

**BOROUGH OF LAKEHURST
LAND USE BOARD
REORGANIZATION MEETING
JANUARY 25, 2021
MINUTES**

MEETING OPENED AT 7:30 PM BY BOARD SECRETARY MARYANNE CAPASSO.

ALL STOOD FOR THE PLEDGE OF ALLEGIANCE.

PUBLIC MEETINGS STATEMENT READ BY MARYANNE CAPASSO:

"IN COMPLIANCE WITH N.J.S.A. 10:4, OPEN PUBLIC MEETINGS ACT, NOTICE WAS GIVEN TO TWO NEWSPAPERS, AND POSTED, THAT THE REORGANIZATION MEETING OF THE LAKEHURST LAND USE BOARD IS SCHEDULED FOR THE TWENTY-FIFTH DAY OF JANUARY, 2021 AT THE HOUR OF 7:30 P.M. TO BE HELD IN THE LAKEHURST COMMUNITY CENTER, 207 CENTER STREET, AT WHICH TIME THE BUSINESS OF THE BOARD WILL BE CONDUCTED."

LAND USE BOARD SECRETARY ADMINISTERED THE OATH OF OFFICE TO:

DAVID BURTON PATRICK McPARTLIN ERIC ROBBINS

ROLL CALL:

*Alternate Member

MAYOR ROBBINS: ABSENT
COUNCILMAN OGLESBY: ABSENT
BRYAN LEVANCE: ABSENT
DAVID BURTON: PRESENT
KEVIN FORD: ABSENT

ANDREW HODGES: PRESENT
SIDNEY HOOPER: PRESENT
MARANDA SALAS: PRESENT
DAVID SUMNER: PRESENT
*#1 PATRICK McPARTLIN: PRESENT
*#2 ERIC ROBBINS: PRESENT

APPROVAL OF MINUTES:

Motion by: Maranda Salas Seconded by: Sid Hooper
To approve minutes of November 23, 2020 Regular meeting. Roll call vote held. All votes affirmative with the exception of Andrew Hodges and Dave Sumner who abstained due to their absence at the meeting of November 23, 2020 and Patrick McPartlin and Eric Robbins who abstained as they were not members of the Land use Board at the time of the meeting.

REORGANIZATION:

of New Jersey. Ms. Sheridan further stated it is basically a medical day program for people who are 55 years old or older that qualify for nursing home level of care such as occupational and physical therapy, social worker, dietitian, doctor, nurse practitioner, and recreational therapist adding these professionals comprise as a team that care for their participants. Ms. Sheridan explained the center in Oceanport, New Jersey has about 160 participants were half come to the center to spend the day adding the center provides transportation. Ms. Sheridan further explained the participants receive the medical services they need as well as two meals a day. Ms. Sheridan further explained the participants have access to a center team member 24/7 although the hours of operation are 7:30 a.m. to 5:00 p.m. adding the participants are there 8:30 a.m. to 3:30 p.m.

Mr. Alfieri asked if there will be overnight stays.

Ms. Sheridan answered there are no overnight stays.

Mr. Alfieri asked how the participants will get to and from the center.

Ms. Sheridan answered the center does have a “handful” of participants that are able to drive to the center and added the participants that are unable to drive, the center does provide bus service that will pick up the participants at their home, bring them to the center, and bring them back home.

Mr. Alfieri questioned the meals that are provided to the participant.

Ms. Sheridan responded the center will have a full functioning kitchen to prepare the meals.

Mr. Alfieri asked how many participants will be at the center daily.

Ms. Sheridan stated the center anticipates about 200 participants adding only half will be at the center at a time.

Mr. Alfieri asked how many employees the center will have.

Ms. Sheridan answered 25 to 35 employees a day.

Mr. Alfieri asked if the medical services provided include surgery.

Ms. Sheridan responded no surgeries will be provided and added the center has a clinic that provides the same services as you would find in a doctor’s office.

Mr. Alfieri asked if the center is a license facility.

Ms. Sheridan replied in the affirmative adding the center will be getting licensing requirements through the State of New Jersey.

Mr. Alfieri asked if there is a federal license as well.

Ms. Sheridan replied in the affirmative adding the center is federally regulated by the Centers of Medicare and Medicaid Services, CMS. Ms. Sheridan stated CMS makes monthly calls to the center to ensure they are in compliance and added the State of New Jersey will conduct a readiness review before the center “opens their doors” to ensure the center is in compliance with state regulations. Ms. Sheridan also stated the State of New Jersey does surveys that are randomized throughout the year.

Mr. Alfieri asked if there are physical inspections.

Ms. Sheridan answered in the affirmative.

Mr. Alfieri asked Ms. Sheridan to explain the PACE program.

Ms. Sheridan responded PACE is Programs of All-inclusive Care for the Elderly and has 220 programs throughout the country. Ms. Sheridan stated PACE can only bid for one location in each county adding at this time there are no programs in Ocean County. Ms. Sheridan also stated PACE is regulated by the Centers of Medicare and Medicaid and only services 55 years old and older who qualify for nursing home level of care.

Mr. Alfieri questioned the pick-up and drop-off of the participants.

Ms. Sheridan replied there is an escort on the bus that helps the participants on and off the bus and added the center also has buses that are ADA compliant for participants in wheelchairs. Ms. Sheridan stated the bus will go off Route 70 onto Pine Street, make a left into the facility and exit out onto Route 70.

Mr. Alfieri questioned on-site activities both indoor and outdoor.

Ms. Sheridan responded the center has a recreation department that will offer supervised activities outside in a fence-in area.

Mr. Alfieri asked if the PACE center is a nursing home facility.

Ms. Sheridan answered it is not.

Mr. Alfieri asked if there were any improvements to the building.

Ms. Sheridan replied the inside of the building was completely renovated. Ms. Sheridan stated the facility looks similar to the facility in Monmouth County except this facility has two levels versus one level in Monmouth County.

Mr. Alfieri stated he had no other questions and asked Ms. Sheridan if she had anything else to add.

Ms. Sheridan responded PACE is a great program and added she hopes to service the seniors of Ocean County. Ms. Sheridan reiterate the program is for Ocean County residents 55 years old and older adding it can truly benefit them.

Chairman Burton asked if it was a full functioning kitchen.

Ms. Sheridan stated in the beginning it might be used only as a warming kitchen but will eventually be used as a functioning full kitchen.

Mr. Burton questioned the center team members being available 24/7.

Ms. Sheridan responded the hours of operation where the center team members are physically on site are 7:30 a.m. through 5:00 p.m.; however, the center team members are responsible for the participants 24/7. Ms. Sheridan stated the center has an on-call system so that they are available to the participants.

Board Member Maranda Salas asked if the center was designated as a 501c3.

Ms. Sheridan replied she was not sure how to answer that question and added she will find out.

Mr. Stanzione stated 501c3 is for nonprofit.

Ms. Sheridan responded the center is for profit.

Board Engineer Pamela Hilla questioned the number of buses that will be kept on-site.

Ms. Sheridan answered the center will be utilizing an eight-passenger van adding if the center "hits" full capacity, there will be 12 to 15 vans kept on-site.

Ms. Hilla questioned the fenced in area.

Ms. Sheridan responded there will be a small fenced in area that will have tables with umbrellas for the participants to sit outside to relax, have coffee, and to do activities. adding the gate is locked.

Mr. Stanzione asked if the board were to approve the use tonight, would the applicant be willing to submit a site plan that will include the location of the fenced in area.

Mr. Burton asked if the fence in area will be located on the side of the building where marriage ceremonies were held.

Ms. Sheridan answered she was not sure of the location.

Mr. Stanzione suggested questions regarding location of the fenced in area be addressed to the engineer. Mr. Stanzione also suggested the proposed location for the buses be

asked as well.

Ms. Hilla asked if the applicant is proposing new signage.

Ms. Sheridan responded the signage will remain the same; if not, it will be smaller. Ms. Sheridan stated the sign on the front of the building will say Beacon of Life and added the sign of the carport will be smaller than the sign that is presently there now.

Mr. Stanzione asked if the center will allow walk-ins.

Ms. Sheridan responded the participants need to register.

Mr. Burton asked the maximum of participants.

Ms. Sheridan answered 200 participants.

Board Member David Sumner question the building capacity.

Ms. Sheridan responded 200 is the center's census capacity adding 70 participants will be brought in a day.

Mr. Stanzione asked the location of the Monmouth County center.

Ms. Sheridan answered the Fort Monmouth property.

Ms. Hilla asked if floor plans will be provided.

Ms. Sheridan provided floors plans.

Mr. Stanzione requested that the rendered floors plans be introduced as Exhibit A-1 which was marked as such.

Mrs. Salas questioned participants coming 5 days a week.

Ms. Sheridan responded the participants that are at the center 5 days a week are high risk participants adding these participants can not live at home independently.

Mr. Stanzione asked if the applicant has permits to do the renovations at the center.

Ms. Sheridan answered in the affirmative.

Mr. Burton stated the kitchen use to be on the downstairs.

Ms. Sheridan responded the kitchen is now located upstairs adding the participants will be dining upstairs so that the staff can directly serve the participants.

Mr. Burton asked if the applicant has permits to relocate the kitchen.

Ms. Sheridan answered in the affirmative.

Mr. Stanzione suggested that permits be provided.

Mr. Burton asked if the stairwell that is being proposed, has that already been built.

Ms. Sheridan answered in the affirmative.

Mrs. Salas asked what the new stairwell is for.

Ms. Sheridan responded it is a fire escape.

Mr. Sumner stated if there should be a fire on the second floor, it will be difficult for the participants to escape down the stairwell especially the ones who are handicap.

Ms. Sheridan clarified that not all participants are handicapped adding many do have the mobility to walk on their own. Mrs. Sheridan also clarified not all participants will be on the second floor at one time adding participants will also be in the clinic located on the first floor.

Mr. Burton question the storage of medications.

Ms. Sheridan responded medication will be store in a room that has a lock and an alarm door adding you will need authorization to swipe in.

Ms. Hilla asked if fire sprinklers will be installed.

Ms. Sheridan that is a question for our engineer.

Mr. Alfieri stated if it is a requirement then the applicant will comply.

Mr. Burton asked will there be an instance where a participant will not leave at 5:00 p.m.

Ms. Sheridan responded the PACE Center has a plan in place adding if a participant cannot go home safely, the center has contracted other facilities where the participant can receive a higher level of care. Ms. Sheridan stated in her experience she has never had a participant having to stay past 7:00 p.m.

Mr. Burton asked if blood is drawn on-site; if so, where is it stored.

Ms. Sheridan responded a lab will pick up the blood adding no blood is stored on-site.

Mr. Burton asked the board if they had any other questions.

Seeing none, Ms. Sheridan thanked the board for their time and looks forward to serving Ocean County's 55 years old and older population.

Brian Flannery, licensed engineer with Newlines Engineering Firm, was sworn to testimony at 8:06 p.m. by Board Attorney Richard Stanzione.

Mr. Alfieri questioned the site plan waiver.

Mr. Flannery responded the applicant proposes to use the building that is already in place with the exception of the stairwell that was discussed previously. Mr. Flannery stated the applicant is asking for waivers for the items that were built and have been there for many years. Mr. Flannery also stated the issue is the use of the property and how it conforms with the Borough of Lakehurst zoning. Mr. Flannery further stated the applicant is proposing an adult inclusive care program adding it is an inherently beneficial use. Mr. Flannery went on to say that medical offices are not specifically listed in the borough's ordinances adding the ordinance does allow services and activities similar to professional offices. Mr. Flannery stated the ordinance lists that professional offices need professional qualifications and licenses adding this facility does have these items. Mr. Flannery also stated that the facility being proposed is closely related to professional offices and uses permitted in the zone and added there are other medical offices located in the borough.

Mr. Burton question the applicant asking for a change when they will be using a full functioning kitchen to serve food to the participants adding the restaurant use should not be "taken away".

Mr. Flannery responded the center will not be providing food services similar to a restaurant and added the proposed use incorporates the use of the restaurant. Mr. Flannery stated the applicant is asking for a change of use to go from the existing restaurant to the propose all-inclusive adult care facility.

Mr. Sumner asked were permits taken out to move the kitchen from the first floor to the second floor.

Mr. Flannery answered he has been advised that permits have been obtained for the work that is being done at the present time. Mr. Flannery stated if the board acts favorably on the application then all permits will be required. Mr. Flannery also stated this is a highly regulated use and in addition to all the building code requirements that are needed to be complied with respect to fire safety, sprinklers and fire egress, the applicant needs to comply with all the state requirements related to the adult daycare.

Mr. Sumner asked if work was done on the center before permits were obtained.

Mr. Flannery responded not that he is aware of.

Mr. Stanzione stated that is a code enforcement issue. Mr. Stanzione also stated conditioning the approval, if the board grants one, on evidence that all permits have been

obtained from the building department as required.

Mr. Flannery stated he will go over the review letter from the borough's engineer. Mr. Flannery stated the letter says the applicant is proposing a change of use and asking for a site plan exemption.

Mr. Stanzione stated the site plan exemption will be determined by what the board decides to do with the use being applied for. Mr. Stanzione also stated the board is going to want to see exactly where the recreational area is going to be, any storage areas adding there needs to be a plan.

Ms. Hilla agreed to a site plan. Ms. Hilla stated in regard to the bulk variances, the applicator is stating they are existing conditions and added it is not clear what the initial site was approved for and what variances and relief was given. Ms. Hilla also stated the applicant is asking for a change of use adding how does the site function for medical use. Ms. Hilla went on to say there are circulation uses, lighting uses, the recreational area space outside and storage of vehicles needs to be addressed, as well as traffic circulation.

Mr. Stanzione stated the board has the power to interpret the zoning ordinance. Mr. Stanzione explained if the use the applicant is proposing is similar to a professional office, then it would be a permitted use adding the board would then vote, needing a majority of the votes. Mr. Stanzione also explained if the board does not agree to the applicator interpretation, the applicant will need to go for a use variance adding that requires two-thirds of the votes. Mr. Stanzione suggested the applicant explain their interpretation as to why this facility "falls" under professional office.

Mr. Burton agreed adding the applicant needs to show the board the proposed facility is a permitted use.

Mr. Flannery responded his intentions are to present his professional opinion that the use does fit in the B-2 Zone. Mr. Flannery stated he has prepared to provide testimony to indicate, if the board feels differently, why it is his professional opinion that the applicant has special reason for the board to grant the use variance because this is an inherently beneficial use. Mr. Flannery also stated he has more testimony to give in regard how the facility meets the purposes of the Municipal Land Use Law. Mr. Flannery went on to say the applicant is asking for site plan exemption because the site has 144 parking spaces, that can more than accommodate the anticipated need adding there will be approximately 30 employees and 20 vans that are used to transport the participants. Mr. Flannery further stated the recreational area will be on the south end of the site.

Ms. Hilla stated there is an encroachment in the right-of-way.

Mrs. Salas questioned not having a site plan adding how the board can decide without seeing the site plan or the details.

Mr. Stanzione stated the applicant does have the right to fill out an application and ask

for the use, or the interpretation of, and condition upon coming back, the board could petition a site plan. Mr. Stanzione explained that the applicant needs to first address that the facility fits in the definition of a professional office and then address the site plan.

Mr. Burton stated the applicant has already put a lot of work into the building before they even came to the Land Use Board.

Mr. Stanzione stated he does not want to “steer” the board in any direction adding the board might want to determine first if the applicant is correct with the interpretation of the ordinance that it can be consider a professional use.

Mr. Flannery responded none of the zones in the Borough of Lakehurst list medical offices as a permitted use adding the only use a medical office “falls under” is professional office. Mr. Flannery stated this facility is more than a medical office adding it has a restaurant and a lot of other services making it more compelling that this facility fits within the permitted uses in this B-2 zone. Mr. Flannery also stated it is a service, it is an inherently beneficial use, and it will be a less intense use of that site than the restaurant that was currently there.

Mr. Stanzione explained the definition of professional office. Mr. Stanzione stated this facility does fit the first half of the definition adding it is professional in character and requires academic training, licensing, and training and experience as a condition for the practice thereof. Mr. Stanzione also stated the second half of the definition is where the board needs to consider adding is that the facility shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone to any greater extent than the permitted use listed in that district. Mr. Stanzione stated if the board finds that this facility is an appropriate profession, then the board must consider does the facility have a greater impact, the way that the applicant is proposing it, than those things that are permitted in the B-2 zone. Mr. Stanzione went on to say if the board finds that the facility does not have a greater impact, then the board can interpret that it is a permitted use in the zone. Mr. Stanzione further stated if the board does not permit the use then the applicant must go through the special reason variance.

Mr. Flannery pointed out the ordinance also says service activities similar to but not limited to the following professions and added the ordinance is not limiting the services that are listed.

Mr. Burton stated you have doctors that are in the facility that are licensed, you have therapist that are licensed, and the building itself is licensed.

Mrs. Salas stated the facility does meet everything in the definition.

Mr. Burton stated by the borough ordinance, it does meet all qualifications. Mr. Burton asked if any board member had any questions on the use part of the application.

Mr. Stanzione suggested the board either a motion be made to interpret the ordinance to

permit the use as the applicant presented it or to deny the use as they presented it and added based upon where that motion goes, the board can condition upon producing the site plan.

PUBLIC COMMENTS ON APPLICATION:

Time opened: 8:28 p.m.

Jean Roseti, 800 Cedar Street, was sworn to testimony by Board Attorney Richard Stanzione.

Ms. Roseti asked why this hearing was not done earlier adding she had brought this matter to a borough meeting.

Mr. Burton responded that is a council question.

Mr. Stanzione stated this is the first time coming in front of the Land Use Board.

Ms. Roseti stated she is asking the applicant why they did not come to the Land Use Board earlier adding the stairwell has already been added, changing the footprint of the building.

Mr. Alfieri responded he and the engineer were not involved in the project at that time adding the applicant made a mistake not coming to the Land Use Board and that is why we are here tonight.

James Daney, 713 Pine Street, was sworn to testimony by Attorney Stanzione.

Mr. Daney asked if the facility will be expanding into the wooded area on the north side of the building.

Mr. Burton responded the owner of the building does not own that piece of property adding it is unbuildable.

Bruce Margeson, 5 Geneva Road, was sworn to testimony by Attorney Stanzione.

Mr. Margeson asked if there will be any time in the future that the facility will be a 24/7 operation.

Mr. Alfieri responded testimony that was provided that the operation will be 7:30 a.m. to 5:00 pm for employees and the participants will be 8:30 to 3:30. Mr. Alfieri stated there is no proposal for staying overnight, no proposal for beds that relates to sleeping overnight, and no proposal for 24-hour care at the site. Mr. Alfieri also stated if there is a proposal for 24-hour care at the site, the applicant would have to come back before the board.

Mr. Stanzione insured that the resolution approving the facility will state the hours of operation, 7:30 a.m. to 5:00 p.m.

Mr. Margeson questioned participants in wheelchairs on the second floor and their ability to get out of the building if there should be a fire.

Mr. Flannery responded if the board acts favorability on the use that was requested then the applicant will come back with a site plan and answers to all the questions.

Mr. Alfieri stated the building needs to meet all ADA compliances as well as fire and safety regulations. Mr. Alfieri also stated there are state and federal regulations that need to be met before the facility opens.

Robin Busch, Second Street, was sworn to testimony by Attorney Stanzione.

Mrs. Busch asked how the dispersing of medications will work.

Ms. Sheridan responded the facility has a pharmacy in Mt. Laurel that will ship the medications.

Mr. Burton asked what percentage of participants are on Medicare or Medicaid.

Ms. Sheridan responded in order to qualify for the PACE program, the participant has to have Medicare or Medicaid.

Mr. Burton asked if Medicare or Medicaid will be paying for the participant's medication.

Ms. Sheridan responded that Medicare Part B pays for the medication. Ms. Sheridan stated not all participants have Medicare Part b adding the medication is then paid through the funds the government gives to the PACE program to care for the participants.

Ms. Roseti asked if the facility can at any point go back to restaurant.

Mr. Burton responded it can and added a restaurant is a permitted use.

Mr. Stanzione stated the applicant will still need to come in front of the board with a site plan.

Motion by: Dave Sumner

Seconded by: Eric Robbins

To close public comments. Roll call vote held. All votes affirmative.

Time closed: 8:45 p.m.

Motion by: Maranda Salas

Seconded by: Sid Hooper

To approve the proposed use outlined in the testimony before the Land Use Board, can be interpreted to be a professional office which is a permitted use in the B-2 zone subject to preparation of a site plan at the property designated as Block 15, Lot 1. Roll call vote held. All votes affirmative.

PUBLIC COMMENTS:

Time opened: 8:49 p.m.

NO PUBLIC COMMENTS

Time closed: 8:49 p.m.

ADJOURNMENT:

Motion by: Sid Hooper

Seconded by: Andrew Hodges

To adjourn meeting. Roll call vote held. All votes affirmative. Time: 8:49 p.m.

Maryanne Capasso, Secretary
Lakehurst Land Use Board