

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Regular Meeting
Wednesday, February 18, 2015

Present: John Gladwell
Christine Hultholm
Bruce Kmosko
Charles Lavine
Frank Scangarella
Samuel Pangaldi, Vice Chair
Peter F. Kremer, Chair

Absent: None

Excused Absence: Shabnam Salih
Melissa Saunders

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slauch, Planning Consultant, Clarke-Caton-Hintz
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson
James Kochenour, Traffic Consultant
Susan Snook, 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. Oath of Office: Bruce Kmosko

3. Public Participation: (None)

4. Applications:

Continuation from the December 17, 2014 meeting; Use Variance Application No. ZB-7/12 and Preliminary & Final Site Plan Application No. SP-9/14; **Berk-Cohen Associates (Berk's Walk)**, 180 Franklin Corner Road; Tax Map Page 39, Block 3901, Lot 10.

Mr. Rosensweig was concerned about only having six Zoning Board members present at the meeting. Ms. Kraemer stated Ms. Hultholm was supposed to be attending the meeting; however, she was not feeling well. Chairperson Kremer stated the Board members could hear the application and hold the vote until next time and Ms. Hultholm could listen to the tape and be certified. Mr. Rosensweig stated reading the transcript and not seeing the witness and exhibits is not the same as being here; however, he can provide a transcript or she may listen to the tape.

Mr. Rosensweig stated the applicant thought about the access issue and suggested the Franklin Corner access that runs through the buildings is acceptable and will use this access for this project. There is no engineered plan but has a plan that shows how the access would run with a touch up with various things. This takes off a lot of items that the Board members would ask Mr. Yesowitz about with the issue of the safety of using Franklin Corner Road.

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Witness #1: Bruce Englebaum gave testimony about issues on the side elevations, brick or siding (matching of the color) and storage issues, using Exhibit A10 Brick Façade Study, dated February 16, 2015, copy attached. The last presentation showed it to be all siding and no windows so two studies were prepared one where it showed brick on the bottom portion and the other one is full brick and a window was added that is in the stairwell.

The storage, Exhibit A11: Foundation Floor and Roof Plans, dated February 17, 2015 described the storage locations, there is a pull down stair with a full attic; the area is 324 sf and the minimum permitted is 300 sf. Mr. Englebaum then described the brick not matching what was currently constructed. There are two bricks, red and tan, choose a terra cotta color to match, Exhibit A12.

Witness #2: Joseph Mester, Trenton Engineering Co., Inc., when through the items listed on his letter dated February 5, 2015, copy attached. A meeting was held with the Fire Officials and Ms. Kraemer and at that time a copy of the turning radius was presented. A mountable curb was added at the entrance as well as patio blocks for a second entrance with a chain across for the fire trucks as a second entrance.

The handicap space was relocated next to the island and a ramp was added to get to the sidewalk (use will be a access); the fence was removed around the detention area; overhead wires in the dumpster area was changed to 10'; however, a letter from Waste Management stated they would like 21' therefore, the poles have to be relocated or put the wire underground, see Exhibit A14, dated February 5, 2015. All containers will be removed from the site. Mr. Mester stated on Sheet 3 it will be 5' to 6' to the property line for more open space; the lighting plan was revised; the roof leaders connections and the details to the utility plan, water line design added, removal of sanitary sewer, Sheet 5; turning radius has been added for the fire trucks and the waste management trucks; the vinyl fence along the property line and the handicap parking was added to Sheet 6. The revised drainage calculations sheets are attached. The trash enclosure detail has been changed, see Exhibit A15, dated February 18, 2015, copy attached. The walking path has been added from Building A long the property line into the dog park, Exhibit A16.

Mr. Mester explained Exhibit A17, Concept Plan for the Two Buildings and the areas where the parking, detention basin and the building will not change (Building I & J), a 24' wide curbed entrance from the main parking down by the "S" curve and into the dumpster area; the only change to the storm sewer is the low point; the existing sidewalk will be removed and the sidewalk will be extended up to meet the entrance road; sidewalks between the buildings will have to be discussed; the dumpster area will be moved.

Ms. Kraemer's concerns were the fire truck turning radius of the new driveway if it was shown on the concept plan for the angle, Sheet A17; how many parking spaces will be lost and the one-way circulation into the existing site and the trash enclosure area for current residents. Mr. Mester stated the drive will have to be widened; the parking spaces are unknown and the trash enclosure is behind Building L.

Mr. Pangaldi had a concern regarding the key for the chain; which means the fire truck will have to back all the way out so he suggested a Knox box that could be mounted onto the pole and every fire department would have the key to the Knox box. Mr. Gladwell stated adding the driveway between the two buildings was supposed to be a secondary driveway as a way in and a way out. Ms. Kraemer stated the access is preferred from a traffic standard and it would be the primary, not a commercial driveway.

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Mr. Pangaldi had a concern about the turning radius for a fire truck to make a left into that driveway. Mr. Mester stated they might not be able to make that turn because the buildings are too close. Mr. Kockenour stated that the access will be reconfigured and on the east end of the dead end by the jug handle that will need to be a backup area which is four-feet it; however, it should be ten-feet and why is the handicap parking space proposed across the island. Mr. Mester stated a parking space might be lost and the handicap parking space is moved across the island next to the ramp.

Exhibit A9 – Landscaping. Susan Wiate summarized the tree species; added more screening plants along the road; showed the 200 sf open space behind each unit; show the 30' buffer to the property line of the hotel.

Mr. Scangarella asked about the removal of the pool, the maintenance of the pool and recreational activity of the site that is being lost. Mr. Rosensweig commented that the pool was not being used and it was an expense, there was a liability and since it has not been used in years they decided to remove it. The dog park and the walking trail is a better idea.

Witness #3: Harvey Yesowitz, Traffic Engineer. He summarized that there is a smaller lot to the west and the larger lot where the new roadway will intersect. The study was conducted at midnight on Thursday and Sunday night, and found 26 vacant spaces on Sunday and 28 vacant spaces on Thursday. Even with the loss of a few spaces which will be necessary to bring in the new roadway, there will be adequate parking spaces in that lot to accommodate current demand. There are 195 spaces and 169 parked cars.

Mr. Kockenour commented there are 166 parking spaces in the existing development and what is the makeup of the number of bedrooms. This site in terms of the code requirements is significantly under parked but for the two counts that was performed, shows that there is still somewhat of a surplus in the parking and the number of spaces that would be required based on the parking ratio of 2.3 spaces per unit and the calculation of the parking demand ratio was about 1.22. Indicated in the parking study, prepared by Mr. Yesowitz, that there was a five percent vacancy at the time of the counts, and assuming if there is 100% occupancy that would be about 178 spaces from 169, which would lead the parking demand ratio of about 1.29. This is about one-half of the code requirement is of 2.3 per unit. Why does the parking work?

Mr. Rosensweig commented that if something is working, why question it. They have been there since 1964 and there is a smaller clientele and a certain income that likes these apartments; people who work in the area, young couples; older people and whatever it is there seems to be enough spaces and have a test that goes back to 1964. Why should we be talking about this at all when this is ancient history and it works.

Chairperson Kremer stated the demographics of the state and this Town is changing and is a reasonable question which may help in the re-examination of the report and to look at the standards. Mr. Yesowitz commented that a number of reasons that change the demands for parking, such as bus service in the area and much older units that attract a certain level of income, which might have a lower automobile ownership than you find in brand new units and more expensive.

The code is to represent an eighty-fifth percentile which means it can accommodate at least 85% of the types of development that you get and 15% might exceed that rate. In this case, it works and looked at it for several days, no one parked illegally or parked where they were not supposed to park, and to be certain of, when you lose 3 or 4 spaces because of the roadway, there will still be adequate parking.

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Witness #4: Allen Schectel, P.P. He summarized that there will be ten townhouse units and houses 166 apartments with 27 parking spaces proposed. The applicant is agreeing to 3 affordable housing units within the existing complex, the ordinance requires 20% and the applicant is proposing three. The lot size is 12.17 acres and the swimming pool has been removed, which is currently grass and surrounded by trees, which will be replaced per the new landscaping plan.

He spoke about the areas surrounding the apartments; the application is for a density variance and has currently 166 units. In 2009 a resolution was adopted by the Zoning Board to approve a total of 24 townhouses with a concept plan for the use issue with nine variances. He spoke about increased density, parking, no adverse impact on increased traffic, providing a driveway between the two units and eliminating the connection to the access road to the Howard Johnsons and the dinner, privacy will be insured with the addition of the windows that runs up the stairwell, the area where the pool was removed will not be used, nothing active in the open space area or the trail system, see Exhibit A16. The length is 760' which will be connected to the sidewalk system which will total with the trail 4,460' in length.

He continued to speak about the dog park, the lighting system proposed meets all the requirements with the exception of two .4 foot-candles; site can handle the proposed density increase, open space will be slightly reduced from 64% to 59.1% and our code requires 30%. He summarized that there will be no detriment to public good or immediate neighborhood, no noise level, no lighting conflict, affordable housing units, dog park with trail and will not have a negative detriment to the public good or the neighborhood.

Exhibit A18: Illustrating the Variance from the required Building Setback from the Perimeter, copy attached (building setback to Building 1). Mr. Schectel summarized that 60' is required and 30' is proposed from the property line; however, from the property line to the curb line of the driveway there is another 10' and the drive isle is only 22' in width, from the curb to the wall of the Hotel is another five-feet, which totals 67' separation between the proposed townhouses and the next adjacent building. If the hotel was to change or redevelop, Highway Commercial zone is 25' from the property line, then the separation between the buildings would be 55' and not the 67' as shown.

Exhibit A19: Maximum number of Townhomes in One Building, copy attached. The number allowed is eight and proposed is ten.

Exhibit A20: Building to Building Setback Required, copy attached. §409.F.9.B. requires that a distance of 30' from the side of the building to any other building be provided. The side of the proposed townhome does meet the 30' requirement. Under §409.F.9.A. a 50' separation is required from the front or back of any building to any building. Building J is 220' in length and of that only 21.36% of the building is effected; there is a 10' area of the townhome to Building J that is 30' and extending it out to 40' come to 49.99' which is affected by this lack of 30'.

Exhibit A21: Distance from Any Common Parking Area to Building, copy attached. The ordinance requires that the minimum distance between the parking area and a building is to be 15' only four units do not meet the 15' from the parking area, where only 40% does not conform.

Storage space has been met, the following exceptions are being asked for: chain link fencing is not permitted which will be a 4' high for the dog park which is necessary so they can see their animal; matt finish is acceptable; parking lot island 8' and the middle island is 10'; lighting; and the trash enclosure will be masonry and solid gates.

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The Board members took a break from 8:58 p.m. to 9:11 p.m.

Mr. Slaugh questioned his Comment 4.3 Master Plan purpose, copy attached, regarding densities. Mr. Schectel stated the reason 14 units per acre was permitted because senior citizen housing were usually less in area in size than a normal townhouse for a senior citizen or any age. Mr. Slaugh stated there are two reasons for a higher density for example Carriage Park, the elevator units are smaller as opposed to units that are not age restricted and less of a need for recreational activities. The density is easily more accommodated for seniors.

A question for the bulk variance for 30' apart and ten units were not in align and consider if there were fewer units on the site then there would be fewer variances for this application. Mr. Schectel answered there are less number of units being proposed then this Board previously approved, which was 24 and it is down to 10. It could be a stacked townhouse and still meet the height requirement.

Mr. Schectel stated the setbacks are self-created and if the access was cut off from the Motel, and change terms of the easement, there would be much more room to work in and do not want to shift the townhouses. There are some constraints because of the easement and the triangular slope works against the application. Mr. Slaugh stated the density that created the eight units to an acre.

The brick was discussed to make it look to what is there, the shack that is going to be removed as well as the trees that are dying and will be replaced, the dog park and the fence that would have been installed in the flood plain buffer, if the swimming pool area is being utilized, a walking path of 25 miles to walk their dog.

Mr. Slaugh stated that testimony was given that there were renovations to the existing garden apartments. Mr. Schectel stated new roof, new windows installed, energy efficient appliances were installed. The side yard setback that the location of the building were consistent with the Lawrence Township Land Use Ordinance. Mr. Schectel stated the ordinance required 60' to the property line and this application only has 30' but the amount of space on the adjacent property equals a total of 67'. If redevelopment was to occur at the Howard Johnson's property, by ordinance, they are also under a side yard setback of 25' and would have 55' separation and the Lawrence Township Land Use Ordinance has 60' separation to the property line, there is still sufficient amount of space between the proposed townhomes and the hotel.

Chairperson Kremer questioned the COAH apartments being random though out the complex and disburse would be throughout per Mr. Schectel. The previous approval were the 24 units were in the back and have no impact to the street and there was no increase in density and the new units were to be used as an overflow capacity to renovate the entire buildings. Mr. Schectel went over the approvals that were granted in 2009.

Ms. Kraemer stated plans should be submitted to the Engineering Office by March 17, 2015 to be scheduled for the April 15, 2015 meeting.

5. Minutes: None

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Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan Snook
Recording Secretary

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MINUTES APPROVED: April 15, 2015