

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 29, 2010, 7:30 P.M.

Present: Bruce Kmosko
Robert Kulak
Cathleen Lewis
Leona Maffei
John Gladwell, Alt. #1
Samuel Pangaldi Jr., Alt. #2
Charles E. Lavine, Vice Chairman
Peter Kremer, Chairman

Absent: Stephen Brame (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, 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, September 23, 2010.

2. Public Participation : (None)

3. OATH –NEW MEMBER: Samuel Pangaldi Jr., was placed under oath. The oath was administered by Board’s Attorney, Edwin W. Schmierer.

4. RESOLUTIONS

Resolution of Memorialization 16-10z approving Bulk Variance Application No. ZB-12/10 BRANDYWINE OPERATING PARTNERSHIP, 100 Lenox Drive, Tax Map Page 51.02, Block 5101, Lot 21.01.

Vice Chair Lavine moved and Mrs. Lewis seconded to approve Resolution No. 16-10z.

AYES: Kulak, Lewis, Maffei, Gladwell, Lavine Kremer

ABSENT: Brame

INELIGIBLE TO VOTE: Kmosko, Pangaldi

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 29, 2010, 7:30 P.M.

RESOLUTIONS - Continued

Resolution of Memorialization 17-10z – clarification Bulk & Use Variance Application No. ZB-8/07, Minor Site Plan Application No. SP-4/07, DOUGLAS S. KNEHR, 208 Bakers Basin Road, Tax Map Page 40.01, Block 4001, Lot 29.

Mr. Kulak moved and Mr. Gladwell seconded to approve Resolution No. 17-10z.

AYES: Kulak, Lewis, Maffei, Gladwell, Lavine Kremer

ABSENT: Brame

INELIGIBLE TO VOTE: Kmosko, Pangaldi

5. MINUTES FOR APPROVAL:

August 18, 2010 – Regular

Mrs. Maffei moved and Mr. Kulak seconded to approve the minutes.

This carried on the following voice call vote: AYES (6) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (2)

6. Application No. ZB-11/10 (FIRST BAPTIST CHURCH), Use Bulk Variance, Major Site Plan – Preliminary & Final Approval Application No. SP-9/10, 121 Hillcrest Avenue, Tax Map Page 23.01, Block 2322, Lots 1-8, 11-20.

Christopher K. Costa, Esq., represented the applicant. Mr. Costa gave a brief history of the First Baptist Church that has operated since about 1940 at its present location. The First Baptist Church is located in the R-4 Zone. He explained that the applicant is proposing to update and expand its building. In addressing the proposed expansion, he stated that the Church has made every effort necessary to minimize the variances because of the way church was originally erected, its unusual size and irregular shape. He explained that a few years ago the Church purchased five lots from the Township through an Auction and a portion of Tioga Avenue (a paper street) that was never built. This portion of Tioga Avenue was used for an additional parking area. He stated that the applicant does not meet all of the conditions of the approved conditional use associated with the setback and locations of the parking areas from the street. The applicant is proposing to expand the existing lot on the south side, construct a new parking lot on the north side and a lot to be accessed from Hillcrest Avenue.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 29, 2010, 7:30 P.M.**

Application No. ZB-11/10 – Continued

He added that the Church has 210 seats and would require 70 parking spaces, but since there are not 210 members, the neighborhood church has only provided 65 spaces. The applicant is proposing 56 spaces and would like to bank 22 spaces until there is a demonstrated need. Also the applicant agreed to provide required handicap spaces.

The applicant's witness, Ernest Chester, Chair gave a detailed overview of the Church's hours of operation, Sunday services, weekday services, meetings and special events. He stated that at the present time, there is no staff on site. He expressed that the proposed expansion would give additional room for staff, special events, community outreach and additional room to construct a baptism pool.

Mr. Slaugh and Mrs. Kraemer addressed the northern parking area and accepted the banking of parking spaces with some consensus on enforcement. Mrs. Kraemer stated that if cars begin to park on the street, then banked spaces will need to be filled. Mrs. Kraemer questioned whether there would be a proposed Day Care Center. The applicant stated not at this time.

The applicant's Professional Planner described the building and existing parking lot. The applicant stated that the building is long and narrow and in great need of repair with some update. The applicant stated that the proposed construction plan will allow the Church to stay in operation during the construction. The applicant referred to the interior building and described the existing conditions of the upper/lower level. The applicant is proposing new bathrooms, a new kitchen, new internal and external ramps, new heating and air-conditioning system. The applicant stated that the ceiling height is rather low. Although the applicant is not applying for LEED certification, all materials will be green and in character with the original church. The applicant stated that the total time frame for construction of Phase 1 and 2 will be about 16 months, including the site work.

Mr. Slaugh referred to his report dated September 7, 2010, and suggested the traditional American colors for the siding. With regard to the mechanical equipment and window wells, the applicant agreed to comply with the Township's recommendations.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 29, 2010, 7:30 P.M.**

Application No. ZB-11/10 – Continued

The applicant's Professional Engineer referred to Exhibit A-7 and described the circulation plan, including access to the site. The applicant described the buffer and landscape configuration. The applicant is proposing to construct sidewalks to be five feet in width. With regard to the existing basketball court area, the applicant will remove. The applicant stated that all parking areas will be fully lighted. The applicant explained that the stormwater management will be underground and runoff will drain to the underground storage area. The applicant stated that the trash enclosure will be created for the trash disposal to be located off the existing parking area behind the Church. The applicant is proposing a monument sign no higher than 30 inches to prevent the creation of a sight triangle. The proposed monument sign is to be located at the entrance of Hillcrest Avenue. With regard to the existing shed, the applicant is proposing to remove or replace sometime in the future. The applicant requested no timing system for the proposed security lights. The applicant stated that at the end of each function, the lights would be manually turned off. Following the review of Mrs. Kraemer's report dated September 8, 2010, the applicant agreed to comply with all of recommendations and comments.

Mrs. Kraemer reviewed her report and addressed the sidewalk. She questioned the lighting along Hillcrest Avenue and recommended foot candles. The applicant agreed to comply and work with the Township Professionals. She recommended that temporary parking area be constructed with porous pavement. With regard to the trash enclosure, Mrs. Kraemer requested the applicant to provide a truck radii report and letter stating the schedule for trash pickup. The applicant agreed to comply. She requested no parking on the street during the construction and that applicant comply with all the required Ordinances for construction during that period. The applicant agreed. Also, the applicant was requested to provide all revisions and recommendations on the site plan, including the distance between the curb and the sidewalk along Hillcrest Avenue. The applicant agreed to comply.

Mr. Slaugh addressed the need for additional landscaping in between the street and middle parking area. He questioned the elevation differences and requested the applicant to fill in with plants. Following a brief discussion, the applicant agreed to comply with the landscaping recommendations and work with the Township Professionals. In addition, the applicant agreed to provide a tree removal and replacement calculation for the northern area.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 29, 2010, 7:30 P.M.**

Application No. ZB-11/10 – Continued

Mr. Slauch questioned the fencing exception. The applicant is not proposing a fence on the south side for the residential property since it has always been that way. The applicant agreed to provide additional planting, as an improvement to that area. The Board accepted.

The applicant proceeded to provide testimony for the use variance, conditional use variances and exceptions. The applicant explained that the existing property does not satisfy regulations because of the existing conditions pertaining to the irregular lot size area, shape and front yard setback of 50 feet, where the applicant is providing 7.8 ft. The applicant described the application as an “inherently” beneficial use and stated the special reasons to support their request. The applicant stated that the new addition and expansion would promote the general health, safety and welfare of the general public; creating a more energy-efficient building, even though the applicant is not seeking LEED certification; and aesthetically improving the site; proving additional landscaping and service to the community. The applicant stated that the proposed improvements would have no substantial detrimental impact on the surrounding neighborhood or the zoning and planning regulations. Mr. Slauch accepted the applicant’s testimony and special reasons given with regard to the conditional use. He felt that the applicant applied the necessary proofs with regard to the variances and exceptions. The Board accepted.

A discussion followed by the Board and each stated their support for the proposed application. (Attachment No. 1 – Reports)

Exhibit:

- A-1 Rendered Site Plan
- A-2 Colored Aerial Plan-Surrounding Area
- A-3 Existing Church Conditions Plan
- A-4 Colored Elevations – Proposed First Floor
- A-5 Colored Elevations – Proposed Lower Level
- A-6 Colored Elevations – Front and Back
- A-7 Colored Elevations - Side

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 29, 2010, 7:30 P.M.**

Application No. ZB-11/10 – Continued

Witnesses Placed Under Oath:

- Ernest Chester, Chair-Board of Trustees – First Baptist Church
- Joseph E. Saphire, Architect & Expert (Saphire/Albarran Architecture, LLC)
- Robert E. Korkuch, Professional Engineer & Expert (ACT Engineers)
- Allen Schectel, Professional Planner & Expert

Public Comment:

Harold Vereen, 6 Bunker Hill Road, was placed under oath. Mr. Vereen is the President of Eggert Crossing Civic League. He stated that, as a youngster he grew up in this church and some of his family members have served in various positions. He addressed the 2002 Vision Study performed by Rutgers University Students in Lawrence Township. He stated that this Study was the beginning of a re-vitalization process in the Eggert Crossing Community and expressed the support of the Civic League. He felt that the proposed project will serve the community well, as the community continues to grow.

Mrs. Lewis moved and Mrs. Maffei seconded to approve the application, including use, bulk variances, subject to all stated conditions and recommendations contained in the Township Professionals' reports.

AYES: Kmosko, Kulak, Lewis, Maffei, Gladwell, Lavine, Kremer

ABSENT: Brame

INELIGIBLE TO VOTE: Pangaldi

7. Old Business/New Business/Correspondence:

Mrs. Kraemer gave an update of Special Meetings to be scheduled on October 13 and November 10 for the Simone Application. The meeting will take place upstairs in the Council Chambers and David Roskos, Esq. will serve as Board's Attorney.

Mrs. Kraemer stated that a regular meeting is scheduled for November 17, 2010. Also, Mrs. Kraemer stated that a Special Meeting is scheduled for December 1, 2010, for the Cellco Application. Copies of the transcripts were provided to the Board Members for their review.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 29, 2010, 7:30 P.M.**

8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:29 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: Dec. 15, 2010