

HOLMDEL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Minutes – Regular Meeting – In person
Wednesday, September 1, 2021 at 7:00 p.m.

Call to Order

Mr. Blumenthal called the meeting to order at 7:00 p.m. and Mr. Buffalino read the following statement: *“In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-10, I hereby announce that adequate notice of this meeting was provided in a notice dated January 6, 2021, amended August 13, 2021, and was sent to the Asbury Park Press, the Two River Times, and posted on the bulletin board of Town Hall, filed in the Clerk’s Office, and posted on the Township’s website.”*

Roll Call

Present: Ms. Avrin
Mr. Blumenthal, *Chairperson*
Mr. Buffalino
Mr. Hern
Mr. Orfanitopoulos, *Vice Chairperson*
Mr. Pesce
Ms. Collur

Absent: Ms. Campis
Mr. Lateef

Also Present: Martin Pflieger, Esq., Board Attorney
Kate Keller, P.P., Board Planner
Loretta Coscia, Board Secretary

Pledge of Allegiance

Moment of Silence to honor military and police who have been wounded or killed in action

Public Hearing

Item #1 **Holmdel Adult Care Center, LLC (Kohl’s Plaza), Block 59, Lot 8 in the Route 35 Highway Overlay Zone – ZB Variance #451** Applicant seeks a use variance to permit an adult day care facility in Kohl’s Plaza, 2145 Route 35. The zone permits a child care center, but is silent on an adult day care center, thus making it a non-conforming use. The intent of the use is to provide a safe environment for senior citizens to spend portions of their day in a congenial atmosphere.

Present on behalf of the applicant: Jeffrey Gale, Esq.
James Higgins, P.P.
Thomas Victor, Applicant/Managing Member

Ms. Coscia advised that notice and escrow are both in order.

James Higgins, P.P., and Kate Keller, Board Planner are sworn.

Mr. Higgins presented his credentials as a licensed Professional Planner. The Board accepted his credentials. Mr. Higgins stated that the applicant proposes to have an adult day care facility in Kohl’s Plaza. The zone permits only a use as a child day care and not an adult day care. The location is a 4000 square foot space, adjacent to the Kohl’s store. The hours of operation would be five days a week from 8:00 a.m. to 6:00 p.m. The facility would accommodate 40 clients and approximately 10 staff members.

The seniors would be bussed to the facility with a bus (supplied by the applicant) and returned home in the evening. There would be a maximum of 15 people per bus. There would be three buses, morning and later in the day for client pick-up and drop off. There are 10 staff parking spaces. Mr. Higgins believes the use is inherently beneficial. The Board may want to consider an indentation to allow the buses to pull onto the fire lane off the travel right of way. There is no need for a handicapped ramp at that location.

Ms. Keller asked if all clients would be brought to the facility and returned home later in the day via bus? Mr. Gale confirmed that some clients may be dropped off or picked up by car from a family member. He stated that there is a depressed curb and the landlord would not agree to put in another one. The client will make use of the existing structure without exterior changes.

Mr. Blumenthal asked for clarification on the depressed curb and ADA parking. Mr. Higgins said there are ADA spaces not directly opposite, but towards the end of the Kohl's store. Very few of the cliental will be driving, as they would not need to be in the facility if they were driving. Ms. Keller said the ADA parking is acceptable subject to engineer review. Mr. Pflieger said it could be subject to Board Engineer or Zoning Officer that they do not need extra ADA parking.

Mr. Orfanitopoulos asked about days and hours of operation. He believes it should not be a condition in the resolution. He feels that they should be given the flexibility on hours/weekends if they so choose. Board members concurred.

Mr. Gale said there would be a full time administrator and full time nurse on the premises. They will need a Certificate of Need from the State Department of Health with routine inspections performed by the State.

Questions/Comments – Planner
None

Thomas Victor, Applicant/Managing Member, sworn

Mr. Victor stated he and his wife who is a licensed pharmacist, opened a pharmacy in 2011 – *Brunswick Pharmacy* in East Brunswick. His role was General Manager. They provided extra care, are available 24/7 and counseling for medication. They were dealing with patients that live in senior homes and making deliveries for adult day cares in Matawan, Monroe and East Brunswick. He managed the Matawan Adult Day Care for six months until they found a manager. In 2018, they opened a pharmacy in Holmdel at 487 Middle Road in Holmdel. They operate this the same way as the East Brunswick store. He would like to expand into adult care. They have leased space in both East Brunswick and Holmdel for adult day care.

Mr. Victor said they have a start-up budget of \$250,000. They will have to apply for Medicaid license/provider when they get their Certificate of Need, which will pay up for to \$80 a day of costs for the clientele. They help the customer apply for Medicaid and let them attend the facility until they receive approval from Medicaid. The clients also have the option to pay out of pocket. The cost for part-time is \$50 per day; full day without qualifying for Medicaid is \$80 per day.

Mr. Gale asked about busing, and asked if a client can drive to the facility. Mr. Victor said they could if they choose. His facility will own the buses and hire the drivers who will be CPR certified in case of emergency. The buses will remain in the parking lot away from the building after drop off.

Mr. Orfanitopoulos asked about indentation in the curbing for the bus, as he thinks it should be between the landlord and tenant, and should not have any Board input.

Mr. Gale said the occupancy is 40 people per day and the schedule is prepared week by week.

Questions/Comments – Public

None

Mr. Orfanitopoulos suggested we add the recommendation to change the ordinance in the next annual report to change the term “childcare” to “family care.”

Motion by Ms. Avrin seconded by Mr. Orfanitopoulos to approve the use variance. Motion carried on the following roll call vote:

Affirmative: Ms. Avrin, Mr. Buffalino, Mr. Hern, Mr. Pesce, Mr. Orfanitopoulos, Mr. Blumenthal,
Ms. Collur

Negative: None

Absent: Ms. Campis, Mr. Lateef

Memorializing Resolution

Item #2 **Zoning Board Annual Report**

Motion by Ms. Avrin seconded by Mr. Buffalino to approve the resolution. Motion carried on the following roll call vote:

Affirmative: Ms. Avrin, Mr. Buffalino, Mr. Hern, Mr. Pesce, Mr. Orfanitopoulos, Mr. Blumenthal

Negative: None

Not Eligible: Ms. Collur

Absent: Ms. Campis, Mr. Lateef

Professional Reports

None

Adjournment

There being no further business at 8:55 p.m., **motion** by Mr. Pesce to adjourn. Motion seconded by Mr. Buffalino and carried on voice vote.

Respectfully submitted,

Loretta Coscia
Zoning Board Secretary

Note: The foregoing are summary minutes.

Meeting has been recorded, and can be viewed in its entirety on YouTube ~ *Holmdel Township Meetings*

Minutes approved 11/3/21 (AP/DO)