

LAWRENCE TOWNSHIP PLANNING BOARD MEETING  
Monday, May 15, 2017

Present: Maria Connolly  
Philip Duran  
James Kownacki, Councilman  
Kevin P. Nerwinski, Municipal Manager  
Terrence Leggett, Vice Chairperson  
David Maffei, Mayor  
Stephanie Pangaldi  
Diego Samuel  
Kim Taylor (left at 8:34 p.m.)  
Edward Wiznitzer, Chairperson

Absent: None

Excused Absence: Doris Weisberg  
Edward Schmierer, Planning Board Attorney

Also Present: James F. Parvesse, Municipal Engineer  
Philip Caton, Planning Consultant  
Kevin VanHise, Interim Planning Board Attorney  
Susan Snook, Recording Secretary

**Statement of Adequate Notice:**

Adequate notice of this meeting of the Lawrence Township Planning 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 and the Trentonian newspapers.

**Public Participation (for items not on agenda):**

None

**Minutes for Approval:**

The April 3, 2017 minutes were approved per unanimous vote.

**Resolutions:**

Resolution No. 13-17 for Minor Subdivision Application No. S-1/10; **Edward Bucci Builders, Inc.**; 125 Roxboro Road; Tax Map Page 19, Block 1901, Lot 6 was unanimously approved after the Planning Board members had questioned the applicant regarding why the applicant has taken so long to perfect the application. Mr. Bucci responded that the economy had changed and was considering the possibility of a park.

Resolution No. 14-17 for Minor Subdivision Application No. S-2/11; **Marianne R. Mele**; 58 Carter Road; Tax Map Page 66.01, Block 6601, Lot 36 was unanimously approved.

**Applications:**

Minor Site Plan with Variance Application No. SP-5/17; **Federal Realty Investment Trust (Automobile Dealership)**; 3371 Brunswick Pike; Tax Map Page 52.02, Block 5201, Lot 33

LAWRENCE TOWNSHIP PLANNING BOARD MEETING

Monday, May 15, 2017

Page 2

Robert Gundlach represented the applicant and summarized the application stating it is adjacent to the Mercer Mall which is owned by Federal Realty Investment Trust and the applicant recently purchased the property. It contains an existing office building referred to commonly as Lawrence Commons Office Building. The building is vacant and the applicant is proposing to retro fit that existing building and the parking lot to be used for auto sales, specifically Tesla.

Witness #1: Cornelius Brown, PE, using Exhibit A2 which explained the current condition of the property. Mr. Brown testified the surroundings of the building; northwest there is a residential development; to the north and east is the Mercer Mall; to the east is a dealership and south and along the Route 1 corridor are commercial uses.

Exhibit A3 shows the Aerial Exhibit shows the subject property and the buildings adjacent to it. The improvements consists of referring to Exhibit A4 Rendered Site Plan, shows the location of the building; existing parking areas; renovations to the existing structure; restriping the existing parking lot and landscape islands along the north and west side of the existing building. There is proposed landscaping at the northwest corner along the property line; the easterly property line; along the building with sidewalk improvements located on the access drive.

Witness #2: Bryon Knowlson, employed by Tesla which is a company that aims to accelerate to sustainable energy done through electric automobiles, solar panels and home energy storage. This location is half-way between this location and the site in Pennsylvania and directly off of 95 and Route 1. The property will be leased from Federal Realty Investment to operate a Tesla Auto Sales location.

Mr. Knowlson referring to Exhibit A5 Layout of Interior, shows that it will be a one-story building. The front of the property will contain a small showroom that will have three display cars and sales. Adjacent to that is a small area for the delivery area (for customer pickup) and in the rear will be service work; majority of the parking will be used for cars that are for service, customer cars, employee parking and will not be dedicated for inventory.

The sale of cars is a customer will come in to review the options, order the car and then will arrive on site and arrival of the car depends on the number of orders which could be a few weeks to a couple months. Service activities are typical vehicle routine maintenance (they do not have transmissions, no engines, no exhaust systems) so the vast majority of service work is electrical or computer related with minor interior work. There is no body repair or paint work on site.

The access for the service area in the rear or side of the building. There will be three cars in the showroom. The ceiling height will be 16'9"; bay doors will be in front of the building are where the customer picks up the new car by appointment; there will be no inventory on site because the vehicles are made to order and show up on site when the vehicles is ready for pickup by the customer or if a customer does not like the car it will remain on site until someone purchases it. The plans provide for one loading space for deliveries; there will be 20 – 25 employees; hours of operation will be for sales is 10:00 to 7:00, Monday thru Friday; and 10:00 to 6:00 on Saturday and service hours are 7:00 to 7:00 Monday thru Friday and 8:00 to 4:00 on Saturday. There will be four (4) charging stations on the property because the cars run on electric which will be located in front of the property near the showroom; if additional charging stations are required they will be located in the existing parking lot. The charging stations on site will not be for the public they will be used for test drive vehicles.

There will be 113 parking spaces which include five (5) ADA spaces. The applicant is requesting two signage variances to allow for more façade sign on the property, where four façade signs are proposed; and the second sign is to allow a façade sign area is being proposed at 109 SF because there is access in different locations. The applicant is also requesting two free standing signs in the front of the building and to use the existing free standing sign on Route 1.

LAWRENCE TOWNSHIP PLANNING BOARD MEETING  
Monday, May 15, 2017  
Page 3

Mr. Nerwinski asked to look at the plan for the view of Route 1 and wanted to see a picture of the charging station will look like. Mr. Knowlson stated they are post mounted and are 12" x 5" wide with a cord which hangs on the side of the charger. Mr. Caton asked if new cars will be parked in the four chargers all night and a free standing sign for the mattress store on the corner of the property to the left and that is going to stay and the mattress store is the only retailer on that side. Mr. Caton stated to the Board that the variance that is required for the façade sign is signage that is attached to the building, one sign is proposed and has no problem with three; the four that are proposed are Tesla, which is on two sides of the corner facing Mercer Mall, the logo which is on the red rectangle Tesla twice and over the door and questioned if the Tesla signs are necessary on the building because there is a free standing sign in the front yard of the showroom. The signs are no visible from Route 1 and the exposure is from the shopping center side.

Mr. Brown reviewed the comments from the review letters of the professionals and attached is a detailed response dated May 9, 2017 and testified the applicant will comply. Mr. Brown referring to Exhibit A8 Truck Circulation Plan testified that deliveries will take place from the access drive. The vehicles will make a left to access the site, drive around and circulate in a counter clockwise fashion and stage on the west side of the existing building and to exit out, make a left hand turn, counter clockwise and make a right and exit the same way they came in. There is a loading area in the back of the building which is sufficient for a truck dropping off vehicles to park there; fire truck access and emergency vehicles would use the same route based on a car carrier truck which is 80' in length and is larger than a fire truck.

The landscaping plan and rendering, Exhibits A10 and A11 address the comments of the review letter and do comply. The signage based on the Land Use Ordinance, will be two freestanding signs and one façade sign (not exceeding 100 SF) on the building are permitted and detailed the changes in the signs, which require no relief. The sign on Route 1 in front the building is 109.5 SF where 100 SF is permitted and the extra square footage is for the "service bay".

The existing building is remaining and there will be three landscape islands which will contain shrubs and trees and the landscaping will be replaced in the island located in the northwest corner adjacent to the building which will be replaced with shrubs along the island located on the east side of the building and wrapping around the corner of the island which is the access to the lot; proposed landscaping around the free standing signage; supplement trees to the north with shrubs which will eliminate two parking spaces at the northwest corner of the property; adding additional trees in the corner.

Mr. Brown also spoke about connection of the sidewalk, re-stripping of the parking lot and lighting. The impervious surface is being reduced by adding landscaped islands. Councilman Kownacki stated 18' is needed for the fire apparatus and Mr. Brown stated additional dimensions will be provided and will work with the professionals to make sure they will have room for emergency vehicles.

Witness #3: Neil Cain, employed by Federal Realty, Project Manager testified they are the owner of the property and described the building being outdated and vacant. It will be a one-story building, upgrading the façade, the height of the showroom is 16'9"; upgrade of landscaping and lighting; maintenance will be fulfilled by Federal Realty Investment and signage are reasonable.

Mr. Nerwinski wanted to know the length of the lease term that is being discussed or agreed upon. Mr. Cain responded that it is a long term lease and will be ten years.

There was no public comments.

The Board took a short recess from 8:31 p.m. to 8:38 p.m.

LAWRENCE TOWNSHIP PLANNING BOARD MEETING

Monday, May 15, 2017

Page 4

Minor Subdivision with Variance Application No. S-1/17; Levico Development, Inc., 253 Drift Avenue; Tax Map Page 23.03, Block 2319, Lots 8 and 9

Thomas O'Bode represented the applicant and summarized the application being that the applicant owns the property, 253 Drift Avenue, to construct two single family homes. There was an existing structure on the property which was demolished. Lot 8 consists of approximately 12,951 SF and Lot consists of approximately 12,652 SF. There is a variance for a front yard setback of 50'; a side yard setback; however, a new plan was presented to the Board tonight which eliminates the request for a side yard setback and would be conforming to the 10' setback; there is a requested frontage relief which conforms to the character of the street; the lot width being presented is 50.21' and 75' is required; the prior plans demonstrate the proposed homes were 37 x 52 and the size has been reduced to 29 ½ x 52; slighting above impervious coverage at 4,100 and a run off has been created by a dry well.

Witness #1 Isaac Ibrahim, PE presented Exhibit A1 Colored Rendering Showing Proposed Development, dated May 15, 2017, which shows a 12' wide driveway with existing landscaping and two proposed shade trees along Drift Avenue, which are in compliance of the Board's Planner.

Exhibit A2 Copy of Tax Map showing the highlighted lots in question and shows the adjacent lots which have a similar configuration of lots which have a 50' frontage and Exhibit A3 Existing Conditions which is a copy of the survey that shows the existing two-story dwelling which has been removed along with the detailed garage and another foundation left to the left side of the lots. Exhibit A4 Photograph of the house that was demolished, dated May 15, 2017.

Mr. Ibrahim summarized the proposal that the property is made up of two lots (8 & 9) and it is being proposed to reconstruct the subdivision line between the two lots with the original conditions to construct two dwellings. A driveway is being proposed and adding two trees and maintaining all existing vegetation that will be undisturbed. A dry well is being proposed to collect all the runoff from the proposed dwelling on Lot 9 which is an improvement because all the water from Lot 9 is being collected in the dry well.

There is no re-alignment of the property line and to construct two proposed dwellings. A variance is being requested for the lot width which 75' is required and 50.21 is being proposed which will keep it in the conformance of the other homes on the street. The existing home that was demolished was on the property line. The proposed homes will have two-car driveways, three bedrooms and there is no need for off street parking.

Mr. Ibrahim went through the Engineer's report, dated March 23, 2017, copy attached. Comment 1.01 the side yard setback is in compliant and will conform to the conditions. The homes will not have any basements will be on slabs; two street trees are being proposed on Drift Avenue; however, Mr. Caton stated three trees should be planted. Mr. Ibrahim stated it is too crowded for three but will do their best to fit a third tree. There is an encroachment of the gravel driveway from the neighbor and an issue of the slab of the garage on the neighbor's property, which the applicant will resolve both issues. Mr. Parvesse wanted to know the square footage of each house. It will be a 1,500 footprint which is a 2,200 SF house. Mr. Caton stated it makes the homes look identical; however, testimony was presented that would not be a cookie cutter home.

There was discussion about the swale and that it will be redefined for water runoff. Mr. Abode stated that when the width of the building was reduced, the garage had to be eliminated to meet the setbacks and prepared to limit the width not to exceed 29.5.

LAWRENCE TOWNSHIP PLANNING BOARD MEETING  
Monday, May 15, 2017  
Page 5

Witness #2 Joseph Lalka, PP testified it is a generic rectangle that shows it can fit anything within this footprint and comply with all of the setback requirements. The actual footprints are going to have jigs and jags in, all of them will fit within this square, so it makes the building look larger than actually what is in the field. A conversation with the neighbor of Lot 7 and the owner expressed some concern about the building being further forward than his. The applicant is willing to comply with the general setback of the neighborhood rather than the strict front yard setback. The house can be moved back without destroying the specimen trees that are in the rear yard. It can still be maximized the amount of drainage to the street.

Mr. Lalka referred to Clarke Caton & Hintz report dated April 10, 2017, copy attached, and the applicant contends to comply with all the conditions with the exception of the 90 degree lot line because it can't be altered (Comment 3.4) and for the lot frontage where 75' is required and a bit over of 50.21. The total area of the lots are in excess of 25,000 square feet and each of them become 12,000, so by creating two lots in this area, it is not over intensifying the use or the number of residences it would normally fit into this neighborhood. These two houses would fill out uniformly a row of nine that are similar and no detriment to the neighborhood.

The members had a question about on-street parking and the owners would park on the street like the other residences would if they were having a party. A question came up about the Health Officer's report dated March 7, 2017, copy attached regarding the NJDEP closure report. Mr. Abode stated permits were filed with the State Environmental Commission and are waiting for releases. He continued that he was informed there is no contamination and is just a matter of waiting for the permits and once receives permits and approval from the State, they will take the appropriate action with the Township. The prior owner had the tank removed and never received the approval from the State.

Mr. Caton questioned the homes to the south and Mr. Lalka described the lots to be bigger. Mr. Duran stated there was testimony regarding the non-conforming lots under the same ownership was supposed to have been merged and who was supposed to do that and know why it was not done here. Mr. Caton replied that the merge was typically and not sure who in the administration is to do that, it is in the ordinance, but to actually getting around to denoting that on the tax maps and the deed, do not know whose job that is. Mr. Parvesse commented that is has never been done and it would have to be done by deed. From a zoning perspective it is considered to be merged even though it has not been merged through a deed, so we look at this as it is one lot.

Mr. Nerwinski stated the only person who can merge the lot is the owner of the lot, the Town can't merge lots so it is not on the Town to do it. It is when he purchased both lots; so at that point in time the operation to be in compliance with the ordinance to be a merged by a deed and should have been presented as one lot. It would never be an operation or function of a municipality to prepare and merge lots that someone else owns. By operation of law, it is already deemed to be a consolidated lot.

Chairperson Wiznitzer asked if there is a hardship here or any benefits or detriments. Mr. Abode responded that the applicant removed an eyesore in the neighborhood, improving the drainage issue that exists in terms of the drainage to go to Drift Avenue and can't purchase property from existing neighbors because they are in the same situation.

**Public Questions:**

Kim Vinch who lives on Vinch Avenue; however, owns 244 Drift Avenue asked what makes it better to build two houses on that property as opposed to one, because since the 1940's it existed as a single home. So what is the advantage for her and her neighborhood to have two?

LAWRENCE TOWNSHIP PLANNING BOARD MEETING

Monday, May 15, 2017

Page 6

Mr. Lalka stated there are only advantages and that there is no detriment, these are oversized lot and accommodate those houses being proposed easily and if they do anything to improve the drainage it is an overall benefit, so it is looking at the larger picture and the fact that there is no detriment.

Ms. Vince stated there was a mention of the character of the neighborhood that lead to her to believe that somehow this would enhance the character of the neighborhood. Ms. Lalka stated it would not disrupt it in anyway because there are eleven lots in a row that would be nearly identical in character.

Ms. Vinch stated they are all single homes so this would not be similar because this would be row homes. Mr. Lalka stated they are single homes.

Mr. Levitt, the owner, who builds custom houses and has been in business for over 30 years throughout the State of New Jersey. He will comply with the reports (Planner and Engineer). There will be a plot plan for each home and it will be looked at at that time.

Mr. Nerwinski asked Mr. Levitt how long he has owned the property and the response was since 2016.

Steve owns Lot 7 and was curious about property lines. He had a survey done and not sure exactly how this was done and he purchase the property as is and was told his driveway is encroaching on his property, which is Lot 8. As far he acknowledges, part of the slab from the prior property of Lot 8, he believes is encroaching on his property. He was informed this is not the case. Mr. Abode stated the slab was on his property and the applicant will remove it. He would like to know the exact distance of his driveway and he did not see any renderings of what this is going to look like, and he is asked if he could get a rendering on what is going to take place here. He was presented the elevation plan. He wanted to know how much of his driveway was encroaching onto this property and how much of the slab was encroaching on his property. Mr. Abode stated one-foot encroaching across the line and would be moved two-feet.

The property owner who lives next door to this site stated there is also a lot of debris on his property and gave permission to the applicant to remove it.

**Public Comments:**

Pete Vinch of 232 Drift Avenue stated there are no houses to the left that are 50' only to the right. There has never been a drainage problem. He continued that someone keeps saying there are eleven houses on 50' lots and there seems to be five. There are only six houses but there are eleven lots because some are double lots.

Mr. Vinch asked why do we have to give him two lots when the other subdivision complied and they are just as long and wide and deep to the south, so why break down to 50' which would be a detrimental to the price of his property. Also with the houses that close, where the one house is next to Tucker's with the driveway that is 12' and also parked in the street because there is not enough room to park more than one car in the driveway, 12' is kind of close and cars are six-feet wide so they would be touching side to side and there has never been a drainage problem as long as he has lived there.

Kim Vinch who owns 244 Drive Avenue which is across the street and goes back to the comments of the character of neighborhood and maintaining the character of the neighborhood and this apparent care of the character of the neighborhood, finds it hard to believe because the debris has been on that property since February (piano, piles of debris) which is not good for the aesthetic of the neighborhood. If there was a lot of care and concern about the aesthetics of the neighborhood, one house would go up there, tearing down the existing home and putting in its place one property would enhance the character of the

LAWRENCE TOWNSHIP PLANNING BOARD MEETING

Monday, May 15, 2017

Page 7

neighborhood, not clustered homes built on top of each other. Caring about the character of the neighborhood, the Vinch family owns the property and take care of pride in the amount of property we own and maintain the openness and purchased properties in the past and did not come to the Township to ask to tear properties down and cluster build on these properties because it is our home, it is our neighborhood and we do care about the character of the neighborhood.

Will this continue on, will it happen in Lawrenceville Greene or happen up in Lawrenceville when people come and ask to cluster build or is it just in certain areas of Lawrence where this will be consideration. If there are other properties that have these double properties that have not been taken care of in the proper way who is to say somebody else is not going to come along with this property and build two or three homes on it and the precedent has been set, that is my concern, this is where I live. I do care what it looks like and I care how many cars are parked on the street.

The Board members were discussing lot widths, character of the street and other vacant lots. Mr. Lalka stated Lots 2 – 7 are 50' lots and each are under different ownership. Mr. Nerwinski wanted to know how long they have been owned like that; it is unknown. Mr. Nerwinski stated his observation would be is that the Township has an ordinance in place that the request to go from 75 to 50 seems to be a little bit more than significant and against what the Township legislative body has intended for new properties going in there and for him he thinks it is too much. The moment he purchased that property it became one lot, whether there is a deed out there or not, it is the way I am looking at it and to come before the Board and stating I want two lots at 50' when it is supposed to be 75', feels like that is significant to agree with.

Councilman Kownacki agreed with the Manger and feels this is one lot and should go back to the drawing table and re-visit everything on how to do this lot, there are other ideas to come up with and still benefit. By putting two houses up there is not part of the neighborhood. It would stand out too much.

A motion was made by Kevin Nerwinski and seconded by Councilman Kownacki to deny the application and was approved by unanimous vote.

**Old Business / New Business / Correspondence:**

None

**Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 9:58 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook  
Recording Secretary

Minutes approved: July 17, 2017