

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

**Present:**     **John Gladwell**  
                  **Bruce Kmosko**  
                  **Charles E. Lavine**  
                  **Samuel Pangaldi**  
                  **Frank Scangarella, Alt. #1**  
                  **Edward H. Wiznitzer, Alt. #2**  
                  **Peter F. Kremer, Vice Chair**  
                  **Stephen C. Brame, 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. 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. OATH – NEW MEMBERS:**

**Frank Scangarella, Stephen Brame and Peter Kremer were placed under oath. Mr. Schmierer administered the oath.**

**4. ELECTIONS: CHAIRPERSON**

**Mr. Lavine moved and Mr. Gladwell seconded to appoint Stephen Brame, as Chairperson. Nominations were closed. The following voice call vote took place: AYES (7) ABSENT (1) INELIGIBLE (1)**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

**5. ELECTIONS: VICE CHAIRPERSON**

**Chair Brame moved and Mr. Gladwell seconded to appoint Peter Kremer, as Vice Chairperson. Nominations were closed. The following voice call vote took place: AYES (6) ABSENT (1) INELIGIBLE (1) ABSTAINED (1)**

**6. APPOINTMENTS:**

**Mr. Gladwell moved and Mr. Lavine seconded to approve the Resolutions for Appointments in a Block (Res. 1-13z thru Res. 7-13z).**

**Vote:**

**AYES: Gladwell, Kmosko, Lavine, Pangaldi, Scangarella, Kremer,  
Brame**

**ABSENT: Maffei**

**INELIGIBLE: Wiznitzer**

**RESOLUTION 1-13z APPOINTING (EDWIN W. SCHMIERER, ESQUIRE), AS PLANNING BOARD ATTORNEY, REPRESENTING THE FIRM OF MASON, GRIFFIN & PIERSON.**

**RESOLUTION 2-13z APPOINTING (GEORGE DOUGHERTY, ESQUIRE) AS SPECIAL ATTORNEY, REPRESENTING THE FIRM OF KATZ & DOUGHERTY, LLC.**

**RESOLUTION 3-13z APPOINTING (SARA A. SUMMIEL), AS RECORDING SECRETARY.**

**RESOLUTION 4-13Z APPOINTING (BRENDA KRAEMER, P.E.) AS ENGINEER IN-HOUSE**

**RESOLUTION 5-13z APPOINTING (BRENDA KRAEMER, P.E.) AS SECRETARY IN-HOUSE.**

**RESOLUTION 6-13z APPOINTING (BRIAN SLAUGH, PP/FAICP), AS PLANNING CONSULTANT, REPRESENTING THE FIRM OF CLARKE CATON HINTZ.**

**RESOLUTION 7-13z APPOINTING (JAMES L. KOCHENOUR, P.E.) AS TRAFFIC CONSULTANT, REPRESENTING THE FIRM OF ARORA AND ASSOCIATES.**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

**7. REP. TO GROWTH & REDEVELOPMENT COMMITTEE**

**Mr. Charles Lavine was appointed, as representative to Growth & Redevelopment Committee.**

**8. Adoption of Annual Report Resolution No. 8-13z**

**Mr. Lavine moved and Mr. Pangaldi seconded to adopt Resolution No. 8-13z. The following voice call vote took place: AYES (7) ABSENT (1) INELIGIBLE (1)**

**9. MINUTES FOR APPROVAL:**

**Wednesday, July 18, 2012 – Regular**

**Vice Chair Kremer moved and Mr. Scangarella seconded to approve the minutes. The following voice call vote took place: AYES (7) ABSENT (1) INELIGIBLE (1)**

**Wednesday, October 10, 2012 – Regular**

**Mr. Scangarella moved and Mr. Lavine seconded to approve the minutes. The following voice call vote took place: AYES (6) ABSENT (1) INELIGIBLE (2)**

**Wednesday, November 14, 2012 – Regular**

**Vice Chair Kremer moved and Mr. Scangarella seconded to approve the minutes. The following voice call vote took place: AYES (5) ABSENT (1) ABSTAINED (3)**

**Wednesday, November 28, 2012 - Special**

**Mr. Kmosko moved and Mr. Gladwell seconded to approve the minutes. The following voice call vote took place: AYES (6) ABSENT (1) INELIGIBLE (1) ABSTAINED (1)**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

- 10. Application No. ZB-4/12 (MAZHAR PAROYA), Conditional Use, Use & Bulk Variances, and Preliminary & Final Major Site Plan with Waivers  
Application No. SP-10/12, 4024 Quakerbridge Road, Tax Map Page 41.03, Block 4101, Lot 11.**

**The hearing was recorded. The Board took Jurisdiction.**

**Also, present was Joseph Mooney, Esq., representing K & D Quakerbridge Realty, LLC.**

**Dino Spadaccini, Esq., represented the applicant. Mr. Spadaccini gave a brief overview of the proposed application. He explained that the applicant is seeking preliminary and final site plan approval to construct a 4,526 sq. ft. two-story auto service facility. He stated that the property is located in the NC-2 Zoning District. He explained that even though the use is permitted, this property is oversized and a use variance is required for the total 29,999 sq. ft. He gave a brief overview of the bulk variance and clarified the requested exceptions associated with the property. He stated that the applicant has eliminated all variances with the exception of the lot size. Also he briefly reviewed the five exceptions associated with the sidewalk, parking, street tree planting, parking island width and stormwater basin location.**

**The applicant's expert witness, Ted W. Pivovarnick, NJPLS, gave testimony regarding the site and lot size. Mr. Pivovarnick stated that the proposed 29,999 sq. ft. lot will be reduced to 29,249 sq. ft., after a five-foot wide right-of-way dedication to Mercer County. He stated that the site slopes to the north and the floor area will be based on the maximum 22,500 sq. ft. and not the actual lot size. He proceeded to describe the proposed building of 4,526 sq. ft. auto repair facility, associated walks, parking lot and landscaping. He described the building of approximately 90 feet long by 53 feet in width, the 54-foot setback from proposed right of way, the minimum side yard distance from northerly property line to accommodate a 24-foot wide driving aisle on south side and the 10-foot wide area for landscaping, the 17-car parking lot to be constructed in the rear and screened by a fence, and the landscape from Lawrence Square Village. He stated that all vehicles will enter the site by Quakerbridge Road and the building will be entered through the rear of building. The storm basin will be constructed in the front yard with a retaining wall and sand filter to meet the groundwater recharge requirement.**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

**Application No. ZB-4/12- Continued**

**Mr. Pivovarnick referred to Mrs. Kraemer's report dated January 4, 2013, and addressed the number of work bays, slope of the driveway, no left turn and soil testing. Following a discussion with Mrs. Kraemer regarding the parking and the future utilization of the building if the use were ever to change, the applicant agreed to comply with all the recommendations and comments noted in the January 3, 2013, report.**

**Mr. Slaugh referred to his report dated January 8, 2013, and addressed the crawl section in front of the proposed basin. He questioned whether the wall could be taller. The applicant stated their purpose to keep the foot print as low as possible to avoid the view of front wall and make the wall more of a feature. A further discussion took place by the applicant in the review of Mr. Slaugh's report regarding the site design. Mr. Pivovarnick reviewed the followings Items in report: Item 3.2 – will comply; Item 3.3 – will comply and limit to 8 spaces; Item 3.4 – will comply by limiting number of bays; Items 3.5 thru 3.9 – will fully comply; Items 3.10 – thru 3.12 request exception; Item 3.13 – will comply and configure sidewalk with 7-foot sidewalk; Item 3.14 - request exception to not block sight distance; Item 3.15 – request exception, but will comply with 25% landscape screening; Item 3.16 – will comply; Item 3.17 - request exception; Item 3.18 - will comply; and Items 6.2 thru 7.13 – will comply.**

**Mr. Slaugh briefly explained the Buffer Section in the Ordinance and stated all NC-1 and NC-2 districts do not require buffer. He addressed the stormwater basin and suggested that the applicant raise retaining wall about 30 inches with landscaping and the applicant agreed to comply. With regard to Item 3.10, he recommended the applicant consider to a narrower sidewalk and applicant agreed to comply. Mr. Slaugh proceeded to review and his acceptance of the other requested exceptions.**

**The applicant's expert witness, Peter Wasem, Architect, referred to Exhibits A4 thru A-6 and described the outside face of the perimeter wall of the building. Mr. Wasem further described the front, side and rear elevations associated with the proposed four service bays. He described the small storage spaces for parts on the first level. He referred to Mr. Slaugh's report and addressed the comments regarding the roof massing. He explained that the applicant is now providing a longer roof. He proceeded to describe the building materials for the brick face, concrete walls, metal siding, windows,**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

**Application No. ZB-4/12- Continued**

skylights and proposed shielded light fixtures. Mr. Slaugh questioned whether the windows were operable in order to meet some of the ventilation requirements. The applicant proceeded to describe the mechanical ventilation and residential type cooling condensers to be located outside. The applicant stated their willingness to comply with the building standards.

The applicant's expert witness, James T. Kyle, Professional Planner, submitted Exhibits A-7 and A-8. Mr. Kyle proceeded to give an overview of the subject property and the surrounding mixed uses. He stated that the applicant is proposing landscaping and fencing along rear of property. With regard to the additional landscaping, the applicant stated their willingness to comply with Mr. Slaugh's recommendations. He proceeded to address the conditional use regarding the maximum lot size and the D-3 variance. He addressed the positive benefits and suitability of the site. He stated that the applicant is not intensifying the use as outlined in the Ordinance and do not feel the proposed use would be a negative impact to the public or the character of the neighborhood. Also, the applicant is willing to comply with all the other comments noted in Mr. Slaugh's report. (See Attachment No. 1 – Reports)

**EXHIBITS:**

- A-1 Colored Zoning Board Rendering**
- A-2 Colored Site Section**
- A-3 Overlay of Parking –Change of Use**
- A-4 Interior Layout – Colored**
- A-5 Colored Front Elevation, & Side Elevation**
- A-7 Aerial Photo & Tax Parcel Base Map**
- A-8 (2) Aerial Photos from North & South Views**

**WITNESSES PLACED UNDER OATH:**

- James T. Kyle, Professional Planner & Expert**
- Peter Wasem, AIA (Architect)& Expert**
- Ted W. Pivovarnick, NJPLS (Land Surveyor) & Expert**
- Kevin Brakel, Civil Engineer & Expert**

**(Also placed under other was Township Professional, Brian Slaugh, Planning Consultant).**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

**Application No. ZB-4/12- Continued**

**PUBLIC COMMENT:**

- **Mr. Mooney, Esq., representing K&D Realty LLC, stated his concerns about the proposed conditional use. He referred to Mrs. Kraemer's Report dated January 4, 2013, and questioned if there were Architectural Plans showing the size of the building and number of bays. He did not feel that the use to be suitable for the site and stated further concerns about the eight proposed parking spaces. He stated concerns that a suitable site plan showing all the revisions was not available for his review and suggested the Board reserve their determination. *(A discussion took place by the Board and Mr. Schmierer further explained that the representations made by the applicant are on the record, stating applicant's willingness to meet all the conditions of approval. If the applicant does not provide the revised plans, the applicant would have to return to the Board.)***

*(Mr. Spadaccini stated his objections to Mr. Mooney's comments and stated that the K & D Quakerbridge Realty, LLC site has ample property space and opportunity to add additional landscaping on their property.)*

- **Judith Odonvich – Lawrence Square Village, questioned whether an Environmental Impact Study should be completed due to the Assunpink Creek and Wildlife Walk. She stated concerns about the Lawrence Square Village area being very wet and questioned the grading of the property. Also, she stated concerns about the curbing for the new strip mall and questioned the speed limit on roadway.**

**Chair Brame moved and Mr. Pangaldi seconded to approve the application, including CONDITIONS, variances, and waivers, subject to all appropriate conditions and the recommendations contained in the Township Professionals' reports.**

**Vote:**

**AYES: Gladwell, Kmosko, Lavine, Pangaldi, Scangarella, Kremer, Brame**

**NAYES: None**

**ABSENT: Maffei**

**INELIGIBLE TO VOTE: Wiznitzer**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

**11. 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 December 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.**

**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. Prime, Esq., representing the Operations of McDonalds and Wawa.**

**Ms. Price gave a brief overview of the previous meeting. She stated several objections with regard to not receiving full copies of documents, tables, supporting data and the ability to cross-examine Dr. Shropshire about his Traffic Impact Study Report dated May 11, 2006, as submitted by the Objector, represented by Mr. Moore. A discussion with objections took place by Mrs. Price and Mr. Moore regarding the submitted Exhibits. (See Attachment No. 2 – Exhibits 0-10 thru 0-16).**

**Mr. Litwornia, an expert Traffic witness for the Objector, BSA Oil Corp., gave a lengthy and detailed overview of his reports stating many safety problems because of the under estimation of the level of service. He referred to Exhibit O-12 and explained the development of the Trip Generation Manual when estimating trip generations for a proposed development. He proceeded to refer to Exhibit O-13 and gave an overview of the various Tables for Wawa sites and its comparison to a Traffic Impact Study prepared by Shropshire Associates, LLC (Exhibit O-14). Also, he referred to Exhibit O-16 and described the parking counts from other Wawa sites, including the Medford site. He gave an overview of the projected volumes to determine if a proposed site would work because of the Trip Analysis for the**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

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

north bound traffic on Route 1. He addressed the violations on both the northbound and eastbound traffic that would impact the residential area. He addressed the Level of Service “F” that would impact the side roads along Route 1. He referred to Exhibits O-19, O-20, O-21, O-22 and described the traffic backups based on the data from local counts during the A.M. and P.M. peak hours. He addressed the variances and waivers for the proposed parking. In addition, he stated concerns regarding the roadway design, the internal site circulation, parking stalls, and needed modification of a four-way intersection.

Chair Brame questioned the applicant’s review of the existing conditions and whether a study was completed by the Objector for the proposed changes. Mr. Litwornia stated he had and further stated that a modified study should be completed by the applicant for submission to NJDOT.

A cross-examination took place by Mrs. Price with regard to Exhibit O-16 and questioned the use of the ITE in 1996 for a Wawa site in Medford. Mrs. Price questioned the relevance of the Wawa identified in Exhibit O-16 since its type was built in 1996. Mrs. Price referred to Exhibit A-35 and questioned whether Mr. Litwornia submission of data included any updated data of traffic counts since 1997 and 1999. Mrs. Price questioned whether the updated volume numbers in the Trip Generation Manual were projected for an individual or a shopping center use. She questioned whether local data was collected as part of the Objector’s findings. She questioned whether a submission of an independent queuing analysis and level of service mirror presentation was given to the Board. Mr. Litwornia stated that he did not submit. Several other questions were asked of the Objector during Mrs. Price’s cross-examination with regard to evidence of traffic counts.

Mr. Kochenour addressed Mr. Litwornia’s testimony regarding the projected local data. He stated that a request was made of Mr. Olivo to collect local traffic data. He stated that Mr. Oliva completed an appropriate A.M. and P.M. traffic count analysis for the Brunswick Circle in Lawrence Township with a combined use similar to the proposed use. Also, Mr. Kochenour stated that he reviewed the data performed by Mr. Olivo and that data would be representative of the type of data to be used in his Analysis for proposed use and information was submitted to the Board.

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

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

**Due to the lateness of the evening, no further action was taken by the Board. A cross direct of the Objector's Attorney will take place at the next scheduled meeting. The Board moved and seconded to continue Special meeting on January 30, 2013. Jurisdiction carried with no further notice required. The Board accepted.**

**EXHIBITS:**

- A-35 Photo of Wawa Site on Route 70**
- 0-11 Selected Portions of Trip Generation Manual, 9<sup>th</sup> Edition, Vol. 3:**
- 0-12 Selected Portions of Trip Generation Manual 9<sup>th</sup> Edition, Vol. 1:**
- 0-13 Table Comparing Peak Hour Trips Among Various Land Uses, (9<sup>th</sup> Edition)**
- 014 Table Comparing Peak Hour Trips, Among Various Land Uses, (8<sup>th</sup> Edition)**
- 0-15 Selected Portions of Traffic Impact Study Wawa, prepared by David R. Shropshire**
- 0-16 Table, Convenience Store Trip Generation Study, prepared by Litwornia Associates, Inc.**
- 0-17 Table, Comparison of Actual Traffic Counts with Projected Traffic Counts.**
- 0-18 Township of Medford Zoning Board of Adjustment Resolution Granting Minor Site Plan Amendment on Block 808, Lot 3**
- 0-19 Colored Photo of Traffic on Franklin Corner Road, by Alexander Litwornia**
- 0-20 Photo of Route 1 (southbound), by Alexander Litwornia**
- 0-21 Photo of Franklin Corner Road (southbound), by Alexander Litwornia**
- 0-22 Photo of Traffic Queue on Jughandle of Baker Basin Road, by Alexander Litwornia**

**WITNESSES PLACED UNDER OATH:**

- Alexander J. Litwornia, P.E., P.P. (Traffic Expert)**

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

**PUBLIC COMMENT: None**

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2013, 7:00 P.M.**

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

13. **Adjournment**

**There being no further business to come before the Board, the meeting was adjourned at    p.m.**

**Digital audio file of this meeting is available upon request.**

**Respectfully submitted,**

*Sara A. Summiel*



**Sara A. Summiel  
Recording Secretary**

**MINUTES APPROVED: \_\_\_\_\_**