

# Meeting Minutes

## Carneys Point Township Planning Board

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The Meeting of the Township Planning Board was held on February 10, 2015 at the time of 6:36 PM.

In attendance were Chairman Spyros Apossos, Vice Chairman Anthony Rullo, Mayor Richard Gatanis, Ken Brown, Jim Sassi, Rick Verdecchio, Edward Voyles, Charles Newton, and Harold Payne. Absent: Everett Sparks, Larry Basile and Mark Lee. Also in attendance: Attorney Joan Adams, Esq., Engineer Kerry Engelhardt and Planner Candace Kanaplue of Bach Associates

The meeting was called to order by Chairman Apossos who read the Open Public Meeting Act and led the Pledge of Allegiance to the Flag.  
Roll call was taken.

Attorney Joan Adams had Harold Payne sworn in as an alternate Board member and also swore in Candace Kanaplue as the official Planner to the Board for 2015. Both were absent at the Reorganization meeting held January 27th.

Secretary Earnest presented the Annual Report on Variances Granted for 2014 which is to be presented to the Township Committee to show the actions taken for the past year. With this report the Township Committee can track the needs and trends of the community.

Motion to approve the report was made by Rick Verdecchio and second by Anthony Rullo with approval by all.

While waiting for Board member J. Sassi, the Public Portion of the meeting was opened Attorney Adams invited anyone in attendance to speak except for any comments concerning the Technical Hearing for MMTM Associates. Comments and concerns may be voiced on that issue after the technical hearing is presented.

With no comments, the Public portion was closed

**At this point, Mayor R. Gatanis, (Class I) and Ken Brown (Class II) where asked to temporarily step off the Board as the application being presented includes a use variance.**

Technical Hearing: MMTM Associates LLC, application number 2014-09, Block 67, Lot 33 which is 435 Harding Highway, Carneys Point.

The applicant is proposing to construct an adult day care facility with associated parking lot and storm water basin on the property. Adult Day Care is not a permitted use in any zoning district within Carney Point, and the applicant will require a Use Variance in addition to Preliminary and Final Site Plan Approval.

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Page 2 MMTM Technical Hearing continued

Attorney Adams asked the secretary if the notices to property owners within 200 feet and state and county notices were filed properly. Secretary Earnest confirmed all were sent and addressed were verified.

Robert Tedesco, Attorney for MMTM Associates addressed the Board. He explained the planned project to build an Adult Day Care Facility and the need for a usage variance as this type of commercial entity was not listed as an accepted use for this zone. However, This was not a conscious decision to exclude but rather not a type of business that was considered.

**He explained that, while they own many others, this will be the only Adult Day Care Facility in Salem County owned by the applicant.** This facility will cover anyone over age 18 who has physical or mental disabilities that require observance during the day. Adult Day Care facilities are regulated by the State of NJ and there is specific legislation for their operation (Respite Care Services)

He further explained that the facility give people with disabilities a place to go during the day for physical therapy, meals, events, games and to socialize with others. It also gives family members a break from the constant supervision needed and is a great alternative to a long term facility. The State finds Adult Day Care Facilities termed to be beneficial to the public and this usage is automatically qualified. He quoted the Planners statement (in part) on page two of her report “the applicant purports that the use is an “Inherently Beneficial Use”. By definition within the MLUL, the definition of an inherently beneficial use is “a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such uses include, but are not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.” Inherently beneficial uses are assumed to serve the purpose of promoting the general welfare and therefore presumptively satisfy the positive criterion for grant of a use variance pursuant to N.J.S.A. 40:55D-70d”.

The second part of Mr. Tedesco’s presentation addressed the Site Plan application. This would be an 8000 square foot facility. No Bulk Variances are required. There are design considerations to address drainage, landscaping and fencing with revised plans per reports from Engineer and Planner.

Mr. Tedesco further explained that the Department of Health must also review and approve floor plans for Adult Day Care Facilities.

Senior Care which is now located in Salem, NJ will have to relocate before December 31, 2015 so in order for this facility to operational, construction must start by April 1<sup>st</sup>.

Mr. Tedesco introduced the professionals who will testify on behalf of the applicant.

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Attorney Adams took a moment to swear in all three who will be testifying. They included:

Mr. Craig Maynard, Chief Operating Officer for Senior Care Services of America located at 6 Nescehimi Duplex, Suite 401, Trevoise, PA and

Mr. David Manders, project Architect with the firms of Manders, Merighi, Portadin and Farrell Architects LLC located at 1138 East Chestnut St, Vineland NJ and

Mr. Stephen Nardelli, professional engineer with the firm of Fralinger Engineering on 629 Shiloh Pike, Bridgeton, NJ

Attorney Adams also explained that the Board Professionals, Kerry Engelhardt, Engineer and Candace Kanaplue, Planner have been previously sworn in and remain in effect until end of term.

First to testify was Craig Maynard, COO for Senior Care Services of America. They have been in business since 1988 and now have 74 adult day care centers with 12 in New Jersey. Those are located in Salem, Cape May, Absecon, Vineland, Washington Township, Laurel Springs, Upper Deerfield, Camden, Delran, Marlton, Trenton and Brick Township. Salem County has one other facility located in Penns Grove but it is not owned by SCC of America.

Their facilities are licensed health care facility for adults over 18 who have special needs and require observation during the day such as those with mental needs like autism and brain injury and those who are wheelchair bound, have severe diabetes, dementia and Alzheimer's disease. The NJ Department of Health also does annual inspections of the facility.

The facility also helps eliminate the need for institutionalized patients, enabling family members to be able to keep their loved ones at home and still be able to do their jobs knowing their loved one is well taken care of.

Services provided include medication management with consultation of a pharmacist; physical therapy services, nurse on site at all times, social worker to consult about issues like food stamps, counseling services and other social services; hair salon and a Director who oversees all.

Transportation is provided to and from the Facility with 3 buses/vans (wheelchair accessible).

Partners who help financially are Veterans Administration; Ultimate Grant Program; Respite Service Program; Salem County Dept. of Aging and Medicaid which is the biggest contributor.

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They have received a letter from NJ Dept. of Health authorizing up to 100 clients at this facility. There are currently 35 in Salem with a maximum of 57 allowed.

(Evidence #1 – Letter)

The facility will employ 15 to 16 with approximately 35 clients when open.

There is a regulation that clients can not be on a bus for more than one hour. This facility will draw from 10 to 15 mile radius. Access will also be available to residents in Woodstown/Pilesgrove area and Swedesboro area along with others.

Hours of operation will be 8 am to 6 pm – Monday to Friday and 9am to 2pm on Sat.

Not allowed to operate more than 12 hours a day. There will be no Sunday hours at this location.

Facility will accommodate parking for 25 cars and 4 oversize vehicles such as vans.

There will be no food preparation on the site. Continental Breakfast, hot catered lunch from a company located in Deptford NJ and a light snack in afternoon will be provided.

Some medical supplies will be kept on site and oxygen when needed. Deliveries will be 1 to 2 times a week for breakfast supplies; office supplies once a month and will be mostly UPS delivery.

Chairman Apessos asked how many nurses would be on site. State mandates that there is one nurse for every 60 clients. They will have 3 nurses when at capacity of 100 clients. They will also have other staff members who can assist with blood pressure checks and other general well being.

Jim Sassi asked if clients can ever go back to gainful employment. Answer was generally no as this is not a rehab facility.

Attorney Adams stated that approval was needed from the Department of Community Affairs on the construction and that they must submit a copy of that approval.

Lastly, the safety of all clients is priority. If a client is unruly, they will be rejected. They also do not have drop off service. Clients must be picked up by Facility buses.

David Manders, Licensed Architect with the State of NJ, went over design plans of the building. The building will be equipped with sprinkler system. He also addressed the retention basin in back of the building. There will be no access to back of building for fire trucks due to the basin.

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Attorney Adams asked if he was a licensed Planner and he replied no. She told him that they will need approval by the township Fire Marshall. If they do not get that approval, they will have to re-apply

Steven Nardelli, Engineer, went over the site plan and storm water management. He said the Salem County Planning Board gave their approval (evidence letter #2)

There was much discussion concerning the storm water basin. The State of NJ uses the 100 Year Storm as a generally accepted standard when designing the basins. The Board pointed out that this township has had previous serious problems with storm water drainage and retention ponds. The Township Engineer and the applicant's Engineer both agree that maintenance is key to avoidance of any serious overflows. They must be put on a maintenance schedule to which Attorney Tedesco agreed.

Planner for the Board, Candace Kanaplue, of Bach Associates gave her report. She is satisfied with landscaping and the use variance is acceptable.

Additional landscaping will be provided around the concrete pad and chain link fence that encloses the pad. She also asked that additional foundation plantings along the perimeter of the building be added. MMTM's planner will consult with her on this issue. The request that street trees be added at approximately 40 ft intervals along the frontage of the building was denied by their planners as they will interfere with the sewer and gas mains.

They also agreed to plantings along the storm water basin

Final statements were made by Attorney Adams advising Board that it is their determination that the testimony they heard makes this an Inherently Beneficial use for this area.

In terms of the Easement issue, the Board must decide how they want it handled. Is there satisfaction that the town would be properly protected with and Indemnification Agreement or would they want a written consent agreement. Chairman Apessos asked for her opinion as the Board's attorney. She stated that she had no legal objection to accepting the Indemnification Agreement.

Chairman Apessos opened the meeting to the Public.

Resident Tim Elwell approached the Board and was sworn in by Attorney Adams.

Mr. Elwell lives directly across from the planned site of the Adult Day Care and is very concerned. He stated that he did not purchase his house where it is to be across from this type of facility with huge parking lots, driveway, lighting, etc. He is very concerned about traffic, parking, vans, trash, construction, storm basin, and more.

Kerry Engelhardt explained that he is in a commercial zone and the development of this property could be for something more complex such as a school, church, etc.

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Second township resident, Patrick Bomba of 628 Hawks Bridge Rd, Carneys Pt. (also worn in) testified that he is the chairman of the Carneys Point Industrial Commission and that he visited the Adult Day Care facility in Deerfield which is owned by the same company. They had 104 patients on the site and the parking was adequate, transportation was not overwhelming and he didn't see any problems with the driveways, lighting, etc. The only question he had was concerning the retention basin but with the increase in size, he doesn't feel it will be a problem. He did state that the issue of maintenance of the basin is a big requirement and must be adequately addressed.

With no other comments, the public portion of the meeting was closed.

First motion for Application #2014-09 MMTM, LLC:

Motion was made by Anthony Rullo to approve the use variance as an inheritantly beneficial use. Second was made by Charles Newton, vote as follows:

Member	Moved	Seconded	Y	N	Abstain	Absent	Conflict
S. Apessos			X				
R. Gatani			--		X		
A. Rullo	X		X				
K. Brown			--		X		
D.J. Sassi			X				
E. Sparks			--			X	
M. Lee IV			--			X	
L. Basile			--			X	
R. Verdecchio			X				
E. Voyles			X				
C. Newton		X	X				
H. Payne			X				

Second Motion for application # 2014-09 MMTM LLC:

Motion to approve the Site Plan portion of the application, subject to all conditions and with written final approval from the Fire Marshall, was made by Charles Newton, second by Edward Voyles. Roll call vote taken as follows:

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Member	Moved	Seconded	Y	N	Abstain	Absent	Conflict
S. Apossos			X				
R. Gatanis			--				X
A. Rullo			X				
K. Brown			--				X
D.J. Sassi			X				
E. Sparks			--			X	
M. Lee IV			--			X	
L. Basile			--			X	
R. Verdecchio			X				
E. Voyles		X	X				
C. Newton	X		X				
H. Payne			X				

Chairman Apossos opened the meeting to the Public.

Mayor Gatanis, who stepped down from Board for the application of the Adult Day Care Facility (as Class I can not vote) congratulated the Board Professionals for a job well done on that account. He also brought up the need for the Public to have a better understanding of any applications brought forth. An effort should be made to display project plans and surveys so audience can have a clear understanding as to what is being proposed.

Ideas were presented and in the future, there will be a couple of extra sets of plans that can be viewed by the public attending.

Public portion of meeting was closed.

With no other business at hand, motion to adjourn was made at 8:55 pm by Rick Verdecchio and second by Jim Sassi with all in favor.

Approved:

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Freda A. Earnest  
Planning Board Secretary