

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD SPECIAL MEETING
HELD JANUARY 3, 2012**

OPEN MEETING: Chairman O'Connell called the meeting to order at 7:30 p.m.

FLAG SALUTE: Chairman O'Connell led the flag salute.

ROLL CALL:

Diana Boyce – Present
Sue Howell – Present
Gerald Huelbig – Present
Gail Phoebus – Excused
Ellsworth Bensley Jr. – Present
CeCe Pattison – Present
Christine Kretzmer – Present
Rick Melfi – Excused
Paul Messerschmidt (Alt.1) – Present
Ken Roberts (Alt. 2) – Present
Chairman John O'Connell – Present

PROFESSIONALS PRESENT: Richard Briigliodoro, Esq.; Joseph Golden, P.E., P.P.

OPEN PUBLIC MEETINGS ACT NOTICE: Chairman O'Connell read the following statement: This is an open public meeting of the Andover Township Land Use Board. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85. The rules are generally as stated on the agenda.

RULES: Chairman O'Connell read the following rules: No new cases after 9:30 p.m. or testimony after 10:00 p.m. Comments from each member of the public are limited to 5 minutes during the public portion of the meeting. Transcript requests are to be in writing with check for 100% of costs. Material for the meeting is to be filed fourteen days before the next meeting once it has been heard for completeness. Individuals or members of a partnership must be present at the meeting or be represented by an attorney. Testimony is under oath. False testimony constitutes perjury.

MINUTES: *Minutes of the Andover Township Land Use Board Hearing Held*

December 20, 2011: A motion to approve was made by Paul Messerschmidt and seconded by Ellsworth Bensley, Jr. Roll Call: Diana Boyce – yes; Sue Howell – yes; Gerald Huelbig – yes; Ellsworth Bensley, Jr., – yes; Christine Kretzmer – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

RESOLUTIONS: A-9-11-01, *Extension Requests*, 08P-744FMA, Ballantine Woods, LLC, Final Subdivision, C Variance, Phase A; and P-699-04, Ballantine Woods, LLC, Preliminary Subdivision – Phase B, Block 6 Lot 3.02 and Block 7, Lots 10, 10.02, and 10.03: The matter was carried to the 1/17/12 meeting.

COMPLETENESS REVIEW: There were no matters scheduled for completeness.

HEARING: A-11-11-02, Bridgeway Rehabilitation Services, Inc., “D” Variance, Preliminary and Final Site Plan, Block 128 Lot 4.02: Diana Boyce and Christine Kretzmer recused. The attached reports were submitted for the Board’s review by the Andover Township Environmental Commission, *Bridgeway Rehab*, dated December 5, 2011; Chuck McGroarty, P.P., AICP, *Bridgeway Rehabilitation Services Inc*, dated December 21, 2011; and Joseph Golden, P.E., P.P., *Bridgeway Rehabilitation, Substantive Report I – December 22, 2011*.

Michael S. Selvaggi, Esq., appeared on behalf of the Applicant and provided an overview of the matter. Dianne Piagesi-Zett, director of the Sussex County Team for Bridgeway, was sworn. She discussed the values, mission, and philosophy of the Applicant stating that Bridgeway is a licensed non-profit psychiatric rehabilitation service agency, based in Elizabeth, New Jersey. She identified multiple components designed to meet service objectives. Exhibit A-1, a document titled *Bridgeway Mission Statement*, and Exhibit A-2, a State of New Jersey Department of Human Services license issued to Bridgeway Rehabilitation Services was distributed. Mr. Selvaggi explained that the license was pending renewal.

Ms. Piagesi-Zett noted that participation is voluntary and referrals come from social service agencies, hospitals, and the website. She stated that individuals must have a commitment to sobriety. Ms. Piagesi-Zett explained that the state requires the county to provide outreach and linkage services for a period of twelve months to those being discharged from a state psychiatric facility. She stated Bridgeway provides said services for Sussex County residents. She noted the program also offers linkage for the homeless as well as a day program. Ms. Piagesi-Zett stated a support group would also utilize the facility.

With reference to the Day Program, Ms. Piagesi-Zett presented that day program participants are screened, and individuals with violent histories are excluded from participation. She stated both participants and staff are invested in maintaining a safe place. She noted that participation is voluntary. She stated the program includes a commercial kitchen training facility as well as a greenhouse. She stated 23 employees comprised of 5 direct service providers, 2 administrators, 2 drivers, and 14 outreach workers would staff the facility. She confirmed that license and background checks are done on employees. She noted there are approximately 70 Day Program participants. She confirmed that the Day Program operates Monday-Friday from 9:00 a.m. – 3:00 p.m. She stated other program elements feature flexible evening and weekend hours. She stated that staff might work until 11 p.m. She confirmed that no drugs, medications, or security staff are on the premises.

With reference to outreach services, Ms. Piagesi-Zett stated the facility would have 17 vehicles and 4 vans. She explained that transit services are provided to the programs.

Owen Dykstra, P.E., was sworn, qualified, and accepted by the Board as an expert witness. He submitted Exhibit A-3, a colored rendering titled *Presentation Plan* dated 1/3/12, and provided an overview of the site layout. He stated the project involves an existing industrial building with a proposed parking lot located on the north side of the building. He identified an existing gate proposed for removal and a fence proposed to be relocated to segregate the yard from the new parking area. He stated the new parking area would be enclosed with granite-block curbing that

would accommodate the proposed use and provide 139 spaces where 121 are required. He identified added sidewalks and improvements to the building including a proposed green house, which would be a 280 sq. ft. addition, an entranceway, and a new face to the front of the building. He noted the refuse area would be located opposite the loading area to accommodate the kitchen area functions. He stated the area would be enclosed with a stockade fence. Exhibit A-4, a colored rendering of the front elevation with a photo insert of the existing condition, dated October 14, 2011, prepared by HQW Architects was submitted.

With reference to lighting, Mr. Dykstra explained the Applicant proposed shoebox fixtures that would be downward facing. Lighting was discussed and the Applicant agreed that the lights would be flush-mounted with the curb, and the plan would be modified to reflect same. With reference to signage, Exhibit A-5 was, a rendering titled *Proposed Sign Modification* was submitted. Mr. Dykstra stated the sign was in conformance with the ordinance. Mr. Dykstra stated that the septic was analyzed. He noted that there are two septic systems on site, and the applicant proposes to combine both systems providing twice the capacity. Mr. Dykstra noted a grease-trap is also proposed. He confirmed that grease would be picked-up.

Mr. Selvaggi requested a waiver of bonding requirements. Board members discussed the matter. Mr. Golden identified the bonding requirement waived would be for landscaping, drainage, asphalt, and curbing. Ms. Pattison stated she believed it would be an unnecessary burden on the developer. Mr. O'Connell stated he believed there should be bonding. Mr. Selvaggi suggested a remediation bond. Mr. O'Connell stated he would agree with a remediation bond. Board members agreed. It was noted there would be no Developer's Agreement. Mr. Golden stated there would be a maintenance bond required.

With reference to traffic, Mr. Dykstra stated he anticipated 100 trips per day based on the use. He confirmed there would be no change to the level of service on Stickles Pond Road.

Mr. Dykstra addressed the Environmental Commission Report. He stated there are no wetlands within 150 ft. of the proposed improvements.

The Board recessed from 9:05 p.m. to 9:25 p.m.

Jason Dunn, P.P., was sworn, qualified, and accepted by the Board as an expert. He stated he believes the use is an inherently beneficial use because a service is provided to the community, and the service is needed. He stated the service is licensed. He reviewed the Sica balancing test regarding the positive and negative criteria. He identified the negatives as additional lighting and traffic. He stated the participants are strictly supervised and there is a strict code of conduct.

Mr. Dunn submitted Exhibit A-6, titled *Aerial Photograph*, of the neighborhood. He stated the photograph shows the property in question as it relates to the property that surrounds it. He stated it is secluded in many ways because of the woods in front of and behind it, which are owned by the NJDEP and the Nature Conservancy, respectively. Mr. Dunn stated the use fills a need in the community.

Board Planner McGroarty stated he believed that the use would qualify as an inherently beneficial use, and the site is suited for the use. He stated he believed the negative criteria were addressed. He stated he saw no adverse impacts from the use, as it is not adjacent to a residential

area. He stated he believed it was appropriate to limit evening hours and stipulate that there be no overnight stays.

Chairman O'Connell opened the meeting to the public. John McMonagle was sworn. He asked about the proximity of group homes or other facilities to the proposed facility. He asked if the need was met by other facilities. Mr. Dunn confirmed that the facility would provide countywide services. He stated the facility provides a different service type than SCARC. Mr. Selvaggi stated Bridgeway is providing a different type of service than a group home. Mr. McMonagle asked what the difference is between what goes on in a group home and the proposed facility. Ms. Piagesi-Zett explained that the Bridgeway program does not provide a "home." She stated the Bridgeway program is more like a school or employment setting. She noted there are licensed group homes in every county in New Jersey. Mr. McMonagle asked if the set up was similar to SCARC. Ms. Piagesi-Zett stated Bridgeway is similar to SCARC as it is charged with helping people be productive in the community. Mr. McMonagle asked if there were overlap of services. Mr. McGroarty stated he believed the argument was made that the use is inherently beneficial. He stated he heard the testimony that there are no other facilities that provide the type of services that Bridgeway would provide in the county. He stated he believed the service would meet a need that is not being addressed. He stated it is clearly not a group home.

No other members of the public addressed the Board.

Board members discussed conditions of approval including a midnight time limit— Monday – Sunday, a prohibition on overnight stays, and a responsibility to maintain the license. Mr. Messerschmidt stated he did not feel that traffic was adequately addressed. Ms. Howell expressed concern that a time limit may hurt an ongoing service. Ms. Pattison agreed. Board members discussed p.m. time limits. Chairman O'Connell noted that no limitation would potentially create a 24/7 operation.

A motion to approve the "D" Variance application permitting the use within the zone with conditions including a prohibition on overnight stays, a midnight operations limit, and maintenance of current licensing was made by Ellsworth Bensley, Jr., and seconded by Sue Howell. Roll Call: Sue Howell – yes; Gerald Huelbig – yes; Ellsworth Bensley, Jr., – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

A motion to approve the preliminary and final site plan subject to the evening's discussion and comments of the engineer was made by Paul Messerschmidt and seconded by Ken Roberts. Roll Call: Sue Howell – yes; Gerald Huelbig – yes; Ellsworth Bensley, Jr., – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

PUBLIC PORTION: The meeting was opened to the public. No members of the public addressed the Board. The meeting was closed to the public.

OLD/NEW BUSINESS: Joseph Golden, P.E., P.P., requested a review of procedures stating he would like to suggest the amendment of §74-10 of the Andover Township Code to allow more

time to conduct the prehearing review of the application. The matter was carried to the January 17, 2012 meeting.

VOUCHERS: There were no vouchers for review.

UPCOMING MEETING: Hearing dates of January 17, 2012 and February 7, 2012 were confirmed.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Ellsworth Bensley, Jr., and seconded by Christine Kretzmer. All were in favor. The meeting adjourned at 10:25 p.m.

Minutes respectfully submitted by:

/s/ Anne-Marie Wilhelm

Anne-Marie Wilhelm
Land Use Administrator