

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
July 18, 2013

A. Chairman Denning called the meeting to order at 7:33 p.m. and announced that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

Members present

Marygrace Flynn	present
Diana Hendry	present
Keith Hendrickson	present
Britt Simon	present
Meredith Goodwin	absent
Joanne Sekella	absent
Richard Thompson	absent
Michael Denning	present

Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Kendra Lelie, Clark Caton & Hintz

B. APPROVAL OF MINUTES:

1. June 20, 2013- Britt Simon made a motion to approve the minutes. Marygrace Flynn seconded the motion. All in favor, no Nays recorded.

C. CORRESPONDENCE -

The memo from Vita Mekovetz dated June 26, 2013 regarding "Sustainable Land Use Pledge" was acknowledged, but not read into the record.

D. TECHNICAL REVIEW COMMITTEE:

None

E. RESOLUTIONS:

1. Gary Durga
B. 34, L. 30

Mrs. Flynn made a motion to approve the resolution. Mr. Simon seconded the motion

Roll Call:

Mrs. Flynn	aye
Mr. Simon	aye

Chairman Denning aye

F. VOUCHER APPROVAL: (sent electronically to Board)

Britt Simon made a motion to approve the vouchers. Marygrace Flynn seconded the motion. All in favor, no Nays recorded.

G. PUBLIC HEARINGS

1. Ryland Office Park, LLC/Walgreens
Minor subdivision/lot line adjustment
Block 8, L (s) 4, 5, 6, & 7

Chairman Denning announced on the record that this matter has been CARRIED to August 15, 2013. There will be no further notice to the public.

2. Anderson House, Inc.
Variance
B. 42, L. 8.02

Lloyd Tubman, Esq., from the law firm of Archer and Greiner stated that she is the attorney for the applicant. In 1993, the Board of Adjustment granted the applicant a use variance. That approval limited the occupancy to 14 residents and 3 staff members at any given time. In 1996 this board granted site plan approval which provided for 8 parking spaces on the site. This application is for a variance or relief from the prior approvals. Anderson House proposes to increase the number of residents from 14 to 16. The Department of Human Services made an evaluation of the premises. Their recommendations suggested that the applicant place one additional bed in each of the two bedrooms. There are no other modifications either interior or exterior proposed. The applicant is requesting relief from the limitation of 3 staff members at any given time. There are 5 staff members on site during the day. There was a parking enforcement action that took place in 2004 and decided in 2005 that there were at times more than 8 cars parked in the driveway. That action was dismissed in municipal court and the judge ruled that under the Fair Housing Act, Anderson House should be treated as a single family home.

Attorney Moore swore in the applicant's witnesses and the board's professionals.

Jan Holmstrup Executive Director of Anderson house
Frank Banisch, Professional Planner

Diana Hendry alerted the board that she has made financial donations to the Anderson House in the past. Nevertheless, she felt that she could participate impartially throughout this application.

Geoffrey Gwizdz – 2 Old Readington Road stated on the record that he objected to Ms. Hendry participating during this application.

Ms. Hendry responded that the financial donations were made to support the general cause of the half-way house. There was no consideration given to the parking or zoning associated with the property. She did feel she could consider the application fairly. She stated that she never visited the site nor communicated with the staff.

Mr. Moore did not see it as a problem as long as Ms. Hendry could participate objectively throughout the application hearing.

Donald Romanek, 2 Wyckoff Road objected on the record to Ms. Hendry's participation.

(unidentified person) 4 Wyckoff Road also objected on the record to Ms. Hendry's participation.

Ms. Hendry stated that she will not recuse herself from participating unless the applicant has a problem with her continuing. Ms. Tubman answered that the applicant does not have any objection. Mr. Moore stated that he does not have an objection either with Ms. Hendry's continued involvement.

Jan Holmstrup testified that she is the Executive Director of Anderson House. She is responsible for the everyday operation and financial integrity of the facility. She reports to Anderson House's Board of Directors.

Ms. Holmstrup stated that their facility is a residential half-way house for women in New Jersey who are recovering from alcoholism and drug addiction. They are licensed by the New Jersey State Department of Human Services, Division of Mental Health and Addiction Services Office of Licensing. It was their recommendation during their last inspection to make the additions. They strongly urged Anderson House to seek this approval. Anderson House has been in existence since 1995. They provide companionate care for women who have been struggling with their disease. The majority of the residents have been from Hunterdon and Somerset Counties. All residents within the first 30 days of their arrival have to acquire a job. Anderson House provides transportation for the residents to go on job interviews, and doctor appointments. Most women are in a deteriorated state of health. They also need to find a sponsor and build a network of recovering addicts within the area.

Ms. Hendry asked what the percentage rate of success is for the residents. Ms. Holmstrup answered 34% which is slightly higher than other facilities. Out of those numbers, one year later 75% or more are sober and employed.

Marygrace Flynn asked what would be the maximum limit of residents in the house and still maintain the family oriented unit. Also, she wanted to know if they would seek another location if they needed to expand. Ms. Holmstrup answered that the general notion as to a home like environment versus an institution is around 21-22 residents. They can accommodate 2 more residents within the current structure.

Ms. Holmstrup stated that they are not looking for another larger facility. She acknowledged that they have two, three quarter houses which provide affordable housing for their graduates. The three quarter house provides affordable housing so they can transition to fully independent people. Anderson House has six affordable housing credits associated with the facility.

Regarding visitation, there are four to five family members usually visiting on a Sunday. Some of the residents are able to leave on Sunday and visit with their family off-site. The vehicles on site do not belong to any of the residents. The vehicles on site would belong to the staff, visitors, master gardeners and/or sponsors.

Chairman Denning asked Ms. Holmstrup if the neighbors ever lodged complaints about the facility. Ms. Holmstrup answered no.

Ms. Hendry asked if there were complaints logged in the Police Department about the Anderson House. Ms. Holmstrup answered there have been none.

John Hansen asked if there was ever a time when emergency vehicles could not access the parking lot. Ms. Holmstrup answered they do not have this problem since they have a designated area just for emergency vehicles.

PUBLIC QUESTIONS:

Don Romanek, 2 Wyckoff Road – was concerned about the parking. Ms. Holmstrup answered the residents do not have cars.

Geoffrey Gwizdz – 2 Old Readington Road was also concerned about the additional cars created by the visitors. Ms. Holmstrup answered that not all residents have visitors on site at the same time. Some residents can leave the premises with their family during visitations. They limit the amount of visitors.

Mr. Gwizdz asked how often do they use the other parking lot for overflow parking. Ms. Holmstrup answered rarely, only if there would be graduation, etc.

Pam Romanek, 2 Wyckoff Road – asked if they were proposing to expand this structure. Ms. Holmstrup answered no.

Paul Strelecki, 5 Wyckoff Road had a question about the County Department of Health's assessment of the septic. Ms. Tubman answered that it is approved by the County.

(inaudible) 3 Wyckoff Road wanted to know if there were any law enforcement problems at the site. Ms. Holmstrup answered no. The residents are not violent.

The board took a five minute break.

Frank Banisch, is a Licensed Professional Planner in the State of New Jersey since 1975. The board accepted Mr. Banisch's credentials.

Mr. Banisch testified that this is a relatively simple application. They are requesting a change from the prior approval that allowed 14 residents to 16 residents.

Exhibit A-1 Series of Google map of the site dated July 18, 2013

He affirmed that the property is approximately 1 $\frac{3}{4}$ acres in size and it is a rectangular shaped lot. The exhibit shows buffering around the parking perimeter and along the county road. Anderson House will replace the dead plantings. The house is located in a low density single family residential neighborhood. He testified that the Master Plan has reaffirmed a goal that looks to preserve the housing stock and provide a wider variety to meet the housing needs of various lifestyles. The Municipal Land Use Law variance criteria requires a demonstration that the positive criteria in support of the variance can be shown. This use is inherently beneficial. The goal of the facility is for the residents to achieve long term recovery. Anderson House is asking that you take the physical infrastructure of the building, support staff, etc. and to give an opportunity to help two additional people in need. This will maximize efficiency. This does meet the criteria of the Department of Community Affairs. Every six months, in theory, there could be 2 additional graduates.

Mr. Moore informed the board that this is an inherently beneficial use. Mr. Banisch testified that since the board has accepted that this is an inherently beneficial use in the past that would satisfy the positive criteria. He testified that it is hard to anticipate that there would be substantial detriment to the public good from a facility that's main purpose is to repair dysfunction in our society. The public good is advanced by that act. In addition, the onsite facility for the septic treatment has been certified by the County for the existing and expanded requirement. He stated that the addition of two more residents will not have a negative impact on the facility or the community. There is no parking changes proposed since the two additional residents will not have cars during their time at the facility. With regard to the zone plan, the board found in 1993 that the use would not cause any substantial detriment to the zoning ordinance or Master Plan. Since there is no physical or substantive change to the nature of the program, there is no future or further impediment to the zone plan or Master Plan. For those reasons they request to modify the conditions in the prior approval and allow the condition of the additional two beds.

Mr. Moore asked even though the board is on tenuous grounds as far as jurisdiction, could the applicant confirm that all of the prior conditions will remain with the exception of the number of beds, and the parking. Ms. Tubman stated yes and that they have also agreed to replace the white pine and replace the handicap sign.

PUBLIC QUESTIONS:

Pam Romanek, 2 Wyckoff Road asked how many beds are in the house. Mr. Banisch answered that there are 14 beds for the residents and one overnight stay by the counselor totaling 15 beds.

Stephanie Stevens, B. 42, L. 8.01 – Placed her comments on the record regarding the method of how the land is being used.

PUBLIC COMMENTS:

Geoffrey Gwizdz – 2 Old Readington Road – stated that he is not in favor of the additional residents.

Stephanie Stevens, B. 42, L. 8.01 placed her reasons on the record why she is opposed to the application being approved.

Don Romanek, 2 Wyckoff Road had concerns about the traffic.

Pam Romanek, 2 Wyckoff Road stated that turning into the parking lot of the Anderson House is dangerous.

Inaudible name – was opposed to the expansion of adding two more people.

Pat Stangle 207 Broad St., Washington, NJ – stated that she has been a member of the Anderson House Board for 9 years. She testified that on a daily basis she observes drug and alcohol abuse in Hunterdon County. She stated that we should be grateful that there is such a facility as Anderson House to help the community.

NO OTHER COMMENTS FROM THE PUBLIC

BOARD COMMENTS:

Marygrace Flynn made the comment that there should be more dialog between the neighbors and Anderson House to help work out any issues. She wanted to make sure it was clear how many residents and staff are in the house.

Mrs. Holmstrup testified that there are 8 bedrooms. Mr. Barczyk made an inspection a while ago and documented the two additional beds. They did not have knowledge at that time that they had to come back to the Board of Adjustment. Once they learned that the Certificate of Occupancy had to be amended, the beds were taken out. No additional residents had moved in at that point.

Marygrace Flynn commented that it is not within the purview of this board to discuss the septic system. She has not seen any factual evidence that concerns unsafe traffic conditions. Claims that this is a wetland have not been substantiated. She hadn't seen any copies of complaints or evidence that there are negative impacts. She agreed that this is a beneficial use. This does provide a service to the community. It provides 6 COAH units which are required by the State. Ms. Flynn stated that she does drive by the Anderson House, and the parking conditions that the neighbors describe is the same type of problems that could occur in our own neighborhoods with single family homes. In terms of adding the two additional beds, she agreed it would provide a benefit to the community at large. However, she would like that the number 16 be the maximum amount of residents for this facility.

Mr. Moore stated that in the original resolution condition number 5 states that there would be no Board of Director meetings held on site. Mrs. Holmstrup stated that they do have staff meetings and would like to keep that condition.

Mr. Hendrickson stated that there were concerns in the prior resolution, and at that time the board did place conditions on the applicant regarding these concerns.

Ms. Hendry moved that they grant the application to permit 2 additional resident beds at the Anderson House facility and re-incorporating all of the other conditions of the prior resolution with the exception of traffic, parking and staff meetings. Mr. Hendrickson seconded the motion.

Roll call:

Mrs. Flynn	aye
Ms. Hendry	aye
Mr. Simon	nay
Mr. Hendrickson	aye
Chairman Denning	aye

Ms. Tubman requested that the board entertain a continuance if Mr. Simon agree to the continuance. Mr. Simon agreed to carry the application. He stated that for the record, his denial had to do with the over use of this piece of property. If the septic is pumped twice a year, he felt that this indicated that there was a problem with the septic. Ms. Tubman answered that they will come back with testimony addressing that matter. Ms. Tubman requested that this matter be carried to the September meeting. The board agreed to carry the matter to our September 19, 2013 meeting.

3. Readington Commons
Variance
B. 4, L.51

Chairman Denning announced that this matter is carried on the record with no further notice to August 15, 2013.

H. ADJOURNMENT:

Mrs. Flynn made a motion to adjourn the meeting at 10:40 p.m. Mr. Simon seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda Jacukowicz