

April 7, 1971

A meeting of the Zoning Board of Adjustment was held on the above date with Chairman Neudeck with the following members present. Mr. Poppitz, Mr. Reifer, Mr. Skarzynski, Mr. Lieberwith, Mr. Kmetz. Mr. MacKenzie was also present as the Board's attorney. Mr. Giovannoli was absent.

3371 - Merry Heart Nursing Home, John and Hazel Kadimik, Main Street Succasunna, N.J. 07876.

Application for a variance from the terms of Section 607(a-1,2,3) of the zoning ordinance; construction of an addition to the existing building on a site containing less than 5 acres, less than 3000 square feet for each patient, the building set back is less than required; more than half the front yard used for parking.

Block 266, lot 11 and 12 in a B-2 and R-3 zone on Main Street Hillside Avenue and Route 10, Succasunna.

Mr. Kadimik: We have our approval from the Morris County Planning Board.

Mr. Reifer read the letter from the Morris County Planning Board as well as the letter from the Township Planning Board.

Mr. Clothier, architect: they had no objections to the County Planning Board requirements, but they would object to installation of the curbs at Merry Heart's expense. The County would like this driveway (east on Main) moved about 50' to the west.

Mr. Reifer: What benefit will you obtain by this restructuring.

Mr. Clothier: The County feels this is too close to Hillside Ave. They feel it will help clear some congestion.

Mr. Reifer: These items are between you and the County. We are concerned with the four items you are applying for, the size of the lot

Mr. Clothier: We can't get any more land for expansion. The Township Hall is one one side and a dwelling.

Mrs. Kadimik: We do need to expand. Dover General has built to the sidewalk, if you'll notice.

Mr. Reifer: How many parking spaces in the front.

Mr. Clothier: 21 total, there are 50 spaces altogether.

Mr. Skarzynski: The variance is for the site being less than 5 acres too.

Mr. Lieberwith: This parallel parking at 20' spaces is going to be difficult. The cars are getting larger and longer.

Mr. Clothier: The ordinance requires 10'x 20' spaces. These spaces meet that requirement.

Mrs. Kadimik: Our parking lot has never been full, with staggered visiting hours it doesn't become crowded with cars.

Mr. Reifer: I have just returned from a vacation, we all know what Merry Heart stands for in the community. This past Friday, the parking area was jammed, packed, if Lord forbid one of those cars had gotten stuck and you'd had a fire, the trucks would not have gotten close enough to fight it.

Mrs. Kadimik: Do you know what that was?

Mr. Reifer: No.

Mrs. Kadimik: Girls from a student nursing course. How about the cars parked on Hillside in front of the barber.

Mr. Kadimik: The fire trucks would not pull up close to the building they would stay away from it.

Mrs. Kadimik: Any institution which serves the public, taken on a day to day basis, will not have a full parking lot.

Mr. Poppitz: The five acre requirement was made after the home was built?

Mrs. Kadimik: Yes, infact, after the second addition was added. Since that time we have added more property. We were able to purchase the adjoining land and dwelling.

Mr. Lieberwith: You mentioned additional land, was this purchased after the present ordinance was passed.

Mr. Kadimik: Actually it was.

Mr. Reifer: We are certainly not adverse to you, but we want what would be best for you people as well as the town, and strike a happy medium. Where you buy a piece of property and because of zoning you can't build on it, that is a hardship, if the property stands alone. A hardship per se is not one of financial difficulties, it is the lay of the land and what you want to put on it.

Mrs. Kadimik; But it is a financial hardship.

Mr. Skarzynski: Trying to fit five acres into 2.75?

Mrs. Kadimik: Our original application was turned down because of the sewers. In the meantime the zoning ordinance was changed and has created a hardship. The most recent research shows that Nursing Homes should be centrally located near stores, library and other such types of facilities. In 1953 we had long range plans, we would provide more beds as the need arises. Merry Heart must plan ahead and provide the needed beds, its an act of circumstances.

Mr. Reifer: The site plan indicates an existing dwelling, who owns this dwelling?

Mr. Kadimik: Mr. Nero.

Mr. Reifer: Your property Mr. Nero, is how large?

Mr. Nero: 100'x 205', about a half acre. It does from Main Street back to the Merry Heart property.

Mr. Neudeck: What is to the west of the house.

Mr. Nero: The fire house on Main Street and the Townhall on Route 10.

The Clerk read the letter from the Planning Board giving the four items for which variance is requested as reason for denial of the site plan.

Mr. Skarzynski: The 1500 square feet per patient as mentioned, does that include the addition.

Mr. Clothier: Yes, it does.

Mr. Reifer: You would comply with the 3000 square feet requirement without the addition or that is to say at the present time?

Mr. Clothier: No, we have about 2000 square feet now per patient.

Mr. Poppitz: You have 59 patients now and the acreage is 2.75 acres.

Mr. Kadimik: Yes, we are licensed for 61 beds but we maintain 59.

Mr. Poppitz: The 17% figure given in the application where did that come from?

Mr. Clothier: The building size verses the acreage.

Mr. Lieberwith: The residence is a separate parcel, is that right?

Mr. Clothier: I don't believe so, but

Mr. Kadimik: Yes, that's right, it was subdivided for F.H.A. mortgage purposes. We had to run our sewer lines around that property. My house is completely surrounded by Merry Heart property.

Mr. Lieberwith: If that is the case then the 108' mentioned on the application is not correct.

Mr. Clothier: I figured that to include the house property.

Mr. Skarzynski: As far as our requirement you have 2300 or 2400 square foot now, per patient and with the addition you will drop to 1500 square feet.

Mr. Clothier: Yes, that's right.

Mr. Skarzynski: How about the front set back?

Mr. Clothier: We have maintained the proper front set back.

Mr. Nero: When you said, Mr. Reifer, for the benefit of the town you were including me, I live next door. I don't think this is a case of hardship, unless it's financial.

Mrs. Kadimik: It is a financial hardship.

Mr. Clothier: It is the inability to put a structure on a piece of property that is surrounded by other owners on the one side and streets on the other. In a long term business, you must plan ahead.

Mrs. Kadimik: The competition is very keen in this business.

Mr. Reifer: The way I see it a hardship is when a person is prevented from placing upon his property a structure or building so that you are nearly taxed and prevented from gaining an income. However, if you are prevented from building something that does not conform where you already have a business or building where you income may not be increased than this is not a hardship per se.

Mr. Poppitz: Could you give us briefly what amount of time your patients or clients spend outside.

Mrs. Kadimik: Of course you must understand that most of them are handicapped. There is physical therapy inside the building.

Mr. Poppitz: How many patients on the average do go outside.

Mrs. Kadimik: Several patients go outside but not unless they are accompanied by a nurse.

Mr. Poppitz: How many patients and what areas do they use?

Mr. Kadimik: As many as possible, we use the Route 10 side, porch; the patio on the Main street side and the lawn on the Main Street side. We even take them to the pool area.

Mr. Poppitz: How much more outside room will you need?

Mr. Kadimik: At the present time we don't need any more outdoor area.

Mrs. Kadimik: The Department of Health, Education and Welfare tell us how much area we must provide, they tell us what we must provide for the inside of the building to take care of each patient, there is nothing about the amount of space outside.

Mr. Reifer: If you had more space outside would you use it?

Mr. Kadimik: No, not really.

Mr. Reifer: You people have been here a long time, you must have read the zoning law as it effected you. Did you raise any objections at the time?

Mrs. Kadimik: We didn't know that they were planning on this type of ordinance.

Mr. Reifer: Didn't you realize that your far ranged plans would not comply with the proposed ordinance.

Mrs. Kadimik: We knew about the five acres but felt it didn't apply because we don't have and never did have five acres.

Mr. Reifer: But you should have been the only ones to appear and object to these requirements.

Mrs. Kadimik: But we are so controlled by the other agencies, from Federal Government down and we must comply with all their requirements.

Mr. Poppitz: If this application were granted would you comply with all the requirements of the government?

Mrs. Kadimik: We must, we have to comply.

Mr. Neudeck: How many square feet do you need to comply with the Government agencies.

Mr. Clothier: Well, we need so many for recreation, so many for therapy, so many for bedroom, dining room, etc. it's a different figure for each activity.

Mr. Neudeck: Well, you must have some idea as to how many square feet in each area is required for each patient. Otherwise you couldn't draw up the plans.

Mr. Clothier (figuring outload): 20 square feet for each bed would be required.

Mr. Reifer: For "x" number of rooms you must have "x" number of square feet and that figures out to approximately 20 square feet for each patient or bed.

Mr. Clothier: Yes, that's about right.

Mr. Reifer: Do you have to have these approved by the State?

Mr. Clothier: Once we get the approval here in the Township then we can go to the State.

Mr. Neudeck: The State could turn it down even if we approve it?

Mrs. Kadimik: That's right, the Department of Institutions and Agencies will review the plans.

Mr. Poppitz: Then you must comply with them.

Mrs. Kadimik: Yes. The Medicare standards are just fantastic, we were one of the first nursing homes to be approved in Morris County for Medicare.

Mr. Reifer reviewing the application: You have less than a five acre site.

Mr. Kadimik: We can't get that unless we buy the townhall.

Mr. Reifer: I'm just trying to tie down the problems. First there is less than five acres; less than 3000 square feet per patient.

Mrs. Kadimik: What will happen when the Townhall wants to expand, and they will sometime in the future you know, they will need more parking.

Mr. Clothier: It is impossible for us to meet the acreage requirement.

Mr. Reifer: The building set back is less than required.

Mr. Clothier: We do not extend further than the present building. A 100' set back would put us in the middle of Main Street. Under this set of ordinance standards we can't build without a variance.

Mr. Neudeck: Could you put another story on the existing building?

Mr. Clothier: The building was not designed for a second story.

Mr. Lieberwith: With reference to the fire equipment, the trucks do get right next to the building at times.

Mrs. Kadimik: We are sprinklered. The new building will also be provided with sprinkler system.

There were no more questions from the Board and the Chairman asked if there were any one in the audience who wished to speak in regard to this application.

Mr. Nero, adjoining property owner: My main concern is the set back, and the parking. The south side of my property that is my back yard will be closed in. And parking will be very close to me. I've already got the Townhall on one side.

Mr. Reifer: Actually, the parking area on that side will be in their front that is the main street side.

Mrs. Kadimik: Dr. & Mrs. Talmage were going to come to the last meeting and could not make it tonight, however, they are very much in favor of the variance.

Mr. Kadimik: I have two sets of return receipts, everyone knows there was a meeting and could certainly have attended if there were any objections.

Mr. Reifer: Unfortunately that is not necessarily so.

Mr. Nero: Sure, everyone else would be in favor of it because it does not effect them as it does me.

Mr. Kadimik: Mr. Nero, you offered to sell me your property a couple of weeks ago.

Mr. Reifer: Even so, you wouldn't have the five acres required.

The Clerk read a letter from the Fire Company stating that there was only one objection and the matter was dropped.

The Chairman called for a recess.

The Chairman called the meeting to order and declared the hearing closed.

Mr. Reifer moved that the decision on this application be rendered at the next meeting in May giving opportunity to any member of the Board, who so desired, a chance to visit the site. Motion was seconded by Mr. Skarzynski and carried by the following roll call vote:

Mr. Lieberwith, Yes	Mr. Skarzynski, Yes	Mr. Reifer, Yes
Mr. Poppitz, Yes	Mr. Neudeck, Yes	

Mr. Kmetz an alternate did not vote.

Mr. Kadimik asked if there was some way the decision could be expedited as after this Board they had to go to the State, that construction was to begin in the summer, this delay would mean the winter months or early fall.

Mr. Clothier stated that there were \$10,000.00 worth of drawings already prepared for this building.

The Board stated that the motion had passed and the decision would be given at the next meeting.

There was no further business to come before the Board and the meeting was adjourned by motion made and carried at 10:05 P.M.

Respectfully submitted,

Ruth H. Thiele, Clerk