

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, FEBRUARY 2, 2011, 7:30 P.M.**

Present: Bruce Kmosko
Leona Maffei
Sam Pangaldi, Alt. #2
Stephen Brame, Vice Chairman
Peter Kremer, Chairman

Absent: Robert Kulak (Absent/excused)
John Gladwell, Alt. #1 (Absent/excused)
Charles Lavine (Absent/excused)
Cathleen Lewis (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. Oath of Office - New Member

Mr. Bruce Kmosko was placed under oath. The oath was administered by David M. Roskos, Esq.

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. (CONTINUED FROM JANUARY 19, 2011.

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.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, FEBRUARY 2, 2011, 7:30 P.M.**

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

Michael T. Hartsough, Esq., represented the applicant. Mr. Hartsough presented a revised Exhibit List dated 2/2/11. He proceeded to address the License Expiration dates for the Sunrise Stirling Facility and Sunrise Florida Facility. He submitted Revised Exhibits A-26.1 (License for Sunrise Detox Center II, Stirling NJ – Expiration date of Nov. 30, 2011) and A-26.2 (License for Sunrise Detoxification Center, LLC, FL – Expiration date of July 21, 2011). With regard to a continued discussion about pending investigations, he advised the Board that there were no open or pending investigations in the State of New Jersey or Florida for the Sunrise facilities. (See Attachments No. 1)

Dr. Hendrickson referred to Exhibit A-27 and continued testimony with regard to Revised Table V (Estimates Unmet Need for Detoxification Services in New Jersey) from his report dated January 19, 2011. He proceeded to address, in detail, the calculations associated with the State data generating substance abuse admissions for residential, out-patient and hospital detoxifications.

The Board referred to Exhibit A-28 and a lengthy discussion took place by the Board and Board's Professionals with regard to the methodology of estimates for people in need of treatment due to the use of drugs, alcoholism and crack cocaine users. The Board questioned the percentages addressed by the Federal Government and asked what type of drug use would be the target audience for the proposed facility. (See Attachment No. 2)

Dr. Hendrickson referred to Table VI & VII from his report dated January 19, 2011 and gave a detailed review of the data source for the number of substance abuse admissions and populations size in 2009 for each County in New Jersey. He proceeded to give the breakdown for alcohol and drugs. Also, he noted the reasons why people don't seek treatment for one period of time, but then later may decide to receive treatment.

A lengthy discussion took place by the Board with regard to the reasons stated by Dr. Hendrickson. The Board addressed the inherent beneficial use and questioned whether the proposed use would be restricted to the vicinage of where the use is being sought. The Board questioned whether the majority of residents would be coming from the Lawrenceville or the Mercer County area and proceeded to review Appendix B of Dr. Hendrickson's report.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, FEBRUARY 2, 2011, 7:30 P.M.**

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

Due to the lateness of the evening Jurisdiction was carried to the next meeting on March 16, 2011. No action was taken.

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)**
- 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)**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, FEBRUARY 2, 2011, 7:30 P.M.**

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

Exhibits – Continued

- A-23 (Council Meeting Minutes – Regular 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)**

- 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)**

Witnesses Placed Under Oath:

- Warren Connelly (Executive Director of Operations of Stirling Facility)**

- Dr. Leslie Hendrickson, PhD, Retired Medicaid Officer, Statewide Healthcare Programs & Expert Medical Site Locations**

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, FEBRUARY 2, 2011, 7:30 P.M.

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

Public Comment:

- **Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business), referred to Appendix B and cross-examined the testimony provided by Dr. Hendrickson. Mr. VanHise questioned whether detoxification programs in hospitals are conducted in Psychiatric Wards. He questioned whether detoxification services were provided at St. Francis Hospital or Helene Fuld Hospital. He questioned whether this was the first time Dr. Hendrickson testified and how he was retained. He referred to Table 1 and questioned the statistics for New Jersey's percentage for non-residential detoxification. He questioned adequacy of the data source from SAMSA. He questioned the total number of beds for the specific facilities and the occupancy rate for residential facilities in New Jersey. He submitted an exhibit, which was marked O-4 (New Jersey Drug and Alcohol Abuse Treatment – Substance Abuse Overview 2009 Mercer County) and questioned the prior citizen rate for 2009. He referred to Table V of Dr. Hendrickson's report and questioned the whether the 41,000 would benefit from non-residential vs. residential treatment. He questioned whether there were statistics of the 41,000 with regard to their income level or court ordered treatment. He questioned whether Dr. Hendrickson was aware that the applicant will not accept any Medicaid or Medicare clients. He submitted exhibits, which were marked O-5 (Results from 2009 National Survey – Dated September 2010, 10 pages) and questioned the percentages of people who needed treatment, but did not receive or seek treatment. (See Attachment No. 3)**
- **George Ford, 86 Federal City Road, referred to Exhibit O-4 (Pages 3, 7 & 14 – Primary Drug) and cross-examined the testimony provided by Dr. Hendrickson. Mr. Ford questioned whether the percentages of alcohol usage were consistent with heroin and other opiates. He questioned the population statistics for substance abuse admissions and whether a site should be considered for Mercer County. He referred to Exhibit A-18 (Page 9) and questioned the total numbers of admissions for Mercer County. He proceeded to submit exhibits which were marked O-6 (2009 State Profile – New Jersey National Survey of Substance Abuse Treatment Services – (N-SSATS) and O-7 (2009 State Profile – Pennsylvania) and questioned why the applicant did not include data from Buck County Pennsylvania. *Note: O-7 was removed from the record.* (See Attachment No. 4)**

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, FEBRUARY 2, 2011, 7:30 P.M.

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

Public Comment:

- Barbara Berkman, 262 Federal Point Blvd., cross-examined the testimony provided by Dr. Hendrickson and questioned why the Lawrence site would be the ideal site. Mrs. Berkman questioned why visitors would not be allowed. Also, she questioned why Pennsylvania and Newark airports were important with regard to the proposed location.
- Jean Howarth, 83 Traditions Way, cross-examined the testimony provided by Dr. Hendrickson and questioned whether Dr. Hendrickson was noted as a site locator. Mrs. Howarth questioned whether Dr. Hendrickson had visited the site and whether the applicant realizes that the proposed site would not be similar to the Betty Ford site. Also, she questioned whether a patient could be treated for detoxification within a five-day period.
- William Eggert, 105 Frederick Ct., cross-examined the testimony provided by Dr. Hendrickson and questioned whether there would be an adverse effect on the treatment received if the facility were moved three or four miles down the road from the present proposed location. Also, he questioned whether the zoning of the area would make a difference to the person being treated. He proceeded to question why the patients would not be allowed to go outside during their treatment program.

4. Old Business/New Business/Correspondence: None

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:46 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: _____