

**TOWNSHIP OF LAWRENCE, MERCER COUNTY
LAWRENCE TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION, NUMBER 15-17
APPLICANT: FEDERAL REALTY INVESTMENT TRUST
APPLICATION NO. SP-5/17
3371 BRUNSWICK PIKE
BLOCK 5201, LOTS 33
LAWRENCE TOWNSHIP TAX MAP**

WHEREAS, Federal Realty Investment Trust (“Applicant”) has applied to the Lawrence Township Planning Board (“Board”) for Preliminary and Final Minor Site Plan Approval with Bulk Variances for an existing vacant office building to be converted into a new car dealership on property located at 3371 Brunswick Pike, and designated as Block 5201, Lott 33 on the Lawrence Township Tax Map (“Property”); and

WHEREAS, the Board held a public hearing on the application on May 15, 2017 at which time the Board considered the application materials submitted by the Applicant as a part of the record and in addition the following exhibits:

Exhibit A-1: Deed

Exhibit A-2: Plan entitled: “Existing Conditions Plan” prepared by Bohler Engineering dated March 3, 2017 (Sheet 3 of 8).

Exhibit A-3: Plan entitled: “Aerial Exhibit” prepared by Bohler Engineering dated May 15, 2017 (Sheet 1 of 1).

Exhibit A-4: Plan entitled: “Site Plan Rendering” prepared by Bohler Engineering dated May 15, 2017 (Sheet 1 of 1).

Exhibit A-5: Plan entitled: “Furniture, Fixture and Equipment Plan, Legend & Notes” prepared by CallisonRTKL New Jersey Architects dated March 6, 2017 with revision dated April 7, 2017.

Exhibit A-6: Architectural Renderings with proposed site signage, prepared by McGillin Architecture, Inc., consisting of 5 sheets, and 1 sheet of existing pylon sign with proposed signage.

Exhibit A-7: Letter memorandum prepared by Bohler Engineering dated May 9, 2017 in response to: (1) Lawrence Township Engineering Department report dated March 20, 2017, (2) Township Planner (Clarke Caton Hintz) report dated April 21, 2017, and (3) Lawrence Township Shade Tree Advisory Committee report dated March 27, 2017.

Exhibit A-8: Plan entitled: “Truck Circulation Plan A” prepared by Bohler Engineering dated May 5, 2017.

Exhibit A-9: Plan entitled: “Exterior Elevations” prepared by CallisonRTKL New Jersey Architects dated March 6, 2017 with revision dated April 7, 2017.

Exhibit A-10: Landscape renderings consisting of 2 sheets.

Exhibit A-11: Plan entitled: “Landscape Plan” prepared by Bohler Engineering dated May 15, 2017 (Sheet 5 of 8); and

WHEREAS, in addition to considering the application materials and the above-referenced exhibits, the Board considered the testimony presented by the following witnesses:

1. Neil Cain, Senior Project Manager at Federal Realty Investment Trust, Applicant;
2. Cornelius Brown, P.E., Bohler Engineering PA, LLC, Applicant’s Engineer;
3. Byron Knowlson, A.I.A., Senior Architect for Tesla North America Operations;
4. Philip Caton, PP, FAICP of Clarke Caton Hintz, Board Planner;
5. James F. Parvesse, PE, CME, Board Engineer; and

WHEREAS, in addition, the Board considered the following staff reports:

1. Engineering report, dated March 20, 2017, from James F. Parvesse, PE, CME, Municipal Engineer.
2. Planning reports, dated April 21, 2017 and May 10, 2017, from Clarke Caton Hintz.
3. Health Department report, dated April 5, 2017, from Carol Chamberlain, Township Health Officer.
5. Lawrence Township Shade Tree Advisory Committee report dated March 27, 2017.
6. Lawrence Township Tax Collector report dated March 16, 2017; and

WHEREAS, the Board, having considered all of the above-referenced materials, reports and testimony makes the following findings:

1. The Applicant was represented by Robert W. Gundlach, Esq. of Fox Rothschild, LLP.
2. The Applicant is the owner of the Property.

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3. The Property is improved with a two-story vacant office building and associated site improvements known as “Lawrence Commons.” It is located adjacent to Mercer Mall in the Lawrence Township Highway Commercial (HC) Zoning District.

4. Applicant’s proposed tenant is Tesla, an automobile manufacturer focused on electric vehicles. Tesla proposes to renovate and convert the existing building into a Tesla dealership.

A. The project will include the removal of the building’s second floor and a complete retro-fit of the structure to create: a three to four - vehicle showroom and sales center at the front (northeast) corner of the building; a three-bay delivery area at the southeast corner of the building; customer area, offices and utilities area in the center of the building; and a vehicle service area at the rear (western) portion of the building.

B. The exterior façade of the building will be modified to incorporate a glass-enclosed showroom and add six roll-up vehicle entry doors for access to the delivery and service areas.

C. Minor site modifications will be undertaken to improve accessibility and accommodate the direct entry/exit of vehicles into the building.

D. Building and site signage shall be as depicted on the plans entitled “Zoning Plans for Automobile Dealership, 3371 U.S. Highway Route 1, Township of Lawrence, Mercer County, New Jersey,” consisting of 2 sheets, prepared by Bohler Engineering, dated March 3, 2017; and several renderings submitted by Applicant as prepared by McGillin Architecture, Inc. (Exhibit A-6). Summarily:

1. Two 20’ x 2’ “Tesla” identification signs will be located at the northeast corner of the building above each end of the showroom. Additionally, a Tesla “T” logo sign will be affixed to the façade on the eastern side of the building adjacent to the showroom.

2. A 9’6” x 1’ “Service” sign will be affixed to the northern side of the building above the vehicle service entrance.

3. A 3’2” x 3’2” red freestanding sign with the Tesla name and logo will be installed at the northeast corner of the site along the mall access road. An existing freestanding identification sign at the entrance to the site from Route 1 will be modified to add a Tesla identification sign. An existing “3371” address identification sign along the access road at the southeast corner of the parking lot will remain.

5. In order to undertake and complete the improvements proposed by the Applicant to the Property, the Applicant seeks Preliminary and Final Minor Site Plan approval with the following variance relief pursuant to N.J.S.A. 40:55D-70c(2) from the Board:

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A. Section 535.Y.2 Land Use Ordinance ("LUO"), Freestanding Sign Number Variance: The Applicant seeks a variance for a new freestanding sign to replace the existing freestanding sign at the front of the site; and

B. Section 535.Q.2 LUO, Façade Sign: The Applicant proposes four (4) façade signs on the dealership building. Only one façade sign per building is permitted. Variance relief is sought for the number of signs.

6. Additionally, the Board notes the following pre-existing non-conforming conditions that are not being changed or altered by the proposed improvements:

A. Section 420.E.1.f LUO: Continuation of an existing non-conformity for a side yard setback less than 25.0' (24.8' exists);

B. Section 420.E.1.i LUO: Continuation of existing non-conformity for maximum impervious surface greater than seventy (70) percent (85.6% exists, being reduced to 82.8%);

C. Section 530.P.F LUO: Continuation of an existing non-conformity for a minimum parking setback less than 10.0' (4.2' exists); and

D. Section 530.P.2 LUO: Continuation of an existing non-conformity for a minimum drive aisle less than 24.0' (21.3' exists).

7. The Board having considered the Application voted unanimously (9 in favor and none opposed) (Connolly, Duran, Kownacki, Nerwinski, Leggett, Maffei, Samuel, Taylor, Wiznitzer) to grant to the Applicant Preliminary and Final Minor Site Plan approval with bulk variances. The Application was approved for the following reasons:

A. The Applicant proposes an appropriate renovation of an existing vacant office building. The 2-story vacant office building will be converted into a 1-story building, which will be used as a showroom with approximately three (3) Tesla cars on display for sales. The ceiling height for the showroom will be 16'9".

B. The parking lot will primarily be used for customer parking and not for inventory. Sales of Tesla cars are made to order within the showroom and picked up at a later date by the customer. There will be a small car delivery area behind the building for the ordered cars. As such, space for an inventory of cars is generally not required. The proposed three bays will be used for car delivery to customers and not servicing of cars.

C. Tesla vehicles are electric. Four vehicle charging stations will be installed. On-site servicing of cars will not involve traditional oil changes, emission checks, or transmission repairs, unlike gasoline cars. Additionally, no body repairs or painting will occur on site.

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D. The Board finds the project is an appropriate adaptive reuse of a vacant commercial building. The conversion will permit the modernization and upgrade of both the building and the site. It will also result in a reduction of total impervious coverage with the new landscape islands.

E. The variance relief sought for signage will provide sufficient exposure for the dealership. The Board notes that the building is significantly set back from US Route 1 and is located on the mall access road. As such, it has limited visibility. The proposed signs will provide appropriate identification both for the business and to assist customers with locating the site. For these reasons, the Board is satisfied that the proposed sign package is reasonable and appropriate and approval of the requested variances can properly be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board, that having considered all of the application materials and the presentation by the Applicant, the comments and testimony from the Board's experts and the comments from the public at the above-referenced public hearing, and based on the above findings and conclusions, the Board hereby grants preliminary and final site plan approval with the requested variances for signage to Federal Realty Investment Trust for its occupancy of the Property as detailed above. This approval is granted, however, subject to the following conditions:

1. Applicant shall amend the Plans to incorporate and comply with the comments and representations set forth in the May 9, 2017 Response memo prepared by Bohler Engineering (Exhibit A-7).
2. Applicant shall comply with all unmet comments and conditions set forth in the March 20, 2017 report of the Board Engineer, and the April 21, 2010 and May 10, 2017 reports of the Board Planner, except as may be specifically modified by the provisions of this Resolution.
3. Applicant shall work with the Township Fire Official to provide adequate access for Fire and Emergency Services vehicles. The plans shall be modified accordingly and include truck turning templates.
4. Applicant shall work with the Township Engineer to extend a sidewalk from the subject property to the southern end of adjoining Mercer Mall ("Nordstrom").
 - a. The Plans shall be modified to include the sidewalk extension agreed to by Applicant and the Board Engineer.
 - b. The Board recognizes that such an extension may not be feasible due to on-site stormwater management infrastructure. If determined infeasible by the Board Engineer, Applicant shall be relieved of the obligation to extend the sidewalk and this condition shall be deemed satisfied.
5. Applicant shall obtain any and all additional approvals (or waivers / letters of no interest) required from any outside agency having jurisdiction.

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6. Payment of all outstanding real estate taxes, assessments and land development escrow charges, if any, and the supplementation of the escrow account, if necessary, within 30 days of any notice of account deficiency.

ACTION TAKEN BY THE PLANNING BOARD ON MAY 15, 2017.

INTRODUCED BY: Leggett

SECONDED BY: Diego

ROLL CALL ON VOTE:

AYES:	9
NAYS:	0
ABSTAINED:	0
ABSENT (EXCUSED):	1
PRESENT BUT INELIGIBLE TO VOTE:	1

ACTION TAKEN ON THIS RESOLUTION ON JUNE 19, 2017:

INTRODUCED BY: Councilman Kownacki

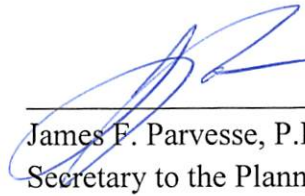
SECOND BY: Connolly

ROLL CALL VOTE:

AYES:	7
NAYS:	0
ABSTAINED:	0
ABSENT (EXCUSED):	2
PRESENT BUT INELIGIBLE TO VOTE:	2

CERTIFICATION

I, James F. Parvesse, P.E., Secretary to the Planning Board of the Township of Lawrence, County of Mercer, do hereby certify that the foregoing Resolution is a true and correct copy of a Resolution of Memorialization No. 15-17, adopted by said Planning Board at its regular meeting held on June 19, 2017. This Resolution memorializes formal action taken by the Planning Board approving the above-referenced application at its meeting on May 15, 2017.



James F. Parvesse, P.E./C.M.E.
Secretary to the Planning Board