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March 21, 2023

Lisa Smith, Secretary
Mendham Borough Joint Land Use Board
2 West Main Street
Mendham, New Jersey 07945

Re: Accordia Realty Use Variance Application
Block 2301, Lot 13
350 Bernardsville Road
FEI Project No. 22MB215

Dear Lisa:

The above referenced application use variance approval for the conversion of the existing, unoccupied convent building (Mother House) on the Sisters of Christian Charity property, lot 13 in block 2301 along Hilltop and Bernardsville Roads. The following documents have been submitted in support of the application. **Note that all comments in bold are new/updated based on the most recent submission.**

1. Land Development Application, dated December 19, 2022, prepared by Thomas J. Malman, Esq.
2. Checklist (revised)
3. **Cover letter, dated March 9, 2023, prepared by Thomas J. Malman, Esq.**
4. **Project Proposal, undated and unsigned.**
5. Planning Report, dated September 23, 2022, prepared by M. McKinley Mertz, PP, AICP
6. Zoning Officer's Denial Letter, dated May 5, 2022, prepared by Neil Schetelick
7. Corporate Ownership Disclosure Statement
8. Photographic Documentation, dated May 4, 2022, prepared by M. McKinley Mertz, PP, AICP
9. Planning Board Resolution, dated May 9, 2016
10. Property Deeds and Encumbrances
11. Certified Property Owners List, dated September 14, 2022
12. Certification of paid taxes, dated January 12, 2023
13. Traffic Impact Assessment, dated October 4, 2022, prepared by Gray W. Dean, PE and Rianna S. Kirchhof, PE
14. Architectural graphics booklet, dated December 14, 2022
15. **Affordable Units graphics, undated and unsigned**

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16. **Architectural site plans and drawings, revised February 23, 2023 and March 2, 2023, unsigned**
17. Boundary and Topographic Survey, dated April 11, 2022, prepared by Kurt T. Hanie, PLS
18. Variance Plans, consisting of three sheets dated December 9, 2022, prepared by Robert C. Moschello, PE
19. Transmittal letter, dated January 18, 2023, prepared by Thomas J. Malman, Esq.
20. Landowner's consent, dated December 8, 2022
21. Site Inspection Form, dated January 12, 2023
22. Morris County Planning Board Application, dated January 11, 2023
23. Building Elevations, dated January 11, 2023, prepared by HLW
24. Wetlands letter of Interpretation, dated February 1, 2016, extended through January 31, 2026

A review of the above documents results in the following comments for the Board's consideration:

A. General

1. The application proposes converting the former "mother house" on the Sisters of Christian Charity property into a 94 unit apartment building and the conversion of other structures on the property to an additional 17 units for a total of 111 dwelling units.
2. Part of the application includes a conceptual subdivision plan. The lot that will contain the rehabilitated mother house will also have several other buildings that will be converted to various uses, including additional multifamily dwellings. **The project proposal indicates that the current application is for minor subdivision as well as for the use variances. It is NOT recommended that subdivision approval be granted until after the use variances are approved. The subdivision should be concurrent with any subsequent site plan application so the land remains in comment ownership until such time as there is an approved site plan.**
3. Any changes to the structures on the remaining property should be described and compared to the uses approved in the 2016 resolution.
4. The existing cell tower in the building is now proposed to be on a smaller lot. It appears a D variance will be required for this intensification of the non-conforming use.
5. The prior approval required the recording of an operations and maintenance manual for the stormwater system. The manual requires the submission of inspections reports annually to the Borough Engineer's office. To date, no such reports have been provided.
6. Prior testimony before the Board indicated that an adaptive reuse of the main structure was virtually impossible. Testimony should be provided to show how it is now feasible. Additionally, what are the contingencies if the structures, particularly the smaller buildings, are found to be in poor condition and unable to be renovated as proposed.

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B. Variance Plans

1. The variances listed for the subdivision should be revised. The separate buildings for the affordable housing units are part of the principal use and therefore subject to the principal building setbacks.
2. Steep slope areas as defined by the ordinance need to be added to the plans. It appears the access drive to the main building will cross regulated slopes.
3. The number of proposed apartments should be shown for each of the smaller buildings.
4. While it is recognized that the current plans are for a use variance only and a separate site plan application will be required, there are a number of site plan details that need to be discussed by the applicant in order for the board to evaluate the suitability of the site for the proposed use:
 - a. Significant areas will need to be dedicated to stormwater management. Based on the existing topography and the location of the improvements, it would appear that some of these will be between the buildings and Hilltop Road. Some information should be provided with respect to the anticipated area required as well as the tree removal/screening that may be required.
 - b. The outdoor amenity space will be on the hill overlooking Hilltop Road. These will be at a much higher elevation than the road as well as the residences across the street. The impacts of noise, lighting, etc. should be discussed.
 - c. The parking area for the main building does not appear to show any accessible parking stalls. EV stalls will also need to be located in all parking areas.
 - d. The documents submitted with the application discuss modifications to the access from Hilltop Road. The sight lines are current limited at this driveway due to the higher elevations and retaining walls on the east side of the road. How much of the existing retaining wall will need to be removed in order to obtain adequate sight distance?
 - e. Will access to the new residential complex be permitted from the Bernardsville Road driveway?
 - f. The means of providing sanitary sewer service to the project should be described. When the on site system was permitted by the NJDEP, the Borough commented that it should only be permitted for the new mother house and Villa Pauline with no allocation for the old mother house or the barn complex.

C. Architectural Plans

1. The barn plans have units that are labeled as “duplex”. Are these single apartments or actually two family units?

D. Traffic Report – A separate review of the traffic report will be published by this office.

Ferriero Engineering, Inc.

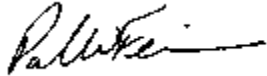
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I trust the above comments are useful to the Board in its review of the application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul W. Ferriero". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul W. Ferriero, PE, CME
Borough Engineer

cc: Board members
Thomas Germinario, Esq.
Jessica Caldwell, PP/AICP
Tom Malman, Esq.