

Applicant: James J. & Hugh T. McGuire


Appl. No.: 9-1/24

REFERRALS

	Date	Comments	Date	Comments	Additional Reports
	Referred	Dated	Referred	Dated	
a. Municipal Engineer	<u>3/4/24</u>	<u>3/14/24</u>			
b. Professional Planner	<u>3/4/24</u>	<u>4/4/24</u>			
c. Traffic Consultant					
d. Construction Official	<u>3/4/24</u>				
e. Shade Tree Advisory Comm.	<u>3/4/24</u>				
f. Health Officer	<u>3/4/24</u>	<u>3/5/24</u>			
g. Tax Collector	<u>3/4/24</u>	<u>3/5/24</u>			
h. Public Safety	<u>3/4/24</u>	<u>4/4/24</u>			
i. Environ. Res. Committee	<u>3/4/24</u>				
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					
p. PSE&G Co.					
q. Board of Education					
r. Historic Preserv. Comm.					
s. NJDEPE/Wetlands					
t. NJDEPE/Stream Encroach.					
u. _____					
v. _____					
w. _____					
x. _____					
y. _____					
z. _____					

Township of Lawrence
ENGINEERING DEPARTMENT

TO: File

FROM: James Parvesse, Municipal Engineer 

SUBJECT: Minor Subdivision w/ Variance Application No. S-1/24
James G. & Hugh F. McGuire, 351 Lawrenceville Road
Tax Map Page 9, Block 902, Lot 8

DATE: March 14, 2024

General:

The applicant has requested minor subdivision approval to create three lots from existing Block 902, Lot 8. New lots are proposed for two dwellings (one existing residential dwelling at 337 Lawrence Road and one garage building to be converted to residential use) and one lot is proposed for the remaining area. No site construction is planned at this time for the remaining land.

The property abuts Mabel Avenue which does not meet current right-of-way standards. Dedication of right-of-way along the frontages is required. There are several technical engineering items that shall also be addressed in testimony and/or in the new lot deeds.

Detailed Report:

1. There are two existing buildings on Block 902, Lot 8. The subdivision plan shows creation of separate lots for two residential units, and one additional lot for land remaining. Proposed lots 8.01 and 8.02 share a common access driveway from Mabel Avenue. Cross access easements with maintenance responsibilities identified will be required. Separate access onto Mabel Avenue for 337 Lawrence Road (corner property) is discouraged due to the proximity to the intersection.
 2. The right-of-way width of Mabel Avenue does not meet current local road standards. It is approximately 30' wide along the subject property frontage. Dedication is required to provide a half width of 25' per §530.A.4 of the Land Use Ordinance. A deed of dedication will be required. Monumentation is required.
 3. New addresses will be assigned as follows:
 - Lot 8.02 – 20 Mabel Avenue
 - Lot 8.03 – 30 Mabel Avenue
- Lot 8.01 will retain the existing address, 337 Lawrence Road. The new lot deeds and the subdivision plan shall include address information.
4. Prior to any construction on Lot 8.03, a plot plan must be reviewed and approved by the Engineering Department. The plan shall comply with the Plot Plan Checklist, available on the website. Also note that the following additional conditions are applicable and shall be included in the new lot deed:
 - a. Stormwater management will be required for any new construction in accordance with applicable requirements.
 - b. A street opening permit is required to access utilities.
 - c. All new utilities, including electric, shall be installed underground.
 - d. Architectural review will be conducted during the plot plan phase.

5. All property corner markers shall be set and flagged for inspection prior to signing new lot deeds.
6. Availability of service letters are required from Trenton Water Works and Ewing Lawrence Sewerage Authority. The applicant is advised that there is currently a sanitary sewer connection ban and should coordinate any project impacts directly with ELSA.
7. Other permits/approvals:
 - a. New Jersey Department of Transportation (or letter of no interest)
 - b. Mercer County Planning Board

Documents Reviewed:

- Application No. S-1/24 and Supporting Documents
- Minor Subdivision Plans, dated January 22, 2024

JP/jrt

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P.O. Box 236
2 East Broad Street, 2nd Floor
Hopewell, NJ 08525
609-257-6705 (v)
609-374-9939 (f)
info@kylemcmanus.com

To: Lawrence Township Planning Board

From: Elizabeth McManus, PP, AICP, LEED AP *EM*
Brett Harris, PP AICP *BH*

Re: **McGuire Minor Subdivision**
Minor Subdivision Application
Block 902 Lot 8
351 Lawrence Road
R-4 Residential Zoning District

Date: April 4, 2024

1.0 Project Overview

- 1.1** The Applicant is requesting minor subdivision approval to subdivide an existing oversized lot into three conforming lots. Lot 8 is proposed to be subdivided into Lot 8.01, 8.02 and 8.03, with lot areas of 22,673 square feet, 35,228 square feet, and 72,135 square feet, respectively. It appears no improvements are currently proposed.
- 1.2** The site is a corner lot, located at the intersection of Lawrenceville Road, Princeton Pike, Princeton Avenue, and Mabel Avenue. Existing improvements are present on proposed Lot 8.01 and 8.02. The existing improvements on proposed Lot 8.01 include a single-family home, and four perpendicular parking spots. The existing improvements on proposed Lot 8.02 include a detached garage, remains of a shed, and an access driveway. It appears there are no existing improvements on proposed Lot 8.03.

2.0 Site & Surrounding Area

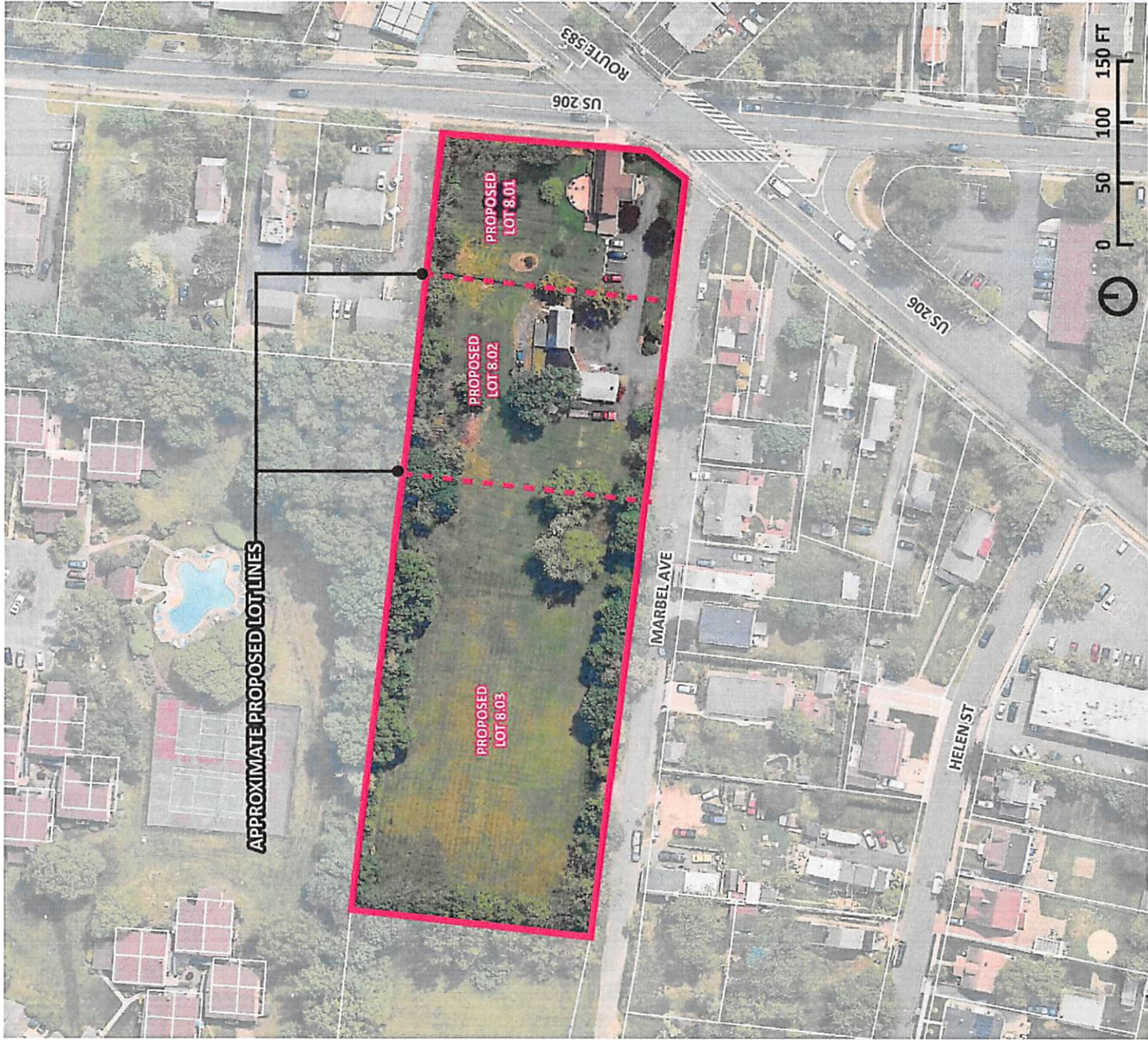
- 2.1** There are various land uses around the site including single family residential neighborhoods to the southwest, multifamily residential neighborhood to the northwest, commercial uses to the southeast, and vacant and open space to the west. The site serves as a transitional point between the commercial uses found along Princeton Avenue and Lawrenceville Road, and the residential neighborhoods along Betts Avenue, Helen Avenue, and Mabel Avenue.
- 2.2** The site is occupied by a single family home, with mature evergreen plantings along the Princeton Avenue and Lawrenceville Road frontages, an accessory building, and remains of a shed. There is a minimal front yard setback, less than 1 foot, between the existing dwelling and Lawrenceville Road. The site is accessed



from Mabel Avenue, which is characterized by a narrow right of way and no curbing or sidewalks.



- 2.3 The adjacent property to the north, is occupied residential uses in the NC-1 District.
- 2.4 Across Princeton Pike, to the east, is a commercial use, an autobody shop in the NC-1 District.
- 2.5 Across Mabel Avenue, to the south are single family residential uses in the R-4 District.
- 2.6 Directly adjacent to the west, is a vacant lot in the R-4 District.



POLICY
PLANNING
DESIGN

MCGUIRE MINOR SUBDIVISION
BLOCK 902 LOT 8
TOWNSHIP OF LAWRENCE MERCER COUNTY NJ

DATA SOURCE: Aerial Imagery, Google Earth 2021; NJGIN Mercer County Parcels 2023



3.0 Variances and Exceptions

- 3.1** The subject site is located within the R-4 Residential 4 Zoning District. The R-4 District permits single family detached dwellings on lots of 7,500 square feet or larger.
- 3.2** The Applicant does not require new bulk variance relief from the R-4 District standards. However, there is one existing nonconforming condition that will remain. Please see the attached "c" variance criteria and the following table for additional detail.

R-4 District Standards (\$407)						
	Required	Existing Lot 8	Proposed Lot 8.01	Proposed Lot 8.02	Proposed Lot 8.03	Variance?
Min. Lot Area	7,500 SF	130,035 SF	22,673 SF	35,228 SF	72,135 SF	No
Min. Lot Frontage	60 feet	834.54 feet	301.2 feet	175 feet	358.34 feet	No
Min. Front Yard (Lawrenceville Road)	30 feet	.7 feet	.7 feet	N/A	N/A	* Yes (Lot 8.01)
Min. Front Yard (Mabel Ave)	30 feet	42.3 feet	42.3 feet	38.3 feet	N/A	No
Min. Side Yard (each)	10 feet	N/A	N/A	10 feet	10 feet	No
Min. Rear Yard	35 feet	133.1 feet	35 feet	35 feet	35 feet	No
Max. Impervious Surface Ratio	.6	.075	.238	< .65	< .65	No
Min. Usable Yard	20%	Not Specified	Not Specified	N/A	N/A	TBD
Neighborhood Context Distance	400 feet	Not Specified	Not Specified	N/A	N/A	TBD
Max. Building Height	35 feet	Not Specified	Not Specified	N/A	N/A	TBD
Accessory Structure Setback	> building height	> building height	> building height	> building height	> building height	No

* Existing non-conforming condition



4.0 Plan Comments

4.1 Testimony should be provided regarding the existing structures on the property and should include the existing and proposed uses. The residential nature of the property should be confirmed, it appears there are several perpendicular parking spaces associated with the existing dwelling and accessory buildings on proposed Lot 8.01 and 8.02. The accessory nature of the existing building on proposed Lot 8.02 should also be discussed.



- 4.2 Testimony should be provided to confirm no site improvements or demolition is proposed. We note for the Board there are remains of an existing shed of proposed Lot 8.02.
- 4.3 The Applicant indicates the maximum impervious coverage permitted is 65%, however the R-4 District standards depict the maximum permitted impervious coverage as 60%, the plans should be corrected.
- 4.4 The total building height of the existing buildings should be depicted.
- 4.5 The schedule of bulk requirements should be updated to include the existing and proposed minimum useable yard, and neighborhood context distance.
- 4.6 We note for the Board there are several existing improvements located in the Lawrenceville Road/US 206 State right of way, including the fence, concrete steps, a bay window, a brick planter, and brick steps.
- 4.7 The Applicant should indicate the intention for vehicle access to proposed Lots 8.01 and 8.02. One driveway from Mabel Avenue, which traverses proposed Lots 8.01 and 8.02, serves the lot. The Applicant

should indicate if a shared driveway will be provided or if three driveways will be provided (one for each lot).



- 4.8 In accordance with §525.C.2, street trees are required every 30 feet. We note for the Board there is existing vegetation along the Mabel Avenue frontage, particularly at the intersection of Mabel and Princeton Avenue and along the proposed Lot 8.02 and 8.03 frontages. The Applicant should indicate if this vegetation is planned for removal. If yes, street trees should be provided.
- 4.9 In §504 of the Township’s Land Use Ordinance, Table 5.1 states one sidewalk or graded area is required for street types with low intensity residential access. Sidewalks generally do not exist in this neighborhood, along Mabel Avenue. A sidewalk exists along Lawrenceville Road/US 206, and a sidewalk along Mabel Avenue is not proposed.





5.0 Land Use Policy

5.1 The Applicant should provide testimony regarding the conformance with the Township’s land use policy as outlined in the 1995 Master Plan, and subsequent reexamination reports, the various Master Plan Elements, and the Township’s Land Use Ordinance. The following land use policies are relevant to the application.

5.2 The Township’s Land Use Ordinance R-4 Zoning District purpose:

“The Residential 4 district is intended primarily for single family detached dwellings on lots of 7,500 square feet or larger.”

5.3 The Township’s 1995 Master Plan goals:

“Preserve and enhance the character of the built environment through the promotion of good design.”

“Encourage new development to be compatible with the style and scale of existing buildings.”

“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.”

“Direct new development and redevelopment to places in relation to their transportation and environmental capacities.”

6.0 Materials Reviewed

6.1 Application and supporting documents.

6.2 Minor Subdivision, consisting of 1 sheet, prepared by Joseph Canada of Van Cleef Engineering, dated January 19, 2024.

7.0 Applicant Team

7.1 Applicant & Owner: James G & Hugh F McGuire 351 Lawrence Road Lawrence NJ 08648 609-577-2264

7.2 Attorney: Michael H Magee Esq. 1 Union Street Suite 208 Robbinsville NJ 08691 609-301-7846

7.3 Engineer: Joseph Canada 1705 Route 37 East Toms River NJ 08753 732-573-0480



C (1) & (2) VARIANCE CONSIDERATIONS

C (1) "HARDSHIP" VARIANCE – POSITIVE CRITERIA

The Board has the power to grant "c(1)" or "hardship" variances to permit relief from zoning regulations where a hardship to conformance exists (N.J.S.A. 40:55D-70c(1)). Proving the existence of the hardship is the so-called "positive criteria".

In order to grant the variance, the Board must find that the strict application of the regulation for which relief has been requested would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property for one or more of the following reasons:

- by reason of exceptional narrowness, shallowness or shape of a specific piece of property,
- or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon,

It should be noted that the finding of the hardship must be for the specific property in question – it must be unique to the area. Note also that a hardship variance cannot be granted by a self-created hardship or personal hardship of the applicant. Additionally, finding of a hardship need not provide inutility – that the property cannot be developed without a variance.

C (2) "FLEXIBLE" VARIANCE – POSITIVE CRITERIA

The Board has the power to grant "c(2)" or "flexible" variances to permit relief from zoning regulations where an alternative proposal results in improved planning, as measured by the two below items (N.J.S.A. 40:55D-70c(2)). Proving the improved planning is the so-called "positive criteria".

- One or more purposes of the Municipal Land Use Law would be advanced by the deviation, and
- the benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment.

It should be noted that the finding of the benefits must be for the specific property in question – it must be unique to the area. The zoning benefits resulting from permitting the deviation(s) must be for the community and not merely for the private purposes of the owner. Benefits resulting the deviation(s) are not restricted to those directly obtained from permitting the deviation(s) at issue; permitting the deviation(s) can be considered in light of benefits resulting from the entire development proposed.



The following provides the purposes of the Municipal Land Use Law. Note that the Board should only consider those purposes of zoning that are relevant to the particular property and implicated by the variance relief sought.

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the 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 result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the 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 resources;
- o. To promote the maximum practicable 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 complement municipal recycling programs;



- p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites; and
- q. To ensure that the development of individual municipalities does not unnecessarily encroach upon military facilities or negatively impact the operation of military facilities, and to those ends, to encourage municipalities to collaborate with military facility commanders in planning and implementing appropriate land use controls, thereby improving the vitality of military facilities and protecting against their loss through the Base Realignment and Closure process or mission loss.

(C) 1 AND 2 VARIANCE – NEGATIVE CRITERIA

In addition to the positive criteria, the Board must also find that the requested relief meets both components of “negative criteria”.

1. The proposal will not create a “substantial detriment to the public good”; and
2. The proposal will not create a “substantial detriment to the zone plan and zoning ordinance”.

Note that the criteria are not “no detriment”, instead use of the term “substantial” indicates that the detriment must be significant. However, it should also be weighed against the benefit to the public good that is identified in the positive criteria. Essentially, the greater the benefits, or in the case of a (c) 1 variance the hardship, of a project, the greater the detriments must be to achieve the quality of being substantial.

LAWRENCE TOWNSHIP HEALTH DEPARTMENT

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

Telephone: (609) 844-7089

Date: March 5, 2024

To: James Parvesse, P.E., Municipal Engineer, Secretary to Planning Board

From: Keith Levine

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 checked="" type="checkbox"/>	Planning Board	<input type="checkbox"/>	Individual Water Supply
<input type="checkbox"/>	Zoning Board	<input type="checkbox"/>	Commercial Property
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____

PROJECT NAME: McGuire Minor Subdivision w/ Variance S1/24

LOCATION: 351 Lawrenceville Rd, Lawrenceville NJ 08648

BLOCK: 902 LOT # 8 PR# NA

OWNER: James & Hugh McGuire Phone: 609-577-2264

ENGINEER/ARCHITECT: Van Cleef Engineering, Joseph Canada, PLS

ADDRESS: 1705 Route 37 East
Toms River, NJ 08753 PHONE: 732-573-0490

APPROVAL DISAPPROVAL APPROVAL WITH CONDITIONS

COMMENTS: For VCE plan dated 1/19/2024, subdivision of Lot 8 into 8.01 - 8.03:
Provide will serve letters from water, sewer and gas service providers as appropriate.

Construction activities shall be in accordance with the Lawrence Township Noise Ordinance and NJDEP
Anti-idling regulations.

RECEIVED

MAR - 6 2024

ENGINEERING DEPT.


John R. Sullivan, REHS

Health Officer

Township of Lawrence
ENGINEERING DEPARTMENT

TO: Susan McCloskey, Tax Collector
FROM: Jennifer Thomas, Account Clerk *JT*
SUBJECT: Verification of Current Tax and Sewer Payment Status
DATE: March 5, 2024

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

Application No(s): S-1/24
Application Name: **James G. & Hugh F. McGuire**
Street Address: 351 Lawrenceville Road
Tax Map Page(s): 9
Block: 902
Lot(s): 8

Thank you for your anticipated assistance and response.

JRT
g:\engineering\tax request.doc



all property taxes and sewer
taxes are paid up to date as of
3/5/24.

Thank you,

Sahana S. Uman
Asst. Tax Collector

RECEIVED

MAR - 6 2024

ENGINEERING DEPT.

LAWRENCE TOWNSHIP TAX COLLECTOR
P.O. Box 6006
2207 Lawrence Road
Lawrenceville, NJ 08648
(609) 844-7041

RECEIVED
FARMHOUSE TAX COLLECTOR

DATE: 10/10/2008

AMOUNT: \$100.00

NAME: JOHN DOE

ADDRESS: 123 MAIN ST

REMARKS: TAX FOR 2008

PAID BY: CASH

RECEIVED BY: J. SMITH

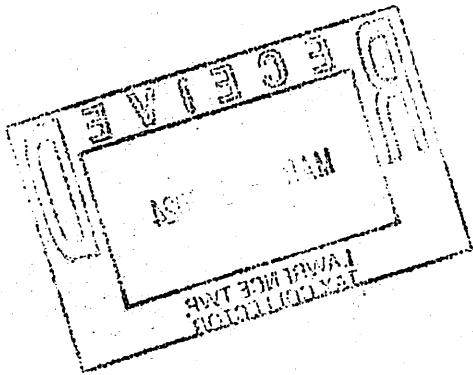
OFFICE: FARMHOUSE TAX COLLECTOR

PHONE: 555-1234

EMAIL: info@farmhouse.com

WEBSITE: www.farmhouse.com

NOTE: ALL INFORMATION IS SUBJECT TO VERIFICATION



Handwritten notes: "I'll be right there with you" and "Thank you for your payment"

Handwritten signature: "John Doe"

Handwritten note: "Thank you"

Handwritten notes: "I'll be right there" and "Thank you for your payment"

Handwritten note: "10/10/2008"

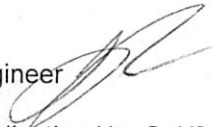
Handwritten note: "10"

RECEIVED
FARMHOUSE TAX COLLECTOR
10/10/2008

DATE: 10/10/2008

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: Brenda Kraemer, Assistant Municipal Engineer
Elizabeth McManus, Planning Consultant
Edwin W. Schmierer, Planning Board Attorney
James DeForte, Construction Official
✓ Edward Tencza, Public Safety Coordinating Committee
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer

FROM: James F. Parvesse, Municipal Engineer 

SUBJECT: Minor Subdivision w/ Variance Application No. S-1/24
James G. & Hugh F. McGuire, 351 Lawrenceville Road
Tax Map Page 9, Block 902, Lot 8

DATE: March 4, 2024

Attached are the documents listed below with regard to the referenced site plan application:


- Application No. S-1/24 and Supporting Documents
- Site Plans, dated January 19, 2024

This application is scheduled for review by the Planning Board at the meeting to be held Monday, April, 15, 2024. Please review these documents and submit your report to this office as soon as possible, but **no later than April 5, 2024**, so that reports may be provided to the applicant and Board members prior to the meeting.

JRT

M:\Planning Board\Applications\James & Hugh McGuire S-1.24\Distribution Letter.doc

Attachments

4/4/2024
No Comment on Issues with Subdivision
 *fm*

