TOWNSHIP OF LAWRENCE
Engineering Department

TO: File

FROM: Brenda Kraemer, P.E., Assistant Municipal Engineer

SUBJECT: Minor Site Plan Application No. SP-1/26
Use Variance Application No. ZB-1/26
Willows Swim Club, 39 Willow Road
Tax Map Page 57, Block 5703 Lot 133

DATE: September 22, 2026

General:

The Willows Swim Club is located on Willow Road in the R2-B Zone. It is a non-conforming use in the zone. Currently, the swimming pool and amenities are located on Block 5703, Lot 133 on the western side of Willow Road. The club also owns Lot 127, on the eastern side of Willow Road, which has traditionally been used as a parking lot. The applicant would like to construct a new 9 space parking lot on the swimming pool property and sell Lot 127 for single family housing.

Construction of the parking lot is an expansion of a non-conforming use, requiring a "d" variance. Minor site plan approval is also required.

Testimony is required to establish that sufficient parking can be installed on Lot 133 to provide all required parking for the club and its activities. The concern is overflow parking impacting the residential neighborhood.

Detailed Report:

1. The applicant shall provide testimony about the membership and whether patrons drive, walk, or bicycle to the facility. Historic information shall be provided so that the Board can fully evaluate parking demands.

    a. Information shall also be provided about various club activities, events and other functions that may involve parking demand.

    b. If patrons bicycle to the club, adequate racks shall be provided.

    c. Per Section 530.B, all parking for a use must be located onsite. The applicant must demonstrate to the Board's satisfaction that the parking area will be adequate to meet the club's needs without parking on Willow Road or Hendrickson Road.

2. The applicant's engineer shall provide testimony about the grading and drainage patterns. The elevation of the storm drain in Willow Road shall be provided to verify all runoff from the site driveways will be directed to the inlet. If necessary, a pavement repair strip shall be provided along the frontage to properly direct flow.

    Testimony shall also be provided regarding the construction detail for the gravel parking area and whether groundwater recharge can be provided to mitigate the impact of the gravel parking area. The detail shall be added to the plan.

3. Bonding and inspection fees will be required for all improvements in the right of way. The new parking area must be installed prior to issuance of a building permit for Lot 127.

    For the Board's information, Lot 127 is a conforming lot in the R2-B Zone and will support construction of a single-family dwelling.

4. We will defer to the Planning Consultant for review of the proposed landscaping and whether additional buffering is needed.

5. A soil disturbance permit will be required.

Documents Reviewed

- Application, Plan and Documents from September 15, 2026 transmittal

BK:las

November 4, 2026

KMA
KYLE+MCMANUS ASSOCIATES
POLICY
PLANNING
DESIGN

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

Re: Willows Swim Club – ZB-1/26; SP-1/26
Block 5703, Lots 127 and 133 – 39 Willow Road
D(2) Use Variance and Bulk Variance Relief
Minor Site Plan Approval and Design Exceptions
Residential 2B (R-2B) 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. Land Use Application ZB-1/26 and SP-1/26 and supporting documents.
2. Minor Site Plan for Willows Swim Club Parking Area, prepared by Russell M. Smith, PE of Hopewell Valley Engineering, PC, dated November 19, 2025, consisting of 5 sheets.

Based on the information provided with the submission, the applicant seeks use, bulk variance and design exception relief along with minor site plan approval to construct a 9-space gravel parking area on Lot 133 of the Willows Swim Club property. As stated on the application form, this would eliminate the parking area on Lot 127, located across Willow Road, and "allow it to return to a permitted residential use". A total of 8 trees will be removed at the front of the property to accommodate the proposed parking area, which will have one-way circulation with separate ingress and egress and angled parking. One handicapped-accessible stall is proposed, which will be paved along with the two driveway aprons. Improvements are proposed only for Lot 133 at this time.

The subject properties, known as Block 5703, Lots 127 and 133, with a street address of 39 Willow Road, are located on the east and west side of Willow Road just northeast of Hendrickson Road. Focusing on Lot 33 where improvements are proposed, the property totals 33,358 square feet (0.77 acres) and contains an inground swimming pool, two small buildings and a play area along with tables and chairs and other normal amenities. The site also has pedestrian access from the Johnson Trolley Line path, which abuts the property to the northeast. Surrounding uses are all residential in nature. The June 2025 aerial photo on the following page depicts the subject property outlined in yellow along with surrounding uses.

2 East Broad Street, Second Floor, Hopewell, NJ 08525 609.257.6706(v) 609.374.9939(f) jkyle@kylemcmanus.com



Zoning

The subject property is located in the Residential 2B (R-2B) District, which is primarily intended for single-family detached dwellings but permits a swimming club for Ben Franklin along with public parks and recreation, conservation and municipal uses. Conditionally permitted uses include public and private day schools, houses of worship, bed and breakfast accommodations and childcare centers. The Willows Swim Club has existed on these properties since the mid 1950's as documented in historic aerials, long before much of the residential development surrounding the site was built. It appears to be a legally existing nonconforming use in the R-2B District.

Comparing site conditions to the area, yard, height and building coverage requirements for "other permitted uses" as outlined in §405.E.3, the site has a number of existing nonconforming conditions, as noted below. This is based on the pool and cabana structures being the principal buildings, with all other structures being accessory.

1. §405.E.3.a – minimum lot area, where 60,000 square feet is required and 33,358 square feet exists.
2. §405.E.5.a – minimum front yard, where 40' is required and 38.8' exists to the cabana.

3. §405.E.5.d – minimum side yard, where 15' is required and 10.6' exists to the cabana.
4. §405.E.5.b – accessory building property setback, where 15' is required and 7.4' exists to the side yard from the masonry building in the north corner.
5. §405.E.5.b – accessory building property setbacks, where 15' is required and 8.2' exists to the rear yard from the masonry building in the north corner.

In order to construct the improvements as shown on the minor site plan, the following relief is required:

1. D(2) use variance relief to permit expansion of a legally existing nonconforming use. While no new buildings are proposed, the parking lot represents expansion of the use on Lot 33.
2. §429.G.4 to permit a 6' fence in a front yard area where only 4' is permitted. We note a 6' fence currently exists and is being moved farther from Willow Road to accommodate the proposed parking area. Only the portion of the fence beyond the face of the cabana requires relief as the remainder is not in the front yard area.
3. §525.C.1 requires street trees where none are proposed. A design exception is required.
4. §525.H.1.d, minimum buffer per Table 5.10, where a 50' buffer is required and not provided. Per Table 5.12, the buffer can be reduced to 40' with a fence, which is proposed. As no buffer is provided, a design exception is required.
5. §525.L.1 and 2 require all nonresidential parking areas to provide landscape islands and further requires 4 small or ornamental trees and 60 shrubs per 100 lineal feet along the long axis of the island. As landscape islands are not proposed, a design exception is required.
6. §525.L.3 requires parking and loading areas to be screened by a combination of berms, hedges, fences or walls. As no screening is proposed, a design exception is required.
7. §527.C, Table 5.13 sets forth minimum illumination levels for parking areas. As no lighting is proposed, a design exception is required.
8. §530.F requires all parking lots to be setback a minimum of 25' from all lot lines and prohibits parking lots within required buffers. As the parking lot is 5.4' from the southern property line and within the required buffer, a design exception is required.
9. §530.I.2 requires access drives from parking lots to streets to be a minimum of 25' in length where less than 25' is proposed. A design exception is required.
10. §530.N.1 requires all parking and loading areas be paved. As gravel is proposed, a design exception is required.
11. §530.N.2 requires all parking and loading areas to be curbed. As no curb is proposed, a design exception is required.
12. §530.P.2, Table 5.17, requires a minimum one-way drive aisle width of 20' for 70 degree angled parking and 15' for 45 degree angled parking. The applicant's engineer should confirm the angle of the proposed parking. A design exception may be required.

D(2) Use Variance Considerations

In order for the Board to grant the d(2) use variance requested, it must be found that both the positive and negative criteria can be met. For the positive criteria, the applicant must demonstrate, and the Board must find, that the purposes of the MLUL at N.J.S.A. 40:55D-2 are

promoted by the grant of the relief. Peculiar to a d(2) variance and the Court's decision in Kohl v. Mayor and Council of Fair Lawn, 50 N.J. at 281-282, the applicant need not demonstrate that a variance could have been properly granted to create the nonconforming use in the first place. For the negative criteria, it must be demonstrated and found that the grant of relief will not substantially impact adjacent properties, nor will it substantially impair the intent and purpose of the zone plan and ordinance. We note the applicant is not required to demonstrate the enhanced burden of proof under the Court's decision in Medici v. BPR Co.

As far as any potential impact on adjacent properties, the applicant should provide testimony on hours of operation and intensity of use. The minor site plan notes that based on study by the swim club, 8 cars at most have been observed in the existing parking lot, which is not a significant number. We assume that based on the nature of the use, turnover of parked vehicles is infrequent compared to other nonresidential uses. If approved, we assume parking on Lot 127 will be removed in favor of a conforming residential use since this was stated in the application, which would bring the site more into conformance with the R-2B purpose and eliminate parking as a nonconforming principal use on that lot. As noted, no lighting is proposed for the parking area, which will limit potential impact. The Courts have suggested the Board look more liberally at the negative criteria for a d(2) variance, as expansion of an existing nonconforming use will tend to have less impact on the zone plan and zoning ordinance than an altogether new non-permitted use. Most of what is around this site was built after the swim club.

Consideration of Bulk Variances

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. When judging relief under c(2) criteria, the Board should consider the case Pullen v. Tp. Of South Plainfield, 291 N.J. Super. 1, 8 (App. Div. 1996), where the Court stated the Board should consider the benefits of the entire proposal rather than the benefits of the requested deviation. 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).

The only bulk variance required is related to the small section of new fence between the cabana building and Willow Road. We note there is an existing 6' solid fence along the entire frontage of the property that will now be located farther away from the street, which should be an improvement.

Consideration of Design Exceptions

As part of its application for minor site plan approval, the applicant has requires a number of design exceptions from the standards applicable to site plan review as detailed above. In consideration of the requested design exceptions, 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 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 testimony to support the design exceptions requested.



While the applicant requires a number of design exceptions, these are largely due to the constraints of trying to fit a parking area within a developed site that has existed in its current form for decades. Under the standard in Garofalo, the Board is simply judging whether the physical development proposed is acceptable in the context of the use and in light of the standards, as strict compliance clearly cannot be achieved without significant impact to the overall use. The photo at right shows the area where the parking lot is proposed, along with the existing fence and trees.

General Comments

1. As lighting is not proposed in the parking area, we assume based on the characteristics of the use it may not be necessary. The applicant should provide testimony to confirm this. If lighting is not needed and the Board agrees, a design exception from §527.C, Table 5.13 is required. Any future lighting needed would require amended site plan approval.
2. The minor site plan shows the play area shifting to a portion of the site labeled "leach field". The applicant's engineer should confirm if the septic system is still operating or if the site is connected to public sewer. If the system is still functioning, the play area should be relocated away from the disposal field, just not within 15' of the property line so accessory structure setbacks are met.

3. §541.F.3 limits impervious surfaces within the dripline of any tree. Given the location of the proposed parking area and the trees to remain, this requirement cannot possibly be met. A design exception is required.
4. §541.F.4 states that any live tree substantially damaged by general construction shall be replaced with another tree. The applicant proposes removal of 8 trees to construct the parking area, but proposes only 5 replacement trees, which requires a design exception. We suggest 3 additional trees be provided on-site to comply with this requirement. Further, unless the 4 White Pine are proposed for screening, we suggest these be replaced with deciduous trees.
5. §541.G sets forth methods for tree protection. As there are a number of large trees around the area where the parking lot is proposed, tree protection measures should be added to the plans.
6. In our view, the required tree density and replacement requirements set forth in §541.H are applicable only to major site plan applications. Replacement trees are provided as noted above.
7. The applicant should confirm that the bike rack will remain on-site.
8. Should the Board approve the application, we suggest it be conditioned on removal or at least closure of the parking area on Lot 127 upon construction of the new parking area.

We trust the Board will find this information useful in consideration of the matter at hand. We will attend the hearing on November 18th 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,



James T. Kyle, PP/AICP, Board Planner

Cc: Brenda Kraemer, PE (via e-mail)
Ed Schmierer, Esq., Board Attorney (via e-mail)
James Stahl, Esq., Applicant's Attorney (via e-mail)
Russ Smith, PE, Applicant's Engineer (via e-mail)

LAWRENCE TOWNSHIP HEALTH DEPARTMENT

2207 Lawrenceville Road Lawrenceville, New Jersey 08648
Telephone: (609) 844-7089

Date: September 28, 2026

To: James Parvesse, P.E., Municipal Engineer

From: Keith Levine

REVIEW FOR:

	Building Permit		Food Establishment
	Certificate of Occupancy		Sewage Disposal System
X	**Planning Board**		Individual Water Supply
X	**Zoning Board**		Commercial Property
	Other:	X	**Other: SP & ZB 1/26**

PROJECT NAME: Willows Swim Club - Minor Site Plan with Use Variance

LOCATION: 39 Willow Road

BLOCK: 5703 LOT # 133 PR# NA

OWNER: Willows Swim Club - James E. Stahl, Esq. Phone: 732-422-1000

ENGINEER/ARCHITECT: Hopewell Valley Engineering, PC- Russell M. Smith, PE

ADDRESS: PO Box 710
Penington, NJ 08534-0710 PHONE: 609-745-5800

APPROVAL	DISAPPROVAL	X **APPROVAL WITH CONDITIONS**

COMMENTS: For HVE plans dated 11/19/2025:
Applicant is proposing to install nine parking spaces on the lot containing the existing pool.

No trees shall be planted within ten (10) feet of any septic system components (Disposal Area, Tank, etc.).

Septic system components shall be located prior to and protected during construction activities.

Contractor shall insure that construction of the proposed relocated play area does not adversely impact the septic system. Coordination with the health department is recommended.

Our file indicates that the septic tank is constructed of steel and that pool backwash is directed into the septic system. These are Non-compliant conditions that will require rectification before construction permits can be approved by the health department.

John R. Sullivan, REHS

Keith Levine, Health Officer

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: James Kyle, Planning Consultant
Edwin W. Schmierer, Zoning Board Attorney
James DeForte, Construction Official
Edward Tencza, Public Safety Coordinating Committee
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer

FROM: BK Brenda Kraemer, P.E., Assistant Municipal Engineer

RE: Minor Site Plan Application No. SP-1/26
Use Variance Application No. ZB-1/26
Willows Swim Club, 39 Willow Road
Tax Map Page 57, Block 5703 Lot 133

DATE: September 15, 2026

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

- Application and Supporting Documents
- Site Plans
- Engineering Plans

Additional application documents are also available on our website at:

https://www.lawrencetwp.com/departments/engineering-planning-zoning/DocumentsforActiveBoardApplications

This application is scheduled for review by the Zoning Board at the meeting to be held Wednesday, November 18, 2026. Please review these documents and submit your report to this office as soon as possible, but **no later than November 2, 2026,** so that reports may be provided to the applicant and Board members prior to the meeting.

BK:las

Attachments

09/30/26 NO Fire Comments SH
9-30-26 No Building comments AHC
10/01/2024 No Electric Comments JW/ #811 (call before you dig)
10/2/26 No Plbg Comments JC

TOWNSHIP OF LAWRENCE
Division of Planning and Redevelopment

TO: James Kyle, Planning Consultant
Edwin W. Schmierer, Zoning Board Attorney
James DeForte, Construction Official
Edward Tencza, Public Safety Coordinating Committee
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer

FROM: BK Brenda Kraemer, P.E., Assistant Municipal Engineer

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BK:las

Attachments

RECEIVED
SEP 17 2026
By

10/23/2026
No Comments
FM

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