

Lawrence Township Planning Board
Regular Meeting
Monday, December 7, 2015

Present: Christopher Bobbitt
Philip Duran
Terrence Leggett (7:09 pm)
James Kownacki, Councilman
Diego Samuel
Stephanie Pangaldi
Kim Y. Taylor, Vice-Chairperson
Doris Weisberg, Chairperson

Excused Absence: Richard S. Krawczun, Municipal Manager

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. **Public Participation (for items not on the agenda)**

None

3. **Minutes for Approval**

September 21, 2015 and October 19, 2015 minutes were unanimously approved; moved by Councilman Kownacki and seconded by Councilman Bobbitt

4. **Resolutions**

Resolution of Memorialization No. 23-15 approving Major Site Plan – Preliminary and Final Approval Application No. SP-9/15; **Lightbridge Academy**; 100 Federal City Road; Tax Map Page 27.03, Block 2701, Lot 81 was unanimously approved.

Resolution of Memorialization No. 24-15 approving Major Site Plan – Preliminary & Final Approval Application No. SP-8/15; **Notre Dame High School Expansion Project**; 601 Lawrence Road; Tax Map Page 13, Block 1301, Lot 34.02 was unanimously approved.

Resolution of Memorialization No. 25-15 approving Major Site Plan – Preliminary & Final with Variance Application No. SP-10/15; **Aqua New Jersey, Inc.**; 25 Green Avenue; Tax Map Page 27, Block 2703, Lots 109, 160 & 161 was unanimously approved.

5. **Applications**

Major Site Plan – Preliminary and Final with Variance Application No. SP-11/15; **Britton Industries, LLC**; 276 Bakers Basin Road; Tax Map Page 40, Block 4001, Lot 10.

Lawrence Township Planning Board
Monday, December 7, 2015
Page 2

Roselyn Westlake, Esquire, represented the applicant. Ms. Westlake gave a brief overview of the applicant's proposed request for a Major Site Plan to regrade, reconfigure and repave the loading area at the rear of the existing building; remove a small area of paving from the front parking area; approve the drainage area by adding an underground perforated detention pipe and drainage outlet; construct a new trash enclosure to the side of the loading area; request variances for a number of items that were constructed prior to appropriate permits and approvals. The variances are two (2) pre-existing conditions which are not changing; the front yard setback required for the building is required a minor variance; however, is an existing condition and the setback for the parking in the front, which is an existing condition.

The variance is for the sign setback, 30' is required and the existing sign is set at 21.8'; loading space widths, ordinance requires 15' and width providing are slightly less than that and are variable. Also seeking a variance for the height of the lighting, ordinance maximum fixture height of 25' and there is a provision that requires the light to be the same height of the building, which is 20'. Underground cabling is required per ordinance and the existing cabling on the poles is what is being used presently. The ordinance also requires that trash enclosures be constructed using masonry materials and the applicant is proposing wood.

The applicant's Chief Financial Officer, Patrick Flannery stated he is aware of the day to day operations and the request of approvals. Mr. Flannery stated there is one tenant in the facility, General Floor, and occupy approximately 10,000 sf and have about 26,000 sq that is vacant and looking to lease and there are no perspective tenants at this time. There is a contract of sale and the contract has confidentiality clause. Mr. Flannery continued there are several contingencies and none have been met at this point.

Ms. Westlake asked Mr. Flannery why Britton was in front of the Board tonight. He stated that the initial tenant in the facility, needed a loading area and all of the proper approvals were not obtained. It will also allow them to market the facility for other future tenants, once it is a proper loading area. The loading area is in General Floor's lease that requires their operation to have pallets of flooring delivered.

General Floor had stopped paying rent for a period of three months because Britton did not get the approvals for the loading dock. After the first of the year they will stop paying rent if the issues are not approved with the Board. The reason General Floor needs the loading dock is because trucks were getting stock trying to make deliveries of goods. There is an existing garage in the rear of the building that once this loading area is approved, would be available to the other 26,000 sf that is currently available.

The applicant's Engineer, Laurence Murphy, PE of Greensite Engineering stated he reviewed the drainage report and the Board's professional review memorandums and described the proposed site. There is a large area of wetlands to the north, west and east on the property and have been reviewed by New Jersey Department of Environmental Protection and the lines have been verified. All New Jersey Department of Environmental Protection permits were submitted along with the waivers. Comments have been submitted and satisfied, waiting for the permits to be issued.

The back of the building is where the loading spaces are and that is currently being used by General Floor to load and unload. The paved area in the back is to meet the requirements of the large vehicles. The existing door for the future tenant, in the remainder of the space, that will be paved also proposing a trash enclosure with a concrete pad with a fence surrounding it. There is no building addition and there is inadequate lighting on site. The high sodium pressure lights located on the easterly side are flood lights and are tilted up which contributes to light pollution in the sky. Part of this application will be removing these lights with LED lights. The access is off Bakers Basin Road and no change to the access, the driveway is not shifting. All the improvements are located in the back of the building; therefore, you cannot see any changes from Bakers Basin Road.

Lawrence Township Planning Board
Monday, December 7, 2015
Page 3

There are 47 parking spaces on site which will be reduced to 45. The current parking demand based on the Township ordinance is eight (8) for the existing use and there is access of 39 spaces and with 26,000 sf of space left, all of it is occupied as warehouse and five additional spaces are required, so 13 will be needed, so there is adequate number of parking spaces.

Mr. Murphy stated they did truck turning templates to see if large trucks can turn around and will submit it to the Township for review. There will be two new LED lights on the east façade which will be mounted 18' high; three (3) LED pole mounted lights on the easterly property line which will provide adequate lamination throughout the parking areas and close proximity to the building. The minimum foot-candle in the parking area is 0.4 and 0.5 is minimum. There is no new signage proposed. When the new tenant comes in they will have to submit in a signage permit. The existing sign will be removed which is 21.8' from Bakers Basin right-of-way and will be moved to 30'. Any sign that goes back in will have skirting (held up by two poles so that you can't see through the poles) in it.

Mr. Murphy went over Mr. Parvesse's report dated October 22, 2015; copy attached and went through each of the comments. The Board members had concerns about the flood plain and the flood line and Mr. Parvesse stated it will be shown on the plan and no disturbance will be in the flood zone. Mr. Murphy stated the parking lot floods where the building is significantly higher (4' above flood) and does not flood.

Mr. Murphy went over Mr. Caton's report dated November 18, 2015; copy attached and went through the comments. Mr. Caton stated the monument sign must be removed and redesigned. It should be approved by the Zoning Officer and to the Planning Consultant for review. Mr. Murphy discussed the widths of the loading docks. Mr. Caton commented there are three loading docks and Mr. Murphy confirmed there is one loading docks and two additional loading spaces which have roll-up doors (sizes: 13.2' (east), 12.1' (middle), 15' (western)).

Mr. Murphy stated the maximum light height is 25' and the applicant is not going above that height; the variance is for the lights mounted along the easterly property line. If the lights were lowered to the height, that .4 foot-candle would decrease and that would require additional lights. Mr. Caton asked if there would be any effect on the visibility of the Temple next door. Mr. Murphy responded that the lights are facing the opposite direction of the Temple, positioned at the property line facing west and there is heavy vegetation along that property line which will cause no impact.

Mr. Murphy discussed Comment 5.3 and that the landscape screen being asked for is surround the equipment around the cell tower which have several leases on it and the applicant does not have control over it and cannot modify the area. Mr. Caton stated this is to screen the parking area (road side), not the cell phone tower. Mr. Murphy stated agreed to plant shrubs on both sides.

Ms. Taylor asked how many occupants the building setup is for. Mr. Murphy stated right now that General Floor has one space and the rest of the space is open and not sure what tenants will be coming in. Mr. Murphy stated per the ordinance, the tenants would have to share the sign and would have to get approval from the Township. Mr. Parvesse stated the sign could be approved administratively unless the tenant needed a change than that would have to go before the Zoning Board.

Council Kownacki was concerned about the height of the lights and the underground cable and wanted to know what was out there today is a lot better and might cost the applicant something today, but will make it back tomorrow. It will be better for the area and for the residents in that area. Mr. Murphy agreed to the masonry enclosure; however, he disagreed with the lights but his client agreed to lower the lights and will put in another light pole at the front. Councilman Kownacki suggested working with our professional staff and if they feel it needs to be done it could be worked out. Mr. Yoskin stated this would be a condition of approval with the satisfaction and approval of the Engineer and the Planner.

Chairperson Weisberg questioned the sewer bill and the semi-trucks going into the flooring company, are they coming in off of Route and particularly about the weight limit of the bridge. Mr. Murphy observed the truck and is not sure where they are coming in from; however, they cannot come in over that bridge if they exceed the weight limit.

Mr. Parvesse referred to the curbing issue along the parking area and believes that a full height curb is needed along the back by the drive island to prevent the expansion of pavement in the back to delineate the pavement edge. The Township will work with the applicant to keep the drainage handled and the swales adjacent without the use of inlets and would have curb cuts so often. There is a pipe that runs along the front of the property, it drains to the swale that runs along the western side of the building, it is an old corrugated pipe and wants to make sure that pipe is functioning properly and makes sure it is inspected and it will be maintained.

Mr. Murphy agreed but stated will make sure the pipe is clear and if necessary will replace a section as long as the applicant does not have to replace the entire pipe from start to finish. Mr. Parvesse stated just to make sure it is functioning property and the damaged area gets replaced.

PUBLIC:

Deidre Scurti, 262 Bakers Basin Road, Lawrence Township NJ. The loading dock that is going to be the second one in the back, it the property going to have to be raised to get to the loading dock and where is the trash receptacle going to be.

Mr. Murphy referred to Sheet 4, copy attached, the grade in the rear of the property will not be changed and the grade as you move away from the property will be flattened out and will not change toward Ms. Scurti's property, it will be back to the Mr. Bielamowicz property; the property line is 500' back. There is a ditch runs thru Ms. Scurti's property and runs through the western part of the building which captures water from her property and the water drains into the same ditch and travels in a southeast direction.

Ms. Scurti stated there will be more tractor trailers in her backyard and more trees being taken down because trees were removed for the other loading dock. Mr. Murphy stated there is going to be a slight area that is going to be increased, 40 x 80' section that is going to be adjusted. Ms. Scurti stated when this building was the built the loading docks were on the parking lot side. The tractor trailer that will pull in for the loading dock that is there is not going to substantially change. The loading space for this other tenant will be on an angle and will have pavement that is straight out from the building.

The trash receptacle will be located behind the cell tower area and is approximately 35' and it will be paved and the trash enclosure will be attached to the edge of it. Ms. Scurti asked if more trees will be planted where they were not supposed to be removed. Mr. Murphy stated there is no proposal for adding any additional trees. Mr. Caton asked in what area were they removed. Ms. Scurti stated they have a loading dock and trees were supposed to be put around it and they have been run over and or died and have not been replaced. Her main concern is the drainage which is getting worse. Mr. Murphy stated any dead or dying trees will be replaced.

Mr. Parvesse stated they put the loading dock in without approval; the Township had them pull that out and plant trees. In order to go back and to put this turn around in, they have to remove the trees that were put in. Councilman Kownacki commented that if more trees are coming out and if more trees have to be added, and then have the applicant add more.

Ms. Scurti with cutting out the trees also, the neighbors are seeing warehouses and she is happy that the lights are not being raised. Deliveries are not be made in the middle of the night so flood lights are not needed. Ms. Scurti asked about the back of the building with lights. Mr. Murphy stated there are two lights on the north side of the building.

Martin Bielamowicz, 250 Bakers Basin Road, Lawrence Township NJ, lives to the northwest of the site and he can see the back of the building. His problem is with the lights shining into his house and the applicant is proposing more lights. The vegetation has all been cut down so he can see the back of the building. His other concern is flooding and his whole property is a floodplain and cannot understand how an adjacent property cannot be in a floodplain. His first floor had to be five-feet above grade for the 100-year flood and that building is below five-feet. When is the Township going to stand up for the people who live on Bakers Basin and put a stop to this. Another concern is the galvanized pipe and now tracker trailers are going across the driveway into a ditch that drains into the Assunpink Creek so something needs to be done with that.

Mr. Caton spoke about the lights on the back of the building. There is one on the east side of the building. Mr. Murphy stated there is one on the east side of the building. Mr. Caton stated the concern is the one on the south side of the building and asked if they could do without the second light on the back of the building. Mr. Murphy stated he could lower that light but still wants the light for security standpoint for access to the building and to light up the rear door. It is a 78 watt light bulb, bright white color which is like daylight and is a down light. Mr. Caton wanted to know how low can the light be and still function can it be at a one floor level. Mr. Murphy stated it has to be a 12' minimum to be over the doors and for safety reasons. Mr. Caton asked if the 16 – 18' light be dropped to 12'. Mr. Murphy stated if the concern of the neighbors sleeping at night, he would prefer to rather than adjusting the light level, but adjusting the time that the lights are on. The lights go off after business hours at 8:00 – 10:00 pm. A question was asked about how long the lights are on now and they are on all night.

Ms. Scurti stated there is a drainage ditch that runs along the back and the end of the loading dock, make sure that the floodplain is not affected. Mr. Parvesse stated we will take care of it. The other concern about the pipe in the front and that pipe will be maintained and will flow properly.

Mr. Caton summarized the conditions.

6. **Old Business / New Business / Correspondence**

Mr. Caton gave a summary on the Affordable Housing Plan and stated that the Township submitted to the Superior Court the summary plan for the third round and we do not know the fair share obligation yet. Judge Jamieson allowed all the municipalities in Mercer County to utilize preliminary numbers that have been calculated by a gentleman named Rich Reading. He was retained by the Court to prepare this analysis and it is not finished yet but has some preliminary numbers and in our case the number is 339, which is considerably better than the 1,000 unit number which the fair share housing center has been proposing.

This number is going to be decided on within the next two to three months. The hearing and the fair sharing housing center has its expert, the Board has their expert, the League of Municipalities has its expert from Philadelphia and the Philadelphia firm is about to distribute its report and we should have that report on the December 16th. The court will have it by the end of the month and once all the opinions are in, the Court will have the responsibility for holding the hearing and determining the number and the rules for having that number satisfied.

At the moment because the numbers that Mr. Reading calculated is modest, Lawrence is in the position of having a surplus of units and that is only because all other municipalities were not meeting their obligation, even during the third round rules were changing, but we were. The Township's number of 339 brings our new construction obligation to over 1,200 unit and we have a little over 1,400 in credits. We have a little bit of a buffer in case the number creeps up.

Chairperson Weisberg stated it is in the courts and not Affordable Housing. Mr. Caton stated the staff is reassigned and are not doing housing work. It effectively when COAH did the draft of the rules and brought them to a meeting, it was a 3 – 3 tie vote which was a year ago. The Supreme Court recognized they had to take it over again and authorized its trial courts, like Judge Jacobson, to sit in for COAH. There are 15 judges sitting around trying to figure out what COAH was doing and are coming up with different interpretations. So it will take a while for the differences to leveled out.

2016 Meeting Schedule:

Councilman Kownacki made a motion to approve the 2016 Meeting Schedule and was seconded by Terrence Leggett and was unanimously approved.

The Board members took a break from 8:25 to 8:29 pm. A demonstration on “duce space” regarding a library became digital (e books) was held by Diego Samuel from 8:30 to 8:46 pm.

6. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 8:46 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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