

June 4, 2021  
Via Hand Delivery

Township of Mahwah  
475 Corporate Drive  
Mahwah, NJ 07430

Attention: Angela Dragone, Board of Adjustment Secretary

**RE: Preliminary & Final Site Plan  
Proposed Multi-Level Senior Housing Facility  
8 Ramapo Avenue  
Block 82, Lots 1, 3-17, 26, 29 & 30  
Township of Mahwah  
Bergen County, New Jersey  
BENJ File No. J200513**

Dear Ms. Dragone:

Enclosed please find the following documents constituting our formal resubmission to the Township of Mahwah Zoning Board with regard to the above-referenced project:

- Fifteen (15) signed and sealed sets of the *Preliminary/Final Land Development Plans* prepared by our office, dated June 4, 2021
- Fifteen (15) copies of the *ALTA/NSPS Land Title Survey* prepared by Dynamic Survey, LLC, dated February 21, 2020
- Fifteen (15) copies of the *Architecturals* prepared by JAL Architecture and Engineering, P.C., dated June 1, 2021

Our office is in receipt of the following letters:

- Boswell Engineering, Inc., Michael J. Kelly, P.E., Township Engineer Representative, dated 1/26/2021
- Colliers Engineering & Design, DBA Maser Consulting, Deborah Alaimo Lawlor, FAICP, PP, Discipline Leader, Planning Services, Principal Associate, dated 2/2/2021
- Boswell Engineering, Michael J. Kelly, P.E., Township Engineer Representative, dated 2/24/2021

Please find our responses below in **bold**.

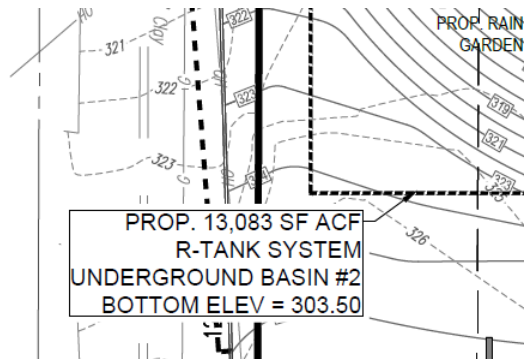
**Boswell Engineering, Inc., Michael J. Kelly, P.E., Township Engineer Representative, dated 1/26/2021**

1. The datum of elevations should be noted on the Grading Plan.

**Response: Plan sheet C-401 has been revised to note the datum of elevations.**

2. The footprint of the underground detention basin should be clearly shown and labeled in the Drainage Plan. Also, the type and size of the detention basin (Storm Trap) should be noted.

**Response: Plan sheet C-403 has been revised to show the footprint of the underground detention basin. The type and size of the detention basin has been noted.**



- The Soil Survey is based on 46.4 acres. However, runoff calculations imply 4.55 acres of area. As such, the Soil Survey is not site specific and should be revised to be consistent with the site boundary.

**Response: The Stormwater Management Report will be provided under separate cover.**

- Runoff calculations for the pervious area are prepared assuming Urban Land which is hydrologic soil group D and which represents a soil of poor permeability. It should be noted that Urban Land represents a disturbed soil and has no definite hydrologic soil group. Therefore, a soil log and permeability test should be conducted to define the hydrologic soil group. Alternatively, the calculations should be based on hydrologic group B to be conservative. Also see the next comment.

**Response: The Stormwater Management Report will be provided under separate cover.**

- Included in the report are permeability test results at three (3) test holes SPP-1, SPP-2 and SPP-3. The location of these tests should be shown on the Site Plan or Grading Plan. Also, the measured permeability at SPP-3 indicates the occurrence of group B soil confirming the above comment.

**Response: The site has been redesigned. This comment is no longer applicable.**

- Considering the above comments, the proposed stormwater management provisions may not and, most likely will not, be adequate to address the required peak flow reductions for the project which creates 0.86 acres of new impervious surfaces.

**Response: The site has been redesigned. This comment is no longer applicable.**

- The Basin Model page in the report is not fully legible. A larger copy (on 8.5" x 11" paper) should be submitted.

**Response: The site has been redesigned. This comment is no longer applicable.**

- Calculations for the Soil curve number CN are based on 4.55 acres. However, the Hydrograph Summaries imply a total area of 5.402 acres consisting of 3.12 acres in area DA-1, 0.39 acres in area DA-2, and 1.892 acres in offsite area. This discrepancy should be reconciled. Also see the next comment.

**Response: The site has been redesigned. This comment is no longer applicable.**

9. Runoff calculations for both the existing and proposed conditions are based on a time of concentration of 10 minutes. While the 10 minutes time of concentration is proper for the proposed development which is 71% impervious, it may exaggerate the runoff peaks for the existing conditions. Therefore, calculations for the existing time of concentration for acres DA-1 and offsite should be provided and runoff calculations should be revised as needed.

**Response: The Stormwater Management Report will be provided under separate cover.**

10. The Existing (and Proposed) Drainage Area Maps are not legible enough to show to where the entire offsite area drains. A larger scale copy of the Existing Drainage Area Map and/or a copy of the Survey should be submitted to clarify this matter. Also see the next comment.

**Response: The Drainage Area Maps have been revised and attached to the Stormwater Management Calculations.**

11. Description of offsite area on page 4 of the report tends to indicate that this area will be undisturbed and drains offsite. As such, this area may be excluded from the analysis and the runoff calculations are prepared for the disturbed area which is 3.51 acres (3.12 + 0.39). Also see the next comment.

**Response: The site has been redesigned and this comment is no longer applicable.**

12. The reason for installing the proposed E inlet at the corner of King Street and Siding Place is unclear. This matter should be explained. If the inlet is intended to correct an existing flooding problem, then its drainage area should be defined, and the runoff calculations should be revised accordingly. It appears that runoff from a portion of the offsite area will not drain to this inlet anyway. To prevent diverting the offsite runoff through the site we suggest that the E inlet, if needed, is bypassed from the site.

**Response: The site has been redesigned and this comment is no longer applicable.**

13. Support calculations including the number of StormTrap and the net open area for each should be provided in support of the detention storage tables, which show incremental storage at 1.0' intervals.

**Response: The site has been redesigned and this comment is no longer applicable.**

14. The listed discharges from the weir require clarification. Specifically, the submerged elevation behind the weir should be defined to support the calculations.

**Response: The site has been redesigned and this comment is no longer applicable.**

15. Runoff calculations for the offsite area are included both in the existing and proposed runoff calculations for the storms of 2, 10, and 100 year frequency. Since the offsite area remains unchanged, duplicate calculations should be removed from the report

**Response: The site has been redesigned and this comment is no longer applicable.**

16. Calculations for the proposed rain garden are improper and incomplete. Instead of hydro graphs showing the peak runoff, calculations should be submitted to demonstrate that the rain garden can fully retain the runoff volume during the 1.25" rainfall.

**Response: The Stormwater Management Report will be provided under separate cover.**

17. Calculations for the water treatment device are performed using 0.31 acres of impervious area and 0.56 acres of pervious. A water quality drainage area map clearly showing the treatment area and the paved area bypassing the treatment device should be submitted. Note that the calculations for the required TSS removal indicates that 0.29 acres of pavement will be untreated.

**Response: The site has been redesigned and this comment is no longer applicable.**

18. Design calculations for the water treatment device are based on TR-55 method. It is to be noted that this method is meant for a 24-hour storm and that it underestimates the peak runoff for the water quality storm, which is 2 hours long. Note that for 0.31 acres of impervious area alone, the peak runoff would be 0.94 cfs.

( $0.95 \times 0.31 \times 3.2$ "/hr.), rather than 0.65.

Consistent with the NJDEP Stormwater Best Management Practices Manual, the calculations should be based on the rational method using a rainfall intensity of 3.2"/hr. which is associated with a time of concentration of 10 minutes.

**Response: The site has been redesigned and this comment is no longer applicable.**

19. The proposed Inlet Area Map is not fully consistent with the Drainage Plan, (for example, Inlet Area 11) and also omits a number of inlets including #39, #59 and #60. The map should be revised to reconcile any discrepancy.

**Response: The site has been redesigned and this comment is no longer applicable.**

20. The stage-discharge rating table appears to underestimate the discharges over the 5' long weir. We suggest that the overflow weir is raised by one (1) foot (from elevation 287.8' to 288.8'). At that location, the weir will not be submerged and can freely carry nearly 14 cfs below the crest of the Storm Trap.

**Response: The site has been redesigned and this comment is no longer applicable.**

21. A detail for the outlet structure should be provided.

**Response: Plan sheet C-906 has been revised to include a detail for the outlet structure.**

22. The treatment device (First Defense) Detail on Sheet 16 should be revised to explicitly specify the sizes of inflow and outflow pipes. The detail only indicates the largest pipe size that the device can accommodate. Also, this device is 9.1' (2.765m) deep which appears excessive. Considering ease of maintenance, we suggest that a more shallow unit be given consideration.

**Response: The site has been redesigned and this comment is no longer applicable.**

23. The Storm Trap Detail on Sheet 16 does not provide any information on the number of units and their layout. A plan view showing the layout, the number of units, and their dimensions should be provided. Also, the detail on this plan refers to Sheet 2.1 which is unclear what it is. In addition, the elevations of water level at storms of 2, 10 and 100 year have no relevance to construction and should be deleted from the detail. An inspection manhole should also be shown.

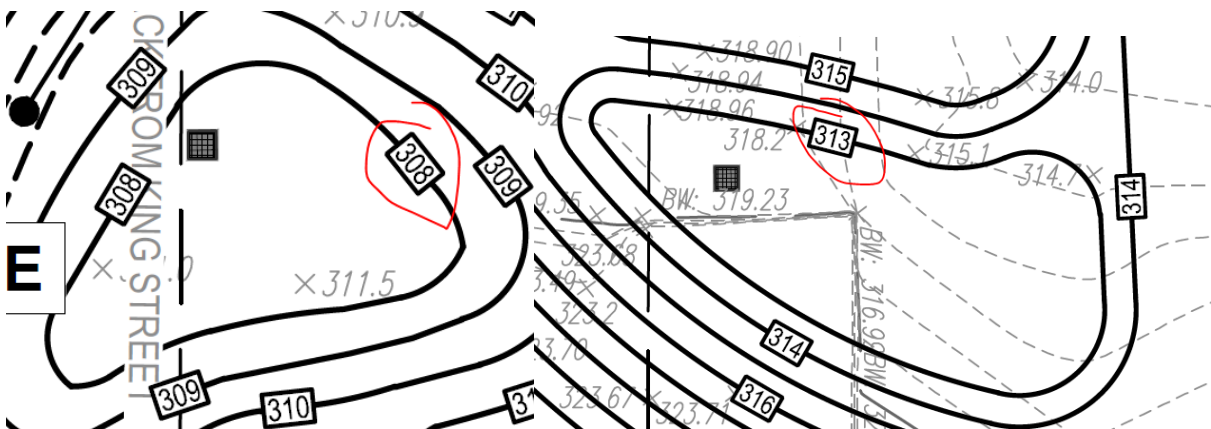
**Response: Plan sheet C-905 has been revised to provide information on the number of units and their layouts.**

24. A soil log and percolation test should be performed at the location of the rain garden and test results submitted to the Township. If the test indicates that the soil has sufficient permeability (2"/hr. or higher) the proposed 4" underdrain is unneeded and may be removed from the Rain Garden detail on Sheet 16.

**Response: Revised infiltration testing will be provided under separate cover.**

25. The bottom elevation of the rain garden should be indicated either on the Grading Plan and/or the Detail Sheet 16.

**Response: Plan sheet C-401 has been revised to show the bottom elevation of the rain garden.**



26. The Operation and Maintenance Manual should be amended/revised as follows:

- a. The email and phone number of the entity for maintenance should be added on page 4. Also, the list on this page should be revised clarifying that Boswell Engineering and the Township are not responsible for maintenance.

**Response: The Operation and Maintenance Manual will be provided under separate cover.**

- b. The one (1) inch of rainfall which is indicated as an inspection criterion on page 6 and Maintenance Schedule Summary is undefined. The duration of the storm should be specified. Note that storms of one (1) inch or greater occur many days here in New Jersey, and as such, the stormwater management system will require too many, unnecessary inspections. We suggest that the storm is specified as one (1) inch in one (1) hour.

**Response: The Operation and Maintenance Manual will be provided under separate cover.**

- c. The model number for First Defense should be specified on page 1.4 of the manufacturer's manual.

**Response: The site has been redesigned and this comment is no longer applicable.**

- d. The rain garden should be included in the Maintenance Checklist, Maintenance Log and Inspection Checklist tables. However, Pond Maintenance and Aeration is irrelevant to this project and should be removed from these tables

**Response: The Operation and Maintenance Manual will be provided under separate cover.**

**Colliers Engineering & Design, DBA Maser Consulting, Deborah Alaimo Lawlor, FAICP, PP, Discipline Leader, Planning Services, Principal Associate, dated 2/2/2021**

#### **D. Variances & Waivers**

Based on a review 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.

**Response: Based on the applicant’s understanding, the proposed use is permitted in this district.**

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.

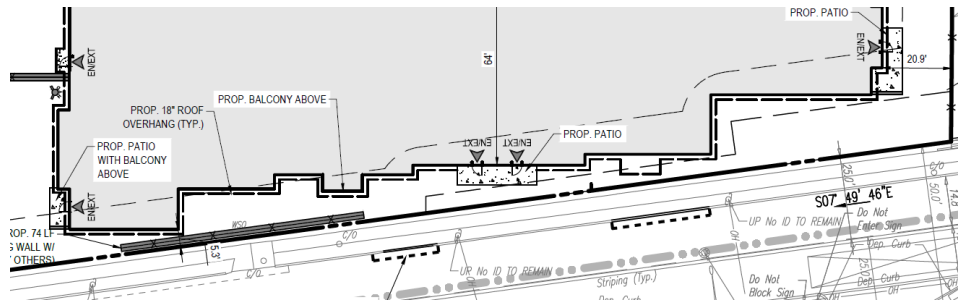
**Response: Acknowledged.**

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.

**Response: The proposed layout has been revised to comply with this requirement.**



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.

**Response: The applicant is requesting a variance for the number of stories of the building. It should be noted the proposed building is less than the permitted 38 feet.**

3. Section 24-4.1.1.f.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, 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.)

**Response: An updated parking requirement chart has been provided on plan sheet C-301. A variance has been requested from this requirement.**

<b>PARKING REQUIREMENTS</b>		
<i>ITEM</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
MIN. STALL SIZE	9' X 18' & 7' X 23'	9' X 18' & 7' X 23'
MIN. AISLE WIDTH	ONE-WAY: 12' TWO-WAY* 24'	ONE-WAY: 12' TWO-WAY* 24'
MIN. SIDE AND REAR YARD PARKING SETBACK	8'	N/A
MIN. LOADING SPACES	4	2 (W)
MIN. LOADING SIZE	12' X 50' X 12'	12' X 50' X OPEN ABOVE
MIN. NUMBER OF STALLS	151	180
ADA PARKING	6	6

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.

**Response: The applicant is requesting a variance for the number of stories of the building. It should be noted the proposed building is less than the permitted 38 feet.**

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.

**Response: The layout has been revised. The trash enclosure is no longer located within the King Street front yard setback.**

6. Section 24-6.11b.1. via Section 24-4.1.1.b.6. – Variance for fence height. Section 24-4.1.1b.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.)

**Response: A variance has been requested from this section.**

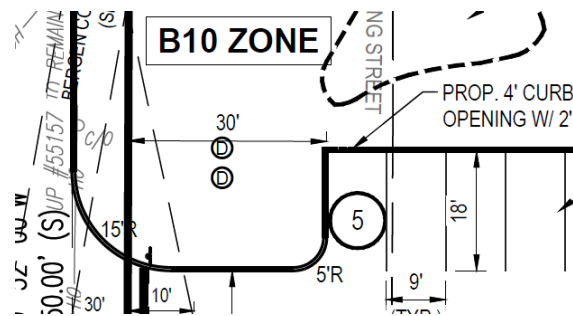


The following waivers/exceptions are required:

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.

**Response: The proposed parking has been revised to be located 30 feet from the King street Right of Way.**



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.)

**Response: A waiver has been requested from this section to permit the proposed driveway locations.**

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.

**Response: A waiver has been requested from this section.**

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.

**Response: A waiver has been requested from this section.**

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.)

**Response: The proposed layout has been revised, therefore this comment is no longer applicable.**

## **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.*

**Response: The requested waivers and variances have been added to plan sheet C-101.**

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.*

**Response: This will be provided under separate cover.**

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.*

**Response: The site plan has been revised to note an updated unit count on plan sheet C-301.**

<b>UNIT BREAKDOWN</b>					
	ROOM NAME	COUNT		ROOM NAME	COUNT
<b>CONGREGATE APARTMENTS:</b>			<b>ASSISTED LIVING:</b>		
	JR 1	13		COMP (AFFORDABLE UNIT)	8
	1 BEDROOM STUDIO	9		STUDIO	24
	1 BEDROOM	10		1 BEDROOM	17
	1 BEDROOM (AFFORDABLE UNIT)	3		2 BEDROOM	2
	1 BEDROOM L	26		4 BEDROOM (AFFORDABLE UNIT)	1
	1 BEDROOM + DEN	8		<b>TOTAL ASSISTED LIVING UNITS:</b>	<b>52</b>
	2 BEDROOM	20	<b>MEMORY CARE:</b>		
	2 BEDROOM + DEN	4		STUDIO	24
	4 BEDROOM	1		1 BEDROOM	2
	4 BEDROOM (AFFORDABLE UNIT)	3		<b>TOTAL MEMORY CARE UNITS:</b>	<b>26</b>
<b>TOTAL CONGREGATE APARTMENT UNITS:</b>		<b>97</b>	<b>OVERALL TOTAL UNITS: 175</b>		

Use

- 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.*

**Response: Testimony will be provided regarding the Congregate Apartments.**

- 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.*

**Response: Testimony will be provided regarding Assisted Living.**

- *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.*

**Response: Testimony will be provided regarding Memory Care.**

*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.*

**Response: Based on the applicant's understanding, the proposed use is permitted in this district.**

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.

*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.*

**Response: Testimony will be provided regarding the anticipated number of residents.**

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.

**Response: Testimony will be provided regarding the anticipated number of residents.**

8. The Applicant shall provide testimony regarding the maximum number of anticipated employees during the peak shift for each use.

**Response: Testimony will be provided regarding the maximum number of anticipated employees.**

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.

**Response: Testimony will be provided regarding deliveries type, size, and 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.

**Response: Testimony will be provided regarding vans and shuttles.**

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.

**Response: Testimony will be provided regarding resident 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.*

**Response: The proposed trash enclosure has been updated and is intended to serve all tenants.**

13. Testimony shall be provided regarding medical waste generation and storage.

**Response: Testimony will be provided regarding 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.*

**Response: Testimony will be provided regarding this matter.**

#### 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.

**Response: Testimony will be provided regarding Medicaid beds within an apartment.**

- b. Medicaid residents cannot be charged any upfront fees.

**Response: Testimony will be provided regarding Medicaid resident 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.

*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.*

**Response: Testimony will be provided regarding affordable bed compliance.**

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.*

**Response: Testimony will be provided regarding the Architectural 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.*

**Response: Testimony will be provided regarding the Overlay Zone for affordable housing.**

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.

**Response: Testimony will be provided regarding the affordable housing unit table.**

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.

**Response: Testimony will be provided regarding apartments with two distinct bedrooms.**

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.

**Response: Testimony will be provided regarding the four-bedroom assisted living affordable suite.**

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.*

**Response: Testimony will be provided regarding the affordable congregate apartments.**

22. The Board should note that the Highlands Consistency Determination, Condition #5 requires a 20% set-aside for affordable housing.

**Response: Testimony will be provided regarding the Highlands Consistency Determination.**

#### 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.*

**Response: The Demolition Plan will be provided under separate cover.**

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.

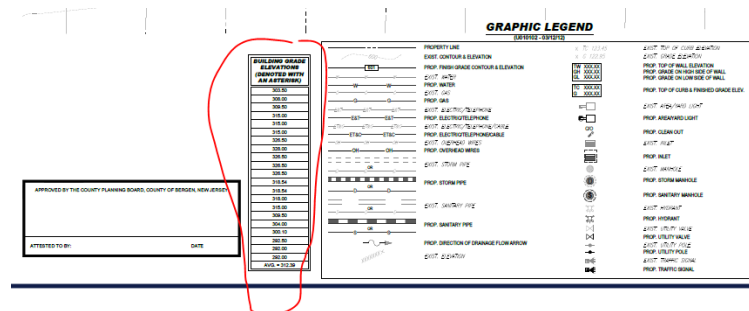
**Response: Plan sheet C-301 has been revised to include the area of retaining walls and curbs in the impervious surface calculation, and the Schedule of Zoning Requirements has been updated.**

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.*

**Response: The height calculation of the revised building has been provided on plan sheet C-401.**



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.

**Response: Acknowledged.**

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.*

**Response: Acknowledged.**

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.*

**Response: The proposed parking calculations have been revised due to the change in layout for the site. The revised parking count can be found on plan sheet C-302.**

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.*

**Response: The proposed parking calculations have been revised due to the change in layout for the site. The revised parking count can be found on plan sheet C-302.**

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.

**Response: The site has been redesigned and this comment is no longer applicable.**

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.

**Response: The site has been redesigned and this comment is no longer applicable.**

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.*

**Response: The site has been redesigned and this comment is no longer applicable.**

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.*

**Response: The site has been redesigned, however retaining walls are still present on site. Top of wall/bottom of wall elevations have been provided on the Grading plan.**

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.*

**Response: The site has been redesigned and 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.

**Response: The site has been redesigned, and is not compliant with respects to parking. Required parking counts are based upon calculated parking demands. The required and proposed parking counts are provided on Plan Sheet C-302.**

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.

**Response: The site has been redesigned and this comment is no longer applicable.**

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.

**Response: This will be discussed with the Board at the appropriate time.**

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.

**Response: Acknowledged. This waiver has been requested.**

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.

**Response: Plan sheet C-401 has been revised to provide additional wall elevations.**

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.

**Response: The site has been redesigned and this comment is no longer applicable.**

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.

**Response: A waiver has been requested from this section.**

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.

**Response: The site plan has been revised. Kneewalls with fences have been removed from the area of the proposed retail shops. Additional grading information is provided on plan Sheet C-401.**

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 if this is correct and whether or not a variance is needed.*

**Response: The proposed design has been revised to comply with this requirement.**

## 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.*

**Response: Acknowledged.**

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.*

**Response: Acknowledged.**

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.*

**Response: Architectural Plans have been revised to provide the calculations.**

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.*

**Response: Architectural Plans have been revised to provide the calculations.**

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.*

**Response: Testimony will be provided regarding the BOH areas.**

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.*

**Response: Acknowledged.**

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.*

**Response: Acknowledged.**

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.

**Response: Acknowledged.**

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.*

**Response: Acknowledged.**

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.*

**Response: Acknowledged.**

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.

**Response: Testimony will be provided regarding the minimum parapet height and 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.

**Response: Testimony will be provided regarding the heating, air-conditioning, and other mechanical feature requirements from public view and adjacent properties.**

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.

**Response: Testimony will be provided regarding conformance with packaged terminal air conditioner units within the façade.**

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.

**Response: Testimony will be provided regarding access to the parking garage.**

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.*

**Response: Acknowledged.**

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.*

**Response: Acknowledged.**

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.*

**Response: Testimony will be provided regarding the parking garage layout and shape.**

61. *The retail façade facing East Ramapo Avenue also does not match between Sheet A1.00 and Sheet 7. This discrepancy shall be eliminated.*

**Response: The plans have been revised to reflect the façade discrepancy facing East Ramapo Avenue.**

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.*

**Response: The plans have been revised.**

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.*

**Response: The plans have been revised.**

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.*

**Response: Testimony will be provided regarding the compressors.**

65. *Information on the garage clearance height shall be provided.*

**Response: Testimony will be provided regarding the garage clearance height.**

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.*

**Response: The plans have been revised.**

### 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.*

**Response: Not applicable due to the site re-design.**

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.*

**Response: Not applicable due to the site re-design.**

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".

**Response: The proposed area lights along Franklin Turnpike are similar to the Hagerstown Model, and the applicant is seeking the Board's approval of the alternate fixture.**

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.

**Response: Not applicable due to the site re-design.**

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.

**Response: Not applicable due to the site re-design.**

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.

**Response: Not applicable due to the site re-design.**

73. The group of 21 Rainbow Leucothoe shrubs in the Rain Garden Planting Inset is labeled as 22. This discrepancy shall be eliminated.

**Response: Not applicable due to the site re-design.**

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.

**Response: Acknowledged. Existing streetlights have not been modeled for the proposed lighting plan.**

## 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.*

**Response: The plans have been revised.**

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.*

**Response: Acknowledged.**

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.*

**Response: Details of signage will be provided under separate cover.**

### 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.

**Response: Acknowledged.**

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.

**Response: Acknowledged.**

### **Boswell Engineering, Michael J. Kelly, P.E., Township Engineer Representative, dated 2/24/2021**

#### **General**

1. The Applicant has submitted revised documents in response to our November 11, 2020 report. Please see our comments below.
2. The Applicant is proposing the following improvements:
  - A multi-use building consisting of:
    - Basement floor with 91 below grade parking spaces
    - First floor with retail and memory care units and services
    - Second floor with assisted living units and services
    - Third floor with congregate apartment housing and services
    - Fourth floor with congregate apartment housing and services
  - 97 congregate apartment housing units
  - 48 assisted living units
  - 30 memory care units
  - Surface parking areas (56 spaces)
  - Retaining walls
  - Landscaping
  - Site lighting
  - Signage
  - Drainage improvements
  - Sanitary sewer and water connections
3. The site is located in the Neighborhood Business (B-10) Zone and is bordered to the north by the B-10 Zone and Veterans Park, to the east by the One Family Residential (R-15) Zone, to the south by the One Family Residential (R-10) Zone and the General Industry (GI-80) Zone, and to the west by the railroad. The site is also subject to the Mixed Use Development/Overly (MUD-I) District.

4. The Applicant must provide testimony with respect to the retail uses proposed and must demonstrate that the uses proposed are permitted uses.

**Response: Acknowledged.**

5. The Applicant must provide testimony, with respect to the activities to take place on site, hours of operations, traffic circulation, number of employees during maximum working shift, number of employees only parking spaces, outdoor dining, materials to be stored on site and amount of garbage to be generated.

**Response: Acknowledged.**

### Variances/Waivers

6. The Applicant has requested the following variances:

- a. Use Variance-Senior Housing Facility: As per Article 24-4.1.1a, senior housing facilities are not permitted in the MUD-I Mixed Use Development I Overlay Zone.

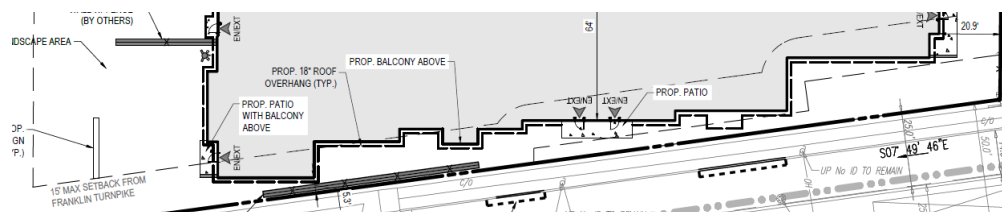
A multi-level senior housing facility is proposed.

**Response: This item will be addressed via testimony.**

- b. Maximum Setback From Franklin Turnpike: As per Article 24-4.1.1d(3), the maximum front (street) yard setback shall be 15 feet, however, a maximum of 20% of the linear building frontage may be set back a maximum 30 feet.

The Applicant proposes a minimum setback from Franklin Turnpike of 30.6 feet. It should be noted that the proposed building is also to be setback approximately 38 feet and 85 feet from Franklin Turnpike.

**Response: The proposed site layout has been revised to provide the required setback from Franklin Turnpike.**



- c. Maximum Building Height: Article 24-4.1.1 d(8) permits a maximum building height of 38 feet/3 stories.

The Applicant proposes a building structure with four (4) stories.

**Response: The applicant is proposing a structure that complies with the required 38 foot building height. A variance was previously requested to permit a structure in excess of three stories.**

- d. Maximum Density: Article 24-4.1.1 d(9) permits a maximum density of 14 units per acre.

The Applicant proposes a density of 50.6 units per acre.

**Response: The plan has been updated to request a variance from this section to permit a maximum density of 46.2 units/acre in lieu of the permitted 14 units/acre.**

7. The Applicant has requested the following waivers:

- a. Off-Street Parking Setback: Article 22-6.2b(2) requires off-street parking to be at least 30 feet from the right-of-way.

The Applicant proposes parking approximately 11.0 feet from King Street and 11.2 feet from Siding Place. The exact dimension from King Street must be provided.

**Response: The proposed parking spaces are 30.0 feet from King Street. Plan Sheet C-301 has been updated to provide this dimension.**

- b. Minimum Number of Loading Spaces: Article 22-6.3a and Table 5 requires a minimum of four (4) loading spaces.

The Applicant proposes to provide one (1) loading space.

**Response: The plans have been revised to request a waiver to provide two loading spaces in lieu of the required four loading spaces.**

- c. Minimum Buffer for Loading Spaces and Loading Space Location: Article 22-6.3c indicates that loading space is to be located in side or rear yard.

The Applicant proposes a loading space in the front yard.

In addition, this article requires a minimum buffer of 25 feet for any loading spaces located adjacent to residential uses.

The Applicant proposes a buffer of seven (7') feet between the loading space and adjacent residential use.

**Response: The proposed layout has been revised to remove loading spaces from the front yard setbacks of King Street and East Ramapo Avenue. In addition, loading spaces are no longer proposed adjacent to residential uses.**

- d. 500 Foot Drainage Map: Article 22-5.1 b(23) requires the location of all drainage structures must be provided including pipe sizes, inverts and structure elevations.

The Applicant must provide or request a waiver from this item.

**Response: The plans have been revised to request a waiver from this section.**

8. The following additional non-conformities were noted during our review:

- a. Minimum Parking Space Size: Article 24-4.1.1 f(2) requires parking spaces to be no less than nine (9') feet in width by 18 feet in length.

The Applicant proposed parking spaces seven (7') feet by 23 feet. This must be satisfactorily addressed or a variance must be requested.

**Response: The proposed parking spaces have been revised to comply with this requirement.**

- b. Maximum Retaining Wall Height: Article 24-5.3d(3) limits the maximum retaining wall height to six (6') feet.

The Applicant proposes retaining walls with a height up to 11.4 feet.

**Response: Additional wall grading elevations have been provided on plan sheet C-401. A variance has been requested from this section.**

- c. Minimum Buffer Zone: Article 24-6.11a(l) requires that all commercial, industrial and apartment uses adjoining or abutting a Residential Zone or Institutional or Public Use shall provide a buffer strip or buffer zone on the side or sides facing such use. A minimum buffer of 25 feet facing the Residential Use is recommended.

The Applicant proposes a minimum buffer of 7.0 feet to the residential property to the south. The need for this variance must be reviewed by the Board.

In addition, the buffer requirements of 22-65 must be met.

**Response: The proposed layout has been revised, and is no longer directly abutting a residential district.**

- d. Minimum Number of Parking Spaces: Article 22-6.2a and Table I of the Township Code and N.J.A.C. 5:21-4.14 and Table 4.4 (RSIS) require a total of 265 parking spaces.

The Applicant proposes to provide 147 parking spaces. The Applicant must comply or request a waiver.

**Response: The applicant has provided parking based on a parking generation analysis, prepared by others. A waiver has been requested from this section, out of an abundance of caution.**

- e. Curb Return Radii: Article 22-6.2d(2)(c) and Table 4 requires curb radii of 35 to 45 feet to be provided.

The Applicant proposes curb return radii of 15 and 20 feet throughout.

**Response: A waiver has been requested from this section.**

- f. Driveway Setback: Article 22-6.2d(3) requires where a site is located at the intersection of two (2) streets, no driveway shall be located within 50 feet of the street intersections.

The east parking lot on King Street has a driveway that is approximately 45 feet from the Franklin Turnpike/King Street intersection curb return.

The west parking lot on King Street has a driveway that has no setback from the King Street/Siding Place intersection.

The East Ramapo driveway is approximately 20 feet from the Siding Place/East Ramapo Avenue intersection.

**Response: A waiver has been requested from this section.**

- g. Driveway Width: Article 22-6.2d(6)(c) and Table 4 requires a driveway width of 30 to 50 feet to be provided.

The Applicant proposes driveway widths of approximately 24 feet. The exact dimensions must be confirmed.

**Response: A waiver has been requested from this section.**

- h. Required Sidewalks: Article 22-6.7c requires that sidewalks be provided within the street right-of-way.

The Applicant proposes not to provide sidewalks along the frontage of King Street and Siding Place.

Should this waiver be granted, the Board should consider requiring the Applicant to contribute the equivalent cost to the Township's Sidewalk Bank.

**Response: A waiver has been requested from this section.**

- i. Slopes Greater Than 1 V:4H: Article 28-2.4b(6) states that slopes greater than one (1') foot vertical to four (4') feet horizontal (1V:4H) are not to be created.

The Applicant proposes to create slopes up to 1V:3H. This must be addressed or a waiver must be requested.

**Response: A waiver has been requested from this section.**

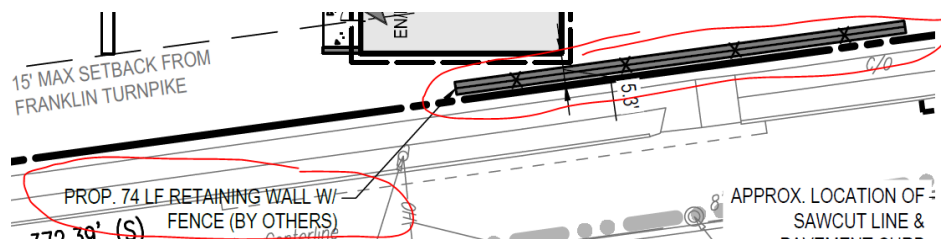
## Site Plan

9. All waivers and variances required must be listed on the site plans and must include the Article from which the request has been made.

**Response: Plan Sheet C-101 has been updated to list the requested waivers and variances.**

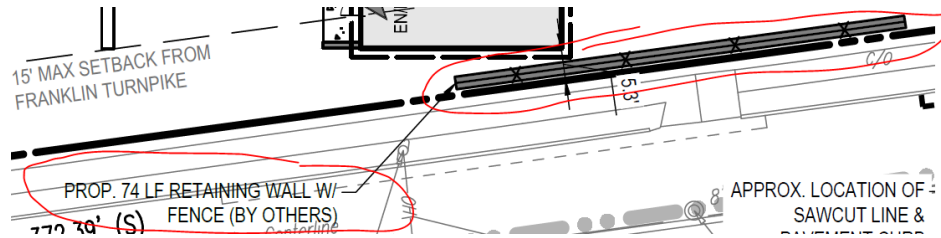
10. The Applicant should consider providing a guide rail and fall protection along the retaining wall located at the west side of the east parking lot on King Street.

**Response: Fall protection has been added to retaining walls in the form of fences. Proposed fences are denoted on plan sheet C-301.**



11. Fall protection should be considered atop the wall, in the vicinity of the sidewalk north of the building, west of Franklin Turnpike.

**Response: Fall protection has been added to retaining walls in the form of fences. Proposed fences are denoted on plan sheet C-301.**



12. The Applicant should provide testimony regarding the Road Widening Easement depicted along Franklin Turnpike (County Rt. 507) and how it would address the current sidewalk configuration.

**Response: Testimony will be provided regarding this item.**

13. On Site Plan sheet 7 of 22 it is indicated that retaining walls and outdoor seating are to be constructed "by others". This must be addressed by the Applicant.

**Response: The plans have been revised; this comment is no longer applicable.**

14. The Applicant should provide testimony with respect to deliveries and garbage/recycling pickups.

**Response: The applicant will provide testimony regarding this item.**

15. The Applicant should consider relocating the proposed trash enclosure to be further from adjacent residential properties.

**Response: The proposed layout has been revised; therefore this comment is no longer applicable.**

16. The Applicant proposes to provide an eight (8') foot by 38 foot emergency generator pad and transformer pad at the southwest side of the site. The product specifications must be provided to the Board for review and the Applicant must address noise to be generated and the frequency of testing.

**Response: The proposed layout has been revised; therefore this comment is no longer applicable.**

17. The Applicant proposes 29' x 25' trash enclosure adjacent to the westerly King Street ingress/egress driveway the way the proposed structure is set back 29.4 feet from the King Street right-of-way. The applicant must review this the Board to determine if a variance is required for accessory structure setback.

**Response: The proposed layout has been revised; therefore this comment is no longer applicable.**

18. The Applicant must address how they propose to consolidate the lots in question.

**Response: A Lot Consolidation Plan has been added to the plan set as plan sheet C-204.**

## Off-Street Parking and Loading Spaces

19. The Multi-Level Senior Housing facility will consist of the following breakdown of units:
- |                         |                 |
|-------------------------|-----------------|
| a. Congregate Apartment | 97 units        |
| b. Assisted Living      | 48 units        |
| c. Memory Care          | <u>30 units</u> |
|                         | 175 units       |

20. The number of spaces per Section 22-6.2 and Section 24-7 of the Township Code and N.J.A.C. 5:21-4.14 is as follows:

- a. Retail: 1 Parking space for each 175 s.f. of floor area where the floor area exceeds 2,000 s.f.  
 $7,956 \text{ s.f.} \times 1 \text{ space}/175 \text{ s.f.} = 45.46 \text{ spaces, say } 46 \text{ spaces}$

**Response: An updated parking requirement chart has been provided on plan sheet C-301. The proposed project is now compliant with regards to parking.**

- b. Assisted Living Facility: In accordance with N.J.A.C. 5:21-4.14 and Table 4.4 of the Residential Site Improvement Standards (RSIS) 0.5 spaces per unit or bed are required for assisted living facilities. This standard is also used for the memory care units.

The site plan indicates that 48 assisted living units and 30 memory care units are proposed, therefore the following parking spaces are required:

$$(0.5 \text{ spaces per unit} \times (78 \text{ units})) = 39 \text{ parking spaces}$$

**Response: An updated parking requirement chart has been provided on plan sheet C-301. The proposed project is now compliant with regards to parking.**

- c. The RSIS does not have a parking standard for congregate apartment housing use. For our analysis we utilized the parking standards for Garden Apartments. Based on these standards, the following parking is required:

$$\begin{aligned} (1.8 \text{ space/one bedroom unit}) \times (72 \text{ one bedroom units}) &= 129.6 \text{ spaces} \\ (2.0 \text{ spaces/two bedroom unit}) \times (21 \text{ two bedroom units}) &= 42 \text{ spaces} \\ (2.1 \text{ spaces/four bedroom unit}) \times (4 \text{ four bedroom units}) &= 8.4 \text{ spaces} \end{aligned}$$

\*It should be noted that RSIS does not have a standard for four bedroom units. For our analysis we utilized the standard for three bedroom units.

**Response: An updated parking requirement chart has been provided on plan sheet C-301. The proposed project is now compliant with regards to parking.**

- d. Total Parking Required  $46 + 39 + 129.6 + 42 + 8.4 = 265 \text{ spaces.}$

**Response: The applicant has provided parking based on a parking generation analysis, prepared by others**

**Response: An updated parking requirement chart has been provided on plan sheet C-301. The proposed project is now compliant with regards to parking.**

21. The Applicant proposes to provide 147 parking spaces.

**Response: An updated parking requirement chart has been provided on plan sheet C-301. The proposed project is now compliant with regards to parking.**

22. The Applicant should address how snow plowing operations are to be handled.

**Response: Testimony will be provided regarding this item.**

23. The Applicant should be prepared to provide testimony as to whether the proposed facility is required to provide additional HC parking based on the uses proposed.

**Response: Testimony will be provided regarding this item.**

24. The Applicant's Engineer must certify that the HC spaces are constructed to current ADA requirements with regard to the number of spaces required, the size, striping and signage.

**Response: Handicapped parking stalls have been provided to comply with current ADA requirements within the parking garage.**

## Retaining Walls

25. The Applicant must provide top of wall and bottom of wall elevations at sufficient intervals for all walls proposed on site.

**Response: Plan sheet C-401 has been revised to provide top of wall and bottom of wall elevations at sufficient intervals for all walls proposed on site.**

26. Retaining walls are not to exceed six (6') feet in height when located behind the front façade of the building and four (4') feet when located in the front yard.

**Response: A variance has been requested to permit retaining walls greater than 6 feet in height when located behind the front façade of the building.**

27. Retaining walls less than three (3') feet must be setback at least two (2') feet from the property line and walls three (3') feet or greater must be setback five (5') feet.

**Response: A variance has been requested to permit retaining walls less than 3' to be set back less than 3 feet from the property line.**

28. The Applicant must provide testimony on the installation of retaining walls. Will these walls be able to be constructed without accessing adjacent properties?

**Response: Testimony will be provided regarding this item.**

29. The Applicant must provide a detail of the walls proposed.

**Response: Details of the proposed retaining walls will be provided under separate cover by a licensed structural engineer, prior to plan recording.**

30. The Applicant must be made aware that all retaining walls greater than three (3') feet in exposed height require retaining wall stability calculations to be provided by a Professional licensed in the State of New Jersey, signed and sealed, for the Township's review and approval prior to construction.



**Response: Details of the proposed retaining walls will be provided under separate cover by a licensed structural engineer, prior to plan recording.**

31. All retaining walls on site will require a certification by a licensed professional engineer that he/she has provided on site inspection during the wall construction, proper methods were utilized in the construction, the wall has been properly stabilized and the wall will prove adequate for their intended purpose. Inspecting engineers must also certify appropriate batter, height and location have been respected pursuant to the approved design drawings. Copies of these certifications are to be forwarded to the Township Engineer.

**Response: Certifications will be provided by a licensed structural engineer, prior to plan recording.**

### **Stormwater Management**

32. We provided our comments on the Stormwater Management Summary and Storm water Management Facilities Operation and Maintenance Manual under separate cover, dated January 26, 2021.

**Response: Acknowledged.**

33. The Township is in the process of designing a Regional Drainage Improvement Project affecting Hillside Avenue, King Street and Siding Place. The Applicant should be requested to contribute their fair share cost for this capital improvement.

**Response: Acknowledged.**

### **Lighting**

34. The Applicant must provide testimony regarding the lighting for the site.

**Response: The Applicant will provide testimony regarding the lighting for the site.**

35. The Applicant must demonstrate that the proposed lighting for the west parking area on King Street is appropriately shielded.

**Response: All proposed area light fixtures for the west parking area on King Street will be provided with house side shields. Refer to the catalog number within the Luminaire Schedule on the Lighting Plan sheet C-703.**

36. We have a concern with the proposed light fixtures located adjacent to the residence on King Street based on a fixture height and topography of the area.

**Response: Not applicable due to the proposed site re-design.**

37. The proposed hour of operation of the site lighting must be reviewed with the Board.

**Response: Acknowledged. All lights are to be on for Dusk until Dawn for safety and security purposes.**

38. The Township should request the right to require modifications and changes in the lighting for a period of up to six (6) months after installation.

**Response: Acknowledged.**

## Landscaping

39. The Applicant must provide testimony regarding the proposed landscaping for the site and addressing the landscaping requirements of the MUD-1 Mixed-Use Development 1 Overlay Zone.

**Response: The Applicant will provide testimony regarding the proposed landscaping for the site and addressing landscape requirements for the MUD-1 Mixed-Use Development 1 Overlay Zone.**

40. The landscape plan is comprehensive, contains diverse plantings, a rain garden and multi season color and visual interest.

**Response: Acknowledged.**

41. A primary comment to address is the distinction of plant bed lines and proposed surface types for lawn, mulch etc. This should be addressed throughout the plan within all planting areas.

**Response: Landscape bed mulch lines have been provided on the Landscape Plan sheet C-701, along with notes calling out the different surface materials (lawn, mulch, etc.).**

42. The rain garden is located at a highly visible intersection. Rain gardens require high maintenance for continued functioning and controlling its visual aesthetic. A rain garden specific maintenance and planting replacement schedule is recommended.

**Response: Acknowledged. The proposed rain gardens will be maintained and maintenance notes will be added to the Landscape Plans.**

43. A landscape performance bond is recommended to ensure the final approved design is fully implemented. Additionally, the party responsible for the continued maintenance of these installed plantings should be identified. The plantings are recommended to be guaranteed for a 2 year replacement period.

**Response: Acknowledged. Refer to the Landscape Maintenance notes on the Landscape Plans, and the Landscape Specifications note 12.A. for the 2 year guarantee.**

44. The Applicant only indicates that they propose to remove five (5) trees, all of which are on Block 82, Lots 3-9.

**Response: Tree removal will be provided under separate cover.**

## Sanitary Sewer

45. A sanitary sewer easement is located on Block 82, Lot 1 and 30. This easement is proposed to be extinguished. The Applicant must provide the Township with a copy of this easement and provide testimony on the elimination of the easement.

**Response: This item will be provided under separate cover.**

## Water Supply

46. We are currently reviewing the calculations provided and will provide our comments under separate cover.

**Response: Acknowledged.**

## Traffic Impact Study

47. The Applicant must provide testimony in support of the Traffic Impact Study submitted.

**Response: Testimony will be provided regarding this item.**

48. It should be noted that traffic counts were obtained while Covid-19 travel restrictions were in place (April 14, 2020) and adjusted based on NJDOT data from October, 2018. We recommend updated counts be obtained during usual conditions.

**Response: This comment will be addressed by the traffic engineer.**

## Streetscape Requirements

49. The Applicant must demonstrate that the Streetscape Standards (Article 22-6.9e) are met along the Franklin Turnpike frontage.

**Response: Acknowledged. The Applicant will provide testimony regarding the Streetscape Standards along Franklin Turnpike.**

## Environmental

50. The Applicant has submitted an Environmental Impact Statement (E.I.S.) prepared by Dynamic Engineering for the site in question.

**Response: Acknowledged.**

51. The proposed development will involve the demolition of existing buildings. Any asbestos containing materials (ACM) in the structures to be demolished must be identified and properly abated. Additionally, any underground storage tanks (UST) must be properly removed.

**Response: Acknowledged.**

## Architectural Plans

52. The MUD-1 Mixed-Use Development 1 Overlay Zone Regulations include specific requirements associated with building design and architectural features.

The Applicant should provide testimony regarding these requirements and how they are being met. Any deviations will require variances to be requested.

**Response: Testimony will be provided regarding the MUD-1 Mixed-Use Development 1 Overlay Zone Regulations.**

53. Article 24-4.1.1 b(2)( e) requires parking deck or structure to be architectural consistent or compatible with the principal building. The Applicant must review this with the Board.

**Response: Testimony will be provided regarding the parking deck or structure requirements.**

54. Detailed floor plans must be provided and must include plans for each unit type and retail space proposed.

**Response: Testimony will be provided regarding detailed floor plans for each unit type and retail space proposed.**

55. The Applicant must demonstrate that the community room and amenity space requirements of 24-4.1.1 b(5) area met.

**Response: Testimony will be provided regarding the community room and amenity space requirements.**

56. The Applicant must provide testimony with respect to the amenities and services to be provided.

**Response: Testimony will be provided regarding the amenities and services.**

57. The Applicant must demonstrate that all rooftop equipment will be screened from view.

**Response: Testimony will be provided regarding all rooftop equipment screening.**

58. The Applicant must provide testing on type of materials for structure (lumber vs. steel) and type of sprinklers.

**Response: Testimony will be provided regarding the testing on the type of materials for the structure and sprinklers.**

59. On the Elevation Plans, the average grade elevation and the floor elevations must coincide with the elevations depicted on the Grading Plan (Dynamic).

**Response: Revised calculations have been provided to depict compliance.**

60. Based on a maximum roof elevation of 346.50 and an average grade elevation of 309.17, the proposed building height is 37.33 feet. The Applicant must confirm the maximum roof elevation.

**Response: Revised calculations have been provided to depict compliance.**

61. The Applicant must provide testimony with respect to the height of roof parapets proposed. It should be noted that in accordance with Article 24-5.2b, no parapet wall may extend more than four (4') feet above the limiting height of the building.

**Response: Testimony will be provided regarding the height of the roof parapets.**

62. The Applicant must provide the Board with testimony on the height of the structure, at its maximum height, from the proposed final grade to the top of the building at elevations 1 and 2 on sheet A2.02 and elevations 1 and 2 on sheet A2.03.

**Response: Testimony will be provided regarding the height of the structure.**

63. The Applicant must confirm in elevation 2 on sheet A2.02, the top of the building elevation to the south with the top of the building elevation depicted in elevation 2 on sheet A2.03.

**Response: Testimony will be provided regarding the building elevation to the south.**

### Signage

64. The Applicant should provide testimony with respect to the signage proposed.

**Response: Testimony regarding signage will be provided regarding this item.**

65. Details of the signage must be provided to confirm that they meet the signage requirements established by the Township of Mahwah and the MUD-1 Mixed-Use Development 1 Overlay Zone Regulations.

**Response: Signage details will be provided under separate cover.**

66. The Applicant must provide testimony regarding the illumination of signs.

**Response: Signage details will be provided under separate cover**

### Soil Movement

67. The Applicant proposes to move the following quantities of soil:

Volume of Cut	27, 476 c.y.
Volume of Fill	0 c.y.
Volume of Import	694 c.y. (stone)
Volume of Export	27,476 c.y.

**Response: Testimony will be provided regarding the soil quantities.**

68. The volume of cut plus import must equal fill plus export.

**Response: Testimony will be provided regarding the volume of cut plus import and fill plus export.**

69. The Soil Movement Permit Application must be revised accordingly.

**Response: Acknowledged. A revised soil permit application will be provided prior to construction.**

70. Prior to construction, Section II of the Soil Movement Permit Application must be completed for review and approval.

**Response: Acknowledged.**

71. The Applicant proposes to remove +/-50 trees and plant 168 trees. The proposed tree removal and the number of replacement trees must be reviewed and approved by the Township's Environmental Commission.

In addition, a detailed Tree Removal Plan must be provided.

**Response: The tree removal plan will be provided under separate cover.**

## Highland Consistency Determination

72. The Applicant received a Conditional Consistency Determination from the Highlands Council, dated October 14, 2020.

**Response: Acknowledged.**

73. The Highlands Council has required that all Highlands Council Conditions be incorporated into any action taken by the Board.

**Response: Acknowledged.**

## Affordable Housing

74. The Applicant must address how the affordable housing requirements of the MUD-I Mixed-Use Development 1 Overlay Zone are proposed to be met.

**Response: Testimony will be provided regarding the affordable housing requirements.**

75. Twenty percent of the units shall be reserved for, and affordable to, low-and-moderate-income households. The units shall be family units available to the general public and not restricted to any specific segment of the population and meet the low/moderate-income split required by the Uniform Housing Affordability Controls ("UHAC"); except in lieu of 10% of units at 35% of median income, the developer shall provide at least 13% of the units as very-low income units at 30% of median income within each bedroom distribution if the affordable units are rental in tenure.

**Response: Testimony will be provided regarding Uniform Housing Affordability Controls ("UHAC")**

76. The affordable units shall have a minimum 30 year deed restriction. Any such affordable unit shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.

**Response: Testimony will be provided regarding the deed restriction on affordable housing.**

77. The units shall meet the bedroom distribution required by the UHAC.

**Response: Testimony will be provided regarding UHAC distribution.**

78. The developer shall be responsible for retaining a qualitative administrative agent, as approved by the Township, of the developer's sole cost and expense.

**Response: Testimony will be provided regarding the developer retaining a Township approved qualitative administrative agent.**

79. All necessary steps shall be taken to make the affordable units provided credit worthy pursuant to applicable law.

**Response: Testimony will be provided regarding the affordable units be provided credit worthy pursuant to the applicable law.**

## Additional Comments

80. The comments from the Township's Fire Prevention Bureau and Police Department must be satisfactorily addressed.

**Response: Acknowledged.**

81. The Applicant must provide testimony as to the status of Bergen County Planning Board and Bergen County Soil Conservation District approval.

**Response: Testimony will be provided regarding this item.**

Should you have any questions, or require additional information, please contact the undersigned.

Sincerely,

**BOHLER ENGINEERING NJ, LLC**



Timothy M. Aguilar, P.E.



Bradford A. Bohler, P.E.

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Cc via email with PDF enclosures:

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