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400 Valley Road, Suite 304
Mount Arlington, NJ 07856
T: 973.398.3110
F: 973.398.3199
www.maserconsulting.com

January 8, 2021

VIA EMAIL

Ms. Geraldine Entrup
Administrative Officer, Zoning Board
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430

Re: **Review Letter #2**
Monarch Communities, LLC
Bounded by East Ramapo Avenue, Franklin Turnpike, King Street, and Siding Place
Preliminary and Final Major Site Plan Application
Block 82, Lots 1, 3 through 17, 26, 29, and 30
Docket No. 1478-20
MC Project No. MWZ-040

Dear Ms. Entrup:

We are in receipt of the above-referenced Preliminary and Final Major Site Plan Application to develop a 175-unit multi-family senior housing facility. The Application requires a D(1) use variance, a D(5) density variance, multiple "C" variances, and several waivers/exceptions, which are detailed in Section D.

We have reviewed the following documents submitted by the Applicant in support of this application:

1. Plans entitled "Preliminary and Final Site Plan for Monarch Communities Proposed Multi-Family Senior Housing Facility", prepared by Stephen L. Schwartz, P.E. and Brett W. Skapinetz, P.E. of Dynamic Engineering Consultants, PC, dated July 17, 2020, consisting of 21 sheets. It should be noted that Sheet 9 was prepared by Stephen L. Schwartz, P.E. and Marla A. Roller, L.L.A. of Dynamic Engineering, LLC.
2. Plans entitled "Monarch", prepared by JAL Architecture and Engineering, PC, dated July 17, 2020, consisting of 10 sheets.
3. Plans entitled "Typical Unit Monarch", prepared by Procon, dated August 14, 2020, consisting of 3 sheets.
4. Board of Adjustment Application, dated July 29, 2020.



5. Board of Adjustment Submission Checklist, dated August 21, 2020, revised September 11, 2020.
6. Development Application, dated July 28, 2020.
7. Planning Board Application Submission Checklist, dated July 28, 2020.
8. Site Plan Determination of Completeness Checklist, no date.
9. Historic Preservation Commission Application, dated July 29, 2020.
10. Soil Movement Permit Application, dated July 20, 2020.
11. Letter entitled “Application #SP 8633 Monarch Communities”, prepared by Michael Varner, P.P. of the County of Bergen Department of Planning & Engineering, dated September 5, 2020, consisting of 5 pages.
12. Environmental Impact Statement, prepared by Steve L. Schwartz, P.E., C.M.E. of Dynamic Engineering, dated July 2020.
13. Traffic Impact Study, prepared by Corey M. Chase, P.E. and Craig W. Peregoy, P.E. of Dynamic Engineering, dated July 23, 2020.
14. Stormwater Management Summary, prepared by Steve L. Schwartz, P.E., C.M.E. of Dynamic Engineering, dated July 2020.
15. Stormwater Management Facilities Operation and Maintenance Manual, prepared by Steve L. Schwartz, P.E., C.M.E. of Dynamic Engineering, dated July 2020.
16. Packet of photographs, prepared by Dynamic Engineering, no date, consisting of 8 pages.
17. Document entitled “Monarch Program”, author unknown, dated December 6, 2020, consisting of 1 page.
18. Letter entitled “Consistency Determination # HC-CD-20-002”, prepared by Lisa J. Plevin, Executive Director of the Highlands Water Protection and Planning Council, dated October 14, 2020, consisting of 8 pages with attachments.
19. Email correspondence from Richard Preiss of Phillips Preiss Grygiel Leheny Hughes, LLC, on December 7, 2020.

A. Site Description

The subject site contains 3.46 acres and consists of several lots located in the Township’s “downtown”. The property is bounded by East Ramapo Avenue to the north, Franklin Turnpike to the east, King Street to the south, and Siding Place to the west. Surrounding uses include commercial uses and the Veteran’s Memorial Park to the north and the Mahwah Fire Department Company 1, Police Station, and Township-run museum to the east, across Franklin Turnpike. There are residential dwellings and a manufacturing plant to the south and the NJTransit railroad lies to the west.

The Board should note that the entirety of Block 82 was included in the Township’s 2018 affordable housing settlement agreement with Fair Share Housing Center as a mechanism to address Unmet Need. A total of ten affordable units were anticipated to be generated by the area. As a result of the settlement agreement, Mahwah adopted the Mixed-use Development-1 (MUD-1) Overlay Zone in June of 2019.

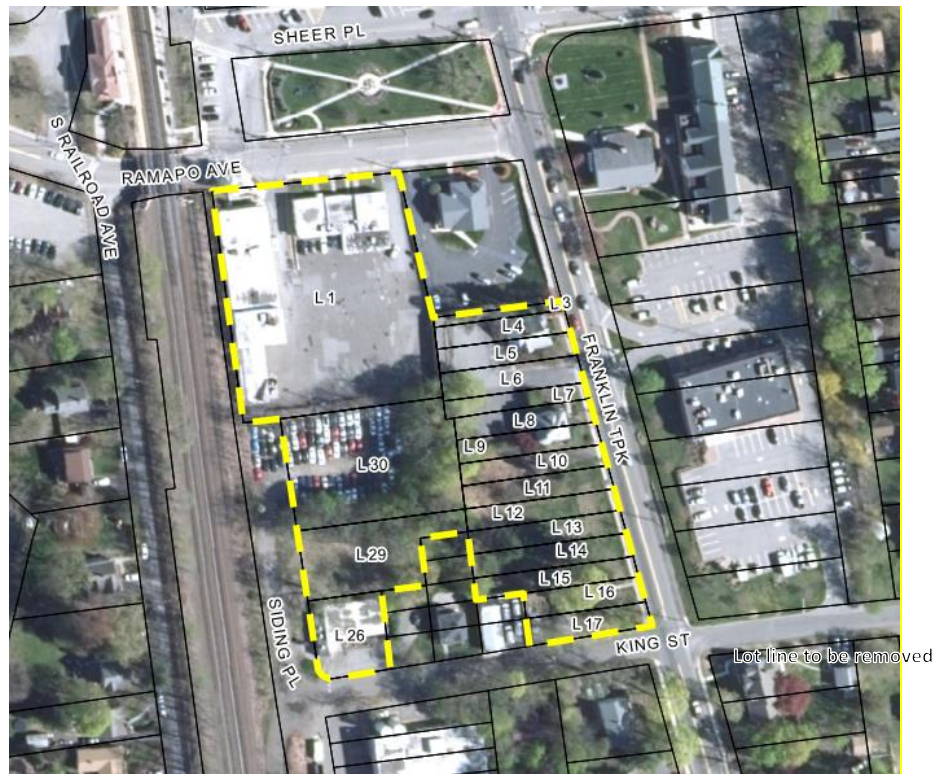


Figure 1 - Aerial showing approximate location of the property in yellow.



B. Prior Approvals

The Applicant has not provided any Resolutions demonstrating any previous site plan and/or subdivision approvals.

C. Proposed Project

The Applicant proposes to construct a 175-unit multi-family senior housing facility containing 97 congregate apartment units, 48 assisted living units, and 30 memory care units. Additionally, 7,956 square feet of retail space is proposed. A 91-space parking garage is proposed under a portion of the building. Other site improvements include off-street parking and circulation, loading area, sidewalks, retaining walls, signage, landscaping, and lighting. All existing improvements are proposed to be removed. The lots will be consolidated into one.

D. Variances & Waivers

The Applicant has provided a list of seven variances in Exhibit A of the Board of Adjustment and Development Applications. These seven variances are also noted on the Site Plans. Based on a review of the of the Application, we have identified the following “D” variances:

1. Section 24-4.1.1a. – D(1) variance for use. The MUD-1 Overlay Zone requires ground floor uses with frontage on Ramapo Avenue to be non-residential. Various uses within the B-10 Zone are permitted, excluding places of worship, clubs and social recreational buildings, professional and business offices, public facilities, and undertakers and funeral parlors. Multi-family housing is permitted. A mixture or combination of the above uses is also permitted.

The Applicant proposes a multi-level senior housing facility and three retail spaces on the ground floor of the building with frontage on Ramapo Avenue. The multi-level senior housing facility provides different levels of service for residents and will contain 97 congregate apartments, 48 assisted living units, and 30 memory care units. Please refer to Comment #5 for specific information on the unit types.

2. Section 24-4.1.1d.10. – D(5) variance for density. The Ordinance limits density in the MUD-1 Overlay Zone to 14 units per acre.

The Applicant proposes 175 units on the 3.46-acre site, which equates to a density of 50.6 units per acre.



Additionally, the following “C” variances are required:

1. Section 24-4.1.1d.3. – Variance for front yard setback. The Ordinance requires a maximum front yard setback of 15 feet to Ramapo Avenue and Franklin Turnpike. However, a maximum of 25% of the linear building frontage may be setback a maximum of 30 feet.

No portion of the building is located 15 feet or less from Franklin Turnpike. Furthermore, the building is set back more than 30 feet from Franklin Turnpike.

2. Section 24-4.1.1d.9. – Variance for building height. The Ordinance limits building height to 38 feet and three stories.

The Applicant proposes a four-story, 37.66-foot tall building.

3. Section 24-4.1.1f.2 – Variance for parking space size. The Ordinance requires parking spaces to be no less than nine feet wide by 18 feet long.

The Applicant proposes parallel parking spaces measuring seven feet wide by 18 feet long. (The Applicant has not requested this variance.)

4. Section 24-4.1.1f.3. – Variance for number of parking spaces. The Ordinance requires off-street residential parking to be provided in accordance with RSIS and non-residential parking to be provided in accordance with Section 22-6.2a. RSIS requires 0.5 parking spaces per assisted living unit. RSIS does not contain a congregate apartment housing category, so we relied upon the garden apartment category, which requires 1.8 spaces per one-bedroom unit, two parking spaces per two-bedroom unit, and while there is no requirement for a four-bedroom apartment unit, the 2.1 space per three-bedroom unit requirement was utilized. Section 22-6.2a requires one parking space for every 150 square feet of retail up to 2,000 square and one space for every 175 square feet of floor area where the floor area exceeds 2,000 square feet.

The Applicant proposes 48 assisted living units and 30 memory care units¹, which require 39 parking spaces. The 72 one-bedroom apartments require 129.6 parking spaces. The 21 two-bedroom apartments require 42 parking spaces. The four four-bedroom apartments require 8.4 parking spaces. Additionally, 45.46 parking spaces are required for the 7,956 square feet of retail space. Therefore, a total of 264.46 parking spaces are required for the proposed uses.

The Applicant proposes 147 parking spaces. (The Applicant has not requested this variance.)

¹ Memory care units are licensed under the umbrella of assisted living, so we have grouped them with the assisted living units.



5. Section 24-4.1.1g.1. – Variance for building wall offset. The Ordinance requires building wall offsets, including projections and recesses, to be provided along any street-facing building wall measuring greater than 50 feet.

The Applicant does not propose any building wall offsets along the building wall facing King Street in the southwest corner of the building (adjacent to the transformer). The wall is approximately 60 feet wide. (The Applicant has not requested this variance.)

6. Section 24-4.1.1g.2. – Variance for building wall offset spacing. The Ordinance requires building wall offsets to be spaced no more than 45 feet.

The Applicant proposes wall offsets greater than 45 feet along the building wall facing Siding Place in the southwest corner of the building. The non-compliant area spans 52 feet and has “BOH”, a stairwell, and MC Studio on Level 1. (The Applicant has not requested this variance.)

7. Section 24-4.1.1h.4. – Variance for trash enclosure. The Ordinance requires outdoor dumpsters to be fully enclosed with a solid enclosure.

The Applicant proposes an open chain link gate.

8. Section 24-5.2a. – Variance for building height. The Ordinance does not permit any building or structure to have a greater number of stories than permitted in the Zone.

The Applicant proposes a four-story building where three are permitted in the MUD-1 Overlay Zone. (The Applicant has not requested this variance.)

9. Section 24-6.8a.3.(a) – Variance for wall height. The Ordinance does not permit retaining walls greater than six feet within five feet of any lot line.

The Applicant proposes retaining walls within five feet of Lot 2, Lots 18 and 19, and Lot 25 with heights greater than six feet. (The Applicant has not requested this variance.)

10. Section 24-6.8a.1.(a) – Variance for accessory structure setback. The Ordinance does not permit accessory uses to be located closer to the street right-of-way line than the required front yard setback of the principal structure.

The Applicant proposes the generator and a portion of the trash enclosure within the required 40-foot King Street front yard setback. (The Applicant has not requested this variance.)



11. Section 24-6.11b.1. – Variance for fence height. The Ordinance limits fence height to six feet when located behind the front façade line or four feet when located within the front yard.

The Applicant proposes a six-foot-tall vinyl fence within the King Street front yard area. (The Applicant has not requested this variance.)

The following waivers/exceptions are required:

1. Section 22-6.2b.2. – Waiver/exception for parking location. The Ordinance does not permit parking in any required front yard, except when a required front yard exceeds 30 feet, parking may be permitted in the front yard at least 30 feet from the street right-of-way line.

The Applicant proposes parking 13.7 and 21.4 feet from King Street, and 12 feet from Siding Place.

2. Section 22-6.2d.3. Waiver/exception for driveway location. The Ordinance does not permit driveways to be closer than 50 feet to the intersection of two streets.

The Applicant proposes the driveway off East Ramapo Avenue approximately 29 feet from the intersection with Siding Place and the driveway off King Street approximately zero feet from the intersection with Siding Place. (The Applicant has not requested this waiver/exception.)

3. Section 22-6.2d.6.(c), Table 4 – Waiver/exception for driveway width. The Ordinance requires commercial and industrial uses to provide 30- to-50-foot-wide driveways.

The Applicant proposes 24-foot-wide driveways. (The Applicant has not requested this waiver/exception.)

4. Section 22-6.2d.6.(c), Table 4 – Waiver/exception for driveway depressed curb width. The Ordinance requires the drop curb width of two-way operation driveways for commercial and industrial uses to be between 50 and 70 feet.

The Applicant proposes a drop curb width of 49 feet. (The Applicant has not requested this waiver/exception.)

5. Section 22-6.2d.6.(c), Table 4 – Waiver/exception for curb return radius. The Ordinance requires driveway curb return radii to be between 35 and 45 feet for commercial and industrial uses.

The Applicant proposes curb return radii of ten feet and 15 feet. (The Applicant has not requested this waiver/exception.)



6. Section 22-6.3a. – Waiver/exception for off-street loading. The Ordinance requires one loading berth for 5,000 square feet of retail floor area and a second loading berth where there is 20,000 square feet of retail floor area. Additionally, for any residential development containing 30 or more units, one loading berth is required for 20,000 square feet of residential floor area, a second loading berth is required for 100,000 square feet of residential floor area, and an additional loading berth is required for each additional 80,000 square feet of floor area over 100,000 square feet.

The Applicant proposes 7,596 square feet of retail floor area, which requires one loading berth and 181,335 square feet of residential floor area, which requires three loading berths. Therefore, a total of four loading berths are required.

The Applicant proposes one loading area.

7. Section 22-6.3c. – Waiver/exception for loading area buffer. The Ordinance requires a 25-foot buffer between any loading area and a residential use that is suitably screened or landscaped.

The Applicant proposes a seven-foot buffer to the adjacent residential use.

8. Section 22-6.3d. – Waiver/exception for loading area location. The Ordinance does not permit any loading spaces within 25 feet of any fire hydrant.

The Applicant proposes the loading space within 25 feet of a fire hydrant (see Sheet 7 for the hydrant location). (The Applicant has not requested this waiver/exception.)

9. Section 22-6.5a.13. – Waiver/exception for planting size. The Ordinance requires flowering trees to be at least six feet tall. Additionally, shrubs are required to be planted at a height of at least two feet.

The Applicant proposes the Star Magnolia flowering tree with a planting height of four to five feet. Additionally, the following shrubs are proposed with a planting height less than two feet: Girard's Pleasant White Azalea, Grey Owl Juniper, Rainbow Leucothoe, Girard Michelle Azalea, Blue Balloon Bluebeard, Hummingbird Summersweet, Show Off Starlet Forsythia, Munchkin Oakleaf Hydrangea, Garnet Sweetspire, Winter Red Winterberry Holly, and Happy Face Pink Paradise Cinquefoil. (The Applicant has not requested this waiver/exception.)

10. Section 22-6.9e.1.(d) – Waiver/exception for lighting height. The Ordinance limits the lighting fixture mounting height along Franklin Turnpike to 14 feet.

The Applicant proposes light fixtures with a 16-foot mounting height along Franklin Turnpike. (The Applicant has not requested this waiver/exception.)



11. Section 22-6.9e.1.(h) – Waiver/exception for light fixture spacing. The Ordinance does not permit light fixtures along Franklin Turnpike to be spaced more than 75 feet.

The proposed light fixtures along Franklin Turnpike are spaced more than 75 feet apart. (The Applicant has not requested this waiver/exception.)

E. General Comments

Note that the current status of existing comments as well as new comments are provided in italics.

1. The Applicant’s professionals must provide testimony to support the grant of the variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. The Applicant has requested three variances from Chapter 22 “Site Plan Review” of the Ordinance. However, deviations from this chapter are considered waivers/exceptions. The Applicant shall amend the Site Plans and Application accordingly.
3. The Applicant shall list all variances and waivers/exceptions noted in Section D above on the Site Plans.
4. The Applicant shall note that the Township of Mahwah has opted into the Highlands Planning Area. As per Section 22-5.4b, applications for development in the Planning Area are required to submit a Consistency Determination from the Highlands Council indicating the application is either consistent or inconsistent with the Highlands Regional Master Plan. A Consistency Determination has not been submitted. The Applicant shall provide this document.

The Applicant has submitted a Consistency Determination, which deemed the proposed development to be “Consistent Subject to Specified Conditions”. The Applicant shall provide testimony and/or documents demonstrating compliance with each condition.

Use

5. The Applicant proposes 97 units of congregate apartment housing. It is unclear if these units are independent living units, senior apartments, etc. Additional information is needed as Section 24-2.3 of the Ordinance indicates that words and terms utilized in Chapter 24 that are also defined in NJAC 5:93-1.3 shall have the definition set forth in NJAC 5:93-1.3. NJAC 5:93-1.3 defines “multifamily unit” as “a structure containing five or more dwelling units.”² Therefore, depending on the description of congregate apartment housing, it may be permitted as-of-right under the MUD-1 Overlay Zone. Furthermore, this information may change the parking requirement under RSIS.

² <https://nj.gov/dca/divisions/lps/hss/statsandregs/593.pdf>

Mr. Preiss, the Applicant's Planner, has provided additional information regarding the proposed use of the property via email on December 7, 2020. According to this correspondence, the Applicant proposes a "multi-level senior housing facility", which provides two or more levels of service. The Applicant proposes three levels of service within the multi-level senior housing facility:

- *Congregate apartments – which is defined by the Department of Health Services as "specially designed multi-unit housing for independent to semi-independent people, and includes community social and dining facilities. Individual living units include, at minimum, a living room/bedroom, bathroom, and kitchenette. Developments offer at least one hot meal per day and some housekeeping services. Transportation and personal assistance services may also be available". According to Mr. Preiss these units will house independent and semi-independent seniors. Residents will have access to shared amenities including communal dining, fitness center, library lounge, and bar/pub/café. He indicates that meals and housekeeping will be provided.*
- *Assisted living – which is licensed by the Department of Health and offers specialized care, including 24-hour staff and security, support services, and limited healthcare services. These are apartment-style units. Residents will have access to communal dining and wellness center.*
- *Memory care – which is licensed by the Department of Health and offers the highest level of care. Residents will have apartment-style units, 24-hour assistance, and access to communal dining and activity rooms.*

This new information confirms a D(1) use variance is needed for the multi-level senior housing facility and its three levels of service and housing.

6. The Applicant shall provide testimony regarding the anticipated number of residents within the residential component. This shall include information on the number of beds included within each unit type and in total.

Mr. Preiss' email correspondence provided additional data on the units. Based on this email we have created the below table to illustrate the proposed unit and bedroom breakdown. The Applicant should confirm via testimony that this information is correct.



UNITS AND BEDROOMS						
	Total Units	Market Rate Units	Market Rate Beds	Affordable Units	Affordable Beds	Total Beds
Congregate Apartments						
1 Bedroom	72	69	69	3	3	72
2 Bedroom	21	21	42	0	0	42
4 Bedroom	4	1	4	3	12	16
<i>Subtotal</i>	<i>97</i>	<i>91</i>	<i>115</i>	<i>6</i>	<i>15</i>	<i>130</i>
Assisted Living						
Studio*	28	20	20	8	16	36
1 Bedroom	17	17	17	0	0	17
2 Bedroom	2	2	4	0	0	4
4 Bedroom	1	0	0	1	4	4
<i>Subtotal</i>	<i>48</i>	<i>39</i>	<i>41</i>	<i>9</i>	<i>20</i>	<i>61</i>
Memory Care						
Studio	28	28	28	0	0	28
1 Bedroom	2	2	2	0	0	2
<i>Subtotal</i>	<i>30</i>	<i>30</i>	<i>30</i>	<i>0</i>	<i>0</i>	<i>30</i>
TOTAL	175					221

*Mr. Preiss indicates these units will have two beds each.

7. The Applicant shall provide testimony regarding the anticipated uses within the retail spaces. It should be noted that these uses shall comply with Section 24-4.1.1a.2. of the Ordinance.
8. The Applicant shall provide testimony regarding the maximum number of anticipated employees during the peak shift for each use.
9. Testimony shall be provided regarding the schedule of deliveries to the property, including the type and size of the delivery vehicles as well as frequency.
10. Will vans or shuttles be used by the facility? If so, testimony shall be provided regarding the number, size, and if overnight storage is anticipated.
11. Some memory care and/or assisted living facilities limit or prohibit resident vehicles on site. Testimony shall be provided if these residents will be permitted to have vehicles.
12. The Site Plan illustrates one ten-foot by 20-foot trash enclosure. Is this enclosure intended to serve all site uses (memory care, assisted living, congregate apartments, and retail space)? It is unclear how one trash enclosure can handle the trash generated by all uses without overflowing the enclosure.



13. Testimony shall be provided regarding medical waste generation and storage.
14. *It is unclear if the proposed bar/pub/café for the congregate apartments will be accessible to those living outside the community. Testimony shall be provided. Additionally, the location of the bar/pub/café shall be illustrated on the Architectural Plans.*

Affordable Housing

15. To be licensed by the State of New Jersey, an assisted living facility is required to reserve 10% of the beds for Medicaid residents. Memory care units are licensed under the umbrella of assisted living. Therefore, of the 83 assisted living and memory care beds, eight would need to be reserved for Medicaid residents.

Under the affordable housing regulations, Medicaid residents within assisted living facilities qualify for affordable housing credit if the following provisions are met:

- a. If more than one Medicaid bed is within an apartment, the beds must be allocated to two unrelated individuals.
- b. Medicaid residents cannot be charged any upfront fees.
- c. The affordable beds shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
 - Affirmative marketing (N.J.A.C. 5:80-26.15); provided that the units are restricted to the recipients of Medicaid waivers;
 - Low/moderate-income split and affordability average (N.J.A.C. 5:80-26.3(a), (d) and (e)); only if all of the affordable units are affordable to households at a maximum of 60% of median income; and
 - Tenant income eligibility (N.J.A.C. 5:80-26.13(b)); up to 80% of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost on non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

Mr. Preiss' December 7, 2020 email correspondence included the breakdown of the proposed affordable units/beds. His email does acknowledge the 10% Medicaid bed set-aside and indicates there are a total of 89 licensed beds for assisted living and memory care. However, we believe there is 91 beds. Testimony should be provided to clarify the number of licensed beds.



Based on the information from Mr. Preiss we have created the table below, which illustrates the affordable bedroom distribution as well as the proposed income levels. The ten proposed studio Medicaid beds would meet the State licensing requirement. Please see Comments 19 through 21 regarding the crediting.

AFFORDABLE UNIT AND BEDROOM BREAKDOWN				
	Low-Income Units	Low-Income Beds	Moderate-Income Units	Moderate-Income Beds
Congregate Apartments				
1 Bedroom	0	0	3	3
4 Bedroom	2	8	1	4
Assisted Living				
Studio*	3	6	5	10
4 Bedroom	1	4	0	0
TOTAL		18		17

*Mr. Preiss indicates these units will have two beds each.

16. The Architectural Plans shall be revised to indicate the location of the eight Medicaid beds.

Based on the table above, the Architectural Plans shall be revised to indicate the location of the proposed affordable units and beds.

17. The MUD-1 Overlay Zone was purposefully adopted to implement the terms of the Township’s affordable housing settlement agreement. The zone permits multi-family housing while mandating a 20% affordable housing set-aside. As mentioned in Comment #5 above, it is unclear what congregate apartment housing is, and until additional information is received, we cannot opine on whether or not the 20% affordable housing set-aside is triggered.

Based on the information received and the Highlands Consistency Determination, a 20% affordable housing set-aside is required.

18. Mr. Preiss’ December 7, 2020 email correspondence included a table of the proposed affordable housing units. The Applicant should provide the table on an official letterhead or include the table on the Site and/or Architectural Plans. Additionally, it should be noted that the table is missing footnote (a), which is related to the four-bedroom suites. This footnote should be provided.

19. It should be noted that N.J.A.C. 5:93-5.16(e) credits assisted living units by the apartment, except for an apartment with **two distinct bedrooms** that house two unrelated persons, which may receive two credits. Based on the information from Mr. Preiss, there will be



eight studio assisted living units that will contain two beds. Information shall be provided citing the support for two credits where distinct bedrooms do not exist.

20. *One four-bedroom assisted living affordable suite is proposed. N.J.A.C. 5:93-5.16 does not address more than two bedrooms in an assisted living unit. Information shall be provided citing the support for four credits.*
21. *The affordable congregate apartments fall under the definition of “alternative living arrangement” within the affordable housing regulations. Additional information shall be provided to confirm compliance with the alternative living arrangement definition, which requires distinct bedrooms, but permits shared kitchen and plumbing facilities and common areas.*
22. *The Board should note that the Highlands Consistency Determination, Condition #5 requires a 20% set-aside for affordable housing.*

Site Plan

23. The Demolition Plan on Sheet 3 of the Site Plans indicates five trees are proposed to be removed. However, satellite imagery illustrates trees on existing Lot 29 and 30 and some other small pockets on the property. The Applicant shall provide a tree removal plan detailing the location and size of trees proposed to be removed in order to determine the number of required replacement trees pursuant to Chapter 14, Tree Preservation.
24. The Applicant shall provide the calculation of lot coverage and improved lot coverage in order to verify the information provided in the Schedule of Zoning Requirements on Sheet 4 of the Site Plans.
25. Sheet 4 indicates the proposed building height is 37.66 feet. A footnote for building height states, “Refer to Architectural Plans for building height calculations and Grading Plan (Sheet 5) for average grade calculations.” Sheet 5 calculates the average grade to 308.84 feet, while the Architectural Plans indicate the maximum building height is 346.5 feet, which confirms the 37.66-foot building height. However, the maximum height linework is pointing to a position that is not the top of the structure.

Furthermore, the definition of building height in Section 24-2.2 states “the vertical distance from the average point of the finished grade to the mean level of the roof.” The structure has differing roof types – some of the building has a pitched roof with gables, most of the roof is flat, and there are some sections that “read” like a mansard roof, but it is a façade treatment concealing a flat roof. Due to these differing roof styles, the Board may want to request the Applicant to calculate each section separately.

26. In addition to the building height comments above, we defer to the Board Engineer regarding the calculated average grade. This site features significant topography, ranging



from a low of 290 to a high of 327. The Board may want confirmation of the calculated average grade from the Board Engineer.

27. Sheet 4 indicates two loading berths are required for the retail component; however, the Ordinance only requires one loading berth.
28. The Applicant has incorrectly calculated the required number of parking spaces on Sheet 4 of the Site Plans. The Applicant shall refer to the parking calculation in “C” variance #4 above, and update Sheet 4 accordingly.
29. The parking calculation on Sheet 4 indicates the first 2,000 square feet of retail space requires one space for each 250 square feet. However, the Ordinance requires one space for every 150 square feet of space. This error shall be eliminated.
30. Eleven parallel parking spaces are proposed along the western side of the property. A width of only seven feet is indicated. We defer to the Board Engineer if this is acceptable, as parallel spaces are typically eight feet wide.
31. Section 22-6.2.f.2. indicates that parked vehicles may not overhang or extend over sidewalk areas unless an additional sidewalk width of 2.5 feet is provided to accommodate such overhang. It is unclear if the parking areas comply with this requirement, especially the 12-space surface parking lot. Testimony shall be provided.
32. On Sheet 4, there is a label pointing to the west side of the building stating “prop. wall mounted fixture (typ.)”. We believe this label is an error as no fixture is illustrated in this location.
33. The Grading Plan on Sheet 5 of the Site Plans provides limited top and bottom of wall measurements on every proposed retaining wall. The Applicant shall provide additional measurements to determine the maximum height of each wall. Where information has been provided, walls peak at six and 10.7 feet. However, no fall protection is noted. We defer to the Board Engineer regarding the necessary fall protection.

It should be noted that Section 24-5.3d.3. permits self-supporting walls and fences to project into any required yard, provided that the wall or fence does not exceed a height of six feet or obstruct automobile vision. Additional wall height information is necessary to determine if additional variances are triggered.

34. A six-foot-tall fence is proposed along the residential property line (for the home that fronts on King Street), but it is unclear where the fence stops and starts. Sheet 4 should be clarified to delineate the extents of the fence.



35. As the Application requires a parking variance, testimony shall be provided on snow storage. Many plow operators pile snow in parking spaces, which reduces the number of available spaces.
36. Seven parking spaces appear to be signed as employee parking. Testimony shall be provided confirming the number of allocated spaces and to which use.
37. Section 22-6.9e.3 requires benches to be installed along Franklin Turnpike unless the Board believes the installation of benches is inappropriate or unnecessary. The Board should discuss if benches are appropriate along this portion of Franklin Turnpike.
38. *We defer to the Board Engineer regarding slopes on the site and whether or not said slopes trigger a waiver from Section 28-2.4b.6, which does not permit slopes greater than one-foot vertical and four-foot horizontal to be created.*

Architecture

39. The Architectural Plans received are very blurry making many of the labels unreadable. Furthermore, there are no exterior dimensions on the floor plans. The Applicant shall submit clear and legible plans.
40. The Architectural Plans are not signed and sealed. The Applicant should submit signed and sealed plans.

As of January 5, 2021, this office has not received signed and sealed Architectural Plans.

41. Sheet 4 of the Site Plan indicates there is 7,956 square feet of retail space. The Architectural Plans do not provide any information to confirm this square footage. The Architectural Plans should provide the square footage of the retail space.
42. The Applicant has not provided detailed floor plans of each unit type. Therefore, we are unable to confirm the bedroom count. Detailed floor plans of the units should be submitted.

The Applicant has submitted detailed floor plans for three units. We believe the abbreviations on the plans illustrate a one-bedroom congregate apartment unit, a two-bedroom congregate apartment unit, and a studio assisted living unit. However, detailed floor plans of all the unit types and bedroom configurations have not been provided.

43. Several spaces on all floors are labeled “BOH”, which typically stands for “back of house”. However, what is labeled “BOH” on Level 1 appears to be a kitchen. Furthermore, there is only one small area noted for administration. Additional information should be provided on what the various “BOH” labels represent.



The “Monarch Program” document indicates the “B.O.H. Wing” will have a commercial kitchen and commercial laundry space. However, the Architectural Plans do not illustrate a “wing” of BOH, rather multiple rooms throughout the facility.

44. Several areas are labeled “Congregate Apartment Common”, it is unclear what this space is. Testimony shall be provided.
45. The space at the main entrance of the building along Franklin Turnpike is not labeled “reception” or the like, it is instead labeled “Congregate Apartment Common”. Is this correct? Testimony shall be provided.
46. The Applicant is strongly encouraged to bring a sample board of the proposed building materials to assist the Board in visualizing the proposed building.
47. The West (Right) Elevation on Sheet A2.03 and South Elevation on Sheet A2.04 of the Site Plans illustrate windows in the fourth floor area. The Level 4 Floor Plan on Sheet A1.04 does not illustrate any livable space in this area. Are the windows purely aesthetic or is there usable space in this area? Testimony shall be provided.
48. The West (Left) Elevation on Sheet A2.03 illustrates a building projection in the middle of the Level 2 façade. However, this projection is not reflected on the Level 2 Floor Plan. This discrepancy shall be eliminated.
49. Section 24-4.1.1g.7 requires a parapet to project vertically if a flat roof is proposed to hide any roof-mounted mechanical equipment. The parapet height appears to vary along the façade. Testimony shall be provided on the minimum parapet height and the maximum height of any roof-mounted equipment.
50. Section 24-4.1.1g.9 requires heating, air-conditioning, and other mechanical features to be screened from public view and adjacent properties. Testimony shall be provided regarding compliance with this requirement.
51. Section 24-4.1.1g.11 prohibits packaged terminal air conditioner units within the façade. Testimony shall be provided confirming this type of unit is not proposed.
52. Sheet A2.03 appears to illustrate a door on the parking garage. Will access be restricted to the parking garage? Testimony shall be provided.
53. *A “Monarch Program” table has been provided that indicates amenity spaces for each type of living. However, these amenities should be labeled on the Architectural Plans.*
54. *Mr. Preiss’ email correspondence indicates that “the interiors for the facility have not been fully designed”, but they have provided three typical unit floor plans. The Applicant*



is seeking Preliminary and Final Major Site Plan, yet we have not been provided complete architectural plans. If the floor plans are not yet ready, the Applicant may want to consider seeking only Preliminary approval at this time.

Landscaping & Lighting

55. The Landscape Plan illustrates two shrubs within the Franklin Turnpike right-of-way and three shade trees in the East Ramapo Avenue right-of-way. Has the applicant obtained permission from the Township and/or County to plant within the rights-of-way? Testimony shall be provided.
56. Multiple Mariesii Doublefile Viburnum shrubs are illustrated on Lot 2. The Applicant shall ensure the proposed landscaping does not encroach onto adjacent properties.
57. The Munchkin Oakleaf Hydrangea shrubs and Hughes Juniper groundcovers at the eastern King Street driveway are overlapping the proposed retaining wall. The plantings shall be relocated to provide adequate spacing.
58. It appears that some of the Stella D'oro Daylilly perennials in the central landscaped area of the courtyards are encroaching onto the sidewalk. The plantings shall be relocated as necessary.
59. A group of 18 Grey Owl Juniper shrubs to the south of the circular driveway is labeled as having 24 shrubs. The label shall be revised.
60. A group of four Summer Wine Ninebark shrubs along the west side of the building is labeled as having seven shrubs. The label shall be revised.
61. A group of what appears to be Super Blue Lilyturf groundcovers along the west side of the building are not labeled. A label shall be added to this group of plantings.
62. A group of 12 Crazy Blue Russian Sage perennials at the southeast entrance to the building is labeled as having 51 perennials. This labeled shall be revised.
63. A group of 87 Caesar's Brother Siberian Iris perennials at the southeast corner of the property are labeled as having 147 perennials in the Rain Garden Planting Inset. This label shall be revised.
64. A group of three plantings adjacent to Lot 18 is not labeled. A label shall be added to identify these plantings.
65. A group of ten plantings is not labeled in the Rain Garden Planting Inset. A label shall be added to identify these plantings.



66. The Landscape Schedule indicates there are five Girard's Pleasant White Azalea shrubs, while six are illustrated on the Landscape Schedule. This discrepancy shall be eliminated.
67. The Landscape Schedule indicates there are 53 Nordic Inkberry shrubs, while only 40 are illustrated on the Landscape Plan. This discrepancy shall be eliminated.
68. The Landscape Schedule indicates there are 15 Ruby Spice Clethra shrubs, while only 14 are illustrated on the Landscape Plan. This discrepancy shall be eliminated.
69. The Landscape Schedule indicates there are ten Winter Red Winterberry Holly shrubs, while zero are illustrated on the Landscape Plan. This discrepancy shall be eliminated.
70. The Landscape Schedule indicates there are nine Blazing Star Gayfeather perennials, while zero are illustrated on the Landscape Plan. This discrepancy shall be eliminated.
71. The Landscape Schedule indicates there are 57 Monarda perennials, while zero are illustrated on the Landscape Plan. This discrepancy shall be eliminated.
72. The Landscape Schedule indicates there are 20 Flower Carpet Pink Splash Rose perennials, while 21 are illustrated on the Landscape Plan. This discrepancy shall be eliminated.
73. The Landscape Schedule indicates there are 26 Black-Eyed Susan perennials, while zero are illustrated on the Landscape Plan. This discrepancy shall be eliminated.
74. Section 22-6.9e.1.(b) requires light fixtures along Franklin Turnpike to be "Hagerstown Fixtures (Model #S5823) with Classic I Pole (Model #SP5844), black finish, with electric outlet box, manufactured by Hadco Architectural Outdoor Lighting or approved equal". The Applicant proposes a fixture that appears to be similar to the Hagerstown Model. The Board should determine whether or not the proposed fixture is an "approved equal".

Signage

75. Sheet A2.02 of the Architectural Plans illustrates three wall signs of various sizes for the retail spaces. No details were provided for these signs to determine compliance with the Code. This information shall be provided.
76. The Signage Table on Sheet 4 indicates the proposed monument sign area for the senior living facility is 49.4 square feet. However, based on the dimensions on the Monument Sign Detail on the same sheet, this office has calculated an area of 44 square feet (not including the eight-inch base). This discrepancy shall be eliminated.
77. It is unclear if the proposed monument signs will be illuminated, either internally or externally illuminated. Testimony shall be provided.



Ms. Geraldine Entrup
MC Project No. MWZ-040
January 8, 2021
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We reserve the right to make additional comments based upon further review or testimony presented before the Board. Should you have any questions on this correspondence please do not hesitate to contact me.

Very truly yours,

MASER CONSULTING, INC.

A handwritten signature in blue ink, appearing to read 'D. Alaimo Lawlor'.

Deborah Alaimo Lawlor, FAICP, PP
Discipline Leader, Planning Services
Principal Associate

DAL/dag/hk

cc: Angela Dragone, Zoning Board Secretary (adragone@mahwahtwp.org)
Michael J. Kelly, Board Engineer (mkelly@boswellengineering.com)
Ben Cascio, Esq., Board Attorney (bencascio@aol.com)
Antimo A. Del Vecchio, Esq., Applicant's Attorney (adelvecchio@beattielaw.com)

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