

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, FEBRUARY 20, 2013, 7:00 P.M.**

Present: John Gladwell
Bruce Kmosko
Charles E. Lavine
Samuel Pangaldi
Melissa Saunders
Frank Scangarella, Vice Chair
Peter F. Kremer, Chair

Absent: Leona Maffei (Absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, 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. OATH OF OFFICE: New Members: Frank Scangarella and Melissa Saunders were placed under oath. The Oath was administered by Edwin Schmierer, Esq.

4. ELECTION (s)

Mr. Lavine moved and Mr. Gladwell seconded to appoint Peter Kremer, as Chair. The following voice call vote took place: AYES (6) NAYES (0) ABSENT (1) ABSTAINED (1)

5. DISCUSSION:

Following a brief discussion regarding a request from Mrs. Maffei to delay the appointment of Vice Chair until her return, the Board took the following action: It was the Board's consideration to immediately appoint a Vice Chair. The following voice call vote took place: (All present stated, Yes.)

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6. ELECTION – VICE CHAIR:

**Chair Kremer moved and Mr. Lavine seconded to appoint Frank Scangarella, as Vice Chair. The following voice call vote took place:
AYES (6) NAYES (0) ABSENT (1) ABSTAINED (1)**

7. MINUTES FOR APPROVAL:

December 19, 2012 (Regular)

Mr. Gladwell moved and Mr. Scangarella seconded to approve the minutes. The following voice call vote took place: AYES (5) NAYES (0) ABSENT (1) INELIGIBLE (2)

**8. Application No. ZB-6/12 (ROBERT T. JEE & EMILY SUSAN MILLER),
Bulk Variance, 100 Cold Soil Road, Tax Map Page 64.02, Block 6401, Lot 72.**

The hearing was recorded. The Board took jurisdiction.

Richard Schatzman, Esq., represented the applicant. Mr. Schatzman gave a brief overview of the applicant's request for a "D" variance to have an existing cottage on the property renovated and expanded for Mr. Jee's senior in-laws to live in. He proceeded to review Section 401C of the Ordinance and the non-conforming use with regard to the two principal uses. Also, he stated that the property is a flag lot with no frontage on Cold Soil Road. He explained that the property will need a "C" variance and relief from the frontage. He stated that the existing cottage, located in the EP-1 district, is proposed to expand from 1,080 sq. ft. to 1,710 sq. ft. to allow a comfortable living space.

The applicant, Robert T. Jee, described the property to be 13.30 acres in size with two principal dwellings. Mr. Jee stated that the one principal dwelling is the single-family home and the other, is a barn for storage of gardening equipment. Mr. Jee referred to Exhibit A2 and explained that the property is surrounded by a housing development and stated that the property is heavily wooded on all of its boundaries. Also, the applicant stated that the cottage cannot be seen by any of the neighboring lots. The applicant referred to Exhibit A5 and described the interior of the historic cottage. The applicant explained that after the renovations, the two-story cottage will consist of two one-half bathrooms, a great room, a study upstairs, a single bedroom downstairs, and a kitchen. The applicant is proposing to use the same exterior materials and roof line to maintain its historic character.

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Application No. ZB-6/12 - Continued

The applicant referred to Exhibit A1 and described the flag lot having no frontage on Cold Soil Road. The applicant stated that there is sufficient ingress and egress via the half-mile asphalted driveway to allow access for fire and emergency vehicles. With regard to parking, the applicant stated that there is adequate parking. The applicant stated their willingness to provide the required well testing and an adequate septic system to accommodate both principal uses. The applicant addressed the Sunoco Pipeline that runs along end of driveway and agreed to provide letter from Sunoco stating "no objection" to Pipeline Easement for the proposed application.

Mr. Schatzman referred to the Township Professionals' reports with regard to the ECHO housing, use variance, deed restriction that prohibits rental in accordance with §428.A, modifications to septic system and submission of required plans for building permits, the applicant agrees to comply with all noted comments. The applicant stated their willing to provide a Deed Restriction and willingness to preserve the 19th Century Historic Cottage.

Mr. Slauch referred to his report dated November 21, 2013, and addressed the aging demographics of law. He questioned the applicant's intent of the use and whether the in-laws will live in cottage as long as able. The applicant stated "yes". He proceeded to give his overview of the proposed application and its well-buffered site surrounding the pre-existing cottage. In addressing the use variance, the adequate parking and he expressed no negative impact with the proposed conditions or the surrounding area. (See Attachment No. 1 – Reports)

EXHIBITS:

- A-1 Submitted Rendered Plan of Survey**
- A-2 Photos of Exterior (Pre-existing)**
- A-3 Photos of Principal Dwelling & Surrounding Area**
- A-4 Photos of Additional Features**
- A-5 Photos of Interior of Pre-existing**
- A-6 Architectural Rendering of Proposed Addition**

WITNESS PLACED UNDER OATH:

Robert T. Jee, Applicant

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PUBLIC COMMENT:

- **Eric Hall, 9 Old Bridle Path, stated some concern about the visibility of the property and building. Following a brief conversation, it was noted that Mr. Hall's concern was about another building on the property and not the cottage.**

Mr. Lavine moved and Mr. Pangaldi seconded to approve the application, including bulk variance and stated conditions, subject to all appropriate conditions and the recommendations contained in the Township Professionals' reports.

Vote:

**AYES: Gladwell, Kmosko, Lavine, Pangaldi, Saunders, Scangarella, Kremer
NAYES: None
ABSENT: Maffei**

- 9. Application No. ZB-1/11 (2012 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 January 30, 2013.

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).

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

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

Mrs. Price gave a brief overview of the previous meeting. She proceeded to address her letter dated February 15, 2013, with regard to objections in the relevance and completeness of traffic count information submitted by the Objector's Traffic Engineer. (See Attachment No. 2 – Letters)

Mr. Moore proceeded with the submission of Exhibits O-27 (Litwornia Associates, Inc., Traffic Counts); O-28 (Litwornia Associates, Inc. Updated Trip Generation Study for Wawa Food Stores in NJ and PA) and Exhibit O-29 (Lawrence Township Police Dept. Vehicle Accidents-Crash Data).

Mr. Litwornia, remained under oath, proceeded to give an overview of Exhibit O-27 dated February 7, 2013, with regard to the additional counts taken at the Wawa stores in Medford and Florence New Jersey. In addition, he gave a review of traffic counts for the Wawa site in Lumberton, New Jersey. (See Attachment No. 2 – Letters)

Mr. Kochenour's cross-examination of Mr. Litwornia's testimony consisted of questioning the fueling positions, access points and stand alone counts at the Medford and Florence sites. He questioned whether the counts were independent of the nearby fast-food restaurants. He proceeded to question the parallel access for the shopping center at the Lowes' pad site. Also, he gave an overview of five points when using an average rate and questioned the type of software and model used to produce analysis by Mr. Litwornia.

A brief discussion took place by Chair Kremer with regard to whether Mr. Litwornia has data for the Quick-Chek site.

Mrs. Price's cross-examination of Mr. Litwornia's testimony proceeded with questioning whether he had prepared a formal Traffic Impact Study. She questioned the dates of the analysis and methodology provided by Mr. Litwornia's methodology in providing data for highways under the jurisdiction of NJDOT.

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Mrs. Price proceeded with a cross-examination of Mr. Olivo in the review of open items from Mr. Kochenour's report regarding some of the site plan issues. Mr. Kochenour noted that this review of Mrs. Price's report dated February 15, 2013, contains no new or additional issues since his original report. Mr. Olivo, remained under oath, proceeded to address Page 5 of 12 with regard to creating a median to separate egress and ingress for tractor trailer's movements. He stated that the applicant will slightly increase two to three feet in the separation area at Wawa site and area of fueling canopy. He referred to Page 7 of 12 with regard to the relocation of the first few parking spaces on the easterly or northerly side. With regard to Items 13 & 14 on Page 10, the applicant will provide another submission of truck turning templates, red-lined plan and cross walk area. Also on Page 10, Items, 16, 17, & 18, applicant is suggesting to narrow sidewalk area of 28 ft. to 24 ft., to provide adequate pedestrian crossing at the intersection of Connector Road and the Litho Road. The applicant will also include any ADA considerations. With regard to the noted site plan issues, the applicant agreed to work with the Township Professionals. The Board accepted.

A discussion took place by the Board Professionals and Mr. Prime with regard to Page 10, in addressing the curbing fronting the Wawa and whether some type of decorative bollards could be provided. Mr. Redel, remained under oath, proceeded to give some testimony regarding the safety measures in providing bollards. He agreed to provide additional information and pictures to the Board. Also, the applicant stated their willingness to work with the Township Professionals. The applicant proceeded to address Item 20 (an internal vestibule) and Item 22 (elliptical area of roundabout) and agreed to work with the Township Professionals. The Board accepted.

Mrs. Price proceeded to cross-examine the Objector's Professional Planner, P. David Zimmerman regarding previous testimony about proposed uses requiring "D" and "D-1" variances, Section 110 of Land Use Ordinance and Zoning Regulations for principal buildings on a lot. Also, she questioned Mr. Zimmerman's position regarding the standards for five conditional uses in a shopping center and references associated with convenience stores. Mr. Moore addressed the "D" and "D-1" variances and gave a re-direct regarding Mr. Zimmerman's theory of the proposed site.

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A brief discussion took place by the Board and the applicant regarding addressing some of the issues of the “D” and “D-1” variances. Also, the applicant and objectors were requested to begin preparing their rebuttals and summations for the April meeting. Mr. Schmierer suggested that the parties include their positions with regard to the “D” and “D-1” variances.

Due to the lateness of the evening, no further action was taken by the Board. The Board moved and seconded to continue meeting on March 20, 2013, and April 17, 2013. Jurisdiction carried with no further notice required. The Board accepted.

EXHIBITS:

- O-27 Litwornia Associates, Inc., Traffic Counts**
- O-28 Litwornia Associates, Inc. Updated Trip Generation Study for Wawa Food Stores in NJ and PA**
- O-29 Lawrence Township Police Dept. Vehicle Accidents-Crash Data**

WITNESSES PLACED UNDER OATH:

- **George Ritter, Professional Planner & Expert**
- **Charles D. Olivo, Professional Engineer & Planner, Traffic Expert**
- **Michael Redel, Project Manager, Wawa Expert**
- **P. David Zimmerman, Professional Planner & Expert**
- **Alexander J. Litwornia, Professional Engineer & Planner, Traffic Expert**

PUBLIC COMMENT: None

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10. **Old Business/New Business/Correspondence:** None

11. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 10:34 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: _____