

**Township of Egg Harbor
Zoning Board**

May 6, 2013

Solicitor: Stan Bergman, Jr., Esquire, present
Engineer: Matthew F. Doran, P.E., present
Planner: Edward Walberg, P.P. (Joseph Johnston, P.E., P.P., in attendance)
Zoning Officer: Patty Chatigny, Zoning Officer, present

A regular meeting of the Zoning Board of Adjustment of Egg Harbor Township was held on the above-date, 7:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairman opened the meeting by reading the statement in compliance with the Open Public Meetings Act

Roll call taken as follows:

John C. Amodeo, Class IV, present	John Haines, Class IV, Chairperson, present
Leonard Dagit, Jr., Class IV, present	Norma Lombardi, Class IV, present
Anthony DiDonato, Alt. #I, present	Chrissy Martin, Class IV, III
Beth Epstein, Class IV, present	Andrew Parker, Alt. #II,
Chuck Gunther, Alt. #III, present	Paul Savini, Class IV, Vice-Chairperson, present

Chairman Haines advised Board Solicitor Miller has resigned his position for the Board. Chairman Haines indicated he has asked Stanley Bergman, Esq., be appointed to the unexpired term of Solicitor Miller until January, 2014.

PUBLIC HEARING(S):

1. <u>V 03-13</u> Hope and Comfort, a NJ Nonprofit Corporation Zone: CRW, 22.42 acre site,, septic/well, an appeal pursuant to N.J.S.A. 40:55D-70a. Applicant believes the Technical Review Committee erred in its decision requiring site plan approval from the Egg Harbor Township Planning Board for the construction of a 9,300 sq. ft., 15 bed maximum hospice facility. Applicant believes decision runs counter to N.J.S.A. 40:55D-66.1. CAFRA.	“A” Appeal 8701/5.04 170 Wharf Road Waiver of time – Not granted
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Charles Gemmel, Esq., introduced himself as attorney for the applicant, Hope and Comfort , a NJ Nonprofit Corporation and the owner the subject property.

Attorney Gemmel advised the applicant is seeking to construct a 15 bed hospice to be located on Wharf Road. He indicated a hospice facility falls under the term within the Municipal Land Use Law as a Community Residence. He indicated that N.J.S.A. 40:55D-66.1 specifically deals with Community Residence for terminally ill, persons with head injuries, etc... He indicated under the Community Residence requirements these uses are permitted within a residential zone and the requirements shall be the same imposed upon someone constructing a single-family home.

Attorney Gemmel advised the subject property is located within the CRW Zone and it permits residential uses. He indicated what brings the applicant before the Board is whether a site plan is required for the hospice. Again, he indicated the only requirements applicable to a Community Residence are those for a single-family home and within Egg Harbor Township and other municipalities within the State of New Jersey site plans are not required for the construction of a single-family home.

Attorney Gemmel advised his client started the process for approvals for this site by speaking with the Technical Review Committee in 2012. He advised tonight people will testify that site plan approval was not necessary for the construction of the hospice the Technical Review Committee was requiring an administrative review application. Attorney Gemmel stated based upon discussion with the Technical Review Committee in June, 2012 the applicant purchased the parcel in October, 2012. He advised it was not until late 2012 or early 2013 when the applicant heard rumor that a site plan was required.

Attorney Gemmel advised the applicant went before the Technical Review Committee in March, 2013 and they had changed their minds thus advising his client needed site plan approval. He indicated he believes in June, 2012 the Technical Review Committee made the right decision by requiring an administrative review approval and in March, 2013 they made the wrong decision.

Attorney Gemmel advised he has presence this evening Dolores Triboletti, founder of Hope and Comfort, Mays Landing, New Jersey and Robert Bruce, New Jersey Licensed Engineer, Somers Point, New Jersey. Board Solicitor Bergman duly swore both aforementioned individuals.

Ms. Triboletti indicated she developed the idea for the hospice in 2010 as a result of family members having caregivers. She indicated that when she was in Stockton for her MBA she reached out to the head of the Department requesting to see if she could do further study on hospice. She indicated after discussing with Atlantic County and Cape May County that out of the 374,000 population 60,000 of these individuals are 65 and older and out of this 30,000 are veterans.

Ms. Triboletti advised she also reached out to Cumberland, Gloucester and Cumberland Counties finding the feasibility determined there is a need for free standing, in patient hospice facility in this area. Ms. Triboletti stated the property was picked because it was neutral for Atlantic Care coming from English Creek Avenue, for Shore Memorial in Somers Point and even for Cape Regional. She indicated it a serene area. She advised people who do not have family or those who are staying in a hospital are paying between \$3,500.00 to \$7,000.00 a day for care.

Ms. Triboletti advised this type of facility will free up acute care beds and the cost for hospice care is lower from \$162.00 to \$674.00, which is a savings with Medicare. She advised this facility is for families and patients to feel like they are in their own home. She stated it is a homelike environment for those individuals whom may not have caregivers at home or cannot stay in the hospital.

Ms. Triboletti stated this facility will welcome anyone as if were their own home. She indicated the facility was designed as residential. She indicated each patient has their own room and bathroom. The facility has a kitchen, family room, and there are bereavement rooms. Ms. Triboletti stated she is founder and executive director and there is a non-profit board.

Ms. Triboletti reached out to Robert Bruce to see if Wharf Road would be conducive to what was required. He spoke with Board Secretary Wilbert and she scheduled discussion for the Technical Review Committee. Ms. Triboletti also advised she received in writing from the Zoning Officer, Patty Chatigny that the use was permitted for this property. During the Technical Review Committee Ms. Triboletti was not present for discussions, however, the secretary of Hope and Comfort was, as well as, the architect and Robert Bruce. She indicated that after the Technical Review Committee she also received the notes concerning what was discussed.

Attorney Gemmel asked Ms. Triboletti if it was her understanding from this meeting that a determination was made that no formal site plan was necessary for the hospice. Ms. Triboletti stated it was her understanding that the application for administrative review would be allowed.

Attorney Gemmel asked Ms. Triboletti what other approvals did Hope and Comfort obtain after the Technical Review Meeting? Ms. Triboletti stated after this meeting she purchased the land, spent \$15,000.00 with the Department of Health to receive the Certificate of Need. Robert Bruce was paid for his services and she spent \$30,000.00 on Architectural plans. She advised at this point they have spent over \$500,000.00. Ms. Triboletti indicated she has conditions on the financing received from the USDA and bank. She also indicated the time line given requires her to break ground before the end of June, 2013. Ms. Triboletti indicated she does have the financing to construct this project and she received this funding on September 19, 2012. She also noted she will also require approval from the Department of Community Affairs prior to the issuance of any building permits.

Attorney Gemmel asked how did she find that a site plan would be required for this parcel? Ms. Triboletti stated through a phone call made to Robert Bruce from Robert Watkins sometime at the beginning of this year. Attorney Gemmel stated based upon this determination the applicant went back to the Technical Review Committee in March, 2013. Ms. Triboletti stated Mr. Miller presided over the Technical Review Meeting in March, 2013. She brought to his attention about the meeting in June, 2012 and she advised Mr. Miller indicated he was present and he agreed the Technical Review Committee would allow them to do a 9,300 sq. ft. facility with 18 parking spaces and address the easement in front of the property. Ms. Triboletti advised Mr. Miller indicated some people of the Board wanted no administrative approval and do a formal site plan. She indicated her biggest concern with this determination was time.

Board Member Dagit asked that when Ms. Triboletti stated "board" does she mean the Technical Review Committee. Ms. Triboletti stated it is the Technical Review Committee. She indicated Mr. Miller agreed that last summer the Technical Review Committee agreed that the applicant should proceed with the 9,300 sq. ft. building the 18 parking spaces and the easement for the "K" turn.

Attorney Gemmel referred to Exhibit A1: architectural elevation for front of building. Ms. Triboletti stated the windows in the front may change a little bit. This is the front elevation and we are at 6' ft. and adding 7' ft. of soils to meet the "V-Zone" requirements. Board member Lombardi asked how many stories? Ms. Triboletti will be two (2) stories. She indicated there are seven (7) or eight (8) bedrooms to on first and second floor. She advised there is one (1) bedroom suite that is a little bigger to have double beds.

Board Member Dagit asked the only board you were before was the Technical Review. He asked if Ms. Triboletti was before the Planning Board. Ms. Triboletti stated it was only the Technical Review and if she stated "board" it may have been her own board or USDA. Board Member Savini asked the meeting you had in June, 2012 who was that meeting with. Ms. Triboletti stated she was not at the June, 2012 meeting. She indicated Michael Busler, who was the Secretary at the time of Hope and Comfort, Robert Bruce and Kevin Orland with Fenwick Architects. She advised it was the Technical Review Committee. Township Planner Vincent Polistina advised the Technical Review Committee consist of Township Administrator, Peter Miller, either himself or Craig Hurless as the Planning Board Planner, Robert Watkins or James Mott, as the Planning Board Engineer, Terry is there and because this was a conceptual Chris Brown's office would not have been in attendance.

Board Member Savini scenario prior to the storm at the end of October and things may have changed and they wanted a site review because of the water behind the property. He indicated he is just speculating. Ms. Triboletti stated nothing was discussed during the meeting in June. She advised she was going to 12 to 13' feet for a higher elevation.

Robert Bruce, New Jersey Licensed Engineer : Engineer Bruce advised he became involved with Hope and Comfort early in 2012. Attorney Gemmel asked why Hope and Comfort went to the Technical Review Committee in June, 2012. Engineer Bruce advised there were three (3) reasons. He indicated the first concerned the lot which was part of a four (4) lot subdivision and there would be a 50' ft. easement in front of lot for a "K" turn for emergency vehicles and trash truck. Engineer Bruce stated because the applicant was constructing a driveway wanted to make sure the requirements of driveway First was this lot was part of a four lot subdivision and there would be a 50' ft. easement and because we proposed a driveway would they meet the requirements of the "K-turn".

Engineer Bruce stated the applicant also wanted another confirmation of the use to ensure we were a permitted use and see if there were any other concerns with respect to what we were doing on site. Attorney Gemmel asked what was the outcome of the Technical Review Committee meeting in June, 2012. Engineer Bruce stated the outcome was the plan would be submitted as an administrative review. Attorney Gemmel asked if a formal site plan was requested at that time. Engineer Bruce stated no, and the applicant began working in that direction.

Attorney Gemmel stated when speaking concerning community residence including a hospices one of the requirements is that they comply as a single-family home. Engineer Bruce stated this site is within the CRW zone and single-family homes are permitted. He advised this project will meet all the zoning requirements for a single-family dwelling such as setbacks, coverage, etc..

Attorney Gemmel asked Engineer Bruce if he was present during the March, 2013 Technical Review Committee and what was the applicant there for? Engineer Bruce advised he was present during the March, 2013 Technical Review. He advised the project had grown in size in terms of square footage of the building and we reduced the building down to the project that was acknowledged in June, 2012. He stated they were meeting with the Technical Review to assure them we were complying with all requirements of June, 2012.

Attorney Gemmel asked if any discussion concerning the FEMA maps and elevation from the Sandy episode? Engineer Bruce stated predated Sandy and with respect to the base flood elevations will conform to the FEMA requirements. Attorney Gemmel asked if there was anything discussed at the Technical Review Meeting that suggested they changed their minds because of Sandy. Engineer Bruce stated nothing came up.

Attorney Gemmel asked Engineer Bruce is single-family homes require site plan approval? Engineer Bruce stated he is not aware of any. Attorney Gemmel stated since a single-family home does not require site plan approval and the requirement for a hospice is the same as a single-family home then site plan approval is not required. Engineer Bruce stated he would agree. Attorney Gemmel asked Engineer Bruce what his understanding would be with respect to "requirements" referenced within the statute. Engineer Bruce stated his understanding for a single-family home it would have to comply with all the bulk variances setbacks, lot area and coverage, etc..and a single-family dwelling normally goes through a building permit process and a predominately requires a plot plan.

May the record reflect: both Board Engineer, Matthew Doran and Board Planner, Joe Johnston deferred Township/Planning Board Planner, Vincent Polistina, who is in attendance this evening.

Planner Polistina stated backing up from our standpoint of what occurred, a lot of which the board has heard is accurate. He indicated the initial proposal was a 7,000 sq. ft. residential home for the care of the terminally ill. Planner Polistina advised the Township of course would like to see and the Legislature would like to see. He indicated the initial direction was yes, it is a permitted use, and submit plans in and we will react.

Planner Polistina stated the plans were received in January, 2013. He indicated when they were received he reacted to what he received for administrative review. Planner Polistina stated to be clear no administrative review allowed for this site because there is no underlying site plan to amend. He indicated that became his initial problem. He indicated you cannot do an administrative review because it talks about amending a prior plan and two (2) are allowed per site. He indicated administrative reviews are for minor amendments. Therefore, he was not doing an administrative review.

Planner Polistina advised he was not at the meetings and when he opened the plans he saw a mini-hospital. He indicated it was not just 15 beds for terminally ill. It had 15 rooms of which some had partitions with two (2) bathrooms so you could subdivide that room to create additional rooms. There were concerns related to the plans. They do not qualify for administrative review. Reviewed the law and can create these facilities for up to 15 people. He indicated many of us have known terminally ill individual's and we know that is not much going on. He indicated the great rooms and healing gardens, and all the other things created concerns about this going beyond what the Legislator permitted in the zones.

Planner Polistina stated at that point the package that was submitted to Planning Board submitted for administrative review was discussed with the Zoning Officer, the Township Administrator and the Land Use Administrator and it was determined that it does not meet the administrative review criteria but does not meet the definition of Community Residence under the Municipal Land Use Law and it went beyond the scope of what the Legislator's intended.

Planner Polistina stated the plans submitted did not meet the intent of the Municipal Land Use Law and the applicant did come back to the Technical Review in March, 2013 and decision was there are impacts as result of this application and the Township should perform a formal review on, therefore, it would be a site plan application. He stated he believes it is a permitted use, it is allowed and is a by-right application, however, there is no reason for the Planning Board to give up their prevue on parking, lighting, storm water, buffers and landscaping. Planner Polistina stated yes, it is permitted like any other site plan and Planning Board should retain jurisdiction to review these items and notify the public and give the public an opportunity to review.

Planner Polistina stated there is no way he is signing off an administrative review for a 12,000 sq. ft. building when they originally discussed a 7,000 sq. ft. building, then a 9,300 sq. ft. building. He indicated the 12,000 sq. ft. building submitted for Wharf Road is not appropriate.

Chairman Haines stated this came as a concept and then was formally submitted you saw the bigger picture. Planner Polistina stated this is correct. He indicated the application has not been amended it is

pending is still as the 12,000 sq. ft. building with 15 rooms some of which have two (2) bathrooms. He indicated this is big building proposed within the residential zone. He indicated he believes the Township is being generous and allowing this to meet the definition of community residences. He stated this application does not fall under that definition. Planner Polistina stated this is why they are going back to the 9,300 sq. ft. facility.

Board Member Savini asked in June, 2012, they requested a confirmation of the use and the "K" turn. Planner Polistina stated the letter to have this site scheduled for the Technical Review Committee stated it was a 7,000 sq. ft. facility. Board Member Savini stated then the Technical Review only had a letter to work on. Planner Polistina stated this is correct. Board Member Savini stated so the actual first time you looked at this was in January? Planner Polistina stated this is correct. Ms. Triboletti stated there was a conceptual plan that was submitted in June, 2012 during the Technical Review Committee.

Planner Polistina stated he does not have a copy but one may have been given to the Board Office. The only item has is the letter. Board Secretary Wilbert provided the concept plan presented at the June, 2012 Technical Review. Planner Polistina stated the plan does show the rooms, but no bathrooms and so of the other proposed facilities. He advised this shows 20 rooms. Board Solicitor Bergman marked this plan as **Exhibit PBTRC#1 and Exhibit PBTRC#2** marked the Administrative Review Architectural submitted in January, 2013.

Chairman Haines asked if the Planning Board has seen this information. Planner Polistina stated it was submitted to the Planning Board and sent to their professional's for review and this is when he indicated he believes it does not meet the definition of Community Residence. He indicated it was submitted to the Board Professionals and this is when the determination was made.

Board Member Dagit stated the size of the square footage is limited to the coverage. Planner Polistina yes, the applicant must meet the zoning controls. Board Member Savini asked what triggered his concerns. Planner Polistina stated under the Administrative Review it requires an underlying site plan. He indicated this is a new 12,000 sq. ft. building which does not qualify.

Board Solicitor Bergman asked that even though you reviewed and spoken about this under the Statute. Would this project be considered a single-family home? Planner Vince stated no. This is not a single-family home it is a community residence for the terminally ill it is permitted, but needs a site plan. He indicated it has 18 parking spaces, storm water reports, there is proposed clearing and other things the Planning Board should review.

Board Member Dagit stated in the March, 2013, although the Township wants a site plan they still recognize it as a permitted use. Planner Polistina stated yes. Not a questions it will be there just want to make sure it does not have an adverse effect on the resident's or the road way.

Board Member Dagit is there a way for the Township to monitor how many people are at this facility at any given time? Ms. Triboletti stated yes. Hope and Comfort was going to develop a 15 bed hospice facility. However, we received a letter from the Zoning Officer that says we are a permitted use and we can do 20 beds. She indicated when they applied for the Certificate of Need from the Department of Health they also allowed for 20 beds. This is a comprehensive home care program. Ms. Triboletti stated the drawings submitted with the first architect were way out of hand with the development of site. She indicated based upon her feasibility study, performed by a Certified Public Accountant and the loan amount was based upon no more than 9,500 sq. ft.

Ms. Triboletti indicated she asked the first architect be removed from the project. She indicated somehow the plans were submitted to the office. Ms. Tribloetti stated the first time she saw the plans were at a meeting they had and she knew the square footage was off. She indicated she would not have been able to afford to construct a 12,000 sq. ft. facility. When you see two (2) bathrooms they have partitions we would have never placed in but we received the approval from zoning officer and State. She indicated they would not have been placed in the five (5) additional beds or bathrooms, but if she received 100% capacity would have come back in at a later date for variance relief or construct another 15 bed facility in another area. She indicated anything over 20 beds is considered a nursing home, anything under 20 beds is considered C.P.C.H.

Board Solicitor Bergman stated the interpretation you are seeking today is based upon 15 beds. Ms. Triboletti stated this is correct. She indicated it was always 7,000 sq. ft. of space, but would be a two (2) story was never less than 9,300 sq. ft.

Board Member Savini stated the footprint is 7,000 sq. ft. and will have a 2nd floor. Ms. Triboletti stated would have been 7,000 sq. ft. on bottom floor. However, since then now have it as 5,800 sq. ft. and 3,800 sq. ft. on second floor. Board Member Savini comes down to the square footage. Board Solicitor Bergman stated it is not the square footage that considers it a community residence but the amount of beds. He indicated the question comes from the requirements of the site plan before the Planning Board based upon our ordinance(s). Board Solicitor Bergman advised Planner Polistina's opinion is based upon the intensity of the use, which he indicated he agrees with, the requirements are bulk requirements and that the size of the facility. Board Member Savini speak with June about 7,000 sq. ft., then it goes to 9,300 sq. ft. and then is submitted for over 12,000. sq. ft. is a concern.

Ms. Triboletti stated she agrees with Board Member Savini. Board Member Dagit stated the concern is the beds and the monitoring of such. Ms. Triboletti stated she will never have more than 15 beds based upon the requirements of Department of Health and Medicare. Chairman Haines stated this is not the issue, issue is you are avoiding a site plan. Attorney Gemmel stated the applicant is. He indicated he does not believe it is needed. Chairman Haines stated he believes this is a Planning Board issue. Attorney Gemmel stated this is the Zoning Board for an interpretation to the ordinance(s) and the municipal land use law.

Attorney Gemmel stated he sees the section of the municipal land use law as this being a permitted use and the only requirements the applicant has to abide by requirements for a single-family home. He indicated the Township does not have any requirements that say a single-family home cannot be 9,300 sq. ft. or 12,000 sq. ft. or the number of bathrooms in a single-family home. He stated if you cannot place these requirements on single-family homes than you cannot place them on the applicant. He indicated he does not believe site plan approval can be required for a single-family home.

Attorney Gemmel further noted the Legislature decided the only requirement they would place on this type of proposal would be the maximum number of patients. He stated they did not place a building not exceeding a certain size or the number of parking. They only placed in the amount of terminally ill patients can be there.

Attorney Gemmel enforcement is the same for any other approval granted by the Board's. There are enforcement commitments. Ms. Triboletti stated there is no control room, previously referenced by Planner Polistina. Planner Polistina stated the statute allows for food, shelter, and personal health. He

indicated it does not talk about parking, curb and sidewalk, with this type of facility this is what should be retained for jurisdiction. He stated this is the argument. Ms. Triboletti stated based on the Department of Health we need a bereavement room, she indicated the healing garden is proposed for the rear of the facility. Board Member Savini stated this is a great opportunity Ms. Triboletti and community. He indicated it is not as though the Board does not want this type of facility, but it has to work. Board Member Savini stated the applicant cannot say it is a residential use with a limit of 15 beds and you have 20 beds and bathrooms.

Board Member Savini stated this Board does not have a plan of what the applicant wants. Want the Board to decide if it needs site plan approval, but we do not have a plan. Attorney Gemmel we are seeking approval to not require site plan approval. He stated it does not matter what the square footage, because you do not limit the square footage of a home. Board Member Savini stated there is a limit of 15 patients and it does have a limit. Attorney Gemmel we are not coming here to seek approval we are seeking we are asking the Board to determine if we need site plan approval.

Attorney Gemmel stated we are not proposing a 12,000 sq. ft. building. Chairman Haines stated an exact plan should be submitted. Engineer Bruce stated Planner Polistina did review a 12,000 sq. ft. facility, however, in June, 2013 a 9,300 sq. ft. facility was discussed. He indicated the original architect was looking at future expansion. He did propose 15 rooms, but did a plan that could be 20 rooms. Engineer Bruce stated the administrative review was now a site plan. He indicated the applicant always wanted a 9,300 sq. ft. facility with 15 beds.

Board Member Dagit what if we rule in favor and the construction plans are submitted. How would you make determination that the plan is submitted meets the statute? Zoning Officer Chatigny will look at the zoning requirements and the rooms. My plans and building plans must match when they submit for the construction plans. Board Solicitor Bergman asked if she looks at storm water, ingress and egress. Zoning Officer Chatigny stated she will review the plans previously approved by the Board and make sure the parking spaces are there. She would not look at storm water.

Planner Polistina stated for single-family homes we do look at landscaping, we look at curb and sidewalk and parking requirements. Planner Polistina stated when you look to build 10,000 sq. ft. facility with associated improvements and they do not fall under the statute would be hard to say that a site plan is not needed. Board Member Dagit stated a plan for 7,500 sq. ft. should have been submitted to the zoning officer for a building permit. He indicated when you go to Technical Review you go to see if you need a site plan.

Ms. Triboletti stated in March, 2013 when we went back to the Technical Review they denied the plan. Board Planner Polistina stated it was not denied. They stated it must have a formal site plan approval. Board Solicitor Bergman stated the Technical Review Committee did not deny the 9,300 sq. ft. plan. They requested it be submitted as a site plan before the Planning Board. Planner Polistina stated an administrative review cannot be denied it either can be reviewed for changes to an existing site plan or sent to the Planning Board for their approval.

Board Solicitor Bergman stated the Board is to interpret the municipal land use law which allows this as a permitted use in a residential zone and the requirements referenced in the Statute and the Township ordinance. The applicant is saying they can meet all the requirements for a single-family home, however, Planner Polistina is saying just because they do it does not obviate them going for a site plan. He indicated that is what the Board must decide

Attorney Gemmel stated the Board Solicitor is saying requirements only means bulk requirements it does not mean all. He indicated if the Legislature intended for a hospice to need other requirements it would have worded it as such. Planner Polistina stated he disagrees. He indicated the Legislature wanted to have these facilities in permitted in residential zones and encouraged them. They are needed and want to see them Egg Harbor Township . However, if someone has a 1,500 sq. ft. rancher they did not want someone to place a 9,300 sq. ft. facility next door to them without looking at improvements. Such as parking, entrance and exist. He stated if you spoke with Legislatures cannot imagine this is what they wanted. Attorney Gemmel stated then the Legislature would have placed more restrictions then just 15 beds. They would put confines on square footage and parking. They took a short cut and they said if you have 15 beds the only other requirement is do what you need for a single-family home.

Motion Savini/Dagit to open public portion.

May the record reflect no one came forward

Motion Savini/Dagit to close public portion.

Chairman Haines asked if Mr. Gemmel had anything additional. Attorney Gemmel stated he has nothing further to say. He indicated the Statue says that the applicant must meet the requirements of a single-family home and he indicated he does not believe that also meets for a site plan. Understands there is another interpretation of the law.

Board Solicitor Bergman stated the applicant original submitted as an appeal, however, it was changed this evening to an interpretation of how the Township will interpret the municipal land use law as to the ordinance in Egg Harbor Township. He indicated his opinion and Planner Polistina's has been placed on the record.

Board Solicitor Bergman stated he believes this application needs site plan approval and needs to be submitted to the Planning Board. The bulk requirements in residential zones, these community residence are beneficial uses, and the Legislature wanted to ease up restrictions for them to be built. Do not believe projects of this magnitude, especially based on the plans that have been submitted by the applicant, need to be reviewed by the Planning Board for site plan approval because of the intensity of the use. Parking, landscaping, lighting and storm water is not reviewed by the Zoning Officer, if these are not reviewed we have a problem. Do not believe the Legislature wanted these items not to be reviewed. The requirements in the Statute mean bulk requirements not all requirements.

N. Lombardi: not a single-family dwelling sudo-commericail is beautiful and needed. Not many 9,000 – 10,000 sq. ft. homes in the Township. Maybe some churches of this size. Do believe a site plan is needed. Stated this s is not a single-family home.

A. Parker: understand both sides. Have law on your side. Does not seem the application is completed and do not have plans that reflect what needs to be accomplished. A site plan is needed.

B. Epstein: agree is needed in community, want to see it. We have to rely on professional's a commercial property is outsiders coming in and out of a facility. This is not a residential home. Want the community members to also welcome it. In the past we have had

issues with overflow water and we do not want to have a problem. She indicated everyone wants this. Board Member Epstein stated the Board also needs to follow the also want to follow the law as we understand it. She stated the Board wants to make sure it meets all the safety requirements effecting both the applicant and neighbors. She stated this needs to be reviewed by the planning Board.

C. Gunther: I too went through as a care taker and this is needed and well overdue. However, please get the ducts in order and you have a place within Egg Harbor Township.

A. DiDonato: stated this is as simple as if it was allowed they should have applied for a permit. This did not happen. He indicated even when the applicant submitted to the Board it was an appeal and now it is not. Stated his brother just passed away and it would have been nice for him to be here. Too many undecided things and should go with site plan.

L. Dagit: agree with Mr. Gemmel. Think the problem was between the two (2) plans. If this was a single-family home should have just gotten a permit. Believe the applicant caused the situation. Believe Mr. Gemmel is correct that the Legislature did not state site plan, however, believe one is needed because what was submitted did not meet the intent of the Legislature.

P. Savini: concur with Board Member Dagit and he is spot on. Board Member Savini advised the applicant he wants to see this facility built, however, she has safety and community issues that need to be met. A site plan is required. This is a planning board application.

Chairman Haines: stated this is a permitted use and agree with Zoning Board Professional's. Stated he does not feel this issue is within the zoning Board hands. This is a Planning Board issue. Stated he has to rely upon the professionals and they guide the Board. At this point, advise is this needs to go to the planning board with a firm plan and they will make decision.

Motion Dagit/DiDonato Site Plan review will be required by the Planning Board. Vote 7 Yes: Dagit, DiDonato, Epstein, Lombardi, Parker, Savini, Haines

SUMMARY MATTER(S):

1. Discussion of matters pertaining to the Board.

MOTION Dagit/Savini TO ADJOURN AT 8:43 P.M.: VOTE 7 Yes Dagit, DiDonato, Epstein, Lombardi, Parker, Savini, Haines

Respectfully submitted by,

Theresa Wilbert, Secretary