

Applicant Mitchell Brown
Circle Management, Inc


Appl. No. ZB-9/20 + SP-11/20

REFERRALS

	Date	Comments	Date	Comments	Additional Reports
	Referred	Dated	Referred	Dated	
a. Municipal Engineer	1/22/21	1/28/21	6/25/21	7/12/21	
b. Professional Planner	1/22/21	3/30/21	"	8/18/21	
c. Traffic Consultant					
d. Construction Official	1/22/21		"	7/1/21	
e. Shade Tree Advisory Comm.	1/22/21	3/20/21	"	7/2/21	
f. Health Officer	1/22/21	2/14/21	"	4/7/21	
g. Tax Collector	11/24/20	11/25/20	"		
h. Public Safety	1/22/21		"	8/10/21	
i. Environ. Res. Committee	1/22/21		"		
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					
p. PSE&G Co.					
q. Board of Education					
r. Historic Preserv. Comm.					
s. NJDEPE/Wetlands					
t. NJDEPE/Stream Encroach.					
u. <u>Greg Whitehead</u>	1/22/21		4/28/21		
v. _____					
w. _____					
x. _____					
y. _____					
z. _____					

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Use and Bulk Variance Application No. ZB-9/20
Major Site Plan – Preliminary & Final Approval Application No. SP-11/20
Mitch Brown, Circle Management, Inc., 1652 Princeton Avenue
Tax Map Page 1, Block 103, Lots 66, 67 and 68

DATE: July 12, 2021

General:

The applicant has requested approval to construct a two-story building at the corner of Pine Street and Princeton Avenue. The first floor will contain 1,215 sf of commercial space; the second floor will contain one (1) 3-bedroom apartment. Parking will be provided behind the building with access from Pine Street. The property is currently vacant land, with a small gravel parking area.

The plan has been revised to address many staff and consultant concerns regarding site intensity and over-development noted during an initial review. The current plan provides a reasonable development of the property. Although a Floor Area Ratio variance is still required, the extent has been greatly reduced.

Detailed Report:

1.00 Site Layout

- 1.01 The two-story mixed use building will face Princeton Avenue. Access to commercial space and the residential units will be via the new parking lot behind the building. A total of nine (9) parking spaces has been provided for residents and customers which meets §530 of the Lawrence Township Land Use Ordinance.
- 1.02 Testimony shall be provided regarding the floor area ratio variance. We will defer to the Planning Consultant.
- 1.03 An alternate location for the bicycle rack shall be explored. The area between the two (2) building walkways appears feasible.
- 1.04 The applicant shall provide testimony regarding the proposed commercial uses. It appears that there will be only one tenant. A loading area has not been provided due to the scale of the project. The types of delivery vehicles anticipated shall be discussed in testimony.

2.00 Engineering

- 2.01 The applicant has provided a drainage statement which indicates that stormwater runoff will not increase by more than 1 cfs in the 100-year storm. In addition, site drainage will be directed to the Mercer County storm sewer system in Princeton Avenue. With the current design, no additional measures are required.
- 2.02 A masonry trash enclosure is required. The applicant has provided a fence and requested a design exception. We will defer to the Planning Consultant for review.

Mitch Brown Circle Management, Inc. – Appl. Nos. ZB-9/20 & SP-11/20

2.03 Street trees are recommended along Princeton Avenue.

2.04 Other permits / approvals:

- a. Mercer County Planning Board
- b. Ewing-Lawrence Sewerage Authority
- c. Trenton Water Works
- d. Public Safety
- e. Lawrence Township Soil Disturbance (prior to construction)

BK/sjs

g:\engineering\mitch brown circle management\review.doc

Documents Reviewed:

- Application Nos. ZB-9/20 & SP-11/20
- Drainage Statement, dated July 2020
- Letter from Van Cleef Engineering, dated June 25, 2021
- Cover Sheet, Sheet 1 of 11, revision dated May 24, 2021
- Aerial Map, Sheet 2 of 11, revision dated May 24, 2021
- Demolition Plan, Sheet 3 of 11, revision dated May 24, 2021
- Site Plan, Sheet 4 of 11, revision dated May 24, 2021
- Grading & Utility Plan, Sheet 5 of 11, revision dated May 24, 2021
- Landscaping Plan, Sheet 6 of 11, revision dated May 24, 2021
- Lighting Plan, Sheet 7 of 11, revision dated May 24, 2021
- Traffic Control Plan, Sheet 8 of 11, revision dated May 24, 2021
- Construction Details, Sheets 9, 10, 11 of 11, revision dated May 24, 2021
- Elevations, Sheet 1 of 2, dated June 15, 2021
- Floor Plans, sheet 2 of 2, dated June 15, 2021



MEMORANDUM

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

100 Barrack Street
Trenton NJ 08608
clarkecatonhintz.com
Tel: 609 883 8383
Fax: 609 883 4044

To: The Lawrence Township Zoning Board of Adjustment

From: Brian Slaugh, PP, AICP
Donna Miller, PP, AICP, CFM

Re: **Mitch Brown - Circle Management, Inc.**
Floor Area Ratio and Bulk Variances
Preliminary and Final Major Site Plan
Block 103, Lots 66, 67, and 68
1652 Princeton Avenue
Neighborhood Center 1 (NC-1) District
Application No. ZB-9/20

Date: August 18, 2021

1.0 **Materials Reviewed**

The following materials were reviewed in the preparation of this report:

- *Application Form*, dated November 16, 2020, and additional supporting documents.
- *Preliminary and Final Major Site Plan*, prepared by James A. Bash, PE, Van Cleef Engineering Associates, dated January 4, 2021 and last revised May 24, 2021, consisting of 11 sheets.
- *Architectural Plans/Elevations*, prepared by Brad Valerius, RA, of Anchored Architects, LLC, dated June 15, 2021, consisting of 2 sheets.
- *Drainage Statement* for 1602 Princeton Avenue, prepared by James Bash, PE, Van Cleef Engineering Associates, dated July 2020.

2.0 **Application Description**

2.1 Applicant's Proposal. The applicant proposes to construct a two-story mixed-use building on an existing vacant lot at the corner of Princeton Avenue and Pine Street. The new building would contain 2,430 sf. of commercial space on the ground floor and a three-bedroom apartment on the second floor. A nine space parking lot would also be constructed with a driveway on Pine Street.

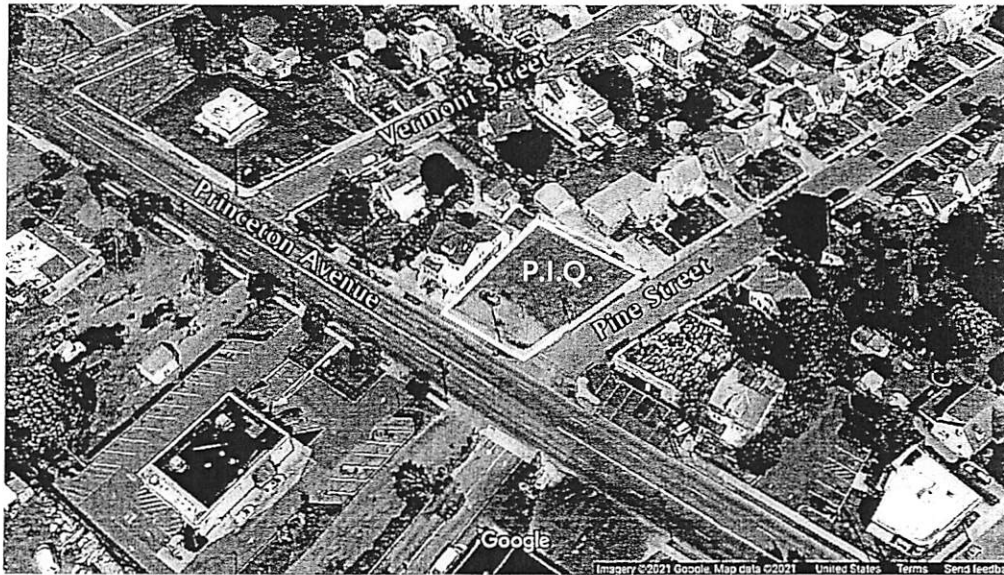
2.2 Existing Conditions. The property is a corner lot, containing approximately 7,000 sf. of area. It is located at the northeast corner of Princeton Avenue and Pine Street. There is an existing two-family dwelling on the adjoining property to the

John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP
Michael Hanrahan, AIA
Mary Beth Lonergan, AICP



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north and a single-family dwelling adjoins to the east. To the east is a single- and two-family neighborhood which is developed with older, homes and is zoned R-5. Across Princeton Avenue to the west are a Dunkin Donuts and a car wash. Across Pine Street to the south is a screen printing and embroidery business. There are no existing street trees on either street frontage. All properties fronting on Princeton Avenue are zoned NC-1 Neighborhood Center 1.



Recent Aerial of Subject Property



3.0 Variances and Exceptions

3.1 Floor Area Ratio (FAR) Variance. Pursuant to §413-E.4.b the maximum F.A.R. allowed in the NC-1 district is 0.30. This equals 2,123 sf. of floor area for a property that is 7,078 sf. The proposed building contains 2,430 sf. and thus results in an FAR of 0.34, a difference of approximately 300 sf. A variance is required pursuant to N.J.S.A 40:55D-70.d(4).

3.2 Buffer Width Variance. Pursuant to §525-H, a 15-foot wide landscape buffer is required on the north and east side of the property. The applicant provides a five-foot-wide landscaped buffer along the northerly property line and a ten-foot wide buffer along the easterly property line.

3.3 Minimum Buffer Plantings Exception. The required buffers are to be planted with a mix of deciduous and evergreen trees and shrubs. The total plant density required per §525.H.2 is 55 large or medium trees, 74 small or ornamental trees,

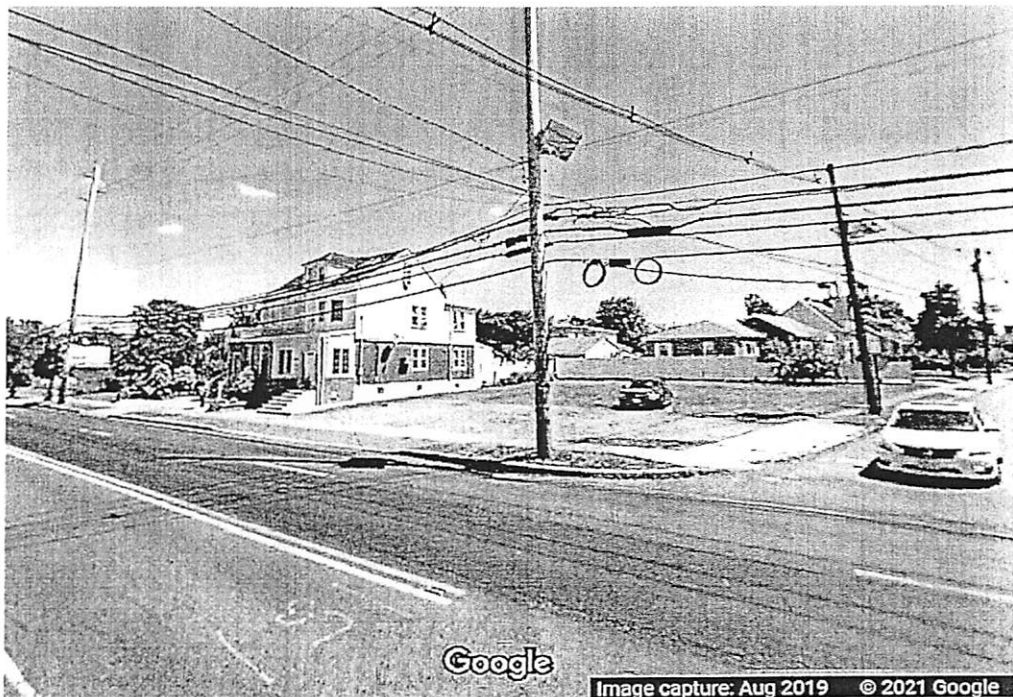


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FLOOR AREA RATIO VARIANCE AND PRELIMINARY AND FINAL MAJOR SITE PLAN

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166 evergreen trees and 371 shrubs along the northerly property line, assuming the 15-foot width required by the LUO. The landscape plan provides 70 evergreen trees within the buffer area, although they are depicted at a smaller size (approximately two feet in diameter) than the minimum size required. Three shade tree are proposed within the easterly buffer but no ornamental trees or shrubs are proposed.

- 3.4 Parking Lot Setback Exceptions. §530.F prohibits parking to be located in the front yard in the NC-1 district and in any required landscaping buffer. The proposed parking lot lies within the front yard along Pine Street and the required landscape buffer along the easterly and northerly property lines.
- 3.5 Minimum Access Drive Length Exception. A minimum length of 25 feet is required for access drives connecting a public street to a parking lot where the applicant proposes 17 feet (§530.I.2).
- 3.6 Off-Street Loading Space Exception. Pursuant to §530-K.1(a), retail uses of 5,000 sf. or less are required to provide one loading space that is 12' x 35'. No loading space is proposed.



Street View of Subject Property



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- 3.7 Sidewalk Width Exception. Under §533.A.5.d, sidewalks where vehicles overhang are required to be six feet in width. The applicant proposes three feet.
- 3.8 Street Tree Exception. §525-C.1 requires street trees to be installed. No street trees are proposed.
- 3.9 Solid Waste Enclosure Design Exception. All exterior solid waste enclosures shall be constructed of masonry compatible with the architectural materials of the building (§538.C). The proposed building has a stucco and stone finish. The detail for the solid waste enclosure specifies “rustic cedar siding”.
- 4.0 **Variance Comments**
- 4.1 D(4) Floor Area Ratio (FAR) Variance. FAR is a tool to limit the intensity of use by controlling mass and scale of buildings. When considering a variance for excessive FAR, the applicant is required to satisfy a lower threshold of special reasons than for a use variance, however any application must ensure that the degree of the proposed deviation will still satisfy the negative criteria.
- 4.1.1 Positive Criteria. Under the Coventry¹ standard, the applicant need not show that the site is particularly suited for more intensive development, but rather, that the site will accommodate the problems associated with a larger floor area than permitted by the ordinance.
- 4.1.2 Negative Criteria. As always, the granting of the variance must be able to be accomplished without resulting in substantial detriment to the public good, and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. As the Court clearly explained in Price², an applicant might establish that it meets the negative criteria for a variance by the relating the amount of the increase over the limit to the allowed size. If it is “a minimal increase” in contrast to, say, a tripling of the standard, that maybe itself be adequate to demonstrate that the higher level of intensity did not arise to a substantial negative impact. Here the increase is 12.34% greater than permitted by ordinance, by in absolute terms, only 300 sf. larger than the ordinance would otherwise permit. The building was originally proposed to be 3,200 sf., so the size proposed in this revised site plan of 2,430 sf., is a reduction of 770 sf. and appears to be in response to our prior review. The floor area of the lower retail floor appears to be the decisive factor in the need for the variance where a certain minimum size is necessary to adequately handle modern retail

¹ - *Coventry Square v. Westwood Zoning Bd. of Adjustment*, 138 N.J. 285 (1994)

² - *Price v. Strategic Capital*, 404 N.J. Super. 295, 302-303 (App. Div. 2008)



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functions of inventory, display, cash management, office functions and required code requirements for barrier free accessibility. This application actually demonstrates the difficulty in recreating the concept of the apartment above the store that permeated much of the state's retail development between the World Wars but that has an attractive human-scaled element that is missing from much of post-World War II retail development. See purpose of the zone in Comment 4.2.

- 4.2 Master Plan and Zoning Purpose. The purpose of the NC-1 District is to foster redevelopment of older neighborhood commercial areas into mixed uses combining small scale commercial and residential buildings that create a more human-oriented urban character. Buildings are intended to be closely focused to the street with storefronts designed for pedestrian viewing and to be of two or two-and-a-half story construction. Parking is intended to be placed to the rear of the buildings but well screened from more purely residential areas. The NC-1 district is intended for more limited personal service uses in contrast to the NC-2 and allows development on smaller lots. Residential uses are encouraged, particularly as apartments on higher floors (§413). This design is intended to foster such an arrangement on the site.

5.0 Site Plan

- 5.1 Overall Comment. The applicant's proposal requires an increase from the FAR standard and quite a few buffer and parking design exceptions, though these are improved from the original submission (which was not sent to the Board). The proposed building is located at the street line, with a direct visual connection to Princeton Avenue. While there are no entrances on Princeton Avenue, the main entrance on Pine Street however, provides a location close to the corner and the parking. The design of the building lends itself more to a retail service than retail sales and is more oriented to the residential neighborhood than the passing traffic on Princeton Avenue. Either arrangement serves to promote the purposes of the zoning district.

- 5.2 Off-street Parking Requirement. The proposed development requires eight off-street parking spaces; two for the residential use and six for the commercial use, per §504.N.5, which replicates the Residential Site Improvement Standards for the residential component of the development. The applicant proposes nine off-street parking spaces, including a van accessible space, in a new paved parking lot at the rear of the proposed building. This is a logical layout of the parking lot and meets the standard of hiding the parking behind the building from the principal street on which the lot fronts. Placing the barrier free space's loading zone along the street line aids in keeping parking spaces away from the travel lanes in the



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- street and make up for the shortened access driveway length that it cannot not technically meet. We do question whether the curblin should be placed behind the trash enclosure rather than in front of it and just have the dumpster(s)/recycling as well as the bicycle rack sit on pads rather than be part of the parking lot. It would allow for more landscape screening of the dumpster enclosure on the east side. See also, our comment in 6.4.
- 5.3 Bicycle Rack. A bicycle rack has been provided on site but it is located at the rear of the refuse container. This is not an optimal location for residents or customers. The bicycle rack should be relocated to the other side of the enclosure, or in between the two service doors at the rear of the site.
- 6.0 **Landscaping, Lighting and Signs**
- 6.1 Site Lighting. The site plan indicates both building mounted and pole mounted exterior lighting for the site. All fixtures are noted to have a color temperature of 3,000°K, however the photometric diagram does not accurately reflect the light patterns of the proposed fixtures. The site plan indicates that a house-side shield will be placed on the pole mounted lights; however, the isolux diagram shows that up to a foot-candle of illumination extends onto the adjoining residential property to the east. We would prefer that it be limited to no more than 0.25 foot-candle. Similarly, the building mounted fixture does not accurately display its lighting effects as represented by the isolux diagram. There does not appear to be any lighting provided at the entrance to the apartment. No cut sheets of the building mounted fixture have been provided. A revised photometric diagram should be provided that correctly reflects the light distribution from shielded fixtures, reduces light spillage on adjoining properties and provides minimum illumination at all building entrances in accordance with §527.
- 6.2 Buffer Plantings. The buffer area has been designed with “arborvitae” and “Leyland cypress 5’-6’ ht.” to be planted three feet apart. This not a standard typical for this size and type of trees and will result in improper growth and ineffective screening. It appears the applicant is attempting to satisfy the plant density requirement for its landscape buffers, however due to the narrow width of the buffer provided this cannot be achieved in this manner. The buffer area should be designed with Leyland Cypress trees that are 6-7 feet in height at planting and spaced 10 feet apart and where arborvitae are proposed, the same height but spaced 5 feet on center. This planting should be extended along the northerly property boundary as well. The arborvitae will need to be placed where the driveway bump/trash enclosure is located because of the narrowness of the planting strip.



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- 6.3 Planting Notes and Details. The planting notes shall be revised to include a two-year warranty on all plant material per Township requirement.
- 6.4 Refuse. The site plan provides for a 6' x 12' trash enclosure in the parking lot. Given the modest size of the building and the uses proposed, this seems an excessive size for both the commercial and residential uses on the property. It may be preferable to have indoor storage and curbside collection of refuse and recycling in exchange for a more robust planted buffer and reduced paving on the north side of the property.
- 6.5 Mechanical Equipment and Utilities. Neither the architectural nor site plans indicate the location of HVAC or other mechanical equipment for the building. If compressors or other components are to be located at ground level they should be indicated on the site plan to ensure compliance with distance and screening requirements. Similarly, the location of exterior electric and gas meters should be noted on the architectural plan. The site plan does show the location of the proposed electric service the Pine Street building entrance, so presumably the meter would also be located on this face of the building. However, from an aesthetic standpoint, the meters would be better located on the rear façade since the 3-foot wide sidewalk will not be used for pedestrian circulation.
- 6.6 Signs. As noted under Section 3, the plans indicate area for signs on the building's Princeton Avenue and Pine Street façades, but no details. The applicant should clarify its intention for providing commercial signage and provide sufficient detail to determine compliance with the ordinance.

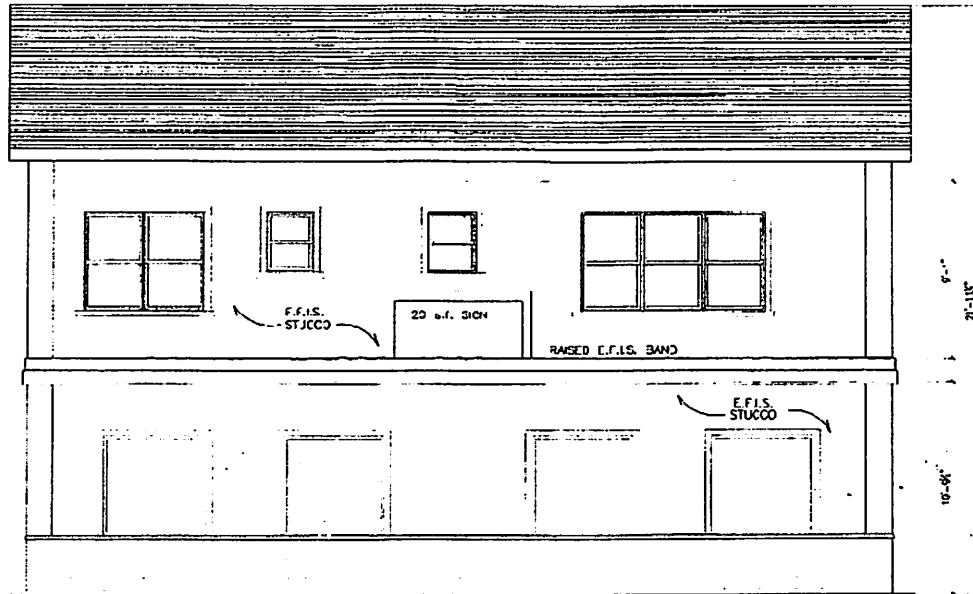
7 Building Comments

- 7.1 Proposed Elevations. The proposed facades of the building reflect a commercial design intent. On Princeton Avenue, which the long side of the building faces, there is a mixture of commercial and residential buildings. The residential buildings are typical of the post-World War I era with brick first stories and porches, with clapboard upper stories. In many instances the porches have been enclosed for more interior space with clapboard or other wooden material and traditionally painted white. The commercial buildings are all one-story excepting those that have been converted from residences and typically have flat roofs with a smattering of gable-roofed structures. Their facades are almost universally stucco and some have a base of masonry. The masonry bases are split face architectural block or stone veneer. Consequently, the proposed exterior materials proposed are consistent with the other commercial building on the Princeton Avenue corridor. Buildings should be compatible with neighboring areas through attention paid in the architectural design process to scale, size,



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Proposed Building Front Façade

style, placement of doors and windows, its form, color, and exterior materials (§536.A.2). Here, the architect has created a base, middle and top to the building, as well as added an accent line to distinguish between the first and second floors. These components are recommended in the Township's commercial building design guidelines, and the gable roof is required for certain commercial buildings under 6,000 sf. in area. Consequently in our view, the exterior building design meets the ordinance standard.

- 7.2 Windows. There should be an attempt to standardize the windows in the façade among the residential and commercial floors. In the elevations that have been presented, two incompatible types are proposed.

We would be pleased to answer any questions concerning this review.

Cc. Brenda Kraemer, PE, PP for distribution

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: Brenda Kraemer, Assistant Municipal Engineer
Brian Slaugh, Planning Consultant
Jeffrey L'Amoreaux, Traffic Consultant
Michael Rodgers, Construction Official
Public Safety Coordinating Committee – ATTN: Edward Tencza
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer
Greg Whitehead, Director of Public Works

FROM: Susan Snook, Administrative Secretary *SS*

SUBJECT: Use and Bulk Variance Application No. ZB-9/20
Major Site Plan – Preliminary & Final Approval Application No. SP-11/20
Mitch Brown, Circle Management, Inc., 1652 Princeton Avenue
Tax Map Page 1, Block 103, Lots 66, 67 and 68

DATE: June 28, 2021

Attached are the following documents with regard to the above-referenced use and bulk variance and major site plan application for relief for maximum floor area ratio:

- Letter from Van Cleef Engineering, dated June 25, 2021
- Cover Sheet, Sheet 1 of 11, revision dated May 24, 2021
- Aerial Map, Sheet 2 of 11, revision dated May 24, 2021
- Demolition Plan, Sheet 3 of 11, revision dated May 24, 2021
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- Elevations, Sheet 1 of 2, dated June 15, 2021
- Floor Plans, sheet 2 of 2, dated June 15, 2021

This application is tentatively scheduled for review by the Zoning Board at the meeting to be held Wednesday, August 18, 2021.

Please review these documents and submit your report to this office as soon as possible, but no later than **Monday, August 9, 2021** so that reports may be provided to the applicant and Board members prior to the meeting.

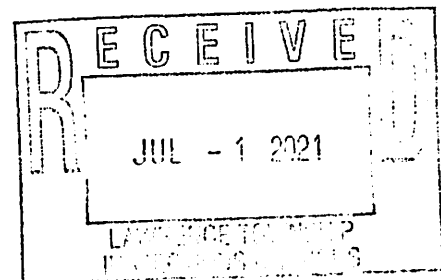
SJS

g:\engineering\mitch brown circle management\doc. Dist. letter #2 (revised plans).doc

Attachments

cc: Edwin Schmierer, Zoning Board Attorney

No Bldg Comments 7/1/21 MR
No Fire Comments 07/01/2021 SA
NO PLUMB Comments 7/15/21 JG
NO ELECTRIC COMMENTS 7/22/2021 [Signature]



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
1652 Princeton Ave, Mitch Brown, Circle Management Company
July 2021

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

- **Mitch Brown, Circle Management Company, 1652 Princeton Ave.** We have reviewed these revised plans and find that the proposed planting scheme is much improved from the original proposal. However, we have these suggestions regarding the revised plan:
- **The side yard now has room near Princeton Ave for two vertical thuja shrubs such as "Green Giant."** This will provide a bit of much-needed green to this section of Princeton Ave.
- **Border plantings.** We suggested planting some **Spring-flowering bulbs** – mixed daffodils, plus snowdrops & crocus -- to supplement the border evergreen shrubs. The border shrubs are shown as being planted very densely, probably more densely than necessary. Leave some space for Spring-blooming bulbs to prosper.
- We suggested in March that **a rear parking space should be replaced with a deciduous tree.** Such a tree can provide summer shade in the parking lot. We still see merit in planting a deciduous tree to replace one parking space in the rear parking lot. Possibly the space closest to the sidewalk would be a good location. Asphalt creates a **heat island** in the already-hot Summer months. Options include Zelkova, Littleleaf linden, Red maple, or Hedge maple.
- On the widened **front sidewalk, plant one or two vertical thuja shrubs to provide additional year-round green** to this too-concrete area of Princeton Ave.

-- Respectfully submitted, David Bosted, STAC Chair

LAWRENCE TOWNSHIP HEALTH DEPARTMENT
2207 Lawrenceville Road - Box 6006 - Lawrenceville, New Jersey 08648
Telephone: (609) 844-7089

Date: July 7, 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: Mitch Brown, Circle Management, Inc

LOCATION: 1652 Princeton Ave

BLOCK: 103 LOT # 66,67 and 68 PR# _____

OWNER: Mitch Brown, Circle Management, Inc Phone: 609-443-4044

ENGINEER/ARCHITECT: _____

ADDRESS: _____ PHONE: _____

APPROVAL DISAPPROVAL APPROVAL WITH CONDITIONS

COMMENTS:


As part of the Health Dept conditions of approval, the applicant agreed to submit a recycling plan to the Township Recycling Coordinator as well as to notify all residential occupants of any associated noise generated by the commercial operations on the first level.

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


Health Officer

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: Brenda Kraemer, Assistant Municipal Engineer
Brian Slauch, Planning Consultant
Jeffrey L'Amoreaux, Traffic Consultant
Michael Rodgers, Construction Official
Public Safety Coordinating Committee – ATTN: Edward Tencza
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer
Greg Whitehead, Director of Public Works

FROM: Susan Snook, Administrative Secretary 

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SJS

g:engineering/mitch brown circle management/doc. Dist. letter #2 (revised plans).doc

Attachments

cc: Edwin Schmierer, Zoning Board Attorney

No Comments

 *8-10-2021*