

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, APRIL 27, 2011, 7:30 P.M.**

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

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

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 on Thursday, April 21, 2011.

2. Minutes for Approval: November 17, 2010 (Regular)

Mrs. Maffei moved and Mr. Pangaldi seconded to approve the minutes. The following voice call vote took place: AYES (3) ABSENT (3) NAYES (0) INELIGIBLE TO VOTE (2)

Minutes for Approval: January 12, 2011 (Reorganization & Regular)

Mrs. Lewis moved and Mr. Pangaldi seconded to approve the minutes. The following voice call vote took place: AYES (3) ABSENT (3) NAYES (0) INELIGIBLE TO VOTE (2)

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3. 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. Jurisdiction continued from March 16, 2011.

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

Michael T. Hartsough, Esq., represented the applicant. Mr. Hartsough gave a brief overview of the Exhibits associated with Exhibits A-31 through A-39).

A discussion took place by Mr. Hartsough and Mr. Roskos with regard to the applicant's Objection to Mr. VanHise's submission of Exhibit O-7 regarding a Disciplinary Action Charge against Mr. Allen five years ago. Mr. Hartsough felt that Mr. VanHise's charge had no relevance upon the proposed application. The Board accepted Mr. Hartsough's objection since Mr. Allen was sworn-in as a fact witness from the National Council of Drug/Alcohol and not an Attorney.

The applicant's Professional Engineer referred to Exhibit A-19 (Michael Mueller Report dated December 15, 2010) continued his overview from the March 16, 2011 meeting. Mr. Muller proceeded to submit a Revised Supplemental Report (Exhibit A-37) and addressed the site plan issues. He addressed the use variance criteria with regard to the proposed Sunrise Care Center, the adjacent Sleep Center, the loading area and the proposed fully-enclosed deck. With regard to the Sleep Center, he gave testimony of the medical use and residential component similarity to the Detox Center. He gave a detailed summary of the special reasons to justify the granting of the use variance and opinion of the inherently beneficial use. He stated that the applicant will comply with all of the Township Ordinances and Zoning Laws.

Mr. Slaugh cross-examined Mr. Muller's testimony with regard to the relevance of the Administrative Codes for Clinical Services in the land use ordinance. He questioned the comparison of the Sleep Center and the diagnostic study. He questioned the Mr. Mueller's characterization of a clinical diagnostic study of a Detox Center, Professional Office, Mix Use, and the inherently beneficial use

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

Mrs. Kraemer cross-examined Mr. Muller's testimony with regard to the modified deck plans and questioned the exact dimensions. She suggested that the characterization of proposed enclosed deck did not comply with the Zoning requirements due to the total floor area. She proceeded to state that the deck would trigger a variance for the parking and loading area spaces.

A brief discussion followed by Mr. Hartsough and the Board. The applicant offered to have recalculations provided to the Township. Mr. Roskos added that if the deck is characterized as an addition it would have to include a sprinkler system and requested the necessary adjustments for parking spaces. Mrs. Kraemer addressed the landscape and buffer issues. The applicant agreed to submit at another time.

Chair Kremer questioned the relevance of the Sleep Center to the Detox Use and proceeded to state no relevance as to the positive criteria. A discussion followed by the Board about the applicant's characterization of the use variance component to the Sleep Center being a residential use. Mrs. Kraemer proceeded to give testimony with regard to the Sleep Center and their approval of Certificate of Occupancy dated 1/04/2006 for Business Professional Office Certificate (See Exhibit B-1), not a Residential Use.

Mr. Mueller gave clarification with regard to stated outdoor recreation. He stated that there will be no outside smoking or recreation.

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)
- 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)

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, APRIL 27, 2011, 7:30 P.M.**

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

Exhibits

- 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 – SPECIAL Meeting APRIL 27, 2004)**
- A-22 (Planning Board Resolution No. 17-04 & Referral from Council – Proposed LUO Change)**
- A-23 (Council Meeting Minutes – SPECIAL Meeting June 14, 2004)**
- A-24 (The Trentonian Article, dated November 16, 2010)**
- A-25 (Sunrise Patient List of Mercer and contiguous Counties)**
- A-26 (Copy of Sunrise Stirling Div. of Addiction Services License)**
- A-26.1 (Copy of Sunrise Stirling Division of Addiction Service License Expiration 11/30/11)**
- A-26.2 (Copy of Sunrise Stirling Division of Addiction Service License Florida – Expiration 7/21/11)**
- A-27 (Revised Table V from Dr. Hendrickson Report of 1/19/11/**
- A-28 (N.J. DAS Estimate of Need and Demand for Treatment)**
- A-29 (Power Point Presentation of Michael Mueller)**
- A-30 (NCADD Brochure – Thomas Allen, Fact Witness)**
- A-31 Resume of Thomas D. Allen**
- A-32 (NJSAMS Mercer Co. Resident Admissions Records for Hospital Detox – 2009 & 2010)**
- A-33 (NJSAMS Mercer Co. Resident Admissions Records for Private Residential Detox 2009 & 2010)**
- A-34 (Floor Plan of Sleep Center Tenant Approved on 6/11/2006)**
- A-34.1 (CO Issued for Sleep Center on 8/10/2006)**
- A-34.2 (Pictures of Sleep Center Tenant Taken April 2011)**

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

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- A-35 (Elevation of Enclosed Rear Deck Inside Architecture, dated 4/5/2011)**
- A-36 (Revised Site Diagram w/Deck Inside Architecture, dated 4/8/2011)**
- A-37 (Supplemental Report of Michael Mueller, dated 4/8/2011)**
- A-38 (Site Diagram Showing Side Alternative Loading Area Designation)**
- A-39 (Zoning Officer Email, dated March 21, 2011)**

- B-1 (Business Professional Office - CO Sleep Center Approval, dated 1/04/2006)**

- O-1 (Sunrise Website)**
- O-2 (Property/Aerial Photo Tax Map/Stirling Center-County of Morris)**
- O-3 (Email from Marvin VanHise to Harry Reyes, Director of License & Supportive Housing)**
- O-4 (N.J. Drug & Alcohol Abuse Treatment – Substance Abuse Overview 2009, Mercer County)**
- O-5 (Results from 2009 National Survey, dated September 2010 on Drug Use & Health Report)**
- O-5a (Portions of Report Exhibit O5 – Ten Pages)**
- O-6 (2009 State Profile New Jersey Substance Abuse Treatment N-SSATS)**
- O-7 (2008 Disciplinary Report 2008)**
- O-8 (ROM 22-07 Approval Planning Board)**

Witnesses Placed Under Oath:

- Michael Mueller, Professional Planner & Expert)**
- Thomas Allen, Fact Witness, National Council of Drug/Alcohol Dependence – Public Policy**

Also placed under oath were Township Professional, Brenda Kraemer, P.P and Brian Slaugh, P.P

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Public Comment:

- Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business), cross examined Mr. Allen's testimony given on behalf of the applicant. Mr. VanHise's lengthy cross-examination was with regard to the preparation of data, statistics and treatment of New Jersey residents.

(Mr. Hartsough stated his objection to Mr. VanHise's statements questioning Mr. Allen's credibility and submittal of Exhibit O-7.

- Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business), cross examined Mr. Mueller's testimony given on behalf of the applicant. He questioned when Mr. Mueller was hired to represent the applicant. Mr. VanHise's lengthy cross-examination was with regard to Mr. Mueller's detailed report, land use, zoning, previous recommendations made when representing other Municipalities, parking requirements, security measures and staff of proposed site. Mr. VanHise addressed the medical office use and permitted uses associated with the proposed site.

4. Old Business/New Business/Correspondence: None

5. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,
Sara A. Summiel

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Recording Secretary

MINUTES APPROVED: December 21, 2011