

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, APRIL 15, 2009, 7:30 P.M.**

Present: Stephen Brame
Robert Kulak
Leona Maffei
Bruce Kmosko (Alt. #1)
John Gladwell (Alt. #2)
Charles Lavine, Vice Chair
Peter F. Kremer, Chair

Absent: Michael Ehret (Absent/excused)
Cathleen Lewis (Absent)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
David M. Roskos, Attorney, Sterns & Weinroth
Andrea Malcolm, Planning Consultant, Clark•Caton• Hintz
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 Wednesday, April 8, 2009.

2. Public Participation - None

3. Minutes for Approval:

February 18, 2009 – Special

**Mr. Brame moved and Mrs. Maffei seconded to approve the minutes. This carried on the following voice call vote: AYES (7) NAYES (0)
INELIGIBLE TO VOTE (0) ABSENT (2)**

February 18, 2009 – Reorganization & Regular

**Mr. Brame moved and Mrs. Maffei seconded to approve the minutes. This carried on the following voice call vote: AYES (7) NAYES (0)
INELIGIBLE TO VOTE (0) ABSENT (2)**

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4. RESOLUTION:

Resolution of Memorialization 10-09z Denying Bulk Variance Application No. ZB-10/08, DEVESH VERMA, 19 Canal View Drive, Tax Map Page 52.04, Block 5201.5, Lot 47 (formal action taken 3/18/09)

Mr. Kulak moved and Vice Chair Lavine seconded to approve Resolution No. 10-09z.

Vote:

AYES: Brame, Kulak, Maffei, Lavine, Kremer

NAYES: None

ABSENT: Ehret, Lewis

INELIGIBLE TO VOTE: Kmosko, Gladwell

5. Application No. ZB-5/08, Use Variance & Waiver of Site Plan, (NEW JERSEY CONFERENCE OF SEVENTH DAY ADVENTISTS), 2303 – 2307 Brunswick Pike, Tax Map Page 15, Block 1502, Lot 1 (continued from February 18, 2009; no further noticing required).

The public hearing was recorded. Jurisdiction continued.

Vincent J. Mangini, Esq., represented the applicant. Mr. Mangini gave a brief update of the application. He stated that the applicant has addressed the concerns with regard to the site lighting. The applicant has installed a temporary light mounted on the building and once the new roof is completed the lighting will be mounted to the roof. With regard to the parking concerns during the scheduled training sessions, the applicant stated that the representatives would encourage carpooling. The applicant stated that on a normal day there would be 15 to 20 individuals; and the maximum of 150 individuals, when hosting training sessions for their Lay Leaders. The applicant explained that there has been no contact with the Lawrence Shopping Center for additional parking. The applicant further explained that the Church would prefer to first explore the method of carpooling. The applicant's professional provided testimony with regard to the building and how the functions could be accommodated, appropriately, at the proposed site. The existing building is about 16,800 sq. ft. in size and is not a fully two-story building. The applicant is not proposing any additional additions, except for the addition of a small vestibule to face the parking lot, which will be the new entrance. The applicant is proposing to remove the boulders and rear sliding gates to create a dry path and provide buffer along that portion of the building. The applicant is proposing 119 parking spaces.

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Application No. ZB-5/08 - Continued

The applicant explained that the retail component to be 4,560 sq. ft. in size would be located on the lower level of the existing building, which includes the storage of 1,596 sq. ft. and the public area of 2,964 sq. ft. The applicant referred to Exhibit A-4 and gave an overview of proposed multi-purpose room that will accommodate 170 people. The multi-purpose room will have a studio space with recording equipment and taping. The applicant stated that the area will not be rented out for other uses and that the proposed kitchen is only for catering functions of the Church's. The location of the restrooms will remain. The applicant is proposing to renovate the existing restrooms to bring them up to code. With regard to the existing bank vault, the Church will utilize for their records. Also, the applicant will utilize the same loading/receiving space. The applicant stated that the facility will be ADA compliant and stated its usage of sustainable construction products. The applicant referred to Mr. Slaugh's report dated January 9, 2009, and addressed the proposed uses; the building height variance; the site plan waiver; the buffer; and the circulation. Following a discussion and applicant's testimony given, it was determined that the building height variance is not required since the average height is still below the maximum amount allowed. With regard to the site plan waiver, the applicant stated that there is very little work being done to the exterior of the building and believed that the submitted Site Improvement Plan addressed all of the issues related to the exterior with no change to the topography. The applicant proceeded to address the existing uses and gave additional testimony with regard to the special reasons and inherently beneficial uses. Mr. Roskos questioned the inherently beneficial status of the retail use and the applicant gave testimony indicating its relationship. The applicant added that the retail store would sell religious items such as books and health food products in accordance with their dietary practices. Also, he stated that the retail store is opened to the public. The testimony was accepted. Mrs. Kraemer referred to her report dated January 5, 2009, and the applicant agreed to comply with the recommendations. With regard to the number of parking spaces and off street parking, the applicant agreed to work with the Township Professionals to ensure compliance with the Ordinance. In addition, the applicant agreed to provide speed bump at the exit point of the parking lot, extension of candle path and will work with the Township Professionals for the landscape inland enhancements along Lake Drive and curb cuts. As a condition of approval, the applicant agreed not to rent out the kitchen or any parts of the building. Mr. Roskos addressed the applicant's need to submit a revised site plan and the applicant agreed. The Board proceeded to state their approval and enumerated the inherently beneficial uses, as outlined in the Planner's Report based on the four step process, in weighing the positive and negative criteria for the granting of a use variance. (See Attachment No. 1 – Reports)

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Application No. ZB-5/08 - Continued

Exhibits:

- A-2 Proposed Site Improvement Plan, dated 4/15/09
- A-3 Basement Floor Plan (Lower Level)
- A-4 Proposed Plan Lower Level – Floor Plan
- A-5 Existing Upper Floor Plan
- A-6 Proposed Upper Floor Plan
- A-7 Comment Report from Joseph E. Sapphire, dated 1/8/09,
Addressing Mr. Slaugh's Report.
- O-1 (A, B, & C) Pictures from Debbie Dorner

The following witnesses were placed under oath:

- James Greene, Vice President, Executive Director, New Jersey
Conference of Seventh Day Adventists
- Joseph E. Sapphire, R. A. & Expert

Public Comment:

Debbie Dorner, 807 Lake Drive, was placed under oath. Mrs. Dorner stated concerns about the turning radii for the 18-wheeler tractor trucks and questioned the access to the site's first entrance.

Mrs. Maffei moved and Mr. Brame seconded to approve the application, including use variance and waiver of site plan, and subject to all appropriate conditions and the recommendations contained in the Township Professionals' reports.

AYES: Brame, Kulak, Maffei, Kmosko, Gladwell, Lavine, Kremer
NAYES: None
ABSENT: Ehret, Lewis

6. Old Business/New Business/Correspondence

Old Business:

Mr. Roskos gave a brief overview of the Litigation Decision by Judge Feinberg with regard to the Cell Tower application for the Peterson Nursery.

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7. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 9:55 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,


Sara A. Summiel
Recording Secretary

MINUTES APPROVED: July 15, 2009