

Lebanon Township Planning Board
May 10, 2012
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UNFINISHED BUSINESS:

Gen Psych, P.C.
1065 Highway 22 West
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

Chairman MacQueen announced this evening the board will hear from the public with their statements and comments and will start to the right and work our way around the room so everyone will get the opportunity to speak. Chairman MacQueen said that everyone will be sworn in that wishes to speak. The board and their professionals will have the opportunity to ask questions of the individuals giving testimony along with the applicant's professionals having the opportunity to ask questions of each individual. Someone from the public asked if the public will be able to ask questions of the board. Attorney Gallina responded stating no the board does not get questioned. Attorney Gallina stated that Attorney Caldwell has deferred his witnesses until after the public has had the opportunity to speak. Everyone will be sworn in who wishes to speak and give your name and address for the record.

At this time, Chairman MacQueen asked for the first witness. Ruth Blemings of 6 Spring Mountain Road was sworn in. Ms. Blemings expressed concern regarding the Highlands and has it been ignored and also expressed concerned with the septic on the property. Attorney Gallina noted that all outside agencies having jurisdiction, the applicant will need to get all approvals that apply. Also, the Board does not have the jurisdiction to enforce the Highlands Act. It is up to the applicant to get all the approvals necessary to proceed with the project. Ms. Blemings did not understand why this is happening in Lebanon Township since there is no city water, sewer, public transportation, fire or rescue department. Ms. Bleming said this type of applicant belongs in the city like Morristown, Somerville etc. Ms. Blemings questioned the certified list that had been mailed and couldn't understand why more people were not notified. Attorney Gallina said by law the notice goes only to people within 200' of the property. If the property is within the 200' and borders another municipality or county they will be notified.

Margaret Stasick of 218 Maple Lane was sworn in. Ms. Stasick referred to the Planning Board minutes of February 27th quoting sections of the minutes. Ms. Stasick then referred to the meetings of March 20th and April 24th meetings and statements that were made. Ms. Stasick stated that there are no evergreen trees on the property even thou there are pictures that show the trees. Ms. Stasick had pictures of the property that reflected no evergreen trees for the board to see. The following was marked into evidence: **01**-Photos of property showing there are no evergreen trees. Ms. Stasick referred to testimony regarding a generator and whether there was a need and it was never answered. Ms. Stasick reference NJAC Title 8 Chapter 43G Hospital Licensing Standards Subchapter 24, "There has to be an alternative emergency power supply. Ms. Stasick read into the record the requirements that are state mandated. Ms. Stasick said that hospitals have to have generators. The following was marked into evidence: **02**-JAC Title 8 Chapter 43G Hospital Licensing Standards. Ms. Stasick mentioned outside lighting. Ms. Stasick mentioned the break room not being handicap accessible and referred to the Americans Disability Act. Copy of the Americans Disability Act was marked into evidence as **03**. Ms. Stasick asked about delivery service and the applicant mentioned one to two deliveries per week. Ms. Stasick said she felt the applicant would have deliveries on a daily basis even though they said they wouldn't referring to laundry, medical and food deliveries. Ms. Stasick asked about trash pick up and asked if it would be on a daily basis and what time of the day concerning there would be on average 535 meals prepared each week between employees and residents. Ms. Stasick asked about medical waste and how often that would be picked up. Ms. Stasick said when she asked about designing a hospital layout, neither professional said they had ever designed one. At the conclusion of Ms. Stasick testimony, Mr. Schmidt asked if her in-laws property was in the same zone as the applicant's property. Ms. Stasick said yes and it is farm assessed. Mr. Schmidt asked questions regarding the photos that where marked into evidence as **01**. Chairman MacQueen asked if anyone from the public had questions of Ms. Stasick. John Lloyd of 420 Trimmer Road had questions of Ms. Stasick. Mr. Casale of Boulder Field Road was sworn in. Mr. Casale had procedural questions of the Planning Board, also questions regarding the lighting ordinance and wanted to know why the lighting issues weren't before the Zoning Board. Mr. Casale referred to the ADA regulations and the 1999 standards and up until March 15, 2012 you could use the 1999 standards if your facility already existed, but since this has major renovations, they would have to follow the 2010 standards. Mr. Casale discussed the parking standards. Mr. Schmidt asked who's in charge of compliance. He was told it was the Construction Department.

Chairman MacQueen asked if anyone had questions of the testimony of Mr. Casale. There were none. Mr. Casale wanted to know why this application was before the Planning Board and not the Board of Adjustment. Attorney Gallina explained to Mr. Casale why the applicant was before the Planning Board and not the Zoning Board. Mr. Jody Stasick from Maple Lane had questions. The next person to give testimony and make a statement was Karen Verso of 417 Trimmer Road and was sworn in at this time. It was noted that Ms. Verso will give her testimony shortly. Next to be sworn in and give testimony was Wendy Brown of 224 Maple Lane. Ms. Brown said she is opposed to Gen Psych becoming part of her neighbor and said she was not one of the people notified of this hearing. Ms. Brown said this is not about a drug & alcohol rehab facility, her objection is the intentions of the Doctor, his financial backing and his character. It is also about property values. Ms. Brown said her opinion is based on attending several

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meetings listening to testimony of the applicant. Ms. Brown stated she does not want to see this facility in the Township. Ms. Brown said she understands the need for this type of facility but not here in the Township. At the conclusion of Ms. Brown's statements and comments, the board had no questions, but there were questions by some members of the public of Ms. Brown. The next person to be sworn in was Erin Crail of General Morgan Lane. Ms. Crail said even though she does not live in the area of the proposed application she felt since the board represents the whole Township, that as a resident she has the right to voice her opinion in this matter. Ms. Crail said even though there are residents present who have voiced their opinion of "not in my back yard" they are here with good intentions but those intentions are backed by fear. Ms. Crail said she is not here in support but is not against it either. If Gen Psych has the legal right to occupy this building then they should be allowed to proceed. Ms. Crail stated that she hoped if this application is approved that those people in opposition will see the good that will come from having Gen Psych in the Township. What right do people have to say these facilities are okay but not heard in our Township that they belong someplace else. This type of service is needed. Ms. Crail said within a 10 mile radius of where we are this evening there are 15 local churches and centers that offer AA meetings regularly. Ms. Crail said that comments that were made about why bring those type of people here, they are already here in the Township, they are your friends, neighbors, teachers and leaders. Everyone is entitled to a second chance and having this type of facility will not harm us. At the conclusion of Ms. Crail's statement, there were no questions from the board, Lisa Falkenstein from the public asked if Ms. Crail if she knew for a fact that people from this Township would benefit from this facility and not coming from other parts of the State. Ms. Crail said having the facility here gives residents the opportunity to get help close to home. John Lloyd asked Ms. Crail what she did for a living. Ms. Crail said she is a mother and homemaker. Mr. Lloyd as what her husband did for a living. Attorney Gallina said it was not relevant. Ms. Crail said her husband will not be involved in any way with this facility. Mr. Lloyd continued with his questions for Ms. Crail. Attorney Gallina informed Mr. Lloyd that he was becoming argumentative. Mr. Lloyd continued with his questions.

The next person to be sworn in was Lisa Falkenstein of Ravine Road. Ms. Falkenstein said she had with her the minutes from the Hillsborough Township Planning Board held on January 6, 2011 where Dr. Odunlami went before the Planning Board to build two buildings totaling 73,000 square feet. One building was to have 40 beds and the other building 18 beds. Ms. Falkenstein wanted to know why Gen Psych is only looking for a 13 bed facility here. Ms. Falkenstein said that this is not the only municipality that Dr. Odunlami has applied to for approval for a facility. The following was marked into evidence: **04-**Hillsborough Township Planning Board Minutes of January 6, 2011. Chairman MacQueen asked if the board had questions. There were none. From the public, Kevin Devine from Trimmer Road had questions. Next person to be sworn in was Ken Mathiasen from Ravine Road. Mr. Mathiasen said since he is in the medical field, there are so many regulations that the applicant will have to go through. Mr. Mathiasen said the applicant has to decide whether he is a hospital or not. Mr. Mathiasen said there are so many things that the applicant will have to deal with if they will be a hospital. Mr. Mathiasen said as far as he knows the applicant has not applied as a hospital. At the conclusion of Mr. Mathiasen's comments, there were no questions from the board or the public. The next person to get sworn in was Shane Youngman of Vernoy Road. Mr. Youngman said that Ms. Verso did the traffic study during the morning hours and he did the evening hours. They have documents that they would like to submit to the board. Attorney Gallina said a traffic study going beyond just counting vehicles, you need to have engineering expertise. You also need a degree in engineering and in traffic engineering. It is not just counting vehicles per Attorney Gallina. To give a submission of an opinion you need to be a traffic engineer expert. Attorney Gallina said the board can accept the traffic count of vehicles and the applicant doesn't have a problem with that as long as there is no opinion given regarding the traffic count. The following was marked into evidence: **05-**Traffic study count dated March 29, 2012, **06-**Sketch of the location where the count was taken on March 29, 2012. At the conclusion of the testimony, Chairman MacQueen asked if the board had questions of this witness. Chairman MacQueen asked what day of the week the traffic study was performed. The answer was a Thursday. Chairman MacQueen asked how many houses are on Trimmer Road. Mr. Youngman thought about 8 homes. Mr. Schmidt asked Mr. Youngman where the tavern was in relation to his home. Mr. Youngman said he lives at the tavern. Mr. Schmidt asked Mr. Youngman where in the tavern he lives. Mr. Youngman upstairs and downstairs and the bar is a play room. Being no further questions from the board or from the public, Chairman MacQueen announced the board will take a recess at this time 8:27 p.m.

When the board reconvened at 8:37 p.m. Chairman MacQueen announced the board will stop at 9:45p.m this evening since they have a few other items to take care of. The next person to give testimony was Karen Verso of Trimmer Road; Attorney Gallina noted that Ms. Verso has already been sworn in. Ms. Verso said she had 10 pages to be marked. 9 pages are photos taken from different prospective and one is a traffic count. The following was marked into evidence: **07-**9 photographs 1-7 & 10 & 11, dated Wednesday May 9, 2012 and **08-**1 page of a traffic count dated April 2012. Ms. Verso said she has lived in the Township for 14 years and has knowledge of the intersection. Ms. Verso went through for the board each photo that shows the intersection of Route 513 & Trimmer Road and along with traffic on Route 513. Copies of the photos and traffic count were handed out to the board and professionals. During Ms. Verso testimony, she stated that the intersection is dangerous and having Gen Psych will only increase the traffic which is already heavy thru the area.

Ms. Verso thanked the board for their dedication and time in serving the Township and knows it is a big responsibility and is an honorable position. As representatives of the board you have the ability and power

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to protect and preserve the community and the quality of life for all the residents. Ms. Verso said they all have a vested interest in the Township and Gen Psych is the outsider who needs to conform to the zoning ordinances, the Master Plan and the purposes of the ordinances. Ms. Verso said when the board is dealing with hearings like the one before them now there have been heated discussion on both sides. Ms. Verso said the communication gap has been on both sides of the discussion. Ms. Verso said she had a concern with the applicant's Planner regarding the exercise area and the space needed and he couldn't answer the question stating it was not his area of expertise. Ms. Verso said that anyone would know that a space 6' x 12' or 6' x 18' is not large enough for an exercise area, it is more like a hallway. You need a 4' egress around exercise equipment. Ms. Verso said what they are proposing is not adequate even if they used the lounge or the dining room you would need to move tables and chairs before and after every session. This would dissipate in time. Ms. Verso continued with her testimony, at the conclusion, Chairman MacQueen asked if the board had any questions. Mr. Laul asked why a traffic count wasn't done on a Sunday since that would be the day visitors would be coming to the facility. Ms. Verso agreed that maybe she should have don't a count on a Sunday. Mr. Skidmore asked if Ms. Verso knew what was in the building before now. Ms. Verso said Sid A Med was there but there wasn't a lot of traffic in and out of the facility. Mr. Skidmore asked Ms. Verso what dangers she was referring too. Ms. Verso said if the people who will be residing there decide to leave, she felt this would be the danger. The following people had questions from the public: Ms. Falkenstern, Erin Crail and Ed Verso. Ms. Crail asked if the tavern opened for business would that be considered a danger. Ms. Verso said no but Gen Psych would present a danger.

At the conclusion of the public questions, Kevin Devine of Trimmer Road was sworn in. Mr. Devine had handouts for the board and stated that he would like to do a Power Point Presentation. Mr. Devine started his Point Power and began to have problems with his computer. Chairman MacQueen said since it was almost 9:45 p.m. Mr. Devine will be first when we continue on June 19th.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$1,123.75
b. Bayer/Risse Engrs.	\$1,750.00
c. Michael Bolan, PP	\$2,280.40
d. Gramco	\$1,250.00
Total:	\$6,404.15

The total of \$6,404.15 covers the Addendums to the Agenda regarding additional bills to be approved. Motion by Mr. Laul and seconded by Mr. Schmidt to approve the bills per the amendments to the agenda. Unanimously approved.

The next regular meeting of the Planning Board will be June 5th at 7:00 p.m. and the continuation of the Gen Psych public hearing will be continued on June 19th at 7:00 p.m. There was a brief discussion on the continuation dates for Gen Psych. The June 25th date is cancelled. Ms. Glashoff will contact the school for new dates in July. The July dates will be announced on June 19th per Chairman MacQueen.

Being no further business to come before the board, nor comments from the public, motion by Mr. Milkowski and seconded by Mr. Laul to adjourn the meeting at 9:48 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK