

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING
WEDNESDAY, JANUARY 12, 2011, 7:30 P.M.**

Present: Michael Ehret
Cathleen Lewis
Leona Maffei
Bruce Kmosko, Alt. #1
John Gladwell, Alt. #2
Charles Lavine, Vice Chairperson
Peter Kremer, Chairperson

Absent: Stephen Brame (Absent/excused)
Robert Kulak (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slauch, Planning Consultant, Clarke•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, January 6, 2011.

2. **Public Participation** : (None)

3. **OATH – NEW MEMBERS:**

Charles Lavine and John Gladwell were placed under oath. Mr. Schmierer administered the oath.

4. **ELECTIONS: CHAIRPERSON**

Mrs. Lewis moved and Mr. Lavine seconded to appoint Peter Kremer, as Chairperson. Nominations were closed. The following voice call vote took place: AYES (6) NAYES (0) ABSENT (2) ABSTAINED (1)

5. **ELECTIONS: VICE CHAIRPERSON**

Mrs. Maffei moved and Mrs. Lewis seconded to appoint Stephen Brame, as Vice Chairperson. Nominations were closed. The following voice call vote took place: AYES (6) NAYES (0) ABSENT (2) ABSTAINED (1)

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6. APPOINTMENTS:

Mrs. Maffei moved and Mrs. Lewis seconded to approve the Resolutions for Appointments in a Block (Res. 1-11z thru Res. 7-11z).

Vote:

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

ABSENT: Kulak, Pangaldi

RESOLUTION 1-11z APPOINTING (EDWIN W. SCHMIERER, ESQUIRE), AS PLANNING BOARD ATTORNEY, REPRESENTING THE FIRM OF MASON, GRIFFIN & PIERSON.

RESOLUTION 2-11z APPOINTING (DAVID M. ROSKOS, ESQUIRE) AS SPECIAL ATTORNEY, REPRESENTING THE FIRM OF STERNS & WEINROTH.

RESOLUTION 3-11z APPOINTING (SARA A. SUMMIEL), AS RECORDING SECRETARY.

RESOLUTION 4-11z APPOINTING (BRENDA KRAEMER, P.E.) AS ENGINEER IN-HOUSE

RESOLUTION 5-11z APPOINTING (BRENDA KRAEMER, P.E.) AS SECRETARY IN-HOUSE.

RESOLUTION 6-11z APPOINTING (BRIAN SLAUGH, PP/FAICP), AS PLANNING CONSULTANT, REPRESENTING THE FIRM OF CLARKE CATON HINTZ.

RESOLUTION 7-11z APPOINTING (JAMES L. KOCHENOUR, P.E.) AS TRAFFIC CONSULTANT, REPRESENTING THE FIRM OF ARORA AND ASSOCIATES.

7. REP. TO GROWTH & REDEVELOPMENT COMMITTEE

Mr. Charles Lavine will serve on this committee.

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8. Application No. ZB-17/10 & S-3/10 – (Society Hill at Lawrence Circle Condominium Association, Inc.) Use and Bulk Variance and Minor Subdivision No. S-3/10, Wittenborn Drive, Tax Map Page 3, Block 302, Lot 31.

The hearing was recorded. The Board took jurisdiction.

Mr. Schmierer advised the Board that Mrs. Lewis once served on the Board for Society Hill Condominium Association. He stated that Mrs. Lewis is no longer living in Society Hill, nor is she serving on that Board. No potential conflict was noted. The applicant accepted.

Vincent J. Mangini, Esq., represented the applicant. Mr. Mangini and the applicant gave an overview of the ownership of the subject property and its Lease Agreement. The applicant stated that the property is presently vacant, but was utilized for medical and residence by the Wittenborn family since 1942. The applicant is seeking to subdivide the existing single family dwelling/doctor's office from the remainder of the condominium development. The dwelling is located at the southerly corner of Society Hill at Lawrence Circle. The applicant described the 10-acre site to consist of a four room medical office from which the applicant's uncle ran his medical practice. The applicant stated that the two-story dwelling contains four bedrooms, two full bathrooms, two half bathrooms, a basement, family room, dining room, kitchen, 2 car-garage and connecting office. The applicant stated that the medical office portion totals 750 sq. ft. Also the applicant explained their intent to market the property for a single-family house use to include professional use; in which the owner must reside in the house. With regard to the parking, the applicant stated that in rear of house is a seven-car parking and two additional spaces behind the garage. The applicant is proposing additional buffering and agreed to work with the Township Professionals. The Board accepted.

The applicant's Professional Engineer gave an overview of the proposed landscaping. The applicant explained that the 9x20 parking area is not stripped. The applicant stated that a rear portion of sidewalk will be removed to give the proposed lot a degree of separation. Also, the applicant agreed to re-sod that area. The applicant is proposing access thru the front of the property.

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Mrs. Kraemer referred to her report dated November 18, 2010 and requested the applicant to provide a letter from the Condominium Association agreeing to the improvements and sidewalk removal. Also, the applicant will provide a Deed Restriction with regard to the maintenance of the additional landscaping and residential/professional use.

The applicant's Professional Planner referred to Exhibit A-7 described the bulk variances and addressed the positive/negative criteria. The applicant stated that the site has existed as non-conforming for many years. The applicant explained that applicant intends to continue the non-conforming residential and professional use. Also, the applicant stated that proposed buffer will be designed to protect the adjacent townhouse residents from the lights associated with the vehicular headlights and provide a visual screen from the parking lot. The applicant stated that the bulk variances are necessary because of the minimum lot size. The applicant proceeded to state that the requested bulk variances will not create a substantial detriment to the public good, nor impair the intent and purpose of the zone plan.

Mr. Slauch referred to his report dated November 18, 2010 and addressed the buffer width in relation to the new proposed lot lines. He proceeded to describe the types of plantings to be considered for the parking area. The applicant once again agreed to work with the Township Professionals with regard to the landscaping. With regard to the fence, Mr. Slauch requested an opaque solid wooden fence to be six feet in height along the rear property and along the northerly side of the property line. He further stated that the fence would delineate and prevent the need for an easement. Following a brief discussion the applicant agreed to work with the Township Professionals for the details of the fence. (See Attachment No. 1 – Reports)

EXHIBITS:

- A-1 Colored Plan of Proposed Subdivision
- A-2 Photo-Back of House/Garage
- A-3 Photo-Parking Lot Area
- A-4 Photo-Front/Side of House
- A-5 Photo-Existing Houses
- A-6 Photo-Two Existing Residences – Brunswick Pike
- A-7 Mr. Mueller's Report

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Application No. ZB-17/10 & S-3/10

WITNESSES PLACED UNDER OATH:

- Mrs. Jill Wittenborn-Duffy, Applicant
- Peter Gruninger, Professional Land Surveyor & Expert
- Michael Mueller, Professional Planner & Expert

Also placed under oath was Township Professional, Brian Slaugh, Professional Planner.

PUBLIC COMMENT: None

Vice Chair Brame moved and Mr. Gladwell seconded to approve the application, including use and variance, subject to all appropriate conditions and the recommendations contained in the Township Professionals' reports.

Vote:

AYES: Gladwell, Kmosko, Lewis, Maffei, Lavine, Brame, Kremer
NAYES: None
ABSENT: Kulak, Pangaldi

9. **Application No. ZB-15/10 – (J & B Realty Associates) Bulk Variance, 2572 Brunswick Pike, Tax Map Page 22.01, Block 2206, Lot 3.01.1**

The hearing was recorded. The Board took jurisdiction.

Also, please note the Brian Slaugh was excused from hearing this application.

Vincent J. Mangini, Esq., represented the applicant. Mr. Mangini stated that the applicant is seeking to increase the number of tenant spaces up to ten (10) different tenants at the existing facility. Also, he stated that the applicant is proposing to expand the signage.

The applicant gave an overview of the existing property and explained a proposal that would allow a better utilization of the property. The applicant stated that 36,000 sq. ft. within the building is vacant and the lease of HHP's will expire at the end of the year. The applicant stated that a new tenant named Fortis Institute will occupy HHP's building space.

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Therefore, the applicant is proposing to divide and lease HHP's space with the remaining space. The applicant stated the HHP's hours of operation have been 24 hrs. a day, but the hours of Fortis will be from 8:00 a.m. to 10:00 p.m. The applicant stated that the uses of the proposed ten tenants would include office, light manufacturing and laboratories. With regard to the signage plan, the applicant is proposing to amend the total of ten building mounted directory signs for each building entrance and instead request two more directional parking lot signs. The applicant referred to the Township's Health Department Report with regard to past complaints regarding air pollution and noise from the trucks idling. The applicant stated that the trucks were instructed to turn off engines when loading or unloading at the dock. Also, the applicant stated that there are no chemicals being manufactured within the building at this time. The applicant explained that they have taken corrective measures in order to comply with the Township's Ordinances and NJDEP regulations. Also, the applicant stated that because of the change in types of tenants, the truck traffic will decrease.

A discussion took place by the Board with regard to the past noise complaints and questioned whether there was a letter from NJDEP. Following the Board's discussion, the applicant agreed to do a Noise Study, as a condition of approval. Also, the applicant agreed to provide a Projective Noise Study for each manufacturing tenant and provide a report to the Township.

The applicant's Professional Planner referred to Exhibits A1 and A2 and explained the different types of uses that could be proposed at the 15-acre site. The applicant described the surrounding uses and flag shape lot. With regard to the access, the applicant stated that there are 11 entrances to the site and existing building of 193,000 square feet in size. The applicant described the 80 foot Transco easement and a sanitary sewer easement that runs along the south side of the property. The applicant stated that there are two existing 48 sq. ft. freestanding signs. The applicant described the reconfiguration of the site and proposed signage. With regard to the variances, the applicant is requesting ten façade signs to identify each of the buildings and three freestanding directional signs. The applicant agreed to comply with the conforming size and height. Also, the applicant agreed to work with the Township Professionals.

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The applicant addressed the bulk variances and gave testimony stating no negative criteria for the additional requested units within the building. The applicant stated that the property is isolated from Brunswick Pike and located in a dense wooded area. With regard to the requested signage, the applicant stated that it would enhance the circulation on the site. Also, the applicant will provide the required handicap parking spaces and agreed to comply with the Township Professionals' recommendations.

Mrs. Kraemer referred to her report dated December 9, 2010 and questioned the location of the trash compactor. She requested that no additional trash handling take place near the residential side of the property. She requested that some buffering be provided to screen the loading area of Tenant Space No. 10. The applicant agreed to work the Township Professionals for additional screening. Also, the applicant stated their willingness to work with the township if additional dumpsters are needed. Mrs. Kraemer stated that because of the Easement, nothing can be located in the Transco easement area by the applicant or tenants. (See Attachment No. 2 – Reports)

EXHIBITS:

A-1 Colored – Existing Conditions Plan

WITNESSES PLACED UNDER OATH:

- Jon Parker, Managing Member
- Burgise Palkhiwala, Assistant Managing Member
- Steve Tolkach, Real Estate Broker & Commercial Real Estate
- Frank Falcone, Professional Planner & Land Surveyor & Expert

PUBLIC COMMENT:

- Tom McDonald, 30 Lopatcong Drive, was placed under oath. Mr. McDonald stated his concerns about the noise, pollution and removal of the natural tree line by Heineman Electric Co. He explained the filing of complaints with NJDEP and prior investigations taken at the site. Although he stated concerns about the truck traffic and the roof ventilation, he expressed some satisfaction that the noise levels have decreased and the truck traffic would be reduced.

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A brief discussion took place by the Board's Attorney and Board with regard to some of the site improvements. The Board noted the applicant's proposed reconfiguration to create smaller users to reduce truck traffic and a positive enhancement to the site.

The following conditions were numerated, as conditions of approval: (1) Compliance of Township Noise Ordinance; (2) Comply with State's Idling Regulations; (3) Obtain recent NJDEP Noise Report; (4) Applicant perform own Noise Study and Report to Township; (5) Applicant provide Projective Noise Study of any new equipment for new tenants prior to Certificate of Occupancy or Construction Permit; (6) Removal of two signs; (7) Handicap parking locations; (8) No additional trash handling near residential area or near Tenant Space No. 7; (9) Submission of Signage Details for Administrative review and clearance at sight triangle.

Vice Chair Brame moved and Mr. Lavine seconded to approve the application, including bulk variance, numerated conditions, subject to all appropriate conditions and the recommendations contained in the Township Professionals' reports.

AYES: Gladwell, Kmosko, Lewis, Maffei, Lavine, Brame, Kremer
NAYES: None
ABSENT: Kulak, Pangaldi

10. Old Business/New Business/Correspondence: None

11. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:51 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: April 27, 2011