

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 10, 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. 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.**

**The hearing was recorded. The Board took jurisdiction.**

**The Board's Attorney, Mr. Roskos stated that due to a potential conflict, Vice Chair Lavine has stepped down from the proceedings since he lives within the adjoining neighborhood.**

**Mr. Roskos gave a brief overview of the Board's responsibility in explaining the process of the hearing and cross examination of testimony to be given by the applicant, objectors and public.**

**Also present was Susan Kardasz, Certified Court Reporter for the applicant.**

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**Michael T. Hartsough, Esq., represented the applicant. Mr. Hartsough gave an opening statement on behalf of the applicant. He gave a brief summary about the applicant's previous 2007 approvals and the unoccupied site. He proceeded to describe the site located in a PO Zone, which allows a medical use. He stated that the applicant will provide testimony to demonstrate the proposed use as an inherently beneficial use, including positive criteria. He stated that the applicant is requesting an amendment to the application for the construction of a deck to be located in the rear. As part of the applicant's presentation a "power point slide" was presented giving an overview about the Sunrise Center.**

**Mr. Roskos made a point of clarification with regard to the proposed inherently beneficial use, as outlined in the LUO. Also, he briefly described a case law from 1972 and advised the Board of their responsibility in weighing the positive and negative criteria. He stated that if the Board finds the proposed use not an inherently beneficial use, the Board will need to apply the Sica process.**

**Mr. Simone, owner of property in question, gave some background and history of his experience with development in the surrounding area (Lawrence, W. Windsor and Hamilton). He gave an overview of Exhibits A1, A2, A3, A21, A22, and A23. He proceeded to describe the subject site, the former Assembly of God Administrative Offices, the rezoning of the property in 2004, and the marketing of proposed use as a detox facility to be operated by Sunrise.**

**Dr. Poncy, a representative of Sunrise Center, gave a video presentation about the Sunrise Detox Center. He stated that the proposed video is used for marketing and educating others about the facility. In addition to the video presentation he gave an overview of the Sunrise Detox Center in Florida and Stirling, New Jersey. He described the proposed center as a medical facility to treat individuals for in-patient alcohol and drug dependencies, including the abuse of prescription drugs. He stated that the average stay is 5.8 days. He stated that the cost of the treatment program for one's copayment would be \$50-\$250 per day with Insurance. He stated that some people choose not to use their Insurance and will pay \$600-\$1500 per day. He stated that the facility does not accept Medicare or Medicaid insurances. He stated that the proposed facility will have 19 bedrooms, a dining room, staff offices, treatment rooms, medical exam rooms, and social rooms. He stated that the center will have 24-hour supervision and patients are no allowed outside during their treatment plan.**

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He stated that there will be a total of 50 to 60 full time employees. He gave a brief overview of Sunrise's success rate of the detox program. He described the medical detox protocol that will take place within the five to seven day period and added that some have stayed as long as 14 days. He stated that if one is too sick to enter the program or becomes too sick, they would be transported to a nearby hospital. He gave an overview of Sunrise's success rate and the applicant's site selection process.

Mr. Slaugh questioned the applicant's testimony with regard to the treatment plan of five to seven days in comparison to the 28-day treatment plan outlined on the applicant's website page. He proceeded to question the funding arrangements and payment plan. He questioned how the patients are returned to their homes if not accepted into the program. Also, he questioned type of licensing required for the proposed use, the differential of the 1200 sq. ft. on the north or south of access Door C for deliveries.

A discussion took place by Mr. Roskos with regard to when is a patient considered to be medically stabilized. He further questioned the arrival and release process, the security measures, the maximum length of stay, and the on-site recreation.

A discussion took place by Mr. Hartsough with regard to Mr. VanHise's submittal of Sunrise Center's website information that was submitted Exhibit O-1. Lengthy discussions took place by the applicant and the public in response to their questions.

No action was taken on this application. Jurisdiction continued to December 15, 2010, at 7:00 p.m. No further notice required.

**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)

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**Exhibits - continued**

- A-9 (Deck Elevation)**
- 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-10.7 (Picture of Sunrise Florida Exterior)**
- 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)**
  
- O-1 (Mr. VanHise’s Computer Printout – Sunrise Center Website)**

**Witnesses Placed Under Oath:**

- **Dr. Morgan R. Poncy (Representative of Sunrise Center)**
- **Linda burns (Chief Nursing Officer & Representative of Sunrise Center)**
- **Warren Connelly (Director of Operations of Sunrise Center)**
- **Leslie Hendrickson**
- **Peter Sockler**
- **Michael Mueller (Professional Planner – Mueller Associates)**

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**Witnesses Places Under Oath – continued**

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

**Public Comment:**

- Catherine Ford, residing on Karena Drive, questioned the installation of the well.
- Robert Guadagnino, residing at 63 Point Court, questioned whether there is a community kitchen, statistics, the 5.8 day stay and the discrepancies. He questioned whether the proposed site would be an inherently beneficial use. Also, he questioned the success rate of the professionals at the other established sites.
- George Medeiros, residing at 103 Tuxford Court, questioned the inherent beneficial use for the proposed use.
- Jackie Tuozzolo, residing at 214 Federal Point Blvd., questioned the adequacy of the septic system for bathroom use at the Sleep Center and proposed Detox Facility.
- Mary Baird, residing at 92 Traditions Way, questioned whether the required entrances, egress, and the proposed enclosed deck would meet the Township's Fire Code. Also she questioned whether the Center would have an affiliation with a hospital for emergencies.
- Joe Tallone, residing at 14 Lawrenceville Point, questioned the traffic, and control for disposal of toxic waste. Also, he questioned the type of security and method for patient control.
- Stephanie Albi, residing at 18 Donna Lynn Lane, questioned the regulations with regard to one's length of stay at the Medical Center.
- George Ford, residing at 86 Federal City Road, questioned the proposed use and the history of the zoning from PO to EGI. Also, he questioned whether a client would be allowed to walk out of the facility.

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**Public Comment – continued**

- **Erik Kelly, residing at 97 Chicory Lane, Hopewell Twp., questioned whether the center will have bedding for the staff.**
- **Nancy McCormack, residing at 14 Donna Lynn Lane, questioned whether during the Community meetings if the proposed use of a Detox Facility was mentioned.**
- **William Eggert, residing at 105 Frederick Court, questioned whether the bedrooms would be private or semi-private. He questioned whether there would be background checks of the clients. Also, he questioned what protocol will be taken to keep clients from leaving the facility.**
- **Carly Vichroski, residing at 9 Anthony Lane, questioned who the targeted patients would be from the general public and their age group.**
- **Andy Earle, residing at 337 Pebble Creek Court, Pennington, questioned what percentage of the patients detox from heroin.**
- **Joe Amico, residing at 10 Donna Lynn Lane, questioned the applicant's marketing strategies. Also, he questioned whether the clients could be violent.**
- **Jean Howarth, residing at 83 Traditions Way, questioned how long Sunrise has been in business.**
- **Paul Vichroski, residing at 9 Anthony Lane, questioned the admissions process and whether background checks would be performed of the clients. He stated that he would like to know if any of the clients are a danger or registered under the Megan Law. Also, he questioned the zoning variance.**
- **Anthony Lane, questioned the Admissions process and the zoning variances. Also, he questioned whether the clients are given a background check and wanted to know if the neighborhood would be in danger of clients registered under the Megan Law.**

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**Public Comment - continued**

- **Amy Blair, residing at 19 Hopatcong Drive, Ewing, questioned the type of treatment plan.**
- **Beverly Ford-Brossoie, residing in Pennsylvania (Daughter of Mrs. Catherine Ford of Karena Drive), questioned whether the applicant is able to guarantee that the patients will not be a danger to themselves or others. Also, she questioned the security measures.**
- **Patricia Sheppard, residing at 15 Donna Lynn Lane, questioned whether the criteria could ever changed from accepting only upper middle class individuals in the detox program.**
- **Falk Engel, resident of Lawrence Township, questioned the for-profit operation, payment plan and stated some concerns that Medicare or Medicaid would not be accepted.**
- **Joan Tomlin, residing at 154 Point Court, questioned the referral process prior to a client being accepted into the program.**
- **Barbara Berkman-Lavine, residing at 262 Federal Point Boulevard, questioned the approval of the variance and the benefit to the community since the facility will not accept Medicare.**
- **Marvin VanHise, residing at 118 Federal City Road, questioned whether the proposed facility would be different from a sub-acute unit. He questioned whether the staff would be able to identify unstable signs of a client having psychiatric problems. Also, he questioned the applicant's Website and the liability of the information posted on the site and submitted Exhibit O-1.**
- **Stewart Bramson, residing at 273 Federal Point Boulevard, questioned the screening process of new clients prior to admission.**
- **Carole Drury, residing at 26 Karena Drive, questioned length of the hearing process.**

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3. Old Business/New Business/Correspondence: None

4. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 11:14 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

*Sara A. Summiel-emailed*

Sara A. Summiel  
Recording Secretary

MINUTES APPROVED: \_\_\_\_\_

*May 25, 2010*