

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Regular Meeting
Wednesday, June 17, 2015

Present: John Gladwell
Christina Hultholm
Bruce Kmosko
Charles Lavine
Melissa Saunders
Samuel Pangaldi
Peter F. Kremer, Chair

Absent: None

Excused Absence: Shabnam Salih

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, Planning Consultant, Clarke Caton Hintz
James Kochenour, Traffic Consultant, Arora & Associates
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson
Susan Snook, 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. Resolutions:

Resolution of Memorialization 13-15z; Bulk Variance Application No. ZB-2/15; Wawa, Inc., Route 1 and Bakers Basin Road; Tax Map Page 36.01, Block 3601, Lot 1.01 was approved per unanimous vote.

4. Minutes for Approval:

March 18, 2015 minutes were approved by unanimous vote.

5. Applications:

Variance Application No. ZB3/15; Rebecca & John Griffith, 40 Carter Road; Tax Map Pages 66 & 66.01; Block 6601, Lot 23

Gary Forshner represented the applicant and stated it is an oversize site that is surrounded by woods. The lot is about 17 acres, which is four times what our ordinance requires. Mr. Forshner presented a woodlands map which is a form of agriculture that utilizes the forestation that is out there and does so in a way that enhances it. The original plan was to build a new house and to temporarily retain the existing house for up to six months and then demolish it. After looking at the history of the site, the owners originally bought the home for a summer house; however, kept it as their primary home.

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The homeowners started to plan for the future and decided to build a house that would much more accommodate their family and fully utilize the site. Originally it was proposed to demolish the house, retain the garage that is there but the next stage was to have a barn. The trees and brush would have to come down and then would have fire wood or milled wood and utilized in some other regard. This type of barn would enhance the site and for the agriculture on the site is a common item.

The house that is there now is an accessory structure does not become a guest house or a residence and there is absolutely no intention to do. It would be used for the farming operation. Mr. Forschner stated the relief variances. One is the proposed height which is consistent with the proposed house; the style of the house, the architecture of the house, the aesthetic of the house. If it would to be lowered it would lose the key fixtures (aesthetic, the Georgian style as well as functional features). The trees on this lot are a minimum of 50 – 60' tall and are very dense and they would shield the house. The house is low enough to only require a "c" variance, which is for the chimneys.

The existing house or second house is going to be converted into a barn. Within the six month conversion the existing house would be converted into the barn. The owners would be eliminating the kitchen and is very suitable for a barn. The first floor, which has an entry at grade, is concrete, which could house equipment. The second floor, which has an entry at grade, would accommodate the wood and other things that have to be dried. Once the conversion from the house to the barn, the only issue is it would be an accessory use in the front yard.

Mr. Forshner stated retaining the use of the building, the height has a number of different benefits; provides adequate light and open space; promotes the establishment of appropriate population densities; impervious coverage which is a low intensity use (FAR is 1.6%); provide significant space for agriculture residential and open space; promotes an desirable visual environment; promotes conservation and historical site; natural resources (farming) and limited visibility of the site.

Witness #1: Timothy Burton, TJB Architects. Mr. Burton presented Exhibit A1: Rendering, Sheet A-0, dated December 15, 2014 and Exhibit A2: Aerial/Site Plan, Sheet A-1, dated December 15, 2014.

Mr. Burton oriented the site as well as the location and stated that part of the site has been cleared where the house will go. The house will sit directly in the center of the site. Mr. Burton stated what the house was made of; the size of the home; material used; insulation; the living space is on the first floor and sleeping is on the second floor; garage will have a future office and sleeping space above it (in future); attic; total floor area is 8,100 sf. It is a house in the woods, which is under the Wood Lane Management Plan. It is a dense wooded area; sits in the woods and is surrounded by trees and it will be a Georgian style house.

Exhibit A3: SK1. It describes the house for the Georgia style home (chimneys and it must be, per Law, 2' above the surrounding roof; dormers, brick; windows in attic (for future use) and explained why having the windows in the dormers match the house and for the needed space and height in the attic. If it was pushed down, per the Ordinance, it would make the roof to flat and not have the Georgian style home.

Exhibit SK-2. Photographs that were taken on June 17, 2015 of the empty lot which show there are no visible neighbors and to keep the site very flat.

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Chairperson Kremer asked where the actual driveway is and does it go to Carter Road. Mr. Burton responded that there is access to eight homes and are at the end of it and will be picking up the driveway at where the existing driveway is and are no changes. Mr. Forschner referred to reports and asked that since the report was done, the existing house be entitled to be converted to a barn and maintained until as such until demolished. Mr. Slaugh's report dated June 9, 2015, was addressed in the testimony. Mr. Slaugh asked if the applicant could confirm what Mr. Forschner stated. Mr. Griffith confirmed that he is the owner and applicant. Mr. Griffith confirmed the opening statement that Mr. Forschner presented.

Mr. Slaugh stated the site is heavily wooded and no frontage because of the lack of street frontage, there is no lack of exasperation of additional development and this would be basically it. Mr. Slaugh agrees that you will not be able to see the house, that it is too tall. Mr. Slaugh agrees with the proportions of the house and it being Georgian style with the roof pitch. Mr. Griffith stated purchased the property because he saw a farming opportunity and has no intention to discontinuing it.

Public:

James Allington, 3361 Lawrenceville-Princeton Road and lives adjacent to where the house is being proposed. In April they were cutting down a serious amount of trees and was able to see straight through to the land site. There are two concerns: will there be a buffer to still maintain his privacy and there is a considerable amount of wildlife (birds, fox, deer) that are in the area where the trees were being cut down and the Township is to protect wild life in that area; so how is this going to impact the wild life in that area. The amount of construction and the time it will take will impact the people who live adjacent to that area in numerous ways. He is an audio engineer and he needs to be asleep at 8:00 or 9:00 in the morning as opposed as to hearing all kinds of construction at that time in the morning. Mr. Allington asked about the accessory building in the front lot and the size of the proposed barn. Mr. Forschner asked Mr. Allington by looking at the map where his house is in relation to this property.

Mr. Burton showed where the new driveway would be; 450' and 500' from Mr. Allington's property. Mr. Forschner stated the use is permitted and there is a variance for the height and will comply with all of the construction issues. The barn is 1,500' footprint and the first floor is not livable. The project house is 500' from the property line, which is over a tenth of a mile.

Mr. Griffith stated the forest will be thinned out over time and will be replanting. The 206 side is very thick with evergreen forest and will continue with evergreen planting. Mr. Slaugh referred to his report, Page 2 of 4 to show the buffer and the northeast, there is a row of evergreens and a section with no evergreens. Mr. Allington stated he would like to trees planted before they start construction of the house. Chairperson Kremer asked why build the house to the north. Mr. Griffith stated the house was put to the north because of the septic system and this was the only usable space.

Mr. Schmierer gave the conditions of approval.

The Board members took a break from 8:02 p.m. to 8:15 p.m.

Use Variance Application No. ZB-7/12; Preliminary & Final Site Plan Application No. SP-9/14; **Berk-Cohen Associates (Berk's Walk)**; 180 Franklin Corner Road; Tax Map Page 39, Block 3901, Lot 10 continued from the April 15, 2015 meeting.

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Mr. Rosensweig represented the applicant and made the following points to show an eight (8) unit plan so the density has been reduced; elimination of the Franklin Corner access and met with the Township staff and consultants and added the sight triangle requested; refinements will be made to the plans, as we go along, to make them better, so whatever needs to be done the applicant will do it.

Witness #1: Bruce Engelbaum, Architect. Exhibit A1, Site showing ten units to eight, dated December 16, 2015. Exhibit 22: "Proposed Grading Plan" which shows the buildable area; the building in the center so all the setbacks from the property lines will go away; the entrance from Franklin Corner Road will be eliminated and a new driveway will be between the two buildings.

Exhibit A23: Google Earth Arial and the new site plan was inserted into the plan. It shows the new road between the two buildings and the only access is for an emergency; it is 60' from the property lines; off sets between the individual units mimic the curb; there is a good buffer on all sides of the property and the architecture is exactly the same (identical).

Exhibit A24: Concept Elevation of Front of Building: It is the exact image except the doors are on the opposite side and shows eight units.

Mr. Slauch asked about the end units having windows and the new plans shows the end units without. Mr. Engelbaum stated there will be a window at the end unit that faces Franklin Corner Road with brick on the bottom half of the building. The bedrooms are located in the front and the back and in the middle are the bathrooms, closets and stairways at the end elevation.

Exhibit A25: A window could be added because there is a stairwell; however, at the end there are the bathrooms and closets. Mr. Slauch asked if a window could be put in on the bottom floor because the existing units have them. Mr. Engelbaum stated a window could be put in on the ground floor.

Exhibit A26: Roof Plan, First & Second Floor Plan described that one change was made for the storage area and that 324 sf is required and 476 sf is presented. Mr. Engelbaum described the extra storage between the trusses, which is 24" in center. The plans inside have not changed and the layout is identical.

Exhibit A12 which was presented at the February 12th meeting: Mr. Englebaum spoke about the brick and the color is very similar. Exhibit A4 which was presented at the February 12th meeting which is a photograph from Delran to show the brick finished.

Witness #2: Joseph Mester, Trenton Engineering Co., Inc. Presented Exhibit A27: Proposed Grading Plan which shows the layout. Exhibit A28: Smaller Scale Shows Entire Lot. Mr. Mester testified that many of the changes were made per the reports and described the changes on the plan.

Mr. Rosensweig went through the reports, copies attached. Per Engineer report dated May 28, 2015 there will be one low and one moderate affordable housing unit; plants will work for both drought tolerant and wet tolerant like red maple and birch. Ms. Kraemer was concerned about the leaves, maintenance and sand clogging the drain in the basin and it was agreed that the trees will be moved to the side of the basin. Mr. Rosensweig agreed to the rest of the Comments 3 thru 8.

The fire, building and public safety have no comments or recommendations. Health Department report dated May 18, 2015 agreed to a solid waste management plan and the specifications for the dog park will be provided to the Health Department for review and the entrance is already double gated.

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Arora & Associates report dated June 8, 2015 all comments are acceptable. Mr. Kockenour stated they will be down four parking spaces; however, it is still acceptable.

Clarke Caton & Hintz report dated June 5, 2015. Mr. Rosensweig spoke about the sheds that are used by the maintenance department and will show them on the revised plan and the other containers will be removed. On Page 9 of 10, the applicant will go to the post office and see if they will continue to deliver the mail the same way to each unit. However, if a kiosk could be installed, it will be. Ms. Kraemer asked about addresses. She was informed it went by building, unit and then letter. Ms. Kraemer stated it addresses are needed to contact her office. All comments in report were agreed to. Comment 7.2 the storage space area will be 476 sf.

Mr. Shtel summarized the variances and it is not a detriment to the Township. Mr. Rosensweig gave a summary and asked if the Board could vote; or if the Board would want the member absent to listen to the tape and come back to vote on the application.

Mr. Schmierer asked when the affordable housing unit will be designated. Mr. Rosensweig stated he would like a signed site plan. Mr. Slaugh stated per the ordinance, after the first two units then an affordable would have to be completed. Mr. Rosensweig stated when he has the approved site plan. The Board members discussed when the affordable housing units will be designated.

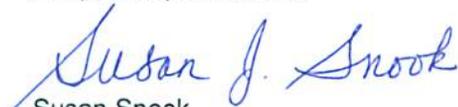
The Board members gave their comments on this application.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:39 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan Snook
Recording Secretary

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MINUTES APPROVED: _____

Sept. 16, 2015