

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, August 6, 2018

Present: Christopher Bobbitt, Mayor
Maria Connolly
Philip Duran
James Kownacki, Councilman
Kevin Nerwinski, Municipal Manager
Stephanie Pangaldi
Kim Taylor (arrived at 7:03 p.m.)
Edward Wiznitzer, Chairperson

Absent: None

Excused Absence: Ian Dember
Terrence Leggett, Vice Chairperson
Doris Weisberg
Phil Caton, Planning Board Consultant
James Kochenour, Traffic Consultant

Also Present: James F. Parvesse, Municipal Engineer
Edward Schmierer, Planning Board Attorney
Brian Slaugh, Planning Consultant
Andrea Malcolm, Clarke Caton & Hintz
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):

Paul Larson, 170 Darrah Lane: Commented about what has occurred adjacent to the Brearley House. Brandywine went in there and clear cut everything, not just a case of brush cutting it is wide open right now, see attached comment dated August 6, 2018.

Mr. Parvesse responded that did way more than they were allowed to do at this stage without Planning Board approval. The Township Attorney is sending a letter to them to stop them from any further activity. We will have to assess the damage they have done and will have to restore the property when they come in before the Board.

We do not know when they will be coming to the Board yet, they are in the stage of preparing plans and we know their intention is to develop the property. We have not seen a submission yet. Mr. Larson stated the people thought it was a part of the park and the Township was doing clearing for some type of park project and no one said anything about it.

Mr. Parvesse commented they were clearing some underbrush and some surveying work and in reality they did much more than that. There is an approved plan they intend using and they plan to come back and work with a residential plan. There are at least two sections of that property that have woodlands on them and a lot of the site is full height corn. Chairperson Wiznitzer stated we are just sending them a letter and that is the end of it. Mr. Parvesse stated all we can do at this point to stop them from doing anything further is to assess what our next steps will be. Mr. Larson stated as far he can see there is nothing else to do out there, they did it all.

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, August 6, 2018
Page 2

Mr. Nerwinski stated we still have to send the letter, we cannot monitor every inch of every acre of land out there. So if they did something wrong, they did it wrong but we still have to react to it, we still have to send the letter of cease and desist, we still have to explain our position and we still have to enforce. Chairperson Wiznitzer asked if that enforcement includes taking some action. Mr. Parvesse stated after we stop them is to figure out how many trees were removed. The removal of brush is not regulated by the Township, so if they came in and wanted to remove low hanging brush that is completely permitted under the ordinance and no permit is required. They clearly went a step further and could not tell how many trees they removed and did not get a chance to walk the whole property. It did not appear they removed any large trees or clear cut the trees; however, there were full stumps visible. We have to make a full assessment and if we will require planting and/or re-establishment of some sort.

Minutes:

None

Resolutions:

None

Applications:

None

Public Hearing:

Master Plan Amendment (Open Space and Recreation Plan):

Mr. Slauch stated today is the public hearing for the Open Space and Recreation Plan. The way the State Environmental Protection works in the grant process is that it requires two public meetings. The first public meeting, which was not a public hearing, was held on July 16, 2018 and today is the public hearing on it and the second public meeting. So what we seek to do today, with a few minor changes, is to address comments that were made from the first meeting and to adopt this plan as an element of the Master Plan. By using this format, it allows the Town to apply for additional money from the State and Greenacres to promote recreational development or acquisition of properties.

At the last meeting there was a lot of conversation about the completion of Colonial Lake and navigation of the lake itself. This plan includes the acquisition of a portion of Colonial Lanes Bowling Center, which would allow for a pathway that is around and within open space. Recommendation sets the policy for further action by the Township. It is best when you are dealing with a State agency that you have plan or a policy to show them before you actual request money to fund it, so that is what this plan does.

There are some minor changes, which was transmitted to the Planning Board, per a memorandum dated July 24, 2018, copy attached, which we would seek to amend the plan that was from the public hearing of July 16, 2018 to address those comments. For the most part, this expansion of how we define goals and objectives, there is a chart on the back that includes Colonial Bowling, the Pit Stop and Saturn Chemical. There is a replacement for the Pit Stop that discusses further how that might work, it consists of three lots that front on Lawrence Road and an additional lot that is owned by a private entity (chiropractor) and that is providing business parking for that use. You may have an opportunity to have some type of a lot that may serve the park and the business use or the business uses on the street, not parking on Route 206 which is not a good idea. In this fashion it identifies portions for the park itself, but then you can also allow some parking that would function as a multi-purpose way for both purposes.

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, August 6, 2018
Page 3

Passive recreation is recommended for the Pit Stop and that is another site that needs to be remediated and the Town is looking into that, which is part of the acquisition parcels as noted before. We have also added some additional discussion regarding the Saturn Chemical site, about access easement and trails potentially. These recommendations are consistent with the comments that were made at that time.

Public Comment:

Lisa Berkon, Fountayne Lane: Is the plan is on line anywhere that it can be reviewed and will be voted on. Mr. Parvesse responded it is not anywhere to be reviewed; however, after it is adopted it would be put onto the web site, at this stage it is only in a draft form.

James Hooker, 713 Bunker Hill Road: He referred back to remarks he made on July 16, 2018 and to have it being protected from future development; to show the depth of support and if to go forward with the purchase to have a fund raiser to help. It is a wonderful thing to have incorporated into the plan.

Paul Larson, 170 Darrah Lane: At the end of New York Avenue where the railroad owns three parcels of right-of-way that goes all the way thru Cherry Tree Lane and all the way out to Whitehead Road which would be good connectors but that is how you get into the Saturn Chemical site to start with. It is a nice level, with the exception of a couple areas a very easy walking path would be able to connect all the way from Hamnett Park along with the other 90 parcels that the Township owns, about 18 contiguous acres. That would give you a connection all the way out to Whitehead Road and could tie into Lakeview and make a crossing over Whitehead Road Extension and go down to the parks and the canal.

Laura Vinch, Lumar Road: Is there an element of connectivity in this plans because we have a lot of desperate parks, especially in south Lawrence. Some of us are seeing the potential to connect something like Colonial Lake with the edge of the Shopping Center back through to the other side of Route 206 all the way down to Drexel Woods, is there an element in there that is looking at parcels that you have not obtained that would be good for connecting, so people could actually walk from one place to another and could actually get on the canal and ride somewhere to the whole Lawrence Hopewell Trail and do their shopping and stuff like that.

Mr. Slauch stated there is a section in the element that has trail connectivity, there is also going to be a follow up element, a circulation plan element (there will be a greater discussion). The circulation plan will be in a few months or so and that is looking specifically at mobility and for just what you are bringing up now. There is a reference for the trail system, the plan itself and he referred to the monitor showing were the trails are planned out.

A motion was made by Councilman Kownacki and seconded by Maria Connolly to adopt the Open Space Master Plan and approved per unanimous vote. Chairperson Wiznitzer commented that this plan is forwarding and trying to advance the very values and conservation preservation which Mr. Larson expressed.

A motion was made by Councilman Kownacki and seconded by Maria Connolly to adopt Resolution 14-18 for the Adoption of Master Plan Amendment Open Space and Recreation Plan and was approved per unanimous vote.

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, August 6, 2018
Page 4

NJDCA Small Cities (Community Development Block Grant Program):

Mr. Parvesse stated to refer to the memorandum dated July 27, 2018, copy attached, and summarized that the Township received a grant to do a planning study for Brunswick Pike, the stretch that was just completed by New Jersey Department of Transportation. The Township will be taking jurisdiction and it will be our responsibility to make any further improvements that we want to see like landscaping, lighting, hardscape, entry gateway elements and we have a grant now in place to do that planning study. We have not started that yet and probably within the next 30-days, it will take 6 to 9 months to do. Following that there is another opportunity right now for actual installation funding for the improvements that we have not yet designed and that requires a public hearing. So the purpose tonight is to advise the public and the Board that we are advancing this grant application and it will be for the potential of landscaping, hardscaping and other improvements along Brunswick Pike. If anyone has any comments on what they would like to see, this is the appropriate time to hear them from either the Board or the public and we would incorporate that into our initial planning study and hopefully ultimately into the plan.

Mayor Bobbitt asked if there will be any sort of public opportunity to have a meeting like at the Slackwood Fire House so people in South Lawrence have the opportunity to weigh in on what they would like to see. Mr. Parvesse stated our application includes two to three of those types of meetings and it is meant to be a very open public process so everybody can provide information and we can develop a plan that everyone will endorse.

Public Comments:

Linda Benedetto, General Manager of the Quaker Bridge Mall: Is that the Route 1 work that is in front of the Mall. Mr. Parvesse stated this is from Lake Drive to the Brunswick Circle.

Lisa Berkon, Fountayne Lane: In general, all of the outgoing efforts to enhance and revitalize that section of Lawrence are positive endeavors and to the degree that they can be done through grants, hope that the Township will be encourage to do so.

James Hooker, 713 Bunker Hill Avenue: This is a great project and it will really enhanced things and has made things look a little bit residential and so not much of a speed strip.

Laura Lynch, Lumar Avenue: Would be great if all the plants would be native plants, which would be an environmentally correct thing to do. If there is any chance that what you did down there, further up Route 1, to the Shopping Center and Colonial Lake, anyway to extend it would help the Township a lot because it is so isolated from the east to the west sides.

Mr. Parvesse responded there is an opportunity because the State is replacing the bridge in front of Colonial Lanes, so there is an opportunity to extend that same treatment we used across Lake Drive. There was a public meeting at Slackwood and thinks they have monthly meetings and will check.

No action was required.

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, August 6, 2018
Page 5

Master Plan Amendment (Housing Element and Fair Share Plan):

Mr. Slaugh stated the Housing Element and Fair Share Plan was adopted by the Planning Board in December and prior to that time there was a settlement agreement with Fair Share Housing Center and Brandywine and it would create a compliant third round housing plan for the municipality. Prior to the adoption, we attempted to get the Court Master to opine about the provisions in the Master Plan Element and unfortunately on the day of the meeting for the compliance hearing, a lengthy letter was received and was not able to move forward until January.

We do not agree with the Court Master's position. The Township also desires to have a plan that does not have conditions attached to it by the Court because this has been our history within this process that just gives it an open ended book to the Court Master on this particular issue. This plan was redone to deal with that and again we also got another series, after the compliance hearing in May, another set of new rules that were made. So we put off the compliance hearing again and now the compliance hearing is scheduled for September 5th so we are seeking to adopt the Housing Plan that has all the corrections of the Court Master has decided to have.

We had to create, not only a typical rehabilitation manual, but also one that pertains to the extension of expiring controls where units have to meet certain code requirements as well. We need to have the adopted plan go through to the compliance hearing process, see report dated June 15, 2018. So what we seek is to have the Board adopt this so it can be filed with the Court. Township Council will endorse the plan at the August meeting in advance of the compliance hearing. The public can also review it and make comments at the court hearing. This is the second part of the entire policy document and manuals that go along with the Affordable Housing Plan. So effectively it is a lot of technical changes requested by the Court Master.

If the public wants to speak they come to the Fairness Hearing, not the compliance hearing and would anticipate that the Judge would issue an order approving this and giving us a judgement to 2025, which means we have a certified plan. Mr. Slaugh continued there were arguments about the numbers and in this instance, it was a number negotiated with Fair Share Housing Center about what they would accept as a vacant land adjustment, which means that it is recognized that the municipality does not have land resources to meet this number. Since that time the numbers have been decided for Mercer County at a certain level. Fair Share Housing Center or advocates for affordable housing have an incentive to have a high number and the municipalities have hired their own expert and they came up with a lower number. This strikes the balance between the two areas and it is an achievable number under the plan. This requires the rezoning of the plan where Brandywine did clearing. The Township has always been compliant with the rules and regulations related to affordable housing.

Brandywine has a settlement agreement with the Town that allows them to build 300 units with 20% set aside to have 60 affordable housing units. There are also buffer standards within this type of plan and has to comply with all the standards in the Ordinance.

Public Comment:

Joyce Copleman, 44 Titus Avenue: Little concerned about why we still have COAH housing, which is on the books, but didn't it start 25 years ago and has grown. Has anybody relooked at what we can handle and what we can't handle.

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, August 6, 2018
Page 6

Mr. Slaugh commented that it started in 1975 and Council on Affordable Housing set rules and never found to be compliant from the Court, in 2014 the COAH Board had six members and it was split three to three which means it does not get adopted. The Supreme Court ordered them to adopt compliant rules and did so in March of 2015. Mr. Nerwinski stated that is why you go into litigation because you do not want the number dictated to you by some other group or entity.

Paul Larson, 170 Darrah Lane: How many housing units are we subject to in the third round? Mr. Slaugh stated the number we have to reach for the third round is 696 units and credits. We have 702 units and credits to meet that 696 unit number, so there are six additional credits that go to the unmet need.

A motion was made by Councilman Kownacki and seconded by Mayor Bobbitt to adopt the Master Plan Housing Element and Fair Share Plan and approved per unanimous vote.

A motion was made by Councilman Kownacki and seconded by Mayor Bobbitt to adopt Resolution 15-18 for the Adoption of Master Plan Amendment Housing Element and Fair Share Plan and was approved per unanimous vote.

Old Business / New Business / Correspondence:

Ordinance 2304-18 Amending Chapter 9 "Fees, Guarantees, Inspections and Off-Tract Improvements" of the Land Use Code of the Township of Lawrence so as to Conform to Amendments to the Municipal Land Use Law

Mr. Parvesse stated the State, in the past year, changed the laws as they relate to how the Townships can require performance guarantees from developers. In the past we would hold the performance guarantees in the amount of 120% for any public or private improvements built by any development property. The major change in the new law is that you can only bond public improvements and you can no longer bond private improvements. This ordinance supersedes our Land Use Ordinance and makes those changes from the State. One area of concern relates to private improvements where you have a residential community similar to Brandywine. In the past we would bond any of those private improvements of 120% now they will not be bonded.

When they come in for their Certificate of Occupancy, we will be able to then request a bond for any items, at that time, that are incomplete. So when the Board gives them a list of conditions, and they come to that Certificate stage and ready to move in, then anything that is left undone at that time will be bonded. That is the main change between the old system and the new system.

A motion was made by Philip Duran and seconded by Marian Connolly to recommend the adoption of Ordinance 2304-18 for the Adoption of Amending Chapter 9 "Fees, Guarantees, Inspections and Off-tract Improvements" and was approved per unanimous vote.

Closed Session Resolution:

None

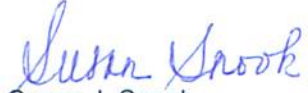
LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, August 6, 2018
Page 7

Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 8:11 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes approved: September 17, 2018