

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

SPECIAL MEETING AGENDA v2

Warren Craft Meeting Room

May 13, 2021

7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. In addition, the public will be able to view the meeting live on Optimum/Cablevision TV – Channel 15 and Verizon FIOS TV – Channel 35 and the meeting will also be streamed live for those interested in watching on their computers. The link will be available at 7:30 PM by clicking on the “Watch the Meeting Live” icon on the Bernards Township homepage. During the meeting, questions and/or comments from the public will be accepted **only** during the public questions and /or comments periods of the meeting. Those questions/comments may be offered in person at the hearing or by calling 908-202-6426. Please use Google “Duo” for your call. You will be required to provide your name and address and be sworn in prior to making comments. Please register your telephone number with the Board Secretary (ckiefer@bernards.org or 908-204-3026) prior to the meeting.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
 - A.** May 5, 2021 – Regular Session
- 6. COMPLETENESS AND PUBLIC HEARING**
 - A.** [Calvert, Caeleigh B.](#); Block 603, Lot 12; 19 Fieldstone Drive; Bulk Variances; ZB21-020
- 7. PUBLIC HEARING** (continued from 04/07/2021)
 - A.** [Braemar Partners](#); Block 8201, Lots 22, & 23; 3066-3074 Valley Road; Preliminary/Final Site Plan, D(3) Conditional Use Variance, Bulk Variances; ZB20-027
- 8. COMMENTS FROM MEMBERS**
- 9. COMMENTS FROM STAFF**
- 10. ADJOURN**

05/06/2021 dssw

**TOWNSHIP OF BERNARDS
2021 ZONING BOARD OF ADJUSTMENT APPLICATION**

- | | |
|---|---|
| <p><input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance
<input type="checkbox"/> Use ("d") Variance
<input type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input type="checkbox"/> Site Plan - Preliminary / Final</p> | <p><input type="checkbox"/> Appeal of Zoning Officer's Decision
<input type="checkbox"/> Interpretation of Zoning Ordinance
<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision - Preliminary / Final
<input type="checkbox"/> Other (specify):</p> |
|---|---|

1. APPLICANT: Caeleigh Calvert

Address: 19 Fieldstone Dr., Basking Ridge, NJ 07920

Phone: (home) _____ (work) _____ (mobile) 802-353-1542

Email (will be used for official notifications): cbscalvert26@gmail.com

2. OWNER (if different from applicant): _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: _____ Profession: _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

5. PROPERTY INFORMATION: Block(s): 603 Lot(s): 12 Zone: _____

Street Address: 19 Fieldstone Drive Total Area (square feet/acres): 0.58 acres

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

☒ No ☐ Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:

install 100' of new fence along boundary between houses. Requesting approval for 6' wooden fence. Replace existing fence and move back 20 feet. Existing fence is 6', solid, wood fence. Extend other side 30'.

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

6' height - solid wood

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:

Existing fence is 6' in height.
Road noise from Rte. 202 is significant.
Fence will be for privacy from neighbors.

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Caerlegh Calvert and _____ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): [Signature] and _____

Sworn and subscribed before me, this 6th day of January, 2021.

[Signature]
Notary

MICHELLE M. BOUTIN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 2/12/2024

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application,

hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary

Scope of work: Replace existing 6' high cedar wood fence. In the process, move it back 20' and extend one side by 30' and the other by 85'.

Need for variance: Property is considered a through-lot. 6' fence with less than 50% see-thru is in violation of zoning regs.

Reason for request:

1. Noise abatement – Property borders Route 202, albeit well back from the road and at the top of a hill.
2. Privacy
3. Safety – Three young children.

Comments:

1. Existing 6' fence is falling down.
2. Fence is all but invisible from Route 202 because of woods and height of hill. Calling it a through-lot is more technicality than reality.

TOWNSHIP OF BERNARDS 2021 ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED

DEC 21 2020

- | | |
|---|--|
| <input type="checkbox"/> Bulk or Dimensional ("c") Variance
<input type="checkbox"/> Use ("d") Variance
<input type="checkbox"/> Conditional Use ("d") Variance
<input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance
<input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Appeal of Zoning Officer's Decision
<input type="checkbox"/> Interpretation of Zoning Ordinance
<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision - Preliminary / Final
<input type="checkbox"/> Other (specify): |
|---|--|

1. APPLICANT: Braemar Partners

Address: 13140 Freemanville Road, Milton, Ga. 30004

Phone: (home) _____ (work) _____ (mobile) 404-402-9489

Email (will be used for official notifications): cstanfield@braemarpartners.com

2. OWNER (if different from applicant): Rica Properties LLC (Lot 22) & Rica Realty Rental Group LLC (Lot 23)

Address: 151 Mt. Bethel Rd., Warren, N.J. 07059

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: Jeffrey Lehrer, Esq.

Address: 15 Mountain Blvd, Warren, N.J. 07059

Phone: 908-757-7800 ext. 180 Email (will be used for official notifications): jlehrer@newjerseylaw.net

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary): See attached

Name: _____ Profession: _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

5. PROPERTY INFORMATION: Block(s): 8201 Lot(s): 22 & 23 Zone: R-6

Street Address: 3066-3074 Valley Road Total Area (square feet/acres): 509,089 S.F. / 11.69 ac.

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☐ No ☐ Yes (if yes, explain) Zoning information provided is for the lots as consolidated, and in accordance with the conditional use standards.

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?
[X] No [] Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: _____
See attached

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.): _____
See attached

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____
See attached

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

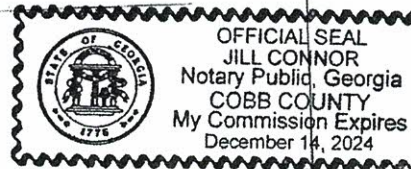
I/we, Robert Stanfield and _____ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): _____ and _____

Sworn and subscribed before me, this 15th day of December, 2020

Notary

Jill Connor



OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application,

hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary

CONSENT OF OWNER

I, Donald Rica, am the Managing Member of Rica Properties, LLC, the owner of Block 8201, Lot 22 as shown on the Tax Map of the Township of Bernards, and also the Managing Member of Rica Realty Rental Group II, the owner of Block 8201, Lot 23 as shown on the Tax Map of the Township of Bernards, both lots of which are the subject of this application. As such, I hereby authorize Braemar Partners to act as our agent for purposes of making and prosecuting this application, and I hereby consent to the variance relief granted and all conditions of approval thereof.

Signature: _____

Sworn to and subscribed before me this 4th day of December, 2020.

Barbara W. Lemley

BARBARA W. LEMLEY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Jan. 31, 2024

DESCRIPTION OF THE PROPERTY AND PROPOSED PROJECT

Applicant is proposing to construct an 80 unit, 87 bed assisted living facility on property designated as Block 8201, Lots 22 & 23 on the Tax Map of the Township of Bernards. (the “Property”), more commonly known as 3066 Valley Road (Lot 22) and 3074 Valley Road (Lot 23). The Property currently includes two single-family homes, one on each existing lot.

Applicant proposes to remove the two existing homes, consolidate the two lots and construct a two-story 80 unit, 87 bed assisted living facility (the “Facility”) including units for memory care and assisted living. The units will be studio, one-bedroom and two-bedroom units. The Facility will also include, among other things, dining rooms, activity rooms, library, theater and outdoor court yard areas. Forty-two parking spaces are also proposed, where only 40 are required. More specific information is provided in the Statement of Building Use attached, and will be presented through testimony at the public hearing.

Statement of Building Use:

The Applicant proposes to construct a two-story 80 unit assisted living/memory care facility. The proposed facility includes 51 assisted living units and 29 memory care units.

The proposed facility will promote aging in place in a homelike setting for frail elderly and disabled persons, including persons who require formal long-term care. The facility will assure that residents receive supportive health and social services as they are needed to enable them to maintain their independence, individuality, privacy and dignity in an apartment-style living unit. The assisted living environment promotes resident self-direction and personal decision-making while protecting residents' health and safety. The proposed facility will be for senior citizens who are able to live independently in apartment-style units but require some assistance with the activities of daily living. The facility will offer a suitable living arrangement for persons with a range of capabilities, disabilities, frailties and strengths.

At minimum, the facility will provide:

- (a) Indoor and outdoor recreational facilities.
- (b) Physical therapy facilities.
- (c) Entertainment facilities.
- (d) Libraries.
- (e) Dining facilities and food preparation facilities.
- (f) Housekeeping and laundry services.
- (g) Emergency medical services and private emergency transportation facilities.
- (h) Twenty-four-hour staffed reception area, including a security person available at all times to respond to and handle emergency situations and inquiries.

Minimum basic services at the community shall include:

- (a) Assistance with eating, bathing and dressing.
- (b) Assistance with arranging transportation.
- (c) Assistance with personal and household chores.
- (d) Housekeeping and linen service.
- (e) Availability of three meals a day in a congregate setting.
- (f) Organized social and recreational activities.
- (g) Medication reminders and supervision.
- (h) Monitoring of nutrition and health.

- (i) Protective supervision.
- (j) Twenty-four-hour response to emergency needs of the residents.
- (k) Services coordination and management.

Residents in facility ALF shall be restricted to persons 55 years of age or older except that residents within the facility also may include the following persons:

- (a) A spouse under 55 years of age married to and living with an occupant who is over that age;
- (b) Persons over 21 years of age who are related to, employed by or on the basis of friendship desire to live with an occupant who is 55 years of age or older; or
- (c) A person under 55 years of age who is admitted to the special needs unit of the ALF with Alzheimer's disease or a similar affliction or handicap

The proposed facility will provide units affordable to low- and moderate-income persons as defined by the State of New Jersey Council on Affordable Housing (COAH) at a rate of at least ten (10%) percent of the number of units to be developed and in accordance with Bernards Township Land Development Ordinance Sec. 21-12.3.m.9.

DESCRIPTION OF VARIANCES AND EXCEPTIONS

The following variances are requested in connection with this application:

Sec. 21-12.3m.5.(b)- The lot or tract on which the assisted living facility is situated.

Sec. 21-12.3.m.(6b)- Minimum lot frontage and width:

Required-500 feet

Proposed-440 feet

The following exceptions are requested in connection with this application:

Sec. 21-41.3-Maximum footcandle for the average maintained horizontal illumination of vehicular roadways for residential use.

Permitted: 0.4 f.c.

Proposed: 1.4 f.c.

Sec. 21-41.3- Maximum footcandle for the average maintained horizontal illumination of sidewalks for residential use.

Permitted: 0.2 f.c.

Proposed: 1.0 f.c.

ARGUMENTS IN SUPPORT OF APPLICATION

This application (the "Application") proposes the development of an 80 unit assisted living facility on Block 8201, Lots 22 & 23 as designated on the Tax Map of the Township of Bernards (the "Property"). The Property is located in the R-6 Residential Zone district where assisted living facilities are a conditional use. One of the conditions of such use is that the assisted living facility front on the county road known as King George Road. The Property is located on Valley Road (CR 512) at a point before its designation changes to King George Road (CR 651). For all intents and purposes, Valley Road at this location is the same as King George Road, and is often referred to as such. Thus, the site is an appropriate location for this use despite the designation of the adjacent roadway as Valley Road. Furthermore, the variance can be granted without substantial detriment to the public good, and it will not substantially impair the intent and purpose of the zone plan or zoning ordinance.

The only other variance is a lot frontage and width variance where 500 feet is required but only 440 feet is proposed. This is a pre-existing condition. The Application meets all other area and setback requirements.

Further testimony will be provided at the public hearing on this Application.

OTHER PROFESSIONALS

Engineer: Grant Lewis, P.E.
Dresdner Robin
55 Lane Road
Suite 220
Fairfield, New Jersey 07004
Phone: 973-696-2600

Architect: Meyer Design Inc.
227 East Lancaster Ave.
Ardmore Design 19003
Phone: 610-649-8500

Traffic Engineer: Atlantic Traffic and Design
30 Independence Boulevard
Warren, New Jersey 07059

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