

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
Special Meeting  
Wednesday, July 27, 2016

Present: Joseph Blaney (arrived 7:38 pm)  
Sheila Grant (arrived at 7:09 pm)  
Christine Hultholm  
Jeffrey Johnson  
Bruce Kmosko  
Peter F. Kremer, Vice Chairperson  
Charles Lavine (arrived 7:15 pm)  
Samuel Pangaldi, Chairperson

Absent: None

Excused Absence: William B. Holmes  
Susan Snook, Recording Secretary

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer  
Brian Slauch, Planning Consultant  
Edwin Schmierer, Zoning Board Attorney  
John Hatch, Clarke Caton & Hintz

**Statement of Adequate Notice:**

Adequate notice of this special 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 and the Trentonian newspapers.

**Public Participation (for items not on agenda):** None

**Applications:**

Appeal Application No. ZB-1/16; **Care One Management, LLC**, 3641 Lawrenceville-Princeton Road; Tax Map Pages 66.02 & 66.04, Block 6601, Lot 2.

Ms. Hirsch represents the applicant and she was hoping to wrap up the entire presentation; however, speaking to Mr. Schmierer that doesn't seem like that is going happen because the next meeting being August 17<sup>th</sup> and after polling the Board to have a special meeting and was not required to notice, but in all fairness to the residents who are interested, the Board would not be able to vote tonight.

Mr. Brokenshire prepared a new report dated July 11, 2016 and this report was prepared for two reasons – to answer all the questions that came up about the repair cost estimate and Mr. Brokenshire was sent to the basement again to take a look at the condition of the floor joists to do a detailed inspection.

Mr. Schmierer wanted it to be noted on the record that Mr. Johnson signed a certification that he listened to the tape or the recording of the April 20<sup>th</sup> meeting which will make him eligible this evening to participate in the determination of this matter and that between the last meeting and tonight there had been a site visit where members of the Board or the staff were invited. Ms. Hirsch responded that she is not aware if any of the members of the board were present for their observations and if there was another site inspection since the meeting of June 15, 2016.

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Mr. Brokenshire went back on July 22, 2016 to spend some time in the basement looking through very detailed of each of the joists because there was some guessing as to the exact amount of joists and their exact conditions. He continued to testify about drawing labelled "Existing First Floor Joist Condition Plan",

Sheet S-1 which was prepared after the site visit for the damage that occurred and on what joists were completely deteriorated or okay. There are 81 joists that was visible in the basement area. When a joist gets soft because of exposure to moisture, they get soft and lose their strength and they are not able to carry the original loading and weight. Page 2 of the report to show some of the degradation that was going on.

He referred to the front left portion of the house is where you can see some of the terminate damage as well as joists that had begun to have some section loss due to rot and would have to be replaced because they have lost to much section to really be much of help; however, there are ways you can add on a section next to it and sister it up. Mr. Brokenshire continued with area 1 of his report stating there is some white hanging off the bottom and the joist to the left had begun to soften so they are losing some strength. The header that runs perpendicular to the joists was deemed okay is deteriorating and losing some sections and it is supported by a joist that is losing sections so that whole area can lead to a compound of problems if it not shored up, replaced or reinforced.

Mr. Brokenshire stated the more cost effective alternative might be to remove everything and replace everything. He referred to Page 4 showing a close-up of the beam that is supporting the header that has some loss and mold on it. Page 6 of his report refers to an area that one deteriorated beam joist that has lost some sections and the ones on either side are in a better condition. He referred to Area 3 which is further back in the house and is a little bit better and they were in relatively good shape; some had begun to soften, some of them were still relatively strong and labelled as okay, but does not mean that were not affected by the moisture.

There were some junction boxes, Page 9, there was a joist with some charring but not the area that the fire occurred which did not cause detrimental damage to the joists, it could have been an electrical fire. Going back to Page 9, spoke about wood shoring posts and steel pipe posts, they were both gone and replaced with the steel pipe posts which had begun to rust which might mean the original posts had rooted out some time ago. Area 4 is under the central corridor showing the fire damage near the front of the house and can see it as you walk into the house, Pages 13 and 14. This area is heavily charred area and most beams are damaged and need to be replaced.

On Page 15 it shows the joists to be intake with mold growth on it and had softened up but no section loss but the strength of the joists had reduced a little bit. Page 14 showing the mold growth that is there; Picture 17 shows a header that is beginning to deteriorate that is holding up the joists; Page 18 shows the area adjacent to the fire damage that shows some previous reinforcing and most of those are in good shape, shows no termite damage but some are being held up by the header that has been burnt out; the back left corner of the house is in good condition and had the most ceiling left and the joists were in good shape. The sunroom shows no failure of the joists because the house has been vacant for so long so there's no real loading these joists; so if someone were to occupy this and put furniture in it at this point is when you would start seeing some failures of the joists, cracking of the joists and settlement of the joists; however, because it has been vacant and it is just holding up its own weight.

If the first floor joists were to fail or deflect it could be a localized failure; if under the bearing walls it could cause a portion of the house to settle and worst case could be a localized collapse. Mr. Brokenshire stated *in his opinion* that the house is not structurally sound for occupancy. There is extensive structural work that needs to be done on the first floor too make it habitable to make it safe as well as doing the rest of the repairs on the house.

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The Board members had questions to Mr. Brokenshire regarding the time frame for the deterioration; the wood and the difference between a true or generic lumber; dimensions of the joists and headers; the wood species and it can change; calculations on the weight of the joists ends; wood softening; causes of moisture damage; what could be done in the basement with the age and size of the home if it were occupied; is the moisture damage reversible; if each of the 81 floor joists were examined; if the house could secure a Certificate of Occupancy; replacement of the stone foundation especially if someone wanted to remove the house. A question was asked about report is primarily based on the basement and not the rest of the house and the report is and this is an addendum to the old report. Mr. Brokenshire responded to each of the questions.

Ms. Hirsch commented that the report does include the repair cost for the entire house, the revised repair. Mr. Brokenshire spoke about the lead abatement and it could be thrown into a dumpster, while asbestos is completely different and it is unknown if there is asbestos in the house. Mr. Kremer asked if the budget is for rehabilitation up to current codes, not for restoring with historically accurate materials. Mr. Brokenshire stated some of the opening items, windows and doors were adjusted slightly to try to retain the windows and doors that might be there and are still useable (just do lead removal and mitigation). The greatest effect on the cost was removing the lead abatement by a couple hundred thousand dollars.

Mr. Hatch commented on the estimate on the structural repairs totaled \$18,000 for framing, demolition; \$10,000 for framing and shoring and \$10,000 for framing new for a total of \$38,000. Mr. Brokenshire stated just for the framing itself and got the numbers from using unit costs found in Means catalogs and felt they were low and though they should have been two to three times higher. Mr. Slaugh asked what kind of framing was used; Mr. Brokenshire stated it was platform framing but could only see the framing at the basement level and a lot of balloon framing was used as well.

Mr. Kremer asked Mr. Hatch the following questions and his response was counting the 81 joists and did it again counting the headers and gave his percentage of damage. He also feels that it would be a more typical way of dealing with it by sistering because it is easier to do and less intrusive. Mr. Schmierer stated for the record that both Mr. Slaugh and Mr. Hatch were sworn at the meeting on the 15<sup>th</sup> of June.

Ms. Hirsch stated Mr. Brokenshire will be back on the 17<sup>th</sup> if there is public so he can answer questions and going to produce the transcript to Brenda Kraemer.

The Board members took a break from 8:30 pm to 8:40 pm.

Before Mr. Caputo testified, Ms. Hirsch stated that he is here as a fact witness to discuss the maintenance of the house up to this point, talk about the past approvals and the company's intent if the demolition is permitted. He will also speak about the approval in 1999 and why that wasn't a workable facility that was before the Board in 2005 and why the company did not go forward with that.

Witness #1: Angelo Caputo, Architect of Care One Management stated that skilled nursing and assisted living are called facilities long-term. He stated that Care One owned the facility since May 30, 1996 purchased by E.R. Squibb and Sons for about \$676,000. The files are incomplete of just general maintenance that was performed, no physical maintenance or repairs to the actual structure. Exhibit A7: Computer Generated Listing and it is one of Care One's vendors, the Brickman Group who was hired on a monthly basis to maintain the property, not the house, but the actual 6.5 acres.

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Mr. Caputo continued that they get paid and the records presented was from May of 2011 to October of 2015 which totaled \$25,089.36 for a period of five years. The work consisted of grass cutting, landscape maintenance and general maintenance. He did not find any repair to the structure, any window replacements, screens, front porches, handrails. Mr. Caputo stated he was at the house recently and was aware a fence around the building and it was installed in the fall of 2013 because there were issues of people breaking into the house. The fence was installed by a former senior executive, a VP of construction prior to his time at Care One.

The building is secured against vandalism is obviously the screened fence around the house and tried to secure all the windows on the first floor and the doors, and screwed them shut. The second floor is still open, windows are still exposed because they did not want to make it look like a completed board up house. Mr. Hirsch showed a copy of what is noted as a certificate of inspection issued to Lawrenceville Realty Company dated May 21, 2001 to Mr. Caputo, Exhibit A-8. Mr. Caputo stated there are 18 repairs on the list with cut all grass waist high in areas; cut trees and brush away from house; remove fallen trees from side yard; remove brush and trees from garage; scrape and paint entire exterior of house; repair and paint all rotted trim; window frames and sills where needed; repair front porch steps and secure handrails; scrape the paint garage; repair and paint all rotted and missing woodwork on house and garage; replace all cracked and broken windows (house and garage); repair and paint all rotted window shutters; repair and replace all missing window screens; repair and paint rotted and broken steps on rear porch; clean all gutters, remove bird's nest and squirrels' nest from garage soffits; note possible termite damage on rear of house and garage; cut brush and trees in front of property; remove fall tree; re-gravel driveway; house number needs to be affixed to house or mailbox; replace – repair/replace loose and missing roof tiles on house and garage.

Mr. Caputo does not have the correct or straight answer if the repairs were completed. He stated there were no other violation notices issued, Exhibit A-8. Ms. Hirsch informed the Board that she did submit in an OPRA request and this is the only violation notice that was provided. Ms. Hirsch continued to Mr. Caputo that if he was aware that this Board granted an approval for construction of an assisted living facility on the property in 1999; he was aware of this approval and reviewed the Resolution of Memorialization, Exhibit A-9.

Mr. Caputo continued that the approval granted was for a 48,993 sf assisted living facility. The company did not proceed was the building was too small to operate, too small for the needs of the residents that would occupy the building; no commons areas in the building and that the Gulick House was the only form of common area which is a poor design in healthcare. It was a poor because it's the only destination that the residents would have in the healthcare facility.

Mr. Caputo stated it was going to have 58 beds which is not a lot. There is a staffing ratio for staff to residents. In assisted living you have a commercial kitchen, a commercial laundry, a marketing office, business office, you have an administrator, a director of nursing, and you have an activities director, staff that have to support the facility. The design is too small because the house was pushed back and compressed squeezed behind the Gulick House so it is not visible from the main road. This is a poor design because the first thing you notice from a nursing home is the smell and this is because it is compressed, squeezed and folded. The mechanical systems are limited and that is why they backed away from the original approval.

Ms. Hirsch asked Mr. Caputo is he was aware that Care One applied for a use variance in 2005 for a larger facility. He responded that he was also familiar with the plan and that they did not pursue it was the market changed. It was a mix of sniffing out meaning skilled nursing facility, assisted living facility where people with dementia, regular people that can still drive in and out of the facilities. After reviewing the plans, the concept of 2005 would remove or demo the Gulick House altogether. You would have a main entrance, your main destination.

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Mr. Caputo stated the intentions of Care One if a demolition was permitted is to build an assisted living. There is a need, it provides a lot of jobs, and it is a great thing for the community. The residents would have a 300 or 400 square foot unit or resident room where they can stay.

Mr. Schmierer confirmed with Ms. Hirsch that she circulated with the 1999 resolution and the 2005 resolution and will be marked as Exhibit A-10. To confirm that would be the resolution for memorialization for the 2005 application dated December 21, 2011. Ms. Hirsch stated that resolution shows the application had been pending and not pursued by the applicant for a pretty long period of time so the board dismissed it without prejudice.

Ms. Kraemer stated the application was B-11/05 and we began hearing the matter and then there were comments, questions, revisions and revised plans were never submitted and they never came back so we carried it and eventually we just dismissed it. Mr. Kremer stated no decision was ever reached. Mr. Schmierer also wanted the recorded to be clarified that Ms. Kraemer was sworn at the April 20, 2016 meeting.

Mr. Slaugh asked Mr. Caputo that in 1999 after an approval was granted the company decided that the approval did not match their business model and they held onto the property for an additional six years and then attempted another application which was not pursued; so why is it that the company continues to hold the property and did not dispose of it when the business model change and here we are 17 years later. He continued that the zoning does not permit skilled nursing home facilities or assisted living facilities. Mr. Slaugh questioned if they had disposed of the property 15 years ago they wouldn't have had all those years of taxes and carrying costs and maintenance.

Mr. Caputo replied yes the model did not match and he does not know why because he is not the owner but feels that it is in a great area, a great town to be in and was not aware of the zoning requirement. He felt that whoever is going to buy it going to be a loss because 6.5 acres, what can you put on it besides residential. His responded that \$25,000 that is a maintenance fee for us, securing the property is a maintenance and it is a huge security issue. Now the house is staring to deteriorate.

Chairperson Pangaldi could not understand that the property was purchased in 1996, in 1999 you come to the board and everything that was agreed upon with Care One was that they were going to maintain the building and use it with the facility. So from 1999 to 2005 you come back again; now in 2016, and like you said, you know, to sell the property, the place is worn down now, but why did it get worn down. There was no maintenance done by Care One to this property and the building. In 1996 and 1999 it was in better shape than it is now but they didn't do anything to maintain the interior.

Mr. Caputo stated to the property there was maintenance, it is a single family house. I think whatever you do with the house is going to be a huge undertaking, even if it didn't get that point, a 160-year old house is going to be a major project.

Mr. Slaugh questioned if any records that were found for the payment of utilities on the house – gas, water, electric and could have been this way for many years, which means there would have been no heat in the house. Mr. Caputo stated no and possibly and we should have heated the building to make sure the suppression system was on, but based on this violation it's a single family house that does not require the house to be heated, cooled, conditioned. It was secured by us and maintained by us.

Mr. Caputo stated he understands that the Boards fight is for the house; however, his fight is the residents because they are the most important. Ms. Hirsch wanted to remind the Board about the testimony that came in through our appraiser about the rating of the house in 1993 as in fair condition at 61% of its value that was three years before the purchase by Care One. Yes it is in worse condition now than it was when it was purchased by Care One, but it was not in good condition at that time either.

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Mr. Pangaldi commented that we don't know what kind of numbers we were looking at compared to the \$1,300,000.00; it could have been half that price and asked if they had pictures of house when it was purchased by Care One. Ms. Hirsch stated all we know it was not in great condition, only fair condition in 1993. Mr. Caputo has no records of any pictures.

Mr. Kremer asked about the paper trail and nothing was found and Mr. Slauch stated might have been there was litigation on this over the approval. Ms. Hirsch continued that this was passed in 2001; so the original approval was in or maybe it was a denial in 1997, and then there was a challenge in the Federal District Court that resulted in some type of settlement and a return to the zoning board that resulted in a reduction in the size of the facility and the 1999 approval, and I think that is all reflected in that resolution; so this inspection report was issued two years later.

Mr. Kremer wanted to make a point that if somebody wants to prove neglect all I have is one sheet of paper, so he believes that argument doesn't hold any water. He continued that you have to have a paper trail to prove neglect. So if someone wants to prove neglect this is all they got. Ms. Hirsch stated it was not really offered for that point; it was offered to you this was the extent of any type of enforcement by the Township that were able to find, this one inspection report.

Ms. Kraemer asked if Ms. Hirsch had a copy of her OPRA request because she was wonder what the exact wording was on the request because for the Boards information there are many times that we get weed complaints or fence complaints, trees complaints and we don't always issue notices. Phone calls are the first method of trying to resolve the issue. Ms. Hirsch stated she did not have her copy hand and she would get a copy to Ms. Kraemer.

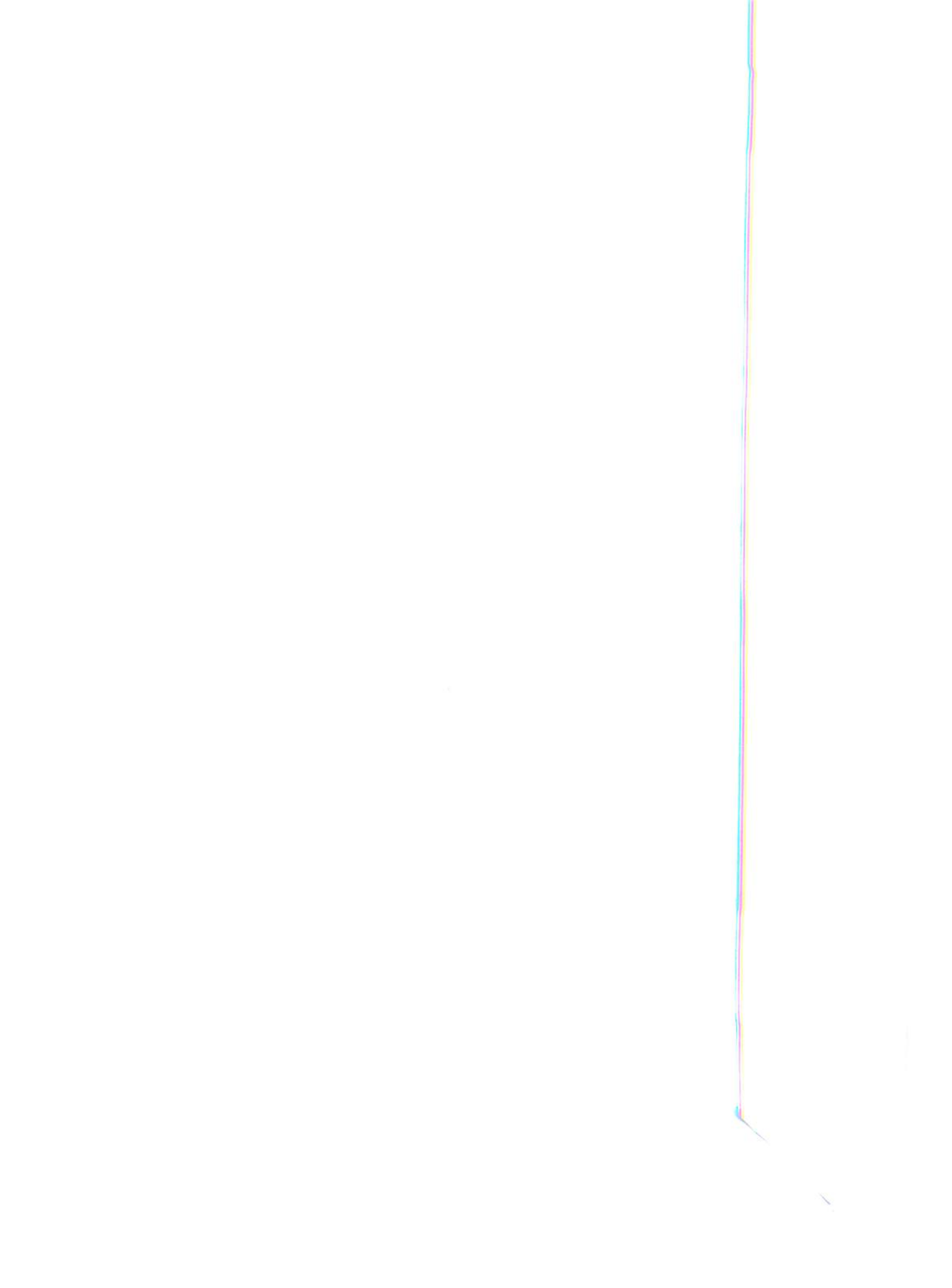
Mr. Blaney asked Mr. Caputo if he things the outside of the property, not the structure, but just the grounds have been maintained. Mr. Caputo response that right now the grass is about eight-inches high and since 2009 I think we could have probably done a better job maintaining the property.

Mr. Slauch said if the estimate or repair has been reduced, the appraisal is now at this point higher than the cost. Ms. Hirsch stated that is right, but if you include the original purchase price, if you look at the cost of holding the property over the past 20 years it would exceed that appraised cost.

**Public:**

Ed McDonald, Chairperson, Historic Preservation Committee asked when Care One purchased the house in 1996 they didn't understand that this was a historic home and that there would be requirements associated with whatever they did on the property to incorporate the home and maintain the home in its historic condition.

Mr. Caputo responded that the executive at the time is no longer with the organization; therefore, as a developer you would want to go in and what can I do with this piece of property; what can I put on it to be profitable; good to the community. The developer at that time did not do his homework and when he found out that this is zoned for historic, now the backer is up against the wall and that's why we only had an approval for 58 beds. The discussion between Mr. McDonald and Mr. Caputo was with regard to the Township is ending up having to take care of neglect while Mr. Caputo thinks the developer is; Mr. McDonald stated the Township is because we are losing a historic piece of our town by the lack of care and the request for demolition of this property. Mr. Caputo thinks the Township is not going to suffer, the community is going to come out, with the proposal of an assisted living; it will be an advantage to the community and right now the property is 6.5 acres, it is beautiful and sooner or later development is important to the community.



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Mr. McDonald stated in a controlled way and that is why we have zoning boards and planning boards. Mr. Caputo commented just the way Gulick created an area at the time and we want to be part of that and a part of this beautiful town.

Mr. McDonald wants to know how much maintenance you would put into a home of this nature over the 20 years that Care One owned it. Mr. Caputo answered we make sure they are maintained safe, be we always secure them, make sure the neighborhood kids are not going to get hurt. Mr. McDonald stated you deferred maintenance for 20 years on this house, you haven't done any roofing work, haven't done any painting work, haven't done any mechanical work and gave the example of where he worked for a budget for maintenance and if they don't then we spend a lot more money.

Mr. McDonald asked about air handlers; hot water heaters; kitchen appliances; painting; roofing and all that you haven't done now you're saying its part of the 1.5 or 1.3 million dollars to replace it. Mr. Caputo commented that hot water heaters last ten or 12 years; air handlers can last a couple years. The interior is not in bad shape aesthetically; the basement is in bad shape because of the humidity and the moisture content as well as insulation could be contaminated.

The Board members asked if the demolition permit was not approved what is plan B; consider selling the property and if no why. Mr. Caputo stated the applicant could possibly hold on to it for another ten years and would not consider selling it because this is a great area and we strongly believe an assisted living building belongs on that property. There were no other questions by the Board members or the professionals.

Mr. Schmierer stated it should be announced that there will be no deliberations or further action tonight. The matter will be carried to the August 17, 2016 meeting and asked Ms. Hirsch is she consented. If there is a time frame for us you will consent to an extension until the 17<sup>th</sup> of August. Ms. Hirsch consented.

Mr. McDonald stated he could not attend the meeting of August 17<sup>th</sup> and neither could Mr. Sargent and have pictures from 1999 and could he present them now. Ms. Hirsch commented that if the pictures were going to be shown they are going to need to have them marked and kept as part of the record. Mr. Sargent will get hard copies to Ms. Kraemer. Mr. Sargent stated he was a member of the Historic Preservation Advisory Committee and he took these pictures in 1999 and about a dozen of them.

A shore recess was taken to bring up pictures on the system.

Mr. Schmierer stated that Mr. Sargent on behalf of the Historic Preservation Advisory Committee has testified that he took a series of 12 color photographs of the Gulick house in July of 1999. We have attempted to produce those photographs on the electronic screens and it did not work tonight. Ms. Hirsch has had an opportunity to at least review those pictures on the computer, and Mr. Sargent has agreed to furnish copies electronically to Ms. Hirsch and to the Board. His recommendation would be that we would accept those as Exhibits O-1 through O-12, Objector-1 through Objector-12 and enter that as part of the record so that Mr. Sargent and Mr. McDonald who are not available next month don't have to come back and try to enter those as exhibits.



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**Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 9:54 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook  
Recording Secretary

Minutes approved: Sept. 21 2016