

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Regular Meeting
Wednesday, July 19, 2017

Present: Joseph Blaney
Sheila Grant
William B. Holmes
Bruce Kmosko
Charles Lavine
Samuel Pangaldi

Absent: None

Excused Absence: Christine Hultholm
Jeffrey Johnson
Peter F. Kremer, Chairperson

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, Planning Consultant
Edwin Schmierer, Zoning Board Attorney
Susan Snook, Recording Secretary

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 and the Trentonian newspapers.

Public Participation (for items not on agenda): None

Resolutions:

Use Variance Application No. ZB-6/16 and Major Site Plan – Preliminary & Final Site Plan Application No. SP-10/16; **The Bridge Academy**; 1958 Lawrence Road; Tax Map Page 30, Block 3004, Lot 154 was approved per unanimous vote.

Applications:

Bulk Variance Application No. ZB-2/17; **Grace Hill Properties, LLC**; 2999 Princeton Pike; Tax Map Page 30.05, Block 3014, Lot 153

Michael Balint, Esquire represented the applicant and stated the applicant is here for an expansion of a sign that exists on the subject property at the intersection of Franklin Corner Road and Princeton Pike. The applicant is asking for an interpretation whether the two eagles that were placed on the sign constitute an expansion of the sign and alternatively if the applicant is not successful, the applicant will be asking for a C Variance to allow the expansion of the sign to retain the two eagles that presently exist on the property.

Mr. Balint continued that after the eagles were placed on the sign, the applicant was notified by Mr. Parvesse that it constituted an expansion of the sign itself. The application is for seeking an interpretation alternatively the variance relief.

Mr. Schmierer stated the Board has jurisdiction.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Wednesday, July 19, 2017
Page 2

Witness #1 – Richard Pulaski, Owner of Pulaski Brothers Construction, Inc., stated he was retained by Dr. Shah and his partners to design, build the expansion on the property about four years ago. Part of the application was to build a new sign at the point of the property on the corner of Princeton Pike and Franklin Corner Road. There was an existing sign there and it was enhanced which was part of the application and the sign was completed. Shortly thereafter, Dr. Shah wanted to put some type of art on the property and Mr. Pulaski suggested to wait until he found the right thing. Mr. Pulaski found the eagles, they were purchased and installed them on top of the existing piers.

Ms. Kraemer asked how much the eagles weigh individually and how were they installed. Mr. Pulaski replied they weigh about 500 lbs. each and epoxy bolted into the concrete and the nuts are welded so no one can steal them. Mr. Balint stated there is a picture of the sign as it exists now with the eagles included (Exhibit B & C) and photograph how the sign existed without the eagles on top (Exhibit A), copy attached.

Witness #2 – Christine Nazzaro-Cofone, PP testified that the two eagles statues are about 18 square feet each and presently sitting on top of the two brick piers on either side of the sign are not actually what the Township constitutes a sign, which she referred to definitions in the Land Use Ordinance – one was “sign”, copy attached. She indicated that in her opinion that the way the ordinance is crafted that this object or sign, as it is defined, would have to be “used to” comes from the ordinance (direct, attract, advertise or display information) and these eagles are not doing any of those things. The purpose of the eagles is they are not being “used to” as the ordinance definition requires them to be, which is to attract attention to the site. They are merely an architectural element of the property.

The ordinance defines “commercial expression or message”, any sign wording, logo, figure or symbol, color illumination, fixture, direction or other representation that directly or indirectly names, advertises or cause

the way, in which, your ordinance contemplates what a commercial message would be. Therefore, they are a structure, 4' x 4' and 18 square feet, so they are a structure, but in the context of the ordinance, they are not a sign and do not demonstrate any display for a business in that building. Based on the definitions and the fact that the eagles are not being used to create any business opportunity or attract any one to the businesses on the site.

Ms. Nazzaro-Cofone referred to Section 535 of the Ordinance in the O district, there is a provision that indicates that one free standing sign for each collector or arterial roadway that provides access to the building or complex, Section 535.R. and not exceeding 10 feet in height. There is only one vehicular means of access off of Franklin Corner Road, there is pedestrian access off of Princeton Pike, the ordinance does make a contemplation, where the property has two frontages to allow for a second sign.

Section 535.3.A – view point signs have provisions in residential and commercial zones and are allowed to be placed on a public property and they are not allowed to be illuminated, which are consistent with a view point sign. She continued to state the Board could consider these are view point signs and are allowed to be up to 15' in height and not to be greater than 130'. They have no commercial uses that are occurring on the property, but they represent an architectural view point. The ordinance does favor that signs specifically should strengthen the architectural diversity of the municipalities building, which is a design requirement in the sign ordinance.

Ms. Nazzaro-Cofone gave an example of how the ordinance reads where you draw a box of the out most perimeter of the sign and that is how you come up with your area. The sign that is on the property today, which advertises the businesses, that sign is about 47 square feet, which is conforming to the ordinance. If you were to take a box, draw it around that sign, with the eagles on top of it, you come up with an area of about 156.2 square feet, which is clearly excessive and in no way consistent with the actual size of the sign. All of the area in between the two eagles, which is blank open space, there is nothing there, is actually being counted in the sign.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Regular Meeting
Wednesday, July 19, 2017

Present: Joseph Blaney
Sheila Grant
William B. Holmes
Bruce Kmosko
Charles Lavine
Samuel Pangaldi

Absent: None

Excused Absence: Christine Hultholm
Jeffrey Johnson
Peter F. Kremer, Chairperson

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, Planning Consultant
Edwin Schmierer, Zoning Board Attorney
Susan Snook, Recording Secretary

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 and the Trentonian newspapers.

Public Participation (for items not on agenda): None

Resolutions:

Use Variance Application No. ZB-6/16 and Major Site Plan – Preliminary & Final Site Plan Application No. SP-10/16; **The Bridge Academy**; 1958 Lawrence Road; Tax Map Page 30, Block 3004, Lot 154 was approved per unanimous vote.

Applications:

Bulk Variance Application No. ZB-2/17; **Grace Hill Properties, LLC**; 2999 Princeton Pike; Tax Map Page 30.05, Block 3014, Lot 153

Michael Balint, Esquire represented the applicant and stated the applicant is here for an expansion of a sign that exists on the subject property at the intersection of Franklin Corner Road and Princeton Pike. The applicant is asking for an interpretation whether the two eagles that were placed on the sign constitute an expansion of the sign and alternatively if the applicant is not successful, the applicant will be asking for a C Variance to allow the expansion of the sign to retain the two eagles that presently exist on the property.

Mr. Balint continued that after the eagles were placed on the sign, the applicant was notified by Mr. Parvesse that it constituted an expansion of the sign itself. The application is for seeking an interpretation alternatively the variance relief.

Mr. Schmierer stated the Board has jurisdiction.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Wednesday, July 19, 2017
Page 2

Witness #1 – Richard Pulaski, Owner of Pulaski Brothers Construction, Inc., stated he was retained by Dr. Shah and his partners to design, build the expansion on the property about four years ago. Part of the application was to build a new sign at the point of the property on the corner of Princeton Pike and Franklin Corner Road. There was an existing sign there and it was enhanced which was part of the application and the sign was completed. Shortly thereafter, Dr. Shah wanted to put some type of art on the property and Mr. Pulaski suggested to wait until he found the right thing. Mr. Pulaski found the eagles, they were purchased and installed them on top of the existing piers.

Ms. Kraemer asked how much the eagles weigh individually and how were they installed. Mr. Pulaski replied they weigh about 500 lbs. each and epoxy bolted into the concrete and the nuts are welded so no one can steal them. Mr. Balint stated there is a picture of the sign as it exists now with the eagles included (Exhibit B & C) and photograph how the sign existed without the eagles on top (Exhibit A), copy attached.

Witness #2 – Christine Nazzaro-Cofone, PP testified that the two eagles statues are about 18 square feet each and presently sitting on top of the two brick piers on either side of the sign are not actually what the Township constitutes a sign, which she referred to definitions in the Land Use Ordinance – one was “sign”, copy attached. She indicated that in her opinion that the way the ordinance is crafted that this object or sign, as it is defined, would have to be “used to” comes from the ordinance (direct, attract, advertise or display information) and these eagles are not doing any of those things. The purpose of the eagles is they are not being “used to” as the ordinance definition requires them to be, which is to attract attention to the site. They are merely an architectural element of the property.

The ordinance defines “commercial expression or message”, any sign wording, logo, figure or symbol, color illumination, fixture, direction or other representation that directly or indirectly names, advertises or cause

the way, in which, your ordinance contemplates what a commercial message would be. Therefore, they are a structure, 4' x 4' and 18 square feet, so they are a structure, but in the context of the ordinance, they are not a sign and do not demonstrate any display for a business in that building. Based on the definitions and the fact that the eagles are not being used to create any business opportunity or attract any one to the businesses on the site.

Ms. Nazzaro-Cofone referred to Section 535 of the Ordinance in the O district, there is a provision that indicates that one free standing sign for each collector or arterial roadway that provides access to the building or complex, Section 535.R. and not exceeding 10 feet in height. There is only one vehicular means of access off of Franklin Corner Road, there is pedestrian access off of Princeton Pike, the ordinance does make a contemplation, where the property has two frontages to allow for a second sign.

Section 535.3.A – view point signs have provisions in residential and commercial zones and are allowed to be placed on a public property and they are not allowed to be illuminated, which are consistent with a view point sign. She continued to state the Board could consider these are view point signs and are allowed to be up to 15' in height and not to be greater than 130'. They have no commercial uses that are occurring on the property, but they represent an architectural view point. The ordinance does favor that signs specifically should strengthen the architectural diversity of the municipalities building, which is a design requirement in the sign ordinance.

Ms. Nazzaro-Cofone gave an example of how the ordinance reads where you draw a box of the out most perimeter of the sign and that is how you come up with your area. The sign that is on the property today, which advertises the businesses, that sign is about 47 square feet, which is conforming to the ordinance. If you were to take a box, draw it around that sign, with the eagles on top of it, you come up with an area of about 156.2 square feet, which is clearly excessive and in no way consistent with the actual size of the sign. All of the area in between the two eagles, which is blank open space, there is nothing there, is actually being counted in the sign.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Wednesday, July 19, 2017
Page 3

If the Board determines this not a commercial sign, the eagles do not represent an expansion of the commercial sign, the impact is much less than the reading of the ordinance, resulting as far as the dimensions of the sign with the eagles on the top. The sign is about 47 square feet, without the eagles, the eagles are 4.2 x 4.4 so if you add the eagles it would be 36 square feet which is not 156.2, which is about one-half.

Mr. Slaugh referred to Comment 4.1 of his report, which was altering a sign without have a sign permit, and the testimony of Ms. Nazzaro-Cofone was that the applicant did not conform to the ordinance with regard to ordinance of a sign and the response was if he did alter the sign by placing the eagles on it. Mr. Slaugh stated that four feet was added to the height. The response from Ms. Nazzaro-Cofone she would not say it that way because to say that four feet was added to the height of the sign would include these eagles as being part of the sign. The sign, in her opinion, is the base part, four feet was added by placing a structure on top of it, so it is a sign plus a structure of the eagles. You cannot say the sign was increased by four feet because the eagles were added on top of the sign as a structure. The eagles added on top of the sign was an alteration and a permit should have been applied for. However, not an expansion of the sign because the sign was not increased in height because the eagles are not part of the sign, they are just on top of the sign.

Mr. Slaugh gave an example of a flag pole with an eagle and a sign support that has an eagle. Ms. Nazzaro-Cofone commented where would the height of the flag pole be measured from the end of the pole or the eagle sitting at the top of it. She continued that you would have to look at the Ordinance to see how it defines height. She stated there are exemptions for flag poles and many ordinances have exemptions from height for decorative features (clock towers) are exempted from height requirements. In her opinion it is pretty common practice to exempt ornamental features from the height requirements.

Ms. Nazzaro-Cofone stated the eagles are not supporting the eagles, the piers are supporting the sign and the sign could exist without them; so Mr. Slaugh stated if there was a round ball on top of the piers would they not be part of the sign support as decorative as they may be. Ms. Nazzaro-Cofone stated you could remove the round ball and would not be a part of the sign. She continued that on the brick pier is actually the numbers of the property to the 2999 Princeton Pike because it is advertising the address of the sign. The eagles bring no value to letting somebody know what kind of business is going to the site.

Mr. Balint stated that the applicant got a permit for the sign with the piers and what the applicant is asking for is interpretation to what was added to the sign with the piers. If the balls where placed on top of the pier and would the applicant be here because clearly how is that an expansion of the sign based on the language of the ordinance. Mr. Slaugh stated the eagles are part of the sign structure and it is an alteration of the sign and breaking them into pieces you can't separate them out. Mr. Balint stated the applicant is not here for relief for determination if there was an alternation of the sign, the applicant is here seeking approval to allow the eagles to remain on the structure. There is a pending violation because they did not get a permit to install the eagles and this has nothing to do with the Board.

Mr. Slaugh stated the second issue is it a sign and it is not clear from the application whether there was an appeal. Mr. Balint stated the applicant is here only to allow the eagles, and based on the testimony of Ms. Nazzaro-Cofone, does not constitute an expansion of the sign. The other matter is a separate issue and intent to resolve and agreed with Mr. Parvesse to come before the Board to find out the future of the eagles. Ms. Nazzaro-Cofone stated she was not hired for the violation and to testify if these two 18 sf eagles represent a sign and the first issue is if the Board agrees with the application that the eagles, while sitting on top of a sign, are not a sign based on how Lawrence defines signs, they are not used to attract anybody to the site. The seven uses in the building have nothing to do with the eagles and are not consistent with how Lawrence defines commercial expression or message.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT

Wednesday, July 19, 2017

Page 4

Mr. Slauch testified that a view point sign is for non-commercial messages, every property owner within the Township has a right to put a sign and meeting the sign ordinance requirements that expresses a view point and that can be anything they possibly want to express can be expressed on that sign. For commercial properties they would need to meet the same size limitations as commercial messages. Ms. Nazzaro-Cofone read the section of the ordinance for view point signs (Section 535.K.3.B.), copy attached, and these signs have no meaning.

Mr. Balint commented that view point signs are permitted. The request for the interpretation is basically is that the eagles on this structure are purely decorative and do nothing to advance the advertisement of any of the businesses in that building nor do they even suggest any connection to the names of any of the businesses. So based on the definition of the commercial ordinance the request is to look at this situation as it exists and determine if these eagles are not an expansion of the sign. If they are anything they are a view point sign which is still permitted on the site but has nothing to do with the businesses in the building. So if the eagles were put up on a different stand or pedestal, they would be permitted on the site. When these were placed there, they were just ornamental and did not think that it was going to result in the need for these permits and trying to address the attention of the eagles and still have to address the permit issue with Mr. Parvesse. So the issue tonight is are these eagles something that has effectively enlarged the sign message that is on that sign legally because the applicant received the permits and it was approved with the pillars. Whether the pillars support the sign or not, it is all in the permit and received the permits and no one is contesting that the base sign itself has any violation, it is all about the Eagles.

Mr. Schmierer stated to the Board that the narrow issue is that the Zoning Officer found that the two eagles were part of the sign and that is what is being appealed. So the Board has to decide are the two eagles a part of the sign. This is what the applicant appealed. Mr. Balint stated it has nothing to do with the permit, it is a separate issue. The question to the Board members is if the two eagles sitting there constitute a part of the sign and that is what our Zoning Officer found and that is what is being appealed. Mr. Balint stated based on the review of the ordinance, it should not be the way the ordinance should be interpreted since the eagles have no connection with the businesses located in that building. Mr. Balint stated he is not appealing Mr. Parvesse's decision, but to take a closer look at the ordinance in the context of what is there and find that this is not really an expansion of that sign.

Mr. Schmierer suggested that a motion be made that the eagles are not a part of the sign and a seconded to that motion, if you vote yes, you go home; if you vote no the applicant continues.

Witness #3 – Dr. Chetan Shah is the managing manager and owner of the property and sign. He testified that the eagles are not a part of his practice and do not represent any of the other tenants. They do represent and symbolize all of us as Americans and a nation. It represents freedom and represents us Americans as always trying to reach higher and the respect he has for this country and what the country has done for him. He considers the American eagle as a symbolizing of America and freedom and thought it was a beautiful piece of art that symbolized the country and great nation. He is very grateful to this nation and very proud to be a citizen of this country.

Mr. Balint stated the eagles are not attention to any business that is at that location.

A motion was made by Joseph Blaney that the eagles constitute a part of the sign as it is now and then present the variance application and seconded by William B. Holmes. So Acting Chairperson Pangaldi stated a yes vote is part of the sign and no is not part of the sign. The vote was five ayes and 1 nay. The application continued to the sign variance.

Mr. Balint continued the application for the sign variance and stated to rely on the fact that the size of the eagles, location of the eagles and Mr. Shah's testimony on what the eagles represent and felt they were an appropriate piece of art.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT

Wednesday, July 19, 2017

Page 5

The Board members took a break from 8:12 p.m. to 8:22 p.m.

Witness #1 - Christine Nazzaro-Cofone testified the eagles are creative and no negative impact on the zone plan. The Board decided they are a part of the sign and creates an area problem. The area is 152.6 and the eagles are at 18 sf and not an impactful by calculation or result. Her testimony remains the same from her presentation regarding the eagles not being a part of the sign. She continued that the signs will not have a negative impact.

Ms. Kraemer asked about the directory sign. Ms. Nazzaro-Cofone stated the directory sign exists on the property and allows for directory signs. The directory signs advertises what is on the first and second floor and it was shown on the plan that was previously approved. Mr. Balint referred to Mr. Slauch's report, Page 5, Comment 4.5, copy attached. Ms. Kraemer stated it was the new sign put up by the driveway. Ms. Nazzaro-Cofone stated it is not the one that advertises the businesses, it advertises first floor and second floor and indicates the names of the businesses there. Mr. Balint stated he discussed this sign with Mr. Slauch and had to do with an internal sign. Mr. Balint presented a plan that was approved by the Board, dated March 1, 2013 and cannot tell us what was on the sign, but the sign is shown on the plan and it pre-exists the approval. Ms. Kraemer asked if it was refaced. Mr. Pulaski stated he believes it is the same face panel which was cleaned and re-did the letters and are the same tenants.

There was no public comment.

Use Variance Application No. ZB-6/17; Major and Final Site Plan Application No. SP-7/17; New Jersey Conference of Seventh-Day Adventists, Inc., 2303 – 2307 Brunswick Pike; Tax Map Page 15, Block 1502, Lot 1

Christopher DiPoalo, Esquire represented the applicant and stated the applicant is proposing to construct a solar carport structure over the existing parking lot as well as associated improvements. There are also solar panels being proposed on the roof.

Witness #1 – Joseph Saphire, Architect stated he designed the entrances on both levels, did the exterior and the site work that involved with the original application. He described the project as entering the building from the upper level, is a two-story structure, the three carports will be located facing the parking lot. The turning radii will be for an 18' tractor trailer that could circumvent the entire site. There are solar panels proposed on the three car ports; eliminating two large light poles that are in the middle of the area; there are two islands that will be removed and turned back into a parking space because the car ports themselves will have lights attached to them; lighting will be affixed to the underside of the canopies, referring to Exhibit A-1, Sheet 1.0, Site Improvement Plan.

There are solar panels going on the roof of the building, Exhibit 2A, Sheet 2.0, Solar Plan Info Plan which shows there are a good number of solar panels proposed for the roof top. The parapet around the existing roof surrounding the site, which you can see the AC units, this is an approximately 22" curve all the way around the edge of the existing structure and the proposal for these solar panels are that they are mounted basically on the roof at a slight pitch. The highest point of the panels, that will be sitting on the roof, is approximately 14" above the existing roof surface. You can see the mechanical systems, you will not be able to see at least, from the ground, see any of the panels that are proposed for roof.

The height of the canopies, Exhibit A3, Sheet 4.0, Carport Structure Section shows a cross section and the maximum height is 20' and proposed is 21', which was revised to 20' at the high end and maintain a 14' clearing at the low end. The height of 14' is because this site on occasion does get tractor trailers for food deliveries, clothes deliveries and books. The solar panels will not have a glare.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT

Wednesday, July 19, 2017

Page 6

Mr. Saphire spoke about the screening, arborvitae that are 12' tall between the street and the parking lot. A crab tree will be removed and replaced with arborvitae for height. They referred to Ms. Kraemer's report regarding the location of the disconnect system and the Fire Sub-code Official had no comment. The location of the disconnect arrays will have an underground conduit and connected to each other and from the last one must go to the buildings existing electrical system begins. It has tie next to the meter with its own disconnect. It was suggested to be at the entrance point where an emergency vehicle would be driving onto the property; however, they should stay at the existing location because the existing building service, all the transformers, service, meter, is located at that location of the building; these feed into this system and its disconnect has to be adjacent to that meter. The reason is because if there is a fire at the building, the first responders would drive up and disconnect the building which would shut down the power; if the disconnects for the panels are at a different location, and if they don't disconnect both in two locations, they actually have a safety risk because the solar panels will continue to generate electricity as long as there is sun out.

Mr. Saphire referred to Mr. Slauch's report, revision dated July 17, 2017 and stated there is no noise and there is non-glare by their design.

Witness #2 – George Ford commented there are invertors which are located outside and the cooling van is very small, similar to a cooling fan like in the back of a computer. Ms. Kraemer asked how many there will be and where are they attached. Mr. Ford stated two on each carport, so six outside and will be on the main cross beam.

Acting Chairperson Pangaldi stated looking at Exhibit A - -0 and between the first car port and the building was 45' but cannot get into the building and is that an eight-foot driveway. Mr. Saphire responded that the driveway is 24 x 2 and the 45' is the width of the truck, the heavy dotted line is a semi-tractor trailer.

Witness #3 – Mark Cannuli, PP testified that he reviewed the code regulations and variances; he performed a field inspection; reviewed the Master Plan and Zoning Codes and reviewed the correspondence from the Board's professionals. He described the property and the surrounding properties. The application is for three solar panels car ports which measures approximately 137' in length x 38' wide. There is also roof top mounted panels on the building and provides a total of 276 kilo watts.

Mr. Cannuli referenced the variances and solar panels are not allowed, nor do they meet the MLUL requirements. A bulk variance is required for accessory structures because they are not allowed to be closer from a property line which the existing building is 32' from Lake Drive and the solar car ports are proposed to be approximately 27.5' which is proposed, which is 4.5' further than the existing building.

The maximum lighting ratio, where the ordinance requires 10' and the application is 10.61'. The site is a beneficial use because it satisfies the criteria and the applicant is relieved of the burden because it is uniquely suited for this type of use. A SICA test was performed and established by the Supreme Court which recognizes the differences between certain types of inherently beneficial uses and certain uses should be given. Mr. Cannuli stated that solar facilities are identified in the MLUL as a beneficial use which means that the legislator has determined that solar energy are a great value and serve the public good.

The facility will have little or no impact on the environment because two existing islands with lighting and replacing the parking islands with new parking spaces. There is no noise, no odor or glare and will not impact the Township services such as sewer and water. The proposed use does not include traffic; however, there is visual impact but the site is surrounded by non-residential uses with the exception of those on Lake Drive. It is not visible from any other site based on his inspection or any other location and will be further diminished by vegetation. The height can be reduced but that is left to the Boards discretion and can be reduced as low as 9' to 14' but there are certain reasons why the applicant would

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT

Wednesday, July 19, 2017

Page 7

like to keep that height at a safe height so that vehicles can get through the parking area. There will be trees removed from the existing buffer and replaced with larger evergreens. Based on the facts presented where the positives out way the negatives, there is no substantial detriment to the public good. It is Mr. Cannuli opinion that the panels will not substantially impair the integrity and intent and purpose the Zone Plan by decreasing the setback by approximately 4' and will not alter the impacts.

Mr. Cannuli presented Exhibit A5 – 2013 Aerial Photograph which shows the surrounding area and shows the existing vegetation. Mr. Slauch asked if it would be possible for the first row of solar panels facing Lakeview Drive to be placed on the roof because there appears to be sufficient room within the roof structure on the southwest corner, closet to Lakeview Drive. Mr. Cannuli stated from a practical sense that the benefits out way the detriments by having the efficient size system in the location that is proposed. The size of the system is being relied upon to provide the benefits that out way the detriments. By removing the species identified at Crab Apple and enhancing those areas and extending, that buffer would clearly minimize those impacts and would be a reasonable condition.

Public Questions / Statements:

Debra Dorner, 807 Lake Drive and Jaime Ewalt Gray, 2297 Brunswick Avenue. Ms. Dorner stated she has been aware of the project and the first measurement was 12 to 14' on the height of the project and was very supportive of the project and like the idea. However, very upset that the possible height could go up to 21', so can it be lowered. There are plantings there and measure about 12' but the top three-feet are single stick and very sparse so would like to know if there is going to be more screening. The carport, my house is directly across the street from the parking lot, look at it all the time, but concerned about the safety measures as far as the hurricanes we have had and one tornado, lived in the house since 1956 and the prevailing winds that do blow in front of her home, how safe are these structures, how much of a guarantee that they will not land up in our front yard or in the house. There is also a third light in the parking lot, which was not addressed, all the way in the back, almost into the tree line and will that continue to stay there because that section of the parking lot will not be lite on that side of the canopies so will that light remain.

Mr. Saphire responded that the rear light pole will remain and will not change and was part of the lighting plan submitted; along the edge where there used to be two drive paths, where the building was renovated, the applicant will enhance the screening in those two island sections so it omit the view; the height can be brought down and it is the intention of the owner to keep it as high as possible for safety of trucks that are on-site on a daily basis, that is an open discussion issue that the Board can give direction on; these are installed throughout New Jersey and this is structural steel which has a footing and foundation package that goes down fairly deep; the structural integrity is very strong, it is designed as the same structural standards and code standards that will need to be done as if they were doing a whole building, no guarantee. It will be built to code and have to apply for building permits and have to show all structural calculations and it is not an aluminum structure.

Ms. Dorner stated the higher section is actually facing the building. Ms. Saphire stated the lower section faces the building in all three cases. Ms. Dorner commented that since the building has been renovated it has been taken care of and that is one the reasons we are so upset about the height of these things because the front of our house is the living area and see it every day 365 days a year and we will have to look at it; we were excited that the original plan was for a lower structure because they did say that their truck would not be able to fit under it. Mr. Saphire stated this is why we can bring it down to 8' 6" at the low edge but an ambulance would hit it a fire truck would hit it, a step van would hit it anything above a car would be in conflict with it. Ms. Dorner asked if the book store was still there and deliveries still made from the front. Mr. Saphire stated the book store is there and no deliveries are made from Brunswick Pike because there is no place for trucks to stop, there is a loading dock that was designed and built for that purpose.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT

Wednesday, July 19, 2017

Page 8

Ms. Gray stated the home that she owns has been in family for 70 years and her grandfather was the judge for the Township in the 50's and my property is very important to me and use to work for New Jersey Department of Environmental Protection Office of Economic Growth and Green Energy and helped promote this kind of project but as a homeowner has some concerns. Her first is are they leasing and who is making money off of this because they are not getting a social benefit we are getting a social detriment; concerned about storm water impacts; concerned about the snow melt; concerned about the water quality and the water quality to Colonial lake has not been maintained because storm water regulations have not been maintained; concerned about visual impact and very concerned about an extreme event because sandy is going to happen again and DCA codes are not kept up and the minimum is not good enough for her because her home is there and she does not want to see these solar panels knocking down trees, going onto any of their properties.

Mr. Saphire stated with regard to the storm water quality there is no existing greenery and not adding any impervious coverage, Ms. Gray stated she was concerned about the runoff from the roof during a major snow melt and where is that going and how are you going to deal with that and how are you going to get your trucks through an emergency event and where are you going to put it and where is the salt going to go and would propose putting in a rain garden at the base of those things to capture it; Mr. Saphire stated a rain garden would involve removing the parking because you would have parking there and it is the same amount of snow that would fall on the site whether it had the canopies or not; Ms. Gray stated it would be a larger volume so when it sits on the roof and falls it is going to fall and where are the cars going to go and where is that snow going to go; Mr. Saphire stated the site is maintained independently for snow removal and disagrees with the fact there is no increase or change in the capacity or the quantity of water that is going to fall (snow, wind or any other type), it is impervious entirely and will remain such; Mr. Ford responded to the output and stated the project will produce 98% of the buildings energy from the solar array from the combined solar arrays on the roof and on the car ports; Ms. Gray asked if that was maximum; Mr. Ford stated it is the annual usage of the building; and by law if you are a private land owner and it will not produce more energy than their annual usage is and the law states you can do that up to a certain percentage and in this case we do not have enough space to build any more solar because we are above the 98% and are maxed out on the roof space and used the three car port lanes and do not have any available space to go any more than what has been designed here; the power for these solar arrays will be going directly into the existing meter and will be used by Seventh-Day Adventists; who is owning this is it direct solar; Direct Energy Solar either our company; Ms. Gray spoke about the hours and stated it is a lot of money so they are making a lot of money; Acting Chairperson Pangaldi stated that this immaterial to this Board; Ms. Gray stated we are getting nothing but detriment and as homeowners who lived there for 70 years; Acting Chairperson Pangaldi stated where the money is going is immaterial and we are not here for that reason.

Ms. Gray continued that the minimum building code is not acceptable to the homeowners in that area unless there is some sort of an agreement that there is going to be in their insurance policy that they will pay for any damage on their properties; Acting Chairperson Pangaldi responded that anything building in the Township is going through the Building Inspectors Office and it will be built to the code of the State of New Jersey and Lawrence Township's codes and will not cut corners; Ms. Gray stated this is not acceptable the green building codes are not good enough not car ports; not allowed to go above and beyond.

Ms. Gray stated that this building has changed over the past several years and Seventh-Day Adventist could take off and the homeowners will still be there and where are the insurances that this is going to be up to code and the solar panels last maybe 30 years but the structure is not going to withstand a sandy or tornado event in the future.

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT

Wednesday, July 19, 2017

Page 9

Mr. Slauch commented on the height of the canopy structure and looked at truck turning template around the parking lot and it seems there needs to be minor adjustments and should not be any reason that the canopy should be struck by a tractor trailer by the way it has been drawn and should be a little tighter than you could and how the tractor trailer drives the site. So if you look at the tightest corner, where the loading dock is, but if you see what is beyond that you come to the trash enclosure and it is not as deep as the parking spaces, so if the truck driver drives his rig further to the north, which means the back end has additional room to maneuver around the corner. So the truck turning template is drawn more tightly than it really needs to be. For the most part there isn't many people there during the day, which is when the deliveries take place, which means those parking spaces will not be occupied anyway, which will create more room, so the canopy could be lowered and be constructed without a concern that they would be hit. In his opinion the Board should consider having it lowered to 10' to 16' and over time the screening will grow together. Ms. Kraemer stated the low end will be 10' and the upper end will be 16'.

Ms. Kraemer addressed an issue in her report, dated June 19, 2017 with respect to the disconnect system and her report asked for it to be closer to the road and she understands the concern and is satisfied with the applicant's explanation why it has to remain where it was previously designed, so her comment is not applicable anymore.

Mr. Schmierer went over the conditions of approval.

Minutes:

None

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 J. Snook
Recording Secretary

Minutes approved: _____

Sept. 20, 2017