

**MONTGOMERY TOWNSHIP ZONING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REORGANIZATION AND REGULAR MEETING  
JANUARY 24, 2023**

**MINUTES**

Cheryl Chrusz called the meeting to order at 7:01 p.m. and read the opening statement which affirmed that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

**BOARD MEMBERS PRESENT:** Ms. Blazovsky; Mr. Blodgett; Ms. Rosenthal; Mr. Singh; Mr. Wallmark (arrived at 7:30); Mr. Wood; Ms. Bruns, Alternate #1

**ALSO PRESENT:** Jonathan Drill, Esquire; James Clavelli, Board Planner; Rakesh Darji, Board Engineer; Joseph Fishinger Board Traffic Engineer; Joseph Samec, Zoning Officer; Cheryl Chrusz, Planning Coordinator

**I. SALUTE TO THE FLAG**

**II. NEW MEMBER OATH OF OFFICE**

Ms. Bruns signed her oath of office.

**III. REORGANIZATION**

**A. Election of Officers**

**I. Call for Nominations for Chair**

Mr. Blodgett was nominated as Chair by Ms. Blazovsky, which was seconded by Mr. Wood. There were no further nominations. A motion to close nominations was made by Mr. Wood and seconded by Ms. Bruns. The motion carried unanimously.

The following roll call vote was taken for Mr. Blodgett as Chair:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

**2. Call for Nominations for Vice Chair**

Ms. Rosenthal was nominated as Vice Chair by Chair Blodgett, which was seconded by Ms. Blazovsky. There were no further nominations. A motion to close the nominations was made by Mr. Wood and seconded by Ms. Bruns. The motion carried unanimously.

The following roll call vote was taken for Ms. Rosenthal as Vice Chair:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

**3. Call for Nominations for Chair Pro Temp**

Ms. Blazovsky was nominated as Chair Pro Temp by Chair Blodgett, which was seconded by Mr. Singh. There were no further nominations. A motion to close the nominations was made by Vice Chair Rosenthal and seconded by Mr. Wood. The motion carried unanimously.

The following roll call vote was taken for Ms. Blazovsky as Chair Pro Temp.

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

**B. Appointment of Recording Secretary – Joe Samec**

Mr. Samec was appointed as Recording Secretary on a motion by Chair Blodgett, which was seconded by Mr. Wood. This carried on the following roll call vote:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

### **C. Meeting Schedule**

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Montgomery will meet in 2023 on the 4<sup>th</sup> Tuesday of the month with the 4<sup>th</sup> Thursday of the month to be utilized as a meeting date but only as may be necessary for special circumstances and that the monthly meeting dates of the Board are hereby scheduled on the following dates to commence at 7:00 p.m. in the Municipal Building located 100 Community Drive, Skillman, New Jersey:

January 26	July 25, 27
February 23, 28	August 22, 24
March 23, 28	September 26, 28
April 25, 27	October 24, 26
May 23, 25	November 28
June 22, 27	December 28

BE IT FURTHER RESOLVED that the 2024 reorganization meeting is hereby scheduled for January 23, 2024 to commence at 7:00 p.m. in the Municipal Building located at 100 Community Drive, Skillman, NJ

BE IT FURTHER RESOLVED that meetings, are open to the public and formal action may be taken at all meetings; Special work sessions scheduled periodically will be noticed as required upon scheduling; and this notice shall be transmitted to the officially designated newspapers and filed with the Clerk of Montgomery Township.

Ms. Blazovsky made a motion to adopt the meeting schedule, which was seconded by Vice Chair Rosenthal. This carried on the following roll call vote:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

### **D. Designation of the Official Newspaper**

The official newspapers for legal municipal advertising and notice shall be the Courier News. All legal notices to be published must appear in an official newspaper as stipulated by the NJ-MLUL.

A motion to designate the official newspaper was made by Ms. Blazovsky, which was seconded by Mr. Wood. This carried on the following roll call vote:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

### **E. NJ Federation of Planning Officials - Renewal of Membership**

Combination Membership - Zoning Board Membership - \$185.00

A motion to renew the membership was made by Vice Chair Rosenthal, which was seconded by Mr. Wood. This carried on the following roll call vote:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

### **G. Appointment of Professional Services under the “Local Unit Pay-to-Play Law”**

Chair Blodgett read resolution 01-2023 to appoint the following professionals for 2023:

1. **Appointment of Legal Counsel – Stickel, Koenig, Sullivan & Drill, LLC**
2. **Appointment of Board Planner – Clarke Caton Hintz**
3. **Appointment of Traffic Engineer – Bright View Engineering**
4. **Appointment of Landscape Architect – Richard Bartolone**
5. **Appointment of Board Engineer – Environmental Resolutions, Inc.**
6. **Appointment of RF Engineer – Dr. Bruce Eisenstein**

A motion to appoint the professionals was made by Vice Chair Rosenthal, which was seconded by Mr. Wood. This carried on the following roll call vote:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

#### **IV. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA - None**

#### **V. APPLICATIONS**

**Case BA-06-22      Applicant: Rahul Shah/Hilt Builders Group, LLC**  
Block 14001 Lot 5 – 750 Route 601  
Import Soil from Village Walk  
Expiration Date – N/A  
Affidavit of Notification and Publication Not Required

Mr. Rahul Shah and Rakesh Darji, Board Engineer, were sworn in.

Mr. Rahul testified that he needs to import approximately 1,500 cubic yards of soil for the construction of a new single family home. The soil has been tested and the results have been submitted to the Township.

Mr. Darji testified that the township ordinance requires that any movement of soil in excess of 20 cubic yards requires approval by the Board.

Mr. Shah confirmed that a grading plan has been prepared and submitted to the Township with the building permit. The proposed truck route has also been provided.

Ms. Bruns asked if the soil would be appropriate for a septic system. Mr. Darji responded that there would have to be a separate test done to show the soil permeability. This soil will probably be used to fill around the areas that are not critical like a septic area.

Ms. Blazovsky asked when the soil was tested. Mr. Darji said the testing was performed and the report was issued in 2021. Ms. Blazovsky asked if the levels in soil could change since the testing. Mr. Darji said it is a construction site but it is unlikely from exposure to the elements. The ordinance does not specify a time requirement for the testing.

The meeting was opened to the public.

There being no public comment, the public hearing was unanimously closed.

A motion to approve the application was made by Mr. Wood and seconded by Mr. Singh. The motion carried on the following roll call vote:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh, Wood, and Bruns

Nays: None

**Case BA-02-22      Applicant: Golden Bison Investments, LLC**  
Block 11002 Lot 14 & 15 - 59 Zion-Wertsville Road  
Bulk Variances to construct an addition on an existing residential dwelling  
Expiration Date – March 7, 2023  
Affidavit of Notification and Publication Required

Jonas Singer, Esq. and Michael Ford represented the applicant.

Michael Ford, Van Cleef Engineering; Rakesh Darji, Board Engineer and James Clavelli, Board Planner, were sworn in. Mr. Ford gave his qualifications and was accepted as an expert engineering and planning witness.

Michael Ford testified that this is a variance application for an addition to an existing dwelling. Using the picture on Page 4 of 9 in the January 3, 2023 Clarke Caton and Hintz (CCH) report, Mr. Ford explained that the addition to the dwelling would fill the gap between the two wings in the rear of the existing dwelling. The dwelling was constructed in the 1950's on two lots (Lots 14 and 15) and the lot line goes down between the two wings of the dwelling. The dwelling was occupied by two relatives that lived in the two separate wings of the house. The two wings of the house connect in the front. The applicant will file a deed of consolidation as a condition of approval.

Mr. Ford referenced the aerial on Page 2 of 9 of the CCH report to show the subject property and the existing dwelling. The proposed addition is 112 square feet. Variances are needed for building coverage to allow 7.7% where 7% is permitted, for lot coverage where it is currently 13% and will be reduced to 12.7%, for front yard setback of 68.2' existing and 59.7' proposed

where 100' is required, and lot area where it is currently 0.467 acres and 0.457 acres is proposed. The permitted lot coverage in the zone is 10%. With the removal of a small portion of the driveway, while maintaining the U-shape, there is a net zero or no additional coverage. The front of the dwelling will remain unchanged. The property is in a deteriorated state so it will be renovated, upgraded and enhanced from a visual standpoint. The aging septic system will be replaced with an advanced type of treatment system at the rear of the property. As a condition of approval a right-of-way dedication is being granted. The right-of-way dedication affects the bulk standards of the lot. There will be no visual impact to the streetscape or to the neighbors because the addition is in the rear. The dwelling was used as two separate living quarters and with the addition it will be a more conventional single family dwelling.

Mr. Ford testified the project is exempt from the Delaware and Raritan Canal Commission review. The Health Department has approved the septic system design. The Somerset Union Soil Conservation District has issued an approval.

Mr. Ford discussed Mr. Bartolone's review report dated December 14, 2022. The proposed landscaping is acceptable. Seven (7) evergreen trees are proposed to enhance the buffer between the neighbors to the north. The applicant will work with Mr. Bartolone regarding the species.

Mr. Ford discussed the December 15, 2022 Environmental Commission and November 22, 2022 Open Space review memos. The applicant will use more efficient building materials and energy efficient appliances where possible. The applicant agrees to plant a shade tree within the grass area of the circular driveway to meet the street tree requirement, with the selection of the species and location of the tree to be subject to the Board Landscape Architect. The dead or diseased trees in the vicinity of the septic system and in close proximity to the dwelling will be removed. Construction access will be on the north side of the property where there will be no impact to the existing trees. The ordinance does not require sidewalks in this area. The existing wooded area at the rear of the property will be placed in a conservation deed restriction area. The language of the various dedications will be subject to the Board or Township Attorney review and the metes and bounds will be subject to the Board or Township Engineer.

Mr. Drill noted that there are a lot of pre-existing deviations that are not changing. The ones that are changing are the lot area, front yard setback and maximum building coverage. The lot coverage does not comply but it is going down.

Mr. Clavelli opined that if something that is nonconforming, variances should be granted and it should be noted in the resolution.

In response to Mr. Singh, Mr. Ford said the trees to be removed can be tagged and inspected by Mr. Bartolone to confirm they are dead or diseased.

Ms. Bruns noted that Ms. Wasilauski also recommends the removal of the horseshoe driveway. Mr. Ford said the applicant would like to keep it. It is a rural road and it is a safety concern with backing out of the driveway. Ms. Wasilauski's comment was so that it would reduce the lot coverage but the applicant has already reduced the coverage. Ms. Bruns said the road is not that busy and the driveway could be removed.

Ms. Blazovsky asked if emergency vehicles could get around the driveway with the portion to be removed. Mr. Ford thought it would be tight for a fire truck. Mr. Darji noted that it is open grass area in the middle so the emergency vehicle would be able to drive over the grass if needed.

In response to Mr. Wallmark, Mr. Ford confirmed the number of bedrooms will not be increased.

The Board took a straw vote on whether to impose a condition that the horseshoe driveway be removed and a standard driveway installed:

Those for: Bruns

Those against: Blazovsky, Blodgett, Rosenthal, Singh and Wood

Mr. Clavelli noted that the driveway distance to the side line does not meet the ordinance requirement of 10'.

The meeting was opened to the public. There being no public comment, a motion to close the public hearing was made by Ms. Bruns and seconded by Mr. Singh. The motion carried unanimously.

Mr. Drill summarized the conditions; 1) filing of the conservation deed restriction, lot consolidation deed and right-of-way deed prior to the application for a building permit 2) plant a shade tree in the grass area within the circular driveway 3) plant selection subject to the review and approval of the Board Landscape Architect 4) Board standard conditions.

The Board agreed that the evergreen trees to be planted meet the shade tree requirement.

A motion to approve the application subject to the conditions, was made by Mr. Wood and seconded by Mr. Singh. The motion carried on the following roll call vote:

Ayes: Blazovsky, Blodgett, Rosenthal, Singh and Wood

Nays: Bruns

The Board took a five minute recess.

**Case BA-04-22      Applicant: Kevin Reisch/Woodmont Treatment Center, LLC**  
Block 15001 Lot 6 – 362 Sunset Road  
Use Variance in connection with proposed use of property as a drug and treatment facility for men and women  
Expiration Date – March 1, 2023  
Affidavit of Notification and Publication Required and Previously Found to Be In Order

Michael Lario, Esquire represented the applicant. Mr. Lario summarized the application and the testimony that was presented at the December 22, 2022 meeting.

The exhibits marked at the December 22<sup>nd</sup> meeting:

A-1 - Substance Abuse Overview, 2021, Statewide, dated July 2022

A-2 - New Jersey Drug and Alcohol Abuse Treatment, Substance Abuse Overview, 2021, Somerset County, dated July 2022

Tyler Kempson, who remains under oath, testified regarding the need and demand for these types of facilities. Mr. Kempson referred to Exhibit A-2, and testified that on a statewide level 126,582 people reported they needed treatment in 2021 and 46,898 actually received treatment. Of the people who reported they needed treatment, 60.7% did not receive treatment. In Somerset County, 4,262 needed treatment and 997 people actually received treatment. 76.6% of people who needed treatment did not receive it. Mr. Kempson testified to the numbers for Mercer County to show there is also unmet demand in the neighboring Counties. If the Department of Health was contacted about why so many are not being treated they would say there is not enough resources.

Mr. Kempson referred to the Key Substance Use and Mental Health Indicators in the United States: Results from the 2021 National Survey on Drug Use and Health dated December, 2022, which was marked as Exhibit A-3. This documents provides data and statistics on addiction and treatment in the United States. Mr. Kempson referred to Page 36 that discusses how many people struggle with substance abuse. For 18-25 year olds, 24.9% of the population have a substance use disorder and for 26 years old and over, 14 % have a substance use disorder. Mr. Kempson then referred to Page 50, which shows how many people would qualify for treatment. Between the ages of 18 to 25, 25.1% qualify and for 26 years old and over, 15.1% qualify.

Mr. Kempson testified to the application and licensing process of the treatment facility. He stated that it is an extensive and thorough process. Oversight in the treatment industry is done by the Department of Health through the State of NJ. It typically takes from 1-2 years. After an application is submitted, they get placed in a waiting que for approximately 6 months and then get assigned a processor who reviews the facility's Policy and Procedure Manual. The manual details every way the facility must operate. The policies are based on regulations and statutes that the state has in place. Examples of what is included in the manual are the required staff on site, the background process staff has to go through and the details of the actual facility. Once the policies and procedures are received, the state checks line by line and make edits and revisions, which takes approximately 6-8 months. Once deemed complete, a staffing sheet is submitted. The staffing sheet must include every staff member and their licenses. Each staff member must go through a background check and be fingerprinted. After all that is complete they will come on site and review the site plan. They make sure the site is ADA compliant, that it has proper group rooms and counselor offices, fire suppression system, etc. They make sure the property is in compliance with the state regulations. Once that is complete they will issue a conditional license so you can operate at the facility. They come back out within the first year and check all operations to make sure it is operating as outlined in the property and procedure

manual. They will provide any edits or revisions if necessary and issue a full license. After that there are yearly inspections.

Mr. Kempson then testified on who will be coming to the facility and the day to day operations. He stated it will be strictly a private health insurance facility. The facility caters to working class professionals. Most of the residents will utilize the Family Medical Leave Act (FMLA). If a person identifies with a substance abuse disorder it qualifies for treatment under the American with Disabilities Act (ADA). They are not state funded like Crawford House was.

Mr. Kempson testified to the day to day operations and the setting. He stated it is a resort style facility with modern finishes. There will be 22 beds on site, which is what Crawford House was licensed for. There will be a maximum of 10 staff members during the day and 4-6 at night. The Crawford house had a maximum of 8 during the day and 4-6 at night. Woodmont staffing would consist of a medical director, a nurse, a clinical director, a counselor, a chef and behavioral health technicians. The behavioral health technician will monitor the facility and patients at all times. There is a camera system proposed in all the common areas and at all exits points that a behavioral health technician will monitor at all times. There will be a security system that will ring if an exterior door opens.

Mr. Kempson testified to the admission process for patients. Woodmont can only take low risk patients and treat them from a medical standpoint for their substance use disorder. They cannot provide primary medical care services and cannot treat primary mental health services. They can provide medication, monitor and make adjustments to the medication and take vitals throughout the day. Woodmont would not permit any high psychiatric cases, sex offenders, or anyone with complex medical conditions or a violent history into the facility. Police records and criminal records are checked. After someone is screened and approved, Woodmont would send a transportation service to pick them up. A resident will not have their own vehicle. On a rare occasion and if approved in advance by staff, a family member could drop off the individual.

The detox portion of treatment deals with the physical dependence on substances. The detox portion of the treatment usually takes 5-7 days and the person is monitored 24-7 by a nurse. The scope of medical services is very limited with medication management, monitoring the medication and taking vitals. Any abnormal vitals with any individual would be referred to a higher level of care. Every patient would be there because they determined they want the help. It is more comfortable and a safer environment.

After the typical 5-7 day detox, the resident enters the residential inpatient portion of the program. The inpatient portion allows them to treat the causes and conditions of their substance use disorder. It deals with coping mechanisms, triggers on why they use, any past trauma they may have had that caused them to use and teaches them how to deal with life on the outside once they graduate the program. The inpatient process is anywhere from 14 to 21 days long where they will meet with their case manager, get counseling and attend group therapy.

Mr. Kempson testified that the residents will not be permitted to leave the premises. Every individual knows this when they are signing up. They are permitted outside for supervised smoke breaks in a designated area. If an individual makes the decision that they want to leave, staff will work with them and help safely transport them to where they need to go. Once a resident enters the facility they turnover their phone, wallets, credit cards and cash. There is a commercial grade kitchen on site with a chef that will prepare breakfast, lunch and dinner for the residents. There is an existing laundry room on site.

Mr. Kempson testified that Carrier Clinic and Woodmont are similar but not the same. They both hold a residential treatment center license. Carrier Clinic can also treat primary care medical issues and high psychiatric cases. Carrier Clinic takes both private and public insurance and they are the only hospital in the state that has a psychiatric emergency department. The types of patients that would be screened out from Woodmont would be able to receive treatment at Carrier Clinic.

Mr. Clavelli questioned Mr. Kempson. Mr. Kempson testified the Medical Director is a doctor with a minimum of 5 years of experience in the industry and is American Society of Addiction Medicine certified. Employees will drive and park on site. There will be food on site and they contract with a pharmacy that delivers the medication. He did not know the size of the vehicle that will be making the deliveries. An ambulance will be called for residents that require a higher level of care. The length of stay for residents at Woodmont is shorter than at Crawford, however, they will be staying in the facility and will not be leaving and coming back every day.

Approximately 14% of people in the current facility he owns and operates do not complete their level of care.

Ms. Blazovsky questioned Mr. Kempson. Mr. Kempson testified there will be a cleaning service that comes in twice a week. The chef will prep, make the meals and clean the kitchen and dining area. At any given time there will be 12 detox and 10 inpatient residents. No visitors are permitted during the detox period. They will be permitted one supervised visit with a loved one during the inpatient process if approved by a counselor.

Vice Chair Rosenthal questioned Mr. Kempson. Mr. Kempson testified that residents are allowed supervised phone calls in the tech office to someone on a preapproved emergency contact list. No clinical services will be done in the outbuilding.

The meeting was opened to the public to question Mr. Kempson. Each person was limited to five minutes.

Tess Kline, Fieldcrest Avenue, asked about Mr. Kempson's testimony with regard to the day to day operation of the facility and how Woodmont has the same licensing as The Crawford House. Ms. Kline asked what section of NJ Administrative Code relates to the standards for the licensing of residential treatment services. She asked if he was familiar with everything in NJAC 10:161A. Ms. Kline asked questions about staffing, the role of the behavior health technicians, how many counselors are needed and hours of required counseling.

Mr. Kempson responded that his testimony was that it is under the same category, a Residential Treatment Center license, but under that category there are different services. Crawford House provided halfway house services and Woodmont will provide residential detox and residential inpatient services. The Medical Director can be the Director of Substance Abuse Counseling or can be the Administrator. If Administrator, someone else such as the Clinical Director can be the Director of Substance Abuse Counseling and can be a therapist. There has to be one nurse for every eight patients. Woodmont will exceed the counseling requirement. A dietician will be on contract.

Candy Willis, Knickerbocker Drive, asked about the provided statistics. She asked if he could breakdown the people who have private health insurance versus those that don't. Mr. Kempson testified the state doesn't break down the numbers of met and unmet demand by the health insurance policies people have. Mr. Kempson agreed that people with private insurance have a better chance of getting treatment than indigent people. There is a large unmet demand in both categories.

Roger Strair, 10 Acorn Drive, asked if he investigated any other local or regional places other than Carrier Clinic that takes private insurance. Mr. Kempson said there are other facilities throughout the state that are licensed as a residential treatment center and there is still a very large unmet demand. Mr. Strair asked if Mr. Kempson was surprised that the facilities in the area that take private insurance do same day admissions while those who take Medicare and Medicaid have a waitlist. Mr. Kempson is not aware of any data that shows a self-referred patient is more likely to leave treatment than a person who is not self-referred. Medical waste will be picked up once a week by an outside company. Woodmont will be much more secure than Crawford House was.

Andrew Greenberg, 40 Fieldcrest Court, asked about recreational facilities at the center. Mr. Kempson said there would not be outside facilities. Mr. Greenberg asked if Mr. Kempson was aware that NJAC requires an indoor and outdoor recreational program. Mr. Kempson said he is aware that facilities can offer indoor recreational activities. They do have to follow NJAC. If there is a requirement, they will request a waiver. At his other facility he has outside contractors that come on site for the recreational component.

Yatin Balvi, Elm Street, asked who is responsible for the compliance of the facility. Mr. Kempson replied that the Administrator is responsible. The Department of Health has ultimate oversight of the facility. The top five drugs the facility will be treating are alcohol, benzo, opiates, cocaine, and marijuana. During the detox phase residents are on medication to ease the process. Most people are more likely to relapse after they leave treatment. They could use per diem staff but they will go through background checks and will be fingerprinted. The state checks the licenses of each individual. Employees are not checked for contraband.

Paul Oliu, 29 Elm Drive, asked if Mr. Kempson owns or manages another treatment center. Mr. Kempson said he owns an outpatient treatment facility. He does not plan to fence in the property. Medical professionals would not risk their license to take high risk patients.

Ken Kassler-Taub, 177 Kildee Road, asked how many individuals from Montgomery Township required inpatient detox in 2021 according to Exhibit A-1, how the 1 out of 1,000 Montgomery residents (22) that need care compares to other towns in Somerset County and if he was aware that 38% of people from Somerset County are treated within the County. Mr. Kempson does not know how many people will use the facility per year nor how many will leave treatment early. The medical staff puts the emergency plan in place. There are 30 minute checks on the residents during the night. The site is 1.7 miles from the nearest school.

The hearing was continued to the February 28, 2023 meeting. No further notice will be provided. Mr. Lario signed an extension to April 30, 2023.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.