

Applicant: The Church of Saint Ann


Appl. No.: S-3/23
ZB-4/23

REFERRALS

	Date	Comments	Date	Comments	Additional Reports
	Referred	Dated	Referred	Dated	
a. Municipal Engineer	9/19/23	9/20/23	2/15/24	2/15/24	
b. Professional Planner	9/19/23	11/22/23		2/14/24	
c. Traffic Consultant					
d. Construction Official	9/19/23				
e. Shade Tree Advisory Comm.	9/19/23				
f. Health Officer	9/19/23	9/21/23			
g. Tax Collector	9/19/23	9/19/23			
h. Public Safety	9/19/23	11/20/23			
i. Environ. Res. Committee	9/19/23				
j. Mercer County Planning Bd.					
k. Ewing-Law. Sewer Auth.					
l. _____ Water Co.					
m. D & R Canal Commission					
n. U.S. Post Office					
o. NJDOT					
p. PSE&G Co.					
q. Board of Education					
r. Historic Preserv. Comm.					
s. NJDEPE/Wetlands					
t. NJDEPE/Stream Encroach.					
u. <u>Greg Whitehead</u>	9/19/23				
v. _____					
w. _____					
x. _____					
y. _____					
z. _____					

Township of Lawrence
ENGINEERING DEPARTMENT

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Use and Bulk Variance Application No. ZB-4/23
Minor Subdivision Application No. S-3/23
The Church of Saint Ann 1253 Lawrenceville Road
Tax Map Page 23.02, Block 2313, Lots 1.01, 4-12, 53 and 54

DATE: February 15, 2024

General:

The applicant has requested minor subdivision approval for lot line adjustments and consolidations for the Church of Saint Ann, Lawrenceville Road Pharmacy and 16 Eldridge Avenue. Parking spaces associated with the Church property will be conveyed to the Church, a storage area used by the Pharmacy will be conveyed to the Pharmacy and the residential house, driveway and remaining yard area will be established as a single-family residential lot. The Church currently owns 16 Eldridge Avenue, but intends to sell the newly subdivided lot for residential use.

We have no objection to the submission waivers requested as there will no construction. We will defer to the Planning Consultant for review of the requested variances.

Detailed Report:

1. Several variances and one design exception (driveway setback) are required for the new lot at 16 Eldridge Avenue. It does not appear feasible for a future owner to install additional improvements (such as a garage). The applicant should consider whether to request additional bulk variances to allow flexibility for the new residential owner. A deed statement is recommended to alert the new owner of limitations
2. Lot deeds shall be prepared for review. The existing descriptions of each property, area to be conveyed and new lot descriptions shall be prepared. All easements shall be fully described. The lot numbers will be assigned as follows:
 - Lot A: Lot 1.01 (Church)
 - Lot B: Lot 4.01 (Pharmacy)
 - Lot C: Lot 11.01 (16 Eldridge Avenue)
3. The proposed property corner marker locations shall be shown on the Minor Subdivision Plan. All pins shall be set and inspected prior to signing new lot deeds.
4. The following outside agency approvals are required:
 - a. NJDOT (or letter of no interest)
 - b. Mercer County Planning Board

Documents Reviewed:

- Application No. S-3/23 and Supporting Documents
- Minor Subdivision Plans, dated August 2, 2023

BK/jrt

M:\Engineering Office\Planning Board\The Church of Saint Ann3\review #2.doc



POLICY
PLANNING
DESIGN

2 East Broad Street, 2nd Floor
Hopewell, NJ 08525
609-257-6705 (v)
609-374-9939 (f)
info@kylemcmamus.com

To: Lawrence Township Zoning Board

From: James T. Kyle, PP, AICP
Brett Harris, PP, AICP

Re: **The Church of Saint Ann**
Minor Subdivision, D(4) Use and Bulk Variance Application
Block 2313 Lots 1.01, 4-12, 53 & 54
1253 Lawrenceville Road
R-4, NC-1, & EGI Districts
Application S-3/23

Date: February 14, 2024

1.0 Introduction & Project Overview

- 1.1** The Applicant is requesting minor subdivision approval to consolidate and reconfigure Block 2313, Lots 1.01, 4-12, 53 & 54, into three lots. The site is located on Lawrence Road, and is currently occupied by St. Ann's church, a pharmacy and two single-family homes. No improvements are proposed.
- 1.2** Lot 1.01, which is occupied by the church building and a single-family dwelling, spans the entire length of Lawrence Avenue with frontage on four streets. Several improvements associated with the church exist on Lots 53 and 54, including a chiller, church parking spaces and two transformers; these lots will be consolidated with Lot 1.01 (proposed Lot A) with a small portion of Lot 54 joining Lots 11 and 12.
- 1.3** Lots 11 and 12 contain an existing one-story single family dwelling, which will remain on proposed Lot C. A portion of Lot 54 will be combined with Lots 11 and 12 so that all improvements associated with the single-family dwelling will be on the same lot.
- 1.4** McGrath Pharmacy, a one-story building, exists on Lots 4-10, with frontage on Lawrence Road and Eldridge Avenue. The storage building attached to the pharmacy is located on Lot 11, owned by the church. The minor subdivision proposed will place the attached storage building entirely on the proposed pharmacy lot (Lot B), and also consolidates Lot 4 into the proposed lot so that all improvements associated with the pharmacy are on the same lot.
- 1.5** The following is a summary of the reconfiguration proposed:
- a) Proposed Lot A (St. Ann's)



- (1) Lot 1.01 with most of Lots 53 & 54
- b) Lot B (Pharmacy)
 - (1) Lots 4-10 and a small portion of Lot 11
- c) Proposed Lot C (Single -family home)
 - (1) Lots 11 and 12 and a small portion of Lot 54

2.0 Site & Surrounding Area

- 2.1 The total area of all the property is just under 4-acres and is located on the corner of Lawrence Road and Eldridge Avenue. The site contains three distinct uses in three zoning districts. The aerial photo on the following page depicts the existing lot configuration and surrounding uses.
- 2.2 The St. Ann’s portion of the site is the largest parcel, with an area of 2.85 acres. It is located in the EGI District and has access to Lawrence Avenue, Rossa Avenue and Eldridge Avenue.
- 2.3 The pharmacy portion of the site has an area of 10,481 square feet, with frontage on Lawrenceville Road and Eldridge Avenue.
- 2.4 The single-family home on Lots 11 and 12 has an area of approximately 4,830 square feet, with frontage only on Eldridge Avenue.
- 2.5 The site is located along Lawrence Road, a significant corridor in the Township. The site acts as a transition between the commercial nature of Lawrence Road and the residential neighborhoods to the northwest and southwest.
- 2.6 Single family residential neighborhoods in the R-4 District exist to the north and south of the site.
- 2.7 Across Lawrence Road to the east are commercial uses and the Lawrence Road Fire Company in the NC-1 District.
- 2.8 To the west, across Rossa Avenue is the Saint Ann School in the EGI District, with a large, wooded area further west.



Site Visit 11/21/23; St Ann’s building; McGrath Pharmacy; Single Family Home



POLICY
PLANNING
DESIGN

CHURCH OF ST ANNE - MINOR SUBDIVISION

BLOCK 2313 LOTS 1.01, 4-12, 53 & 54

TOWNSHIP OF LAWRENCE MERCER COUNTY NJ

DATA SOURCE: Aerial Imagery, Google Earth 2021; NJGIN Mercer County Parcels 2023



3.0 Variances and Exceptions

- 3.1 The subject site is located within the EGI (Educational, Government & Institution), NC-1 (Neighborhood Center-1), and R-4 (Residential-4) Districts.
- 3.2 The EGI District standards are applicable to proposed Lot A, which contains the existing St. Ann’s building, a single-family dwelling and related accessory structures. The EGI District is intended for governmental, educational, charitable, health care and religious uses presently existing within the municipality. The existing St. Ann’s use is permitted in the EGI District.
- 3.3 There are several existing nonconforming conditions, and the Applicant requires floor area ratio (d(4)) and bulk variance relief from the EGI District standards, as noted in the table below.

§426 EGI District Standards				
	Required	Existing Lot 1.01	Proposed Lot A	Variance?
<i>Min. Lot Area</i>	<i>5-acres</i>	<i>3.4-acres</i>	<i>3.552-acres</i>	<i>*Yes</i>
<i>Min. Lot Frontage (Lawrenceville Rd)</i>	<i>300 feet</i>	<i>160.36 feet</i>	<i>160.36 feet</i>	<i>ENC</i>
Min. Lot Frontage (Lawrence Ave)	300 feet	788.62 feet	788.62 feet	No
<i>Min. Lot Width</i>	<i>300 feet</i>	<i>160.36 feet</i>	<i>160.36 feet</i>	<i>ENC</i>
Min. Lot Depth	600 feet	790 feet	790 feet	No
<i>Min. Side Yard (Eldridge Ave)</i>	<i>100 feet</i>	<i>63.8 feet</i>	<i>63.8 feet</i>	<i>ENC</i>
<i>Min. Front Yard (Lawrenceville Rd)</i>	<i>100 feet</i>	<i>42.71 feet</i>	<i>42.71 feet</i>	<i>ENC</i>
<i>Min. Front Yard (Lawrence Ave)</i>	<i>100 feet</i>	<i>34.8 feet</i>	<i>34.8 feet</i>	<i>ENC</i>
Min. Rear Yard	100 feet	296.1 feet	296.1 feet	No
<i>Max. Impervious Surface Ratio</i>	<i>.6</i>	<i>.78</i>	<i>.8</i>	<i>*Yes</i>
<i>Max. Floor Area Coverage</i>	<i>.2</i>	<i>0.397</i>	<i>0.382</i>	<i>*Yes</i>
<i>Accessory Structure Setback (Transformer 1)</i>	<i>75 feet</i>	<i>N/A</i>	<i>0.84 feet</i>	<i>*Yes</i>
<i>Accessory Structure Setback (Transformer 2)</i>	<i>75 feet</i>	<i>8.81 feet</i>	<i>10.22 feet</i>	<i>*Yes</i>
<i>Accessory Structure Setback (Chiller)</i>	<i>75 feet</i>	<i>20.36 feet</i>	<i>21.77 feet</i>	<i>*Yes</i>

ENC - Indicates Existing Nonconforming condition.



- 3.4 The NC-1 District standards are applicable to proposed Lot B, which contains the existing pharmacy. The purpose of the NC-1 District is to foster redevelopment of older neighborhood commercial areas into mixed uses combining small scale commercial and residential buildings that create a more urban character. The existing pharmacy use is permitted in the NC-1 District.
- 3.5 There are several existing nonconforming conditions, and the Applicant requires floor area ratio (d(4)) and bulk variance relief from the NC-1 District standards, as noted in the table below.

§413 NC-1 District Standards				
	Required	Existing Lots 4-10	Proposed Lot B	Variance?
Min. Lot Area	5,000 sf	10,481.35 sf	10,973.4 sf	No
Min. Lot Frontage	50 feet	55.63 feet	55.63 feet	No
Min. Lot Width	50 feet	80 feet	80 feet	No
Min. Lot Depth	90 feet	115.07 feet	115.07 feet	No
Min. Front Yard	0 feet	50.18 feet	50.18 feet	No
Min. Side Yard	0 feet (Common) 10 feet (Other)	0 feet	9.8 feet	*Yes
Min. Rear Yard	25 feet	0 feet	0.5 feet	*Yes
Max. Impervious Surface Ratio	0.8	0.82	0.819	*Yes
Max. Floor Area Ratio	0.2 (One story)	0.42	.43	*Yes
Max. Building Height	35 feet	+/- 24 feet	+/- 24 feet	No
Max. Building Size	10,000 sf	4,379.5 sf	4,736.7 sf	No
Max. Gross Floor Area	5,000 sf	4,379.5 sf	4,736.7 sf	No

- 3.6 The R-4 District standards are applicable to proposed Lot C, which contains an existing single-family home. The R-4 District is intended primarily for single family detached dwellings on lots of 7,500 square feet or larger. The existing single-family use is permitted in the R-4 District.
- 3.7 There are several existing nonconforming conditions, and the Applicant requires bulk variance relief from the R-4 District standards, as noted in the table on the following page.



§407 R-4 District Standards				
	Required	Existing Lots 11, 12, 53, 54	Proposed Lot C	Variance?
Min. Lot Area	7,500 sf	4,830 sf	4,915.06 sf	*Yes
Min. Lot Frontage	60 feet	70 feet	67.59 feet	No
Min. Side Yard (Each)	10 feet	8.9 & 29.3 feet	7.5 & 17.87 feet	*Yes
Min. Front Yard	30 feet (24 feet average setback)	21.7 feet	21.7 feet	ENC
Min. Rear Yard	35 feet	50.18 feet	15.8 feet	Yes
Max. Impervious Surface Coverage	0.6	0.7	0.74	*Yes
Min. Useable Yard Area	20% of each yard	Complies	Complies	No
Max. Building Height	35 feet	+/- 25 feet	+/- 25 feet	No
Max. SFLA (square footage of living area)	2x the average neighborhood SFLA	N/A	N/A	N/A
Max. SFLA to lot area	2x average ratio of SFLA to lot area for neighborhood	N/A	N/A	N/A

ENC - Indicates Existing Nonconforming Condition

4.0 D(4) Floor Area Ratio Variances

4.1 As noted above, the applicant requires d(4) use variance relief to permit an increase in maximum floor area ratio for both the pharmacy and church lots. Although no additional floor area is proposed to be constructed in either case, the reconfiguration of the lots requires the board to consider relief.

4.2 While technically use variances, d(4) floor area ratio variances are treated differently than d(1) use variance requests to allow a use or principal structure not permitted in a particular zone district. The Board should be guided by the case Randolph Town Center v. Tp. of Randolph, 324 N.J. Super at 416 as well as the case Coventry Square v. Westwood Board of Adjustment, 138 N.J. 285, 298-299 (1994). In its decision in the Randolph Town Center case, the Court held the standards in Coventry are applicable to



the Board's consideration of d(4) variance relief rather than the strict standards for a d(1) use variance as outlined in *Medici v. BPR Co.* This represents a somewhat lessened legal burden, as the consideration is quite different than that for an altogether nonpermitted use. The applicant must show the site can accommodate the problems associated with an increase in permitted floor area; they need not show the site is particularly suited to more intense development. They must also demonstrate the increase in floor area will not have a substantial impact on adjacent properties nor substantially impair the intent and purpose of the zone plan and zoning ordinance, reconciling the departure with the governing body's intent behind the floor area limitation for each zone.

4.3 Given that no additional floor area is proposed and the relief results only from changes to lot lines, our office has no concerns related to these variances.

5.0 Bulk Variance Relief

5.1 As outlined above, the applicant seeks a number of bulk variances, all of which are related to reconfiguration of the lot lines as opposed to construction of new improvements.

5.2 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 deviations 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). As part of consideration of c(2) relief, the Board should be guided by the case *Pullen v. Tp. Of South Plainfield*, 291 N.J. Super. 1, 8 (App. Div. 1996), which found the Board should consider the benefits of the entire application rather than the benefits associated with individual variances requested. In this case, the subdivision proposed, although requiring a number of bulk variances, consolidates a significant number of existing lots into only three and situates existing improvements associated with each use on the appropriate lot.

5.3 Given that no physical improvements are proposed and the relief results only from changes to lot lines, our office has no concerns related to these variances.



6.0 Materials Reviewed

6.1 Application S-3/23 and supporting materials.

6.2 *Minor Subdivision Plans*, consisting of 3 sheets, prepared by Craig W. Stratton of Trenton Engineering Co. Inc. dated August 2, 2023 and last revised 12/22/2023.

7.0 Applicant Team

7.1 Applicant: The Church of Saint Ann, Lawrenceville NJ, 1253 Lawrenceville Road, Lawrenceville, NJ 08648 609-882-6491 ldelacruz@churchofsaintann.net

7.2 Owner: Zagoreos Real Estate Investments, LLC 1251 Lawrenceville Road Lawrenceville NJ 08648 609-712-0854 themcgrathpharmacy@comcast.net

7.3 Attorney: Dolores R. Kelley Esq. Stark & Stark PC 100 American Metro Boulevard Hamilton New Jersey 08619 609-791-7005 dkelley@stark-stark.com

7.4 Engineer: Craig W. Stratton, LS Trenton Engineering Co., Inc. 2193 Spruce Street Trenton New Jersey 08638 609-882-0616 trentonengineering@gmail.com

LAWRENCE TOWNSHIP HEALTH DEPARTMENT

2207 Lawrenceville Road - Box 6006 - Lawrenceville, New Jersey 08648

Telephone: (609) 844-7089

Date: September 21, 2023

To: James Parvesse, P.E., Municipal Engineer,

From: Keith Levine

REVIEW FOR:

<input type="checkbox"/>	Building Permit	<input type="checkbox"/>	Food Establishment
<input type="checkbox"/>	Certificate of Occupancy	<input type="checkbox"/>	Sewage Disposal System
<input checked="" type="checkbox"/>	Planning Board	<input type="checkbox"/>	Individual Water Supply
<input type="checkbox"/>	Zoning Board	<input type="checkbox"/>	Commercial Property
<input type="checkbox"/>	Other: _____	<input checked="" type="checkbox"/>	Other: <u>Minor Subdivision</u>

PROJECT NAME: Minor Subdivision w/ Varinace Application 1253 Lawrenceville Rd S-3/23

LOCATION: 1253 Lawrenceville Rd

BLOCK: 2301 LOT # 1.01, 4-12, 53 & 54 PR# S 3/23

OWNER: Zagoreos Real Estate Investments, LLC Phone: 609-712-0854


ENGINEER/ARCHITECT: Trenton Engineering Co., Inc.

ADDRESS: 2193 Spruce St.
Trenton, NJ 08638 609-882-0616

APPROVAL DISAPPROVAL APPROVAL WITH CONDITIONS

COMMENTS:

Lot subdivision with lot consolidation and lot line adjustments.
No new construction is proposed.



John R. Sullivan, REHS



Health Officer

Township of Lawrence
ENGINEERING DEPARTMENT

TO: Susan McCloskey, Tax Collector
FROM: Jennifer Thomas, Account Clerk *JT*
SUBJECT: Verification of Current Tax and Sewer Payment Status
DATE: September 19, 2023

Please update the status of taxes and sewer payments with regard to the following application:

Application No(s): S-3/23
Application Name: **The Church of Saint Ann**
Street Address: 1253 Lawrenceville Road
Tax Map Page(s): 23.02
Block: 2313
Lot(s): 1.01, 4-12, 53 and 54

Thank you for your anticipated assistance and response.

JRT
g:\engineering\tax request.doc



*Taxes and sewer are
current on all lots
as of 9/19/2023*

[Signature]
Tax Collector

LAWRENCE TOWNSHIP TAX COLLECTOR
PO BOX 6006
2207 LAWRENCE ROAD
LAWRENCE TWP NJ 08648
609-844-7041

Faint header text, possibly "FEDERAL SERVICE CENTER"

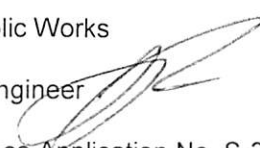
RECEIVED
SEP 13 2023
LAWRENCE TWP
TAX COLLECTOR

LAWRENCE TWP TAX COLLECTOR
PO BOX 8008
2307 LAWRENCE ROAD
LAWRENCE TWP, NJ 08804
609-844-7041

[Faint handwritten notes and scribbles]

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: Brenda Kraemer, Assistant Municipal Engineer
Elizabeth McManus, Planning Consultant
Michael Rodgers, Construction Official
✓ Edward Tencza, c/o Public Safety Coordinating Committee
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer
Greg Whitehead, Director of Public Works

FROM: James F. Parvesse, Municipal Engineer 

SUBJECT: Minor Subdivision w/ Bulk Variance Application No. S-3/23
The Church of Saint Ann 1253 Lawrenceville Road
Tax Map Page 23.02, Block 2313, Lots 1.01, 4-12, 53 and 54

DATE: September 19, 2023

Attached are the following documents with regard to the above-referenced minor-subdivision application with bulk variance:

- **Application No. S-3/23 and Supporting Documents**
- **Minor Subdivision Plans, dated August 2, 2023**

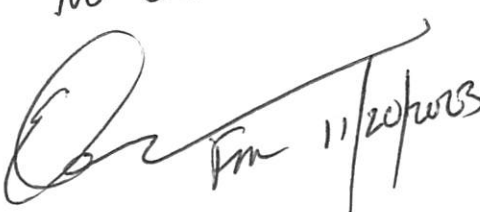
This application is scheduled for review by the Planning Board at the meeting to be held Monday, December 4, 2023.

Please review these documents and submit your report to this office as soon as possible, but **no later than Friday, November 24, 2023** so that reports may be provided to the applicant and Board members prior to the meeting.

JFP/jrt
g:\engineering\The Church of Saint ann\doc. dist. letter.doc

Attachments

cc: Edwin Schmierer, Planning Board Attorney (w/atts.)

No Comment.

Edwin Schmierer 11/20/2023

