



Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

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

February 2, 2021

**VIA EMAIL**

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

Re: **Review Letter #4**  
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 with 7,956 square feet of commercial space. 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, revised through December 21, 2020, consisting of 22 sheets. It should be noted that Sheet 12 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 "Monarch", prepared by JAL Architecture and Engineering, PC, dated December 22, 2020, consisting of 10 sheets.
4. Plans entitled "Typical Unit Monarch", prepared by Procon, dated August 14, 2020, consisting of 3 sheets.



5. Board of Adjustment Application, dated July 29, 2020.
6. Board of Adjustment Submission Checklist, dated August 21, 2020, revised September 11, 2020.
7. Development Application, dated July 28, 2020.
8. Planning Board Application Submission Checklist, dated July 28, 2020.
9. Site Plan Determination of Completeness Checklist, no date.
10. Historic Preservation Commission Application, dated July 29, 2020.
11. Soil Movement Permit Application, dated July 20, 2020.
12. 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.
13. Environmental Impact Statement, prepared by Steve L. Schwartz, P.E., C.M.E. of Dynamic Engineering, dated July 2020, revised through December 2020.
14. Traffic Impact Study, prepared by Corey M. Chase, P.E. and Craig W. Peregoy, P.E. of Dynamic Engineering, dated July 23, 2020.
15. Stormwater Management Summary, prepared by Steve L. Schwartz, P.E., C.M.E. of Dynamic Engineering, dated July 2020.
16. Stormwater Management Facilities Operation and Maintenance Manual, prepared by Steve L. Schwartz, P.E., C.M.E. of Dynamic Engineering, dated July 2020.
17. Community Needs Analysis, prepared by HTG Consultants, LLC, dated December 23, 2020.
18. Valuation Report, prepared by Appraisal Consultants Corporation, dated January 4, 2021.
19. Packet of photographs, prepared by Dynamic Engineering, no date, consisting of 8 pages.
20. Document entitled “Monarch Program”, author unknown, dated December 6, 2020, consisting of 1 page.
21. 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.

22. 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 and noted as revised, consisting of 5 pages with attachments.
23. Email correspondence from Richard Preiss of Phillips Preiss Grygiel Leheny Hughes, LLC, on December 7, 2020.
24. Documents entitled “Fire Hydrant Flow Test Results”, prepared by P. Kimball of Allstate Fire Technologies, Inc., dated April 20, 2020, consisting of 2 pages.
25. Document entitled “Soil Movement Calculations”, unknown author, no date, consisting of 2 pages.
26. Document entitled “Sanitary Sewer & Water Flow Analysis”, prepared by Dynamic Engineering, dated December 16, 2020, consisting of 1 page.
27. Letter entitled “Parking Assessment”, prepared by Corey Chase, P.E. of Dynamic Traffic, LLC, dated December 21, 2020, consisting of 3 pages.
28. Letter entitled “Application #1478-20 Monarch Communities”, prepared by Steve L. Schwartz, P.E., C.M.E. and Joshua Wirry, P.E. of Dynamic Engineering Consultants, PC, dated December 21, 2020, consisting of 5 pages.

### **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 NJ Transit railroad lies to the west.

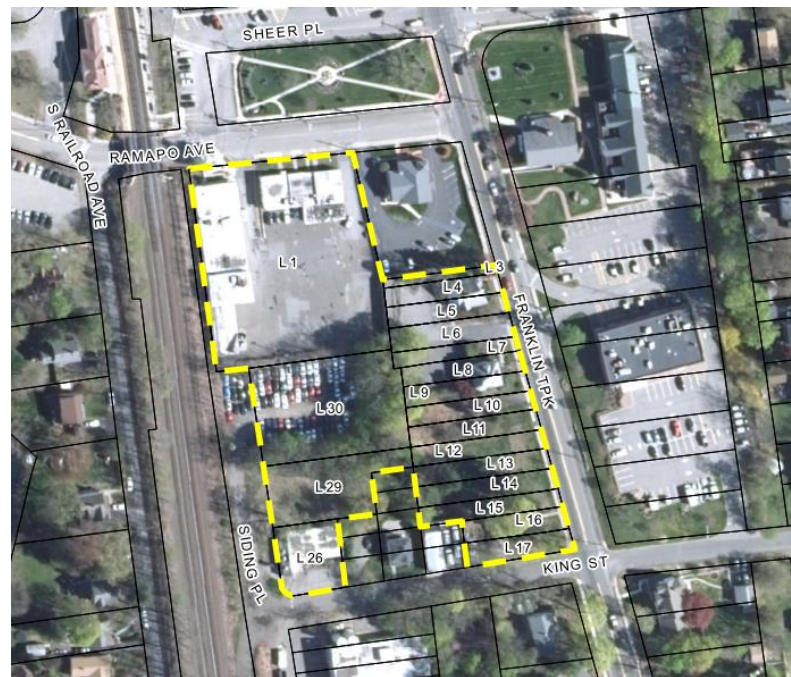


Figure 1 - Aerial showing approximate location of the property in yellow.



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.

### **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**

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. The proposed building set back varies from 30.6 to 85 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, 37.67-foot tall building.

3. 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 units<sup>1</sup>, 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.)

4. 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.

---

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



5. 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 a portion of the trash enclosure within the required 40-foot King Street front yard setback.

6. Section 24-6.11b.1. via Section 24-4.1.1.b.6. – Variance for fence height. Section 24-4.1.1.b.6 permits fences and walls subject to Section 24-6.11b. Therefore, the height limit for fences and walls is six feet when located behind the front façade line or four feet when located within the front yard.

The retaining wall adjacent to the trash enclosure is greater than four feet within the front yard. The retaining wall near the 11-space parking area is six feet tall in the front yard, the retaining wall in the courtyard is 11.4 feet tall, and the combined height of the proposed kneewalls with aluminum fences on top in the front yard of the retail component is five feet, six inches. It should be noted that the retaining walls are proposed with “fall protection”, which would increase the height of the proposed retaining walls. (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 approximately 11.3 feet from King Street and 11.2 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 27 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.



4. 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.

5. 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. (The Applicant has not requested this waiver/exception.)

## **E. General Comments**

Note that the current status of prior 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 shall list all variances and waivers/exceptions noted in Section D above on the Site Plans.

*Additional variances and waivers/exceptions have been noted on the revised Site Plans. However, there are still some variances and waivers/exceptions missing from the Site Plan.*

3. 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.*

4. *Page 2 of the Community Needs Analysis indicates the proposed facility contains 175 units and 202 beds. However, the Architectural Plans’ Unit Mix table totals 213 beds. Additionally, the Community Needs Analysis indicates the 97 congregate apartment units have 113 beds and the 48 assisted living units have 59 beds, while the Architectural Plans’ Unit Mix table indicates 130 congregate apartment beds and 53 assisted living beds. These discrepancies shall be eliminated.*

#### 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.”<sup>2</sup> 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.

*Mr. Preiss, the Applicant’s Planner, 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*

---

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





*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
<b>Congregate Apartments</b>						
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>
<b>Assisted Living</b>						
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>
<b>Memory Care</b>						
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>
<b>TOTAL</b>	<b>175</b>					<b>221</b>

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

*Note that the bed data we received from Mr. Preiss does not match the bed data in the Community Needs Analysis for congregate apartments or assisted living. The table does not match the Unit Mix table on the Architectural Plans for assisted living beds.*



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.

*The trash enclosure has been enlarged to be 24 feet by 25 feet. However, it remains unclear if the trash enclosure will serve all proposed uses.*

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.

*The pub is now illustrated on the plans. There is also a “lobby/juice bar” area illustrated at the main entrance. Testimony shall also be provided on this amenity and whether or not it is accessible to non-residents.*

#### 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
<b>Congregate Apartments</b>				
1 Bedroom	0	0	3	3
4 Bedroom	2	8	1	4
<b>Assisted Living</b>				
Studio*	3	6	5	10
4 Bedroom	1	4	0	0
<b>TOTAL</b>		<b>18</b>		<b>17</b>

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



*As noted above, the number of beds within the facility by category needs to be clarified and testimony shall be provided if any changes impact the table above.*

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.

*The revised Architectural Plans have not identified the location of the proposed affordable units and beds. This information shall be added to the Floor Plans.*

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.

*As the locations of the proposed affordable units and beds has not been provided on the revised Architectural Plans, we are unable to verify if the Applicant complies with the 20% affordable housing set-aside.*

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.

*Detailed plans have been provided that illustrate distinct bedrooms in the four-unit congregate and four-unit assisted living affordable units. These units illustrate a kitchen area and common room. This comment has been addressed.*

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.

*The Demolition Plan has been moved to Sheet 4 of the Site Plans. However, the Plan still only illustrates five trees to be removed. A tree removal plan should be submitted.*

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.

*The Schedule of Zoning Requirements has been moved to Sheet 7. The revised Schedule indicates the proposed improved lot coverage is 71.7% (108,260 square feet). The impervious surfaces are illustrated on Sheet 6. However, it appears that the area of retaining walls and curbs was not included in the calculation. Note the definition of "improved lot coverage" includes any man-made improvements. The Proposed Coverage Plan (Sheet 6) shall be revised to include these areas and the Schedule of Zoning Requirements accordingly updated.*

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.

*The proposed building height has been amended in the Schedule of Zoning Requirements to 37.67 feet. The average grade has been revised from 308.84 to 309.17 feet. As of January 22, 2021, this office has not received revised Architectural Plans to verify the proposed building height noted on Sheet 7.*

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.

*This note, now located on Sheet 7, has been revised to indicate the retail component only requires one loading berth. This comment has been addressed.*

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.

*The parking space calculation, now located on Sheet 7, indicates 48 spaces are needed for the retail component. Whereas this office, along with Mr. Kelly, have calculated 45.46 spaces. Sheet 7 now indicates that “alternative parking standards shall be accepted if the applicant demonstrates these standards better reflect local conditions”. The Applicant contends on Sheet 7 that 147 spaces are required and proposed. Mr. Kelly has indicated that 265 spaces are required, and this office has determined that 264.46 spaces are required.*

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.

*The parking calculation on Sheet 7 has been revised to note the first 2,000 square feet of retail space requires one space for each 150 square feet. However, this office along with Mr. Kelly have indicated that the parking requirement for the retail component is just one space for every 175 square feet of retail.*



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.

*The wall mounted fixture label, now located on Sheet 7, has been revised to identify a light fixture. This comment has been addressed.*

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.

*After further review of the Ordinance, Section 24-5.3d.3 is not applicable to this Application, as Section 24-4.1.1b.6 permits fences and retaining walls subject to the requirements of 24-6.11.b. Therefore, this comment is no longer applicable. Furthermore, the Applicant can remove the variance from Section 24-5.3d.3 from Sheet 7.*

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.

*The six-foot-tall fence along the residential property line has been removed from the Site Plans. Therefore, this comment is no longer applicable.*

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.
39. Only three distinct top and bottom wall measurements are provided along the retaining wall adjacent to Siding Place. Two additional measurements are provided with a top elevation of "Meet Exist." It is unclear what elevation this is. The Applicant shall clarify the top existing elevation and provide additional top and bottom wall measurements along this retaining wall.
40. There appears to be a wall proposed around the outdoor seating area along Franklin Turnpike, which is within the front yard. However, the Grading Plan does not provide any wall measurements. Wall heights shall be provided. This information may trigger a new deviation.
41. Section 22-6.2d.6.(c), Table 4 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, 15, and 20 feet. The Applicant has indicated they do not need a waiver from this requirement. We defer to the Board Engineer on whether or not a waiver is required from this regulation.
42. Sheet 7 has been amended to illustrate what appears to be a stepping/terracing of the site along East Ramapo Avenue. Kneewalls with fences on top are now proposed. To enable the Board and the public to better understand how this will work with the proposed storefronts an elevation or rendering should be prepared.
43. *Section 24-4.1.1f.2 of the Ordinance requires parking spaces to measure 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's Engineer opines that the proposed spaces meet RSIS standards. We defer to the Board Engineer is this is correct and whether or not a variance is needed.*

#### Architecture

44. 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.





*The revised Architectural Plans are clear and legible. Additionally, exterior dimensions have been provided on the floor plans. This comment has been addressed.*

45. 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.

*Signed and sealed Architectural Plans have been submitted. This comment has been addressed.*

46. 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.

*Sheet A1.01 indicates there is 7,956 square feet of retail space in the Gross Area Schedule. However, the net area of the three retail spaces totals only 7,148 square feet. It is unclear where the remaining 808 square feet of retail space is located. Is this the stairwell area? Additional information shall be provided to clarify this discrepancy.*

47. 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.

*The revised Architectural Plans have included the floor plans. However, it is unclear how the affordable assisted living studios with two beds will be laid out. Additional information is needed.*

48. 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.

*The revised Architectural Plans have labeled the various B.O.H areas as spaces like kitchen, laundry, electrical, building storage, server, dining and activity areas, and other uses associated with the operation and maintenance of the three housing types. However, there are some areas still labeled as BOH. For example, on Levels 2 and 3, there is a BOH area in the corridor closest to and parallel to Franklin Turnpike. Additionally, there are some areas labeled as “MEP”. It is unclear what this represents. Additional information shall be provided.*

49. Several areas are labeled “Congregate Apartment Common”, it is unclear what this space is. Testimony shall be provided.

*The Congregate Apartment Common areas have been labeled to identify amenities such as a theatre, multi-purpose room, pub, dining, lobby/juice bar, spa/salon/fitness, and lounge areas. Additionally, resident storage areas have been labeled on the floor plans. This comment has been addressed.*

50. 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.

*The space at the main entrance has been labeled as a lobby/juice bar. This comment has been addressed.*

51. The Applicant is strongly encouraged to bring a sample board of the proposed building materials to assist the Board in visualizing the proposed building.

52. 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.

*The revised plans have clarified this question, comment addressed.*

53. 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.

*The Level 2 Floor Plan has been revised to illustrate the building projection shown on the West (Left) Elevation. This comment has been addressed.*

54. 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.

55. 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.
56. 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.
57. Sheet A2.03 appears to illustrate a door on the parking garage. Will access be restricted to the parking garage? Testimony shall be provided.
58. 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.

*Amenity spaces have been labeled on the revised Architectural Plans. This comment has been addressed.*

59. 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.

*The revised Architectural Plans provide detailed floor plans of the various unit types and provide additional labels to clarify the amenity, operation, and maintenance areas. This comment has been addressed.*

60. *The parking garage layout and shape does not match between the Architectural Plans (Sheet A1.00) and the Site Plan (Sheet 7). For example, the Architectural Plan illustrates a stripped area adjacent the generator, whereas the Site Plan illustrates this same area as a parking space. Additionally, the Architectural Plan illustrates a flat façade facing Siding Place, while the Site Plan illustrates a façade with projections and recesses. These discrepancies shall be eliminated, and the parking spaces should be dimensioned to demonstrate Ordinance compliance.*
61. *The retail façade facing East Ramapo Avenue also does not match between Sheet A1.00 and Sheet 7. This discrepancy shall be eliminated.*
62. *Sheet A1.01 illustrates a door from the stairwell behind retail space 1 exiting onto grass. This door should be moved to align with the sidewalk.*



63. *Sheet A1.01 illustrates retail space 2 with a rear exit door, this rear exit door is not illustrated on the Site Plan and may conflict with a parking garage door illustrated on the Site Plan. This discrepancy shall be eliminated.*
64. *Sheet A1.05 provides a roof plan, which illustrates two areas of air compressors. No compressors are illustrated in the wing of the building that houses the commercial component. Testimony shall be provided confirming this is correct.*
65. *Information on the garage clearance height shall be provided.*
66. *The Architectural Plans this office has received are black and white. It appears that they were originally in color. This has made it difficult to see certain sections of the elevations. For example, there appears to be text regarding signage on the East Ramapo Avenue elevations, but we cannot read said text or see where arrows may be pointing.*

#### Landscaping & Lighting

67. 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.

*The two shrubs and two of the three shade trees have been relocated onto the property. However, the middle Green Pillar Pin Oak shade tree appears to be either on or over the property line along East Ramapo Avenue. Additionally, this tree is proposed between the sidewalk and proposed kneewall in a grass strip approximately one-foot-wide. It is unclear if this is adequate space to allow for the proper growth of this tree. The Applicant shall relocate the tree to be fully on the property and in a location to allow for proper growth.*

68. The Landscape Schedule indicates there are 26 Black-Eyed Susan perennials, while zero are illustrated on the Landscape Plan. This discrepancy shall be eliminated.

*The Landscape Schedule has been revised to indicate five Black-Eyed Susan perennials are proposed. No Black-Eyed Susans are illustrated on the Landscape Plan. However, the group of five plantings labeled as “3 RPG” near the northern side entrance near Lot 2 appear to have been mislabeled. This error shall be eliminated.*

69. 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”.



70. The Landscape Schedule indicates there are 16 Pyramidal White Pine trees proposed, while only 15 are illustrated on the Landscape Plan. This discrepancy shall be eliminated.
71. The Landscape Schedule indicates there are 30 Hicks Yew shrubs, while 35 are illustrated on the Landscape Plan. Additionally, the group of seven Hick Yew shrubs along the southeastern corner of the building is labeled as 15. These discrepancies shall be eliminated.
72. The Landscape Schedule indicates there are 550 Super Blue Lilyturf ground covers, while the labels on the Landscape Plan total to 553. This discrepancy shall be eliminated.
73. The group of 21 Rainbow Leucothoe shrubs in the Rain Garden Planting Inset is labeled as 22. This discrepancy shall be eliminated.
74. The Township Lighting Requirements on Sheet 13 indicates the illumination at street intersections was not modeled since the existing levels will remain. We would defer to the Board if the ordinance requirement is for public “street intersections” or any intersection of roadways. Depending on the Ordinance interpretation, additional information may need to be provided to determine Ordinance compliance.

#### 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.

*Sheet A2.02 has been revised to note some signage, but as noted above, the plans arrived in black and white and are unreadable.*

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.

*The Monument Sign has been reduced to an area of 40.5 square feet (not including the stone wall planters). The Signage Table has been revised to indicate an area of 40.5 square feet is proposed. This comment has been addressed.*

77. It is unclear if the proposed monument signs will be illuminated, either internally or externally illuminated. Testimony shall be provided.

*A note has been added to the Monument Sign Detail indicating the sign will be lit on both sides from a ground-mounted light. However, a detail for the proposed ground-mounted light was not provided. This information shall be provided on the Site Plan.*



Details

78. The Site Plans have been revised to provide fall protection on all retaining walls. However, the retaining wall and fall protection is noted to be installed by others and no detail was provided for the retaining wall or fall protection. We defer to the Board Engineer regarding when these details should be submitted.
79. The revised Site Plans illustrate two knee walls with a 42-inch aluminum fence, which are noted to be provided by others, in front of the retail component. However, no details of the kneewall or aluminum fence were provided. We defer to the Board Engineer regarding when these details should be submitted.

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,

COLLIERS ENGINEERING & DESIGN,  
DBA MASER CONSULTING

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