

REGULAR MEETING

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, N.J.**

September 18, 2012

The 864th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:06 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Rich, Ms. Bleck, 1st Alternate Laul, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Piasecki, Mr. Gerlich, Mr. Weiler and Mr. Wunder.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold a regularly scheduled meeting at the Woodglen School (Performing Arts Room) on Tuesday September 18, 2012 at 7:00 p.m. with the only change being the location for the meeting. The purpose of the meeting is to hear the continuation of a Public Hearing on the Gen Psych Application. Notice of this meeting was published in the Hunterdon Review on August 29, 2012 and copies of the agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on September 12, 2012.

PRESENTATION OF MINUTES: July 17, 2012 Regular Meeting

Motion by Ms. Bleck and seconded by Mr. Laul to approve the minutes with one minor correction. Unanimously approved.

July 23, 2012 Special Meeting

Motion by Ms. Bleck and seconded by Mr. Skidmore to approve the minutes as presented. Unanimously approved.

July 31, 2012 Special Meeting

Motion by Mr. Skidmore and seconded by Ms. Bleck to approve the minutes with one minor correction. Unanimously approved.

August 2, 2012 Special Meeting

Motion by Ms. Bleck and seconded by Mr. Laul to approve the minutes as presented. Unanimously approved.

PRESENTATION OF BILLS & REPORT:

- a. John Gallina, Esq. \$2,124.25
- b. Michael Bolan, PP \$1,334.80
- c. Bayer/Risse Engrs. \$ 250.00
- Sub-total: \$3,709.05
- d. H.C. Chapter P/Z Admin. \$ 30.00 – Luncheon/Seminar G. Glashoff
- Total: \$3,739.05**

Ms. Bleck noted there was one additional escrow bill from Bayer/Risse Engrs. for **\$312.50**. This brings the grand total of all the bills to **\$4,051.55**. Motion by Ms. Bleck and seconded by Mr. Schmidt to approve the bills for payment. Unanimously approved.

CORRESPONDENCE:

- a. AHPNJ 8/11/2012 Update on COAH Trust Funds
- b. NJLM re: Assembly & Senate Bills re: exemptions
- c. Law of the Land Articles (3)
- d. Fair Share Housing Center re: Trust Fund Raid by Christie Admin.

OPEN TO THE PUBLIC: For items not on the agenda

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
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CONTINUATION OF A PUBLIC HEARING Conditional Use/Site Plan/Variance

Chairman MacQueen said this has been a long process and it hasn't been one of our longest but it has been at times contentious and has been a challenge. We have had a lot of discussion from various parties, the applicant and the objectors. Chairman MacQueen thanked everyone for all their input. Tonight the board will deliberate and vote and if the application is approved there will be many conditions. At this time Chairman started the discussion with board member Mr. Rich.

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Mr. Rich asked Attorney Gallina for his advice on whether the board has jurisdiction with this application. Attorney Gallina said there has been a lot of discussion on whether or not the Planning Board has jurisdiction to hear this application. Attorney Gallina referred to Cox stating even though the Planning Board has not been granted the authority under the statute to interpret the provisions of the Land Use Ordinances, it is under the inherent position of the Planning Board to determine the meaning of an ordinance in connection with a pending application. Attorney Gallina said the board has had discussions over the meaning of institutional uses, hospital uses and residential substance abuse treatment centers. The board has been presented with the definitions from the North American Industry Classification Codes. Also the board has been given the case on Scurvo vs the Board of Adjustment of the City of Orange. Attorney Gallina said with this case it was determined that residential substance abuse facilities do classify as a hospital and institutional use. This case is from 1972. Mr. Rich asked if the board can proceed with this application. Attorney Gallina said the board has all the information from all the items that have been marked into evidence with examples of all the definitions and several case law decisions which have all be submitted through the course of all the hearings. Attorney Gallina the board has made the decision that this application belongs before the Planning Board. The board held an informal review, and then there was evidence before the board at these hearings on whether or not this fits the definition of an institutional use. Mr. Rich asked Planner Bolan if he had anything else to add to the comments made by Attorney Gallina. Planner Bolan concurred with everything that Attorney Gallina said. Mr. Rich said based on Attorney Gallina's advice this board should proceed with the deliberations and if it goes to court and it is determined that another board has jurisdiction, so be it. Mr. Rich said the board has a responsibility to make a decision on this application. This has been an emotional hearing and both sides have put forth very good cases. Mr. Rich said there were 3 things he would like to mention: 1. he has heard no hard evidence or statistics that people in treatment are more dangerous, 2. this facility would be a good service for the community and sociality in general, and finally the Industrial zone is a good place to have this facility. If we incorporate a number of conditions, Mr. Rich said he would probably be in favor of voting to approve this application.

Mr. Schmidt said he agrees with Mr. Rich and said he has more to add. He has driven out to the site 3 times, driven on Trimmer Road, Maple Lane, Vernoy Road and has found one neighbor with a significant visual impact with this facility. This area is zoned Industrial and I have worked in the blue collar industrial for 20 years of my life. Mr. Schmidt said if you want to put a true industrial business there with tractor trailers coming in and out, fork trucks banding around and all kinds of smells, dust etc. With a residential care facility it would be a low impact on the area. There are industrial uses around it and it is not on a major highway. Mr. Schmidt he has known friends, co-workers who have had serious problems with drugs and alcohol and had to hit rock bottom before going into a facility like Gen Psych to get help. Mr. Schmidt said when he became a member of the board he wanted to do what was best for all the people in Lebanon Township, but this application goes further than that and we need to do what is best for our fellow man. These people are not human trash; they are all decent people and are not thieves, killers or rapists. They deserve a second chance. If they want to put a facility like this in Lebanon Township, Mr. Schmidt said he does not have a problem with it. The Governor is shutting down facilities and wants them to go privately owned. Mr. Schmidt said we have heard from residents that have had problems and had to go to facilities that were far from home, now we can help people from other communities. Mr. Schmidt said he likes the list of conditions for Gen Psych and noted that some of these conditions have come from comments and input from the public during the hearings. Mr. Schmidt said that the board has addressed a lot of the concerns with a lot of not in my back yard kind of mentally. This has to go in someone's back yard because it is needed. Mr. Schmidt said this is inherently beneficial for mankind for those who want to be helped. This is not a prison or a welfare hotel, Dr. Odunlami and his staff are here to help people and in conclusion said he will vote in favor of this application.

Mr. Laul said this is his first year on the board and he has taken this with a lot of thought. Mr. Laul said regardless of which way the vote goes the board is going to be sued. Mr. Laul said he sees this as a conditional use, a hospital/institutional use. He has driven down Maple Lane, by this area and feels that when it is done it will be a beautiful place. With all the people that have complained about this site they probably won't see much of it once all the trees are planted. Everyone has seen this corner and the building for over 30 years. Mr. Laul said with everything that is going to be done to the building and to the property it will make it benign to the community and with all the conditions is a great way of doing it and the beautification that will be done to the building. There will be 13 residents and staff at night. Moving the driveway out of the floodway, putting evergreens along the property line where it adjoins the neighbor's property to reduce visual impact. Mr. Laul said as a condition he would like something regarding maintaining the trees for a 1 year. Also the AC needs to be addressed for where it will be located since this is a 24/7 facility and for any noise issues. Attorney Gallina said that the applicant will have to comply with DEP regulations for any noise. Mr. Laul said the applicant's architect is terrible. There was a conflict between what the Doctor said, the Planner said and their Architect said. Mr. Laul went through all the items regarding the interior and the outside loading area.

Mr. Milkowski said he agrees with the points made by Mr. Rich and when the time comes he will vote on the facts. The board has a list of 20 conditions and if they are looked at and handled in a positive manner then there shouldn't be a problem. It doesn't matter if I want the facility there or not. The decision has to be based on the facts provided to the board and he will vote accordingly.

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Mr. Skidmore stated he was not a member of the Planning Board when the board discussed the issue of jurisdiction, but in their discussion they decided that they had jurisdiction. Mr. Skidmore said he has heard some good comments from the public and some he has found to be offensive. Mr. Skidmore said in reviewing all the facts he could not find anything to show him that this project should not go forward and said he would vote in favor of the application. Mr. Skidmore said on a personal note, he worked 31 years in a job that brought him in contact with the people you fear. They are not bad people as a rule, they are people with a disease. These people are dying and they need to heal and he feels Gen Psych is a step in the right direction.

Ms. Bleck said she has been on the board for awhile and has always looked to the professionals for the definitions and have found our Engineer, Planner and Attorney to always be fair and she agreed with their definition of a conditional use. Ms. Bleck said her main concern is the water and well and that it will need to be tested and she would want that to be done right away to see if it will meet the capabilities and demands. Also wants to know what the results will be from the septic and soil testing along with the well. Attorney Gallina said that all this will need to be done and they will need to meet all the requirements per state regulations.

Chairman MacQueen said he believes this application belongs in front of the Planning Board. It is in the Industrial zone and said it is the best place for this facility. The property is large and consists of 15 acres. There is only one residence that is really close. The property owners have made the most comments to make this less intrusive and their comments have been very appreciated. Chairman MacQueen said there is a list of 20 conditions. Chairman MacQueen briefly went over the conditions at this time. During his comments he said that people need help in all walks of life. Chairman MacQueen said they will work on the conditions to make it as less intrusive for everyone and said he is in favor of the application.

Attorney Gallina said based on the comments by the board, they will approve the application subject to conditions. Chairman MacQueen said he also has a few of his own conditions to add. Chairman MacQueen said the board can now go over each condition. At the conclusion of the board's deliberations, motion by Mr. Rich and seconded by Mr. Schmidt to approve the application for Conditional Use/Site Plan and Variance with the following conditions:

- a. The conservation easement must be described by metes and bounds description. The conservation easement should be demarked through monuments at all corners and fencing erected along the perimeter of the conservation easement and subject to review and approval by the Board Attorney and Board Engineer.
- b. Applicant to comply with Board Engineer's letter of January 26, 2012.
- c. The driveway to be relocated per Exhibit A38. The driveway to be flared to a 28' width from the 50' industrial setback to the intersection of Trimmer Road. Twenty-five (25) foot radius returns should be provided at the intersection with Trimmer Road.
- d. The plans shall be revised to include a stop sign and stop bar at the intersection with Trimmer Road.
- e. The Site Plan will be revised to indicate that the mulched walkways to be modified to crushed stone.
- f. A table is to be add to the plan documenting impervious coverage breakdown by feature in square feet and to provide the total existing and new impervious surface areas in square ft.
- g. The plan is to be revised to graphically delineate the limit of disturbance for all disturbances including those associated with the landscape plan.
- h. An area reserved for future banked parking of 6 spaces is to be delineated on the Site Plan off the end of the loading area on the plan with notation that this area is to be constructed with grassed pavers at such time that additional parking is needed. Details of the grass paver construction should be added to the plan.
- i. Air conditioning units are to be relocated from the eastern & southern sides of the building to the western side of the building.
- j. Air conditioning units and emergency generator are not to exceed the state noise standard at the property line and to be shown on the Site Plan.
- k. Enhanced buffering will be planted towards the residence to the south of the site (Block 43 Lot 1.01 currently owned by Francis Stasick) utilizing 8' to 10' evergreen trees. The enhanced buffering should be shown on the Site Plan and will be reviewed and approved by the Board Planner. The landscape buffer shall be maintained while the use continues on the site with any dead trees being replaced. The Applicant shall communicate with the owner of the lot to the south to determine if the owner will permit the Applicant to install landscape buffering on their property. If the property owner agrees any landscaping installed on their property, the owner will be responsible for any maintenance or replanting. Their will be a total of 4-6 trees on each site as a buffer if the property owner agrees.
- l. No curbing shall be required along the edge of the pavement.
- m. Regarding lighting on the site, there will be no lighting along the driveway. All lighting is to be turned off by 10:00 p.m. with the exception of the security lighting which may remain on during the night. The lighted signs on Route 513 and Trimmer Road and the lights in the parking area may be turned on after 10:00 p.m. as needed and will be placed on a 15 minute timer if turned on after 10:00 p.m.
- n. Provide lighting shields to eliminate offsite light trespass.
- o. Night time lighting test required prior to the issuance of a C.O.

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- p. Generator to be provided as shown on the site plan.
- q. Board Engineer to be notified and present to witness soil testing at the time of testing for the septic system to determine if limestone is an issue in the area reserved for the septic system. If the soil testing indicates the presence of Limestone, remedial measures shall be taken in accordance with the provisions of the Township Ordinance 330-29.
- r. Well on the property is to be tested pursuant to Township Ordinance 330-31 and confirm that it is capable of meeting the anticipated water demand of the proposed facility. The Board Engineer shall be notified and shall be present when the well test is performed.
- s. No garbage/trash pickup or collection on the site before 7:00 a.m.
- t. Subject to all outside agencies having jurisdiction including but not limited to Hunterdon County Planning Board, Hunterdon County Soil Conservation, Hunterdon County Board of Health, State Board of Health and comply with all ADA Standards for Handicap.
- u. Limited to a 13 Bed Facility. The facility shall not render any outpatient services. Any facility meetings including meetings featuring outside speakers will be limited to patients and staff only. Also, visitation at the facility will be held only on Sundays and limited to family members only of the patients.
- v. All fees and escrows to be kept current in connection with this application.

ROLL CALL	Yes: Mr. Milkowski Mr. Laul Mr. Schmidt Mr. Rich	Mr. MacQueen Ms. Bleck Mr. Skidmore	Absent: Mr. Gerlich Mr. Piasecki Mr. Weiler Mr. Wunder
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Attorney Gallina will prepare the Resolution to be on the Agenda from the October 16, 2012 Meeting.

Chairman MacQueen announced that the Planning Board will meet back here at the Woodglen School for the adoption of the resolution for Gen Psych. Chairman MacQueen thanked everyone for all their comments during this hearing.

Being no further business to come before the board, motion by Ms. Bleck and seconded by Mr. Skidmore to adjourn the meeting at 8:30 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK