

II. APPROVAL OF MINUTES:

1. MINUTES OF MAY 5, 2021

A motion to approve was made by Mr. Kearney, seconded by Mr. Cannava. 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(S):

**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
ADDITIONAL LOTS ADDED; LOTS 20-28**

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 May 5, 2021.

Mr. DeSilva recused himself from the hearing of this Application.

Mr. Cascio commented that due to revision to the Plan to add additional property to the Application, the question was raised; should the hearing proceed prior to the Applicant Re-Noticing. Mr. Del Vecchio had added the catch-all phrase in the Notices that would permit amendments to the Board during the Board meetings. Mr. Del Vecchio stated that he would like to proceed with architectural testimony at this meeting as he believes the Notice is in proper order.

A discussion took place regarding the 200 foot Notice. Mr. Rabolli stated that if anyone was missed on the list, as a matter of law, the Board does not have jurisdiction. Mr. Cascio commented that he was comfortable that everyone within 200 feet was on the original list. Mr. Del Vecchio stated that the additional lots were included on the original list, however, he will obtain a new 200 foot certified list from the Tax Records to confirm

that everyone was Noticed. Mr. Rabolli added that he is comfortable hearing that everyone received notice including the additional lots, but advised Mr. Del Vecchio that the Applicant would be proceeding at his own peril as it could be argued that the Application has changed.

Mr. Andy Del Vecchio, Esq., Beattie Padovano, LLC, 50 Chestnut Ridge Road, Montvale, NJ representing the Applicant, commented that the revision to the Plan is the notched out property on King Street, Lots 20-28, owned by Maureen Postalowski, which were not part of the original Application, and are now part of the contract. Notice has been provided to the 200 foot list. The revision is to add more property. No additional units have been added. There are contingencies to the contract. By adding this additional property, density is reduced.

The question regarding dimensions of the living space in the units not being included, while dimensions of all other areas were provided, was raised by Mr. Jackson. Mr. Del Vecchio stated that the Architect would give testimony on the square footage of the units. The information was not intentionally omitted and will be provided.

Mr. Kearney requested detail of an Evacuation Plan be described and added to the maps, as it is a major issue with the density. Having parking under the building, residents would be moved to the streets. Mr. Rabolli commented that this issue would be addressed.

Mr. Del Vecchio continued, stating that with the exception of the Bank on the corner of East Ramapo Avenue and Franklin Turnpike, the Application now encompasses the entire block. Many of the comments from the Engineers have been addressed. There has been a change in Engineers; Bohler Engineering has taken over the Civil Engineering on the project and has added the additional property to their drawings. Plans were submitted in the required 10 days prior to the meeting period. Reports from the Board Professionals are anticipated. **Exhibit A-20** was marked into evidence as Revised Plans consisting of 9 sheets submitted by JAL Architects, dated June 1, 2021.

Mr. Del Vecchio called his first witness; **Mr. Eric Anderson, Architect, Monarch Communities**, gave his credentials, background and experience and was sworn in by Mr. Rabolli as an expert in the Field of Architecture. Mr. Anderson stated that he is familiar with the Plans, Reports and testimony given at previous meetings that he attended on this Application. Sharing his screen, Mr. Anderson displayed the project details and submitted the Bohler Engineering Colorized Site Plan Sheet 3.01 dated June 4, 2021 as **Exhibit A-21**. The modified Plan includes the new vehicular entrance from Franklin Turnpike down King Street to the front door, displaying the green space that was gained. There are 174 parking spaces; 164 will be under the building, which also opens green space and proposed roof deck areas. Mr. Anderson also pointed out the

retail space, delivery areas and the two garage entrances. The 48 spaces for Retail will be separated from the Senior Community parking.

Mr. Rabolli opened the questioning from Members of the Board for Mr. Anderson.

Questions from Members of the Board included: the other entrance for parking; reduction of retail space; and number of store fronts. Mr. Anderson responded that the second entrance will be off of East Ramapo Avenue to the proposed 7,000 square feet of retail space on the right. Three (3) store fronts are proposed, depending on the square footage of the tenants.

There were no further questions from Members of the Board for Mr. Anderson.

There were no questions from the Board Professionals for Mr. Anderson.

Mr. Rabolli opened the questions from members of the Public for Mr. Anderson.

Ms. Joey Burkholtzer, Hillside Avenue inquired if the access to parking in the middle was underground; and coming off of King Street, where is the entrance. Mr. Anderson confirmed that the access is underground; the entrance off King Street is under the building to the parking garage – all the way in, as displayed on the screen.

Regarding Noticing, Ms. Burkholtzer asked if the residents on the Southeast corner of King Street and Franklin Turnpike were within 200 feet. Mr. Del Vecchio stated that the lots on the South side of King Street, Lots 40, 41 and 42 were all within 200 feet and had been Noticed. On the North side, as fronted on Franklin Turnpike from Miller Road to King Street, all residents were also Noticed. All residents within 200 feet have been Noticed regardless of the new lot.

Ms. Martha Steinback, 8 Wanamaker Avenue questioned blasting for the parking garage. Mr. Anderson commented that the building was designed to work with the hill as much as possible with as little disturbance as possible. The Civil Engineer will be asked about blasting.

Moving on to architecture, Mr. Anderson stated that the Monarch buildings were designed specifically to the site. The view of East Ramapo Avenue; the store fronts for three tenants, and the stepped patios were displayed. The Senior Housing Building is proposed to be 175 feet back from the retail building. The Ordinance calls for a human scale – windows, doors, columns, awnings and canopies. Displaying photos, Mr. Anderson described the corner balconies, the entrance plaza, the residential style architecture, and the elevations of the building. The displayed renderings of the building, parking garage and the Bank were described in detail.

A grade change runs from front to back and side to side on the property. The overall height of the building in linear feet is 37.11 feet from the average grade.

A discussion took place regarding the 4 foot parapet and Fire Fighter access to the roof. Mr. Montroy suggested that the Applicant speak to the Fire Code Official. Mr. Anderson stated that he would meet with the Fire Code Official and the Building Code Official. The building will be fully sprinklered.

One of the tenants becoming a restaurant and the need for additional parking spaces was discussed. Mr. Kelly stated that a minimum of 40 parking spaces is required for a restaurant. The Retail area of 7,300 square feet requires 30 spaces. The Code is met unless the tenant is a restaurant – a Tenant Application or going back to the Board will be required. No parking is permitted on East Ramapo Avenue or on Franklin Turnpike. Mr. Del Vecchio commented that 42 spaces were required; 48 are in the garage.

A new discussion took place regarding the size and occupancy of the Assisted Living units. It was noted that there was an error on the drawings – there will be no stoves in Assisted Living units; sink, refrigerator and microwave only. The difference between a Companion unit and a 2 bedroom unit was explained as the Companion unit being a 2 or 4 bedroom unit with 450 square feet for each unrelated resident sharing the bathroom, kitchen and seating areas. The 2 bedroom units are shared by related residents. Sizes of the Congregate Care Units were described as well.

Mr. Rabolli called for a 5-minute break at 9:00 p.m. The hearing resumed at 9:05 p.m.

The hearing continued with discussion of meeting location(s) in the event of building evacuation. Mr. Anderson stated that the Consultant would address evacuation at the next meeting.

Mr. Anderson explained access and entry to the building, i.e.; card swipe, cameras allowing the Receptionist to see who is in the garage and entering, and a controlled elevator. Delivery access is on the second level, garage parking is by the railroad tracks.

Mr. Anderson's slide presentation was marked as **Exhibit A-22**.

Mr. Rabolli opened questioning from Members of the Board for Mr. Anderson.

Questions from Members of the Board included: location of other Monarch designed buildings; redesign – is Mr. Preiss' testimony from the third meeting still the same; change in number of units or number of beds; density requirements and number of parking spaces.

Township of Mahwah
Board of Adjustment Meeting Minutes
June 16, 2021

Responding, Mr. Anderson listed other Monarch locations as New Rochelle, NY, Wayne, NJ, Massachusetts, Maryland and Connecticut; Mr. Anderson is not aware of anything that would have changed from Mr. Preiss' testimony; there are no changes to the number of units or beds that Mr. Anderson is aware of; Mr. Del Vecchio commented that the topic of density is not for this witness; regarding parking, Mr. Anderson stated that the garage was designed based on the numbers given and that he would defer the subject to the Civil Engineer and Traffic Consultants. Mr. Del Vecchio added that parking meets and/or exceeds the requirement.

There were no further questions from Members of the Board for Mr. Anderson.

Mr. Rabolli opened the questioning to the Board Professionals for Mr. Anderson.

Mr. Kelly's questions/comments included: previous requests for unit sizes to be provided by the next meeting; what will prevent dens from being bedrooms and are they monitored; maximum wall height at the Northwest corner of the building at the top of the roof before the parapet; materials; fire rated system; architectural consistency; blasting; maintenance of courtyard and landscaping equipment.

In response, Mr. Anderson stated that nothing would physically prevent dens from becoming bedrooms, however, there are rules and regulations – a list will be provided, dens do not have windows, it would be illegal to make them bedrooms; it is not a prison ward, but there will be monitoring; the wall height is 47 feet from paving at the access drive to the roof level plus 4 feet parapet = 51 feet building height; the materials are wood with a fire rating of 1 hour and non-combustible steel, the system is fire rated, the architectural design is brick, sub-siding, wood look siding and is consistent with the retail side; blasting is not significant and will be addressed by the Civil Engineer; maintenance of the courtyard will be done by electric mowers – there will not be a shed.

Ms. Lawlor's questions/comments included: on the Franklin Turnpike side the two-story grade drops to 3-story – in two-story units below grade that are dwelling units subject to light from the outside; is the driveway closest to the railroad tracks two way; one direction with deliveries; is there a pervious coverage increase in the landscape area.

In response, Mr. Anderson stated that there were no units below grade facing Franklin Turnpike, window units are on the courtyard side; regarding the driveway being two way and the pervious coverage, Mr. Del Vecchio and Mr. Anderson deferred to the Civil Engineer.

There were no further questions from the Board Professionals for Mr. Anderson.

Mr. Rabolli opened the questioning from members of the Public for Mr. Anderson.

Ms. Jasmine Jenell, 8 King Street stated that she had moved in January 1, 2021 and had not received a notice of the development. (Note: the date of the Property Listing was September 30, 2020. Mr. Gordan Mayer was noticed via Certified Mail and should have forwarded the notice to Ms. Jenell). Ms. Jenell commented that she has 3 disabled kids, 2 in wheelchairs and questioned how this development will impact her kid's buses, etc.

Mr. Rabolli suggested that Ms. Jenell go to Town Hall and look at the plans, join future meetings, and feel free to share questions or ideas with the Board or Mr. Del Vecchio for the possibility of accommodations.

Ms. Marth Steinbach, 8 Wanamaker Avenue questioned building entry for retail and restaurant deliveries; overnight visitors – location of parking and sleeping. Mr. Anderson responded that entry to the site would be from the Northwest Corner of the side next to the railroad tracks – to be addressed by the Civil Engineer; entry to the building would be from the sidewalk; visitor parking would be in the same garage open for residents and staff. There is sufficient parking, meeting ISRS standards; visitors cannot utilize the den as a bedroom.

There were no further questions from members of the Public for Mr. Anderson.

Mr. Rabolli announced that continuation of the hearing for Monarch Communities is carried to July 21, 2021. No further Notice is required. An extension of time to July 21, 2021 is to be granted by Mr. Del Vecchio.

A motion to adjourn was made by Mr. Whiteman, seconded by Mr. Jackson. All voted in favor. The meeting adjourned at 10:17 p.m.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on August 27, 2021 for approval at the Regular Meeting to be held on September 1, 2021.