

Lawrence Township Planning Board
Regular Meeting
Monday, November 18, 2013

Present: Christopher Bobbitt
Ian J. Dember
Richard S. Krawczun, Municipal Manager
Terrence Leggett
Michael Powers, Councilman
James Kownacki, Mayor
Aaron D. Duff
Glenn R. Collins
Kim Y. Taylor, Vice Chairperson

Excused Absence: Philip Duran; Doris M. Weisberg, Chairperson;
Neil Yoskin, Planning Board Attorney

Absent: None

Also Present: James F. Parvesse, Municipal Engineer
Philip B. Caton, Clarke Caton & Hintz, Planning Consultant
Edwin Schmierer, Esquire
Susan Snook, Recording Secretary

1. **Statement of Proper Notice**

Adequate notice of this meeting of the Lawrence Township Planning Board has been provided by filing the annual meeting schedule with the Municipal Clerk as required by law, and by filing this agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, and the Lawrence Ledger newspapers.

2. **Public Participation (for items not on the agenda)**

None

3. **Minutes for Approval**

Monday, August 19, 2013 and September 30, 2012 minutes were unanimously approved.

4. **Resolutions**

- Resolution of Memorialization 20-13 approving Major Site Plan Preliminary and Final Approval Application No. SP-3/13; **Mercer Mall Expansion**, Route 1 and Quakerbridge Road, Tax Map Page 52.01, Block 5201, Lots 32, 39, 40, 41.01 & 45 was approved per unanimous vote.

5. **Applications:**

Minor Subdivision with Variance Application; **Ada Longo**, 72 Northbrook Avenue; Tax Map Page 13.02, Block 1316 Lots 66 and 67.

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James Kovachik, Mayor
Aaron D. Duff
Glen R. Collins
Kim Y. Taylor, Vice-Chairperson

Philip Durant, Doris M. Weisberg, Chairperson
Tat Yaskin, Planning Board Attorney

None

James R. Lawrence, Municipal Engineer
Philip S. Gaton, Clerk
Edwin Schmeider, Executive
Susan Snook, Accounting Secretary

Statement of Proper Notice

Abstract notice of this meeting of the Lawrence Township Planning Board has been provided by the annual meeting schedule with the Municipal Clerk as required by law, and by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building and mailing to the Trenton Times, and the Lawrence Ledger newspapers.

Public Participation (for items on the agenda)

None

Minutes for Approval

Monday, August 19, 2013 and September 30, 2013 minutes were unanimously approved.

Resolutions

Resolution of Memorialization 10-13 approving Minor Site Plan Preliminary and Final Approval Application No. 2P-2013, Master Mail Expansion, Route 1 and Oakbridge Road, Tax Map Page 52.01, Block 5201, Lots 32, 33, 40, 41, 42 & 43 was approved per unanimous vote.

Adjournment

Minor Subdivision with Variance Application Adin Longo, 72 Nicholas Avenue, Tax Map Page 18.02, Block 1818 Lots 66 and 67.

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Mr. Eric Goldberg of Stark & Stark represented the applicant to a lot line adjustment (a subdivision) and a slew of variances. There are two subject properties involved, 72 and 80 Northbrook Avenue which are owned by various members of the Longo family. About 40 years ago a garage was built and the bulk of the garage is on 80 Northbrook Avenue. A portion of the garage is also built on 72 Northbrook Avenue. What is being proposed is a lot line adjustment so that the new lot line will bisect the garage so half would be on 80 Northbrook and half will be on 72 Northbrook Avenue and both usable by the lot owners. There will be a dozen variances that are being requested. The great bulk is related to pre-existing conditions (Lot 72: required minimum lot size is 7,500 sf and the existing lot is 6,000 sf; so this lot is being made a little bit bigger because of the lot line adjustment so it will go from 6,000 sf to 6,500 sf; there is an existing non-conformities for the side yard, front yard and accessory structure front yard and side yard, none which are being changed. Lot 80 is requesting a lot area variances which is going down in size because 500 sf is being taken from one lot to the other lot. Minimum lot frontage is going down by five-feet; minimum side yard is going down by five-feet; and accessory front yard and the side yard for the accessory building and a side yard setback are staying the same; however, they are presently non-conforming.

If someone looked at this from the street level, no one is going to be able to see any difference, the only difference would be the fact that there is an existing deck and a patio and some of that area is being moved and altered. In terms of the garage and the subdivision, there is really nothing that anybody will see from the street level.

Witness #1: David Stratton, LS, Trenton Engineering Co., Inc. Mr. Stratton stated that the Longo's own the two lots on Northbrook Avenue (Lots 66 & 67) and idea for the project is to subdivide the two lots so both properties could utilize the garage. The garage is more on Lot 67 (off centered) so to shift the line by five-feet and to do away with problems with title search so it does not show one-half on a property and one-half on the other property.

There are a few areas in the back that will be removed which is the patio to clean up the back yard variances and encroachments which have taken place due to the shift in the lot line. There is an existing shed on Lot 67 that new a side yard variance; the garage setbacks need a variance because it is on both lots; lot frontage on Lot 67 will go from 60 to 55 and lot area goes from 6,600 to 5,500. Lot 66 also requires a variance for lot area which is increasing by 500 sf; variance required for the deck and the patio for a zero lot line. There would be no detriment to the neighborhood because of the lot line change. It is basically to have a clean title and use the garage for both properties. Mr. Caton stated the wall that is proposed to follow the proposed lot line and how wide would each side be once the wall is constructed and could possibly be 11' on each side.

Mr. Goldberg stated the only other witness is the property owner, Ada Longo. The Board stated she did not have to testify.

Mr. Duff stated if they sell the property and one-half to each owner would it be deed restricted. The Board was questioning if there were two different owners that owned one garage and there are some in the Township. Mr. Caton stated there are buildings that were built on the lot line and *not in* conformance with the side yard setback and it is not unusual that a garage is there and a wall on the lot line and this is what is being proposed for the application. What is unusual is one-third of the garage is on one side and two-thirds is on the other side. Mr. Caton stated this is more sensible situation than exists today and most of the variances that exist on the two properties are not aggravated by the proposal. There are no variances that existing that are not being changed, or if being changed, they are being improved on one lot and aggravated on the other to the same extent and under the C2 justification the Board can ground the variance for *the application*.

Mr. Parvesse asked if there will be a maintenance agreement filed with the deed in terms of how to handle the outside of the garage. Mr. Goldberg stated the owners are not fully decided yet. Mr. Caton stated is the variance relief was granted there could be a condition of approval for a maintenance agreement for the garage be kept in the same color and would follow the house upon it being sold.

There was no public comment.

6. **Amendment to the Land Use Ordinance**

Mr. Caton stated this ordinance has been introduced by Council and referred to the Board for consistency with the Master Plan and the purpose of this is to enable the sale of used cars instead of being an accessory use in the Highway Commercial Zone it would be a permitted use provided certain conditions are met. The conditions are set forth on Page 2 under New and Used Automobile Sales Buildings. The following additional design standards for new and used automobile sales buildings shall apply:

1. The showroom should be the most prominent architectural features of the building and should have a two story volume.
2. The total front façade of the building facing the highest order street, excepting a limited access highway, shall consist of at least 30% clear glass, and any portion distinguishable from other portions of the building as the facility's showroom shall be at least 50% clear glass.
3. The remaining faced materials should be stone, brick, metal panel or tinted glass, except those areas not visible from a public street may be architectural concrete masonry units.
4. Service bays should be oriented to the sides or rear of a building.
5. Exterior display of vehicles, when permitted, shall be located at ground level and demarcated with textured paving materials to distinguish the area from customer parking.

This is to respond to the change in the automobile industry where there is substantial car sales facilities that are used, not new car facilities and as land uses evolve like when service stations become service stations and convenient stores the Land Use Ordinance changes to respond to it and the Master Plan.

In this case it is about car dealerships and tried to create architectural and design standards that will insure that if there is a facility that is selling used cars as a principal use as opposed to an accessory use, that it will be a facility that looks like a new car facility would and those are the standards summarized under the design standards.

Councilman Powers questioned the minimum lot size and not have corner lots and would have to be a pretty big project. Mr. Caton responded that it is a five acre minimum lot size and a gross floor area of 15,000 sf is required for the building size and that is standard size.

...will be a maintenance agreement filed with the deed in favor of how to ...
...the outside of the garage. Mr. Galtberg stated the owners are not fully satisfied yet. Mr. ...
...stated that the variance relief was granted there could be a condition of approval for a ...
...agreement for the garage be kept in the same color and would follow the house color ...

...the public comment.

Recommendation to the Land Use Ordinance

6

...the ordinance has been introduced by Council and referred to the Board for ...
...with the Master Plan and the purpose of this is to update the use of used cars instead of ...
...in the Highway Commercial Zone it would be a permitted use provided certain ...
...on Page 5 under New and Used Automobile Sales. The conditions are set forth on ...
...The following additional design standards for new and used automobile sales buildings ...

1. The showroom should be the most prominent architectural feature of the building and ...
...should have a low story volume.

2. The front facade of the building facing the street should be finished with ...
...at least 80% clear glass, and any portion of the building facade shall be at least 80% clear ...
...glass.

3. The remaining facade materials should be stone, brick, metal panel or tinted glass, except ...
...from a public street may be non-reflective concrete masonry units.

4. Service bays should be oriented to the side or rear of a building.

5. A display of vehicles, when permitted, shall be located at ground level and be ...
...with returned parking materials to distinguish the area from customer parking.

This is to respond to the change in the automobile industry where there is substantial ...
...new car facilities and as land mass evolves like when service stations ...
...and convenient stores and the Land Use Ordinance changes to respond to it and ...
...the Master Plan.

...to create architectural and design standards that will ...
...is selling used cars as a principal use as opposed to an accessory ...
...like a new car facility that looks like a new car facility would and these are the standards ...
...design standards.

Councilman Powers questioned the minimum lot size and not have a minimum lot size and would have to be a ...
...Mr. Galtberg responded that it is a five acre minimum lot size and a gross floor area of ...
...18,000 sq ft is required for the building size and that is standard size.

This change would not affect Lawrence Toyota because they have their approval to make those changes which are in progress and won't affect their prior approval. Mr. Collins asked what stretch of Route 1 could hold something like this. Mr. Krawczun stated there is an interest in the site where Heinemann Electric is. Mr. Krawczun stated this would affect the entire zone not just that site so any place there is a Highway Commercial zoning, this conditional use would be applicable if they met the conditions and we are not focusing on just one lot.

Mr. Collins stated we would not allow an auction facility that would be open to the public. Mr. Caton stated since it is not permitted as a means of conveying to the cars it is prohibited; however, if you want to be certain about it could be specified in the Ordinance and the Planning Board could send it back to Council with that suggestion and then Council would make a determination if that was a substantiate change or not and if so, they would redo it. Mr. Krawczun stated if it is the Board's recommendation we would have to take it up with the Township Attorney and state how that change could be incorporated. A question about the Costco site came up. Mr. Caton commented that we should concentrate those auto sales on Route 1.

Mr. Caton stated that Council is looking for a motion that it is consistent with the Master Plan and recommendation for adoption with the change chose to regarding an auction facility.

7. **Old Business / New Business / Correspondence:**

None

8. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 7:34 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes Approved: 
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