

WEST ORANGE ZONING BOARD OF ADJUSTMENT
APPLICATION NO. ZB 21-21

DAUGHTERS OF ISRAEL (1155 Pleasant Valley Way)

WHEREAS, Daughters of Israel, (the "Applicant"), with an address of 1155 Pleasant Valley Way, West Orange, New Jersey, the owner of 1155 Pleasant Valley Way, (Block 171 Lot 12), located in the R-2 zone, (the "Property") applied to the West Orange Zoning Board of Adjustment (the "Board"), for preliminary and final site plan approval with a (1) "d(1)" use variance for construction of a continuum of care facility including independent living, assisted living and skilled nursing, which is not permitted in R-2 zone; (2) a "d(1)" variance for three principals uses, when only one is permitted; (3) a "d(6)" height variance for a structure of 57.50 feet when 35 feet is the maximum height permitted; (4) a "c" 5-story structure when the maximum stories permitted in the zone is 2 ½ stories; (5) a "c" bulk variance for maximum building coverage of 28.18% when 29.64% is existing and only 20% is permitted (using "effective lot area"); (6) a "c" bulk variance for maximum lot coverage of 67.42 (37.46)% when 69.35% (38.53%) is existing and 30% is the maximum effective coverage permitted; (7) a "c" bulk variance for maximum retaining wall height of ten feet when four feet is the maximum permitted and 4 feet is the existing; (8) a "c" variance for maximum length of continuous

parking row without landscaped island of 22 spaces when less the existing longest row is less than 20 spaces and 20 spaces is the maximum size of the row permitted without landscape island; and (9) a "c" variance for 1 loading space when 13 are required and only 2 are present in existing condition; (10) a "c" variance for minimum number of parking spaces of 429, (including EV credit, actual number of spaces 381 when 479 are required and 236 are existing; (10) a "c" variance for parking of a vehicle with dual rear wheels which is not permitted in order to permit parking of the Applicant's existing or similar shuttle bus; (11) a variance for parking of commercial vehicle(s) (shuttle bus and several delivery vans) which are over 20' long, over 7' high and over 6000 lbs. gross vehicle weight, when same is only permitted indoors or with commercial markings removed, which is not permitted; (12) a "c" variance for a light pole height of 25 feet when less than 18 feet is existing and only 18 foot is permitted; (13) a "c" variance for a freestanding sign, externally illuminated with ground-mounted light fixture and building signs with reverse lit channel letter when an externally illuminated sign with a ground mounted light fixture is existing and no illumination is permitted; (14) "c" variances for 5 façade signs, 1 monument sign, 1 freestanding sign 1 identification sign and 4 freestanding directional signs when only 1 monument sign exists and only 1 sign is permitted;

(15) a "c" variance for maximum sign area of 8.765 feet to 56 square feet when one 56 square foot sign exists by variance, and only a 1 square foot sign for a nameplate or a 2 square foot sign for a professional office is permitted; (16) a "c" variance for 11 signs per linear foot when only 1 exists and a maximum of 8 are allowed (4 signs ever 250 square feet, with 648 feet of frontage) are permitted; (17) a "c" variance for steep slope development in 25% of the area where the grade is 20-24.99% when only 20% development is permitted; and (18) for steep slope development of 16% of the area where the grade is greater than 25%, where no development is allowed; (the "Application"); and

WHEREAS, the Applicant submitted proof that notification was made by mail or personal service, at least ten (10) days prior to the date set forth for public hearing, to property owners within 200 feet of the property and all those entitled to notice, and also submitted proof of publication in the official newspaper, in accordance with the Zoning Ordinance of the Township of West Orange (the "Ordinance") and N.J.S.A. 40:55D-1, et. seq.; and

WHEREAS, the Applicant was represented by Howard Geneslaw, Esq., and

WHEREAS, the Board has considered the Application with reference to the objectives set forth in the applicable West Orange Zoning Ordinance and the statutes of the State of New Jersey as

amended and supplemented; and

WHEREAS, public hearings were held on September 15, 2022, October 6, 2022, December 15, 2022, January 12, 2023, January 19, 2023, February 9, 2023, February 16, 2023, March 16, 2023, March 23, 2023, April 20, 2023, and May 11, 2023; (collectively, the "Hearings"); and

WHEREAS, Applicant offered the testimony of Jason Halper, the president of the the Daughters of Israel Board of Governors, Mr. Halper testified that he has been on the Board for 24 years, that he became involved when a family member was cared for at the facility, he explained that the Daughters of Israel is a non-profit, 501(c) charity under the Internal Revenue Code, that it has ben operating for over 100 years and since 1962 in West Orange, that its mission is to provide health care and services to Jewish persons and others (all demoninations are welcome), that it currently operates a skilled nursing facility with 303 beds at its Pleasant Valley Way facility but only has a steady patient population of 130-150 patients, that it provides sub-acute rehabilitation, hospice care, social education programing and transport, that 70-75% of its population are Medicaid recipients, that due to low population numbers it feels it has to make a change or it will continue to operate at a loss, that its current business model is not sustainable, and that if a change is not made it feels

it will be out of business in 10-15 years, that after market studies and other professional examination it now wants to become a continuing care community, with a lower number of skilled nursing beds(80), and build 64 assisted living (including 20 memory care bed) units and 182 independent living units that will be sold for a profit to subsidize the skilled nursing beds, that Daughters has received a 20 million dollar commitment towards the project from the Cooperman Family Campus; and

WHEREAS the Applicant presented the testimony of J. Michael Petry, a licensed professional engineer of the State of New Jersey, who was accepted by the Board as an expert in the field of civil engineering, Mr. Petry presented an aerial tax and zoning map to show property lines, an existing steep slopes map, a proposed conditions steep slope map, an overall layout of the proposed changes and additions contemplated by the Application, a layout of the proposed parking, explained the proposed drainage plan, the lighting plan, the building phasing plan (four phases over ten years) the tree removal plan, discussed the height variances requested and the steep slope variance requested; and

WHEREAS, the Applicant offered the testimony of David Fowles, a licensed professional architect of the State of New Jersey, who was recognized by the Board as an expert in the field of architecture, Mr. Fowles presented the architectural plans for the

proposed new buildings to be built including the tallest at 57.7 feet in height, while the existing is 39.90 feet, and outlined the proposed phases of construction and timing of each, which were planned to extend out over ten years; and

WHEREAS, the Applicant offered the testimony of Connor Hughes, a licensed professional engineer of the State of New Jersey, with a specialty in traffic engineering, who was recognized by the Board as an expert in traffic engineering, Mr. Hughes testified about traffic studies he conducted in November 2021 and May 2022, about the traffic at the intersection of Pleasant Valley Way and Mount Pleasant Avenue, how the Applicant will seek permission from the County of Essex to alter the timing of the light at the entrance to the Kessler Institute, and that he admitted that his earlier traffic studies were completed during COVID; and

WHEREAS, the Applicant offered the testimony of David Stafford, Chief Financial Officer of the Daughters of Israel, who then testified about the planned amenities that will be offered to residents under the new development, that the facility will operate with a three (3) employee shift that will be staggered, some of the employees drive to work and some take the bus, that there will be ample parking that will not be assigned, that the Daughters' vehicles will be stored on the lower level of the parking garage,

deliveries will take place on the lower level, and that during construction, every care will be taken to ensure a safe and healthy environment for the existing nursing home residents; and

WHEREAS, the Applicant re-called Mr. David Fowles, its architect, after a redesign of the project, he testified about the revised architectural plans which eliminated one story from the tallest building, eliminating 19 apartments in the northwest corner of the building and that phase 4 has been eliminated and the project can be completed in six years instead of ten; and

WHEREAS the Applicant offered the testimony of Frank Bannister, a licensed professional planner of the State of New Jersey, who was recognized by the Board as an expert in the field of planning, Mr. Bannister testified about the statutory justification for the variances needed, that in his opinion the bulk variances are sub-sumed within the use variance, but believes there are independent c-2 reasons supporting the grant of the "c" bulk variances, that his summary of his report and conclusions are contained in his March 3, 2023 report which was admitted into evidence, that the application presents an inherently beneficial use, but also that the applicant can satisfy other purposes of municipal zoning, such as promoting general health safety and welfare of the community, he pointed out that the R-2 zone permits the construction of federal (low income) senior housing, that

although the independent apartment owners will pay market rents, these rents will subsidize the medicare and medicaid patients in the nursing beds, that assisted living is recognized by the State of New Jersey as a housing need, because more assisted living beds reduces the need for skilled nursing beds, and gives residents a better quality of life, that the West Orange Master Plan recognizes the goal of aging in place, and this project presents residents with that choice, that he believes the use variance, the d(6) variance can be granted, that the new plan is for a building within the existing foot print, not expanding out, that a continuing care community, by definition, has three components, hence the need for a varince for three principal uses, that in his opinion a congregate care facilty is still an inherently beneficial use, even if it is for profit, that the property owner would suffer undue hardship if it was limited by its existing structure and existing business plan, that the use is particularly suited to the property because the new plan stays within the existing footprint, in an appropriate location, (as less than 3% of this particular R-2 zone contains single family residences), and the project serves the ideals of the West Orange Master Plan, that the Applicant also meets the negative criteria because the project presents no substantial detriment to the public good, the zone plan or the zoning ordinance, that on balance, the postive criteria outweighs

any adverse impact that can be ameliorated with conditions, the project cares for the elderly, brings existing conditions up to date, will make a better facility than what is there now, improves the aesthetics, provides green roofing, making a positive visual impact, will maximize light for the residents, involves no air pollution, there is only a minor traffic impact, limited steep slope and tree removal, in his opinion no negative impact to the neighbors on Skyline Drive, the Applicant eliminated one of the stories from its initial plan, and the Applicant has accepted the Board's suggested conditions; and

WHEREAS, Richard Webster, Esq. Attorney at Law, filed an appearance and represented West Orange resident Loren Svetvilas of Prospect Avenue in the proceedings; Mr. Webster cross-examined the Applicant's witnesses and presented the testimony of a professional planner Ms. Barbara Allen Wooley Dillon; and

WHEREAS, Ms. Barbara Allen Wooley, a licensed professional planner of the State of New Jersey, who was recognized by the Board as an expert in the field of planning, Ms. Wooley initially opined that the Applicant had not requested or noticed for a D-5 density variance she believed was necessary for the Application, she then opined that the use could be found not to be inherently beneficial under recent unreported actions of other municipalities which found that if a municipality already

contained multiple other properties offering the same use (here, assisted living facilities) that a Board could consider another similar application to not be inherently beneficial, that the current application is no longer the preferred model in elder housing combined with medical services, and that the plan represents a planned obsolescence, and that the Applicant, in her opinion had not demonstrated that the positive criteria outweighed the negative criteria; and

WHEREAS, the Applicant recalled Mr. Stafford to testify in rebuttal to the testimony of Ms. Wooley, advising the Board of the minimum and average age of the persons they expected to be residents in the independent living units, the services the assisted living and the independent living residents would receive, the meals provided as part of the anticipated service fee (estimated to be from \$5,000.00-\$7,000.00 a month), he discussed the buy in fee (from \$100,000.00 to \$500,000.00) that would be necessary for both the assisted and independent living units, and how the facility would handle residents who may run out of financial resources to continue to reside at the facility and that he believes the CCRC model is neither outdated nor designed for obsolescence; and

WHEREAS, the Board considered the reports of Paul Grygiel, AICP, PP, Township Planning Director, dated December 7, 2021,

June 17, 2022, November 4, 2022, November 7, 2022, and February 1, 2023, as well as his testimony at the hearings; and

WHEREAS, the Board considered the reports of John Hess, P.E. of Consulting Municipal Engineers, the Board's consulting engineers, dated June 20, 2022, November 15, 2022, January 26, 2023, February 6, 2023, and his testimony at the hearings, and

WHEREAS the following documents, over and above those submitted as part of the Application and its amendments (a complete list is contained in an addendum # 3 to this Resolution) were admitted into evidence and considered by the Board:

A-1 Presentation Boards (August 5, 2023)

A-2 KDA Architectural Exhibits (Undated)

A-3 16 Civil Engineering Exhibits (January 26, 2023)

A-4 KDA Architects Exhibits (February 6, 2023)

A-5 Planning Report (March 3, 2023)

A-6 Google Map demonstrating the distance between Applicant's property and Mr. Svetvilas' property;

A-7 Geneslaw legal memorandum dated May 8, 2013, on issue of D(5) density variance;

A-8 Exhibit A8 - DOI (May 9, 2023)

LS-1 Webster legal memorandum dated May 9, 2023, on issue of D(5) density variance

WHEREAS, Public Advocate Sarabraj J. Thapar attended the hearings and cross-examined the Applicant's witnesses; and

WHEREAS, the Board, after consultation with legal counsel and its planner Mr. Grygiel determined that a D-5 density variance was not necessary for the Application, and in any event, that if that opinion proved to be erroneous, the Applicant's notice was sufficiently descriptive to apprise the public of the nature of the variances sought, the density of the Application and provided for sufficient request for amendment of the Application if deemed necessary by the Board and its professionals; and

WHEREAS, the following members of the public questioned the Applicant's witnesses:

Kevin Malanga, 57 Ridge Road;
Darren Tobia, Columbia Street,
Joyce Rudin, 38 Woodland Avenue
Mr. Majekodummi, Parsons Drive
Miky Faibis, 24 Skyline Drive
Sally Malanga, 57 Ridge Road
Robert Rashkes, 35 Oak Crest Road
Bill Fitts, 16 Schmidt Road
Zasah Khademi, 4 Dawes Avenue
Renee Faibis, 24 Skyline Drive
Paul Litwinoff, 11 Linden Avenue
Mark Paull, 27 Sunnyside Road

Edie Behr, 14 Dogwood Drive

Kein Schnitzer, 6 Skyline Drive

Claire Silvestri, 20 Grandview Terrace

Solomon Nnanna 6 Parsons Drive; and

WHEREAS the following members of the public gave testimony on the Application:

Kevin Malanga, 57 Ridge Road, who indicated he does not believe the Application should be deemed an inherently beneficial use and the plan is too big, will take too long to construct, and is unfair to the neighbors;

Zasah Khademi, 4 Dawes Avenue, who testified that Pleasant Valley Way is already full of traffic in the middle of the day, making the traffic expert not credible in his opinion, that it is cruel to make the neighbors suffer through six years of construction, that Essex County does not need more assisted living facilities, that a six story building will be out of character to everything in the surrounding area, especially in a single family home area, and therefore the Board should not approve this Application;

Renne Faibis, 24 Skyline Drive, who testified that she has been a resident of Skyline Drive for 38 years and that traffic on Pleasant Valley Way is not as light as depicted by the traffic expert, and that current or future residents of

Daughters of Israel should not be thrown out on the street if they can't continue to pay the fees, and that construction will be a nuisance to the residents of the neighborhood; and

Victoria Nnanna 6 Parsons Drive, testified that the 6th floor occupants of the new structure will be comparable in height and will be able to "look right at" the residents on Parsons Drive; and

Claire Silvestri, 20 Grandview Drive, who testified that West Orange already has enough assisted living units, that the luxury apartment living is out of character, that the whole project is too dense, too high, will impact steep slopes, and will bring more traffic, and that 6 years of construction is a burden on the neighbors and the community as a whole; and

Andrea Sultan, 11 Swayze Street, who testified she is on the Board at Daughters of Israel and that they do good work and she supports the Application;

Roz Feder, 28 Lakeview Avenue, who testified that she is also on the Daughters of Israel Board, which is a major asset to the community and the Zoning Board of Adjustment should grant the Application; and

Phil Litwinoff, 11 Linden Avenue, who testified that based on the long time planned for construction, he is concerned that the Applicant may not have the financing it needs in place and

may abandon the project and that there are already plenty of this type of facility in the area and also voiced a traffic concern; and

Joyce Rudin, 38 Woodland Avenue, who testified that this Application presents the wrong project in the wrong area, the profit portion is not part of the Applicant's mission, that the construction noise can be very detrimental to the Applicant's existing patients, especially those with dementia, and urged the Board members to vote "No"; and

Sally Malanga, 57 Ridge Road, testified and urged the Board to consider that its decision will affect the community for 50 years, that the project is not a good one since it will bring down trees, the Applicant has not presented a business plan and there is fear that there will not be enough money to complete the project, it remains a non-profit despite for-profit apartments it will be unfair to the other taxpayers, and if the facility is in financial trouble it should scale back the project or sell the property; and

Ella Slivaka 8 Parsons Drive, testified she is an original resident of the neighborhood since 1959, and that she wants to remain in her home, which she has maintained well, she raised her children here and she taught in West Orange, this Application presents a high rise in her back yard, it will block

the beauty of the sky and woods behind her house, the construction will create noise and dust, which will nullify her quality of life, her concern as a 63 year tax paying citizen of West Orange that Daughters of Israel may not pay taxes on its 163 market rate units, and she urges the Board to vote "No"; and

Robert Rashkes, Oak Crest Road also testified that he is concerned about the Applicant's economic viability, he is worried about how current Daughters' residents feel about this Application, that the Applicant should have provided information about how it did during the COVID-19 crisis and that he thinks a Greenhouse Model is a better alternative; and

WHEREAS, the Applicant's attorney, Howard Geneslaw, having made a closing statement; and

WHEREAS, Richard Webster, Esq., representing Loren Svetvilas, having made a closing statement; and

WHEREAS, a motion was made by Chairman Neuer and second by Mr. Schwarzbaum, to approve the Application with sixteen stated Conditions (as listed in addendum 2, herein) and voted upon as follows:

Barbee:	no to approve
Dannemiller	yes to approve
Eben:	no to approve
Schwarzbaum:	yes to approve

Scott: no to approve
Weiss: yes to approve
Neuer: yes to approve

The Application, having failed to achieve five (5) affirmative votes for approval is denied, on a vote of 4 to approve and 3 to deny.

WHEREAS, those Board members opposing the Application noted as follows:

Mr. Scott was concerned about construction noise and whether heavy construction equipment should be removed, and whether the Board could order a construction hiatus between the construction phases, he indicated he was not in favor of the Application because it is unfair if the Applicant does not pay taxes on market rate units, that every resident with the exception of two who are associated with the Applicant was against the Application, he is concerned about the Applicant's ability to complete the project because it is stringing out construction for six years, and the Application is not good for the community;

Mr. Barbee expressed concern about where the current residents would move to if they were asked to leave for financial reasons, that he was concerned with the Applicant's

financial capability to complete the project, and whether real estate taxes would be paid on the market rate units owned by this non-profit, as well as feeling that the proposed project was too large, in the wrong location and detrimental to the Parsons Drive neighbors;

Mr. Eben indicated that the project offered no benefit to the community and he questioned the Applicant's architect's ability to practice architecture in the State of New Jersey; and

NOW THEREFORE BE IT RESOLVED that the Board makes the following findings of fact and conclusions of Law:

A. The Applicant applied to the Board for preliminary and final site plan approval with two "D" use variances, one "d(6)" height variance, and 15 "C" variances for a total of 18 variances.

B. After certain amendments were made to the Application, at the time of the conclusion of its proofs, the Applicant needed the following variances: (See Addendum #1)

C. While there was a dispute between the Applicant and those opposing the Application as to whether the entire project constituted an inherently beneficial use and although the majority of the Board Members found this to be an inherently beneficial use, regardless, the Board members opposing the Application found that the Applicant did not demonstrate that the benefits outweighed the detriments of the Application.

D. The height is too tall for the zone and this particular property, coming near even with the properties on the ridge line to the West (Parsons and Skyline Drive).

E. The Applicant was not clear on its funding for the project as well as the need for the long construction phase (of six years, reduced from ten), resulting in doubt about whether the project would be completed as proposed.

F. There was concern for current residents of the facility during the construction phases as well as whether they would be able to continue as residents of the facility after construction, due to economic factors.

G. The Applicant did not offer proofs as to how the property would be treated, when completed, from a real estate tax standpoint, given that the owner/operator is a non-profit, recognized 501(c) charity under the Internal Revenue Code, but that it will be offering market-rate apartments.

H. The traffic testimony, in this case, was lacking because it failed to include information on construction traffic and its effect on the surrounding area and particularly Pleasant Valley Way. There was also concern that some of the traffic counts used were conducted during the COVID-19 lockdown period.

The Resolution, memorializing the Board's decision, was hereby voted upon as follows:

Those in Favor:

Those Opposed:

Abstention:

I hereby certify that the foregoing Resolution was adopted by the Zoning Board of Adjustment of the Township of West Orange at its meeting of June 15, 2023, and that said Resolution memorializes the action of the Zoning Board taken at its meeting held on May 11, 2023, denying the Application by a vote 4 in favor of the Application and 3 opposed, constituting a denial of the Application.

Dated: June ,2023

A handwritten signature in blue ink that reads "Diana Lyn Chandler". The signature is written in a cursive style with a horizontal line underneath the name.

Diana L. Chandler,
Board Secretary

ADDENDUM # 1

Variances required in Final Version of Application.

"d(1)" Variances			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Permitted Use	Various residential and other uses	Nursing home	Continuum of care facility including independent living, assisted living and skilled nursing
25-8.12 More than one principal use upon any single lot	Only permitted in the B-1, B-2, P-C, O-R and I Districts	One principal use	Three principal uses
"d(6)" Variance			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Maximum building height	35 ft.	Not provided	57.77 57.50 ft.
"c" Variances			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Maximum number of stories	2 ½ stories	2 stories	5 stories
25-7.1 Maximum building coverage ¹	20%	26.15 29.64% (16.47% ²)	24.86 28.18% (15.72%)
25-7.1 Maximum lot coverage ¹	30%	61.19 69.35% (38.53%)	59.48 67.42% (37.25 37.46%)
25-8.4 Maximum retaining wall height	Four feet	Four feet	10 feet
25-12.1 o. Maximum length of continuous parking row without landscaped island	20 spaces	>20 spaces	22 spaces

25-12.2 b.1. Minimum number of parking spaces ³	448 479	236	426 429, including EV credits (381 actual spaces, including 34 banked spaces)
25-12.3 a.2. Minimum number of loading spaces	13	2	1
25-12.4 a.6. Parking of vehicle with dual rear wheels	Not permitted	Parking of existing shuttle bus	Parking of the same or similar shuttle bus
25-12.4 b.3. Parking of commercial vehicles	In garage, or if too large, outdoors with commercial markings removed; single axle; maximum 20' long, 7' high and 6,000 lb. gross vehicle weight	Parking of existing shuttle bus and several delivery vans outdoors, with commercial markings, some having a double axle and/or exceeding size limit	Parking of same or similar shuttle bus and several delivery vans outdoors, with commercial markings, some having a double axle and/or exceeding size limit
25-14.1 c. Maximum light pole height	18 ft.	>18 ft.	25 ft.
25-15.3 Sign illumination	Illumination not expressly permitted in R-2 district	Externally illuminated with ground-mounted light fixture	Freestanding signs: Externally illuminated with ground-mounted light fixture Building signs: Reverse lit channel letters
25-15.3 b. Number of signs per lot	1	1 monument sign	5 facade signs 1 monument sign (existing) 1 freestanding identification sign (health center) 4 freestanding directional signs

25-15.3 b. Maximum sign area	1 sq. ft. for a nameplate, 2 sq. ft. for a professional office	56 sq. ft. monument sign (variance granted)	Ranges from 8.75 sq. ft. to 56 sq. ft.
25-15.4 a. Maximum number of signs per linear frontage	8 (4 signs/250 ft.; 648 ft. of frontage)	1	11
25-28.8 b. Maximum disturbed area	20 to 24.99%: 20%; 25% or greater: 0%	Not provided	20 to 24.99%: 25%; 25% or greater: 2%+6%
25-28.8 c. Disturbance of slopes 25% or more	Prohibited	Not provided	Proposed

¹ Calculated using "effective lot area" per Section 25-28.8d

² Coverage figures in parentheses calculated using actual lot area

³ See below for discussion of applicable parking and loading requirements

ADDENDUM # 2

Conditions cited in motion to approve Application:

1. The traffic study will be redone after completion of construction to determine the correct timing for the traffic light at the intersection of Pleasant Valley Way and Mt. Pleasant Avenue [State Route 10].
2. The entire Application, and any changes to the traffic light, are subject to the approval of the Essex County Planning Board.
3. Phase 4 of the project is eliminated.
4. Time for completion of the entire project is no more than 6 years.
5. The minimum age requirement for at least one occupant of the units shall be at least 62 years of age.
6. Between phases 1 and 2 and then phases 2 and 3, upon completion of exterior construction and site work, all cranes and heavy equipment shall be removed from the site.
7. Compliance with engineering comments on green infrastructure shall be required, as well as landscaping comments by the township forester dated 2/2/23 and in review letter #3 dated 2/6/23 from Board Engineer, John Hess
8. All certificates of need and other licenses required for the facility will be obtained prior to occupancy with a copy being

- provided to the board secretary.
9. Area noted on the plans as a "pub" may be constructed to be used as a dining venue, if alcohol is to be served the proper Alcohol Beverage License will be obtained.
 10. The final plans for the Board Chairman's signature will list square footage of each component of the project on record as of 2/23/23.
 11. As-Built Landscaping plans will be supplied as agreed to by Applicant at the Board meeting of 1/12/23.
 12. All new equipment shall meet the requirements of all applicable West Orange Ordinances.
 13. Upon completion of construction, there will be no off-site parking for employees, staff, residents, or guests.
 14. The garage will be solely for the use of the independent living residents.
 15. The Applicant is bound by all exhibits, accepted Conditions, and testimony given.
 16. These conditions are to be printed prominently on the cover sheet of the final site plan. Approved plans will not be signed without the satisfaction of this condition.

ADDENDUM #3

Applicant's Exhibits submitted with Application and revised submissions.

(V1) Zoning Board Application
(V1) Previous Approvals with Exhibits
(V1) Reasons for Relief with Exhibits
(V1) Site Plan Checklist
(V1) Environmental Impact Statement (Dated October 29, 2021)
(V1) EIS Steep Slope Figures (Superseded by V3- EIS Steep Slope Figures Resubmission)
(V1) EIS Fig. 1-4
(V1) Parking Study
(V1) Fig. 1-4 to Parking Study
(V1) Stormwater Management Report (Superseded by (V3) Resubmission - Stormwater Management Report Rev#2 Dated 11/3/2022)
(V1) Figures for Stormwater Report
(V1) Preliminary & Final Site Plan (10-29-2021) (Superseded by (V3) Resubmission - Preliminary Final Site Plan Dated 11/3/2022)
(V1) Survey
(V1) Architectural & Landscape Plans (10-29-2021)
(V1) Landscape Plans for Tree Removal Application
(V1) Tree Removal Plan & Tree Removal List (Superseded by (V3) Resubmission - Tree Removal Plan List 11/3/2022)
(V1) Grading Plan for Tree Removal Application
(V1) Transmittal Letter
(V1) Corporate Disclosure Statement-executed
(V1) Owner's Consent Affidavit-executed
(V1) Proposal
(V1) List of Plans--Exhibits
(V1) Sustainability Checklist- 10-29-2021
(V1) Tax Payment Certification
(V1) Required Regulatory Approvals
(V1) List of Variances
(V1) List of Design Standard Exceptions
(V1) List of Submission-Waivers
(V1) Request for De Minimis Exception from RSIS
(V1) Fees Escrow
(V1) IRS Form W-9 EIN-redacted
(V1) Property Owner List 10-13-2021
(V1) Solid Waste Management Statement-FINAL
(V1) Traffic Impact Study
(V1) Planner's Report
(V1) Application for Tree Removal
(V1) Owners Consent Affidavit-executed
(V1) Restrictions Covenants and Easements with Exhibits
(V1) Transmittal Letter 6/1/2022
(V1) ZBA Application Executed

(V1) Corporate Disclosure Statement Executed
(V2) Owner's Consent Affidavit Executed
(V2) RESUBMISSION: Previous Approvals with Exhibits
(V2) RESUBMISSION: Proposal (Revised- May 20, 2022)
(V2) RESUBMISSION: Reasons for Relief (Revised- May 20, 2022)
(V2) RESUBMISSION: List of Plans and Exhibits
(V2) RESUBMISSION: Site Plan Checklist
(V2) RESUBMISSION: Sustainability Checklist and Appendix (Revision Date- May 10, 2022)
(V2) RESUBMISSION: Tax Payment Certification (Dated- May, 17,2022)
(V2) RESUBMISSION: Required Regulatory Approvals and Permits
(V2) RESUBMISSION: List of Variances (Revision Date- May 20, 2022)
(V2) RESUBMISSION: List of Design Standard Exceptions (Revision Date- May 20, 2022)
(V2) RESUBMISSION: List of Submission Waivers (Revision Date- May 20,2022)
(V2) RESUBMISSION: Request for De Minimis Exception (Dated- May 20, 2022)
(V2) RESUBMISSION: Fees and Escrow Computation (Revised- May 20,2022)
(V2) RESUBMISSION: Response to SPRAB Comments Dated 5/26/22
(V2) RESUBMISSION: Property Owner List 5/16/22
(V2) RESUBMISSION: Solid Waste Management Report Date 5/26/22
(V2) RESUBMISSION: Environmental Impact Statement Report Revision Date 5/18/22
(V2) RESUBMISSION: Parking Study 5/20/22
(V2) RESUBMISSION: DOI Traffic Impact Study Revision Date 5/6/22
(V2) RESUBMISSION: DOI Planning Report Final Dated 5/31/22
(V2) RESUBMISSION: Stormwater Management Report Rev #1 Dated 5/20/22 (Superseded by (V3) Resubmission - Stormwater Management Report Rev#2 Dated 11/3/2022)
(V2) RESUBMISSION: Stormwater Figures
(V2) RESUBMISSION: Site Plans Dated 5/20/22
(V2) RESUBMISSION: Phasing Plan Signed 5/20/22 (Superseded by (V3) Resubmission Overall Phasing 11/3/2022)
(V2) RESUBMISSION: Survey (Dated - 4-22-2020)
(V2) RESUBMISSION: Architecture and Landscaping Plans Revision Dated 5/20/22
(V2) RESUBMISSION: Restrictions Covenants and Easements with Exhibits
(V2) RESUBMISSION: Retaining Wall Calculations 5/20/22
(V2) RESUBMISSION: Application for Tree Removal
(V2) RESUBMISSION: Tree Removal Plan and List 5/20/22 (Superseded by V3 Resubmission - Tree Removal Plan List 11/3/3022)
(V2) RESUBMISSION: Grading and Drainage Plan Dated 5/20/22
(V2) RESUBMISSION: Owners Consent Affidavit Executed - Dated 10/27/21
(V2) Planning Director Memo – Dated 6/17/2022
(V2) ZB-21-21 - Presentation Boards.pdf
(V2) KDA Architectural Exhibits - Final (Undated) (Superseded by (V3) Resubmission - KDA Architectural Exhibits A-2 11/2/2022)
(V2) Exhibit List- Daughters of Israel
(V2) Submission Letter- Exhibits Dated 8/5/2022
Letter to D Chandler re: Legal Issues (Dated 9-22-2022)
Letter to P. Neuer and ZBA- legal issues (Dated 9-22-2022)
(V3) Resubmission - EIS Steep Slope Figures
(V3) Resubmission - Environmental Impact Statement Rev #2 (Dated 11/3/2022)
(V3) Resubmission - Exhibit List 11/3/2022-3043218_1
(V3) Resubmission - Figures for Stormwater Report
(V3) Resubmission - KDA Architectural Exhibits A-2 (Dated 11/2/2022)

(V3) Resubmission Overall Phasing (Dated 11/3/2022)
(V3) Resubmission - Preliminary Final Site Plan (Dated 11/3/2022)
(V3) Resubmission - Response to Township Engineers Review #1 (Dated 11/3/2022)
(V3) Resubmission - Stormwater Maintenance Manual
(V3) Resubmission - Stormwater Management Report Rev#2 (Dated 11/3/2022)
(V3) Resubmission - Transmittal Letter (Dated 11/4/2022)
(V3) Resubmission - Tree Removal Plan List (Dated 11/3/2022)
Planning Director Memo ZB 21-21 Daughters of Israel (Updated 11/4/2022)
Planning Director Memo - ZB-21-21 - Daughters of Israel-updated 11-7-22.pdf
CME – Engineer Review #2 (11-15-2022)
Town Forester Memorandum (Dated – November 16, 2022)
Town Forester Memorandum (Dated - November 18, 2022)
(V4) 00 - Transmittal Letter 3057473_1
(V4) 01 - Proposal (1-30-2023) 2923862_3
(V4) 02 - List of Plans Exhibits 2923942_3
(V4) 03 - Tax Payment Certification (1-27-2023)
(V4) 04 - List of Variances 2923844_3
(V4) 05 - Letter to ZBA - Alcoholic Beverage Club License 3057483_1
(V4) 06 - Response to Board Engineers Review 2 (1-26-2023)
(V4) 07 - Solid Waste Management Report (1-27-2023)
(V4) 08 - EIS (1-26-2023)
(V4) 09 - Parking Study (1-26-2023)
(V4) 10 - Traffic Impact Study - Rev 2 (1-27-2023)
(V4) 11 - Stormwater Report-Rev.-3 (1-26-2023)
(V4) 12 - Stormwater Maintenance Manual
(V4) 13 - Site Plans (1-26-2023)
(V4) 14 - Phasing Plan (1-26-2023)
(V4) 15 - Architectural Plans (1-30-2023)
(V4) 16 - Civil Engineering Exhibits (1-26-2023)
(V4) a. - Landscape Plan Details (1-30-2023)
(V4) b. - Tree Removal Plan (1-26-2023)
(V4) c. - Grading Drainage Plan (1-26-2023)
Supplemental Planning Review Memo - ZB-21-21 - Daughters of Israel 2-1-23
2-2-2023 Email from Town Forester (re-new tree removal plan and landscape plan)
Architectural Exhibits (2-6-2023)
Transmittal Letter (2-6-2023)
CME 2-6-2023 Review #3
DOI Planning Report - 3-3-23 signed sealed
ZB-21-21 Ltr Diana Chandler submitting revised Planning Report (3-6-2023)
3063728_1
H. Geneslaw Ltr to A. Beirne (3-31-2023)
ZB-21-21 Daughters of Israel - Objectors Planning Report Dol
ZB-21-21 Daughters of Israel - woolley resume (Objector Planner)
Correspondence (re-noticing for 5-11-2023 mtg.)

DOI - Affidavit of Service May 11 2023 hearing
Furey v. Voorhees Township Zoning Board of Adjustment Docket No. CAM-L-519-22
highlighted
Google Map - Distance to 699 Prospect Avenue (Dated 4-25-2023)
Submission letter (4-28-2023) 3073394 2
Daughters of Israel d(5) variance letter memorandum Geneslaw 050823
Daughters Israel Variance Letter Webster 050823
Daughters of Israel d(5) variance reply memorandum Geneslaw 050923

