

III. MEMORIALIZING RESOLUTIONS:

**A. DKT.#1404-16 – MARK WEINRAUB
1145 RAMAPO VALLEY ROAD, BLOCK 23, LOT 42**

Resolution granting side-yard variances and to permit the construction of more than one accessory structure.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 6 aye votes by Mr. Dator, Mr. DeSilva, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements. None were received.

V. PUBLIC HEARINGS:

**A. DKT.#1405-16 – JPNJ REAL ESTATE LLC
1071 RAMAPO VALLEY ROAD, BLOCK 23, LOT 45**

Application for a Use Variance to permit the operation of a Behavioral Health, Substance Abuse, Detoxification and Residential Rehabilitation Center as well as a Multiple Use Variance to allow multiple residential dwellings on a single lot.

Ms. Holly Schepisi of Huntington Bailey, LLP, approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order.

Mr. Rabolli addressed the Public and explained hearing procedures as well as explained the term “Inherently Beneficial Use.” For the record, he noted the receipt of a letter from Mr. Slade, of 1068 Ramapo Valley Road, which will be placed in the file. Mr. Rabolli also disclosed that although he does not know the Applicant, he is an attorney and has been involved with the Bergen County Republican Organization.

Ms. Schepisi addressed the Board stating the Applicant is seeking a Use Variance to permit the operation of a for-profit Behavioral Health, Substance Abuse, Detoxification and Residential Rehabilitation Center on the property as well as a Multiple Use Variance to allow up to ten (10) luxury townhouses on a single lot. She described the bi-furcated application with existing conditions and prior use of the property as noted in the Addendum submitted with the application. Ms. Schepisi mentioned a prior approval granted by the Planning Board in 1990 to allow an addition and expansion to the existing principal building and new parking spaces. A second approval for a minor subdivision was also granted by the Planning Board in 2015 but was never perfected. The Applicant is looking to convert the existing principal building into a primary care and treatment

facility. The additional on-site building will be converted into a short-term detoxification unit. Any renovations to the exterior of the building will maintain the character similar to the existing building. As part of any approval, the Applicant will submit a Highlands Exemption Determination Application seeking Exemption #4. The Applicant will present a planner and engineer who will testify to the relief being sought. Ms. Schepisi stated the relief can be provided without any detriment to the public good and noted the use would be an inherently beneficial use in the area and to society in general.

Ms. Schepisi called Mr. Johnathan Lasko of 16855 NE Second Avenue, North Miami, FL and listed the items Mr. Lasko would testify to. Mr. Lasko was sworn in by Mr. Rabolli. Mr. Lasko indicated he is a principal of JPNJ Real Estate, LLC and presented his background and experience. He currently maintains five (5) detox and substance abuse facilities in California and Florida. The facilities are for patients 18 years and up. Mr. Lasko indicated this disease/illness does not discriminate and affects people in all walks of life. He noted an increased number of clientele from the New Jersey area. Patients are screened and pre-assessments are completed as part of an admission process. The facilities are not court mandated and anyone with a violent background is not accepted. Background checks are performed. The current facilities were described as having an upscale campus environment. It was noted Medicaid patients are not accepted and 95% of the clientele are commercial insurance clients. The facilities are primarily for substance abuse patients, not primary psych patients.

Upon questioning by Ms. Schepisi, Mr. Lasko described the average patient stay as being 7 ½ days in the detox program and 35 days (5 weeks) in a residential treatment program. The facility would be licensed by the New Jersey Commissioner of Health and be a fully functional medical facility. It is expected that there will be between 80-100 beds combined within the two existing buildings. The facility would be a for-profit facility and there has been some discussions with area hospitals. Mr. Lasko described the staff, which would include an administration, chief medical director, full-time physicians, nurses, and reporting staff. There would be between 40-60 staff members across both buildings per shift.

Ms. Schepisi questioned security. Mr. Lasko indicated there are transition levels of care with different levels of security. The detox patients would be medically supervised 24/7 in a controlled environment. In the stepdown to the residential treatment center, the level of care plan would be to utilize GPS hospital bands. The facility is not a lock down facility, and there will be a transport option to a safe place if the patient wants to leave. Gating is planned for the front and security monitoring will be in place. When questioned about patients wanting to leave, Mr. Lasko noted very few would have vehicles and if they do, they would have to turn over their keys and sign a contract.

Mr. Lasko stated the facility would have a commercial kitchen and dining area. Staff would include a dietitian as well as food supervisors. All meals would be on-site. There would be two food and one linen delivery trucks. The interior of the buildings would be renovated as approvals are received.

Ms. Schepisi questioned the proposed luxury townhouses. Mr. Lasko replied the townhouses are being proposed for financial stability and to ensure financial liability of the property. The target buyers would be employees of the facility.

Ms. Schepisi indicated the Applicant has met with the Highlands and could potentially take advantage of Exemption #4. The Highlands provided some suggestions to be able to maximize the potential of the property. Referring to the prior subdivision approval and it not being perfected gives the Applicant more options. Mr. Lasko stated they are not looking to knock down the building; they are proposing to renovate and keep the historic characteristics in place.

The Board questioned Mr. Lasko in several areas including how to service patients that have severe medical issues, the number of proposed town homes, the total number of proposed patients and employees, emergency plans, visitors, security, daily treatment plans, patient employment after completing treatment, and access to and from the facility.

Mr. Kearney asked what the benefit to the Mahwah community would be with this type of facility. Mr. Lasko replied there is a staggering level of overdoses and death rates in New Jersey. He does not believe there is enough of a presence of these types of facilities in the Mahwah area, and it would be beneficial to Mahwah and the surrounding communities to have an in-state facility. He continued explaining how he became involved in maintaining these types of facilities.

Mr. Layton questioned the licensing requirements in New Jersey as compared to Florida and California. Ms. Schepisi replied New Jersey has a very lengthy process with multiple layers and levels of departmental approvals that are needed including the DCA and Commissioner of Health. The application itself is close to 100 pages long. There was a short discussion on bedrooms, roommates, an on-site pharmacy, water supply and waste water treatment. Upon questioning by Mr. Layton, Ms. Schepisi stated the parent company would be responsible for the maintenance of the townhomes and a Homeowner's Association would be put in place.

Mr. Rabolli called a recess at 9:09 pm.

The meeting reconvened at 9:19 pm.

Mr. Cascio asked for a clarification on the specific terminology of the use. Ms. Schepisi confirmed the proposed use is for a Residential Substance Use Disorder Treatment Facility, under NJAC 10:161A-1.4.

At this time, Mr. Rabolli opened the hearing for Public questions for Mr. Lasko.

Mr. Jim Ribaldo of 1050 Ramapo Valley Road, Mahwah, NJ approached. Mr. Ribaldo lives directly across the street. He questioned background checks and the GPS system. He is very concerned with patients being able to walk away from the facility and off the property mentioning the existing residential areas. Mr. Ribaldo questioned whether a patient can be required to stay or be required to wear a bracelet. Mr. Lasko replied the

Applicant will do everything that they can to ensure the facility does not negatively impact the surrounding properties or community. The facility is not a mandated lock-down facility, and the patients are there voluntary and want help. Mr. Ribaldo continued to express his concern with security and noted concerns with the property value of his home.

Ms. Laura Ashtyani of 1122 Ramapo Valley Road, Mahwah, NJ approached. She questioned the name of the hospital affiliation to which Ms. Schepisi noted was confidential at this time and cannot be disclosed. Ms. Ashtyani questioned the type of detox facility and there was a short discussion on subacute detox and acute detox patients. She continued questioning whether Medicaid patients will be accepted, prescreening procedures, admission procedures, background checks of both patients and staff, access to the proposed townhomes and whether there will be a barrier between the facility and the townhomes. Mr. Lasko replied Medicaid patients will not be accepted, prescreening and admissions will be handled by nurses and doctors, background checks will be performed for both patients and staff, access to the townhomes will be by the existing exit of the facility and there will be a fence between the facility and the townhomes. Upon further questioning, Mr. Lasko described the patient transition back into the general public and the on-site security staff.

Mr. Mark Weinraub of 1145 Ramapo Valley Road, Mahwah, NJ approached. Mr. Weinraub asked Mr. Lasko about his experience with addicts and how he feels about them mentioning Mr. Lasko's two-year experience in the field. Mr. Lasko mentioned there have been over 6,000 admissions in two years at his current facilities. Dialog went back and forth about the services proposed and provided at the current facilities. Mr. Weinraub continued to question Mr. Lasko's qualifications, with two years of service, to open such a large facility.

Ms. Laura Ashtyani of 1122 Ramapo Valley Road, Mahwah, NJ re-approached. She questioned the average length of stay and the continuance of care if insurance is denied. Mr. Lasko replied the patient's care would be maintained.

Mr. Jim Ribaldo of 1050 Ramapo Valley Road, Mahwah, NJ re-approached. He questioned the size of the townhomes and the fence separating the facility and the townhomes.

There were no further questions from the Board or the Public for Mr. Lasko.

Ms. Schepisi called Mr. John Brogan, who is the Head of the NJ Opioid Overdose Recovery Program. Mr. Brogan was sworn in by Mr. Rabolli and after presenting his background and experience, was accepted as an expert in the area of opioid recovery programs. Mr. Brogan described the recovery program as issued by the Governor of New Jersey. He stated that year-to-date (with a two-week lag time), there were 21 overdose deaths and 37 Narcan sprays in the Mahwah area. There are 14 Recovery Specialists currently in the program. Mr. Brogan indicated that New Jersey doesn't have the resources to deal with overdoses. He noted the people affected are about 70% in the 18-26 year age range and about 30% in the 26+ year age range. Mr. Brogan is an example of

someone who turned his life around. He grew up in Lavallette, NJ, graduated from high school, joined the United States Marine Corp., got married and had children. Mr. Brogan shared his personal experience disclosing he became a heroin addict. He almost died on four occasions and was revived all four times by Narcan. He has been clean for over 5 ½ years. He continued to share his experiences with the substance abuse programs noting the increased number of individuals affected by substance abuse. Mr. Brogan believes there is an inherent need for this type of rehabilitation in New Jersey.

Ms. Laura Ashtyani of 1122 Ramapo Valley Road, Mahwah, NJ approached asking if Mr. Brogan had any statistics on patient's insurance coverage. Mr. Brogan replied that most 18-26 year olds are self-insured and those 26+ year olds are a mix of self-insured or self-pay. There was a discussion on insurance and accepting or not accepting Medicaid patients. Mr. Rabolli noted Mr. Brogan was not the expert to answer insurance questions.

Mr. Jim Ribaldo of 1050 Ramapo Valley Road, Mahwah, NJ approached. Mr. Ribaldo referred to a prior statement he made characterizing substance abuse patients as 'liars and cheaters' and asked Mr. Brogan his opinion. Mr. Brogan does not agree with this characterization commenting that people lie and cheat without using substances.

There were no further questions from the Board or the Public for Mr. Brogan.

After a short discussion, Mr. Rabolli announced this application will be carried to the July 20, 2016 meeting. No further notice is required. Ms. Schepisi indicated a Professional Engineer, a Professional Planner and a Traffic Expert will be testifying at the next meeting.

A motion was made by Mr. Whiteman seconded by Mr. Dator, to close the Public Hearing portion of the meeting and move into Work Session. All voted in favor.

VI. WORK SESSION:

Mr. Dator addressed Mr. Rabolli and the Board Members suggesting that a time limit be placed for the Public when questioning the Applicant's witnesses.

A motion was made by Mr. Dator, seconded by Mr. Whiteman, to close the Work Session portion of the meeting and move to Adjourn. All voted in favor.

VII. ADJOURNMENT:

The meeting adjourned at 10:29 pm on a motion by Mr. Dator, seconded by Mr. Whiteman.

These minutes were prepared by Geri Entrup, Zoning Board Recording Secretary.