

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Regular Meeting
Wednesday, April 18, 2018

Present: Joseph Blaney
Sheila Grant
Christine Hultholm
Jeffrey Johnson
Bruce Kmosko
Charles Lavine
Olga Dember

Absent: None

Excused Absence: Peter Kremer, Chairperson
Samuel Pangaldi

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Edwin Schmierer, Zoning Board Attorney
Susan Snook, Recording Secretary

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 and the Trentonian newspapers.

Oath of Office:

Olga Dember was placed under oath and administered by Mr. Schmierer, Zoning Board Attorney.

Public Participation (for items not on agenda):

None

Resolutions:

Resolution of Memorialization 9-18z; Granting Extension of Conditional Use, Bulk Variances Application No. ZB-1/12 and Preliminary & Final Site Plan Application with Condition of Lots No. SP-1/12; **Ferber Construction Management, LLC**; Brunswick Pike and Bakers Basin Road; Tax Map Page 36.01, Block 3601, Lots 1 – 4, 28 and 30 – 37 was approved per unanimous vote.

Applications:

Use & Bulk Variance Application No. ZB-9/17; Major Site Plan – Preliminary & Final Approval Application No. SP-11/17; **IGS Solar, LLC (St. Ann's Church)**, 1255 Lawrence Road; Tax Map Page 23.02, Block 2313, Lot 1.01

Christopher Tarr, Esquire represented the applicant. We had an unfortunate development that we learned tonight that one of the Board members is a member of the Church in question and it generally not

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a good idea to have that person sit. As you know, we are asking for a use variance and a use variances requires five votes, no matter how many board members are sitting that night, you still need five votes and there are only six that is qualified to vote tonight. We are entitled to a Board of seven and particularly since we don't have full agreement with the plan apparently, we are really entitled to seven and ask for seven. We would like to carry to next month and we would like it announced that we are carrying it to next and ask that we try our level best to get an alternate or two to come forward so that we have a Board of seven. We apologize we did not know until five minutes ago that this circumstance existed and that is where we find ourselves.

Mr. Schmierer stated that the noticing that has been sent out is in order, so the Board does have jurisdiction. So if the Board does continue this hearing to next month, and we would announce the date of that hearing, the applicant would not have to notice again and we would tell all the people in the audience tonight when the next hearing is and that you are not going to get another letter about the date of the hearing. So the Board could and probably should act upon the applicant's request and entertain a motion to accept jurisdiction and continue hearing until May 16, 2018 at 7:00 right here, that would be the motion.

Mr. Lavine made the motion for continuance of the variance for ZB-9/17 and Ms. Grant seconded it. Mr. Blaney is abstaining from the vote and approved per unanimous vote.

Ms. Kraemer stated before we set the new date can everyone here make the May 16, 2018 meeting. Mr. Tarr asked if the date could be moved to a special date that we have to notice for. Ms. Kraemer stated June 20, 2018 and Mr. Tarr stated that causes a problem with summer construction. Last month was a snow storm and tonight we have a technical problem and next month with have a graduation that is a bit of a problem. Ms. Kraemer stated there are five Wednesday's in May and does May 30, 2018 work for everybody. The Board members could not make the May 30, 2018 and Ms. Kraemer stated she has to ask Chairperson Kremer about his schedule. Vice Chairperson Hultholm asked if we have to set a date right now; Ms. Kraemer stated the only disadvantage would be you would have to notice. Mr. Tarr stated it is important that we pick a day, we can re-notice.

Ms. Kraemer stated she thinks she has to poll everybody and get back to him because we need one of the members that are not here. Mr. Tarr stated that is critical given the need for seven and apologize for taking the time of the Board; but there is nothing we can do. Mr. Blaney stated he also apologizes.

Someone from the audience stated you postponed this already two times and in writing it states we have the right to present any objections which may have to not granting the approval. The residents are all here and the meeting before was already postponed and now we don't know when the date is and you are not going to send any letter to us. Mr. Schmierer stated you will get a new letter if the date is not the 16th. We just decide that if we have enough people for the 16th you will get another letter telling you when the hearing will be taking place, that is a good clarification.

Ms. Kraemer stated we can accept jurisdiction but we cannot set a date. Mr. Tarr stated he will notice again.

Minutes:

February 21, 2018 minutes were approved per unanimous vote.

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Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 7:16 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes approved: May 16, 2018