

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Vice-Chairperson, Bruce Strigh, presiding. Chairwomen Elaine Valentino was also present. Members present were Wayne Choyce, William Christman, Michael Graff, Dr. Robert Kahrman, Dr. Lawrence Mroz and Alternate Member John Sacchinelli. Also present was Board Solicitor, Rebecca Lafferty, Zoning Officer, Hannah Desmond, Board Engineer, Kevin Dixon, Board Planner Greg Schneider (substituting for Robert Watkins) and Landscape Consultant, Chris Carey.

Members Absent: Diane Fox

The Statement of Compliance was read.

Announcements: Mr. Strigh stated Chairperson Elaine Valentino (who has been out for a few months) will chair after the first application (#2018-15) is heard.

Bradford Yoder; App. #2018-15; Block 54 Lot 4; located at 2006 Blue Fox Lane, was present & is seeking a Variance for an accessory structure (pole barn 30 ft. x 50 ft.) any other variance(s) found to be necessary. *This is a continuation of June 25, 2018.*

Mr. Strigh commented at the last meeting issues were raised about storm water management. Mr. Dixon did a report and requested storm water management design in regards to water runoff from the proposed structure will not cause damage to the surrounding property. The lot is small in relation to the size of the structure being proposed. The lot fronts two (2) streets which is why they are requesting a design. Mr. Dixon suggested the application be tabled until this design is submitted which can be reviewed by himself and the Board. Normally this would be part of an application which has site plan but he feels it should be required in order to make a decision.

This application can be scheduled for the next meeting (August 27th) with no need to renote or republish.

The engineer stated the request is not based upon a complaint from the neighbor. It is an increase in storm water management. Mr. Dixon stated a professional engineer is required to do this.

Ms. Lafferty commented if the applicants would like to be heard at the August 27th meeting to start on it right away. The Secretary will need the report no later than 10 days before that meeting.

Mr. Christman moved, seconded by Dr. Mroz, App. #2018-15, Block 54 Lot 4; located at 2006 Blue Fox Lane to **carry this application to the August 27, 2018 meeting.** SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

MR. CHOYCE-AYE
DR. KAHRMANN-AYE
MR. STRIGH-AYE

MR. CHRISTMAN-AYE
DR. MROZ-AYE

MR. GRAFF-AYE
MR. SACCHINELLI-AYE

Ms. Valentino took over as Chairperson at 7:09 pm and stated item #8 on the agenda, Michael Rullo App.#2018-13, 4500 Catawba Avenue, will not be heard due to the notice being done incorrectly to adjoining property owners.

Paul Horsey; App. #2018-14; Block 587 Lot 34; located at 6665 Weymouth Road, was present & is seeking a Variance to construct an accessory structure (50 ft. x 40 ft. with a height of 15.4 ft.) and any other variance(s) found to be necessary.

The Secretary verified the proof package had been executed properly. Ms. Lafferty verified the publication was correct & Ms. Desmond stated the application can be deemed complete.

Mr. Horsey was sworn in and testified he would like to build a 50 ft. x 40 ft. pole barn with 4ft. front porch and 16 ft. lean to in the rear. It requires a front yard and height variance and will be used for storage of quads, boats and hunting equipment. In 2016 Mr. Horsey consolidated lots 34 and 35. The storage is for personal storage and in the future he may add electric. It will not be used as a residence, store commercial vehicles, or have business conducted out of it. The reason it is being proposed in the

front yard area is due to the property not having a rear yard. The closest neighbor to the proposed pole barn is 120 ft. He is about ½ mile from Weymouth Road.

Mr. Dixon did not do a report and stated where the applicant would like to put the pole barn is up to the Board and the engineering aspect is not impacted. He would not require a storm water management report due to the proximity of the neighbors and do not exceed lot coverage.

Mr. Choyce asked lot coverage calculations. Ms. Desmond answered 6.2% is proposed and 3.8% existing. The lot size is 1.9 acres and the maximum impervious permitted is 10% and 6% is proposed. The existing shed will be removed in the future once the proposed pole barn is constructed.

Dr. Kahrman asked what the lean to will be used for and Mr. Horsey answered 2 small boats. Electricity will be added later and the existing playhouse will remain.

Mr. Horsey stated there is a height variance of 15.4 ft. being proposed due to an attic.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Choyce moved, seconded by Mr. Strigh to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Horsey confirmed the footprint of the proposed pole barn is 50 ft. x 40 ft. and there are no gutters planned. There have been no issues with flooding. The space was open and he did take a few trees down.

Mr. Strigh moved, seconded by Mr. Christman, App. #2018-14, Block 587 Lot 34; located at 6665 Weymouth Road to grant a Variance for a 50 ft. X 40 ft. with a height of 15.4 ft. in the front yard area of Weymouth Road with a condition of electricity being the only utility allowed. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE
DR. KAHRMANN-AYE

MR. CHRISTMAN-AYE
DR. MROZ-AYE

MR. GRAFF-AYE
MR. STRIGH-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes. The applicant's location is in a remote rural area and there were no comments from any neighboring property owners who are also relatives. I also reviewed the photos and application. The rear of the property is the Egg Harbor River and any accessory structure would have to be placed in the front yard area. There will not be an impact to the zoning for the area or neighboring properties based on the dimensions of the survey.

MR. CHRISTMAN: I agree with Mr. Choyce's comments and see no detriment to the location. I also agree with Mr. Dixons comments. I vote yes.

MR. GRAFF: I agree with my fellow members. I vote yes.

DR. KAHRMANN: Yes.

DR. MROZ: Yes for the previously stated reasons.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: I vote yes. The lot is in a rural area with no established building line and the presence of the pole barn would not break any building line.

Lake Lenape Healthcare, LLC; App. #2018-08; Block 588 Lot 73 ; located at 789 Park Avenue, was present & is seeking a Use Variance for the expansion of a non-conforming existing group home, lot coverage of 48.7% where 25% is required, 4 parking spaces where 10 are required and any

other variance(s) found to be necessary. Mr. Kristopher Facenda, Esquire is representing the applicant, Solomon Lonner.

Mr. Choyce recused himself for this application and Mr. Sacchinelli will be a voting member for this application.

There was a roll call of all board members, attorney, professionals and Zoning Officer in attendance for this application:

ROLL CALL:

MS. DESMOND-HERE	MR. SCHEINDER-HERE	MR. DIXON-HERE
MR. CAREY-HERE	MS. LAFFERTY-HERE	MR. CHRISTMAN-HERE
MR. GRAFF-HERE	DR. KAHRMANN-HERE	DR. MROZ-HERE
MR. STRIGH-HERE	MR. SACCHINELLI-HERE	MS. VALENTINO-HERE

Due to the size of the audience in attendance, Ms. Valentino stated the procedure of the meeting so it can proceed in an orderly manner and all parties concerned can be represented. The Zoning Board is a government agency which sits in a quasi-judicial capacity and is obligated under state law to accept and hear appeals for variances and exceptions from this municipal zoning ordinance which may be filed by any property owner, contract purchaser, or have vested interest in the property. Such persons have a right to be here and the board has an obligation to hear and decide the matter.

The meeting will proceed as follows:

Ms. Lafferty will rule as to the service and jurisdictional requirements have been met.

The appellant will introduce the application to his attorney.

All witnesses sworn in by Ms. Lafferty

Upon completion of the witnesses' testimony, the Board will ask questions pertaining to the testimony and exam the witness.

Any counsel representing a member of the public or anyone not represented by council who has questions for that particular witness will have a chance to cross exam said witness.

If anyone from the public is represented by an attorney, those questions must be presented by that attorney.

If an attorney is representing a member(s) of the public they must present the board with a list of those clients.

The same procedure must be followed for each witness until the case is done.

Prior to completion of the application, there will be no comments for/against the application, only questions as to the testimony presented.

At the end of the hearing, there will be comments either for or against the application.

Ms. Valentino stressed that everyone that wants to be heard be given an opportunity to do so and to give your courtesy and cooperation to do so.

The Secretary verified the proof package had been executed properly. Ms. Lafferty verified the publication was correct & Ms. Desmond stated the application can be deemed complete.

There were 2 workshops and Board members were represented at them.

The following witnesses were sworn in:

Mr. Michael Kolchins, Architect, 6021 3rd Str., Mays Landing, NJ

Mr. Rami Nassar, Engineer, 1425 Cantillon Blvd. Mays Landing, NJ

Mr. Solomon Lonner, applicant, 789 Park Road, Mays Landing, NJ

Mr. Facenda stated Lake Lenape Healthcare, LLC is the owner of the property which fronts Park Road and is in a R-22 zone (residential). Young's Skating center is located to the South, Atlantic County Park to the North and West of the property. They are seeking a Use Variance and bulk Variances to rehabilitate, expand, construct, establish and maintain the existing group home for developmentally disabled individuals. A group home is not allowed in the zone which is why a Use Variance is being requested along with several C Variances for front, rear and side yard setbacks, maximum lot coverage, parking and any other variances/waivers that may be required.

A group home is an inherently beneficial use which satisfies the positive criteria of the MLUL. Mr. Facenda believes this application meets the definition of this use and will prove it with testimony. The expert witnesses will satisfy the negative criteria as per the definition.

Mr. Lonner is the sole owner of Lake Lenape LLC (LLH) and of the property as of June 20, 2017 which owns and operates this group home. The property was used as a group home by the predecessors for 50 + years. LLH holds a license from NJDOCA for this use.

The following exhibits were introduced
Exhibit A-1-License from NJDOCA (expires 7/31/2019).
Exhibit A-2-DCA letter of good standing.

The license allows him to own and operate this residential healthcare facility with 34 beds (29 are occupied). If the Use Variance is approved, then Mr. Lonner will have to apply to the DCA for the additional beds. The facility is in compliance with all applicable DCA regulations and he is in regular communication with Bernard Raywood (DCA representative) who has told Mr. Lonner residential healthcare facilities are closing throughout NJ.

Exhibit A-2 is a letter of good standing from the DCA and confirms the facility is licensed for 34 beds along with describing residential healthcare facilities. It also describes residents who are utilizing this facility. It also confirms residents require medical certification for admission which would come from a doctor or licensed nurse. The DCA's opinion on the proposed expansion/modernization will be inherently beneficial to the residents of the facility.

This type of facility has sheltered care and services for those that have developmentally disabilities in a home like setting. Skilled nursing is not required and Mr. Lonner assists residents in safety, health concerns, provides sleeping quarters, assists/provides meals, monitors prescription medicine intake (does not administer them). The staff has received in-service training but are not doctors or nurses. Laundry service is provided on site along with housekeeping assistance, assist in personal hygiene as needed and check cashing if needed. They assist residents with their appointments with social agencies in Atlantic County and the State of NJ. There is no treatment or social service on site only off site.

Mr. Lonner testified a typical resident has the capacity of everyday living activities. In order for a resident to be admitted they have to be medically certified into the facility by a doctor or nurse. Some of the residents suffer from developmental disabilities but remain fully functional and others need a place to live. All of them are certified to be there and some require supervision of their daily functions. They are all pre-screened in regards to violence history and Meghan's Law offenses and he does not accept residents who may have this history. There is a strict no substance abuse policy which is enforced. There are no children in the residence. The residents are long term, the average stay is 10-15 years and the average age is 60.5 (age range is 40-82).

The activities and services differ from the weekday to the weekend. Monday through Friday they are at offsite day programs (meetings with doctors, nurses and social workers) and are transported via van. There are 5 social programs that each have a van and start pick up between 7:30 am and 8:00 am and return between 4:30 pm and 5:00 pm. The vans seat 15 passengers and are not full. They get dinner when they return which Mr. Lonner and the staff prepares. The residents then take care of personal hygiene and take any medication. Quiet hours are from 8:00 pm to 6:30 am.

The social services are not open on the weekends and the residents are resting. There is minimal traffic on the weekends and food is delivered on Saturdays and he cooks on Sunday. The residents do not have automobiles and visitors are infrequently (including family members).

There are currently 2 employees which is in accordance with DCA regulations and they work in shifts (7:00 am – 3:00 pm; 3:00 pm to 9:00 pm; 9 pm to 7:00 am) with 1 to 2 employees per shift. The DCA staffing regulations are complied with all the time.

Mr. Lonner has owned the property since June 2017 and there haven't been any crime incidents and the police have been there infrequently. Prior to today he has spoken to residents and neighbors about this property and offered tours of the facility which some have taken. He attempted to answer any questions with the public including phone calls and meetings. One meeting took about 3 hours. He did not deny anyone access to this property. He did get negative responses in regards to meeting with residents. In regards to Young's Skating Center, he met with the attorney and agreed to concessions to facilitate the Use Variance grant. There has been an agreement to add additional parking spaces (4), internally police the parking so it wouldn't spill over to the skating rink, construct a trash enclosure on site (rolling bins), private waste management company will pick up weekly, construct a 6 ft. white vinyl fence on left boundary line. If approval is given for the 66 beds, additional staffing will be hired over and above what DCA requires. If there are any incidents that require additional staffing, they will be hired as long as it is reasonable. He wants to ease the concerns of the neighbors.

The existing sign has been removed and a new sign will be added (directing traffic). The Links have agreed to these conditions.

Mr. Lonner met with Ms. Terry Daly and he agreed that residents will not own cars, improve exterior and landscaping once the addition is completed. A professional sign will be added. He also needs DCA approval for the bed expansion of 66. Anyone who is a Meghan's Law offender has felonies or violent misdemeanors will not be offered residence. Ms. Daly has agreed to these conditions as well.

Mr. Lonner has a full time job and this isn't his source of income. He has seen other homes similar to this one and they aren't good. He has always had a hope to create a home which is a sanctuary and safe/sound with residents who are the finest. He feels this is a safe home for the residents. He urged anyone in the audience to come to the house for a tour and see the people who reside there. He treats the facility as a passion, knows the residents names and is there on a weekly basis.

Ms. Valentino asked if the history of the facility will be addressed. Mr. Facenda stated the building dates back to the 1930s and predates the ordinance. It is unknown what was needed when it opened what was needed (inspections, etc.). She would like to know the scope of the operation and how it grew over the years. The Board of Social Services oversees this facility and inspects twice a year and can make unannounced inspections. It came under the DCA in 2005 and prior to that the Department of Health and Senior Services.

Mr. Strigh asked if a Use Variance was granted and Mr. Facenda commented this is a preexisting non-conforming use. As per the definition in the MLUL, this is considered a group home not a community residence for development disabled. This definition qualifies the home as an inherently beneficial use.

The intensity of the use is changing which is why it is before the Board (34 beds to 66 beds). There is a verbal approval from the DCA to approve the intensity change but they still need Zoning Board approval.

Mr. Michael Kolchins verified the DCA reviewed the plans and gave a verbal approval with the understanding the Zoning Board still needs to approve the application. There are plans for the fire stair which was in the 1980s and everything else existed.

Ms. Valentino asked if any member of the audience is represented by council and there was no one. Ms. Valentino then asked if anyone from the audience would like to ask questions.

The following residents raised issues and objections with the proposed expansion and had questions in regards to: increase in traffic, police calls, sheds located in the rear of the property, fire drills, sprinkler system, meals served/ordered in, residents with communicable diseases, sidewalks, drug testing of residents, how residents are selected, what group homes in area are closing, hiring process of workers, staffing compliance, how medications are administered and kept safe, concerns with residents walking in street due to lack of sidewalks, inspection of facility by state, county and local agencies, screening of residents to make sure they aren't Megan's Law offenders.

The following are names of the residents who raised these issues and objections:

Aline Dix	Michelle Anthony
Susan Hopkins	Barbara Bauman
Jocelyn Adair	Frank Macciocca
John Houck	Carl Pitale
John Ross	David Hagan
Mark Waterhouse	Jason Weber
Rodney Guishard	Drew Merlino
Sue Rocap	Theresa Albani
Maureen Bugdon	
Bob Ravell	

In response to the above noted issues, Mr. Lonner provided the following information:

No one lives/occupies the 3 sheds located at the rear of the property.
The resident that started a fire is no longer living there.
DCA allows him to order food in on Saturdays as a treat.

The 5 social programs are: Helping Hand, First Day, The Center, Unity Place, Taylor Care, Crossroads.

Fire drills are performed and regulated by DCA and Township Fire Department.

Inspections are done on the extinguishers and exit lights.

Sprinkler systems are currently there and are proposed in expansion.

Medications are monitored not administered.

No one has wandered off the site.

If a resident has a communicable disease they are sent to a hospital until they receive medical clearance. No one should have concerns about illness.

At the time of purchase there were 24-25 residents.

The facility currently houses developmentally disabled or medically ill residents.

They are not licensed by Department of Human Services.

This is considered a group home licensed as a residential healthcare facility.

His previous experience is in Lakewood and worked at a day care facility for 15 years.

He has had training and received certification for running a home like this.

This is his 1st time running a facility of this type.

An outside Dr. and Nurse come in and check the residents.

Outside vendors check the residents and refer them out if needed.

The onsite manager works on site and has for the past 16 years.

Ocean view is a RHCF and has 2 homes.

No one in Atlantic County has a similar facility.

If someone has had recent drug use (10 years) they aren't accepted into facility.

This is a private for profit facility and he is the owner.

He has discretion in selecting residents & the case manager makes the decision who to accept in conjunction with him and the history.

He does not pay anyone under the table.

There is a housekeeper that lives on the property and she lives with her boyfriend.

He asks if family will be involved with the residents.

He is affiliated with the center in Lakewood.

The increase in residents will not drastically improve his income.

A marketing study was performed.

Curbs and sidewalks will be installed.

The facility is licensed through the State of NJ, DCA and inspected yearly by the State Department of Health.

All Certificates are posted on site.

The medications are under lock and key.

The expansion will be privately funded.

The home is a group home working as a residential healthcare facility.

A condition in regards to Meghan's Law can be put into the resolution.

The tractor will be removed by end of the month.

The variance goes with the property whether it is sold.

Most of the residents are from Atlantic County.

Mr. Kolchins asked Mr. Lonner to review the design with Mr. Raywood regarding compliance. There are different standards for different facilities as per the State of NJ.

Ms. Valentino stated the time is now 10:30 pm. and the meeting will end at 11:00 pm. and there are still witnesses to testify. Mr. Facenda will not call witnesses due to the time and asked to carry the application. Due to religious observances Mr. Lonner will not be able to attend until October.

The narrative in which Ms. Valentino requested from the applicant will be submitted to the Secretary and request a copy.

Ms. Lafferty stated the application will continue on October 22, 2018 at 7:00 pm. with no further need to republish or renotice. If anything else that was requested be submitted for this application it must be done at least 10 days before the hearing so the public can review.

Approval of Minutes: Mr. Christman moved, seconded by Dr. Kahrman to approve the minutes from the June 25, 2018 meeting. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and ONE (1) "ABSTAIN."

Memorialization of Resolution(s): Dr. Kahrman moved, seconded by Mr. Choyce to adopt the resolution for **Jeffrey and Barbara Dworkin -App. #2018-09; Block 221 Lot 1.05** for an accessory

structure (fence) in the front yard area. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. GRAFF-AYE
DR. KAHRMANN-AYE	DR. MROZ-AYE	MR. STRIGH-AYE

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Dr. Kahrman to adopt the resolution for **Megan James -App. #2018-10; Block 216 Lot 5** for lot coverage of 1.66% and impervious coverage of 1.97% for an in ground pool. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. GRAFF-AYE
DR. KAHRMANN-AYE	DR. MROZ-AYE	MR. STRIGH-AYE

SAID MOTION CARRIED.

Mr. Christman moved, seconded by Dr. Kahrman to adopt the resolution for **NVR, INC. D/B/A Ryan Homes -App. #2018-12; Block 1132.30 Lot 32 and Block 1132.29 Lot 1** for two (2) temporary real estate signs SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. GRAFF-AYE
DR. KAHRMANN-AYE	DR. MROZ-AYE	MR. STRIGH-AYE

SAID MOTION CARRIED.

Public Comment- Ms. Valentino asked if anyone would like to speak for public comment. Mr. Christman moved, seconded by Mr. Choyce to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Mr. Christman welcomed Ms. Valentino back and thanked Mr. Strigh.

Adjournment – Mr. Christman moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 10:30 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment