

**Alexandria Township
Land Use Board
Meeting Minutes August 7, 2018**

Chair Phil Rochelle called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:31 pm. The meeting was duly noticed.

MEMBERS PRESENT: Chair Rochelle, Papazian, Fritsche, Freedman (7:32), Canavan, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone, Daniello, Kimsey.

MEMBERS ABSENT: Pauch, Hahola

PROFESSIONALS PRESENT: Bill Gianos, David Banisch, Tom Decker

OTHER ATTENDEES: Myla Dizon, Guy Desapio, Esq, Chintan Patel

A motion to approve the minutes of June 21, 2018 Meeting Minutes was made by **Committeeman Pfefferle** and seconded by **Tucker**. **Vote: Ayes: Chairman Rochelle, Freedman, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone. Abstain: Papazian, Fritsche, Kimsey, Canavan, and Daniello. No Nays. Motion carried.**

Old Business

Frenchtown Care Home

Blk 18 Lot 39

Application number 2018-3

117 Route 513

Guy DeSapio presented checks for additional escrow as well as affidavit for service of noticing to surrounding property owners and Hunterdon Democrat. **Gianos** marked affidavit as exhibit A-1. **DeSapio** presented application for Frenchtown Care Home. The site is former Valley View Nursing Home. Frenchtown Care Home purchased property in March and is looking to reopen as a care facility. **DeSapio** gave brief explanation of a residential care facility. He advised that there will not be any substantial changes to the exterior, only cosmetic and the interior will be rehabbed. County has approved the application with the exception of eliminating 6 parking spaces in the parking lot in order to provide a forty foot right of way in case the County wants to widen the road in the future. Because our ordinance requires 20 parking spaces and only 14 will be available, **DeSapio** will provide testimony that the facility will still have ample parking based on the residing residents. **DeSapio** advised that the applicant is ready to sign a deed restriction for low to moderate income housing based on the needs of the Township. **Gianos** swore in **Myla Dizon**, officer for Frenchtown Care Home and shareholder, for testimony regarding the facility. **Dizon** testified that she manages other residential home care facilities in Flemington, Harmony and Monroe Township. **Dizon** gave testimony to how many residents in each care facility, she has over ten years' experience in care facilities. Testimony given regarding the differences between nursing homes, assisted living and home care facilities and state requirements for the various facilities. **Dizon** also testified that twenty parking spaces would not be needed. She advised that it is rare for a resident to have their own vehicle. Instead, most parking would be for staff and

visitors. Most days there are four to five staff members and at night there are two people to help monitor facility.

Banisch asked the witness if the building would be brought up to code through interior and exterior work. **Dizon** advised that the building deficiencies would be addressed. Condition of minor site plan approval would be to improve exterior of building and site. In order to address the approval of Use, **Banisch** asked questions about the residents' average age, type of assistance needed and type of programs available to residents. Discussion ensued to clarify the use in our ordinance. **Decker** also asked questions regarding use of facility. Resident Barbara Wingel gave brief history of septic issues she has seen on property. Engineer will testify about septic and will address issue later in meeting. Resident Jim Ballat asked questions about dilapidated buildings on other lots with other issues. **Gianos** advised would address those issues later in meeting. It was determined that the use is consistent with our ordinance. Motion made by **Papazian** and seconded by **Kimsey**. **Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone, Daniello, Kimsey. No Nays.**

Gianos swore in **Wayne Ingram**, engineer for applicant. Ingram gave testimony that applicant remove objectionable lighting, and install a trash enclosure. The county waived the need for a traffic study and storm management. County mandated that six parking spaces be removed from facility parking lot. **Ingram** advised that the septic can handle two thousand gallons a day and will apply to the state for a T-1 permit, which is registration of a functional system. Once system is registered then an inspection of septic will be made by septic inspection company. **Banisch** advised having a township engineer look over the inspection for the T-1 permit as a condition. **DeSapio** advised applicant will not be going to Frenchtown for hook up to sewer right now because they want to get the facility operating first. **Ingram** advised not combining lots at this time because there would be three principal uses on one lot. They will reevaluate in the future. Discussion ensued about fire safety; property has a connection nearby for the fire department. **Giannone** advised the facility take away bushes by fire connection and ensure enough access for fire vehicle.

Resident Jim Ballat asked if the outbuildings could be removed. The building is uninhabitable due to fire, and there are concerns regarding asbestos and arson. Once investigation has been completed and insurance settled, **DeSapio** advised that the house, barn and other buildings will be removed as a condition. **Gianos** advised structures will be removed on Lot 41 as a condition in a reasonable amount of time of one year. Barbara Weindell gave description of septic issues when it was at full capacity. **DeSapio** advised that this would be addressed.

Banisch addressed variances required from his August 6th and August 7th report with the Board.

Memorandum

To: Alexandria Township Land Use Board

From: David J. Banisch, PP/AICP

Date: August 6, 2018

Re: Frenchtown Care Home, Inc.
117 County Road 513
Block 18, Lot 39 -Additional Lots: 39.01 & 41

8. The subject property was recently rezoned under Ordinance 2018-04 to include a new "E-AR-AH" Elderly Agricultural Residential Affordable Housing Overlay District. The new E-AR-AH District permits assisted living units and includes a requirement for affordable housing restrictions on assisted living units created. Assisted living units are not defined in Ordinance #2018-04.
9. At Section 115-22.B.(13), the zoning ordinance defines the permitted use "assisted living and congregate care facilities", which is a permitted use in the AR Zone. The ordinance provides the following description of "assisted living and congregate care facilities" and sets forth the development standards for the use, as follows:

§ 115-22.B.(13) B-13 Assisted Living and Congregate Care Facilities. Residential facilities designed to house persons 65 and older who require assistance with daily living tasks and/or support systems such as meal preparation, house-keeping or transportation shall be permitted, provided they meet the following requirements:

 - (a) The number of residents living in such a facility shall not exceed 15 if the site is served by on-site septic disposal or 100 if public sewer service is provided. This number shall not include staff
 - (b) Buildings, outdoor use areas, parking and access drives shall be screened from view from adjacent residential zones.
 - (c) All state and federal regulations which apply to the specific use proposed shall be met.
 - (d) Parking shall be provided at the rate of 0.5 space per bed.
10. Testimony should be provided explaining the proposed use and how it conforms to the B-13 use provided above.

11. It should be noted that the former Valley View Health Care Center was constituted as a 40-bed facility, which is inconsistent with and does not conform to the maximum number of beds if the facility is served by an on-side septic disposal system. Testimony should be provided explaining consistency with NJDEP septic requirements. Variance required.
12. Existing conditions should be described to the Board addressing Section 115-22.B.(13)(b) above in relation to required screening. Variance may be required.
13. Testimony should be provided explaining state and federal regulations pertaining to the proposed Residential Health Care Facility and how those requirements will be met (Section 115-22.B.(13)(c) above). Variance required.
14. Section 115-22.B.(13)(d) above For a 40-bed facility, a total of 20 parking spaces are required. Testimony should be provided identifying the number of parking spaces existing and remaining after conforming to Hunterdon County Engineering Department requirements. Additional parking may be required. Variance may be required.
15. Insofar as the use question is concerned, the applicant should demonstrate consistency with the requirements for NJ Department of Community Affairs, NJ Department of Health and Senior Services, and the ordinance description of "Assisted Living and Congregate Care Facilities in § 115-22B.(13) above.
16. To the extent that the applicant is able to demonstrate consistency with these requirements, it would appear that the proposed Residential Health Care Facility is a permitted use in the E-AR-AH District within the intentment of the "Assisted Living Units" permitted use in the overlay zone.

B A N I S C H
ASSOCIATES, INC.
Planning and Design
111 Main Street, Flemington, NJ 08822

Memorandum

To: Alexandria Township Land Use Board

From: David J. Banisch, PP/AICP

Date: August 7, 2018

Re: Frenchtown Care Home, Inc.
117 County Road 513
Block 18, Lot 39 -Additional Lots: 39.01 & 41
Minor Site Plan Application

5. Variances are required from the following E-AR-AH bulk and area requirements:

Requirement	Required	Existing/Proposed
A. Min. Lot Area (Tract)	5 Acres	2.36 Acres
E. Min Front Yard Setback (Tract) ¹	75 Feet	90' / 66.45
F. Min Side Yard Setback (Tract) ¹	40 Feet	14.8'
I Min. Bld Setback to Internal Roadway ²	15 Feet	< 15'
P. Parking Setbacks:		
From Property Line	5 Feet	0'
From Public Street	25 Feet	6.4'
Q. Parking Spaces: Number	Per RSIS (20 spaces)	?
R. Parking Stall Size	10 FT x 18 FT	9' x 20'
S. Drive Aisle Width	24 Feet	Not dimensioned

6. In addition to the Bulk and Area requirements for the E-AR-AH Overlay District, the Minor Site Plan requires numerous other variances, including:

- a. § 115-22.B.(20)4. – Public water required;
- b. § 115-22.B.(20)5. – Public sewer required;
- c. § 115-22.B.(20)9. – 25' landscaped buffer to property line;
- d. § 115-22.B.(20)12.(e) – a statement setting forth in full detail all particulars of the building use;
- e. § 115-22.B.(20)12.(f) – a comprehensive traffic study shall be submitted with the application for development. This study will include a matrix with estimated projections for vehicle movements in and out of the facility in each hour of each day in a typical seven-day week.

Application for a 40 bed facility requires variance for requirement not to connect to sewer. With respect to screening, applicant needs to provide a visual screen to the neighbor on the north. **Ingram** will install either fence or landscaping and advised can only extend screening up to the sight triangle. Variance required for parking for fourteen spaces instead of the required twenty parking spaces, variance needed for six stalls. **Banisch** reviewed in more detail the variances that are listed in his report. He advised applicant is seeking variances due to hardship of the physical conditions of the property and because the application is an inherently beneficial use due to promoting affordable housing, public health safety and general welfare of residents. He feels variances could be granted based on those reasons. **DeSapio** asked the board not to require the merging of the lots due to expenses. He suggested the board to have a condition that if there are further improvements that merging of lots is addressed then. There were no further public comments. **Gianos** reviewed the following conditions, outside agency approval, positive escrow levels, deed restrictions required for the low to moderate affordability controls and conformity with all the requirements for the affordability mix, building to be maintained, painted and brought up to code, trash removed, township engineer to review septic report and T-1 permit and oversight of septic system, plans to be revised to the satisfaction of the board of engineer and planner, once insurance investigation is concluded the other structures will be removed within one year. Also, sight inspection after the site is cleaned up to see if requested screening is in place and in service lighting to cut glare on neighboring homes. **Gianos** reviewed variances required; item 11 and 12 from Planner Banisch's August 6th memo, all of the table of paragraph 5 and paragraph 6 from Planner

Banisch's August 7th memo, and variance from paragraph 8 of the August 6th memo. Board member **Canavan** brought up concerns regarding septic to ensure that the neighbors' issues were addressed. Discussion ensued about septic checks and balances. Since the septic is a two thousand gallon septic, any issues that arise could be brought to the attention of the DEP, who would be involved at that point to address the concerns. Board was satisfied that there is recourse for the neighbor in case there is an issue. Motion made by **Committeeman Pfefferle** and seconded by **Chair Rochelle** to grant requested variances. **Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone, Daniello and Kimsey.**

Approval of the Bills

A motion was made to approve the bills for services by Gianos and Van Cleef Engineering by **Committeeman Pfefferle** and seconded by **Chair Rochelle**. **All Ayes, No Nays.**

Comments from the Board

Mayor Garay advised board of current issues with signs and land use code. Board will address at future meeting. **Mayor Garay** also brought up issues with new special events in the township such as glamping that can be done with the help of online companies which will provide equipment to residents. Board would like to put something in place ahead of the anticipated issues. Board Professionals will review and look into how to address these issues.

A motion to adjourn was made by **Committeeman Pfefferle** and seconded by **Tucker** at 10:02pm. **Vote: All Ayes. No Nays.**

Leigh Gronau, Board Secretary