

Applicant

Presbyterian Church of
Riville

Appl. No.

ZB-3/21 + SP-2/21

REFERRALS

	Date Referred	Comments Dated	Date Referred	Comments Dated	Additional Reports
a. Municipal Engineer	<u>9/2/21</u>	<u>9/8/21</u>			
b. Professional Planner	<u>9/2/21</u>	<u>12/10/21</u>			
c. Traffic Consultant	<u> </u>	<u> </u>			
d. Construction Official	<u>9/2/21</u>	<u>12/8/21</u>			
e. Shade Tree Advisory Comm.	<u>9/2/21</u>				
f. Health Officer	<u>9/2/21</u>	<u>9/15/21</u>			
g. Tax Collector	<u>8/3/21</u>	<u>8/5/21</u>			
h. Public Safety	<u>9/2/21</u>	<u>12/8/21</u>			
i. Environ. Res. Committee	<u>9/2/21</u>	<u>10/27/21</u> , <u>11/29/21</u>			
j. Mercer County Planning Bd.	<u> </u>				
k. Ewing-Law. Sewer Auth.	<u> </u>				
l. _____ Water Co.	<u> </u>				
m. D & R Canal Commission	<u> </u>				
n. U.S. Post Office	<u> </u>				
o. NJDOT	<u> </u>				
p. PSE&G Co.	<u> </u>				
q. Board of Education	<u> </u>				
r. Historic Preserv. Comm.	<u> </u>				
s. NJDEPE/Wetlands	<u> </u>				
t. NJDEPE/Stream Encroach.	<u> </u>				
u. <u>Greg Whitehead</u>	<u>9/2/21</u>				
v. _____					
w. _____					
x. _____					
y. _____					
z. _____					

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Bulk and Use Variance Application No. ZB-3/21
Major Site Plan – Preliminary & Final Approval Application No. SP-2/21
Presbyterian Church of Lawrenceville, 2688 Main Street
Tax Map Page 58.03, Block 5801, Lot 2

DATE: September 8, 2021

General:

The applicant has requested use variance and preliminary and final site plan approval to construct a lobby addition (760 sf) and an atrium addition (2,000 sf) at the existing Presbyterian Church (2688 Main Street). A use variance is required as the existing floor area ratio (0.2392) exceeds the Lawrence Township Land Use Ordinance maximum (0.20) and the additions increase the FAR to 0.2667. There are no other new variances required. Several design exceptions have been requested due to the minor project scope.

Detailed Report:

1. The atrium will be constructed in front of the fellowship center. Testimony shall be provided regarding the proposed uses of the additions. Information shall also be provided regarding the construction impact on the existing cemetery.
2. The plans show a modest increase in impervious coverage for the additions and walkways. A stormwater management report has been provided which includes all improvements from 2004 to present. The increase in runoff is minimal and no stormwater improvements are required.
3. The plans show an existing drywell, drainage piping and sump pump piping in front of the atrium to be removed. It is unclear whether these items need to be reconnected. Testimony from the engineer is required.

Clarification regarding the removal of the sanitary sewer lateral in this location shall also be provided.

4. The applicant shall confirm the existing trees will remain in the front lawn area.
5. Soil erosion plans and details shall be removed from the set. A separate application and permit will be required.
6. An engineer's estimate is required for determination of inspection fees.
7. Other permits / approvals:
 - a. Mercer County Planning Board (or letter of no interest)
 - b. Delaware & Raritan Canal Commission (or letter of no interest)
 - c. Historic Preservation Advisory Committee
 - d. Lawrence Township Soil Disturbance – prior to construction

BK/sjs

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TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: Brenda Kraemer, Assistant Municipal Engineer
James Kyle, Planning Consultant
Jeffrey L'Amoreaux, Traffic 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

SEP - 3 2021

FROM: Susan Snook, Administrative Secretary *SS*

SUBJECT: Bulk and Use Variance Application No. ZB-3/21
Major Site Plan – Preliminary & Final Approval Application No. SP-2/21
Presbyterian Church of Lawrenceville, 2688 Main Street
Tax Map Page 58.03, Block 5801, Lot 2

DATE: September 2, 2021

Attached are the following documents with regard to the above-referenced variance and site plan application for a proposed building addition.

- Application Nos. ZB-3/21 and SP-2/21 with Checklist
- Stormwater Management Report, dated June 24, 2021
- Cover Sheet Key Map, Sheet 1 of 8, dated June 25, 2021
- Existing Conditions, Sheet 2 of 8, dated June 25, 2021
- Site Plan, Sheet 3 of 8 and Sheet 4 of 8, dated June 25, 2021
- Site Development Plan, Sheet 5 of 8, dated June 25, 2021
- Soil Disturbance Plan, Sheet 6 of 8, dated June 25, 2021*
- Soil Disturbance Specifications and Details, Sheet 7 of 8, dated June 25, 2021*
- Construction Detail Plan, Sheet 8 of 8, dated June 25, 2021
- Proposed Floor Plan, Sheet A-1 of 7, revision dated August 25, 2021
- Proposed Atrium Floor Plan & Proposed Atrium View, Sheet A-2 of 7, revision dated August 25, 2021
- Proposed Atrium Elevation, Existing View of Atrium, Proposed View of Atrium, Sheet A-3 of 7, revision Dated August 25, 2021
- Proposed Atrium Sections, Sheet A-4 of 7, revision dated August 25, 2021
- Proposed Lobby Floor Plan & Proposed View of Lobby, Sheet A-5 of 7, revision dated August 25, 2021
- Proposed Lobby Elevation, Existing View of Lobby, Proposed Views of Lobby, Sheet A-6 of 7, revision dated August 25, 2021
- Proposed Lobby Sections, Sheet A-7 of 7, revision dated August 25, 2021

*These plans are not to be considered as part of the variance and site plan submission; they will need to be submitted and reviewed under a separate soil disturbance application after approval is granted by the Zoning Board. The applicant shall be required to remove these plans from the set.

This application will be scheduled for review by the Zoning Board in the near future.

Please review these documents and submit your report to this office as soon as possible, but **no later than Wednesday, October 27, 2021** so that reports may be provided to the applicant and Board members prior to the meeting.

SJS

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Attachments

cc: Edwin Schmierer, Zoning Board Attorney

*2 Bldg Comments 12/8/21 MR / NO ELECTRICAL COMMENTS 12/5/21 JW
10 Fire comments 10/18/21 SM / NO plumbing*

LAWRENCE TOWNSHIP HEALTH DEPARTMENT

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

Telephone: (609) 844-7089

Date: September 15, 2021

To: Brenda Kraemer, Assistant Municipal Engineer

From: Keith Levine, Health Officer

REVIEW FOR:

☐ Building Permit

☐ Certificate of Occupancy

☐ Planning Board

☒ Zoning Board

☐ Other: _____

☐ Food Establishment

☐ Sewage Disposal System

☐ Individual Water Supply

☐ Commercial Property

☐ Other: _____

PROJECT NAME: Presbyterian Church of Lawrenceville

LOCATION: 3688 Main Street, Lawrenceville

BLOCK: 5801

LOT # 2

PR# _____

OWNER: Presbyterian Church of Lawrenceville

Phone: 609-896-1212

ENGINEER/ARCHITECT: Princeton Junction Engineering

ADDRESS: 53 North Post Rd

Princeton Junction, NJ 08556

PHONE: 609-799-1906

☐ APPROVAL

☐ DISAPPROVAL

☒ X

APPROVAL WITH CONDITIONS

COMMENTS: Regarding PJE plans dated 6/25/2021 - Proposed Atrium & lobby additions:

Identify site water source.

Water service line(s) are not shown on plans. Please add.

Plans indicate that proposed addition will be connected to the existing sanitary sewer. Please clarify the note in the Construction Sequence on sheet 7-8 regarding "install septic system expansion."

No changes are proposed for/to the existing kitchen facility.

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


Keith Levine, Health Officer

Township of Lawrence
ENGINEERING DEPARTMENT

TO: Susan McCloskey, Tax Collector
FROM: Susan Snook, Administrative Secretary *sp*
SUBJECT: Verification of Current Tax and Sewer Payment Status
DATE: August 3, 2021

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

Application No(s):	ZB-3/21 & SP-2/21
Application Name:	Presbyterian Church of Lawrenceville
Street Address:	2688 Main Street
Tax Map Page(s):	58.03
Block:	5801
Lot(s):	2

Thank you for your anticipated assistance and response.

SJS
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*Sewer is current and
property is
tax exempt*

[Signature]
Lee C. [unclear]
8/5/2021

TOWNSHIP OF LAWRENCE

Edward Tencza, Fire Marshal

Department of Public Safety

TO: Zoning/Planning Board

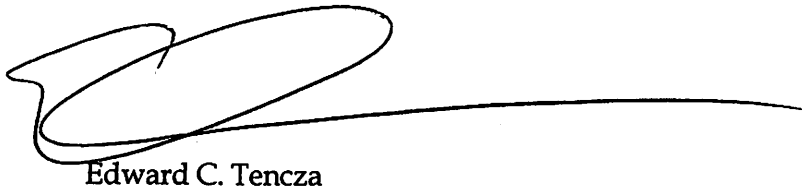
FROM: Edward Tencza

SUBJECT: Presbyterian Church of Lawrenceville, 2688 Main Street

DATE: December 8, 2021

After review of site plan for the Presbyterian Church of Lawrenceville the following items of concern.

1. New Fire Lane Markings and proper "NO PARKING FIRE LANE" signs to be installed in main entrance driveway, in front of new proposed addition to Café/ Lobby and to rear driveway.
2. Appropriate access for Fire Apparatus from main entrance driveway to rear of building. The removal of parking spots designated numbers 4, 5 and 6 on Site Plan Sheet 4 to accommodate Fire Apparatus to rear most portion of building.



Edward C. Tencza

Fire Marshal



LAWRENCE TOWNSHIP

ENVIRONMENTAL & GREEN ADVISORY COMMITTEE

Lawrence Twp., NJ
CLEAN AIR, LAND, AND WATER

To: Lawrence Township Zoning Board Members
From: Environmental and Green Advisory Committee
Date: November 29, 2021
Re: **Presbyterian Church of Lawrenceville**
Major Site Plan-Preliminary & Final Approval Application No. SP-2/21
Tax Map Page 58.03, Block 5801, Lot 2

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

Proposed additions of 2,000' to the front of fellowship facility and 760' to the southwest side. D4 Floor area variance and waivers for Environmental Impact, Community and Traffic Impact requested. Numerous other variances previously provided.

Recommendations/Suggestions/Questions:

1. Provide onsite Green Infrastructure Stormwater Management to protect Community Well drinking water, impaired Shipetauken Creek and foraging and breeding ground for Bald Eagle and Great Blue Heron, as well as to mitigate flooding.
2. Provide information and, if necessary, mitigation plans regarding Underground Storage Tank, NJ Environmental Monitoring Site.
3. Provide information regarding large mature tree and a landscaping plan including tree protection, grave protection info
4. Provide Bike parking, EV Charging, Public Transportation, Carpooling
5. Provide Lighting Plan info and maintain "Dark Skies" environmental standards.

DETAILED REVIEW

WELL HEAD PROTECTION AREA AND STORMWATER MANAGEMENT

1. **GREEN INFRASTRUCTURE IS RECOMMENDED TO ADDRESS NUMEROUS ISSUES:**
 - a. This is in a Tier 2 *Community* Wellhead Protection area, meaning this entire area of town is responsible for *recharging* its own collective water supply within this subwatershed's headwaters. At a collective impervious cover greater than 70% (See Map 1) there is potential to be slowly depleting the area's groundwater levels. Therefore, maintaining infiltration is important here.
 - b. As this is in a Community Well Protection Area, managing *pollutant* run off to protect the community's drinking water is important here, including during construction. Ongoing suggestions, in addition to Green Infrastructure, include

refraining from the use of pesticides and herbicides, use sand instead of salt for snow/ice (sweep up and reuse afterwards), etc. Updating maintenance plans to ensure awareness/follow through on these and other precautions across maintenance staff is recommended.

- c. Site runoff drains to important headwaters of the Shipetauken Creek and is just over 1 mile upstream from an AMNET¹ monitoring site that is categorized as severely impaired for aquatic biology (See Map 2). Between this development, the golf course, and the ag land, the overall picture for this stream is bleak. Without healthy headwaters, downstream restoration of water quality is very difficult to achieve.
- d. Around and below the monitoring site the water quality is classified as "poor" and by the Landscape Project² as Rank 2 and 4 for foraging and/or breeding habitat for the Great Blue Heron and Bald Eagle (See Map 2).
- e. The large mature tree located in the front of the fellowship center is not indicated on the plans and appears to be a specimen tree. Tree Benefit Modeling indicates *this tree mitigates 18,365 gallons of run off per year, reduces atmospheric carbon by 2,963 pounds per year and saves the church 427 Kilowatt hours³ per year.*
- f. It does not appear that the gazebo or shed are included in the impervious cover calculation (.5976). It seems likely the additional amount will go beyond max allowable (.60). Impervious cover and stormwater management are directly linked. Green Infrastructure options can minimize the coverage to stay within requirement.

2. GREEN INFRASTRUCTURE RECOMMENDATIONS TO HELP MITIGATE THE ABOVE

- a. There is a large gravel/rock area between the parking lot and the tennis courts that could potentially be converted to bioretention and the slope should accommodate drainage there (See Map 3). A quick calculation indicates a 2,500 sq ft rain garden could be placed there capturing potentially 18-19,000 gallons per storm.
- b. Use downspout or in-ground planters to capture new (and existing) runoff from roof.
- c. Use permeable pavers or porous pavement for the new side addition (and where ever else possible).
- d. Add additional trees and other natives and protect tree root zones during construction.

UNDERGROUND STORAGE TANK, NJ EMS,

1. An Underground Storage Tank is indicated on the site. Check information to ensure not an issue and to plan appropriately.
2. A NJ Environmental Monitoring Site is indicated on the site. Check information to ensure not an issue and to plan appropriately.

¹ NJDEP Bureau of Freshwater and Biological Monitoring, the Ambient Biomonitoring Network (AMNET).

² Designed to guide strategic wildlife habitat conservation, the Landscape Project is a pro-active, ecosystem-level approach for the long-term protection of imperiled species and their important habitats in New Jersey. The N.J. Division of Fish and Wildlife's Endangered and Nongame Species Program (ENSP) began the project in 1994. Its goal: to protect New Jersey's biological diversity by maintaining and enhancing imperiled wildlife populations within healthy, functioning ecosystems.

³ Savings achieved through shading that reduces the amount of heat absorbed and stored by the building and through evapotranspiration which converts liquid water to water vapor and cools air by using solar energy that would otherwise result in heating of the air.

TREES, LANDSCAPING, HISTORIC DESIGNATION

A. MLUL, section 525, M. Historic District Landscaping: "The objectives of landscape architectural treatment of sites inclusive of historic resources and natural amenities shall be to preserve and enhance such amenities for present and future Lawrence residents. Historic resources and natural amenities may be areas of unique landscape character. This may include, but is not limited to, bodies of water, streams, wetlands, wind breaks, groves of trees, hedge rows, orchards, unique vistas, historic structures and landmarks. Redevelopment in the Lawrenceville Historic District shall be designed to preserve and utilize cultural resources of the historic landscape."

B. MLUL Purpose and Intent: X. To preserve and embrace historic buildings, places, and landscapes, encourage the maintenance of traditional architectural forms in buildings...

1. There is a landscaping plan for the southwest addition but no plans for the front. For both areas, we recommend native plantings with greater ecological value and in synch with historical time period.
2. The large mature tree located in the front of the fellowship center is not indicated on the plans and appears to be a specimen tree (see ecological value in above). Ideally this tree would be saved. Protecting the remaining trees as well as planting additional native trees to help mitigate any tree as well as impervious cover loss is important.
3. Given the construction in the front area, the necessary protection of the root zones for the survival of the remaining two trees seems difficult. Extra effort will be needed to protect the remaining trees. We recommend making this very clear on the plans.
4. It appears there are more than 100 gravestones that date from the 1700s-1800s in the front area where the addition is planned. Some graves and gravestones would need to be moved and others need to be protected due to the limited space for construction. Further information regarding the nature of the graves and a plan for preservation is recommended.

TRANSPORTATION

1. Applicant can take advantage of the PSE&G financial incentives to support EV charging equipment installations. [Home - Drive Green - Air Quality, Energy and Sustainability \(AQES\) | Department of Environmental Protection \(nj.gov\)](#)
2. We suggest bike parking (per Circulation Plan 2019 recommendation).
3. Given the additional increase in FAR and given the limited amount of parking, we recommend including planned efforts to increase walking, biking, public transportation and carpooling to minimize environmental impact (and traffic/parking issues).

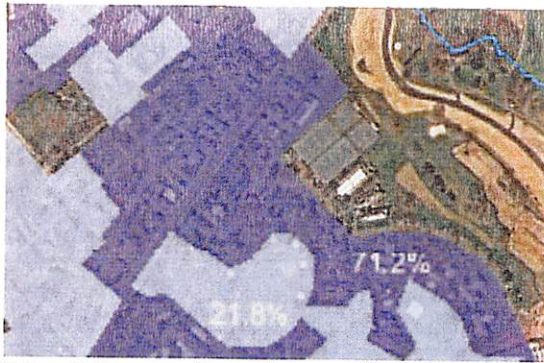
LIGHTING

1. There is no detail regarding lighting. Lighting is impactful especially to insect and bird health, as well as human health. Per the *International Dark Sky Association*, lighting should:
 - A.) Only be on when needed.
 - B.) Only light the area that needs it.
 - C.) Be no brighter than necessary.
 - D.) Be fully shielded.
 - E.) Minimize blue light emissions. Use "warm-white" or filtered LEDs (CCT \leq 3000 K; S/P ratio \leq 1.2).

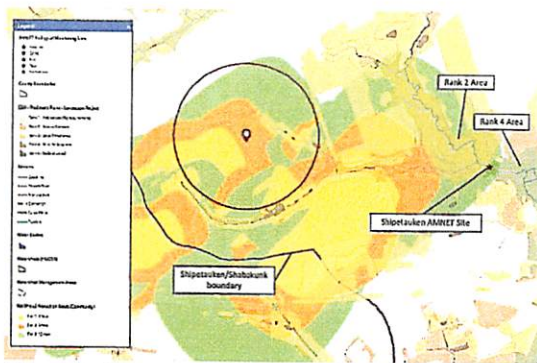
PREFERRED SOLAR SITING

The location is a preferred solar site, thank you for taking advantage of this!

MAPS



Map 1 Impervious Cover Church and Community



Map 2 Community Well, Impaired Water Quality, At Risk/Endangered Wild



Map 3 Drainage flow and potential Bioretention

December 10, 2021

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



**Re: Presbyterian Church of Lawrenceville
Block 5801, Lot 2 – 2688 Main Street (NJSR 206)
D(4) Use and Bulk Variance Relief with Site Plan Approval
EGI- Education, Government & Institutions District**

Dear Board Members:

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

1. Township of Lawrence Land Use Application Master Checklist, dated July 16, 2021.
2. Township of Lawrence Bulk Requirements Table for the EP-1 District, undated.
3. Preliminary and Final Site Plan for Presbyterian Church of Lawrenceville, prepared by Frank J. Falcone, PLS, PP of Princeton Junction Engineering, PC, dated 6/25/2021 consisting of 8 sheets.
4. Architectural Plans for Proposed Additional & Renovations to the Presbyterian Church of Lawrenceville, prepared by Robert Cerutti Architect, dated 1/10/2020 and last revised 8/25/2021 consisting of 7 sheets.

Based on the information provided with the submission, the applicant seeks d(4) use variance relief and site plan approval to construct two additions to the existing church facility. The first is an approximately 2,000 square foot 76'x 26' atrium addition at the front of the church which includes a large open room with storage closets, 2 vestibules and an ADA lift. The second approximately 760 square foot addition is in the southern corner at the rear of the building and includes a lobby, men's and women's bathrooms, mechanical room and elevator. Site improvements are limited to removal of existing utilities and pavement in the area of the additions, construction of the additions themselves, curb, limited landscaping, a new sanitary sewer line, and a small concrete sidewalk.

The subject property, known as Block 5801, Lot 2 with a street address of 2688 Main Street (State Route 206), is located on the east side of Main Street opposite Gordon Avenue. Totaling 2.3 acres, the site has 451' of frontage along Route 206. At present the site contains two one-story portions of the structure (meeting house and fellowship center), a two-story portion noted as a chapel on the architectural plans, a two-story dwelling, a gazebo, parking, lighting and a single

freestanding site identification sign. Access is provided via one-way circulation with ingress from the southernmost driveway and egress from the northernmost driveway. Adjacent uses include the Lawrenceville School surrounding the entirety of the lot on the east side of Main Street and a mix of commercial and residential uses on the west side of Main Street.

Zoning

The subject property is located in the EGI Education, Government and Institutions District, which permits public or private day or boarding schools, institutions of higher learning, houses of worship, municipal uses, health care uses, convents, monasteries or abbeys, seminaries, charitable institutions, administrative offices for institutions or governmental agencies, theaters, museums and libraries. Accessory uses permitted include book, clothing and retail sales related to an institution, maintenance facilities, gymnasiums, natatoriums and field houses, athletic fields, power supplies, off-street parking, fences and walls, signs, restaurants or cafeterias for employees and visitors, satellite dishes and tv antennas, dwellings for faculty and administrative housing, congregate housing for religious orders and other accessory uses customarily incidental to a principal use. The district conditionally permits medical offices. The existing church and related facilities are a permitted use in the EGI district.

The table below lists the bulk requirements for the EGI District and compares them to the applicant's proposal. As noted, the site is nonconforming as to minimum lot area, minimum lot depth, front yard setback, side yard setback, rear yard setback, setbacks for accessory structures and maximum floor area ratio. As the applicant proposes to increase the overall floor area on the site to 0.2667, a d(4) use variance is required. We also note that while the existing structure does not comply with the required front and rear yard setbacks of 100', the additions are proposed within both setbacks, although they are no closer than other portions of the existing structure. Given the expansion of the structure into the front and rear yards, bulk variances should be considered and the specific dimensions should be provided on the plans.

	Required	Existing	Proposed
Minimum Lot Area	5 acres	2.3044 acres*	2.3044 acres*
Minimum Lot Frontage	300'	451.48'	451.48'
Minimum Lot Width	300'	442.71'	442.71'
Minimum Lot Depth	600'	226.36'*	226.36'*
Minimum Front Yard	100'	22.1'*	22.1'*
Minimum Side Yard	100'	88.3'*	88.3'*
Minimum Rear Yard	100'	28.6'*	28.6'*
Minimum Setback for Accessory Uses	75'	15.3'/1.6'*	15.3'/1.6'*
Maximum Impervious Surface Ratio	0.60	0.5703	0.5976
Maximum Floor Area Ratio	0.20	0.2392*	0.2667**
Maximum Height Principal Building	50'	50'	50'
Maximum Height Accessory Building	30'	30'	30'
Gross Density Congregate Housing	0.5 d/u per acre	N/P	N/P

N/P – not provided

* denotes existing nonconforming condition

**denotes variance required

The site plan also notes a deficiency in required parking, where 113 parking spaces are necessary and 68 are proposed in the parking table. While the additions do not generate the need for additional spaces as seats are not proposed, it appears there are 69 spaces existing, and the space noted as 1A is being removed with the addition in the rear. An exception is therefore required from §530.C.2, as the nonconformity is being increased.

D(4) Use Variance Considerations

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 EGI 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 Town Center 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. This represents a somewhat lessened legal burden, as the consideration is quite different than that for an altogether nonpermitted use. 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.

We note the church is considered an inherently beneficial use, and therefore would presumptively satisfy the positive criteria as to special reasons. The applicant will still need to address the question of whether the site can accommodate the problems associated with the increase in floor area requested.

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. Typical impacts from an increase in floor area relate to the resulting mass and appearance of the structure, traffic generation and whether the floor area proposed generates the need for additional parking. We note that required parking for a house of worship is determined by the number of seats and no additional seating is proposed. The site is currently deficient on required parking as set forth on the site plan, where 113 spaces are required based on 339 seats and only 68 spaces are proposed. Space such as that proposed may not necessarily generate the need for additional parking from a practical perspective, as it could be used for functions after worship service or at times when services are not occurring. The applicant should confirm how the space will be utilized and discuss how the overall site will function, particularly related to parking.

As to the second prong of the negative criteria and consideration of whether the grant of the variance will cause substantial impairment to the intent and purpose of the zone plan and zoning ordinance, the Board must be satisfied the applicant's proposal is reconcilable with the intent of the governing body relative to imposition of the 0.20 floor area limitation in the first place. In reviewing the Township Master Plan, we find no specific rationale for the standard established, just mention that a 0.20 floor area ratio is proposed for the District. From a general planning

perspective, floor area ratio standards are intended to control intensity of development, which in turn impacts issues such as traffic, parking, impervious coverage and the overall appearance of a site.

Consideration of Bulk Variances

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

As noted previously, the proposed additions, while encroaching farther into required yards in certain places, are not proposed to go beyond existing portions of the structure that are in some cases much closer to property lines. From a practical perspective, the building envelope that results from applying the 100’ setbacks to all property lines leaves only one area where an addition could be constructed and not require variance relief. The architect should identify any characteristics of the proposed additions that would tend to limit impacts to surrounding properties, which may help mitigate potential negative criteria concerns related to additional intrusions within required setbacks.

Relative to potential impairment to the intent of the setback standards established for the EGI District, there does not appear to be a specific basis for the distance required. Most setback standards are rooted in the general principal of providing adequate light, air and open space as well as adequate separation between neighboring uses. The applicant’s planner should confirm there is no substantial impairment to those intents given the site’s relationship to surrounding uses.

Consideration of Exceptions

As part of its application for site plan approval, the applicant requires a design exception related to the minimum number of required parking spaces. In consideration of the requested exception, the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-51b permits the Land Use Board to “....*grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar*

conditions pertaining to the land in question.” The Court, in Garofalo v. Burlington Tp., 212 N.J. Super. 458 (Law Div. 1985) noted a waiver (exception) is simply an acknowledgement the proposal is satisfactory relative to the site plan requirements. Exceptions must be considered reasonable under the facts. The applicant should provide appropriate testimony to support the requested exception.

Site Plan Comments and Considerations

1. The Plan of Existing Conditions seems to have the 19” Sycamore in the wrong location, as that tree is much closer to the existing building. Clarification should be provided on the tree’s location and whether the tree will remain or be removed to accommodate the addition. If it is to remain, adequate tree protection should be provided during construction.
2. The existing drywell is located in the area of the front addition and is shown to be removed entirely. What features drain to the drywell and how will they be rerouted?
3. We note soil logs were taken in the gravel area at the rear of the site. Was there thought of stormwater management features in this area?
4. Are any light fixtures proposed on either of the additions? There appears to be soffit lighting existing near the area of the proposed addition in the rear. Details should be provided on any lighting.
5. There appears to be a designated handicapped-accessible space being removed in the area of the proposed rear addition. Will the site still comply with ADA standards as to the number of handicapped-accessible spaces? Do the building additions trigger any need to upgrade existing spaces to comply?

We trust the Board will find this information useful in consideration of the application at hand. We will attend the hearing on December 15th and reserve the right to provide additional comment based on the applicant’s presentation. Should you wish to discuss this review memo, please feel free to contact me via e-mail (jkyle@kylemcmanus.com) or phone at 609-529-8692.

Sincerely,



James T. Kyle, PP/AICP, Board Planner

attachment

Cc: Brenda Kraemer, PE (via e-mail)
Ed Schmierer, Esq., Board Attorney (via e-mail)
Gary R. Backinoff, Esq., Applicant’s Attorney (via e-mail)
Frank Falcone, PLS, PP, Applicant’s Planner (via e-mail)
Pastor Jeffrey Vamos, Applicant (via e-mail)