

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, JULY 18, 2012, 7:00 P.M.

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

**Absent:** Charles E. Lavine (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  
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. **Resolution of Memorialization 13-12z approving Bulk Variance (homeowner) Application No. ZB-3/12, WILLIAM KRAUSE, 713 Rosedale Road, Tax Map Page 75.03, Block 7501, Lot 69 (formal action taken 5/16/12)**

Mr. Gladwell moved and Mr. Scangarella seconded to approve Resolution No. 13-12z.

**AYES:** Gladwell, Kmosko, Pangaldi, Scangarella, Brame  
**NAYES:** None  
**ABSENT:** Lavine, Maffei  
**INELIGIBLE TO VOTE:** Kremer, Wiznitzer

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4. APPOINTMENT OF SPECIAL ATTORNEY (Resolution No. 2-12z)

A brief discussion took place by the Board with regard to the appointment of George Dougherty, Esquire, to serve as Special Attorney for Remand of Zoning Variance Denial Appeal of Simone Investment Group (Sunrise Care Center).

Mr. Wiznitzer stated some concern regarding the methodology of appointing a Special Attorney. Also, he presented to the Board a personal recommendation and Letter of Interest from Michael W. Herbert, Esquire. He expressed that Mr. Herbert is a very experienced Land Use Attorney.

Following a brief discussion by the Board and Mr. Schmierer, the Board took the following action to Appoint George Dougherty, Esquire to serve as Special Attorney for 2012.

Chair Brame moved and Mr. Kmosko seconded to approve Resolution No. 2-12z.

Vote:

AYES: Kmosko, Kremer, Scangarella, Brame

NAYES: Pangaldi, Wiznitzer

ABSENT: Lavine, Maffei

INELIGIBLE TO VOTE: Gladwell

5. MINUTES FOR APPROVAL:

February 15, 2012

Mr. Kremer moved and Chair Brame seconded to approve the minutes. This carried on the following voice call vote: AYES (7) NAYES (0) ABSENT (2)

March 21, 2012

Chair Brame moved and Mr. Kremer seconded to approve the minutes. This carried on the following voice call vote: AYES (7) NAYES (0) ABSENT (2)

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6. Application No. ZB-1/12 (FERBER CONSTRUCTION MANAGEMENT, LLC ( REALTY HOLDINGS, LLC), 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. The Board took jurisdiction.

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.

Gail L. Price, Esq., represented the applicant. Ms. Price gave a brief overview of the proposed application and the upgrade of Mrs. G's retail property. She stated that the property is located at the intersection of Route U.S. 1 (Brunswick Pike) and Bakers Basin Road and Franklin Corner Road for a proposed mixed-use commercial site.

A brief discussion took place by Mr. Moore, with regard to the new applicant's submission of Contribution Disclosure Forms. The applicant stated that submission has been provided. Mr. Schmierer stated that the Forms could be provided to Mr. Moore prior to the next continued meeting.

The applicant's professional expert, Charles Olivo, Professional Planner gave a brief overview of Exhibit A-1. He described the existing site and re-development plan features of proposed consolidation, stormwater management, lighting and access from Route U.S. 1 and Franklin Corner Road. He stated that the applicant is proposing right turn only with full movement at Bakers Basin Road. He explained that the internal roadway will serve as the new Connector Road. He stated that the applicant is proposing to construct a McDonald's restaurant with drive-thru lane (3,911 sq. ft.), a Wawa convenience store with fuel provisions (5,067 sq. ft.), a retail building (15,000 sq. ft.) , a TD Bank with four drive-thru lanes (2,873 sq. ft.), and Mrs. G's retail (12,000 sq. ft.). With regard to Lot 28, the applicant stated that nothing is being proposed since the new Connector Road will extend up to the connecting road from Litho Road.

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Mr. Olivo referred to Exhibit A-2 and reviewed the existing conditions associated with the roadway systems and history of the site. He gave a review of the Outside Agencies and required approvals. He stated that the site is located 350 feet from the D&R Canal. He explained that the applicant would be proposing great improvements to address the traffic and flooding issues. He referred to Exhibit A-3 and highlighted some of the important attributes of the site. He proceeded to describe the proposed stormwater management, the two large infiltration basins and the underground storage. He stated that the applicant is proposing to provide extensive landscaping and tree replacement in the rear of site. He explained that the testimony with regard to the flood hazard areas, grading, ground water recharge and elevations are reflected in the Stormwater Management Report by Stonefield Engineering & Design LLC, dated 12/30/2011, Rev. 2/14/2012 and 5/31/2012 (See Exhibit A-4). In addressing the circulation stalls, existing jug handle, right turns, improvements to Bakers Basin Road, striping, modification of the eastbound turning lanes and new traffic signalization, he stated that off-site mitigation and improvement measures are significant. The landscaping details, pedestrian access to the site, landscaping will be enhanced throughout the site.

Mr. Olivo gave an overview of the proposed design layout and use for each tenant (McDonald's, Wawa, Retail, TD Bank and Mrs. G's Retail). He further stated that there would be a series of variances and waivers associated with the application because of the number of uses on the site, parking count and proposed new lot.

Following the comprehensive testimony by the applicant's expert, Mrs. Kraemer addressed the testimony with regard to the Connector Road and Litho Road. She questioned whether an easement would be proposed for both roads. The applicant stated yes. She questioned whether Lot 28 had a common ownership with the other lots and requested the applicant to verify in case a minor subdivision is required. The applicant agreed to provide information at the next meeting. With regard to the flood storage areas, Mrs. Kraemer questioned whether the rate reductions could be met without infiltration and how the flood waters would impact basins. The applicant agreed to prepare and provide analysis.

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Mrs. Kraemer proceeded to address the floodplain along Bakers Basin Road and questioned how the road will function after the development during a 100-year storm. The applicant agreed to provide an analysis. With regard to the proposed conservation easement, she stated that the easement should be a deed-restricted area.

Mrs. Kraemer referred to her Report dated June 20, 2012, and addressed the truck circulation with regard to the roundabout. The applicant submitted Exhibits A-7 and A-8 giving an illustration of travel through the roundabout without an asphalt treatment. She addressed the sequence of road improvements to the site and requested a Phase Plan. The applicant agreed to provide. Following a brief discussion, the applicant was requested to provide more soil testing. Also, the applicant was requested to provide a Maintenance Plan of the Basins and record all declarations with the Mercer County Courts. The applicant agreed to comply. A brief discussion took place regarding the vacant, existing diner and whether the applicant would be willing to work with a Historical Group if it were decided to relocate the Diner somewhere else. The applicant stated their willingness.

Mr. Slauch reviewed his report and addressed the maintenance of the landscaping for the proposed site. The applicant stated that the Developer will be responsible for all the common areas of the site. He proceeded to address the parking distribution of each proposed use and function of each internal need. The applicant provided testimony regarding the methodology of the parking design for each tenant. Further discussion took place regarding the Connector Road, the operation of the intersection, pedestrian, sidewalk along Route U.S. 1 and operation of the entrance driveway. Mr. Slauch addressed the Environmental Impact Statement and requested the removal of any underground storage tanks. The applicant agreed to comply. A discussion followed by Mr. Slauch and the applicant regarding the Wawa fueling operation and design for truck circulation.

Discussions took place by the Board and applicant with regard to the flood hazardous areas, the Shipetaukin Creek, the D&R Canal, details of the basins, DOT approvals, design of site, off-site improvements, and variances.

Due to the lateness of the evening, no further action was taken by the Board. Jurisdiction carried to next meeting on August 15, 2012. No further notice is required.

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**EXHIBITS:**

- A-1 Colored - Overall Site Plan – Sheet 3, dated 7/11/2012
- A-2 Aerial Existing Conditions Plan, dated 7/11/2012
- A-3 Colored ALTA/ACSM Land Title Survey of Lots 1, 2, 3, 4,  
dated 9/21/2012
- A-4 Stormwater Management Report by Stonefield Engineering & Design  
LLC, dated 12/30/2011, Rev. 2/14/2012 and 5/31/2012
- A-5 Traffic Impact Reports by Stonefield Engineering & Design LLC,  
Dated 12/30/2011, Rev. 2/14/2012
- A-5a Supplement Traffic Memorandum, dated 5/31/2012
- A-6 Environmental Impact Statement Report by Stonefield Engineering &  
Design LLC, dated 12/30/2012, Rev. 2/14/2012 and 5/31/2012
- A-7 Sheet T-1, Truck Turning Exhibit, by Stonefield Engineering &  
Design LLC, dated 5/31/2012
- A-8 Sheet T-3, Truck Turning Exhibit, by Stonefield Engineering &  
Design LLC, dated 7/11/2012

**WITNESS PLACED UNDER OATH:**

**Charles D. Olivo, Professional Engineer, P.T.O.E. (Civil Engineer & Traffic  
Design)**

**Also, placed under oath were Township Professionals, Brenda Kraemer,  
P.E., Asst. Municipal Engineer and Brian Slaugh, P.P. A.I.C.P., Consultant**

**PUBLIC COMMENT: None**

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7. Old Business/New Business/Correspondence: None

8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:23 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: 1-16-2013