

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 26, 2014**

Meeting called to Order by Vice-Chairman Steve Barthelmes at 7:30 p.m.

Reading of Adequate Notice by Mr. Morelli.

Salute to the Flag and observance of a moment of silence for the troops.

Mr. Novellino is away on business and is unable to attend the meeting.

Roll Call: Present - Barthelmes, Frost, Lambros, Bailey, Conoscenti, Mostyn and Ferro.
Absent - Novellino.

APPROVAL OF MINUTES: February 26, 2014

The Board having read the February 26, 2014 Meeting Minutes, Mr. Lambros made a Motion to approve and Mr. Frost offered a Second. Roll Call Vote: Lambros, Frost, Morelli, Bailey, Conoscenti, Mostyn and Barthelmes voted yes to approve the meeting minutes.

RESOLUTION:

Z13-07 RIVIERE, PAUL, SR. – Block 9, Lot 9.01. Located at 720 Perrineville Road, consisting of one (1) acre in the RU-P zone. Applicant seeks variance relief to construct a single-family dwelling and pole barn on the property. Lot is undersized for the Zone. Deemed Complete on: 2-7-14. Date of Action 6-7-14. Application Approved.

Attorney Vella explained to the Board that the applicant, while he testified that he was going to live on the premises and after the meeting it was noted that a for sale sign was on the property, this has no bearing on the approval granted. The Board approved the application with conditions of approval and the applicant must meet those conditions.

Attorney Vella wanted to discuss this with the Board prior to preparation of the Resolution. The matter had been tabled to the April 23, 2014 meeting.

NEW APPLICATION:

Z14-02 DC4, LLC - Block 22, Lot 3.01. Located at 24 Dugan's Grove Road, consisting of 1.37 Acres in the Highway Commercial (HC) Zone. Business is currently an approved 10,000 s.f. Child Day Care Center. Applicant seeks Use Variance and Minor Site Plan approval to change the use to operate an Adult Day Care Center. Noticing Required. Deemed Complete 3-26-14. Date of Action: 7-15-14

Attorney Vella advised that he has read the jurisdictional packet and finds same in order to accept jurisdiction over the application.

Attorney Vella read the following exhibits into evidence:

- A-1 Noticing jurisdictional packet
- A-2 Application dated 3-3-14
- A-3 Web Notice
- A-4 Use Variance and Site Modification Plan prepared by Crest Engineering dated 2-28-14
- A-5 Survey of Property prepared by Crest Engineering dated 11-29-05, last revised 3-15-06
- A-6 Site As Built prepared by Crest Engineering dated 9-17-04, last revised 1-6-09
- A-7 Aerial of property prepared by Crest Engineering dated 2-28-14
- A-8 Architecturals of proposed Adult Day Care Center prepared by Lighthouse Architecture dated 11-20-13
- A-9 Traffic Report of John Rae, P.E. of McDonough & Rae dated 3-19-14
- BOA-1 Report of Engineer Matt Shafai dated 3-17-14
- BOA-2 Report of Planner Richard Coppola dated 3-19-14

Salvador Alferi, Esq. representing the applicant. Mr. Alferi explained that the building was used as a child day care center but has been vacant for the last three years. Mr. Alferi explained that the proposed adult day care is neither a permitted use nor a prohibited use and that the Ordinance is silent on the subject that is why they are before the Board for a D1 Variance.

Attorney Vella swore in Peter Strong, P.E. of Crest Engineering who has testified before the Board and is accepted as an expert witness.

Referring to Exhibit A-7, Mr. Strong explains the subject property is located on the corner of Dugan's Grove Road and Route 33. The subject existing building is 10,000 s.f.

Referring to Exhibit A-10 Mounted Aerial enlarged view; Mr. Strong explained that the trash and recycling enclosure and some parking area would be shared.

Entered into Evidence is Exhibit A-11 Mounted Site Modification Plan.

Mr. Strong explained they are removing some parking spaces to make a drop off area and removing curb and sidewalk to be replaced with a depressed curb for people utilizing the facility. There are 104 parking spaces on two sites together and 29 shared spaces for the former child day care center. Mr. Strong explained that a cross access easement is in place for the shared parking.

Mr. Strong advised that the building is fully fire suppressed. The fire suppression system is presently in place. The system was installed for the child day center with an underground 15,000 gallon tank.

Attorney Vella swore in Mr. William Zengerle. He is a State Licensed Nursing Administrator and has been for the past 27 years. He was part of the founding team who established The Rising Star facility in Ewing, including hiring personnel and setting up the operation. He had served as a consultant through the opening and operations of Nirvana in Edison.

Mr. Zengerle explained that an adult medical day care has a goal of allowing individuals to maintain a quality of life and support of a medical program with registered nurses to assist. Clientele is usually 83 years old and comprised of more women than men. Some clients may suffer from diabetes, some minor memory impairment, and unsteady gait.

The Licensing agency that supervises is the State Department of Health. He advised that State Regulations cover these facilities.

The hours of operation are from 7:00 a.m. to 7:00 p.m., Monday through Friday. The facility is required to provide transportation to the majority of individuals who attend the facility. Mini vans, regular vans and small buses provide the transportation. Family members may transport their loved one.

The State regulations require 1 staff member to 9 clients. Mr. Zengerle described a typical day for the client. Some have independent living arrangements but clients usually live with a loved one. At 7:30 a.m. they are picked up and at the facility, they are greeted by a nurse. Vitals are taken, meds are administered and then breakfast is served. Morning exercises include stretches and seated exercises. There is bingo and floor bowling in the a.m. Lunch is served and client medications are given and medical

checks provided if needed. The State of New Jersey dictates the menu for the facilities. There is small activity after lunch and then the client goes home. The client is usually on site for 5 hours.

There is no meal preparation on site. The food is provided by outside catering services. The kitchen is for warming food not preparation of food. The state allows 135 clients supervised and taken care of by 15 staff members.

The facilities are required to have a consultant pharmacist to provide medical direction, a dietician and a podiatrist visits once per month.

The deliveries to the site include food service, UPS, mail delivery and office supplies.

The facility is required to have emergency medications. Client prescription meds are maintained in medical storage. Medical waste was discussed and Mr. Zengerle advised that a facility must apply to the State for a medical waste identification number. There is one biohazard waste container that is picked up and transported off site every two months. The medical waste box is kept inside of the facility.

Mr. Zengerle explained the several stages of the licensing process. The license is site specific.

Disposable undergarments are disposed of as you would at home, via the regular trash disposal.

The hours of operation are 7:00 a.m. to 7:00 pm. but not everyone arrives at the same time. Mr. Zengerle explained that the hours of operation accommodate family situations and patient situations. He explained that there is a 5-10 mile facility demographic to the client's residence.

Monmouth County has 9 such facilities and Middlesex County has 19.

Mr. Zengerle stated that 6 to 8 vehicles are onsite that accommodate different physical needs of the clients.

Mr. Zengerle discussed the staff. The staff must be 18 years of age. Credentials depend on the disciplines. There is 1 registered nurse for up to 60 clients and an additional nurse beyond that and over 120 clients would require another registered nurse to be on staff. The Administrator requires a state license and a social worker can either be certified or licensed. The home health aides must be certified and the recreational director must hold a bachelor's degree.

The facility is ADA compliant.

Outside trips were discussed. Mr. Zengerle provided that they may have smaller group shopping trips to the grocery market for people who live on their own. They have taken road trips to the movies.

The facility can provide physical occupation and speech therapy that is part of their licensure or the facility can have an agreement with another facility to assist them.

Inspections are done annually by the State Department of Health but inspections can be performed more often as well.

There are very few visitors. Relatives are free to visit but this is not a part of the daily routine.

There is an onsite receptionist to answer the telephones and maintain the record of arrivals and departures. The exit doors all have alarms.

The Board discussed that the Resolution should address the application as an Adult Medical Day Care Center

Ambulances do transport from time to time clients in medical need. In Mr. Zengerle's experience he has had only two (2) 911 calls made in the past 12 years.

Mr. Zengerle advised that in his assessment, Monmouth County has a great need for this an Adult Day Care Centers to help unnecessary institution and hospitalization of seniors.

Attorney Vella asked how the number clients a facility may have is arrived at. Mr. Zengerle advised that the applicant can have a maximum of 135 clients due to the Monmouth County Board of Health requirements concerning the septic and well.

Clients' criteria to qualify for the Adult Day Care are generally, they need assistance due to vision and ambulation problems. They are screened by the facility and screened by Medicare. Mr. Zengerle advised that there are private pay individuals as well.

Board Planner Coppola asked if the clients in the day care are similar to the clients in the an assisted living facility. Mr. Zengerle advised yes.

Mr. Zengerle stated that the adult day care center facility cannot facilitate more than 135 clients throughout the course of the day based on State licensure. He further advised that 50 percent of 85years and older clients have some memory impairment.

Attorney Vella swore in Architect Peter Porretta, AIA. He is with Lighthouse Architecture. He handles designing other adult facilities in State of New Jersey.

Mr. Porretta designs the Adult Day Care Centers, submits the plans to the State for approval. Mr. Porretta has designed well over 3 dozen of these projects. He explained the the DCA reviews the plans. If approved, they are stamped and then submitted to local municipalities for permitting and inspection.

Referring to Exhibit A-8, Architectural floor plan, Mr. Porretta described the interior building renovations to include, exits, mag locks on doors, swipe card or combination entry/exit, egress controlled in case of fire, activity rooms for loud activities and quiet and snooze rooms with recliners for napping, nurses office, business office, warming kitchen, salon for hair and nails, etc. All areas, including toilet paper dispenser are ADA compliant and barrier free

Deliveries can be made through the side or rear doors. Food disposal via trash cans. They have grease trap but there is no food prep at all.

The applicant advised that the contract purchaser is renting the building.

Attorney Vella swore in John Rae, P.E. of McDonough & Rae. Mr. Rae is a traffic expert and has testified before this Board and is accepted as an expert witness.

Mr. Rae described the traffic and parking impacts and compared it to what was previously generated by the child day care facility.

He stated that the impacts associated with this project are certainly less than what is generated for the child day care facility. The adults are transported to site in a vehicle that hold 10 clients. He stated that the CDCF requires a parent to take a parking space and enter the building when they drop off and pick up the child. That is why the parking needs substantially exceed what is necessary for this use. He has visited a similar facility, Golden Years, during the mid-morning and mid-afternoon and testified that he had seen 14-18 vehicles visit the site, including transport vehicles.

Mr. Rae advised that his observations at the Allaire Adult Day Care in Wall Township are consistent with his observations and findings at the Golden Years facility. Mr. Rae stated that he expects this facility, during a typical day with 15 staff and occasional visitors and vans, with shared access, can provide adequate parking for this project. He offered that the facility can operate safely and efficiently and accommodate the site.

Attorney Vella swore in Jim Higgins, P.P., applicant's planner. Mr. Higgins is known to the Board and is accepted as an expert witness.

Mr. Higgins explained the D1 application that is before the Board. The property is located in an area of mixed commercial uses, retail and office uses. He stated that in the Highway Commercial (HC) Zone, a variety of uses are permitted. An Adult Day Care Center is not permitted in any zone in the Town.

Mr. Higgins stated that a D1 variance requires several proofs. He feels that this proposed use is an inherently beneficial use in that it serves the senior population.

Mr. Higgins reported that in 2000, Monmouth County had the 5th highest population of seniors in any County in the State. Mr. Higgins stated that there is a substantial need as the population of seniors increases. It is an established need and has the same inherently beneficial components as a child care center and allows family members to go to work while providing supervision and care during the day.

Mr. Higgins stated that the benefits of medical supervision, recreation, socialization and mental stimulation are necessary for seniors.

Mr. Higgins offered that this application passes the four part test and he explained how this is accomplished. He stated that the exterior aesthetics are not changing substantially. He provided that Mr. Rae addressed the site traffic and adequate parking. Mr. Higgins found that there are no substantially negative impacts associated with this application. He offered that the site is particularly suited going from child day care to adult day care. Mr. Higgins advised that there is a growing need for the use.

The location of the site has access to Route 33. Mr. Higgins stated there is a benefit due to the specific suitability of having this use at this site. He reiterated the up and coming need for this use is increasing. He found no substantial impact on the zone plan or surrounding properties since they are commercial.

Mr. Higgins offered that the inherently beneficial or particularly suited Test for D1 variance has been made.

The Board had concerns about traffic accidents on Dugan's Grove Road. Mr. Rae advised that the NJDOT has jurisdiction over Route 33. He offered that the State would not consider a traffic light because there is not enough traffic to warrant one. He suggested that a letter could be written to the NJDOT requesting that they conduct an evaluation of that intersection.

Planner Coppola stated that his report was addressed by Mr. Higgins' testimony. He further stated that if he were the applicant's planner, he would report just the way that Mr. Higgins had done this evening.

Vice-Chairman Barthelmes opened the application to the public at 8:45 p.m.

Seeing no public comment on the application, he closed that portion at 8:45 p.m.

The applicant waived closing statements.

The Board discussed that there are no changes to the building or the lighting. Everything that was approved in the prior application will remain the same except the removal of 9 parking spaces that will be replaced by a client drop-off/pick-up area.

Mr. Barthelmes addressed the positive benefits of the project and sees no problem with approving the variance and site plan. He felt it was a positive project for the Town and good location for this particular use.

Mr. Morelli offered that it was a win-win situation.

Mr. Mostyn concerns over the parking were addressed and finds that the project does not require a significant need for additional parking.

Mr. Lambros stated that it was a good application.

Vice-Chairman Barthelmes asked for a Motion to approve or deny the application. Mr. Lambros made a Motion to approve the application.

Attorney Vella discussed with the Board as to their findings on this application. The discussion concerned that the Board found this use inherently beneficial for the Township or for this specifically this site.

Mr. Lambros' Motion is that this site is particularly suited for this type of use and no negative affect due to this declaration. Mr. Morelli offered a Second. Roll Call Vote: Lambros, Morelli, Barthelmes, Frost, Bailey, Conoscenti and Mostyn voted yes to approve the application.

Mr. Alferi asked if the Board would be amenable to write a letter confirming that they did approve the application. He explained that this would allow the applicant to proceed with applying to the State for licensure. Attorney Vella would write that letter on behalf of the Board since the Resolution would not be memorialized until April

Seeing no old or new business, Mr. Morelli made a Motion to adjourn and Mr. Mostyn offered a Second and by unanimous vote the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Pamela D'Andrea

