

**LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
WEDNESDAY, JANUARY 29, 2014, 7:00 P.M.**

**Present:** John Gladwell  
Bruce Kmosko  
Charles E. Lavine  
Samuel Pangaldi  
Melissa Saunders, Alt. #1  
Frank Scangarella, Vice Chair  
Peter F. Kremer, Chairman

**Absent:** None

**Also Present:** Brenda Kraemer, P.E., Assistant Municipal Engineer  
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson  
Brian Slauch, 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. Application No. ZB-4/13 (BOYS & GIRLS CLUB OF TRENTON & MERCER COUNTY) Use & Bulk Variance and Preliminary/Final Site Plan Application No. SP-5/13, 1040 Spruce Street, Tax Map Page 7, Block 701, Lots 34, 35, 36, 37 & 38, for Use of existing building as Community Center.**

The hearing was recorded. Jurisdiction continued from January 15, 2014.

It was noted that Board Member Bruce Kmosko signed an Affidavit stating his review of the January 15, 2014, recorded hearing.

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**Jeffrey Hall, Esq., represented the applicant. Mr. Hall gave a brief overview of the previous meeting.**

**Julia Algeo, the applicant's Professional Engineer, referred to Exhibit A-18 and gave an overview of their meeting with the Mercer County Planning Board. Also, she reviewed the recommended changes by the Township Professionals that were made to the plan. She proceeded to describe the Phase I process of driveway and the elimination of driveway on Tiffany Woods Road. She stated that the applicant is now proposing a driveway on Spruce Street with a right-in, left-in and right-out on easterly side of the site; and on the westerly side of the site, the applicant is proposing one-way left-out and right-out driveway. She addressed the changes to the circulation aisle towards front of building to be a counterclockwise circulation, relocation of the dumpster to facilitate a front loading pickup, and installation of cross-walks to include traffic calming. She referred to Exhibit A-19 and described the shared driveway to the west, as part of the Phase II Plan. Also, during Phase II there will be a full-service driveway and the one-way exit from the site will be closed. She referred to Exhibit A-20 and explained that the traffic signal will be installed by the County and a full-service driveway to Tiffany Woods Road.**

**Mr. Kochenour addressed the relocation of the dumpster and questioned whether the applicant could provide a roll-out dumpster so the truck would not have to circulate through the entire site. Following a conversation, the applicant explained that the roll-out dumpster would not be a workable solution. The applicant stated that there will be a private contractor twice a week before any cars are on the site. Mrs. Kraemer added that the applicant must comply with the Township Noise Ordinance regarding garage pickup and will provide a copy of the Ordinance to the applicant. A discussion followed by the Board and the applicant regarding the dumpster. A condition will be added to the Resolution for applicant to have contractor pickup garage before 9 a.m. The applicant agreed to comply.**

**Jeffrey Fiore, the applicant's Traffic Engineer, gave a summary of the revised Traffic Report dated January 23, 2014. Mr. Fiore explained the level of service for Phase I where the applicant will provide two access points along Spruce Street. He gave an overview of the site improvements for Phase II and III associated with Lot 39 and the Capitol Plaza. He stated that an office development would be the most appropriate use because of the size**

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of building and property. He added that once the traffic signal is installed at the intersection of Spruce Street with Tiffany Woods Road and the Capitol Plaza site, the failing levels of service would improve. Mr. Kochenour agreed. (See Attachment No. 1 – Reports)

A discussion followed by Mrs. Kraemer and Mr. Kochenour regarding the fire truck turning templates. The applicant was requested to provide adequate distance under the canopy due to lights and adequate truck turns at the rear of the parking area. Also, Mr. Kochenour referred to his report dated January 28, 2014, and addressed the site's internal circulation. He recommended the applicant to provide internal signage directing vehicles on site to reach access for Spruce Street southbound. The applicant agreed to comply and work with the Township Professionals.

The applicant referred to Mr. Kochenour's report and stated their compliance with Item 22 regarding comments to the Dimension Plan (Sheet 3 of 9). The applicant addressed Item 23 regarding the crosswalk at the two handicap spaces and felt that to construct a "bulb-out" in the stated area would create a problem. Following a discussion, the applicant agreed to review and work with the Township Professionals so the drop-off and pick-up area can run smoothly. The Board accepted.

The applicant referred to Mrs. Kraemer's report dated January 28, 2014, and addressed the reason for the stop bar in front of the building. Following a brief discussion regarding the concrete apron and driveway design, Chair Kremer's suggested that the driveway be designed like a driveway in a way that it does not look like an intersection. The applicant agreed to work with the Township Professionals. The Board accepted. (See Attachment No. 1 – Reports)

Justin Auciello, the applicant's Planner stated his review of both recorded meetings and visit of the site. Mr. Auciello addressed the variances and components of the overall uses of the proposed application. He stated that the site is very-well suited for the proposed use. He referred to Exhibit A-17 and reviewed the set site criteria to determine the appropriateness of the land use. He gave a brief overview of the Mercer County Study Area regarding the traffic volumes and the applicant's desire for the re-use of an existing building. He stated that the re-use of the building would be an inherently beneficial use as a Community Center serving a diverse community in a positive location for a positive use. He proceeded to state

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how the applicant proposes to upgrade the property with visual improvements to the building and roadway from its current condition. Also, he added the prior testimony of Laura Waters, a member of the Board of Education for Lawrence Township with regard to the changing demographics and increase of non-English speaking students in need of additional services within the Township.

The applicant further stated that the Boys and Girls Club will make major contribution of improvements with new curbing, new sidewalks, and a signal box for the traffic light. He stated that the applicant will make an investment of \$2 million per year in the Spruce Street operations. He stated that the proposed plan will not negatively impact the community, or impair the intent and purpose of the Township's Zoning Plan and Ordinance. Mr. Auciello proceeded to address the required variance for signage and need of standard identification for safety on the site.

Mr. Slauch addressed the applicant's testimony regarding the low impact use and questioned whether there would be a distinction between the proposed use and other allowed uses in the area. Also, he questioned whether there were any other reasonable conditions to be imposed to mitigate any negative impact on the proposed site. The applicant referred to Exhibit A-15 and reviewed the AM/PM traffic volumes of other permitted uses in the area such as fast food drive-thru eateries in contrast with the proposed use. The applicant further stated that the applicant's meetings with the County and its proposed improvement to Tiffany Woods Road intersection, along with the overall upgrade of building design, landscaping, lighting and services to the community will mitigate any impact on the existing, vacant site.

On behalf of the applicant, Mr. Hall thanked the Members of Board and Professionals for their careful attention given to the application and their working together with the County to make a better application. He proceeded to present a brief summation of the proposed application to re-purpose the vacant property to make a long-term commitment to the Township of Lawrence to enhance individual quality of life in providing youth & family educational programs, activities for youth, day-care program and job opportunities.

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Chair Kremer gave a summarization of the applicant's demonstration of meeting the burden of proof, the Board following the Municipal Land Use Law with regard to the proposed use variance, and the applicant reducing the non-conformance. Also, he noted the overall mitigation of improvements the applicant proposes in the redevelopment of the existing site. Also, Vice Chair Scangarella, Mr. Gladwell, Mr. Pangaldi, Ms. Saunders, Mr. Kmosko and Mr. Lavine stated additional reasons for approval, to include the applicant's process for site selection, willingness to resolve traffic issues and the outpouring of support from various groups for the proposed application.

Mr. Schmierer reviewed some of the noted conditions associated with the application to include: the underground utilities; licensing for the child-care program; garbage pick-up between 7 a.m. and 9 a.m.; landscaping; garden teaching area; revised site plan for masonry plan; Phase III for conduit box; mountable curb/access easement; concrete walk pull-through; truck turning template and clearance for trucks around the building; bike rack and pedestrian circulation; traffic signage w/PCV sleeve; milling/paving of Tiffany Woods Road; no overnight bus parking on site; payment of all fees; and compliance of recommendations noted in Township Professionals' Reports.

**Exhibits:**

- A-17 (List of Sites Research & Criteria)
- A-18 (Phase I – Sheet 3 of 9 – Site Dimensional)
- A-19 (Phase II – Site Access Plan) dated 1/22/2014
- A-20 (Phase III – Site Access Plan) dated 1/29/2014

**Witnesses Remained Under Oath:**

- David Anderson, Executive Director
- Jeffrey M. Fiore, Professional Engineer (Traffic Engineer) & Expert
- Julia G. Algeo, Professional Planner & Engineer (Project Engineer) & Expert

**Witness Sworn-in:**

- Justin Auciello, Professional Planner & Expert

**PUBLIC COMMENT: None**

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Mr. Gladwell moved and Vice Chair Scangarella 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, Pangaldi, Saunders, Scangarella, Kremer  
ABSENT: None

4. Old Business/New Business/Correspondence: None
5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:57 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

*Sara A. Summiel*



Sara A. Summiel  
Recording Secretary

MINUTES APPROVED: April 16, 2014