

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, MAY 11, 2011, 7:30 P.M.**

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

Absent: Cathleen Lewis (Absent/excused)
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 on Thursday, May 5, 2011.

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 April 27, 2011.

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

David Kenny, Esq., represented the applicant. Mr. Kenny, filling in for Michael Hartsough, Esq., gave a brief update about the application. He noted that Board Member, Charles Lavine, although present, had recused himself and stated that a potential conflict remains if Mr. Lavine were to participate during public comment.

Mr. Kenny stated that the applicant is now proposing to eliminate the deck and request that the application be amended. Also, he requested the amendment and use variance to include all of Building "B".

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Mr. Mueller gave a brief overview of the amended application with regard to the elimination of the deck previously proposed. He stated that in addition to eliminating the deck, the applicant is now requesting to extend the expansion, even though Sunrise Detox Center may not occupy the entire area. He stated that the expansion would not increase the staff levels or patients. He proceeded to state that the removal of the deck would eliminate any concerns for additional parking, impact from adjacent properties, or buffering and any potential traffic. He stated that there would be no other changes to the use or any other parts of the proposed application of 17,209 square feet.

Mr. Slaugh cross-examined Mr. Mueller's testimony and questioned the size of requested expansion. He addressed the additional square footage difference of 5,000 sq. ft. and questioned what would occupy the interior area. He proceeded to refer to previous testimony by Ms. Burns and her stated purpose for the deck and recreational purposes. Mr. Slaugh continued the cross-examination with regard to parking, the proposed use, the medical use and the enlargement of trash enclosures.

Mr. Roskos addressed the buffer and requested a point of clarification with regard to a buffer variance, as questioned by the Objectors. Mr. Mueller addressed the buffer and the expansion with regard to Building "B". He stated that Building "B" meets all the buffering requirements; and Building "A". He stated that the 2007 buffer approvals are still adequate for today. He further stated that if the buffer were to be increased, a few parking spaces would be eliminated.

David Kenny, Esq., and Mr. Simone gave clarity with regard to the use variance, the expansion and elimination of the deck. He stated that if the Township would like the deck, the applicant would provide. Mr. Kenny further stated that there is no intended use of the 5,000 square feet. Mr. Simone referred to the Conceptual Plan and provided testimony with regard to including another tenant in the building. He added that the 5,000 square feet gives more flexibility for the interior design. He proceeded to give an overview of Buildings A (pre-existing), B, and C. A brief cross-examination followed by Mr. Slaugh with regard to the square footage.

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A discussion followed by Mr. Slaugh with regard to Table 5 of the Land Use Ordinance and the characterization of proposed use. He questioned whether the more restrictive use would apply. Chair Kremer proceeded to question the purpose of Section 525.H (buffer).

Following a brief discussion by Mr. Slaugh and the Board with regard to the Conceptual Plan and proposed lighting, the applicant agreed to comply with all the lighting requirements.

Paul Ressler, a Fact Witness, gave testimony with regard to his experience in working with Alcohol and Drug Abuse groups. He stated that the Detox Center would be beneficial to the Township since there are few Centers. He stated the critical need and how this type of facility could help save many lives. He proceeded to share briefly his own personal experience.

Laura Weber, a Fact Witness, on behalf of the Objector, presented a slide presentation as to the availability of beds at the Princeton House Behavioral Health Center. Ms. Weber presented Exhibit O-9 and gave an overview of her employment with Princeton House as a Unit Secretary. She proceeded to state that she was not representing Princeton House. She gave an overview of the inpatient care, outpatient care, mental health or addiction counseling services. Also, she gave an overview of the admission process, availability of beds, treatment cost, and forms of payment accepted. A cross-examination followed by the applicant's Attorney, Mr. Kenny and questioned whether her employer was aware of her providing testimony regarding Princeton House. The Board continued to cross-examine Ms. Weber's testimony regarding Princeton House having availability of beds, acceptance of clients mandated by the Courts, acceptance of walk-in clients, types of treatment for drug abuse and daily staffing levels.

No action was taken on this application. Jurisdiction continued to next meeting scheduled for May 25, 2011. No Notice Required.

Exhibits:

- A-1 (Excerpt from Zoning Map, January 27, 1998)
- A-2 (Colored Site Plan)
- A-3 (Building "A" Picture)

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Exhibits:

- 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 – SPECIAL Meeting MAY 11, 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)**

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Exhibits:

- 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)**
- 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)**
- 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”)**

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Exhibits:

- O-12 (R-1 Handout Receipt of Expenditures Election Form Report & Power Point)**
- O-13 (R-1 Handout – Report of Election Contributions 2009 & Power Point)**
- O-14 (April 27, 2011 – Emergency Demands – 8 Pages)**
- O-15 (Long Hill Township – Stirling, New Jersey – 2 Pages)**
- O-16 (Palm Beach, Florida – Sunrise Care Center – 8 Pages)**

Witnesses Placed Under Oath:

- **Michael Mueller, Professional Planner & Expert**
- **John Simone, Applicant**
- **Paul Ressler, Fact Witness, Advocate & Board Member on Alcohol & Drugs – Governor’s Council (on behalf of the applicant)**
- **Marvin VanHise – Objector, 118 Federal City Road**
- **Laura Weber, Fact Witness (Unit Secretary/Detox Unit) Princeton House (on behalf of the Objector)**
- **Daniel Posluszny, 24 Karena Lane (Police of Chief), Fact Witness – Statistic on Calls & Projected Needs (on behalf of the Objector)**

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

Public Comment:

- **William Eggert, 105 Fredrick Court, stated several questions with regard to the adequacy of the buffer for Building A that was part of a previous approval. Also, he questioned whether the trees were dead or alive.**

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Public Comment:

- **Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business), questioned the recreational aspects intended for the 5,000 sq. ft. use of the requested the expansion. Also, he questioned when Mr. Mueller was retained to work on the application.**
- **Edward Wiznitzer, Darrah Lane, questioned the inherent beneficial use and later withdrew his question.**
- **Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business), questioned whether another Detox Center would be used in the 5,000 sq. ft. space. He questioned whether Sunrise has limited the number of beds for the proposed use. Also, he questioned the use variance and whether all of the uses could be a Detox Center**
- **Rick Dauria, 173 Federal Point Blvd., questioned whether Mr. Simone is clear on what he really wants to do with the property.**
- **Robert Ranke, 25 Karena Lane, questioned the Lighting Ordinance and whether the lights are to be on 24 hours at the Sleep Center. He stated concerns about the lights being on 24 hours and the spill over to his home.**
- **Bill Deasy, 322 Federal Point Blvd., questioned the design of the commercial kitchen. (Mr. Kenny stated his Objections)**
- **Edward Wiznitzer, Darrah Lane, questioned the number of beds proposed for the Detox Center.**
- **George Ford, 83 Federal City Road, questioned whether the Princeton House would accept Mercer County residents.**
- **Jackie Tuozzolo, 214 Federal Point Blvd., questioned where the residents would go for recreation at the Princeton House.**

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Public Comment:

- **William Eggert, 105 Fredrick Court, was placed under oath and questioned the maintenance of the buffer. Mr. Eggert presented Exhibit O-10 and gave a description with regard to the dead trees. Mr. Kremer questioned whether Mr. Eggert had ever complained to the Township about the buffer. Mr. Eggert proceeded to share a personal testimony of a family member and expressed that the proposed Detox Center does not belong in the residential area because of potential violence. Also, he stated the potential safety concerns for neighborhood and its residents.**

Mr. Eggert addressed the applicant's Report of Contributions submitted to the Township and stated that the reports were no accurate. He proceeded to submit Exhibits O-11, O-12 and O-13. A brief discussion took place by Mr. Roskos and the Board about the contributions. (Objections were stated by the applicant's Attorney, Mr. Kenny and Chair Kremer with regard to stated comments by Mr. Eggert, about Township Employees accepting political gifts). Mr. VanHise was placed under oath and proceeded to interject statements with regard to the applicant's receipt of contributions and not reporting, as required by Law.

- **Daniel Posluszny, 24 Karena Lane (Chief of Police, Lawrenceville) was placed under oath. As part of Mr. Posluszny's testimony, he presented Exhibit O-14 (Emergency Services Demand at Sunrise Center, Palm Beach County Police-Florida), Exhibit O-15 (Long Hill Township Police Statistics, for Sunrise Detox Center, Stirling, New Jersey) and Exhibit O-16 (Palm Beach County Sheriff's Department Statistics, for Sunrise Detox Center, Lake Worth, Florida). He proceeded to review the Exhibits addressing the statistics about the types of call for police, public safety issues for the community, and the projected need.**

Chair Kremer, questioned whether Mr. Posluszny's testimony would be a potential conflict, as a Public Professional. A discussion took place by the Board and Mr. Roskos stated guidelines for Mr. Posluszny to follow because of his position as Chief of Police when presenting researched information.

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Public Comment

The applicant's Attorney, Mr. Kenny stated Objections with regard to Mr. Posluszny's stated projections being inappropriate. Mr. VanHise stated some objections to Mr. Kenny and stated the importance of the information to be presented by Mr. Posluszny.

The applicant's Attorney, Mr. Kenny proceeded to cross-examine Mr. Posluszny with regard to the Florida Code and stated several questions.

- Edward Wiznitzer, Darrah Lane, questioned the relevance of information presented by Mr. Posluszny. Also, he questioned whether the data were to show that the proposed Detox Center would cause a negative strain on the Township's public services.

3. **Old Business/New Business/Correspondence:** None

4. **Adjournment;**

There being no further business to come before the Board, the meeting was adjourned at 10:40 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