

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

Present: Stephen Brame (arrived 7:37 p.m.)
Michael Ehret (arrived 7:36 p.m.)
Robert Kulak
Cathleen Lewis
Leona Maffei
Bruce Kmosko (Alt. #1)
John Gladwell (Alt. #2)
Charles Lavine, Vice Chair
Peter F. Kremer, Chair

Absent: None

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson
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 Wednesday, July 9, 2009.

2. Public Participation - None

3. Minutes for Approval

April 15, 2009 (regular)

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

April 22, 2009 (regular)

Mr. Kulak moved and Vice Chair Lavine seconded to approve the minutes. This carried on the following voice call vote: AYES (7) NAYES (0) ABSENT (0) INELIGIBLE TO VOTE (2)

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4. Resolutions:

Resolution of Memorialization 12-09z approving Use Variance & Minor Site Plan Applications ZB-8/08 and SP-3/08, ZHAN (DAVID) A. LIU, 381 Lawrence Road, Tax Map Page 9, Block 902, Lot 5 (formal action taken 2/18/09)

Mr. Kulak moved and Mrs. Maffei seconded to approve Resolution No. 12-09z.

Vote:

**AYES: Brame, Ehret, Kulak, Maffei, Kmosko, Lavine, Kremer
NAYES None
ABSENT: None
INELIGIBLE TO VOTE: Lewis, Gladwell**

Resolution of Memorialization 13-09z approving Use Variance and Waiver of Site Plan Application No. ZB-5/08, NEW JERSEY CONFERENCE OF SEVENTH DAY ADVENTISTS, 2302 – 2307 Brunswick Pike, Tax Map Page 15, Block 1502, Lot 1 (formal action taken April 15, 2009)

This item was removed from the agenda.

Resolution of Memorialization 15-09z approving Bulk Variance Application No. ZB-9/08 for Shed Size, IAN & DEBORA EVANOVICH, 45 Craven Lane, Tax Map Page 57.02, Block 5703, Lot 42 (formal action taken June 17, 2009)

Mr. Brame moved and Mrs. Maffei seconded to approve Resolution No. 15-09z.

Vote:

**AYES: Brame, Kulak, Lewis, Maffei, Kmosko, Gladwell, Lavine,
NAYES None
ABSENT: None
INELIGIBLE TO VOTE: Ehret, Kremer**

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

5. **Application No. ZB-1/09 (CRICKET COMMUNICATIONS, INC.)-
(VIRGINIA A. VINCH), Minor Site Plan with Variances, 2 Vinch Avenue,
Tax Map Page 23.03, Block 2312, Lot 112.**

The hearing was recorded. The Board took jurisdiction.

Chair Kremer advised the Board of a potential conflict of interest and was willing to step down from the proceedings. Following a brief discussion with the Board's Attorney, no conflict was suggested.

Maria B. Desautelle, Esq., represented the applicant. Ms. DeSautelle briefly explained that the applicant is seeking use variance and site plan approval to permit the installation of a wireless cell tower. She further explained that the installation would require a ten-foot extension of the tower and construction of a base equipment cabinet. She gave a brief history of the new wireless communication company that is a licensed FCC to provide service in the Philadelphia Metropolitan area, which includes parts of Mercer County. She stated that the applicant would be seeking a D-6 variance and height variance. The applicant's professional described the existing compound to be located at the southerly end of the Vinch Avenue property, which is about 10 acres in size. The applicant explained that most of the site is wooded. There is an existing tower at 150 feet with seven carriers. The applicant's proposed ten-foot extension would be at the top of the pole and the proposed 4x8 ft. base would be located within 15 feet of the monopole. The applicant is proposing some plantings on the northerly and easterly side. Also, the applicant is proposing to provide a backup portable battery and temporary generator. The applicant explained that the tower would require a monthly and/or quarterly maintenance visit to the compound. The applicant is not proposing any type of lighting. The Board questioned whether the applicant had a contingency plan if there were ever a structural failure. The applicant stated that a preliminary site impact study was performed and the results indicated that the site's foundation was adequate. The applicant further added that some reinforcement to the base should be enough to mitigate any potential structural failure. The applicant agreed to submit required site impact report, as a condition of approval. The Board accepted. The applicant referred to Exhibit A-4 and addressed the coverage. The applicant described the coverage areas and proceeded to provide the positive criteria with regard to the LUO for the operation of the site and its suitability to fill gap coverage since there is no other suitable site. With regard to the variances, the applicant felt that the variances (D-2 & D-6) could be granted without any substantial negative impact to the surrounding area. The applicant further explained that because of the appropriateness of the existing site there would be no need to construct another 100-foot tower within a residential area.

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

Application No. ZB-1/09 – Continued

Mr. Slauch referred to his report dated July 7, 2009 and addressed the potential height variance and the previous approvals. He suggested a limitation to the height of the existing tower if applicant's proposed extension were to be granted; and therefore granting a total height of 164 feet. Following a brief discussion by the Board and their Professionals with regard to the basis to limit future extensions, the following recommendation of condition was suggested to be included within the Resolution, if approved: Recommendation: "that at the tail end of this resolution and finding, if there were to be any additional application(s) for an additional antenna or an extension of this tower, as a part of, that a full structural analysis be submitted with the application so the Board could be satisfied that the tower, as extended, would either be able to tolerate it, or the tower would have to be replaced with a new tower that could handle." The applicant accepted. Mrs. Kramer referred to her report dated June 11, 2009, and recommended that the applicant install required landscaping prior to the building permit and as recommended in Mr. Slauch's report. The applicant agreed to comply. Also, the applicant agreed to install matching antennas to the existing tower, as recommended. (See Attachment No. 1 – Reports)

Exhibits:

- A-1 (Site Plan)
- A-2 (C-1) Existing Pole
- A-3 (C-2) Existing Pole
- A-4 (Colored Coverage – In/Building - In/Vehicle Plan)
- A-5 (Colored – Proposed PHL-617 w/Coverage Plan)
- A-6 (Aerial Photo Site – PHL-617 Plan)
- A-7 (Photo – Colored – View from Drift Avenue – Proposed Ten-foot Extension/Cricket Monopole
- A-8 (Photo – Colored – View from Eggerts Crossing Road – Proposed Ten-foot Extension/Cricket Monopole

Witnesses Placed Under Oath:

- Glen Wallace, Professional Engineer, Representative for C & S Engineering & Expert
- Rupang Mehta, Radio Frequency Engineer, Cricket Communications, Inc.
- James T. Kyle, AICP/Professional Planner, (CMX) & Expert

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

Application No. ZB-1/09 – Continued

Public Comment: None

Mr. Brame moved and Vice Chair Lavine seconded to approve the application, including use variance, minor site plan and variance, subject to all stated conditions and recommendations contained in the Township Professionals' reports.

Vote:

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

NAYES: None

ABSENT: None

INELIGIBLE TO VOTE: Kmosko, Gladwell

6. **Application No. ZB-4/09 (VISHWA HINDU SEVA SANSTHAN, INC. (RADHA KRISHNA TEMPLE) Variances (Parcel & Signage) & Minor Site Plan Application No. 4/09, 357 Lawrence Station Road, Tax Map Page 41.01, Block 4102, Lot 1, and Block 4103, Lot 3.**

The hearing was recorded. The Board took jurisdiction.

Gary Backinoff, Esq., represented the applicant. Mr. Backinoff gave a brief history and update of the application. He briefly explained that the applicant received a use variance approval in the spring of 2007, per Resolution No. 14-07z, for a religious site located at 357 Lawrence Station Road that was purchased with three existing buildings. The applicant is proposing improvements to all three existing structures. The overall access to the property is from Lawrence Station Road and applicant is proposing a 24-foot wide driveway. Currently, the driveway area is w/stone and various area of black top. He stated that the Temple consists of a small congregation and that the participants continue to make site improvements. The applicant's professional gave a brief overview of the bulk variances and general site layout. Although there exists sanitary sewer, the applicant is proposing other utilities to be extended into two other buildings. The applicant is not proposing new drainage. The applicant is proposing 10 permanent parking spaces and 15 overflow parking spaces to be located in stoned area. Mrs. Kraemer referred to her report dated July 8, 2009, and addressed the overflow parking. She explained that proper permits for special events w/tents is required and questioned whether the applicant had received a letter from the Dempster Fire Department as a method to delineate any overflow parking.

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

Application No. ZB-4/09 – Continued

The applicant gave an overview of the proposed improvements and expansion to the existing buildings. The applicant is proposing a total of 13,655 sq. ft. for the proposed improvements and one-story expansions to the existing buildings for Temple building, residence for Priests, Community Room, covered porch addition, kitchen and bathrooms. The applicant explained that Building #3 would be completed during the first phase of construction with the addition to the front, but prior to the other site improvements such as the parking and landscaping. The second phase of construction would be the second floor addition to Building #2 and the last phase would be the Community Room. The applicant explained that the proposed additions would not create any new variances. The applicant referred to the Township Professionals' Reports and addressed the 33 feet dedication to the Mercer County Planning Board for "center line dedication"; the removal of open access driveway, the relocation of dumpsters and agreed to comply. With regard to the final layout, Mr. Slauch requested the applicant to reflect the final layout on the Plans, including the phases of construction indicated by the applicant because of affordability. Following a brief discussion by the Board and their Professionals, it was recommended that the applicant provide a Phase Plan Report for the Township Professionals to outline and review. With regard to the Phase Plan, Mrs. Kraemer recommended **that the applicant comply with the Bonding & Inspections Fees for soil disturbance prior to construction on Building #3, and issuance of building permits for Building #1 & #2.** The applicant agreed to comply. The applicant addressed the variances, exceptions and provided testimony acceptable to the Board. With regard to the other recommendations noted in the Township Professionals' Reports, the applicant agreed to comply and work with the Township Professionals with regard to the landscaping, buffering, lighting, and compatibility of building design. The applicant requested a variance for the proposed small monument sign and required 30 ft. setback. The Board accepted. Following a brief discussion by Mrs. Kraemer and the Board, the applicant was requested to provide traffic control measures during special events such as proper safety personnel, and/or shuttle buses to prevent pedestrian traffic on Lawrence Station Road. The applicant agreed to comply. (See Attachment No. 2 – Reports).

Exhibit:

A-1 (Minor Site Plan)

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

Application No. ZB-4/09 – Continued

Witnesses Placed Under Oath:

- **Dr. Prakash C. Sharma, Representative, Radna Krishna Temple**
- **Z. Thomas Grybowski, Land Surveyor/Professional Planner & Expert, Grybowski Group**

Also placed under oath was Township Professional, Brian Slaugh, PP, AICP.

The Board Attorney, Mr. Schmierer reviewed the conditions stated for motion by the Board to grant applicant the variances and waivers; exception relief, together with site plan approvals subject to the following: (1) that bonding and inspection for the soil disturbance, only, be posted prior to any work being done on Building #3 and that the remainder of bonding and inspections for site improvements be posted before the site work of Building #1 & #2 are under taken; (2) the applicant will be responsible for appropriately managing the vehicular traffic for special events, as stated above by Mrs. Kraemer; (3) that the approval does anticipate a Phasing Plan to involve Building #3 to be completed first; Building #2, second; and Building #1, third; and (4) the Board will delegate to the Township Professionals to work with the applicant and fine tune the site plan being approved, provided that the site plan remains unchanged with regard to the building(s) location, new driveway cut and fundamentals within the plan; layout of parking, lighting, landscaping, and all other site issues. If all is not satisfactory to the Township Professionals, the applicant must return to the Board for Amendment to the site plan, as approved.

Mr. Kulak moved and Mr. Brame seconded to approve the application, including variances and waivers, subject to stated conditions and recommendations contained in the Township Professionals' reports.

Vote:

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

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WEDNESDAY, JULY 15, 2009, 7:30 P.M.**

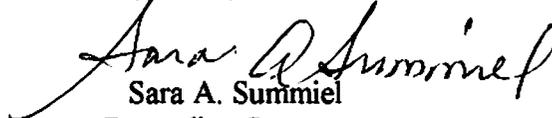
7. **Old Business/New Business/Correspondence:** None

8. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 10:20 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,


Sara A. Summiel
Recording Secretary

MINUTES APPROVED:

September 16, 2009