

**LAWRENCE TOWNSHIP ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 16, 2009, 7:30 P.M.**

**Present:** Stephen Brame  
Michael Ehret (arrived 7:35 p.m.)  
Robert Kulak  
Cathleen Lewis (arrived 7:45 p.m.)  
Leona Maffei  
Bruce Kmosko (Alt. #1)  
John Gladwell (Alt. #2) (arrived 7:37 p.m.)  
Peter F. Kremer, Chair

**Absent:** Charles Lavine, Vice Chair (absent/excused)

**Also Present:** Brenda Kraemer, P.E., Assistant Municipal Engineer  
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson  
Andrea Malcolm, 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 Thursday, September 10, 2009.

**2. Public Participation - None**

**3. Minutes for Approval:**

**Wednesday, June 17, 2009 (regular)**

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

**Wednesday, July 15, 2009 (regular)**

Mrs. Lewis moved and Mr. Kulak seconded to approve the minutes. This carried on the following voice call vote: AYES (7) NAYES (0)  
ABSENT (1) INELIGIBLE TO VOTE (1)

**LAWRENCE TOWNSHIP ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 16, 2009, 7:30 P.M.**

**4. Resolutions:**

**Resolution of Memorialization 13-09 approving Use Variance and Waiver of Site Plan Application No. ZB-5/09, NEW JERSEY CONFERENCE OF SEVENTH DAY ADVENTISTS, INC., 2303-2307 Brunswick Pike, Tax Map Page 15, Block 1502, Lot 1 (formal action taken 4/15/09)**

**This item was removed from the agenda.**

**Resolution of Memorialization 16-09 approving Use Variance Application No. ZB-1/09 and Minor Site Plan Application No. SP-1/09, CRICKET COMMUNICATIONS, INC. (VIRGINIA A. VINCH), 2 Vinch Avenue, Tax Map Page 23.03, Block 2312, Lot 112 (formal action taken 7/15/09)**

**Mr. Kulak moved and Mrs. Lewis seconded to approve Resolution No. 16-09.**

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

**NAYES: None**

**ABSENT: Lavine**

**INELIGIBLE TO VOTE: Kmosko, Gladwell**

**Resolution of Memorialization 17-09 approving Bulk Variance (parcel & signage) Application No. ZB-4/09, and Minor Site Plan Application No. SP-4/09, VISHWA HINDU SEVA SANATHAN, INC. (RADHA KRISHNA TEMPLE), 357 Lawrence Station Road, Tax Map Page 41.01, Block 4102, Lot 1 & Block 4103, Lot 3 (formal action taken 7/15/09)**

**Mrs. Maffei moved and Mr. Brame seconded to approve Resolution No. 17-09.**

**AYES: Brame, Kulak, Lewis, Maffei, Kmosko, Gladwell**

**NAYES: None**

**ABSENT: Lavine**

**INELIGIBLE TO VOTE: Ehret, Kremer**

**LAWRENCE TOWNSHIP ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 16, 2009, 7:30 P.M.**

**5. Application No. ZB-09/09 (Bulk Variance), LEEANN WALKER (CHARLES SHUPE), 2 Allwood Drive, Tax Map Page 30.01, Block 3007, Lot 22.**

**The public hearing was recorded. The Board took jurisdiction.**

**Leeann Walker, the applicant appeared on her own behalf and was placed under oath. The applicant is requesting approval to construct an 8'x27.5 single story by expanding the side of their property out toward the side yard that backs up to Merritt Drive. Mrs. Walker described the corner property as having two front yards and where a 30-foot front yard setback is required, only 24 feet can be provided. The applicant proceeded to explain that the side expansion would include a full-master bath, a laundry room, additional closet space and a better flow of the house. The applicant explained that a rear expansion was not considered because it would require extensive reconstruction to the roof. Also, she stated that a rear construction would limit a good use of the proposed floor plans. Mrs. Kraemer referred to her report dated September 1, 2009, and stated that the expansion would have a minimal impact on the streetscape. Also, she stated that there would be no adverse impact on grading or drainage. She felt that the encroachment would be de minimis in nature. The Board accepted. (See Attachment No. 1 - Reports.)**

**Exhibits: None**

**Witness:**

- **Leeann Walker, Applicant, Sworn-in**

**Also placed under oath were the Township Professional, Brenda Kraemer. Mr. Schmierer administered the oath.**

**Public Comment: None**

**Mr. Brame moved and Mrs. Maffei seconded to approve the application, including variance, and subject to all appropriate conditions and recommendations set forth in the Township Professionals' reports.**

**AYES: Brame, Ehret, Kulak, Maffei, Kmosko, Gladwell, Kremer  
ABSENT: Lewis, Lavine**

**LAWRENCE TOWNSHIP ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 16, 2009, 7:30 P.M.**

- 6. Application No. ZB-8/07 (Use Variance, Minor Site Plan Application No. SP-4/07, and Minor Subdivision Application No. S-4/07 with variances and waivers), DOUGLAS S. KNEHR, ESQUIRE, 208 Bakers Basin Road, Tax Map Page 40.01, Block 4001, Lot 29.**

**The public hearing was recorded. The Board took jurisdiction.**

**Douglas S. Knehr, Esq., the applicant appeared on his own behalf and was placed under oath. In addressing the prior application and concerns of the Board, Mr. Knehr stated that this application has been significantly downsized from the initial application of May 2007. He proceeded to review the previous application and expressed his sentiments with regard to the costly submissions to the Township and County, in addition to the current application. The applicant stated that the current application eliminates the apartment, cabana structure and second parking lot. The applicant stated that the current application is seeking approval for only a garage structure and a subdivision to create two lots for each existing principal dwelling. The applicant described the site to be 2.67 acres in size and is located along the western side of the Delaware and Raritan Canal. He added that the rear lot line is of an irregular shape because of the Delaware and Raritan Canal. He stated that the subdivision would further the use of the residential site and felt that the total area would be more than enough for the granting of request. With regard to the proposed six-car garage (20' x 65'), the applicant stated that the structure would be hidden by over grown evergreen trees that are already 20 feet tall. The applicant further stated that if the Board feels that the garage is not appropriate at five feet from the property line, the applicant stated his willingness to construct a shed with a smaller dimension. The applicant stated that he would like to stay competitive in maintaining a better place for his tenants and to provide them storage.**

**Mrs. Kraemer referred to her report dated August 6, 2009 and Mr. Slauch's report dated September 3, 2009, and addressed (Item 6.2) the stormwater management rules. (See Attachment No. 2 – Reports) She stated concerns with regard to the dry well for water run off and the visual impact. She further stated that the site would be problematic because of the proposed location and remaining five-foot side yard set back would be inadequate for new landscaping, where a 25-foot buffer is required for Lot 29 and a 50-foot buffer for the proposed new lot. Also she stated that the applicant must provide a Letter of Certificate from D&RCC regarding the visual impact and the stream encroachment permit. A discussion followed by the Board with regard to the many issues associated with the proposed application, the land uses and violations of existing non-conforming conditions.**

**LAWRENCE TOWNSHIP ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 16, 2009, 7:30 P.M.**

**Application No. ZB-8/07 – Continued**

The applicant proceeded to describe the subject site, the surrounding uses and stated his concerns that Lawrence Township has not been consistent with its land uses within the site's immediate area. The Board proceeded to remind the applicant of their responsibility in the review of this application on its own merit and to ensure application is consistent with the Municipal Land Use, Zoning Laws and Master Plan. The Board expressed their concern about the many issues associated with the proposed application, the land use and the violations. The applicant's professional gave an overview of the site's design, proposed garage structure, existing parking and proposed subdivision. The applicant stated that the proposed subdivision of the two principal buildings will have cross access for parking, utilities will run separately and each could be sold separately. The applicant stated that there are a number of variances that could exist only because of the buildings' setbacks. The applicant stated that 64 percent of Lot 29 is located within the Conservation Easement where nothing could be built and would impact any future development of either lots. The applicant addressed the positive criteria stating that the site was well suited and construction of the garage would be architecturally compatible with existing buildings. The applicant stated that the proposed request would not create a negative impact to the public.

A lengthy discussion took place by the Board and the Board's Professional Staff with regard to the garage being an accessory building that would be located in the front yard. Ms. Malcolm referred to Mr. Slauch's report dated September 3, 2009 and addressed the expansion of the nonconforming use, site development and the negative impacts. She stated that the property should not be subdivided because of the irregular in shape. She further stated that although, the applicant has offered to reduce the size of the shed, any subdivision to that property would increase intensity of uses, including the minimum lot frontage, width, front and side yards, rear yards, and landscape buffers. The Board accepted.

The Board Members stated many concerns in addition to their findings and questioned the approval of the subdivision because: of the accessory building to be constructed next to the subdivided lot with shared parking, of the configuration of the lot's alignment, the subdivision would create more problems with lots gerrymandered to create conforming lot sizes that will not represent a true cut, and therefore the subdivision would not solve the issue with the property. The Board continued to discuss the site's suitability and the negative impacts.

**LAWRENCE TOWNSHIP ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 16, 2009, 7:30 P.M.**

**Application No. ZB-8/07 – Continued**

A discussion followed by the applicant with regard to his request and expressed that the subdivision approval is paramount and if he were not to receive both, the application would be pointless. Following a brief break, the applicant requested to bifurcate the application and called for the Board to vote only on the subdivision; and if not approved, the applicant would then ask for the proposed structure to be held at the next scheduled meeting. Mr. Schmierer agreed and felt it would be a fair way to proceed. It was suggested that the applicant return with actual footprint located, revised plans and decide whether variances would be required. The Board accepted. Jurisdiction was taken and discussion followed regarding the minor subdivision

Chair Kremer commended the applicant on the improvements completed on the property.

**Exhibits:**

A-1 Colored Picture - Shed Type Structures

**The following witness remained under oath:**

- Douglas S. Knehr, Esq., and Applicant
- Michael Mueller, Professional Engineer/Planner & Expert

**(Township Professionals, Brenda Kraemer and Andrea Malcolm were placed under oath. Mr. Schmierer administered the oath.)**

**Public Comment: None**

**Mr. Ehret moved and Mr. Brame seconded to deny the minor subdivision application for the reasons stated by the Township Professionals and the Board. Applicant will continue the remaining portion of application, with no further notice to the November meeting.**

**Vote:**

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

**LAWRENCE TOWNSHIP ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 16, 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 9:50 p.m.

**Digital audio file of this meeting is available upon request.**

Respectfully submitted,



Sara A. Summiel  
Recording Secretary

**MINUTES APPROVED:** December 16, 2009