

MINOR SUBDIVISION  
PRELIMINARY & FINAL MAJOR SITE PLAN  
SIGNATURE NINTH AVENUE LANDCO LLC  
Sycamore Assisted Living at Little Egg Harbor  
Block 250, Lots 2 & 2.01  
Route 539 at Ninth Avenue  
Zone – GB – Scenic Gateway Overlay Zone

Application No. 2016-01B

**AMENDED RESOLUTION OF APPROVAL 2018-18  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by Signature Ninth Avenue LANDCO LLC (the “Applicant”), for a minor subdivision and preliminary & final major site plan approval for Block 250, Lots 2 & 2.01, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

**WHEREAS**, the Minor Subdivision Plan was prepared by WSB Engineering Group, dated December 12, 2017; the Preliminary & Final Major Site Plan was prepared by WSB Engineering Group, dated April 3, 2018; an Architectural plan was prepared by Borglund Associates, dated April 16, 2018; and

**WHEREAS**, the Planning Board, after carefully considering the evidence presented by the applicant, and the report(s) from its professional staff, hereby makes the following findings of fact:

1. The Applicant is the contract purchaser of Block 250, Lot 2 and the owner of Block 250, Lot 2.01 has consented to this application.
2. The Applicant has requested approval in accordance with the Ordinances of the Township of Little Egg Harbor.
3. The public hearing on the application was held on June 7, 2018, at which time the applicant was represented by Lisa John-Basta Esq., of Chiesa Shahinian & Giantomasi PC.
4. The site in question is located in the Gateway Overlay of the General Business Zone. The site is located on the southwest corner of Route 9 & Ninth Avenue.
5. The Applicant seeks approval to construct a two-phase development on Block 250 Lot 2, with associated site and infrastructure improvements. The first phase of the development, for which Applicant sought preliminary and final site plan approval, is proposed to be a 2-story, 106-unit (110-bed) health care facility (containing a senior medical daycare center and assisted living and memory care units). The second phase of the development, for which the Applicant sought preliminary site plan approval, is proposed to be a 8632 sq ft medical office building on the easterly end of Lot 2. An adjustment of the lot lines is proposed in order that the new health care facility and associated improvements be located entirely on Lot 2.

6. The application requests variance relief for the following:

- Side yard setback for Lot 2: 20ft required; 0.5ft proposed (from the property line to the proposed canopy. – 20ft proposed to main bldg.)
- 10% parking area consisting of landscaped islands required; 4.85% proposed
- 60ft loading zone required; 36ft loading zone proposed

7. The following design waivers are requested:

- 15ft landscape buffer on each side of the proposed lot line required; no buffer proposed
- 50ft buffer from front property line required; 15ft from Rt 539 proposed at the infiltration basin
- Screening for refuse enclosure required; none proposed from employee parking area
- Location of 10” caliper trees required; quadrat sampling proposed
- 28ft driveway width for fire lane required; 26ft proposed.

8. During the hearing, it was the Applicant’s position that the proposed 26 foot driveway width was in compliance with Code Section 15-12.16(A)(17).

9. T&M Associates, the Board engineers, prepared a report to the Board dated June 5, 2018. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated June 5, 2018. The Board hereby adopts the findings in the reports and incorporates them in this Resolution by reference.

10. The Applicant provided testimony from four witnesses in support of the Application:

- Bruno D’Uva, a principal of Signature Ninth Ave LANDCO, LLC, testified as to the operations and phasing of the proposed development. With regard to the medical adult daycare facility, Mr. D’Uva testified that the medical adult daycare center expects to have between 120-150 clients per shift per day (there are two shifts per day). Each client will be transported to and from the facility by 15 passenger vehicles provided by the Applicant. There will be approximately 25 employees working at the daycare center per shift in addition to the drivers of clients to and from the facility. Mr. D’Uva testified that the remainder of the proposed health care center will contain 110 beds – 72 for assisted living clients and 38 for the secured memory care facility. There will be three shifts for the assisted living and memory care facility. Lots 2 and 2.01 will function as one cohesive development site, and there will be cross-access easements to allow for, among other things, shared parking and access to the properties.
- Civil Engineer and Project Planner Frank Baer of WSB Engineering testified with regard to Applicant’s proposed subdivision and site plan.

- With regard to the proposed subdivision, Mr. Baer testified that it was necessary so that the proposed healthcare facility would be located entirely on Lot 2, and would result in an increase in lot area to Lot 2 and a decrease in lot area to Lot 2.01. Following the subdivision, the lots will comply with the bulk standards of the Scenic Gateway Overlay Zone except for a variance being requested for the proposed canopy which extends .5 feet from the lot line (whereas 20 feet is required).
- Mr. Baer also provided testimony with respect to the project site, including its location and characteristics, and the proposed building and site improvements. Mr. Baer testified that the proposed uses are permitted in the Scenic Gateway Overlay Zone. Mr. Baer provided testimony with respect to the proposed parking on site, which exceeds that required by the zoning regulations, as well as site circulation and access, and loading. A circulation plan for fire and emergency vehicles will be submitted to the Board for its review. The proposed 26 ft driveway aisle is subject to fire department review and approval of the width of the aisle needed for fire and emergency vehicles. Mr. Baer also provided testimony with regard to the proposed landscaping and design waivers being requested. Specifically, Mr. Baer testified that the Applicant is proposing 20 feet of existing vegetation line instead of additional street trees along Ninth Avenue, to better blend with the existing vegetation conditions. With regard to signage, Mr. Baer testified that the existing sign in the site triangle of Route 539 & Ninth Avenue will be moved to a conforming location, along with the sign for the proposed new structures/services, and that the Applicant also proposed to have a directional sign on Ninth Avenue. Mr. Baer also testified that the Applicant will submit a drainage maintenance plan to the Township, and that the Applicant agreed that any trees that may die in the creation of the drainage basin will be replaced.
- Architect Brent Wood, of Brent A. Wood Architecture, LLC, provided testimony with respect to the design, layout, and exterior design of the proposed building on Lot 2, including its compliance with the Scenic Gateway Zone's design requirements.
- Traffic Engineer John Rea, of McDonough & Rea Associates, Inc., testified to the traffic anticipated to be generated at the site, and the manner in which the traffic will be accommodated. Ninth Avenue will be widened to provide for separate right turn and left turn lanes at Route 539 to improve existing traffic conditions for both the proposed development and the neighboring elementary school.
- Mr. Baer also provided testimony as the Professional Planner for the Applicant. Specifically, Mr. Baer testified that he had reviewed the Applicant's plans, and the Township's zoning requirements, Master Plan and Master Plan Reexamination

report, and it was his conclusion that granting the variance and design waivers requested by Applicant would promote the purposes of the Municipal Land Use Law, as set forth in N.J.S.A. 40:55D-2, including subsections (a) guiding the appropriate use or development of land in a manner which will promote the public health, safety, morals and general welfare; (e) promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment; (h) encouraging the location and design of transportation routes that will promote the free flow of traffic; (i) promoting a desirable visual environment; and (m) encouraging the efficient use of land. Additionally, Mr. Baer testified that granting the requested relief would not result in substantial detriment to the public good, zone plan or zoning ordinance.

The testimony elicited supported the applicant's contention that the proposed preliminary and final site plan is in keeping with the area and neighborhood and that the granting of the application would in no way be detrimental to the public good.

The Little Egg Harbor Township Planning Board concurs with these representations and so finds.

**WHEREAS**, the Planning Board has determined that the applicant should be granted the requested relief for the following reasons:

1. The proposed site plan will pose no danger to the surrounding area.
2. The granting of the application will promote the purposes of the Municipal Land Use Law, as set forth in N.J.S.A. 40:55D-2, including subsections (a) guiding the appropriate use or development of land in a manner which will promote the public health, safety, morals and general welfare; (e) promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment; (h) encouraging the location and design of transportation routes that will promote the free flow of traffic; (i) promoting a desirable visual environment; and (m) encouraging the efficient use of land.
3. The granting of the application will not have a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan, Master Plan, and/or Zoning Ordinances of the Township of Little Egg Harbor.
4. The positive criteria outweigh the negative, if any.
5. The applicant is providing inherently beneficial services to the Township.
6. There was no public comment at the hearing.
7. The safety and well-being of the immediate area will not be adversely affected by the proposed development.

**NOW, THEREFORE, BE IT RESOLVED** by the Little Egg Harbor Township Planning Board that the application is hereby approved subject to the following conditions:

- 1. These specific conditions noted herein are an integral part of the basis for which the approval is being granted and are intended to be inseparable from the right of enjoyment of this approval.**
- 2. Preliminary & final site plan approval as Phase 1 of the development is granted for the health care facility; and preliminary site plan approval only as Phase 2 is granted for the medical office building.**
- 3. The applicant shall comply with all Township trash and recycling rules and regulations, and will cooperate with the Township Recycling Coordinator.**
- 4. The applicant shall provide a circulation plan for emergency vehicles, subject to receiving fire department approval of the same.**
- 5. A cross-access easement will be entered into between the owners of Lots 2 and 2.01 to allow for shared parking, access, and stormwater management facilities.**
- 6. The existing drainage system will be cleaned and rehabilitated, on an as needed basis.**
- 7. The applicant shall provide detailed construction and grading plans for the Ninth Avenue roadway improvements, to be reviewed and approved by the Board Engineer.**
- 8. The existing sign in the site triangle of Route 539 & Ninth Avenue will be moved to a conforming location, along with the sign for the proposed new structures/services.**
- 9. Twenty feet of existing vegetation line shall be provided instead of street trees along Ninth Avenue, to better blend with existing vegetation conditions.**
- 10. The applicant shall comply with all conditions as contained in the aforementioned reports of the Board Engineer and the Board Landscape Architect, and shall submit revised plans accordingly.**

*In addition, the following general conditions shall apply:*

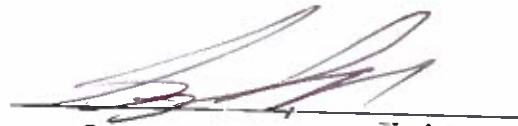
- 1. The applicant must submit proof of payment of all currently due taxes to the Little Egg Harbor Township Planning Board.**

2. The applicant must post all bonds and guaranties as required and recommended by this Board and said Planning Board engineer. Moreover, the Applicant must post all required engineering inspection fees.
3. All representations and statements made by the Applicant, as well as Applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an expressed condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this application to further review of this Board's own motion.
4. In the event the Planning Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that case any approvals previously given may be rescinded and any improvements in place on the premises in question shall not be considered as being in compliance with the ordinances of the Township of Little Egg Harbor.
5. The applicant must comply with all conditions as contained in the aforementioned reports of the Board professionals.
6. The applicant must obtain reports with signed certifications from the Township of Little Egg Harbor Planning Board Engineer, Zoning Officer, and Building Department certifying compliance with all conditions of the Resolution.
7. No building permit will be issued until all escrow accounts have sufficient monies to pay all outstanding Planning Board professional fees. In the event a building permit is issued and there are outstanding escrow monies due for Planning Board professional fees, a stop-work order will be filed against the applicant/contractor until such escrow fees have been confirmed by the Board Secretary as paid in full.
8. In the event there is an *existing* violation, the applicant shall have thirty (30) days from the date of the Notice of Decision was published to correct the violation. Failure to correct the existing violation within the time proscribed will result in the issuance of a summons.
9. The applicant shall comply with all regulations and obtain all necessary permits required by outside agencies, including local, state and federal.
10. The applicant has agreed to participate in the State recycling program. The program provides credits to the Township of Little Egg Harbor when trees and tree parts are cleared from properties and processed into wood chips (at the site) and then recycled for use as product on-site or off-site. The applicant agrees to file the appropriate forms with Little Egg Harbor Township so that the Township will receive recycling credits pursuant to *N.J.A.C. 7:26A-1.4*.

**BE IT FURTHER RESOLVED** the applicant's request for preliminary and final site plan approval for Phase 1 and preliminary site plan approval for Phase 2 with variances and waivers, along with minor subdivision approval, pursuant to the terms and conditions as set forth more fully in the preamble of this Resolution, be and hereby are approved.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the applicant, the Building Department, and the Township Clerk by the Planning Board secretary.

**BE IT FURTHER RESOLVED** that a notification of this favorable Resolution shall be published in an official newspaper of the Little Egg Harbor Township within ten (10) days of the adoption of this resolution.



George Garbaravage, Vice-Chair

CERTIFICATION

I, **Robin Schilling**, Secretary of the Little Egg Harbor Township Planning Board, certify that the foregoing Amended Resolution was duly adopted at a meeting held on September 6, 2018, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on June 7, 2018, a quorum being present and voting in the majority.



**Robin Schilling, Board Secretary**