

**LAWRENCE TOWNSHIP ZONING BOARD
REORGANIZATION AND REGULAR MEETING
WEDNESDAY, FEBRUARY 18, 2009, 7:30 P.M.**

Present: Stephen Brame (arrived 7:58 p.m.)
Michael Ehret
Robert Kulak
Leona Maffei
Bruce Kmosko (Alt. #1)
John Gladwell (Alt. #2) (arrived 7:40 p.m.)
Charles Lavine, Vice Chair
Peter F. Kremer, Chair

Absent: Cathleen Lewis (Excused absence)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
David M. Roskos, Attorney, Sterns & Weinroth
Brian Slaugh, P.E., Planning Consultant, Clarke 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 Friday, February 13, 2009.

2. Public Participation - None

3. Swearing In of New Members – Oath Administered by David M. Roskos, Esq.

The following were placed under oath: Peter Kremer, Bruce Kmosko, Stephen Brame, John Gladwell.

Elections - Chair

Mrs. Maffei moved and Mr. Ehret seconded to nominate **Peter Kremer, as Chair**. Nominations were closed. This carried on the following voice call vote:
AYES (6) NAYES (0) ABSENT (3) INELIGIBLE TO VOTE (0)

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Elections – Vice Chair

Mrs. Maffei moved and Mr. Kmosko seconded to nominate **Charles Lavine, as Vice Chair**. Nominations were closed. This carried on the following voice call vote: **AYES (6) NAYES (0) ABSENT (3) INELIGIBLE TO VOTE (0)**

Appointments:

The Board agreed to move Resolutions No. 2 through No.7 in a Block.

Resolution 1-09z, Appointing Zoning Board Attorney

Following the Special Meeting, Interview Process and Discussion, the Board voted upon the appointment of Edwin W. Schmierer, Esq., to serve the Zoning Board of Adjustment.

Mr. Brame moved and Mrs. Maffei seconded to appoint, **Edwin W. Schmierer, Esq.**, as Board Attorney representing the firm of Mason, Griffin & Pierson. This carried on the following voice call vote: **AYES (6) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1) ABSTAINED (1)**

Resolution 2-09z, Appointing Special Zoning Board Attorney

Mr. Kulak moved and Mrs. Maffei seconded to appoint **David M. Roskos, Esq.**, as Special Board Attorney representing the firm of Sterns & Weinroth. This carried on the following voice call vote: **AYES (7) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1)**

Resolution 3-09z, Appointing Recording Secretary

Mr. Kulak moved and Mrs. Maffei seconded to appoint **Sara A. Summiel**, as Recording Secretary. This carried on the following voice call vote: **AYES (7) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1)**

Resolution 4-09z, Appointing Engineer

Mr. Kulak moved and Mrs. Maffei seconded to appoint **Brenda Kraemer, P.E., P.P.**, as Engineer. This carried on the following voice call vote: **AYES (7) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1)**

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APPOINTMENTS - Continued

Resolution 5-09z, Appointing Secretary (In-house)

Mr. Kulak moved and Mrs. Maffei seconded to appoint **Brenda Kraemer, P.E., P.P.**, as Secretary (In-house). This carried on the following voice call vote:
AYES (7) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1)

Resolution 6-09z, Appointing Zoning/Landscape and Architectural Consultant

Mr. Kulak moved and Mrs. Maffei seconded to appoint **Brian Slaugh, PP/AICP**, as Zoning/Landscape and Architectural Consultant, representing the firm of Clark-Caton-Hintz. This carried on the following voice call vote: **AYES (7) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1)**

Resolution 7-09z, Appointing Traffic Zoning Consultant

Mr. Kulak moved and Mrs. Maffei seconded to appoint **James L. Kochenour, P.E.**, as Traffic Construction, representing the firm of Arora & Associates. This carried on the following voice call vote: **AYES (7) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1)**

Resolution 8-09z, Special Traffic Consultant

Mr. Kulak moved and Mrs. Maffei seconded to appoint **Charles R. Carmalt, PP/AICP**, as Traffic Planner. This carried on the following voice call vote:
AYES (7) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1)

Appointments to Committees:

Growth & Redevelopment Committee – Charles Lavine

4. **RESOLUTIONS:**

Resolution of Memorialization 9-09z approving Adoption of 2008 Zoning Board of Adjustment Annual Report.

Mrs. Maffei moved and Mr. Kulak seconded to approve Resolution No. 9-09z. This carried on the following voice call vote: **AYES (7) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (1)**

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5. MINUTES FOR APPROVAL:

December 17, 2008 – Regular

Mr. Kulak moved and Mrs. Maffei seconded to approve the minutes, As Amended. This carried on the following voice call vote. AYES (5) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (3)

6. Application No. ZB-8/08 & SP-3/08 (Use Variance & Site Plan w/Waiver), ZHAN (DAVID) A. LIU, 381 Lawrence Road, Tax Map Page 9, Block 902, Lot 5.

The public hearing was recorded. Mr. Roskos advised the Board that it might be necessary for the applicant to provide at least a copy of the Newspaper to verify Proof of Advertisement of Notice due to some of the changes within the Newspaper's Legal Advertisement Department. The applicant did provide the Board with a copy of the advertised Notice. The Board took jurisdiction.

Christopher K. Costa, Esq., represented the applicant. Mr. Costa gave a brief history of the application located in the NC-1 Zone. He described the property that consists of a residential dwelling, to be located to the north of a Seven-Eleven Convenience Store and across from a gas station. He explained that the zoned area does not permit single-family use to be combined with other uses. In addition to the use the applicant is requesting other variances, a minor site plan approval, a bulk variance for the buffer width along the three sides of the property, a small freestanding sign and access drive setback exception. The applicant is proposing to operate a small limousine business and administrative office from his residence. The applicant stated that he is has lived at this property since June of 2008. The applicant stated that he is self-employed with two full-time and one part-time employee. The applicant further explained that he owns three four-door sedan cars and that two of the vehicles are stored at the subject residential property. The third car is kept at an employee's house. With regard to the administrative office use, the applicant explained that he is the only employee. As a condition of approval, the applicant is only user of office. The applicant agreed. The applicant is proposing to construct five parking spaces in the rear of the site with three banked spaces. The Board accepted the five spaces, but not the banked spaces. The applicant's professional witness reviewed the revised site plan and described the existing conditions with regard to the dwelling, driveway, stoned area and wooden six-foot fence. The applicant is proposing to close off the existing driveway, create a 24-foot wide driveway.

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Application No. ZB-8/08 & SP-3/08 - Continued

Mrs. Kraemer addressed her report dated December 2, 2008 and suggested that the applicant work with the Township with regard to the construction of the driveway and required grading. The applicant agreed to comply. With regard to the cross access, the applicant agreed to provide written approval from NJDOT. Mr. Roskos addressed the cross access and the adjoining flag lot property. A brief discussion took place by the Board with regard to a previous application by the Planning Board and the applicant's use for a future access connection. Mr. Slaugh addressed the cross access and further explained a two-step process that allows: (1) additional parking to be built on adjacent site and (2) the parking lot to be reconstructed since the two uses could not be connected, as designed. Mr. Roskos and the Board reviewed the site plan and discussed the orphaned piece of property, owned by the applicant. The applicant agreed to offer that piece for a future cross access, even though the uses are not compatible at this time which could help alleviate a parking problem on the adjoining property. The applicant agreed to construct 2.5 parking spaces on that site. The applicant stated that there are no handicap employees; and therefore, is not proposing any handicap spaces. Mr. Slaugh reviewed his report dated December 23, 2008, and addressed the landscaping. The applicant agreed to work with the Township Professional and will provide one street tree along the site frontage. With regard to the sign, Mr. Slaugh recommended a monument sign no greater than 10 sq. ft. The applicant agreed. The applicant agreed to work with the Township Professionals. Following a brief discussion by the Board, the applicant agreed to provide two flood type lights in the rear with timer and motion sensor. Mrs. Kraemer explained to the applicant that parking in front yard of property is prohibited. The applicant agreed to comply. The applicant's professional witness addressed the use variance and gave testimony with regard to the positive and negative proofs. The applicant did not feel that the service-oriented business would cause a lot of vehicular traffic. Also, the applicant felt that the use would be consistent with the older, redeveloped character of the neighborhood and therefore would not have a negative impact upon the neighborhood or Zoning Ordinance. Mr. Slaugh further explained that the existing site is not located in a cohesive residential neighborhood or a set of row housing. He proceeded to identify other mixed uses in the area and gave the Board background information on the zoning ordinance. The Board accepted. The Board addressed the five parking spaces and expressed that if the applicant were to ever seek additional parking, it would be subject to another application and at that point the Board would have opportunity to revisit the operation of the site. The applicant agreed. (See Attachment No. 1 – Reports.)

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Application No. ZB-8/08 & SP-3/08 - Continued

Exhibits:

- A-1 Site Plan
- A-2 Revised Site Plan
- A-3 Colored Land Use & Zoning Map

The following witnesses were placed under oath:

- David Liu, Applicant
- Christine Yan, (Translator for Applicant)
- Z. Thomas Grybowski, Professional Engineer & Expert (Grybowski Group, P.C.)
- Tamara L. Lee, Professional Planner & Expert

Also placed under oath were the Township Professionals, Brenda Kraemer and Brian Slaugh. Mr. Roskos administered the oath.

Public Comment: None

Vote:

Mrs. Maffei moved and Mr. Ehret seconded to approve the application, including use variance, subject to all appropriate conditions and the recommendations contained in the Township Professionals' Reports.

AYES: Brame, Ehret, Kulak, Maffei, Kmosko, Lavine, Kremer

ABSENT: Lewis

PRESENT, INELIGIBLE TO VOTE: Gladwell

7. **Application No. ZB-5/08 (Use Variance & Site Plan Waiver), NEW JERSEY CONFERENCE OF SEVENTH DAY ADVENTISTS, 2303 – 2307 Brunswick Pike, Tax Map Page 15, Block 1502, Lot 1.**

The public hearing was recorded. The Board took jurisdiction.

Vincent J. Mangini, Esq., represented the applicant. Mr. Mangini gave a brief history of the application and explained the existing use of the current site. He further explained the mission of the Seventh Day Adventists Church and the proposed uses to be associated with the new facility currently being renovated at 2303 – 2307 Brunswick Pike.

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Application No. ZB-5/08 - Continued

The applicant explained that the current office is located at 2160 Brunswick Avenue in Lawrenceville. The applicant further explained that the New Jersey Conference of Seventh Day Adventists, Inc. is the Administrative Headquarters of all their Churches for the State of New Jersey, which consist of 94 churches and 9 parochial schools. The applicant stated that the Mission of the Church is to share the good news of Jesus Christ and provide Christian Education to their members. The applicant described the retail operations of the book center, the health food store that is opened for the public and the various training programs for ministry leaders. The applicant proceeded to describe the surrounding properties of proposed use at 2303-2307 Brunswick Pike. The applicant explained that the proposed site would provide their Administrative Headquarters with additional space for the bookstore, health food store, administrative office space and additional conference rooms to meet the growth of the Church and expanded ministries. The applicant stated that there would be a total of 25 employees on staff, as well as, visitation of Pastors and/or Lay Members from Monday to Thursday during the hours of 8 a.m. to 6 p.m. The applicant stated that there would be no Church Services held at the Administrative Headquarters' building. The retail store will operate Monday to Thursday during the hours of 9:30 a.m. to 5 p.m. and twice a month on Sunday's during the hours of 10 a.m. to 2 p.m. The applicant is proposing a small addition to the rear to provide an access ramp into facility that would accommodate the handicap to enter from the parking lot to the upper and lower levels of the building with use of an elevator. The applicant explained that there would be a kitchen to be used primarily for the employees' lunch break and when guest are present for training seminars. The Headquarters' do operate a commercial kitchen or any type of soup kitchen. With regard to the waste management, the subject site contracts with an outside vendor. The applicant is proposing to receive larger deliveries at the new facility's loading area about twice a month and smaller packages, by regular mail, on a daily basis. Mr. Slauch referred to his report dated January 9, 2009, and addressed the minimal parking standards within the existing lot of 119 spaces. Mr. Slauch suggested that the applicant could make arrangements with the Lawrence Shopping Center to accommodate any overflow of needed parking during scheduled training seminars. The applicant proceeded to state that there is an existing sidewalk from the adjacent bank that joins the sidewalk on Route 1 that leads to the new facility. A brief discussion followed by the Board about the applicant building enough spaces to the maximum number. Mr. Roskos questioned whether additional staff would be added because of the new facility and the Church's growth. The applicant did not envision an increase at this point in time. The applicant was requested to provide additional parking information at next continued meeting. The applicant agreed.

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Application No. ZB-5/08 - Continued

Due to the lateness of the hour, no additional testimony was given. No further notice is required.

Exhibit:

A-1 Photograph, dated August 2007 – Northside of Building

The following witness was placed under oath:

- James Greene, Executive Director, (Secretary/Vice President) – Seventh Day Adventists

Public Comment:

- Debbie Dorner, 807 Lake Drive, addressed the rear parking lot and its current conditions. She stated that the parking lot is very dark and requested the applicant to turn the lights back on. The applicant agreed.

No Action was taken on this application. Jurisdiction continued to the next meeting of April 15, 2009, and at which time, the applicant will continue its presentation.

8. Old Business/New Business/Correspondence

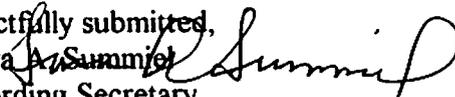
Mrs. Kraemer advised the Board of a Special Meeting to be scheduled for April 22, 2009, @7:30 p.m. Also, the Board will have its regular scheduled meeting of April 15, 2009, @7:30 p.m.

9. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 11:19 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,
Sara A. Summifer
Recording Secretary



MINUTES APPROVED, As Amended April 15, 2009