniques.

Mr. Drewes asked how much of the steep slopes have been destroyed. Mr. Boesch said the area that is adjacent to the existing driveway will be eliminated. The area to the south of the pump station will continue to be a steep slope area.

Mr. Drewes asked if the 7.82 acres included both parcels. Mr. Boesch said that is a typo. It does include both parcels but it is 8.27 acres not 7.82 acres. Mr. Drewes asked how many acres is the Township parcel. Mr. Boesch said about 63,000 s.f. Mr. Drewes asked how long that parcel has been vacant. Mr. Boesch said it has been vacant in perpetuity. Mr. Drewes asked how long the Township has owned that parcel. Mr. Boesch said he did not know. Mr. Drewes asked if that parcel was ever put up for sale. Mr. Boesch said he does not know. Mr. Drewes asked if that was ever part of the Township's open space. Mr. Boesch said he did not know.

Mr. Drewes said there was no mention of the existing building having any historic value. The building is over 80 years old. He asked if the State Historic Preservation was contacted. Mr. Boesch said he contacted the archeologist and ethnologist at the state museum and has gotten a confirmation of no registers at this location. Mr. Drewes asked why that would not be part of the EIS. Mr. Boesch said they received the letter from the State about 10 days after the EIS was filed.

Mr. Drewes asked how the proposed building compliments the neighborhood. Attorney Hirsch said that was the architects' testimony not Mr. Boesch's.

Mr. Drewes said under wildlife you talk about birds and animals. There is also a section regarding the bald eagles and there would be no impact. Can you provide expert testimony regarding that opinion? Mr. Boesch said no. Mr. Drewes asked if they were planning on bringing in the sub-consultant. Mr. Boesch said no.

Mr. Drewes said the application was incomplete and we had three or four hearings before I brought up the question of why the EIS had not been submitted. Attorney Hirsch said the applicant also has to submit to CAFRA.

Mr. Drewes showed Mr. Boesch a landscape project version 2.0 map.

Marked for identification:

OD-6 Landscape project version 2.0 map.

Mr. Drewes asked Mr. Boesch if he was familiar with this type of map. Mr. Boesch said yes.

Mr. Drewes said on the map the Township owned property is identified as potentially being suitable habitat. Mr. Boesch said it is identifying it as being potential emergent wetland suitable habitat. The LOI classifies this as not appropriate since the site does not meet the criteria for wetlands.

Mr. Drewes asked if application has been made to CAFRA for a meeting. Mr. Boesch said yes. Mr. Drewes asked if that meeting has been scheduled. Mr. Boesch said we have gotten no response from the DEP yet. Mr. Drewes asked when the application was made. Mr. Boesch said in April.

Mr. Drewes said a letter of absence has been request. When was that submitted. Mr. Boesch said it has not been submitted yet. Mr. Drewes asked why not. Mr. Boesch said because we piggyback the applications together as wetlands, permits filed with a CAFRA permit are treated in a much more rapid fashion than a wetland permit alone.

Mr. Drewes asked if Mr. Boesch was familiar with the New Jersey preliminary state plan.

Marked for identification:

OD-7 New Jersey preliminary state plan

OD-8 A blow-up of OD-7

Mr. Boesch said yes. Mr. Drewes said the map shows a blue line stream as well as yellow striping. It is in close proximity and crossing Township property. Mr. Drewes asked if Mr. Boesch was aware that the preliminary changes proposed potential critical environmental site area. Mr. Boesch said the presence of the blue line stream is in doubt because there is no stream bed, bank or other elements identifying the stream.

Mr. Drewes asked the Board why would this applicant not bring an expert to this Board to address certain environmental issues, potential issues, and the ordinance requires an EIS to be submitted. Why would this Board want to defer to CAFRA? Attorney Hirsch said the applicant can produce what witnesses he wants to. The Board is relying on input from its professionals and State agencies. It is not uncommon.

Chairman Clayton asked Mr. Swayze for his view. Mr. Swayze said he has not looked at the State map. He asked Mr. Boesch if there is a blue line on the USG map. Mr. Boesch said the photographs do not cover that area. Mr. Swayze said the issue of presence or absence was requested. Relying on CAFRA seemed to be a prudent approach to this project.

Chairman Clayton said you recommend this line be defined. Mr. Swayze said he recommends the applicant produce his own specialist to provide expert testimony as to whether or not he believes this is a wetland. Attorney Landis said it is the applicant's intention to rely upon the CAFRA determination.

Mr. Gray asked to be shown on the map where this blue line is. Attorney Hirsch said A.11. Mr. Boesch showed where it was on the map. He said the blue lines stream roughly coincides with the drainage easement running diagonally across the property. Attorney Hirsch asked how long it would take to get something verbal from CAFRA. Mr. Boesch said he has made numerous phone calls to the County Section Chief. He cannot estimate a time line from the State.

Chairman Clayton asked John Fussa, Planner, to shed a little light on this. Mr. Fussa said he has been involved in a number of cross acceptances. They are just drafts. It would be typical for there to be changes because there are errors in these maps. It would also be normal in some cases for drainage and utility infrastructure, critical utility infrastructure to be shown on the map. He said he thinks the presence of the line on the State Plan needs to be taken for what it is on the exhibit. It is preliminary map. The review process can be quite involved. The Board would need to take a certain amount of caution with regard to the information shown on this map.

Chairman Clayton asked Mr. Fussa if they viewed dry beds or wet beds in these areas as part of those blue lines. Mr. Fussa said in some cases that may be true both seasonal water bodies, beds that may be wet in rainy seasons in certain parts of the year and dry in others. It may vary. I think that this issue will be reviewed at DEP as part of the CAFRA review

Mr. Drewes said there is no discussion regarding topsoil and the methodology to use regarding topsoil. Mr. Boesch said those were permeable. Mr. Drewes said there is a section of the ordinance 140 – 255 that talks about topsoil and not removing it from the site. What would your plan be? Mr. Boesch said we would distribute it throughout the site.

Mr. Drewes said there are slopes in excess of 10%. The intent of the applicant is to sod most. Mr. Boesch said that is the intention. Mr. Drewes said if it is sod it will also be irrigated. Mr. Boesch said that is correct. Mr. Drewes said that would be along the northerly, easterly and southerly areas. Mr. Boesch said that would be corresponding to all new berm areas and newly landscaped areas.

Mr. Drewes asked if the existing building was ever fueled by heating oil. Mr. Boesch said Mr. Keane will answer that.

Mr. Drewes asked if phase one report has been done. Mr. Boesch said he does not know. Mr. Drewes said if it was would it be included in the EIS. Mr. Boesch said if it was done it should be included.

Mr. Drewes said the noise generated is typical of the residential use with the hum of condensers, fans of HVAC units and kitchen vents. The level of noise generated is comparable to that of a residential use. Who provided that verbiage. Mr. Boesch said there was no acoustic engineer retained. That was a generalization based by myself on site. Mr. Drewes asked as a project manager don't you think a study should have been done. Mr. Boesch said no, not at this stage.

Mr. Drewes said Mr. Boesch testified that 512 trees were going to be planted at the site. Mr. Boesch said that is correct. Mr. Drewes said the number of shade trees proposed are 75, 80. You said 100. When I look at the quantities and add them up, it is closer to 80. Mr. Boesch said 77 shade trees, 368 screen trees and 67 ornamental trees.

Mr. Drewes asked what the size of the proposed shade trees is. Mr. Boesch said 2½" caliper trees. Mr. Drewes asked for the typical height. Mr. Boesch said 12' – 14'. Mr. Drewes asked for the height of the maples and perimeter trees. Mr. Boesch said the shade trees lining the driveway are between 30' – 40'. Some of the pine trees or locusts may be in the vicinity of 60' – 80'. Mr. Drewes said all those trees are being removed. Mr. Boesch said not all. Mr. Drewes said all the maples alongside the driveway. Mr. Boesch said in the area of the building construction. Mr. Drewes asked if it was possible that a variety of height and caliper be put throughout the site. Is there any reason why you can't get some larger trees? Mr. Boesch said we can always modify the plan. We are using some maples, oaks or tulip poplars. In a few years their natural growth will provide differential canopy. Mr. Drewes asked when the trees will get to 25', 30'. Attorney Landis said that has already been testified to. Attorney Hirsch said the trees will grow. Mr. Drewes asked for the height of the evergreens. Mr. Boesch said some are 11', some will be 6' – 8'. Mr. Drewes asked if there was a reason why they couldn't be increased to 12' – 14'. Mr. Boesch said that is a design choice.

Mr. Drewes said on the last page of the EIS it talks about alternate designs. Was it ever considered not using the Township lot? Mr. Boesch said it is a concept design, not using the Township lot was the application denied by this Board. Mr. Drewes said it was never considered knocking down the existing facility and building a new facility within the bulk requirements. Mr. Boesch said no. Mr. Drewes asked if Mr. Boesch was involved in that process. Mr. Boesch said no.

Mr. Drewes asked if Mr. Boesch was involved in the planning of the three other alternatives. Mr. Boesch said yes.

Mr. Drewes asked if Mr. Boesch was involved in the negotiations with the Township. Mr. Boesch said no. Mr. Drewes asked out of those three alternatives the one that was agreed to is before us tonight and part of the settlement. Mr. Boesch said that is correct.

9:15 P.M. the Board recessed.

9:35 P.M. the meeting resumed.

Jeff Erb, 2421 Ramshorn Drive, said the Board asked that the green banking of parking spaces by the pump station be removed. They were removed from the plans and they are now back on. He asked if the applicant was rescinding on what the Board asked them to do. Mr. Boesch said there were 11 spaces immediately to the east of the pump station. The Board requested those 11 spaces be relocated. We did that. Part of that solution was to provide the five spaces to the north of the pump station.

Edward Brown, 1606 Lakewood Road, asked if signs, road signs or traffic signs have been discussed. Attorney Hirsch said he did not testify to that tonight. You can only ask questions about his new testimony.

Mr. Brown said he was in the Land Use Office and one of the architect's plans was not in the latest set of plans. Attorney Hirsch said he has no idea about that. He suggested going back to the Land Use Office and checking again.

John Goodfellow, 1602 Lakewood Road, asked if it was considered making any alternates to parking on Lakewood Road other than making the curb cuts on Lakewood Road. Mr. Boesch said he had to contend with the topographic change of the site. The building was being divided into two sections. The nursing home component being placed at the west end of the building it was determined that a suitable parking area for that was needed toward the western side. Our traffic engineer directed the access point should align with the adjoining roadways for safety considerations. We felt two access points one off Ramshorn Drive and one off Lakewood Road were appropriate for the two uses, the nursing home and assisted living. Mr. Goodfellow said there is no way you can access it from the main entrance. Mr. Boesch said he does not believe so with this building design.

Mr. Goodfellow asked how long it is going to be from the beginning of this construction till the end. Mr. Boesch said he does not know.

Mr. Goodfellow asked during construction time what the access points are. Mr. Boesch said while under construction the access point will be the designated emergency overflow parking area. The construction access driveway will be approximately at the existing driveway on Ramshorn Drive. Mr. Goodfellow said so all visitors, workers, suppliers are going to access from Lakewood Road. Mr. Boesch said yes.

Andrew Balas, 2508 Ramshorn Drive, asked how the site is going to work for the construction. All the trucks are going to be coming in and out of the existing driveway. How are you going to stack them, where are you going to stack them? How many trucks are going to be required? Where are they going to go? Mr. Boesch said we have not done any calculations as to the number of vehicles that will be needed to deliver materials. Mr. Balas asked if there will be a traffic cop. Mr. Boesch said that has not been looked at yet. Normal day to day deliveries a traffic officer would not be needed. Usually they are used when construction is occurring within the public right of way to maintain the safety of the traffic in the public right of way. Not on a construction site. Mr. Balas asked where those trucks are going to be stacked at. How are you going to get in and out of that driveway it is not wide enough for a concrete truck. Mr. Boesch said a standard construction entrance is shown on the soil erosion sediment control. The number of vehicles, I can't comment on.

Mr. Balas asked where the dumpsters, the trailers for storage for the site will be located. Mr. Boesch said the majority of those will be stored in the southern parking area.

Mr. Balas asked if all the excess material you create, will that also be stacked on site. Attorney Hirsch said all those construction details, if they get that far, is going to get approval. It will be no different than any other construction site in the Township.

Mr. Gray said during construction you are going to use the Ramshorn Drive entrance for construction vehicles. Mr. Boesch said the Ramshorn Drive driveway will be the primary construction entrance.

Mr. Gray said he thought he heard that some construction vehicles will be coming off Lakewood Road. Mr. Boesch said no.

Mr. Drewes said back on March 9th Mr. Gray asked the engineer to provide a plan to the Board for review. That plan would answer a lot of the questions that were just raised. Attorney Landis said he would submit that plan.

Douglas Syby, 2427 Riverside Terrace, asked what is the difference between the proposed parking lot for visitors parking and what is there now. Is there an increase in the number of parking spots? Mr. Boesch said there are about 40 existing parking spaces. 60 parking spaces are being proposed. They are broken into two primary areas. There is a small lot off of Lakewood Road which contains 11 parking spaces. The balance of spaces will be located on the south side of the building.

Mr. Syby said about twice a year there are special events where I would consider overflow parking uses. Are there plans that deal with these special events? Where will all this existing parking come from? The lawn will be used for the new facility. Mr. Boesch said those events will continue at the new location. The emergency overflow parking located to the west of the building will be utilized.

Mr. Syby said from the special events in the past it appears as though all the parking has been contained within the facility. Could it be anticipated that there would be parking utilized on Lakewood or Sycamore by people that will be visiting the facility. Mr. Boesch said he will defer to Mr. Keane on that.

Mr. Cinelli asked how is that parking area going to be secured. Mr. Boesch said the applicant is looking to provide some fencing around the perimeter of the site. A gate would be placed across that entrance. Mr. Cinelli said that would be open only during special events. Mr. Boesch said correct. Mr. Cinelli said they would otherwise be locked. Mr. Boesch said I don't know. Mr. Cinelli said they would be closed. Mr. Boesch said yes the emergency access driveway would be closed.

Chairman Clayton said with regard to special events, is Lakewood Road marked "No Parking". Mr. Boesch said he does not believe there are any restrictions on Lakewood Road. Chairman Clayton said that may be an idea. He asked if there would be any widening of Lakewood Road. Mr. Boesch said they are not proposing any. Chairman Clayton said to look into having "No Parking" on Lakewood Road. Mr. Boesch said that needs to be passed by the Township Committee.

Chairman Clayton asked what type of fence and how high a fence are you proposing around the site. Mr. Boesch said Mr. Keane will answer that.

Mr. Erb said by putting up "No Parking" signs you are penalizing the homeowners. Chairman Clayton said it was just an idea.

Mrs. Morrissey asked if there was any historic significance to this site. Mr. Boesch said he made application to the New Jersey State Museum, archeology ethnology bureau to Mr. Gregory Lattanzi. His response dated April 30th this year states there was no registered archeological resources.

Mrs. Morrissey asked if the applicant was going to be addressing Mr. Swayze's EIS of May 12. Attorney Landis said the majority of those things we can comply with, if not all.

John F. Keane was sworn.

Mr. Keane said he and his wife own 100% of the voting stock of Sunnyside Manor. The children own some minority. He said he is the President, chief executive office. He is licensed administrator for the facility.

Attorney Landis asked Mr. Keane to give his background. Mr. Keane said he is a CPA. He worked for a large firm which is now KMMG. He started in 1966 and worked through 1974. He was involved in the audits of several hospitals and nursing homes. In 1978 he engaged in a short term consulting engagement for the Archdiocese of New York when they took operating control of New York Medical College. After four weeks he was appointed chief executive officer. He held that office for 12 years. He converted that hospital from a short term acute care hospital to a specialty hospital for the developmentally disabled. Mr. Keane went over all he was involved with during that time. In 1990 he sought to purchase his own facility. During that time he was assigned to St. Vincent Hospital in Manhattan. He got that hospital out of financial difficulties. In 1982 St. Clare's Hospital filed for bankruptcy. Mr. Keane was appointed CEO. He reorganized the hospital and got it out of bankruptcy. He did two or three additional similar projects on a smaller scale.

Mr. Keane said in 1991 he purchased Sunnyside. In 1991 there were 45 nursing home beds there. It was not in very good shape. It was not cared for for 14 years. In 1992 we put an elevator in and renovated. At that time we found the back building was badly out of date. The entrances to the rooms were not adequate to move a bed in and out. The bathrooms could not be properly accessed. We filed an application to increase the nursing facility. It was approved. We moved forward with that in 1993 and 1994.

Mr. Keane said in 1999 the license was converted from residential health care facility to a form of assisted living residence. Under long-term regulations in New Jersey there are two types of assisted living residences. One is assisted living facility and the other is comprehensive personal care home. Assisted living facility is a fairly good size unit, maybe, with two bedrooms with full bathroom, handicap access shower and a kitchenette. The other is a residential health care facility that could meet with certain limited number of waivers, the life safety and other code factors. There is no difference in the care, but differences in the physical plant requirements.

Mr. Keane said approximately 78% of the residences come from the Wall Township and Manasquan High School catchments areas. They are very local. 10% come from the Point

Pleasant area and the balance are scattered in Monmouth and Ocean Counties. Very few are from out of state.

Attorney Landis asked what is considered a senior? Mr. Keane said there are two primary pieces. One is the 55 to 74 and one is from 65 to 74. That is the caregiver market. Attorney Landis asked what do you mean by caregiver. Mr. Keane said that is one responsible for the individual. Attorney Landis said he assumes that's traditionally someone's children. Mr. Keane said yes. The average age for someone going into a nursing home is about 84 years of age.

Attorney Landis asked how he made that determination. Mr. Keane said he got that information from the State Association. When the State developed the assisted living regulations people 75 years plus were going into assisted living. People are living longer. In the last 13 years a large percentage of people that would have gone into a nursing facility in 1995 are going into assisted living. People in nursing homes today are older than they were ten years ago. We decided to apply for and develop the assisted living facility to make the two work together. People could be transferred back and forth based on need and services.

Attorney Landis asked how did you figure what percentage of patients that you find in the Sunnyside geographic area require assisted living and/or nursing home care. Mr. Keane said a lot of it is based on census data. In our primary catchments there are, at present, about 8,000 people over the age of 75. Of those people between 75 and 84 there are about 5,700 people and about 18% of those require being in nursing home or assisted living.

Attorney Landis asked what is the plan for the units in the new facility. Mr. Keane said in the nursing home we intend to have 24 semi-privates with two beds and 12 private rooms for a total of 60 beds. For assisted living we intend to have 45 one bedroom units and 15 two bedroom units for a total of 75 beds.

Attorney Landis asked how was that determination made? Mr. Keane said you have to look at them separately and yet combined at the same time. The combined is for support services like laundry, kitchen and administration. Some of the services like physical therapy, occupational therapy are different. The 60 bed nursing facility is based on staffing patterns and it was done based on my experience.

Attorney Landis said the staffing is different from nursing and assisted living. Mr. Keane said yes. He said assisted living requires about one to 30 at night and about one to 15 during the day. The nursing home requires 11 to 15 people at night and one to seven or eight during the day.

Attorney Landis asked Mr. Keane to explain the concept and how it works. Mr. Keane said very often somebody will be admitted into the nursing facility and they will go through rehabilitation, after that they don't need the intensive services anymore. They don't want to stay in the nursing home they would rather be in their own private living quarters, but they are not capable of going back to their apartment or home they were in before. So, they transfer to our assisted living. It would not interrupt their life because sometime they can go into the nursing home for a period of days for rehabilitation and then go back to their apartment. This is the growing pattern in assisted living. The last assisted living built in Wall is Waterford. Waterford has 30 nursing home beds and about 80 assisted living facility beds.

Attorney Landis asked how many other units are there in Wall Township which has the continuum of care concept. Mr. Keane said just Waterford. The other facilities in Wall are either nursing homes or assisted living but not both. Mr. Keane said the other assisted living is Wexford which has 118 beds and Sunrise is operating at about 70 beds.

Attorney Landis asked has Sunnyside done any research or done anything to determine whether it will be able to consistently fill the available beds in the new facility. Mr. Keane said yes we did the market study. If approved we will probably be open the beginning of 2007. We looked at the census and the census projections for the elderly in Monmouth County and Ocean County tend to show an 8% increase.

Attorney Landis asked why you can't have a smaller number of nursing home units and/or assisted living units. Mr. Keane said 60 is the ideal size unit. Based on staffing if you go to 64 beds you have to go up to a second unit with a second in charge nurse operating it. Anything less than 60 you lose the efficiency of it.

Mr. Keane, using exhibit number A-2, said when you design a nursing facility and assisted living facility you are designing it based on operations as well as on what people call architectural plans. We have 18' and 20' wide bedrooms at Sunnyside now. We can put two beds with 3' in between. Then you have 4' – 5' on either side for someone to sit. It is not a tremendous amount of space. We estimate about 19' for the length of the room and then the current code requirements for the bathroom are 6' deep and 8' wide. When you put the double room on each side of the corridor you have 50'. The State requires an 8' corridor so now you are up to 58' before you put in your walls.

Mr. Keane explained on the center floor of the building we put two bedrooms on one side and single bedrooms on the other side and then we are able to make the building 50' wide at that point to allow the available light in. We did the same on the wing facing Ramshorn Drive. All the bed units on the nursing home are in an L-shaped pattern with center nursing station. Lakewood Road is the entrance for visitors to come in passing through the nursing station. Then there are the elevators and dining room.

Attorney Landis asked what the impact would be if you cut down the size of the unit based on that concept you just went through. Mr. Keane said he would lose four units. You would only save 2,500 s.f. of building. It would affect our operations and would affect the financial feasibility of this. We entered into this project on the basis as total replacement for the existing Sunnyside because of being turned down for adding on. This is a much more expensive project to build.

Chairman Clayton said this meeting will be continued on June 8th at 7:00 P.M. It will be a special meeting. It is a Tuesday night. Attorney Landis asked for a back-up meeting. Mr. Cinelli said June 15th. Chairman Clayton said we have a regular meeting on the 16th. Ms. Schinestuhl said the next Tuesday is June 22nd. Chairman Clayton said the follow-up meeting will be June 22nd.

There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 10:35 P.M.

May 18, 2004

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Respectfully submitted,

Betty Schinestuhl
Recording Secretary