

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, MARCH 16, 2011, 7:30 P.M.**

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

Absent: 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 on Tuesday, March 10, 2011.

2. Minutes for Approval: December 1, 2010

Vice Chair Brame moved and Mr. Kmosko seconded to approve the minutes. The following voice call vote took place: AYES (4) ABSENT (3) NAYES (0) INELIGIBLE TO VOTE (1)

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 February 2, 2011. 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.

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Michael T. Hartsough, Esq., represented the applicant. Mr. Hartsough presented a revised Exhibit List dated 3/16/11. (See Attachment No. 1) He proceeded to introduce Mr. Allen, as a Fact Witness, appearing on behalf of the National Council of Alcohol Dependence and Associate Director for City of Angels located in Hamilton, New Jersey.

Mr. Allen gave significant testimony on the local need and read Testimony Script. (See Attachment No. 2 – Testimony Script and Mr. Allen’s Resume). He proceeded to give an overview of NCADD-NJ, “which is a private nonprofit organization founded in 1982 to advocate for individuals and families affected by alcohol and drug abuse. He stated that the agency has over 220 employees and a total operating budget of just over 9.6 million. He stated that NCADD-NJ also manages more than \$30 million in state addiction treatment funding through their SAI program and their main goal is to promote addiction treatment, prevention, and recovery through advocacy and education.” He provided testimony about the City of Angels and their need for more treatment options in Mercer County. He proceeded to share briefly about the suicide rate of individuals participating in an addiction program.

Discussions followed by the Board with regard to data presented from the New Jersey Substance Abuse Monitoring System (NJSAMS) Substance Abuse Treatment Admissions Records for Mercer County Residents during portions of 2009 and 2010. The Board requested the applicant to provide additional data to substantiate the percentages referenced to help clarify some of the statements made by the applicant’s fact witness. The applicant agreed to provide.

Mr. Allen gave detailed information with regard to the treatment process. He stated that research demonstrates that alcohol and drug addiction are treatable illnesses similar to other chronic conditions like asthma, diabetes or hypertension, as well as, one’s relapse and one’s non-compliance.

The applicant’s Professional Engineer referred to Exhibit A-19 (Michael Mueller Report dated December 15, 2010) and presented report in a power point forum. (See Attachment No. 3) The applicant gave an overview of the adjacent land uses, the site planning observations, site plan modifications, and described the proposed project. The applicant proceeded to give testimony with regard to the use variance criteria, special reasons for the granting of a use variance and the evaluations of negative criteria.

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Mr. Slauch addressed the inherently beneficial uses, the purpose of the zoning law and the impact of the zone plan. Also, he questioned whether the applicant made a comparison of the Master Plan Land Use and the EGI Destination. He addressed the construction of the proposed deck, rear drainage swale and the location of rear landscaping. He proceeded to question the positive criteria and the suitability of the site. Also, he questioned the training of the staff with regard to security.

Mr. Rosko referred to Mr. Mueller's report with regard to the use and questioned the applicant's position about whether the use is inherently beneficial. He also questioned the public's interest with regard to the proposed application. He proceeded to question whether the applicant had identified any detrimental effects of the components associated with the use and any reasonable conditions for the Board to consider when doing the Sica balancing test.

Mrs. Kraemer addressed the parking lot layout with regard to the loading dock. Also, a discussion took place by the Board and Professionals with regard to the deck and its definition of being fully enclosed.

Due to the lateness of the evening, Jurisdiction was carried to the next meeting on April 13, 2011, and April 27, 2011, if needed. Mr. Roskos gave an overview of the process for Public Comment portion for the next scheduled meeting. 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)

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- 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)**
 - 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)**
 - A-29 (Power Point Presentation of Michael Mueller)**
 - A-30 (NCADD Brochure – Thomas Allen, Fact Witness)**
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- 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)**

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Exhibits: Continued

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:

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

Public Comment:

- **Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business), requested to review Mr. Allen's testimony. He stated concerns about Mr. Allen's testimony and questioned his expertise, as a fact witness. He proceeded to request copies of testimony, resume and data from NJSAMS. Also, he questioned the reasons why many individuals did not receive treatment.**
- **George Ford, 86 Federal City Road, questioned whether there were reports to substantiate information presented by Mr. Allen. He questioned whether any individuals were sent to the Stirling facility. Also, he questioned numerated information with regard to the SAMSHA survey and whether any individuals were sent to Stirling facility.**
- **Mary Baird, 92 Traditions Way, questioned the applicant about the comparison rates of relapse, recovery and non-compliance. Also, she questioned the types of treatment and each step process.**
- **William Eggert, 105 Frederick Ct., questioned whether the same need would be met if the proposed facility were to move a few miles up the road.**
- **Susan Strassberg, 17 Evans Lane, questioned whether the 17 suicide individuals died after relapsed. Also, she questioned what type of drugs would be dispensed and the type of security measures, if any, used at the Sleep Clinic.**

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Public Comments: Continued

- **Bob Saccani, 251 Federal Point Blvd., questioned whether the pumping station flows directly from the building or Federal City Road.**
- **Amy Blair, 19 Lopatcong Drive, Ewing, questioned how the proposed site could be considered an inherently beneficial use and whether it could be compared to a Day Care or Nursing Home.**
- **Carley Vichroski, 9 Anthony Lane, questioned whether the proposed deck would be enclosed. Also, she questioned the purpose of the enclosed deck if there will be no fresh air.**
- **Mark Rudnick, 20 Karena Lane, questioned how the Professional Planner selected the orientation of the pictures taken of the proposed site.**
- **Bill Lacey, 322 Federal Point Blvd., questioned whether the applicant is proposing a commercial kitchen. He questioned the proposed method of solid waste disposal and the traffic impact. Also, he questioned the ownership of road in front of the facility.**
- **Rick Darien, 173 Traditions Way, questioned whether there would be enough space for construction of a proposed deck. He questioned the size of the deck. He questioned the number of parking spaces for employees and stated concerns about the traffic volume on Federal City Road.**
- **Paul Vichroski, 9 Anthony Lane, questioned whether smoking would be a permitted use on the deck. He questioned the purpose for the deck and whether the deck would be part of the actual structure once it is added on to the building.**
- **Mary Baird, 92 Traditions Way, questioned the proposed design, land use and whether the variance would meet the standards. Also, she questioned the compatibility of the other buildings on the site.**
- **Janice Buckley, 23 Karena Lane, questioned the standards of the proposed buffering.**

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Public Comments: Continued

- **George Ford, 86 Federal City Road, questioned the non-emergency timers and what lights will be considered emergency lights. He questioned the occupancy of the lighting plan and review of the bulk variances and its requirements. He addressed the State's smoking regulations and questioned the enforcement of a smoke-free facility and the medical use. He questioned the need for the proposed facility and whether it would meet the needs of individuals.**

- **Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business), questioned the square footage of the proposed deck and its dimensions. Also, he asked what design of the proposed deck would be most appropriate. He questioned the need for the variance and whether it would apply to the entire building.**

4. Old Business/New Business/Correspondence: None

5. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 11:20 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: _____