Cade Motor Co. Inc. Appl. No. 26-1/23 + SP-1/23

REFERRALS

	Date	Comments	Date	Comments	Additional
	Referred	Dated	Referred	<u>Dated</u>	Reports
a. Municipal Engineer	2/2/23	2/6/23			
b. Professional Planner	4/2/23	3/14/23			
c. Traffic Consultant	2/2/22	21.102			
d. Construction Official	2/2/23	3/1/32			
e. Shade Tree Advisory Comm.	2/2/23	2/28/23			
f. Health Officer					
g. Tax Collector	2/2/23	2/3/23		•	
h. Public Safety	2/2/23	3/10/23			
i. Environ. Res. Committee	2/2/20	3/13/23			
j. Mercer County Planning Bd.					
k. Ewing-Law. Sewer Auth.					
lWater Co.					
m. D & R Canal Commission					
n. U.S. Post Office					
o. NJDOT					1
p. PSE&G Co.					
q. Board of Education					
r. Historic Preserv. Comm.					
s. NJDEPE/Wetlands					· · · · · · · · · · · · · · · · · · ·
t. NJDEPE/Stream Encroach.					
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TOWNSHIP OF LAWRENCE Division of Planning and Redevelopment

TO:

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File

FROM:

& Brenda Kraemer, Assistant Municipal Engineer

SUBJECT:

Use Variance Application No. ZB-1/23

Major Site Plan - Preliminary & Final Approval Application No. SP-1/23

Cade Motor Company, Inc., 2 Carnegie Road

Tax Map Page 12.04, Block 1203, Lot 1

DATE:

February 6, 2023

General:

Cade Motor Company, Inc. has requested approval to operate a used car business at 2 Carnegie Road. The business is currently located at 1735 Princeton Avenue. Used car dealerships are permitted in conjunction with new automobile dealerships or as a conditional use under §420.D.5. of the Lawrence Township Land Use Ordinance. The project does not meet the conditional use criteria; therefore, variances are required.

The existing site is located in the Highway Commercial Zone and contains a 5,900 SF building with parking for approximately 70 vehicles. It has previously been used as a restaurant / bar, offices, retail uses and a limousine service.

The applicant and consultants shall address the technical items noted below. We will defer to the Planning Consultant for review of the variances.

Detailed Report:

 The applicant shall provide testimony regarding all aspects of the business including hours of operation, inventory, number of employees and whether there will be any on-site vehicle work. If there will be on-site service, it shall take place in an enclosed area. There shall be no exterior storage of parts, tires, etc.

The applicant shall also clarify if Cade will be a tenant or the contract purchaser and the ability to install required site improvements.

- 2. Any planned façade renovations shall be discussed. It is noted that new signage has not been requested. The existing free-standing sign panels may be changed with appropriate permits; however, any new freestanding signage would have to comply with monument sign requirements and setback regulations.
- In addition to the limited landscaping and striping improvements, the following is required:
 - a. The trash enclosure shall be masonry.
 - b. The existing inlet head shall be changed to meet current stormwater regulations.
 - A stormwater inspection and certification is required prior to issuance of a Certificate of Occupancy. Annual maintenance reports will be required and shall be noted on the plans.
 - d. The lighting shall be noted to be on a timing device and shall turn off one hour after close of business. If security lighting is proposed, it shall be noted on the plan.
- 4. There shall be no vehicle displays outside of paved areas.
- 5. There are no required outside agency approvals.

Documents Reviewed:

- Letter from Wells & Singer Law Office, LLC, dated January 27, 2022
- Application Nos. ZB-1/23 and SP-1/23 (w/checklist)
 Cover Sheet, Sheet 1 of 5, dated December 12, 2022
- Sie Plan, Sheet 2 of 5, dated December 12, 2022
- Landscape Plan, Sheet 3 of 5, dated December 12, 2022 Lighting Plan, Sheet 4 of 5, dated December 12, 2022
- Construction Details, Sheet 5 of 5, dated December 12, 2022

March 14, 2023

Lawrence Township Zoning Board of Adjustment (via e-mail) 2207 Lawrenceville Road PO Box 6006 Lawrence Township, NJ 08648



PLANNING DESIGN

Cade Motor Company, Inc. – ZB-1/23 & S-1/23 Re: Block 1203, Lot 1 – 2 Carnegie Road D(3) Use Variance, Bulk Variance and Preliminary and Final Site Plan **HC- Highway Commercial District**

Dear Board Members:

Pursuant to the Board's request, we have reviewed the above captioned matter for compliance with the Land Use Ordinance of the Township of Lawrence. The material reviewed, as supplied by the applicant, included the following:

- 1. Land Use Application ZB-1/23 & S-1/23 and supporting documents.
- 2. Preliminary and Final Site Plan, prepared by Jeffrey S. Richter, PE, of Act Engineers, Inc., dated December 12, 2022, consisting of 5 sheets.

Based on the information provided with the submission, the applicant seeks d(3) conditional use variance, bulk variance and preliminary and final site plan approval to utilize an existing developed site for the sale of used automobiles. As noted in the application there are no interior/exterior modifications proposed for the existing building; the only site improvements proposed include additional landscaping, installation of 3 pole-mounted LED fixtures on existing bases and a new 10'x10' trash enclosure along the southeast side of the building.

The subject property, known as Block 1203, Lot 1, with a street address of 2 Carnegie Road, is located just east of where Route 1 and Business Route 1 divide. Totaling 1.4 acres, the site was formerly occupied by a limousine company and contains a 5,984 square foot one-story building. 70 parking stalls (including two handicap-accessible stalls) a detention basin on the west side of the site and various landscape and lighting improvements. There is an existing freestanding sign in the northern corner of the site along Carnegie Road. Surrounding land uses include a selfstorage facility to the northeast and various industrial/commercial uses to the southwest.

Zoning

The subject property is located in the HC Highway Commercial District, which conditionally permits the sale of used automobiles (excluding auctions) subject to the below conditions as outlined in §420.D.5. Proposed conditions are noted in bold.

a. Minimum lot size – 5 acres (1.40 acres proposed)

- b. Minimum frontage on US 1 500 feet (No frontage on US 1)
- c. The use shall require a building with a minimum gross floor area of 15,000 s.f. (5,896 s.f. proposed)
- d. The building shall contain a showroom with a minimum display area for four passenger vehicles. (No showroom provided)
- e. No service bay door shall face a zoning district that is predominantly used and occupied for residential purposes unless sound attenuation measures are installed to ensure that no sound greater than 50 decibels (dBA measurement) occurs at a point 150 distant or the property line, whichever is closer. (Not applicable)

In reviewing the conditional use standards, it is clear the applicant does not meet conditions a through d, and d(3) conditional use variance relief will be required. As to condition e, there are no service bay doors existing or proposed.

The table below lists the bulk requirements for the HC District and compares them to the applicant's proposal.

	Permitted	Proposed
Minimum Lot Size	40,000 s.f.	1.40 acres
Minimum Lot Frontage	200'	358'
Minimum Lot Width	200'	358'
Minimum Lot Depth	175'	168'*
Minimum Front Yard	25'	84.1'
Minimum Side Yard	25'	61.2′
Minimum Rear Yard	60'	16.3'*
Minimum Setback for Accessory Uses	20'	4.5′**
Maximum Impervious Surface Ratio	0.70	0.71**
Maximum Floor Area Ratio	0.25	0.10
Maximum Height	35'	<35'

^{*}denotes legally existing nonconforming condition

As noted in the table above, there are legally existing nonconforming conditions related to minimum required lot depth and minimum required rear yard setback. The applicant requires the following bulk variance relief:

- 1. §420.E.1.i.i maximum impervious surface ratio, where 0.70 is permitted and 0.71 is proposed. While the plans note that impervious coverage is not changing on a percentage basis, the addition of the trash enclosure increases coverage on-site by 100 square feet.
- 2. §420.E.2.c minimum distance to rear line for accessory building, where 20' is permitted and the trash enclosure is proposed to be +/- 4.5' from the rear line.
- 3. §420.E.2.e minimum distance to other building, separation area used for parking or vehicle circulation, where 50' is required and +/- 11' is proposed.

^{**}denotes variance required

D(3) Conditional Use Variance Considerations

Since the applicant is proposing a conditionally permitted use that does not meet all the required conditions outlined in §420.D.5, use variances are necessary in accordance with the requirements of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-70d(3), to permit "deviation from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining solely to a conditional use". The legal standard required is quite different than that of a typical d(1) use variance, and was outlined by the Court in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994). The Court notes in Coventry that a conditional use variance applicant's inability to meet one or more of the conditions of the ordinance need not materially affect the appropriateness of the site for the use proposed. Our governing body has already determined that the HC District is the appropriate location for used automobile sales. The question before the Board is whether the departures sought make the site unsuitable for the use.

To meet the positive criteria, the applicant must demonstrate the site continues to be appropriate for the use despite not meeting one or more conditions of the ordinance. The Board must consider if the site itself contains particular features that would address failure to meet the conditional use standards, and that the site remains appropriate for the use despite the departures. While the proposal does not meet the conditions of the ordinance, it may be an appropriate site for the use depending on the nature of operations proposed by the applicant.

For the negative criteria, there are two prongs that must be demonstrated. First, it must be found the variance can be granted without substantial detriment to the public good, which per the standards in Coventry refers specifically to the impact of the departures on properties immediately surrounding the subject site. Does the sale of used automobiles at this location on an undersized lot, without adequate frontage and without a building meeting the minimum required size of the ordinance have a significant impact on the adjacent industrial/commercial properties?

The second prong of the negative criteria requires demonstration by the applicant and findings by the Board that the variance can be granted without substantial impairment to the intent and purpose of the zone plan (master plan) and zoning ordinance. Per the standard in Coventry, the Board's focus is on whether the grant of the variances can be reconciled with the governing body's intent that these specific standards be imposed in the first place. \

Consideration of Bulk Variances

The Board has the power to grant c(1) or hardship variances "(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property." The Board may also consider the grant of

c(2) variances where the purposes of the New Jersey Municipal Land Use Law would be advanced and the benefits of the deviation would substantially outweigh any detriment. In either case, the Board cannot grant "c" or bulk variances unless the negative criteria are satisfied, or that there is no substantial impact to surrounding properties (first prong) and the grant of the variance will not cause substantial impairment to the intent and purpose of the zone plan (master plan) or zoning ordinance (second prong).

Site Plan Comments

- 1. The applicant should detail any plans for signage.
- 2. §521.J sets forth design standards for new and used automobile sales buildings. As the applicant proposes no modification to the existing structure, exceptions are required.
- 3. §525.L.2 requires landscape islands to be planted with trees and shrubs. While the existing islands are not 8' wide, there is opportunity for plant material to be installed.
- 4. §525.L.3 requires parking areas to be screened by a combination of berms, hedges, fences or walls. The minimum height of planted material is 3' with growth to 4' required within 3 years of installation. There is sufficient room along Carnegie Road for installation of hedges to meet this requirement. An exception would otherwise be required.
- 5. §530.C.5 requires one EV parking space. As no EV spaces are proposed, an exception is required. In addition to the requirements of the LUO, the MLUL at 40:55D-66.20b(1)(b) requires the installation of two make-ready spaces for parking areas between 51 and 75 spaces.
- 6. Site inspection revealed that much of the pavement and curbing is in disrepair, which will need to be addressed at the direction of the Board Engineer.
- 7. Curb along the southwestern edge of the parking area appears to be much higher than 6", which could potentially damage vehicles parking in these spaces. Wheel stops should be considered or the curb or pavement should be modified to reduce the height.
- 8. The sidewalk abutting the building on the west side is cracked and will need to be repaired.
- 9. The site plan depicts installation of Inkberry Holly outside the curb along the top of the detention basin. Certain areas along the curb will need to have soil replaced in order to support establishment of shrubs in this area.
- 10. There are two posts along Carnegie Avenue that likely had a sign between them at one point that should be removed.
- 11. Consideration should be given to replacing the one existing light pole and fixture so that all fixtures match and lighting color is more consistent.
- 12. Applicant proposes to relocate their operation from Princeton Avenue, where they appear to conduct service in addition to sales. As the building on this site is not configured to accommodate indoor service, the Board should condition any approval it may choose to grant to restrict any repair work of any kind from occurring outdoors.

- 13. Any approval the Board may choose to grant should be conditioned on vehicles onsite only being parked in stalls. The current operation on Princeton Avenue has cars parked on top of cars, which impedes site circulation and hinders access for emergency vehicles.
- 14. Additional right-of-way should be dedicated along Carnegie Road, as the lot appears to go to the centerline of the street.

We trust the Board will find this information useful in consideration of the matter at hand and reserve the right to provide additional comment based on the applicant's presentation at the public hearing. Should you wish to discuss this review memo, please feel free to contact our office.

Sincerely,

James T. Kyle, PP/AICP, Board Planner

Cc: Brenda Kraemer, PE (via e-mail)

Ed Schmierer, Esq., Board Attorney (via e-mail)

TOWNSHIP OF LAWRENCE Division of Planning and Redevelopment

TO:

Brenda Kraemer, Assistant Municipal Engineer

James Kyle, Planning Consultant Michael Rodgers, Construction Official

Edward Tencza, Public Safety Coordinating Committee

Environmental Resources Committee Shade Tree Advisory Committee

FROM:

Susan Snook, Administrative Secretary

SUBJECT:

Use Variance Application No. ZB-1/23

Major Site Plan - Preliminary & Final Approval Application No. SP-1/23

Cade Motor Company, Inc., 2 Carnegie Road

Tax Map Page 12.04, Block 1203, Lot 1

DATE:

February 2, 2023

Attached are the following documents with regard to the above-referenced variance and site plan for a used car business:

- Letter from Wells & Singer Law Office, LLC, dated January 27, 2022
- Application Nos. ZB-1/23 and SP-1/23 (w/checklist)
- Cover Sheet, Sheet 1 of 5, dated December 12, 2022
- Sie Plan, Sheet 2 of 5, dated December 12, 2022
- Landscape Plan, Sheet 3 of 5, dated December 12, 2022
- Lighting Plan, Sheet 4 of 5, dated December 12, 2022
- Construction Details, Sheet 5 of 5, dated December 12, 2022

This application will be scheduled for review by the Zoning Board of Adjustment in the near future.

Please review these documents and submit your report to this office as soon as possible, but **no later than Friday, March 10, 2023** so that reports may be provided to the applicant and Board members prior to the meeting.

Attachments

SJS

CC:

g:engineering/cade motors/document ds memo.doc

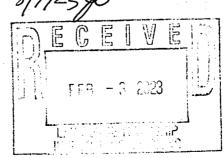
Edwin W. Schmierer, Esq., Zoning Board Attorney (w/atts.)

NO Comments Bldg 3/7/23 MR NO Fire Comments 03/01/203 84

ELECTRICAL _ SUBMIT SPECT FOR NEW LIGHTS WHEN READY (APPROVED BY ZONIALS).

(2) ALL TRENCHING FOR NEW LIGHTING THE REQUIRES TRENCH INSPECTING

NO PLUMBING Comments



TOWNSHIP OF LAWRENCE

2207 Lawrence Road Lawrence Township NJ 08648

Department of Community Development 609-844-7087

Lawrence Township Shade Tree Advisory Committee

Minutes as a REPORT 2 Carnegie Road, Cade Motors February 28, 2023

Committee members David Bosted (chair), Ed Sproles, Ed Brzoza, Pam Mount, and Council Liaison Mike Powers contributed to this report.

- We have reviewed the plans for 2 Carnegie Road. STAC suggests that the existing trees be retained, as an explicit condition of the proposed use of this property. Additional wind-tolerant shrubs or small trees can be planted between the existing trees to prepare for a time when existing trees, being stressed by wind, will weaken. The goal is to make the screening viable, long into the future.
- There was some concern expressed about auto repairs being done on this site because it is not configured
 or licensed as far as we know as an auto repair facility. Any leakage of oil or other automobile fluids
 would have an impact on vegetation.
- In other business, Arbor Day will be celebrated on or about Friday April 28 with the planting of several shade trees. A new exhibit celebrating trees and Arbor Day will be installed in the 1876 Mahogany case in Town Hall.
 - -- Respectfully submitted, David Bosted, STAC Chair

TOWNSHIP OF LAWRENCE Division of Planning and Redevelopment

TO:

Brenda Kraemer, Assistant Municipal Engineer

James Kyle, Planning Consultant Michael Rodgers, Construction Official

Edward Tencza, Public Safety Coordinating Committee

Environmental Resources Committee Shade Tree Advisory Committee

FROM:

Susan Snook, Administrative Secretary

SUBJECT:

Use Variance Application No. ZB-1/23

Major Site Plan - Preliminary & Final Approval Application No. SP-1/23

Cade Motor Company, Inc., 2 Carnegie Road

Tax Map Page 12.04, Block 1203, Lot 1

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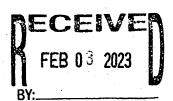
Please review these documents and submit your report to this office as soon as possible, but **no later than Friday, March 10, 2023** so that reports may be provided to the applicant and Board members prior to the meeting.

Attachments

SJS

g:engineering/cade motors/document ds memo.doc

cc: Edwin W. Schmierer, Esq., Zoning Board Attorney (w/atts.)



No laments 3/10/2013



To: Lawrence Township Zoning Board

From: Environmental and Green Advisory Committee (EGAC)

Date: March 13, 2023

Re: 2 Carnegie Road/Cade Motor

Use Variance Application No. ZB-1/23

Major Site Plan-Preliminary & Final Application No. SP-1/23

Tax Map Pages 12.04, Block 1203, Lot 1

In accordance with the legal authority and responsibility of the Lawrence Township Environmental and Green Advisory Committee (EGAC), we have conducted a review of the application materials provided to the Committee by the Township of Lawrence.

SUMMARY

D (Use) Variance on property in Flood Plain, potential wetlands, and numerous existing non-conformances for a proposed Used Car Dealer on a property with no water quality mitigation.

Suggestions/ Recommendations:

- 1. Plans are missing the Topographic Map which is needed to assess the flood risk for hazard mitigation planning, such as the need to move vehicles during flood emergencies and storage of hazardous materials.
- 2. Plans missing Site Survey, although says info copied. Validate?
- 3. Why does the property extend into the middle of Carnegie Rd, what about the dedicated right of way, which should have 25'? (Design Standards indicated Front Yard Existing and Proposed is 84.1' but seems actually to be 59'; Lot Depth Requirement is 175', says existing/proposed is 164' but actually x'?). Wanting to clarify so Board can be informed of the impact and intensity.
- 4. Parking Setback Requirement not listed, should be 25' but is 0?
- 5. Block 1203, Lot 2 is not listed on the certified 200'radius owners' list. Appear to be the same owner for both Lots. As Lot 1 does not meet minimum requirements such as lot size, therefore required to combine lots and reduce environmental impact?
- 6. Wetland area, proper delineation?
- 7. There is frequent, persistent flooding in this area of Carnegie Rd. Opportunity to find a solution? Erosion, freeze/thaw, road decay, and slippery ice have environmental, safety, and financial impacts on the township.
- 8. Erosion along Carnegie Road and property. Added vegetation to help control (TMDL issue).
- 9. Water Quality: No car washing on-site, retrofit detention basin, increase vegetation.
- 10. Maintenance and repairs onsite? Require Conditional Use Permit and all requirements, covered garage? Prevent lubricant, and pollutant runoff.

SUGGESTION/RECOMMENDATION DETAIL

Flood Plain, Topographic Map, and Risk Analysis

• Property is in a flood plain. Cars will be stored on the property 24/7 and have the potential to float during floods. To assess risk and have a hazard mitigation plan, need the topographical map (detail not just the aerial). According to FEMA, 6" of water will reach the bottom of most passenger cars, causing loss of control and potential stalling, 1' of water will float many vehicles, and 2' of rushing water will carry away most vehicles, including SUVs and pickups. According to the U.S. Geological Survey, water 1' deep typically exerts 500 pounds of lateral force on a vehicle.

Additional impervious cover across the township is being added, stormwater facilities across the watershed are undersized, and precipitation is increasing, all impacting flood risks. Annual rainfall in New Jersey is projected to increase by 7% to 11% by 2050 and will often be delivered in more intense storm events (consider tropical storms Henri and Ida, statistically both 100-year storms, yet they occurred within weeks of each other). Need Hazard Mitigation Planning and Prevention.

Water Quality and Stormwater Management

- Car dealerships and other automotive-related businesses that wash vehicles for commercial purposes must prevent dirty water from entering the stormwater conveyance system. All washing activity for commercial purposes must control, contain, and capture the wash water before it leaves the site and/or enters a storm drain or a conveyance system. Failure to do so is illegal. Car washing has been witnessed at the current Cade lot. Do not allow car washing, utilize the neighboring car wash?
- Establish an "Incoming Vehicle Inspection Area".
 - o Good management of this area is the first step in minimizing environmental
 - o Inspect all vehicles for leaks.
 - o Leaking vehicles must be kept on a bermed impervious surface, such as a concrete pad.
 - o Identify, stop, and control all leaks immediately and clean up using spill kits, absorbent materials, or drip trays.
 - o Store vehicles with their hoods down.
- Service and maintenance of cars? Would that require a Service Center Conditional Use Permit (or at least some of the pollution prevention measures)? See the Conditions below from the MLUL as they are directly related to water quality. Also need to know flood risk (need topo) to make sure pollutants (batteries, tires, lubricants, etc.) are not stored on-site or stored properly and high enough so they do not enter waterways.
- Is there DEP "Community Right-To-Know" reporting obligations due to hazardous materials?
- Retrofit and vegetate detention basis for water quality (TMDL management per MS4).
- Retrofit detention basin using updated precipitation data. Stormwater systems are currently being undersized due to calculations of the 2-year storm based on historical precipitation data.

- Retrofit curb-opening inlet at the far end of the parking lot near the detention basin (the clear space in that curb shall have an area of no more than 7" or be no greater than 2" across the smallest dimension per new MS4)
- Stormwater Pollution Prevention Plan (SPPP)? Maintenance Plan for the stormwater facility? Include de-icing limits in the parking lot (sodium chloride is a problem in our waterways). Include methods of cleaning visible oily sheen.

Landscaping

- MLUL, Parking, the minimum screening height at planting shall be 3' and shall have a height of at least 4' within 3 years of installation.
- Erosion along the property on Carnegie Road (TMDL concern). Add vegetation (eg native grasses).
- Ensure cars or equipment not utilizing Lot 2.

Other

- Delaware and Raritan Canal Permit?
- Per Motor Vehicle Commission, no licensee may relocate his or her business location or open a branch location until after notification that the Commission approves the site.
- Per MLUL, all paved parking shall be curbed (missing at the back of the property adjacent to Lot 2).
- Add Bike Parking.
- Add EV Charging.
- Snow storage?

§ 420 Highway Commercial (HC) District. [Ord. 2159-13, 5/21/13]

- **D. Conditional Uses Permitted.** The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:
- 1. Service station or repair garage conforming to the following conditions:
- a. The minimum lot size for service stations or repair garages shall be 20,000 square feet and the minimum lot frontage shall be 150 feet.
- b. Such use may be combined with a convenience store or membership club bulk retail outlet on the same lot, provided that the minimum lot size, or minimum lease area in the event the service station is not within an individual lot, shall be a minimum of 1.5 acres. Notwithstanding any other provision to the contrary, service stations on their own lot shall be permitted two entrances and exits on one street frontage and three per lot.
- c. All appliances, pits, storage areas and trash facilities other than motor fuel filling pumps or air pumps shall be within a building or roofed structure.
- d. Motor fuel filling pumps, service station attendant booths, canopies and air pumps shall be permitted within the required front yard area of service stations but shall be no closer than 20 feet to any street line.
- e. All lubrication, repair or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed outside of an enclosed building.
- f. No junked motor vehicle or part thereof, or such vehicles incapable of