Date Application Received: 6/4/2020 **Application #** _____

Fee Paid: 350.00

Escrow: _____

CITY OF MILLVILLE
ZONING BOARD OF ADJUSTMENT

APPLICATION FORM

Please type or print all information

1. Application Information

Name: Hendricks House Inc.

Address: 542 N.W. Boulevard

City Vineland State NJ Zip 08360

Phone (856) 794-2443

2. Applicant's Attorney Information

Name A. Steven Fabietti, Esq.

Address 817 E. Landis Avenue

City Vineland State NJ Zip 08360

Phone (856) 691-0100 Fax (856) 691-3302

3. Property Information

Street Address 2 Hillcrest Avenue

Block 47 Lot 2 Zone R 15

Lot Area 9.47 acres Frontage 1,229.08 Depth 475.45

4. The appropriate Plan has been filed with the Secretary of the Zoning Board of Adjustment of the City of Millville which may be examined at the Office of the Secretary on the 5th floor of City Hall 12 S. High Street, Millville, New Jersey between the hours of 8:30 AM and 4:30 PM Monday through Friday. The map or sketch indicates the existing locations of boundary lines and structures and the changes requested to be granted herein by this Application.

5) The present use of the land is Church and rectory

6) Description of proposed use or change to the property See attached addendum

7) The changes requested (are/are not) *(circle one)* permitted in this zone by the Development Regulations of the City of Millville. If permitted, set forth the Section of the Regulation by which such use is permitted.

Such use is permitted: _____

8) Type of Variance requested:

A B C D *(Circle appropriate variance type)*

9) Set forth reasons why the Zoning Board of Adjustment should grant your application. Specify in detail all facts and reasons you intend to rely upon in support of the request.

See attached addendum

10) Date(s) and result(s) of any previous applications(s) to this Board for the above described property.

A. _____ B. _____ C. _____

11) A hearing on this Application will take place at 6:30 PM on July 2, 2020 in the 4th floor Richard C. McCarthy Commission Chambers in Millville City Hall, 12 S. High Street, Millville, New Jersey.

X Damaris Silva 5/30/2020

Signature of Applicant(s) Date

THIS IS TO CERTIFY THAT NO TAXES OR ASSESSMENTS FOR LOCAL IMPROVEMENTS ARE DUE OR DELINQUENT ON THE PROPERTY IN QUESTIONS – if applicable.

NOTE: subject property is currently tax exempt

X

Signature of Tax Collector Date

DISCLOSURE STATEMENT

(If applicant is a corporation or partnership)

NAME OF DEVELOPMENT APPLICATION Hendricks House Inc.

A. Is this application to subdivide a parcel or parcels of land into six (6) or more lots?

YES _____ NO x

B. Is this application for a variance to construct a multiple dwelling of 25 or more family units?

YES _____ NO x

C. Is this application for approval of a site or sites to be used for commercial purposes?

YES _____ NO x

IF ANY OF THE ABOVE ANSWERS WERE YES, PROCEED TO D. IF NOT, SIGN AND SUBMIT

D. Is the applicant a corporation or partnership?

YES _____ NO _____

IF YES:

1. List the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be (*Use extra sheets if necessary)*

_____

_____

_____

_____

_____

_____

2. Does a corporation or partnership own 10% or more of the stock of this corporation or partnership? of any class or at least 10% of the interest in the partnership, as the case may be (*Use extra sheets if necessary)*

YES _____ NO _____

IF YES:

List the names and addresses of the stockholders of that corporation holding 10% or more of the stock or of 10% or greater interest in that partnership, as the case may be. This requirement is to be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the noncorporate stockholders and individual partners exceeding 10% ownership criterion established in L. 1997, C.336 have been listed (*Use extra sheets if necessary*).

_____

_____

_____

_____

DATE: 5/30/2020 **APPLICANT:** Hendricks House Inc.

SIGNATURE: Damaris Piliro Damaris Piliro, Executive Director

ADDENDUM TO APPLICATION OF
HENDRICKS HOUSE, INC.,
A NEW JERSEY NONPROFIT CORPORATION

Proposed Residential Treatment Center for Women, Intensive Outpatient Program,
Administrative Offices and Recreational Facility
To Be Located at
2 Hillcrest Avenue, Millville, New Jersey
Block 47, Lot 2

Hendricks House, Inc., a New Jersey nonprofit corporation ("Applicant" or "Hendricks House"), seeks a "d" variance and site plan approval to permit use of the subject property as (i) a residential treatment center for women with substance use disorder, (ii) an intensive outpatient program (IOP) facility for substance use disorder, (iii) recreational facilities for Hendricks House's clients and (iv) administrative offices. Applicant has entered into an Agreement of Sale with the owner of the subject property, The Parish of All Saints, which permits Applicant to bring this application for the subject property.

1. The Applicant

Since 1993, Hendricks House has operated State-licensed residential treatment facilities for individuals in recovery. The initial location in Vineland, which remains in operation today, is a men's house located in a densely-populated neighborhood. More detailed information can be viewed on the agency's website (http://www.hendrickshouse.org/), including program methodology and testimonials from clients and community members. In 2004, Hendricks House opened its 34-bed men's facility in Galloway Township. One year later in 2005 the 34-bed women's house was opened in Galloway Township. Currently the Vineland and Galloway facilities have the capacity of serving 108 total clients.

Hendricks House is licensed by the State of New Jersey Division of Mental Health & Addiction Services within the Department of Health. As such, all of its facilities are subject to strict regulatory controls, and undergo regular inspections and audits for compliance with State regulations. Additionally, Hendricks House's programs are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF). As Hendricks House shall describe in further detail at the hearing before the board, Hendricks House runs a traditional 12-step program. Hendricks House does not administer methadone as part of its program. Hendricks House's clients come to them after having completed detox and short-term residential recovery steps. With regard to the residential facility, the typical stay of a client is 120 days. Once at Hendricks House the clients are required to work, to participate in meal preparations and to develop skills that facilitate re-entry into independent living. Clients who do not comply with the program's requirements are dismissed from the program.

2. The Property & Proposed Use

The subject property, formerly the St. John Bosco Church and Rectory within the Parish of All Saints, contains two primary structures: a church building and a residential building

formerly used as a residence for parish priests. The subject property is located in the R-15 zone under Millville Land Use and Development ordinance. The subject property currently hosts regular group meetings for Alcoholics Anonymous and Narcotics Anonymous, which have occurred at this location for many years.

Hendricks House intends to use the structures as follows:

(a) The residence shall become new home of Hendricks House's residential treatment facility for women, with capacity for 24 clients to reside there at any one time. Hendricks House's existing women's facility is located in Galloway Township, Atlantic County, next to a men's facility that Hendricks House also operates. In order to enhance programming, Hendricks House intends to convert its Galloway women's house to a men's facility, and to relocate its women clients to Millville. In support of this residence, Hendricks House will fit-out offices and administrative space for a program manager (1 on site during the day), counselors (2 on site daily, 5 days per week), monitors (1 per shift) and an administrative assistant (1 shift per day of 8 hours / 5 days per week). As with Applicant's other facilities, the residential treatment facility proposed on the subject property would be monitored on a 24/7 basis. The Applicant intends to construct a 283.5 square foot addition to the residence to accommodate a new bathroom, as shown on the floor plan and site plan filed with this application.

(b) The existing church building will be renovated on the interior to provide the following spaces:

- A suite of administrative offices for Hendricks House's executive staff who manage and support the operations of the facilities. These spaces are to be occupied primarily during the daytime when Hendricks Houses' Executive Director, Chief Financial Officer and other executives are on site.

- A suite of offices for use in providing Intensive Outpatient services ("IOP") to clients. These services involve individual client visits 3 times per week, with anticipated office hours of 8 AM to 9 PM Monday through Friday.

- Approx. 3,780 square feet of interior open space that will serve as a multi-purpose room, for active and passive recreation, group meetings or social gatherings. This space may be utilized up to 7 days per week depending on activities that are made available from time to time for clients.

These facilities, as proposed, will be licensed by the State of New Jersey and operated in accordance with all applicable laws, rules and regulations. Applicant intends to make interior renovations to the Church and residential buildings to accommodate the uses described above, as well as to make certain needed repairs and improvements to the exterior of the building.

With regard to the physical characteristics of the property, the enclosed site plan depicts the following:

- A reduction in the currently paved parking lot, which fronts Hillcrest Avenue

- The addition of newly striped parking spaces
- An addition to the existing residential building

With regard to signage, the Applicant proposes to utilize the existing monument sign that currently identifies the Parish. Additionally, the Applicant proposes to install signage on the brick entry walls that border the driveway on Hillcrest Avenue.

3. Legal Argument

(a) Use Variance. Individuals who suffer from substance use disorder are recognized under the law as "handicapped" and also as "qualified persons with disabilities" within the meaning of the Americans With Disabilities Act, 42 U.S.C. § 12101(2) and 28 C.F.R. 35.104. Additionally, the New Jersey Supreme Court has found that recovering alcoholics and addicts are handicapped individuals under other applicable federal statutes, as well as the New Jersey Law Against Discrimination. Cherry Hill Twp. v. Oxford House, Inc., 263 N.J. Super. 25, 52, (App. Div. 1993). With this application Hendricks House proposes two principal uses – residential treatment and intensive outpatient treatment – with accessory administrative offices. Because these uses serve the needs of handicapped individuals, the proposed uses fall within the definition of "inherently beneficial use" under the New Jersey Municipal Land Use Law, which defines such use as one that is "universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare." N.J.S.A. 40:55D-5. Group homes, for example, are listed as an express example of such inherently beneficial use. *Id.*

Moreover, through the adoption of the Health Care Facilities Act of 1971, the New Jersey Legislature confirmed that it is the policy of this State that "hospital and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health." N.J.S.A. 26:2H-1. In the land use context, "municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare" is the first provision of the section of the Municipal Land Use Law in which the intent and purpose of the Law is expressed. N.J.S.A. 40:55D-2(a).

Because the residential treatment facility and the outpatient facility are inherently beneficial uses, the Applicant presumptively satisfies the positive criteria for the grant of a use variance. See SMR v. Fair Lawn Bd. of Adj., 152 N.J. 309, 323 (1998); Sica v. Board of Adj. of Tp. of Wall, 127 N.J. 152, 162-168 (1992) (the subject of which was a privately run residential facility for the rehabilitation of head trauma patients). When Hendricks House applied for a use variance for a different property in Millville in 2016, the City of Millville Zoning Board of Adjustment found specifically that its proposed use (a 40-bed women's treatment facility) "presumptively satisfies the positive or 'special reasons' requirements for a Use Variance since rehabilitation centers have been acknowledged as inherently beneficial." Resolution No. 16-2016, City of Millville Zoning Board of Adjustment, p. 3, ¶ 15. Although the Board denied the 2016 application for other reasons, the conclusion with respect to special reasons must be the same with regard to this application. The significant need for facilities such as the ones proposed in this

application, and the effectiveness of the programs offered by Hendricks House, is further explained in the May 29, 2020 letter from the New Jersey Association of Mental Health and Addiction Agencies, Inc., attached hereto as Exhibit A.

The Applicant shall provide additional detailed planning testimony at the hearing before the Board as to the legal criteria for the grant of the requested use variance, and the Applicant's basis for the relief requested.

(b) Zoning Accommodations are required under the Federal Fair Housing Act. Hendricks House shall also rely on the legal impact of the Federal Fair Housing Act, and its mandate that reasonable accommodations be provided, including by way of zoning variances. As the federal courts have recognized:

> The Fair Housing Act (FHA) enacted by Congress in 1968, 42 U.S.C. § 3601–3631, makes it illegal to discriminate on the basis of race or national origin in housing practices and grants "aggrieved persons" the right to challenge such practices in federal court. 42 U.S.C. § 3613(a). Injunctive relief is among the remedies available to such persons. 42 U.S.C. § 3613(c). The FHA defines an "aggrieved person" to include any person who—"1) claims to have been injured by a discriminatory housing practice; or 2) believes that such person will be injured by a discriminatory housing practice that is about to occur." 42 U.S.C. § 3602(i).
>
> With the enactment of the Fair Housing Amendments Act (FHAA) in 1988, Congress amended the FHA to expand its anti-discrimination protections to include the handicapped. The FHAA defines a "handicap" as:
> 1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
> 2) a record of having such an impairment, or
> 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.
> 42 U.S.C. § 3602(h). This definition has been interpreted to include persons with a mental illness or personality disorder, recovering alcoholics and drug addicts.[5] *Oxford House, Inc. v. Township of Cherry Hill,* 799 F.Supp. 450, 458–59 (D.N.J.1992) (*Oxford–Cherry Hill).*
> Section 42 U.S.C. § 3604(f) defines unlawful discrimination against the handicapped to include the:
> .... refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. Judy B. v. Borough of Tioga, 889 F. Supp. 792, 798 (M.D. Pa. 1995)

In analyzing the impact of the FHA on zoning decisions, courts have reasoned that, so long as the proposed use would not impose "undue financial and administrative burdens" or require a "fundamental alteration of a program," then the requested accommodation should be granted. Id. at 799. Moreover, "[t]he Act permits claims of unlawful housing discrimination to be filed against municipal entities . . . ." Dr. Gertrude A. Barber Ctr., Inc. v. Peters Twp., 273 F.

Supp. 2d 643, 651 (W.D. Pa. 2003). Municipalities are directed to be mindful that "[t]he purpose of the reasonable accommodation of the FHA is to facilitate the integration of persons with disabilities into all communities." Id. The present application seeks no more in this regard than the law requires.

(c) Impact of § 30-144 of the Millville ordinance. With regard to the proposed 24-bed women's residential treatment facility, that building will operate as a licensed facility that would otherwise be permitted in the R-15 zone (or any other zone in the City of Millville) based on the provisions of § 30-144 of the Millville ordinance if occupancy were to be limited to 15 individuals. The Millville ordinance permits licensed facilities for mentally ill persons in all residential zones so long as the occupancy does not exceed 15 persons. Because Applicant proposes occupancy of up to 24 persons, this applicant requires a "d" variance to permit the additional 9 persons over and above the ordinance standard of 15. In connection with Hendricks House's 2016 application, the Millville Zoning Board of Adjustment found specifically that Hendricks House "would not have required board approval if it had chosen to observe the occupancy limit of 15 persons." Resolution No. 16-2016, City of Millville Zoning Board of Adjustment, p. 3, ¶ 15. Hendricks House submits that the same rationale exists with respect to the 24-bed facility proposed in this application.

4. Relief Requested. The Applicant seeks the above-described use variance, site plan approval and any other variance, waiver or other relief deemed necessary in order for the Applicant to be able to use the property as described. Additionally, the Applicant requests waivers for any site plan element listed in Section 30-45 of the Millville Ordinance that is not contained in the site plan as submitted.

A. Steven Fabietti, Esq.
Gruccio Pepper DeSanto & Ruth, P.A.
817 E. Landis Avenue
Vineland, NJ 08360
(856) 691-0100
Attorneys for applicant Hendricks House Inc.

Dated: June 2, 2020

New Jersey Association of Mental Health and Addiction Agencies, Inc.
Innovating for Progress|Partnering for Solutions

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May 29, 2020

EXHIBIT A
TO HENDRICKS HOUSE INC.
APPLICATION ADDENDUM

Damaris Piliro, MBA
Executive Director
Hendricks House Group, Inc.
542 North West Boulevard
Vineland, NJ 08360

Dear Damaris:

On behalf of the New Jersey Association of Mental Health and Addiction Agencies, Inc. (NJAMHAA), it is my pleasure to lend support to Hendricks House Group, Inc. as you look to expand your program in order to serve significantly more men and women with life-saving substance use disorder (SUD) treatment services. As both residential SUD treatment services and intensive outpatient programs (IOP) have been proven to achieve high rates of recovery while being cost-effective, we wholeheartedly endorse Hendricks House's plans to expand its residential services and create an IOP.

While these services have always been critical, the timing for this expansion during the coronavirus pandemic makes it even more imperative, as the crisis has led to significantly increased use of alcohol and illicit drugs. These increases have been reported not only among those who have been diagnosed with SUDs, but also among individuals who started using substances as a way to cope with the trauma associated with coronavirus and the required isolation.

According to the New Jersey Division of Mental Health and Addiction Services' (DMHAS') 2018 statewide report, nearly 56,000 individuals received treatment at least once (34% had multiple admissions) that year. Atlantic County, where Hendricks House Group's facilities are located, had the fifth highest number of admissions, compared to all 21 counties. In 2018, demand for SUD treatment was unmet for 25.1% of Atlantic County residents, according to DMHAS. The Division also reported that Cumberland County, where Hendricks House Group plans to open new halfway houses (one for men and one for women) and open its first IOP, had a 29.5% rate of unmet treatment demand in 2018.

Considering these statistics and the increasing demand for services, especially during the coronavirus pandemic, Hendricks House Group's plans should be supported and applauded. A further reason for this proposed expansion comes from the fact that between 30 and 50 percent of people with SUDs achieve

3635 Quakerbridge Road, Suite 35, Mercerville, NJ 08619 Phone: 609.838.5488 Fax: 609.838.5489 www.njamhaa.org

recovery, based on numerous studies. In addition to the priceless impact on individuals' health and quality of life, SUD treatment has a significant financial benefit. The National Institute on Drug Abuse conservatively estimates that for every dollar invested in SUD treatment programs, there is a return of between $4 and $7 in reduced drug-related crime, criminal justice costs and theft. The fiscal outcome is even greater regarding healthcare costs, with every dollar invested correlating with $12 saved.

As facilities such as those that Hendricks House Group operates are voluntary, they are good for the communities in which they are located. Such establishments should be located in all communities, not because it is legally acceptable, but because people who recover make good neighbors and positively contribute to the communities where they live.

I hope this compelling information is sufficient for securing the zoning board's approval of your program expansion plans. If any of the board members need additional information, please contact me at 609-838-5488, ext. 292, or dwentz@njamhaa.org.

Sincerely,

Debra L. Wentz

Debra L. Wentz, PhD
President and CEO