

Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

11. APPROVAL OF MINUTES:

1. MINUTES OF DECEMBER 16, 2020

A motion to approve was made by Mr. Kearney, seconded by Mr. Whiteman. All eligible Members voted in favor.

2. MINUTES OF JANUARY 13, 2021

A motion to approve was made by Mr. Kearney, seconded by Mr. Whiteman. All eligible Members voted in favor.

III. MEMORIALIZING RESOLUTIONS:

None to present.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements. No members of the Public participated on the Zoom call or wrote in comments.

V. PUBLIC HEARING:

**1. DOCKET #1478-20 – MONARCH COMMUNITIES, LLC
EAST RAMAPO AVENUE, FRANKLIN TURNPIKE, KING STREET
& SIDING PLACE, BLOCK 82, LOTS 1, 3-17, 26, 29, 30**

Application for “C” and “D” Variances to construct a multi-level senior housing facility with retail space, parking garage and other site improvements including off-street parking and circulation, loading area, sidewalks, retaining walls, signage, landscaping and lighting, continued from February 3, 2021.

Mr. Rabolli provided the hearing procedure to the Applicant and participants, stating that the Applicant presents witnesses, then questions may be asked of the witnesses as to what was testified to. If giving testimony, the speaker must be sworn in and visible.

Mr. DeSilva recused himself from this Application.

Mr. Andy Del Vecchio, Esq., Beattie Padovano, LLC, 50 Chestnut Ridge Road, Montvale, NJ representing the Applicant, called his first witness; **Mr. Michael Glynn,**

Monarch Communities, LLC, 162 Carlton Avenue, Brooklyn, NY. Mr. Glynn was previously sworn in by Mr. Rabolli at the meeting held on February 3, 2021, and remains under Oath.

Sharing his screen, Mr. Glynn provided additional data in response to questions from Members of the Board at the previous meeting by way of a Power Point Presentation.

Continuing from the previous meeting, Mr. Glynn displayed the agenda items and summarized the Application:

1. Multi-level Senior Housing Description

A 175 unit multi-level Senior Housing project with different levels of care broken down as:

- 97 Congregate Apartment Housing; elderly into 80's and 90's, very few drive, most do not own a vehicle
- 48 Assisted Living Units
- 30 Memory Care Units

The level of care for Congregate Housing is less than Assisted Living and less than Memory Care. Additional fees are paid for services. The services and amenities include Continental breakfast, lunch and dinner, weekly housekeeping, transportation for offsite trips and outing activities, common space, library, game room, wellness center, beauty salon, spa and barber shop that are included in the monthly rent.

Assisted Living residents are slightly more fragile. Residents are provided a personalized care plan, personal medication care and laundry service. It is not a nursing home – the Applicant is not seeking a skilled nursing license for severe medical issues. There is a nurse on 2-3 shifts on site, not to administer healthcare services, but to oversee the care takers that help with activities of daily living; very basic things for disabilities and frailties like bathing, eating, etc. If a need for medical issues occurs, the resident would be transferred out to a nursing home or hospital. Very close visual and verbal monitoring of the residents is done by staff around the clock; regular check-ins, ability to notice certain declines and update the family as to when it might be time to transfer to skilled nursing. The Applicant is not pursuing becoming a nursing home in the future.

Memory Care residents have special programs and activities, both in and outside the facility, available to them in a secure neighborhood, with freedom to walk around, freedom to socialize, and freedom to engage in activities while also being very secure so that they do not wander. There is no legal age limit.

The average age for all three levels is 87 years old, sometimes lower, even in Memory Care. In other facilities, 70 year olds are rare - maybe in Memory Care with severe

dementia. Both Congregate Apartment Housing and Assisted Living are inherently beneficial, as is Memory Care even though they are separate and distinct. Senior Housing is not part of this Application use. Services are geared toward frail elderly, which eliminates a potential argument that a 22 or 35 year old autistic person would be eligible. The facility would not be suitable for a special needs child or adult; it is more suited for frail elderly persons. A comment was made that perhaps it should be titled Frail Elderly Housing instead of Senior Housing.

A discussion took place regarding the various types of disabilities, residents and age limits. Mr. Glynn stated that there would be no issue with a 55+ age limit, other than Memory Care, being a condition of approval. Mr. Del Vecchio commented that there are 55+ Senior Housing Communities that are Town Homes with occupancy limited to age 55 and over. Those locations do not provide any level of care and are restricted against kids running around.

2. Monarch Communities Overview – Vertically Integrated Senior Housing Enterprise; Five Pillars:

1. Company Structure
2. Design-Build
3. Operations
4. Development
5. Ownership

Mr. Glynn provided the names of managing partners and business partners and gave detail on their businesses, i.e., Procon, a Design Build Company; Sister company, and Well Tower; Business Model - one of the largest owners of senior housing; also owns 20% of Monarch. Locations of senior housing facilities built by Monarch Communities and its partners were also provided.

3. Current Monarch Communities Projects in Development

Monarch Communities is a new Brand in the Northeast started by the most experienced senior living executives and currently has 3 or 4 projects at different levels of approval that were described by Mr. Glynn. The group has very extensive experience and is very well financed.

At the conclusion of Mr. Glynn's presentation, **Exhibit A-18** titled Michael Glynn Power Point Presentation, was marked into evidence and added to the list of Exhibits A-1 through A-17 provided by Mr. Del Vecchio.

Mr. Rabolli opened the questioning to Members of the Board and Professionals for Mr. Glynn.

The first question pertained to the demand for Assisted Living in the Mahwah area and surrounding areas. Mr. Glynn commented that multiple analysis were done that suggest that there is a deep demand at this location and a seven or so mile radius to assist seniors and the 50 – 70 year old children of elderly parents living outside the area that want to bring them closer.

Regarding Affordable Housing, Mr. Glynn stated that the Applicant will comply with the requirements. The range of unit sizes to offer a spectrum of price points to different income levels; it is still pricy and out of reach for a certain segment of the population. The Application will be governed by Affordable Housing rules on a certain number of units. The residents are not just renting real estate; they are renting services which are a significant portion of the monthly rent. Mr. Del Vecchio added that 10% of Medicaid eligible beds qualify by default under the Affordable Housing Rules with regulations and conditions. The Housing Element Fair Share Plan calls for 20% of a set-aside of units. Another 10% will be added to the minimum required Medicaid that will further qualify under the Affordability Control Requirements. Plans will be updated to show 20% which is 35 units.

Ms. Green inquired as to the number of employees and non-employees coming to the site, i.e., doctors, specialists, Yoga instructor? Mr. Glynn indicated that there would be frequent visitors; physical therapists, etc. during mid-day. Staff members oversee the activities, food vendors; at any given time – maybe 5-10 during a busy time.

Other areas discussed were first floor retail, parking, staff qualifications, and volume of water usage. A brief discussion took place regarding the definition of a unit and credits for meeting conditions.

Upon questioning, Mr. Glynn stated that 70% of Memory Care residents have Alzheimer's.

Mr. Kelly commented that the testimony was helpful and appreciated, however, the Board requires a clear written breakdown of facilities the Applicant is familiar with that are similar to this proposal; density and different stages of construction or approval. Further questioning from Mr. Kelly included cost of rentals in other locations vs. costs in Mahwah, visitors during the Holidays, ability to restrict Holiday visitor traffic, moving residents to the next phase of care, number of employees and residents, types of jobs, maximum peak time, shift hours. Mr. Glynn responded that a summary will be provided.

There were no further questions from Members of the Board or Professionals for Mr. Glynn.

Mr. Rabolli opened the questioning for Mr. Glynn to members of the Public.

Ms. Martha Steinbauch, 8 Wanamaker Avenue – what about physical therapists, occupational therapists; are they on staff or come in from outside? Are there parking issues?

Mr. Glynn – 5-10 outside health and wellness providers come in per day around mid-day which is peak time, and utilize the space in the wellness wing for therapy sessions. The majority drive to the site.

Ms. Mary Kay Sullivan and Joey Boulgholtzer, 29 Hillside Road – in your discussion about age limits – bottom age...in something like this, if there are no legal minimums, nobody could be turned away?

Mr. Del Vecchio – the Applicant has agreed to the minimum age of 55 years old except for Memory Care. There is no statute. It is being made a condition of approval.

Ms. Audrey Gold, 214 Miller Road – do you find in other facilities, family members often hire aids to help their loved ones and private therapists? What if aid is needed most of the time? Is there enough parking for outside people?

Mr. Glynn – families typically have relationships with local therapists. A limited number hire aids; people come to Monarch for this service. Based on experience, additional parking has been taken into account.

Heather Federicco, 30 Taron Road – is there any way to consider downsizing to fit into Mahwah's Code? It may not be over sized for the community, but it is over sized for that area.

Mr. Glynn – there is a need and demand for this type of facility and service. 175 units is limited impact for this area; it is a typical size. The Applicant is not proposing to scale back.

Further discussion took place between Members of the Board, Mr. Glynn and Mr. Del Vecchio, i.e., the number of units with kitchens and obligations with regard to COAH.

Mr. Anthony Lamanna, 129 Oweno Road – if the average age is 87, most that need to be in assisted living and memory care – why only 50%, not 75%? If assisted living is needed in a couple of years, where will they go?

Mr. Glynn – there are many people in their mid to upper 80's and 90's that do not need assisted living. Care can be provided to them in congregate care at a lower cost. Frailties can be taken care of in the congregate setting.

Ms. Gold – theoretically have the same person living in a regular senior housing apartment also live here in congregate care? Is the meal plan optional?

Mr. Glynn – care for frailties, provide food, housekeeping, social programming, wellness, activities. The meal plan is not optional; it is included in the rent.

Mr. Gary Amoraso, 16 Malcolm Road – regarding retail parking, i.e., restaurant, stores – if the lot is full can they park at the facility? Do you have any average number of cars parked at other sites?

Mr. Glynn – the Traffic Engineer will supply traffic data. From experience, the lot is fuller between 8:00 a.m. and 5:00 p.m., less early evening and even less overnight.

Mr. Lamanna – how will you regulate food deliveries?

Mr. Glynn – meals are part of the monthly rent. We do not expect heavy volume of deliveries.

Mr. A. Graziul, 10 Oweno Road – is it possible to scale down?

Mr. Del Vecchio – not considering it.

Mr. Gregory Gold, 214 Miller Road – will zoning be changed? I read the Maser and Boswell reports. Traffic on Franklin Turnpike has not been discussed.

Mr. Rabolli stated that major issues in those reports will be addressed and have to satisfactorily meet the requirements and see if they can be accommodated.

Ms. Gold – is it possible to have the units built using 14 units per acre?

Mr. Rabolli commented that the proposal is different from condos. Mr. Del Vecchio added that 14 units per acre has not and will not be analyzed as it is not being proposed for this Application.

Ms. Gold – how will Amazon deliveries be handled?

Mr. Del Vecchio stated that deliveries will come in from the parking lot on King Street to the concierge at the front door and will be delivered to the recipient.

Ms. Kathryn Bell, 129 Oweno Road – the Developer’s Impact Study was done on April 14, 2020 – during the height of COVID.

Mr. Rabolli commented that the Traffic expert will testify regarding the study.

Mr. Tom Murphy, 16 North Railroad Avenue, a Fire Fighter in Mahwah, commented that this is a community business on the ground floor with commercial kitchens – 155 people above with limited mobility – what is the plan for getting people out? Affordable Housing? EMS? This proposal is a concern – a huge problem for Mahwah. Is this the right development for this spot? Can names of Townships with Monarch facilities that have volunteer Fire Departments be provided?

Mr. Del Vecchio stated that 20% will be designated as Affordable Housing. Fire Safety Code requirements will be complied with. Mr. Glynn added that Memory Care is not above commercial. The Fire expert will testify. Plans were submitted to the Fire Official; no negative comments were reported. The Architect will be prepared to address the concerns and Building Code requirements.

Ms. Steinbach – 14 per acre as opposed to using garden apartments vs. condos?

Mr. Del Vecchio stated that the Planner will discuss this issue.

There were no further questions for Mr. Glynn.

Mr. Rabolli announced that the Application is being carried to April 7, 2021 or April 21, 2021. No further Notice is required. The Board will hear from the Needs Consultant, Mr. Steve Lennon and the Architect, Mr. Eric Anderson. Presentations are to be submitted to the Board of Adjustment Secretary the Wednesday prior to the meeting. Mr. Del Vecchio offered the extension of time to April 22, 2021.

A motion to move into Work Session was made by Mr. Kearney, seconded by Mr. Whiteman. All voted in favor.

VI. WORK SESSION

1. OLD BUSINESS

2020 BOARD OF ADJUSTMENT ANNUAL REPORT

Mr. Cascio commented that the Board’s Annual Report had been submitted and that he and Ms. Lawlor whittled it down to the Resolution. Ms. Lawlor stated that she was fine with the revisions.

Township of Mahwah
Board of Adjustment Meeting Minutes
March 3, 2021

A motion to approve was made by Mr. Montroy, seconded by Kearney. A roll call vote revealed 8 aye votes by Mr. Calijone, Mr. DeSilva, Mr. Jackson, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

Ms. Entrup commented that she would submit a letter to Council for review and to be placed on an agenda.

A motion to move out of Work Session and adjourn, was made by Mr. Whiteman, seconded by Mr. Straffin. All voted in favor.

The meeting adjourned at 10:16 p.m.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on April 30, 2021 for approval at the Regular Meeting to be held on May 5, 2021.