

RESOLUTION 2011 - 10

**TOWNSHIP OF EAST WINDSOR PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MERCER COUNTY, NEW JERSEY
APPROVAL FOR CONDITIONAL USE,
PRELIMINARY AND FINAL MAJOR SITE PLAN
ASSISTED LIVING FACILITY**

**Approved: February 28, 2011
Memorialized: April 4, 2011**

**MATTER OF EW ACQUISITION, LLC (THE SEASONS AT EAST WINDSOR
ASSISTED LIVING FACILITY)
APPLICATION PB09-007**

WHEREAS, the property owner and applicant, EW Acquisition, LLC [hereinafter known as "the applicant"] has made an application for conditional use and for preliminary and final major site plan approval for a three story, 89,038 square-foot assisted living facility on a 2.96-acre lot known as Block 3, Lot 3.01 on the eastbound side of Princeton-Hightstown Road (also known as 359 Princeton-Hightstown Road) as depicted on the Tax Map of the Township of East Windsor. The application has been made to the East Windsor Township Planning Board [hereinafter referred to as the "Board"]; and

WHEREAS, the application came before the Board as a conditional use and for preliminary and final major site plan approval on January 24, 2011 and February 28, 2011.

WHEREAS, the Board heard testimony and comments from the Applicant, its witnesses and consultants, as well as from the Boards experts, including Planner Richard Coppola, Engineers Raymond Jordan and Max Peters, and Landscape Architect Daniel Dobromilsky, and the public having had an opportunity to be heard; and

WHEREAS, a complete application has been filed, the fees as required by Township

- a. Report of Board Engineer Raymond Jordan ("Mr. Jordan") of T&M Associates, dated January 13, 2011, was marked into evidence as B-1. A copy of this report is attached. Max Peters, PE, of T& M Associates attended this hearing.
- b. Report of Board Planner Richard Coppola ("Mr. Coppola") of Coppola & Coppola Associates, dated January 12, 2011, was marked into evidence as B-2. A copy of this report is attached.
- c. Report of Board Landscape Architect Daniel Dobromilsky ("Mr. Dobromilsky") of Dan Dobromilsky Associates, dated January 12, 2011, was marked into evidence as B-3. A copy of this report is attached.

5. Mr. Kent-Smith then introduced his witnesses. They included applicant's engineer, Steve Atkins, P.E., Brian Leff, applicant's landscape architect, Nick Verderese, P.E., traffic engineer, Mark McKee, AIA, and Ronak Shah, owner and operations manager.

6. Steve Atkins, P.E., of KZA Engineering, placed his credentials on the record and began testifying with regard to the application. He made reference to a report dated April 2, 2008, which is a geo-technical engineering report for the site. He then reviewed with the Board Exhibit A-1, which is an aerial and colorized site plan inlay of the site showing its location and set-up. He stated that the subject property is approximately 3.965 acres in area and is located within the RO, Research/Office, zoning district along the southerly side of County Route 571 (Princeton-Hightstown Road). West of the subject lot's intersection with County Route 535 is Old Trenton Road (or Edinburg Road), and across from the property is the Shiseido Corporation.

7. Mr. Atkins stated that the property is undeveloped, with relatively flat farm fields and with no freshwater wetlands or flood plains. He stated that the assisted living facility would

friendship units would contain two private bedrooms, each with one bed and a walk-in closet; they would also have a shared kitchenette with sink and cabinetry.

11. Mr. Atkins went on to review with the Board the exterior elements of the building, including the location of the loading area and garbage disposal. He stated that the landscaping would be extensive, including more than 500 shrubs and 60 deciduous trees, along with more than 70 evergreen trees.

12. He stated that the Alzheimer's wandering garden in the rear would primarily serve the Alzheimer's patients in the 20 beds in the rear of the building. He stated that the garden would be very attractive, with pavers and terraces, and would be fenced in to prevent patients from leaving without supervision.

13. Mr. Atkins then reviewed with the Board truck circulation at the site. He also reviewed the drainage basin in the front of the property, which will be a shallow area which will comply with Phase II stormwater regulations. All drainage calculations would be submitted for the Engineering review. Mr. Atkins stated that his report supplied all calculations with regard to the drainage basin and how it would be maintained.

14. Next he turned to lighting at the site. He stated that the current foot-candle configuration was 1.7 and exceeded the permitted light intensity under the ordinance. However, Mr. Atkins believed that the permitted lighting was too low for this type of facility and asked for a waiver.

15. Mr. Atkins then referred back to Exhibit A-1 and reviewed the sewer and water hook-ups for the site and how the utilities would enter the property, possibly from Old Trenton Road. He stated that the applicant had agreed with the adjacent homeowners that as part of allowing the site to move forward, the applicant would provide connections for them as well.

the Board and focused his attention on the basin, specifically the six-foot bank in the rear of the basin. He questioned why the basin had to have a sandy bottom with rip-wrap aprons which could become unkempt and be an eyesore. He stated that the sidewalks on the site should be further upgraded, and that the landscaping should be "bulked up" to make the parking lot look better.

23. Next to testify was the applicant's traffic engineer, Nick Verderese, P.E., of KZA Engineering. He reviewed his January 4, 2011 report with the Board. Mr. Verderese reviewed vehicle circulation and how many vehicles would use the site, from a low of 17 vehicles during the week, to 26 vehicles at rush hour, to upwards of 39 vehicles on the weekends. He stated that compared to a medical office building, which is also allowed in the zone, assisted living facilities have only about 20% of the traffic. He noted that the two entrances are separated. He stated that there would be 87 parking spaces, where 60 are required. He reviewed the parking ratios and stated that there would be sufficient parking available, even when there are approximately 27 more spaces used during the holidays.

24. Next to testify was Ronak D. Shah, the principal of the applicant, who reviewed with the Board how the site would work. Included in the overall bed count would be a separate Alzheimer's unit with 12 rooms and 20 beds. He stated that on the first floor there will be a dining room and a sun room between the front and rear building wings. There will also be a country kitchen and two lounge areas in the rear wing, oriented to the Alzheimer's patients.

25. The front wing of the building will include a lobby and caller area, with a nurse's office and rooms for arts and crafts, movies/lectures, private dining, a bistro, a general store, hair salon, library, game room and fitness center. On the second and third floors will be one large lounge area in the rear wing, smaller lounge areas along the side of the building connecting the

30. At the hearing, the following member of the public spoke:

a. Joseph Genovese, 349 Princeton-Hightstown Road, stated that his property is adjacent to the applicant's property, and he was worried about the detention basin and possible flood waters coming onto his property. He was also worried about the buffering of the trees. The applicant stated that they would make sure that Mr. Genovese's property was not impacted at all.

31. On February 28, 2011, the applicant again appeared before the Board for preliminary major site plan approval of the project. The applicant was again represented by Mr. Kent-Smith, who stated that the applicant was again appearing with revisions suggested by the Board and its professionals at the last hearing. Raymond Jordan, P.E., of T&M Associates, was in attendance.

32. Mr. Kent-Smith presented his previous witness, Stephen Atkins, P.E., applicant's engineer, who presented Exhibit A-11, showing changes in the lighting plan to make it more compliant with the ordinance requirements. He said the changes made it a more uniform lighting pattern with no visible lenses and that lighting was added to the courtyard and patio area for the safety of the residents. The overall plan did reduce foot-candle significantly to less than .09, which makes it compliant with the ordinance.

33. Mr. Atkins went on to testify that light spillage was reduced significantly by the modified fixtures (including the porch enclosure), which will have recessed LED lights. The lighting stanchions were also raised from 12 feet to 20 feet in height to better conserve electricity and improve traffic circulation. The Board Engineer, Raymond Jordan, stated that the lighting foundations had been removed from the parking lot area to assist traffic flow. The Board requested that the applicant supply a security lighting plan to show when lighting would come on

sidewalk would be constructed if required by the developer's agreement between the developer and the Township.

40. Members of the public who testified again at the February 28, 2011 hearing:

a. Carol Genovese, 349 Princeton-Hightstown Road, who expressed her approval of the application and stated that she was greatly satisfied with the presentation of the application.

WHEREAS, the East Windsor Township Planning Board, having reviewed the proposed application and having considered the impact of the proposed application on the Township and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Township of East Windsor; and upon the imposition of specific conditions to be fulfilled, hereby concludes that good cause has been shown to approve the application of The Seasons at East Windsor for conditional use and preliminary and final major site plan approval with requested variances and waivers to create an assisted living facility that is a single three-story structure with 89,038 gross square feet which contains a general senior population portion and a separate Alzheimer's unit, for a total of 120 beds.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of East Windsor on this 4th day of April, 2011, that the action of the Planning Board taken on February 28, 2011 granting conditional use and preliminary and final major site plan approval for Application No. PB 09-007 of The Seasons at East Windsor is hereby memorialized as follows:

The application is granted subject to the following conditions:

9. Applicant must submit proof of payment of all real estate taxes applicable to the property and payment in a timely fashion as well as all outstanding and future fees and escrow charges, together with the posting of all performance guarantees, in connection with the review of this application prior, and subsequent, to the approval of this application

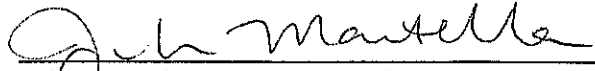
10. Applicant shall comply with all Township ordinances, rules and regulations that are applicable to this development application specially including, but not limited to, Township noise restrictions, and is required to obtain all necessary permits including, but not limited to, certificates of occupancy, certificates of habitability, construction permits and zoning permits.

11. The foregoing approval is subject to the review of, approval by and requirements imposed by all federal, state, county and local bodies that shall have jurisdiction over the relief sought in this application, including, if applicable, the obtaining of proper NJDOT permits.

12. All construction and site improvements shall take place in strict compliance with the applicant's testimony and with the original and revised plans and drawings which have been submitted to the Board with this application, and the buildings will be constructed in accordance with the renderings shown to the Board.

13. The Township has established as part of its Master Plan a Transportation Improvement Program (TIP) and in the event the Subject Property falls within the parameters of the TIP, the Applicant shall make a contribution to the TIP fund in an amount calculated in accordance with the East Windsor Township Code, as amended and supplemented. As part of the TIP contribution, the applicant shall enter into an Agreement with the Township Council, which will confirm the contribution to the TIP fund. Said Agreement shall also provide for all other conditions and recommendations as required by this Resolution. Said Agreement must be approved by the Township Council in a recordable form.

I hereby certify this to be a true and accurate copy of the Resolution adopted by the East Windsor Township Planning Board, Mercer County, New Jersey at a public meeting held on April 4, 2011.

A handwritten signature in dark ink, appearing to read "Julia Martella", is written over a horizontal line.

Julia Martella, Board Administrative Secretary
East Windsor Township Planning Board

s/mwh/ewpb-Seasons resol 040411 final