

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, OCTOBER 10, 2012, 7:00 P.M.

Present: John Gladwell
Peter F. Kremer
Charles E. Lavine
Samuel Pangaldi
Edward H. Wiznitzer, Alt. #2
Stephen C. Brame, Chair

Absent: Bruce Kmosko (Absent/excused)
Frank Scangarella, Alt. #1 (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. **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 September 19, 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.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, OCTOBER 10, 2012, 7:00 P.M.

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. Prim, Esq., representing the Operations of McDonald's and Wawa.

Ms. Price gave a brief overview of the previous meeting. She requested continued testimony be given about the operations of Wawa. Mr. Prim proceeded to present Wawa's Fact Witness, Michael Redel, as a Project Engineer, to give testimony regarding the design layout of the property. Mr. Redel stated his responsibilities to help facilitate the development process and Wawa's interest for the approval process. Mr. Redel referred to Exhibit A-1 and gave testimony regarding the deliveries to the Wawa site. He stated that there are three to four dairy deliveries per week at the rear loading area during off-peak hours by Wawa's delivery trucks. He stated that Wawa does partner with McClain trucks three to four times a week for other products. He stated that there are vendor type trucks for deliveries of Newspapers, Tasty Cakes, Pepsi, and etc. With regard to trash pickups, Mr. Redel referred to Exhibit A-21 and described the trash compound that is connected to the store. He explained that there are local waste companies for trash and recycle pickups during the course of the week. He stated that there are about 50-60 part-time employees and a total of 10 to 12 employees work per shift, which also includes the fuel associates. He stated that the gasoline deliveries would be, as needed, with one to two deliveries a day, based on the fuel tank's automatic dispatch computer schedule. With regard to the coordination of deliveries with McDonald's, Mr. Redel stated that because of the separate uses there should not be any conflicts. He explained that even though Wawa operates 24-hours, 365 days a year, the applicant would agree to comply with the Township's Ordinances. He proceeded to give an overview of the 600 stores located in six states and stated that 300 are with fuel operations and 300, without. He stated that even though diesel fuel is sold to a number of automobiles and light trucks using diesel fuel, they do not sell to tractor trailers. The applicant referred to Exhibit A-21 and described the 70 sq. ft. sign, the canopy, and two free-standing signs for Route 1 and Bakers Basin Road. (Also, see Exhibit A-22 (EX-2) signage.)

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, OCTOBER 10, 2012, 7:00 P.M.

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

Mrs. Kraemer questioned whether there would be seating inside the Wawa store and whether the applicant would consider solar panels on the canopy. Also, she addressed the peak hour deliveries, questioned the number of deliveries and whether tractor trailers would be sold diesel fuel. She questioned how tractor trailers, traveling Route 1, would know that Wawa sells diesel fuel. The applicant stated that if a tractor trailer comes on site and is on fumes, Wawa will pump a small portion to help the trailer get to the nearest truck stop. The applicant further stated that the drive aisles are not convenient for tractor trailers.

The applicant referred to Exhibit A-21 and stated that the proposed bollards to be located in front of the store are for the safety of Wawa's employees and customers. The applicant stated their willingness to propose a design more aesthetically pleasing. The applicant stated that curbs do not stop cars and parking up against store is what people expect for a convenience store.

A discussion took place by Mr. Slauch with regard to the design of the site. He stated concerns about the vehicular movement from the northbound, the two-way traffic and questioned the vehicular movement. He questioned why the building lacks landscape and taller planters. He questioned whether the freestanding sign was part of the original plan. Mr. Kremer questioned whether Wawa's building could be reversed. Also, he stated some concerns regarding Wawa's signature look and the massive canopy. He asked the applicant to give great consideration with regard to the size of the canopy. Mr. Lavine addressed the construction of a canopy on Route 539 in the Ocean County New Jersey area and questioned whether there are different canopy designs for certain locations.

Mr. Moore questioned whether the gas prices have to be posted in the front according to the NJ State Statutes. He questioned whether the applicant would encourage tractor trailers at their Wawa site. He referred to Exhibit O-5 and described the numerous tractor trailers at the Florence, New Jersey site. The applicant explained that the Florence site has a separate aisle to the rear, isolated from the store, for the tractor trailers exiting off the Pennsylvania Turnpike. The applicant stated that there is no fueling for tractor trailers. Mr. Moore proceeded to questioned whether there is a price differential of fuel prices in New Jersey and Pennsylvania. Also, he stated several questions to the applicant regarding Wawa's deliveries of fuel, pumping speed of nozzles, parking for employees, and fire lanes.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, OCTOBER 10, 2012, 7:00 P.M.

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

A discussion followed by Mr. Kremer with regard to pedestrian safety and the materials of the parking spaces for curbing. He questioned the differential of the applicant's use of asphalt and concrete between the parking and sidewalk.

Mr. Prim gave clarification regarding the posting of gas prices and stated that the N.J. Statutes 56:6-2 does require pricing to be posted onto bracket on pumps or displayed by a sign on the site located on the premises and visible to any adjacent roadway or both.

Mr. Moore requested clarification about the testimony given by Mr. Redel and Mr. Olivo regarding the nozzles' speed used for the diesel fuel pumps.

Ms. Price referred to Township's Reports dated March 23, 2012 and June 11, 2012, from the Fire Subcode Official and stated that both reports are solid regarding the proposed fire lanes. Also, with regard to the Objector's cross-examination, Ms. Price referred to Mr. Olivo's testimony on August 15, 2012, (Page 39, Line 9 thru 22) regarding the nozzle speed of pumps at the proposed site. Mr. Olivo stated that the applicant will be using low-speed nozzle diesel fuel pumps.

Mr. Olivo proceeded to address some of the outstanding issues with regard to the Traffic Impact Study. He stated that the necessary applications have been filed with New Jersey Department of Transportation for Major Access Permits and Street Intersection, as of September 6, 2012. With regard to the Traffic Impact Statement, Mr. Olivo stated that the methodology used confirms the standards for parking analysis, levels of service and trip generation. He proceeded to refer to Exhibit A-2 and described the existing conditions shown on the proposed site of the intersection, jug handle, no-build conditions, build conditions, background growth and density improvements. He proceeded to refer to Exhibit A-23 and described the proposed off-site and internal improvements for the proposed consolidated site regarding the Access Management Plan. Also, he stated that all of the improvements will be made by the Developer and not by the Fair-Share Contributions. He proceeded to present the anticipated traffic projections, trip generation rates of the proposed intersection, queuing lengths, and adequacy of the proposed left-turn lane along Bakers Basin Road at the Connector Road. He stated that proposed roadway improvements will include sidewalks along Route 1 to tie in with the cross walk features.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, OCTOBER 10, 2012, 7:00 P.M.**

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

With regard to the roundabout located in the center of the Connector Road, the applicant stated that it would be better modified to accommodate truck patterns in order to circulate the site. He referred to Exhibit A-24 and explained the rotation of Mrs. G's building, keeping the dimensions of 90 degrees, to achieve an area where the motorists can come off the Connector Road into the area in front of Mrs. G's and circulate without having the parking stalls fronting on Bakers Basin Road. The applicant stated their willingness to address the Township's concerns and work with the Board. With regard to the environmental constraints and flood hazard areas, the applicant briefly gave an overview of the Conceptual Plan and associated impact on the landscaping, circulation, levels of service, sidewalks and operation of the Connector Road.

Mr. Kochenour commended Mr. Olivo regarding his thorough traffic presentation. He proceeded to review the testimony given regarding the inclusive improvements, but stated some concerns regarding the traffic trip generation impact by an average rate for shopping center uses. He suggested that the applicant provide a more representative trip generation assessment of Wawa, McDonald's and the TD Bank, as standalone users, to capture the traffic affect of pass-by traffic. A brief discussion took place by Chair Brame with regard to Mr. Kochenour's suggestion. Due to the lateness of the evening, Chair Brame requested the Board to consider specific questions to ask of Mr. Olivo at the next scheduled meeting and then further reconcile what expert advice should be given regarding the traffic projections. The Board accepted.

No further action was taken by the Board. Jurisdiction carried to next meeting on November 28, 2012, Special Meeting. No further notice was required.

EXHIBITS:

- A-21 Elevation & Floor Plan – Proposed Wawa
- A-22 Signage Plan (Ex-2)
- A-23 Updated Overall Site Plan, dated August 14, 2012
- A-24 Alternate Mrs. G's Layout
- O-5 Google Photo of Wawa – Florence, New Jersey

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, OCTOBER 10, 2012, 7:00 P.M.

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

WITNESSES PLACED UNDER OATH:

- Charles D. Olivo, Professional Engineer, P.T.O.E. (Civil Engineer & Traffic Design) – Expert
- Michael Redel, Project Engineer (Fact Witness), Wawa

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

PUBLIC COMMENT:

- Joseph Chang, 37 Compton Drive, E. Windsor, NJ (Owner of Deli on Franklin Corner Road) questioned the number of gas pumps and size of acreage for the proposed site.

4. Old Business/New Business/Correspondence: None
5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:10 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: 1-13-2013