

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, JUNE 17, 2009, 7:30 P.M.**

Present: Stephen Brame
Robert Kulak
Cathleen Lewis
Leona Maffei
Bruce Kmosko, ALT. #1
John Gladwell, ALT. #2
Charles Lavine, Vice Chairman

Absent: Michael Ehret (Absent)
Peter Kremer, Chairman (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, Planning Consultant, Clark•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 on Wednesday, June 10, 2009.

2. Public Participation : (None)

3. RESOLUTIONS

Resolution of Memorialization 11-09z approving Use Variance Application
No. ZB-4/07 BERKS WALK AT LAWRENCE, 180 Franklin Corner Road,
Tax Map Page 39, Block 3901, Lot 10 (formal action taken 3/18/09)

Mrs. Lewis moved and Mr. Kulak seconded to approve Resolution No. 11/09z.

VOTE:

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

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Resolution of Memorialization 12-09z approving Use Variance & Minor Site Plan Application 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)

(Item removed from the agenda)

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, 2303-2307 Brunswick Pike, Tax Map Page 15, Block 1502, Lot 1 (formal action taken April 15, 2009)

(Item removed from the agenda)

Resolution of Memorialization 14-09z approving Use Variance Application No. ZB-12/08, 2480 ROUTE 1 LAWRENCEVILLE LAND, LLC, 2480 Brunswick Pike (north), Tax Map Page 22, Block 2201, Lot 16 (formal action taken 4/22/09)

Mr. Kulak moved and Mr. Brame seconded to approve Resolution No. 14-09Z.

VOTE:

AYES: Brame, Kulak, Lewis, Maffei, Lavine

NAYES: None

ABSENT: Ehret, Kremer

INELIGIBLE TO VOTE: Kmosko, Gladwell

RESOLUTION – CONDITIONAL DENIAL/EXPIRATION OF ACTION, CARE ONE, 3641 Lawrenceville Road - APPLICATION ZB-11/05.

Due to a potential conflict, Mrs. Maffei did not participate in this discussion.

Mrs. Kraemer explained to the Board that the application technically expires at the end of June and as of this date, a Letter of Extension has not been received. Following a brief discussion by the Board, Mr. Schmierer recommended that the Board adopt a Resolution which would conditionally deny the application and if the Letter is received prior to June 30, 2009, this action would be rescinded.

Mrs. Kraemer indicated that she would telephone the applicant's office to inquire whether a Letter of Extension is in the mail. The Board accepted.

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**RESOLUTION – CONDITIONAL DENIAL/EXPIRATION OF ACTION,
CARE ONE - APPLICATION ZB-11/05, PROVINCE LINE ROAD**

- Continued

Mr. Brame moved and Mrs. Lewis seconded to adopt the Resolution for Application ZB-11/05.

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

4. MINUTES:

March 18, 2009 – Regular

**Mr. Brame moved and Mr. Kulak seconded to approve the minutes
This carried on the following voice call vote: AYES (6) NAYES (0)
ABSENT (2) INELIGIBLE TO VOTE (1)**

**5. Application No. ZB-9/08 (IAN & DEBORA EVANOVICH), Bulk Variance,
45 Craven Lane, Tax Map Page 57.02, Block 5703, Lot 42.**

The hearing was recorded. The Board took jurisdiction.

Ian & Debora Evanovich, appeared on their own behalf and was placed under oath. Mr. Evanovich explained that the variance request is for a shed that has already been installed in the rear portion of their property. The shed is 12x28 in size and 10 feet in height with two means of access. He proceeded to review his letter submitted to the Township dated November 4, 2008, and described the two-story three bedroom gambrel style home having no garage and only a partial crawlspace. He stated that the house is situated on a grass and treed lot with homes adjacent on either side and the Lawrenceville Elementary School directly across the street. The rear yard is fenced and includes an above ground pool and a small cabana for pool accessories. The applicant stated that they have lived in the home for over two years and have been exploring effective ways to increase storage capabilities to accommodate the needs of the family. The applicant explained that additional storage is needed for outdoor furniture and related equipment, and the outdoor equipment of their small children. The applicant stated that the final solution was to add a storage shed on the rear west side of the property without infringing on any neighboring property. The applicant described the

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shed purchased from Lancaster, PA to have the same gambrel roof style, exterior design and color of their house that is aesthetically pleasing to the property and layout of the rear yard. The applicant expressed that the shed is currently used for the storage of all outside maintenance equipment, outside furniture, children's outside equipment and things that would be normally stored in a garage and/or basement. The applicant expressed a tremendous hardship both logistically and financially if the shed would have to be removed and some other type of portable storage container put in its place. The applicant further added that due to the large size of their lot and placement of the storage shed in the west rear portion of yard, the storage shed does not infringe on any other property or cause any detrimental harm to anyone, and is located within the property line requirements for all adjacent properties. The applicant stated that there is no running water or electricity usage in the shed. Mrs. Kraemer addressed her report dated December 16, 2008 and stated that the applicant does meet the set back requirement. She proceeded to question the purchase and placement of the shed before coming before the Board. The applicant explained that he was not aware of the need for such a request for permit. Mr. Slaugh addressed the zoning standards for the placement of sheds. Following a brief discussion by the Board, Mr. Slaugh questioned whether the applicant would be willing to include additional landscape to the rear, plant brushes and trees that would grow within a year to solve the sight line from the rear neighboring property. The applicant agreed to a timetable for fall planting by October. The applicant agreed to provide and agreed to work with the Township Professionals. The Board accepted. *Mrs. Kraemer proceeded to address the unique character of this particular property and the size of the shed. It was further stated and agreed by the Board that this approval is not meant to set a precedent, but because of the unique circumstances of the lot and the applicant's ability to mitigate the problems for the adjoining property would cause the Board to approve this application. (See Attachment No. 1 – Reports)*

Exhibits:

A-1 (Colored Photos, dated 6/14/09) – taken by the applicant

Also placed under oath were the Township Professionals, Brenda Kraemer and Brian Slaugh. The oath was administered by Mr. Schmierer.

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Public Comment:

Virginia Buchanan, 62 Craven Lane, was placed under oath. She stated that the Evanovich were the best neighbors and have made many improvements to their property. Also, she stated her approval of the shed.

Jon VanHavere, 51 Craven Lane, was placed under oath. He stated his approval of the shed.

Shoshana Gutshow, 56 Titus Avenue, was placed under oath. She explained that her property is aligned to the applicant's rear yard. She proceeded to state her concerns about her rear view and did not feel that the shed would be aesthetically pleasing to the property or neighborhood.

Edward Doan, 39 Craven Lane, was placed under oath. He stated that he remembers when the house was first built and that out of all the previous owners; the Evanovich's are the best. He commended the applicant for keeping a well-kept property. He further stated his approval for the shed.

Mr. Brame moved and Mr. Kulak seconded to approve the application, including variance and mitigation, and conditions placed on record, subject to all appropriate conditions and the recommendations contained in the Township Professional's reports.

Vote:

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

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6. Old Business/New Business/Correspondence: None

7. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:25 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,


Sara A. Summiel
Recording Secretary

MINUTES APPROVED: September 16, 2009