

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Regular Meeting
Wednesday, July 20, 2016

Present: Joseph Blaney (arrived 7:38 pm)
Sheila Grant (arrived at 7:09 pm)
William B. Holmes
Jeffrey Johnson
Bruce Kmosko
Peter F. Kremer, Vice Chairperson
Charles Lavine

Absent: None

Excused Absence: Christine Hultholm
Samuel Pangaldi, Chairperson

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, Planning Consultant
Edwin Schmierer, Zoning Board Attorney
James Kochenour, Traffic Consultant
Susan Snook, Recording Secretary

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 and the Trentonian newspapers.

Public Participation (for items not on agenda): None

Applications:

Bulk Variance Application No. ZB-4/16; **Rider University**; 2083 Lawrence Road; Tax Map Page 27, Block 2702, Lots 1, 3, 5, 6, 32.02 and Tax Map Page 28, Block 2801, Lots 8 & 24. The Board took jurisdiction.

Mark Solomon, Esquire represents the applicant and gave a summary of the application for new signage along I-95 and I-295 and internal to the campus. There is nothing tonight that is proposed that is changing in signage along Route 206. The Route 206 signage which was an early step in branding of Rider University. Rider University is located on 280 acres with two major frontages (one frontage being Route 206 and a long frontage along I-95/295. There is an existing pylon sign and a fence wrap which screens the solar field. The fence wrap is required in connection with the PSE&G application that appeared in front of the Zoning Board in 2011 that was required to screen the solar field and was a condition of approval on the chain link that is between I-95 and the solar fields. They received many complaints about the appearance. The pylon sign that is behind the fence, above it, is tired and is in need of some refreshment.

There are also two signs that are internal to the campus and not visible from the roadway. The pylon sign, in some sense, looks like an old motel sign and it looks like an afterthought. This is not the face that Rider University wants to represent to the community. Variances are being required for the existing pylon sign, the fence wrap (that screen on the chain link fence was required in connection with the solar approval) and now seeking to replace that and a put a logo and branding on that. There is some question that was raised from the Planner with what kind of a sign that is. It will be a free standing sign because it met that definition; however Mr. Slaugh thinks it is a banner sign and will be done whichever way the Board feels it is

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appropriate. The relief is different depending on how you characterize it, but at the end of the day we will tell you what it is and you will decide because it needs variance relief. It is an enormous improvement over what exists. The internal signs are outdated signs that are hard for guests to follow the signs and will be changed to a more modern looking sign.

Witness #1: Michael Reca, Associated Vice President of Services explained that two years ago the University took a branding and a few years back there was an new athletic logo and a logo for the University to be recognized. The idea was to change the interior directional signage and what was developed for the photo type for all of the signage internally going forward and this is the basis of the design. The sign on I-95 needed to be redesigned and came in to speak to the Professionals at the Township for this process and what the University was trying to achieve.

This is to update and refresh the face for the community. The 95 sign has foliage around it and is faded into the landscape and with the fence wrap it was a collaboration with PSE&G for the solar fields when the Board informed them they needed the fence, so PSE&G took the standard green fence wrap and slapped it up. What is being proposed is a mesh wrap that wind will transfer through and won't rip off the posts and be more attractive to the community. The branding the University wants to get out and the name of Rider is a solid member of the community, engrained academic institution with a great reputation and would like that to be a little stronger for the vehicles that travel on I-95. To better serve the internal guests to find where they come to the campus is to find where the buildings are.

Submitted in the application was a plan entitled Notes dated May 31, 2016 which shows fence wrap that runs along the solar field which faces I-95 and about a 120' run. The sign visible from 95 which is set inside the solar field fence on two steel posts; the other sign in on Route 206 where the traffic light is and come in about 700' to the interior of the campus by the Library there is an old wooden sign and would like it replaced with a much more directional sign that will be back lite, with more information on it for guests/visitors.

The sign behind the Student Center on the main parking lot on the south entrance about 800 or 900' they want to put a similar sign but with different directions to help guide the visitors. The pylon sign will be branded with Rider University with a red background, white lettering over the silver which will be back lite. The fence wrap sign on a black mesh with white lettering with the logo on it will be put on the fence and the road sign will be back lite fiber glass panel, the backing will be solid and the lighting will only face 95 and will be brighter than what is existing.

The size is 130 sf with the lettering up to the conversation with the Township. The entire sign is 160 sf and came in with a size of 190 sf with almost end to end lettering and told not acceptable. The lettering portion should be 130 sf and to support that we needed a 160 sf. The existing sign has been up for about 20 years and would like to update it to make people think of Rider. It is very similar to the height that is there and the overall top height is a little bit taller because it is little bit larger sign and not overwhelming to the space. It is a solid back panel and illumination will only be around the sign not a lot of light wash around it. The fence wrap with the athletic logo and shield.

Mr. Reca spoke about the interior directional signs and they mimic what is out on Route 206 with the granite face, the red field and the directional aspect, a few more lights will be added to help the guests and visitors to get around, page 7. He referred to page 9 which shows the existing sign, copy attached.

Mr. Slauch asked about the wrap sign does it have an email on it and the response was yes and reads www.rider.edu and only once and faces the highway. The lighting is inside the housing and there is no proposed landscaping because they did not want to block it. Rider will maintain the area. Mr. Reca stated adding skirting will make the sign look bigger and will be blank. Mr. Reca stated there is existing electrical

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to the pylon and will be a new electrical service to the new directional signs internally to power the back lighting.

Mr. Solomon spoke about the wrap on the fencing and it being there for 5 year and time for a replacement. Mr. Kmosko asked about the web-site address on the banner sign what the position of it being a distraction is; Mr. Reca stated it is more for the passenger than the driver and get about 5 seconds and did not attend for this to be a distraction at all. If the application is denied, is there a plan B and Mr. Reca stated he would take the Board recommendations to the leadership and redesign or appeal, not sure which way to go.

Witness #2: Thomas Stearns, PP gave a brief summary on why the new signs would be good improvement for the identity and their brand to the community. He continued to state there are 2,300 residents with over a 4000 student total population. It is a 288 acre campus with frontage on two roads; can't see the sign going westbound; the sign is 2,300' from Federal Point Boulevard.

Mr. Sterns presented aerial maps show the sign to be 426' to the closest house on W. Long Drive and is facing east and will be the back of the sign. It also showed the condition before the solar field when in and the women softball field in relation to W. Long Drive.

He continued that all the signs are internally illuminated except for the banner which is plain fabric and on all night. The pylon sign is the intent for Campus renewal identity and branding, which is tired and small. The height is close to the existing sign compared to the I-95 elevations and are slightly elevate, d. The existing sign will remain if the variance is not granted and detracts from the original landscape. The new signage is an improvement; the skirting and landscaping is not needed because it is screened by the fence and it can't be seen. The banner signs per the Land Use Ordinance is considered a temporary sign and it is a unique sign type and not addressed in the Ordinance.

Mr. Stearns stated it will not be a detriment to the public good; no negative impacts; not viewed by the general public; serves the community and meets all the standards. Mr. Slaugh asked for Mr. Stearns opinion whether the banner on 295 is a distraction. Mr. Stearns feels it will not be a distraction and not a realistic concern. Mr. Solomon commented that if you look at all the signs that are on that highway, especially the variable message signs, if having that fixed message a distraction then whatever else is going on with the others signs is an unbelievable distraction because they flash, they change, different images.

Mr. Kremer wanted to know if there were any special ordinances for this issue; Mr. Slaugh stated our ordinance does because it limits the amount of information you can have on a sign for a certain distance of a roadway and this banner sign actually exceeds that number, but it is a low number.

There was no public comment or questions.

Mr. Kremer asked if there is any future expansion of the sign. Mr. Reca stated not in the roadway but only internally for the athletic logo over 500'; possibly for the rec center and the new logo on the building. Mr. Solomon stated they are working on a housing project and Mr. Reca continued a private housing development on Route 206 which will have a sign and it will be sensitive to the public.

The Board members took a break from 8:00 p.m. to 8:10 p.m.

Bulk & Use Variance Application No. ZB-2/16; Major Site Plan – Preliminary & Final Site Plan Approval Application No. SP-1/16; Minor Subdivision Application No. S-1/16; **2 Princess Road MAB Associates, LLC**; 2 Princess Road; Tax Map Page 39.03, Block 3901, Lot 1. Mr. Schmierer stated the Board has jurisdiction for this application.

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Meryl Gonchar, Esquire represented the applicant and gave a brief summary of the application stating it is in the LI Zone (Limited Industrial) and currently one lot and is 8.05 acre lot which is currently improved with 83,670 sf two-story medical and general office building and has parking on site. The application is for proposing two lots from one lot and will continue for the existing building and that lot will be 5.638 acres. The other lot, which will be 2.140 acres, is proposing a 20,000 sf building which may be used for medical office, a surgery center, general office or some combination of those permitted uses. They are also proposing a third driveway, currently two, on Princess Road. A property as it exists exceeds the FAR and is intensifying the use of the non-conformity in terms of the larger lot with the existing building. A variance is needed for the minimum acreage of the lot and there are some existing conditions of the lot dimension, setbacks, lot depth and with the existing building, and parking; the new building will served by the required number of parking spaces.

Witness #1: Gregory Oman, PE gave a summary of the surroundings of the site using Exhibit A1 – Existing Conditions, dated July 20, 2016. He explained that the site is two-thirds developed with a two-story office/medial office located on the eastern third of the property having access to the site off of Princess Road at the southwest corner of the building and southeast corner of the building. The two drives allow access for circulation on all four sides of the building; parking is located on the eastern and southern sides and there are 307 parking spaces (9 x 18) in size.

Mr. Oman spoke about the draining system and the runoff water and where it drains to; the utilities are off of Princess Road; FAR was granted previously for 2.35; 307 parking spaces exists and 396 are required. Exhibit A2 – Site Plan, dated July 20, 2016 shows what is being proposed on the western portion of the site for a 20,000 sf medical office building and a third access point off of Princess Road (eastern side). This will permit traffic coming in off of Princeton Pike to make the first left and circulate around the building as opposed to going to the next existing driveway. The emergency access was looked at for emergency vehicles, large garbage trucks and will be able to make the turns in the area. 100 parking stalls are being proposed for this site (9 x 18) with 24' drive isles and four are ADA at the southwest and northwest corners of the building.

The Boards Officials questioned whether this is an outpatient facility and the requirement is 10% ADA parking; therefore, it is unknown at this present time. The parking was looked at and to gain the five additional ADA parking that is required and at the western side of the building the curbs could be adjustment at the islands and down size some of the parking stalls to gain those nine ADA parking stalls without losing any parking spaces within the area; and will still have the 100 parking spaces for this lot.

There is a masonry dumpster enclosed on the east side that will match the building; along the southern façade of the building there will be 20 parking stalls because there are 40 existing stalls, which is over 225' away from the building and an area was found that could be utilized for parking to prevent people to walk over 200' to get the medical building. The collection system will remain the same except to the western side the system will be expanded toward Princeton Pike for the additional volume. This facility will require an emergency generator on the northern façade facing 95 and does not need to meet sound requirements; but the generator will meet the sound levels for this particular use. Lighting will be LED fixtures throughout the parking lot of 138 watts mounted at 22 ½' high; there are 28" trees that will be removed; the expansion of the detention basin will also have some tree removal. Additional landscaping along Princess Road and Princeton Pike to help shield some of the parking lot from the roadways.

There will be 102 trees; 569 shrubs and 699 ground cover; a variance for the number of trees to that need to be done around the perimeter of the basin; two signs are being proposed (free standing) located west to the new entrance way and will be shifted 13' for the required setback; it also was looking like a pylon sign and per the Planners recommendation this will be converted into a monument sign with plantings along the bottom; it will be internally illuminated and no higher than ten-feet. There are also two façade signs being

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proposed and one will be on the southern side and requested to be a 104 sf where 100 sf is permitted and it will be downsized to 100 sf. The second sign will be a 94 sf sign on the eastern side of the building.

The subdivision line that is to the eastern side of the main driveway is being dictated by the location of this driveway. A proposed subdivision is being proposed for two separate: one will be 2.14 acres and second lot where the existing building is 5.64 acres; there will be a cross lot access easement between the two lots but will function as one entire lot.

Mr. Orman identified the variances for floor ratio where 2.0 is permitted and .34 is being proposed; lot area per ordinance is 5 acres and Lot A is at 2.14 acres; lot depth required is 400' and the existing lot is currently 379' and proposed is 332' (Lot A). The number of parking stalls does comply at 100 spaces for Lot A. Lot B requires 396 parking stalls and being proposed is 290. One façade is permitted and for the building two is being proposed for visibility coming off Princeton Pike; the free standing is being eliminated so variances are requested and a variance being requested for the minimum perimeter parking setback because you can't have parking on the outside of the perimeter of your property within 35'; the northwest corner it is 10' and Lot B because of the location of the subdivision the actual setback is 0'. The ordinance requires a loading zone for offices and the applicant is not sure if one is needed and the building is at 20,000 sf and was shown on the plan, but do not generally provide one for this size building.

Mr. Orman identified the design waivers and exceptions for a parking setback to a lot line (25' required; 10' Lot A and 0' Lot B); driveway setback requirement is 20' and both Lots A and B are 0' because the subdivision line falls right on the driveway; parking area screening requires 36" plantings around the perimeter where there is parking and willing to do that on about three-quarters of the perimeter parking but along the basin, based on the grades and there is a retaining wall there with a guide rail so there is limited space within these areas; the remaining property will get the 36" plantings to screen the parking stalls.

A landscape island every 20 parking stalls and comply fully on Lot A; however on Lot B the applicant is proposing 23 parking stalls and will be adding some additional shrub masses along the building and existing vegetation and trees will remain that are mature. Street tree are usually located between the curb and sidewalk and most trees are located on the property and a couple of street trees will be added and an exception is being asked for pertaining to the street trees in between the curb and sidewalk. Detention basin requires landscaping around the perimeter and 68 trees are required and being proposed is 20. There are three existing non-conforming that exist are the front yard setback; rear yard setback and perimeter building setbacks.

Mr. Orman stated they will comply with the Engineer's memorandum dated June 6, 2016 and referred to Arora and Associates review memorandum dated June 18, 2016, Comment 18 and spoke about the grade for the site triangle. Mr. Kockenour stated looking to the right is more problematic because of other on site work that is being done, a motorist will have a clear line of sight. There is no direct access on Princeton Pike, both reports are attached.

Ms. Kraemer stated the applicant will comply with all the technical comments and that Comment. 2.01 is to perform re-testing of the soil and they were re-done; however, they did not contact the Engineering Department for an inspection. Ms. Kraemer informed the Board that she had meetings with the applicant regarding site design, storm water management, grading, landscaping, traffic and the design is involved to the current proposal so the report is straight forward. Ms. Gonchar commented that the layout is really of a collaboration and recommendations that came from staff is a better layout and has been incorporated. The building that was proposed was sighted differently on the lot and Ms. Orman agreed.

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Vice Chairperson Kremer asked what the comment about the purpose of financing. Ms. Gonchar stated that this allows it to be sold, could be in separate ownership but the point is that they are not going to function independently and there will never be a time when the parking is not available across the lot line or the access points won't provide access to their building. It will be a separate tax lot, but the function of the lot continues to function as a single lot in terms of its utility; that is the difference, there is no line of demarcation so someone pulling into the driveway could circulate throughout the lot. The land would be encumbered with the easements for that movement.

Witness #3: James Genfile, President, Northstar Construction presented Exhibit A3 – Elevations: south/east, dated July 20, 2016; Exhibit A4 – Elevations: north/west, dated July 20, 2016; Exhibit A5 – Floor Plans (Floor 1), dated July 20, 2016 and Exhibit A6 – Floor Plans (Floor 2), dated July 20, 2016 and described the building (brick) to make it look like it belong there; roof top units within screening; showed the location of the signs (49 sf is on the south and 100 sf is above the canopy); explained entering the building and second floor is the same as the first floor.

Witness #4: Victor Angeline , Principal to MAB Associates, LLC stated this building will not be constructed to spec because they have interest from a number of large users from health systems and large medical providers in two states. Once the applicant received the approval and will select one of them to take one-half or the entire building. It will be specialized and will have to be built for a fit out. They will be large health care provider either a hospitalized system or a specialized system. This is a key location between three hospitals (Penn Health Care System, Capital Health and Robert Wood Johnson Hamilton) and a number of affiliated organizations and are in the corridor with Pennsylvania.

Most businesses want their own restrooms in the waiting room if the office is big enough and large floor plates because of the equipment as well as long term tenants. Mr. Kockenour asked when does he foresee occupancy. Mr. Angeline responded toward May of 2017 break ground and May of 2018 for occupancy. Vice Chairperson asked if any of these users would have an overnight stay. Mr. Angeline stated none are contemplated at this time and cannot guarantee a long stay, more for ambulance or physical therapy something like that. This site would not work for residential.

Witness #4: Eric L. Keller, PE and his field is in traffic engineering and prepared a "Traffic Engineering Evaluation", revision dated June 30, 2016 and stated he met with the Board's professionals and addresses the revised site plan. The nature of the investigation and results were in two phases and looked at the traffic generation and how much traffic is being generated, collected count at the intersection of Princeton Pike and Princess Road and at the intersection of Princess Road and Franklin Corner Road which are the two primary intersections used by employees, patients and visitors to this building.

The counts were done in January 2016 and performed at 7:00 – 9:00 am and 4:00 – 6:00 pm which are the primary commuter times. The second phase because asking for a parking variance and there is an existing building, a parking occupancy count was performed and it involved how many cars were there at various times during the day from the beginning of the day to the end of the day and as you typically find in medical offices and general office buildings peak occurs sometimes between 11:00 and 1:00, in this case we found a maximum of occupancy at 127 vehicles. There is a 127 spaces used today by the occupants of this building.

Mr. Keller spoke about the traffic counts and used highway capacity software to evaluate the operations of this intersection and in the morning peak hours operated Level C and pm peak hours the level of service is D or better. The traffic from Princess Road got out onto Princeton Pike and not excessive queues and the traffic could be processed through those controlled stopped intersections. There are 307 parking spaces on the site and found 127 used at maximum of 41% of the capacity, there is a peak parking demand of 133.

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Mr. Keller referred to Figure 2 – Trip Generation Summary and this building will not cause traffic because of the tenants. The old building is compliant with Township code for parking for a medical use -100 spaces are required and 100 spaces are proposed and there is existing parking in the western portion of the site where the new building will go and that is being eliminated and adding 23 spaces on the south side of the existing building for a net loose of 17 spaces on the site, down to 290 spaces. The parking for this existing building at 290 with 106 space variance there is enough for this building and will not create any problems for the users of this building.

Ms. Gonchar summarized that there will be impact on the traffic in the area and nothing to characters negative result or impact on the function on site by granting a variance. Mr. Kockenour had questions regarding the design a parking lot and the buffer; Mr. Keller commented that it would be about 12%; however, the parking requirements incorporate that buffer into there and we grew the number to 293 for a full building and I would bump that up to 10% and that would bring it up to 213.

Mr. Kockenour also though the peak hours should have been started a little bit earlier and the request of a Gap Study at the intersection of Princeton Pike and Princess Road and the reason for the request is there could be a lot going on in the area especially with the BMS traffic, traffic from the existing building and the new building, based on the numbers you ran and over the next couple of years, the traffic that is exiting Princess Road, the left hand traffic, onto Princeton Pike that could also double from what is there today could go to 80 or 82 to see what are the conditions going to be really like. Ms. Gonchar is willing to this and the appropriate time make this productive. Mr. Kockenour suggested May of 2018 and make this a condition of the approval. Ms. Kraemer suggested six months after the Certificate of Occupancy is issued because that can be internal paper work.

Ms. Gonchar ask for an opinion on loading designs; there was never a loading design for this size up to 50,000 sf; deliveries will be UPS or FedEx who pull up to the front door. Mr. Kockenour how is the medial waste handled. Mr. Angeline stated the medial waste is handled by the provider; we do not touch medical waste; a licensed is required.

Witness #5: Allison Coffin, PP gave a brief summary of all the uses proposed that are permitted (medical and offices) seeking relief for some of the variances are from the subdivision (area and lot depth); there is some bulk variance relief (Lot B (larger lot) front yard setback and rear yard setback; and perimeter of the building) which are being carried to the new lot; both lots require variances for minimum perimeter parking because of the shared lot line; FAR variance (Lot B does not conform); parking setback variance for both lots; exception for loading and a parking variance for the Lot B with existing building.

Ms. Coffin stated it is her opinion that the property can accommodate the proposed FAR; the FAR for the entire piece is 0.296 but is still an increase; the net increase is for the new building on the new lot, not the existing building; the primary concern is the ability of the combined lots to handle the parking demand as created by adding that additional floor area to this property if the site can accommodate the parking needs in this case, the FAR does not impact that. The existing building has a 99 space that works adequate for it now with vacant spaces and new Lot B can accommodate the additional parking.

There are no physical changes on the new lot; the depth variances is due to the irregular shape because it has three frontages; the applicant has revised the building to meet the requirement; it will function as a single lot with two structures and three access points; access and parking will be shared and feels there is no detriment to the subdivision. Ms. Coffin spoke about the parking increase; the free standing sign is required to be able to be visible; façade signs are the only identification of the site that would be visible on the west and the sign on the east provides identification for the site from Princess Road; the proposed uses are permitted and appropriate for this lot and area; no detriment to the zoning ordinance for this site regarding the FAR. The bulk variances pertain to the parking and screening; island design; street tree relocation and the detention basin landscaping and no detriment to the public welfare.

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The setback of the sign will be shifted back to the monument sign and elimination of the variance for the sign.

There was no public comment. The condition were summarized.

Minutes:

April 20, 2016 minutes were approved per unanimous vote.

Resolutions:

Resolution of Memorialization 13-16z; Bulk Variance Application No. ZB-4/15; **Asim Mufti**; 2 Teak Lane; Tax Map Page 68, Block 6801, Lot 6 was approved per unanimous vote.

Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 10:01 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,


Susan J. Snook
Recording Secretary

Minutes approved: Sept. 21, 2016