

STRATFORD JOINT LAND USE BOARD  
MINUTES  
July 22, 2021  
Via Zoom

The meeting was called to order by Chairman Mike Mancini at 7:00 pm and the public statement was read that the meeting was advertised in the Courier Post, the Collingswood Retrospect and a notice was posted on the bulletin board at the Borough Hall stating the time and place.

Mr. Wieliczko stated that notice of this meeting was also provided consistent with the New Jersey Department of Community Guild lines for remote public meetings.

The Chairman led the board in the pledge of allegiance and a prayer.

ROLL CALL:

Present

M. Mancini, Chairman Class IV  
P. McGovern, Vice Chairman Class IV  
T. Hall Class IV  
T. Kozeniewski Class IV (Late)  
R. Morello Class II  
R. St. Maur Class IV

Absent

J. Keenan, Mayor Class I  
T. Lomanno Class III  
L. Mount, Class IV

K. Swallow, Alternate I  
K. Botterbrodt, Alternate II

M. Wieliczko, Solicitor, Zeller & Wieliczko  
S. Bach, Engineer  
A. DiRosa, Engineer  
S. McCart, Secretary

Mr. Wieliczko stated the first alternate Mrs. Swallow should be poled and called to vote.

RESOLUTION TO BE MEMORIZED:

Mr. & Mrs. Peiffer, 211 Union Avenue, Block 42, Lot 5 & 6, minor subdivision.  
Motion by Mr. St. Maur and seconded by Mr. McGovern to memorized Resolution 2021:17 for the minor subdivision of 211 Union Avenue, Block 42, Lots 5 & 6.  
Roll call vote: Mr. McGovern, yes, Mr. Hall, yes, Mr. Kozeniewski, yes, Mr. Morello, yes, Mr. St. Maur, yes, Mrs. Swallow, yes, Mr. Mancini, yes.

MINUTES: Motion by Mr. Hall and seconded by Mr. St. Maur to approve minutes of June 24, 2021. Roll call votes: Mr. McGovern, yes, Mr. Hall, yes, Mr. Kozeniewski, yes, Mr. Morello, yes, Mr. St. Maur, yes, Mrs. Swallow, yes, Mr. Mancini, yes.

CONTINUANCE:

Preliminary Major Site Plan Review with Use Variances, Bulk Variances and Waivers  
Stratford Senior Living Facility, ICP Stratford GP, LLC  
710 West Laurel Road, Block 87.01, Lots 4.01 & 6.03

Mr. Wieliczko stated this is an application for a preliminary major site plan approval with D1 use variance, D6 building height variance, associated bulk variances and waivers for a proposed 191 bed senior living facility at the location of the existing Stratford Classical Christian Academy. We have Mr. Bach with us this evening. Council for the applicant is Mr. DeDuca.

Mr. DeDuca stated he represented the applicants ICP Stratford GP LLC, SB Stratford Propco, LLC, Heartland Stratford SPE, LLC. He had a team of witnesses that will be testifying. Mark Ellenbogen, principle of the applicant, Alex Tweedie, civil engineer, John Martin, architect, Andrew Feranda, traffic engineer, Jim Miller, professional planner.

The municipality has given adequate and electronic notice of the meeting specifying the time place and manner in which that notice has been provided.

The property in questions is 710 W. Laurel Road, which is an 11.2-acre site. It is known as Block 87.01 and lots 4.01 and 6.03, primarily lot 4.01. It was known for many years as the Stratford Christian Academy or Classical Christian Academy. It is located in the Office zone.

Exhibit A1 arial photo of property, May 12, 2021. The property fronts on Laurel Road but extends west along Timber Creek which is the Southern boundary. There is a water portion. There are some wet lands on the property. We are here to develop the uplands, the non-wetlands portion of the property. There are three existing buildings to the rear and the Tomlinson Mansion in the front. What is proposed is a 187-unit senior living community with supportive services for continued care for citizens of both Stratford and the surrounding communities. The senior community will be age restricted to person who are 62 years old or older or the surviving spouse of that person that is 55 years or older, as defined in Municipal Land Use Law 68.5. These 187 units are a combination of three different types of residential dwelling units. They are independent living unit, assistant living units and memory care units.

Exhibit A10 is a color rendering showing what the proposed building will look like. It is from Laurel Road direction. It is a four-story building with the exception of the southwest corner. There, because of the slop of the property, it is five stories. In the foreground of the picture, you will see what looks like the Tomlinson Mansion. The Tomlinson Mansion was built in 1844. The applicant has maintained demolition permit to demolish the mansion. What we are going to try to do is deconstruct and utilize various portions of the mansion. We are going to try to capture many aspects of the mansion and incorporate into design of the building.

Exhibit A2 is an overall site plan. It shows the blue is water, the green is the woods with wetlands and brown is the area to be developed. Laurel Road is on Right.

Exhibit A3 is the rendered site plan with color zoomed in.

The approvals require are preliminary site plan. We need several variances. First is a use variance D1. The principal use is not permitted in this zoning district. We will demonstrate the senior living facility constitutes as an inherently beneficial use. An inherently beneficial use is a defined term in the section 4 of the land use law. It is recognized to have value to the community because it fundamentally serves the public good and promotes the general welfare. This use will be the first of its kind in Stratford. We will demonstrate that this is a need for this use. That it will promote public good and general welfare by providing critical services and opportunities for the community. It will provide our seniors with services such as meals, transportation, social benefits, communal atmosphere and help them with medical related issues. We have to prove the positive criteria and the negative criteria. The positive criteria for a D variance, we have to show special reasons. We also need a height variance. The proposed height is 57 feet where 35 feet is allowed. We will prove that the site will accommodate the height. We believe the application is complete and ready.

Mr. Bach referred to the May 17 correspondence on page three, four and five, 1 through 19 have all been provided. The applicant is not seeking or do they require any submission waivers. Mr. Bach recommended to the board that the application is deemed complete.

Mr. Wieliczko stated we sit as a Joint Land Use Board; however, with the request for Use variance being part of this application, we will be reconstituted as a Zoning Board of Adjustment. Class I and Class III, Mayor Keenan and Mrs. Lomanno, have been secluded and are not on the dais and are not participating in the deliberation. Our first Alternate, Mrs. Swallow, gives us our 7th member.

Mark Ellenbogen, principle of the applicant, Alex Tweedie, civil engineer, John Martin, architect, Andrew Franada, traffic engineer, Jim Miller, professional planner and Steven Bach were sworn in by Mr. Wieliczko.

Mr. Tweedie, civil engineer, reviewed his credentials. Mr. Mancini had no objections to Mr. Tweedie being an expert witness.

Mr. DelDuca asked Mr. Tweedie if he was present during introductory comments. Mr. Tweedie stated yes. Mr. DelDuca asked Mr. Tweedie if he had prepared the site plans and exhibits being used tonight as well as the full site plan. Mr. Tweedie stated yes. Mr. DelDuca asked Mr. Tweedie if he was familiar with the project. Mr. Tweedie reviewed Exhibit A1. Laurel Road is to the east. North Branch and Timber Creek are to the south. The upland portion of the existing campus, there are three buildings in the rear that butt up to properties on Saratoga Road. The mansion is in the forefront closer to Laurel Road. There are two access points along Laurel Road, one on the northern portion of the property and the second just above the wooded portion that lines the creek. The creek is to the south and the site drains from North to South. The biggest drop in elevation is immediately adjacent to the creek at the southern portion of the development. That will play into discussion how the building is situated with the four stories and the terrace level.

Exhibit A3 Mr. DelDuca asked if this was the render site plan that was submitted with application? Mr. Tweedie stated this is the same site plan with color added. Mr. Tweedie stated the darker tan is the proposed building. There is a unique shape to the building. Along the north there is ring building with a center courtyard. South of that is a linear portion of the building which connects to the southern portion of the building which runs along the creek. The southern portion of the building below that connection is the portion where there is an additional lower story, that terrace level. That portion is five stories. The northern portion is four stories. We maintain two access points. They will be modified slightly for geometry and location to connect to the new parking circulation. The drive lanes connect the north and south entrance along the front of the building with some limited visitor parking and with parking to some specific entrances. The majority of the parking is in the rear of the property and the northern limit of the property which is the side of the building.

Mr. DelDuca asked looking at the building where are the pedestrians' entrances? Mr. Tweedie stated the main entrance is mid-point along the Laurel Road frontage. There is also a staircase that enters the frontage of the building where you spoke about the façade reconstruction of the mansion. There are numerous access doors noted by pedestrian connection standpoints along the perimeter of the building as well as some patio areas that also provide entrance to the building along the rear and side of the property. On the southern portion of the property on the lower level, there is a pedestrian sidewalk and doorways on the terrace level and a large patio. The use of this lower level is a large multi-purpose room and chapel.

Mr. DelDuca stated we proposed 99 parking spaces. Is that correct? Mr. Tweedie stated the original plans was 101 parking spaces. With some revision done according the recommendations in the Bach Associate letter, it reduced that to 99 spaces. Mr. DelDuca asked if that still comply with required number of parking spaces in Stratford ordinance. Mr. Tweedie stated yes. Mr. DelDuca asked if that comply with RSIS requirements? Mr. Tweedie stated yes.

Mr. DelDuca asked Mr. Tweedie to give a brief summary of the landscaping. Mr. Tweedie stated on the northern and western limits of property. This is where we meet the residential R1 zoning and the Saratoga Road residential properties. There is a continuous buffer screen along those

property limits. The code requirement is an 8' buffer. We propose a 10-foot buffer and fill with landscape material to soften the parking lot from the residential homes. In addition, throughout the parking lot there will be landscape islands which will provide shade and help with temperature cooling. In the frontage along Laurel Road, we have a shrub row along the parking field. This will buffer car head light glare onto Laurel Road. Mr. DelDuca asked about landscaping to the west and to the north, do those buffer areas meet ordinance requirements? Mr. Tweedie stated yes. Mr. DelDuca asked if the proposed site lighting comply with all the applicable Stratford requirements. Mr. Tweedie stated yes. There was a recommendation from Mr. Bach's letter to reduce the pole height and we will agree to that. Mr. DelDuca asked if there would be any light spillage in violation of any applicable requirements for the residential neighbor? Mr. Tweedie stated no.

Mr. DelDuca asked does the storm waste design satisfy all applicable requirements? Mr. Tweedie stated yes.

Mr. DelDuca asked if there were any signs proposed? Mr. Tweedie state there are no signs on preliminary site plan. Mr. DelDuca stated is it likely that we will propose a sign and we will include at the time of final or a separate application. Mr. Tweedie stated that was correct.

Mr. DelDuca asked what is the rear set back on the western side of the portion of the building to the south? Mr. Tweedie stated on the lower portion of the site it is a 48½ foot set back and the normal setback is 25'. Mr. DelDuca asked what the rear set back was on the northern portion? Mr. Tweedie stated greater than 100 feet.

Mr. DelDuca asked where is the walkout basement, which technically constitutes an addition half story or full story. Mr. Tweedie stated there is a retaining wall, south of the wall and the staircase you would lower in grade and come down as what is referred to as the terrace level or walk out basement level. It is where there is a 48-foot setback, but the majority of that level is parallel with the creek. Once you turn onto Laurel Road, the grade goes back up and by the time you get to the rendering of the reconstructed mansion façade, you get back up to the first floor of the building. The majority of the building that constitutes 5 stories faces the creek.

Exhibit A8 Site Plan. Mr. DelDuca asked what the revision date on it was. Mr. Tweedie stated May 19, 2021. It was prepared after the Mr. Bach's May 17 review letter. Mr. DelDuca asked what were the differences between Exhibit A8 and Exhibit A3. Mr. Tweedie stated there are some minor modifications. It was modified for two things, both Mr. Bach's review letter and some correspondence from the DEP. One of the requests from both was a small change to the storm water management design of the property. In the original application we had an underground storm water basin in the northwest corner underneath the parking lot. As part of DEP's review, they asked us to look at the basin both as quality of soil and filtration capacity and also preferred a low impact development check list standard. They want to see if we could add any more of a vegetated practice or green infrastructure as opposed to a series of pipes under the ground. We did some infiltration testing on the property and found some satisfactory results or good soils closer to the stream and lawn area, so we were able to remove the basin. If you look in the southwest corner, we now have a proposed bioretention basin. This will address some comments in Mr. Bach's letter but also was at the request of the DEP.

Mr. Tweedie stated there are some parking revisions that are a result of Mr. Bach's letter. In the southern portion of the property, in the original application there were 2 ADA stalls directly adjacent to the lower terrace that were to serve the chapel. To avoid any potential problem with turning movements they asked if we could remove those stalls. We agreed to comply with that. We removed 2 parking stalls on the southern portion. On the northern side there were two requested revisions. One was to shift some of the parking near the northern entrance a little bit further south to create more separation and less conflict from that entrance. The cross walk was originally on the northern drive lane and we agreed to relocate the pedestrian pathway so that they would stay along Laurel Road until they got south of the northern entrance drive.

Mr. DelDuca discussed the C or bulk variance that are described on page seven of Mr. Bach's letter. First is the size of the parking stalls. The Stratford ordinance required 10 feet x 20 feet. We are proposing 9 feet x 18 feet. Mr. DelDuca asked Mr. Tweedie if that was correct. Mr. Tweedie stated yes. Mr. DelDuca asked if it was correct that RSIS only requires 9'x18'. Mr. Tweedie stated yes. Mr. DelDuca asked if this would be adequate for this use. Mr. Tweedie stated yes.

Mr. DelDuca the second variance identified in Mr. Bach's letter is the drive aisle. The Stratford Ordinance requires 25 feet. We are proposing 24 feet. Does that comply with RSIS? Mr. Tweedie stated yes. Mr. DelDuca asked if a 24 feet drive aisle adequate for this use? Mr. Tweedie stated it is adequate. We also provided Mr. Bach with turning templates for the site for trash, emergency and fire.

Mr. DelDuca stated there is a requirement in the ordinance, section 17.68.10, that states in the C districts parking should be located on the side or the rear of the building. I believe the variance is subsumed into the use. Why do we require that variance in this case? Mr. Tweedie stated we have the two entrances along Laurel Road and the driveway connecting the two of them. We tried to put as much parking to the side and rear of the building to honor the spirit of that ordinance, but for operation of the facility, walking distance, and parking availability relative to various entry points, it is important for this site to function properly.

Mr. DelDuca asked does this plan comply with all other zoning ordinance requirements? Mr. Tweedie stated yes

Mr. DelDuca stated we require one design waiver for the type of storm pipe in front of the parking lot area. Mr. Tweedie stated these are private pipes and owned by the site. They are not going to be dedicated or maintained by the borough. The main reason for that material selection is that the storm water facilities proposed are underground storm water facilities underneath the parking fields. In order to construct those, we need to perforate them which is drilling holes through those pipes so that water can infiltrate back into the soil. The most common type of perforated pipe used today is high density polyethylene pipe. The goal would be to maintain consistency in pipe material for proper connections into and out of those storm water facilities. Mr. DelDuca reviewed the building height. Exhibit A10. This shows the tower feature. Is that the 57 feet building height that you refer to? Mr. Tweedie stated yes. The main roof is 47 1/2 feet.

Mr. DelDuca asked what are the existing set backs of buildings that are on site today from the residents that are on Saratoga Road. Mr. Tweedie stated 17 feet to 25 feet. Mr. DelDuca asked what the proposed set back will be in that area. Mr. Tweedie stated over 100 feet.

Mr. DelDuca stated his next witness is Mark Ellenbogen. Mr. DelDuca asked Mr. Ellenbogen if he is principle of the applicant. Mr. Ellenbogen stated he was. Mr. Ellenbogen is employed by Integrity Community Partners. Mr. DelDuca asked who is Integrity Community Partners? Mr. Ellenbogen stated it is a partnership of seasoned real estate development, general contractors, and finance team that have over 45 years in development of senior living, commercial, retail and various other real estate developments. Mr. Ellenbogen summarized his back ground in the senior living facility community.

Mr. DelDuca asked Mr. Ellenbogen if it was accurate to say that this proposed community is a senior living community with supportive services providing a continuum care to its residents? Mr. Ellenbogen stated yes. Mr. DelDuca asked does it consist of three types of units, independent living, assisted living and memory care. Mr. Ellenbogen stated yes. Mr. DelDuca asked does it require licensing. Mr. Ellenbogen stated it does for the memory care and assistant living. In the state of New Jersey assisted living and assisted living with memory care requires a Certificate of Need from the Department of Health and we make that application after we have obtained all of our approvals and are ready to submit our plans to the Department of Health and Department of Community Affairs. Mr. DelDuca asked what are the factors do you need to demonstrate in order

to get a certificate of need? Mr. Ellenbogen stated local demographics. Our findings as it relates to the number of individuals that are age and income qualified in that geographic region. The Department of Health compares the data to what they have internally and then issues the certificate of need. Before we start a project like this, we do a preliminary search to be sure a certificate of need is obtainable. Mr. DelDuca asked did you evaluate here whether this is a need for this proposed use in Stratford and surrounding area? Mr. Ellenbogen stated they had. Mr. DelDuca asked what did you do to evaluate that? Mr. Ellenbogen stated a courtesy call to the Department of Health and that general review gave us the comfort level that the certificate of need would be allowed for the Stratford community. Mr. DelDuca asked did you look at availability and proximity of similar facilities in Stratford and the surrounding areas? Mr. Ellenbogen stated we did and determined that there was a significant need and that was verified by a number of market studies and comparative analysis to the national data base through NIIC, the National Institute Investment Center for senior living and senior care. Mr. DelDuca asked if there were any other communities like this in Stratford. Mr. Ellenbogen stated in Haddonfield, Voorhees, and Cherry Hill area but nothing in Stratford. Mr. DelDuca asked why did you select this site? Mr. Ellenbogen stated the site lends itself for what we are suggesting. The character of Laurel Road has been changing. With the hospital, with the center for excellent in aging at the Rowan campus at Jefferson, all within .9 miles. There has been a general transition where home office has become medical office and that has been growing. Mr. DelDuca asked did the study look at the current need or the current projected need? Mr. Ellenbogen stated both. Mr. DelDuca asked about the different types of units. You have three different types of units together. Generally speaking, how does it work and why are they put together? Mr. Ellenbogen stated what we are looking for is an opportunity to serve a community and give folks a chance to age in place. They come in when you still feel independent. You need some level of care. This resident is probably at the average age of high seventies, low eighties. Some amount of care is needed whether is it transportation or a couple meals a day. It is a well senior looking for a community and we are looking to enrich their lives. Mr. DelDuca stated we propose 187 units. What is the breakdown of units? Mr. Ellenbogen stated there are 100 independent, 35 assisted and 52 memory care. Mr. DelDuca asked to clarify the number of beds? Mr. Ellenbogen stated we are at 191 beds is how we are calculating it which depends on how many might be in a one-bedroom unit. Mr. DelDuca asked where will the independent wing be? Mr. Ellenbogen stated independent wing is the southern portion. The wing to the north is memory care and assisted and they are all connected with the central core that has amenities that are common to all the uses. Each one of the wings has amenities on every floor for that given wing to encourage people to move through the building horizontally and vertically and there is a reason for a resident on the first floor to go to the fourth floor. Mr. DelDuca asked is the average age from the high seventies to early eighties? Mr. Ellenbogen stated that is correct. Mr. DelDuca asked if the independent living were set up as an apartment unit. Mr. Ellenbogen stated yes. They are offered 2 meals a day, housekeeping and full transportation and other support services. It is our goal to allow people to customize their program and remain in independent living as long as you can. Mr. DelDuca asked what type of community or shared space is available for independent living? Mr. Ellenbogen stated you will have within the building a wellness center, PT facility, private dining, communal dining, beauty pallor, spa, card room, commuter and data room, library. Mr. DelDuca asked if you will have access to transportation. Mr. Ellenbogen stated you will. Mr. DelDuca asked if there are access lounge areas, various social and recreational activities? Mr. Ellenbogen stated yes. Mr. DelDuca asked if there was any on-site medical care. Mr. Ellenbogen stated there is a medical director as part of the community. There are certified staff members CAN, RN, LPN that are part of the regular staff. Mr. DelDuca asked if people in the independent

living have access to that? Mr. Ellenbogen stated on an as needed basis. Mr. DelDuca asked will those independent living residents also have access to laundry and housekeeping. Mr. Ellenbogen stated yes, they would. Mr. DelDuca asked if there would be a staffed front desk. Mr. Ellenbogen stated yes there will. Mr. DelDuca asked if the independent living had to have a certain number of meals. Mr. Ellenbogen stated there is no minimum/maximum. Meal programs are included in the monthly rent. Mr. DelDuca asked if there is a test kitchen or demo kitchen and what is that? Mr. Ellenbogen stated we have an exposed or open kitchen where we can have cooking courses, bring in a local celebrity chef, have them do a cooking seminar and supply dinner and bring in a guest.

Mr. DelDuca stated you testified that there will be 35 assisted living units. Using A3 on screen Mr. Ellenbogen pointed out where the assisted living units would be. They are in the north wing in the upper levels. Mr. DelDuca asked Mr. Ellenbogen to describe typical assisted living. Mr. Ellenbogen stated it is for residents who need additional care, medical assistant vs just support. There are multiple levels of care packages that give them the ability to have personalized their care package. It may be just assistance with counting out medications, wellness checks, help and assistance with getting dress and could go all the way up to bathing and more full medical assistance. There would be 24 hour staff, a doctor on call, an RN service available for them. Depending on level of need it would be a personalized program.

Mr. DelDuca asked what services were provided for the memory care. Mr. Ellenbogen stated the memory care resident, whether it be dementia, memory challenge, Alzheimer, has moved into the position where they need assistance for safety and guidance. It is a more intensive program. That portion of the building is secured with private access. They do not have free access for outside and are monitored very closely.

Mr. DelDuca stated Mr. Tweedie testified that it is a multi-story building. Are there any benefits to the residents in having the units stacked? Mr. Ellenbogen stated the goal is the make ease of travel, both vertical and horizontal, for each resident and staff. We try to keep the footprint compact, get some height so that we can keep the distances from stairway to elevator to kitchen to amenities as short as possible.

Mr. DelDuca asked why are you proposing 187 units as oppose to a lessen number with a shorter building? Mr. Ellenbogen stated we analyzed an economic model that determines the perfect mix for us to be able to deliver on this piece of property a financially feasible project that is reachable for the Stratford residents. So, we need to achieve a certain density so that we have the right mix of resident to care giver. That 187 number is the number that we have been working with that delivers that perfect mix that gets us to economic feasibility achievable goal.

Mr. DelDuca asked is it fair to state that you can't help to fulfill the need for this senior living community unless you do it in an economically feasible way? Mr. Ellenbogen stated yes. It has to pencil out first for the local market, Stratford and surrounding communities, and then we back into how it works for the developer, the investor and the lender to all come together into one economic package that we can promote and come to town with our model for the property. The price point has to be affordable.

Mr. DelDuca asked how this works with employees? How many shifts will you have? Mr., Ellenbogen stated on the average for this community we will be in the 60/70 full time employee range. Our goal is to make sure we stay at low impact we will set that employee shift time to off peak traffic hours. We will run typically 26 employees at the 6am-2pm shift, 26 employees at the 2pm-10pm shift and 18 employees at the 10pm to 6am shift.

Mr. DelDuca asked if Mr. Ellenbogen was satisfied that there was adequate parking. Mr. Ellenbogen stated yes.

Mr. DelDuca asked will trash and general deliveries take place during business hours. Mr. Ellenbogen stated yes. There will be night time janitorial but the majority of that work will be during the day.

Mr. DelDuca asked what types of noises are we going to generate in a senior community? Mr. Ellenbogen stated not a lot of activity so a low impact.

Mr. DelDuca asked Mr. Ellenbogen did the applicant evaluate keeping the Tomlinson Mansion in its current location. Mr. Ellenbogen stated they did an extensive study on the Tomlinson Mansion and all its potentials. Mr. DelDuca asked what did you specifically evaluate. Mr. Ellenbogen stated I started with prior developer and unfortunately that attempt to keep the Tomlinson Mansion as it was financially defeating. So, when ICP purchased property the first thing we did was an architectural code review and report what it would take to bring the Tomlinson Mansion, if we could get it to work, up to code requirements. The second thing we did was brought in a structural engineer and had the structural engineer do the same analysis from a code and from structure and go over the building from top to bottom and determine what would be required to bring it up to code structurally. We also did a search of historical grants, means, methods, everything we could think of, even move and incorporate the building. What we constantly came back with was over the range of 1.2 to 1.5 million cost just to bring to code level, no ability to move it so that the building itself would work with the site and last access the public funds that may have been available for any restoration, those funds would have driven us to a prevailing wage condition which would add 6 to 7 million dollars to the cost of construction. This would have rendered the project infeasible and would have been a walk away. Mr. DelDuca asked did you consider the building condition of the mansion and changes made to the original features of the mansion. Mr. Ellenbogen stated the attention shifted to what could we do to best utilize the mansion. We analyzed the historical value of the mansion in its current condition. What we found was that the mansion over time, though it looked historical, has been modified so many times. The shutters, the windows, the majority of the exterior, columns, roof areas on exterior are all new materials. On the interior there were a host of changes to the building that modified all aspect of inside. There is some material inside that remains valuable. We have come up with a plan to handle that.

Mr. DelDuca asked Mr. Ellenbogen if he was telling us his opinion or did you hire a consultant. Mr. Ellenbogen stated they hired a number of consultants, a local, regional, architectural historian, John Martin, who is also our project architect on the design side. John Martin also has a long history of working with the state preservation office, local preservation, historical agencies, we had him work on local aspects of historical. We then brought in a group called RGA and we had a historical and archeological analysis done of the project.

Mr. DelDuca asked where were the findings of the consultants? Mr. Ellenbogen stated those findings reflect my prior statement. There is some questioning on some of the columns, some of the brick but in general a major portion of the materials in the building have been modified.

Mr. DelDuca asked if it was correct that the applicant have received a demolition permit in April 2021. Mr. Ellenbogen stated that is correct. Mr. DelDuca asked is it correct that you are going to deconstruct and selectively remove certain features of the mansion. Mr. Ellenbogen stated that is correct. After the full analysis to see if we could save and repurpose, we reached out to the Camden County Historical Society and the Stratford Historical Society and developed a historical archive plan. It was our goal to bring the history of the Tomlinson Family and the Tomlinson Mansion and preserve it. We determine to bring historians through the building working directly with those two historical societies, identify those items inside and outside that are still historical in nature and deconstruct and reconstruct in the façade at the center of our project. We are also creating, what we are calling, the Tomlinson Archive Room. In that room there will be a series of stations where we house those artifacts and tell the story of the mansion and family. We will do a historical replication on the outside of the building as it was originally not as it is now. The second floor will have the display kitchen and a private dining facility.

Mr. DelDuca introduced John Martin. Mr. Martin reviewed his background and his credentials. His primary focus is senior living and health care. He also always had a component of his

practice related to historical preservation. Mr. Martin was accepted by the board as an expert in architecture. Mr. DelDuca asked Mr. Martin if he was the project architect. Mr. Martin stated yes.

Mr. DelDuca asked Mr. Martin if he designed the proposed building. Mr. Martin stated he designed the building but the rendering was done by a third party. Mr. DelDuca asked does it accurately show the look and feel of what the residents of Stratford can expect. Mr. Martin stated yes. Mr. DelDuca stated this is preliminary site plan approval, is it fair to say there may be some changes but this is an accurate representation of the features and style that they should expect. Mr. Martin stated yes.

Mr. DelDuca asked if he also evaluated the Tomlinson Manion. Mr. Martin stated yes. Were you present during Mr. Ellenbogen's testimony? Mr. Martin stated yes. Mr. DelDuca asked if Mr. Ellenbogen accurately describe the process and the efforts that went into evaluating the reuse of the Tomlinson Mansion. Mr. Martin stated yes. Mr. DelDuca asked if there was anything he wished to add. Mr. Martin stated no he covered it very well. Mr. DelDuca stated looking at Exhibit A10 can you give everyone an overview of the primary architectural features. Mr. Martin stated the center piece is the Tomlinson Mansion reconstruction. It is to scale and it does provide a significant record of its appearance, its time and almost location. It is located in the connecting link between assisted living and independent living.

Mr. DelDuca asked if Mr. Martin was present for Mr. Tweedie's testimony about the various portions of the buildings that are considered four stories versus 4 ½ or 5 stories? Mr. Martin stated yes. Mr. DelDuca asked if he agreed with Mr. Tweedie's testimony. Mr. Martin stated yes. Mr. DelDuca stated when you look at Exhibit A10 to the left, is that the primary area where there will be an additional story because the grade slopes downward? Mr. Martin stated yes, it is not an additional story. It is a walkout terrace level. Mr. DelDuca asked the portion of the building which would be considered to have a 5<sup>th</sup> story, what is the percentage of the overall floor area does that area represent? Mr. Martin stated 12%.

Exhibit A4 is a two-dimensional rendering of all the sides of the building. DelDuca asked which of these elevations show the 5 story closest to the creek. Mr. Martin stated number one which will face the creek.

Exhibit A3 Mr. DelDuca stated looking at the southwest corner or the rear left corner which is the closest to the rear yard property line, is there a lot of activity in that area? Mr. Martin stated that is the quietest sector of the site. There is no vehicle traffic.

Mr. DelDuca introduced Mr. Feranda, Traffic Engineer, Shropshire Associates LLC. Mr. Feranda reviewed his professional qualifications. Mr. Feranda was accepted as an expert traffic engineer. Mr. DelDuca asked Mr. Feranda if he prepared a traffic and parking assessment dated May 19, 2020? Mr. Feranda stated he had. The purpose of the report was to review existing conditions, roadway network, traffic volumes and to project trips for proposed site. Mr. DelDuca asked if that was submitted with their application. Mr. Feranda stated it was. Mr. DelDuca stated the report was for two primary reasons. One was to evaluate traffic impact on the surrounding roadway network and the other was the adequacy of the proposed parking. Mr. Feranda stated that is correct. Mr. DelDuca asked Mr. Feranda what you looked at when making those evaluations. Mr. Feranda stated we looked at existing conditions on the roadway. We reviewed counts that were done by the Delaware Regional Valley Planning Commission and they've done counts in front of the site. Unfortunately, due to Covid we were not able to get counts for site. We reviewed these counts and used appropriate correction factors that are described by the DOT to adjust them up to the 2020 for volume on roadway for both directions. That way we were able to determine the volumes that travel on Laurel Road. In the commuter peak periods you have 1300 to 1400 vehicles traveling in each direction during the am and pm peak periods. Mr. DelDuca stated those numbers are from the DRVPC from 2019. Did you apply a growth factor to bring that up to the date of your report in 2020? Mr. Feranda stated we used the NJDOT growth factor.

Mr. DelDuca asked would you expect those numbers to significantly increase in the last 14 months. Mr. Feranda stated there would be no change to my conclusion. Mr. DelDuca asked if the intersection on Laurel Road and Saratoga was also studied. Mr. Feranda stated we did. We looked at the volume from Saratoga. Saratoga is a signal intersection with outbound movement only. Mr. DelDuca asked if they looked at traffic volume on this proposed use at this proposed number of units. Mr. Feranda stated based on number of units, we projected that there would be 28 am trips and 37 trips in the pm peak. Mr., DelDuca asked what percentage of peak hour volume does that represent? Mr. Feranda stated 2 to 3% total volume. Mr. DelDuca asked do you expect the traffic that we generated will have a material impact on the operation of the surrounding roadway network? Mr. DelDuca stated no. We did a comparison, if the school buildings on site were being used as the school that was there, PreK through 12 as a charter school, the traffic would be similar. The site is in the office zone. Should there be an office developed on the site of a reasonable size, the traffic could be about ½ of what could be developed for office space. Mr. DelDuca asked will this proposed use variance create any material negative impact from a traffic perspective? Mr. Feranda stated no. Mr. DelDuca asked did you look at whether the parking that is proposed is adequate? Mr. Feranda stated yes, we reviewed the parking. As noted in previous testimony it meets RSIS requirements and meets ordinance requirements. Mr. DelDuca asked does the proposed layout of the site plan represent a safe, efficient and appropriate site access and circulation from a traffic standpoint. Mr. Feranda stated yes.

Mr. DelDuca introduced Mr. James Miller, professional planner. Mr. Miller reviewed his credentials. Mr. Miller was accepted as an expert witness in professional planning. Mr. DelDuca asked Mr. Miller if he was present for entire presentation. Mr. Miller stated he was. Mr. DelDuca discussed the D1 variance which is the use variance. When you look at a use variance, you have to consider the characteristics of the site and surrounding area. Mr. Miller stated that is correct. Mr. DelDuca asked Mr. Miller to review those characteristics. Mr. Miller stated to the North and West are single family homes with frontage on Saratoga Road. The zoning for those is R1. To the east are also single family detached dwelling but they are in the Borough of Laurel Springs. Laurel Road is the dividing line between Stratford and Laurel Springs. To the South you have the north branch of Timber Creek. Most of that area is wooded wetlands. Mr. DelDuca asked Mr. Miller if he was present when he described the standard for a D1 variance. Mr. Miller stated he was. Mr. DelDuca asked does this application satisfy the requisite the positive criteria that the applicant has to prove? Mr. Miller stated yes it does as an inherently beneficial use. Mr. DelDuca stated we have satisfied the positive criteria. Mr. Miller stated because the assisted living and the memory care units provide an even greater level of care, they qualify as an early beneficial use as well. Mr. DelDuca asked what is looked at next. Mr. Miller stated we also look at the procedures for reviewing an inherently beneficial use. There is a four-step procedure for evaluating an early beneficial use. The first step is to identify the benefit, the second any potential detriment that might arise from the use. The third step would be to apply, where appropriate, mitigation measures that would lessen the impact of any detrimental aspects of the use and the last if the benefit of the use out way the any potential detriment, then the use satisfies the balancing test and is considered to meet the positive to the negative criteria. Mr. DelDuca asked about the benefit of the use. Mr. Miller stated it is obvious that a facility that provides living for senior members of our community advance public health safety and general welfare. Second is how appropriate the location is. The third is a use where there is a law that specifically advocates for this use. Mr. DelDuca asked Mr. Miller to highlight the factual benefits that will be provided to the Stratford senior community. Mr. Miller stated the benefits begin with the fact that you will have a 187 and a 191 bed of senior care facility. With many two income families working, you no

longer have someone home to care for the elderly. The trend is towards living longer and healthier. The population of people living longer in their senior years is rapidly increasing. Mr. DelDuca asked approximately what percentage of seniors will need assisted care or nursing home in their life time? Mr. Miller stated approximately 1/3.

Mr. DelDuca stated we are living longer, life expectancy is increasing, medical care in improving, the population is aging, that all contributes to the need for this use. Mr. Miller stated that is correct.

Mr. DelDuca stated will the amenities and services that will be provided be a benefit to our seniors? Mr. Miller stated yes. The facility is going to provide a wellness center, physical therapy, a salon, a spa. There is a chapel, variety of dining options, theater, computer room, library will all contribute to the well being of our seniors.

Mr. DelDuca asked what are the potential impact of this use. Can you identify any negative or detrimental impact of the proposed use? Mr. Miller stated nothing significant. It is a larger structure but typically replaces a series of large structures.

Mr. DelDuca asked if Mr. Miller would agree, relatively speaking, that it is a quiet use? Mr. Miller stated yes, very little activities occur outside.

Mr. DelDuca asked what is being proposed or utilize to offset any detrimental impact? Mr. Miller stated they stem from the design of the building itself. The building will exceed the height of requirement of the zone. The 57 feet are in the front of the building. The majority of the building will be 47 feet. Additionally, the height of the building will be offset by the set back of the building from 48 feet to 100 feet to provide much greater open space.

Mr. Miller stated the traffic impact will be minimal. The fact that it accesses onto Laurel Road, a county road and that means there won't be a lot of traffic impact on the surrounding residential area. The landscaping and buffering, also mitigate any potential impact the structure might have.

Mr. DelDuca asked if the benefits out way the detriments. Mr. Miller stated very much. It is an efficient and appropriate use for this location. There are also some community benefits remediating the current conditions on the site. There are some minor bulk variances. Balances far exceed any detriment.

Mr., DelDuca asked do you agree that the encouragement of senior housing construction also advances the purposes of Stratford's Master Plan? Mr. Miller stated yes.

Mr. DelDuca in your opinion does this use promote the general welfare because the site is particularly suitable for this use. Mr. Miller stated yes, the site can easily accommodate the building and infrastructure necessary to support the building as efficient space. It is good fit for the surrounding neighbors. The location is appropriate from an access standpoint. Also, the proximity to medical and other services that serves senior's needs.

Mr. DelDuca asked is the board required to evaluate the height variance separately from the D1 use variance? Mr. Miller stated no when you have a D6 variance associated with a D1 use variance that both variances can be considered as one. The height variance is subsumed within the D1 use variance.

Mr. DelDuca stated the in part the height is driven by the use and location. Mr. Miller stated yes.

Mr. DelDuca stated even if the board concludes that the height variance is not subsumed in the use variance, is it correct that this site accommodates the proposed height of the building. Mr. Miller stated yes, there are a series of factors that he had sited mainly the buffering, the extensive setbacks, the architecture of the building, all those factors show that this site can accommodate the height. Mr. DelDuca questioned what is the purpose of height limitations? Mr. Miller stated to provide adequate air, light and open space on adjoining areas. Mr. DelDuca asked does this plan promote those purposes. Mr. Miller stated yes.

Mr. DelDuca stated there are three bulk variances that are identified in Mr. Bach's letter, Parking space size, minimum drive aisle width and location of parking in the front yard. Mr. DelDuca asked Mr. Miller to give his analysis of those variances. Mr. Miller stated he concurred with the engineer's opinion on those variances.

Mr. DelDuca asked if he agreed that this layout, parking in front yard, parking spaces and drive aisle width, the overall benefits confer by this layout and this use advances purposes of zoning? Mr. Miller stated yes. An important factor is that it is an inherently beneficial use. There is an enormous benefit from this facility. These variances can contribute to the ability to create that use. There is no significant detriment for variances being sought.

Mr. DelDuca asked if Mr. Miller had an opinion as to whether any of variance will substantially impair the purpose of the master plan? Mr. Miller stated no the balance test shows that this is going to be a beneficial use. The impact on the surrounding neighborhood is minor and mitigated by design measures that include set back, the landscaping, the buffer zone, and building architecture. It is common from the zoning perspective to have institutional uses in a similar scale in a residential neighborhood. The site has the capacity to support the use. The parking is adequate. The landscaping is appropriate. It fronts on a county highway.

Steven Bach, Bach Associates, reviewed his letter from May 17, 2021. Mr. Bach stated Mr. Tweedie indicated by his testimony that there was ten-foot buffer adjacent to residents where eight foot is required. The plans that were submitted dated February 20, 2021 show an eight-foot buffer. Does Mr. Tweedie want to provide a clarification? Mr. Tweedie stated the eight feet includes the eight feet and an additional two feet to the limit of the paving. Mr. Bach stated the paving is ten feet from the property line but the actual buffer is eight feet. Mr. Tweedie stated that is correct. Mr. Bach stated which meets our ordinance requirements. Mr. Bach stated there was a question where testimony was required regarding the height of the parking space. That it had to be 14 feet clear above the surface. Mr. Tweedie stated I believe that is the loading stall. That would be a typo on chart as shown on Exhibit A3 is the loading zone and it is open air. It was intended to be greater than 14 feet. Mr. Bach stated there is no relief required on that. Mr. Bach stated on Exhibit A8, which was prepared subsequent to our review, on the record we have not reviewed or had a chance to provide any technical comments. All our comments this evening and referenced in our May 17, 2021 report are based on the February 25, 2021 plan set. I do acknowledge that it appears that a lot of our technical comments can be addressed through exhibit A8 but we have no review and cannot provide any certification of any of those elements. Mr. Wieliczko stated to the extent that the applicant receives favorable review by the board and receive approvals this evening that will be something that will be reviewed by Mr. Bach and the professional before this matter comes back for final site plan approval. Mr. Bach wanted to reaffirm that all technically comments, review comments, raised in our May 17, 2021 letter will be addressed to the satisfaction of our office. Mr. DelDuca stated that is correct.

#### Board Comment:

Mr. St. Maur asked will this be a for profit or nonprofit. Mr. Ellenbogen stated this will be a private pay, for profit community. Mr. Wieliczko stated whether this is ratable or not, should not be included in decision.

Mr. Mancini asked when was the property designated a historic property? Mr. Ellenbogen stated 2018/2019 an application was made by local citizens and the site obtained historical designation. Mr. Ellenbogen stated the application was made by the local citizens that sought the designation. That application is then sent to the Federal SHIPO. It was made without owner making that application. Mr. Wieliczko stated it was placed on the State Historical Registry on February 19, 2019 and the National Registry on April 8, 2019.

Mr. Mancini asked when was land first looked at to be a senior living facility? Mr. Ellenbogen stated my participation in the project started in 2016.

Mr. Mancini asked, of the mansion, are there only certain portions of the building actually meet the definition of historical structure? Mr. Martin stated the building is listed which means the entire building including the improvements. The national registry would not piece meal its

significance. Both of those do not offer protection from demolition. Both listings are the entire site not just the mansion.

Mr. Mancini ask to clarify the reduction in interest rate is far more beneficial than in the tax credit. Mr. Ellenbogen stated many of the grants that qualify, that are available, that we looked at are competitive grants and those competitive grants and do take into account the quality of the current building.

Mr. Mancini when they discussed the needs of the facility, Laurel Manor was not mentioned. Mr. Ellenbogen stated it did hit our radar. We are a market rate, middle market product, brand new. Some of the surrounding product is somewhat dated.

Mr. Mancini asked if the drainage flow was going to continue as it does today. Mr. Tweedie stated the storm and basin all discharge directly into the stream corridor.

Mr. Mancini stated he wanted to cover some residential concerns. Have you looked at the project from a resident's view? Mr. Tweedie stated we are mindful of residents use of their rear yards in the existing housing. We made a conscious decision to put parking in the rear. The building is taller but significantly further away.

Mr. Mancini stated no buffer is existing today. What is the height of buffer? Mr. Tweedie stated They would be planted 5 to 6 apart and grow quickly.

Mr. Mancini asked if a new fence will be put in or keep existing fence? Mr. Tweedie stated the current plan shows just the landscaping.

Mr. Bach stated no new fencing. The existing fencing is to remain. We will need more information on condition of fence before final.

Mr. Morello stated will there be transportation services? Mr. Ellenbogen stated there will be a van or a couple of vans. They would run on a regular schedule for shopping, doctor's visits, some group and some private.

Mr. Morello inquired about trash removal and dumpster location. Mr. Ellenbogen stated the trash receptacle is in the rear on the west side of the site. They will contract directly with private contractor for regularly scheduled pickups.

Mr. Morello stated what times would pickups be? Mr. DelDuca stated we have no objections to a condition that restricts the pickup to day time hours.

Mr. Morello asked if there were any provisions for overnight guest. Mr. Ellenbogen stated there are. We typically will have a bed and breakfast unit and/or a hospitality suite where folks can schedule and plan on having guest for short period of time.

Mr. Morello asked about the security of the property. Mr. Ellenbogen stated they would do an analysis of the building for a low voltage security system. They will identify key locations that need to have video monitor and that is typical for the community. Mr. Morello asked if there was a watch man or overnight security? Mr. Ellenbogen stated there is staff at all times. There will be someone designated for watch.

Mr. Morello asked about snow removal. Mr. Tweedie stated the front would be pushed into the stream corridor area. There remaining would use the green space on site.

Mr. Morello questioned the signal timing at Saratoga and Laurel Road. That is controlled by the county and locally. We may have the need to revise the timing. Mr. DelDuca stated we have to get county approval because we abut a county road and have access to county road. That is going to be their call. Obviously, we will comply with their conditions.

Mr. Bach asked Mr. Morello is this already identified with the county as a concern? Are we requesting that the applicant relay to the county that the municipal's concern of the left turn movement at the intersection of Saratoga? Mr. Morello stated if it becomes a problem, it should not be at the expense of the borough. Mr. Bach stated we could phrase it this way. Between Preliminary and Final we would ask that Mr. Feranda analysis the warrants and whether the traffic generated by this facility would justify a warrant for the changing of the signal. Mr. DelDuca stated he had no objection to that condition.

Mr. Bach stated when we come back at finals, we will have analysis. At that time, we could very specifically address if it is going to be problematic. It is noted that all local reviews are provided to the county as part of application process.

Motion by Mr. Hall and seconded by Mr. McGovern to open to the public.

Mr. Wieliczko that we received a petition that has various public comments. We do intend to address the admissibility of that petition. We will defer and go to the members of the public.

Aiden Mickle spoke. Mr. Wieliczko stated we have to acknowledge you. We are going to get to you. We know you submitted the petition.

Steve Gagliardi, 13 College Circle, was sworn in. He asked how the buffer structure and creek and the strip along the creek will be maintained or will it be natural? Do plan for a walking track? Exhibit A2 Mr. Tweedie stated this is subject to NJ DEP regulations as far as wetlands and buffering so this plan shows proposed improvements. The skinny portion west of the property is to be maintained entirely in its existing condition with no improvements along the stream corridor and the portion of the site with our development, our site plans show the intended improvements with the walking trail.

Lori Carroll, 92 Saratoga Road, was sworn in. She stated there is a chain link fence that surrounds the property. Most neighbors have put up a fence butting to that chain link fence. There is a concern of some of the neighbors about whether they are getting rid of the fence or not. Also there use to be beautiful landscaping but the lack of maintenance and the weeds have over taken scrubs. There are grapevines that come into everyone's yards. When they do the revision for landscaping, will they clear out all old brush. Exhibit A3 Mr. Tweedie stated they will be regrading and reestablishing new buffer landscaping. Ms. Carroll stated she is looking forward to the project.

Mike Chicalo, 221 Princeton Avenue, was sworn in. He stated he is in support of the redevelopment. The building is just in disrepair. The fact that the proposal is for senior living with no impact on schools, services and a positive for taxes is a win win for Stratford.

Aiden Mickle, Downing Road, Somerdale, was sworn in. He stated there is a glaring mistake on how the mansion was added to the national register. The nomination form was prepared by a woman from the Midatlantic Region for the Center of Humanities which is a division of Rutgers Camden. Mr. Mickle that Mr. Ellenbogen stated the owner was not aware that the house was being added. Mr. Mickle asked is it possible to get a house nominated without the consent of the owner? Mr. Wieliczko stated this is public comment and I cannot compel the applicant to answer any questions. Mr. Mickle stated he is fairly certain that you can't proceed without permission of owner. Mr. Mickle stated he was concern with the resurgent of Covid, will ICP pencil out Stratford residents and leave the project if it is no longer go to work out due to the virus? Mr. Mickle stated another problem he had was the statement that the house did not have historic integrity. It has been listed as one of the 10 most endangered historic sites within the state of NJ. He was also concern with how the run off from rock salt, fertilizer and other lawn care chemicals would pollute Timber Creek which runs into the Delaware River. Finally, it was mentioned that there would be no bad effects to the value of the residents' homes. That was based on the expert's opinion. Were there actually any studies to determine if there would be a loss in property value?

Mr. DelDuca stated what Mr. Ellenbogen stated was that the owners were not involved because of some financial difficulties at or around the time of the registration. Mr. DelDuca didn't know

for certain but it was his understanding that the people who apply have to give notice to owners. If there isn't any response, they can continue with the process.

Mr. DelDuca state the other comments he did not wish to respond to. He realizes they were just comments as oppose to questions. As far as the ten most endangered site, he had no idea what list that is. Anyone can post anything to the internet and create list. Mr. DelDuca stated there is no evidence into the record what that list consists of, or what the criteria were; therefore, I think it should be discounted entirely.

Mr. Wieliczko state we did receive by Mr. Mickle, a petition. That petition has not been shared with the Board Members. The petition has been provided to the attorney for the applicant. We are in receipt of this petition from Change.Org regarding the Tomlinson Mansion. It was received on May 27, 2021 from Mr. Mickle. I have provided a copy of that petition to Mr. DelDuca. In the normal course, and this is consistent with our Rules of Order and consistent with the Municipal Land Use Law, that letters of objection or support and petitions are not admissible. Given that the signatures from the petition are unsworn, cannot be verified, and the individuals that signed the petition are not subject to cross examination. However, with the covid crisis, the New Jersey Legislature passed emergency administrative code provisions that was aimed at not disenfranchising individuals that could not attend public meetings. The New Jersey Legislature put into place a law which permitted and instructed land use board to read into the record any written statement they received from the public prior to a public meeting and any comment that are typed on screen during meeting. This petition does contain separate comments from approximately 179 individuals. Mr. Wieliczko stated to Mr. DelDuca before we make a determination in regards to how we are going to proceed, do you have any objection to the admission of the 179 comments contained in this petition to be made part of the public comment portion of this application. Mr. DelDuca stated although I think the record fails to authenticity of those comments, unlike emails or letters, I have no objection to the introduction of the comments from the petition.

Mr. Wieliczko reviewed the petition. The petition has 2,691 names listed. There are no actual hand written signatures. Of the 2,691 signatures, only 1,263 of those names identify themselves as being from New Jersey. There were 17 names outside of United States. There were 76 names as living in Stratford. If we enlarged the scope to include Voorhees, Somerdale and surrounding communities, there are 477 signatures identifying themselves. There are 179 typed comments, 10 identified as Stratford residents and 44 from surrounding areas.

Mr. Wieliczko read the petition into the record. The comments were either read or summarized. Mr. Wieliczko asked Mr. Mickle if he had any objections to the reading of the petition. Mr. Mickle stated no.

Motion to close the public portion was made by Mr. McGovern and seconded by Mr. Hall. All ayes.

Mr. Wieliczko asked Mr. Bach if he had anything further before closing. He stated he had nothing further.

Mr. DelDuca stated I did not object to the consideration of the petition. The board has the right to evaluate the credibility and the persuasiveness of any evidence. We agree to have the board consider all public comment. In the case of the petition; however, the persuasiveness and credibility that is severely compromised. One of the things is the date of the petition go back to September 2020. We filed in February 2021. Although there may have been perceptions and ideas, the plans were not even finished until months after petition was signed. We do not know if anyone that signed the petition would feel differently if they saw the plans.

The key question before this board is whether the applicant has satisfied its' burden of demonstrating that the variances that are required have been proven. Whether we satisfied our

obligation to show that the standards for granting these variances have been satisfied and whether Preliminary Major Site Approval should be granted. As the site plan, have we demonstrated that we have met all ordinance requirements as it relates to site design, site improvements and if we don't whether relief is warranted? There is no evidence in the record that we don't meet the site plan ordinance related requirements. The only relief that we need is the design waiver with relating to the type of pipe which we believe is reasonable. We meet all the other requirements other than the variances that are required. The primary variance is the D1 use variance to permit a senior facility of this type in an office district. We submitted substantial factual evidence proving that this is an inherently beneficial use. The services that we are going to provide is an obvious benefit to an aging community. This site is suitable for this use and it promotes general welfare. It is on a county road, size of site is appropriate, the location make it a perfect candidate for a senior community. The building is higher than permitted. We have testified that it is necessary to make it economically feasible. The height variance is a D variance. The law says it is subsumed into the D1 use variance when the height is related to the use. The bulk variances are justified whether subsumed or not. The first two is the parking space size and drive aisle width. The front yard parking provides closer parking to entrances so that they can be near their units and the front desk. Evidence point that all variances have been proven and that this board has more than enough information which to vote that the variances should be granted and that will help to pave the way to the exciting prospect of bringing this building to Stratford.

Mr. Wieliczko stated applicant is seeking Preliminary Major Site Plan approval with associated D1 use variance and D6 height variance along with identified bulk variances. The bulk variances from 17:68:010 L parking spaces that at 9' wide x 18' deep where 10' x 20' deep are required. Drive aisle width of 24' where 25' is required by ordinance. Applicant is also seeking a bulk variance 17:68:010 O applicant is proposing parking in front of the building where in the C, O and SBD district parking should be located on the side and/or rear of building. They are seeking a waiver. They are proposing a high-density polyethylene pipe underneath parking area where reinforced concrete class 2 shall be used.

The applicant has agreed to all the recommendations and conditions contained in Mr. Bach's review letter. The applicant also agreed to several additional conditions this evening. On the current plans provide additional detail on the existing fencing. They will address the condition of existing fencing prior to coming back for final. The applicant also agreed to trash removal to be conducted during day time hours. The applicant also agrees that if they do receive preliminary approval this evening, that between Preliminary approval and Final approval they would analyze the proposed changing of signal timing and possibly changing the timing if it is so warranted. The Board members are charged with taking into the consideration all proofs that have been provided and to make a determination if this applicant has met its burden of proof on a D use variance. Has the applicant met their proof for the bulk variance?

Motion was made by Mr. Hall and seconded by Mr. McGovern to approve the Preliminary Major Site Plan for Stratford Senior Living Facility with associated use variances, bulk variances, waiver and conditions that applicant has agreed to. Roll Call vote: Mr. McGovern, yes, Mr. Hall, yes, Mr. Kozeniewski, yes, Mr. Morello, yes, Mr. St. Maur, yes, Mrs. Swallow, yes, Mr. Mancini, yes

It was a 7-0 vote for approval of application.

#### PUBLIC COMMENT:

Motion by Mr. Hall and seconded by Mr. Kozeniewski to open for public comment.

Mike Chicalo thanked everyone particularly Mr. DelDuca for a fantastic job and he appreciated all the details. He looks forward to the shovel in the ground.

Adin Mickle stated he was disappointed to hear tonight's decision and would also like in the future if Mr. DelDuca could clarify on what a permissible petition process would be so that the future disputes in Stratford could be handled properly.

Mr. Ellenbogen stated on behalf of the applicant he wanted to thank the board and stated he is looking forward to coming back for Final.

Motion to close public comment was made by Mr. St. Maur and seconded by Mr. Kozeniewski. All ayes

BOARD COMMENT: none

Next meeting is scheduled for August 26, 2021

ADJOURNMENT:

Motion by Mr. McGovern to adjourn and seconded by Mr. Kozeniewski all ayes. Meeting adjourned at 11:15 pm