

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, DECEMBER 15, 2010, 7:30 P.M.**

Present: Stephen Brame
Bruce Kmosko
Robert Kulak
Cathleen Lewis
Leona Maffei
Sam Pangaldi, Alt. #2
Peter Kremer, Chairman

Absent: John Gladwell, Alt. #1 (Absent/excused)
Charles Lavine, Vice Chairman (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, P.P., AICP, Planning Consultant, Clark•Caton• Hintz
David M. Roskos, Attorney, Sterns & Weinroth
Sara A. Summiel, Recording Secretary

1. Statement of Adequate Notice

Adequate notice of this meeting of the Lawrence Township Zoning Board has been provided by filing the annual meeting schedule with the Municipal Clerk as required by law; by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, the Trentonian and the Lawrence Ledger newspapers.

2. Resolutions:

Resolution of Memorialization 19-10z, Bulk Variance Application No. ZB-13/10, ROBERT & STEPHANIE WEDEKING, 9 Players Lane, Tax Map Page 7501, Lot 3.05.

Mr. Kulak moved and Mr. Brame seconded to approve Resolution No. 19-10z.

Vote:

AYES: Brame, Kmosko, Kulak, Lewis, Kremer

NAYES: None

ABSENT: Gladwell, Lavine

INELIGIBLE TO VOTE: Maffei, Pangaldi

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Resolution - Continued

**Resolution of Memorialization 22-10z, Use Variance Application
No. ZB-16/10, Major Site Plan – Preliminary & Final Approval Application
No. SP-12/10, TURTLE ENERGY, LLC (Lawrenceville School Solar Farm),
2500 Lawrence Road, Tax Map Page 58+, Block 5801, Lots 1.01.2 & 9.**

Mr. Kulak moved and Mrs. Maffei seconded to approve Resolution No. 22-10z.

Vote:

**AYES: Kulak, Maffei, Pangaldi, Kremer
NAYES: None
ABSENT: Gladwell, Lavine
INELIGIBLE TO VOTE: Kmosko, Brame, Lewis**

3. Minutes:

September 29, 2010 – Regular

Mr. Kulak moved and Mrs. Lewis seconded to approve the minutes. The following voice call vote took place. AYES (5) NAYES (0) ABSENT (2) INELIGIBLE TO VOTE (2)

October 20, 2010 – Regular

Mr. Kulak moved and Mr. Brame seconded to approve the minutes. The following voice call vote took place. AYES (6) NAYES (0) ABSENT (2) INELIGIBLE TO VOTE (1)

4. Application No. ZB-14/10 & SP-11/10 (SIMONE INVESTMENT GROUP, LLC), Bulk Variance, 100 Federal City Road, Tax Map Page 27.03, Block 2701, Lot 81.01. (CONTINUED FROM NOVEMBER 10, 2010.

The hearing was recorded. Jurisdiction continued. The applicant did re-Notice by regular mail.

Also present was Susan Kardasz, Certified Court Reporter for the applicant. Copy of Transcript is available via request to the applicant.

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Application No. ZB-14/10 & SP-11/10 - Continued

Michael T. Hartsough, Esq., represented the applicant. Mr. Hartsough gave an opening statement on behalf of the applicant. He stated that Notice was sent out to residents by regular mail.

Linda Burns, Chief Nursing Officer/Director of Nursing at Sunrise since 2004, gave detailed testimony about the operations of the Sunrise Florida facility and the required licenses for the proposed facility. Ms. Burns' source of testimony was given by use of a power point slide presentation. She stated that Sunrise provides a licensed in-patient medical detoxification center with 31 beds to provide treatment to help stabilize individuals with substance addiction. She stated that Sunrise is a voluntarily treatment facility with an average stay of 5.8 days and provides a 24-hour supervised medical withdrawal management. She stated that the treatment plan costs \$1,700.00. She stated that all patients are admitted and discharged by the facility's medical director as if one was in a hospital setting. She stated that most patients are admitted between the hours of 10 a.m. and 8 p.m. and that most patients are discharged during the hours of 8 a.m. and 10 a.m. She stated that patients cannot walk-in. She stated that the patients must meet medical placement criteria in order to meet insurance requirement. She gave an overview of the medical protocol for the medical assessment, as a patient must see a medical doctor within 24 hours of their arrival. She gave an overview of the patients' rehabilitation and treatment program. She proceeded to refer to Exhibits A-10.1 thru 10.7 and gave an overview of the 38-bed facility. She stated that the facility does not accept patients who are referred by or remanded by the criminal justice system, or with psychiatric disorders, or active prisoners in the system for a step down program, or one who is suicidal. She stated that at the conclusion of the program, patients are referred to a certified rehabilitation center or institution for continuing care. She stated that all patients are escorted off the premises by a Sunrise staffer who drives the patient to their home or to an airport. She gave an overview of the security management for the facility and stated that all exterior doors have alarms. Also, she stated that there are cameras inside and outside the facility.

A discussion took place by the Board Professionals with regard to payment of services and verification of source for payment, whether paying by pre-approved insurance, cash, or credit card since the facility does not take walk-in clients.

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A discussion took place by the Board Professionals with regard to medical stabilization, distribution and control of medications, counseling and percentage of success patients.

A discussion took place by the Board with regard to Sunrise's policy for patients not wanting to continue in the program and the educational process. A discussion followed by the Board with regard to what differentiates the proposed detox treatment facility from an outpatient facility.

Warren Connelly, Executive Director of Operations/Licensed Facility Manager, (Stirling Facility), gave his personal testimony while undergoing a detox treatment of managed care. He proceeded to give information about how he trained and obtained the required Certifications to become an Addiction Counselor, and the five-year process in securing all the permits to open and operate a residential detox center at the Stirling New Jersey facility. He referred to Exhibits A-11, A-12, and A-13 and gave an overview of the Pie Charts. He explained the need for the Stirling facility since there were many New Jersey residents attending the Sunrise Center in Florida. He explained the daily rate and scholarship process for one paying \$1,700 vs. \$900 per day. He stated that the facility will not generate lot a traffic since the patients are no allowed to bring their cars on site. As part of Mr. Connelly's power point presentation, he described the 10,000 sq. ft., 21-bed residential facility in Stirling New Jersey. He stated that the Stirling facility is located in a residential area and is located near a public school. He explained that many clients have travelled from all over the United States to become clients at the Florida Sunrise center and New Jersey Stirling facility. He stated that many of the clients are ordinary people of the upper working class that have been able to pay cash for their needed detox treatment. He added that a patient profile could consist of professionals, lawyers, teachers, doctors, athletes and even individuals in the age category of 80 years old. He indicated that the majority of patients are dependent on alcohol or prescription medications.

Mr. Roskos referred to Exhibits A-14.1 thru 14.4 and stated that they will not be part of the record since the writers of those letters are not present to provide testimony or be questioned by the Board. The applicant accepted.

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A discussion took place by the Board with regard to the Pie Charts and whether the proposed facility will have a core of New Jersey clients to fill the proposed residential center. A discussion followed by the Board Professionals regarding the statistics showing a detox need in New Jersey.

The Board stated concerns about the threshold issues relating to inherently beneficial need. The Board questioned where our Mercer County residents are currently going for detox treatment and whether the applicant could provide a marketing proposal, by State, of clients being treated at the Sunrise and Stirling facilities. The Board questioned whether there has been a significant decrease of New Jersey clients being treated at the Florida Sunrise Center since the opening of the Stirling facility. The applicant agreed to provide.

The Board Professionals requested the applicant to provide testimony about the day-to-day operations of the proposed facility such as food service, staffing operations, deliveries and medical treatments. Due to the lateness of the evening, Mr. Connelly will provide testimony on this subject matter at the next scheduled meeting.

Mr. Hartsough presented Exhibit 15.1 to the Board which identifies other Detox Substance Abuse Treatment Facilities-By County, that have the same license as the Stirling facility. He stated that Exhibit 15.1 will correspond with the dots on Exhibit A-15.

No action was taken. Jurisdiction carried to January 19, 2011.

Exhibits:

- A-1 (Excerpt from Zoning Map, January 27, 1998)
- A-2 (Colored Site Plan)
- A-3 (Building "A" Picture)
- A-4 (Building "C" Picture)
- A-5 (Building "B" Picture)
- A-6.1 (Zoning Map, January 27, 1998 EGI Highlighted)
- A-6.2 (Description of EGI Zoned Properties)
- A-7 (Diagram, November 3, 2010)
- A-8 (Proposed Sunrise Floor Plan)
- A-9 (Deck Elevation)

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Exhibits: Continued

- A-10.1 (Picture of Stirling Sitting Area)
- A-10.2 (Picture of Stirling Dining Room)
- A-10.3 (Picture of Stirling Exterior)
- A-10.4 (Picture of Stirling Bedroom)
- A-10.5 (Picture of Florida Sitting Room)
- A-10.6 (Picture of Florida Semi-Private Room)
- A-11 (Pie Chart of Sunrise Florida Patient Origin)
- A-12 (Pie Chart of Stirling, New Jersey Patient Origin)
- A-13 (Aerial View of Stirling, NJ)
- A-14.1 (Letter of Reverend Brown, July 29, 2010)
- A-14.2 (Letter of Ms. Hessinger, July 28, 2010)
- A-14.3 (Letter of Mr. Grimler, July 28, 2010)
- A-14.4 (Letter of Reverend Krebs, July 29, 2010)
- A-15 (State Department of Addiction Services Map)
- A-16 (Email Harry Reyes, DHS, September 15, 2010)
- A-17 (New Jersey Admission Statistics 2009)
- A-18 (Report of Leslie Hendrickson)
- A-19 (Report of Michael Mueller)
- A-20 (Sunrise Video)
- A-21 (Council Meeting Minutes – Regular Meeting March 16, 2004)
- A-22 (Planning Board Resolution No. 17-04 & Referral from Council – Proposed LUO Change)
- A-23 (Council Meeting Minutes – Regular Meeting June 14, 2004)
- A-24 (The Trentonian Article, dated November 16, 2010)

Witnesses Placed Under Oath:

- Linda burns (Chief Nursing Officer & Representative of Sunrise Center)
- Warren Connelly (Executive Director of Operations of Stirling Facility)

**Also, placed under oath were Township Professionals:
Brenda Kraemer, Asst. Municipal Engineer, and Brian Slaugh, P.P., AICP**

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Public Comment:

- **Bill Deasy, 322 Federal Point Blvd., questioned what type of schooling would be required for one to become a Certified Addiction Officer. He questioned whether Mrs. Burns hired the counselor at Stirling facility, who charged with an alleged sexual incident. Also, he questioned whether deliveries would be made by big or small trucks.**
- **Robert Blazer, 13 Lopatcong Drive, questioned whether the Stirling facility is located in a residential area.**
- **Robert Ranke, 25 Karena Lane, questioned the total number of beds and the number of residents to be treated per year. Also, he questioned whether those who leave without medical consent if they would be considered medical unable.**
- **Steven Bramson, 273 Federal Point Blvd., questioned the use of treatment for outpatient detoxification.**
- **Patricia Sheppard, 15 Donna Lynn Lane, questioned the treatment and what type symptoms would a person exhibit when being admitted. She questioned the admission process of the undesirables and questioned the type of training required by the staff.**
- **Mary Baird, 92 Traditions Way, questioned who writes the doctor's orders. She questioned whether there would be knowledge of the last drug use before a person could be admitted into the program. She questioned whether there would be local hospital affiliated with the proposed facility. Also, she questioned how many patients follow-up with continuing care.**
- **Sherman Riggins, 35 Karena Lane, questioned the definition of medical stabilization and whether a person can be stabilized within two days. He questioned the percentage of patients who stay connected with their family during their treatment program while in the facility. Also, he questioned the number of incidents.**
- **William Eggert, 105 Frederick Court, questioned whether there is any assurance if a person is homicidal or suicidal. He questioned who would be allowed to utilize the kitchen. He questioned the daily rate of \$1,700.**

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Public Comment: Continued

- Rick Dauria, 173 Federal Point Blvd., questioned whether there is any guarantee of one's safety.
- Marvin VanHise, 118 Federal City Road, questioned whether a Nurse or Nurse Practitioner could prescribe medicines. He questioned the compliance of the Stirling facility and questioned whether the patients would be supervised when on the deck or outside smoking. He proceeded to question the Legislative law with regard to smoking at the facility. Also, he questioned the standards of a medical detoxification center and the target patient population for the proposed site.
- George Ford, residing at 86 Federal City Road, questioned the daily rates at the Stirling facility. He questioned the advantages if a patient were to come for treatment at the proposed site. He questioned whether there would be a future expansion of the proposed program to the vacant portions of the building. Also, he questioned the original number of beds at the Stirling facility.

5. Old Business/New Business/Correspondence: None

6. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:39 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,
Sara A. Summiel
Sara A. Summiel
Recording Secretary

MINUTES APPROVED: _____

June 15, 2011