

**Upper Pittsgrove Township
Land Use Board Minutes
June 19, 2014**

TO: Township Committee
Land Use Board Members

Linda S. Buzby, Twp. Clerk
L. Andrew Hoglen, Zoning Officer

A regular meeting of the Upper Pittsgrove Township Land Use Board was held in the Township Hall on the above date. The meeting was called to order at 7:30 P.M. by Board Chairman reading the public announcement stating that adequate notice had been given provided under the "Open Public Meetings Act" and a flag salute.

Members present were: John Coombs, Robert Duus, Glenn Myers, Ralph Sickler, Jack Cimprich, Edward Meschi, Eric Kern, Jon Hitchner and Linda Buzby.

Also present was: Sarah Walker, Recorder, George G. Rosenberger, Board Solicitor, J. Michael Fralinger, Board Engineer, Sarah Birdsall, Board Planner, William Ziegler, Esq., Bryan Hall, Michael Holloway, Shawn Gallagher, Terrance Coombs, and Township visitors.

Business to come before the Board:

1. Minutes from May 15, 2014
2. GMH Ventures, LLC – Use Variance
3. Resolution -
Dobson Turf Management, LLC
Kevin Eaise

1. Minutes –

A motion to approve the minutes from the May 15, 2014 meeting was made by Robert Duus. This motion was seconded by Glenn Myers and adopted unanimously.

2. GMH Ventures, LLC – Block 5 Lot 38

The Board Chairman opened the hearing for GMH Ventures, LLC. Board members Jack Cimprich, Edward Meschi and Robert Duus recused themselves from participating in this application. The applicants' attorney explained that they were requesting an interpretation of the ordinance, and if that was denied then they would continue with the Use Variance application and a request for a waiver from providing site plan. Mr. Ziegler gave the Board a brief overview of the types of development GMH Ventures had completed in the past. The applicant was proposing to renovate the existing

structure, formerly Mater Dei Nursing Home, and then operate a for-profit behavioral health treatment facility, specifically treating adults for drug and alcohol issues. Mr. Ziegler explained that the use should be considered the same as the previous use since the number of staff and beds would remain the same. This use would pay real estate taxes. This was not to be an outpatient facility, and treatments would require a minimum of thirty day stay. Terrence Coombs, planner for the applicant addressed the current parking. He stated that there would be 10 administrative and 60 staff and only 30 spaces would be utilized at any given time. The amount of the deliveries to the facility would be consistent with the nursing home, one to two per week. Mr. Ziegler continued that the plan was to make the exterior aesthetically pleasing to attract people to the facility. There would be a tiered security system, allowing residents to earn certain freedoms. There would be visitors that would go through security as well as employees. All employees would be trained and there would be cameras and security systems to track all outside activity. Mr. Ziegler continued that there are no inpatient treatment facilities in the immediate area. The applicant's engineer, Bryan Hall addressed the need for additional handicap parking spaces.

The Board Chairman opened the hearing to the public for comment. Several members of the public expressed their concerns about allowing this type of use in a residential zone. The residents feared for the safety of their children and properties. They felt that a fence encompassing the entire property necessary, with locks. Also noted was the response time for any incidents since there was no local police force. After thanking the residents for their input, the Chairman closed the hearing to the public for comment. Mr. Ziegler stated that though the applicant could not assure the public that there would be no problems at the facility, all required training and monitoring would be in place.

Mr. Ziegler continued to address the question of similar use from a zoning perspective. Both a nursing home and a behavioral health treatment facility were considered the same by the State. No license could be applied for until all renovations were completed. The Board Chairman asked Mr. Ziegler to explain how he felt it was inherently beneficial to the community. Mr. Holloway responded that they would be taking a vacant building and making it aesthetically pleasing to the neighborhood, provide tax revenue to the County, school and Township, create jobs and provide a much needed service. Mr. Ziegler stated that a Supreme Court decision says that a nursing home and an inpatient treatment facility are not distinguishable from one another. The Board Planner, Sarah Birdsall, commented regarding whether they were considered the same. It is obvious neighbors do not consider the uses as the same. She felt that from a planning perspective they should be considered different and felt that this application should be handled through the Use Variance process. Board Solicitor, George Rosenberger, concurred with the Board Planner's assessment. He stated that though the public did not feel it was a logical placement for the facility, the Board must evaluate the application and use based on facts. The Board asked the applicants several questions about the use of a ratable as a factor for consideration, whether the license was the same license as the one held by Mater Dei. Mr. Ziegler responded that ratable could be used as a factor when considering a Use Variance and the licenses were not the same. Ms. Birdsall recommended the Board require the applicant to come back for a Use Variance hearing which would allow the Board to place conditions on the variance. If the interpretation was granted the Board would not have the ability to do such. After considerable

deliberation, Glenn Myers made a motion to table the application until the July 17, 2014 meeting at 7:30PM. Ralph Sickler seconded that motion which was adopted unanimously. The public present was told that no further notice would be given, that this matter will be continued until July 17, 2014 at 7:30PM at which time the Board will decide on the interpretation and possibly move forward on the Use Variance if necessary.

3. Resolutions –

Robert Duus made a motion to adopt the resolution for Kevin Eaise that had been previously mailed to all members. This motion was seconded by Ralph Sickler. All those who voted in favor of the approval of this application voted in favor of the Resolution.

Glenn Myers made a motion to adopt the resolution for Dobson Turf Management that had been previously mailed to all members. This motion was seconded by Ralph Sickler. All those who voted in favor of the approval of this application voted in favor of the Resolution.

The Board Secretary explained to the Board a request from the State Ag Development Committee regarding the George and Christy Cassaday property on New Freedom Road. The Cassadays were preserving Block 21 Lot 12. In order to satisfy the SADC attorney, the prohibition of pigs needed to be removed from the deed. The Board Secretary explained that the updated Ordinance for “Right to Farm” did not contain any prohibition of pigs. Robert Duus made a motion to approve the Resolution and require that a new deed be filed containing the changed language, which motion was seconded by Glenn Myers and adopted unanimously.

There being no further comment and business before the Board, Robert Duus made a motion to adjourn the meeting. This motion was seconded by Linda Buzby and adopted unanimously.

Respectfully submitted,

Linda Buzby, Secretary
Upper Pittsgrove Township
Land Use Board