

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
JUNE 22, 2004**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairman Clayton at 7:00 P.M. Members present were Vice Chairperson Mary DeSarno, Anthony Rembiszewski, Wilma Morrissey, Jim Gray, first alternate Bob Kerr, second alternate Ray Slocum, Attorney Hirsch, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Swayze, Planner Art Bernard and court 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.

Attorney Hirsch stated this application was carried from June 8, 2004. There was a conflict. There was new notice. The Board can proceed.

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, May 4, 2004 and May 18, 2004.

APPLICANT: SUNNYSIDE MANOR

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

RELIEF REQUESTED: Use with variances

Ron Gasiorowski, Esq. said he was retained several days prior to the last meeting. He visited the Land Use Office and reviewed the plans and ordinances. He looked at the amended application that was filed. It does not seem like all the owners have filed the plans. He did not see, on the plans, a signature representing the Township. He said he did not see the Township as the applicant or owner. They own one of the lots that is part of this application. Unless Wall signs that document the applicant does not have jurisdiction. Wall Township has not signed any documents. Attorney Hirsch explained the consent order was signed by the Township. It states the Township will transfer property to Sunnyside if the application is approved. Attorney Gasiorowski said he has a copy of that order. In the consent order it does not state they are endorsing this application.

Attorney Gasiorowski said he reviewed the zoning ordinances in Wall Township. There is a provision for the construction of nursing home facilities within certain zones. It was referred to as a conditional use. It is not a permitted use. They must comply with certain conditions. There must be direct access to an arterial road. He said he has reviewed the Master Plan and they don't have access to an arterial road.

Attorney Hirsch said this is for a use variance that is not permitted in the zone. This is a conditionally permitted use. Those requirements are not variances in this case they are considerations. This is a straight use variance.

Attorney Landis said for the record Mr. Keane is still under oath.

Entered into evidence:

A-14 Unit layouts

A-15 Partial basement floor plan

Mr. Keane said, referring to A-14, the top half of the layout refers to the nursing units. They are similar to those that are in Sunnyside today. The difference is there are changes in the building requirements. There are handicap units. Half of the units have to be handicap. This is State and Federal regulations. He explained handicap rooms are 1' wider. It comes to 10 – 12 additional square feet per room. A handicap room is 12' 1" X 18' 6". The bathroom is 7' 6" X 6' 8". You need the space for circulation around the beds. They are either in a wheelchair or use a walker.

Attorney Landis asked if that room can be made smaller. Mr. Keane said if any smaller it would be very hard for them to maneuver.

Attorney Landis asked for the square footage of the double unit handicap room. Mr. Keane said 330 square feet. Attorney Landis asked for the square footage of the double unit not handicap. Mr. Keane said 288 square feet. Attorney Hirsch asked if that includes the bathroom. Mr. Keane said yes.

Mr. Rembiszewski said Mr. Keane said the State has done nothing to change the size of the rooms. Mr. Keane said there is no minimum room size requirement for the State. Medicaid regulates the size of the rooms.

Mrs. DeSarno asked what the size of the bedrooms and bathrooms are. Mr. Keane said 12½' X 18.6', a little over 200 s.f. The bathroom is about 45 s.f. None-handicap rooms are 1' narrower and the bathroom is 1' narrower. Mr. Keane said the non-handicap room is 11' X 18' and the bathroom is 5½' X 7'. Attorney Hirsch asked if the handicap room was 12½' or 12.1'. Mr. Keane said 12' 1".

Attorney Landis asked about the single rooms. Mr. Keane said they are 212 s.f. They are 12' X 11'. The bathroom is 5½' X 7'. Attorney Landis asked if they can be made smaller. Mr. Keane said no, they have to have a bed in the middle of the room with room on both sides.

Attorney Landis asked about the single non-handicap room. Mr. Keane said they are 202 s.f. They are 11' X 11' and the bathroom is 5½' X 7'. Attorney Landis asked if they can be made smaller. Mr. Keane said it would be very difficult.

Attorney Landis said A-14 also depicts three assisted living units. Mr. Keane said the two bedroom unit will be 542 s.f.. The one bedroom unit will be 426 s.f. and the one bedroom studio

unit will be 281 s.f. Attorney Landis asked why they are larger. Mr. Keane said because there is a more demand for personal comfort.

Attorney Landis said from an operational standpoint can you reduce the sizes. Mr. Keane said it would be very difficult. The market for assisted living has found that they want comfort.

Mr. Bernard asked about HMA financing. Mr. Keane said his bank told him to talk to them. He said he would have to see if it was worthwhile. He said he would like to go through private financing.

Mr. Keane said the one bedroom unit, the bedroom would be 10' X 11' and the sitting area would be 18' X 10' which would include a little kitchenette. The bathroom would be 10' X 6½'. Attorney Landis asked if you could reduce the size of that unit. Mr. Keane said the market won't yield to anything smaller. We tried to build this as efficient as we could.

Attorney Landis asked how many units are you considering. Mr. Keane said 12 one bedroom, 24 two bedroom, six handicap and six non handicap.

Attorney Landis asked about the assisted living. Mr. Keane said there will be 45 single bed units and 15 two bedroom units.

Entered into evidence:

A-16 Basement floor plan

Attorney Landis asked Mr. Keane to go over the floor plan. Mr. Keane said in the basement there will be a congregation room, living room, dining room, kitchen, some offices, storage and maintenance. To save space we moved all these to the basement. The all purpose room is larger than what is required. The storage area is larger. Mrs. Morrissey asked how much larger than normal. Mr. Keane said twice the size. It is underground. Having this much storage space we would need deliveries only once a month. The examining rooms and salons will also be in the basement to save square footage in the upper units. There will be two elevators in front, one at the center corridor and one at the northwest side service elevator. Laundry will shoot down to the laundry room. Attorney Landis said from the outside it would look the same. Mr. Keane said there would be no affect on the outside of the building.

Mrs. Morrissey asked if the basement can go down deeper so it appears to be two floors instead of three. Mr. Keane said on the Lakewood Road side it is a two story building. This is heavily sloped piece of property. We tried to put it down as low as we could. We tried to put the parking behind the building.

Attorney Landis said some of the rooms in the basement will have windows. Mr. Keane said yes, the dining room, lobby, congregation area, etc. The kitchen will not.

Entered into evidence:

A-17 First floor plan

Attorney Landis said there are two dining rooms on the first floor and one in the basement, why? Mr. Keane said the assisted living facility is a higher functioning unit. People do not want to co-mingle. The dining room in the basement is for the assisted living. One of the dining rooms on the second floor is for the nursing room portion and the second one, which is very small, is for Alzheimer patients.

Mr. Keane explained the largest part of the first floor is the nursing facility. All halls are 8' wide. The open area contains a day room. It is located outside of the dining room. There is a sunroom and dayroom behind the nurse's station. There is a small kitchen, offices, small examining room and therapy room on the first floor. Attorney Landis asked if any of that could be eliminated. Mr. Keane said no.

Mrs. Morrissey asked if patients are right at the door when you go in. Mr. Keane said no, they congregate in the sitting area.

Entered into evidence:

A-18 Second floor plan

Mr. Keane said the second floor will have the two bedroom units, single bedroom units, two small family rooms and the area for elevators.

Mr. Keane said there will be three shifts, 7:00 A.M. – 3:00 P.M., 3:00 P.M. – 11:00 P.M. and 11:00 P.M. – 7:00 A.M. Mr. Keane said the assisted living portion will have ten employees Monday thru Friday during the day. Five on in the evening Monday thru Friday. Three on at night Monday thru Friday. Saturday and Sunday there will be eight during the day, five in the evening and three at night. The difference is the night requires less than during the day. The main shift is Monday thru Friday. There will be 22 people for the nursing home and add ten people for the assisted living for a total of 32 people. Then deduct people on vacation or sick leave. You are down to 30.

Attorney Landis asked how long Mr. Keane was in the business. Mr. Keane said since 1991, 14 years.

Attorney Landis asked about cars. Mr. Keane said Sunnyside is a fairly typical nursing home. He said he had one person at the nursing home with a car in 13½ years. The average age is 83. They have moderate health care needs. It is not a 55+ community. They do not have cars.

Attorney Landis asked about the over-flow parking. Mr. Keane said it would be used for two functions. The Christmas function runs from 11:00 A.M. thru 2:00 P.M. and the picnic runs from 12:00 thru 3:00 P.M. The parking lot would be gated for those two events. We would have the staff park there. The visitors would park in the staff parking area. We park on the lawn right now. Attorney Landis asked if there were any additional events planned in the future. Mr. Keane said no.

Attorney Landis asked about delivery schedules. Mr. Keane said all of our vendors deliver with a straight truck not a tractor trailer. We do not let tractor trailers on the property. Refrigerated

items are delivered three times a week. The largest delivery from food service comes in once a month. It takes about 25 minutes to unload now. It should take about 45 minutes later. Produce is delivered three times a week. Garbage is picked up three times a week. In the future it will be once a week because we will go to a compactor. Recycling is picked up once a week. Deliveries will not change too much.

Attorney Landis said the financial liability and necessity of the facility has to turn a profit. Mr. Keane said yes. Mr. Keane said the new facility will have a 50% increase in construction cost. We will deliver service to more people. We know what the staffing requirements will be. When you borrow money you have to prove you can pay the loan.

Attorney Landis said revenue is cost. Mr. Keane said yes. He said he needs 60 nursing units to make it work. We will operate it as two separate units. We need a 60 unit assisted living facility to make it work.

Attorney Landis said if you had less nursing or assisted living it would affect the financial liability of the project. Mr. Keane said it would. If we change it a little bit it would not change the building that much at all.

Mr. Keane said the upper two floors consist of 60,000 s.f. Then you have the basement. Mr. Keane said on the first floor of the nursing facility we had proposed through the wall air conditioning units because of efficiency of space. We can eliminate those.

Mr. Rembiszewski said you asked for a Policeman at your two functions. Do you reimburse them? Mr. Keane said yes.

Mr. Rembiszewski said you only have certain times for deliveries. Mr. Keane said after 8:00 A.M.

Mr. Rembiszewski asked what you do about call outs with your staff. Mr. Keane said we try to staff so we can cover that. We sometimes ask someone to stay over.

Mrs. Morrissey asked if there was some way of restricting the residents from having cars. Mr. Keane said he does not think so. You are restricting their rights.

Mrs. Morrissey asked if there was any way to make the rooms smaller. Mr. Keane said he has reduced the building a lot since the original application. This is a true two story building.

Mr. Gray said what about your neighbor's concerns. Mr. Keane said this will be 160' off Ramshorn Drive and 75' off Lakewood Road. We will be close to three neighbors. We were close to ten before. Some people say we are too tall now. The only difference between the people that reside at Sunnyside and the neighbors is that they got old and need help. That doesn't mean they don't have the right to live in a residential neighborhood. This is their home. In the past we had people within 200' that had family members reside at Sunnyside. We are not changing what we do.

Mr. Kerr asked if they have investigated any financing. Mr. Keane said Sun National. He has worked with them for 13 years. They don't have any concern about size.

Mr. Bernard asked if Mr. Keane can address the process for low and moderate housing. Mr. Keane said he does not define them as low income. The projected numbers are two - two bedroom units. We are trying to work something out between the court, Wall Township, etc. Mr. Bernard asked when they will know what the rents will be. Attorney Landis said there is a meeting scheduled tomorrow.

Mr. Swayze asked if there will be any vehicles on site, such as, garage trucks before 8:00 A.M. Mr. Keane said no. Mr. Swayze asked if there will be any deliveries on Saturday or Sunday. Mr. Keane said no.

Mr. Swayze asked if the gate at the over flow parking will be locked. Mr. Keane said it will have an access lock on it. Mr. Swayze said his concern would be vehicles parking there when they aren't supposed to.

Mr. Slocum asked why the change from what you have now. Mr. Keane said he has been in this business since 1978. He said he really believes assisted living and nursing homes belong together so people don't have to be moved. We have done fine but the market has changed. They don't use nursing homes like they did before. He said he thinks this will be good for the community. He said he has seen this work very very well.

9:00 P.M. the Board recessed.

9:20 P.M. the meeting resumed.

Mr. Gray said considering the testimony given tonight they need a parking variance for the number of employees. Mr. Swayze said based on testimony he does not need a parking variance.

Deb Gallo, 1530 Lakewood Rod, asked if the State of New Jersey requires State of Need. Mr. Keane said yes, we have one. Ms. Gallo said for the 75 bed assisted living. Mr. Keane said 76 beds are approved. Ms. Gallo asked about staffing. You are almost doubling your population but you are only increasing your day staff by ten people. Is that according to State regulations? Since you do not know who the residents are going to be how can you project you are only going to need ten during the day. Mr. Keane said based on levels. Some may require more service. If they go up a level they go to the nursing home. He said in his experience half the staff for assisted living is needed. Ms. Gallo asked what is the staff on today. Mr. Keane said five aides, recreation person, two people in the kitchen and one part-time nurse. He said he will not hire any more maintenance people than what he has now. He said he will have two additional people during the day in the kitchen.

Ms. Gallo said in the assisted living what care service are you providing. Will you be providing laundry? Mr. Keane said yes. He said with the addition they will do laundry one additional day a week.

Ms. Gallo asked about the age of the residents. Mr. Keane said the average age is 83. Ms. Gallo said a younger person may still be driving. Mr. Keane said that is possible.

Ms. Gallo asked about the therapy rooms in the nursing home. Mr. Keane said when people come back from the hospital they need therapy. There may be residents that need therapy. Therapy will be made available on site.

Ms. Gallo asked if there would be a bus to take the assisted living residents to the store. Mr. Keane said yes. Ms. Gallo asked everyday. Mr. Keane said if needed and warranted. Ms. Gallo asked about recreational trips. Mr. Keane said they do that now.

Ms. Gallo asked about the low and moderate income issue, meeting Mount Laurel obligations for the Township. Mr. Keane said under COAH the assisted living regulations allow for people with low income to be admitted into those assisted living facilities that made a commitment. In return for provided services you get a tax break.

Joseph Lamendella, 1555 Deer Run Drive, said the certificate of need did you do the same for the nursing home units. Mr. Keane said no. Every five years they allow you to add beds without going through the application process. Mr. Lamendella said he was under the impression the State froze the number of beds for assisted living. Mr. Keane said the add a bed program has not been eliminated.

Mr. Lamendella said you can't see why the residents are not happy about this. He said he has no problem with Sunnyside at all. Why is it you can't see that this would become an issue that would affect our quality of life? Mr. Keane said he sees small or no change. There is a minimal amount of noise now and in the future. People have made more of an issue of it. They are not going to agree with it.

Nick Montenegro asked about the admittance criteria. Mr. Keane said he set it up. Mr. Montenegro said you can say they cannot have any vehicles. Mr. Keane said it was never a concern. He said he would prefer them not to have vehicles but he would be concerned with their rights. He said his criterion has to be approved by the State. Mr. Montenegro said you had only one vehicle in 13 years. Mr. Keane said that is correct. He said we are very very regulated. He said he can look into prohibiting vehicles. Mr. Montenegro said if you are not violating their rights would you agree to no vehicles. Mr. Keane said he would have to think about it.

Mr. Montenegro asked how many Alzheimer units. Mr. Keane said 15. Mr. Montenegro asked if there will be a special lock-up. Mr. Keane said there will be an alarm system. Mr. Montenegro asked do you have codes. Mr. Keane said yes. Mr. Montenegro asked if there will be coded doorways to get in and out. Mr. Keane said there will probably be a reverse type of system. The resident may have something on them. Mr. Montenegro asked how many employees on the Alzheimer section. Mr. Keane said no fixed number.

Mr. Montenegro said you have only two parties a year. Make it a condition if approved. Mr. Keane said until we operate at full capacity there would be two. We may have to split the parties and have four. There will be half the parking and less staff. We don't know how the people will co-mingle for the parties. He said he does not intend to have 15 – 20 a year. Families are not

going to come out more than twice a year. Mr. Montenegro said you could agree as a condition of approval to two parties. Mr. Keane said no.

Mr. Montenegro said you also said you were going to gate and lock the overflow parking area. Mr. Keane said yes. Mr. Montenegro asked if Mr. Keane would agree to a condition that the overflow parking not be used on a delivery basis. Mr. Keane agreed. Mr. Montenegro said no tractor trailer deliveries as a condition of approval. Mr. Keane agreed and said to the best of his ability. Mr. Montenegro said all deliveries will be made from Ramshorn Drive. Mr. Keane said yes. Mr. Montenegro said you will limit them from 9:00 A.M. – 4:00 P.M. Mr. Keane said that would be hard. He said 8:15 A.M. is reasonable.

Mr. Montenegro said no dumpster pick-up before 9:00 A.M. Mr. Keane said they come at 12 noon now. Mr. Montenegro asked if he would do that as a condition of approval. Mr. Keane said will not have dumpsters we will have compactors.

Mr. Montenegro asked how the size of the building was determined. Mr. Keane said it was based on lot, setbacks. We moved it as far back from Ramshorn Drive as possible. There are layout requirements. We are trying to fit it all into a 30,000 s.f. footprint. Mr. Montenegro asked how the square footage was determined. Mr. Keane said financial analysis and proper service to the residents. Mr. Montenegro said it has a 30,879 s.f. footprint. Mr. Keane said that is correct. Mr. Montenegro said a total square footage of 92,000+ s.f. Mr. Keane said yes.

Alex Tsoukalis, 2516 Ramshorn Drive, asked about the land swap deal. Mr. Keane said the Judge suggested to both the Township and me that we try and find a solution. We could not find another site in a residential area. We have 6.37 acres now. If we had a wider lot we could make this work better. The Township uses that for a pump station. It is 45,000 s.f. we proposed to the Township that we give them three build able lots and we worked on an agreement to swap the property. Mr. Tsoukalis asked if there were any deed restrictions. Mr. Keane said he cannot tell the Township what to do. Mr. Tsoukalis asked if this could be built on the land you have. Mr. Keane said that was our original plan. The Board turned us down.

Attorney Hirsch said he received a list from Mr. Gasiorowski stating who he was representing. Richard Drewes was on that list. He said he received a fax today stating that was an error.

Richard Drewes said he received notice regarding this hearing requesting nine variances. Two meetings ago I said there were four other design waivers required. None of the waivers are listed. Attorney Hirsch said design waivers are not required to be listed only variances.

Mr. Drewes asked if the applicant is going to bring back the landscape architect. Attorney Hirsch said that is up to the applicant.

Mr. Drewes said you testified after discussion with the architect that you eliminated all the wall air conditioners. They will be on top of the building. Mr. Keane said that is correct. Mr. Drewes said there was no noise testimony provided. Mr. Keane said because he didn't need to.

Mr. Drewes said there was testimony given by the traffic engineer, Mr. Boesch, regarding circulation around the building and the testimony was we will wait until we get to Mr. Keane.

Mr. Keane said he talked about parking, employees, trucks, etc. He said he is not qualified to go over the site plan. Mr. Drewes asked Mr. Keane to go to the site plan and point out where the residents would congregate. Mr. Keane said there are three areas that the residents would use as outdoor sitting area. The nursing home residents would sit at the far westerly end. The Alzheimer residents would be to the east of the Lakewood Road parking lot. The assisted living residents would be between the parking lot and the building. Mr. Drewes said the assisted living residents would have access to the second story. How would they get to the parking? Where would they park and how would they get back to the building? Mr. Keane said in the visitor area in front of the pump house they would back in the general parking area down below and they would walk along the walkway to the front

Mr. Drewes asked how many windows are on the three story side. He asked about hours of operation during the evening hours. What type of glare would be coming off of those windows? Attorney Hirsch said these people live there they do not go home. Hallway lights will be lit in the evening. Lights will be on in the evening hours. Mr. Keane said the offices will be dark at night. The kitchen has no windows. The dining room closes at 7:00 P.M. The area around the nursing station would have lights on all night. The resident's rooms would not give a lot of light. Lights may be on in the family room. Bedroom lights would be on just like your bedroom at home.

Mr. Drewes said the financial situation is a part of the process here. The assisted living units are bigger than the nursing home units. If it was your goal to reduce the size of the building you could cut it down by eliminating the bigger units.

Mr. Drewes said construction would take about 15 months. Mr. Keane said probably 18 months. Mr. Drewes said the existing facility will continue to operate. Mr. Keane said yes.

Mr. Drewes said there will be no construction entrances off Lakewood Road. Mr. Keane said the entrances will be off Ramshorn Drive.

Mr. Drewes asked why not submit a phasing plan. Mr. Keane said we are not at that point yet.

Mr. Drewes said the nursing beds, 54 – 60, is not changing. Mr. Keane said correct. Attorney Hirsch said the difference in the operation is the addition of the assisted living. Mr. Keane agreed.

Mr. Drewes asked if there was an age limit. Can any age live in those units? Mr. Keane said it will be the same as we have today. Mr. Drewes asked Mr. Keane to describe those. Mr. Keane said they will have some sort of incontinence. They need assistance in bathing. They need medical care. Some are in wheel chairs, use walkers or canes. Some may need their food chopped. They need their bed made for them. Some need help getting dressed.

Mr. Drewes asked what the average age is. Mr. Keane said 83 – 84. Mr. Drewes asked about age limits. Attorney Hirsch said that has been answered before. Mr. Drewes said a different operator may operate it differently. Mr. Keane said there is always a potential for that. He said his daughter and son-in-law will likely take over.

June 22, 2004

Page 10

Mr. Drewes said other facilities have a canopy how come yours does not have one. Mr. Keane said he doesn't have any reason for one from an operation standpoint. Mr. Rembiszewski said the other assisted living facilities do not have a canopy.

Vice Chairperson DeSarno said this application will be carried to June 29, 2004.

There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 10:30 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary