

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, MAY 21, 2014, 7:00 P.M.**

Present: John Gladwell
Bruce Kmosko
Charles E. Lavine
Shabnam Salih
Samuel Pangaldi
Christina Hultholm, Alt. #2
Peter F. Kremer, Chair

Absent: Melissa Saunders, Alt. #1 (Absent/excused)
Frank Scangarella, Vice Chairman (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson
Brian Slaugh, PP, AICP, 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.

2. Public Participation : (None)

3. Resolution of Memorialization 13-14z approving Minor Site Plan Application No. SP-1/14 STRAIGHTWAY BAPTIST CHURCH, 680-690 Whitehead Road, Tax Map Page 16, Block 1601, Lot 46.

Mr. Gladwell moved and Mr. Lavine seconded to approve Resolution No. 13-14z.

Vote:

AYES: Gladwell, Kmosko, Pangaldi, Hultholm, Salih,
NAYES: None
ABSENT: Saunders, Scangarella
INELIGIBLE TO VOTE: Lavine, Kremer

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4. MINUTES FOR APPROVAL:

April 16, 2014 – Regular Meeting

Mr. Kmosko moved and Ms. Hultholm seconded to approve the minutes. The following voice call vote took place: AYES (4) NAYES (0) ABSENT (2) ABSTAINED (1) INELIGIBLE TO VOTE (2)

5. Application No. ZB-3/14 (ANAND KANAUIA) Bulk Variance, 5 Chelsea Court, Tax Map Page 70, Block 7001, Lot 14.

The hearing was recorded. The Board took Jurisdiction.

The applicant, Anand Kanaujia appeared on his own behalf. Mr. Kanaujia, a Lawrence resident of 12 years stated that he and his wife purchased a lot at 5 Chelsea Court to construct a new dwelling. He explained that their current residence does not meet the current or future needs for living space. (See Attachment No. 1 – Reports)

Dr. Eric Rupnarain, the applicant's Professional Engineer, referred to Exhibit A-1 and described the applicant's Plot Plan. Dr. Rupnarain described the proposed lot at 5 Chelsea Court to be 1.43 acres in size. He stated that the lot is an irregular shape parcel with frontage on Chelsea Court. The lot is located in the EP-2 zoning district on the westerly side that requires a three minimum acre lot size. He proceeded to explain that the applicant is proposing to construct a two-story dwelling with a total floor area of 6,000 square feet and an attached garage. He further stated that the berm occupies almost the entire rear building setback; and therefore, the applicant will be unable to create a large yard area for a patio, or a swimming pool in the future. Also, he added that moving the house would place it too close to Province Line Road since the rear yard also fronts on Province Line Road. He stated that many hours have been spent to eliminate the front building setback variance and reduce the lot coverage area. He stated that the applicant believes the best location for the proposed dwelling is as shown on the Plot Plan. Since the applicant is unable to purchase additional land from either side of property owners and to avoid future Zoning approvals, the applicant is requesting to include the patio and pool in the current plot plan. The applicant is now requesting to provide: 1.43 acres of required 3.0 acre lot area; 50 feet of required 84.5 front yard and rear yard setbacks; and 16.1 percent of the required 13 percent maximum impervious coverage.

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Application No. ZB-3/14 – Continued

Mrs. Kraemer referred to her report dated April 16, 2014, and explained that based on her review with the owner to site the house at the berm (rear property line) would not be feasible. She stated that the applicant's proposal is keeping in with the character of the neighborhood and is closer to the lot setbacks that were in affect at the time for this development. (See Attachment No. 1 – Reports)

Exhibits:

A-1 Plot Plan

Witnesses Placed Under Oath:

- Anand Kanaujia, Applicant
- Eric Rupnarain, Professional Engineer & Expert

PUBLIC COMMENT:

- Rajenvra Gupta, Chelsea Drive, a neighbor to the proposed dwelling, stated his support for the approval of the applicant's proposed application.
- Donna Murray, President of Bainbridge Homeowner's Association, 3 Chester Court, stated the Association's support of the applicant's proposal. She stated that, as a Local Real Estate Agent, the proposed home will benefit the neighborhood and Township. Also, she stated that the proposed dwelling would value at about \$1M.

Mr. Pangaldi moved and Mr. Lavine seconded to approve the application including variances, waivers, subject to all appropriate conditions and the recommendations contained in the Township Professionals' reports.

Vote:

AYES: Gladwell, Kmosko, Lavine, Pangaldi, Hultholm, Salih, Kremer
ABSENT: Saunders, Scangarella

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- 6. Application No. ZB-7/13 (2551 BRUNSWICK AVENUE TRENTON, LLC)
Bulk & Use Variance and Site Plan Application No. SP-11/13, 2551
Brunswick Avenue & Johnson Road, Tax Map Page 22.01, Block 2207, Lot
11. Continued from April 16, 2014**

The hearing was recorded. Jurisdiction continued from April 16, 2014.

It was noted that Chair Kremer and Mr. Lavine signed an Affidavit stating they have listened to the April 16, 2014, and are eligible to vote.

Jeffrey I. Baron, Esq., (Baron & Brennan), represented the applicant. Mr. Baron gave a brief overview of the applicant's request for a conditional use.

Kevin Fruck, the applicant's Project Engineer, remained under oath, and addressed several questions that were raised at the last meeting regarding noise. Mr. Fruck referred to Exhibit A-9 and explained that the 10-foot wing wall element will be extended out to 15 feet. He gave an overview of the noise data from the vacuum's manufacturer. He stated that the extended wall will attenuate the noise at the vacuum area to be located on the west elevation. He stated that the sound levels at the vacuum unit would range between 73 to 79 decibels and the industry's standard is 83. The distance from the closest residential property line is 183 feet. The applicant stated its willingness to close at 10 p.m.

David Robinson, Lic. Environmental Site Remediator, gave an overview of the applicant's groundwater contamination issue that is being treated thru pump and ozone injections. Mr. Robinson explained that the contamination was caused by a gasoline spill in the 1990's. He added that all the underground tanks that may have been leaking were replaced. He stated that all Discharge Reports are up to date with DEP. He referred to Exhibit A-11 and described the area of the wells and ground water contamination. He described the existing shed that will be removed and the equipment within the chain link fence. He stated that the applicant will replace some of the equipment once the car wash is installed. He stated that at the present time the equipment is not working and is shutdown. He added that the ground water treatment is calculated to be cleaned up within the next six years. A discussion took place by the applicant and Mr. Fausey of 3 Johnson Road with regard to detected soil contamination in 1987 on the subject site and the submittal of Exhibits O-1 & O-2.

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Application No. ZB-7/13 - Continued

Allison Coffin, Professional Planner & Expert, gave testimony regarding the variances requested by the Board. Ms. Coffin stated her review of the Township Professionals' reports, the Zoning Ordinance, the Master Plan and visitation to the subject site. She described the surrounding area, the pre-existing locations of the fueling pumps and the uses previously granted by the Board. She proceeded to address the permitted combinations of service stations with car wash facility and/or a convenience store. With regard to the stored vehicles, the applicant will remove from site and provide only required parking for business use. She addressed the landscaping for the screening of the front yard parking with a combination of plantings. She proceeded to give testimony regarding the improvement of signage for Brunswick Avenue (five-foot setback) and Johnson Road (setback to 10 feet). She referred to Exhibit 8 to describe the proposed monument and freestanding sign. She explained that the proposed signage is being improved over the existing conditions and will not result in any negative impact. With regard to the deviations of the site and the special reasons, Ms. Coffin stated that the site could accommodate the uses and stated the positive benefits to the public with regard to the proposed car wash. She stated that traffic circulation flow will have no negative impact and that a convenient store would have a much heavier use. In addressing the site circulation, she stated that the applicant will provide revised truck turning movements for the Township's review.

Mr. Slaugh referred to his report dated March 11, 2014, and addressed the signage on Route 1. Mr. Fruck stated that the front sign on Route 1 will remain and rear large sign will be replaced with a monument sign. Mr. Slaugh addressed the combined uses on the site and questioned whether the applicant took into account the Ordinance and the three uses. The applicant stated that the site remains as a gasoline service station, but not with a repair function. (See Attachment No. 2 – Reports)

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Application No. ZB-7/13 - Continued

Anthony Cavanaugh, Director of Operations, Lehigh Gas, gave testimony regarding Mr. Fausey's stated concerns about the possibility of the car wash having a negative impact on the environment. Mr. Cavanaugh stated that there is no contamination and gave a brief overview of previous testimony given regarding the filtering of water and maintenance of the system.

Chair Kremer encouraged Mr. Fausey to always notify the Township of Lawrence Code Enforcement Office, if there is ever a property that is not being kept up the way that it should. Also, Mrs. Kraemer stated that when a complaint is received, it is the Township's responsibility to investigate and advised Mr. Fausey of the various areas within the Township of Lawrence.

Mrs. Kraemer addressed Mr. Fausey's stated concerns and referenced an internal meeting with Lehigh Co. She stated that the applicant were to send a letter to the Fausey's residence seeking approval to install additional plantings on the property to mitigate the headlights and to address damaged curbs by their delivery trucks. A discussion took place by the Board with regard to the trucks making deliveries via Johnson Road and not Route 1. The applicant stated that an easement or approval would be required by homeowner for installation of plantings. Mr. Fausey requested another copy of the referenced letter and an opportunity to confer with his family regarding the applicant's provision to install low landscaping not to exceed 3 feet in the area of the driveway to shield headlights leaving the gas station.

Mr. Baron gave closing comments on the applicant's proposed demolition of existing repair facility. He stated that the replacement of a car wash will be an aesthetic improvement to the site and to the public. The applicant has agreed to restrict operating hours from 6 a.m. to 10 p.m. The applicant agreed to have fuel deliveries during off-peak hours. With regard to the stacking of cars, he stated that this car wash takes much longer since it is a stand-alone car wash and no one will want to wait over an hour for this service. With the proposed site plan approval, the parking and circulation patterns will be an improvement to the existing site. He added that with this approval, truck deliveries will not be using Johnson Road, but only Route 1. He stated that the environmental cleanup continues and by 2019 there will be no requirement for on-site cleanup. He stated that all the concerns stated by Mr. Fausey will be submitted to Lehigh Co. for their review and action. He stated that the applicant will comply to all the conditions outlined in Mr. Schmierer's letter and the recommendations noted in the Township Professionals' reports.

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Application No. ZB-7/13 - Continued

Mr. Schmierer's outlined the conditions, if approval were to be given: the conditional use variance; bulk variance for the signage; confirm hours of operations 6 am to 10 pm 7 days a week; no storage of vehicles on site; no vehicle repair; deliveries of gas on off-peak hours; plans to be reviewed and approved for installation of plantings on Faucey's property if acceptable to Dorothy Faucey and once installed to be maintained by residence; installation of emergency power source system for car wash bay; voice component at levels not greater than standard, night light testing for spillage adjustments; site plan to be revised five feet to north for location of dumpster; after construction sound study to be conducted for compliance; no truck delivery via Johnson Road and revise signage on Johnson Road for Route 1 delivery; revise site plan for wing wall (10x15) extended to Johnson Road and all other comments noted in Mr. Kochenour's report.

Exhibits:

- A-9 (West Elevations, dated 5/21/2014, Colored)**
- A-10 (Site Plan)**
- A-11 (Environmental Ground Water Anal. Map)**
- O-1 (Letter from DEP dated 1991 – Remediation of Site)**
- O-2 (July 2002 Report - State of Illinois)**

Witnesses Placed Under Oath:

- Anthony Cavanaugh (Director of Operations)**
- David Robinson, Lic. Environmental Site Remediator, (LSRP)**
- Kevin Fruck, Project Engineer**
- Allison Coffin, Professional Planner & Expert**

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

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PUBLIC COMMENT:

- **Rob Faucey, 3 Johnson Road, Lawrenceville, was placed under oath. Mr. Faucey stated some concerns about the noise and whether the noise could be absorbed by the brushes. He presented Exhibit O-1 and questioned whether there was any soil contamination in 1987. He entered into a discussion with Mr. Robinson regarding the absorption of noise, remediation and 1989 tank removal. He stated testimony regarding his past complaints to the Township regarding the noise. He questioned whether the car wash would have a negative impact on the environment. He proceeded to address great concerns about the contamination of the site that occurred in 1991 and the requirements held by the State of Illinois. He proceeded to present Exhibit O-2 and questioned the maintenance of the car wash facility. Mr. Faucey addressed the safe guards, light pollution, stacking of cars, prior damage to grass and curbs by gasoline delivery trucks, proposed signage, contamination of wells, and stated concerns about the lack of maintenance to the site and signage. In closing Mr. Faucey stated his objections to the approval of the proposed application.**

Mr. Lavine moved and Mrs. Salih seconded to approve the application, including variances and waivers, subject to all appropriate conditions and the Township Professionals' reports.

Vote:

**AYES: Gladwell, Kmosko, Lavine, Pangaldi, Hultholm, Salih, Kremer
NAYES: None
ABSENT: Saunders, Scangarella**

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**7. Application No. ZB-2/14 (3450 PRINCETON PIKE, LLC) Use Variance,
3450 Princeton Pike, Tax Map Page No. 51.02, Block 5101, Lot 22.01.**

The hearing was recorded. The Board took Jurisdiction.

Archibald S. Reid, Esq., represented the applicant. Mr. Reid gave an overview of the proposed application. He explained that the applicant is seeking use variance approval for an Adult Day Health Care Facility.

Harold Herskowitz, the applicant's Healthcare Specialist, gave a brief summarization of an Adult Day Care Facility. (See Attached NARRATIVE.) Mr. Herskowitz stated that individuals who live independently in their homes are transported by a transportation service to a facility and at the same time receive assistance from a health care staff. Upon their arrival their clients receive breakfast, snacks, and participate in organized fun activities. All clients are monitored by a nursing staff and health care professionals. He added that the day is for a period of five hours and transportation cannot exceed two hours from time they are picked up and dropped off. He stated that the staffing includes a Director of Nursing, Registered Professional Nurses, Facility Administrator, Transportation Director & Drivers, two full-time Social Workers, Dietitian, and an Activity Director & Staff. He briefly explained to the Board the requirements by the State's Department of Health and the various approvals to be a licensed facility. With regard to the meal service, he stated that all meals are delivered in thermal containers and tested for proper temperatures upon arrival. Although the facility has a serving kitchen, there is no cooking on the premises. He stated that all deliveries will be made by small local vendor trucks and no deliveries by tractor trailers. With regard to the trash, all inside trash will be removed from the facility on a daily basis.

Mr. Herskowitz referred to Mrs. Kraemer's report dated April 24, 2014, and stated that the applicant will provide a covered drop-off area with depressed curbs, ADA accessibility and automatic push-button entrance doors. He stated that there will be no overnite accommodations at the proposed facility. He stated that approval will be for 200 participants per day from 8:00 a.m. to 3:00 p.m. He stated that there will be eight white 25-passenger buses and 14-passenger vans to be parked on site. Also, he stated that the proposed facility is not a non-profit facility. (See Attachment No. 3 – Reports)

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Application No. ZB-2/14 - continued

Mr. Slauch referred to his report dated May 12, 2014, and questioned whether a full-time Medical Director would be on staff at the Facility. The applicant stated that the Medical Director, who comes in on a part-time call, may even be the primary doctor to some of the clients. (See Attachment No. 3 – Reports)

Mrs. Kraemer addressed the outside activities and questioned whether there is an exit to enter the outside area. The applicant stated yes. With regard to the parking count, the applicant explained that the bus drivers were included in the parking count.

D. Jeffrey Brown, the applicant's Professional Engineer, referred to Exhibit A-1 and described the proposed parking. Mr. Brown stated that the applicant is proposing 34 regular allocated spaces. There will be 10 bus spaces, 10 visitor spaces and 12 additional spaces. He added that there is an existing trash enclosure on the easterly side of the building. With regard to the deliveries, he stated that deliveries will be thru the southerly entrance. Mr. Brown addressed the circulation and explained that there is an easement over the neighboring property parking lot to allow accessibility to get to the existing traffic light. He stated that the applicant is proposing to install a ramp on the south side of the building with a safe handle for ADA accessibility. The applicant made a request for Administrative Approval to install the ramp. With regard to the bus parking area, the applicant agreed to strip and show on the Site Improvement Plan.

Christine Cafone, the applicant's Professional Engineer, referred to Exhibit A-3 and addressed the use variance. She provided testimony with regard to the use and stated that the applicant is seeking a D-1 use variance. She stated that the demands and needs of the proposed facility for the elderly populations is a great option for care during the day. She explained that the use could be classified as an inherently beneficial use and any minor detriment would be outweighed by the positive benefits for the public good. She addressed the special reasons and the suitability of the site, as well as, sufficient use of the land. She stated that the proposed use would be less of an impact than other uses in the surrounding area.

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Application No. ZB-2/14 – Continued

Mr. Slauch questioned whether there would be any negative impact on Lawrence's Emergency Medical services. Mr. Herskowitz explained that this type of proposed facility will reduce the need for emergency intervention with ambulances since individuals are not at home being subject to emergent needs such as being stuck in the bath tub.

Mr. Reid stated that the applicant's request for the use variance will be for the entire wing of 17,119 sq. ft. in case there could be a need to expand in the future. Following a brief discussion, the applicant agreed to condition that program participants use the transportation service that is provided by the Facility. The Board accepted.

A brief discussion followed by the Board with regard to the site improvement and stated their understanding that use is an inherently beneficial use, as presented. The Board felt that the proposed use is a perfect use of an existing building with highway access, adequate parking and not using residential streets. Also, it would be the first type of health care facility in the Township of Lawrence.

Exhibits:

- A-1 (Colored, Parking Striping Plan, dated 4/4/2014)**
- A-2 (Sheet A-1, "Wishing Well Adult Day Health Care)**
- A-3 (Colored Photo & Overhang Entrance)**

Witnesses Placed Under Oath:

- D. Jeffrey Brown, Professional Engineer & Expert**
- Christine A. Nazzaro Cafone, Professional Engineering/AICP & Expert**
- Harold Herskowitz, Healthcare Specialist Adult Day Care & Expert**

PUBLIC COMMENT: None

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Application No. ZB-2/14 – Continued

Mr. Gladwell moved and Mr. Lavine seconded to approve the application including use, variances, waivers, subject to all appropriate conditions and the recommendations contained in the Township Professionals' reports.

Vote:

**AYES: Gladwell, Kmosko, Lavine, Pangaldi, Hultholm, Salih, Kremer
ABSENT: Saunders, Scangarella**

8. Old Business/New Business/Correspondence: None

9. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:49 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: Oct. 15, 2014