

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, November 19, 2018

Present: Christopher Bobbitt, Mayor
Maria Connolly
Ian Dember
Philip Duran
Kevin Nerwinski, Municipal Manager
Stephanie Pangaldi
Kim Taylor
Doris Weisberg
Edward Wiznitzer, Chairperson

Absent: James Kownacki, Councilman

Excused Absence: Phil Caton, Planning Board Consultant

Also Present: James F. Parvesse, Municipal Engineer
Brian Slauch, Planning Board Consultant
James Kockenour, Traffic Consultant
Edward Schmierer, 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):

None

Minutes for Approval:

September 17, 2018 and October 15, 2018 minutes were approved per unanimous vote.

Resolutions:

Resolution of Memorialization 18-18 for Extension of Time for Minor Subdivision Application No. SP-9/16 for Deed Filing; **HACBM Properties, LLC**; 31 East Darrah Lane; Tax Map Page 33.01, Block 3301, Lot 30.01 was approved per unanimous vote.

Applications:

Major Site Plan – Preliminary and Final Approval with Variance Application No. SP-6/18; **PSIP Metrix Princess Road, LLC**; 10 Princess Road; Tax Map Page 30.02, Block 3901, Lot 4.01

Chairperson Wiznitzer stated this is a continuation from prior hearings and the applicant has concluded their presentation and was hearing testimony by the public. It was mentioned that The Gatherings had hired counsel who would like to call some witnesses.

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Stuart Lieberman, who has been retained by Special Olympics of New Jersey and since the last meeting he was retained by The Gatherings of Lawrenceville Homeowners Association. Before Ms. Simpson continued Mr. Nerwinski questioned whether this was the second Planner that testified. It was explained that this witness is for The Gatherings Homeowners Association.

Witness #1: Michael Simpson, Architect and Planner stated he reviewed the tapes and reviewed the documents as well as the Lawrence Township Zoning Ordinance for the MX-3 zone and requirements. Mr. Simpson concurred that two of the variances should be supported because of what the ordinance states and as well as the MLUL requirements, the height and the bays in the front yard. The ordinance was created in the last couple years and specifically states there should not be loading bays in the front yard. His opinion that the testimony presented by the professionals does not raise to the level of depth demonstrating that a development of this type and use can be executed in no other way than what is proposed, it can be done differently.

The application does not comply with the Master Plan, this plan will be detrimental to the zone plan and detrimental to the public most near the site. There are mixed uses proposed and many uses to exist in that zone but the scale and scope, in this particular place and particular way does not fit. This type of use is more like a fulfillment center and not a warehouse. A fulfillment center would need a drive thru capacity and double loading docks with also 40' high bays but not in a typical warehouse building. The building is proposed to be in the middle of a flat site and the building could be a little bit smaller, to get rid of the overall height variance. He spoke about the construction of the buildings with concrete trucks or pre-cast system and how long the construction will take which will impact the neighbors.

There are a lot of unknown facts such as we do not know who the tenant is and discussed if only two tenants it could be developed in phases that does not involve one giant building. A typical warehouse building is 20' not your fulfillment building. The scale of the building is off the charts in which relates to the Master Plan was figuring on when the MX-3 zone was added, which states no truck bays in the front yard and no justification that this is the only way this site can be developed for this type of facility that has truck bays in the front yard.

The bays could be turned east/west and would not be different than what is being proposed and the front yard variance would not be requested. The bulk of the building is huge and you try to be consistent with the neighborhood. The building is 920' long and 370' wide which could be developed differently. There are 103 truck bays being proposed in the front and the ordinances states none in the front yard. He is confident that the site can be developed differently using the same criteria with 54 x 54 bay modules as well as a difference from curb to curb for all the truck traffic.

Mr. DeGrazia questioned this witness. Mr. Nerwinski stated discussing the variance regarding the bays in the front and what is the negative impact to the area for the bays in the front, is a negative impact. Mr. Simpson's opinion was that a number of bays facing the road that clearly makes this building stand out in a way that is different, even with all the buffers that are proposed. Mr. Nerwinski commented that turning the building to a different direction, you are fine with that. Mr. Simpson responded that the building can't be turned 90 degrees, a different design could be achieved, in the same geology.

Mr. Kochenour questioned Mr. Simpson that this building could be considered a fulfillment center and what constitutes a fulfillment center. Mr. Simpson responded that in the ITE 10th Edition, there is a physical description referencing the ceiling height being lower than a HCW, a short term facility would have a ceiling height of 28 – 34', a cold storage facility would be higher than 70 – 100', but a fulfillment center is often a high as 40' to accommodate three levels of interior mezzanines, he referred to the ITE describing the different types of warehouses. Mr. Simpson stated he has no firsthand experience with fulfillment centers.

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Mr. Simpson spoke with regard to re-orienting the building so it does not face the road and prepared an Alternate Sketch Plan, dated November 19, 2018, copy attached and which two buildings, smaller at 400' with 96 loading bays facing two sides or between buildings; there will be 58 trailer spaces; 112 auto spaces and 90 auto banked spaces and will not be facing the public with this building being 110' away.

Witness #2: Hal Simoff, PE, Traffic Engineer commented that he listened to the tapes and reviewed the traffic report and stated the loaded docks are 60' long and trucks are 75' long and reduces the travel way along the property by 15'. A sketch of a road turning templet, Exhibit A2 showing a truck pulling out of a truck dock; Exhibit A3 shows how a truck has to pull out into the driveway and reflects that the parking area on the opposite side of the isle has to be closer to the road or the building has to be moved back from the road; Exhibit A4 which shows the same maneuver as going forward and going backwards, so when truck is backing into the loading dock, the driver cannot see the truck in the next loading bay and Exhibit A5 is a templet showing a tractor trailer making a right from Princess Road onto Princeton Pike which requires more widening than what was proposed because the utility pole was to remain.

Mr. Simoff referring to Langan Engineering report commented that trip generation numbers that are projected do not fit the development. Table 2 of the report discusses standard warehouse with number of loading docks, employee parking, and ratio of loading docks to truck parking spaces and these numbers coincide with a fulfillment center which has a much higher trip generation rate. The rate is approximately 1.8 trips per 1,000 sf vs. the proposed number in the report.

If this was classified as a fulfillment center, the ratio would be 1.3 – 1.4 trips per 1,000 sf during the peak hour, which is 400 trips between in and out and 20% trucking this would be called a fulfillment center because of the proposed development, so why would you need 100 loading bays if only ten trucks are entering. There are other uses permitted in the MX-3 zone and they will go with the property and these numbers chosen and operates as a fulfillment center you are going to see more traffic entering and exiting the site, more traffic entering and leaving by Princess Road. He referred to Figure 6 of Langan Engineering report, dated July 30, 2018, northbound on Princeton Pike, right turn entering the site is 33% on Princess Road; left turn out is only 11%; why not 33% leaving in the afternoon in the same direction. The other issue is 100% of trucks to go north on Princeton Pike and there is no proposal for any trucks to make a left out of Princess Road in the analysis, so the level of service with a higher number and higher equal percentage of entering and exiting in the morning and afternoon would make that intersection operate at a worse level of service.

The traffic report delineates a que at the intersection of Princeton Pike and Princess Road and is 240' based on the statistics; however, for the right turn movement to go north on Princeton Pike, but the right turn lane from Princess Road to Princeton Pike is only 75' long, so the que extends beyond the capacity calculations, so the que extends beyond the storage capacity of Princess Road and then it negatively impacts the left turn movement. The right turn que will back to 240' which will block the left hand turn que.

The Professionals and Board members questioned Mr. Simoff regarding trip generations; circulation isle; loading docks, the intersection of Princeton Pike at Princess Road and the left hand turn being difficult and a utility pole relocation which is an unsolvable problem; a warehouse being a permitted use in this zone and the variance being requested. Mayor Bobbitt questioned traffic generation being inappropriate for the warehouse with 400/500 trips, based on the square footage, 369 spaces are the total, so the entirety of the site would turn over in an hour.

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Mr. Simoff responded to the questions and referred to Table 1.1 or 1.2 explaining the amount of trucks in and out and compared it to a call center or office spaces, trips would be different based on what type of building. He also stated it is poor planning to run a higher intensity uses through a lower intensity use like residential. The Gatherings was in the same zone until 2016 the MX-3 zone was created which allows a higher denser use. Mr. Simoff stated there is a site line easement across the street that has to be acquired, referring to Sheet CE-4, Overall Site Plan which shows site lines in the eastern driveway and proposed sight triangle which goes across the property across the street.

Mr. Slaugh followed regarding the peak hour determination from the streets that the use is using for access and using peak hours for warehouses like having shift work and Princess Road turn lanes at Princeton Pike be lengthened to accommodate the queuing identified. Mr. Simoff responded it is by use as example of a shopping center compared to an office and shift changes coincide with the morning peak. Board took a break from 8:55 p.m. to 9:10 p.m.

Public:

James Loper, President of The Gatherings Homeowners Association submitted a petition, copy attached. His concerns are the increased truck traffic going through the community; truck trailers ruined the landscaping, fire hydrant, traffic signs; signage was installed on Princess Road; he referred to the Traffic Study prepared by the applicant's engineer, Page 7; the Princeton Pike & Princess Road turns for trailers and the quality of life in The Gatherings. Mr. Schmierer advised Mr. Loper that we cannot accept petitions because the people have to be here to testify and be questioned by the Board. However, they will accept the rest of the material, Exhibit A6.

Chairperson Wiznitzer stated we have discussed making changes on Princess Road to restrict traffic which is beyond the jurisdiction of this Board; however, should this application be approved, the Board will discuss if they want to make a recommendation to the Governing Body to make the restrictions on Princess Road that were under discussions before.

James Weber read his testimony, copy attached which pertained to traffic; the subject property being a fulfillment center and a building of this scale. Mr. Nerwinski stated he is trying to present testimony of a heightened nature. Chairperson Wiznitzer stated this facility is not a fulfillment center and it was whole sale to whole sale and the term fulfillment center is used to describe the nature of the operation of the warehouse; staffing is insufficient for a fulfillment center and asked Mr. Weber why a fulfillment center. Mr. Weber stated all that matters how ITE would classify it and we don't know who the tenants are.

Inez Paroly gave a statement that the quality of life would be changed because of the noise level of the facility being opened 24/7; scheduling of appointment times; the use of Princess Road and the congestion at the intersection of Princeton Pike and Princess Road.

Lynn Anson stated her concerns of the effects on the public health and safety of the community due to the air and noise pollution (diesel exhaust). Ms. Anson referred to Ordinance 1935-07 which is the noise ordinance, copy attached. Ms. Weisberg asked Mr. Slaugh about air pollution and air quality standards that have to be met. Mr. Slaugh stated idling is for three minutes and turned off and because of the highway noise that exists there today that the noise from the operation of the warehouse would be drowned out and was testified to.

Michael Kuhns stated the general concerns are the variances do not serve a purpose; increase of traffic; noise pollution and the groundwater runoff problems.

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Frank Joworisak stated the concerns are truck fumes and diesel pollution (explained the harm to the homeowners of these fumes). He feels that the application should be denied because of the concerns of the diesel pollution.

Allen Clark stated about the restrictions that could be stored at this location; do not who the tenants will be; the traffic and what effects it will have on the roads. Mr. Slaugh and Mayor Bobbitt questioned Mr. Clark about his comments and about fulfillment centers.

Paul Larson, Chairperson of Trails, Open Space and Stewardship Advisory Committee and brought up the issue of a trail easement because it is there already. This is the only spot you can potentially access the Delaware & Raritan Canal tow path. It is 360' from the sidewalk to the end of the retention basin, which is a flat level, which is 12' wide and slopes down to about a 100' to Clarksville Road. New Jersey Department of Environmental Protection owns most of it, which is part of Canal Park.

Mr. DeGrazia responded it is a timing issue and the applicant would provide any easement to the Township or a designee and do not know if this could be done, there are no guarantees and will not give it if it conflicts with the State easement and existing title. There has to be some restrictions like no hunting or motor vehicles. Someone from the public asked what is the revenue needed for more Police and do not have the resources to patrol the area. Mr. Nerwinski responded no one spoke about revenue and Chairperson Wiznitzer stated revenue is no considered by this Board.

Mr. DeGrazia summarized the application. Mr. Lieberman gave a closing statement for his representing of The Gatherings. The Board members discussed the application and gave their comments. Mr. Schmierer presented the conditions of approval.

Old Business / New Business / Correspondence:

None

Closed Session Resolution:

None

Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes approved: February 4, 2019