

**LAWRENCE TOWNSHIP PLANNING BOARD MEETING**  
Monday, November 20, 2017

**Present:** Maria Connolly  
Philip Duran  
James Kownacki, Councilman  
Terrence Leggett, Vice Chairperson  
Stephanie Pangaldi  
Diego Samuel  
Doris Weisberg  
Edward Wiznitzer, Chairperson

**Absent:** None

**Excused Absence:** Kevin Nerwinski, Municipal Manager  
David Maffei, Mayor  
Kim Taylor  
Philip Caton, Planning Board Consultant  
Edwin Schmierer, Planning Board Attorney

**Also Present:** Andrea Malcolm, Acting Planning Consultant  
James Kochenour, Traffic Consultant  
James F. Parvesse, Municipal Engineer  
Kevin VanHise, Acting Planning Board Attorney  
Susan Snook, Recording Secretary

**Statement of Adequate 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; by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building and mailing to the Trenton Times and the Trentonian newspapers.

**Public Participation (for items not on agenda):**

Danielle Gordon, 727 Nathan Hale Avenue wanted some information regarding reports that the bowling alley on Route 1 is planning an expansion because she heard rumors about it. Mr. Parvesse stated that the owner of the bowling alley did a subdivision to the Zoning Board of Adjustment for a 126 room hotel adjacent to the bowling alley. They are going to modify it slightly and come back in, it will be a little bit different, and will come to the Planning Board. They have not done that yet, so there is no date planned for a hearing. It will be sometime after February and the reviews that will have to take place to hear the application.

Ms. Gordon asked if any impact analysis was performed to see what the impact would be. Mr. Parvesse stated they have entire package of reports in addition to that, the Township professional's will review the application, once submitted, so there will be a lot of information to look at, once an application is submitted.

Ms. Gordon asked how much time before anyone has to look at it before it goes on the agenda. Mr. Parvesse stated more than 45 days at least, between the time the application is submitted and it goes before the Board.

Chairperson Wiznitzer asked if there was anything available that the public could look at this time. Mr. Parvesse stated the packages that were previously submitted, even though they may be modified, is still available in our office and you could stop by at any time.

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**Minutes for Approval:**

The August 7, 2017; August 21, 2017 and October 2, 2017 minutes were approved per unanimous vote.

**Resolutions:**

Major Site Plan Approval – Preliminary and Final Site Plan Application No. SP-1/17; **Mercedes Benz of Princeton II**; 2915 Brunswick Pike; Tax Map Page 35.03, Block 3507, Lots 13, 14.01 & 16 – 18 was approved per unanimous vote.

**Applications:**

Extending Time to Record Minor Subdivision Deed Application No. S-2/11; **Marianne R. Mele**; 58 Carter Road; Tax Map Page 66.01, Block 6601, Lot 36.

Mr. Parvesse stated the applicant was not present; however, if there were any questions it could be continued and it is for a 90-day extension to file deeds. They had one extension and they are waiting for their conformance with the County and then will file the deeds. Chairperson Wiznitzer stated we have a letter from their attorney, Murphy Orlando, LLC, dated November 2, 2017, copy attached, that explains the circumstances briefly.

There was a question why the letter was dated November 2, 2017 and the application was to expire November 1, 2017. Mr. Parvesse explained that the initial letter was addressed to the Zoning Board and by time it was received it was already too late to be on the last meeting. The request was made in advance.

Major Site Plan – Preliminary & Final Approval Application No. SP-9/16; **HACBM Properties, LLC**; 31 East Darrah Lane; Tax Map Page 33, Block 3301, Lot 30.01.

Gary Forschner, represented the applicant and stated that the application is for additional parking for the existing office building that is 9,850 sf and does not have enough parking for its existing needs. The second phase is to construct a three-story building, the first floor will be an office building and the second and third stories will be for rental apartments. The footprint is 6,150 sf; the total square footage is over 18,000 sf.

There is an alternative plan that the Township's professionals asked the applicant to consider that would provide an alternate means of ingress and egress for another driveway through what is thru a private driveway known as Forest Ridge Drive, which would require an easement from the neighbor. The applicant has approached them and has no answer from them yet. There are two means of ingress and egress, the existing one on Darrah Lane and an emergency access being construction which will be further to the ease of the property, but is for emergency access only. If the easement is granted they would like it to be approved administratively so the applicant does not have to come back before the Board.

Witness #1: Mohammad Al-Hawwat, PE gave a description of the surrounding properties; it is on a 4.123 acre property; the existing building is 985 sf with 44 parking spaces; there is a detention basin on the southeast corner which will be expanded and improved per the New Jersey Department of Transportation regulations; there will be a new three-story building with a mixed use; the first floor will be 6,050 sf as an office and the upper floors will be for residential use. There is also a request to subdivide the property into two lots (one will be the eastern portion for the three-story building and parking; the second lot at the western

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side will be the existing building, existing parking and wetlands). The lot lines are not regular so that each lot will meet the zoning requirements; however, they will function as one lot. The site is accessed by an existing driveway off of Darrah Lane and it will be continued to use as a driveway with the addition of an emergency access road (Exhibit A1 – Dimension Plan) which shows the existing driveway and emergency access lane, which will be used for emergency vehicles only. The parking lot will be out of the front yard to meet the zoning code and it will also save some trees.

Exhibit A2 shows the existing building and the 44 parking spaces. Phase 1 is to add ten parking spaces (five on each side) about 2,800 sf of impervious coverage. Phase 2 is for the additional parking and the additional building. Exhibit A3 shows the layout of the property on getting the easement from Brookshire on the additional driveway; however, they did not get an answer yet. It will be a second means of ingress and egress.

Mr. Kockenour asked if there is an end to this process on getting the easement. Mr. Forschner commented that this is to address the parking because of the overflow at the library. The building will not be built on spec it will be when they have a tenant for the property and will not happen within the next two to three months. It will be when the construction of the building takes place and will be the practical time frame that it will be addressed. If no easement, the building will be built per the zoning code.

Mr. Forschner referred to the Clarke Caton & Hintz report, dated August 31, 2017, copy attached, referring to the bank parking and the buffer. If the 14 parking spaces be banked, it may give some flexibility and will only be built if needed. Ms. Malcolm stated they would still need the relief and the trees being impacted. Mr. Al-Hawwat stated not many trees in the area between Brookshire and the property. A discussion was held regarding the banked parking spaces and the buffer that would be needed because of the loading area and have the loading move further north and would not need the buffer area. The applicant agreed to this moved out of the buffer area. The odd jog in the property because it minimizes any of the bulk variances. The applicant continued with the report from Clarke Caton & Hintz.

Witness #2: Ahmed Azmy, owner of the site and presented to Exhibit A4 dated January 20, 2017 gave a description of the building and the second and third floors with residential (4 one-bedrooms 780 sf; 2 two-bedroom 1,060 sf) on each floor. There will be solar panels on the roof; stucco that will match the existing building; elevator to the east for the residential units; and entrance to the office building is the same as the existing building. The first phase will have 10 additional parking spaces which will help the situation. Mr. Forschner stated there are some access parking spaces and could bank at least 13 or 14 spaces, if the Board wants to give relief and some additional spaces could be banked because of the shared parking with the residential versus the office and concerned all medical use so a conservative number of parking spaces. If there is no medical use, there will be additional parking spaces.

Mr. Duran was concerned about the specimen trees; Mr. Azmy stated there are two. Ms. Malcolm commented that no trees could be saved on the corner if they do not get the easement. Mr. Parvesse commented that it more than a year away to developing the site of the second phase and in a few months could finalize the easement and you could have the answer where you could get this easement. Mr. Kockenour stated he wants to talk about the parking because of dancing around with the issuance of trees to save and there is a question on how much parking for this site is needed and the applicant represented that they have, according to code, excess parking, but you heard testimony that there is not enough parking on site to accommodate the existing demand for GenPsych.

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Councilman Kownacki questioned the elevator and an emergency generator in case they have to send out emergency responders so they do not get hurt. Mr. Azmy stated you have to have an elevator and there will be an emergency generator. Chairperson Wiznitzer spoke about if there were going to be any units for affordable housing or seniors or handicap. Mr. Forschner stated this issue did not come up and were not proposing any affordable housing units and will be anticipating paying the residential development fee. Mr. Azmy stated to handicap it could be because there is an elevator. Councilman Kownacki stated to have it handicap accessible. Mr. Duran stated he does not think this site has a lot of constraints so design it without all of the restrictions; Mr. Forschner stated it does that this entire section is wetlands, so the site cannot be expanded any further because it will create a lot of design criteria that is there today. Mr. Forschner stated a lot of the restrictions is because you are looking at a grandfathered building and that would take off half of the restrictions for example the lighting and parking islands, which are being met, but not meeting with the area that is already developed and that would be difficult to do without rebuilding it. Mr. Duran commented it seems like a lot of development on a wooded piece of property for a reason he does not understand, a building that you do not have a tenant for yet. Mr. Forschner responded that it is not a large wood property, it has a handful of trees on it and doing the best to save all of those trees. The owner is trying to design a site that works, giving the constraints that are there. It is a site where two-thirds already have a constraint, wetlands and existing development and one-third trying to develop on. Mr. Duran stated this might be premature before you get the easement that would allow you to get avoid some of the problems on this site. Mr. Forschner stated this does not change any of the issues that are being asked for, it actually creates a design exception. This is not going to be built at least for one year because of all the steps that the applicant has to go through. Mr. Forschner stated to take that off the table because it is not necessary, Forrest Ridge Drive, it was done because it was a design preference by our professionals, but nothing about this application requires this, it does not reduce any relief, it adds to the relief, it is a design preference, not anything the ordinance requires and it would be improper for this Board to impose it.

A question regarding the width of the landscaped island would change the parking. It would be reduced by two for the detention basin and another two for the islands. Mr. Forschner stated then to, at a minimum, the access parking spaces be banked. Ms. Malcolm stated this site is losing a lot of tree and should consider adding additional street trees. Mr. Forschner stated they have no objection too additional plantings. The emergency access will be 18', not the 24' because it is not for ingress or egress. It will be one-way out, no vehicles to go out. Councilman Kownacki referred to the Fire Sub-code Officials report, dated May 8, 2017, copy attached and Mr. Azmy responded that the issue will be resolved.

Witness #3 – Harvey Yesowitz, Traffic Engineer testified that he looked at the road network that supports the project and described Darrah Lane. There are number of developments that include the Mercer County Library, the Senior Center across the street, access to Carriage Park, and access to Brookshire. Traffic counts were performed at intersections of E. Darrah Lane with access drive for the Gen Psyc site, which is the existing building, access to Carriage Park and the Senior Center, for the library and access to the Brookshire site and were conducted during the morning peak hours (7:30 a.m. to 9:30 a.m. and 4:00 p.m. to 6:00 p.m.) in 2015. The peaks hours are from 7:45 a.m. to 8:45 a.m. (250 east and 293 west) and during the afternoon 4:45 p.m. to 5:45 p.m. (254 east and 276 west). This traffic would be considered low to moderate in terms of volume. When the new building is constructed, Trip Generation was used to determine the amount of traffic to expect from both the residential component and the office component and the projections are based on numerous studies done by land uses.

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The new building will create 12 additional trips entering the site and 8 exiting during the morning peak hours and the afternoon peak hour 11 entering and 18 exiting. The traffic pattern will be the same, left and rights turns and the residential was being used by the Brookshire as the direction of distribution. For this type of roadway and location, the growth rate will be two-percent per year and looking at a three year projection will be a six percent of additional cars. Mr. Yesowitz continued to speak about the analysis of the Gen Psych driveway, the morning and afternoon peak hours have a level service B, which is a good level of service.

The emergency access will accommodate fire equipment in the event that it has to be used for a truck entering or exiting the site. Part of the problem for parking that exists with the existing building is it is currently under parked, it does not meet the current zoning requirement. There are 44 parking spaces on site and for the building of that size, it requires 50 spaces. So there is a deficiency to start with and did lease parking spaces in the library, but during numerous visits to the site, it was observed that a few cars were parked in the library parking lot. There are a total of 56 spaces that required for the proposed building (offices and residential). The site will provide 118 parking spaces or an increase of 74, which would increase the parking spaces by 18 over the requirement. A number of the residential spaces will not be occupied during the day, when they could be used for office use, probably about one-half of the residential spaces would be available. The residential component as it stands requires a total of 25 spaces and could expect 12 to 13 of that group available during the day for office use. Banking spaces is a national risk to the applicant because if the spaces are necessary and the parking has been built and the building is up, it only requires action by the administration to trigger the construction of the additional spaces.

Mr. Kockenour had several questions regarding the number of spaces; banked parking and what the existing parking demand is and if the Township approves this application and then not enough parking is available; a shared analysis be prepared for the banked parking; banking should be done in the northeast corner of the site (where tree area is right now) with 12 spaces; and if emergency access needed, report attached dated September 5, 2017 is attached.

Mr. Yesowitz responded that 44 spaces and 100% are utilized; based what is on site and 100% demand and approximately ten additional cars off site, you have 54 cars for the existing Gen Psych, for the proposed site you have 56 spaces that have to be built, that is 110 spaces and bank eight spaces you would be right at the number you want to be; eight surplus (54 for Gen Psych and 56 for the proposed development) so eight can be banked, the additional four will be for the residential shared parking with the office.

Mr. Parvesse commented to focus on any banked parking in the northeast corner. It will not be used for any traffic other than emergency vehicles. If they can obtain that easement it will make a better circulation.

The Board took a break from 8:51 p.m. to 9:05 p.m.

Mr. Forschner went over the professional reports, copies attached. Mr. Forschner summarized is to deal with an existing overflow of parking. Some concerns were raised about the trees in the northeast of the property and several things have been done by moving the parking back, but have to provide for 12 banked spaces in that area and will probably never have to be built. Forest Ridge Drive was submitted as an accommodation and is not anything that is required to do and the Board does not have a right to impose upon this applicant because the access being provided meets the ordinance requirements. In good faith continue to attempt for an easement from the neighbor to provide for that alternative access for the emergency access, just to Forest Ridge Drive. There are also some constraints because of the wetlands.

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Chairperson Wiznitzer asked Counsel, Mr. VanHise if he agreed with the regard to the easement. Mr. VanHise agreed because the driveway is actually private property and there is no way that the applicant can actually connect in without the expressed permission of that property owner and therefore, the Board cannot compel them to actually get it. Chairperson Wiznitzer asked how can the Board hold the applicant to have them pursue option 1. Mr. VanHise stated the Board has requested it and ask for updates, but essentially because that is not an item the Board or Township can actually be compelled, they can actually withdraw and have an application presented to the Board. So this would be leaving it on the table and will try to pursue that, as a better option because they know that is what the Board and the professionals preference. But it could actually be pulled off the application because the Board does not have the ability to compel it.

There was no public comment.

**Other Business:**

Councilman Kownacki stated that Council is meeting on January 16, 2018 so the reorganization of the Planning Board meeting should be moved to February 5, 2018.

Chairperson Wiznitzer stated he attended a seminar on planning. The Zoning Board if required by law to issue an annual report to Council every year, where they can take an opportunity to recommend or request zoning changes. Planning Board does not have such a requirement, not legally, but there is nothing where it says the Planning Board cannot issue a report like that if it so chooses and it would be voluntary. If the Planning Board members would like to give it some thought and discuss at the next meeting regarding issuing an annual report.


Councilman Kownacki stated we already do that when the Board makes changes to the Master Plan, it comes up stairs to Council; so we are already doing it basically.

**Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 9:35 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

  
Susan J. Snook  
Recording Secretary

Minutes approved: Feb 5, 2018