



July 31, 2020

**Via Email and US Mail**

City of Millville, Zoning Board of Adjustment  
12 South High Street  
Millville, NJ 08332

**Re: Hendricks House Inc.  
Use Variance - Planning Review #1  
2 Hillcrest Avenue  
Block 47, Lot 2  
Our File No. HMVCZ047.01**

Dear Board Members:

In accordance with your authorization, our office has reviewed the Use Variance Application for the above referenced site, which included the following materials:

- Four (4) sheet set of site plan drawings prepared by Fralinger Engineering, dated June 1, 2020, last revised July 20, 2020;
- Two (2) sheets of architectural floor plan drawings from MMPF Architects, dated May 8, 2020;
- Two (2) architectural renderings, author unidentified, undated;
- Application form and addendum.

Our office has reviewed the above items for the application and submit the following comments for your consideration:

**1. Project and Property Description**

The property is located at 2 Hillcrest Avenue, at the intersection with West Main Street, and also having frontage on Fairton Road. The 9.5 acre property is currently developed with a house of worship (St. John Bosco Church), an accessory dwelling used as a rectory, and the associated parking and circulation for the church building. There are two driveways, both on Hillcrest Avenue that provide access to the site. The northern portions of the site are developed, while the southern 1/3 of the site are wooded and undeveloped, except for a small wood pavilion amongst the trees.

The site is surrounded primarily by single family residences along West Main Street, across Hillcrest Avenue, and behind it along Fairview Avenue. There are a few other institutional uses along Fairton Avenue south of the site, including another church, and a masonic lodge.

The applicant, Hendricks House, is proposing to use the property for a residential treatment facility for women with substance abuse disorders, and an intensive outpatient program for substance



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abuse disorders, as well as accessory functions to these uses in the form of recreational facilities for residents, and administrative offices.

The existing rectory/parsonage residence on the northern end of the site will be repurposed to be used as the residential treatment facility for women, with a capacity listed as up to 24 clients residing in the building at any given time. A 283.5 square-foot addition to the residence is proposed to install a new bathroom.

The existing church building on the property is proposed to be renovated to be used for administrative offices, offices for the use of the intensive outpatient services functions, and a 3,780 square-foot multi-purpose room.

In addition, the applicant proposes to reduce the footprint of the existing parking lot on the site, and restripe in parking spaces. 136 total parking spaces are proposed. Further improvements to the parking area include new landscaped islands in the parking lot with shade trees, and additional landscaping surrounding the parking areas.

An existing monument sign at the corner of Hillcrest Avenue and West Main Street that was used by the church is also proposed to be repurposed as a Hendricks House sign, and two walls at the driveway entrance are proposed to include Hendricks House signage as well.

There are three existing accessory shed structures that are proposed to remain. Their specific use has not been identified.

## **2. Zoning Compliance**

The site is located within the R-15 Residential District of the City. The following uses are permitted as principal uses in the R-15 District:

- Parks, playgrounds, playfields
- Public educational or cultural facilities, including museums and libraries
- Municipal buildings and other governmental uses
- Agricultural uses
- Farms
- Single family detached dwellings
- Cemeteries

Special needs housing facilities are not listed as a permitted use in the District. However, **§30-144** of the City Code expressly permits any community residence or similar facility, provided that



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they are licensed and that their occupancy does not exceed 15 persons. The proposed facility will have up to 24 residents.

Outpatient substance abuse treatment centers are also not listed as permitted principal uses in the district. A d-1 use variance will be required.

**3. Bulk Requirements**

The bulk requirements for the R-15 Residential District differ by the use that is permitted. As no standards exist for either of the proposed uses on the site, the bulk regulations for a public educational or cultural facility - which might be the closest permitted use in the R-15 District in nature to the proposed use, are listed below for comparison:

<b>R-15 District Bulk Requirements</b>			
	<b>Required (education)</b>	<b>Existing</b>	<b>Proposed</b>
Min Lot Area	2 acres	9.5 acres	No Change
Min Lot Frontage	200 feet	1,229' (Hillcrest) 475' (West Main) 183' (Fairton)	No Change
Min Lot Depth	300 feet	183 feet	No Change
Min Front Yard	75 feet	+/- 220' (Hillcrest) 146.5' (West Main) +/- 800' (Fairton)	No Change
Min Side Yard	40 feet	18.6 feet	No Change
Min Rear Yard	75 feet	N/A	N/A
Max Bldg. Height	35 feet	37 feet	No Change
Max Lot Cover	40%	26.4%	23.6%

**4. Variations and Waivers**

The applicant has requested the following variances:

- a) **§30-106** – Permitted uses: Intensive Outpatient treatment offices are also not a permitted use in the R-15 district.
- b) **§30-144** – Residences for the developmentally disabled: Community residences are permitted in any residential district so long as they are limited to 15 residents. 24 residents are proposed.



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It appears that the following variances and design waivers may also be required of this application:

- c) **§30-137.E** – Bicycle parking is required for all non-residential development at a ratio of 1 bicycle parking space per 20 car parking spaces. It does not appear that any bicycle parking is proposed.
- d) **§30-155** – A landscaped buffer with a width of 50 feet is required between residential properties and residential health care facilities. No buffer is identified on the plans, and it appears that no buffer on site exists between the church building and the adjacent residential property to the west.
- e) **§30-181.D(1)** – Sidewalks shall be required along all streets. No sidewalks exist or are proposed along any of the three frontages along the property.
- f) **§30-264.N** – For uses not expressly discussed in the Township Code, a maximum of one attached or freestanding sign is permitted. Three signs are proposed.

## 5. Master Plan Considerations

The City's Master Plan Land Use Element, adopted in 2017, offers the following goals, objectives, and recommendations that may be relevant to this application:

- The Master Plan recommends that all of the City's residential zoning districts be reconfigured into high, medium, and low density districts, and that regulations be simplified to avoid the necessity for continuing variance requests.
- Parks, schools, and civic uses are recommended to be permitted in the medium density residential areas, such as the surroundings of this site.
- The Plan recommends that larger scale higher density development be directed towards the Downtown Business district, and other areas within existing or future sewer service areas.

## 6. Planning Comments

- a) The applicant is requesting several d-1 use variances, to permit two uses on the site that are not permitted principal uses in the R-15 district: a group home for women with substance abuse, and an intensive outpatient treatment facility for people with substance abuse issues.
- b) In order for the Board to grant a d variance, the applicant must satisfy both the positive and negative criteria:
  - a. Positive Criteria – There must be special reasons to grant the variance. Special reasons can be in one of three categories: that there is a hardship in using the



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property in conformance with the zoning criteria; that the use is inherently beneficial; or that the proposed use will enhance the purposes of zoning.

- b. In this case, the municipal land use law recognizes licensed group home facilities as an inherently beneficial use, that is one that is universally considered of value to the community because it fundamentally serves the public good. In this instance for an inherently beneficial use, the positive criteria are presumptively satisfied.
- c. However, even for inherently beneficial uses, it must be shown that there is a need for the use in the community. An otherwise inherently beneficial use does not maintain that status if the need is otherwise satisfied.
- d. Negative Criteria – In order to satisfy the negative criteria, it must be found that the variance can be granted without substantial detriment to the public good, and that the variance can be granted without substantial impairment to the intent and purpose of the zone plan.
- e. The applicant must address how the proposed uses might negatively impact the surrounding community. Impacts might be noise, excessive traffic, of an alteration of the character of the community.
- f. The applicant must address the lack of provisions for such a use within the R-15 district. The applicant should discuss if any other potential locations in the City were considered, and the proposed capacity of the facility. Group home facilities of up to 15 residents would otherwise be permitted in the R-15 district.
- g. For uses considered inherently beneficial, the courts through the *Sica v Wall Township* case have established a 4 step test to determine whether or not to grant a use variance:
  - i. Identify the public interest at stake
  - ii. Identify any potential detrimental impacts
  - iii. Can the detrimental impacts be mitigated by reasonable conditions?
  - iv. Weigh the benefits against the detriments, and determine if the benefits outweigh the detriments.
- c) Although it appears that there may potentially be existing conditions on the site that are not in conformance with the standards of the R-15 district, depending on which standards for permitted uses the Board considers appropriate, bulk variances are generally considered to be subsumed within the proofs required of a d variance. This means that for any potential bulk variance, the applicant does not necessarily need to offer a separate



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set of proofs. However, the consistency with the current zoning ordinance, even though not designed for these particular uses, should be taken into consideration in the determination of whether or not the d variances can be granted.

- d) The applicant should provide testimony addressing the use of both of the buildings on the property, and the specifics of each operation.
  - a. What is a residential treatment center, and how long do residents stay in the facility? Do they have their own vehicles? Do they work on-site or are they employed elsewhere?
  - b. What is an intensive outpatient treatment program? How frequent are the intensive outpatient program visits?
  - c. In addition to the 24 potential residents, how many employees or staff will be present at any given time? The architectural drawing for the use of the church building shows substantial amount of space devoted to what appears to be administrative functions.
- e) There are three small accessory shed structures that are indicated to remain located on the west side of the property between the two principal structures. What will the use of these structures be?
- f) The applicant should address the amount of parking proposed. No specific parking calculations have been provided to determine the number of parking spaces required. For reference, the following parking requirements apply to similar developments:
  - a. Rooming houses require 1 space per 3 beds + 1 space for staff
    - i. 24 beds proposed = 9 spaces required.
  - b. Medical office requires 1 space per 300 s.f. GFA
  - c. Hospitals require 1 space per 6 seats, or 1 space per 100 s.f. GFA
  - d. It is not clear how much space within the church building will be used as office space or treatment facility space, and what parking requirement might best apply.
  - e. 136 parking spaces are proposed.
- g) A landscaped buffer may be required between the existing church building and the adjacent property to the west. The building, and the accessory sheds are situated very close to the property line. However, that portion of the adjacent property is currently undeveloped woodlands.



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- h) No lighting plans have been provided. The applicant should clarify if any new site lighting is proposed.
- i) Although no details have been provided, the applicant has indicated that the existing monument sign will be retained and repurposed, and that the existing brick walls at the driveway entrance to the parking lot will include new signage. The City's ordinance permits a maximum of one sign, where three are proposed. The applicant should provide details of the proposed signage.
- j) We defer any comment regarding grading, drainage, stormwater, utilities, and map filing requirements to the City Engineer.

Should you have any questions regarding this application, please feel free to call.

Sincerely,  
**CME ASSOCIATES**

Christopher Dochney, PP, AICP