

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, December 16, 2019

Present: Christopher Bobbitt, Mayor
Maria Connolly
Ian Dember
Philip Duran
James Kownacki, Councilman
Kim Taylor
Edward Wiznitzer, Chairperson

Absent: None

Excused Absence: Kevin P. Nerwinski
Terrence Leggett, Vice Chairperson

Also Present: Brian Slaugh, Planning Consultant
James Kochenour, Traffic 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:

None

Minutes for Approval:

October 21, 2019 minutes were approved per unanimous vote.

Resolutions:

Resolution of Memorialization 12-19; Major Site Plan – Preliminary & Final Approval Application No. SP-2/19; **Trustees of the Lawrenceville School (Campus Improvements for Dining and Athletics)**; Main Street; Tax Map Page 58.03, Block 5801, Lots 1.02 and 30.01 was approved per unanimous vote.

Applications:

Major Site Plan – Preliminary and Final Approval Application No. SP-2/19; **2012 Lawrenceville Associates (Chick Fil-A)**, 2950 Brunswick Pike; Tax Map Page 36.01, Block 3601, Lot 1.01

Ms. Price represented the applicant and stated 2012 Lawrenceville Associates appeared before the Zoning Board back in 2012 because the uses were not allowed under the zoning code and was approved in May 2013 for approval of Wawa, McDonalds, Sherwin Williams and Verizon. It also included a site for Mrs. G's; however, a decision was made for her to go elsewhere. TD Bank has approval but they have not built the branch yet. Chick-Fil-A is seeking approval for the 15,000 sf site.

Ms. Price stated there were considerate on-site as well as office-site traffic improvements to Bakers Basin and Route 1 as well as the construction of a connector road.

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Witness #1: Jeffrey Martell, PE testified that the site plan approval is for a 5,180 sf building. Referring to Exhibit A1, Latest Site Plan Rendering dated August 14, 2012, the plan approved by the Zoning Board of Adjustment which shows the McDonald's and Wawa. The 15,000 sf retail building is for the proposed Chick-Fil-A; on the northern side is a 12,000 sf building, which was reduced to 6,000 sf for Sherwin Williams and Verizon. There were notable improvements to the jug-handle on Bakers Basin Road, which has a left and U-turn movements for the northbound Route 1 traffic.

Exhibit A2 – Overall Site Plan which is Sheet 3 in the site plan, dated December 10, 2019 shows the proposed applicant, it will have 81 parking spaces and will have a 12 car queue for the ordering area with menu boards, two lanes and six vehicles for each lane with an additional seven vehicles before you to the pick-up window. There will be a small outdoor seating area with five tables (totaling 20 seats) with a decorative fence.

There will be two means of access with one driveway with both ingress and egress on the western side of the site along Route 1 and one additional exit into a rear service road on the property. There are ten parking spaces behind the building for employees with a trash and recycle enclosure and small area for maintenance equipment. Deliveries are made when the restaurant is closed. Testimony was given with regard to the round-a-bout and a small mountable island with cobblestone treatment is being proposed, see attached Page 14.

Mr. Martell gave testimony about the storm water management and environmental report stating there will be no changes to the design, see attached Page 18. A total of 12 new trees are being proposed, 91 evergreen shrubs and 87 deciduous shrubs. Lighting will be the same style and height of light poles that are existing with three new light poles in the parking lot area as well as building mounted lights. There will be full pedestrian ADA access around the perimeter of the site, and between each of the individual pads.

There are two existing freestanding signs one on Route 1 and one on Bakers Basin Road, so no new additional freestanding signs are being proposed. However, two wall signs are being proposed for the

Board members questioned about the tractor trailers using the round-about and delivery trucks pulling into the site. Mr. Martell referred to Exhibit A3 – Truck Turn Exhibit dated December 16, 2019 and explained that the ten spaces are essentially a dual purpose, which the tractor trailer will use. Mr. Kockenour questioned the 81 spaces and their location. Mr. Martell responded there are 256 on the property. The 81 within the leased area is ten parking spaces for employees and 8 and 16 for Chick-Fil-A and 24 are along Route 1.

Mr. Kochenour also asked about the NJDOT Access permit and why an updated one is required. Mr. Martell stated acknowledging the change in this particular pad and is requiring a new application and plan. Mayor Bobbitt wanted to understand the design issue to adding curbs to the round-about and question was referred to the Mr. Olivo.

Mr. Slauch spoke about the size of the sidewalk in front of the store and when a person walks out they would smack a car because of the cars that would be parking nose up to the face of the building. Mr. Martell responded that the six-foot sidewalk and the traditional two-foot overhang, you would not hit the door and feels it is not an unsafe design and does not feel there is a safety compromise per se. After speaking with the applicant, they are agreeable to lose two parking spaces.

Witness #2: Charles Olivo, PE for Traffic referred to Exhibit A-2 explaining how the intersection was and how the intersection is now with the replacement of the roadway where there are now gaps in the traffic. For more information refer to Transcript, Page 53. Mr. Olivo continued with regard to the peak hours, lunchtime weekday from 11:00 a.m. to 2:00 p.m.; the weekday evening rush period between 4:00 p.m. and 7:00 p.m. and Saturday, 11:00 a.m. to 2:00 p.m., which is the highest peak during the weekend. Chick-Fil-A is closed on Sunday.

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Mr. Olivo stated there will be no changes to the driveway, no additional work proposed in the right-of-way, no changes to the traffic signal. All of the improved intersection improvements were performed in 2014 and 2015. He continued that it will produce a significant amount of traffic for the first month to two months because it is a popular brand and will be new. Mr. Olivo spoke with regard to traveling into and out of the box area; so there is a two-way driveway that is located to the north of the right-in / right-out main central driveway that provides you with two-way access to the main parking area to the front door and then it allows you to circulate into the drive-thru area. You are able to by-pass the drive-thru or exit from the parking area through an exit point that connects with the back service aisle in the rear of the Wawa that provides connection into the round-about or an unsignalized intersection.

Chick-Fil-A is providing a double lane stacking area with a seven-car queue and another six in the drive-thru double lanes, so 19 cars can queue with no impact to the parking. He also mentioned there will be two manned stations out in the queue with iPads taking orders in the area where you can fit six and six vehicles before you come to the order window.

Mr. Olivo spoke with regard to the round-about and some proposed improvements on getting to direct vehicles out of the sight. He continued with entering the site at the central right-in / right-out driveway on Route 1 where at times there is blocking of the internal intersection. It would be a recommendation to sign that area and strip that area with "Do Not Block Intersection" with advisable crosshatching. The applicant is also agreeable to signing the drive-thru exit to be a right out only or to restrict the left back into the right-in / right-out driveway based on a comment from the Police Department.

Mr. Olivo continued with the parking requirements and this site has adequate parking, refer to Page 70. It was also noted by Ms. Price that the applicant granted Title 39 under the first approval through the Zoning Board, which allows the Police Department to enforce on private property.

The Board members took a break from 9:04 p.m. to 9:13 p.m.

The members of the Board had questions for Mr. Olivo regarding the ability to turn left after turning right off of Route 1 and round-about concerns with traffic patterns.

There will be 40 tables in the restaurant. Mr. Slauch referred to his report dated December 12, 2012, Comment 4.1 and parking space numbers and commented that one space per table and that the standard is outmoded and should be changed at this point. Mr. Kockenour agreed and stated if you use the code requirement, you will need 116 spaces; however, if you use the Parking Generation Manual the site would require 45 to 50 spaces. A question to Mr. Olivo was asked about the number of spaces, not including the ten spaces in the back or the leased area, how many space in the main area are available. Mr. Olivo responded around 50 spaces. Mr. Kockenour gave his opinion that the parking proposed for this site is adequate.

There was a discussion with regard to the report from Joseph Amodio, Police Department dated November 25, 2019 regarding concerns about traffic, copy attached. Mr. Olivo stated they are proposing a "Do Not Block" in the intersection, both signage and striping as well as redirecting the drive-thru. The other concern was the 18-wheeler trucks parking in the main interior of the roadway. Ms. Price stated the applicant agrees to post no parking signs and/or no standing signs along the main interior of the roadway.

Mayor Bobbitt's biggest concern is the entering of the site off of Route 1, the mid-block entrance which is about 52' from getting off of the right-of-way and the decision of entering, making a left or going straight. The Chick-Fil-A has one entrance point and it is right up next to Route 1. Mr. Olivo stated there are three or four different ways into that entrance point. You have a back service road that intersections with a drive aisle that comes into the Chick-Fil-A area from the north; you can come through the round-about, back through the service aisle which connects and back into Chick-Fil-A or down the unsignalized intersection to the round-about to the main aisle.

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Mayor Bobbitt was more concerned of the box itself and dealing with entering that leased box to then approach. Mr. Slauch responded that they have made a one-way out to the service road which originally was a proposed two-way. However, that needs to be looked at which may actually needs to be a two-way so you wouldn't have just one access point on the front near Route 1. Mr. Parvesse has to confirm with Lt. Amodio on his comment.

Mr. Kochenour asked about the Route 1 access being an important entrance to this site and Mr. Olivo responded extremely important. Mr. Kochenour compared other locations and stated they require some type of travel path, where they have to get off of a main road to get in. Mr. Olivo responded that the centrally located driveway has always been a very critical piece of this application and hesitant to closing a pathway within a center that has been established and forcing traffic to various areas.

There was no public comment.

Mr. Parvesse stated the next scheduled meeting is January 6, 2020, but it cannot be scheduled because Council has to reappoint. So the suggestion was to have a special meeting on January 27, 2020 because the February meeting is already booked. A motion was made to continue this application without further notice to January 27, 2020.

Public Hearing:

None

Old Business / New Business / Correspondence:

Referral to Council – Ordinance 2350-19 amending the Land Use Ordinance of the Township of Lawrence pertaining to accessory apartments, adult day care, child care centers, residential sheds, shipping containers, signs and application submission requirements.

Mr. Duran where it discusses accessory apartment the specifications seem rather specific which seems like it is being written for a particular property. His concern is that this make it's difficult for people to do that to create an accessory apartment if they are interested in possibly being able to stay in Town, because some folks would like to do that to be able to rent them out and provide some lower cost housing for some people by having some rental income. This obviously does not allow for that and concerned that it is specifically written for a property that has a separate lot with three acres that has been in existence on January 1, 2015, Page 5. This does not help with affordable housing.

Mr. Duran also has some questions with regard to farm market and could be addressed by the definition of farm market. According to Page 8 it has to be set back 100' from the right-of-way and parking lots have to be screened and has to be a 100' from public roads. He used an example of the market on Route 206 as you are leaving town that would knock that out and probably others too. This seems to be working pretty well for access.

Mr. Brian responded that the accessory apartment was not written for any particular property in mind; however, it is more narrow then your comments about accessory apartments that was expressed. It is geared towards the EP-1 and EP-2 districts and locations where you have more land to accommodate an additional housing. It is not a lot different then what is out there today, it just clarifies a couple of small matters.

The farm market is the existing regulations and we are inserting the adult day care, which is being put ahead of that, which is just re-lettering. The farm market restrictions have been in place for 15 years and there has been no changes and the farm market that do not comply with be grandfathered.

Chairperson Wznitzer asked what was the Board expected to do with this. Mr. Slauch responded to determine whether or not it is consistent or inconsistent with the Master Plan.

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A motion was made by Councilman Kownacki and seconded by Maria Connolly and approved per unanimous vote with one abstain vote.

Referral from Council – Ordinance 2351-19 amending the Land Use Ordinance of the Township of Lawrence to revise Sections 201, 431 and 530 to address solar and wind energy systems and electric vehicle charging stations.

Mr. Duran referred to Page 3, 1d(3) regarding no ground-mounted wind energy system and what this is saying that you can't have them and it won't make any sense to put systems on a tower that low because that is not where the wind is. Wind power is a function of the cube of the speed and you are not going to get the speed you need for these systems to be cost effective unless you are higher than that. Typically what they are for are turbines that are mounted at least 30' above the nearest trees in a 500' vicinity. You have 70' trees you want your turbine up at 100' or more, which is obviously a lot higher than these and we found that the wind speed is 9 mph on the average annually and that is at 100'; however, at 50' it is less than 6 mph.

Mr. Duran referred to Page 4, 2(c), referring to roof mounted systems and does not understand the section which could be saying any new construction requires these to be on it and if it does why 80% of the yearly demands, why wouldn't a smaller percentage also be accepted.

Referring to Page 5, 2d(1) what is this trying to accomplish because it is under a section that is for standards for ground mounted system including solar parking canopies and it does not seem to fit there.

Chairperson Wiznitzer asked if the Board could modify this and return it to Council with modifications. Mr. Slaugh stated they could make recommendations with regard to height of wind turbines then you could make them and find if they are consistent or inconsistent to the Master Plan. Mr. Parvesse commented that if we wanted to discuss and decide that we want to make significant changes, we would recommend to Council not to act on it and then make changes and introduce to Council again at a later time. There is nothing pressing for this ordinance and it could wait. We recognize in Lawrence we do not have the wind for that use but we wanted to be open to the concept in case there is new technology but we do not want residential turbines because we do not have the wind to support it.

Councilman Kownacki stated this is a change for the Master Plan and we can always make an amendment when we do the study. Mr. Duran stated right now it does not make economic sense for people to put up wind turbines and maybe this is a way to essentially stop it. Mr. Slaugh stated it is balance of how much this would be used versus the ascetic on having a 100' wind turbine in a residential area. Mr. Duran commented discouraging the towers and maybe this would do it, but also encouraging wind power and how would the discrepancy be worked out.

Mr. Duran did not understand why the 80% average demand needed to be met for roof mounted energy systems. Mr. Slaugh stated bias is for roof mounted systems so it is effectively to have a certain yearly demand for electricity or domestic hot water but your roof coverage only allows for half your needs to be met that way for a quarter and so this would allow to put them on the roof.

Ms. Connolly questioned the EV parking, Page 6, off street parking number of spaces that is just requiring that the development provide EV parking and not providing the station. Mr. Slaugh referred to Page 2 Definitions. The placement of the charging stations would be done through the site plan approval.

Councilman Kownacki commented that this Board makes recommendations to Council, so if we approve this you can always come back and make the recommendations and give them to Council and we have to review. But it is the Planning Board that works on the Master Plan, not Council.

A motion was made by Councilman Kownacki and seconded by Phil Duran and approved with a unanimous vote with two no votes and one abstained.

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Closed Session Resolution

None

Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 10:17 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes approved: March 2, 2020