

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, MAY 25, 2011, 7:30 P.M.**

Present: Bruce Kmosko
Cathleen Lewis
Leona Maffei
Sam Pangaldi, Alt. #2

Absent: Peter Kremer, Chairman (Absent/excused)
Stephen Brame, Vice Chairman (Absent/excused)
John Gladwell, Alt. 1 (Absent/excused)
Charles Lavine (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slauch, 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. APPOINTMENT – ACTING CHAIR

Mrs. Lewis moved and Mr. Pangaldi seconded to appoint Leona Maffei, as Acting Chair for this scheduled hearing of May 25, 2011.

3. MINUTES FOR APPROVAL – November 10, 2010

Mrs. Lewis moved and Mr. Pangaldi seconded to approve Minutes. This carried on the following voice call vote: AYES (4) NAYES (0) ABSENT (4) INELIGIBLE TO VOTE (0)

4. 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 11, 2011.

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 Hartsough, Esq., represented the applicant. Mr. Hartsough gave a brief update about the application.

Mr. Roskos gave an overview of the Municipal Land Use Law with regard to Public Participation for the Board to use as a guide to help with any decisions to be made on the proposed application. Also, he stated that a representative from Princeton House would address the testimony given by Laura Weber's on behalf of Princeton House at the last meeting.

Richard Wohl, a Fact Witness, and Senior Vice President of Princeton Healthcare Behavioral (Princeton House) stated comments with regard to Laura Weber, who gave testimony at the May 11, 2011 meeting as a Fact Witness and employee of Princeton House. He stated that he had an opportunity to listen to the May 11th transcript. He proceeded to state that she was not authorized to give testimony on behalf of Princeton House. He expressed that all the comments given by Ms. Weber were not completely correct. Due to the sensitive nature of this application, Mr. Wohl stated that it was important for him to provide testimony since she was not eligible, as a representative in Behavioral Health Programs and the Substance Abuse field. He proceeded to give an overview of the day-to-day operations at the Princeton House, mandated staffing levels, its 15-bed non-residential unit, its admissions process, forms of payment and a detailed outline of corrective testimony.

Mr. Slauch questioned the type of security uniform personnel and its cost for the Princeton House facility. He proceeded to cross-examine the testimony of Mr. Wohl with regard to the demand for detox treatment, the daily per diem, the hospital base services, mandated staffing levels, the referral process from other facilities, representation of patients and their locations.

A discussion followed by the Board with regard to the proximity of residential property and the level of medical care. The Board questioned the availability of beds, difference between medical care and detoxification care.

Mr. Hartsough stated some objections and concerns with regard to time limits placed upon public questions and comments in accordance with the Municipal Land Use. Mr. Roskos suggested that the Board afford public participation to residents in receipt of Notice and residents living within 200 feet of the proposed site. The Board accepted.

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No action was taken on this application. Jurisdiction continued to next meeting scheduled for June 1, 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)**
- 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 25, 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)**

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Exhibits:

- 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)**
- 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)**

- 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)**

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Exhibits:

- 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)**
- 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)**

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Exhibits:

- 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)**

Witnesses Placed Under Oath:

- **Richard Wohl – Fact Witness, Sr. Vice President, Princeton Healthcare Behavioral – Princeton House**

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

Public Comment: (Cross-examination of Mr. Wohl)

- **James Ianni, 282 Federal Point Blvd., questioned the definition of a residential detox center. Also, he stated concerns about the classification of a residential center since the patients stay for at least 24-hours.**
- **Susan Strassberg, 17 Evans Lane, questioned the security and need for a uniform locked facility. She questioned whether there would be a way to prevent the patients from having drugs come into a drug rehabilitation facility. She questioned whether Princeton House ever received a dual diagnostic referral or other Substance Abuse Center that Princeton House could not accept.**

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Public Comment: (Continued Cross-examination of Mr. Wohl)

- **Marvin VanHise, 118 Federal City Road and 110 Federal City Road (Corporate Business) questioned the type of problems experienced at Princeton House that initiated a locked type of facility. He questioned if Princeton House ever have problems with drugs brought into the facility by patients or visitors. He proceeded to question the type of computerized security program used at Princeton House. He questioned the referral process at Princeton House and the percentage of patients from Mercer County. He questioned whether there is an Ambulance Bay at the Princeton House facility. Also, he questioned the percentage of patients referred to the Emergency Room at their designated nearby hospital.**
- **George Ford, 86 Federal City Road, questioned the process for dual diagnostic patients and the number of beds for the Dual Diagnostic Program.**
- **Justine Frank, resident of Hamilton, New Jersey, wanted to state her interest and standing in Mercer County with regard to knowledge of resources. (Mr. Roskos requested the Board not to accept questions from outside residents.)**
- **James Anthony, 7 Merritt drive, questioned the credibility of Ms. Weber's testimony and length of Ms. Weber's employment at Princeton House.**
- **Francis Lusardi, 20 Evans lane, questioned whether Princeton House dispenses methadone to any of their patients.**
- **Ian Kornball, resident of Hopewell Twp. (Mr. Roskos requested the Board not to accept public questions from outside residents.)**

(End of Cross-examination of Mr. Wohl)

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Public Comment:

- **Charles Connell, 33 Federal Point Blvd., was placed under oath. He stated that he has lived at current address for seven years. He proceeded to provide history of his 87 years in Lawrence and past positions held in the Township of Lawrence. He stated that the County needs to adhere to the Master Plan and Zoning Laws. Also, he requested the Board to deny the application and did not feel that it would fit in at the existing location. Mr. Roskos submitted Mr. Connell's written statement into the Record as Exhibit O-17.**
- **Jean Howarth, 83 Traditions Way, was placed under oath. She read a statement about a "Residential Land Use" and submitted Exhibit O-18. She stated that there were no specifications for Occupancy or Land Use for this application. She stated that the proposed use, by the applicant, is not appropriate. She stated concerns about the various types of medical treatments and safety of institutional type occupancy within the Community. Also, she proceeded to question how the proposed use would be inherently beneficial to the Community.**

Mr. Hartsough cross-examined Jean Howarth and questioned her professional experience with regard to the building codes. Also, he questioned whether she held a Certification, as a New Jersey Professional Planner or license in the Medical field.

- **Mary Baird, 92 Traditions Way, was placed under oath. She referred to submitted Exhibits (O-19 and O-20) and read a statement with regard to correspondence of conversations she had with Long Hill Police Department and West Palm Beach Police Department in Florida. She proceeded to address several points with regard to the proposed use meeting the dimensions of the use variance and changes made in the application. She questioned the applicant's intentions and how the proposed site would benefit the Township of Lawrence. Also, Ms. Baird's Power Point presentation was recorded as Exhibit O-21.**

Mr. Simone cross-examined Ms. Baird's testimony and explained the current Medical Office Use approvals for the existing site.

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Public Comment:

- **Barbara Dauber, 82 Traditions Way, was placed under oath. She stated great concerns about the proposed Detox Center and the negative impact it will have on her property. She stated that her residence is located next to the existing site.**

- **Charles Lavine, 262 Federal Point Blvd., was placed under oath. He stated his vested interest in the proposed site and concerns with regard to the presentation from the applicant. He reviewed a power point slide presentation about his visit on September 9, 2011 to the Stirling New Jersey Detox Center. He reviewed some of the questions he presented to a staff member of the Stirling facility with regard to insurance requirements and the screening process. He proceeded to state several concerns about food waste, rodents, existing dumpster and truck deliveries. Mr. Lavine's power point presentation was marked as Exhibit O-22. Also, Mr. Lavine presented Exhibit O-23 and stated other concerns expressed by their Homeowners' Association with regard to the zoning of the proposed site.**

Mr. Hartsough cross-examined Mr. Lavine's testimony. He questioned the date Mr. Lavine recused himself from this application. Also, he questioned Mr. Lavine's participation, as a member of the Homeowners' Association and their meetings with Mr. Simone.

- **Dr. Kirchvasky, 643 Lawrence Crossing, was placed under oath. She stated her experience as a Licensed Psychiatrist and questioned Mr. Lavine with regard to his visit at the Stirling New Jersey facility.**

- **Bill Deasy, 322 Federal Point Blvd., was placed under oath. He stated some information about his research of the Stirling New Jersey facility and tour of the facility. He presented Exhibit O-24 and reviewed a power point presentation of the commercial kitchen at the Stirling facility. He stated some concerns about the proposed site having a commercial kitchen because of the odors, grease traps and ventilation system. He stated concerns about the use of SYSCO trailers for the deliveries and the negative impact that the proposed site would have on traffic. Also, he presented Exhibit O-25 and expressed some concerns about the arrest of a Sunrise Detox Center Counselor for a sexual assault. He proceeded to state his disapproval of the proposed use variance.**

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Public Comment: -Continued

- **Leanne Lipskind, 27 Karena Lane, a Licensed Nurse Practitioner, was placed under oath. She stated concerns about the mental condition of patients that will be treated at the proposed site. She described her professional experience with patients having psychiatric problems and mental disorders. She stated her professional experience in working all day with patients having mental disorders and would not want to have other patients of the same in her unfenced back yard. She state concerns about the safety of her school age children and other children within the neighborhood. She stated that if the patients are not allowed to smoke they will walk out of the facility. She stated concerns about the admission's process in that there is no criminal or psychiatric background check information provided prior to one's admission. She stated that there are many patients with psychiatric problems who are medically unstable and violent. She proceeded to state her disapproval of the proposed application. She addressed a previous concern with Mr. Simone with regard to a sewer line and a sunken portion of the back yard.**

Mr. Slauch cross-examined Ms. Lipskind. He questioned whether a solid fence, enclosing all three sides of the subject property, would change her opinion about the use on the proposed property. Mrs. Lipskind stated no.

- **Laura Raymond, 35 Traditions Way, was placed under oath. She explained her personal experience with a family member who never completed a detox treatment for alcohol addiction and walked away from the program. She explained how abusive this family member was to her. She proceeded to submit Exhibits O-26 and O-27 and stated that she was the one who telephoned the Newspaper about the meetings.**
- **Janice Buckley, 23 Karena Lane, was placed under oath. She submitted Exhibit O-28 and presented a power point presentation. She proceeded to state that she sympathizes with the family members struggling with addiction. She stated that her property is located behind the existing site and fear the safety of her family members. She suggested that the applicant consider relocating the use to another location. She addressed the lack of buffer, removal of trees during the construction of the existing site. She stated concerns that no replacement trees were installed during that period. Also, she stated her disapproval of the proposed use.**

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Public Comment: -

Mr. Slauch cross-examined Mrs. Buckley. He questioned whether the installation of a fence or additional landscape buffering would address her stated concerns with regard to the access of existing site. Mrs. Buckley stated no.

- Mark Rudnick, 20 Karena Lane, was placed under oath. He submitted Exhibit O-29 and gave a power point presentation with regard to the Lawrence Neighborhood. He stated concerns about the proposed 38-bed residential detox facility and felt that with a continual change in clientele would negatively impact the surrounding neighborhood. He expressed that the proposed use variance would change the character of the neighborhood. He did not feel that a need existed in Lawrence Township because of so many other facilities in close proximity that could meet a client's need. He stated concerns about the negative impact on residential property value and traffic. Also, he stated his disapproval of the proposed use.**
- Carole Drury, 26 Karena Lane, was placed under oath. She stated her objections to the proposed request. She expressed some concerns that homeowners not living within 200 feet of the proposed site were not allowed to participate during public comments. She stated that the proposed use would not enhance the neighborhood.**
- Ann Carmen, 93 Traditions Way, was placed under oath. She stated that the Detox Center is a good idea, but expressed that it would not be a beneficial use. She proceeded to state that Lawrence Township does not need a detox center in the neighborhood where her family resides.**
- Edward Hogan, 104 Traditions Way, was placed under oath. He stated concerns about the Zoning Laws and questioned why the applicant would bring unstable people in a neighborhood where children are present.**
- George Ford, 86 Federal City Road, was placed under oath. He proceeded to submit Exhibits O-30 thru O-42 and provided lengthy testimony about his disapproval of the proposed use. Also, a cross-examination took place by Messrs. Slauch and Hartsough with regard to the data provided by Mr. Ford.**

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5. Old Business/New Business/Correspondence: None

6. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 12:46 a.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,
Sara A. Summiel

Sara A. Summiel
Recording Secretary

MINUTES APPROVED: December 21, 2011