

LAWRENCE TOWNSHIP PLANNING BOARD MEETING  
Monday, October 29, 2018

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

Absent: None

Excused Absence: Terrence Leggett, Vice Chairperson  
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:**

None

**Resolutions:**

None

**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 39.02, Block 3901, Lot 4.01

Chairperson Wiznitzer stated this application is a continuation from the October 15, 2018 meeting. He stated that Ms. Taylor did not attend the previous meeting. Ms. Taylor concurred and stated she did not read the transcripts or listen to the recording of the previous meeting. Mr. Schmierer stated she can attend this meeting; however, if this application was to proceed with a vote, she is not eligible to vote. If; however, the application is continued and she listens to the recording she would be eligible to vote.

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Mayor Bobbitt was not in attendance for the previous meeting; however, he stated he listened to the audio recordings.

Chairperson Wiznitzer stated there was some concern among Board members if we are proceeding the right way and if it was legal or not legal. Mr. Schmierer explained that when the residents are given the opportunity to ask questions and drift into testimony, we try to bring you back, so that was part of the comment and we will do the same this evening. Mr. Schmierer explained what the Planning Board's responsibilities are for a site plan application and a plan that wants to develop a site on a parcel of land in accordance with the Township zoning regulations and in this case, it is in Zone MX-3 which is a mixed use zone. Within this zone the proposed warehouse is considered as a permitted use and explained the variances and design exceptions the applicant was applying for, so the role of the Board tonight is to consider the application and testimony from the public and come to a conclusion.

Chairperson Wiznitzer stated there is also an issue relating to the traffic testimony and reference was made to data to the Board's traffic expert which was not available at the meeting. Mr. Kockenour commented that his review of the applicant's Traffic consultant, and referred to the Traffic Impact Study dated July 30, 2018, he was able to consultant some additional traffic impact studies that were previously prepared for developments in this general area, such as Bristol-Myers Squibb and MAB Office. The conclusion was based on the data collected for this application that there was a strong correlation between the traffic volumes and the two reports mentioned. However, the traffic study prepared for this application, the counts were actually higher.

A question from the public was a study prepared to include 295 and Mr. Kockenour felt it was not relevant. Mr. Pehnke commented that traffic counts do include a heavy vehicle calculation in the traffic counts and the analysis which includes an adjustment to and from Princeton Pike. A truck is calculated at 3 to 3 ½ cars which is adjusted by the analysis program. Mr. Nerwinski stated he had an opportunity to engage Lt. Drew to do a vehicle count for ourselves for the vehicles that utilize Princess Road, from both directions, Franklin Corner Road and Princeton Pike. This Board does not have the ability to change traffic patterns, this has to be done by ordinance by our governing body. Based upon the information, which may be against our traffic experts opinion, it is going to be his recommendation, since we have this opportunity, to study the real actual impact of the intersections of Franklin Corner Road in the area at Princess Road from Princeton Pike. So temporarily, we will set up bollards at the end, as you entire into Princess Road through The Gatherings, right passed that last round-about, properly sign it, and then do a study to determine whether or not Franklin Corner Road intersection will fail or what we can do to try and counteract that failure through other methods.

If Franklin Corner Road fails we will try other avenues to ask other businesses to stagger their deliveries. If that fails then we try No Truck signage and intense law enforcement.

Gus Ascher, 134 Copperfield Drive: he did not get the connection on what was found based on what they preserve to be large amounts of traffic generated.

Mr. Kockenour responded that a question of the timing of the counts, they were collected in July of this year and he had access to two reports of projects that were recently completed and they basically studied the same intersections. The data was collected in February and when compared traffic volumes, which was Princeton Pike and Princess Road and Franklin Corner Road and Princess Road, for the morning peak and afternoon peak of a weekday, the volumes collected for this study were almost spot on or a little higher.

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Stewart Lieberman, Attorney representing Special Olympics stated that the applicant has not made any assurances in terms of sizes of the trucks that will use this facility and no indication of the time limits that this facility may or may not be used because the end user has not been identified. Since the user has not been identified how can you establish the type of detriment that this project when built out will have in terms of traffic and compare times when you do not know the hours of operations.

Mr. DeGrazia responded that Mr. Pehnke went through the impact and study, cross examined and did spend a lot of time on traffic but wants to get through the other witnesses.

Public Questions:

Brenda Paroly, 127 Copperfield Drive: wanted to know what was being planted between Princess Road and the trailer parking; referred to a picture that the warehouse will not be able to be seen between the trees, but the light poles are 25' tall, which are taller than the trees and the building is going to be 45' tall, so how would it not be seen.

Mr. Stearns responded that a row of 10' high eastern red cedars along the trailer storage and additional evergreen trees, flowering trees to create a buffer. No street trees because of the existing utilities behind the property line (electrical and gas line). It is a long distance and the other building covers most of it.

Witness #1: Edward Mayer, Architect referred to Exhibit A2, Sheet CE-4, Colored Rendering and Sheet A3, Footprint showing how the building is situated and dock doors. The building is 370' in depth and 229' in length and clear height of 40'. A typical bay is 50 x 54 and 60' in depth.

Exhibit A4, North Elevations shows the roof line and colors. Exhibit A5, South Elevations which is identical to the north elevations. Exhibit A6, West and East Exterior Elevation shows the additional racking along the ends of the building with similar roof lines and colors. The lower elevation shows the main entrance.

Mr. Slauch stated the ordinance has a design requirement that 20% of the front façade being glass and the front façade does not face the street directly, so the intent was that the short end would have glass and does not meet the standard, referencing Comment 3.23 of the report. Mr. DeGrazia responded that the design element is to add interest to the building and attempted through the painting, textures and the roof design while glass is not preferred in warehousing because of the use, which is a design waiver.

The Board members had questions for Mr. Mayer regarding to office space, building envelope, insulation, glazing, solar panels, offices and textured differences. Mayor Bobbitt stated if the bays were shrunk and a decrease in the depth of the roof that would not accommodate the use for the building.

Public:

Stewart Lieberman, Attorney referred to the size of the docks with the number of stalls on each side; how many loading docks are being shown; maximum number of vehicles at one time; largest length of truck that will fit in dock that was designed; in theory can 100 trucks be there at one time; and since user is not established cannot tell if they will be used all at one time; designed for maximum use; based on the design, if the variance, for using the front of the building, if not granted, how many spots would go away.

Mr. Mayer stated they 13'6" docks with 27' panel size with two dock doors; there are 50 dock doors and level with the slab with a 4' drop so the truck can meet the dock door and the container is sealed; there is a drive in door such as a van; total 99 dock doors and 4 drive-in doors; 53' tractor trailer; there are 99 dock doors and not utilized all at one time because they are always moving trucks on a daily basis and some spaces are for getting ready to load; 49 dock doors and two drive-in doors.

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A comment was stated it is going to be the size of Mercer Mall and how tall the building will be, air conditioning, cast on site. Mr. DeGrazia stated it is a large building and has different points with different heights at the points, the highest point is 47.3' where the ordinance allows 45' and gave examples of the different heights.

Allan Clark, Woodlane Road: containment for the water when sprinklers go off. Mr. Mayer stated the water will go out the dock doors and into a trench drain around the building and then into the storm water system.

Witness #2: Joseph Horesco, Acoustical Engineer/Noise Control Engineer stated he visited the site and took measurements during the day and evening hours along Princess Road. He acquired truck movements and sound level data and performed calculations to the nearest residents and compared that to the New Jersey State Code and the projected sound level will be below code and below the existing ambience per a report dated October 25, 2018, copy attached. He went to another tractor trailer facility with 53' trailers; he explained the distance he used to determine the sound level. The dominant noise was traffic noise from 295 and Route 1 as well as local roads based on speed and direction. Mr. DeGrazia stated the applicant will comply with all of the State sound requirements and if violated something would have to be done to fix it.

Public:

Stewart Lieberman, Attorney for Special Olympics wanted to know if he was measuring State ordinance or local ordinance while Lawrence has a nuisance ordinance; cannot have any objections to the local code for ambient sounds; decimal differences; engine noise; air brakes; New Jersey Department of Transportation standards that roads are not accounted for and exempt for noise impact to a community; compared to another application; how many trucks were there.

Mr. Horesco responded he used the State code; the nuisance code of the Township will be satisfied; a one decimal increase will not be noticed and explained the one decimal increase; anything that lasts for more than one second is considered noise; did not look at air brakes that would not occur at the site; so he did not measure air brakes; roads are exempt all noise regulations until the truck enters the site it is the responsibility of the site; measured another site that was similar to this application.

Mayor Bobbitt asked in the ambient noise study would that take into account the noise including truck breaking on adjacent highways or roads, like 295, Franklin Corner Road and would capture some truck noises. Mr. Horesco commented whatever activity is on those roads at the time he measured them.

Mr. Lieberman objected to this question because he was asking the same question about the comparison and badgering the witness. The comparison used from which the conclusions were made, how many tractor trailers were in that population pool; date when occurred; how many trucks had engines on.

Mr. Horesco stated he does not have the answer and it does not matter because the way he analyzed the site, the tractor trailers being staged had no effect on the sound levels he was measuring; it was performed in April.

Alan Clarke: there are regulations regarding idling time and will not have their engines running. Mr. DeGrazia stated there will be additional signs added "No Idling".

Ms. Crawford: how would the applicant comply to any deviations and how. Mr. DeGrazia stated if there is a violation it will be corrected.

Board took a break from 8:55 p.m. to 9:06 p.m.

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Stewart Lieberman, Attorney is representing Special Olympics and stated he has two witnesses. Heather Anderson, President and CEO of Special Olympics stated what they do. She is asking the Board to be reasonable and to look at the variance in terms of the front load and are going at all times. The concern is how many and don't know who the tenant is and they do not know what that looks like. At minimum, look at the days or the commitment on what that tenant would be in terms of days or hours and not be 24/7 and not be on the weekends or in the evenings because that is when their population is. Some of the athletes drive and are elderly. They have been a good neighbor and asking the developer to be a good neighbor as well and to service the area in the way it should be.

Ms. Anderson stated they are vulnerable and have special needs so the concern is the volume of traffic and that type of things is concerning. They have day programs and at 5:00 p.m. there is a rec center and are up and running on the weekends. The truck traffic will be pushed on Princess Road and there will be 300 more vehicles a day and 20% will be trailers; if an office was proposed there the traffic would be from 9:00 to 5:00 and would be a different concern for this Board because a light cannot be put at the end of Princess Road and Princeton Pike. The concern for this type of operation is we do not know what the hours are because there is no tenant and do not know if it is five days a week, if seven days a week or 24/7, which is the biggest concern.

Mr. Parvesse comment that the hours of operation is an administrative code and the Planning Board has no jurisdiction over it. The ordinance is adopted by Council and can only be changed by them. It is not specific to an application and it is Township wide. Mr. Lieberman asked then that the Board if not permitted legally to make as a condition of approval limitations on hours. Mr. Parvesse responded that the Board cannot give an administrative waiver to an administrative ordinance.

Mr. Nerwinski stated Ms. Anderson testified that she has an issue with the variance because it is facing the street and why do you have a problem with that. She stated because it is doubling the truck activity. Mr. Nerwinski stated it is the size and not that it is facing the street. Mr. Nerwinski wanted to know why a 24/7 operation is something that is effecting you when you are testifying that your organization is using it seven days a week and the difference between the day and night time. Ms. Anderson commented that they are coming more in the evenings and weekends, so the concern is that they have individuals driving, family bringing in the athlete and with transport trucks on the roads, it is a concern.

Chairperson Wiznitzer stated the conflict between the proposed application and Special Olympics operation simply a conflict of vehicles on the road going to the two properties. Ms. Anderson responded that they are transport trucks and it is a two lane road and is the only way in and out.

There was a discussion regarding the hours for lights to be on until a certain time with the exception of security lighting. So a question was from Ms. Taylor about not having deliveries after 10:00 p.m. because the lights must be off after that time. Mr. Machamkin responded that there is a possibility that it will be a 24/7 operation.

Carlos Rodrigues, P.P. stated he was to look at the application and evaluate if it had any weaknesses or whether a possibility of scaling it down. He reviewed the Township's Master Plan, Zoning Ordinance, the application, some of the documents that were submitted and the Township's Planners review memo, the Engineering memo, the Traffic Consultant's review memo. He addressed the hardship variance for the parking in the front yard and referred to the Township ordinance regarding loading in the front yard if it abuts a limited highway and this does not apply here because the sites front yard abuts Princess Road, which is a local road. The circulation plan element of the Master Plan states Princess Road as a collector road and restricting of vehicle access through a residential development.

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Mr. Rodrigues referred to Section C.1.A, C.1.B and C.1.C. of the MLUL and explained his results. If the variance is granted the number of loading docks double and does not authorize them in the front and they have options of rotating the building and put the docks on the side. This would mean the reduction of heavy trucks on Princess Road. This site is in the MX-3 Zone and constitutes a substantial portion of that district and they all share the same conditions. The bulk standards adopted a few years ago were tailored specifically for these sites and in his opinion granting this hardship runs against all legal and planning criteria.

Chairperson Wiznitzer summarized that Mr. Rodrigues believes there is no physical hardship going with the land that would justify granting the variance but the hardship is a matter of the applicant seeking to overbuild on the site. The Board members had questions for Mr. Rodrigues regarding irreparable harm to the community; volume of number of vehicles to the site; loading docks not being used at the same time and volume of trucks.

Mr. Rodrigues responded that you are ignoring an explicit instruction from the governing body with respect to the zoning and to the neighborhood you are doubling the number of heavy vehicles which potentially can be running 24 hours a day in and out and this use should not be permitted here; no data because building does not exist; no guarantee that all loading docks won't be filled all at one time and larger than what the volume is now.

Mr. DeGrezia asked Mr. Rodrigues questions regarding his testimony.

The application was continued to November 19, 2018. The applicant's traffic consultant is not available to attend this meeting and there will be no further noticing required.

**Old Business / New Business / Correspondence:**

2019 – 2020 Planning Board Meeting scheduled was approved per unanimous vote, copy attached.

**Closed Session Resolution:**

None

**Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 10:14 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook  
Recording Secretary

Minutes approved: February 4, 2019