

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009, 7:30 P.M.**

**Present:** Stephen Brame  
Michael Ehret  
Robert Kulak  
John Gladwell, Alt. #2  
Peter Kremer, Chairman

**Absent:** Cathleen Lewis (Absent/excused)  
Leona Maffei (Absent/excused)  
Bruce Kmosko, Alt. #1 (Absent/excused)  
Charles Lavine, Vice 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 Friday, November 13, 2009.

**2. Public Participation : (None)**

**3. RESOLUTIONS**

Resolution of Memorialization 19-09z Denying Minor Subdivision Application No. S-4/07, DOUGLAS S. KNEHR, ESQUIRE, 208 Bakers Basin Road, Tax Map Page 40.01, Block 4001, Lot 29 (formal action taken 9/16/09)

Mr. Brame moved and Mr. Kulak seconded to approve Resolution No. 19/09z.

VOTE:

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

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009, 7:30 P.M.**

Resolution of Memorialization 20-09z approving Bulk Variances Application  
No. ZB-10/09, IRA & DEBRA BASEMAN, 5 Van Kirk Road, Tax Map Page  
65.04, Block 6501, Lot 138 (formal action taken 10/21/09)

Mr. Brame moved and Mr. Gladwell seconded to approve Resolution No. 20-09Z.

**VOTE:**

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

**4. MINUTES FOR APPROVAL:**

**October 21, 2009 – Regular**

Mr. Brame moved and Mr. Gladwell seconded to approve the minutes  
This carried on the following voice call vote: AYES (4) NAYES (0)  
ABSENT (4) INELIGIBLE TO VOTE (1)

**5. PROPOSED 2010 – 2011 ZONING BOARD OF ADJUSTMENT  
SCHEDULE**

The Board reviewed the proposed schedule and all present stated their approval.  
(See Attachment No. 1)

**6. Application No. ZB-11/09 (ANNA KOWAL), Bulk Variance, 344 Glenn  
Avenue, Tax Map Page 35.02, Block 3509, Lot 24.**

The public hearing was recorded. The Board took jurisdiction.

The applicant Anna Kowal-Comjean, appeared on her own behalf and was placed under oath. The applicant gave a brief explanation for the bulk variance request to construct a two-car garage. Also, she explained that a proposed handicap ramp would assist her husband to enter in and out of the home through the garage in a wheel chair. She explained that they have a second house in Massachusetts and would like to live more in New Jersey. The applicant explained that there is no other area or practical place for the garage to be constructed. Chair Kremer questioned whether the applicant had explored the possibility to buy a portion of their neighbor's property. The applicant stated no and did not realize it was a possible option to mitigate the problem of the encroachment into the left side yard setback.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009, 7:30 P.M.**

**Application No. ZB-11/09 – Continued**

Mrs. Kraemer referred to her report dated November 4, 2009, and questioned the variances with regard to the garage addition being four feet from the side property. She questioned how the ramp would work and stated concerns about the left front corner in that it would be difficult to construct without the addition going onto the neighbor's property. She further questioned whether the addition could be narrowed by two feet. A discussion took place by the Board and the applicant with regard to the interior layout of the garage and questioned whether applicant would have enough room for the husband's wheelchair to get in & out of the car and unto the ramp. The Board questioned whether the applicant would consider an oversized one-car garage vs. a two-car garage. The builder stated it was discussed, but not considered since their main purpose was to get one car off the street and one into the garage. Mrs. Kraemer further stated that the four feet would be too tight to the property line, since it is more than a 30 percent encroachment. Mrs. Kraemer addressed the swale and roof drainage, and requested the applicant to provide proper piping to the existing inlet at the intersection of Glenn Avenue and Stonicker Drive. The applicant agreed to comply. Mrs. Kraemer suggested that the ramp be constructed to the front since the driveway is large. Also she stated that the driveway could handle an oversized garage to house one car and a parked car in the driveway.

Mr. Slaugh added that it would be appropriate to direct questions to the applicant's architect with regard to the Township's recommendations and consideration for an oversized garage in order to make the addition more functional for the applicant's husband to get out of the car and onto the ramp. The Board agreed.

Following a discussion by the Board, it was suggested that the applicant request their Architect to: review the Township's comments with regard to the dimensions of the garage; be present to provide testimony; provide detailed elevations and drawings; consider a more functional garage (an oversized garage vs. a two-car garage) and change realignment of the ramp. Also, Mrs. Kraemer added that recommended comments would benefit the applicant due to insufficient area for landscape buffering and allow a cross-examination of the neighbor's stated concerns.

No action was taken on this application. The applicant agreed to continue jurisdiction to next scheduled meeting.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009, 7:30 P.M.**

**Application No. ZB-11/09 – Continued**

Mr. Brame moved and Mr. Ehret seconded to take no action on this application for the reasons stated. Jurisdiction was carried to next scheduled meeting on December 16, 2009. All present stated their oral approval. Mr. Schmierer added that no further notice will be required.

**Exhibit:**

A-1 (Pictures #1-6 of Property)

**Witness:**

John C. Turner, Builder (Sworn-in)

**Public Comment:**

**Jerome & MaryAnn Bentley, 33 Stonicker Driver**, were both placed under oath. Mr. and Mrs. Bentley described the location of the property at Stonicker Drive. They stated the disadvantages and advantages of living on the corner property. They stated concerns about the encroachment on the setback side and how it would significantly affect their property since the COAH home is visible from their family room. They stated their objections and felt that the setback becomes a burden to their yard. Also, they stated concerns about existing flooding issues. With regard to selling a portion of their property to the applicant, the Bentley's had not given any thought to that idea.

**7. Application No. ZB-8/07 (DOUGLAS S. KNEHR, ESQUIRE), USE & Bulk Variance AND Minor Site Plan Application No. SP-4/07, 208 Bakers Basin Road, Tax Map Page 40.01, Block 4001, Lot 29.**

The hearing was recorded. The Board took jurisdiction.

Prior to the hearing, Chair Kremer explained to the applicant that there were only five Board Members present and questioned whether he would like to proceed since the applicant would need a unanimous vote. The applicant, Mr. Knehr expressed his desire to proceed.

In addition, Chair Kremer addressed Mrs. Kraemer's report dated October 28, 2009, in which the applicant has presented an Option 1 (to construct a 20'x60' six-car garage on existing driveway) or an Option 2 (to construct a 10'x20' shed

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009, 7:30 P.M.**

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

on existing driveway) and asked Mr. Schmierer for guidance. Mr. Schmierer advised the Board that the applicant may present both options, as part of the application, giving evidence, testimony, and plans; and then, the Board would be persuaded by either one or the other and/or none. The Board proceeded.

Douglas S. Knehr, Esquire, appeared on his own behalf, and was placed under oath. The applicant's professional gave a brief overview of the history for the 2003 application regarding the establishment of the parking area and the encroachment into the buffer area. The applicant proceeded present Option 1 and explained that the six-car structure garage is being proposed on the asphalt where there is currently parking. The applicant addressed the Board's concern with regard to the increased impervious coverage and explained that there were not many places to put the structure because of the many restrictions. The applicant felt that the structure will have limited visibility from the road. The applicant stated that the structure would provide storage for the tenants without compromising the vehicles inside of garage. The applicant stated that if the larger structure is not acceptable, the 10'x20' structure would be proposed even though it is most undesirable. The applicant stated that there are existing cedar grove trees that would act as a buffer.

Mr. Slaugh referred to his report dated November 5, 2009, and questioned whether the storage area would be above the garage parking or to the back of the garage. The applicant explained that the storage area will be a platform above the stairs, which leads to the second floor. Mr. Slaugh stated that the plans do not depict the stair case and proceeded to question the architectural details with regard to the access to the building, its character, the cross access, and lease agreement for the tenants to keep the garage space clear for access of the car. Mr. Slaugh addressed the parking spaces and explained to the applicant that there may be fewer spaces, than testified. He stated that although the applicant has proposed 10 spaces, it is really a total of 16 spaces since each garage space acts as additional spaces. He suggested that the applicant remove the three spaces in the front yard. Mr. Slaugh stated concerns with regard to the existing gravel parking area, where the Ordinance requires parking areas to be paved. Mr. Slaugh addressed the accessory use and proceeded to cross-examine the applicant's testimony with regard to whether the proposed design would be consistent with the highway commercial zone district. The applicant explained that the accessory use would benefit the tenants who use the site on a daily basis. The applicant proceeded to address the variances and exceptions with regard to the use, front yard, side yard, buffer width, parking lot setback. The applicant stated that the proposed building will have minimal encroachment. He added that the buffer is well-maintained and

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009, 7:30 P.M.**

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

would create a solid buffer. With regard to reducing some of the parking spaces, the applicant agreed. The applicant addressed the use variance and stated that it would be particularly suited for this site; and not a detriment to the Zoning Plans or neighbors. The applicant felt the use to be consistent with the current use and the mixed uses beyond the site. The applicant stated that the proposed location of the garage would not change the intensity of the site because of the solid buffering. Although Mr. Slauch agreed that the proposed structure does not increase the intensity of the use, but stated that the proposed structure would be an expansion of a non-conforming use and a prohibited accessory structure use within a front yard that creates a visual impact. With regard to the landscape buffer width variance, Mr. Slauch further added that the applicant were to install buffering with an island in the center when the parking lot was expanded, as a part of their 2003 application. Also, he stated that the island appears to have been removed during construction and never re-installed, according to the site plan. He further stated that if there is going to be a garage, the proposed location would probably be the best.

Following a discussion by the Board with regard to whether the site is suitable to the use, the Board stated other concerns about the number of variances, the expansion of a non-conforming use becoming greater by adding a garage and/or investment. In terms of a highway commercial use and the zoning that applies to property, Mr. Brame questioned the intended use as outlined in the Master Plan and stated concerns about widening the door of the envisioned use. As requested by the Board, Mr. Slauch proceeded to review Items 3.1 through 3.8 in concert with the applicant's testimony and suggested a smaller garage.

Mrs. Kraemer referred to her report dated October 28, 2009, and stated concerns about the structure being all on impervious surface. She stated concerns with Option 1 because of the mass and the building's impact on the front yard. She stated that in some areas of the town, the proposed structure would be the size of some of the houses. Even though Option 2 was not discussed, as part of the applicant's testimony, she stated that she is of the same opinion, as outlined in her Report.

The Board closed the public hearing.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009, 7:30 P.M.**

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

Following a brief break, the applicant returned and requested the Board not to call for a vote. Instead, the applicant requested the absent Board members to listen to the tape and continue Jurisdiction to the next scheduled meeting on December 16, 2009.

The Board proceeded to discuss the threshold questions. Although Mr. Ehret felt that the building of a garage would not hinder the commercial use, he gave a brief statement indicating his uncertainty of an approval in that he would not want to increase the variances because of the use being residential and highway commercial. He addressed the parking spaces and felt that the removal of a few spaces would eliminate some of the variances. Also, Mr. Kulak and Mr. Gladwell expressed no objections to the size of the garage, but felt that the additional landscaping and buffering could help screen the proposed structure. A brief discussion took place by the Board with regard to the applicant making the size less massive. Mrs. Kraemer stated that the proposed reduction will determine whether the accessory variance remains. Chair Kremer and Mr. Brame added their concerns with regard to the threshold issues and possible violation to the Zoning Plan. The entire Board will review the tape of this hearing prior to the carried meeting of December 16, 2009, to give the Board members an opportunity to set forth questions.

The Board stated that it is important that the applicant deal with the threshold issues. The applicant responded and stated that he will return every month and reduce the structure foot by foot with plans until he receives a favorable approval. The Board reminded the applicant about the necessary evidence that must be presented.

**Mr. Brame moved and Mr. Gladwell seconded to take Jurisdiction for continued meeting on December 16, 2008. All present stated yes.**

**No further action was taken on this application at the request of the applicant. Mrs. Kraemer will make tapes available to all of the Board Members.**

**Exhibits:**

A-1 (Picture Exhibit of Site)

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009, 7:30 P.M.**

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

**Witness: Michael Muller, Professional Planner & Expert (Sworn-in)**

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

**Public Comment: None**


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

9. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 10:25 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

  
Sara A. Summiel  
Recording Secretary

MINUTES APPROVED: December 16, 2009



TOWNSHIP OF LAWRENCE

Division of Planning and Redevelopment

TO: Zoning Members and Consultants  
FROM: Brenda Kraemer, P.E., Secretary to the Zoning Board BK/s  
DATE: November 13, 2009  
SUBJECT: **PROPOSED ZONING BOARD 2010 - JANUARY 2011 MEETING SCHEDULE**

Attached is a copy of the proposed 2010 - 2011 Zoning Board meeting schedule for the Board's consideration.

We have attempted to coordinate the Board's schedule with that of Council and with regard to holidays, religious days, and other events, and it appears at this time that there are no conflicts in the proposed schedule.

You will note that we have listed the first meeting of the year for a regular and reorganization meeting on Monday, January 13, 2010.

Please review this schedule in order that a decision can be made at the Board's meeting since this information must be provided to the Municipal Clerk prior to the end of the year.

BK:AMW

Attachment

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT**  
**YEAR 2010 MEETING SCHEDULE**

* January 13, 2010	July 21, 2010
February 17, 2010	August 18, 2010
March 17, 2010	September 15, 2010
April 21, 2010	October 20, 2010
May 19, 2010	November 17, 2010
June 16, 2010	December 15, 2010

\*January 12, 2011 – Reorganization & Regular Meeting

\* Note this meeting is the second Wednesday of the month.

Meetings are scheduled to begin at 7:30 p.m., and are held in Lower Level Conference Room of the Lawrence Township Municipal Building, 2207 Lawrenceville Road, Lawrence Township NJ 08648.

BK:amw