

October 26, 2020

Borough of Tinton Falls
Planning Board
556 Tinton Avenue
Tinton Falls, NJ 07724

**Re: All American Assisted Living (PB 2020-09)
1530 West Park Avenue
Block 124.63, Lot 30.01
Preliminary & Final Major Site Plan
Second Planning Review
Our File: TFPB 20-10**

Dear Board Members:

Our office received and reviewed supplemental materials that were submitted in support of an application for Preliminary & Final Major Site Plan approval for the above referenced project. We have provided ***new comments in bold and italicized text*** and ~~struck-out~~ comments that are no longer relevant. The following documents were reviewed:

- Tinton Falls Planning Board Development Application and checklist package dated April 2, 2020.
- Environmental Impact Report All American Assisted Living at Tinton Falls, prepared by Maser Consulting P.A., dated March 2020.
- Traffic Assessment Letter, prepared by Michelle R. Briefhof, P.E., prepared by Maser Consulting, P.A., dated April 2, 2020.
- Topographic Survey, consisting of two (2) sheets, prepared by Eric V. Wilde, PLS, of Maser Consulting, P.A., dated January 31, 2020, ***last revised August 4, 2020.***
- Architectural Plans for All American Assisted Living at Tinton Falls, consisting of five (5) sheets, prepared by Gerald B. Menke, of EGA Architects, dated March 30, 2020.

- Preliminary and Final Major Site Plan for All American Assisted Living of Tinton Falls, consisting of ~~45~~ **16** sheets, prepared by Mark Lescavage, PE, of Maser Consulting, PA, dated March 27, 2020, *last revised July 30, 2020.*
- *Submittal Letter from Patricia E. Segedin, of Permit Expediting Services, dated August 13, 2020.*
- *Submittal Letter from Mark Lescavage, PE, PP, CME of Maser Consulting, PA, dated August 7, 2020.*
- *Truck Circulation Exhibit, consisting of two (2) sheets, prepared by Mark Lescavage, PE, of Maser Consulting, PA, dated July 30, 2020.*
- *All American Assisted Living at Tinton Falls Architectural Plans, consisting of five (5) sheets, prepared by Gerald B. Menke, RA, of EGA Architects, dated July 30, 2020.*

1. Site Analysis and Project Description

The subject property consists of 12.39 acres, situated on the south side of West Park Avenue between Shafto Road and the Garden State Parkway in the IOP Industrial Office Park Zone District, in which assisted living/ skilled nursing facilities are a permitted use. The property is currently wooded and undeveloped. The American Red Cross is located to the west of the subject property. Residential properties are located to the south and east of the subject property. Tractor Supply is located across West Park Avenue to the north.

The Applicant is proposing to construct a two-story assisted living facility, consisting of a total of 112 beds located in 4 single units and 54 double units. Part of the first floor will consist of a memory care unit including 24 beds in 13 units, a courtyard, a covered patio, a kitchen, staffing, living room and activities, and a handicapped accessible restroom. The remainder of the first floor will consist of 20 beds in 10 additional assisted living units, walk-out patios, vestibule, lobby, elevator, dining, bistro, media, library, arts and crafts, lounges, barber, beauty salon, wellness rooms, and nurse and administrative offices and restrooms. The second floor will consist of 68 assisted living beds in 35 units, open loft, rehabilitation, care station, lounges, housekeeping, maintenance, services rooms and elevator and restrooms. The applicant is proposing a 40 ft. wide access driveway along the southwestern property line. Additional site improvements include 58 parking spaces, four of which will be designated as ADA accessible, refuse enclosure, maintenance shed, transformer and generator pads, flagpole, site lighting, landscaping, site signage, and stormwater management.

2. Planning and Zoning Requirements

- A. The applicant is proposing retaining wall height of 10.5 ft., whereas as per §40-33.D.5.m, the maximum permitted is 6 ft. **A variance is required.**
- B. The applicant is proposing a monument sign to have a setback of 10 feet from the R.O.W., whereas as per §40-34.M.3.c(4), 20 ft. is required. **A variance is needed.**

- C. The applicant is proposing a 4' x 8' "Coming Soon" advertising sign while the site is under construction. The proposed sign does not meet the requirements of §40-34.O As such, **a variance is needed.**
- D. As per §40-39.A.4, drive aisles and spaces are required to be offset a minimum of 25 ft. from the property line, whereas the applicant is proposing an offset of 0 ft. **A variance is required.**
- E. As per §40-26.G.6, a setback of 50 ft. is required from a driveway to the intersection of a street, whereas the applicant is proposing a setback of approximately 25 ft. **A waiver is required.**
- F. As per §40-26.G.8.c, driveways shall have a minimum distance of 20 feet from adjacent lot lines, whereas the applicant is proposing a driveway on the adjacent lot. **A waiver is required.**
- G. The applicant is proposing shade trees with a diameter of 1.5 inches, whereas §40-26.M.2 requires shade trees to have a minimum diameter of 2.5 inches. **A waiver is required.**
- H. As per §40-26.N, The maximum illumination at property lines shall be one-tenth (0.1) footcandle, where the proposed lighting exceed this limits, with values as high as 0.9 footcandles. **A waiver is required.**
- I. As per §40-26.N, The minimum illumination at ground level shall be 0.5 footcandles, where the proposed minimum lighting at ground is 0.2 footcandles. **A waiver is required.**
- J. As per §40-26.N, The maximum uniformity ratio is 4:1, whereas the proposed maximum uniformity ratio is 19:1. **A waiver is required.**
- K. As per §40-26.Q.2.a, a minimum of 10% of the surface parking shall be landscaped and included one (1) shade tree for every five (5) parking spaces. **Testimony should be provided to confirm this requirement has been met.**
- L. As per §40-26.Q.2.p, there shall be a minimum parking setback of ten (10) feet. The applicant is proposing a setback of approximately 5 feet. **A waiver is required.**

3. **Variances and Required Proofs**

A. *C Variances*

A number of "c" variances are required. There are two types of c variances with different required proofs.

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.

2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court's ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that "the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community."

3) C variances must also show consistency with the negative criteria as well.

B. ***A number of design waivers are required.*** The Board has the power to grant design waivers as "exceptions" from the requirements of the Borough's Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of the peculiar conditions pertaining to the land in question.

4. **Additional Comments**

- A. ~~The applicant is proposing a wooden trash/ recycling enclosure for the property. We recommend that this enclosure be constructed of masonry block and a detail indicating such be added to the plans.~~ ***The plans have been revised to include a masonry block trash enclosure.***
- B. ~~The applicant is proposing a chain link fence along the eastern portion of the property. We recommend this be changed to white vinyl fencing.~~ ***The plans have been revised to include white vinyl fencing and include a detail of such.***
- C. ~~The applicant should provide turning templates for emergency vehicles.~~ ***This has been provided.***
- D. ~~The applicant should provide clarification on the proposed size of the ground sign.~~ ***The applicant has indicated that the proposed size of the ground sign will be 36 sq. ft.***
- E. The applicant should provide testimony on any proposed wall mounted signs and their compliance with the Borough ordinances.
- F. The applicant should provide testimony as to the types of services to be provided, the level of care required by residents, amenities to be provided, number of employees, frequency and types of deliveries and waste disposal.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.

A handwritten signature in black ink, appearing to read 'Jennifer C. Beahm', is positioned above the printed name and title.

Jennifer C. Beahm, P.P.
Board Planner

cc: Thomas Neff, P.E., P.P., C.M.E., Board Engineer
Dennis Collins, Esq., Board Attorney
Mark Lescavage, PE, PP, CME, Applicant's Engineer (mlescavage@maserconsulting.com)
Marc D. Policastro, Esq., Applicant's Attorney (MPolicastro@ghclaw.com)