

Applicant Dr. Padwa Seed
AKA Premier Dental Care

Appl. No. ZB-2/21 + SP-1/21

REFERRALS

	Date Referred	Comments Dated	Date Referred	Comments Dated	Additional Reports
a. Municipal Engineer	5/20/21	6/25/21			
b. Professional Planner	5/20/21	7/14/21			
c. Traffic Consultant	5/20/21	6/30/21			
d. Construction Official	5/20/21				
e. Shade Tree Advisory Comm.	5/20/21	6/28/21			
f. Health Officer	5/20/21	6/4/21			
g. Tax Collector	5/20/21	5/21/21			
h. Public Safety	5/20/21				
i. Environ. Res. Committee	5/20/21	7/6/21			
j. Mercer County Planning Bd.					
k. Ewing-Law. Sewer Auth.					
l. _____ Water Co.					
m. D & R Canal Commission					
n. U.S. Post Office					
o. NJDOT		5/25/21			
p. PSE&G Co.					
q. Board of Education					
r. Historic Preserv. Comm.	6/23/21	7/13/21			
s. NJDEPE/Wetlands					
t. NJDEPE/Stream Encroach.					
u. <u>Greg Whitehead</u>	5/20/21				
v. _____					
w. _____					
x. _____					
y. _____					
z. _____					

Township of Lawrence
ENGINEERING DEPARTMENT

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Use and Bulk Variance Application No. ZB-2/21
Major Site Plan – Preliminary & Final Approval Application No. SP-1/21
Dr. Radwa Saad, DMD (Premier Dental Arts), 3640 Lawrence Road
Tax Map Page 67.02, Block 6701, Lot 1

DATE: June 25, 2021

General:

The applicant has requested use variance and site plan approval to convert the existing residence at 3640 Lawrenceville Road into a dental office. The property is located in the EP-1 Zone and is used as a single family residence with a home occupation medical use. A home occupation is limited in size and scope and must be owner occupied. The applicant has requested conversion to a full medical office with eight (8) employees and ten (10) treatment rooms.

The EP-1 District is primarily residential and commercial uses are not permitted. Our concerns with the application include impact of an office on adjacent residential properties, Kings Highway and the Lawrence Township Land Use Ordinance. Planning testimony is needed.

The following issues shall be addressed:

1. Staff, expected number of patients and hours of operation shall be discussed. Intensity of use will increase with conversion from a residential property with a home occupation to a full commercial use.
2. The property is adjacent to the Kings Highway Historic District. The application has been referred to the Historic Preservation Advisory Committee for comments. The impact on the viewshed shall be addressed in testimony.
3. Information is required to verify the septic field is properly functioning and will accommodate the proposed use. The Health Office has issued a report dated June 4, 2021. Well or public water service shall be clarified.

Technical engineering items are listed below.

Detailed Report:

1.00 Site Layout

- 1.01 The application documents state that there will be eight (8) staff and eighteen (18) patients expected on a daily basis. As the plans show ten (10) treatment rooms, it is questionable whether the number of patients is under estimated, which leads to intensity of use issues. The property is located in a residential zone that was not envisioned for conversion to commercial uses. Medical offices are permitted in many other districts in the Township including overlay districts.

The applicant's planning testimony shall address site suitability, site selection and impact on adjoining residential uses. If a use variance is granted, any future owner would be able to operate a medical office.

- 1.02 Testimony shall be provided regarding the impact of the proposed project on the Kings Highway Historical District. The Historic, Element Preservation of the Master Plan was updated in 2019 and notes the importance of this corridor.
- 1.03 The existing fence is in disrepair and according to the plans, is located within the right-of-way. A new fence shall be installed in the proper location. If a new fence will not be installed, landscaping buffers may be necessary. Buffer yards are typically required between adjacent land uses that are not similar.
- 1.04 The existing sign at the intersection of Lawrenceville Road and Province Line Road is within the right-of-way and shall be removed.
- 1.05 The trash enclosure shall be masonry. Truck turning maneuver information shall be provided to verify accessibility. Both trash and recycling services must be contracted privately. The Township does not provide this service for commercial properties.

Screening of the enclosure area shall be provided.

- 1.06 The plans show the installation of seven (7) additional parking spaces. The amount of additional impervious coverage creates the need for a variance. Porous pavement is recommended to offset the impact of additional coverage.
- 2.00 Miscellaneous
- 2.01 Additional information is required to verify the existing septic system can accommodate the proposed use. The Health Officer's report notes several issues.
- 2.02 The "No Left Turn" sign at the Lawrenceville Road exit shall be discussed as to the need for the sign and its proposed location (left side of drive aisle).
- 2.03 Other permits / approvals:
 - a. Mercer County Planning Board
 - b. New Jersey Department of Transportation (letter of no interest)
 - c. Historic Preservation Advisory Committee
 - d. State Historic Preservation Office (or letter of no interest)
 - e. Lawrence Township Soil Disturbance (prior to site construction)

BK/sjs

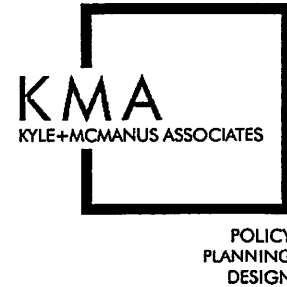
g:engineering/saad, dr./review #1.doc

Documents Reviewed:

- Application Nos. ZB-2/21 and SP-1/21 with Witness List and Check List
- Sanitary Sewer Report, dated April 14, 2021
- Drainage Report, dated March 29, 2021
- Plan showing Signs, undated
- Letter from Stonefield Engineering, dated March 25, 2021
- Title Sheet, Sheet Y-1, revision dated May 4, 2021
- Existing Condition Plan, Sheet Y-2, revision dated May 4, 2021
- Dimension Plan, Sheet Y-3, revision dated May 4, 2021
- Grading Plan, Sheet Y-4, revision dated May 4, 2021
- Landscaping Plan and Details, Sheet Y-5, revision dated May 4, 2021
- Cover Sheet, Sheet CS, dated April 4, 2021
- Existing Conditions, Sheet EX1.1, dated April 4, 2021
- Existing Elevations, Sheet EX2.1 and EX2.2, dated April 4, 2021
- Proposed Plan, Sheet A1.1, dated April 4, 2021
- Proposed Elevations, Sheet A2.1, dated April 4, 2021

July 14, 2021

Lawrence Township Zoning Board of Adjustment (via e-mail)
2207 Lawrenceville Road
PO Box 6006
Lawrence Township, NJ 08648



**Re: Dr. Radwa Saad, DMD
Block 6701, Lot 1 – 3640 Trenton-Princeton Road (SR 206)
D(1) Use Variance Relief and Site Plan Approval
EP-1 Environmental Protection District**

Dear Board Members:

Pursuant to the Board's request, we have reviewed the above captioned matter for compliance with the Land Use Ordinance of the Township of Lawrence. The material reviewed, as supplied by the applicant, included the following:

1. Township of Lawrence Land Use Application Master Checklist, dated April 16, 2021.
2. Supplement to Application of Dr. Radwa Saad, DMD, undated.
3. Township of Lawrence Use Variance Application, undated.
4. Existing and proposed signage requirements, including details of proposed signage, undated.
5. Proposed/Anticipated Witness List, undated.
6. Request for NJDOT Letter of No Interest, prepared by Matthew Seckler, PE, PP, PTOE, of Stonefield Engineering and Design, LLC, dated March 25, 2021.
7. Land Use Ordinance Table 8.2 Submission Checklist, undated.
8. Township of Lawrence Bulk Requirements Table for the EP-1 District, undated.
9. Preliminary and Final Site Plan for Smiles Real Estate, LLC, prepared by Mohammed El-Hawwat, PE of Meh Consulting Engineers, Inc., dated 3/29/2021 and last revised 5/4/2021 consisting of 5 sheets.
10. Architectural Plans for Premier Dental Arts, prepared by the Lion & Crown Architecture and Design, dated 4/4/2021 consisting of 6 sheets.

Based on the information provided with the submission, the applicant seeks use variance and site plan approval to convert an existing single-family dwelling that included a chiropractic office in the basement into a dental office. It does not appear there will be any residential component to the use. According to the architectural plans, the entire first floor of the existing dwelling will be fit out with 10 treatment rooms, a staff area, an office, reception desk, a consultation room and a waiting area. Separate staff and patient entries are proposed. A total of 17 parking stalls are proposed, including one handicapped-accessible stall, along with a trash enclosure. The applicant proposes to convert the existing residential swimming pool into a koi pond.

The subject property, known as Block 6701, Lot 1 with a street address of 3640 Trenton-Princeton Road (State Route 206), is located in the southwest corner of the intersection of Route 206 and Province Line Road. Totalling 3.261 acres, the site has 493' of frontage along Route 206 and 500' of frontage along Province Line Road. At present the site contains an existing 1 story frame dwelling, a pool, parking area, fencing, an existing freestanding sign and lighting. Access is provided via two driveways, one from Route 206 and the other to Province Line Road, both of which are gated. Site inspection on 7/13/2021 revealed the presence of a trailer, a sea box and various items that appear to be associated with a landscaping business. All immediately surrounding uses are residential in nature.

Zoning

The subject property is located in the EP-1 Environmental Protection District, which permits agriculture, farmsteads, single family detached dwellings, residential clusters, public parks and recreation, conservation, municipal use and cemeteries. Accessory uses permitted include private residential swimming pools and cabanas, private residential tool sheds, recreational vehicle storage, outdoor recreation facilities, off-street parking and private garages, fences and walls, decks and patios, signs, home occupations, accessory apartments, ECHO housing, satellite dishes and television antennas, farm stands and consumer crop picking operations and other accessory uses customarily incidental to a principal use. The district conditionally permits public and private day schools, public and private golf courses, farm markets, bed and breakfast accommodations and child care centers.

As the proposed dental office is not among the permitted or conditionally permitted uses in the EP-1 District, a d(1) variance to permit “a use or principal structure in a district restricted against such use or principal structure” in accordance with the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-70d(1) is required.

The table below lists the bulk requirements for the EP-1 District and compares them to the applicant’s proposal. As noted the existing lot is nonconforming as to minimum lot area and maximum impervious coverage and the applicant is seeking a bulk variance to further exceed the maximum permitted impervious surface ratio.

	Required	Existing	Proposed
Minimum Lot Area	4 acres	3.261 acres*	3.261 acres*
Minimum Lot Frontage	200'	493.53'	493.53'
Minimum Front Yard	100'	125.15'	125.15'
Minimum Side Yard	50'	152.45'	152.45'
Minimum Rear Yard	50'	N/A	N/A
Minimum Acreage Exclusive of Critical Areas	1 acre	N/P	N/P
Minimum Usable Yard Area	20% of each yard	N/P	N/P
Maximum Impervious Surface Ratio	.10	11.28%*	12.54%**

N/A – not applicable N/P – not provided
 * denotes existing nonconforming condition
 **denotes variance required

Use Variance Considerations

Relative to the use variance sought, the applicant must demonstrate both the positive and negative criteria. For the positive criteria, the applicant must show that the public welfare is promoted because the site is particularly suited to the proposed use, and that special reasons exist for the grant of the variance. Special reasons are generally derived from the purposes of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-2. Note that as to the particular suitability of a site, the Court in Price v. Himeji, 214 N.J. 263, 292-292 (2013) clarified that an applicant need not show there are no other viable locations for the use but must rather show the characteristics of the site that make it uniquely suited to the use proposed. As to the negative criteria, the applicant must show the variance can be granted without substantial detriment to the public good, and that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The enhanced quality of proof required by the Court in Medici v. BPR Co. must also be addressed. In this regard the applicant must demonstrate, and the Board must specifically find, that the grant of the variance is not inconsistent with the intent and purpose of the zone plan and zoning ordinance, proof that reconciles the governing body's continued omission of the use as among those permitted in the EP-1 Environmental Protection District.

With respect to substantial detriment to the public good, the Board must consider potential impacts to surrounding properties that could result from the grant of a use variance for the proposed dental office. On impact to surrounding properties, the Board should keep in mind the term "substantial detriment". Any application for a use not permitted in a particular zone district is likely to have some impact on surrounding properties. The question is whether that impact rises to the level where it could be considered "substantial", potentially altering the character of the neighborhood in a significant way. We note that while the current owner at one time had a chiropractic office in the basement as a home occupation, the area devoted to such use was limited. The scope of the current proposal far exceeds the medical office use that previously existed. Relative to impact to surrounding properties, the Board should consider the following:

- Hours of operation of the office and the days of the week on which operations will occur
- Total number of employees, including total number of dentists
- Total daily vehicle trips (the NJDOT Request for Letter of No Interest notes 100+ daily trips)
- Frequency of delivery vehicles and trash pickups
- The nature of existing lighting
- Proximity of adjacent residential uses and potential visibility of the parking area
- Proposed landscape screening intended to address potential negative impacts of the proposed use

As to the intent and purpose of the zone plan and zoning ordinance, the Land Use Ordinance, §401A notes the purpose of the Environmental Protection 1 (EP-1) District as follows:

"Purpose. The Environmental Protection 1 district is designed for low intensity uses primarily in the northwest area of the municipality where poor water yields and strata for septic systems dictate large lot development in an area of little or no public

infrastructure and severe environmental constraints, including but not limited to, a seasonal high water table, shallow depth to bedrock, and steep slopes along the Stony Brook. Further, the purpose of the EP-1 district is to protect the environmental resources and qualities of this area, maintain the rural character of roads and scenic views, and retain farmland. The EP-1 designation is contrasted with the EP-2 district by being underlain with the Lockatong-Argillite geologic formation as depicted in the adopted Master Plan. Both the EP-1 and EP-2 districts, though poorly suited for development, are exceptional areas for non-irrigated agriculture. Because of this last factor, clustering of residential units is preferred whether under the provisions of this section or §428.”

The Land Use Ordinance also contains a statement of intent and purpose in §102, which is reproduced below. We have highlighted (in bold) certain items that may be relevant to the Board’s consideration of the matter at hand. The applicant will need to focus on reconciling the bold items and in particular focus on the intent of discouraging small-scale office development outside of neighborhood commercial areas, which this proposal appears to be directly contrary to. Discussion of potential impacts to the King’s Highway Historic District, which the site abuts, should also be addressed.

- A. To guide the appropriate use or development of all lands in a manner that will promote the public health, safety, morals and general welfare;**
- B. To secure safety from fire, flood, panic and other natural and manmade disasters;
- C. To provide adequate light, air and open space;
- D. To ensure that the development of the Township of Lawrence does not conflict with the development and general welfare of neighboring municipalities, the county and State as a whole;
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- G. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which will result in congestion or blight;
- I. To provide a desirable visual environment through creative development techniques and good civic design and arrangements;
- J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;
- K. To encourage planned unit development which incorporates the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational

development of the particular site;

L. To encourage senior citizen community housing construction;

M. To encourage the coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

N. To promote utilization of renewable energy sources;

O. To promote the maximum practical recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs;

P. To discourage the creation of additional highway commercial uses except in areas specifically designated on the zoning map and to encourage mixed use neighborhood centers;

Q. To discourage small scale office development outside of designated neighborhood commercial areas;

R. To encourage, within areas identified in the Master Plan, a mixture of land uses that facilitate non-vehicular and pedestrian access;

S. To place higher density housing only in areas:

1. With sufficient capacity in the transportation system;
2. With access to public transit;
3. Near shopping and other personal convenience services, and;
4. In locations with public sewer and water;

T. To maintain traditional architectural forms in higher density housing by utilizing the highest possible design standards.

U. To plan adequately for the timely provision of new community facilities, including but not limited to:

1. Firehouses;
2. Schools;
3. Community Centers;
4. Parks;
5. Bicycle lanes and pedestrian paths;
6. Municipal facilities; and
7. Public transit.

V. To encourage the redevelopment of existing underutilized or abandoned lands and buildings;

W. To promote the redevelopment of the commercial core of the village of Lawrenceville through coordinated parking, streetscape improvements, signage, and lighting in keeping with the historic character of this district;

X. To preserve and enhance historic buildings, places and landscapes, encourage the maintenance of traditional architectural forms in buildings, and retain rural road characteristics, including but not limited to the following areas:

1. Delaware and Raritan Canal and associated areas;
2. Port Mercer;
3. The Lawrenceville School;
4. Lawrenceville Village;
5. Sites designated on State and National Registers of Historic Places; and
6. Adjacent or nearby sites that by their proximity to listed places influence the nature

of historical places.

Y. To establish design standards to encourage the construction of new buildings to complement the style and scale of existing buildings;

Z. To protect environmentally sensitive lands from development or other potentially damaging influences and to control the clearing of land that would adversely affect threatened or endangered plant and animal species;

AA. To promote the preservation of natural features during land development;

BB. To preserve remaining farmland and rural areas, through:

1. Transfer of development credits from farmland into appropriate receiving areas;
2. Residential clustering in areas adjacent to agriculture;
3. Use of traditional rural design in roadways and landscaping;
4. Limiting the extension of public sewers to areas suitable for more intensive development; Land Use Ordinance

CC. To encourage open space dedications in the development review process to maximize the quantity and quality of such land in accordance with the criteria in the adopted Township Master Plan, and provide improved access to existing parks;

DD. To create a Greenway Network to preserve and enhance existing stream corridors, connecting parks and conservation areas and using the Network for pedestrian and bicycling in areas capable of supporting such activity;

EE. To promote the visual improvement of the Township's major arterials by the coordination of visual design and character of signage, planting additional street trees, and requiring on-site landscaping improvements during the redevelopment review process.

FF. To improve streetscapes in existing residential areas, non-residential and rural areas, through:

1. Installing a row of street trees, or a double row where possible, on all collector and arterial roads;
2. Using textured materials for sidewalks and crosswalks;
3. The use of decorative fencing as a landscape design element in multi-family housing developments;
4. The installation of hedges and hedgerows; and
5. Requiring underground utilities in development and redevelopment.

GG. To discourage the widening, except for safety purposes or bicycle lanes, of existing collector, subcollector and residential access roads in existing developments and where rural development patterns are present, restricting new residential roads to two lanes, preserving the level of service by reducing curb cuts and discouraging speeding by the use of traffic calming measures.

HH. To encourage the coordination of development through the connection of commercial properties by easement and physical improvement.

II. To help retain existing rural character by designing new rural roads with two lanes, narrow shoulders, drainage ditches and hedges or hedgerows;

JJ. To decrease the visibility and extent of parking lots and access driveways by:

1. Requiring the installation of landscaped traffic islands in parking lots;
2. Screening parking lots from the traveling public and adjacent residents by a combination of landscaping, berming, walls and fencing; and
3. Reducing the required number of parking spaces in pedestrian-oriented development and redevelopment.

KK. To provide for the conservation and, where appropriate, the improvement of the entire length of the Delaware and Raritan Canal State Park to the extent possible by municipal government and assure that the development of adjoining properties protects and enhances the resources and qualities of the Canal Park;

LL. To provide for the redevelopment of Alternate Route 1 (Brunswick Pike) south of Colonial Lake, by promoting a commercial boulevard through the reduction of cartway width, an increase in the median area and improvements to paving, landscaping, building facades, signage and lighting.

MM. To provide, to the greatest extent feasible, the natural control of storm water from land development while preserving the existing contours and natural features of the site; restrict development on steep slopes to reduce negative impacts on stream bank stability and to control erosion.

The Township's 1995 Master Plan sets forth a number of goals and objectives, and subsequent reexaminations of the Master Plan have not significantly altered those policy statements. Those that are potentially relevant are noted below.

- Community Character goal -Maintain the predominantly residential nature of the municipality.
- Community Character objective – Limit highway-oriented commercial land uses in the Township and confine them to existing commercial areas.
- Land Use goal – Foster a well balanced, diverse community with a mix of residential housing types, institutional, commercial, and limited industrial uses along with ample open space and public facilities. The land use plan and development regulations are designed to minimize land use conflicts and to reduce adverse impacts of development on other activities in the Township.
- Land Use objective - Discourage the introduction of incompatible land uses.

Consideration of Bulk Variances

The applicant is requesting bulk variance relief related to maximum impervious surface ratio. The Board has the power to grant c(1) or hardship variances "(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property." The Board may also consider the grant of c(2) variances where the purposes of the New Jersey Municipal Land Use Law would be advanced and the benefits of the deviation would substantially outweigh any detriment. In either case, the Board cannot grant "c" or bulk variances unless the negative criteria are satisfied, or that there is no substantial impact to surrounding properties (first prong) and the grant of the variance will not cause substantial impairment to the intent and purpose of the zone plan (master plan) or zoning ordinance (second prong).

At present the lot has more impervious surface coverage than permitted for the district and the

applicant proposes to increase it from 11.28% to 12.54%. This represents an increase of 1,790 square feet over existing coverage and a total departure of 3,609 square feet versus the 10% maximum permitted. We note there are likely ways to reduce impervious coverage, mainly through reduction of excess parking or removal of unused concrete areas, that would eliminate the variance. Otherwise the applicant should address mitigation of the increase sought in order to reduce potential negative criteria concerns.

Site Plan Considerations

1. §525, Table 5.10 requires a minimum buffer of 25' between professional office uses and single family uses. In consideration of the existing 6' solid fence, the buffer may be reduced to 20', and the minimum required plant types per 100 lineal feet may be reduced by 20%. We note the solid fencing is only present in certain areas of the site, and the 25' buffer is required in these areas adjacent to residential uses. The site plan should be revised to indicate the required buffers, and plantings should conform to the requirements specified. For areas where the buffer can be reduced due to solid fencing, the buffer must include 4 large or medium trees, 7 small or ornamental trees, 12 evergreens and conifers and 24 shrubs per 100 lineal feet. Existing vegetation within the required buffer area can be counted towards these requirements. The plan should be revised to demonstrate compliance or a waiver requested.
2. As noted in the engineering review, the 6' wood fence that was installed along Route 206 and Province Line Road is within the right of way of both roadways and will have to be relocated. In addition, the ordinance limits fences within the front yard to 4' where 6' exists (§429.G.4). If a variance was not previously granted, it should be considered as part of this application.
3. The site plan indicates the existing sign at the corner of Route 206 and Province Line Road is to remain and be updated with the new owner information. As noted in the engineering review, this sign is within the right of way and will have to be removed. We note two additional signs are proposed at the driveway locations, although we question their efficacy given the solid fence that is proposed to remain.
4. Sight easements should be established at the driveway locations and fencing should be arranged so as not to obstruct safe view for drivers exiting the site.
5. Table 5.16 requires 1 parking space per 1,000 square feet of floor area for dental offices. With 2,942 square feet of office area proposed, 15 spaces are required whereas the applicant proposes 17 spaces, including one handicapped-accessible stall. Given the impervious coverage variance sought, a reduction to 15 spaces should be considered or other impervious areas should be removed.
6. The applicant should provide a lighting plan in accordance with the requirements outlined in §527. As the existing fixtures are proposed to remain, light levels should be assessed for compliance with the ordinance to ensure there is no adverse impact to adjacent residential uses. There is not enough information provided to determine compliance at this time.
7. The applicant proposes a total of 4 signs, three freestanding signs each 10 square feet in area and one façade sign above the patient entrance on the north side of the building. In accordance with §535.U.3, commercial uses in the EP-1 District are permitted one freestanding sign not to exceed 10 square feet in area or 4' in height and one directory sign

attached to the façade of the building. Design waivers are required to permit the two additional freestanding signs and the proposed façade sign.

8. §538.B requires trash enclosures to be separated from parking spaces and obscured from view of parking areas, streets and adjacent residential uses by a fence, wall, planting or combination of the three. Given the location of the trash enclosure adjacent to parking stalls, a waiver is required.
9. A trash enclosure consisting of board-on-board fence and gate is proposed. We note §538.C requires exterior solid waste enclosures to be constructed of masonry compatible with the architectural materials of the building. A waiver is therefore required.

Consideration of Waivers

As part of its application for site plan approval, the applicant requires design waivers related to buffering, signage and the trash enclosure. In consideration of the required design waivers, the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-51b permits the Land Use Board to “....*grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.*” The Court, in Garofalo v. Burlington Tp., 212 N.J. Super. 458 (Law Div. 1985) noted a waiver is simply an acknowledgement the proposal is satisfactory relative to the site plan requirements. Waivers must be considered reasonable under the facts. The applicant should provide appropriate testimony to support the design waivers.

We trust the Board will find this information useful in consideration of the matter at hand. We will attend the hearing on July 21st and reserve the right to provide additional comment based on the applicant’s presentation. Should you wish to discuss this review memo, please feel free to contact me via e-mail (jkyle@kylemcmannus.com) or phone at 609-529-8692.

Sincerely,



James T. Kyle, PP/AICP, Board Planner

attachment

Cc: Brenda Kraemer, PE (via e-mail)
Ed Schmierer, Esq., Board Attorney (via e-mail)



SURINDER S. ARORA, PE
President

ARORA and ASSOCIATES, P.C.

Consulting Engineers

Princeton Pike Corporate Center
1200 Lenox Drive, Suite 200, Lawrenceville, NJ 08648
(609) 844-1111 • Fax (609) 844-9799

MEMORANDUM

DATE: June 30, 2021

TO: Lawrence Township Planning Board and Zoning Board of Adjustment

FROM: Jeffrey A. L'Amoreaux, P.E. *JAL*
Traffic Consultant

SUBJECT: Use and Bulk Variance Application No. ZB-2/21
Major Site Plan - Preliminary & Final Approval Application No. SP-1/21
Dr. Radwa Saad, DMD (Premier Dental Arts), 3640 Lawrence Road
Tax Map Page 67.02, Block 6701, Lot 1
Planning Board Memorandum #1
Lawrence Township, Mercer County, New Jersey

We are in receipt of the following information for review pertaining to the submission of a Bulk and Use Variance Application and a Preliminary and Final Site Plan Approval for a proposed dental practice to be located along U.S. Route 206 (Lawrence Road):

- One Transmittal Letter from Susan Snook, Administrative Secretary dated May 20, 2021, for reports due no later than Wednesday June 30, 2021
- One bound Township of Lawrence, Mercer County, NJ, Department of Community Development, Land Use Application Master Checklist filled out, undated, including Forms C-1, G-1 & U-1 and Supplement to Application
- One bound Township of Lawrence, Department of Community Development, Use Variance Form and Bulk Variance Form (Forms U-1 & B-2) with attached Fact Witness List prepared by the Law Office of Carl M. Ippolito, and Monument Sign Details, undated
- One Township of Lawrence, Department of Community Development, Bulk Variance (Parcel) Form (Form B-1) noting "Environmental Protection 1 (EP-1 District)", undated
- One bound Lawrence Township, Land Use Ordinance Checklist, from §800-814 filled out, undated
- One bound Request for NJDOT "Letter of No Interest" sent to Elaine Schwartz, Major Access Permits, NJDOT, prepared by Stonefield Engineering and Design, LLC dated March 25, 2021
- One bound set of Preliminary and Final Site Plans for Smiles Real Estate, LLC (5 sheets), prepared by MEH Consulting Engineers, Inc. dated May 4, 2021
- One bound set of Architectural Plans for Premier Dental Arts (6 sheets) prepared by The Lion & Crown Architecture & Design dated April 4, 2021

From the existing and proposed building plans and supporting documentation, the following are apparent. The proposed dental office is located on a property designated as Block 6701, Lot 1 on the Township of Lawrence Tax Map. It is in the south(west) quadrant of the intersection of US Route 206 (Lawrence Road, or Trenton-Princeton Road) and Province Line Road at Milepost 51.29 along the northbound side. Existing access to the subject property is provided via one (1) full-movement gated

Use & Bulk Variance Application No. ZB-2/21
Preliminary and Final Site Plan Application SP-1/21
Dr. Radwa Saad, DMD (Premier Dental Arts)
Planning Board Memorandum #1
Township of Lawrence, Mercer County, New Jersey
June 30, 2021
Page 2 of 3

driveway along U.S. Route 206 and one (1) full-movement gated driveway along Province Line Road. The U.S. Route 206 driveway is typically open and the Province Line Road driveway is usually shut.

The existing property is occupied by a Single-Family Detached Dwelling per §401.B.3 with “Accessory Use” being Home Occupation (existing Medical Practice office) per §401.C.9. The plans show that the ground floor of the existing building was the home with the medical practice/office in the basement (634 SF of Office and Home Business combined space, with the remainder of the 1,178 total square foot basement being separate laundry/storage and mechanical/furnace rooms). The new use is a ten-chair dental practice. The existing or former occupant is or was a chiropractic office.

We offer the following comments.

Preliminary and Final Major Site Plans

1. The Sign Details on Sheet Y-3 of 5 require corrections. The Van Accessible Plaque is R7-8P per the MUTCD, it is not shown. Specifications call for be 18” wide by 9” tall per MUTCD standard. The New Jersey penalty plate is R(NJ)7-8A, not R7-8P. It should be shown to be 10” wide by 12” tall. The R7-8 Reserved Parking Sign should be shown to be 12” wide by 18” tall. Please show them proportionately to scale with each other. The two shown appear to be correctly proportioned. The Van Accessible Plaque goes between them.
2. We do not understand the justification for prohibiting left turns exiting the existing full-access driveway onto U.S. Route 206.
3. Will the gate to the Province Line Road access be opened at some point? The applicant is requested to clarify.
4. What are the “Metal Container” and concrete pad “Out Building” adjacent to the Province Line Road gated driveway, and will they remain? The applicant is requested to clarify.

Parking and Trip Generation Analysis

5. Stonefield prepared a “Request for Letter of No Interest” from NJDOT in which they presented a 3,000 SF “existing medical practice” (the true existing “office and home business” space being a 634 SF total for single-patient chiropractic exam room and office) compared to the proposed 3,000 SF 10-chair proposed dental practice and therefore had a finding of “no change” in existing versus proposed trip generation evaluation. We note that the expected change will be less than the 100 VPH increase that would concern NJDOT.

The EP-1 Zoning Code

6. The Home Occupation in the EP-1 Zoning Code limited the usable space to 450 SF of floor area in §429.I.2 and limited the staff to “no more than one non-resident” in §429.I.1. There was a further limitation to “Not more than five parking spaces per property, including required residential parking” in §429.I.8 and “No more than two clients, customers, patients or patrons shall be

ARORA and ASSOCIATES, P.C.
Consulting Engineers

Use & Bulk Variance Application No. ZB-2/21
Preliminary and Final Site Plan Application SP-1/21
Dr. Radwa Saad, DMD (Premier Dental Arts)
Planning Board Memorandum #1
Township of Lawrence, Mercer County, New Jersey
June 30, 2021
Page 3 of 3

permitted at any given time on the premises for business or commercial purposes per §429.I.9.
These aspects of the existing conditions may change with the new proposed use. Clarification is
requested from the applicant.

This completes our comments at this time. Additional comments may be provided as this project moves
forward.

Cc: James Parvesse, P.E.
Brenda Kraemer, P.E.
Susan Snook

TOWNSHIP OF LAWRENCE

P.O. Box 6006
Lawrenceville, New Jersey 08648

Department of Community Development
609-844-7087

Lawrence Township Shade Tree Advisory Committee

REPORT, "3640 Trenton-Princeton Road Lawrence Twp., Premier Dental Arts" [Lawrence Twp., Rt 206] Lot 1, Block 6701 6/28/2021

Committee members David Bosted (chair), Ed Sproles, Pam Mount and Ed Brzoza contributed to this report.

- **We oppose this proposal. Granting this variance will have a deleterious effect on the trees on this property and in this entire neighborhood zone.**
- This proposal constitutes a major proposed zoning change that should only be made as part of a new zoning master plan or master plan revision. It is "**spot zoning**" that fails to conform to generally accepted zoning practices. When the zoning is changed for one commercial use, another unacceptable commercial use can be placed here.
- **Allowing and encouraging intrusion of high-intensity commercial use into this residential zone will inevitably result in tree removal to accommodate intensified automobile access.** The applicant is not candid about the expansion of asphalt areas needed to accommodate the sheer volume of cars for dental office staff and customers. Parking area(s) would need to be much larger than shown on the plans. Expansion of parking areas typically requires tree removal, which is not delineated on these plans. Also not shown is how the existing well and septic system can accommodate a 10 room dental operation. Expansion of the well and septic system will also require tree removal (but is not shown or explained).
- **The proposed plantings are shrubs and are insignificant** compared to the scale of the proposed re-development.
- The **two driveways** may not be approvable by NJ DOT because they are unacceptably close to an important intersection on a State highway. A different driveway configuration would likely require tree removal.
- The 2000-2002 long-term agreement of Lawrence Twp. with Princeton to **preserve the historic King's Highway from commercial development** would be violated by this proposal. Proposals that would result in further loss of tree canopy would have a deleterious effect on the Township. **Therefore STAC recommends denial of this proposal for a major zoning change.** --Respectfully submitted, David Bosted, STAC Chair

LAWRENCE TOWNSHIP HEALTH DEPARTMENT

2207 Lawrenceville Road - Box 6006 - Lawrenceville, New Jersey 08648

Telephone: (609) 844-7089

Date: June 4, 2021

To: Brenda Kraemer, Assistant Municipal Engineer

From: Keith Levine, Health Officer

REVIEW FOR:

<input type="checkbox"/>	Building Permit	<input type="checkbox"/>	Food Establishment
<input type="checkbox"/>	Certificate of Occupancy	<input type="checkbox"/>	Sewage Disposal System
<input type="checkbox"/>	Planning Board	<input type="checkbox"/>	Individual Water Supply
<input checked="" type="checkbox"/>	Zoning Board	<input type="checkbox"/>	Commercial Property
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____

PROJECT NAME: Use and Bulk Variance Application No. ZB-2/21

LOCATION: 3640 Lawrenceville Road Lawrenceville, NJ 08648

BLOCK: 6701 LOT # 1 PR# _____

OWNER: David & Leaona Maffei Phone: 609-638-8158

ENGINEER/ARCHITECT: Mohammed El-Hawwatt, PE

ADDRESS: MEH Consulting Engineers, INC. mohammed@mehengineers.com
825 bloomfield Ave., Verona, NJ 07044 PHONE: 973-239-2626

APPROVAL DISAPPROVAL APPROVAL WITH CONDITIONS

COMMENTS:

Please see the attached Health Department memo dated June 4, 2021.

Contact the health department at (609) 844-7089 if there are any questions.

RECEIVED



JUN - 4 2021


Health Officer

ENGINEERING DEPT.

MEMORANDUM
Lawrence Township Health Department

TO: Zoning

FROM: Keith Levine, Health Officer 
John R. Sullivan, REHS 

DATE: June 4, 2021

RE: Health Department Comments regarding
Proposed Use and Bulk Variance Application # SP-1/21 for
3640 Lawrenceville Road, Block 6701, Lot 1

Site Background:

The existing building is approximately 40+ years old, has an on-site septic system and appears to be served by a private well. No septic system design or water service source records are available in the health department file for this site.

Submission Review:

Per the application, the buyer intends to convert the existing dwelling/chiropractic office to a dental office. No details are provided on the plans depicting the site's water source or septic system (location and components).

The existing conditions plan indicates the structure contains 3 bedrooms on the first floor with office space, water tanks, a sump and a toilet in the basement. The Applicant's plans indicate a proposed renovation area of 2,942 Sq. Ft. with a total of 4,453 Sq. Ft. under roof including the basement.

The MEH Consulting Engineers, Inc. report provided with the application proposed the following estimates of daily sanitary flow (Q) for the dentist office as follows:

8 staff + 18 patients per day = 26 staff and patients
At 15 gallons per day (GPD) per person
Yielding a daily follow (Q) of 390 GPD
And/Or 0.125 GPD/Sq. Ft. of building area X 3,000 Sq. Ft. = 375 GPD

The septic regulations require that the higher of the two values be utilized to determine Q. Based upon this, the proposed Q = 390 GPD. The report then indicates that there is a 1,000-gallon structure on site that is sufficient to handle this volume. No other information is provided.

These estimates are generally in accordance with the requirements of NJAC 7:9A-7.4, the Standards for Individual Subsurface Sewage Disposal Systems, used to calculate the daily volume of sanitary waste (Q) generated for commercial properties. However, the report does not provide any information of the location, components or condition of the existing septic system.

No information is provided on the site's water source.

Findings/ Recommendations:

Septic System:

The location and condition of the existing septic system must be investigated and evaluated in accordance with the NJDEP *Technical Guidance for Inspections of Onsite Wastewater Treatment and Disposal Systems* to determine if it is functioning properly with results reported to the Health Department for review.

Component locations shall be provided on the plans.

In order to evaluate/verify the total anticipated daily flow (Q) the Applicant should confirm the maximum number of patients per day is 18. This patient count seems low.

The total building area (4,453 Sq. Ft.) should be utilized to calculate Q. Thus, $0.125 \text{ GPD/Sq. Ft.} \times 4,453 \text{ Sq. Ft.} = 557 \text{ GPD}$.

Once staff and patient counts are confirmed, Q can be recalculated and the higher of the values obtained (people vs. area) be utilized to determine the anticipated daily flow (Q) that the septic system will be required to accommodate.

Water Source:

No information is provided on the site's water source. Details and location of the site's water source shall be provided and added to the plans (private well vs public water).

If the site is served by a private well, details regarding the well, including its location and results of water quality testing, shall be provided.

If the source is a private well, the proposed use would likely require the water system to be re-classified as a Transient Non-Community Water System and would have to meet the requirements thereof.

Township of Lawrence
ENGINEERING DEPARTMENT

TO: Susan McCloskey, Tax Collector
FROM: Susan Snook, Administrative Secretary *SS*
SUBJECT: Verification of Current Tax and Sewer Payment Status
DATE: May 20, 2021

Please update the status of taxes and sewer payments with regard to the following application:

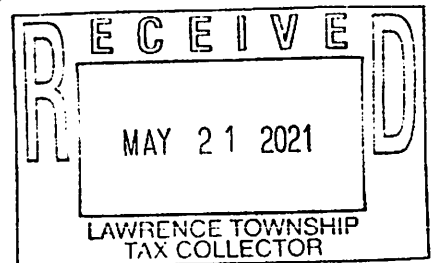
Application No(s): ZB-2/21 & SP-1/21
Application Name: **Dr. Radwa Saad (aka Premier Dental Arts)**
Street Address: 3640 Lawrence Road
Tax Map Page(s): 67.02
Block: 6701
Lot(s): 1

Thank you for your anticipated assistance and response.

SJS
g:\engineering\tax request.doc

*Taxes are current on this
property. there is no*

SEWER.
[Signature]
Tax Collector



Lawrence Township Environmental and Green Advisory Committee

To: Lawrence Township Zoning Board Members
From: Lawrence Township Environmental and Green Advisory Committee
Date: July 6, 2021
Re: Premier Dental Arts
Bulk and Use Variance Application No. ZB-2/21
Preliminary/Final Major Site Plan SP-1/21
3640 Trenton Princeton Rd.
Tax Map Page 67.02, Block 6701, Lots1

In accordance with the legal authority and responsibility of the Lawrence Township Environmental and Green Advisory Committee (EGAC), we have conducted a review of the application materials provided to the Committee by the Township of Lawrence.

SUMMARY

This project is a corner lot, 3.261 acres and within the EP-1 (Environmental Protection-1) Zoning District. The application seeks to convert a home medical office to a professional office, pursuant to section 416-Professional Office (PO). 7 new parking spaces, handicap accessibility, a new dumpster, and conversion of in-ground pool to koi pond are proposed. The home and one exam room is proposed to convert to 10 exam rooms, office, staff and waiting areas.

EP-1 DESIGNATION, HISTORIC DESIGNATION

1. A holistic understanding of the impact a Use Variance will have on the township should be considered. A Use Variance appears to undermine the Purpose and Intent of both the EP-1 Zone and the Land Use Element of the Master Plan. Additionally, a precedent will be set that will continue to affect the landscape.
Land Use Element of the Master Plan, Purpose and Intent: "Q. To discourage small scale office development outside of designated neighborhood commercial areas."
2. This project is within the Kings Highway Historic District, a recent update to the Township Master Plan Historic Element and a registered New Jersey Historical Site, and located near additional historic properties. A Use Variance, as well as the precedent, seems to undercut the environmental characteristic of the designation which connects it to the greater land pattern and public good of the township.

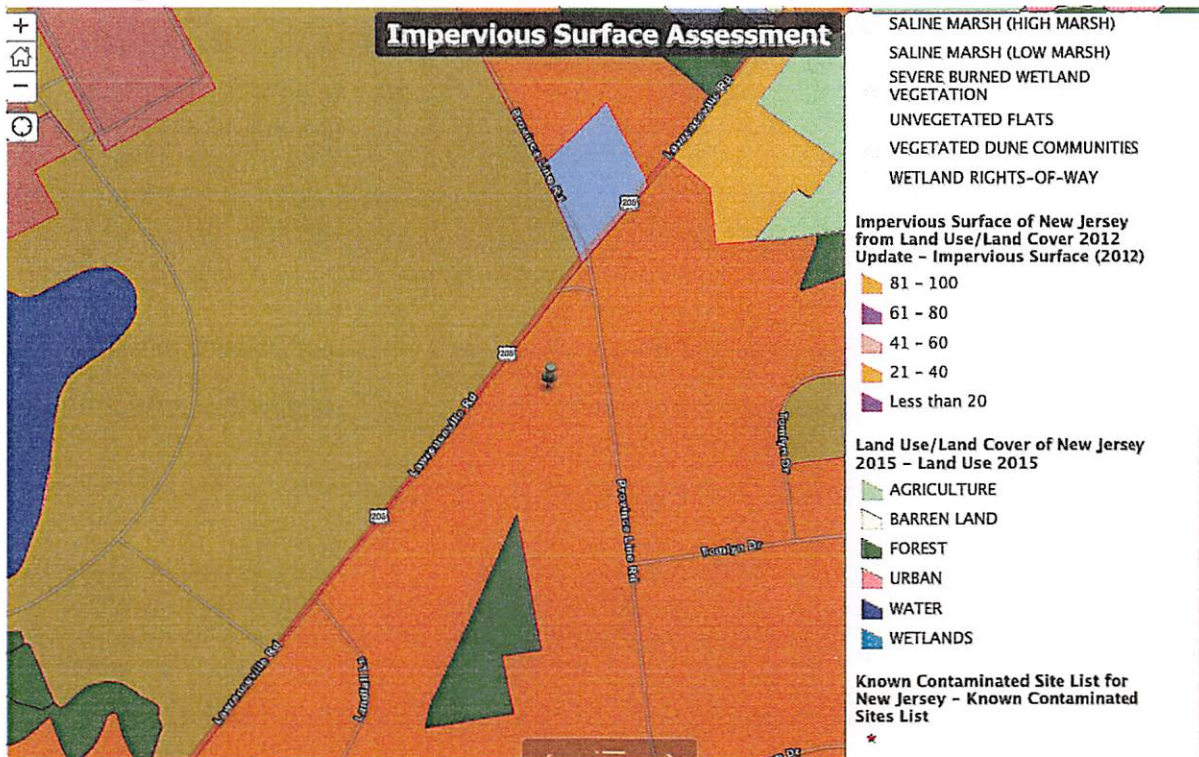
Land Use Element of the Master Plan, Purpose and Intent:

"J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;" and
"X. To preserve and enhance historic buildings, places and landscapes, encourage the maintenance of traditional architectural forms in buildings, and retain rural road characteristics, including but not limited to the following areas:...5. Sites designated on State and National Registers of Historic Places; and 6. Adjacent or nearby sites that by their proximity to listed places influence the nature of historical places."

STORMWATER MANAGEMENT

Land Use Element of the Master Plan, Purpose and Intent: "MM. To provide, to the greatest extent feasible, the natural control of storm water from land development while preserving the existing contours and natural features of the site; restrict development on steep slopes to reduce negative impacts on stream bank stability and to control erosion."

1. The application lists the existing impervious coverage at 11.28%, the permitted impervious coverage as 12%, and the proposed impervious coverage at 12.54%. We suggest keeping within the limits as this appears reasonable.
2. Impervious cover appears to be greater than 20% in the surrounding area (see Map 1 below). Impervious cover over 10% leads to impaired waters. Pervious pavement and rain gardens to capture runoff from the parking lot and roof before it runs down to Province Line Road or the neighboring property appear appropriate; however, the plans do not indicate Well or Septic lines and we are unable to make location suggestions.
3. Proforestation. The property slopes and drains in three directions, including towards neighboring properties. The trees on the property are essential for mitigating stormwater runoff. We recommend a survey of the trees and additional successional planting to ensure stormwater mitigation and canopy to protect the roadway and neighbors.



Map 1: Land Use and Land Cover of application. Feature Layer from NJDEP Bureau of GIS Note forest land use. Kate Schumacher.

WELL AND SEPTIC

1. An improperly designed system as well as impaired drainfields are environmental hazards. As it seems a system designed for a 3 bedroom home in 1957 is unlikely to meet

the design needs of a commercial property and, given its age, the drainfield functionality seems questionable, we therefore recommend a design review as well as stress testing.

TRANSPORTATION

1. Premier Dental Arts can consider taking advantage of the PSE&G financial incentives to support EV charging equipment installations.
[Home - Drive Green - Air Quality, Energy and Sustainability \(AQES\) | Department of Environmental Protection \(nj.gov\)](#)
2. We suggest bike parking.
3. The Trip Generation Table shows no change, however, an increase of one exam room to 10, plus additional staff will have an impact. Increased traffic means additional pollutants. Green Infrastructure to help capture and filter pollutant runoff is recommended.

LANDSCAPING AND EXTERIOR SPACE

Landscaping offers a great opportunity for climate resilient landscaping as well as stormwater management. It is recommended that a *minimum* of 70% of landscaping be done with native species are necessary to preserve biodiversity and provide ecological services such as pollination (per Dr. Tallamy, University of Delaware).


1. The fence appears to be in the road right of way and in disrepair. We recommend a hedgerow made of a variety of native species to replace the fence in order to provide a multitude of environmental services, including but not limited to: soil stabilization; food and shelter for wildlife and pollinators; protection for landscaping from deer (particularly the understory of the back area that supports stormwater mitigation); water conservation; noise reduction; and, wind reduction.
2. Consider meadow planting and no mow areas of the unused lawn to increase biodiversity and grow understory while increasing aesthetic appeal and decreasing routine maintenance costs.
3. Consider replacing proposed annuals along signage with native perennial species. These perennials have the additional benefit of decreasing maintenance costs.
4. Consider natives that attract birds, bats, frogs, and dragonflies on property as above, particularly around the koi pond to naturally mitigate mosquitos.
5. "Compact" Winged Eunonymus are included on the landscaping plan. While this shrub is not invasive, the "Winged Eunonymus" also known as "Burning Bush" is invasive. We recommend substituting this shrub with a native alternative to avoid any confusion and to avoid mainstreaming the appearance of the species.
6. Refer back to the Proforestration comment in Stormwater Management.

LIGHTING

The plans do not clearly show existing and proposed lighting nor typical detail. We recommend fully shielded lighting with low color temperature, only on when necessary, to minimize skyglow, glare and light trespass to protect wildlife. Dark Sky Friendly lighting can be found at [Fixture Seal of Approval | International Dark-Sky Association \(darksky.org\)](#).

Township of Lawrence
ENGINEERING DEPARTMENT

TO: Zoning Board of Adjustment

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Use and Bulk Variance Application No. ZB-2/21
Major Site Plan – Preliminary & Final Approval Application No. SP-1/21
Dr. Radwa Saad, DMD (Premier Dental Arts), 3640 Lawrence Road
Tax Map Page 67.02, Block 6701, Lot 1

DATE: July 13, 2021

Below are the comments from this Historic Preservation Committee regarding the above-referenced project:

On July 12, 2021 at 7:30 p.m., the Historic Preservation Advisory Committee met to review the Use and Bulk Variance Application ZB-2/21 and Major Site Plan - Preliminary & Final Approval Application No. SP-1/21.

This was reviewed with the new inclusion of the King's Highway designation for Route 206 in mind with the understanding that we were reviewing the application with respect to how the modifications affected the aesthetics of the King's Highway.

Our findings, which will be published in the meeting minutes and approved at our next meeting included the following three questions/recommendations:

1. Is the wood fence along the road remaining, being replaced in whole or portions or removed? If replaced, what is the replacement to look like (there were no details included)?
2. Are all plantings in the property to remain?
3. We are recommending/requesting that the dumpster enclosure be placed at the other end of the parking lot. The designated location will easily be seen from the road way and we feel that this does not go with the aesthetic of the King's Highway.

We had no other questions and any other modifications shown were acceptable to the committee.