

CHESTER BOROUGH
LAND USE BOARD
September 8, 2022

The Regular meeting of the Chester Borough Land Use Board was held on September 8, 2022.

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7:04 p.m. Adequate notice of this meeting of the Chester Borough Land Use Board was given as required by the "Open Public Meetings Act" as follows: notice was sent to the Observer Tribune and the Daily Record, posted on the bulletin Board in the Borough Municipal Building, and posted on the Borough website and filed with the Borough Clerk.

SALUTE TO THE FLAG

ROLL CALL

Present:

Janet Hoven, Class I
Margaret Nordstrom, Class II
Chris Heil, Class III
Kenneth Kasper, Class IV
Anita Rhodes, Class IV
Michael Ferrone, Class IV
Donald Storms, Class IV
Stan Quintana, Class IV
Kyle Kopacz, Alternate # 1
Michael Gurzo, Alternate #2

Absent:

Paul Ferriero, Board Engineer
Jason Rothamel

Also Present:

Amanda Wolfe, Esq.
David Banisch, Board Planner
Steve Bolio, Board Engineer
Lumarys Mendez, LUB Secretary
Sarah Jane Noll, Committee Secretary

Minutes: – None

Public Hearing:

Chester Town Center (Former Larison's Turkey Farm) Global Acquisitions Company LLC -2 West Main Street, Block 101, Lots 13, 14, 15, 16

Mr. Anthony Sposaro, Esq. was present and advised that plans had not been submitted for review. He agreed to an extension of time.

Public Hearing:

**Rolling Hills Recovery Center – 425 Main Street, Block 110, Lot 29 –
B-2 Neighborhood Business Zone and the Historic Preservation District Overlay.**

Lawrence A. Calli, Esq. representing the applicant was present. He advised the Land Use Board that this is an outpatient rehabilitation facility; no overnight stays and no medications administered. The facility services substance abuse clients and provides professional services to them.

Janet Hoven and Chris Heil, both recused themselves from hearing this application since this is a 'use' variance application.

Chairman Kasper advised Mr. Calli that the Board Planner, David Banisch is not present this evening, but he will listen to the recording of the meeting and will attend the October 13th meeting.

The Land Use Board attorney Amanda Wolfe reviewed the notice and found it to be in order and determined that the application can be heard.

Completeness Review

The Ferriero Engineering Report dated July 29, 2022, was addressed. Minor Site Plan and Use Variance consisting of 2 sheets, prepared by Dynamic Engineering Consultants, P.C., dated May 9, 2022.

- Boundary & Location Survey consisting of one sheet, prepared by Dynamic Survey, LLC, dated April 11, 2022
- Trip Generator Comparison prepared by Dynamic Traffic; LLC dated June 28, 2022.

Steve Bolio reviewed the request to waive the checklist items for completeness and recommended the waiver.

Motion to grant waivers: A motion to waive checklist items 1, 6, 7, 8, 9, 10, 24, 25, 27, 31, 35, 36, 40, 41, 46, 47 for completeness as recommended by the Borough Engineer was made by Margaret Nordstrom and seconded by Michael Ferrone. The motion passed.

Tim Jackson residing at 15 Douglas Drive, Sparta, New Jersey was sworn in as a fact witness by LUB Attorney Amanda Wolfe. He is part owner and the Operation Manager of Rolling Hills Recovery Center.

Mr. Jackson gave a brief background of the business that, for the last four years, has been actively operating in Denville, New Jersey. He has served with many organizations in the State regarding long term recovery. He has spent his life, since entering recovery himself, by helping people suffering from alcoholism and substance abuse disorders. Most of the clients are living in the community or in Sober Living Homes located in the vicinity. Many people need treatment and have difficulty in getting this treatment. Most of the clients are picked up by vans from their homes or sober homes. Rolling Hills is a

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counseling center. They have over 50 clients and an extensive waiting list. There are group and individual sessions that occur as well as case management. Professionals employed at the facilities are licensed clinicians, licensed therapists as well as master level social workers who help them put the pieces of their lives back together. There are three-hour sessions available for clients who work during the day. The premises will be vacated by 8:30 p.m. They do not have evening sessions on Fridays and close around 4:30 – 5 p.m. They close around noon on Saturdays. They currently employ 18 staff to provide services for the 50 clients that they have in Denville. There will never be more than 10 staff members on site at one time. The Medical Director and Clinical Director are Psychologists. The State of New Jersey does not allow them to provide medical services. It operates as a therapy office, but it is not a rotating door. Around 30-40 clients will be seen each day. Chester has only one Sober Living Home. There are many Sober Living Homes in the immediate area. 85% of the clients come to the facility by van. They require three (3) vans. They will be utilizing other services in the area. They will have lunch catered; a pest inspector and cleaners are needed three times per week. They plan on partnering with as many services as possible locally. They were welcomed and remain welcomed in Denville.

The Board Members questioned Mr. Jackson. Chairman Kasper referenced Mr. Banisch's report dated September 8, 2022. The applicants' witness will address this report. Mr. Johnson advised the board members that the clients have already gone through detox and have been evaluated by medical professionals prior to being released. They have behavioral healthcare technicians who are trained to take care of any situations. In the four years that they have operated in Denville, they have had no incidents. 15% of the clients drive or have someone drive them. The drivers do not wait in the parking lot. If they must wait, they wait inside the building. The clients do not go out for meals or leave the premises during treatment. The parking required will be addressed by the applicant's Engineer.

Public Portion Opened

By motion of Margaret Nordstrom and seconded by Stan Quintana, the public portion for questioning of this witness was opened. Motion passed.

Philip Guidone, Esq. of Chester, New Jersey representing the St. Lawrence Roman Catholic Church which adjoins the subject property, questioned the witness, and asked to be given copies of the cross easements. The witness stipulated that there will be no business conducted on Sundays and that the maximum number of clients at any one time at the facility will be 40-50 but less than that is anticipated. Thirty (30) clients at a time are the norm. As a client progresses at the facility, the number of visits per week are reduced. There will be no security staff at this site nor are they at the Denville site. The maximum number of staff at the facility will be 18. The Attorney for the applicant objected to the hours of operation being a condition of approval.

Rev. Nicholas Bozza, Pastor at St. Lawrence Roman Catholic Church, Chester, New Jersey commended Mr. Jackson on his work and questioned the statement made that

letting the clients out at lunch would be a risk. The clients being admitted into the program are all screened.

Close Public Portion

By motion of Margaret Nordstrom and seconded by Stan Quintana, the public portion for questioning of this witness was closed. Motion passed.

Thomas Trotto, Civil Engineer employed by Dynamic Traffic, Chester, New Jersey was sworn in by the Board Attorney and testified.

The following exhibit was entered into evidence:

A-1 Exhibit – Site plan sheet 2 of 2 of Block 110, Lot 29, 245 Main Street dated May 9, 2022, revised August 3, 2022, located in the B-2 Neighborhood Business Zone.

The proposed use is for an outpatient rehabilitation facility. The application is for a use variance. The property contains two (2) existing buildings which are 1) a 1,400 s.f. building occupied by a deli and 2) a two (2) story building consisting of 6,900 s.f. in size located at the rear of the property and operating as an office building. The applicant proposes to be located on the second floor of this building. There is shared parking among the two buildings and St. Lawrence Church. He described the property which contains parking, a trash facility, and an entrance drive with two (2) entrance stone columns. There are no site improvements being proposed. A 3 s.f. sign is proposed to be added to the top of the existing 15 s.f. sign. The details of the proposed sign will be added to the site plan. According to the ordinance, 83 parking spaces are required. There is a slight discrepancy on the plan which shows 92 spaces. The plan will be revised to show the correct parking calculations. The previous use was a medical-dentist office. Most of the clients coming to the site will be shuttled in using vans. There is a shared total of 110 parking spaces.

Steve Bolio, representing Borough Engineer Mr. Ferriero reviewed his report dated July 29, 2022. Mr. Bolio advised that he has not seen the cross-easement documents. The applicant's Attorney will provide him with a copy before the next meeting. Mr. Bolio advised that there are three different businesses using the parking area. There is a Title Company which occupies the first floor of the office building. Mr. Bolio asked for a signed and sealed survey. He had no other questions of the witness.

Mr. Trotto addressed the breakdown of the 83 parking spaces. The witness advised that the detention basin in the rear of the property is in good condition according to the previously approved Maintenance Manual.

Land Use Board Member questions.

Stan Quintana questioned the current requirement for parking. There is a current demand of 75 spaces and there are 65 spaces on site. Additional spaces would be available by using the cross easement from the Church. Chairman Kasper explained that previous the Board of Adjustment had granted a variance to allow the cross easements for use of the Church and this property. Michael Ferrone asked for the number of parking spaces allocated to each floor. This will be addressed by the Traffic Engineer.

Open Public Portion

By motion of Margaret Nordstrom and seconded by Michael Ferrone, the public portion for questioning of this witness was opened. Motion passed.

Philip Guidone, Esq. of Chester, New Jersey representing the St. Lawrence Roman Catholic Church which adjoins the subject property, questioned the parking spaces and how they are allocated for each floor of the building. 28 parking spaces are calculated for first floor occupancy and 39 spaces for the second floor.

Rev. Nicholas Bozza, Pastor at St. Lawrence Church Roman Catholic Church, Chester, New Jersey asked who the current tenant on the first floor is and what their hours of operation are. The Attorney will attempt to get this information for the next meeting.

Close Public Portion

By motion of Margaret Nordstrom and seconded by Stan Quintana, the public portion for questioning of this witness was closed. Motion passed.

Greg Perego, Dynamic Traffic, LLC 245 Main Street, Chester New Jersey. Mr. Perego was sworn in and was accepted as an expert witness as a Traffic Engineer.

Mr. Bolio advised that he has reviewed the June 28, 2022, report. The report had not been distributed amongst the LUB members however it will be provided to them. Mr. Perego testified that there are no medical services provided but there is a medical component. The report prepared was from a traffic aspect. They did look at the use as a medical office. He used the Institute of Transportation Traffic Engineering Rates for taking it from a professional office to a medical office for both traffic generation and parking. The morning and afternoon peak hours were looked at. There is no noticeable traffic impact. The maximum parking for a 7,000 s.f. office building is 17 spaces, and a medical office is 23 spaces. He calculated the spaces needed and determined that the parking and traffic changes are minimal, and this is an excellent use of the property.

Steve Bolio questioned the witness and asked if his analysis took into consideration that vans will be bringing in clients and leaving the site. He answered that the vans are not increasing the traffic.

Open Public Portion

By motion of Margaret Nordstrom and seconded by Stan Quintana, the public portion for questioning of this witness was opened. Motion passed.

Philip Guidone, Esq. of Chester, New Jersey representing the St. Lawrence Roman Catholic Church which adjoins the subject property, asked if he used the anticipated traffic from the first floor. The answer was no. The traffic is already there. This applicant makes a zero change.

Close Public Portion

By motion of Margaret Nordstrom and seconded by Stan Quintana, the public portion for questioning of this witness was closed. Motion passed.

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The Attorney for the applicant had no further testimony this evening. The hearing was carried to the Land Use Board meeting of October 13, 2022, without further notice.

Philip Guidone, Esq. was assured that the cross easements and resolution at the time the previous approvals were granted are part of the record.

Chairman Kasper entered into evidence as part of the Land Use Board's case, the following exhibits:

- **LUB # 1** – Fulton Bank of New Jersey - Application No. 2011-7 – 425 Main Street, Block 110, Lot 29 – Zoning District B-2 - Decided and Memorialized December 8, 2011
- **LUB # 2** – Artista Salumeria, LLC, t/a Gusto Italian Market – Application No. 2011-425 Main Street, Block 110, Lot 29 - Zoning District B-2 - Decided and Memorialized January 12, 2012.
- **LUB # 3** – William J. Adams – Application No. 2002-13 (B) – Colonial Court – 423 East Main Street, Block 4.01, Lot 29 – Zoning District B-2 - Decided April 10, 2003, Memorialized May 8, 2003

The Board Members recused from hearing the case came back into the meeting.

Chairman Kasper read into the record a resolution appointing Amanda C. Wolfe, Esq. as the Borough of Chester Land Use Board Attorney.

Margaret Nordstrom moved to adopt the resolution; Anita Rhodes seconded the motion which was adopted by the following roll call vote:

AYES: Janet Hoven, Margaret Nordstrom, Kenneth Kasper, Anita Rhodes, Michael Ferrone, Donald Storms, Stan Quintana, Kyle Kopacz, Michael Gurzo

NAYS: None

Public Comment – There was no one in the public.

ADJOURNMENT – There being no further business, the meeting was adjourned at 9:05 p.m. on a motion by Margaret Nordstrom; seconded by Chris Heil which was passed unanimously by the Board.

Sarah Jane Noll
Committee Secretary