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June 25, 2021

Brenda Kraemer, P.E.
Lawrence Township Engineering Department
2207 Lawrence Road
Lawrence Township, New Jersey 08648

RE: Mitch Brown, Circle Management, Inc.
1652 Princeton Avenue
Lawrence Township, Mercer County, New Jersey
Block 103, Lots 66, 67, and 68
VCEA File No. 1804LA
Application No. ZB-9/20

Dear Ms. Kraemer:

Enclosed, please find the following items for the above referenced project:

- 15 sets of the revised Preliminary and Final Site Plans
- 15 Sets of revised Architectural Plans
- Flash drive with electronic files of the revised plans

In response to the review letters associated with this project, the plans have been revised to address the comments as described in **bold** font as follows:

Division of planning memo dated 1/28/21

1.0 Site Layout

1.1 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 ten (10) parking spaces has been provided for residents and customers. Per §530 of the Lawrence Township Land Use Ordinance, twelve spaces are required. **To address township comments, the proposed development has been reduced to include 1,215 sf of commercial space and one 3-bedroom apartment. The required parking by ordinance is now nine (9) spaces. Nine (9) on-site parking spaces are proposed with three (3) additional on street parking spaces identified on the site plan.**

The plans state that two on-street spaces will be provided to address the deficit; however, per §530B. of the Lawrence Township Land Use Ordinance all parking is required to be on-site. A variance is required. **A variance is no longer required.**

It should also be noted that parking within 50' of a stop sign is prohibited by State Motor Vehicle law and there will be insufficient distance between the site access and the neighboring residential driveway for parking. Parking is not available on Princeton Avenue. The availability of parking spaces within a reasonable vicinity shall be discussed. **Three (3) locations for on street parking are shown on the revised site plan, though these are not required to meet the parking ordinance**

1.2 In addition to lack of on-site parking, there are several site layout parameters that do not comply

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with Lawrence Township Land Use Ordinance standards:

- a. A floor area ratio variance has been requested (0.30 permitted, 0.46 proposed). **The building size has been reduce and the proposed FAR is now 0.34. A variance is requested for FAR.**
 - b. A building side yard setback has been requested (10' required, 5' proposed). **The side yard setback is proposed to be 11' on the revised site plan. No variance is required.**
 - c. Design exceptions appear to be necessary for lack of residential storage areas and balconies (§531.A.). **A waiver is requested for this requirement.**
 - d. A loading area has not been provided. **A retail use of this size is anticipated to receive small delivers via a UPS/FedEX type service. If a loading area was provided, it is unlikely these delivery methods would utilize a designated delivery zone. As such we request a waiver for this requirement.**
 - e. The buffer areas between the parking lot and the adjacent residential uses are narrow and provide minimal areas for landscaping. Further comment from the Planning Consultant is needed. The combination of the above variances and exceptions indicate the site may be overdeveloped. **The size of the development has been scaled down to address the overdevelopment concern and provide additional buffering.**
- 1.2 The applicant shall address compliance with the Neighborhood Commercial Design Standards (§521). Several design exceptions appear to be required such as sidewalk width for architectural elements, separation between floors, bicycle parking, etc. **Revised architectural plans have been submitted to show compliance with the standards. We have also included bicycle parking in the rear of the building.**
- 1.3 The applicant shall provide testimony regarding the proposed commercial uses. It appears that there will be only one tenant. Note that due to the lack of parking, a convenience store would not be permitted without a parking variance (10 parking spaces are required for a convenience store instead of the eight (8) spaces currently proposed for the commercial portion). **It is anticipated that the commercial space will be limited to one (1) retail store. With the reduced size, a convenience store use combined with the apartment would require 9.39 parking spaces, where 9 spaces are provided onsite with 3 additional on-street parking spaces.**
- 2.0 Engineering
- 2.1 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. **The revised plan proposes less impervious coverage thus reducing the stormwater impact.**
- 2.2 It appears that a flat roof is provided on the building. Solar panels shall be investigated. **A flat roof is no longer proposed per additional comments below. At this time no solar panels are proposed.**
- 2.3 Signage information shall be provided. **At this time, we do not know the first floor tenant. The architectural plan was revised to show conforming signs.**
- 2.4 A masonry trash enclosure is required. **A design waiver is requested from this condition. The revised orientation of the trash enclosure makes the gates the only visible component from the street and the enclosure is screed with 6' tall fencing and plantings to the residential lots.**

- 2.5 Street trees are recommended along Princeton Avenue. ***We feel with the overhead wires that trees are not appropriate here. If a waiver cannot be granted, the plan can be revised to add as a condition of any approval the Board may grant.***
- 2.6 The light fixture quantities in the schedule shall be checked. ***The plan has been revised to address.***
- 2.7 Soil erosion plans and details shall be removed from the set. A separate permit is required. ***The plan set has been revised to remove the sheets.***
- 2.8 Other permits / approvals:
- a. Mercer County Planning Board
 - b. Ewing-Lawrence Sewerage Authority
 - c. Trenton Water Works
 - d. Public Safety
 - e. Lawrence Township SoilDisturbance (prior to construction)

We agree to obtain all required approvals as a condition of any approval the Board may grant.

Clarke Caton Hintz memo dated 3/30/21

- 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-i district is 0.30. This equals 2,123 sf. of floor area for a property that is 7,078 sf. The proposed building contains 3,200 sf., which results in an FAR of 0.46. A variance is required pursuant to N.J.S.A 40:550-70⁽⁴⁾. ***The revised plan has reduced the FAR to 0.34. A variance is still requested.***
- 3.2 Minimum Yard Setback Variance. A minimum sideyard setback of 10 ft. is required (see §413-E.i.f). The proposed building is shown with a side yard setback of 5 ft. along the northerly property line adjacent to an existing dwelling on Lot 69. ***The plan has been revised to provide an 11' side yard setback.***
- 3.3 Buffer Width Variance. Pursuant to §525-H, a 15-footwide landscape buffer is required on the north and east side of the property. The applicant provides a five-foot-wide landscaped buffer. ***The plan has been revised to provide at least 10 feet for the majority of the buffer with the exception being the trash enclosure area. We request a design waiver for providing the full 15 feet.***
- 3.4 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 §525.1⁽²⁾ is 55 large or medium trees, 74 small or ornamental trees, 166 evergreen trees and 371 shrubs along the northerly property line. A total of 21 evergreen trees and four shrubs are proposed within the required buffer area. ***We have addressed all landscaping comments received in the various review memos to the maximum extent practicable. Design waivers are requested for any items that have not been addressed.***
- 3.5 Potential Parking Variance. The proposed development requires 12 off-street parking spaces; four for the residential use and eight for the commercial use. §504.N.5, which is a section of the Residential Site Improvement Standards replicated in the LUO, permits the applicant to use on-street parking to

satisfy a portion of the residential parking requirement. The wording is as follows:

When, in the judgment of the local approving authority, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off- street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.

The applicant proposes to provide ten off-street parking spaces, including a van accessible space, in a new paved parking lot at the rear of the proposed building and to utilize two existing on-street parking spaces to satisfy the remaining requirement. The Engineering Review Report indicates several impediments to parking along Pine Street and the prohibition of parking on Princeton Avenue which should factor into the Board's judgment of the parking situation and whether it is reasonable to count on-street spaces as contributing towards the parking requirement. If the Board concludes that on-street parking is not reasonable, then a parking variance from §530.B and -C.i is required. The Board could consider §530.1.1 that sets a 250 ft. walking distance from the entrance as a "reasonable distance" for residents to walk. ***The revised plan provides adequate onsite parking and demonstrates that there are three on-street parking spaces along the property frontage that meets the requirements for on-street parking.***

- 3.6 Parking Lot Setback Exceptions. §530.F prohibits parking to be located in the front yard in the NC-i 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. ***A design waiver is requested for this requirement. We feel this layout is consistent with many of the properties in this zone along Princeton Avenue to support this waiver being granted.***
- 3.7 Minimum Access Drive Length/Direct Access to Parking Exception. The connection between parking lots and streets is required to be designed to avoid direct access to parking from the public right-of-way (§530.1.3) and there is a minimum length required for access drives connecting a public street to a parking lot of 25 feet (§530.1.2). The proposed access drive is approximately three feet in length and there is one parking space which would create an obstruction to the access drive at the street line when a vehicle backs out of the space. ***A design waiver is requested for this requirement. Due to the low level of traffic in/out of this parking lot, it appears the at benefit of an additional parking space if greater than any temporary obstruction. Additionally, this layout is consistent with other properties in this zone along Princeton Avenue to support this waiver being granted.***
- 3.8 Off-Street Loading Space Exception. Pursuant to §530-K.i(a), retail uses of 5,000 sf. or less shall provide one loading space that is 12' x 35'. No loading space is proposed. ***A retail use of this size is anticipated to receive small delivers via a UPS/FedEX type service. If a loading area was provided, it is unlikely these delivery methods would utilize a designated delivery zone. A compliant loading zone could be provided by eliminating two on-site parking spaces, however in this situation we believe the benefit of two additional on-site parking spaces is greater than providing a loading zone that will rarely be utilized. As such we request a waiver for this requirement.***
- 3.9 Sidewalk Width Exception. Retail uses are required to have sidewalks off a certain width that the application does not meet. In S533.A.5.C, sidewalks at front entrances are required to be 12 feet in width; the applicant proposes about 8 feet at the entrance facing Pine Street. ***We have widened the***

sidewalks along the frontage to the maximum extent practicable. The sidewalk directly at the entrance has a width of 10 feet on the revised plan.

- 3.10 Building Design Guideline Exception. Buildings should be compatible with neighboring areas through attention paid in the architectural design process to scale, size, style, placement of doors and windows, its form, color, and exterior materials (§536[^].2). While there are no comparable mixed use buildings in the immediate area, the proposed building design differs greatly from the residential dwellings in the neighborhood. These buildings have pitched roofs (gable) with dormers either brick facades or clapboard siding and have front doors which face the street frontage. The proposed building has a flat roof with stucco and stone facades and there are no doors facing Princeton Avenue. ***Revised architectural plans are included with this submission.***
- 3.11 Street Tree Exception. §525-01 requires street trees to be installed on both sides of all streets. Two street trees are proposed on Pine Street, however, no street trees are proposed on Princeton Avenue. ***We feel with the overhead wires that trees are not appropriate here. If a waiver cannot be granted, the plan can be revised to add as a condition of any approval the Board may grant.***
- 3.12 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”. ***A waiver is requested from this requirement. The trash enclosure has been reoriented to a position that only the gates are visible from the road and the enclosure is shielded from the adjacent residential properties with 6’ fencing and landscaping.***
- 3.13 Possible Sign Area Variances. The architectural plans indicate facade signs on the Princeton Avenue and Pine Street facades, but does not include details of the style, materials or size. As currently depicted, both signs are approximately 40 sf. in area. §535.W.3 restricts facade signs to 20 sf. in area. ***Compliant signs are shown on the revised architectural plan.***
- 4.0 Variance Comments
- 4.1 P(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.
- a. 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 the larger floor area than permitted by the ordinance.
- b. 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. The Court clearly explained in *Price*², how an applicant might establish the negative criteria for a variance, reinforcing that “only minimally greater” than permitted or “a minimal increase” could satisfy the negative criteria, and that variances that amounted to a tripling of the standard were not appropriate. Here the increase is 53.3% greater than permitted by ordinance. ***The plans have been revised to reduce the FAR. The relief that is now requested is 13.3%***

greater than permitted by ordinance.

- 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 urban character. Buildings are intended to be closely oriented 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 than the NC-2 and allows development on smaller lots. Residential uses are encouraged, particularly as apartments on higher floors (§413). While the proposed development is consistent with the purpose of the district, it does not appear to be able to do so without compromising the standards of the ordinance in a significant way. ***After reviewing the various review letters from the Township's professionals, we have scaled down the proposed development on the revised plans to better comply with the intent of the ordinance. We feel that we have made great strides to conform with the ordinance to the maximum extent practicable and all requested relief is consistent with the existing uses in the zone***
- 5.0 Site Plan
- 5.1 Intensity of the Use. The driver of the size of the building appears to be the decision to have two, two-bedroom apartments on the second floor. An examination of the interior dimensions indicates that the bedroom widths are 11'9" and 12'10", respectively, times two for the two apartments. These widths are about the minimum that one could have and still reasonably fit standard size beds, side tables and dressers. The logic of the interior layout then dictates that all of the bedrooms are along the same wall of the building, which creates a certain length. Since the desirable layout of the building on the site is to have it located on Princeton Avenue, this creates the side yard encroachment. This makes the north side of the building 8.9 feet from the house next door, which in turn necessitates a blank wall for fire purposes since it is less than 10 feet distant. If the number of bedrooms were reduced, it would reduce the overall size of the building, which would also aid in reducing the FAR variance. We recommend that the applicant explore at least one apartment as a one-bedroom apartment, and perhaps both, instead of the two-bedroom apartments proposed to lessen the length of the building facing Princeton Avenue and remove the side yard encroachment of the building. ***The revised plan has been reduced in scale to provide on 2 3-bedroom apartment and reduce the FAR from 0.46 to 0.34***
- 5.2 Overall Layout. The proposed building is located at the street line, with a direct visual connection to Princeton Avenue, however, there are no building entrances along that frontage. According to the building plans, all the building's entrances are located on the rear facade facing the parking lot. The rear elevation depicts three entrances to the building, but the site plan only shows two of these. Looking at the floor plan, the main commercial entrance opens into the planting bed. On the other hand, the site plan indicates the main entrance faces Pine Street. Given the site constraints, the Pine Street entrance is probably the better option. In fact, if the main entrance were moved to the west corner from the east corner, it could eliminate the need for a Princeton Street entrance, which would otherwise be necessary, in our view. ***Although the plan has been revised, the intent remains the same. The commercial component's main entrance will be on Pine Street. There will be secondary access to the parking lot, which is not intended for the public. Access to the apartment is also on the parking lot side of the building.***

- 5.3 Parking Lot. The proposed parking lot consists of ten spaces, including one van accessible space. Four of the spaces abut the rear of the proposed building, separated by an approximately three-foot wide planting strip. Walkways are provided within the parking area to the building's entrances and from the accessible parking space to Pine Street. There are a number of design flaws in the parking lot layout:
- a. Six parking spaces and the refuse enclosure are located along the westerly property boundary, within the required landscape buffer adjacent to the existing dwelling on Lot 65.
 - b. Two parking spaces and the access aisle of the accessible space lie between the building line and the street line of Pine Street. One of these spaces is oriented so that the access drive at the street line would be obstructed when a vehicle backs out of the space.
 - c. The refuse enclosure is located partially within the parking lot drive aisle, causing a potential obstruction to the last parking space on the west side of the drive aisle. **The plan has been revised to address these concerns to the maximum extent practicable.**
- 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. Although the Lighting Schedule indicates five pole mounted fixtures and two building mounted fixtures, the site plan shows four pole mounted fixtures just around the perimeter of the parking lot. These fixtures are noted to have a color temperature of 4,000°K with a mounting height of eight feet. One building mounted fixture is located on the rear facade and is also specified to have a color temperature of 4,000°K and mounting height of eight feet. No cut sheets of the fixtures have been provided, however the pole mounted fixture is a cobra head highway design with an exposed light source which will create glare for adjoining residences. Both fixtures should be changed to a maximum 3,200°K color temperature and the pole-mounted fixtures should be revised to full cutoff fixtures with a mounting height of at least nine feet. A revised photometric diagram should be provided to ensure the new fixture styles and mounting height still conform to the minimum, maximum and average light levels of the ordinance in §527. **The plan has been revised to address these comments.**
- 6.2 Buffer Plantings. The buffer area should be planted with columnar forms of mainly evergreen shrubs instead of the evergreen trees currently proposed along the easterly property boundary. Possibly, Green Giant Arborvitae (*Thuja* 'Green Giant') could be installed in the wider areas on the north side of the property, assuming that the building is reduced in length as we recommend. Along the eastern boundary, only arborvitae will be able to provide adequate screening as it grows over time in the narrow space provided. Additional shrub plantings should also be continued along the northerly property boundary. Along the base of the building in between the curb and building, a hardy evergreen shrub should be proposed - either yews or junipers - tall enough that drivers avoid driving into them. **The landscaping has been revised to include suggested species.**
- 6.3 Plant Material. The landscape schedule contains proposed plants which are not suited to the proposed site conditions. The following plants should be replaced with alternative plant species:
- a. Hedge maple, *Acer campestre*, is proposed to be used along the perimeter of the parking lot. This small tree has a low branching habit that will interfere with vehicles and pedestrians. A different small shade tree such as *Acer buergerianum* (Trident Maple), which has a more upright habit, is recommended. **The plan has been revised as suggested.**

- b. Japanese tree lilac, *Syringa reticulata*, also is a low branched small tree, proposed as a street tree at the southeast corner of the building on Pine Street. *Amelanchier x hybrida* 'Cumulus', Shadblow, is a flowering ornamental that would be an attractive tree. However, its location should be moved eastward to where there is more soil volume. ***The plan has been revised as suggested.***
- 6.4 Planting Notes and Details. The planting notes shall be revised to conform to the Township's landscape standards as found in §525 of the LDO. ***The plan has been revised to include the township's notes in section 525 of the LDO.***
- 6.5 Signs. As noted under Section 3, the plans indicate area for signs on the building's Princeton Avenue and Pine Street facades, but no details. The applicant should clarify its intention for providing commercial signage and provide sufficient detail to determine compliance with the ordinance. ***The architectural plan has been revised to show fully conforming signs.***
- 6.6 Fences. The applicant proposes to extend the existing six-foot vinyl stockade fence along the northern property line to within 10 feet of the Princeton Avenue street line. The plans do not include a detail of the fence. The plans should be revised to include a fence detail which conforms to the style of fencing to be matched. ***A detail for the fence has been added to the plans.***

7 Building Comments

- 7.1 Facade Materials. The architectural elevations show a stone watercourse base to the buildings. In this area, where all of the buildings are brick and siding, brick would be a more appropriate masonry for the base. ***The plan has been revised as suggested***
- 7.2 Building Facade Differentiation. The commercial design standards for the Township provide guidance to create a facade that has clear differentiation from the base, middle or field, and top. The field may also be further divided with an accent line or architectural component that separates out the floors. While the design clearly differentiates the base from the field, the field tops out the building. There is no cornice line or other elaboration at the top of the building. Since the building has a flat roof where the other buildings on this side of Princeton Avenue have gable or hip roofs, this distinction at the top of the building becomes even more important. The architect should also confirm that the parapet of the wall above the roof is sufficient to hide roof top mounted HVAC equipment from ground level view. ***The roof and the façade have been revised to align with Township standards.***
- 7.3 Windows. There should be an attempt to standardize the windows in the facade among the residential and commercial floors. In the elevations that have been presented, two incompatible types are proposed. ***The windows for the commercial use are not intended to be opened, whereas the residential windows are. The applicant will work with Township staff to provide windows that are similar in appearance but achieve the needs of the different uses.***

Shade Tree comments via email David Bosted dated 3/23/21

- We didn't like the idea of planting a border of White Pine Trees and Norway Spruce trees. We suggest using fast-growing, inexpensive Arborvitae shrubs instead, to create a compact screen. ***The plan has been revised as suggested as outlined in the comment below.***

Shade Tree Advisory Committee comments dated March 2021

- Mitch Brown, Circle Management Company, 1652 Princeton Ave. We have reviewed these plans and find that the proposed planting scheme is UNACCEPTIBLE. The proposed tree planting scheme of White Pines and Norway Spruce in a narrow bed must be canceled and replaced. These proposed border trees can grow to enormous size: The Rockefeller Center Christmas tree in NYC is often a Norway Spruce. These trees and their roots would quickly outgrow the narrow bed. ***The plan has been revised as suggested in the comment below.***
- Replace these proposed trees with evergreen shrubs, such as shrub Arbor vitae. Arbor vitae will create a thinner green buffer along the edge of this proposed commercial infill development. A fast-growing columnar variety of native Thuja occidentalis arbor vitae is 'Green Giant.' Leyland Cypress is also fast growing. Slower growing and also attractive are 'Emerald green,' 'Smagagd' and 'Brandon.' All are inexpensive. Other cultivars have golden or variegated foliage, e.g., 'Rheingold', 'Sunkist', and 'Yellow Ribbon'. In addition, Plant Spring-flowering bulbs - mixed daffodils, plus snowdrops & crocus -- to supplement the border evergreen shrubs. ***The plan has been revised as suggested.***
- Plus, a parking space should be replaced with a deciduous tree that can provide summer shade to the parking lot. The LT Comprehensive Forestry Management Plan recommends 15 trees per acre. Planting a deciduous tree to replace one parking space in the rear parking lot will have no negative effect and will not restrict operations - in fact, shaded parking spaces are much sought-after during the Summer months. Asphalt creates a heat island in the already-hot Summer months. Three or more of the less-frequently-occupied asphalted parking spaces can be converted to permeable pavers. LT has an existing problem of rapid excessive runoff. Trees and permeable pavers can help to reduce storm water runoff. ***We have reduced the size of the parking lot on the revised plans. The proposed development remains under the allowable impervious coverage by ordinance and the development will have a minimal increase of stormwater runoff. As such, we do not feel any portion of the parking lot warrants the use of pervious pavers.***
- Loss of tree canopy is a Township-wide problem. Lawrence Township has lost an enormous number of trees due in part to the infestations of emerald ash borers and spotted lanternfly. Therefore we recommend planting a tree in the rear parking area. Options include Zelkova, Littleleaf linden, Red maple, or Hedge maple. There is a trend to plant smaller trees and salt-tolerant trees. ***The plan has been revised as suggested.***

Health Department comments dated 2/14/21

- Adequate trash and recycling facilities shall be available. A recycling plan shall be submitted to the Lawrence Township Recycling Coordinator. ***We agree to provide this as a condition of any approval the Board may grant.***
- The residential units shall be noticed prior to occupancy either by lease or by deed there will be commercial usage and associated noise from the commercial usage on the first level. ***We agree that***



this will be included as part of the lease for the residential unit.

Department of Public Safety comments dated 3/26/21

- After review of site plan for a Mixed use building, no public safety concerns at this time. ***No action required.***

If you have any questions or require additional information related to this project, please do not hesitate to call me at 609-689-1100.

Very truly yours,

A handwritten signature in black ink, appearing to read "James Bash", is written over a light blue circular background element.

James Bash, PE
For the Firm

Cc: Michael Magee, Esq.