

TOWNSHIP OF BERNARDS
PLANNING BOARD

REGULAR MEETING AGENDA v2

* * REVISED * *

Warren Craft Meeting Room
March 21, 2023
7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. 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. Questions/comments from the public will be accepted **in person** and **only** during the public questions/comment periods of the meeting.

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **OPEN PUBLIC MEETING STATEMENT**
4. **ROLL CALL**
5. **APPROVAL OF MINUTES**
 - A. February 21, 2023 – Regular Session
6. **PUBLIC HEARING**
 - A. [Fellowship Village Inc.](#); Block 9301 Lot 33, Block 9401 Lot 9; 33 & 55 Allen Road; Conditional Use, Preliminary/Final Site Plan; PB22-005
7. **COMMENTS FROM MEMBERS** (5-minute limit per member)
8. **COMMENTS FROM STAFF**
9. **ADJOURN**

03/15/2023

TOWNSHIP OF BERNARDS 2022 PLANNING BOARD APPLICATION

- | | |
|--|---|
| <input type="checkbox"/> Minor Subdivision | <input checked="" type="checkbox"/> Site Plan - Preliminary |
| <input type="checkbox"/> Major Subdivision - Preliminary | <input checked="" type="checkbox"/> Site Plan - Final |
| <input type="checkbox"/> Major Subdivision - Final | <input type="checkbox"/> Informal Review |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Other (specify): _____ |

1. APPLICANT: Fellowship Village, Inc. (f/k/a Fellowship Senior Living, Inc.)

Address: 8000 Fellowship Road, Basking Ridge, New Jersey, 07920

Phone: (home) - (work) 908-580-3805 (mobile) -

Email (will be used for official notifications): blawrence@fellowshipsl.org; cblack@fellowshipsl.org; kmills@fellowshipsl.org

2. OWNER (if different from applicant): same

Address: -

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

3. ATTORNEY: Gibbons P.C.-Jennifer Phillips Smith, Esq.

Address: 141 West Front Street, Suite 240, Red Bank, New Jersey 07701

Phone: 732-704-5818 Email (will be used for official notifications): jsmith@gibbonslaw.com

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

Name: SEE ATTACHED LIST OF PROJECT PROFESSIONALS Profession: _____

Address: _____

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

5. PROPERTY INFORMATION: Block(s): 9301; 9401 Lot(s): 33; 9 Zone: R-2

Street Address: 33 Allen Road & 55 Allen Road Total Area (square feet/acres): 75.441 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) 9/20/22: PB13-006A – Modification of Condition (theater hours); 4/5/22: PB20-005A-Modification

(Extension of Time); 6/8/21: PB20-005-Preliminary & Final Major Site Plan; 10/18/16: #Conditional Use and Preliminary and Final Major SP

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 and attach copy) See List of Deed Restrictions and Easements enclosed.

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

See Attached Project Description.

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

See Attached Project Description.

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

See Attached Project Description.

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

APPLICANT(S) SIGN HERE:

I/we, Brian G. Lawrence (President & CEO) 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): Brian Lawrence and _____

Sworn and subscribed before me, this 25 day of August, 2022.

Lisa M Capra
Notary

LISA M. CAPRA
NOTARY PUBLIC OF NEW JERSEY
Commission # 50097718
My Commission Expires 1/26/2024

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



**Fellowship Village, Inc.
(f/k/a Fellowship Senior Living, Inc.)
Block 9301, Lot 33; Block 9401, Lot 9**

Project Description

September 2022

Fellowship Village, Inc. (f/k/a 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”). The existing Fellowship Village campus is limited to Block 9301, Lot 33, but Applicant is looking to expand the campus to include Block 9401, Lot 9 (both lots being referred to herein as 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 75.4-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 2021 to allow construction of a new building as well as other site improvements to the community and Property. Most recently, at its September 20, 2022 regular meeting, the Planning Board memorialized its amended approval modifying certain conditions of the Board’s prior approvals in application #PB13-006A- relative to the usage of the on-site theater.

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

Staff Residence & Associated Improvements for Access to New Structure

Applicant proposes the construction of a new, two-story structure with a total floor area of 3,402 square feet to serve as a staff residence building. The structure will also feature a 180 square foot deck. A driveway and sidewalk for vehicle and pedestrian access from Fellowship Road are also proposed along with eight (8) parking spaces, one ADA parking stall and one loading space.

Conditional Use Criteria

As a conditional use with the R-2 zone, Applicant is required to comply with the Township’s conditional use standards. The chart below lists each of the conditional use requirements, as set forth in Sec. 21-12.3(l), and the Applicant’s compliance with each.

Conditional Use Requirements – Continuing Care Community in R-2 zone (§21-12.3(l))	Compliance
(1) Before the development is occupied, the developer shall produce to the Zoning Officer either a certificate of authority for the CCRC issued pursuant to N.J.S.A. 52:27D-330 et seq. (P.L. 1986, c. 103), as	Certificate of Authority issued by the Department of Community Affairs on

<p>amended from time to time, or a letter of nonapplicability pursuant to N.J.A.C. 5:19-2.3, as amended from time to time.</p>	<p>September 13, 1993 is annexed to this Application.</p>
<p>(2) Before receiving final site plan approval, the developer shall produce a writing from the Commissioner of the Department of Community Affairs stating that any lien which the Department has filed or may file under N.J.S.A. 52:27D-341 (P.L. 1986, c.103, §12) shall be subordinated to any lien for unpaid taxes on real property or other municipal charges, whether existing now or in the future.</p>	<p>The November 13, 2020 letter from the Department of Community Affairs (DCA) stating that DCA has not filed a lien against Fellowship Village is annexed to this Application.</p>
<p>(3) Reserved</p>	<p>N/A</p>
<p>(4) The development may include the following:</p> <ul style="list-style-type: none"> (a) Independent-living units; (b) Assisted-living units; (c) Nursing units; (d) Congregate-care units; (e) Long-term-care units; (f) Sub-acute units; and (g) Memory-care units. 	<p>Fellowship Village includes independent living units, assisted living units, and nursing/long term care units.</p>
<p>(5) The development shall include at least some level of each of the following uses and services for residents, which may also be available to nonresidents of the CCRC, provided that all such uses shall be entirely contained within buildings exclusively owned and controlled by the CCRC, that that no residents shall be denied access to such uses and services, and that sufficient parking shall be provided in accordance with Subsection 21-22.1:</p> <ul style="list-style-type: none"> (a) Health care, therapy, clinical, medical, and wellness service facilities and services that may be on site or off site; such facilities may be an existing or new off-site location (subject to zoning requirements) if the applicant shows adequate plans to provide residents of the development with reasonable access; (b) Facilities and services for providing meals for residents, with or without common dining facilities; (c) Therapy facilities and services; (d) Meeting rooms; and (e) Recreation facilities; <p>The development may include personal, cultural, religious and other ancillary services customary to a CCRC. These services may include uses such as clinics, therapies, wellness and educational programs, theaters, performing arts programs, restaurants, and salons.</p>	<p>As will be explained in testimony, Applicant provides all of these uses, and is expanding the community via the construction of a two-story, staff residence building with 3, 402 square feet of floor area, a 180 square foot deck, along with associated parking and access improvements.</p> <p>No residents are denied access to these uses.</p> <p>Sufficient parking is provided, as shown on the submitted site plans and explained further below.</p>

<p>(6) The application for development shall include a statement generally describing the health-care services, meal services for assisted-living care or nursing care and therapy services that will be provided. Such statement may be, but is not required to be, in the developer's disclosure statement (or a portion of it) which is required by N.J.S.A. 52:27D-336 (P.L. 1986, c.103, §7.</p>	<p>The relevant portion of Applicant's Disclosure Statement, with a March 12, 2020 Effective Date of the Fourth Amendment, is annexed to this Application and generally describes the healthcare services, meal services, nursing services, and therapy services provided.</p>
<p>(7) Reserved</p>	<p>N/A</p>
<p>(8) It shall be a condition of final subdivision or final site plan approval that residency in the CCRC shall be age restricted to persons at least 62 years of age, with or without a spouse or other members of such person's housekeeping unit, or to surviving members of that housekeeping unit in the event of death of such resident. This condition shall not be construed as requiring the CCRC to permit surviving members below the age of 62 to remain in residence following such death. Health-care services may also be provided to individuals allowed under applicable state and federal law.</p>	<p>Applicant complies with this condition.</p>
<p>(9) Permissible accessory uses and structures shall include garages, sheds, fences, swimming pools, recreational facilities, maintenance buildings, gatehouses, <i>employee living quarters</i>, child-care centers, retail and personal services facilities and other uses and facilities customarily associated with and ancillary to a CCRC, so long as such accessory uses are subordinate to and serve only the conditional use for residents and nonresidents.</p>	<p>The current accessory uses at Fellowship Village, along with the accessory uses proposed through this Application, are permissible.</p>
<p>(10) Area and setback requirements:</p> <p>(a) Minimum Lot Area: 60 acres.</p> <p>(b) Minimum Lot Width: 200 feet.</p> <p>(c) Minimum Tract setback (buffered):</p> <p>(1) Front Yard:</p> <p>(a) For buildings: 100 feet.</p> <p>(b) For parking: 75 feet.</p> <p>(2) Side Yard:</p> <p>(a) For buildings: 100 feet from exterior street.</p> <p>(b) For buildings: 75 feet from boundary line.</p> <p>(c) For parking: 75 feet.</p> <p>(3) Rear Yard:</p> <p>(a) For buildings: 100 feet.</p>	<p>All Comply. Proposed:</p> <p>(a) 75.441 acres</p> <p>(b) 1,773 ft.</p> <p>(c) (1) (a) 102 ft.</p> <p>(b) 159.7 ft.</p> <p>(c)(2)(b) 128.9 ft.</p> <p>(c) 130.1 ft.</p> <p>(c)(3)(a) 352.6 ft.</p> <p>(b) 276.2 ft.</p> <p>(d) 26.4%</p> <p>(e) 14.5%</p>

<p>(b) For parking: 75 feet.</p> <p>(d) Maximum Impervious Lot Coverage: 40%</p> <p>(e) Maximum Building Coverage: 20%</p> <p>(f) Maximum Building Height: 35 feet, except that height may be increased to a maximum of 50 ft., provided that, for each additional foot of building height above 35 feet, two additional feet of setback shall be required from the exterior tract buffer. Building height shall be measured from the average finished grade level surrounding the building measured five feet from the building wall to the top of the roof.</p>	<p>(f) 31.4 ft.</p>
<p>(11) Maximum and Minimum Number of Units</p> <p>(a) The maximum number of independent living and assisted-living units shall be five units per gross acre.</p> <p>(b) A minimum of four independent living units shall be provided for each nursing unit.</p> <p>(c) Assisted-living units shall be counted as independent living units in meeting the 4 to 1 ratio requirement in Subsection 21-12.3.11(b) above.</p> <p>(d) The maximum number of detached single-family dwellings shall not exceed 30% of the total permitted number of independent-living units.</p>	<p>The unit count for Fellowship Village will remain as follows:</p> <p>256 Independent Living Units;</p> <p>86 Assisted Living Units; and</p> <p>67 Nursing/Long Term Care Beds.</p>
<p>(12) Parking Requirements. Sufficient off-street parking shall be required to meet the needs of the residents, employees and guests in accordance with the following minimum requirements:</p> <p>(a) Independent living units: 1 per dwelling unit</p> <p>(b) Assisted-living units, congregate-care, long-term care, sub-acute and memory-care units: .35 per dwelling unit.</p> <p>(c) Nursing beds: .35 per bed</p> <p>(d) Staff: one off-street parking space per full time staff, plus one for every two part-time staff, on the maximum shift</p> <p>(e) Visitors: an additional 10% above the total required parking</p>	<p>Parking Requirements – All Comply.</p> <p>(a) Independent living – 1 x 256 = 256 spaces</p> <p>(b) Assisted Living - .35 x 86 = 30.1 spaces</p> <p>(c) Long-term care/nursing - .35 x 67 = 23.5 spaces</p> <p>(d) Staff (full time, max shift) – 1 x 165 = 165 spaces</p> <p>Staff (part-time) - .5 x 20 = 10 spaces</p> <p>(e) Visitors - .10 x 485 = 48.5 spaces</p> <p>Auditorium parking – 240/3 = 80 spaces</p> <p>Total required = 613.1 spaces</p> <p>Total approved parking =</p>

	<p>618 spaces</p> <p>Total proposed parking= 626 spaces</p>
<p>(13) Design and Development Regulations for Multifamily Residential Buildings. The minimum distance between residential buildings shall be as follows:</p> <p>(a) Windowless wall to windowless wall: One story – 15 feet; Two Stories – 20 feet.</p> <p>(b) Window wall to windowless wall: One story – 20 feet; Two Stories – 30 feet.</p> <p>(c) Window wall to window wall: Front to front – 75 feet; rear to rear – 50 feet; end to end – 30 feet.</p> <p>(d) Front building face to common parking area: One story – 10 feet; Two stories – 20 feet.</p> <p>(e) Rear or side building face to common area: One story – 10 feet; Two stories – 15 feet.</p> <p>The Planning Board may reduce the above distances by not more than 20% if there is an angle of 20 degrees or more between buildings and if extensive landscaping and buffers, which provide necessary screening and shielding, are placed between buildings</p>	<p>All criteria remain compliant and unchanged.</p>
<p>(14) Design and Development Regulations for Single-Family Detached Housing.</p> <p>(a) Minimum lot size: 5,000 s.f.</p> <p>(b) Minimum lot width: 50 ft.</p> <p>(c) Minimum yard requirements:</p> <p>(1) Front: 25 ft.</p> <p>(2) Side: five feet (one); 15 feet (both);</p> <p>(3) Rear: 25 feet.</p>	<p>N/A</p>
<p>(15) Design and Development Regulations for Other Structures:</p> <p>(a) Minimum distance between residential buildings and other buildings: 30 feet</p> <p>(b) Minimum distance between accessory buildings and principal buildings: 10 feet</p> <p>(c) Minimum distance between parking areas and buildings: 10 feet</p>	<p>(a) >30'</p> <p>(b) N/A</p> <p>(c) 10'</p>
<p>(16) Buffering and Screening: All CCRC's shall be landscaped and buffered in accordance with Section 21-43. A landscaped buffer not less than 25 feet shall be planted or installed around the perimeter of the developed areas of any CCRC site.</p>	<p>Complies.</p>

<p>(17) Other Requirements</p> <p>(a) Water: No site plan for a CCRC shall be approved unless it provides for water to be supplied to the development by a public utility company.</p> <p>(b) Sanitary sewers: No site plan for a CCRC shall be approved unless it provides for the treatment of wastewater from the development in one of the following manners:</p> <ul style="list-style-type: none">(1) The treatment plant of the Township of Bernards Sewerage Authority, if the site is in the sewer service area;(2) Another municipality's publicly owned treatment plant;(3) A treatment plant owned by a public utility;(4) A package treatment plant; or(5) Such other means as may be approved by NJDEP for community wastewater disposal; provided, however, that the means of treatment if under Paragraph I, Subparagraphs 17(b)(1) through (5) above, shall not require the Township or its Sewerage Authority to serve as co-permittee or otherwise to assume any liability of any nature; and provided, further, that any means of wastewater treatment does not conflict with the Bernards Township Wastewater Management Plan; and provided, further, that if municipal consent is required for any means of wastewater treatment, nothing in this chapter shall be construed as granting such consent or as compelling either the Township or its Sewerage Authority to grant such consent. <p>(c) A CCRC shall have frontage and direct access to a state or county roadway.</p>	<p>(a) Applicant's water is supplied by NJ American Water Company.</p> <p>(b) Applicant's wastewater is treated by the Township of Bernards Sewerage Authority.</p> <p>(c) Fellowship Village has access to Allen Road (County Route 652) and Martinsville Road (County Route 525).</p>
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Applicant reserves the right to amend or supplement the list of relief required during the review of the application.