Present: Ms. Furio , Ms. Westerfeld, Mr. Corona, Mr. Merzel, , Mr. DePalo,
Mr. Schuster (Board Attorney), Ms. Bauer (recording secretary),
Absent: Mr. McLaughlin, Ms. Batistic
The meeting was called to order at 8:00 pm.
Ms. Furio announced that the meeting had been published as required by the Sunshine Laws of the State of New Jersey.
Minutes of the Aug. 27, 2015 meeting were approved.

1267 Moscarella 182 7th St. Block 35 Lots 245, 246

The hearing was postponed to the October ZBOA meeting at the request of the applicant.
Their architect was not able to attend the Sept. 24th meeting.

1268 CareOne at Cresskill 221 County Rd Block 71 Lots 13-14

Ms Donna Erem, on behalf of CareOne is seeking approval to remove a proposed addition, previously approved, and add more parking in its place. This facility is a non-conforming use for this zone.
Parking Approved for Resolution 5/24/2012 is 85 spaces.
Parking proposed is 97 spaces**.**

Mr. Thomas Trautner introduced himself as attorney for CareOne at Cresskill**.**
We are making an application for an amended use variance approval and amended preliminary and final site plan approval. We want to reduce the 2012 previously approved square footage by approximately 2500 sq.ft.; reduce the number of approved beds from 122 to 117; and increase the number of parking spaces by 11 to a total of 97. The modification reduces the approved variances by reducing the number of beds from 122 to 117; and reducing the size of the previously approved addition, Additionally parking stall sizes, the township ordinances require 10' by 18', we are proposing 9' by 18'. Additionally there is a parking set-back requirement from the middle lane of 15'. Additionally there is a waiver concerning light intensity .
Mr. Trautner introduced Mr. Michael Fowler, engineer for the project, and Mr Paul Phillips, Planning Consultant.
Mr. Michael Fowler was sworn in and gave his credentials.
Mr. Fowler described the approval granted in 2012. In 2012 CareOne had proposed a number of building expansions primarily to increase the number of beds. We , Langan Engineering, designed the site. We modified most of the existing parking. Took away some angled parking, added 90 degree parking, and increased parking in the front of the building. We brought the parking count from 81 spaces to 86 spaces. At that time there were 122 beds approved and before that there were 100 beds. The bed count was increased by 22.
We also added an extensive under-ground sump pump management system or retention system. Which is on the south side of the building. And that is currently in place. We added a number of modifications to the site to handle the proposed improvement including additional landscaping, site lighting…
Exhibit marked A-1 the Site plan was presented to the board
Mr. Schuster asked if the application had been carried from the last meeting without any further notices.
It was established that the application had been re-noticed for the Sept. 24, 2015 ZBOA meeting.

1268 CareOne at Cresskill (cont.) 221 County Rd Block 71 Lots 13-14

Mr. Fowler said that A-1 was the approved plan of 2012. The building expansions shown on the plan in red have been constructed; the site modifications in blue have been constructed; the building expansions in grey have not been constructed. Those (in grey) are the ones we are removing with this application. Also, the parking improvements between the building and County Rd. have also not been constructed. So the configuration of the parking lot there today is that which existed prior to our 2012 application.

Exhibit marked A-2 the Site plan was presented to the board CS101 Rev.10

Mr. Fowler said that it is identical to the one presented to the board with the exception that we have added an ambulance space in the front parking area at the request of the Fire Chief. That is the only modification to the plan that was submitted. So everything that was constructed as shown in blue on the prior plan stays the same. Because the 2 expansions in the front, one at the front entrance and one on the side are removed, that gives us some room to add additional parking. So we are re-configuring the area putting a little L shape into it. The parking count will go up by approximately 10 or 11 spaces. The proposed increase to the building square footage is reduced by 2500 sq.ft. The bed count goes from 122 to 117 beds. The parking count goes from 86 approved in 2012 to 97 spaces including the ambulance space.

The modifications to the landscaping are in and around the front entrance to the building. Along County Rd the landscaping will stay the same, and some minor modifications off to the side of the building.

Since the parking has been juggled around, the site light bulbs have been re-distributed. A couple of them will be re-located, and there is one additional in the area. Essentially it is providing the same light levels as it did for the approval of 2012

With respect to drainage, we have constructed a large under-ground facility that runs outside of the building, underneath the parking lot on the south side. The only modifications in this area are some minor piping modifications to match the parking lot modifications. There won't be any additional retention required as this whole facility has already been constructed. We have not done run-off calcs for this modification because the modification increases the pavement by only 400 sq.ft. which is negligible. The retention is under the parking area. It is 4 or 5 rows of piping with an inlet structure on the east and an outlet structure on west side discharging to the storm system in Ackerman. We are dissipating more slowly, so the system in the street will see it much more gradually.

We have a few variances, 2 or 3 are modifications. We are modifying a non-conforming use, we are eliminating 2 of the building extensions. The parking set-back from the building, that's a new one. The area of the modified parking where 15' is required and we are going to be 5' from the northern part of the building and 6.9' from the front entrance. We are asking for a parking space to the side variance. The ordinance requires a 10' by 18' space, we are providing 9' by 18'. That's what all the other parking spaces are.

Mr. Schuster asked if that was an RSIS 9' by 18' standard ?.

Mr. Fowler said I believe it is .9' by 18' is exceptionally common. We asked for and were granted that variance in 2012. Since we are adding a few more spaces we are asking for it again.

We are asking for a modification of a waiver for the light intensity. In 2012 we were approved for 1.2 foot-candles average in the parking lot, and this plan lowers that to 1.1 foot-candles average in the parking lot- where the ordinance standard is 0.5 foot-candles.

Mr. Trautner asked will the site operate safely and efficiently with respect to the proposed modifications ?

Mr. Fowler said yes it will.

Mr. Schuster asked what caused the reduction of the foot-candles.

1268 CareOne at Cresskill (cont.) 221 County Rd Block 71 Lots 13-14

Mr. Fowler said when we rearranged the lights around- it was a matter of spacing. The fixtures remain the same.
Mr. Schuster said so it's the locations that are changed.
Mr. Fowler said yes.
Ms. Furio said you are adding one more.
Mr. Fowler said yes, they were.
Ms. Furio asked the spaces along the south side of the building. How far are those from the building ?
Mr. Fowler said about 6' and 8'.
Ms. Furio said those were previously granted; and the new spaces in the L are at…
Mr. Fowler said are at 6.9' and 5'. The 5' are on the north side.
Ms. Furio said there is no entrance there, is just a window of the room.
Mr. Fowler said yes.
Ms. Furio said the front entrance is where you have it at 6.9'.
Mr. Fowler said that's correct.
Ms. Furio said which is in the L, and the ambulance is at the corner.
Mr. Fowler said yes at the corner, its almost at the identical space that its now.
Ms. Furio said you have 2 handicapped spaces and that are being converted to the ambulance space.
Mr. Fowler said the ambulance space is immediately adjacent to the handicap spaces. We are also putting in 2 additional handicap spaces around the corner in the L. There are 4 handicapped spaces.
Ms. Furio said the overall reduction in Building Coverage is 2500 sq.ft.
Mr. Fowler said approximately, yes.
Ms. Furio said the front part of the H on the south east end.
Mr. Fowler said we are removing the front part of the H. Was 830 sq.ft and the addition at the front entrance was 1693 sq.ft
Ms. Furio asked you are reducing part of the H but did it reconfigure the parking lot ?
Mr. Fowler said no, the curved line is the same, but we had to eliminate some of the spaces.
Ms. Furio said the other piece that is eliminated is in the front entrance.
Mr. Fowler said correct.
Ms. Furio said the entrance is the way it is now.
Mr. Fowler said correct.
Ms. Furio said the distance of the parking to County Rd. is not changing at all.
Mr. Fowler said correct.
Ms. Furio asked about changes to the drainage.
Mr. Fowler said we need to adjust some of the piping in that front parking area.
It will be tied in to the retention system on the south side.
Mr. Merzel asked how many beds are there now.
Mr. Fowler said 117.
Mr. Merzel asked the front entrance consisted of what ? an entry hall ? and atrium ?
Mr. Fowler said there were no beds in that area.
Mr. Merzel said the elimination of the 2500 sq.ft does not have an impact on the bed count. The bed count reduction comes from the H section on the south side.
Mr. Fowler said yes, his understanding is that there were a couple of semi-private rooms in that expansion of the H ; and there was some reconfiguring on the inside that eliminated an additional one.
Mr. Merzel said the 117 meets all state requirements for room sizes in a facility like this.
Mr. Fowler said the answer is yes although he does not have the authority to testify.
Ms. Cheryl Dorn, Administrator CareOne at Cresskill, was sworn in and gave her credentials.

1268 CareOne at Cresskill (cont.) 221 County Rd Block 71 Lots 13-14

Mr. Merzel said that in 2012 there was a lot of discussion concerning the state regulation of room sizes.

Ms Dorn indicated that the room sizes met all regulations.

Mr. Paul Phillips, Professional Planner, was sworn in and gave his credentials.

Mr. Phillips testified that this application is to amend the approval that was granted in 2012. At that time the applicants sought and expansion of the non-conforming use. At that time there was significant testimony put on the record by myself in support of the D-2 variance request regarding both the satisfaction of the positive and negative criteria. Importantly the board recognized the fact that the skilled nursing facility was an inherently beneficial use that was memorialized in the resolution of approval. From a planning stand point we continue to rely on that testimony. The inherently beneficial aspect of the use continues to satisfy the positive criteria. What is most compelling about this application, is that the applicant is actually seeking a reduction in the size of the building, and the number of beds, and is also increasing the on-site parking supply to service a facility that will now have fewer beds. From the stand point of the negative criteria, I see no substantial detriment vis a vis the 2012 approval, because the size of the building and the intensity of the use per se is being reduced from what this board approved 3 years ago. I see no substantial impairment of the Zoning Ordinance or Master Plan. The applicant is seeking to lessen the intensity of the non-conforming use that this board had previously approved.

We are seeking a parking stall size of 9' by 18' in lieu of 10' by 18' requirement . A variance for parking lot size was previously granted in 2012. The applicant is seeking to maximize the parking on site. I see no impairment of either the detriment to the public good or the Zone plan. 9' by 18' is consistent with RSI standards. Certainly for this kind of use this parking is designed to accommodate employee and visitors. Its not parking for a super market. The parking set-back in the front of the building where we are proposing to increase the supply. The ordinance has a 15' standard and what we are proposing would vary between 5' and 6.9'. This condition already exists along the south side of the building. We would just be looking to continue that condition. By trying to provide an increased parking supply on site weighs favorably on balance relative to reduction of the set-back that we are seeking. For that reason that variance can be granted based on flexible C-2 grounds. The benefits of providing additional parking supply on site outweigh any detrimental impacts associated with that variance. There are 2 purposes in the statute that would be advanced if that variance could be granted which is to guide development in a manner that promotes the public welfare and purpose G which is to provide sufficient space in appropriate locations for a variety of uses, in this case specialized skilled nursing. That covers the 2 variances as well as the 2 C variances that we are seeking.

Ms. Furio said I'm concerned about the 6.9' distance from the front entrance.

Mr. Phillips said this is a balance between the need to provide parking on site. The parking has been a challenge, and the applicant is looking to provide as much parking to serve the use on site as opposed to seeing parking in prohibited areas or off site. If you weigh that benefit against the set-back, the additional parking comes out in favor. Anything over basically the area which is needed for safe passage, which is the sidewalk width of 4' to 5' is adequate for that purpose. Weighing that variance in relation to the desire to provide as much parking on site- there is a C-2 basis to grant that relief.

Ms. Furio asked how many spaces do you have facing the front entrance ?

Mr. Phillips said the 5' is against the side

Ms. Furio said the 6.9' is actually from the side of the car not the front of the car.

Mr. Phillips said the minimum 4' or 5' would be necessary here. The applicant did a good thing in attempting to keep a little more distance than the 5' provided on the side of the building similar to the southerly side.

1268 CareOne at Cresskill (cont.) 221 County Rd Block 71 Lots 13-14

Ms. Furio said the 6.9' is along the side of the car, then there is a space to pull in and out. There is a clear line of sight from the middle of the parking lot into the door.
Mr. Phillips said the 6.9' is at the end of the aisle, it winds out as you come to the spaces on either side of that aisle. Which provides more room for someone parking in that space and safely exit the car and provide a safe pedestrian access to the front of the building.
Ms. Furio asked; Anyone in the audience have any questions or comments about the application ?
Barbara Emer of 99 Union Ave was sworn in.
Ms Emer said her comment pertains to the lighting issue. The intensity of the lighting was extreme not too long ago. I think that a lot of the lights are not on right now. The issue pertains to quality of life because where the light is aimed directly at the side of my house where the bedroom window is. So its impossible to get ventilation in the bedroom for sleeping when the light is distracting the window. You really cannot block it to prevent the light from coming in without getting ventilation. So its been an issue for me.
Ms. Furio asked has it been this way since they put the fixtures up ?
Ms, Emer said when they mounted the one at the corner of the south driveway.
Ms. Furio asked where is your house in relation to the parking lot ?
Ms. Emer *indicated the location of her house and the source of the light on the plan.*
Ms. Furio asked that was the light on the building ?
Ms. Emer said that particular one. The rest of the lighting the intensity was a little bit much.
That particular light was like a spot-light aimed directly at the side of my building.
Mr. Phillips said that there was a fence there.
Ms. Furio said that the house was the 2nd up from Ackerman.
Ms Emer said there's a corner house and we are the 2nd house
Ms. Emer *described the location of the light aimed at her house.*
Mr. Phillips said they would look into it, and angle it a different way.
Mr. Phillips asked if the light was mounted on the building.
Ms. Emer said that it was mounted on the building.
The wiring plan that we designed does not need to utilize any light on the building.
Mr. Schuster asked if the proposal is to take off the lighting from the building.
Mr. Phillips said he could not represent that. There maybe some code requiring light over doorways. But it sounds like if there was a spot light shooting out there is something we can do about it.
Ms. Emer said **i**n general the light intensity is a bit much.
Ms Furio asked if there was anyone else in the audience for or against this proposal as presented.
Mr. Schuster asked if the recommendations from the Fire Chief will be implemented.
Mr. Phillips said that's correct. He described the letter, dated 9/23, confirming a conversation with Mike Fowler, reviewing the proposed sketch of the proposed parking space, satisfying the Fire Chief's request.
Mr. Schuster said to mark the letter exhibit C-3. Letter from the Fire Chief. Confirming Conversation Fire Chief. 9/23/2015.
Ms. Furio said you are reducing the Building Coverage; reducing the lighting to 1.1 foot-candles; increasing parking to 97 which includes the ambulance; spaces of 9' by 18' (which were formerly granted and would be continued). You are going to look at the lighting at the side of the building and make sure that its in compliance with on property and not off property. Tying in the drainage. Amending the landscaping'
Mr. Phillips said correct.
Mr. Schuster asked what are the changes to the landscaping ?
Ms. Furio said amending some of the location because you are changing the size of the parking lot.

1268 CareOne at Cresskill (cont.) 221 County Rd Block 71 Lots 13-14

Mr. Schuster said those areas that were approved for construction last time and you are withdrawing them now. Are those areas Impervious areas, paved areas. What are they exactly now ?
Mr. Fowler said the 2 building expansions that we are withdrawing. The front area does not change. In the front entry now is a paver sidewalk.
Mr. Schuster said so the pavers will stay there.
Mr. Fowler said yes, maintain that and modify it, if necessary, to accommodate the new parking**.**
Mr. Schuster said the pavers are treated as a pervious area.
Mr. Fowler said the expansion that we are eliminating on the south east side, that has a semi-circular canopy over it. That will remain in place. It is a stone patio. The canopy has a roof, as well as the building we are eliminating so the impervious is not increasing there.
Mr. Schuster said the additional parking spots, is that going to be additional paving or re-configuring of what is there.
Mr. Fowler said there is an increase of approximately 400 sq.ft of Impervious area.
Mr. Merzel asked are you increasing or not increasing the Impervious Coverage?
Mr. Fowler said we are increasing Impervious Coverage by approximately 400 sq.ft.
Mr. Merzel asked in 2012 was there a Impervious Coverage variance then ?
Mr. Fowler said no. In 2012, 71% Impervious Coverage was approved. What we are doing is also 71%. In 2012 it was 1.91 acres, what we are proposing today is 1.92 acres. Which comes out to 400 sq.ft.

Ms. Westerfeld made a motion to approve the application as presented.
Mr. Merzel seconded.

The application was granted.

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1271 John Finetto 159 Magnolia Block 61 Lot 1104

Mr. Finetto is applying for the following variances. He proposes to build a *new house with a FAR variance*.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back 8th St **Front Yard Set Back Magnolia**	**25ft**		**9' *** **11'**	**16' *** **14'**
Side Yard Abutting/Lot	**15 ft**		**10'**	**5'**
Combined Side yards	**35 ft**		**26' ***	**9' ***
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area **FAR (variable)**	**39%**		**51.9% ***	**12.9% ***
Lot Frontage	**100 ft**		**50'**	**50'**
Lot Depth	100 ft			
Bldg Coverage %	**20%**		**27.8 % ***	**7.8% ***
Impervious Coverage **(variable)**	**35%**		**40% ***	**5% ***
Height	28 ft		28'	
Lot Area.	10,000 sq.ft		**5000 sq.ft**	**5000 sq.ft**
Driveway from Prop. line.	10'			

The application was carried from last month.
** These figures reflect the changes made, at the last ZBOA meeting, to the original application. The applicant will provide corrected plans, to the board, that reflect said changes.*

The applicants had been informed by mail that only 5 members would be present at the Sept. 24, 2015 meeting of the ZBOA, and 5 affirmative votes were needed to grant an FAR variance.

The application was carried.

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1274 Jean Paul Solano 11 Maple St. Block 129 Lot 109

Mr. and Mrs Solano are applying for the following variances. They propose to add a two room addition.

Description	**Required**	**Existing**	**Proposed**	**Variance**
Front Yard Set Back	25 ‘			
Side Yard Abutting/Lot	**15 ‘**		**11.4’**	**3.6’**
Combined Side yards	35 ft			
Rear Yard Set Back	30 ‘			
Max. Livable Fl.Area FAR (variable)	39 %			
Lot Frontage	100 ‘	75.03’		
Lot Depth	100 ‘	100’		
Bldg Coverage %	20%			
Impervious Coverage (variable)	30%			
Height	28 ‘			
Lot Area.	10,000 sq.ft	7,503 sq.ft		
Driveway from Prop. line.	10’			

Mr. Jean Paul Salano and Maria Salano were sworn in.
Mrs. Salano testified that they were applying for a variance in order to build 2 additional bedrooms over the living and dining rooms. Our side yard is 11.4’ and the requirement is 15’, the variance is 3.6’. We are not planning any additional construction. The sides remain the same at 11.4’.
Ms. Furio said its an existing 11.4’.
Mrs. Salano said yes, and it will remain at 11.4’.
Ms. Furio said you are going straight up.
Mrs. Salano said yes, straight up.
Ms. Furio said over the Living room and dining room.
Mrs. Salano said yes**.**
Ms. Furio asked what is the ridge height ?
Mr. Salano said 24’.
Ms. Furio said the only variance is the existing condition of 24’.
Mr. and Mrs. Salano said yes.
Mr. Schuster asked 2 additional bedrooms and no bathroom ?
Mrs. **Salano** said no bathroom.
Mr. Schuster asked how many sq.ft in total ?
Mr. Salano said 270 sq.ft for the addition; 1,349 sq.ft what we have now.
Ms. Furio asked how far is the property on the East ? How far is the next house ?
Mrs. Salano said 28’.
Ms. Furio said the total sq.ft when you are done is 1600 – 1700 ?
Mrs. Salano said yes.
Mr. Schuster asked how many bedrooms do you have now ?
Mrs. Salano said 2.

1274 Jean Paul Solano 11 Maple St. Block 129 Lot 109

Mr. Schuster asked you have a shed, is that attached or a movable shed ?.
Mrs. Salano said it was a movable shed.
Mr. Schuster asked how big is it ? About 4.5' off the line ?
Ms. Furio asked is the basement walk-out ?
Mrs. Salano said no its not.
Mr. Schuster said you will need a new staircase to the 2nd floor.
Mrs. Salano said there is an existing staircase.
Mr. Schuster said this is an existing cape cod style house.
Mrs. Salano said it's a split-level.
Ms. Furio asked is there anyone in the audience with questions or comments concerning this application ?

Mr. Corona made a motion to approve the application
Mr. DePalo seconded.

The application was granted

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Memorialization

1273 Michael Leahy 142 Elm St. Block 128 Lot 6

Mr. Leahy was granted the following variances to construct an addition plus alterations to the above address.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft			
Side Yard Abutting/Lot	**15 ft**		**5.1'**	**9.9'**
Combined Side yards	**35 ft**		**11.4'**	**23.6'**
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)	39%			
Lot Frontage	**100 ft**	**50'**		**50'**
Lot Depth	100 ft	130'		
Bldg Coverage %	**20%**		**30.33 %**	**10.33%**
Impervious Coverage (variable)	35%			
Height	28 ft			
Lot Area.	**10,000 sq.ft**	**6,250 sf**		**3750 sq.ft**
Driveway from Prop. line.	10'			

Note: The request for a 1.8' variance for the Front Yard Set Back was denied.
The application was amended to conform to the Front Yard Set Back requirement of 25';
and a Lot Depth of 130'.

1272 Azam & Dalia Hasisey 52 7th St. Block 61 Lot 1104

Mr. and Mrs Hasisey were granted the following variances. They would like to construct an addition to their house.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	**25ft**		**18'**	**7'**
Side Yard Abutting/Lot	**15 ft**		**8'**	**7'**
Combined Side yards	35 ft			
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)				
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	**20%**		**24.32 %**	**4.32%**
Impervious Coverage (variable)	**30%**		**38.23%**	**8.23%**
Height	28 ft			
Lot Area.	10,000 sq.ft			
Driveway from Prop. line.	10'			