

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING
WEDNESDAY, JANUARY 25, 2012, 7:00 P.M.**

Present: John Gladwell
Bruce Kmosko
Peter F. Kremer
Charles Lavine (Excused at 7:52 p.m.)
Samuel Pangaldi
Frank Scangarella, Alt. #1
Edward H. Wiznitzer, Alt. #2
Leona Maffei, Vice Chair
Stephen C. Brame, Chair

Absent: None

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, Planning Consultant, Clarke•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.

2. Public Participation : (None)

3. OATH – NEW MEMBERS:

Samuel Pangaldi, John Gladwell, Frank Scangarella, and Edward Wiznitzer were placed under oath. Mr. Schmierer administered the oath.

4. ELECTIONS: CHAIRPERSON

Mr. Kremer moved and Mr. Lavine seconded to appoint STEPHEN C. BRAME, as Chairperson. Nominations were closed. The following voice call vote took place: AYES (7) NAYES (0) ABSENT (0) INELIGIBLE TO VOTE (2)

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5. ELECTIONS: VICE CHAIRPERSON

Chair Brame moved and Mr. Gladwell seconded to appoint LEONA MAFFEI, as Vice Chairperson. Nominations were closed. The following voice call vote took place: AYES (7) NAYES (0) ABSENT (0) INELIGIBLE TO VOTE (2)

6. APPOINTMENTS:

RESOLUTION 1-12z APPOINTING (EDWIN W. SCHMIERER, ESQUIRE), AS PLANNING BOARD ATTORNEY, REPRESENTING THE FIRM OF MASON, GRIFFIN & PIERSON.

Mr. Lavine moved and Mr. Pangaldi seconded to approve the Resolution No. 1-12z.

Vote:

AYES: Gladwell, Kmosko, Kremer, Lavine, Pangaldi, Maffei, Brame

ABSENT: None

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

RESOLUTION 2-12z - SPECIAL ATTORNEY (TABLED)

RESOLUTION 3-12z APPOINTING (SARA A. SUMMIEL), AS RECORDING SECRETARY.

Mr. Lavine moved and Mr. Gladwell seconded to approve the Resolution No. 3-12z.

Vote:

AYES: Gladwell, Kmosko, Kremer, Lavine, Pangaldi, Maffei, Brame

ABSENT: None

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

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RESOLUTIONS – CONTINUED

**RESOLUTION 4-12z APPOINTING (BRENDA KRAEMER, P.E.) AS
ENGINEER IN-HOUSE**

**Mr. Kremer moved and Vice Chair Maffei seconded to approve the
Resolution No. 4-12z.**

Vote:

AYES: Gladwell, Kmosko, Kremer, Lavine, Pangaldi, Maffei, Brame

ABSENT: None

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

**RESOLUTION 5-12z APPOINTING (BRENDA KRAEMER, P.E.) AS
SECRETARY IN-HOUSE.**

**Vice Chair Maffei moved and Mr. Pangaldi seconded to approve the
Resolution No. 5-12z.**

Vote:

AYES: Gladwell, Kmosko, Kremer, Lavine, Pangaldi, Maffei, Brame

ABSENT: None

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

**RESOLUTION 6-12z APPOINTING (BRIAN SLAUGH, PP/FAICP), AS
PLANNING CONSULTANT, REPRESENTING THE FIRM OF CLARKE
CATON HINTZ.**

**Mr. Lavine moved and Mr. Kremer seconded to approve the Resolution
No. 6-12z.**

Vote:

AYES: Gladwell, Kmosko, Kremer, Lavine, Pangaldi, Maffei, Brame

ABSENT: None

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

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RESOLUTIONS – CONTINUED

**RESOLUTION 7-12z APPOINTING (JAMES L. KOCHENOUR, P.E.) AS
TRAFFIC CONSULTANT, REPRESENTING THE FIRM OF ARORA
AND ASSOCIATES.**

**Mr. Lavine moved and Vice Chair Maffei seconded to approve the
Resolution No. 7-12z.**

Vote:

AYES: Gladwell, Kmosko, Kremer, Lavine, Pangaldi, Maffei, Brame

ABSENT: None

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

7. REP. TO GROWTH & REDEVELOPMENT COMMITTEE

Charles Lavine was appointed to serve on this committee.

**Chair Brame moved and Mr. Gladwell seconded to approve appointment to
Committee.**

Vote:

AYES: Gladwell, Kmosko, Kremer, Lavine, Pangaldi, Maffei, Brame

ABSENT: None

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

8. Adoption of Annual Report Resolution No. 8-12z

**Mr. Gladwell moved and Mr. Lavine seconded to Adopt Annual Report
(Resolution No. 8-12z).**

Vote:

AYES: Gladwell, Kmosko, Kremer, Lavine, Pangaldi, Maffei, Brame

ABSENT: None

INELIGIBLE TO VOTE: Scangarella, Wiznitzer

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9. MINUTES FOR APPROVAL:

Wednesday, August 17, 2011 – Regular

Vice Chair Maffei moved and Mr. Pangaldi seconded to approve the minutes. This carried on the following voice call vote: AYES (5) NAYES (0) ABSENT (1) INELIGIBLE TO VOTE (3)

Wednesday, September 21, 2011 – Regular

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

Wednesday, December 21, 2011 – Regular

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

10. Application No. ZB-8/11 Use, Conditional Use and Bulk Variance (AGAPE INTERNATIONAL CHILDREN'S ACADEMY LLC), 2160 Brunswick Pike, Tax Map Page 16, Block 1602, Lot 44.01

The hearing was recorded. The Board took jurisdiction.

Henry T. Chou, Esq., represented the applicant. Mr. Chou gave a brief overview of the proposed application. He stated that the applicant is the contract purchaser to use the existing building at 2160 Brunswick Avenue for a day care center. He explained that the New Jersey Conference of 7th Day Adventists Church remains the owner of the property. He explained that the property is located in the R-4 Zone and currently holds a tax-exempt status. He stated that the day care is a permitted conditional use, but added that the site does not meet the D-3 variance to operate the day center, as an inherently beneficial use. He stated that the applicant is not proposing substantial changes to the site, but is willing to work with the Township Professionals, as a condition of approval, to address certain site issues since the applicant is requesting a site plan waiver. He stated that the applicant held a productive meeting with neighbors to explain the proposed conditional use and addressed the neighbors concerns.

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Application No. ZB-8/11 – Continued

The applicant, Mrs. Atunrase gave detailed background about her previous Day Care Center on 1805 Brunswick Avenue and unfortunate circumstance about the foreclosure of the landlord's building. She explained that due to the foreclosure, she has relocated to a temporary site in Ewing Township. She stated her vision to serve the Community of Lawrence and burden for children. She proceeded to describe the operations at her Morrisville, Pennsylvania site "Kids, Inc." as a licensed 24-hour Day Care Center. She stated that the Division of Family Services has given approval of 134 children for enrollment at the proposed site. She stated that the hours of operations would be from 6:30 a.m. to 7:00 p.m. Monday through Friday's. She added that the Day Care Center will provide door-to-door pick up for about 85 percent of the children by a mini-van bus. She further explained that not all the students arrive at the same time. She addressed the concerns addressed by the neighbors at a Neighborhood Meeting and have agreed to provide plantings and a fence for adjoining neighbor. Following a lengthy discussion, Mrs. Atunrase, voluntarily, stated her willingness to reduce the total number of children's enrollment, based on a recommendation by the Township Professionals per a previous meeting regarding the parking lot layout. The applicant is now proposing not to exceed 98 children.

The Board addressed several questions to the applicant with regard to the Day Care Capacity by Division of Family Services, the Before & After School Program, the hours of operations, the total number of children to be enrolled following the applicant's willingness to reduce total enrollment to 98 children, the applicant's willingness to provide a No Right-turn Sign from parking lot exit drive, and whether there would be a possibility of more than one bus to be operated by the Day Care Center.

A brief discussion took place by the Board with regard to the regulation of parking spaces and concerns by the public. Mr. Schmierer explained that the Ordinance addresses the use and parking space requirements, it is not a requirement the Board can legally impose.

The applicant's Professional Architect, Joseph E. Sapphire, gave testimony with regard to the existing site plan and described the entrance from Bunker Hill. He stated that the testimony will reflect discussions with the neighbors and Township Professionals. He described the existing site and reviewed Exhibits A-1, A-2, A-3 and A-4. He proceeded to explain that the applicant will provide a new 8-foot solid fence to preserve the privacy of adjoining property owner. Also, the applicant will provide adequate landscape buffer.

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Application No. ZB-8/11 – Continued

He stated that the applicant is not proposing any additional pavement. He stated that the applicant is proposing to flip the side of parking and provide head-in parking so that headlights do not face the neighbors and to allow K-turns in parking lot. With regard to the dumpster, the applicant is proposing to relocate at end of straight dry path with new brick enclosure and a gate. The applicant agreed to work with the Township Professionals regarding the location of trash enclosure and backup distance. He stated that the applicant is proposing to eliminate the walkway from the Church to the adjoining house owned by the Church. He stated that the applicant will propose a potential 35 sq. ft. opened play and connected fence from the building with security screening and postings, as required by State law. He stated that the applicant is proposing a low-hooded lamp for security to be mounted to the building on the landscape side of property for parking lot lighting. He stated that the applicant is not providing any additional impervious coverage. With regard to the floor plan, Mr. Sapphire described the existing interior conditions, the expansion of existing restrooms to bring up to code, and the elimination of three upper level walls and two lower level walls to create additional classrooms. He stated that the applicant will provide an inside lift for the handicap to accommodate ADA 523.6 requirements. He stated the applicant will use the Church's existing HVAC system. He stated that the building is well-suited for the proposed use and intensity of use is low.

Discussions took place by the Township Professionals with regard to the dedicated space for the mini-van bus, handicap space, proposed level of deliveries by box type trucks, parking, location of dumpster and pre-dated zoning or variances.

A brief discussion took place by the Board with regard to the previous uses and other uses to be allowed at this site having a greater intensity of use. *The applicant was requested to provide a turning radius bus plan, lighting plan, total number of employed staff and copy of Report from Division of Family Children Services before the next scheduled meeting. (The applicant agreed to provide.)*

Due to the lateness of the evening, no action was taken on this application. Jurisdiction was continued to next scheduled meeting on February 15, 2012.

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Application No. ZB-8/11 – Continued

EXHIBITS:

- A-1 EX-0 Existing Site Plan, Rev. 1/16/2012**
- A-2 S-0 Proposed Site Plan, Rev. 1/16/2012**
- A-3 EX-1 Floor Plan, Rev. 1/16/2012**
- A-4 Proposed Floor Plan, Rev. 1/16/2012**

WITNESSES PLACED UNDER OATH:

- **Oyinola Atunrase, Contract Purchaser (Applicant)**
- **Joseph E. Sapphire, AIA (Sapphire & Albarran Architecture, LLC) & Expert**

PUBLIC COMMENT:

- **Richard Pelcz, 877 Mayflower Avenue, stated several concerns about the applicant's business problems. He questioned why the applicant should be granted a site plan waiver. He questioned the number of customers that would use the Day Care. He questioned hours and days of operation. He questioned how the applicant arrived at the reduced number of children to 98 and whether the applicant is proposing a traffic study for this site. He questioned whether the play area would require a variance and if required by the State. He questioned the length of proposed fencing and impact of lighting. He questioned the proposed location of the dumpster and stated concerns about the impact to the neighbors.**
- **Don Edwards, 773 Mayflower Avenue, questioned the classification of age for infants and number of proposed infants to be enrolled. He questioned the number of existing parking spaces, number of handicap spaces and maximum level of staff to be employed. He questioned whether the number of 98 students could go up to 134. He questioned whether the applicant would do a traffic study.**

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- **Kevin Dziura, AIA, representing his parents at 764 Bunker Hill Avenue, questioned whether 85 percent of the children would be successfully transported by bus to the proposed site and how the 85 percent could be enforced to alleviate additional traffic in the community. He questioned whether the play area would be part of the application. Also, he questioned where the overflow of staff would park when parking lot spaces are not available.**
- **Jennifer Dugal, 759 Mayflower Avenue, questioned how the drop-off with the bus would work it schedule travelling to and from the proposed site. Also, she questioned the total number of drop-offs in the morning.**
- **Sherry Roy, 773 Bunker Hill Avenue, questioned whether all the children would be picked up by 7:00 p.m. Also, she questioned whether the applicant would have extended hours.**
- **Valerie Baehr, 726 Mayflower Avenue, questioned the driving pattern of the bus and parents. She questioned whether the applicant could guarantee that bus and parents not drive through the community.**
- **Herbert Combs, 741 President Avenue, questioned the drop-off for the children and maximum number of trips, as well as, number of children to be transported. He proceeded to state concerns about the traffic. He questioned whether the teachers will teach the children.**
- **Philip Gaskill, Lawrence Township, questioned whether the applicant could use a nearby park play area instead of constructing one on the site.**

11. Old Business/New Business/Correspondence:

New:

A brief discussion took place by Brenda Kramer regarding a proposed change in starting and ending time of Township's Board meetings. She stated that effective immediately, the Zoning Board meetings will start at 7:00 p.m. and adjourn at 10:00 p.m. The Board accepted.

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Old Business/New Business/Correspondence: - Continued

New:

Vice Chair Brame gave a well-deserved Statement of Appreciation to Mr. Kremer, who had served as Chair for the past several years. The Board expressed their appreciation for Mr. Kremer's devotion and thorough preparation given for each application process while serving as Chair.

12. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Digital audio file of this meeting is available upon request.

**Respectfully submitted,
*Sara A. Summiel-emailed***

**Sara A. Summiel
Recording Secretary**

MINUTES APPROVED: May 16, 2012