

**RESOLUTION OF THE
WEST ORANGE ZONING BOARD OF ADJUSTMENT
APPLICATION NO. ZB-21-04
609 EAGLE ROCK AVENUE (CSH DEVELOPMENT, LLC)**

WHEREAS, CSH Development, LLC (the “Applicant”), with an address at 1275 Pennsylvania Avenue, NW, Washington, D.C.. 20004, with the consent of Alma Bank, 28-31 31st Street, Astoria, New York 11102, the owner of 609 Eagle Rock Avenue (Block 152.22, Lot 1412.01) applied to the West Orange Zoning Board of Adjustment (the “Board”), for preliminary and final major site plan approval with an associated use variance pursuant to N.J.S.A. 40:55D-70(d)(1) and N.J.S.A. 40:55D-70(d)(6) and bulk variances, pursuant to N.J.S.A. 40:55D-70©, to wit: (1) a “d(1)” use variance for assisted living facility use where same is not permitted in the B-2 zone; (2) a d(6) use variance for 38.33 foot-high building whereas only a 35 foot high building is permitted; (3) a “c” variance for a three (3) story building, whereas only 2.5 stories are permitted; (4) a “c” variance for lot coverage of 66.8% when the maximum lot coverage permitted is 60% (based on “Effective Lot Area,” as defined by the Township of West Orange’s Code); (5) a “c” variance for parking spaces proposed to be located in the front yard where same is not permitted; (6) a “c” variance for one (1) loading dock proposed whereas three (3) loading docks are required; (7) a “c” variance for 51 parking spaces when 100 parking spaces are required; (8) relief from the ordinance requirement of a 50-foot buffer from an adjoining residential zone; and (9) relief from the ordinance requirement of a maximum 6-foot wall to enclose the dumpster and generator, whereas an 8-foot wall is proposed; all for the proposed development of an approximate 77,190 sq. ft. assisted living facility consisting of a maximum 85 units, with a maximum of 100 beds (the “Application”), for property commonly known as 609

Eagle Rock Avenue and designated as Lot 1412.01 in Block 152.22 on the Township of West Orange Tax Map and located in the B-2 Zone (the “Property”); and

WHEREAS, the Applicant submitted proof that notification 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 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., had been satisfied; and

WHEREAS, the Applicant was represented by Robert L. Podvey, Esq., of Connell Foley, LLP; and

WHEREAS, the Board has considered the Application with reference to the objectives set forth in the applicable Ordinance and the statutes of the State of New Jersey as amended and supplemented; and

WHEREAS, public hearings were held on June 10, 2021, July 15, 2021, August 19, 2021 and September 23, 2021 (the “Hearings”), at which time the Board heard testimony from the Applicant’s witnesses as follows:

1. Joseph McElwee, a member and principal of CSH Development, LLC the Applicant, located at 1275 Pennsylvania Avenue, NW, Washington, D.C. 20004 (“Mr. McElwee”);
2. Dan Sehnal, PE, a licensed New Jersey Professional Engineer of Dynamic Engineering Consultants, P.C., 245 Main Street, Chester, New Jersey 07930 (“Mr. Sehnal”);
3. Mark Kuberski, RA, NCARB, WELL AP, a licensed New Jersey architect, with Meyer Design, Inc., 227 E. Lancaster Avenue, Ardmore, P.A. 19003 (“Mr. Kuberski”);
4. James Langenstein, LLA, a New Jersey Licensed Architect, Longstone Gardens, 1905 Millersville Pike, Lancaster, P.A. 17603 (“Mr. Langenstein”);

5. David Shropshire, P.E., P.P., a New Jersey licensed Traffic Engineer, Shropshire Associates, LLC, 227 White Horse Pike, Atco, N.J., 08004 (“Mr. Shropshire”); and
6. Edward J. Snieckus, PP, LLA, ASLA, Professional Planner #5442, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, N.J. 07675 (“Mr. Snieckus”); and .

WHEREAS, on June 10, 2021, Joseph McElwee, the principal of development for CSH Development, LLC testified that CSH is a real estate private equity firm with an exclusive focus on senior housing. The team at CSH has developed more than 150 communities totaling more than 30,000 units over 30 years. The development team of Joe McElwee, Jim May and David Ennis has worked together for nearly 25 years, developing the full spectrum of senior housing, that is, active living, independent living, assisted living and memory care. CSH is backed by two of the largest private equity funds in the United States – Bain Capital and the Carlyle Group. While the development team at CSH has a national footprint, it has developed 24 projects in New Jersey, including Arbor Terrace in Roseland and Arbor Terrace in Morris Plains.

Mr. McElwee then showed a rendering of the proposed assisted living residence, as well as the proposed site plan. CSH proposes to build an 85 unit assisted living and memory care residence which would be licensed by the New Jersey Department of Health. There would be 63 units of assisted-living and 22 units devoted to memory care. There would be a potential total of 100 beds. The average age at entry for a typical assisted living resident is 86 years old. The residents do not drive and are not able to live independently, but are not candidates for skilled nursing care. Residents need help with bathing, grooming, dressing and transportation. Assisted living is licensed by the New Jersey Department of Health.

There will be three shifts of employees, 7 to 3, 3 to 11 and 11 to 3. There will be about 30 employees on the first shift, about 22 on the second shift and 4 to 5 employees on the overnight shift. The healthcare staff consists of RNs, LPNs medication managers and resident assistants.

The administrative staff consists of an Executive Director, a marketing person, an activities director, a dietary director, housekeeping personnel an office manager and a receptionist.

Mr. McElwee then described the building, which would be three stories and approximately 77,190 square feet. 30,400 square feet consists of common space amenities such as dining areas, private dining, theater, living rooms, a hair salon, seating areas, lounges and outdoor garden areas. The units range in size from 350 square-foot studio units to 850 square-foot two bedroom units.

Each unit will have a refrigerator, countertops and cabinets. All residents will be served three meals a day in common dining areas located throughout the community.

CSH will provide a 14 passenger van for the use of residents. CSH will contract with a private ambulance company for non-emergency transportation. CSH estimates that at full occupancy, based on its experience, that there will be approximately two 911 calls per week. Not all 911 calls will require responses with sirens. There will be approximately two food deliveries per week and two trash pickups per week.

Mr. McElwee then testified as to the demographics supporting assisted living. The fastest growing age group of the population is 85+. The second fastest growing age segment is 75+. The 65+ population is now 13% of the United States population. The 65+ population is expected to be 20% by 2050. In 2010, the number of people with Alzheimer's disease was about 5,100,000. In 2050, the projection is 13,500,000 people with Alzheimer's disease. He then stated that the "silver tsunami" is upon us. 10,000 people turn 65 every day.

Mr. McElwee then testified that the average age of existing assisted living facilities within 5 miles of the site was 17 years old. Mr. McElwee concluded his testimony by listing his opinion of the advantages of the assisted living residence.

- It replaces a vacant catering facility that went out of business in 2017;
- It is a good use for the community, supported by tremendous demographics;
- The use represents a good buffer for the residential use to the rear and the commercial in front;
- Assisted living is a very low traffic generator;
- There is no impact on the school system;
- The residence is a for profit property tax use;
- It will provide 10 Medicaid beds and 10 COAH units for West Orange; and

WHEREAS, the next witness at the June 10, 2021 special meeting was Mr. Dan Sehnal, a licensed professional civil engineer of the state of New Jersey, who was accepted by the Board as an expert in the field of civil engineering. Mr. Sehnal identified an aerial photograph dated June 10, 2021 marked as A-1, which showed the site and surrounding uses. Mr. Sehnal then described the existing conditions on the site. There is a 15,000 square-foot building, a fire access easement from the adjoining condominium property, a 3-foot-wide buffer between the site and the condominium project next-door, a 15-foot access easement which will be vacated by the Applicant, and a 15-foot sewer easement of Essex County on the western portion of the property. (This was later corrected to indicate that Essex County owns the sewer line).

Mr. Sehnal then presented a color-ized site plan of the property, dated June 10, 2021 and marked as A-2. That plan shows that the existing site is 360 x 121 feet. The proposed building will be 38.3 feet high as measured according to the West Orange Zoning Ordinance. One driveway is proposed at the intersection of Mann Avenue and Eagle Rock Avenue. The two existing driveways would be eliminated. The Portichere in the front of the proposed assisted

living residence would accommodate an ambulance of the greatest height. A diesel generator is proposed. At the request of Mr. Weston and Mr. Wieseneck, residents of the adjoining condominium project, the generator and trash bin were moved further away from the condominium residences. This enclosure would be surrounded by an 8-foot wall, which would require an additional variance. There would be two deliveries per week and two trash pickups per week. 51 parking spaces are proposed, four of which would be ADA spaces. There will be a single monument sign at the entrance to the assisted living residence.

The current site has an 83% impervious coverage. The proposed assisted living residence would decrease the impervious coverage down to 66.8%. Residential style outdoor lighting is proposed. All necessary utilities are available to the site.

Mr. Sehnal agreed to move the proposed crosswalk away from the traffic entrance to the building. The Zoning Board chairman, with the consent of Mr. John J. Hess, PE, PP, the Board Engineer, then granted the waiver requested as item 2c of the May 27, 2010 Hess letter. Other items in that letter were also discussed and agreements were reached on those items discussed; and

WHEREAS, the last witness at the June 10, 2021 special meeting was Mark Kuberski, RA, NCARB, WELL AP, of Meyer Design, Inc., a New Jersey licensed architect who was accepted by the Board as an expert in the field of architecture.

Mr. Kuberski introduced ADX-10, a plan dated April 8, 2021, representing the first floor of the proposed assisted living residence. The first floor will contain a club room, dining room, kitchen, receiving area, the secure memory care units and a secure courtyard for the residents of those units.

The second floor, shown on plan ADX-2, will contain a library, fitness center, a wellness center, a beauty salon as well as assisted living units. The third floor shown on plan ADX-03

will contain a sports lounge, theater, a multi-purpose room, common spaces and assisted living units.

Mr. Kuberski then showed various elevations of the building from various locations as shown on plans AEX-04, AEX-05, AEX – 06 and AEX-07.

Finally, Mr. Kuberski testified as to certain sustainability areas utilized by CSH in other operating assisted living facilities. All appliances are energy star related. The roof can handle solar panels, and because of the design, they cannot be seen from the street. EV charging stations have also been installed at other CSH projects; and

WHEREAS, the next meeting of the Board of Adjustment was held on July 15, 2010. At that meeting Mr. Sehnal was recalled as a witness. He testified from revision 2, sheet 4 of the site plan dated June 17, 2021. This revision shows the relocated trash/generator enclosure masonry walls that match the building. Since these walls will be 8 feet high, as opposed to the 6 feet allowed by the West Orange Zoning Ordinance, a variance is required. The Chairman recognized this variance as a minor one and the Application was amended accordingly. The trash/generator enclosure will now be 95 feet from the residential property line as opposed to the 30 feet at its prior location.

Mr. Sehnal also testified that a sidewalk had been moved 24 feet from the property line as opposed to the 10 feet previously shown on the prior set of plans. This allowed for additional landscaping to protect the adjacent residential area; and

WHEREAS, the next witness at the July 15, 2021 meeting was Mr. James Langenstein, LLA, who was accepted by the Board as an expert in landscape architecture. Mr. Langenstein first showed LA-1, which was the landscape plan dated January 22, 2021, along with current pictures of these landscaping on the site. Mr. Langenstein testified that there are many dead trees on the property which have been eaten by deer. All of these dead trees will be removed. Mr.

Langenstein then testified as to the landscaping shown on LA-1, amended as of June 18, 2021. Finally, Mr. Langenstein testified to the fact that a tree removal permit had been submitted, but that no contractor to do the removal had been identified, nor was the fee paid; and

WHEREAS, the next meeting of the Board of Adjustment was held on August 19, 2021 and at that meeting, Mr. Langenstein continued his testimony. He again presented plan LA-1, with revision date August 14, 2021, and a Conceptual Landscape Plan dated August 14, 2021. Mr. Langenstein explained in detail the trees to be removed and the landscaping to be installed; and

WHEREAS, Mr. David Shropshire, PE, PP, was presented and accepted by the Board as an expert in traffic engineering. Mr. Shropshire has testified before 200 planning and zoning boards in New Jersey, 50 of those projects involved assisted-living.

Mr. Shropshire had submitted his Traffic Engineering Assessment dated January 29, 2021, his Traffic Engineering Assessment dated May 6, 2021, which responded to the April 14, 2021 review memorandum from Paul Grygiel, the Board Planner, as well as his May 27, 2021 Traffic Engineering Response letter responding to the May 11, 2021 review memorandum from John Hess of CME Associates, the Board Engineer.

Mr. Shropshire first testified to the street configuration surrounding the site. He indicated that while the site was now dormant, the new assisted living residence would generate 19 peak hour morning trips and 26 afternoon peak hour trips. There would be one driveway into the site, across from Main Avenue. The driveway would operate at a level of service 'C'. Traffic counts were done on November 2020 and May 2021. Schools were in session on both days. Assisted living is an extremely low trip generator. There would be sufficient room for car stacking at the exit from the site. Mr. Shropshire stated that the plan provides safe and efficient ingress and egress to and from the property.

Mr. Shropshire also testified the West Orange ordinance requires 100 spaces for this facility, one for each bed, but the Applicant herein proposes 51 parking spaces. Mr. Shropshire testified that the RSIS standard is .5 parking spaces per assisted living unit. Using the standard, only 43 spaces would be required. The ITE standard is lower than .5 standard required by RSIS; and

WHEREAS, the at the meeting of the Board of Adjustment held on September 23, 2021, the Applicant offered Mr. Ed Snieckus, PP, LLA, LSLA, a New Jersey licensed Planner of Burgis Associates was accepted by the Board as an expert in planning.

Mr. Snieckus began his testimony by showing an aerial photograph showing the uses surrounding the site. He also showed seven photographs indicating the existing conditions of the property from the northeast, the northwest, the southeast, the west and the south from Walden Court. These photographs showed three story buildings in adjoining zones and the existing inadequate landscaping throughout the current site. All photographs were either previously marked or were part of the submitted Application package.

Mr. Snieckus then testified that use as an assisted living residence inherently benefits the public. Upon the issuance of the Certificate of Need, that benefit will be further shown. Further, “aging in place” is a further public benefit. Finally, the provision of ten beds dedicated to Medicaid recipients establishes a public benefit by providing 10 COAH units for West Orange.

Mr. Snieckus then testified that the proposed assisted living residence meets the setback requirements of the West Orange ordinance. He then reviewed the “C” variance requests. The buffer for the adjoining residential complex was increased from an existing 3 feet to from 12 feet to 30 feet with quality landscaping. The 51 parking spaces proposed comply with RSIS standards, although not the requirements of the West Orange Zone Code. This Application reduces front yard parking from the existing 30 spaces to 14 spaces. This Application reduces

impervious coverage from the existing 83% to 66.8%. He believes only one loading dock is necessary since there will only be two deliveries of food for a week and two trash pickups per week. The height variance and the requested variance for 3 stories are de minimus and are further minimized by the mansard roof. The fence variances involving the fence on the west side of the property and the fence surrounding the relocated generator and trash container are justified since they are minimal in nature and in the case of the container fence is necessary to contain the sound. Finally, the design waivers with regard to the number of major trees and the number of preserved trees should be granted because of the overall increased landscaping on the site.

Mr. Snieckus then testified as to how the assisted living residence would meet many of the objectives of the West Orange Master Plan, which was last updated in 2019. First, the assisted living facility will promote a desirable visual environment. Second, it will encourage economic redevelopment that is compatible with the character of West Orange. Further, it will provide for the housing needs of senior citizens and low and moderate income senior citizen households.

Mr. Snieckus also testified that other Master Plan principles would be satisfied. The encouragement of appropriate residential development would be satisfied since the assisted living residence is a multi-family residential development in a location served by public transportation and other infrastructure. The assisted living residence would further the Master Plan goal of appropriately locating a residential use that on a site that is suitable for such a use, both environmentally, economically and geographically. Mr. Snieckus further testified that the assisted living facility met the Master Plan goal of redevelopment at an appropriate scale for West Orange. Finally, Mr. Snieckus testified that the assisted living residence supported the

Master Plan recommendation to promote “aging in place” for older adults and supported the Township’s “livability initiative”.

Mr. Snieckus then testified as to the support for the use variance. First, the assisted-living use is an inherently beneficial use of a high priority, both by statute and in accordance with the 1999 case of Sunrise Development Inc. v. Madison, 1999 N.J. Super. , Unpublished, LEXIS 5, (App. Div. 1999) and that an assisted living residence also meets the four part test set forth in the case of Sica v Board of Adjustment of the Township of Wall, 127 N.J. 152 (1992).

As to the Sica test, the assisted living residence meets the public interest test. The residence will address the needs of a growing elderly population in need of assistance, care and aging in place. The granting of the Certificate of Need indicates a high order classification. The specialized memory care units also satisfy an increase in need.

Second, the detrimental effects of granting the variance must be identified. The potential negative impacts are the loss of a retail use and increased traffic. In fact, the traffic for the assisted living residence will be minimal and will have no impact on school traffic. Further, the assisted living residence will provide a transitional use between the existing residential condominium use and the retail and office uses that surround the site.

Third, Mr. Snieckus testified as to potential reasonable conditions to reduce the detrimental effects. He indicated that there was less traffic than other permitted uses in the B-2 Zone, and the architecture of the new assisted living residence were mitigating factors as is the increased landscaping.

Finally, Mr. Snieckus testified to the fourth part of the Sica test that is, balancing the positive and negative criteria to determine if, on balance, there is substantial detriment to the public good. The public good is satisfied by providing a use for the elderly and a use that

provides a transition from the adjacent residential condominium project to the adjoining retail and office uses. Further, Mr. Snieckus testified that an appropriate buffer was now being provided and architectural aesthetics and sustainable features were also being provided.

WHEREAS, the Applicant offered the following exhibits which were accepted as evidence:

- A-1 Aerial Photograph of site;
- A-2 Colorized rendering of site plan; and

WHEREAS, the following members of the public cross-examined the Applicant's witnesses:

Ms. Joyce Rudin, 38 Woodland Avenue questioned Mr. McElwee about the number of beds that will be devoted to Medicaid recipients; She also questioned Mr. Sehnal, the Applicant's engineer, about sidewalks, recycling, charging stations, and sustainability issues, and asked Mr. Snieckus, the Applicant's planner about tree removal;

Mr. Anthony Colasanti, 6 McManus Court questioned Mr. McElwee about Medicaid and COAH credits to the Township;

Mr. Ronald Weston, 42 Whitbay Drive, but owner of a condominium residence adjacent to the site questioned Mr. McElwee about concerns he raised in a letter; he also questioned Mr. Sehnal, the Applicant's engineer about combining the trash and generator enclosure and moving it away from the adjacent condominium at the rear of the subject property, he also asked Mr. Sehnal about lighting fixtures and a loading dock;

Ms. Melissa Parsons, 34 Kenz Terrace questioned Mr. McElwee about the adjacent lots and whether it is planned to be grass or a parking lot;

Ms. Elizabeth Rosencrantz, 22 Waldeck Court asked Mr. Sehnal about moving the loading dock, and asked Mr. Snieckus about the landscape buffer;

Ms. Gabriella Seftel, 22 McManus Court asked Mr. Sehnal about the back emergency access gate to her development and whether there were any plans to make changes to same, and about the timing of construction;

Mr. Todd Wieseneck, 12 Forest Creek Drive asked about moving the generator and trash area closer to Eagle Rock Avenue

Mr. Hamish Parson asked about whether dry wells are planned for the site;

Mr. Chris Alverias asked about the six foot fence, and if same would be on the eastern side of the property and about the trash enclosure; and

WHEREAS, the following members of the public made public comment about the Application:

Mr. Ronald Weston spoke in favor of the Application;

Mr. Joseph Vena, Stone Street, who questioned whether the Applicant had met its burden of proof;

Mr. Robert Raskes, Woodland Avenue, commented on the proposed sidewalk; and

WHEREAS, the Board considered the reports of Paul Grygiel, Township Planner, and John Hess , P.E. of Consulting Municipal Engineers, consulting engineers for the Township, as well as their comments and testimony throughout the hearings; and

WHEREAS, the Board having made the following specific findings of fact and conclusions:

A. The Applicant has the consent of Alma Bank, 28-31 31st Street, Astoria, New York 11102, the owner of 609 Eagle Rock Avenue (Block 152.22, Lot 1412.01) to seek preliminary and final major site plan approval with associated use and bulk variances to construct an assisted living facility at the Property.

B. The Applicant requires a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) and N.J.S.A. 40:55D-70(d)(6) and bulk variances, pursuant to N.J.S.A. 40:55D-70©, to

wit: (1) a “d(1)” use variance for assisted living facility use where same is not permitted in the B-2 zone; (2) a d(6) use variance for 38.33 foot-high building whereas only a 35 foot high building is permitted; (3) a “c” variance for a three (3) story building, whereas only 2.5 stories are permitted; (4) a “c” variance for lot coverage of 66.8% when the maximum lot coverage permitted is 60% (based on “Effective Lot Area,” as defined by the Township of West Orange’s Code); (5) a “c” variance for parking spaces proposed to be located in the front yard where same is not permitted; (6) a “c” variance for one (1) loading dock proposed whereas three (3) loading docks are required; (7) a “c” variance for 51 parking spaces when 100 parking spaces are required; (8) relief from the ordinance requirement of a 50-foot buffer from an adjoining residential zone; and (9) relief from the ordinance requirement of a maximum 6-foot wall to enclose the dumpster and generator, whereas an 8-foot wall is proposed; all for the proposed development of an approximate 77,190 sq. ft. assisted living facility consisting of a maximum 85 units, with a maximum of 100 beds.

C. The Applicant has met the positive criteria for the grant of relief herein, in that, among other factors, an assisted living facility with a Certificate of Need and a license from the New Jersey Department of Health and Human Services is an inherently beneficial use.

D. The Application provides a desirable visual environment for the site, particularly because the current site is an abandoned and overgrown catering facility.

E. The only possible adverse consequences identified of this proposed facility is the loss of a commercial use, the requested height and stories that exceed what is permitted in the zone and the continued impervious coverage of more than what is permitted although less than what currently exists.

F. This facility will have minimum impact on traffic on Eagle Rock Avenue, is served by mass transit busing, and presents a transitional residential use between the adjacent residential uses permitted in the R-C and R-5 zones which border the site and the more intense commercial areas of the B-2 zone.

G. The height variances requested are minimal and will not have a substantial impact on surrounding properties. The architectural design of the building will mitigate any visual aspects of the height above what the Ordinance allows.

H. The proposed facility will reduce impervious coverage significantly on this site. This combined with proposed drainage and landscape buffers will reduce runoff from this site and there will be an enhancement of the visual environment.

I. On balance, the Application can be granted without substantial detriment to the public good, or West Orange Zoning Code.

WHEREAS, a motion as made by Chairman Neuer, for approval of the amended site plan, the “D” use variance and the “C” variances, seconded by Ms. Weiss, and voted upon as follows:

	Yea	Nay	Abstain
Mr. Quentzel	Y		
Mr. Redwine	Y		
Mr. Sussman	Y		
Ms. Weiss	Y		
Ch. Neuer	Y		

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of West Orange that the application of CSH Development, LLC, for preliminary and final major site plan approval is granted with the following associated use variances pursuant to N.J.S.A. 40:55D-70(d) (1), and (d)(6), bulk variances pursuant to N.J.S.A. 40:55D-70(c) and design waivers/exceptions to wit:

1. A “d (1)” use variance for assisted living facility use where same is not permitted in the B-2 zone.

2. A d (6) use variance for 38.33 foot-high building whereas only a 35 foot high building is permitted.

3. A “c” variance for a three (3) story building, whereas only 2.5 stories are permitted.

4. A “c” variance for lot coverage of 66.8% when the maximum lot coverage permitted is 60% (based on “Effective Lot Area,” as defined by the Township of West Orange’s Code).

5. A “c” variance for parking spaces proposed to be located in the front yard where same is not permitted.

6. A “c” variance for one (1) loading dock proposed whereas three (3) loading docks are required.

7. A “c” variance for 51 parking spaces when 100 parking spaces are required.

8. A “c” variance for relief of the requirement of a 50-foot buffer from an adjoining residential zone and permitting a buffer of 12 to 30 feet as set forth in the plans.

9. A “c” variance for an 8-foot wall to enclose the dumpster and generator, when the maximum wall height allowed is 6

NOW THEREFORE, BE IT FURTHER RESOLVED, that said grant of approval is subject to the following conditions:

1. The issuance of a Certificate of Need and a license from the New Jersey Department of Health and Human Services.
2. That the final architectural plans showing details of the location of the solar panels on the roof of the assisted living residence.
3. That the EV charging stations shall be installed to comply with the newly enacted New Jersey state statute.

4. The Applicant will install new sidewalks on Eagle Rock Avenue for the length of the property frontage.
5. No deliveries or trash pickups shall occur before 8 AM.
6. All the above stated conditions will be printed upon the approved plans before signature.

This Resolution 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 October 21, 2021 and that said Resolution memorializes the action of the Zoning Board taken at its meeting held on September 23, 2021 granting the application by a vote 5 in favor, 0 against and 0 abstentions.

Dated: October , 2021

Diana Chandler, Board Secretary