

Lawrence Township Planning Board
Regular Meeting
Monday, February 4, 2013

Present: Christopher Bobbitt
Richard Krawczun, Manager
Terrence Leggett
Michael Powers, Councilman
James Kownacki, Mayor
Glenn R. Collins
Kim Y. Taylor, Vice Chairperson

Excused Absence: Philip Duran
Doris Weisberg, Chairperson

Absent: Ian Dember
Aaron Duff

Also Present: James F. Parvesse, Municipal Engineer
Philip B. Caton, Clarke Caton & Hintz, Planning Consultant
Neil Yoskin, Planning Board Attorney
Susan Snook, Recording Secretary

1. **Statement of Proper Notice**

Adequate notice of this meeting of the Lawrence Township Planning Board has been provided by filing the annual meeting schedule with the Municipal Clerk as required by law, and by filing this agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, and the Lawrence Ledger newspapers.

2. **Public Participation**

None

3. **Minutes for Approval**

Monday, December 17, 2012 minutes were unanimously approved.

4. **Resolutions**

Resolution of Memorialization 10-13 approving Major Site Plan – Preliminary & Final Application No. SP-16/12; **Lawrence Associates (QBM) – Brio Tuscan Grill**, Quakerbridge Road, Tax Map Page 42+, Block 4201.1, Lots 2, 3.01, 4, 36 & 38; Block 5201, Lot 25 was approved per unanimous vote.

5. **Applications:**

Major Site Plan – Preliminary & Final Approval Application No. SP-17/12; Rider University – Combined Heat and Power Building, 2083 Lawrence Road, Tax Map Page 28.01+, Block 2801, Lot 4.

Mark Solomon, Esq., of Pepper Hamilton represented the applicant.

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Mr. Solomon introduced his first witness: Michael Reca, Associate Vice-President of Facilities for Rider University. Mr. Reca described the application and Rider started a program which replaces old mechanical systems. The building will be used for making their own power and providing heat and possibly air conditioning. Councilman Powers questioned the location of the power plant and why was this location chosen. Mr. Reca stated it is in the proximity of the academic building, not being in the wetlands and floodplains and not having to apply for any variances.

Witness #2 – James Zaleski, Assistant Vice President of Facilities Management, Planning & Construction. Mr. Zaleski described this project stating it is a combined heat and power plant. It will generate electricity and heat as a by-product of combustion. The electricity will be produced by using generators and will be used for two purposes.

Exhibit A1: Arial Photo of Site Location (west of Fine Arts building). The location was picked because of the four main academic buildings (Fine Arts, Science, Business School and Memorial Hall). The waste heat will be funneled to Memorial Hall for cooling and Swaggered Hall for heating. It gives flexibility and allows a base line which will generate electricity through a natural gas fired generator and will run 8000 hours/yr and will be down for four months a year for maintenance.

Exhibit A2: Site Plan showing Underground Piping, Sheet M1, revision dated February 4, 2013. The piping was originally going through the grassy area; however, would affect trees and landscaping. The pipe was moved to come out of the northside of the campus (at the utility road) and follow the path of the road and branch off to a parking lot and to each of the buildings.

Witness #3: Keith Lieberman, P.E., T & M Associates. Mr. Lieberman gave testimony on the civil engineering of the project.

Exhibit A3: Existing Features and Removals Plan, Sheet 3 of 9. The plan shows the site where the CHP is going. It will be located on a grassy area and the walkway will have to be relocated. The plan also shows the delineation of the 100 year flood plain buffer and will not impact the Delaware & Raritan Canal Commission stream buffer.

Exhibit A4: Grading, utility & Drainage Plan, Sheet 4 of 9: The plan shows all work that will be proposed except for landscaping. There will be minor grading around the building and no impacts to any trees with the exception of one tree for the ramp. A rain garden is being proposed for runoff which will have vegetation. The relocated walkway will be west of the building and drainage pipes will be connected to the storm sewer.

Exhibit A5: Landscape Plan, Sheet 6 of 9. Mr. Lieberman testified that north of the building, three trees along driveway will be removed and replaced. The CHP will have small shrubs and bushes to soften the view.

The comments of the Clarke Caton & Hintz report dated January 24, 2013 will be complied with except the condition of the striping, which Mr. Caton agreed since it is not effective and not a necessity. Mr. Parvesse's report of January 7, 2013, will be complied with the exception of No. 5 – removing trees. This is the only access for maintenance purposes and Rider University does not want to lose the three parking spaces. Comment 5.4 – No proposed site lighting; however, there will be wall mounted lights.

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Witness #4: John F. Wright, Spiezle Architect.

Exhibit A6: Building Elevations, Sheet A5-1. Mr. Wright testified that the design has been set to mimic the other structures around it. The footprint of the building is 2,680 SF; height of building is 45 SF to the top and 40.6 in height, which is similar to the Greek House, the façade will be brick to match so it fits in; will have a shingle roof, windows and glass blocks accents. The lighting will be building mounted for code purposes. The equipment yard will have wall mounted lighting for illumination and would be operated by a switch and will be on when someone has to use it.

Witness #5: Thomas Bathgate, Mechanical Engineering Firm and lead engineer for the equipment going into this building. Mr. Bathgate testified that this building is 62% efficient and burns natural gas; the equipment used inside the building is a combustion engine and will be re-built over a period of eight years (2 weeks in the spring and 2 weeks in the fall) because it operates under a continuous basis. The engine produces heat and takes the heat off in the summer time for cooling and will have pumps to distribute water. Because of concerns of the acoustics, the engine and equipment will be purchased in acoustical containers for controlling the noise. Councilman Powers asked if maintenance will be done in the building. Mr. Bathgate stated the doors will be big enough for machinery to fit inside.

Witness #6: Matthew Murello, PE, Lewis Goodfriend & Associates, noise expert for acoustics. Mr. Murello stated the firm was hired to evaluate potential for noise impact at the nearest property line near the north and south, off the campus and to the nearest uses that may have potential noise impact on campus. There is a letter addressed to the Board's noise consultant, Mr. Swerling and he agreed with the findings, see attached dated February 4, 2013 to Mr. Parvesse. Mr. Caton stated looking at the building and all the equipment on the roof, the only thing that would be seen is the stack and all other equipment would be hidden.

Vice Chairperson Taylor asked about running the new gas line from the road into the Campus. Mr. Zaleski they are still currently working with PSE&G for running a separate high pressure line for that building only. There will be no disruptions to the surrounding areas. The pipe will run from Route 206 to Memorial Hall and all trenching will be underground. The pipe is 6 – 8" and will be a high density plastic.

Public Participation:

Annette Jarredd; 45 W. Long Drive. Ms. Jarredd questioned the stack and the exhaust, if would be visible or pollution like.

Mr. Wright stated it is natural gas and might see a wrinkle effect which is like heat smoke and will not be visible during the winter months. It will be tested once a year to make sure it is particle free.

Bill Kamerzel, 61 W. Long Drive; see attached letter dated received February 4, 2013.

Mr. Yoskin stated there is nothing within the jurisdiction of the Planning Board; however, construction of this building will be the subject of permits issued by the Township and the conditions could be a part of the building permits. Mr. Solomon stated to the Board that this is not related to this application and the comments would be investigated and continued that the comments is not appropriate for a condition of this approval. Mr. Reca stated the staging area is not established and is looking to put it by the Church.

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Mr. Krawczun suggested try to resolve landscaping and fencing issues, where we would allow the professionals to work with the applicant to resolve this matter. Mr. Recca to meet with Mr. Parvesse and Mr. Cermele to resolve issues so Rider does not have to come back before the Board. Mr. Solomon stated a condition would be for the staging that has to be worked out.

Mr. Caton summarized that the conditions have been noted are in compliance with the professional reports and reviews with the exception of the extension of the exhaust stack which is 3' above parapet building. The noise consultant, engineers, planners reports will be incorporated as conditions. There will not be a need to strip the crosswalk; the lighting restricted by requirements of the code; the staging area and the three (3) parking spaces will be retained and will provide tree protection at dripline.

Minor Site Plan Application No. SP-14/12; PNC Bank, 4201 Quakerbridge Road, Tax Map Page 52.03, Block 5201, Lot 45

Mr. Krawczun stated he asked if he could participate in this application because PNC is the main institution the Township utilizes and as Township Manager and Financial Officer; he is directly involved in that decision of selection an institution and if this is a conflict of interest. Mr. Yoskin stated he can find no case on point; so in his opinion this is not a conflict of interest.

Diane N. Hickey, Esquire, representing the applicant.

Ms. Hickey gave a brief introduction of the application. PNC bank is located in West Windsor. The application is for crosswalk, curbing and striping which will be located in Lawrence Township.

Witness #1: Eric Britz, Bohler Engineering, Inc. He will testify as an expert in site development and is the project engineer.

Exhibit A1: Overall Arial of the Site, which is for presentation only, Sheet 1 of 1, revision dated January 10, 2013. Mr. Bohler explained the location of the site – Route 1 north between Mercer Mall and Quakerbridge Road. The lot is unique and is located in West Windsor.

Exhibit A2: Lot Consolidation Plan, revision dated October 8, 2012. The plan shows the entirety of Lot 45, which is Mercer Mall and Lot 1 which is the subject of the Bank application.

Mr. Yoskin stated that the Board was provided by Council with the notice of the MLU Law and the Board has jurisdiction.

Mr. Britz stated old Province Line Road was relocated to the other side of the W. Windsor lot and is now known as Quakerbridge Road. A Wachovia Bank was proposed in 2006 and received a use variance for the use of the bank because it was not located adjacent to the Nassau Park pavilion. A condition was the Township indicated that the old right-of-way needs to be re-vacated with the County and is now split between two Townships (Lawrence and W. Windsor). The property is being leased by PNC and is owned by Federal Realty, who also owns Mercer Mall.

Exhibit A3: Rendering of Survey (presentation only), dated October 18, 2011, shows old Province Line Road.

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Exhibit A4: Site Plan, Sheet 3 of 17, revision dated January 10, 2013. The plan was revised due to comments from W. Windsor Township. The only change for the proposed feature in Lawrence Township is the sidewalk to be widened to six-feet (6') wide. The applicant is proposing access from the Mall access drive (old Province Line Road); the lot is located off of Quakerbridge Road to the east of the driveway. A pedestrian access is being proposed through the straightest point of the road, cross over the access drive and a proposed sidewalk to be connected to the existing sidewalk at Shop Rite located in the northern portion of Mercer Mall which will also connect to existing sidewalks that tie into the Mall. Exhibit A1 shows the existing pedestrian path walk located in the northern end of the parking lot.

This application provides for striping; proposing a left turn lane to make a turn into the site; no changes to the curb line or cart way (which is wide enough); proposing to align the traffic, will have signage for traffic and the pedestrian crosswalk.

Comment #2 from Mr. Parvesse's memorandum dated January 28, 2013 is the "Aussie" sidewalk. The intention is to comply; however, the applicant needs to also comply with W. Windsor Township. Comment #3 which pertains to lighting and will get approved plans from Mercer Mall. Mr. Caton stated if lighting is not acceptable to our Engineer, they will come back to the Board.

Ms. Hickey commented on #7, if it is necessary for a lot consolidation. Mr. Parvesse stated he just wanted to make sure the lot was consolidated.

Clarke Caton & Hintz report dated January 11, 2013; Comments 4.1 and 4.2. Mr. Britz stated they did review the sidewalk installation, there is a landscaped island and will comply; the cross-access easement is needed in this location and Planning Board reviewed it a couple months back, the lot in question are both under the same ownership and feels a cross access is not needed.

Mr. Caton stated he is satisfied by the Route 1 frontage and how the access to the Bank in the event the lot was sold to another party without this easement. Mr. Yoskin stated that the applicant has access across this piece of property that is not part of this property and an easement is required or a condition of approval could be, if the lot is sold and not under common ownership, an easement would have to be imposed and the applicant can submit something in writing to do a legal analysis.

Exhibit A5: Aerial Photograph (black and white), Sheet 5 of 14. The sidewalk will connect next to the trash enclosure; however, some concerns are cutting through the trees which are overgrown, and the wooded area would be a safety concern. Mr. Caton added that the sidewalk limit is appropriate and there is no way to get a sidewalk around to the Starbucks location without ruining vegetation so he is satisfied with the sidewalk. There was a brief discussion about various locations for this sidewalk.

Mr. Britz stated the bank does not produce a lot of trash and what is being proposed is a 5 x 5 fenced in enclosure by back door for curb side pick up, Exhibit A4.

Mr. Caton stated the conditions are the sidewalk be extended around the parking lot subject to Mr. Parvesse's approval or will have to come back to the Board; the crosswalk will be "Aussie" subject to Mr. Parvesse's approval; lighting has not been measured and information will be provided to Mr. Parvesse, per Comment #3 of his memorandum; an easement for access to the Mercer Mall lot will be provided unless the attorney for the applicant can provide Mr. Yoskin with a submission of a reason of why not.

Vice Chairperson stated to be noted for the record; there were no members of the public for comments or questions for this application.

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6. **OLD BUSINESS / NEW BUSINESS / CORRESPONDENCE:**

None

7. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 9:20 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

Susan J. Snook
Recording Secretary

Minutes Approved: _____
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From: Noiseconsultancy@aol.com [mailto:Noiseconsultancy@aol.com]
Sent: Monday, February 04, 2013 11:52 AM
To: jparvesse@lawrencetwp.com; mmurello@isga.com
Cc: jzaleski@rider.edu; File@LSGA.com
Subject: Re: Rider University CHP plant review

Jim,

I am satisfied that the additional information submitted in this matter resolve the questions I had.

I suggest that the Board impose the following condition:

"The insulated overhead doors on the CHP shall only be opened during periods of active loading, and not for purposes of ventilation."

Also, please have the engineer testify to the fact that all intakes and exhausts (combustion and makeup) can be 3 foot below the parapet walls on the roof.

Be well.

Eric

Temporary gravel parking lot adjoining Rider's track located parallel to the north/south section of West Long Drive.

- A "temporary" gravel parking lot was expanded in ~2005-2006 by Rider to accommodate their needs while a new parking lot was being constructed.
- At the time of the temporary expansion, homeowners of the houses abutting Rider on West Long Drive were promised (by Rider) a 6 foot tall earth berm between the lot and our back yards. The berm was to be planted with grass and a double row of 6 foot tall evergreen trees (staggered). In addition, a chain link fence between the berm and gravel lot was promised. A locked gate was also part of the promised plan, to prevent traffic from accessing the area at any time other than when a Rider sanctioned event was in progress. Low level lighting would be installed for the temporary parking area which, was to be removed when the new parking area was completed.

Current situation as of February 4, 2013: The temporary gravel lot is larger than ever. The negative impact to West Long Drive homeowners is ongoing.

- The gate to the track area is not locked, cars/trucks/buses/atv's motorcycles and people have 24/7 access. Cars/trucks gunning engines, speeding in the gravel or people parking and gazing into our backyards (no promised visual barrier).
- The promised berm + fence were never built. The pre-existing trees and underbrush on the old trolley line (barrier) between Rider + the West Long Drive properties were cut down by various contactors between 2005 and 2013.
- The gravel lot is used as a staging area by Rider. At various times of the year, we are subjected to: large dumpsters with noise from large machinery dumping debris, port-a-johns, construction trailers (with generators running 12 hours per day), demolition debris, tour buses with diesel engines left idling for hours, borrow pit (large machinery-digging huge holes/creating dust and noise) glaring overhead lighting left on all night, loudspeakers blaring noise pre, during and post events. Dust, noise, lighting, trash and debris creates a nuisance to neighboring homeowners.
- Participants in Rider's events can access our back yards (due to no promised berm/fence) This is not only annoying/invasive and intrusive, it presents a security risk.

Example: A participant in one of Rider's events trespassed onto my property. He walked into the woods behind my home and stripped naked to change into his running attire. I happened to be in my back yard, gardening with my special needs daughter at the time. We were all startled (myself, my daughter and the naked person) when we noticed one another.

In summary, Rider's broken promises and flagrant disregard for the neighborhood adjoining their track has become an increasing irritant over the course of the past several years.

Rider needs to make good on their broken promises to their West Long Drive neighbors before pursuing any additional construction/destruction projects. Rider's continued lack of follow through on any and all of their empty promises has negatively impacted my use and enjoyment of my own back yard.

Bill Kammerzell

H. 609-876-1437

Rec'd 2/4/13