SPECIAL MEETING

 SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF NOVEMBER 8, 2017**

**The regular meeting of the Board of Adjustment was called to order by Mr. Green, Vice Chairman and opened with a salute to the flag. Mr. Green announced that the meeting was being conducted in accordance with the Sunshine Law.**

**Members of the Board of Adjustment present were: Mr. Green, Mr. Kreismer, Ms. Catallo, Mr. Corrigan, Mr. Henry, Mr. Emma, Mr. Esposito**

**Absent Members: Mr. Walsh, Mr. Kuczynski**

**Also present were: Mr. Sachs, Attorney, Mr. Cornell, Engineer and Mr. Leoncavallo, Planner**

**#17-29 Recovery Centers of America 901 Ernston Rd. Use Variance/Site Plan $ 1,000.00 App.**

 **$ 2,500.00 Esc.**

**David Himmelman, Esq., attorney for the applicant addressed the board and gave an overview of the application and facility presented for approval. He stated that they have finalized a lease agreement for the 901 Ernston Road site which had previous Planning Board approval for a nursing home. He discussed how the new applicant has amended the original Site Plan and they are a 24 hour direct medical care facility with 13 other facilities in NJ, Maryland, Delaware, and Massachusetts. Their original application was denied by the Zoning Officer as this is not a permitted use. After a presentation on the use at the facility and description of the daily routine Mr. Himmelman announced the witnesses that will present testimony.**

**Mr. Sachs advised the board members that the planning statements made by Mr. Himmelman are not evidentiary and the testimony is not to be considered in their determination, he wants the record to be clear while Mr. Himmelman is giving some planning testimony he is not acting as a certified planner on the application.**

**Mr. Himmelman stated they are applying for a D1 Use Variance for a Drug/Alcohol Rehabilitation facility. Mr. Sachs stated they previously appeared before the as Andrew Mashanski, Zoning Officer said this was not a permitted use in the zone and Board determined that it was not the same type of use as they were presenting a**

**“in-patient/out-patient drug rehabilitation” and the applicant appealed the Zoning Officer’s decision.**

**Mr. Sachs swore in Dr. Denny Carise, Chief Clinical Medical Officer of RCA. Ms. Carise presented her other credentials over the past 32 years. She described the prescription drug epidemic and stated that NJ is the 6th highest state in the nation, Middlesex County is in the top 5 for overdoses. She described programs involved with the care of patients facing detoxification and alcohol rehabilitation. They are a neighborhood facility and model and heavily based family/employer involved. She stated they have a good response for family therapy and handling healthcare costs. She stated they currently have 5 facilities with residential very similar to what is being presented with this application. She explained the process of in-patient and out-patient and treatment terms as well as clinical ciruculims offered and the family therapy sessions. The facility is for adults only 18 years or older, no prisoners and/or homeless. The call center asks questions in the event a potential patient needs a higher level of care. They have facility transportation that is arranged through the call center. Dr. Carise stated that safety is the number one concern to both their staff member as well as the surrounding communities. To ensure this they have over 200 cameras both in and out the facility with the exception of the bathrooms and bedrooms. Patients are not allowed to walk out alone some cameras are motion detected and send off an alarm when the door is opened. The staff checks the patients RFID bracelets every ½ hour and this tells the staff exactly where the patient is.**

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**Dr. Carise said the cameras are at every nursing station and patients are searched as well as their belongings. They have patient safety protocols in place in the event a patient wants to leave. Mr. Henry asked if there was security guard on duty at the facility, she said “yes” from 8am to 12pm but they are not armed. Mr. Henry asked about the patients being able to leave at any time and if so do they contact the police. Dr. Carise said this has never happened. Mr. Henry asked how many staff members were on the overnight shift, Dr. Carise said 98 staff members. Mr. Henry asked about criminals being treated, Dr. Carise said they can’t decline.**

**Mr. Green asked about the midnight staff being less than the daytime staff; Dr. Carise said she didn’t have the exact numbers and would get the exact numbers. Mr. Sachs asked about accepting patients from any authority; Dr. Carise said do not accept they are referred to an ER. Mr. Kreismer asked about ER transportation and if it was by private ambulance and to specific hospitals; Dr. Carise they talk first to local hospitals. She stated the male and female patients are separated and in different areas of the building. Male nurses are not allowed alone in a female room they are assisted by a female nurse and the same applies to female nurses in a male room. Mr. Green asked about the acceptance of Medicare/Medicaid on two sites, Dr. Carise said acceptance is not planned for this facility but this could change in the future. Mr. Emma asked about patients being monitored at all times and if they rely on the nurses to monitor? Dr. Carise said the nurses have visibility as well as the security guards, the cameras record the same motion and kept on indefinitely. Mr. Emma asked about a patient climbing out a window as the rooms have no cameras, Dr. Carise said regarding residential areas the patients are not on the ground floor. Mr. Green asked if RCA has already signed a lease from the current owner and if it was short term or long term? Mr. Himmelman stated that the lease is 15 year long term with a 10 year option. Dr. Carise futher added that Medicaid is accepted for out patients in NJ.**

**9:05 – Mr. Green asked for a 10 minute break**

**9:20 – Meeting was called back to order with roll call.**

**Mr. Sachs announced that on the break it was decided that the board would hear the rest of the witnesses present until 10:15 pm and the application will be carried over to the December 13, 2017 meeting with all the applicant’s witnesses present to address any questions by public. Mr. Sachs announced there would be no further notice.**

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**Mr. Sachs swore in Scott Turner, Menlo Engineering, Mr. Green asked for motion to accept credentials; Mr. Kresimer made motion, Mr. Emma seconded.**

**Mr. Turner described the original Site Plan that went before the Planning Board stating this was for additional parking for the Briarwood Site at 901 Ernston Road. He described the area including the residential areas. He said this was located in a Prime Zone and the site is under construction for a 3 story building with a basement; there will be no footprint change. The existing driveway will remain the previous Site Plan eliminated the canopy and drop off lane creating a sidewalk and parking spaces. The landscaping will be enhanced and lighting will be revised as needed according to the parking spaces. There will be complete vehicular circulation and no change in loading/dumpster; food delivery will be made by a box truck as well office supplies and the height has been approved by the Planning Board. Mr. Scott testified he sees no detriment. Mr. Himmelman addressed Mr. Cornell’s report asking about the additional parking; Mr. Himmelman stated it was to accommodate the additional employees and visitors. Mr. Emma asked if there were separate entrances for the in-patient/out-patient, Mr. Himmelman said “yes.” Mr. Kreismer asked about deliveries and stated in the past there were problems with access; Mr. Henry asked if there would be any improvements to the entrance driveway, Mr. Turner said just landscaping. Mr. Henry asked what was in the rear of the building and thought maybe parking spaces could be installed in the rear; he said in previous years cars were parked all down the entrance driveway off Ernston Road. Mr. Turner said it was all wooded and not owned by the applicant. Mr. Emma asked if there would be any fencing, the applicant said “no.” Mr. Cornell asked if there would be a sidewalk between Ernston Road and the site, Mr. Turner said “no the need is not there and there is are substantial slopes and not necessary.” Mr. Kreismer suggested that the Fire Department be contacted to check access to the site. Mr. Sachs asked if there was an ability to fence, Mr. Turner said “yes.”**

**Mr. Sachs swore in Karl Pehnke, Traffic Engineer. Mr. Green made motion to accept credentials, Mr. Kreismer seconded. Mr. Pehnke explained and discussed the traffic plan prepared by the data taken from the flow on Ernston Road. He explained the study and identified the peak periods of the traffic and staff as 8:00 am to 9:00 am and the evening at 5:30 pm to 6:30 pm with 4-5 staff members changing and approximately 70 cars on the Ernston Road corridor. He said there would be little delay on the left turns and approximately 2/3 of the traffic towards Route 9 with the rest toward Route 35 South. He said the number of spaces is appropriate. Mr. Esposito stated the school may make left turns hard.**

**Mr. Sachs swore in James Higgins, LPP. Mr. Green made motion to accept credentials, Mr. Kreismer seconded. Mr. Higgins gave a brief description of the site and facility as well as its function/services it will provide to the community. He addressed the professionals involved with the facility and the many uses it will care for. He stated a D Variance is required as it is not a permitted use in the zone. He stated he sees no negative impact and it was an inherently beneficial use and serves the public good. He also stated that the facility is licensed by the State Board of Health. When the State and Federal government says the need exists the State needs to provide facilities. He stated the site is away from others and the building does not present any significant noise to the area and the use is very consistent with the former nursing home. Mr. Himmelman addressed the ordinance and that the site is not a permitted use in the zone but is inherently beneficial and both the positive and negative criteria has been met and balancing test has been satisfied. Mr. Kreismer stated that while he agreed there was a drug problem there is also a need for the elderly. He suggested that the ordinance be reviewed. Mr. Higgins stated the impact has evolved after the ordinance. Mr. Leoncavallo stated some ordinances are in need of review as some items are obsolete and the ordinance was created in 1999.**

**The applicant agreed to return to the December 13, 2017 meeting with all witnesses and there will be no further notice.**

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**ADJOURNMENT**

**There being no further business to discuss, Mr. Green asked for motion to adjourn, Mr. Henry**

**made motion to adjourn; Mr. Esposito seconded, motion carried.**

  **Respectfully submitted,**

 **Joan M. Kemble**