

**Borough of Cresskill
Zoning Board of Adjustment
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1203 Kogan (cont.)

30 Clark St.

Block 196 Lot 7

Mr. **Amicucci** asked if that was a roof on the side yard.

Mr. **Leventis** said that is an existing porch.

Mr. **Amicucci** asked if there was a roof over that porch.

Mr. **Leventis** said that there is one now but we are replacing it.

Mr. **Amicucci** asked how large is it, there are no numbers on the plan.

Mr. **Leventis** said we are going 4' with the new portico.

Mr. **Amicucci** said you need a Side Yard variance too.

Mr. **Leventis** said we are requesting a Side Yard variance.

Mr. Amicucci checked the Side Yard variance requested.

Mr. Amicucci said that he had looked at homes on that street and quite a few have decks in the back yard, but none have roofs. That concerns me. I do not have a problem with anything else.

Mr. **Leventis** said that they could revise the plans to eliminate the roof.

Mr. **Kassis** questioned the calculations on the plan.

Ms. **Furio** asked if there were columns on the portico.

Mr. **Leventis** said that there are columns planned for the new portico.

Mr. **Kassis** said do you agree that the number is incorrect ?

Mr. **Leventis** said that we need 35' and we are requesting variance for the existing side yards.

Ms **Furio** said that the side yard on the driveway where the portico is shown as 18.41', but with the portico you need to subtract 4' (for the roof) leaving 14.41'.

Mr. **Leventis** said that is what is proposed. It is 18.41' on one side and then it skews back to 18.39' on the other. The side of the house is not parallel to the property line. The same thing occurs on the other side.

Mr. **Amicucci** said the portico comes out 4', what do you have left.

Mr. **Leventis** said that there was 14' left to the property line.

Mr. Amicucci said that 14.78' on the other side adds up to...

Mr. **Leventis** said 28.78'

Mr. **Amicucci** said that the proposed Combined Side yards is shown as 33.19'.

Ms. **Furio** said that the 4' for the portico was not included.

Mr. **Amicucci** said that we can make an adjustment to that. It should be corrected.

Ms. **Batistic** asked why do you need 23' wide driveway ?

Mr. **Leventis** said that right now there is a single car garage which will be enlarged for 2 vehicles.

Ms. **Batistic** said that standard parking stall is 9' wide, times 2 is 18'. If you have 20' that's another extra 2', and you would not need the 2' variance for the driveway to the property line.

Ms. **Kogan** expressed her concern of the maneuverability of the cars when there are 2 cars in the garage.

Ms. **Batistic** said that 4 cars can be parked in the driveway.

Ms. **Kogan** said that they want to be able to get a car out of the garage when there were cars parked in the driveway.

Ms. **Batistic** said that if you made the driveway 2' narrower you would still be able to do what you want.

Ms. **Kogan** explained, using the drawing, her concerns on moving a car out of the garage with a narrower driveway. By having a wider driveway, they would not need to park a car on the street.

Ms. **Batistic** said that if you add 8'10", there will be plenty of room to park a car without interfering with the garage line. You will be able to eliminate a variance.

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Mr. **Moldt** agreed.

Mr. **Amicucci** asked how wide is the garage door.

Mr **Leventis** said 8’.

Mr. **Amicucci** said that with 12’1” you have 4’ of play. You have plenty of room for another car.

Mr. **Leventis** said that he agreed.

Mr. **Moldt** said if you have 4 cars parked in the driveway, you will have to leave one car out whether you have the extra 3’ or not. The 3’ will not make it maneuverable.

Ms. **Kogan** agreed to reduce the driveway width.

Mr. **Moldt** said it would have been very helpful if we had had plans with elevations. The plan gives minimal information making it difficult to interpret what is going on.

Mr. **Moldt** asked what is the square footage of the interior of the house.

Mr. **Leventis** said 2488 sq.ft- below the FAR. This number includes the driveway and walkway. The first floor is 1053 sq.ft and the 2nd floor is 1256 sq.ft. total 2309 sq.ft.

Mr. **Moldt** asked what is the FAR.

Mr. **Leventis** said that in the R10 zone the limit is 31.9%. We are proposing 20.74%.

Mr. **Moldt** said that the FAR includes both floors. 1520 sq.ft and 1520 sq.ft is 3040 sq.ft which is 40%.

Mr. **Leventis** said that the 1520 sq.ft does not include the area of the garage.

Mr. **Kassis** said that the 2nd floor is just under 1400 sq.ft.

Mr. **Vladimir Kogan** was sworn in.

Mr. **Vladimir Kogan** said that the current sq.ft of the house is less than 1000 sq.ft. The addition to the front is around 200 sq.ft. That is not close to 1500- somewhere there is an error. The move forward is 6’.

Mr. **Moldt** said that it appears to me that you might be over the FAR but I don’t have actual numbers here. If you have a roof over the deck then the deck is included in the FAR.

Mr. **Kogan** said that he was using conservative estimates. If the house is 1000 sq.ft now, the front addition is about ...

Ms. **Furio** said 227.5.

Mr. **Kogan** said about 1220 sq.ft on the first floor. The 2nd floor goes straight up. So there are 2400 sq.ft.

Mr. **Moldt** said that based on those numbers the FAR is 32.1% versus the required 31.9%.

Mr. **Moldt** said that he was uncomfortable because we do not have the actual numbers.

Mr. **Amicucci** said that he thinks it (FAR) is close enough.

There was further discussion among the board members and Mr. Kogan, based on the plan, as to what the real figures were.

Mr. **Moldt** said if there is no roof over the deck and the numbers are correct then the FAR is fine.

Mr. **Amicucci** asked if there was anyone in the audience for or against this application.

Mr. **Kassis** what is the elevation in the back from the floor level to the ground.

Mr. **Leventis** said it is about 2.5’.

Mr. **Kassis** asked what is the height of the deck at its highest point.

Mr. **Leventis** said that at its highest point its about 10’.

Mr. **Moldt** made the motion to approve the application contingent on the removal of the roof over the deck, and the driveway enlarged to not more than 21’ in width.

Ms. **Furio** seconded.

The motion was passed with one dissention.

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Ms. Erem said that Mr. Azzolina had requested oversize piping to handle a 2" rainfall. We have agreed to do that, and have submitted the plan to Mr. Azzolina.

Mr. Amicucci said the resolution of 2002 specified that there were 86 parking spaces. You now have 81.

Ms. Erem said we are proposing 85 at this time.

Mr. Amicucci said I walked through that parking lot twice since the last meeting. I counted the parking spaces and I get a total of 79. Three of those spaces are in doubt- one is in front of the back dumpster and is half a parking space; at another container on the side of the driveway there are 2 parallel parking spaces. Today, I did a drive through and there were 4 cars parked in the no parking zone at the front of the building, I know that a fire truck would not fit through it. There was one car parked in the no parking zone in the back.

Ms. Erem said we do have a survey from a licensed professional surveyor indicating 81 spaces. We are in accordance with your code.

Mr. Ralph Rosenberg, architect, was sworn in.

Ms. Erem submitted exhibits A-10 (floor plan) and A-11 (proposed exterior elevation).

Mr. Rosenberg, using exhibit A-10, described the current facility and the proposed addition. Two rooms to be added to the south side and two rooms to the east side making a total of 4 rooms at the front of the building. Along the back of the building 8 private rooms and 4 semi-private rooms. Total is additional 22 beds.

Mr. Rosenberg described the enlargement of dining and therapy facilities.

Ms. Erem asked if Mr. Rosen had selected those locations to minimize impact to the greatest extent possible.

Mr. Rosenberg said that he had taken advantage of under-utilized space

Mr. Amicucci asked if anyone had any questions regarding this report.

Mr. Rosenberg described Exhibit A-11 (Rendering).

Mr. Rosenberg said that they want a seamless transition from the existing building to the new additions. He described the exterior appearance of the expanded building.

Mr. Rosenberg said that one of the variances was an increase to the length of the building. He interpreted the length of building, in the ordinance, as being uninterrupted, in contrast, the wall in the application plan will have a break projecting to the north.

Ms. Erem asked will there be any building mounted lighting as a result of these additions ?

Mr. Rosenberg described the exit lights.

Mr. Moldt asked if there will be lighting at an exit and what type of lighting.

Mr. Rosenberg described the lighting which was at the egress only exit.

Ms. Furio asked for clarification on the Front Yard Set-back. The building has 2 fronts on County and on Ackerman.

Mr. Rosenberg agreed.

Ms. Furio noted that on the north-west corner the set-back was 21.7' where the required set-back is 25'.

Ms. Erem agreed.

Mr. Merzel asked for an explanation of the areas within the building that were not labeled on the plan.

Mr. Rosenberg said that they were for support and storage for the staff. All non-resident type support. These are existing.

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Mr. **Merzel** asked if the expansion of the re-hab was for residents only, or were there out-patients as well.

Mr. **Rosenberg** said it was primarily for residents only. It is becoming more of a short-term facility.

Mr. **Hodges** said that it was all in-patient care.

Mr. **Merzel** asked if there were any other possibilities to extend this building without needing these specific variances. Looking at the areas within the 'H' shape of the building, did you look into extending into those areas rather than having to extend it with the variances.

Mr. **Rosenberg** said that we did at the early stages of the development but we found that the detriment to the facility meant very long, very linear, very dark corridors- getting light into the residences. We wanted to minimize as much as this is making an enclosure. The re-hab growth was mandatory to get the facility up to current standards. We needed to increase the parking. The circulation pattern, the staff, the knowledge of running the facility- making it non-disruptive.

Mr. **Merzel** said at the last meeting it was stated that you are trying to add these beds without adding staff. By keeping to this pattern it makes it easier for the staff to service the added rooms.

Mr. **Merzel** said that if you made the expansion on Ackerman within the 'H', then you could keep the parking where the proposed addition is now.

Mr. **Rosenberg** said that they could only add residences with outside exposure.

Mr. **Merzel** asked is the best solution because of the way the nurses and staff runs the place, or is it a better solution for the patients for some other reason. Was this really necessary or were other solutions considered.

Mr. **Rosenberg** said we did look at other solutions. He described the logistic difficulties in the other solutions.

Mr. **Moldt** asked about accessing various services, were they to close off the back.

Mr. **Rosenberg** described the difficulties that were entailed.

Ms. Erem asked Mr. **Merzel** if his question had been answered.

Mr. **Amicucci** said if you build that new area you have to move those patients from the northern corner to the front of the building.

Mr. **Rosenberg** agreed.

Mr. **Amicucci** asked- you can do that with the staff that you have.

Mr. **Rosenberg** said that the reality of long corridors is inevitable.

Mr. **Amicucci** said you are adding 22 beds / 15 rooms but you are not expanding the dining room.

Mr. **Rosenberg** said no we are not, because the dining room is adequate enough and has room to grow.

Mr. **Hodges** said that in their experience the re-hab patients prefer to dine in their rooms rather than the dining room.

Mr. **Amicucci** asked if they had an analysis of how many patients prefer to eat in their room instead of the dining room.

Mr. **Hodges** said that it was anecdotal. Short term patients prefer room service.

Mr. **Amicucci** said that this would mean more work for the care givers.

Ms. Erem said that nothing is planned here that is illegal nor not in accordance with the law.

Mr. Van Horne said that we do not doubt that, we are just skeptical about whether or not you are going to hire more staff.

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Ms. Erem said that the representation is ‘no’, and the testimony was that we did not need to hire because we are already over-staffed by almost double, and if we did increase by 22 beds we would still be over-staffed.

Mr. Amicucci said that he is concerned that the new addition to the building is protruding into the Ackerman front yard.

Mr. Rosenberg said that they were increasing the landscaping. Currently what exists is a lot of asphalt for parking. With the addition there will be an increase in screening and landscaping on Ackerman. By moving the building closer to Ackerman we eliminate parking, so visually we giving Ackerman a lot more green and trees.

Ms. Erem said that at the last meeting we agreed to add more trees to screen the addition from the neighbors.

Mr. McLaughlin said he was concerned that we were losing 6 trees from the front. The front elevation on County Rd shows how stark its going to be. I know that trees will be transplanted but I am concerned by how that will look from County Rd.

Mr. Fowler reviewed the Landscape Plan, A-5.

Mr. McLaughlin said than he looked at the plan there were 6 trees that were coming out.

Mr. Fowler said that they were removing 17 trees, transplanting 8 of those, and were adding 5 new trees- we have a net loss of 4 trees.

Mr. Fowler described the landscaping planned along County Rd., Ackerman, and the parking islands. He described the trees planned for the SE corner of the building and the foundation plants.

Mr. Moldt said the rendered elevation along the front is not from County Rd. Could we have a review of elevations with regard to where the parking lot is, to where the sidewalk is, and to the height of the shrubbery.

Mr. Moldt said that he understands Mr. McLaughlin concern that the building will be much more visible because trees are being taken out.

Mr. Fowler discussed the relative elevations of the building and the parking lot. He explained the locations of the trees and the shrubbery (3’ to 4’ height).

Mr. Moldt said that from the finished floor to the street it is roughly about 3’.

Mr. Moldt asked about the shrubs near the sidewalk.

Mr. Fowler said 3’ to 4’. They must be below window level.

Mr. Amicucci asked if there was, now, a big Maple tree in the front.

Mr. Fowler said that there were 2 trees shown but were not identified.

Mr. Amicucci said that in the 2002 resolution is stated that the Maple Tree in front of the premises shall remain.

Mr. Azzolina said he had looked at the prior plans and the demolition plan. The 2 trees referred to will remain.

Mr. Fowler said that Mr. Azzolina was referring to the 2 trees on either side of the entry. They are staying.

Ms. Batistic asked on the parking island on County Rd., is it possible to take a couple of feet on the side from each end and plant another tree to provide shade and screening.

There was a discussion between Ms. Batistic and Mr. Fowler about adding another tree.

Mr. Fowler agreed to consider Ms. Batistic’s suggestion.

Mr. Kassis asked about the set-back of 25’, has consideration been given to removing 2 beds and moving the addition 2’ so that the set-back is not disturbed.

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Mr. **Rosenberg** said that he could not answer that.

Ms. **Erem** said that when our Planner testifies he will present the regional need for the additional beds.

Ms. **Erem** said that the board should consider that when we look for a variance what mitigation are we offering to mitigate any potential impact. So when you are concerned about a set back, you are concerned about an impact. So what the Planner will discuss is how we are mitigating any negative impact to any neighbors. This is the plan that we are presenting. When the planner testifies then you can present your other questions.

Mr. **Merzel** asked out of the existing 32,000 sq.ft., how much is the 2 wings with the beds.

Mr. **Rosenberg** said about 75% to 80%.

Ms. **Erem** asked if you eliminated the 2 beds, would you be eliminating just the room or the corridor as well.

Mr. **Rosenberg** explained how moving the addition 2' could be accomplished.

Ms. **Erem** asked Mr. Amicucci if he was going to ask if anyone in the audience had any questions.

Mr. **Amicucci** said he wants to wait until all the witnesses have testified.

Ms. **Erem** asked for a 5 minute break.

The 5 minute break was granted.

Ms. **Erem** said that before the break Mr. Kassis had expressed concern about the front yard variance on Ackerman, and asked if we would consider pulling that part of the building away.

Mr. Fowler will explain to the board that we can pull that back.

Mr. **Fowler** said that some internal modifications will allow us to shift the building 3.3' to the east, and will eliminate the set-back variance.

Mr. **Amicucci** asked are you eliminating any beds.

Ms. **Erem** said we are not eliminating any beds because there is a Certificate of Need issue, which demonstrates the need for this service in this region.

Mr. **Merzel** asked what is a Certificate of Need ?

Ms. **Erem** said that the Certificate of Need is issued by the Department of State that you can put this many beds in this facility in this region because there is a demonstrated need for that in the state of New Jersey. You cannot just put beds anywhere, you have to have a Certificate of Need for skilled nursing beds in order to put them into service. So this facility has that certificate for this number of beds.

Mr. **Merzel** said so the certificate says that the State department agrees that the additional beds would be useful.

Ms. **Erem** said not useful, necessary.

Mr. **Merzel** said necessary for the public to have that service

Ms. **Erem** said it is a public benefit.

Mr. **Merzel** said that the certificate refers to a region and not a particular building.

Ms. **Erem** said it is a regional need and there are a certain number of facilities in the region for and this Certificate of Need has been approved for this facility.

Ms. **Furio** said now that the part of the building on Ackerman will be in compliance, will we still be getting all the extra shrubbery.

Ms. **Erem** said everything else will stay the same.

Ms. **Dianne Viggiano**, Professional Real Estate Appraiser and Consultant, was sworn in and stated her credentials.

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Ms. **Erem** said that she was offering Ms. Viggiano as an expert in the field of Real Estate appraisals.

Mr. **Moldt** excused himself and left the meeting.

Ms. **Viggiano** testified that she had reviewed the file for the application, including the architectural renderings. She had inspected the facility both interior and exterior. She met with the administrator. She toured the immediate neighborhood. She gathered sales data on single family homes near the facility. She talked with the Tax assessor and obtained data related to the sales. She reviewed the municipal records for the properties. She obtained data from other sources such as the Multiple Listings. Organized the data into elements of comparison: style, sq.ft., amenities for the different properties. She utilized the time period 2004 to 2011. She compiled the data based upon common denominators such as price per sq.ft. She performed the same analysis on homes that were several blocks away which would not be influenced by being next to a skilled nursing facility. She performed the same analysis in other communities in northern NJ (in Wayne and Livingston).

What she found was that in any given year and consistent in all locations she examined, the proximity to a CareOne facility had no impact on the market value of the home- price per sq.ft. they sold for. Our office, Appraisal Consultants, has performed similar studies. Most recent, for a SunRise Assisted Living. The results have always been consistent, that there is no negative influence, discernable, to the value of a single family home owing to its proximity to a skilled nursing facility.

The facilities dedicated to elder care are constructed in residential style and are architecturally consistent with the surrounding residential uses. They are harmonious and they blend. The use is not intensive use with regard to noise and traffic. Therefore they do not detract from the utility of the surrounding properties. Specific to this property, it is located entirely in the "P" zone. Permitted uses in this zone include a 2 story office building with a side yard of 15'. Any prospective buyer purchasing this property may look to maximize the financial benefit of the property and could construct a 2nd story and move 15' closer to the property line. So what is proposed is a less intensive use and much more beneficial to the neighborhood.

This property has been there for 40 years and is part of the neighborhood 'badrack'.

The impact to the neighbors to the north, what would be the impact of this addition. The answer would be none, because they never had a right to a set-back greater than the 15' that's allowable by the zoning. By this facility doing what it is doing now- going another 5' over, not constructing another story- it is a much more compatible use to the residential properties surrounding it. There is no lose in utility or enjoyment of their property by what is being proposed, and is far less intrusive than what the zoning would allow.

Ms. **Furio** asked if ambulances with sirens come for the residents ?

Ms. **Erem** said that an ambulance would be called in for an emergency.

Mr. **Amicucci** said that the height in the P Zone is 28'. How high is the building now?

Mr. **Rosenberg** said a rough estimate is 25'.

Ms. **Erem** said that our engineer has determined it's a 20' building, and that we will be matching the existing height of 20'.

Mr. **Rosenberg** said there is no plan to go above the existing ridge. The ridge line existing is the ridge line proposed.

Mr. **Amicucci** said that a commercial building could be 2 stories. It could only be 28' which is the normal height of a single family home. When you build a professional building the parking

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changes because it needs more parking. It is feasible that someone buys the property and builds a professional building, but they do have to abide by the codes. It might be beneficial to have a professional building there, considering the existing parking problem.

Ms. **Viggiano** said depending on the type of professional building you might have much more traffic and the lighting might have a greater degree of spillage. There is a whole lot of other intrusive aspects to a commercial building than this which is a residence and blends with all the residences.

Mr. **Amicucci** said according to the Zoning Code they would need a lot more parking.

Mr. **Merzel** said you mentioned that you were licensed as a commercial appraiser, does that qualify you to do residential appraisals as well.

Ms. **Viggiano** said that it did.

Mr. **Merzel** said that you feel that a residential home sitting next to a nursing facility has no impact to the value whatsoever.

Ms. **Viggiano** said in our study we found that the value was not impacted by being next to the CareOne facility. What it is impacted by would be other factors such as being on County Rd

Mr. **Merzel** said we are talking about the value of a residential property that is adjacent to a facility versus an identical home on the same type of busy street that is surrounded by homes without a facility next door. You are saying that there is no effect on the value whatsoever.

Ms. **Viggiano** said that was what she was saying, and that she could also point to the Livingston facility which has right next to it a luxury condominium complex. All the units are pretty much the same, built between 2000 and 2004. The units that were bordering the property line sold for the same amount as the ones further away. There are many other cases like that. Other factors impact the value such as the main road or other external obsolescence to the property. The skilled nursing facility is a quiet use. It is a residence and blends harmoniously with the neighborhood and does not detract from the utility of being able to enjoy your yard.

Mr. **Merzel** said you checked Sunrise and other facilities. Sunrise maybe a 4 story building. I find it hard to believe that a residential home sitting next to a large structure like would not have its value impacted.

Mr. **Merzel** asked what is the purpose of bringing Ms. Viggiano as an expert witness.

Ms. **Erem** said before we appeared before the board we invited the neighbors to come. Mr. Eli drove down from Massachusetts to meet with us. Mr. Eli asked if the value of his property, which is next door, could possibly be impacted by this addition. We brought in the expert witness to satisfy Mr. Eli.

Mr. **Merzel** said that in your opinion there is no impact on the existing structure and it would not change with the addition as well.

Ms. **Viggiano** particularly for Mr. Eli's property because he does not have a right to anything greater than 15' and they are staying 20'. So there is no impact that is discernable on his property. It is not coming any closer than allowed by zoning.

Mr. **Amicucci** said that he agrees with Mike. You are saying if there is a home next to the building (facility) it is just as valuable as a home that is in a completely residential area.

I disagree. If I had a choice I would not buy a home next to a nursing home. I would buy a home away from it.

Ms. **Viggiano** said that all things being equal, there is no discernable impact in any of the studies we have done.

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Mr. **McLaughlin** asked if the study conducted on the Sunrise facility was in Cresskill or in another town.

Ms. **Viggiano** said it was another town.

Mr. **Amicucci** said that if he was considering buying a house on Ackerman he would be concerned with all the cars parked there. There is a parking problem (at the CareOne facility) and they park on Ackerman, off County Rd., and wherever they can park. The parking concerns me. Comparing single family homes with condos is not comparing apples to apples. Condos are part of a big complex.

Mr. **Merzel** said he knows a lot of people that have an issue with homes that are close to parking lots. Any type of set-up that involves a large space with cars is not a plus for residential homes nearby. In a development like a town-house, that whole complex is full of parking spaces. So when you go through a town house complex there is tons of parking spaces all over, that is part of the look. When you are talking about residential homes you are talking about a street with driveways. If for not any other reason just for the fact that a facility like this has lots of parking spaces, that is not a plus. A lot of people prefer not to buy a home next to a parking lot.

Ms. **Erem** asked Ms. Viggiano if there are any studies, with respect to single family homes, that indicate if this type of facility is located next to a single family home whether that would impact the value of the home.

Ms. **Viggiano** said my study included most. The only one that I did that was a town house was the one in Livingston, because it was recent. That was the only one that was a town house. The rest of the study was single family homes in many communities in NJ.

Ms. **Erem** said when you did that study what was your conclusion as a result of your analysis of those sales.

Ms. **Viggiano** said there was no impact on value to the single family homes owing to its proximity to a nursing facility versus one that was further away. All things being equal.

Mr. **Merzel** asked what else was in that neighborhood.

Mr. **Merzel** asked in the studies that you have done, was it a residential area with one facility was not representative of the rest of the area. Or was it an area that had other buildings and large structures.

Ms. **Viggiano** said that typically these facilities are located on main roads with other commercial uses nearby. So that impacts the value of the residential home as opposed to a home that is on a quiet cul de sac. That was the impact- not the impact of the CareOne facility.

Mr. **Merzel** asked if they also looked at 'Days on Market'.

Ms. **Viggiano** said yes they did. That was part of the study: Days on Market, amenities, sq.ft., adjusted for all the elements of comparison. Specifically the only impact was the proximity to a main road, other commercial uses nearby, as opposed to a home in a quiet residential neighborhood.

Ms **Erem** said that it was 10:30 pm and that she did not want to introduce another witness. She would like to conclude the meeting.

Mr. **Amicucci** said that we will continue next month, March 22, 4th Thursday of the month. A member of the audience asked what was is the criteria for granting a variance.

Mr. **Amicucci** said the criteria is, it has to be a hardship.

