

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Wednesday, October 21, 2020

Present: Joseph Blaney  
Olga Dember  
Joseph Forte, Alternate #2 (7:45 p.m.)  
Sheila Grant  
Christina Hultholm, Chairperson  
Jeffrey Johnson  
Peter Kremer  
Charles Lavine, Vice Chairperson

Absent: None

Excused Absence: Bruce Kmosko, Alternate #1

Also Present: Brian Slauch, Planning Consultant  
Edwin Schmierer, Zoning Board Attorney  
James Kochenour, Traffic Consultant  
Brenda Kraemer, P.E., Assistant Municipal Engineer  
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 newspaper.

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

None

**Resolutions:**

Resolution of Memorialization 13-20z for Use Variance Application No. ZB-3/20; **Princeton Theological Seminary**; 4200 Princeton Pike; Tax Map Page 71.01, Block 7101, Lots 3.08, 7 and 8 was approved per unanimous vote.

**Minutes:**

None

**Applications:**

Use Variance Application No. ZB-4/20; Minor Site Plan Application No. SP-6/20; **Moe's Southwest Grill**; 4120 Quakerbridge Road; Tax Map Pages 42.03 and 42.06, Block 4201, Lot 10.02.2

James Mitchell, Attorney for the applicant stated it is to add a drive thru at an existing fast food restaurant that has an existing drive thru because previously the location was a bank than a drugstore.

Witness #1: Bhadresh Patel, owner stated the restaurant that with the restrictions, there is only five percent of inside dining; mostly picking up and leaving; the drive thru could offer services of fresh food in a socially distant manner; he has been at this location for two years and the drive thru was there but not able to use; only five car stacking is needed; no breakfast is being served; if the restaurant went out of business there could be a restriction about the use of the drive thru for the current business; hours of operation are 11:00 – 9:00, Saturday through Thursday, and Friday and Saturday, open one-half hour longer.

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Mr. Patel would require one or two more staff personnel in back so the vehicles do not stack up. There is no peak hour for this type of restaurant; the busy hours are between 11:30 and 1:00 so about 12 cars a day.

Mr. Slaugh's concern was if hours of operation would change with the drive thru and if level of employees will change. Mr. Kockenour's concern was if an employee would work outside, number of cars per day and peak hour for the drive thru.

Witness #2: Michael Ford, PE referred to Exhibit A1 – Minor Site Plan which shows the existing restaurant at the eastern end of the retail building, the drive thru and can stack up to eleven vehicles.

Exhibit A2: Illustration showing the drive thru with five cars stacked; provide for order menu tablet; no changes to existing parking spaces; adding some signage and stripping to direct traffic; stripping is being proposed along the 25 parking spaces that face Quakerbridge Road, five are for Moe's employees and six will be added for mobile pickup or if an order takes some time, the person can park in that location and the meal will be delivered. There is a single space at rear of restaurant for similar pick-up. All space dimensions will stay the same as they are today.

Mr. Mitchell stated there will be no one standing outside; however, in an event the drive thru gets backed up with more than five cars; someone will go out and shut it down and tell them to park.

The Board members had questions pertaining to parking spaces and the height overhang clearance meeting current standards. Mr. Slaugh stated that Moe's has come up with a different design to meet their needs; only needs five spaces for the queue and agrees that it is not a fast food restaurant under the ordinance. Mr. Kockenour commented the single parking space in rear, there is a light pole and he recommends that the space be centered on the light pole so there would be plenty of time to spot the car and go around them. Ms. Kraemer stated she is pleased with the progress that was made from previous discussions.

Witness #3: David Shafer, Regional Director of Operations stated twelve Moe's restaurants have drive-thru locations and ten locations have a five car stack and typically setup in a corner. The numbers on average at peak are about 6 or 7 cars an hour, every ten minutes there is a car and service time is around three to three one-half minutes.

Mr. Kockenour asked what makes Moe's drive thru different from traditional fast foot brands that leads to a low drive thru usage. Mr. Schafer stated most of the clientele does not have the ability to eat while driving. It is more like a cafeteria type food order system.

Witness #4: James Miller, PP described the property and went over the variances per the MLUL, the positive criteria and there is no detriment to the public good.

Chairperson Hultholm wanted to know if the drive-thru would be shut down if things change when the pandemic is over. Mr. Patel stated it will be used for customer convenience and continue to use if it is there. There was a discussion with the drive thru condition and a future tenant or another business using it, see e-mail from Mr. Mitchell dated October 5, 2020. Ms. Kraemer wanted a condition that the Township has the authority to require closure of the drive thru area if the queue is impacting circulation in the parking area. Mr. Schmierer stated if we receive a complaint or found a problem it could be enforced.

There was no public questions or comments.

All Professional reports are attached.

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Bulk and Use Variance Application No. ZB-3/19; Major Site Plan – Preliminary & Final Approval Application No. SP-5/20; Major Subdivision – Preliminary & Final Approval Application No. S-2/20; **RPM Development**; 2495 Brunswick Pike; Tax Map Page 20.01, Block 2001, Lots 2, 3, 5, 60 – 68 and 68 was removed from the agenda and carried to December 16, 2020.

There was a unanimous vote to carry this application to the October 21, 2020 meeting.

**Other Business:**

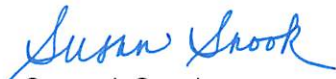
None

**Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 8:25 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook  
Recording Secretary

Minutes approved: Dec. 16, 2020