

**Minutes Open Session
Allamuchy Land Use Board – April 28, 2016**

The Allamuchy Township Land Use Board held their regular meeting on Thursday, April 28, 2016 at the Allamuchy Elementary School. Board Attorney Thomas administered the oath of office to Charles Zukoski prior to the meeting. The meeting was called to order at 7:32 p.m., by Chairwoman Gibbs and she led the Board in the Pledge of Allegiance.

STATEMENT: Board Secretary Alfia Schemm announced that adequate notice for this meeting has been provided according to the “Open Public Meetings Act.”

ROLL CALL:

PRESENT: Cristianna Gibbs, Adam Baker, David Berkenbush, Jeff McDonnell, James Cote (arriving at 7:34 p.m.), Scott Churchill, Stacy Bockbrader, and Charles Zukoski.

ABSENT: Clara Bajc, Rick Lomonaco, and Keith DeTombeur

ALSO PRESENT: Board Attorney Roger Thomas, Board Engineer/Planner Paul Sterbenz, and Board Secretary Alfia Schemm.

ANNOUNCEMENTS:

Chairwoman Gibbs stated that she has no announcements for this evening.

APPROVAL OF MINUTES:

The minutes of the March 24, 2016 meeting were distributed prior to the meeting.

Ms. Bockbrader made the motion to adopt the minutes of March 24, 2016. Motion seconded by Mr. Baker. In a roll call vote, all were in favor, except for Mr. Churchill who abstained and Mr. McDonnell and Mr. Zukoski who were as not present at the March meeting and abstained.

OPEN TO THE PUBLIC:

Chairwoman Gibbs opened the meeting to the public for non-agenda items. With there being no public comment, the meeting was closed to the public. Mr. Cote arrived.

NEW BUSINESS:

#16-001 Advanced Recovery Systems, LLC, Block 701.02, Lots 27 & 28

Board Attorney Thomas reviewed that tonight's hearing is for a "D" variance and both Mayor DeTombeur and Councilman Lomonaco are not allowed to participate in the hearing. He thanked the Board of Education for allowing this meeting to be held at the School to accommodate the public. He asked for the public's cooperation in limiting side conversations. He then went on to review the process. He stated that the application is a bifurcated application and if the Applicant is successful they will be required to come back for site plan approval. He stated that the Board Members have a serious responsibility and they are only authorized to rely on the testimony and exhibits provided at the hearings. He asked that the public cooperate and not approach Board Members to discuss, question, or comment on the application. He stated that the Board meetings normally conclude by 10:00 p.m.; however, they will monitor the testimony that is provided. He stated that they anticipate a hard deadline by 10:30 p.m.

Richard Schneider, Esq. was present on behalf of the Applicant. He thanked the Board of Education for tonight's accommodation and he reviewed that they were ready and disappointed that they could not begin at last month's meeting; however, they understood and respected the decision made to ensure that all members of the public will have the full opportunity to hear all of the testimony. He reviewed the properties that are the subject of the application. He stated that the application is for a substance and alcohol abuse treatment facility as well as the treatment of chronic eating disorders. He stated that the use is not permitted in the Township. He reviewed that the application is for a "D" variance and their responsibility to address the positive and negative criteria. He stated that the proposed facility will be a voluntary facility and he went on to review the statistics on alcohol and substance abuse and the lack of available treatment options. He then provided an overview of the witnesses that will testify during the hearing process.

Michael Finelli was sworn in and he provided his qualifications and experience as a licensed professional engineer.

The hearing was opened to the public for questions on Mr. Finelli's qualifications.

Thomas Vargo asked if Engineer Finelli has ever been an Engineer on this type of proposed treatment facility. Engineer Finelli stated that he has worked on medical facilities but not a substance abuse facility.

With there being no further public questions, the hearing was closed to the public.

Engineer Finelli stated that his firm was involved in the surveying of the subject property when it was before the Township in the 2000's for a 42 lot major subdivision application. The following were submitted and marked as Exhibits:

- A-1 Resolution of the Allamuchy Planning Board, dated 9-22-05
- A-2 Resolution of the Allamuchy Land Use Board, dated 11-29-07
- A-3 Resolution of the Allamuchy Land Use Board, dated 11-30-10
- A-4 Final Plat, 3 Sheets, dated 3-30-07
- A-5 Composite Subdivision Plan, 1 sheet, undated

Engineer Finelli reviewed the 42 lot subdivision that was approved; however, the plat was never recorded, but the easements were. He reviewed the access to the approved subdivision. He stated that the property is 157 acres and located in the SFR Zone. He then displayed the plans that were provided with the submission. He went on to describe the existing conditions/features of the property. The following were submitted and marked as Exhibits:

- A-6 Colored Rendering, Advanced Recovery System, Proposed Improvement Plan
- A-7 Enhanced Colored Rendering, Advanced Recovery System, Proposed Improvement Plan

He went on to review the existing drive and dwelling. He then described the proposed recreational amenities and cottages. The following were submitted and marked as Exhibits:

- A-8 Colored Architectural Rendering of a Advanced Recovery facility in Colorado
- A-9 Floor Plans

He stated that the Applicant would be looking to build, in Allamuchy, something generally similar to what is depicted in the Exhibits. He stated that project specific plans would be submitted if they were to obtain use variance approval.

He went on to review the floor plan where there are 10 residents on each floor, 20 residents to a building. He reviewed the design and siting considerations that took place in the proposed location of the cottages. He reviewed the sewer service area and the slope considerations. He reviewed the Critical Areas Plan that was prepared and he continued to describe the slopes and topography. He stated that total area of disturbance: driveway, cottages, parking lot, playing fields would be approximately 5 acres out of 157 acres. The following was submitted and marked as an Exhibit:

A-10 Overlay for Exhibit A-5

He stated that the overlay compares the approved subdivision vs. the proposed project. He stated that the proposed siting of the project is the best location based on the topography and the sewer service area. He stated that the project will not have any noise or visual impact on adjoining properties. The following was submitted and marked as an Exhibit:

A-11 Line of Sight Analysis, dated 4-26-16

He stated that the closest home would be 60 Bald Eagle Road and he reviewed what would be seen from that property. He reviewed the vegetative buffer and the topography. He reviewed the recommendation made in regards to a conservation easement and he stated his client would entertain a similar conservation easement, albeit a different configuration. He displayed Sheet 2 of 3 of the submitted plan and the parking analysis. He stated that the parking would be phased in and they used the parking analysis for an assisted living facility. He stated that patients are not permitted to have vehicles. He stated that 100 parking spaces are presently planned; however, they would probably end up backing down from what is shown on the plan.

There was a brief recess at 9:10 p.m. The meeting resumed at 9:20 p.m.

Board Attorney Thomas reviewed again the procedure for this hearing. He stated that the hearing will not conclude this evening and that members of the public will have an opportunity to speak before a vote is taken.

Engineer Finelli then went on to review the technical comments outlined in Board Engineer Sterbenz's report of March 18th, 2016 . He reviewed that 15 patients could occupy the existing dwelling (the Mansion). Food preparation will be done in the mansion and the cottages. He stated that the Applicant intends to use the Mansion for the chronic eating disorder aspect of the project and the Mansion is on a septic. He stated that they have not investigated, at this time, the existing septic at the Mansion to evaluate it for the proposed use. He stated that the flow ratio established for congregant living would be under 2000 gallons per day and would stay within the jurisdiction of the County Health Department. He stated that project would be phased most likely in three phases. He then discussed the driveway to accommodate the proposed project. He reviewed the number of traffic trips for a 42 lot development vs. the proposed use. He reviewed the water supply, stormwater management, and wastewater service.

Board Attorney Thomas questioned the balance of the Mansion use. Engineer Finelli stated that the remainder of the Mansion will be used for offices, administrative uses, recreational uses and kitchen facilities. Board Attorney Thomas questioned the traffic. Engineer Finelli stated the traffic will be generated by staff, deliveries, and family attended events. He stated that they can widen the private drive if needed.

Chairwoman Gibbs questioned the water service to the Mansion. Engineer Finelli stated that there is an existing well and he does not know when it was constructed or installed. He stated that they will investigate the integrity of the water supply. Mr. Churchill questioned whether the prior approvals are voided, since the plats were never recorded and whether the project is affected by the Highlands. Engineer Finelli stated that they would have to investigate the status of the prior approvals and the property is located in the Planning Area and he does not think that the Highlands will impact the project. Mr. Churchill stated that the presented floor plans do not depict kitchen facilities. Engineer Finelli stated that the presented floor plans were used to depict the patient occupancy and they will be modified to reflect kitchen/exercise areas. Mr. Churchill asked if any historical approvals are needed. Engineer Finelli stated that they are proposing upgrades and renovations; however, no expansions are being proposed for the Mansion at this time. Mr. Churchill questioned the water service and waste. Engineer Finelli stated that water service will be at the expense of the Applicant and the waste would be domestic waste, nothing beyond typical human living. Mr. Cote asked why the existing Mansion facility would not also be sewerred. Engineer Finelli stated that the Mansion is not in the sewer service area. Mr. McDonnell questioned the upgrading of the Mansion and whether there will be a commissary. Engineer Finelli stated that they will have to upgrade/update the kitchen facilities and he does not know if there will be a commissary. Mr. McDonnell questioned the visibility of the proposed cottages from Panther Valley and elsewhere in the Township. Engineer Finelli stated that glimpses of buildings may be seen in the winter months along Route 517. He stated that they would have to look into what would be seen from Catswamp Road. Mr. Berkenbush questioned the impact on the sewer system from 42 lots vs. the proposed use. Engineer Finelli stated the flows would be a little greater based on the proposed use.

The hearing was opened to the public for questions of Engineer Finelli.

Jeff Kerr asked how many Allamuchy residents would be serviced by this facility. Chairwoman Gibbs stated that this not a question for this professional. Mr. Kerr asked if the approved subdivision was consistent with the Township Zone. Engineer Finelli stated that they were not the engineers on the project; however, it did receive approvals but he does not know if there was variance relief requested. He stated that the use was consistent with the SFR Zone. Mr. Kerr continued to question the conditions of the prior approval, the homes and who would live in them, whether Engineer Finelli has ever dealt with cottages in his career, the weight of the visibility of the project on whether the project should be approved, disturbance, security, the ratio of employees to patients, and traffic. Engineer Finelli stated that the number of bedrooms per cottage would vary and the maximum number of patients in the cottages would be 120.

Martin Tomich asked if the prior residential subdivision use met the zone requirements and if the proposed use meets the zone requirements. Engineer Finelli stated that the proposed use is not permitted in the SFR Zone. Mr. Tomich asked if the proposal is a commercial activity and has different requirements. He also questioned the access onto the County Road, the steepness of the driveway, the amount of time it would take for a fire truck or an ambulance to access the site in the case of an emergency.

Mike Kewer questioned how the lighting might impact the community and whether there would be motion detector lighting. He also questioned environmental testing

on old existing tanks. Engineer Finelli stated that they can do a lighting analysis. Board Attorney Thomas stated that the Applicant would need to comply with all the requirements from Township, County, and/or State, beyond the jurisdiction of this Board.

Alan Falvey asked how Allamuchy will benefit from this proposal. Attorney Schneider stated that will be addressed by their Planner.

Maureen Nagy asked if the property is within Panther Valley. Attorney Schneider stated that Lot 28, which is where all of the improvements will take place, is not within Panther Valley. Ms. Nagy asked how many trees will be cut down. Engineer Finelli stated that they will have to do an inventory out in the field. Ms. Nagy questioned flooding and Engineer Finelli stated that they will have to design appropriate measures to mitigate any impact, if they are successful with the variance application. Ms. Nagy asked if the Applicant has considered any other areas besides this one. Engineer Finelli stated that he does not know.

Chairwoman Gibbs stated that it is now 10:30 p.m. Attorney Schneider stated that Engineer Finelli will not be present at the May meeting; however, they have other experts available for May to provide testimony. Engineer Finelli will be available for the June meeting.

Board Attorney Thomas announced that this matter is being carried to the Board's May 26th meeting, at 7:30 p.m., at this location, without further public notice. He also stated that any other procedural questions will be answered later.

OTHER BUSINESS:

Baker Residential-Village VI

Board Attorney Thomas stated that he received a telephone call today from Attorney Meryl Goncher in regards to proposed modifications to the Village VI approvals. He stated that it was requested if they could meet with a subcommittee. There were concerns raised about meeting with a subcommittee and after a brief discussion it was agreed that either a concept or a formal application should be made to the entire Board. Board Attorney Thomas will relay that information to Ms. Goncher.

ADJOURNMENT:

In a motion made and seconded the meeting adjourned.

Respectfully Submitted:

Alfia Schemm
Board Secretary
5/25/16