


Applicant Mitch Brown Circle
 REFERRALS Management

Appl. No. _____

	Date Referred	Comments Dated	Date Referred	Comments Dated	Additional Reports
a. Municipal Engineer	<u>2/17/22</u>	<u>2.24.22</u>	_____	_____	_____
b. Professional Planner	<u>2/17/22</u>	<u>4-22-22</u>	_____	_____	_____
c. Traffic Consultant	_____	_____	_____	_____	_____
d. Construction Official	<u>2/17/22</u>	_____	_____	_____	_____
e. Shade Tree Advisory Comm.	<u>2/17/22</u>	<u>4/20/22</u>	_____	_____	_____
f. Health Officer	<u>2/17/22</u>	<u>4/5/22</u>	_____	_____	_____
g. Tax Collector	_____	_____	_____	_____	_____
h. Public Safety	<u>2/17/22</u>	<u>4/5/22</u>	_____	_____	_____
i. Environ. Res. Committee	<u>2/17/22</u>	<u>4/7/22</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. <u>Greg Whitehead</u>	<u>2/17/22</u>	_____	_____	_____	_____
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: February 24, 2022

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 1,196 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 plan has also been revised to incorporate Mercer County's request for right-of-way dedication to meet the Master Plan width of Princeton Avenue. The current plan provides a reasonable development of the property. Although a Floor Area Ratio variance and parking space variance are required, the extent of the variances have 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 seven (7) parking spaces have been provided for residents and customers; however, eight (8) spaces are required per §530 of the Lawrence Township Land Use Ordinance. Testimony shall be provided to support the parking space variance request.
- 1.02 Testimony shall be provided regarding the floor area ratio variance. We will defer to the Planning Consultant.
- 1.03 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 (and the reduction in impervious cover from the previous plan), 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 have been provided as recommended along Princeton Avenue. The street tree near the intersection shall be relocated in a northerly direction to maintain sight distance. Note the Township sight distance area is measured along the property line. The other street tree may also need to be shifted to maintain spacing and so that the landscaping does not block façade signage.
- 2.04 A gap in vegetation is recommended to access the bicycle rack.
- 2.05 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:

- Letter from Van Cleef Engineering, dated February 16, 2022
- Cover Sheet, Sheet 1 of 11, revision dated February 10, 2022
- Aerial Map, Sheet 2 of 11, revision dated July 1, 2020
- Demolition Plan, Sheet 3 of 11, revision dated May 24, 2021
- Site Plan, Sheet 4 of 11, revision dated February 10, 2022
- Grading & Utility Plan, Sheet 5 of 11, revision dated February 10, 2022
- Landscaping Plan, Sheet 6 of 11, revision dated February 10, 2022
- Lighting Plan, Sheet 7 of 11, revision dated February 10, 2022
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- Construction Details, Sheets 9, 10, 11 of 11, revision dated May 24, 2021
- Elevations, Sheet 1 of 2, dated January 20, 2022
- Floor Plans, sheet 2 of 2, dated January 20, 2022

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: Brenda Kraemer, Assistant Municipal Engineer
James Kyle, Planning Consultant
~~Michael Rodgers~~ Construction Official
Edward Tencza, Public Safety Coordinating Committee
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer
Greg Whitehead, Director of Public Works

FROM: Susan Snook, Administrative Secretary *sp*

SUBJECT: Use and Bulk Variance Application No. ZB-9/20
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Mitch Brown, Circle Management, Inc., 1652 Princeton Avenue
Tax Map Page 1, Block 103, Lots 66, 67 and 68

DATE: February 17, 2022

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 February 16, 2022
- Cover Sheet, Sheet 1 of 11, revision dated February 10, 2022
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This application is tentatively scheduled for review by the Zoning Board at the meeting to be held Wednesday, April 20, 2022.

Please review these documents and submit your report to this office as soon as possible, but **no later than Friday, April 8, 2022** so that reports may be provided to the applicant and Board members prior to the meeting.

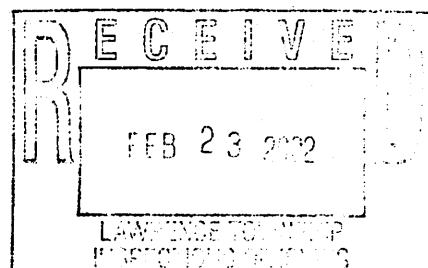
SJS

g:engineering/mitch brown circle management/doc. Dist. letter #3 (revised plans).doc

Attachments

cc: Edwin Schmierer, Zoning Board Attorney

NO COMMENTS Bldg. 4/20/22 MR
NO COMMENTS PUBC 4/20/22 JD
NO COMMENTS Fire 04/20/22 SH
NO COMMENTS ELECTRIC 4/20/22 JD



TOWNSHIP OF LAWRENCE
2207 Lawrence Road
Lawrenceville, New Jersey 08648
Community Development

609-844-7087

Shade Tree Advisory Committee Report
1652 Princeton Ave, Mitch Brown, Circle Management Company
April 2022

- **Mitch Brown, Circle Management Company, 1652 Princeton Ave.** We have reviewed these revised plans and appreciate that the proposed planting scheme is improved from the original proposal. However we have these suggestions regarding the current 2022 revised plan in April 2022:
- **The main suggestion is that the proposed zig-zag planting at the rear of the parking lot is much too dense, perhaps three times as many thuja shrubs as needed.** Shrubs need room to grow. The shrubs are already hemmed in by the parking lot, curb and proposed fence.. **Spread out the plantings, to be about 5 -6 feet apart if thuja plicata. Thuja plicatas need room to spread out near their bases. Thuja plicatas grow to be wide as well as very tall.**
- Consider substituting **Emerald Green Thujas** if the desire is to have a **continuous screen about 10-12 feet high, not a Thuja Plicata "Green Giant" screen that will grow to be 30-40+ feet high** and will eventually require trimming for height. **Emerald Green thujas** have a brighter green glow. They have a more **columnar shape**, with the same width almost from the ground up before narrowing towards the top. The choice of thuja depends on the landscape effect that the developer is seeking to achieve. In either case, overcrowding is a bad idea. All the plants will be blighted by overcrowding or by a dense zig-zag planting pattern.
- **Border plantings.** We look forward to seeing **Spring-flowering bulbs** – mixed daffodils, plus snowdrops & crocus – to supplement the border evergreen shrubs.
- There is a high % of impervious surface in this proposal. We suggested last March that **a rear parking space should be replaced with a deciduous tree.** Also, one or more parking spaces could be **permeable pavers using interlocking grids that are laid over a prepared subsurface to create a strong, durable (but also permeable) parking surface that is virtually maintenance free.**

-- Respectfully submitted, David Bosted, STAC Chair

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

Date: April 5, 2022
To: Brenda Kraemer, Assistant Municipal Engineer
From: Keith Levine, Health Officer

REVIEW FOR:

<input type="checkbox"/> Building Permit	<input type="checkbox"/> Retail 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:

If there are questions concerning this matter, call (609)844-7089


Health Officer

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: Brenda Kraemer, Assistant Municipal Engineer
James Kyle, Planning Consultant
Michael Rodgers, Construction Official
Edward Tencza, Public Safety Coordinating Committee
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer
Greg Whitehead, Director of Public Works

FROM: Susan Snook, Administrative Secretary *sp*

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DATE: February 17, 2022

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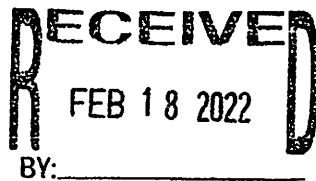
Please review these documents and submit your report to this office as soon as possible, but **no later than Friday, April 8, 2022** so that reports may be provided to the applicant and Board members prior to the meeting.

SJS

g:engineering/mitch brown circle management/doc. Dist. letter #3 (revised plans).doc

Attachments

cc: Edwin Schmierer, Zoning Board Attorney





LAWRENCE TOWNSHIP

ENVIRONMENTAL & GREEN
ADVISORY COMMITTEE
Lawrence Twp., NJ
CLEAN AIR, LAND, AND WATER

To: Lawrence Township Zoning Board Members
From: Lawrence Township Environmental and Green Advisory Committee
Date: April 7, 2022
Re: Circle Management
Bulk and Use Variance Application No. ZB-9/20
Preliminary/Final Major Site Plan SP-11/20
1652 Princeton Ave. Tax Map Page 1, Block 103, Lots 66, 67, 68

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

Review of revised plans (memo date February 17, 2022) for retail property with apartment space above.

Recommendations

The committee appreciates the addition of street trees, some additional buffer, decrease in FAR. The committee has no further commentary or recommendations.

April 22, 2022

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



**Re: Mitch Brown, Circle Management, Inc.
Block 103, Lots 66, 67 and 68 – 1652 Princeton Avenue (CR 583)
D(4) Use Variance Relief and Site Plan Approval
NC-1 Neighborhood Commercial -1 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 Township, included the following:

1. Correspondence from James Bash, PE, dated February 16, 2022.
2. Review memoranda from Brian Slaugh, PP/AICP of Clarke, Caton Hintz, dated March 30, 2021 and August 18, 2021.
3. Preliminary and Final Site Plan, prepared by James Bash, PE of Van Cleef Engineering Associates, dated February 10, 2022 consisting of 11 sheets.
4. Elevations and Floor Plans, prepared by Anchored Architects, LLC, dated January 20, 2022 consisting of 2 sheets.

Based on the information provided with the submission, the applicant seeks d(4)use variance relief and site plan approval to develop three existing vacant lots with a new mixed-use building. The current proposal includes 1,200 square feet of commercial space on the ground floor, one 3 bedroom apartment on the second floor, 7 off-street parking stalls, a 6'x12' trash enclosure, a new driveway to Pine Street, a bike rack and landscaping and lighting improvements. We note from prior review correspondence from Clarke Caton Hintz that the project has morphed considerably from that proposed with the initial submission in early 2021; originally proposed with 2 apartments on the second floor and larger commercial space with 10 parking stalls, it was subsequently reduced to 2,430 square feet of commercial space and 1 three bedroom apartment with 9 parking stalls. Initially requesting a floor area ratio variance of 0.46 where 0.30 is permitted, the request has now been reduced to 0.34, equal to an exceedance of 283 square feet based on the lot area of 7,078 square feet.

Although the application never proceeded to public hearing, it was the subject of two prior reviews by Clarke Caton Hintz. As the applicant has provided point by point response to those comments and revised the plans to address the previous reviews, we feel it more efficient to

utilize the August 18, 2021 CCH as a basis for our comments.

The subject property, known as Block 103, Lots 66, 67 and 68 with a street address of 1652 Princeton Avenue, is located in the southwest corner of the intersection of Princeton Avenue and Pine Street. Totaling 7,078 square feet, the site has 56’ of frontage along Princeton Avenue and 104.28’ of frontage along Pine Street. At present the site contains no physical improvements other than curb cuts on both Princeton Avenue and Pine Street and a small parking area. Surrounding uses include residential dwellings immediately to the east and south with commercial uses to the west and north including a printing and embroidery shop, Capitol Car Wash and Dunkin’ Donuts.

Zoning

The subject property is located in the NC-1 Neighborhood Center 1 District, which permits retail sales and services, banks, offices, restaurants, indoor recreational facilities, post offices, convenience stores, beauty parlors and shops, single family detached dwellings, semi-detached and duplex dwellings, apartments on second or higher floors, child care centers, houses of worship on lots greater than one acre, funeral homes and combinations of the above. Accessory uses permitted include off-street parking and private garages, fences and walls, signs, home occupations, storage buildings, satellite dishes and television antennas, outdoor seating and other accessory uses customarily incidental to a principal use. The district conditionally permits taverns and bars, bed and breakfast accommodations and adult day care and adult medical day care. As the applicant proposes retail with a single apartment above, the use is permitted as of right.

The table below lists the bulk requirements for the NC-1 District and compares them to the applicant’s proposal. No dimensional variance relief is required, however the proposal does necessitate d(4) floor area ratio variance relief.

	Required	Proposed
Minimum Lot Area	5,000 s.f.	7,078 s.f.
Minimum Lot Frontage	50’	56’
Minimum Lot Width	50’	56’
Minimum Lot Depth	90’	100’
Minimum Front Yard	0’	7.1’
Minimum Side Yard	0’ for common wall, otherwise 10’	10’
Minimum Rear Yard	25’	56’
Accessory Building Setback	5’	5’
Maximum Impervious Surface Ratio	80%	60.7%
Maximum Floor Area Ratio	0.3 (two-story building)	0.34**
Maximum Height	35’	29’-11 ½”
Maximum Building Size	10,000 s.f.	<10,000 s.f.
Maximum Gross Floor Area Per Use	5,000 s.f.	1,200 s.f.
Minimum Gross Floor Area Per Use	750 s.f.	1,200 s.f.

**denotes variance required

In addition to the d(4) variance, a number of exceptions are required, as noted below.

1. §525.C.2 requires small street trees such as those proposed to be planted every 20' whereas more than 20' is proposed, requiring an exception. Given there is adequate room along the frontage of both Princeton Avenue and Pine Street, we suggest additional trees be added to meet this requirement.
2. §525.H requires a 15' buffer (reduced from 20' given the 6' fence existing and proposed) along the north and east side of the property as residential uses are immediately adjacent. As the applicant proposes a 10' buffer, an exception is required.
3. §525.H.2, by reference to Table 5.11, sets forth minimum plant density requirements for each 100 lineal feet of buffer. As a 6' solid fence is existing or proposed along the residential property boundaries, these requirements may be reduced by 20%. Therefore the applicant must provide a minimum of 3 large or medium trees, 5 small or ornamental trees, 8 evergreens and conifers and 19 shrubs. As the proposed buffer plantings do not meet this requirement, an exception is required.
4. §530.B requires off-street parking and loading facilities to be located on the same lot as the use served. As 1 required space is proposed to be on-street, an exception is required.
5. §530.F limits parking within the front yard. Further, parking is prohibited within any required landscape buffer. As three spaces are proposed within the front yard and the parking area encroaches 5' into the required 15' landscape buffer, exceptions are required.
6. §530.I.2 requires parking areas of less than 39 spaces to provide an access drive no less than 25' in length. As less than 25' is proposed, an exception is required.
7. §530.K.1.a requires one off-street loading space of 12'x35' where no loading space is provided. An exception is necessary.
8. §533.A.5 requires sidewalks between main entrances to retail development and closest parking to be 12' in width. As the applicant proposes 6', an exception is required.
9. §538.C requires exterior solid waste enclosures to be constructed of masonry compatible with the architectural style of the building. As rustic cedar siding is proposed, an exception is required.

Consideration of d(4) Use Variances

The applicant is requesting d(4) use variance relief in accordance with the requirements of the New Jersey Municipal Land Use Law. While technically use variances, d(4) floor area ratio variances are treated differently than d(1) use variance requests to allow a use or principal structure not permitted in the NC-1 district. The Board should be guided by the case Randolph Town Center v. Tp. of Randolph, 324 N.J. Super at 416 as well as the case Coventry Square v. Westwood Board of Adjustment, 138 N.J. 285, 298-299 (1994). In its decision in the Randolph case, the Court held the standards in Coventry are applicable to the Board's consideration of d(4) variance relief rather than the strict standards for a d(1) use variance as outlined in Medici v. BPR Co. The applicant must show the site can accommodate the problems associated with an increase in permitted floor area; they need not show the site is particularly suited to more intense development.

On the negative criteria, the Board's focus on the first prong is the affect the increase in floor area will have on adjacent properties. Here it should be considered whether conditions can be imposed to ensure the increase in floor area sought will not cause substantial detriment to the public good (surrounding properties). While the applicant is requesting relief to reduce the required buffers by 5', we note that required building setbacks are conforming and impervious coverage is well under the permitted 80% maximum. As to the second prong of the negative criteria and consideration of whether the grant of the variances will cause substantial detriment to the intent and purpose of the zone plan and zoning ordinance, the Board must be satisfied that the applicant's proposal is reconcilable with the intent of the governing body relative to imposition of the specific floor area limitation in the first place. We would note the proposed floor area ratio is 4% over the maximum of 30% permitted, which equates to approximately 283 square feet of additional building area.

Consideration of Waivers

As part of its application for site plan approval, the applicant has requested a number of exceptions from the design standards applicable to site plan review. In consideration of the requested exceptions, the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-51b permits the Zoning 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 (exception) is simply an acknowledgement the proposal is satisfactory relative to the site plan requirements. Waivers (exceptions) must be considered reasonable under the facts. The applicant's professionals should provide appropriate testimony to support the exceptions requested.

Site Plan Considerations

While we have reviewed the applicant's proposal relative to the ordinance, we defer comments on site construction details and lighting to the engineering department. We have also focused most of our comments on those issues raised in CCH's prior review of the application.

1. The bicycle rack proposed is inaccessible due to proposed landscaping. We suggest the bike rack be provided on a concrete pad connecting to the curb of the parking area and the landscaping be wrapped around the west side of the pad. The pad should extend no more than 4' from the curb to eliminate potential conflict with the proposed evergreen trees. It may make sense to extend the depressed curb proposed for the dumpster enclosure to the west to accommodate cyclists accessing the bike rack.
2. CCH had previously noted a concern with the proposed spacing of the buffer plantings, which we concur with. The spacing proposed will result in overcrowding and should be adjusted as previously suggested, with an installed height of 6'-7' for all evergreens with the Leyland Cypress 10' on center and the Arborvitae 5' on center. Arborvitae should be placed to the north of the dumpster enclosure instead of Leyland Cypress, as they are narrower in form and will fit better in this tighter space.

3. The landscape plan shall include a note providing a two-year warranty for all plant material per Township requirements. While there is reference to the Township standards, a specific note should be added.
4. Clarification should be provided on the landscape plan as to groundcover outside of areas where plant material is proposed. All plant material should be within defined beds shown on the landscape plan.
5. Additional shrubs should be provided along the parking stalls immediately adjacent to Pine Street. This will help mitigate the exception for parking within the front yard.
6. It was previously suggested the applicant consider indoor storage of refuse and curbside collection as opposed to a separate trash enclosure. The merits of this approach should be discussed.
7. The site plan should be revised to indicate that all sidewalks are to be replaced.
8. As noted in prior review, the site plan does not depict the location of any ground mounted HVAC or mechanical equipment. These should be depicted on the site plan to determine if additional screening is warranted. The applicant should also discuss the location of the electric meters, which ideally should be located on either the north or east façade of the building so they are not visible from the street.

We trust the Board will find this information useful in consideration of the matter at hand. We will attend the hearing on April 27th 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 our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Kyle', written in a cursive style.

James T. Kyle, PP/AICP, Board Planner

attachment

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