

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 28, 2012, 7:00 P.M.

**Present:** John Gladwell  
Bruce Kmosko  
Peter F. Kremer  
Charles E. Lavine (Arrived 7:10 p.m.)  
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. Special 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. Resolution of Memorialization 17-12z approving Bulk Variance Application No. ZB-5/12, SANJAY & DIMPLE JAGANI, 24 Richards Road, Tax Map Page 52.04, Block 5201.7, Lot 9

Mr. Gladwell moved and Mr. Kmosko seconded to approve Resolution No. 17-12z.

Vote:

**AYES:** Gladwell, Kmosko, Scangarella, Brame  
**ABSENT:** Lavine, Pangaldi, Maffei  
**INELIGIBLE TO VOTE:** Kremer, Wiznitzer

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 28, 2012, 7:00 P.M.

4. Resolution of Memorialization 18-12z Denying Variance Application No. ZB-14/10 as Remanded SIMONE INVESTMENT GROUP, LLC, 100 Federal City Road, Tax Map page 27.03, Block 2701, Lot 81.01

Mr. Kremer moved and Mr. Scangarella seconded to approve Resolution No. 18-12z.

Vote:

AYES: Kmosko, Kremer, Scangarella, Brame  
ABSENT: Lavine, Pangaldi, Maffei  
INELIGIBLE TO VOTE: Gladwell, Wiznitzer

5. Adoption of Annual Meeting Schedule

Following a brief discussion and modification of date to be corrected to January 15, 2014 – Reorganization & Regular Meeting, the Board accepted, as Modified. All present stated Yes.

6. 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 October 10, 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.

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).

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 28, 2012, 7:00 P.M.

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

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

Ms. Price gave a brief overview of the previous meeting. She stated that the applicant has provided requested information as requested in response to some of the issues noted at the October 10, 2012, meeting. During a cross-examination, Mr. Olivo stated that a Revised Site Plan and Updated Stormwater Report, Supplemental Traffic Memorandum and various responses to the Board's Traffic Consultant were submitted to the Township on November 19, 2012.

Mr. Olivo proceeded to briefly review the resubmissions. He stated that the Mrs. G's building was rotated 90 degrees to remove the dead-end aisle and create an aisle way for better circulation. In addition, he stated that there is a reduction of six parking stalls, but applicant is still providing adequate parking. Also, the applicant has modified the Wawa layout and the fueling canopy location and parking stalls have been located five feet to the rear, further away from Route 1. With regard to the Supplemental Traffic Impact Study, he stated that particular attention was given to traffic movements at Bakers Basin Road, the Connector Road and unsignalized intersection to be created. He gave a detailed summary of the queuing analysis, the revised trip generations, the traffic movements along Litho Road, and traffic modifications along the most right lane on Route 1. With regard to the Revised Stormwater Management Report, Mr. Olivo stated that it is to support testimony regarding the enlarged underground basin at Bakers Basin Road to accept existing storm waters for the proposed widening of the Bakers Basin Road.

Mr. Kochenour stated his review and agreement with Mr. Olivo's Supplemental Traffic Impact Study. He proceeded to refer to comment #5 of his June 15, 2012, Letter and addressed the violations identified on Bakers Basin Road. In a cross-examination, Mr. Olivo explained the balancing acts to increase in delay on Bakers Basin Road the levels of service and stated he would keep the Township updated with regard to the NJDOT permits and improvements for the proposed signalization. Also, he stated that if necessary, the applicant could request waivers from the violations.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 28, 2012, 7:00 P.M.

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

Mr. Kochenour proceeded to address comment #2 with regard to the site plan issues and questioned the sub standards throat length code for Lawrence Township. Mr. Olivo described the modifications made to the Wawa design portion of the site to provide better circulation and controls while not sacrificing the safety in noted areas. With regard to the installation of an island along the Connector Road, Mr. Kochenour addressed the driveway width of exiting traffic and recommended a dividing aisle of at least six feet in width be constructed because of the projected traffic volume. Following a brief discussion by the Board with regard to the aisle to serve as a pedestrian refuge and to help calm the traffic, the applicant agreed to work with Township Officials. With regard to the roundabout, the applicant described it to be a conventional circular having an outer diameter of 90 feet, a centered area of cobblestone and landscaping.

Mr. Kremer addressed the possibility of the applicant constructing a side walk and cross walk access for connection to the D&R Canal Path. The applicant stated that it would require a right of way dedication from adjacent property owners and stated their willingness to consider.

A brief discussion took place by Mr. Kochenour with regard to the ten percent capture rate and stated his acceptance of Mr. Olivo's methodology given for the one-way flow at McDonald's.

Mr. Casey addressed the existing conditions of the Route 1 traffic and stated concerns about the live lane closest to Litho Lane with regard to the timing of merge onto Route 1. Following a brief discussion based on the observations by the applicant with regard to the live lanes and shoulder, Mr. Olivo stated that there would be no change to the interface to accommodate the minimum volume coming out of Litho Road. Mr. Olivo stated that if the Board and Board's Professionals desire to modify the striping in the most right lane, an approval would have to come from NJDOT. Mr. Casey addressed the September 11, 2012, submission of the Concept Plan request from NJDOT and felt that plan had been transposed. Ms. Price stated great objections to Mr. Casey's cross-examination about the Concept Plan. Mr. Olivo gave clarification to the Board with regard to the original plan and the actual design plan. Ms. Price further stated the applicant's willingness to adhere to all required regulations and to work with the Township and NJDOT. The Board accepted.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 28, 2012, 7:00 P.M.**

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

Mr. Casey addressed the sight distances at the Litho Road's Intersection and questioned the applicant's evaluation. Also he stated concerns about improving the sight distances by removing the trees. The applicant stated that the trees are located in the jurisdiction of NJDOT's right of way. The applicant suggested that the property owners write to NJDOT regarding the removal of the trees, as part of the ongoing application.

Mr. Moore referred to Exhibit A-27, addressed the traffic at the Route 1 and Bakers Basin Road and stated several questions regarding the signal timing for the Build Condition. He further questioned whether the traffic volume numbers for each movement listed in the 2013 Highway Capacity Analysis for the a.m. and p.m. peak hour coincided with the applicant's Traffic Volumes Memorandum of May 31, 2012. Also, he questioned whether the proposed traffic volume numbers include the trips to be generated by the proposed improvements and the Wawa site. In a detailed response, Mr. Olivo explained the background of the traffic volumes, the differences of the Eastbound and Westbound approaches, and the variable counts because of magnetic loops and distribution of cycle lengths. A brief discussion followed by Mr. Moore regarding the traffic volume numbers being comparable to other local retail type centers. Mr. Moore requested copies of those studies, if available. Ms. Price stated that Mr. Moore has been copied on every submission and/or refiling of information. Also, Ms. Price questioned whether Mr. Moore's Traffic Engineer filed a traffic report to the Township Engineer's office. He stated no. Mr. Moore proceeded to address several questions from Exhibits A-5 and A-5a regarding vehicle movements in the no build conditions, re-timing of queue lengths, and NJDOT Access approvals. Also, he proceeded to question the additional approvals from Mercer County Planning Board Letter, dated June 6, 2012, and submitted Exhibit O-6 regarding the conditional approvals from the County.

In rebuttal, Ms. Price addressed three questions to Mr. Olivo regarding the submittal of information to the Township, depiction of testimony and methodology in preparation. Mr. Olivo's responded and stated that all information to the Township has been submitted as required by Township's Ordinances. He further stated that an accurate representation of Traffic Analysis and methodology was given regarding the roadway network design. Also, he stated that the measures of improvements, Supervised by his Office, were prepared within acceptable guidelines of the Traffic Engineering Standards.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 28, 2012, 7:00 P.M.

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

Mr. Kochenour stated his acceptance of Mr. Olivo's testimony given and had no questions.

Mr. Prime referred to his letter dated October 24, 2012, regarding McDonald's roof elevations. He proceeded to present McDonald's Regional Project Manager, Laurie Kiedaisch, to give testimony regarding the roof cap element (RCE) and McDonald's previous submitted Exhibit A-20 that required a variance relief. Mr. Prime referred to Exhibit A-29 and explained that McDonald's is eliminating the RCE from the site plan and is submitting a new architectural element of the building without a gold band along the roof. Ms. Kiedaisch's cross-examination confirmed that McDonald's is proposing a new prototype without a RCE. She stated that the new prototype is of the same foot print and does not require a variance. The applicant is now proposing to build Exhibit A-29. Also, she further stated that except for the RCE, the sign package is the same.

Mr. Slauch stated his review of Exhibit A-29 against the Ordinance and that the new prototype does not constitute a sign variance. He questioned whether the "welcome" letters will be part of the new prototype. The applicant explained that the "welcome" letters were part of the original signage package and required variances. A brief discussion took place by the Board with regard to the signage package. The applicant was requested to include the changes on the Site plan. The applicant agreed to comply.

Due to the lateness of the evening, no further action was taken by the Board. The Board moved and seconded to continue meeting to December 19, 2012. Jurisdiction carried with no further notice required. The Board accepted.

EXHIBITS:

- A-25 Revised Site Plan, dated November 16, 2012 (by Stonefield Engineering & Design)
- A-26 Revised Stormwater Management Report, dated November 16, 2012 (by Stonefield Engineering & Design)
- A-27 Revised Supplemental Traffic Impact Study, dated October 24, 2012 (Stonefield Engineering & Design)

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 28, 2012, 7:00 P.M.

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

EXHIBITS - Continued

- A-28 Response to Traffic Report –Related Comments (by Stonefield Engineering & Design), dated October 24, 2012
- A-29 McDonald’s Prototype of Signage, Colored
- O-6 Letter dated June 6, 2012, from Mercer County Planning Board, to Mr. Olivo.

WITNESSES PLACED UNDER OATH:

- Charles D. Olivo, Professional Engineer, P.T.O.E. (Civil Engineer & Traffic Design) – Expert
- Laurie Kiedaisch, McDonald’s Regional Project Manager

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

PUBLIC COMMENT:

- William Bren, Baker’s Basin Road, (Owner of Nursery) addressed the changes of the site plan regarding the relocation of canopy at Wawa, rotation of Mrs. G’s building and number of parking spaces. He questioned whether those changes would impact the capacity of the stormwater system and/or conservation area. The applicant stated no.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 28, 2012, 7:00 P.M.

7. Old Business/New Business/Correspondence: None

8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:03 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