

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, JUNE 1, 2011, 7:30 P.M.**

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

Absent: John Gladwell, Alt. 1 (Absent/excused)
Charles Lavine (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. Jurisdiction continued from May 25, 2011.

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

Michael Hartsough, Esq., and Christopher F. Costa, Esq., represented the applicant.

Mr. Roskos referred to Mrs. Baird's testimony given at the May 25, 2011, meeting. He stated that Mrs. Baird requested that the referenced Articles be marked as Exhibits. The Articles were marked Exhibit O-43 and O-45.

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Mr. Roskos addressed Mr. Eggert's concerns from the May 25, 2011, meeting and reviewed the applicant's Contribution Disclosure Statement. He proceeded to review his request for the Township to request a Legal Opinion with regard to whether the applicant violated the Play-to-Play Ordinance. He stated that the Township's Legal Opinion from representing Attorney, George Dougherty indicated that there was no Violation by the applicant. All the associated correspondence was marked as Exhibits B-2, B-3, and B-4. Also, following a brief discussion, Mr. Roskos submitted the applicant's Amended Contribution Disclosure Statement, which was marked as Exhibit A-41.

A discussion took place by the Board with regard to the necessity of a continued meeting for Wednesday, June 22, 2011. Mr. Roskos explained that at that meeting the Board will deliberate and vote following the summations of Mr. Hartsough and Mr. VanHise.

Mr. Slaugh referred to his Report of Review dated June 1, 2011 and read his detailed findings. He stated that his review and testimony from a planning perspective will assist the Board in its deliberations of the application. (See Attached Report Exhibit B-8) Also, Mr. Slaugh submitted Exhibits B-5, B6 and B7, as part of his testimony.

Questions were addressed by Mr. Roskos and the Board. Also, a brief discussion took place by Mr. Kremer with regard to the 2004 rezone.

Mr. Costa referred to his Summation (See Memorandum in Support of a Use Variance for 100 Federal City Road to Permit a Residential Drug Treatment Facility - Exhibit A42) and presented on behalf of the applicant (Simone Investment Group, Sunrise, and Mr. Hartsough).

No action was taken on this application. Jurisdiction continued to next meeting scheduled for June 22, 2011. No 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)

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Exhibits:

- 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 – SPECIAL Meeting JUNE 12004)**
- 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)**

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Exhibits:

- 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)**
- 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)**
- A-40 (Urgent Notice –Sunrise Detox Center – Use Variance Application)**
- A-41 (Letter from Simone Realty Inc.- Amended Contribution Disclosure Statement)**
- A-42 (Memo of Support of Use Variance, by Mr. Hartsough)**

- B-1 (Business Professional Office - CO Sleep Center Approval, dated 1/04/2006)**
- B-2 (Letter from David Roskos, dated May 16, 2011)**
- B-3 (Letter from Richard Krawczun, dated May 17, 2011)**
- B-4 (Letter from George Dougherty, dated May 19, 2011)**
- B-5 (“Jewish Family Services, Inc. vs. Zoning Board of Adjustment – 2006 WL 74138 West Law Citation, by Brian Slaugh)**
- B-6 (Two Pages “SERV Behavioral Health System Inc., Services”, by Brian Slaugh)**
- B-7 (List of Group Homes in Lawrence Township)**
- B-8 (Brian Slaugh’s Report, dated 6/1/2011)**

- 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)**

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Exhibits:

- 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)**
- O-9 (Slide Presentation & Handout- Princeton House)**
- O-10 (Handout “Presentation – Power Point by Wm. Eggert, 105 Fredrick Court)**
- O-11 (Handout – “Receipt of Contribution Disclosure”)**
- O-12 (Report of Contributions and Expenditures – NJ Elections Law Enforcement Commission)**
- O-13 (Report of Contributions and Expenditures – NJ Elections Law Enforcement Commission)**
- O-14 (Emergency Services Demand presentation 4/27/2011)**
- O-15 (Long Hill Township, Stirling, NJ Police statistics)**
- O-16 (Palm Beach County, Sunrise Center, police statistics)**
- O-17 (Mr. Connell) Letter of Comment**
- O-18 (Applicant’s Residential Component & 2009 International Building Code, NJ Edison)**
- O-19 (2 Pages – Long Hill Police, Florida – 8/23/2010, Patty Falzarano)**
- O-20 (3 Pages – Palm Beach, Florida – PBSCO Public Records – Amy Barker – 8/26/2010)**
- O-21 (Power Point Slide – by Mary Baird – 5/25/2010)**
- O-22 (Power Point Slide – by Charles Lavine - Stirling Neighborhood-SunRise Detox, Stirling)**
- O-23 (Charles Lavine – Trentonian – 8/26/2010 – Planned Lawrence Rehab. Clinic – 2 pages)**
- O-24 (Bill Lacy – Commercial Presentation – 4 pages)**
- O-25 (Echo Sentinel Newspaper)**
- O-26 (Trentonian Newspaper Article – 8/25/2010 – “Fight Detox Center”)**
- O-27 (Trentonian Newspaper Article – 8/26/2010)**
- O-28 (Janice Buckley – Article of Lack of Buffer)**
- O-29 (Mark Rudnick – Lawrence Presentation of Neighborhood)**
- O-30 (George Ford – Presentation – Self Imposed Hardship)**
- O-31 (George Ford – Presentation – Lawrence Campus West-Loop Net)**
- O-32 (George Ford – Loop Net – Lawrence Campus West)**

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Exhibits:

- O-33 (George Ford – U.S. 1 – Simone Property Offers)**
- O-34 (George Ford – Email 11/17/2010 – Sign, Lighting, Trash Collection Schedule)**
- O-35 (George Ford – Photo 12/09/2010- View from backyard of Clarence Pollard residence)**
- O-36 (George Ford – Photo 12/09/2010 – View from backyard of Clarence Pollard residence)**
- O-37 (George Ford – Photo 12/09/2010 – View from second floor window of Catherine Ford residence)**
- O-38 (George Ford – Photo 11/28/2010 – Northwest View from second floor window of Catherine Ford residence)**
- O-39 (George Ford – Spread Sheet 13 pages – 2010 Census – NJ Substance Abuse Admissions)**
- O-40 (2009 State Profile – Pennsylvania N-SSATS)**
- O-41 (George Ford – SAMHSA Facility Locator – 4/15/2011)**
- O-42 (George Ford – SAMHSA Facility Locator – 5/11/2011)**
- O-43 (Newspaper Article from Mrs. Baird)**
- O-44 (Newspaper Articles from Mrs. Baird)**
- O-45 (Copy of Use & Occupancy Classification – Section 308 Institutional Group I)**
- O-46 (Copy of Sunrise Website –Advertisement in all 50 States, dated 5/28/2011)**
- O-47 (Colored Aerial Photo “Google Search Aerial Photo Neighborhood” by Robert Ranke of 25 Karena Lane)**
- O-48 (Colored Aerial Photo “Google Search Aerial Photo Neighborhood” by Robert Ranke of 25 Karena Lane)**
- O-49 (Colored Aerial Photo “Google Search Aerial Photo Neighborhood” by Robert Ranke of 25 Karena Lane)**

Witnesses Placed Under Oath:

None

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

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Public Comment:

- **Dana Brandt, 45 Lopatcong Drive, Ewing, was placed under oath. Mrs. Brandt stated that she was a parent of an addict and respectfully requested that her comments not be published in the newspaper. She read a statement and requested the Board to approve the proposed program. She proceeded to share her personal story and information about her spouse and 22-year old daughter.**
- **Robert Blazer, 13 Lopatcong Drive, Ewing, was placed under oath. Mr. Blazer thanked the Board for having a non-resident give comments. He proceeded to read his statement about the Zoning and applicant meeting the Zoning requirements. Also, he stated that the current Zoning should remain as its present use.**
- **Suzanne Seraphim, 39 Anthony Lane, was placed under oath. Mrs. Seraphim that the proposed program does not belong in a residential area.**
- **Savannah Seraphim, 39 Anthony Lane, was placed under oath. Ms. Seraphim stated that she is 13 years old and feels that the proposed program will have an adverse affect. Also, she stated concerns about her safety.**
- **Elizabeth Kenzel, 41 Anthony lane, was placed under oath. Mrs. Kenzel stated that she would love to keep a safe feeling in the neighborhood and request the proposed Detox Center not be approved.**
- **Edward Wiznitzer, 118 Darrah Lane, was placed under oath. Mr. Wiznitzer stated three facts with regard to the use variance, the inherent beneficial use and the residential component. He stated that according to Legislative Policy, Sunrise is not a residential facility. He proceeded to address the inherently beneficial use and medical use. He questioned how many variances would be needed for the proposed facility and whether a professional office use would have a lesser impact. Also, he referred to Legislative Policy and read statement with regard to support services of independent uses and resources for addiction services according to Superior Courts of New Jersey.**

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Public Comment:

A discussion took place by the Board and Mr. Wiznitzer with regard to an Opinion by the Appellate Division with regard to the need for a mission service and whether such a facility is inherently beneficial. Mr. Hartsough stated that the Opinion is published. Mr. Roskos referred to the Opinion and read Page 16 of 18.

- Jean Howarth, 83 Traditions Way, was placed under oath. Mrs. Howarth question whether the patients would be transients
- Barbara Berkman, 262 Federal Point, was placed under oath. Mrs. Berkman stated her opposition to the proposed use. She read a statement and stated that Bldg. B should not be allowed to construct 38 beds. She expressed that there were more suitable sites in other locations for the proposed facility.
- James Ianni, 282 Federal Point Blvd., was placed under oath. Mr. Ianni stated his disagreement of the zoning for the proposed residential treatment use. He addressed great concerns for Senior Citizens and requested the Board to deny the application.

A brief discussion followed by the Board and Mr. Ianni with regard to the patients' ingress and egress. Mr. Ianni felt that the residents

- Richard Dauria, 173 Federal Point Blvd., was placed under oath. Mr. Dauria stated that he moved in the area six years ago. He stated that Mr. Simone could not guarantee him security. He proceeded to question the Board how they would feel if the proposed Detox Center were to be constructed in their back yards. He requested the Board to vote no.
- Francis Buckley, 23 Karen Lane, was placed under oath. Mr. Buckley stated his opposition for the proposed use. He stated that the proposed location is not appropriate for the site. He proceeded to address Sunrise's Website and questioned why they advertise nationally.

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Public Comment:

- **Jill Posluszny, 24 Karena Lane, was placed under oath. Mrs. Posluszny stated that she has been a resident of Lawrence for 44 years and felt that a neighborhood is a village. She expressed that she would not want to live 188 feet from the proposed Detox facility.**
- **Falk Engel, Barnett Road, was placed under oath. Mr. Engel addressed the scope of consideration and questioned the “D” variance components with regard to the burden of proof and specials reasons. He proceeded to question the suitability of the proposed site, the land use and whether the use is a beneficial use. He strongly requested the Board to vote no on the variance.**

A discussion followed by Mr. Roskos and Mr. Engel with regard to a “Certificate of Need”. Mr. Roskos referred to a case law and questioned Mr. Engel’s knowledge about the significance of need.

A discussion followed by Mr. Costa and the Board with regard to whether a child care center for profit or private would be considered an inherently beneficial use.

- **Todd Price, (formerly of Lawrenceville) currently of Hopewell and Mansfield Township, was placed under oath. Mr. Price read and shared his personal story about alcohol and drug use. He stated that prescription drugs is a major problem in the world today and will be the down fall of America and felt that every township should have a Detox Center. He requested the Board to consider the proposed application.**
- **Robert Kocsardy, 332 Federal Point Blvd., was placed under oath. Mr. Kocsardy expressed sympathy for all alcohol and drug abusers, but stated strong objections with the proposed 38 -bed facility. He stated concerns about the latter outcome, if the applicant were not able to fill the 38-bed facility.**

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Public Comment:

- **Thomas Ford, 112 Lawrenceville Point, was placed under oath. Mr. Ford stated his involvement with the Township of Lawrenceville. He stated concerns about the proposed use, shared his personal experience and encounters drug users.**
- **Robert Ranke, 25 Karena Lane, was placed under oath. Mr. Ranke addressed the buffer and the open view to his rear yard. He submitted Exhibits O-47 thru O-49 and stated objections to the proposed use, as a homeowner. He proceeded to read a statement about his concerns for the safety of his children. He stated his experience as a police officer, and felt that the patients will be medically unsafe. Also, he felt that the proposed Detox Center would create an unsafe environment for his family and neighborhood.**
- **Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business), was placed under oath. Mr. VanHise stated several concerns with regard to the definition of a residential use and license for the proposed use. He read a statement about the Land Use Rights and Zoning Rights. He gave his summation of witnesses' testimony. He referenced the Oxford House Case and stated his agreement with Mr. Engel's testimony. He proceeded to address the inherently beneficial use and referred to the December 10, 2010 transcript. Also, he requested the Board to reject this application.**

Mr. Costa cross-examined Mr. VanHise, referred to Exhibit A-40 and questioned Mr. VanHise's distribution of that Exhibit.

MR. ROSKOS CLOSED PUBLIC COMMENT.

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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 11:29 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: December 21, 2011