

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Wednesday, September 16, 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  
Brian Slaugh, Planning Consultant

Also Present: Kendra Lelie, Special 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 12-20z for Appointment of a Special Planning Consultant was unanimously approved.

**Minutes:**

June 17, 2020 minutes were unanimously approved.

**Applications:**

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

Ryan Kennedy, attorney for applicant stated this is an application for a 70 unit 100% affordable housing development, which is a part of the Township's affordable housing plan, is located in the rear of the Lawrence Shopping Center. A portion of the property will be subdivided which is facing Texas Avenue. There will be duplex units along Texas Avenue and behind them will be apartment buildings.

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Witness #1: Kevin Kavanaugh, Vice President/Development of RPM Development stated they will be the owner, Management Company and builders of this project. The development will screen the back of the Lawrence Shopping Center; will be sensitive to the surrounding area with two-story duplex units along Texas Avenue and a three-story unit in the back. A good portion of the site has stormwater constraints which is unable to be developed and the project is trying to accommodate parking and setbacks.

Witness #2 Thomas Muller, PE referred to Exhibit A1 – Aerial Exhibit dated September 16, 2020 which shows the existing conditions of the subject property, 52 acres in size and the subject area is four acres. He gave a brief description of the entrances to the shopping center; the site area is encumbered by environmental issues and grade changes in the rear of the site. There is a tributary that cuts from the north and drains in the south and as part of that drainage features, there are regulated areas dictated by New Jersey Department of Environmental Protection and the Delaware & Raritan Canal Commission. The major component of the design and the site constraints is that a portion of the site is encumbered by the flood hazard area, which means it needs to accommodate for flood storage and pushes the development into a certain corner of the property.

Exhibit A2 - Site Plan Rendering dated September 16, 2020 which shows the landscape overlay and the proposal of the nine residential buildings for a total of 70 units, all affordable. Building A located on the southern portion is a three-story building, 24 units with a 10,496 sf footprint; Building B is located to the west and is a three-story building, 22 units with a 9,600 sf footprint; Building C is located at the western portion and is a three-story building, 12 units with a 4,500 sf footprint. Along Texas Avenue there are six duplex units, two-stories and 1,258 sf footprint.

The building heights are limited to 35' and the three larger buildings are all 39.58' in height, which exceeds the building height. The duplex heights are 29.25' below the 35' height restriction. There will be two new driveways along Texas Avenue, one for ingress and one for egress; dedicated parking stalls; pedestrian walkways throughout the site; enclosed trash enclosure; utilities will be provided through Texas Avenue and landscaping and lighting will be provided throughout the site. The open space lawn area located on the east side is for flood storage; shade trees will be provided and the area will be ideal for a recreational area.

79 parking stalls will be provided, which includes 23 parking stalls on Texas Avenue which includes expanding the pavement width for direct access parking. Exhibit A3 – Conceptual Site Plan dated September 16, 2020 which was prepared per the comments from the Board's professionals shows a similar design scope; it has the same exact nine buildings, same floor areas, but shows a shift of the units along Texas Avenue. It provides a 22 – 24' driveway around the entirety of the site for the dead end parking (which was a driveway and aisle to make a k-turn), which is being eliminated.

The parking proposed on Texas Avenue was removed; there will be 42 dedicated parking stalls along the southern edge of the proposed affordable housing project, sidewalks will be provided and direct pedestrian access to the project. This proposes 59 parking spaces on site plus 42 parking stalls in the Lawrence Shopping Center. Based on the Land Use Ordinance, the total breakdown of units would require 140.9 spaces based on the number of bedrooms in the multi-family buildings. There are eight units that are garden apartments, 37 units are 2-bedroom garden apartments and 25 units are 3-bedroom garden apartments that require 140.9 parking spaces; however, 102 parking spaces are being provided.

The landscaping will consist of 946 plantings (27 shade trees, 26 ornamental trees, 67 evergreen trees, 298 evergreen shrubs, 210 deciduous shrubs, 300 ground cover and ornamental grasses). Lighting will consist of 25 new single wall mounts and four LED free standing light poles. The size of the trash enclosure will be larger if necessary; dedicated mail locations for apartments and direct mail delivery to the duplexes.

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Witness #3 Justin Taylor, PE, Traffic Engineer referred to Traffic Impact and Parking Assessment dated April 15, 2020, copy attached, which describes the number of cars during peak hours, the circulation and parking associated with the development. There will be an estimate of about 30 to 40 cars during peak hours, so the traffic impact will be minimal; the parking being provided will be more than significant; there are no dead end spaces; the circulation has been revised, so there will be no detriment as proposed.

Board Member Questions: when was traffic data collected; were counts done on Texas Avenue or Route 1 intersection; fire emergency access for apartment building in back; turn area into a dog park; longest que at Route 1 and Texas Avenue; screening between the buildings and parking lot area; lighting for people walking to their cars that are parked on shopping center property; additional spaces created behind the shopping center where the loading zone is, will cars be blocked in from trucks making deliveries; visitor parking locations; placement of driveway which is one egress and ingress and the traffic data analysis.

Response to board member questions: data was from September 2017; time frame and change in traffic patterns with co-vid have to modify update; this project did not have a significant impact on the roadway; 200 to 250 cars in each direction; there was no comment related to fire access to the apartment buildings, it is an acre in size and owner would have to agree; would not anticipate to queue to the shopping center driveway.

Referring to Exhibit A3 is the rear of the building with a 25' setback and an open space area which is ideal for plantings as a buffer; lighting will be 24/7 for safety with other security items such as security cameras; there are two loading zones and a traffic circulation plan was prepared that showed there are no conflicting movements with the parking spaces proposed; they can maneuver when trucks are unloading because there is a 35' drive aisles so cars will never be blocked in and centralized in the site or further away in the shopping center. The driveway was shifted to the west to align and provide a circulation isle along the westerly property line and ingress is in the same location as previous layout.

Concerns were parking in the back lot of the shopping center, where the loading area is located, is an issue with the members of the Board, where people have to walk crossing the loading zone and with the parking of the vehicles; if not proposing to change the subdivision, the parking spaces are on a different parcel of land, what happens if the shopping center is sold, what happens to the parking spaces and no recreational area or amenities.

Mr. Taylor commented that income limits, owning more than one vehicle is not a feasible option, so there is a much greater tendency to utilize public transportation; the proposal is to use a portion of the existing pavement, with some additional paving and striping to fully define the drive aisles and to create a pedestrian connection with a pathway; sidewalk is being proposed at the head of each parking space, as well as two sidewalk connections at the east and west end of the multi-story buildings from a pedestrian connection to the shopping center; the shopping center has agreed to a long term lease or easement or ownership.

Mr. Muller referred to Exhibit A2 for the recreational area where there are limitations to remain as impervious coverage and put swing sets, benches, gravel walkway; however, no habitable buildings, no basketball courts and there is a community center in Building B. The shopping center owner has intention to lease all the spaces to retail to meet modern demands, not to create housing out of a shopping center.

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Professionals:

Kendra Lelie: proposed plan dated September 16, 2020 where you maneuvered the circulation elements, is this plan going to resubmitted for further review, we are looking at a plan that the professionals did not have a chance to review and identify any updated variances or ones that have been eliminated as well as the landscape plan, what was the intention of the applicant for this proposed plan. Ms. Lelie stated not to identify any new variances that would be had with the new plan, she could not provide her professional opinion without receiving the plans and reviewing them, especially when the improvements are on the shopping center side. It is somewhat unusual that a revised plan would be submitted at the time of the public hearing and would receive approval.

She questioned the side yard setback for Building C which has been eliminated; referring to her report dated September 1, 2020, Comment 3.3 the variance needed for side yard setback; mature trees along Texas Avenue; vehicle circulation in between the sites to not have to go out to Texas Avenue and the ability for circulation movement to the shopping center and sidewalk for the homeowners to get to the shopping center.

Mr. Kennedy stated this is to the responses and addressed as much as possible to move forward with the project in a time frame for the tax credit, especially the parking requirements. Mr. Muller stated Building C was shifted over with a setback of 32.6'; Building B would be 0'; keeping the trees would be impossible and planting more trees to offset that; no further access deemed necessary to get to the shopping center because there is a driveway at Texas Avenue and a sidewalk could be extended along the existing pavement with striped lines.

Ms. Kraemer's concerns were the open area for recreational area and the depth of stormwater flow; plantings between the buildings; buffering with the Gas Company and new loading area for the food store.

Mr. Muller responded it would not flood during the common one year flood and will gather information; 30" pipe off Texas Avenue would re-route it to get it to have a maximum flow; there is a five-foot buffer between the building and a 15' buffer from shopping center and will talk to gas company.

Mr. Kockenour stated he is partially responsible for the way this meeting is tonight because he met with the traffic consultant of the applicant and as a result eliminated two of his concerns, which was on the on street parking and dead end isle. He is not in a position to make a recommendation as to the constructability and safety of this site or to properly advise the Board without some more information.

Chairperson Hultholm asked the applicant with the other witnesses, how far we could get with an overall presentation and how to proceed. Mr. Kavanaugh stated we have an opportunity to apply for the funding that can make this development happen. We have a valid application and we only need preliminary site plan approval and do not need final, so are we close enough to work out some of the details.

The Board took a break from 9:30 p.m. to 9:38 p.m.

Mr. Kennedy stated it is at the Chair's discretion on how to proceed with either the professionals or the public. Ms. Kraemer stated this is the first time we saw the plan tonight and should get some time to look at the plan. Chairperson Hultholm asked the professionals and what is the best interest to the applicant.

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Public Questions:

Mike Littwin: plantings on the south side would that eliminate the fire trucks to service the building; stream on Texas Avenue/Lawrence Shopping Center/Frame Shop which is underground to Colonial Lake and any attempt to put a basin; when overfilled it will go backwards.

Mr. Muller: fire trucks will still have access to the building.

Gwendolyn Tyler: property values for a project like this, are they increased or decreased; safety of children with traffic and study was done when it is unusual during the co-vid; the traffic going down Texas Avenue towards Route 1 is pretty slow and with the exits in the vicinity of Lukoil, this is going to impact the traffic flow and cause more back up traffic, doing the study when traffic is more realistic during work periods and also consider the safety of children.

Mr. Kennedy commented studies demonstrated increased values or remain flat. Mr. Taylor stated it was based on traffic data from 2017, so the traffic flow patterns were typical along Texas Avenue and performed for 48 hours.

James Ware: variance for building height and what is being considered for the area.

Mr. Kennedy stated this is a question for the planner of the applicant.

Tom Tucker: 2017 traffic study and at that time the shopping center had barely no stores open and now a grocery store and LA Fitness, believes an updated traffic study is warranted by the proposed increase in traffic at the shopping center; there was a sign at the entrance along Texas Avenue stating Environmental Hazard Advisory, has that been corrected.

Mr. Kavanaugh: some has been remediated and has been addressed.

Amanda Tulumalo: studies of traffic in the neighborhood areas of Texas Avenue, Princeton Pike, Lawrence High School and done during school hours (pickups/drop offs); the 48 hours of data taken in 2017, what month; crossing guards provided and school buses will go to that development.

Mr. Taylor: counts were from 9/11/2017 thru 9/13/2017 and look at the peak hours; the afternoon is 20% to 30% lower than at 5:00 p.m. Ms. Kraemer stated the school bus is a question for the School Board.

Stella Cooper: 1.4 average for parking and how bedrooms and adults that would constitute having a second or third vehicle which would cause impact to the parking; 190 residences and the impact on crime, it is a private area and protected by Green Acres and have no issues.

Mr. Taylor: eight one-bedrooms; 37 two-bedrooms; 25 three-bedroom units; in data collected the number of bedrooms was incorporated in that demand for one space per unit; 1.4 comes from the average across the units and have 102 parking spaces and 7 units comes to 1.4 cars and some units may not have a car.

Greg Puliti: snow removal, if traffic plans will be reviewed and will hold for Planner. Shielding the residents from Texas Avenue and to look at a loading dock; Lawrence holds high design standards for affordable housing.

Mr. Kavanaugh: not ideal but not forcing anyone to live there and landscaping being planted will mature and screen the shopping center.

Chairperson Hultholm referred to the comment section, copy attached.

Dawn Guhl: there are six low income housing units in Lawrence and if so, do we really need another one  
Ms. Lelie: there is a 2020 Housing Element and Fair Share Plan that was adopted by the Planning Board in July, you can review the projects and this project is to meet the Township obligations.

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Unidentified: There are six affordable units in Lawrence and how is this distributed; not isolation for one specific area in the Township.

Ms. Lelie stated that the Zoning Board does not have the power to plan for affordable housing, they are a judicial board that reviews applications. It is the Planning Board's responsibility to create and adopt a housing element fair share plan and it can be reviewed on the web site. This Board is not looking at the affordable housing project per say as it relates to the Township.

All Professional reports are attached.

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 10:20 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook  
Recording Secretary

Minutes approved: \_\_\_\_\_

November 18, 2020