

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-6-2024-013

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING THE CODE OF THE TOWNSHIP OF MONROE
UNDER CHAPTER 108 SECTION 6.23 TO AMEND
THE MEDICAL FACILITY REQUIREMENT IN THE
PLANNED RETIREMENT COMMUNITY DISTRICT 2 (“PRC-2”)**

WHEREAS, the STONEBRIDGE COMMUNITY ASSOCIATION, INC. (the “Association”) by Resolution dated April 19, 2023 (attached hereto as Attachment A) requested that the Township amend §108-6.23 (D)(1)(b)(6) of the Township Code relative to the Medical Facility requirement in the PRC-2 zoning district; and

WHEREAS, §108-6.23 (D)(1)(b)(6), as adopted in 2002, requires that developments within the PRC-2 zoning district that contain six hundred (600) or more residential units shall have their medical facility staffed by a registered nurse on a twenty-four (24) hour per day basis; and

WHEREAS, the Association notes that it is the only senior community in the Township that is required to provide a 24/7 registered nurse; and

WHEREAS, the Association notes that this requirement represents a mandatory cost of \$415, 210.89 per year which the Association describes as “an inequitable burden on the Association’s members in that neighboring senior communities are not mandated to provide this service,” and

WHEREAS, the Association highlights the level of emergency medical care that currently exists in the Township, and did not exist in 2002; and

WHEREAS, the Association has requested that the Township amend §108-6.23 (D)(1)(b)(6) to mirror the same “Medical Facilities” requirement as the Planned Retirement Community (“PRC”) zoning district; and

WHEREAS, the Association has committed that “If the Township and its Council adopt the foregoing amendment, the Association will not eliminate, reduce or modify the current level of nursing services available to its members without the affirmative vote to do so of two-thirds of its members in good standing; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that Chapter 108, Section 6.23 of the Code of the Township of Monroe entitled “PRC-2 Planned Retirement Community, District 2” is hereby amended as follows:

§ 108-6.23 PRC-2 Planned Retirement Community, District 2.

D. Permitted and required uses in a planned retirement community

(1) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally altered, enlarged or maintained except for the following planned retirement community uses by the residents of the community, their guests or other authorized users.

(b) The following required recreational uses, at least one of each:

[6] Medical facility. There shall be sufficient building space to adequately allow for the provision of all medical facilities for retirement communities as required by any applicable federal, state or local regulations. There shall also be provided conveniently located on-site loading space and accessways for use by emergency vehicles. Minimally, the medical facility shall be equipped with instruments and equipment necessary for responding to emergency situations and for those duties routinely performed by a registered nurse.

~~[a] If the PRC-2 development consists of 600 or more residential units, there shall be a medical facility on the premises staffed by a registered nurse on a 24-hour per day basis, with staffing to commence upon the issuance of the one hundred and fiftieth (150) certificate of occupancy.~~

~~[b] If the PRC-2 development consists of less than 600 residential units, there shall be space available and furnished for use as a medical facility if the need arises.~~

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

SO, ORDAINED as aforesaid.

MIRIAM COHEN, Council President

RECORDED VOTE – INTRODUCTION – JUNE 26, 2024						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro			X			
Councilman Markel		X	X			
Councilwoman Siegel	X		X			
Council V. President Van Dzura			X			
Council President Cohen			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on June 26, 2024. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on August 5, 2024 at 6:30 p.m. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

CHRISTINE ROBBINS, Township Clerk

RECORDED VOTE – SECOND READING & FINAL ADOPTION – AUGUST 5, 2024						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro						
Councilman Markel						
Councilwoman Siegel						
Council V. President Van Dzura						
Council President Cohen						

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MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

STEPHEN DALINA, Mayor

Date signed: _____

RECORD AND RETURN TO:
HUESTON MCNULTY, P.C
256 Columbia Turnpike, Ste. 207
Florham Park, New Jersey 07932

Prepared by: DocuSigned by:
Samuel J. McNulty
55113EE3D78D44F
Samuel J. McNulty, Esq.

RESOLUTION

No. ___-23

STONEBRIDGE COMMUNITY ASSOCIATION, INC.
(In Support of Amendment of Monroe Township Zoning Ordinance Requiring 24/7
Registered Nurse Staffing)

WHEREAS, by a Declaration of Covenants, Easements and Restrictions dated September 7, 2006 (the "Declaration") and recorded on September 11, 2006 in the Office of the Middlesex County Clerk in Deed Book 05717 at Page 702 et seq., STONEBRIDGE (the "Property") and STONEBRIDGE COMMUNITY ASSOCIATION, INC. (the "Association") were established; and

WHEREAS, capitalized terms used herein without definition shall have the meanings ascribed to such terms in the Declaration; and

WHEREAS, the Governing Documents empower the Association's Board with all powers as well as duties necessary for the proper conduct and administration of the affairs of the Association and the operation and maintenance of the Common Property and to do or cause to be done all such other lawful acts and things as are permitted by the Governing Documents and by law; and

WHEREAS, the Board, pursuant to the Bylaws, is charged with evaluating and determining the services to be made available to the members of the Association consistent with their business judgment and the Governing Documents, and;

WHEREAS, the Zoning Ordinances of the Township for the PRC-2 Planned Retirement Community, District 2 (the "Ordinance") currently requires, among other listed "recreational" uses, that a medical facility shall be provided; and

WHEREAS, the Ordinance provides that "Minimally, the medical facility shall be equipped with instruments and equipment necessary for responding to emergency situations and for those duties routinely performed by a registered nurse" and "If the PRC-2 development consists of six hundred (600) or more residential units, there shall be a medical facility on the premises staffed by a registered nurse on a twenty-four (24) hour per day basis, with staffing to commence upon the issuance of the one hundred and fiftieth (150) certificate of occupancy"; and

WHEREAS, the Association is the only senior community in the Township that is subject to the foregoing provisions; and

WHEREAS, the Ordinance was adopted in 2002 at a time when the Township had limited emergency services and, given the current availability of nursing, urgent care and other health care practices which are readily available to the members of the Association there is no longer a rationale for the Ordinance to

the extent that it relates to a medical facility. For instance, since 2020 the Hackensack Meridian Urgent Care-Monroe facility was established in the Gables Plaza located across Federal Road from the Property; additionally, Carbon Health Urgent Care of Monroe is located on Applegarth Road, less than 2 miles away. The Monroe Township Fire District #2 was established across Applegarth Road and now many medical plans, including Medicare, provide telehealth services, annual in-home nurse's visits for screening for health care concerns, and services largely duplicative of the services provided by a 24/7 registered nurse at the Property; and

WHEREAS, the cost of maintaining a 24/7 registered nurse and nursing center is currently \$415,210.89 per year, which is a mandatory cost of approximately \$439 per household per year for the members of the Association, paid through the Association's monthly maintenance fees, and this amount represents an inequitable burden on the Association's members in that neighboring senior communities are not mandated to provide this service; and

WHEREAS, in the event of an emergency, the services of a registered nurse do not replace those of the Township's Emergency Medical Services; and

WHEREAS, it is only the Association that is required to maintain a 24/7 registered nurse facility, as the other senior communities within the Township do not fall within the PRC-2 zone

or if they do, do not have 600 or more residential units, and many members of the Association have voiced to the Association the inequity of the mandate that only the Association is required to have a 24/7 registered nursing service and their wish, in view of the financial burden of maintaining such service, that they should be given the same option as the other senior communities within the Township to choose for themselves as to whether to maintain a 24/7 registered nurse facility; and

WHEREAS, the Association desires to have the Ordinance amended as set forth below so as to eliminate this mandate and to be subject to the same reduced requirements available to the other senior communities within the Township.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby requests the Township and its Council to amend §108-6.23(D)(1)(b)(6) of Chapter 108 of the Monroe Township Land Development Ordinances relative to the PRC-2 zone to read as follows: "Medical facilities. There shall be sufficient building space to adequately allow for the provision of all medical facilities for retirement communities as required by any applicable federal, state or local regulations. There shall also be provided conveniently located on-site loading space and accessways for use by emergency vehicles."

2. If the Township and its Council adopt the foregoing amendment, the Association will not eliminate, reduce or modify the current level of nursing services available to its members

without the affirmative vote to do so of two-thirds of its members in good standing.

3. The Board directs the Association's community manager to forward copies of this resolution to the Township Clerk.

IN WITNESS WHEREOF, the Association has duly enacted this Resolution this 19th day of April 2023.

STONEBRIDGE COMMUNITY ASSOCIATION, INC.

By: DocuSigned by:
Richard Lasker
4CF6E2DC26BB4D7
RICHARD LASKER, President

STONEBRIDGE COMMUNITY ASSOCIATION, INC.

Resolution Type: Policy No.

Regarding: In Support of Amendment of the Zoning Ordinance Requiring Staffing of a Registered Nurse

Duly adopted at a meeting of the Board of Directors of Stonebridge Community Association, Inc., held on this 19th day of April 2023.

<u>Directors:</u> _____	<u>Vote:</u>			
	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Richard Lasker, Pres. _____	<u>X</u>	_____	_____	_____
Michael Berezein, VP _____	<u>X</u>	_____	_____	_____
Fred Rucci, Treasurer _____	<u>X</u>	_____	_____	_____
Ava Baron, Secretary _____	<u>X</u>	_____	_____	_____
Jerry Mirelli, Director _____	<u>X</u>	_____	_____	_____

Attest:
DocuSigned by:
Ava Baron
85662968E0364E0
Ava Baron, Secretary

4-19-23
Date

File:
Book of Minutes - 2023.
Book of Resolutions - 2023.

Resolution Effective: April 19, 2023.

