


Township of Lawrence  
**ENGINEERING DEPARTMENT**

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Use Variance Application No. ZB-5/25  
**New and Living Ministries**, 2500 Brunswick Pike  
Tax Map Page 22, Block 2201, Lot 17.02

DATE: August 19, 2025

**General:**

The applicant has requested use variance approval to utilize a portion of the existing building at 2500 Brunswick Pike for a house of worship. The building currently contains office and medical office uses. The property is located in the Highway Commercial zone with access from the Brunswick Pike jug-handle.

**Detailed Report:**

1. The applicant shall provide testimony regarding the expected hours of operation, employees, proposed ancillary uses and participants. It appears that the ministry currently operates in Trenton; the applicant shall clarify if the Lawrence location will be a satellite facility or if the Trenton location will close. A description of the current facility shall be provided.  
  
The narrative states there will be five (5) employees; however, only one office is shown. Testimony shall be provided.
2. The applicant's engineer shall review the existing parking demand, considering medical offices, with the proposed parking demand and provide appropriate testimony.
3. The purpose of the kitchen shall be clarified. It is also noted that the conceptual interior layout shows no sanitary facilities.
4. Exterior signage shall be discussed. At a minimum, existing handicap parking signage and striping shall be upgraded to meet current standards.

BK/jrl

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**Documents Reviewed:**

- Application No. ZB-5/25
- Variance Plan, revision dated May 29, 2025
- Project Summary

September 11, 2025

Lawrence Township Zoning Board of Adjustment (via e-mail)  
2207 Lawrenceville Road  
PO Box 6006  
Lawrence Township, NJ 08648



**Re: New and Living Way Ministries – ZB-5/25  
Block 2201, Lot 17.02 – 2500 Brunswick Pike  
Use Variance Relief/Site Plan Waiver  
HC – Highway Commercial**

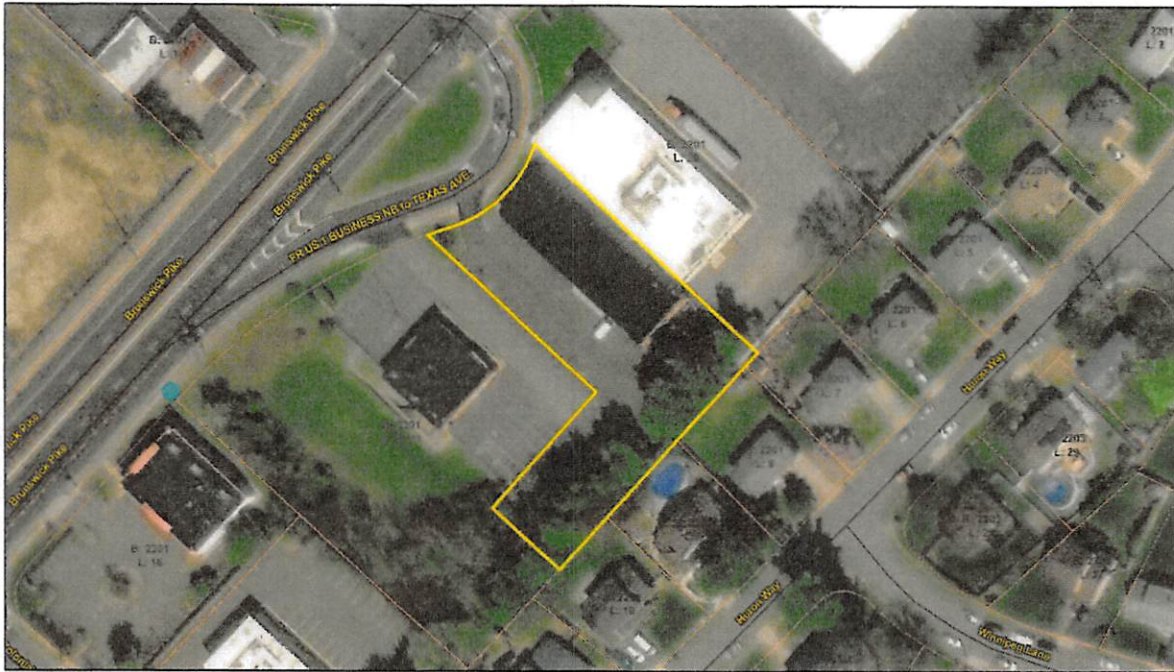
Dear Board Members:

Pursuant to the Board's request, we have reviewed the above captioned matter for compliance with the Land Use Ordinance of the Township of Lawrence. The material reviewed, as supplied by the applicant, included the following:

1. Land Use Application and supporting documents.
2. Variance Plan, prepared by Samuel J. Agresta, PE, Agresta Engineering and Planning, dated April 25, 2025 and last revised May 29, 2025, consisting of 1 sheet.
3. Floor plans, consisting of two sheets.
4. Project Summary

Based on the information provided, the applicant seeks use variance relief and a waiver from site plan approval requirements to operate a house of worship at the above referenced property. The project summary submitted notes that Suites 101 and 101B will be combined to create Suite 110 for use by New and Living Way Ministries for worship services, small group gatherings (bible study, men's groups, women's groups and trauma healing groups) and one-on-one mentoring. A maximum of 60 people is estimated for worship services and operations will occur on Sunday mornings and for 2 hours one evening a week. As depicted on the floor plans, a sanctuary with seating is proposed along with a children's room, office and kitchen. No exterior improvements are proposed to the building nor are any site improvements proposed.

The subject property, known as Block 2201, Lot 17.02, with a street address of 2500 Brunswick Pike, is a 0.85 acre parcel with frontage on the jughandle for Texas Avenue. Presently the property contains a single-story masonry building with medical office tenants. Access is directly from the jughandle with ingress from adjacent lot 17.02 and egress from Lot 17.02. As shown on the variance plan, 44 parking stalls exist including two handicap-accessible stalls. Surrounding uses include retail and office along Brunswick Pike and single-family detached dwellings to the east along Huron Way. The May 2024 aerial photo on the following page depicts the subject property outlined in yellow.



### **Zoning**

The subject property is located in the HC Highway Commercial District where a wide array of nonresidential uses are permitted and conditionally permitted. As houses of worship are not permitted in the District, d(1) use variance relief is required. We note that while no information was provided for comparison to the area, yard, height and building coverage requirements, there are a number of nonconforming conditions including lot frontage and width, front yard setback, side yard setback and maximum impervious surface ratio. Our assumption is that these are all legally existing nonconforming conditions or were the subject of an application for relief at some point in time. None of these nonconforming conditions are exacerbated by the applicant's proposal.

### **Consideration of Use Variance**

The Board has the power to grant "d(1)" variances to permit prohibited uses (N.J.S.A. 40:55D-70(1)) only "in particular cases and for special reasons." This is the so-called positive criteria of a "d(1)" variance. In 2009, the Legislature amended the Municipal Land Use Law to include a definition of "inherently beneficial use", which means "*a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, childcare center, group home, or a wind, solar or photovoltaic energy facility or structure*". While houses of worship are not specifically listed in the statutory definition included in the MLUL, it has been well established they constitute inherently beneficial uses.

Once a use is determined to be inherently beneficial, the Board's consideration of the use variance is quite different than that for a non-inherently beneficial use and represents a lesser

legal burden. First and foremost, for an inherently beneficial use, the positive criteria are presumptively satisfied. In addition, the applicant need not demonstrate that the site is particularly suited to the proposed use. The negative criteria considerations are also modified under case law established in *Sica v. Board of Adjustment of Tp. of Wall*, 127 N.J. 152, 160 (1992). The applicant is not required to demonstrate the enhanced quality of proof as required by the Court in *Medici v. BPR Co.* In its decision in *SICA*, the Court set forth a four-part test to be employed by the Board for the negative criteria, which consists of the following:

- 1) Identify the public interest at stake, realizing some uses are more compelling than others.
- 2) Identify any detrimental effects that could ensue from the grant of the variance.
- 3) Identify conditions that can be placed on the grant of the variance to reduce any detrimental effects.
- 4) Determine if on balance, the positive outweigh the negatives and the variance can be granted without substantial detriment to the public good or substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

Although the applicant is not required to address the enhanced quality of proof under *Medici*, the Board still needs to consider potential impacts to the intent and purpose of the zone plan and zoning ordinance, assessing whether the grant of relief substantially impairs the intent of stated planning policy. The Municipal Land Use Law specifically states in 40:55D-70d *"No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance."* It is worthwhile to note the Legislature reinforced the second prong of the negative criteria through amendments to the Municipal Land Use Law adopted in 1997. It did this in response to judicial trends requiring variances be issued for inherently beneficial uses without consideration of the potential for impairment to the intent and purpose of the zone plan.

As to the intent and purpose of the zone plan and zoning ordinance, the Land Use Ordinance, §420A notes the purpose of the Highway Commercial (HC) District as follows:

*"Purpose. The Highway Commercial (HC) district is intended to serve both the residents of the municipality and the general public with uses typically oriented towards motorized travel. The HC district is the primary retail zone for localized sales and services that are not regionally based. It differs from the NC-1 and NC-2 districts by including automobile business uses and excluding residential uses, with the exception of certain senior citizen housing. The Highway Commercial district is also intended to support the retail uses in the Regional Commercial district."*

#### **Waiver of Site Plan Request**

§801A of the Land Use Ordinance requires site plan approval when a building permit is required *"for any building or use or enlargement of any building or use"*. In this case, while the applicant proposes no exterior improvements, a building permit will be required for the internal renovations proposed. We note that §801B lists exemptions from the requirement for site plan

review and subsection 4 addresses the alteration or repair of an existing building. The applicant is entitled to an exemption if the proposal:

- a. Will not result in additional lot coverage whether by buildings or site improvements.
- b. Will not increase the number of required off-street parking or loading spaces.
- c. Will conform to the maximum and minimum standards as set forth in Article IV.
- d. Is not proposed in conjunction with a use requiring a conditional use permit.

The variance plan submitted notes 44.48 parking spaces required for the existing and proposed uses of the property where 44 spaces are provided. This is based on the existing uses being classified as general office where it is clear they are medical offices. Per Table 5.16 in the LUO (§530C), medical office requires 5 spaces per 1,000 square feet where general office requires 4.5 spaces per 1,000 square feet, resulting in a parking requirement of 23.5 spaces for existing medical office rather than the 21.15 noted. As this results in an increase in required parking, the applicant would not be entitled to an exemption from site plan approval requirements.

§801C permits the Board to waive the requirement for site plan approval provided *“the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises, including: topography; vegetation; drainage; floodplains; marshes and waterways; open space; walkways, means of ingress and egress; utility services; landscaping; structures; signs; lighting and screening devices; and other considerations of site plan review.”* The applicant is required to support the request with *“sufficient credible evidence”* and the Board may attach conditions to any waiver granted.

#### **Plan Comments**

1. Exhibit B shows an existing bathroom will be removed as part of the reconfiguration proposed and it is not shown to be replaced. Details on the availability of bathrooms should be provided and the architect should confirm that building code requirements can be met.
2. Floor plans submitted show only one entrance/egress for the proposed worship space. The applicant’s architect should confirm this complies with building and fire code requirements and whether an additional egress door will be required, even if only for emergency purposes. We note there is a door on the east end of the building, but it is unclear if this can be accessed from the leased area.
3. The existing buffer to homes along Huron Way consists of tall white pines that are devoid of lower branches. While most homeowners have 6’ solid fences along the common property line, the parking area is very visible as the screening is ineffective. If the Board waives the requirement for site plan approval, it may wish to attach a condition that landscape screening be supplemented to be more effective.
4. As noted in the section discussing waiver of site plan, the parking table on the variance plan utilized the standard for general office rather than medical office. This results in a parking requirement of 46.83 spaces, which should be rounded up to 47, where 44 spaces exist. Bulk variance relief is required from §530C, Table 5.16. While the applicant will need to provide testimony to support this relief, we note the house of

worship proposed will operate at times when the medical office on-site will likely be closed.

We trust the Board will find this information useful in consideration of the matter at hand and reserve the right to provide additional comment based on the applicant's presentation at the public hearing. Should you wish to discuss this review memo, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kyle". The signature is stylized with a large initial "J" and a cursive "Kyle".

James T. Kyle, PP/AICP, Board Planner

Cc: Brenda Kraemer, PE (via e-mail)  
Ed Schmierer, Esq., Board Attorney (via e-mail)