

# **TOWNSHIP OF BERNARDS** **PLANNING BOARD**

## **MINUTES v2** **REGULAR SESSION** April 6, 2021

Chairwoman Piedici called the meeting to order at 7:34 PM.

### **FLAG SALUTE**

### **OPEN MEETING STATEMENT**

Chairwoman Piedici read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this meeting of the Planning Board of the Township of Bernards was posted on the bulletin Board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ, was mailed to the Bernardsville News, Whippany, and to the Courier News, Bridgewater on January 20, 2021 and was mailed to all those people who have requested individual notice and paid the required fee.

"The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 p.m. and no new witnesses or testimony heard after 10:30 p.m."

### **ROLL CALL:**

Members Present: Asay, Baumann, Crane, Damurjian, Eorio, Esposito, Fields, McNally, Manduke, Mastrangelo, Piedici  
Members Absent: NONE  
Also Present: Board Attorney, Steven K. Warner, Esq.; Township Planner, David Schley, PP, AICP;  
Board Planner, David Banisch, PP, AICP; Board Engineer, Larry Plevier, PE, CME;  
Board Secretary, Cyndi Kiefer

### **APPROVAL OF MINUTES**

March 16, 2021 - Regular Session - On motion made by Ms. Asay and seconded by Mayor Fields, all eligible in favor and carried, the minutes were adopted as drafted. Abstention for those who were not present: Mastrangelo

### **PUBLIC HEARING**

[Fellowship Senior Living Inc.](#); Block 9301, Lot 33; 8000 Fellowship Road; Preliminary/Final Site Plan; PB20-005

Present: Jennifer Phillips Smith, Esq., Attorney for the Applicant  
David Danton, AIA, PP, Architect for the Applicant  
David J. Fleming, PE, Engineer for the Applicant  
Brian G. Lawrence, President & CEO of Applicant Corporation

The following exhibits dated 03/23/2021 and prepared by David J. Fleming, PE, Marathon Engineering & Environmental Services, Inc. were entered into evidence:

- Exhibit A-1 – Overall Exhibit of Proposed Site Development Areas
- Exhibit A-2 – Exhibit Key Map – Fitness Center Addition
- Exhibit A-3 – Fitness Center Addition
- Exhibit A-4 – Fitness Center and Salon Addition Floor Plans
- Exhibit A-5 – Fitness Center and Salon Addition Elevations
- Exhibit A-6 – Fitness Center and Salon Addition Landscape Plan
- Exhibit A-7 – Fitness Center and Salon Addition Views
- Exhibit A-8 – Exhibit Key Map – Club/Locker Room Renovation
- Exhibit A-9 – Club Room Renovations – Floor Plans and Elevations
- Exhibit A-10 – Exhibit Key Map – Pond Deck Development Area

- Exhibit A-11 – Ephesus Pond Deck
- Exhibit A-12 – Lighting Plan
- Exhibit A-13 – Exhibit Key Map – Outdoor Recreation Area
- Exhibit A-14 – Outdoor Recreation Area
- Exhibit A-15 – Exhibit Key Map – Spruce Grove Area
- Exhibit A-16 – Spruce Grove Area
- Exhibit A-17 – Exhibit Key Map – Walking Trail/Dog Park Area
- Exhibit A-18 – Dog Park and Walking Trail
- Exhibit A-19 – Overall Exhibit – Parking Modification Areas
- Exhibit A-20 – Parking Modification Areas

Jennifer Phillips Smith, Esq., attorney with the firm of *Gibbons PC*, Newark, New Jersey, entered her appearance on behalf of the Applicant. She gave a summary of the proposed projects within Fellowship Village, an existing continuing care retirement community (CCRC) which is a permitted conditional use in the R-2 zone. These projects include a fitness center/salon addition, club locker room renovations, a dog park, and improvements to outdoor recreation areas, trails and parking areas. The proposal requires two exceptions along with NJDEP approval to permit trails/boardwalks within the wetlands. Finally, she stated that even with approval of the proposed projects, the site would continue to comply with the conditional use standards as set forth in the Township's ordinances.

Those Board Members who visited the site offered their observations.

Mr. Danton, Mr. Fleming, Mr. Lawrence, Mr. Banisch, Mr. Plevier and Mr. Schley were all duly sworn by Mr. Warner. He stated that notice was sufficient and timely, therefore the Board had jurisdiction to hear the application.

David Danton, AIA, PP, principal with the firm of *KDA Architects*, Voorhees, NJ, was accepted by the Board as an expert in the field of architecture. Using **Exhibit A-1**, Mr. Danton showed the location of each of the proposed projects. Noting that the proposed fitness center/salon is the major improvement, he used **Exhibits A-2** through and including **A-7** to show the various aspects of that project. He stated that although the color palette for the addition's exterior would be the same as the community center and apartments, the architectural design was intentionally understated so that it did not detract from the importance of the community center. Finally, he testified that river birch trees would be used to filter the view of the new structure from the nearby apartments.

Mr. Banisch suggested the use of some arborvitae along with the river birch trees to create more visual disruption between the apartments and the new fitness center/salon. Mr. Danton responded that the denseness of arborvitae or other evergreens would detract from the "feel" of walking through a campus.

**Exhibits A-8** and **A-9** showed the renovations/additions proposed for the men's and women's locker rooms located near the pool which, Mr. Danton opined, reflect the more upscale standards now expected by today's retirees.

A straw poll was taken, and the Board unanimously agreed that the proposed projects are in harmony with the existing structures which is a determination required by Township ordinance prior to approval of a conditional use application such as this one. The Applicant stipulated, as a condition of approval, to providing samples of the exterior building materials to the Township for approval.

**Exhibits A10** and **A-11** showed the proposed Ephesus Pond deck. Mr. Danton testified that it would be constructed of synthetic wood and would connect to the existing walking trails. He then addressed the requested exception for maximum lighting allowed on residential sidewalk areas, stating that in addition to the lighting on the pond deck, there would be lighting from the egress points of the fitness center/salon. Because these areas are designed for seniors who need a higher level of illumination for safety purposes, he opined that the proposed lighting levels are appropriate even though they exceed the maximum allowed. The lights on the fitness center would be wall mounted and shielded so that there would be no direct light source glare to the windows of the adjacent apartments, adding that they would remain on all night since the fitness center is open 24/7. Similarly, the lighting on the deck would also be shielded and downward directed.

The Board entertained significant discussion as to whether to require inspection by a landscaping and lighting committee after completion of the projects, should there be an approval. The results of a straw poll indicated that

the Board was not in favor of requiring the Applicant to conduct a night light test. As a result of a second straw poll, the Applicant stipulated, as a condition of approval, to providing as-built plans to the Township Engineer to verify that the specifications for the lighting fixtures installed matched those of the fixtures currently proposed.

Hearing no further questions from the Board or its professionals, Chairwoman Piedici opened the hearing to the public, present or via telephone, for questions of this witness. Hearing none, that portion of the hearing was closed.

David J. Fleming, PE, Director of Engineering for the firm of *Marathon Engineering & Environmental Services Inc.*, Swedesboro, NJ, was accepted by the Board as an expert in civil engineering. Referring to **Exhibits A-13** and **A-14**, Mr. Fleming stated that a bocce court, pickleball court, and shuffleboard court are proposed. Noting that there would be no new lighting in this area, he provided testimony about the stormwater management system that would collect the additional runoff associated with the new courts.

**Exhibits A-15** and **A-16** showed improvements proposed for the Spruce Grove area which include a new walkway with stone piers at each end. As a condition of approval, Mr. Fleming stipulated that the one pier which appeared to be located inside zone one of the stream buffer conservation easement, would be relocated to zone two.

A pedestrian walking trail/loop including a raised boardwalk through a conservation easement (wetlands) and a dog park, both in the southwest area of the site were depicted in **Exhibits A-17** and **A-18**. Mr. Fleming testified that a boardwalk requires NJDEP approval and that an application for the required permits is pending. Ms. Smith stipulated, as a condition of approval, that after the Applicant receives those permits, a request would be made to the Township Committee to amend the conservation easement to allow installation of the boardwalk.

Ms. Smith stated that, in response to concerns voiced by Ellen Pinson, owner of an adjacent property located at 99 Allen Road (Block 9401, Lot 8), the following would be stipulated to, as conditions of approval: relocate the bird blind farther away from the shared property line, leave at least 50 feet from any walkway to the shared property line and finally, extend the existing board-on-board fencing at least 50 feet to an agreed-upon pine tree.

**Exhibits A-19** and **A-20** showed the changes proposed for three (3) parking areas which Mr. Fleming opined were minimal. He testified that even with the reduction of two (2) of the existing ADA parking spaces, the Applicant exceeded the number of required ADA spaces as well as the number of required regular spaces.

Mr. Fleming stipulated, as conditions of approval, to all comments under his purview, made in Mr. Schley's memo (03/25/2021), Mr. Banisch's memo (04/02/2021), Mr. Sylvester's memo (03/04/2021), and the Environmental Commission's memo (03/26/2021). Except for the requested night light test, he also stipulated to all applicable comments in Mr. Plevier's memo (03/24/2021). Ms. Smith addressed the memos from the Liberty Corner Fire Company (03/04/2021) and the Liberty Corner First Aid Squad (03/30/2021), noting that no action was required.

A discussion ensued about the proposed 6-foot height of the pickleball court fence. The Board agreed to allow the Applicant the option of increasing the height to 10 feet noting that since the court met the requirements of an accessory structure, the fence would be considered part of the court and therefore not require variance relief for fence height.

Based on comments from the Board, the Applicant agreed to flatten the slope of the walkways where possible.

Chairwoman Piedici opened the meeting to the public either present or via telephone, for questions of either the architect or of the engineer.

In response to a question from Ellen Pinson, owner of adjacent property located at 99 Allen Road, Mr. Fleming stipulated to saving as many trees as possible in the area where the bird blind would be constructed.

Michael S. Barth, 14 Annin Road, via telephone, expressed concern about several aspects of the projects.

Hearing nothing further, that portion of the hearing was closed.

Brian G. Lawrence, President & CEO of Applicant Corporation, stated that he had met personally with the residents of the apartments that will be directly impacted by the new fitness center/salon as well as the residents of the entire facility to keep them fully apprised of the proposed projects. Responding to a question about a secondary emergency vehicle access road, he testified that there is a privately owned driveway connection to the Fellowship Deaconry property to the north of the site that could be used for emergency access however he admitted that there is no legal documentation to that effect and agreed to attempt to secure a written agreement from the owner. Finally, Mr. Lawrence stipulated to repairing the existing fire lanes near the wetlands areas behind the fitness center once construction is complete.

Referring to a comment in Mr. Banisch's memo (04/02/2021), the Board entertained significant discussion as to the availability of the facility's amenities to non-residents. Mr. Lawrence clarified that they are primarily available to residents and guests of residents but that the Applicant would not preclude their use by any non-residents.

Hearing no further questions from the Board or its professionals, Chairwoman Piedici opened the meeting to the public either present or via telephone, for questions of this witness. Hearing none, that portion of the hearing was closed.

After Ms. Smith stated that she had no further witnesses to present, Chairwoman Piedici opened the hearing to the public either present or via telephone, for comments.

Ellen Pinson, owner of adjacent property located at 99 Allen Road, expressed concern about the landscape screening along their shared property boundary and about the lighting from the roadway of the existing facility which is visible from her property. Mr. Warner counseled the Board that these concerns are part of an ongoing compliance obligation outlined in the resolution for a 2016 approval by this Board and that, as part of that compliance, a landscaping and lighting committee would visit the site once the project is completed. Finally, he stated that Ms. Pinson would be invited to attend that visit and could voice her concerns at that time.

Judy Pasnik and Bertha Whalin, both residents of Fellowship Village, spoke in favor of the application.

Hearing no further comments from the public either present or via telephone, that portion of the hearing was closed.

Ms. Smith gave a brief summation and after the Board completed its deliberations, Mayor Fields moved to direct the Board Attorney to draft a resolution memorializing the Board's decision to grant Preliminary and Final Site Plan approval along with design exceptions subject to the conditions stipulated to by the Applicant and as stated during deliberations. Ms. Mastrangelo seconded.

Roll call:	Aye:	Asay, Crane, Damurjian, Fields, Esposito, McNally, Manduke, Mastrangelo, Piedici
	Nay:	NONE

Motion carried.

**COMMENTS FROM MEMBERS OR STAFF** - None

**ADJOURN**

On motion by Ms. Asay, seconded by Deputy Mayor Esposito all eligible in favor and carried, the meeting was adjourned at 10:24 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary  
Planning Board

*Adopted as drafted 04/20/2021*

04/13/2021 dskpsw

**TOWNSHIP OF BERNARDS  
2020 PLANNING BOARD APPLICATION**

RECEIVED

DEC 21 2020

PLANNING/ZONING BOARDS

☐ Minor Subdivision  
☐ Major Subdivision - Preliminary  
☐ Major Subdivision - Final  
☒ Conditional Use

☒ Site Plan - Preliminary  
☒ Site Plan - Final  
☐ Informal Review  
☐ Other (specify): \_\_\_\_\_

**1. APPLICANT:** Fellowship Senior Living, Inc.

**Address:** 8000 Fellowship Road

**Phone:** (home) \_\_\_\_\_ Attn: Brian G. Lawrence, President & CEO  
(work) 908-580-3805 (mobile) 908-966-0892

**Email (will be used for official notifications):** BLawrence@fellowshipsl.org

**2. OWNER (if different from applicant):** Same as Applicant.

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email (will be used for official notifications):** \_\_\_\_\_

**3. ATTORNEY:** Jennfer Phillips Smith

**Address:** Gibbons P.C. One Gateway Center Newark, NJ 07102

**Phone:** 973-596-4477 **Email (will be used for official notifications):** jsmith@gibbonslaw.com

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

**Name:** See Exhibit K - List of Professionals. **Profession:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email (will be used for official notifications):** \_\_\_\_\_

**5. PROPERTY INFORMATION:** Block(s): 9301 Lot(s): 33 Zone: R-2

**Street Address:** 8000 Fellowship Road **Total Area (square feet/acres):** 72.569 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) Please see Exhibit L - List of Prior Approvals.

**7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY?** ☒ No ☐ Yes (if yes, explain) Please refer to the attached 2016 Resolution.

**8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?**  
☐ No ☒ Yes (if yes, explain and attach copy) Please see Exhibit M - List of Deed Restrictions and Easements.

02/06/19

Bernards Township Planning Board

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

Fellowship Village, a continuing care retirement community, currently operates at the Property. Please see the attached Project Description (Exhibit A) for an explanation of Applicant's proposed improvements at the Property.

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

Please see the attached Project Description (Exhibit A).

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

Please see the attached Project Description (Exhibit A) for arguments in support of the application.

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

**APPLICANT(S) SIGN HERE:**

I/we, Brian G. Lawrence and \_\_\_\_\_ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

FELLOWSHIP SENIOR LIVING, INC.

Signature of Applicant(s): Brian G. Lawrence and \_\_\_\_\_  
By: Brian G. Lawrence Title: President and CEO

Sworn and subscribed before me, this 23<sup>rd</sup> day of November, 2020

Jennifer P. Smith

Notary Jennifer P. Smith  
Attorney at Law, State of NJ

**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): \_\_\_\_\_

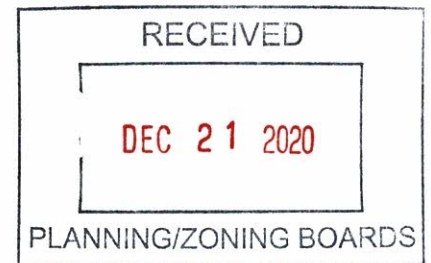
Sworn and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary \_\_\_\_\_

**Fellowship Senior Living, Inc.  
Block 9301, Lot 33**

**Project Description**

December 18, 2020



Fellowship Senior Living, Inc. ("Applicant") is seeking preliminary and final major site plan approval in connection with proposed improvements to the Fellowship Village continuing care retirement community ("Fellowship Village"). Fellowship Village currently operates at 8000 Fellowship Road, known on the tax maps as Block 9301, Lot 33 in the Township of Bernards (the "Property"). The Property is located within the R-2 residential zoning district, where Fellowship Village is a permitted conditional use. The Property is an approximately 72-acre lot that has frontage on Allen Road (County Route 652) and Martinsville Road (County Route 525).

Fellowship Village is comprised of numerous buildings and related site improvements, including, but not limited to, residences, a vibrant community center, health center, parking areas, and stormwater management facilities. The community was constructed in the mid-1990s and has received previous approvals from the Planning Board since then, including approval in 2016 to expand and make other improvements to the community and Property.

The improvements to Fellowship Village proposed by this Application are as follows:

**Fitness Center and Salon**

Applicant proposes the construction of a new, two-floor, 14,447 square foot structure to serve as a fitness center and salon. The upper level of this proposed addition will connect to the main floor of the community center. The lower level is largely below grade (underground) except for the western area, which has windows. The upper level will contain a fitness studio, including a separate room for group fitness classes. The lower level will contain a salon and barber shop. The existing salon and massage services will be relocated to this new addition.

**Club Locker Rooms Renovations**

The men's and women's changing/bathrooms are currently on one side of the existing pool. There is currently only one shower available, which is located inside the pool area, visible to everyone. As currently constituted, these changing/bathrooms, which could also be considered locker rooms, do not allow ample space for individuals to shower and change after exercise. Applicant proposes to expand the men's club locker room by using the footprint of the old changing/bathrooms and incorporating the existing area of an adjacent independent living unit. As for the women's clubroom, Applicant proposes to expand the space through a renovation of the existing fitness center and a small, 180 s.f. addition. These renovations will result in the loss of one independent living unit, bringing the overall total of independent living units from 257 to 256.



#### Outdoor Trails and Observation Deck

Applicant proposes to add trails within the area of the conservation easement and wetlands. The area is currently open meadow with scattered small trees. In total, Applicant proposes approximately ¼ miles of trails, made up with a combination of 5' wide gravel paths and 5' wide elevated walkways. Applicant proposes several sitting areas along the trails. The elevated walkways are proposed over the wetland area. Applicant additionally proposes two observation decks along the trail to serve as a bird blind and sitting area. The larger observation deck will be an open overhead structure. These improvements, to the extent they are located with the conservation easement, will also require approval from the Township Council.

#### Dog Park

Applicant proposes to add a dog park in the upland area outside of the conservation area just off the loop walkway and access driveway. The area of the proposed dog park will be cleared and converted to lawn. The proposed dog park will be 1,545 square feet and enclosed using 4' heavy duty wire fence and a secure sally port at the entrance. Within the park, Applicant proposes to include a waste station and water fountain, movable seating, and dog play structures.

#### Recreational Courts

Applicant proposes the following recreational courts near the existing pool and renovated club locker rooms: pickleball, bocce ball, and shuffleboard. There are existing shaded areas within the vicinity of these proposed courts to allow for shading for spectators. A pergola will also be added around the outside of the pool to provide additional protection.

#### Spruce Grove Improvements

Within Fellowship Village, there is a shady grove of mature spruce trees referred to as "Spruce Grove." Applicant proposes to make certain improvements to Spruce Grove, including the addition of (i) two sitting areas, (ii) 5' wide gravel paths to replace the existing asphalt paths, (iii) rustic stone piers at both entrances; and (iv) low level illumination. Pursuant to Section 21-14.4(c)2(a)(1) of the Township's Stream Buffer Conservation Requirements, the modest improvements to this recreational trail system and private parkland are permitted as-of-right within Zone 2.

#### Ephesus Pond Deck

Applicant proposes to add a 14' x 16' deck at the edge of Ephesus Pond. There will be some low level illumination installed on the deck surface. The proposed deck will complement the recently installed landscape upgrades on the pond banks, and the proposed location is highly accessible to residents, visitors and staff.