

CHESTER BOROUGH
LAND USE BOARD
October 13, 2022

The Regular meeting of the Chester Borough Land Use Board was held on October 13, 2022.

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7:05 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:

Kenneth Kasper, Class IV
Janet Hoven, Class I
Margaret Nordstrom, Class II
Stan Quintana, Class IV
Anita Rhodes, Class IV
Michael Ferrone, Class IV
Jason Rothamel
Michael Gurzo, Alternate #2

Absent:

Paul Ferriero, Board Engineer
Chris Heil, Class III
Donald Storms, Class IV
Kyle Kopacz, Alternate # 1

Also Present:

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

Minutes – The minutes of the August 11, 2022, LUB were deferred to later in the meeting.

Resolution

Mill Ridge Lane Townhouse redevelopment – Mill Ridge Lane Property LLC, Block 101, Lots 12.07 & 12.08 – Preliminary and final site plan and Major subdivision plan. Anthony Sposaro was present and has no objections the resolution.

By motion of Margaret Nordstrom and seconded by Stanley Quintana, the resolution was adopted by the following roll call vote:

AYES: Jason Rothamel; Anita Rhodes; Janet Hoven; Michael Ferrone; Margaret Nordstrom; Kenneth Kasper

NAYS: None

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

Mr. Sposaro, Attorney for the applicant advised that the application will be continued in December. Chairman Kasper passed a letter sent to the LUB from the Chester Borough Environmental and Open Space Committee, regarding the plans, to Mr. Sposaro.

Public Hearing

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

carried from the September 8, 2022, LUB meeting.

Janet Hoven recused herself from hearing the application.

Simone Calli, Esq. of Calli Law, LLC. Glen Rock, New Jersey was present representing the applicant. Ms. Calli called the applicant's Planner as a witness.

Christine Nazzaro-Cofone, Planner with Cofone Consulting @ DESCO of Red Bank, New Jersey was accepted as an expert witness. She advised that she had reviewed the application; the facts testified to by Tim Jackson and David Banisch's report dated September 8, 2022, and she concluded that the use has intrinsic value to the municipality. She proceeded to testify to the use of this facility and the need for these facilities in all communities. She could support a condition of approval that there be no overnight treatment. She reviewed the uses in the B-2 Zone and advised that this is not a medical office or detox facility and that this use is unique to this building, and therefore requires a use variance. Mr. Banisch had no questions of Ms. Nazzaro-Cofone.

Land Use Board questions

The Board members questioned the witness. Mr. Quintana asked if there will be any sex abuse clients. Timothy Jackson, co-owner was recalled to the stand and was reminded that he had been previously sworn. Mr. Jackson testified that the facility does not offer treatment to sex offenders and they have no desire to take in these troubled cases. Mr. Banisch reminded the board that this facility is for the treatment of substance abuse and not the treatment of sex abusers. Mr. Jackson advised that the screening process is extensive. He testified that there are 10 employees on average daily and 2 or 3 vans plus 10-15% of the clients may drive or be driven to the facility with a total of approximately 20 parking spaces. 29 of the 65 spaces could be occupied. The engineer Thomas Trotto, had estimated the use of 21 spaces. The building with the Deli has a parking requirement

CHESTER BOROUGH
LAND USE BOARD
October 13, 2022

of 12 spaces. Mr. Quintana reiterated Rev. Nicholas Bozza's concern at the September 8th meeting for parking on Saturdays and Sunday. The Attorney Simone Calli reminded the LUB that the facility is not open on Sunday. The business on the first floor which is an Engineering firm is open Monday thru Friday from 8 a.m. to 5 p.m.

Steve Bolio, Board Engineer reviewed the Developers' Agreement established July 21, 2003, as the result of the initial approval of the site. The agreement has a restriction on businesses being open on holidays. The holidays are for the benefit of the Church. This will be a condition of approval that the applicant has agreed to.

Jason Rothamel questioned how many of this type of facilities are located next to a child parish center. He also questioned why clients must be bused in. Mr. Jackson advised that most Sober Living Homes require that the clients be bused. He also testified to the screening of the clients. Michael Ferrone asked if the vans will be parked overnight at the site and Michael Gurzo asked if this type of use is usually accepted as a beneficial use. David Banisch, Board Planner advised the Board that they are inherently beneficial. Mr. Banisch addressed this question. Michael Ferrone asked if the ownership changes would the use continue. The answer was yes if the use continues as approved.

Steve Bolio explained that the Developer's Agreement does not require closure on holidays. Christmas and Easter were the concern of the Church. Mr. Jackson advised that they are very willing to work with the Church on this matter.

Public Portion Opened

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

No one in the public had questions.

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

Anita Rhodes asked for information on the signage which was submitted but without detailed testimony.

The Attorney for the applicant asked Mr. Jackson if the signage will comply with the ordinance. David Banisch asked that they comply with the ordinances or swap out and comply with the previous variances. The applicant agreed to this.

The Attorney Ms. Calli concluded her case and pointed out to the Board that there are no objectors; the site fits the use and there is no site work proposed.

Board Deliberation

By motion of Margaret Nordstrom and seconded by Anita Rhodes, the board entered into deliberation of the application. Motion passed.

Chairman Kasper referred to the two options available for approving a use variance by
1) determining whether Special Reasons have been proven in order to determine if the

CHESTER BOROUGH

LAND USE BOARD

October 13, 2022

use promotes the general welfare and whether the development of the property is particularly suited for the use proposed and 2) that the “negative criteria” has been satisfied by showing that such variance or other relief can be granted without substantial detriment to the public good and zoning ordinance and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Chairman Kasper asked if there are any negative votes for the application. Being there were none, the Board discussed the conditions of approval.

No overnight treatment

Business to close early on Saturday

Business closed on Sunday

No detox treatment

Signage to comply with ordinances

Daily clients to cap at 50

Closed on Church holidays, to be specified.

By motion of Michael Ferrone and seconded by Margaret Nordstrom the Board approved the D-1 variance relief with conditions by the following roll call vote:

AYES: Margaret Nordstrom; Kenneth Kasper; Anita Rhodes; Michael Ferrone; Stanley Quintana; Michael Gurzo and Jason Rothamel

NAYS: None

Public Comment – There was no one from the public present.

Mayor Janet Hoven, recused from hearing the case returned to the Board.

Executive Session – 8:20 p.m.

A motion to adopt the following resolution to close the meeting to the public and conduct an Executive Session was made by Margaret Nordstrom and seconded by Anita Rhodes. The motion was passed by the following roll call vote.

AYES: Janet Hoven, Kenneth Kasper; Chris Heil; Margaret Nordstrom; Don Storms; Michael Ferrone; Anita Rhodes; Jason Rothamel; Stanley Quintana; and Michael Gurzo.

NAYS: None

RESOLUTION

(Open Public Meetings Act - Executive Session)

WHEREAS: N.J.S.A. 10:4-12, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, it is necessary for the Land Use Board of the Borough of Chester to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below.

NOW, THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Chester, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from the discussion of the hereinafter specified subject matters.

CHESTER BOROUGH
LAND USE BOARD
October 13, 2022

2. The general nature of the subject matters to be discussed is as follows:

Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. Specifically, the matter to be discussed is:

ADREX Diversified I Master Tenant LLC v. Planning Board of the Borough of Chester and Global Acquisitions Company, LLC

Superior Court of New Jersey, Law Div., Morris County
MRS-L-1665-22

3. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Land Use Board of the Borough of Chester that the public interest will no longer be served by such confidentiality.

4. This Resolution shall take effect immediately.

The Land Use Board came back into session at 8:50 p.m.

Communication/Discussion Items -

Chairman Kasper will reach out to Kyle Kopacz regarding his membership on the Land Use Board.

Minutes – By motion of Margaret Nordstrom and seconded by Michael Ferrone, the minutes of August 11, 2022, were approved as read.
Stanley Quintana abstained.

ADJOURNMENT – There being no further business, the meeting was adjourned at 9 p.m. by motion made by Margaret Nordstrom; seconded by Michael Ferrone which was passed unanimously by the Board.

Sarah Jane Noll
Committee Secretary