

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, MARCH 28, 2012, 7:00 P.M.**

Present: John Gladwell
Bruce Kmosko
Peter F. Kremer
Charles Lavine
Samuel Pangaldi
Frank Scangarella, Alt. #1
Edward H. Wiznitzer, Alt. #2 (Arrived 7:11 p.m.)
Leona Maffei, Vice Chair
Stephen C. Brame, Chair

Absent: None

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, 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.

2. Public Participation : Don Edwards, 777 Mayflower Avenue, requested the Board's Attorney to review the Appeal Process under Section 707 of the Land Use Ordinance. Mr. Schmierer explained the process in detail. (See Attachment No. 1)

3. Application No. ZB-8/11 Use, Conditional Use and Bulk Variance (AGAPE INTERNATIONAL CHILDREN'S ACADEMY LLC), 2160 Brunswick Pike, Tax Map Page 16, Block 1602, Lot 44.01 (Continued from 3/21/2012)

The hearing was recorded. Jurisdiction continued from March 21, 2012.

It was noted that Vice Chair Maffei listened to the Transcript of the March 21, 2012, meeting and signed Affidavit.

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Application No. ZB-8/11 - Continued

Chair Brame advised the Board and Public that this Special Meeting is to allow the Board Members to deliberate and vote upon the application.

Chair Brame requested Mr. Schmierer to summarize the Conditional Use Variance relating to the proposed application. Mr. Schmierer referred to his Memorandum dated March 23, 2012, addressed to the Lawrence Township Zoning Board of Adjustment and stated each outlined Condition. (See Attachment No. 2)

Chair Brame requested Mr. Slauch to address the conditions regarding the proposed lighting. Mr. Slauch stated that the applicant has worked with the Township and will provide minimum required lighting. Also, he stated that the applicant responded to the Professional's recommendations to provide adequate lighting and illumination that would not create a negative impact.

The Board proceeded to discuss, deliberate and state their reasons for voting upon the subject application. Mr. Pangaldi addressed the inherently beneficial use, stated concerns about the drop-off of children, trash pick-up once a week and the no right turn sign recommendation.

Vice Chair Maffei expressed concerns about the turning radius and that the need for a separate ingress/egress driveway. Also, she stated concerns about the narrow street, the traffic, the safety of children in a congested parking lot, and 8-foot fence for neighbors.

Chair Brame stated concerns about the traffic flow, based upon his morning and evening visits noting that cars were parked on both sides of the street. He stated concerns about the navigation of traffic in addition to the applicant's 24-foot bus. He stated that it would be better if there were an egress means on Mayflower Avenue. With regard to an eight-foot fence, he felt that it would create a stoic type of environment in a residential neighborhood. He proceeded to state that approval of the variances and waivers would only exasperate an already difficult traffic pattern.

Mr. Wiznitzer, an Alternate, expressed that the Board should be very careful in their decision. He stated that the denial of a variance cannot be taken in a general sense because it makes the property unusable. He stated that existing conditions are what they are and felt that the applicant met the positive criteria. He addressed the negative criteria with regard to the traffic and questioned whether the traffic pattern is a substantial detriment.

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Mr. Gladwell stated concerns about the 98 children and the number of bus trips per day. He felt that the additional traffic would be too much for the neighborhood.

Mr. Scangarella addressed the traffic pattern and felt that the traffic would be a substantial negative impact on the site.

Mr. Lavine stated concerns about the parking and driveway access to the site. He stated that the driveway access is too narrow. He felt that the dumpster should be picked up twice a week. He did not feel that the neighbors were an issue, but was more concern about the ingress and egress to the site.

Mr. Kmosko stated that the neighborhood is a maze and shared some concerns about the traffic, but was not sure if the impact could be considered a substantial detriment.

Mr. Kremer addressed the land use issues and questioned whether there were other uses to be placed at the proposed site. Mr. Slauch gave an overview of other permitted R-4 uses. Mr. Kremer questioned how the Board could treat the Applicant's bus differently than the public/private buses and proceeded to address the inherently beneficial use. Mr. Schmierer explained the difference of public/private buses passing through vs. the proposed bus would be turning into the daycare several times a day and remaining on site.

A discussion took place by the Board about their visits to the site that allowed them to better evaluate the related issues about traffic and the children's safety on the site when parents are bringing them into the daycare. The Board continued to discuss concerns about the fence, the turning radius of the bus/van and the potential of not having enough parking spaces.

Chair Brame stated that the application would be subject to the conditions outlined in Mr. Schmierer's Memorandum dated March 23, 2012, (See Attachment No. 2) in addition to the applicant's willingness to amend conditions to make no right turns out of site and to increase number of weekly trash pick-up.

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EXHIBITS: None

WITNESSES PLACED UNDER OATH:

- Oyinola Atunrase, Contract Purchaser (Applicant)

PUBLIC COMMENT: None

Vice Chair Maffei moved and Mr. Kmosko seconded to approve the application subject to the conditions noted, including variance, use and waivers, subject to the recommendations contained in the Township Professionals' reports.

Vote:

AYES: Kmosko

NAYES: Gladwell, Kremer, Lavine, Pangaldi, Maffei, Brame

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

4. Old Business/New Business/Correspondence:

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:59 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: Aug 15, 2012