



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
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**JUNE 21, 2016
ZONING BOARD
MINUTES**

The meeting was called to order by Jim Bonek at 7:30 p.m.
Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Baltera, Polisano, Roswell, Lawler, Seher, Koussoulis, Heller, Bonek
ABSENT: Malia

OLD BUSINESS:

Vote: Minutes of May 17, 2016 meeting

Motion to approve: Joe Polisano – second – Matt Lawler

All were in favor.

NEW BUSINESS:

Appl. #4-2016 for F. John Giannini – 248 Showellton Avenue – Block 217 – Lot 12 for a Use Variance to construct a sun room in a CR Zone

Tom Darcy, professional planner and land surveyor, and Michele Walter, 151 Ohio Avenue, representative for the applicant appeared and were sworn in.

Mr. Darcy submitted a new survey to all the members. The applicant wanted to construct a small addition of a sun room 12 ft. x 13.67 ft. in size. We need a use variance, either a D1 or D2, due to the house being in a CR zone. It seems in 1971 when the first zoning ordinance came into effect, when they chose where to put the district line, between the R2 and CR zones, they located it along the common property line of lots 11 and 12. The house was built in 1944 so was there when the ordinance was created and district line created. Who knows why they did that, it doesn't make any sense. He thinks it was an oversight. He then read language from the ordinance. The house is around elevation 11 or 12 and the flood area for this zone is around elevation 9. It is in the uplands area and should never have been included in the CR zone.

He then went through the positive criteria and a special reason is hardship and in this case is because of the zone it's in. This use is suited for this property as well. There are existing homes surrounding it already and the pattern is the same. There are no bulk requirements of course in the CR zone so, the board in the past applied the R2 zone requirements, and in doing so, this property still conforms to that zone. As to the negative criteria, he feels there is not a substantial impairment of this application or the neighborhood. It's not another bedroom so no increase in traffic will occur. In 1999, there was a similar situation at Michele's home and the board approved the reconstruction of the house and they took a development envelope around the house to

work with so they wouldn't have to come back to the board each time they wanted to anything. He asked the board to consider this too for this application. He then went through Eddie's report regarding the DEP approval, flooding on the property and the storm water management plan from preventing anything going onto the neighbor's property. The applicant agreed to all of their conditions

Joe – there is a pad site showing on the survey

Tom – it's a concrete pad that had a screened room on it in the past. Part of it will be used for this room if approved.

Jim – do you know the elevation of Lot 14?

Tom - thinks her house is higher, but doesn't have the information here.

Matt – questioned the photo submitted with the application. Normally, when he sees a survey it would show the elevation of the ground and the elevation of the finished floor. This one doesn't have it. The wetlands delineation line is not on there either.

Tom – we did not do that since we are not asking to do anything within any area that is restricted by NJDEP.

Discussion of elevations and wetlands were discussed as well as the possibility of approving a building envelope for future changes if wanted. The board was not comfortable doing that tonight since they don't have enough information and giving the ability to put anything on the existing pad or the property site outlined. Jim suggested we bifurcate the application and just for the use variance relief tonight to construct the sun room and table the issue of the building envelope/carve out at our next meeting. The engineer will then be able to review it and give his suggestions and recommendations.

Bob – went through Eddie's report. If the R2 zone is applied, they comply with all the regulations. 35 ft. high is the max for the new addition. He asked Tom to address paragraphs E, G and J from the Municipal Land Use Law, which he then did and how this application pertains to them.

Motion to open to the public – Joe Polisano – second – Greg Seher

All were in favor.

No public comment

Motion to close – Joe Polisano – second – Matt Lawler

All were in favor.

Jim – the motion would be to approve the Use Variance for construction of a sun room 12 ft. x 13.67 ft. with the conditions listed by our engineer - made by Joe Polisano – second – Matt Lawler

ROLL CALL: Baltera, yes; Polisano, yes; Lawler, yes; Roswell, yes; Seher, yes; Koussoulis, yes; Bonek, yes

They will be able to come back to our next meeting to address the building envelope. No re-noticing will be needed.

Appl #2-2016 for Daud M. Panah, M.D. – Block 225, Lots 6, 7 & 19 – 531 Absecon Blvd. (White Horse Pike) for a Use Variance and Preliminary and Final Site Plan Approval to permit a behavioral health facility

Nick Talvacchia, attorney for the applicant; Sean Taylor and Jon Barnhart all appeared on behalf of the applicant.

Nick – gave a brief history of this application. There is a public need for this type of drug and alcohol use and this site is an ideal location. There has been a decline in motel uses. This would be a private facility that would be covered by insurances or private funds and not covered by Medicaid or Medicare. They come voluntarily for help.

Sean Taylor – 6275 Klondike Ave. – Mays Landing, NJ – had a similar facility for 15 years in Galloway and before that 8 years of experience while working for other facilities who do this kind of work, so he knows how they run and the workings of one and he worked on the business plan for this facility. This is an epidemic now we are facing. This would be strictly a rehab facility and he then explained how the program works. There is a 3 step process and explained the procedures. He reported on numbers from the New Jersey Chart book of substance abuse from the latest social indicators. In Atlantic County from 2010-2011, the admissions were over 10,000 to any hospital for alcohol or substance abuse. In 2014 it increased by 1,000 and the problem is growing not declining. He mentioned a few that are in the county now but they can't handle the number of people that need to be admitted. According to the Atlantic County Demographic and Social Indicator Profile on page 23, in 2010 151 people from Absecon were hospitalized for drug and alcohol abuse. The facility would have about 22 employees at the high end and 15 on the low end. They try to keep a 10 to 1 ratio. The approximate cost is about \$10,000 a month for private pay and Medicaid does not cover this, so it's private pay or insurance covered only. They've had a meeting with our Chief of Police and he has found this use acceptable and was going to do a letter with the list of conditions that they have agreed to. This letter will be made part of the Decision and Resolution as Exhibit ZB1. The process of admissions, security, visitors was explained. It operates much like a hospital. Medications will be administered on site only; patients don't leave with any. No personal vehicles will be allowed, there are 56 parking spaces now and they feel there is plenty of parking for the employees and transport vehicles.

Matt – had questions about the medicine dispensing

Marina – asked if the internal security video was extensive enough to pick up if an employee was passing something to a patient.

Sean – yes, the only thing we can't video are the bathrooms. All other areas can have surveillance. You can hope for 100% effectiveness, but sometimes it can happen. If someone gets caught, they will be discharged. We take this program seriously. Everyone coming in will be voluntarily, so they usually take it seriously.

Jon Barnhart, engineer – Exhibit A1 – aerial photo of the site and conditions – he gave a description
Exhibit A2 – aerial photograph with a better detail of the site. Exhibit A 3 – a site development plan. A 3rd and 4th floor is to be added for the “sober living” in the last stages of their treatments. The site circulation will stay the same. It will be completely fenced in with a 6 ft. metal fence; a control gate with a call button will be installed as well as a new security system that works with a siren system.

Exhibit A4 – a rendering of the building and recreation area. DEP approvals will be needed. Signs that are there now will be kept and refaced. A C variance is needed to allow a 6 ft. fence, where 5 is the maximum.

Greg – the driveway into the property doesn't look deep once it's fenced in. Will there be room for stacking of vehicles?

Jon – at least 3 or 4 cars could fit and there shouldn't be that much traffic all at once.

Stan Casey, 1731 Shore Road – Ocean View, NJ – architect for the applicant – explained the design of the building and more of the inside and outside of the building renovations. Exhibit A5 – rendering of the 1st floor, which will have offices in the center, 8 patient rooms and the kitchen and dining room as well will be on that floor; Exhibit A6 - the 2nd floor, similar to the 1st; Exhibit A7 - the 3rd floor, where the units would have their own bathroom and kitchenette.

Exhibit A8 - the 4th floor, similar to the third except a social room will be up front and a front deck.

They propose a second elevator that would be used for the 3rd and 4th floor residents only. All doors are monitored and controlled with an alarm.

Jim – wanted to know about the bathroom setup

Steve – asked if the rooms would have a call button for a nurse

Sean – yes they would. Similar to a hospital

Matt – you said you were eliminating the 2nd floor kitchen and dining room. You think that is going to hold everyone that would use that room?

Stan – everyone would not be served at once

Matt - with the additional 8,000 sq. feet to be developed, has it all been calculated with the parking, storm water drainage, etc.

Bob – Ed Dennis did a parking analysis and one issue was left open, which was the first and second floor number of beds and rooms. When you add all the calculations, the parking requirements come to 63 spaces needed, which was how Ed figured it out. As to drainage, the front that is being constructed, already is a pervious area, so it shouldn't have additional impact on the drainage.

Nick – they calculated the parking requirements based on hospitals, which is 1 space for 3 beds. They don't feel they need a variance for parking. This use is not permitted so it's hard to apply a standard.

Jim – but our engineer figured it out differently, so he feels a variance should be on the record.

Matt – what is the roof height? It shouldn't exceed the 70 ft.?

Stan – no, it won't exceed the allowed height

Nick – gave a summation of the application stating the inherently beneficial uses; positive and negative criteria, etc.

Bob – referred to Eddie's report of 5/5/16. They've addressed all of his comments and he confirmed the signage

Motion to open to the public – Matt Lawler – second – Greg Seher

All were in favor.

No public comment.

Motion to close public – Greg Seher – second – Marina Koussoulis

All were in favor.

Jim – we'll need 3 motions tonight if the use variance passes.

#1 Motion for use variance to operate a behavioral rehabilitation facility in Zone HD1 where such use is not permitted by city code with additional comments from our board engineer as well as the conditions set forth in the Police Chief's letter of June 16, 2016 (Exhibit ZB-1) was made by Matt Lawler – second – Greg Seher
ROLL CALL: Baltera, yes; Lawler, yes; Roswell, yes; Seher, yes; Koussoulis, yes; Heller, yes; Bonek, yes
Motion carried - 7 - 0

#2 Motion for two "C" variances – fence approval for 6 ft. height from grade where 4 ft. is allowed and a parking variance since 63 are required and 56 are proposed.

Motion made by Greg Seher – second – Marina Koussoulis

ROLL CALL: Baltera, yes; Lawler, yes; Roswell, yes; Seher, yes; Koussoulis, yes; Heller, yes; Bonek, yes

Motion carried – 7 - 0

#3 Motion for Preliminary and Final Site Plan Approval made by Jeff Roswell – second – Greg Seher

ROLL CALL: Baltera, yes; Lawler, yes; Roswell, yes; Seher, yes; Koussoulis, yes; Heller, yes; Bonek, yes

Motion carried – 7 - 0

ADJOURNMENT

Motion to adjourn – Greg Seher – second – Matt Lawler

All were in favor.

Respectfully submitted,

Tina Lawler, Secretary

Approved: _____