

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, JUNE 16, 2010, 7:30 P.M.**

Present: Stephen Brame
Michael Ehret
Robert Kulak
Cathleen Lewis (Arrived 8:10 p.m.)
Leona Maffei
Bruce Kmosko, Alt. #1
Bruce Gladwell, Alt. #2
Charles Lavine, Vice Chairman
Peter Kremer, Chairman

Absent: None

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, P.P., AICP, Planning Consultant, Clark•Caton• Hintz
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson
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 on Thursday, June 10, 2010.

2. RESOLUTION:

Resolution of Memorialization 13-10Z APPROVING BULK VARIANCE APPLICATION NO. ZB-3/09 LAWRENCE AUTO GROUP, 2920 BRUNSWICK PIKE (NORTH), TAX MAP PAGE 36.01, BLOCK 3601, LOT 29.

Mrs. Lewis moved and Mr. Brame seconded to approve Resolution No. 13-10z

Vote:

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

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3. MINUTES FOR APPROVAL: April 21, 2010 – Regular

Mr. Kulak moved and Mrs. Lewis seconded to approve the minutes
This carried on the following voice call vote: AYES (7) NAYES (0)
ABSENT (0) INELIGIBLE TO VOTE (2)

4. Application No. ZB-8/10 (EDWARD & SOPHIA DAVIS), Bulk Variance, 277 Fieldboro Drive, Tax Map page 19, Block 1902, Lot 3.

The hearing was recorded. The Board took jurisdiction.

The applicant, Edward and Sophia Davis, appeared on their own behalf. Mr. and Mrs. Davis were placed under oath. The applicant stated their request for a rear yard setback variance for the proposed rear deck to be 14x18 sq. ft. in size. The applicant is proposing a rear yard setback of 22.3 sq. ft., where 35 sq. ft. is required. The applicant explained that a portion of the deck on the westerly side will be screened-in. The applicant stated that it would not be practical to construct the deck on the side yard because of the way their house was constructed. Also, the applicant stated that it was not practical to purchase rear property because the rear property owner has a swimming pool and an existing drainage easement along the rear property line. The Board accepted. The applicant described the property to be adequately screened. With regard to the proposed opened portion of the deck, the applicant is proposing to install a hot tub. The applicant explained that the screened portion of the deck would allow more use of that area and enjoyment of the outside without insects.

Mrs. Kramer referred to her report dated June 8, 2010 and addressed the existing tree. The applicant stated that the tree will remain, but the existing swing set will be removed. The applicant agreed to protect the existing tree during construction. Mrs. Kraemer further stated that many of the neighbors do have in-ground pools and are using the rear portion of their yards. Also, she stated that the applicant's request does fit in with the character of the neighborhood. With regard to the grading or drainage, Mrs. Kraemer did not feel there would be any negative impacts. *She further stated, as a condition of approval, that the applicant cannot convert the opened portion of the deck to a screened porch or an addition. The applicant agreed. Also, the applicant agreed that the construction of the proposed deck would limit the usable yard area on their property. The Board accepted. (See Attachment No. 1 – Reports)*

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Application No. ZB-8/10 - Continued

Exhibits: None

Witness: James T. Calli, AIA (Sworn-in)

Public Comment: None

Vice Chair Lavine moved and Mrs. Maffei seconded to approve the application, including variance, and conditions placed on record, subject to all appropriate conditions and the recommendations contained in the Township Professional's reports.

Vote:

AYES: Brame, Ehret, Kulak, Maffei, Kmosko, Lavine, Kremer

NAYES: None

ABSENT: Lewis

INELIGIBLE TO VOTE: Gladwell

- 5. Application No. ZB-5/10 & SP-4/10 (THE ISLAMIC CIRCLE OF MERCER COUNTY INC.) Use Variances, Preliminary and Final Site Plan, 336 Lawrence Station Road, Tax Map Page 42.01, Block 4201, Lots 13 & 14.**

The hearing was recorded. The Board took jurisdiction.

Dino Spadaccini, Esquire, represented the applicant. Mr. Spadaccini referred to the Township Professionals' reports and gave a brief explanation of the applicant's request. (See Attachment No. 2 – Reports) He stated that the applicant is seeking preliminary and final site plan approval, bulk variance relief, use variance relief and waiver relief to construct a three-story house of worship on Block 4201, consisting of a 4,118 sq. ft. print. He stated that the proposed area will consist of a 13,500 sq. ft. area. He stated that the 4.6 parcel contains a 1,118 sq. ft. one-story stone building with stoned parking area. The applicant is proposing to demolish the existing building. The applicant's professional explained that the majority of the 4.6 acre site is heavily wooded and because of wetlands, a large portion of the land is not usable. The applicant stated that a buffer averaging plan has been submitted for DEP approval in order to come up with a buildable area. The applicant described the surrounding area and noted a non-functional manufacturing company next to the site. Also, on the east side of the site, is the Dempster Fire Center. The applicant proceeded to give an overview

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of the proposed worship services. The applicant explained that currently the major service day is on Friday where 50 to 70 people will attend. With regard to the proposed expansion, the applicant is calculating the growth of 100 people, 10 classrooms, a library and 52 parking spots. The applicant proceeded to address the stormwater management design and will be submitting a revised report that will include the changes in grading. The applicant stated that the runoff will flow to the rear of the site. The applicant explained that a portion of the road right-of-way will be dedicated back to the Township in order to have a consistent right-of-way along Lawrence Station Road. There is an existing swale and the applicant is proposing a maintenance schedule, as recommended by the Township. Chair Kremer addressed the proposed bumpers for the side yard buffer and usable wetlands. Following a brief discussion by the Board, the applicant agreed to do away with the bumpers.

The applicant's professional gave an overview of the proposed three-story building to be built in phases, with a decorative dome to be 52 feet in height. The applicant stated that the main entrance will face the side yard. The applicant stated that the men and women will have difference entrances. The applicant proceeded to describe the proposed warming kitchen, rest rooms, offices, multi-purpose space with separate entrances, mechanical space, the outdoor prayer area, and the two stairways. The applicant is proposing a flat roof, large arch screened windows, third floor classrooms with removable walls and an elevator. Also, the applicant is proposing an outside minaret. Mr. Slauch addressed the proposed dome and questioned whether it has any religious significance. The applicant responded yes.

The applicant's Minister (Iman Qareeb Bashir) gave a brief description of his role and stated that the current services will need additional room for the 75-80 individuals that attend Friday's prayer service from 1 p.m. to 2 p.m. He explained that individuals attend Friday's prayer service close to their work area and therefore, all are not members. He proceeded to describe the various obligated activities that are very different than other Inter-faith services. The applicant stated that classes on Saturday and Sunday will take place on a weekly basis. Mrs. Kraemer referred to her report dated June 7, 2010, and addressed her concerns with regard to the parking. Following a brief discussion, the applicant was requested to reconcile the parking and provide a written certification from the Dempster Fire Center and Dr. Sharma stating their approval to provide adequate parking to accommodate the applicant's overflow. Also, as a condition of approval, it was recommended that there be no walking on Lawrence Station

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Road. The applicant agreed to comply. Mrs. Kraemer requested the applicant to comply with the hours of operation and the noise ordinance if an outside loud speaker were to be used. The applicant agreed to comply. Also, Mrs. Kraemer discussed items 1.02, 1.03, 1.04, 1.08, 1.09, 2.01, 2.03 of her report and the applicant agreed to comply and work the Township Professionals, as noted. Also, Mr. Slaugh discussed item 3.19 of his report and the applicant agreed to comply.

Mr. Spadaccini addressed the use variances and variances associated with the proposed application. He proceeded to state the applicant's special reasons that houses of worship are considered inherently beneficial. He stated that there is nothing in close proximity and therefore, no negative detriment to existing uses, and felt that the variances could be granted without substantial detriment to the public good, and without substantially impairing the intent and purpose of the Zoning or Master Plan. Mr. Slaugh stated his agreement with the applicant's stated inherently beneficial use. He proceeded to describe the adjacent uses and changes of the land use patterns. With regard to the parking variance, the applicant stated that if there becomes a need, they will request. Mr. Slaugh accepted based on the testimony provided. With regard to the landscaping, planting materials and trees, the applicant agreed to comply and work with the Township Professionals, as noted. *Following a brief discussion by the Board, it was recommended that the applicant comply with the following: that parking be monitored during special events, no full-time day school, and re-examine design of minaret. The applicant agreed to comply. With regard to the Public Safety Coordinating Committee Report, the applicant agreed to comply and add revisions to the plan.*

Exhibits:

- A-1 (Sheet C1.1 – Colored Rendering)
- A-2 (Sheet A1.0 – Architectural - Floor Plan, Colored Rendering)
- A-3 (Elevations, Sheet A3.0)
- A-4 (Colored – South & West Elevations, Sheet A.02)
- A-5 (Colored - North & East Elevations, Sheet A.03)

Witnesses placed under oath:

- O. Andrew Simkins, P.E./P.P. (Invision Engineers) & Expert
- Peter Wasem, AIA (Peter Wasem Architecture, LLC)
- Iman Qareeb Bashir, Minister/Prayer Leader
- Abid Shaikh, Member

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Public Comment: None

Vice-Chair Lavine moved and Mr. Brame seconded to approve the application, including variances and waivers, subject to all stated conditions and recommendations contained in the Township Professionals' reports.

Vote:

AYES: Brame, Ehret, Kulak, Maffei, Kmosko, Lavine, Kremer

NAYES: None

ABSENT: None

INELIGIBLE TO VOTE: Lewis, Gladwell

6. Old Business/New Business/Correspondence:

Chair Kremer stated that Board Member Michael Ehret will be relocating to China due to a new employment assignment. The Board expressed their well wishes to Mr. Ehret and his family.

7. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:32 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

Sara A. Summiel

Sara A. Summiel

Recording Secretary

MINUTES APPROVED:

August 18, 2010