

REGULAR MEETING

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, N.J.**

June 19, 2012

The 859th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:05 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Ms. Bleck, 1st Alternate Laul, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Gerlich, Mr. Piasecki, Mr. Rich, Mr. Weiler, Mr. Wunder and Mr. Skidmore.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold a regularly scheduled meeting at the Woodglen School (Performing Arts Room) on Tuesday June 19, 2012 at 7:00 p.m. to hear the continuation of a Public Hearing on the Gen Psych Application. Notice of this change of location was published in the Hunterdon Review on May 16, 2012 and copies of the agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on June 13, 2012.

ANNOUCEMENT:

The July 3, 2012 Regular Meeting of the Planning Board has been cancelled.

PRESENTATION OF MINUTES: March 6, 2012 Regular Meeting

Motion by Mr. Laul and seconded by Mr. Milkowski to approve the minutes as presented. Unanimously approved.

May 10, 2012 Special Meeting

Motion by Mr. Milkowski and seconded by Mr. Laul to approve the minutes as presented. Unanimously approved by those eligible to vote. Ms. Bleck abstained.

NEW BUSINESS:

June Schibilia, John & Joseph Pitha Block #56 Lot10 & 10.01
30 Point Mountain Road Point Mountain Road RC
Washington, N.J. 07882

FORMAL APPLICATION Lot Line Adjustment/Merger

Attorney Gallina swore in June and Grant Schibilia. Ms. Schibilia stated they would like to do a lot line adjustment and merge 30.501 acres back to Lot #10 which is the original farm. This will give the farm property a total net area of 111.063 acres. Ms. Schibilia said Hunterdon County is interested in purchasing land from the farm property. Mr. Schibilia said doing the merger will leave their property with 32.828 acres. Engineer Risse said there are no variances needed with this merger. At the conclusion of the presentation by the applicant, the board had a few questions. It was noted by the board that the Right To Farm language needs to be in the deeds. Chairman MacQueen opened the meeting to the public. There were no questions or comments. The board briefly deliberated and in conclusion, motion by Mr. Schmidt and seconded by Ms. Bleck to approve this Lot Line Adjustment/Merger with the following conditions:

- a. The Right To Farm language to be placed in the deeds.
- b. Deeds to be reviewed and approved by the Board Attorney and Board Engineer.
- c. Approval from outside agencies having jurisdiction.
- d. All fees applicable to be paid and current.

ROLL	Yes: Mr. Milkowski	Mr. MacQueen	Absent: Mr. Gerlich	Mr. Weiler
	Mr. Laul	Ms. Bleck	Mr. Piasecki	Mr. Wunder
	Mr. Schmidt		Mr. Rich	Mr. Skidmore

Attorney Gallina will prepare the Resolution for the next Planning Board on July 19, 2012.

UNFINISHED BUSINESS:

Gen Psych, P.C. Block #43 Lot #1.01
1065 Highway 22 W. Route 513 & Trimmer Road I5
Suite 3D
Bridgewater, N.J. 08807

CONTINUATION OF A PUBLIC HEARING Conditional Use/Site Plan/Variance

Chairman MacQueen announced that we will start with Kevin Devine first this evening. It was noted that Mr. Devine was sworn at the last meeting. Mr. Devine resides on Trimmer Road. Chairman MacQueen asked Mr. Devine if he had any items to be marked into evidence. The following items were marked: **09-** Soil Survey with 7 attachments, **010-** Photo of Route 513 after flood dated 8/11/2011, **and 011-** Photo of flood off Route 513 dated 8/11/2011. Mr. Devine said he wanted to talk about the soil survey, driveways,

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Conditional Use section of the ordinance, water treatment and to talk about a town in Canada called Quinte West. Chairman MacQueen referred to exhibit **09** which was the Soil Survey. Attorney Gallina noted there were various sub parts to it. Attorney Gallina asked if Mr. Devine wanted to keep the pages with **09** all together as one exhibit. Mr. Milkowski asked Mr. Devine if he ever made additional copies of all the information he handed out at the last meeting since not everyone got a copy. Mr. Devine said no. Mr. Devine referred to section 400:11 and read into the record the Conditional Use Standards. Mr. Devine expressed concern for his children and he has not heard anything that will insure him that they will not be impacted by this use. Mr. Devine said with a 13 bed facility each patient will be staying a maximum of 30 days per patient. This is 156 transients annually. Mr. Devine said regarding patient relapse the range is from 40% to 90%. Mr. Devine noted the Cairn Study and the National Institute of Drug Abuse is where he got the relapse range from. Mr. Devine said your looking at 40 patients that will be looking for a new fix and where will they go. They will be going to the homes in the area. Mr. Devine said his children's safety is a grave concern. The following exhibits were marked into evidence: **012**-Bar Chart which shows relapse rates, **013**-List of Methadone Clinics & Dispensaries, **014**-Email from Planner Eric Lalande dated 6/19/2012 re: Methadone Clinics, **015**-3 page list of Methadone Clinic Study, **016**-4 Page Chart covering several states & providences showing each town & state, **017**-Email from Charlie Murphy dated 5/18/2012, **018**-Article on Quinte West awaits approval of Official Plan before Methadone Clinics can move forward dated 5/18/2012, **019**-Letter to Mayor DiCicco dated 11/1/2005 from School Board Chair Graham Hart, **020**-Article date 12/13/2011 re: cocaine, codeine, methadone present in treated cypriot wastewater, **021**-Minutes from Chester Twp Council date 6/8/2011 re: Gen Psych, **022**-Minutes from Chester Twp Council dated 7/19/2012 re: Gen Psych. Mr. Devine reviewed and read into the record each exhibit. Mr. Devine referred to a resolution which was on his computer and was very lengthy and wanted to read it into the record. Chairman MacQueen asked Mr. Devine to bring a copy to another meeting since he didn't know if there would be time this evening. Mr. Devine said the resolution is important and would like to have it marked into evidence. In discussing the minutes from Chester Township, Attorney Gallina noted that a formal application was not filed with the Planning Board. They were only before the Town Council to discuss their proposal. Mr. Devine continued with his comments. Mr. Devine said that Dr. Odunlami is only interested in money and not the safety issues in the neighborhood. Mr. Devine said in conclusion, reasons to deny or look into if further are: neighborhood safety, patient safety, adverse affect to properties, groundwater contamination, transient issues and river contamination.

Chairman MacQueen asked if the board had questions of Mr. Devine. Mr. Milkowski said he never received a copy of the information that was handed out at the last meeting by Mr. Devine. Several other members and Engineer Risse said they never received a copy either. Mr. Devine apologized saying that he thought he made enough copies. Mr. Laul asked Mr. Devine if he had research the area before they bought their home since they are in the Industrial Zone. Mr. Devine said no. Mr. Laul asked several more questions of Mr. Devine. Ms. Bleck made comment regarding exhibit **018** on the city working with local health organizations regarding methadone clinics. With no further questions or comments by the board, Chairman MacQueen opened the hearing to the public for questions of Mr. Devine's testimony. The following people had questions: Lisa Falkenstern, Ravine Road, Jody Stasick, Maple Lane and Ruth Blemmings of Spring Mountain Road. Chairman MacQueen announced the board will take a recess at 8:36 p.m. When the board reconvened at 8:47 p.m. Chairman MacQueen announced that the board will adjourn the meeting at 10:00 p.m.

The board continued with members of the public. Attorney Gallina will swear in those people giving testimony. The first person to give testimony was James Bowkley of East Hill Road. Mr. Bowkley said it looks like people are against Rehab facilities and many people are ignorant about drug rehab facilities. Mr. Bowkley said Rehab saved his life. Rehabs are where you go to get help. There won't be gangsters, muggers or villains running around at night. Mr. Bowkley said that people should get their facts straight on what this Doctor proposes. At the conclusion of Mr. Bowkley's comments, Chairman MacQueen asked if the board had questions. There were none. Chairman MacQueen asked if the public had questions of Mr. Bowkley. The following people asked questions: Maria Sydor and Jody Stasick asked questions relating to property values and methadone clinics. Attorney Tubman said the questions asked about a Methadone Clinic in Hillsborough have no basis in this record. Tom Higgins, John Lloyd, Karen Verso and Ed Verso also had questions of Mr. Bowkley. The next person to get sworn in was Lauren Cozzolino. Ms. Cozzolino lives at Indian Spring Lane, High Bridge and said she is a dean list student in college, she works and has done service work. She is a recovered drug/alcohol addict. Ms. Cozzolino said she is a graduate of Voorhees High School and drugs/alcohol is prevalent in Voorhees High School. Ms. Cozzolino said she has done drugs with children of people here in the public and has partied with their children in their homes. Ms. Cozzolino said she has been drug free for 2 years. At the conclusion of Ms. Cozzolino's testimony, Chairman MacQueen asked if the board had questions. There were none. Chairman MacQueen opened the hearing for questions by the public. Ruth Blemmings of Spring Mountain Road had questions of Ms. Cozzolino. Ms. Cozzolino said it would have been easier for her family if she could have gone to a rehab less then an hour away. Ms. Blemmings said she is not against Rehab's, she just doesn't want one here in Lebanon Township. The next person to get sworn in was Susan Harvey of Musconetcong River Road. Ms. Harvey said she grow up next to the Rehab facility in Sterling called Honesty House which was in a residential community. Her parents lived there for 45 years. Ms. Harvey said they were never robbed or assaulted. These were good people who wanted to turn their lives around. Ms. Harvey said she has been coming to these meetings and some of the uneducated and ignorant comments made by members of the public she found to be very disturbing. A lot of people stand up in front of this board portraying they are neighborly and concerning and want this board to think that alcohol, prescription drugs and street drugs

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have not impacted their lives in one way or another. Our high school is rampant with drugs. Ms. Harvey said in reading the Hunterdon Democrat 6 teenagers have died from heroin overdose since the end of March. The American Medical Board said this is a disease. Ms. Harvey went on to say she is a recovered drug and alcohol addict and if it weren't for Rehab she wouldn't be standing here today. Ms. Harvey said you are safer with the people who are in Rehab then those out on the streets and driving on the road. There were no questions by the board. When opened to the public for questions, several people spoke but were not by a microphone to be heard.

Next Maria Sydor of Vernoy Road was sworn in to give testimony. Ms. Sydor stated that she didn't think there was anyone in the room that didn't recognize the value of Rehabs which is not the issue. Ms. Sydor said she has a sister who is a heroin addict and has been for 33 years and understands the importance of Rehabs. Ms. Sydor stated when Mr. Devine was talking he was giving statistics and math on the number of people who would be coming and going out of this facility and the point Mr. Devine was making is that these people don't live in Lebanon Township and would be coming and going at a rapid pace and do not have roots to the community. Ms. Sydor referred back to comments made at the February hearing by Dr. Odunlami and read them into the record. Ms. Sydor said she recognizes that everyone here including herself has someone close to them that has been affected by drugs & alcohol and understands the importance of treatment but that's beside the point. Ms. Sydor said having a Rehab facility in our neighborhood would change the atmosphere in the area which would be a negative affect. It will also lower our property values. People looking to buy in the area, this would put a stigma on the area and they would choose to buy elsewhere. With property values already being hard hit we can't afford to have a rehab facility that will also hurt the values of our homes. At the conclusion of Ms. Sydor's comments, Chairman MacQueen asked if the board had questions. There were none. Chairman MacQueen opened the hearing to the public for questions of the witness. Ms. Cozzolino asked what if it were 13 students from Voorhees that needed treatment. Ms. Sydor said it is not plausible because the people coming to this facility are from out of the area. Ms. Sydor said this has to do with property values and the stigma that is attached to it. Ms. Sydor said it is ludicrous to put a facility out here when we have no transportation available, this is why they are in urban areas. Ms. Sydor said that these 13 students from Voorhees can go someplace else. Ms. Cozzolino said it would be easier for them to go to a rehab here. Ms. Cozzolino said that Dr. Odunlami noted there are students from Voorhees at his other facility. Ms. Sydor said that wasn't the point. Ms. Sydor referred to someone addicted to pornography who could be living across the road from Mr. Devine who has a 3 and 5 year old and not saying that he is an alcoholic. This is the stigma that comes from having this type of facility in your community.

Attorney Gallina asked Ms. Sydor since she has brought up the subject of property values if she is a real estate appraiser. Ms. Sydor said it was a ridiculous question. At this point the comments became heated by Ms. Sydor. The next person to get sworn in was James Kennedy of Route 513. Mr. Kennedy said in doing some research he found there are many facilities within 50 miles available for treatment. Mr. Kenney referred to the tree line between the two properties. Mr. Kennedy asked about the exhibits and wanted to know if they were available for review. Chairman MacQueen said yes and to contact Ms. Glashoff. Mr. Kennedy said he has walked the tree line and that there are no evergreen trees. Mr. Milkowski asked if Mr. Kennedy recalled who made the statement regarding the evergreen trees. Mr. Kennedy said no. Mr. Laul agreed that there are no evergreen trees along that tree line. Chairman MacQueen referred to the landscaping and the tree line and informed Mr. Kennedy that the board's professionals will be addressing the landscaping and tree line. Chairman MacQueen asked if Mr. Kennedy lives next to the proposed site. Mr. Kennedy said yes that it is on the south side and that it is his grandmother's home. Chairman MacQueen asked if the tree line were to be thickened up with trees and tall enough to block the view would that be a big help for the grandmother and him. Chairman MacQueen said it would block the whole building. Mr. Kennedy said it would be a small positive regarding the increase with the trees. Margaret Stasick from the public asked questions regarding the tree line. The comments became heated by the person speaking. Ms. Verso asked Mr. Kennedy if he was in a position to speak on behalf of his grandmother. Mr. Kennedy said no.

Chairman MacQueen asked if there were any other interested parties that would like to speak. Neil Grossman of Vernoy Road was sworn in to give testimony. Mr. Grossman said he has been here for all the hearings and also had the opportunity to review the file at the municipal building. Mr. Grossman expressed concern with the following: under Checklist Item #8, it asks for the proposed use. On the application it states Residential Substance Abuse Treatment Center. Mr. Grossman said the language in the Municipal Land Use Law is very specific. If a use is not specifically permitted it is prohibited. Mr. Grossman said that a Residential Substance Abuse Center is not listed as a permitted use in the Industrial Zone. Mr. Grossman said the zoning officer is the one who signs off on a zoning permit and there should be a spot on the zoning permit that states if a use is permitted or not. Every town in this state has this on their zoning permits which is the procedure. If the zoning officer determines that it is not a permitted use, the applicant can go before the Board of Adjustment for an Interpretation of the Ordinance. Mr. Grossman said he found in the file a memo from Planner Michael Bolan that referred to an informal review by the Planning Board on this application. The memo states: based on what it knew at the time it indicated that the proposed use likely met the definition. In testimony by the applicant, he stated that this use is an Institutional use by definition of the Department of Community Affairs (DCA). At the time the applicant was before the board informally, the board indicated that the proposed use likely met this definition. Mr. Grossman said this is

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not a ringing endorsement. Mr. Grossman said the applicant has referred to the use as either an Industrial Use, Hospital and a Residential Substance Abuse Treatment Center. Mr. Grossman said does the board think this is a permitted use in this zone. Mr. Grossman said the board shouldn't answer the question because they don't have jurisdiction. Mr. Grossman stated under the MLUL, if there is a question on how to interpret the language in the zoning ordinance, you ship it over to the Board of Adjustment since they have the jurisdiction to interpret an ordinance and after hearing all the testimony, it has become very clear that the applicant has not demonstrated that this is a permitted use. Mr. Grossman noted based on testimony that the board has heard, the board must deny this application because they have not demonstrated that this is a permitted use. Mr. Grossman went on to say under the definition of a Conditional Use, it states that you can not substantially impair the character of the surrounding area. The board heard testimony on safety and security and Mr. Grossman the problem is the expert that the board heard from regarding safety and security was Dr. Odunlami. Mr. Grossman said when he started coming to these hearings he hadn't made up his mind whether he was in favor or not of this application, but when he asked the Doctor what his experience has been operating a residential substance abuse treatment center, Dr. Odunlami informed him that he has never run a Residential Substance Abuse Treatment Center. Mr. Grossman said that the board has to consider that the Doctor has no experience in running an in house treatment center and that any testimony the Doctor gave on safety and security that demonstrated that this will not impair the character of the surrounding area, that testimony he gave must be discounted because he is not an expert in that field. At the conclusion of Mr. Grossman's testimony, the board had no questions. Chairman MacQueen opened the hearing to the public for questions of the witness. There were no questions. At this point, Attorney Gallina asked Ms. Glashoff for the next available meeting date. Ms. Glashoff stated she has reserved this room for Tuesday July 17th. Attorney Gallina announced to the public, the next meeting for this public hearing will be heard on Tuesday July 17th at 7:00 p.m. no further notice will be given.

Chairman MacQueen asked how many more people would be giving testimony for the next meeting. Attorney Caldwell was informed he will be on for the next meeting. Attorney Caldwell said he will defer in the event anyone else from the public wishes to give testimony at the next meeting. Ms. Glashoff said since she will need to advertise for the next meeting and since she has reserved this room for Monday July 23rd she will need to advertise both dates in order to have them in the newspaper in a timely manner. Ms. Bleck said she is not available for July 17th but is available for July 23rd. Everyone else is available for both dates. Attorney Gallina announced both dates to the public. At this time someone from the public spoke but since there were too far away from the microphone, their question/comment is not recorded.

PRESENTATION OF BILLS & REPORT:

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|----------------------------------|---------------------------------------|
| a. John Gallina, Esq. | \$218.75 – Attend PB Meeting 6/5/2012 |
| b. H.C. Planning & Zoning Admin. | \$ 30.00 – Luncheon/Seminar 6/27/2012 |
| Total: | \$248.75 |

Ms. Glashoff said there is an addendum to the agenda for additional bills from Planner Bolan totaling \$3,919.20 bringing a grand total of \$4,167.95. Motion by Ms. Bleck and seconded by Mr. Schmidt to approve the bills as amended. Unanimously approved.

CORRESPONDENCE: Handed out at the meeting.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Schmidt to adjourn the meeting at 9:57 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK