

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, April 1, 2019

Present: Christopher Bobbitt, Mayor
Maria Connolly
Ian Dember
Philip Duran
James Kownacki, Councilman
Kevin P. Nerwinski, Municipal Manager
Terrence Leggett
John Ryan
Kim Taylor
Edward Wiznitzer

Absent: None

Excused Absence: None

Also Present: Brian Slaugh, Planning Consultant
James F. Parvesse, Municipal Engineer
Edwin 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 Comment:

Paul Larson wanted to follow up on the clearing cutting next to the Brearley House. The application is in and presented the plan and wanted to find out if there is any follow-up in regard to if it was sent to Brandywine.

Mr. Parvesse stated they hired an archeological expert to prepare a full study report; however, it has not been completed yet. They felt that nothing has been impacted on what they had done and were not going to do any other work until they have a full study completed. Mr. Larson responded that is because they found a prehistoric site that is warranting a Stage 2 study. He stated after all these years think about how tall the buildings are and if you look in 600' from Meadow Road, which is a historic landmark, the tallest buildings are the two 18th century Brearley houses. They propose to construct eighteen townhouses right off of Meadow Road and they would become the tallest buildings.

The Mercedes Benz site there is a rite of passage to the park, they are currently putting the fence up which is one-third around and wants to make sure there is a way to get back to the property if need be with a gate. He was informed it is in the resolution.

Minutes for Approval:

Monday, February 4, 2019 minutes were unanimously approved.

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Resolutions:

Resolution of Memorialization 8-19; Amended Minor Site Plan with Variance Application No. SP-1/18; **McDonald's USA, LLC**; 301 Brunswick Avenue Extension; Tax Map Page 3, Block 301, Lot 18.02 was unanimously approved.

Applications: None

Public Hearing: None

Old Business / New Business / Correspondence:

Mr. Slauch referred to his report dated March 26, 2019, copy attached. In-law Suites: to allow in some of the larger lot districts as a second structure or an addition to the house, as an accessory apartment and are limited to what is allowed. It is a bedroom, kitchen, great room and bathroom associated with it and limited in size and intensity. It has been a requirement to have a relative live in it and not open to the general public, which are the regulations today.

There have been three applications for in-law suites. Mr. Duran stated he appeared before the Zoning Board to ask for this type of approval. There has been no impact on the neighbors; however, the down side is that with the deed change that limits the use of this structure and down the road, if he needs help, he cannot have someone live in that structure as a live in helper and can't rent it out. It also works against the Township's interest in it limits the affordable housing options that the Township has, so not sure if that aspect of the current regulations necessarily make sense. You do not want someone putting in a bunch of huts on their property and renting it out; however, one structure is reasonable if you want to rent it out if it is sized appropriately and reasonable to let them rent to people who are not family members.

The Board members comments were if the second structure existed and was being refurbished; but changing it globally would be a mistake; construction of a second dwelling would require a variance; renting out the house to college students and not having it an apartment complex on the property; it is a way to get around on opening these in-law apartments to everybody; you can limit the size of the structure; it should be for a new structure on a case by case basis which would be based on the size of the lot, placement of the structure whether you are disrupting vegetation on the property.

Mr. Slauch read the ordinance for accessory apartments which is one accessory apartment per lot and they are only permitted on those lots in which the primary dwelling has no rental space. Each accessory apartment is used for only residential purposes per one household. The owner of lot must reside at the primary residents. An accessory apartment may not contain an external entrance that faces the same street as the primary residence. There has to be one site parking space for the accessory apartment; the structure, which is created, has to be an occupant of the residential structure or the accessory housing unit; at this point once it is created, the owner the primary house can effectively swap places; it has to be a member of the family; and the accessory apartment shall contain no more than a bathroom, kitchen, and two habitable rooms.

Mr. Slauch continued regarding Eco housing units which is a modular house that is brought on a flat bed and dropped into place, typically in the side or rear yard of the primary residence, for people who need care in your family and they have can one or two persons who are family members of the owner/occupant of the primary dwelling. It has to meet the accessory structure setbacks and a limitation on the size, 500 sf for efficiency and 750 sf for two bedrooms.

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The exterior has to be covered that matches the primary house and when that person, who occupies it, is no longer within that unit, the unit comes back off the property. It is a temporary housing structure and it is allowed in most residential districts. You can have up to a 900 sf building and would have to be hooked up to the utilities of the primary house.

Mr. Parvesse stated that it comes into effect when you have an existing structure and building some new you would have to appear before the Zoning Board. In-law suites are permitted in every zone so people just convert some part of their house into an in-law suite or build an addition. Mr. Parvesse summarized that if there is an existing structure that makes sense and if you do not, then it stays as a Zoning Board case. The Board members agreed.

Electronic Fuel Price Signs: Mr. Slauch stated there are variances required for this type of sign. The ordinance states you need to use plastic signs or the roller signs and fuel signs can be changed only once a day and which becomes distracting for motorists. Mr. Parvesse stated the Zoning Board has already approved two or three at this point, like Wawa, Gasco and the location at Harney's Corner. Mr. Nerwinski does not understand the passion about signage and does not know where it comes from

Mr. Slauch responded that the sign ordinance was just re-done in 2010. Mr. Dember explained that we do not want the streets to be cluttered with signs; but for electronic gas station signs they should be approved because they are a stationary sign that they change once a day. The Board members agreed to allow them.

Adult Medical Daycare: Ms. Connolly stated that child care centers are allowed in all residential *districts* and the language in the ordinance should be changed for adults as well. Mr. Slauch stated it is that people are staying in their homes longer or where you have a care situation where the person giving the primary care needs to work and this is a method where they have to get picked up and driven to the place where they are given meals such as assisted living. It can provide medical care, nursing care for medical conditions and then driven back to their home. There is an existing place on Princeton Pike that had to get a use variance. Some thoughts were for the NC-1 and NC-2 zone which is at the south end of Route 1, in the Office District in the Princeton Pike Corporate Center; in the Highway Commercial District and in a strip center such as the Lawrence Shopping Center and the MX-2 which is on Princess Road.

Mayor Bobbitt concern is the intense transportation use at strip malls such as vans pulling up in front of other stores and the queuing of vehicles. Mr. Slauch stated they are picking people up on a route and would typically be before the stores are opened in the morning. Most times people are not dropped off individually like child day care. Mayor Bobbitt suggested submitting a traffic study.

A comment was to have it in a separate building because of the amount of time it would take to put individuals in that van especially if a person has a medical condition, it could take 20 minutes to put one person in. Examples were mentioned of a person having a wheel chair or oxygen and there is usually only one shuttle with one person accommodating the people on the van. It should be a facility in a non-residential area and that they have parking. Mr. Parvesse stated there could be standards for drop off areas that would not be allowed in a drive isle or a store front.

Chairperson Wiznitzer commented about a controversial application on Route 1 that wanted to be converted into a large child care center; however, it bordered a residential area and turned out to be a tremendous hearing with concerns about traffic on a small street where school buses were travelling at the same time that the day care would be running buses which would create a large amount of traffic. A site plan approval would be required for this type of use because of the impacts that it would have especially in terms of traffic and safety. Mr. Parvesse stated it would still be a permitted use but still require Board approval if it had a site plan issue. Mr. Slauch stated it would also depend on the number of clients serviced and the lot size.

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The Board summarized in a non-residential use with site plan review and standards. Mr. Larson commented that 3450 Princeton Pike have multi shuttle vehicles with lots of parking and the entrance is off of Princeton Pike; however, there is a side driveway that goes to Lenox Drive so they can come out at the stop light, which makes this a perfect situation.

Shed Setbacks: Mr. Slaugh stated at the present time they are allowed in residential districts and there are certain lot sizes. At the present time if you have less than 7,500 sf you can have an 80 sf shed and that rises to 20 sf when you get to 22,500 sf or larger. As you get larger the setbacks increase, for example, if you have a lot greater than 15,000 sf you have to have a 15' setback and less than 15,000 sf is a 5' setback. The change would be 5' up to 30,000 sf lots and the shed would be limited to 160 sf and the larger sheds over 30,000 sf would be a 10' setback instead of 15'. Mr. Parvesse stated it is the setback and the limited size of the shed. The current height limit is 12'.

Mr. Nerwinski stated he is not sure bigger on a smaller lot is a great idea and our recommendation is that a smaller lot to build a bigger shed by 40 sf. Mr. Parvesse explained that if you have a 15,000 sf lot you can have a 120 sf shed but this would take you to 160 sf, but keeping it for small lots like a townhome would be at 80 sf. Mr. Nerwinski stated the biggest complaint is for contractors to have their equipment stored there and picked up there; employees coming to the house to get the equipment so it become a semi commercial situation that residents who live close by are not happy. Mr. Parvesse stated another option is to keep the shed the same size and fix the setback issue. The Board agreed to keep the sheds the same size and fix the setback issue.

Garage Definition and Standards: Mr. Parvesse stated we do not have a definition for a garage because someone was trying to say a shipping container was a garage. There are five (5) definitions in the Land Use Ordinance for garages but the issue is a shipping container.

Checklist Modification: The Board agreed to this issue.

Signage in the HC Zone: Ms. Connolly stated the Growth and Redevelopment Committee has been talking about this issue for a couple of years now and language was drafted to put in the Land Use Ordinance allowing temporary sandwich boards in shopping centers and strip malls in the Highway Commercial zones only. Mr. Slaugh stated there are two parts and the first part is sandwich signs in shopping centers. Currently you can have them in Lawrenceville Main Street and certain areas on Route 206. They are temporary and have to be moved in and moved out every day. It is intended for short term specials and things of that nature. The thought was for the Lawrence Shopping Center.

Mayor Bobbitt commented that the idea is to have some sort of setback (where it is a 100' setback from the road) and other issues on roadways, so this is an opportunity for business owners to have a sign on the sidewalk in front of their store. Mr. Parvesse stated this is only applying to Mercer Mall, Lawrence Shopping Center and only along the store front in the mall and you cannot see it from the roadway. Ms. Connolly stated it will only apply to the Mercer Mall and the Lawrence Shopping Center.

Mr. Nerwinski suggested we hold this one until we receive the recommendation. Mr. Slaugh stated the second part is you are allowed to only put a certain amount of information on a sign on the highway and that was designed to limit the amount of information and to keep it legible. The shopping center should be identified as the main thing and that should be the information presented to the motorists. The store

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wants its logo on the sign and when you have multiple tenants and you get this ladder sign which has everybody, when you pay rent, to be on the sign and they are typically substantially large. The Lawrence Shopping Center received a variance for the sign they have there now, which is 225 sf with eight tenants. Mr. Parvesse stated they had a sign package included in the LA Fitness application and they received negative feedback from the Board so it was withdrawn as part of the package. They need to come back to the Zoning Board or change the zone because the tenants are not represented where Mercer Mall has three signs and each has ten tenants on them.

Mr. Nerwinski commented that the owners of the Lawrence Shopping Center is committed to the community and are demonstrating good faith. The size of that sign on Route 1 could be the reason why it died the way it did. This proposal is appropriate, essential for this site and is personally for it. Mr. Dember stated he does not like it because the letters will not be uniform, where every business has their own logo, all different colors and does not want to have a useless sign. Mr. Duran stated different fonts and colors work in favor which helps direct people to the store. Mr. Parvesse stated we will get height standards for the letters. Mr. Nerwinski asked the Board members about keeping everything consistent and no different colors. Mr. Dember stated this should be its own application and not a standard because the Lawrence Shopping Center is a unique case. It was suggested to ask the owners of the Lawrence Shopping Center to come in as a follow up to their site plan.

Alternate Energy Sources and Home Occupations Signs will be discussed at the April 19, 2019 meeting. Gene Truncellito will be invited to the next meeting to discuss home occupation signs.

Complete Streets: Mr. Parvesse presented a memorandum dated March 20, 2019, copy attached, which is a requirement for the State of New Jersey for recertification. The complete street ordinance had to be updated, which has been done. Every time we repave roads we look at the streets and try to incorporate different modes of transportations for bikes and pedestrians which sets forth the policy. It includes a checklist that NJDOT prepared to maximize our roadways. We are trying to maintain our silver status.

Closed Session Resolution

None

Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 8:43 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes approved: May 20, 2019