

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, DECEMBER 19, 2012, 7:00 P.M.

Present: John Gladwell
Bruce Kmosko
Peter F. Kremer
Charles E. Lavine
Frank Scangarella, Alt. #1
Edward H. Wiznitzer, Alt. #2
Stephen C. Brame, Chair

Absent: Samuel Pangaldi (Absent/excused)
Leona Maffei, Vice Chair (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slauch, Planning Consultant, Clarke•Caton• Hintz
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson
James L. Kochenour, P.E., P.P. Traffic Consultant
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. Minutes for Approval

July 18, 2012 (Regular) was tabled due to missing copied page.

August 15, 2012 (Regular)

Chair Brame moved and Mr. Scangarella seconded to approve the minutes.

AYES: Gladwell, Kmosko, Kremer, Lavine, Scangarella, Wiznitzer,
Brame

ABSENT: Pangaldi, Maffei

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Minutes for Approval - Continued

August 15, 2012 (Closed Session)

Mr. Kremer moved and Chair Brame seconded to approve the minutes.

AYES: Kmosko, Kremer, Lavine, Scangarella, Brame

ABSENT: Pangaldi, Maffei

INELIGIBLE TO VOTE: Gladwell, Wiznitzer

September 19, 2012 (Regular)

Mr. Kremer moved and Chair Brame seconded to approve the minutes.

AYES: Gladwell, Kremer, Lavine, Scangarella, Wiznitzer, Brame

ABSENT: Pangaldi, Maffei

INELIGIBLE TO VOTE: Kmosko

September 19, 2012 (Closed Session)

Mr. Kremer moved and Chair Brame seconded to approve the minutes, as Amended.

AYES: Kmosko, Kremer, Lavine, Scangarella, Brame

ABSENT: Pangaldi, Maffei

INELIGIBLE TO VOTE: Gladwell, Wiznitzer

4. Application No. ZB-1/11 (LAWRENCEVILLE ASSOCIATES – formerly Ferber Construction), Preliminary and Final Site Plan Application No. SP-1/12 and Consolidation of Lots, Brunswick Pike & Bakers Basin Road, Tax Map Page 36.01, Block 3601, Lots 1-4, 28, and 30-37.

The hearing was recorded. Jurisdiction continued from November 28, 2012.

Also present was Court Reporter, Eric S. Fishman, on behalf of the applicant.

Kevin, J. Moore, Esq., (Sills Cummis & Gross) was present to represent interested property owner, BSA Oil Corp., (Objector). The gasoline service station is located at 2961 Brunswick Pike.

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Application No. ZB-1/11 & SP-1/12 – Continued

Robert Casey, Esq., was present to represent two Car Dealerships located to the south of Route 1 (Mercedes-Benz of Princeton and Lawrenceville Ford Lincoln Mercury).

Gail L. Price, Esq., represented the applicant. Also, present was Timothy M. Prime, Esq., representing the Operations of McDonalds and Wawa.

Ms. Price gave a brief overview of the previous meeting and addressed the concerns regarding signage for TD Bank. She referred to Exhibit A-30 and explained that TD Bank has agreed to remove the south side elevation signage from façade.

Mr. Prime presented the applicant's Civil Engineer, Michael Jeitner, to address the new elevations for the proposed McDonalds application. Mr. Jeitner referred to Exhibit A-31 and explained the elimination of the separate front roof cap element and sign variance. He proceeded to state that the applicant has removed all the roof cap elements from the plan. He stated that the applicant is proposing a total of eight wall mounted signs (two 32.8 sq. ft. area McDonalds signs; two 14 sq. ft. area McDonalds M Logo signs and two 2.8 sq. ft. Welcome signs with one facing Route 1). He referred to Exhibit A-32 and described the two drive-thru freestanding Menu Board signs of 41.0 sq. ft. and 6.8 ft. in height and the incidental signs.

Mr. Slauch addressed the positive and negative criteria, and questioned the proposed type of façade materials. Mr. Jeitner proceeded to describe the materials of stack stone, brick material, parapet corrugated metal.

The applicant's Professional Planner and Landscape Architect expert, George Ritter, referred to Exhibit A-34 and gave an overview of the steps taken with regard to the permitted land uses. Mr. Ritter described the neighborhood setting and the zoning patterns established with regard to the positive and negative criteria that might exist since the site is comprised of several multiple lots to be combined into two lots. He stated that the combined area of the site contains 16.8 acres located between Litho Road and Bakers Basin Road. He stated that the proposed design of the site is to locate five independent commercial uses on Lot 1.01.

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Mr. Ritter stated that Lot 28, consisting of 49,543 sq. ft., would be retained as part of the application with a primary improvement of an access drive extending from Litho Road into the principal Lot 1.01 to connect with the Connector Road. He added that a total of 200 parking stalls are proposed. He proceeded to review Sheet 2 of Exhibit 34 and described the general land uses surrounding the proposed site and the D&R Canal property area. With regard to Sheet 3 of Exhibit 34, he described the uses along the north and south of the Highway Commercial Corridor. He referred to Sheet 4 of Exhibit 34 and addressed the existing zoning and permitted uses. He addressed the conditional use variances associated with Wawa, as a retail or convenience store. He explained the relief of a conditional use for the proposed service station being combined with other uses on the same lot and relief for the shopping center standards. He further explained the C1 and C2 variances with regard to the five buildings and stream buffer encroachment, and number of parking spaces. He stated that the series of design waivers relate to the specific criteria of the site.

A discussion followed by Mr. Slaugh and Mrs. Price with regard to the treatment of the shopping center standards and the D-3 variance. Following the discussion, Mr. Kremer questioned whether the Board should go to a higher level to request a vote on a D-3 variance. Mrs. Price requested Mr. Ritter to give further testimony stating the proofs of the variances and the appropriateness of a Wawa site or Shopping Center. Mr. Ritter stated that the evaluation of both would be the same and addressed the standards for the allowance of a gas station, a retail use and the combination of both uses. Also, he stated that the overall proposed site plan has been designed in a way that would be functional and compatible to the zoning district and surrounding properties. Additional testimony by the applicant included the overview of Exhibit 7 (Table of Variances and Waivers) stating that the Board could consider approving the variances because of the benefits and opportunity to physically improve traffic, public safety, stormwater management system and landscaping.

With regard the proposed signage, Mr. Ritter stated that the unknown tenant is not seeking signage at this time. He proceeded to give an overview of the two freestanding signs that the applicant agreed to reduce in size and modification of McDonalds' signage.

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Mr. Slauch cross-examined Mr. Ritter with regard to the proposed signage and a discussion took place in the overview of Exhibit A-22. Mr. Ritter stated that the signs are very appropriate and easy to read. He further stated that the applicant has reduced the permitted total amount of letters. Also, Mr. Slauch questioned the visual environment for the proposed façade signage from Route 1 and whether the signage for TD Bank and McDonalds should be combined into one.

Mr. Casey presented Robert J. Buda, as a Professional Engineer, representing Mercedes-Benz of Princeton and Lawrenceville Ford Lincoln Mercury to give testimony regarding the first site plan approved in 1994 for Mercedes-Benz of Princeton. Mr. Buda referred to Exhibit O-7 and addressed the planted tree at Route 1 and Litho Road and stated his observation regarding the sight distance issues, proposed islands and traffic counts at Litho Road. He proceeded to describe the photographs contained in Exhibit O-8 and stated concerns about the increase of traffic when leaving Litho Road because of the combination of the tree and telephone pole. He requested the Board to consider requiring the applicant to petition NJDOT to remove the tree located in the right-of-way, as part of the proposed application. A discussion followed by the applicant and Board. Mrs. Price stated objections on behalf of the applicant and suggested that the property owner request and make contact with NJDOT to have the tree removed, if the tree is a known danger. Mrs. Price stated that the applicant has no objection if the owner desires to remove the tree. Mr. Kochenour addressed the NJDOT access procedure and suggested that Mercedes-Benz of Princeton prepare a letter to NJDOT stating their concerns. Mr. Buda proceeded to state his concerns regarding the proposed islands, striped islands, and right turn lane. Mrs. Price proceeded to cross-examine Mr. Buda with regard to the right turn lane. Mr. Kochenour gave a brief overview of the jug handle and described how the right lane will carry traffic into Litho Road or into a new Connector Road.

Due to the lateness of the evening, no further action was taken by the Board. The Board moved and seconded to continue meeting to January 16, 2013, and a Special Meeting on January 30, 2013. Jurisdiction carried with no further notice required. The Board accepted.

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EXHIBITS:

- A-30 Revised Colored Elevations, dated 12/6/2012
- A-31 Building Elevation, dated 12/13/2012
- A-32 McDonald's Signage, dated 12/13/2012
- A-33 Revised Floor Plan, dated 12/13/2012
- A-34 Neighborhood Setting (7 Sheets)
- O-7 Landscape & Lighting Plan (Mercedes Benz-Dealership – 1994)
- O-8 Eight Colored Photographs – Mid December 2012

WITNESSES PLACED UNDER OATH:

- Charles D. Olivo, Professional Engineer, P.T.O.E. (Civil Engineer & Traffic Design) – Expert
- Michael Jeitner, Civil Engineer, McDonalds Corporation
- George Ritter, Professional Planner & Architect in Landscape (Ritter & Plante Assoc., LLC)
- Robert J. Buda, Professional Engineer (Objector), Two Automobile Dealerships (Mercedes-Benz of Princeton and Lawrenceville Ford Lincoln Mercury)

(Also remained under oath were Township Professionals, Mrs. Kraemer, Mr. Slaugh and Mr. Kochenour.)

PUBLIC COMMENT: None

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5. Old Business/New Business/Correspondence: None

6. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:24 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: Feb 20, 2013