

Lebanon Township Planning Board
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UNFINISHED BUSINESS:

Gen Psych, P.C.
1065 Highway 22 W.
Suite 3D
Bridgewater, N.J. 08807

Block #43 Lot #1.01
Route 513 & Trimmer Road I5

CONTINUATION OF A PUBLIC HEARING Conditional Use/Site Plan/Variance
(Letter with attachments from Attorney Tubman)

Attorney Tubman said per the last meeting, they made an inquiry to the County Engineer's Office having access off of Route 513 instead of Trimmer Road. Attorney Tubman read into the record the response to their inquiry. The letter from the County Engineer's Office dated March 23, 2012 which states that the County prefers when a lot abuts both County and Township Roads that the access be off of the Township Road quoting the County's Land Development Standards subsection 403:B:7:b.ii. The County feels it is safer for the traveling public on Route 513 to have the access off of Trimmer Road. Attorney Tubman marked the following into evidence: **A18** - the letter from the County Engineer's Office dated March 23, 2012. Attorney Tubman said in the NJ Registry, there are proposed new rules that govern residential treatment facilities, if they are adopted, there will be no smoking in the building or on the grounds as of December 12, 2012.

At this time, Attorney Tubman had their next witness sworn in. Architect Michael Hanrahan an associate partner with Clark Caton Hintz. Mr. Hanrahan was sworn in and gave his professional background to the board. Mr. Hanrahan distributed to the board pictures for their review which are the same pictures that are on the easel he will refer to with his testimony. The first photos were marked into evidence as **A19a** dated February 12, 2012 the location of Gen Psych 405 Trimmer Road. These photographs are the existing conditions of the property and building. Mr. Hanrahan said the existing building is approximately 30 years old, this style building is from the late 1970's to early 1980's. The building is just less than 8,000 square feet, single story building with an existing mezzanine under the existing roof line. The building has a low sloped metal roof; it has store front windows and has wood siding vertically and diagonally on the building with earth tone colors. There is stone around the main entrance. The drawing which is labeled **A20** was marked into evidence dated November 2, 2011 identified as Gen Psych 405 Trimmer Road floor plan. Mr. Hanrahan reviewed for the board the floor plan of the building. This floor plan is conceptual in nature and is a gut renovation of the building. The plan is to remove the interior of the building. Mr. Hanrahan said the challenge with this building is that it has two floor levels which you step four steps down to the lower level. They have created a fully accessible facility inclusive of the handicap lift. The next two drawings **A21** & **A22** are labeled elevation renderings. They are conceptual drawings that show the four façades of the building with the proposed improvements. The first **A21** has the elevation of the main façade (entrance) of the building. They are checking into the existing metal roof to see if it can be rehabilitated, if not it will be replaced in kind. The siding to the building is wood and the plan is to change it to a hardy board type product for the vertical siding on the building and the accent area on the building and between the windows a horizontal siding. On **A22** it shows the façade on the building that faces the adjacent neighbor. The canopy has been removed and the store front window assembly is in the middle to bring some light into the building where the community area is located. The next drawing depicts the improvements to the façade of the building that faces the main parking lot. The windows will remain in the existing locations with the exception of the large store front window.

At the conclusion of Mr. Hanrahan's testimony, Chairman MacQueen asked if the board had questions of the witness. Mr. Schmidt asked what was underneath the mezzanine area. Mr. Hanrahan said the mezzanine rises between the main conference room and the Director's Office. The mezzanine will serve as the staff break area/storage area which is directly above the Director's Office. Mr. Rich asked if there were plans for an exercise room. Mr. Hanrahan said at this time there is no provisions for an exercise room. Mr. Rich said having an exercise room should be considered. Ms. Bleck asked regarding **A21** & **A22** if the windows open or will it be an air conditioned facility. Mr. Hanrahan said they are fixed and it is anticipated that it will be an air conditioned facility. Mr. Skidmore said if the windows are fixed what fire access will be available. Specifically egress, getting out of the building in case of a fire. Mr. Hanrahan said on the floor plan, there are two means of egress per the fire code. The front door and one off the lounge area. Mr. Skidmore asked if it was the minimum by law. Mr. Hanrahan said yes. Mr. Skidmore asked about suite #6 since it is not shown on the plan. Mr. Hanrahan said originally there was to be 15 beds and they now have 13 beds and when they made the change, they didn't re-number. The #6 suite is where the shared office is located. Ms. Bleck referred back to the question on having an exercise area and in previous testimony there was mentioned having Yoga & Ti Chi. Ms. Bleck asked where that would be in the building. Mr. Hanrahan said the lounge and dining area are flexible where you could have both of these classes.

Mr. Laul said the outside is littered with 5 ton condensers and the new drawings don't show this. Mr. Hanrahan said his drawings are conceptual in nature. They have not engaged an engineer to design the new system for the building. Chairman MacQueen said in picture **A19** asked if that was the view from the neighbor's property. Mr. Hanrahan said yes. Regarding the AC units, if they are to be on that side

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consideration should be given for any noise regarding the neighbors or having the AC units on the other side of the building. Mr. Skidmore said at previous meetings there has been some discussion on having Alcoholics Anonymous meetings at the building and wanted to know if that was correct. Mr. Hanrahan said he can not testify to that. Attorney Tubman asked that the board refer back to their minutes where this subject came up and that counselors would be on site for the residents not for the public. Planner Bolan said the architectural plans dated November 11th had an exercise room on the plan and the plan dated November 2nd shows offices. Mr. Hanrahan said he would like to change his previous testimony by saying they went through multiple design changes. Mr. Hanrahan said the plans showing the office spaces is really the exercise room. Mr. Hanrahan apologized for the misunderstanding/error. Ms. Bleck asked for clarification and wanted to know if the plans dated November 11th that are the correct ones. Attorney Gallina said those plans are **A11**. Mr. Milkowski asked if there was anything else that needed to be corrected. Mr. Hanrahan apologized and said the floor plan is the same only the labeling is different on the drawings. Mr. Hanrahan went over the layout again for the board. The board discussed this issue at length with the witness. Mr. Hanrahan said the floor plans that were submitted as a packet is correct. Ms. Bleck said on the plans dated November 11th, the Dining Room shows seating for 12 and on the other plan it shows seating for 24. Ms. Bleck asked what the intent would be since there will be 13 residents. Mr. Hanrahan apologized stating he showed the wrong drawing earlier in his testimony. Mr. Skidmore asked for the thought process in switching the dining area and the lounge area. Mr. Hanrahan said he did not recall. Mr. Skidmore asked where did the shared office space go which was shown on the other plan? Mr. Hanrahan said the client decided they didn't need a shared office space and the exercise room would be more beneficial. Engineer Risse said he was looking for clarification, the dining area and the lounge area were switched, did you change the size of the area and asked if the shared offices and the exercise room stayed the same size or did that change. Mr. Hanrahan said they appear to be the same size.

At this time, Chairman MacQueen opened the hearing to the public for questions of Mr. Hanrahan. The following people asked questions: Jeff Thompson asked about the ADA requirements, Karen Verso asked about the dimensions of the exercise area, Margaret Stasick had questions of the windows, Ruth Blemings, Anthony Casale, Kevin Devine asked about moving the driveway, Karen Verso asked if there would be a lot of changes in layout of the inside of the building, Jody Stasick referred to the comment that this meets code. Mr. Hanrahan said it has to meet the Uniform Construction Code of NJ and the International Bldg Code of NJ of 2009 and that it is an institutional use, Tom Higgins referred to a comment mentioned about challenges. Mr. Hanrahan said it had to do with the floor lift area. The lift can handle a wheelchair and one other person, John Lloyd asked if it were less expensive to design the building other than that of a hospital. Mr. Hanrahan said he did not chose the use group the building code is clear and since he has never done a hospital could not answer the question. Mr. Hanrahan said cost was not a factor in determining the use as it is related to this building. At this time Chairman MacQueen announced the board will take a recess at 8:20 p.m.

When the board reconvened at 8:30 p.m. Chairman MacQueen asked Attorney Caldwell if he had questions of the witness. Attorney Caldwell asked Mr. Hanrahan if he designed the building as a I1. Attorney Caldwell asked what the use group was for a hospital referring to the Hunterdon Medical Center as an example. Mr. Hanrahan said he has never designed a hospital. Asked Mr. Hanrahan if he has ever designed a Rehab facility before or has ever been to one. Mr. Hanrahan said no to both questions. Mr. Hanrahan said he designed the building per the building codes and the needs of Dr. Odunlami. Attorney Caldwell asked if under I1 is there a square footage and occupancy maximum. Mr. Hanrahan said under I1 the max is higher than what is being purposed. The max for beds is 20. They are purposing 13 beds. The septic system can handle 13 beds. Attorney Caldwell asked other than Dr. Odunlami did Mr. Hanrahan speak to anyone else concerning the operational needs of this building before designing the building and coming here to give testimony to this board. Mr. Hanrahan said no. Attorney Caldwell continued to ask questions regarding the standards allowed for this type of use. Attorney Caldwell told the Chairman that he took exception to Attorney Tubman prompting or whispering to the witness answers to the questions. Attorney Gallina said he did not think that Attorney Tubman was prompting the witness with answers. At this point there was somewhat heated discussion between the attorneys. Attorney Caldwell accused the Chairman of being rude to him and the public. Chairman MacQueen said he took note of the comments made by Attorney Caldwell. Also, Attorney Gallina addressed Attorney Caldwell's concerns. Attorney Caldwell continued with his questions of Mr. Hanrahan at length. At the conclusion of Attorney Caldwell's questions and being no further questions from interested parties, Mr. Milkowski asked Mr. Hanrahan, if the layout of the rooms get changed around would the room sizes stay the same. Mr. Hanrahan said approximately the same square footage. Unless there is a change by the client. Planner Bolan asked if Mr. Hanrahan had a chance to scale the exercise room. Mr. Hanrahan said no. Planner Bolan said he did and thought it would be 9'x31'.

At the conclusion of Mr. Hanrahan testimony, Attorney Tubman asked to have their Engineer sworn in. Engineer Kevin Smith of Finnelli Consulting Engrs. was sworn in. Attorney Tubman said Engineer Smith will give testimony regarding sewer and water. Engineer Smith said he was asked to evaluate the facility in terms of how many beds/units could be put into this facility based on the septic code NJAC7:9a and to evaluate the existing well that is on site as to whether the well would be adequate for the facility. At the time they did there analysis it was based on 150 gallons per bed per day. This would yield 13 beds without going over the 2000 gallons limit per day.

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Engineer Smith said in going over that limit you would need to get special DEP permitting to have a system with a greater capacity. As of April 2, 2012 the septic code NJAC7:9a was revised to 130 gallons per day per sleeping unit or 50 gallons per bed. There are 7 sleeping units shown on the plan. It is based on 130 gallons times 7 which gives you 910 gallons per day. There will be a laundry service for linens but the residents will be doing their own laundry. When having laundry usage you have to increase the usage by 50%. This would bring you up to 1365 gallons per day. Then you add in employee restrooms, showers, laundry and employee food preparation. Adding in 8 employees during the day and 4 employees for each of the other shifts and 20 gallons per employee it brings the total up to 1685 gallons per day. They are still under the limit allowed. Engineer Smith said also under the code, the DEP wants you to get a Treatment Works Approval to make sure you are under the 2000 gallons per day. Engineer Smith said they will need approvals from the State and County Board of Health. Engineer Smith went on to say the septic system was repaired in 1998 and there was some soil testing done. They found going down 95" to 98" there was some very good soils to support a septic system. Compared to 25-30 years ago, they do a soil testing and they base the permeability on laboratory analysis. They rate the soil starting with K zero which is bad up thru K4 which is excellent. When they did the soil testing back in 1998 it was determined it was a K3.

Engineer Smith said regarding the well, a new well was drilled back in 1997 and it was confirmed for 25 gallons per minute by the well drilling company Stothoff in Flemington. Under the NJ safe drinking water act NJAC7:10. The peak capacity of the well needs to be 10 times greater than the average expected daily flow or demand. We needed 13.6 gallons per minute compared to 25 gallons per minute that we got to supply the facility. Engineer Smith said he spoke to a Construction Code Official regarding sprinkler systems and found it is totally acceptable to have a sprinkler system attached to a well. He noted that you may need a backup system meaning a generator. Engineer Smith did think it would be possible to having a sprinkler system attached to the well. At the conclusion of Engineer Smith's testimony, Chairman MacQueen asked if the board had questions of the witness. Engineer Risse asked if Engineer Smith had copies of any of the well records. Engineer Smith said he could get access to the well record files. Engineer Risse mentioned the Fire Tank Ordinance which pertains to the expansion of a building in the event they ever decide to put an addition on the building. Mr. Laul said with 13 beds they will be at 1685 gallons per day and if they ever decide to increase to 14 bed they would still be under the 2000 gallons per day. Attorney Tubman said they are committed to 13 beds and will not be expanding to 14 beds. Mr. Rich referred to the well being put in 1997 and wanted to know if the 25 gallons per minutes was still actuate. Engineer Smith didn't see why it wouldn't be actuate. Mr. Rich said ground water changes. Engineer Smith said it is a 200' well. Mr. Rich asked if they could test for the gallons per minute to see if it is still at 25 gallons per minute. Engineer Risse said a well driller would have to be the one to have it retested. Ms. Bleck asked about the septic system. Engineer Smith said the system had failed and a new system had to be installed. Soil testing was done and a new bed was put in. Engineer Smith said they will be doing retesting and installing a new system. Planner Bolan asked if there was anything in the well test results or any results with the septic system that indicated this property is in a limestone area. Engineer Smith said there was nothing in any of the reports regarding limestone nor anything on getting a lime geology. Planner Bolan asked if Engineer Smith had reviewed the map in the Subdivision Ordinance showing the limestone areas in the Township. Engineer Smith said no. Planner Bolan said in a limestone area the treatment works approval triggers a geological investigation.

At this time, Chairman MacQueen opened the hearing to the public for questions of the witness. The following people asked many questions regarding the septic system & well: Ken Mathiasen, Randy Miner, Kevin Devine, James Kennedy and Tom Crisitello. Attorney Caldwell had questions of the witness. Attorney Caldwell referred to the two functional parts of the estimates are going to be, 1) the sleeping units & patients doing their own laundry which is about 50% and 2) the employees (covering restrooms, showers, laundry and food preparation. This would be 8 employees during daytime and 4 employees each on the other two shifts. Engineer Smith said that is correct. Attorney Caldwell asked where did they get the 8 employees from. Engineer Smith said from his client Dr. Odunlami. Attorney Caldwell said there had been testimony regarding having 6-7 employees on during the day and he wanted clarification as to which was the correct number of employees. Engineer Smith said he had asked the Doctor what he thought the most he would have on during the daytime shift. Attorney Caldwell asked what the effective date was on the new regulations. Engineer Smith said April 2, 2012. Attorney Caldwell asked because of these new regulations, this new septic system design will go to the DEP for review under the Treatment Works Approval. Engineer Smith said that is correct. Attorney Caldwell asked about the Highlands regarding the well and septic use. Engineer Smith said there will not be any increase of impervious coverage more than ¼ acre, not disturbing more than 1 acre of land, it is not a major development, they would be exempt from Highlands. Attorney Caldwell asked if you are using 700 gallons per day what would be the square footage. Engineer Smith said 1134 square feet. Attorney Caldwell then asked how many square feet would be used for the septic. Engineer Smith said 2000 square feet. Attorney Caldwell asked about Hunterdon County Soil Conservation. Engineer Smith said only if they exceed 5000 square feet of disturbance and if they do exceed then they will need Soil Conservation approval. Attorney Caldwell referred to the issue of the well and the 25 gallons per minutes and asked if they would do another test since it has been at least 15 years to make sure that the volume per minute hasn't changed. Engineer Smith said if the board asked to have the well retested they would do it. Attorney Caldwell asked if he recommended to Dr. Odunlami to have another test done on the well. Engineer Smith said no because the peak is 13 gallons per minute and this well produces 25 gallons per minute which exceeds what is required.

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Attorney Tubman had a question for Dr. Odunlami at this time. Attorney Tubman asked the doctor about handicap accessibility. Dr. Odunlami said they have to provide handicap for every aspect of the facility. Because of a question being asked by Mr. Skidmore, there was dialog between Attorney Caldwell and Board Attorney Gallina. Attorney Tubman said because of testimony that had been given which triggered the question by Mr. Skidmore, Dr. Odunlami was the only one who could answer the question. The discussion continued between Attorney Caldwell and Attorney Gallina on this issue.

Attorney Tubman informed the board that they are done and have no more witnesses to give testimony but would like to reserve the right in the event an issue comes up that would require additional testimony by one of their witnesses. Chairman MacQueen asked Ms. Glashoff for the next available date. Ms. Glashoff informed the board the next date is May 10th. Attorney Gallina announced to the public, date, time and location for the continuation of this public hearing. Chairman MacQueen announced at the next meeting the public will have the opportunity to give testimony, which means the board, their professionals and the applicant will be able to ask questions of each person giving testimony. Attorney Gallina asked Attorney Caldwell how many witnesses he plans to have give testimony. Attorney Caldwell said two. Someone from the public asked at one point can the public ask questions of the board members. Chairman MacQueen said the board does not give testimony or answer questions. Attorney Gallina said, if there is a procedural question, that can be answered. Attorney Tubman asked Chairman MacQueen who their witnesses are that will be giving testimony since one of their witnesses is present this evening. Attorney Caldwell said he is not a liberty to say who there other witness will be.

Chairman MacQueen asked about the next meeting. Ms. Glashoff said next Tuesday May 1st. Everyone received their packets this evening. With a memo reminding to bring the Highlands Ordinance to the meeting, also it is a Joint Meeting with the Township Committee.

OPEN TO THE PUBLIC

A member of the public asked if the board had considered notifying property owners within a 1000' for the hearing even thou the law says 200'. Attorney Gallina said by law the applicant only has to notice within 200'. The person said they understand that but since this is a hot topic that has concerned a lot of people, the board should consider notifying within a 1000'. Attorney Gallina & Chairman MacQueen said the board is not obligated by law to give notice to property owners.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Laul to adjourn the meeting at 9:50 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK

CORRESPONDENCE: Handed out at the meeting.

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