

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, FEBRUARY 19, 2014, 7:00 P.M.**

Present: John Gladwell
Bruce Kmosko
Charles E. Lavine
Shabnam Salih
Samuel Pangaldi
Christina Hultholm, Alt. #2
Frank Scangarella, Vice Chair

Absent: Melissa Saunders, Alt. #1 (absent/excused)
Peter F. Kremer, Chairman (absent/excused)

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson
Brian Slaugh, Planning Consultant, Clarke-Caton-Hintz
James L. Kochenour, P.E., P.P. Special Traffic Consultant
Sara A. Summiel, Recording Secretary

1. Statement of Adequate Notice

Adequate notice of this meeting of the Lawrence Township Zoning Board has been provided by filing the annual meeting schedule with the Municipal Clerk as required by law; by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, the Trentonian and the Lawrence Ledger newspapers.

2. Public Participation : (None)

3. Oath of New Board Members:

Shabnam Salih and Christina Hultholm were placed under oath.
Mr. Schmierer administered the oath.

4. Resolution of Memorialization 11-14z, approving Application No. ZB-4/13 & SP-5/13, BOYS & GIRLS CLUB of TRENTON & MERCER COUNTY, 1040 Spruce Street, Tax Map Page 7, Block 701, Lots 34, 35, 36, 37 & 38 for use of existing building as Community Center.

Mr. Gladwell moved and Mr. Lavine seconded to approve as Amended Resolution No. 11-14z.

The following voice call vote took place: AYES (5) NAYES (0)
ABSENT (2) INELIGIBLE TO VOTE (2)

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5. Minutes For Approval: January 15, 2014

**Mr. Lavine moved and Mr. Pangaldi seconded to approve the minutes.
The following voice call vote took place: AYES (4) NAYES (0)
ABSENT (2) INELIGIBLE TO VOTE (3)**

**6. Application No. ZB-5/13 (1601 PRINCETON AVENUE, LLC) Use & Bulk
Variance and Preliminary/Final Site Plan Application No. SP-10/13, 1601
Princeton Avenue, Tax Map Page 2, Block 201, Lot 36, 37 & 38.**

The hearing was recorded. The Board took Jurisdiction.

Kenneth L. Pape, Esq., (Heilbrunn Pape, LLC) represented the applicant. Mr. Pape gave a brief overview of the proposed application. He stated that the applicant is seeking use variance relief and site plan approval for a property that has not been utilized for the past ten years. He stated that Mr. Felix Bruelovsky is the Principal of the property to be purchased. Mr. Pape added that the applicant began meeting with the Township and County a year ago to address the purchasing of land, circulation issues, the six driveways and the controlled intersection under the jurisdiction of two County roads.

Stuart C. Challoner, the applicant's Professional Engineer, gave an overview of the proposed application located in the northeast corner of two major streets (Spruce Street and Princeton Avenue). Mr. Challoner stated that the site is situated in three different Townships (Trenton, Ewing and Lawrence). He referred to Exhibit A-3 and proceeded to describe the surrounding area of the property located in the Highway Commercial Zone. He referred to Exhibit A-2 and described the former gas station site, the existing billboard and its remnants of the old foundation. With regard to the billboard, the applicant is proposing to remove. He explained that the applicant is proposing to purchase and reconstruct a convenience store with gas pumps. He gave an overview of the County's vision regarding their proposed layout of the site and applicant's agreement per County's recommendation. The applicant will provide: a new right-hand turn lane along on Princeton Avenue; a single access drive on eastern portion of property with right turn in/out; eliminate two access drives along Spruce to one drive; and create a full-access drive on northern portion. In addition, the applicant agreed to provide an access drive around the perimeter of the building closer to eastern portion to better direct the traffic outside of the pump islands; a larger queuing area on southern portion of pump islands; additional landscaping in

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front of the building; a pedestrian path and bicycle stands; and ADA ramp from Spruce Street. Mr. Challoner stated that the applicant is providing six multi-dispense pump islands with a total of 12 fueling locations using low flow nozzles. One will be for diesel fuel for new cars and small trucks. There will be no fueling for tractor trailer trucks. The applicant is now proposing 19 parking spaces. With regard to the grading and drainage, he stated that the applicant is not required to do any stormwater management since the applicant is reducing impervious coverage. The applicant proposes to upgrade trees, removed existing billboard and provide new lighting throughout the property. The applicant is proposing two identification signs, one at Princeton Avenue, one at Spruce Street, and a façade sign on the proposed building. The applicant is now requesting an additional identification sign to be provided on the rear of the building. The applicant referred to the Township Professionals' Reports and stated their willingness to comply with all the recommendations noted. Also, the applicant accepted a condition for compliance to all identified roadway requirements from a meeting with both Agencies of Township Professionals and Mercer County. The applicant referred to Mr. Slauch's report dated February 18, 2014, and provided testimony for the following Exceptions with regard to 3.3. (Canopy); 3.4 (Street Tree); 3.6 (Access drive); and 3.7 (Sidewalk Width); and 3.8 (Canopy Lighting Illumination). (See Attachment No. 1 – Reports)

Mrs. Kraemer referred to her report dated February 10, 2014, and reviewed Items 1.02 (Removal of Billboard); 1.04 (Access to Lot 35); 1.06 (DEP Submittal of "No Further Action Letter"); and 2.02 (Underground Roof Drainage). The applicant provided testimony and stated their compliance to the Township's recommendation. (See Attachment No. 1 – Reports)

Mr. Slauch referred to his report dated February 18, 2014, and requested whether all the lighting will be shielded. With regard to the entrance directional signage, he stated that approval was given to McDonalds of 6 sq. ft., instead of the required 4 sq. ft. Also, he requested the applicant to increase the height of proposed street trees. The applicant stated their willing to comply. (See Attachment No. 1 – Reports)

Felix Bruselovsky, the applicant, gave a brief overview of his business background of 28 years and ownership of 30 locations throughout the State of New Jersey of convenience store type gas stations. He stated that the two closest sites are Mt. Holly and Jackson, New Jersey. He stated that each operation is similar to a 7-Eleven with a grab-and-go service such as sandwiches, coffee and other small items.

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Mr. Kochenour referred to his report dated February 18, 2014, and questioned whether there would be any tractor trailers on site other than the fuel deliveries. The applicant stated he could not commit to a yes or no regarding the size or type of vehicles used by the suppliers. The applicant added that, as owner, they can control the time of deliveries to be made on their property. Following a brief discussion, the applicant agreed to request all deliveries to be made during off-peak hours. Mr. Kochenour proceeded to address the truck turning templates and requested the applicant to provide. The applicant agreed to provide.

Mr. Bruselovsky proceeded to give additional testimony regarding the hours of operation. He stated that the site will operate seven days a week from 5:00 a.m. to 11 p.m., with a total of four employees. There will be two employees in the store and two at the fueling pumps.

Stephen L. Radosti, the applicant's Architect, referred to Exhibit A-5 thru A-7 and described the one-story Mini Mart. Mr. Radosti described the building to be 2,700 sq. ft. in size, 50 x 54 feet wide deep, and 23 feet in height. The building will have 1,999 sq. ft. of retail to include storage, office, men/female bathroom facilities and walk-in refrigerator/freezer area. Mr. Radosti stated that the applicant is proposing a gable roof, and described the synthetic stucco material for the building façade. He proceeded to describe the side elevations and scale of the building. He stated that all mechanical equipment will be decoratively shielded on the flat roof. The applicant is proposing a 17 sq. ft. front façade sign on the south and a 12.2 sq. ft. sign on the west elevation. With regard to the third sign, it will be no greater than 9 sq. ft. in size. Mr. Slauch addressed the proposed loading zone and requested a higher retaining wall to be the same height as the trash enclosure to shield old crates or other items.

A brief discussion took place by Vice Chair Scangarella and Professionals regarding the lighting in the rear of the building and wall to be lowered to four feet. The applicant is proposing two-pole mounted light and a shoe box mounted light over the door instead of a wall pack light. The applicant agreed to comply with the Township Standards regarding the wattage and agreed to work with the Township Professionals.

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Frank A. Miskovich, the applicant's Traffic Engineer, referred to Exhibit A-8 and gave a summary of the traffic improvements and on-site circulation. Mr. Miskovich stated that the applicant incorporated the turning moving templates to show how two different types of trucks would access the property. He stated that a fire truck could adequately access throughout the property and a single unit truck could access the diesel fuel pump. He proceeded to describe the benefits of reducing the six driveways along Princeton Avenue and Spruce Street that will create good sight lines in both directions. He explained that the driveway along Princeton Avenue will be restricted to right turn in/out only and Spruce Street will have a full-movement driveway about 275 feet from the intersection's stop line. He explained that vehicular access to the main aisle around the site and its fuel positions. With regard to the pedestrian activity and access on the site, the applicant is providing sidewalks on both streets and entire frontage. He stated that 8 of the 19 proposed parking spaces will be constructed in front of the store area. Mr. Kochenour questioned the length of time it would take for dispensing fuel deliveries. The applicant stated that the process would take about 15 to 25 minutes to do the entire site from one position.

A discussion followed by Mr. Slauch regarding Section 535.R.3 and the applicant's need for another variance where 35 feet within the street line is required and applicant is only providing 28 feet. Mr. Pape stated the applicant's willingness to accept that guidance and requested Amendment to application for that bulk variance. The Board accepted.

Allison Coffin, the applicant's Professional Engineer, stated her review of the application; the site; the Township's Ordinance and Master Plan; and the Reports from the Township Professionals. Ms. Coffin proceeded to explain the appropriateness of the site, the special reasons and whether the requested variances could be granted without any detriments. She stated that even though the site is just one acre in size, the use will not create a nuisance to noise, odor or negative impact to the public, but would be vastly improve with regard to the aesthetic impact. She explained that the site has been carefully designed with a reduction in size and fuel positions, landscaping, pedestrian pathway, adequate parking and circulation. She stated that the sign variance could be approved under the C-2 standard for safety and site identification to motorists accessing the site because of the applicant reducing the six driveways to two driveways. She stated that approval of this proposed application would be consistent with the intended purposes of the Master Plan, the Zoning Ordinance in the HC Zone and could be approved without any substantial detriment to the public good. She added that the applicant has adequately mitigated any negative impact through the site plan review process.

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Mr. Slauch gave brief testimony regarding the 25 ft. buffer, the street trees, the signage and the acceptance of variances.

With regard to all the other reports, comments and recommendations in the Township Professionals' reports, the applicant stated their willingness to comply.

The following conditions were noted by Mr. Schmierer and the Board: Arrangement of Post Approval Meeting with County and Township; Deliveries at Store & Gas during non-peak hours; Fuel position to have low flow nozzels; Restriction of serving tractor trailers; Conditions in Professionals' reports, New rear wall to be four feet in height; Operating hours 5 a.m. to 11 p.m., seven days a week; Driveway leading to Spruce Street striping of fire lane per Fire Marshall; Well to be properly sealed and monitored; and Employee parking be at corner of site.

Exhibits:

- A-1 Colored, Preliminary Site Plan, Revised 2/10/2014**
- A-2 Colored, 1979 Aerial Photo from Historical Aerials, dated 2/17/2014**
- A-3 Colored, Aerial Overview of General Vicinity 2012, dated 2/18/2014**
- A-4 Colored, Current Aerial Blow-up Plan, dated 2/18/2014**
- A-5 Sheet SK-1 – Mini Mart & South Elevation**
- A-6 Sheet SK-2 – Mini Building & Side Elevations**
- A-7 Conceptual Canopy Elevations**
- A-8 Circulation Plan, dated 2/18/2014 (Black & White)**

Witnesses Placed Under Oath:

- Stuart C. Challoner, Professional Engineer & Planner, (Expert)**
- Frank A. Miskovich, Professional Engineer (Traffic Engineer & Expert)**
- Felix Bruselovsky, Owner**
- Stephen L. Radosti, AIA, CID (Perez & Radosti) & Expert**
- Allison Coffin, Professional Planner & Expert**

Also Placed Under Oath: - Township Professional Brian Slauch, P.P., AICP

PUBLIC COMMENT: None

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Vice Chair Scangarella moved and Ms. Salih seconded to approve the application including use and bulk variances, waivers, subject to all appropriate conditions and the recommendations contained in the Township Professionals' reports.

Vote:

AYES: Gladwell, Kmosko, Lavine, Salih, Pangaldi, Hultholm,
Scangarella,
ABSENT: Saunders, Kremer

7. Old Business/New Business/Correspondence: None

8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:20 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,
Sara A. Summiel-emailed

Sara A. Summiel
Recording Secretary

MINUTES APPROVED: April 16, 2014