

Lawrence Township Planning Board
Regular Meeting
Monday, March 3, 2014

Present: Christopher Bobbitt
Ian J. Dember
Philip Duran
Richard S. Krawczun, Municipal Manager
Terrence Leggett
Stephen Brame, Councilman
James Kownacki, Councilman
Aaron Duff
Kim Y. Taylor, Vice Chairperson
Doris M. Weisberg, Chairperson

Excused Absence: Glenn Collins

Absent: None

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. **Oath of Office:**

Aaron Duff was placed under oath. Mr. Yoskin, Esquire, administered the oath.

3. **Appointments:**

Councilman Kownacki moved and Mr. Leggett seconded to approve the Resolution of Appointment for telecommunication consulting services (Resolution 11-14). Ayes 9; Nays 0; Absent 1; Ineligible to Vote 0.

4. **Public Participation (for items no on the agenda)**

None

5. **Minutes for Approval**

Monday, December 2, 2013 and Monday, January 13, 2013 minutes were unanimously approved.

6. **Resolutions**

- Resolution of Memorialization 10-14 approving Amended Major Site Plan – Preliminary & Final Approval Application No. SP-9/13; **Educational Testing Service (Building 3 Pool Relocation)**, 660 Rosedale Road, Tax Map Page 78, block 7801, Lot 2, was approved per unanimous vote.

7. **Applications**

Major Site Plan Application – Preliminary & Final Approval Application No. SP-14/13; **Auto Lenders Car Sales Facility**, Brunswick Pike and Brunswick Pike and Magnetic Drive, Tax Map Page 20.01, Block 2206, Lots 3.02 and 3.04 was postponed to the March 17, 2014 meeting.

8. **Amendment to the Land Use Ordinance** (Revised Sections 201, 300, 301, 415, 422 and 423)

Mr. Caton stated the basis for the ordinance that has been referred to us by Council is set forth in the whereas clauses. When the re-examination report was completed for the Costco property, the office definitions in the Land Use Ordinance is a bit stale and makes references to nine (9) different types of offices but only define two.

This is also partly in response to a case that the Zoning Board heard twice and that case is for a residential detoxification. The Zoning Board of Adjustment included this case in the 2013 Annual report, which is prepared each year and this time the Board found that further discussion regarding medical means for residential use detoxification that is not addressed in the current Land Use Ordinance.

The Board has discussed new medical uses and types of facilities. This ordinance is being referred by Council because it is needed. The physicians that are licensed in addiction medication can practice in the Township and is a permitted use in the residential health care facility under the definition which is in the EGI (Education, Government & Institutions) zoning district. What the Court found is that it is a beneficial use and there is no residential detox facility in Mercer County and what this Ordinance would do is to provide a more suitable location for this kind of use than the one that was the subject of the application.

A portion of the Limited Industrial district between Route 1 and the Canal and Route 295 that is on boundary with Hamilton Township. Mr. Caton, using the Zoning Map, stated the piece of property would be a conditional use under the proposed ordinance. This use is consistent with the goals and objectives of the Master Plan in the most prominent part of the first goal of the Master Plan which is to guide the appropriate use of development of all lands in a manner in which it would promote the public health, safety and general welfare.

The proposed ordinance cites that consistency in a general sense but recognizes the knowledge that this use has not been set forth in that area to the Master Plan so it is inconsistent. Since the Council has the authority to adopt the zoning amendment even though it is not fully consistent with the Master Plan, as long as the reasons are on the record, this is the suitable way to proceed.

Rather than having this area characterized as Limited Industrial and there really is a range of uses that are present there now, (office, farming, recycling operations and detached residential) it would make more sense for it to be a mixed use. This ordinance would designate this area that is currently Limited Industrial 1 as Mixed Use 2. The mixed use district is east just along Quakerbridge Road would be Mixed Use 1 District and the Limited Industrial 2 use would become Limited Industrial and no longer Industrial 1.

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Definitions have been included of various medical facilities which have been included such as houses of worship, rectories and parish houses. The core is to provide this section of the Township, which has good access to the regional highway network, but is not adjacent to any established neighborhoods for this purpose which serves a public good.

The Board discussed various concerns such as not being in an established neighborhood; the location by All Good Dogs but not as far as the Fire Academy (between the Canal and 295). This is an area that has more intense uses. The medical offices and clinics are defined and as part of the long range plan, now that these are defined, we want to assign these into various zoning districts to specifically provide for medical offices.

Mr. Krawczun stated when this ordinance was being drafted, trying to decide if a medical type facility would fit into a medical office or other type of operation or medical care; we were to trying to help bring the definition for various uses. The Zoning Board had shown uses have been evolving and we need to amend the ordinance to keep pace with some of these changes.

Vice Chairperson Taylor asked if this would permit an institutional use. Mr. Krawczun stated it will permit an overnight medical stay. Mr. Caton stated it is not the EGI Zone; it is a mixed use zone that does not permit by right institutional use. Mr. Krawczun stated you would not see the likes of St. Lawrence because they are EGI. Mr. Caton continued that is it limited on the number of patients that are cared for in a detoxification center, about 50 and the minimum lot size is three acres. Vice Chairperson Taylor asked since she lived in the area, would she be able to vote on this application. She is not within the 200' and can vote per Mr. Yoskin.

A discussion about the lot size of the property in the zone; this ordinance gives us a lot more control over the planning in the Township because it would be defined where they can be placed. Mr. Caton stated the ordinance is consistent with the Master Plan and it is not consistent with the uses currently in this location; however, the Planning Board recommends this ordinance to be adopted.

Mr. Dember stated this is a very important ordinance and welcomes the relief because it is in a good location. It will not be affecting any rural areas and out in an area that has the land. Mr. Duff stated it is a rural area; it is feasible to discuss required setbacks and concerned about 15 years down the road. Mr. Caton stated all the necessary setbacks have been provided and if the area is built up over time, it will be slowly. Chairperson Weisberg stated the Township changes and grows and that means we have to change and grow as well and is pleased about this ordinance.

Councilmen Kownacki and Brame asked if they should abstain from voting because this ordinance will be presented to Township Council. Mr. Yoskin stated they are entitled to vote; however, they can abstain from the vote, which would be more appropriate. Vice Chairperson Taylor asked if there is a rule for such a facility; the amount (distance) it has to be from a residential area. Mr. Caton stated there is no ordinance standard, it is taken care of by the district. Mr. Bobbitt stated it is 50' for the side yard and in the new use is 50' for residential, for a total of 100'. Mr. Caton stated the main concern was to identify an area that was a substantial distance from any residential development. There is a 50' buffer from any residential and non-residential use.

Councilman Brame stated the detoxification facility similar before the Zoning Board is a very short stay facility. The purpose is to be detoxified which takes between 3 and 7 days. People will be coming in to use the facility and then go to another facility that has longer treatments. It will not be a very very intensive use and people will be there up to seven days and then out.

8. **Old Business / New Business / Correspondence**

None

10. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 7:40 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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