

Lawrence Township Planning Board
Regular Meeting
Monday, March 7, 2016

Present: Maria Connolly
James Kownacki, Councilman
Richard S. Krawczun, Municipal Manager
Terrence Leggett
David Maffei, Councilman
Stephanie Pangaldi
Diego Samuel
Kim Y. Taylor, Vice Chairperson
Edward Wiznitzer

Excused Absence: Philip Duran
Doris Weisberg, Chairperson
Susan Snook, Recording Secretary
Neil Yoskin, Planning Board Attorney

Absent: None

Also Present: James F. Parvesse, Municipal Engineer
Philip B. Caton, Clarke Caton & Hintz, Planning Consultant
James Kochenour, Traffic Consultant
Edwin Schmierer, Esquire, Special Attorney

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.

2. **Oath of Office:**

Maria Connolly was placed under oath. Mr. Schmierer, Esquire, administered the oath.

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

None

6. **Minutes for Approval**

None

7. **Resolutions**

Resolution of Memorialization 12-16 approving Informal Application No. IP-5/16; **Board of Education (High School Athletic Facility Improvements)**; 2525 Princeton Pike; Tax Map Page 2401, Block 2402, Lot 2 was amended and approved as unanimous vote with the following conditions:

Mr. Wiznitzer suggested this item be moved to the end of tonight's meeting because there are issues about it that should be discussed with the Board. Mr. Krawczun stated we should have had a motion to approve it and a second for discussion; however, it could be discussed right now. Mr. Wiznitzer stated he did not want to hold up the applicant.

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Mr. Wiznitzer would like to propose changing it in light of recent news that came out since the Board actually met about contamination of the site, none of which came forth at the meeting and since we are a public body we have a responsibility to address it as best we can even. What was presented could be summarized as follows: 1) include in the paragraph an additional sentence with something to the effect that there was no mention of hazardous material or contamination of the site and then propose under recommendations: 1a) a mention that any required mediation of the site due to hazardous materials or contamination that should be discovered reviewed by the appropriate agencies, New Jersey Department of Environmental Protection, or back to the Board.

Mr. Parvesse suggested that a no further action by New Jersey Department of Environmental Protection or other documentation that the matter has been addressed. Mr. Wiznitzer stated if this how it gets handled.

Councilman Kownacki stated this was already discussed and should be handled by the professional staff. The last page talks about the soil test. Mr. Schmierer clarified that this vote is really on the amendments suggested and not on the resolution because if you vote no on the resolution we are never going to get the resolution adopted. It should be on the suggested changes, it is a motion to make a change and assume there was a second and your vote is no and you do not want to make a change and you are okay with the basic resolution.

Mr. Schmierer stated you need a further resolution to adopt the resolution as amended.

8. **Applications**

Amended Major Site Plan – Preliminary & Final Approval Application No. SP-2/14; **Bristol-Myers Squibb Company (Child Care Facility)**, Princeton Pike, Lewisville Road and Franklin Corner Road; Tax Map Pages 50, 50.01 & 50.02, Block 5001, Lots 1 – 3 & 11

Christopher Tarr, Esquire represented the applicant. Mr. Tarr stated this applicant was here a few years ago to obtain the large buildings at Princeton Pike, which is underway and informed the Board the applicant, was not quite certain whether the company wanted to put a child care facility on that site and since that time the company decided to go ahead with it.

This application is for final site plan approval for just the child care facility at that site. It will be explained why the child care facility is being proposed in this location.

Witnesses #1: Fred Eganoff gave an overview of the proposed application. He explained that in 2014 that the applicant came before the Board and received approval with the exception of the child care facility because they were unsure if they wanted to construct this facility on the property or locate it somewhere else; however, it was decided to be built on this property.

Mr. Eganoff gave two different views of the building and will be relocating employees in October and expect to finish overall construction by the end of the year. This center will join the similar centers at the company's other locations. It will be operated by Bright Horizons Family Solutions. It will be 17,365 square feet. The maximum occupancy will be 139 children and will have up to 28 faculty and staff. The children will range from infants to kindergarten during the school year, with a summer program which will accommodate school-aged children.

Mr. Caton wanted to know if the children and staff expected in summer will that very and to what extent. Ms. Lunde stated it depends on the age groups and the facility and the summer camps are normally for children 6 to 12 years old and they usually come from June to August. It comes in flows and this facility can accommodate that. Mr. Kockenour wanted to see if the summer camp would have an impact on the parking requirements.

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Mr. Kochenour asked how the pickup and drop off handled because of the parking requirements. Ms. Lunde stated the driveway into the facility is one-way because there is a lot of coming and going and it is a part of their guideline that the parent or care giver escorts the child into the center and signs them in. Mr. Kochenour stated they must physically park, escort the child in and at the end of the day it is reversed and Ms. Taylor asked if the day care facility is just for the employees who are working at this site. Ms. Lunde stated the pickup and drop off at the end of the day is the same as in the morning and it is for all BMS families.

Mr. Eganhoff stated the parking for the day care facility is short term parking and the parents are not occupying those spaces during the day. They will drop their child off, leave and park in other areas on the campus and return at the end of the day to pick up their child; so those spots are turned over quickly.

The Board members had numerous questions with regard to the parking at the day care facility. Mr. Krawczun stated the testimony from Mr. Eganhoff, he understood that the facility would hold 139 children, but the age groups could change for the different times of the year or demands of parents based on whatever the needs are, but the 139 is still the max. Mr. Tarr stated it is the maximum number including the summer and 12 year olds.

Witness #3: Theresa Shields, Architect. Ms. Shields stated the day care is in front of the facility because of security reasons for parents and staff. The building is similar to the other buildings with some differences, lighting, metal and glass will be the same as the office building.

There will be additional signage which identifies the child care facility as well as the child center deliveries, visitor parking and the entry signage, deliveries and traffic patterns which Ms. Shields discussed. All employees and visitors will come through the main entrance where the checkpoint is and the security guard, drop off at the day care to drop off which is a one-way, park and bring their child into the day care and continue to the parking lot for the main building. There is a bus stop which was added and is not tied to the child development center; it is tied to the main office building. It is part of this application because just able to get approved through New Jersey Transit.

There are handicap parking spaces, there is striping added for additional safety with sidewalks to get to the entrance. Mr. Tarr referred to Clarke Caton & Hintz report dated February 26, 2016 regarding HVAC, indoor play area meet the State approval and the loading area for the solid waste and the enclosure which will be similar to the main building, but will be eight-feet high. Ms. Shields stated the loading area has its own entrance from the parking entrance and is separated by a row of trees and bushes and explained the direction for the truck to enter and exit.

The poles will be the same as the other lights and lighting at the entrances will be adding the calculation with the footcandles will which increase the lighting at the entrances.

Witness #4: Thomas Sterns, Professional Planner. Mr. Sterns described the location of the project. He stated it was a concern about the early morning delivery service; however, it is buffered and landscaped and quite away from any residential areas, which are about 2,000' away. Mr. Tarr stated he understands the noise ordinance requirement and will seek to comply with the ordinance and finds it is too early and approach the staff or have it approved administratively and it is known about deliveries before 8:00 am. Mr. Krawczun stated that is fine and during construction the applicant has asked for a waiver from our ordinance which we can administratively grant and up until this point we have not received any complaints and believes if they keep it quiet during construction, a delivery as close to 8:00 am should not be a problem.

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Mr. Sterns explained the buildings and locations, see Sheets CDC-L3.0.0. There are six additional trees being removed, the 34" scarlet oak specimen tree will have to be removed because it is a safety hazard which is very close to the play area, the parking area and the entrance. Fifty shades will be placed in the play area, 74 flowering trees, 145 evergreen trees which will be perimeter screening, 322 shrubs, five perennials and 3,900 ground cover plants.

Inside the play area will be minimal trees because they are going to be security cameras around the perimeter area and in the parking lot so the concern is not to block the cameras, Sheet CDC-L1.0.01. The bus stop is primarily for the office building which was just packaged with the application.

Mr. Sterns stated Bristol-Myers Squibb does not want to encourage linkages to the public trail; they are really not enthusiastic of doing that whatsoever as well as connecting a sidewalk to the child care facility. There is a walkway along the Boulevard for the people who take the bus can walk around the child care facility to go the main office building for safety issues.

Mr. Sterns stated the plantings along the retaining wall will not be changed. The landscaping of the parking lot, the applicant is requesting a number of design waivers that are appropriate. A lot of landscaping that is being put in is consistent with what the applicant is doing in other areas of the campus; it is isolated and not exposed to the public streets. There is screening around the parking area, lower than what the ordinance calls for, but all appropriate waivers for the landscape that had been requested. The bicycle parking area in the main building is mostly at the southwest area and no bike rack will be needed at the child care facility.

Bristol-Myers Squibb has a unique large front yard with a triangular shaped site and if you put the building out here with roads almost two to three sides, it can't help being in the front yard. The applicant did look at other possible solution; however, there are power lines overhead and it would be closer to the residential area, so this was the most logical site for the child care facility. Preliminary approval was granted two years ago and there are five key points and it relates to a specific piece of property and the purposes of the MLUL would advance and conforms to a lot of the zoning items and from the testimony it is better than some conventional day care center, which is a beneficial use. Mr. Sterns summarized the beneficial uses of having this child care facility approved.

Vice Chairperson Taylor questioned the flowering trees, beds or shrubs at the entrance. Mr. Sterns stated there is quite a lot of landscaping done at the entrance, even along the parking lot. Ms. Connolly asked how wide the sidewalk between the bus stop and the office building is. Mr. Stern stated it is only four-feet and a comment from our staff stated it has to be widened to six-feet so wheelchairs could pass. Mr. Caton stated the sidewalk is adjacent to the curb because it is the main drive and how visible this building is going to be from Princeton Pike and Lewisville Road.

Mr. Stern stated the sidewalk adjacent to the curb could be done and not sure if the building is going to be very visible at all from Princeton Pike and Lewisville Road has existing landscaping from Union Camp and there is a very dense buffer.

Mr. Sterns explained the security features on the gates with child lock mechanisms on them so the children cannot open them. Ms. Lunde stated to open the doors it is by a scanner and an eye will open the door to let you out. Visitors have to be buzzed in and a double door system will keep the children in. If a child tries to get out at the first door it will open; however, there is always coverage (one to two) depending on what activities are going on. Vice Chairperson Taylor is concerned about a child trying to get out. Mr. Tarr commented this is the same model as the other locations and unsure how to answer the suggestion; no child has gotten out of any other facility. Chairperson Taylor suggested a buzz sound when the door opens or closes. Mr. Tarr stated that could be looked into.

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Mr. Caton asked if the Scarlet Oak has been evaluated for the health of the tree. Mr. Tarr stated an arborist came out and looked at it and the tree is generally okay. It is just Bristol-Myers Squibb is very nervous about the location of the tree in relationship to the child care facility, that it would be a hazard to public safety.

Witness #4: Ralph Petrillo, PE of Van Note-Harvey Associates. The service drive is for the trash trucks with the front end loaders. Their purpose is to come in and drive in up to the enclosure pick up the trash and for them to back up into the turn around so they can back and head out. The four parking spaces by the bus stop were designed and previously approved under the office project they are not new and have always been there.

The circulation is for two-way for safety reasons and concerns. Additional one-way signage will be added. Stormwater Management is as before; parking lot will be porous pavement with underground storage.

Mr. Kockenour recommended additional sidewalk from the end of the parking area, Building A, considering that would be one of the first opportunities that if somebody wanted to park, that might have a designation of the child care facility would go into, there should be some sidewalk at the end of the parking bay, that would lead to another crosswalk that would reach the first circulation aisle. Mr. Petrillo agreed to address the issues and showed the expansion.

There was no public comment. Mr. Caton summarized the conditions.

9. **Old Business / New Business / Correspondence**

Affordable Housing Plan:

Mr. Caton stated there is not a lot to report except it does look like the process of working through the courts to establish a methodology for determining the fair share of all the municipalities is making slow but steady progress. Judge Jacobson is the Superior Court Judge in charge of Mount Laurel matters for Mercer County is in close consultation with Judge Trycone in Ocean County, we are in the same COAH region 4 all of Monmouth County. They have been coordinating and Judge Trycone appointed a demographic analyst to assist him evaluating the methodologies that have been put forth from the League of Municipality, there are 282 municipalities and Lawrence is a member, and also the Fair Share Housing Center and its experts. It all has to be sorted out in court and the court dates have been set for first week in June in Ocean County. The Mercer County date is the same so that might be moved back a little bit; however, if everything goes according to the schedule, but there is no guarantee, we will have at least one court's view of what the methodology should be. It will be easily translatable of what the work is done in Ocean County to what impact it would have on all of Mercer County municipalities.

There was an important decision made by this Mercer County Judge about a month ago, he decided that the municipalities across the State were responsible for the time period between 1999 and 2015 that is known in the industry as gap period because it is that period in which COAH was operating with rules that were eventually overturned.

So what guidance the municipalities had turned out to be invalidated and part of Lawrence's history is we got third round approval during that time period, but, it turns out the rules were overturned. That decision that municipalities are responsible for a fair share need during those 16 years is going to add substantially to the fair share obligations the town otherwise would have had, had there not been an assignment of responsibility during that time.

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Mr. Caton stated he still can't tell us what the number will be and can't tell what the increase in the number will be. The municipal consortiums expert out of Philadelphia is right preparing an estimate of what they think that gap period should be and once we have that it can be added to what they had before and will have the municipal position. Lawrence already has the fair share housing position and under that there is about a ten-fold difference between the two. This is why the Judge has an independent expert who is going to sit through this and make the recommendation to the Judge. There will be testimony in June and a decision.

Mr. Leggett asked if there is a field to that first ruling that is from Ocean County. Mr. Caton stated there is going to be a study of that Judge's decision heard by Judge Trycone and the attorney who is bringing that motion doesn't expect that Judge to approve it, but has to take that step before he can go to the appellate court, which is where he is headed to try to undo the gap period allocation decision.

Chairperson Taylor stated to be fair to Council and Mr. Krawczun and to Mr. Parvesse; there is a concern about a resolution that is on the agenda for that night, if it could possibly get the concerns to Mr. Krawczun or Mr. Parvesse ahead of the meeting. So that could be passed on the Chair or Council so they could discuss it before the meeting, so the members would not be voting blind.

10. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 8:30 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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