

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Regular Meeting
Wednesday, May 23, 2018

Present: Sheila Grant
Jeffrey Johnson
Bruce Kmosko
Charles Lavine
Olga Dember
Philip Duran, Planning Board Member
Edward Wiznitzer, Planning Board Member

Absent: None

Excused Absence: Peter Kremer, Chairperson
Christina Hultholm, Vice Chairperson
Joseph Blaney
Samuel Pangaldi
Edwin Schmierer, Zoning Board Attorney

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Lucille Davy, Acting Zoning Board Attorney
Susan Snook, Recording Secretary

Mr. Wiznitzer was the Acting Chairperson for the Zoning Board meeting of May 23, 2018.

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.

Public Participation (for items not on agenda):

None

Resolutions:

None

Applications:

Use & Bulk Variances 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

Ms. Davy stated she regrets to inform the Board that the applicant does not have the proof of notice that is required in order for this Board to take jurisdiction. Some of the notices that were mailed out to property owners were not sent to the individuals in a timely fashion and the applicant's attorney was unable to secure waivers from them and so this Board does not have adequate service of the notice on the adjacent property owner and therefore the Board cannot entertain this matter this evening.

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However, Ms. Davy would like to the Board to consider setting a tentative date for a meeting when this hearing can be conducted and Mr. Kennedy, the applicant's attorney, will have to re-notice every one again because there is no jurisdiction tonight. Mr. Kennedy will have to basically start from the beginning again and give ten days' notice. Mr. Kennedy has offered to talk to the neighbors this evening, apparently there have been on-going conversations with some residents in the community and they made some changes to their plans that adjust where the solar panels would be located and he would like to sit with the residents that would like to learn more about the changes. The Board cannot participate in and the Board should adjourn the meeting, once a tentative date is set.

One audience member asked shouldn't the Board listen to what is said. Ms. Davy responded that this is not the formal hearing on the matter. The applicant's attorney has volunteered and agreed to talk to the residents tonight to give them an idea of how the plans have changes. Apparently they have been in contact with many residents about the changes that would be more acceptable. The Board will not hear any of this or consider any of this. The Board will hear the entire matter at a meeting where they will start from the beginning and the applicant' attorney will present the application, all of the neighbor's and residents, or anybody who is here in attendance will have the right to question his expert witnesses and then testimony will be provided to the Board from the residents. This will be a full hearing but will happen at another Board meeting because the Board cannot hear the matter tonight.

Another audience member asked if they are Lawrence born and do they pay Lawrence taxes. We pay enough taxes to pay their salary and we take care of the Church by donations every year. They were not born here, they didn't play here. Ms. Davy stated this is not the time for him to make those kinds of comments. This Board is not considering the matter at time and will hold a hearing for this matter to be heard. Everyone within 200' has to receive a notice or sign a waiver willing to have notice that is less than the ten days. There are property owners who did not get ten day notice for whom the applicant's attorney did not secure that waiver and has to start that process again.

Another audience member stated he signed the waiver and Mr. Kennedy stated that is one and there are two more. Ms. Kraemer stated there is one is from 51 Eldridge Avenue so 40 Northbrook Avenue and the person with the Princeton address are missing. Mr. Kennedy stated it was re-noticed because of the revised plan and there is more engineering work on the plan before it can be presented and wanted to make sure they are proceeding with that plan.

Ms. Davy presented the Board members with a date of Wednesday, June 27, 2018. Mr. Johnson stated he will not be available and Ms. Kraemer stated we need all seven members. Ms. Davy stated Ms. Kraemer will work on securing another date. Ms. Davy commented it looks like the meeting will probably be held sometime in July and everyone will get a notice who is within 200' and it will have to be published in the paper.

Mr. Larson stated instead of wasting everyone's time and putting the Board's time here, he asked if it was going to be a requirement for the next scheduled meeting that you are going to check the box that all the notices were received. Ms. Davy stated the staff does that; however, the applicant does under the law have the right to seek these waivers, which is a waiver of the notice of the ten day notice.

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Acting Chairperson Wiznitzer asked if the notice will be properly done the next time around. Mr. Kennedy stated he requested a new list from the Planning Office and it appears that three of the names were sent to the prior list. There were two certified lists and some of the mailing were sent out incorrectly.

Ms. Kraemer stated it looks like we are either at July 11 or 18th. The Board discussed trying to set up a new meeting and July 11th is a tentative date.

Minutes:

None

Other Business:

Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 7:18 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes approved: 6/20/18