

Reexamination Report of the Master Plan
TOWNSHIP OF LAWRENCE

**PLANNING BOARD
LAWRENCE TOWNSHIP
MERCER COUNTY, NEW JERSEY**

May 20, 2013

Reexamination Report of the Master Plan **TOWNSHIP OF LAWRENCE**


Prepared pursuant to *N.J.S.A.* 40:55D-89 of the
New Jersey Municipal Land Use Law

Adopted by the Lawrence Township Planning Board

May 20, 2013

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I. INTRODUCTION

The municipal Master Plan is a document, adopted by the Planning Board, which sets forth the policies for land use as envisioned by the municipality. The Master Plan is the principal document that addresses the manner and locations in which development, redevelopment, conservation and/or preservation occur within a municipality. It is intended to guide the decisions made by public officials and those of private interests involving the use of land. Through its various elements, the Master Plan sets out a vision for the community in the coming years.

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey, among a handful of other states, specifically ties the planning of a community as embodied in the Master Plan with the zoning ordinance and zoning map. The zoning ordinance and map, which are adopted by the Township Council, constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law *N.J.S.A. 40:55D-1 et seq.*, (hereinafter "MLUL") a zoning ordinance must be substantially consistent with the land use plan.

A Reexamination Report is a review of previously adopted master plans, amendments and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Under the Municipal Land Use Law, the Planning Board must conduct a general reexamination of its master plan and development regulations at least every ten years. This provision was amended in 2011 from requiring a reexamination every six years to every 10 years. Additionally, the Municipal Land Use Law now includes a waiver provision, where a municipality may waive the reexamination requirement through a determination by the State Planning Commission and the municipal Planning Board that the municipality is built-out, defined as there being no significant parcels, whether vacant or not, that currently have the capacity to be developed or redeveloped for additional use of the underlying land.

Five specific topics are to be considered in the Reexamination Report. These are:

- a. *The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*
- b. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
- c. *The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master*

plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives.

- d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*
- e. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.¹*

A Reexamination Report may recommend that the Planning Board examine certain land use policies or regulations or even prepare a new Master Plan. Alternatively, "if the recommendations set forth in the Reexamination Report are themselves substantially in such form as might or could be set forth as an amendment or addendum to the Master Plan, the reexamination report, if adopted in accordance with the procedures [prescribed by the MLUL for adoption of a Master Plan], may be considered to be an amendment to the Master Plan." New Jersey Zoning & Land Use Administration, Cox & Koenig, 2013 Edition, p. 965. The recommendations concerning the Highway Commercial district (#3) are specifically intended as Master Plan amendments.

II. PRIOR PLANNING EFFORTS

Lawrence Township has long supported planning to shape and focus the economic forces leading to the development and redevelopment of the municipality. The most recent planning documents adopted by the Planning Board are summarized below.

¹ *N.J.S.A. 40:55D-89*

1995 Master Plan

The Township last adopted a comprehensive Master Plan on June 14, 1995. In large measure, the 1995 Plan continued the environmentally-based growth management concepts of previous Master Plans, adopted in 1982 and 1987. The 1995 Plan also advances an evolving vision of Lawrence as a group of neighborhoods interconnected by greenways, bicycle paths, and local streets, with private and public goods and services in close proximity. In addition to a statement of goals and objectives, fiscal analysis and plan consistency statement, the 1995 Master Plan includes the following plan elements: Conservation, Historic Preservation, Community Facilities, Recycling, Housing and Fair Share, Utility, Circulation, and Land Use.

1998 Reexamination Report

In 1998, the Township adopted a Reexamination Report to assess changes in land use policy since the adoption of the 1995 Plan and to ensure consistency between the 1997 Land Use Ordinance and the Land Use Element of the 1995 Master Plan. Pursuant to the December 17, 1997 Township Council Resolution that set forth reasons for zoning deviations from the Master Plan, the Reexamination Report recommended the following 11 amendments to the Land Use Element of the Master Plan:

1. Amend Land Use Plan map to designate the western corner of the intersection of Province Line Road and Route 206 as EP-1 instead of RD-1.
2. Amend Land Use Plan map to designate North Lawrenceville, on the north side of Route 206 as EP-1 instead of R-2A or R-2B.
3. Amend Land Use Plan map to designate area northwest of Lawrenceville-Pennington Road and Santana Court as AT instead of Residential 2.
4. Amend Land Use Plan map to designate areas in the vicinity of Gordon and Phillips Avenues as R-2B in place of AT.
5. Amend Land Use Plan map to designate the area between George Street and the old trolley as R-2B in place of NC-1.
6. Designate Cranstoun Farm as EP-2 and the Dyson Trust (DKM) Tract as OS on the Land Use Plan map; amend Land Use Element discussion of EP-2 designation to include Cranstoun Farm, amend Open Space Inventory within the Community Facilities and Recreation Element to include the Dyson Trust (DKM) tract.

7. Designate Saturn Chemical property and former DPW garage as OS on the Land Use Plan map; amend Table 9 (inventory of municipal open space) to include these sites.
8. Amend Land Use Plan map to designate areas along Lewisville Road as R-2B instead of EGI and RD.
9. Amend Land Use Plan map to replace OS designation of former State land adjacent to Motor Vehicle Inspection Station on Route 1 with HC designation inside the curve of Grovers Mill Road and I-1 designation outside of the curve.
10. Amend Land Use Element discussion regarding land use along Whitehead Road and Alternate Route 1.
11. Amend Land Use Plan map to designate the east side of Princeton Avenue south of the former State lottery building as NC-1 instead of Residential-5.

The 1998 Reexamination Report also proposed three additional amendments not specifically addressed in the 1997 Council Resolution as follows:

12. Amend Land Use Plan map to designate southwest corner of Trenton Princeton Road (Route 206) and Lawn Park Avenue as Neighborhood Shops instead of R-2B.
13. Retain SCR designation for Trenton Diocese Property. (No amendment required.)
14. Amend Land Use Plan map to designate industrial Properties along Route 1/Trenton Border as Office Industrial instead of R-4.

Many of these recommended changes to the Master Plan have been implemented; the balance of the items should be assessed for relevance and potential implementation.

1999 and 2000 Housing Plan Amendments

The 1995 Housing Plan Element of the Master Plan was amended in September 1999 to convert the Yorkshire Village inclusionary development site to a payment in lieu of construction to fund a Regional Contribution Agreement (RCA) with the City of Trenton. In January 2000, the Housing Plan was again amended to include an

affordable housing family rental complex for persons with disabilities, known as Project Freedom.

2003 Housing Plan Amendment

In October 2003, the Housing Plan was further amended to include replacement of an inclusionary site (Avalon Bay) with a 62 unit RCA with the City of Trenton, the addition of two new inclusionary developments (Milestone at Lawrenceville and Traditions at Federal Point), and the conversion of on-site units into a payment in lieu of construction for the Denow Associates (also known as Ventana) site. Also included in the amendment was documentation on three previously approved, constructed and occupied sites (Avalon Run East, Liberty Green and Tiffany Woods), revisions to a previously approved inclusionary development (Brookshire/RFP Inc.), and the addition of a mixed use site (CIS/Hofing) that will receive 62 approximately affordable age-restricted units funded in part through an RCA with the Township of Manalapan.

2005 Utility Plan Amendment

In April 2005, the Utility Plan Element of the Master Plan was amended to incorporate the Township's 2005 Municipal Stormwater Management Plan ("SWMP"). As required under the State's Municipal Stormwater Regulations, the SWMP addresses groundwater recharge, stormwater quantity, and stormwater quality impacts by incorporating stormwater design and performance standards for major new developments, defined as projects that disturb one or more acres of land.

2005 Land Use Plan Amendment

In July 2005, the Land Use Element of the Master Plan was amended to replace the previous Office Industrial land use classification along the south side of Quakerbridge Road with the Planned Residential Development (PVD-3) land use classification. This amendment was intended to reflect the largely residential nature of development on adjoining lands and to encourage redevelopment of the Princeton Research Lands to address the housing needs of senior citizens, including those of low or moderate income, within the Township.

2005 Housing Plan Amendment

In response to the adoption of new "third round" rules regarding affordable housing by the New Jersey Council on Affordable Housing (COAH) in December, 2004, the

Township prepared an amendment of the Township's Housing Element and Fair Share Plan. Adopted on December 5, 2005, the Housing Element amendment addresses the Township's rehabilitation obligation, prior round housing obligation and third round "growth share" obligation through a combination of affordable housing programs. Additional discussion of the Township's compliance with COAH's requirements, including the Third Round rule changes are provided under Section IV, below.

2006 Reexamination Report

On April 3, 2006 the Planning Board adopted a Reexamination Report of the Master Plan. The 2006 Reexamination Report reflected on the issues identified in the 1998 Reexamination Report, noted the various amendments to Master Plan elements which had been adopted by the Planning Board in the intervening years and set forth a series of recommendations for further analysis/action. In large measure these recommendations represent the major problems and objectives at the time the 2006 Reexamination Report was adopted and so will be described in Section III below.

2006 Land Use Plan Element and Conservation Plan Element Amendments

On October 23, 2006 the Planning Board adopted amendments to the Land Use and Conservation Plan Elements which increased the intensity of use in the Regional Commercial land use designation (predominantly the Quakerbridge Mall) to a .50 floor area ratio. These amendments also reinforced the Planning Board's interest in cooperating with NJDOT and NJT in reserving a right-of-way through the Quakerbridge Mall property for the bus-rapid transit system and establishing a bike/pedestrian path system through the Mall property and across Route One to connect with the Delaware & Raritan Canal State Park and the Lawrence Hopewell Trail. Finally, the amendments deleted the TDR (Transfer of Development Rights) component of the Regional Commercial use since the Township's TDR program was obsolesced by the Statewide TDR Act enacted in 2004.

2007 Brunswick Pike South Vision Plan

See section VI. Redevelopment Plan for information on this document.

2008 Housing Element & Fair Share Plan

On December 1, 2008 the Township adopted, as part of its Master Plan, an amended third round Housing Element and Fair Share Plan consistent with COAH's 2008 third round rules. The 2008 Plan satisfied the prior round obligation using prior cycle

credits from one project, 13 special needs facilities, a portion of a 100% affordable housing project known as Brookshire and all or a portion of the affordable units in the following inclusionary developments: Eagles Chase, Lawrence Square Village, Stewards Crossing, Carriage Park, Milestone, Tiffany Woods and Traditions at Federal Point. The third round obligation was satisfied with a portion of the Brookshire 100% affordable housing project, extension of expiring controls, a municipally sponsored construction project and all or a portion of the affordable units in the following inclusionary developments: Avalon Run, Avalon Run East, Steward's Crossing, Liberty Green, Stonerise, Lawrence Square Village, Jade development and Rosecliff.

2009 Amended Housing Element & Fair Share Plan

The Township's December 1, 2008 Housing Element and Fair Share Plan was amended on June 15, 2009 to account for the minor changes required by the conditions of the Township's 2009 COAH substantive certification. The 2009 Plan satisfied the prior round obligation using prior cycle credits from one project, 12 special needs facilities, two regional contribution agreements, a portion of a 100% affordable housing project known as Brookshire and all or a portion of the affordable units in the following inclusionary developments: Eagles Chase, Lawrence Square Village, Stewards Crossing, Carriage Park, Milestone, Tiffany Woods, Stonerise and Traditions at Federal Point. The third round obligation was satisfied with a portion of the Brookshire 100% affordable housing project, extension of expiring controls, a municipally sponsored construction project and all or a portion of the affordable units in the following inclusionary developments: Avalon Run, Avalon Run East, Eagles Chase, Tiffany Woods, Liberty Green, Stonerise, Lawrence Square Village, Jade Development and Rosecliff.

2010 Green Buildings & Environmental Sustainability Element of the Master Plan

On May 3, 2010, Lawrence Township was one of the first New Jersey municipalities to adopt a Green Buildings and Environmental Sustainability Element as part of its Master Plan. The Element provides a summary of sustainability actions taken by the Township to date and provides recommendations for how sustainability goals can guide land use decisions as well as ordinance amendments and other land use issues. It addresses the following topics: land use patterns, circulation systems, energy conservation and renewable energy production, green building design, water resources and waste reduction and recycling. Within each topic are a series of goals, objectives and recommended strategies.

2012 Brunswick Pike Redevelopment and Form-Based Code Study

See section VI. Redevelopment Plan for information on this document.

2012 Amendment to the Land Use & Housing Elements

On September 10, 2012 the Lawrence Planning Board adopted an amendment to both the Land Use Element and the Housing Element which changed the Master Plan land use designation of Block 4202, Lot 1 (also known as Princeton Research Lands) from Planned Village Development – 3 (PVD-3) age-restricted inclusionary housing to the Highway Commercial (HC).

The Princeton Research Lands property had been rezoned in 2005 as PVD-3, which permitted age-restricted inclusionary housing. However, notwithstanding the site's favorable location within the U.S. Route One corridor no applications for development under the PVD-3 district were submitted during the years since 2005 when it was zoned PVD-3. Given the recession's disruption in the age-restricted housing market, not only in New Jersey but in most of the country, the site is not likely to be developed for age-restricted housing.

A highway commercial use would be compatible with the established mixed use character of Quakerbridge Road east of U.S. Route One, which already includes a regional shopping center (the Quakerbridge Mall) and a neighborhood convenience center (Avalon Bay). It would complete the development of this section of the Township as envisioned since the 1995 Master Plan as a mixture of attached housing, office, and retail uses.

If the zoning of the site is changed from Planned Village Development – 3 to Highway Commercial (HC), the references to the PVD-3 zoning district in the Land Use and Housing Elements (referred to as the Jade development site in the 2009 Amended Housing Element and Fair Share Plan) of the Master Plan must be deleted since the PVD-3 district currently applies exclusively to the subject property.

III. MAJOR PROBLEMS AND OBJECTIVES AT THE TIME OF THE ADOPTION OF THE 2006 REEXAMINATION REPORT AND THE EXTENT TO WHICH THEY HAVE CHANGED

I. Master Plan Consistency with Land Use Ordinance

The 2006 Reexamination Report included a list of 11 locations where the zoning designation under the 1997 Land Use Ordinance was inconsistent with the Master Plan land use designation, based on the Township Council's December 16, 1997 resolution setting forth reasons for zoning deviations from the Master Plan. In addition to the 11 locations noted in the Council's Resolution, the Reexamination Report identified three other locations where corrections and/or adjustments to the Land Use Plan appeared to be warranted to achieve greater consistency with the Land Use Ordinance zoning map. These locations have been carried forward in this document for ease of reference (see description of 1998 Reexamination Report in Section II).

The 2006 Reexamination Report recommended that these inconsistencies be resolved through revisions to the Land Use Plan Map and/or through minor amendments of the Land Use Element and Community Facilities and Recreation Element of the Master Plan. As noted above, many of these inconsistencies have been resolved; however, some remain to be addressed. As indicated in Section V, below, it is recommended that the unresolved mapping and text inconsistencies identified in the 2006 Reexamination report be examined and if necessary addressed in a forthcoming amendment to the Master Plan.

2. 2006 Reexamination Report Recommendations

The 2006 Reexamination Report included 17 recommendations. Some of these have been addressed, some are no longer relevant and some remain as potential action items. In large measure, these recommendations- in addition to the issue of redevelopment along the Brunswick Pike-frame the major problems and objectives at the time of the 2006 Reexamination Report. An assessment of the status of each of these issues follows:

1. 1998 Master Plan Reexamination Recommendations

As set forth above, those few recommendations from the 1998 Reexamination Report which have not yet been addressed should be evaluated by the Planning Board and implemented if warranted.

2. State Development and Redevelopment Plan

In 2006 the State Planning Commission had recently revised its rules and embarked on a process of municipal engagement known as "cross-acceptance." The goal of cross-acceptance from the municipal perspective was to have the local Master Plan and land use regulations "endorsed" by the State Planning Commission as consistent with the policies and objectives of the State Plan.

As described below in Section IV the State Plan has been totally restructured but not yet adopted by the State Planning Commission. Consequently, the implications of the draft State Plan on municipal planning at this moment are unknown.

3. Proposed Renovation and Expansion of the Quakerbridge Mall

In 2006 the prospect of a significant expansion of the Quakerbridge Mall loomed as a major land development issue. In 2006-7 the Planning Board amended the Master Plan and the Township Council amended the LUO to facilitate the Mall's expansion. In the intervening years the Simon Group, the controlling ownership interest of the Mall applied for and was granted approval for an expansion comprising two additional department stores along with small "concourse shops" and parking garages. The recession prevented the expansion from occurring, although the approvals remain in place. In 2012 the Mall undertook an extensive interior and gateway renovation project as well as adding two restaurants to the northwest façade. Whether the Simon Group proceeds with the major expansion will depend, in all likelihood, on economic and financing issues which are beyond the Township's control.

4. Capital Health Systems Hospital Proposal

After a search process which included a site in Lawrence Township, Capital Health Systems selected a site in Hopewell Township and has since completed construction and occupancy of that facility.

5. 2000 Draft Open Space and Recreation Plan

The Open Space and Recreation Plan Element from the 1995 Master Plan has been redrafted and updated with current information on open space acquisitions, recreation facility improvements, off-road trails and active and passive recreation goals and objectives. It should be finalized and adopted as an amendment to the Master Plan. The current Open Space System Map can be found in the Exhibits to this Reexamination Report.

6. Northwest County Park

The 50 acres at the eastern corner of Northwest County Park designated as Educational Government Institution – EGI on the Land Use Plan should be revised to Open Space – OS since the Board of Education no longer needs that site for a school. The zoning designation should follow suit. The Township's prior plans for active recreation in the County Park have been satisfied with the two new multi-purpose fields at the former Twin Pines airport. With the

airport's closure, the LUO map should be revised to remove the Airport Safety Zone which was previously required due to the Twin Pines airport operation.

7. Lawrence Hopewell Trail

Construction of the 20+ mile Lawrence Hopewell Trail (the "LHT") has continued as recommended in the 2006 Reexamination Report. The majority of the LHT within Lawrence Township has been completed. Recently completed sections include Carson Road Woods, Bristol Myers Squibb, the Dyson Tract, Lewisville Road and the Lawrenceville School. The Province Line Road section (funded through a grant from the Delaware Valley Regional Planning Commission) is planned for the fall of 2013. Thereafter the last remaining section will be along Princeton Pike between the Dyson Tract and Lawrenceville Road. The "Trails Map of Lawrence Township" is included in the Exhibits to this Report.

8. Infill Housing: Scale and Design Issues

The issues identified in the infill housing recommendation in the 2006 Reexamination Report were the subject of an amendment to the Land Use Element of the Master Plan adopted by the Planning Board by Resolution 13-07 on March 19, 2007. This Master Plan amendment was followed by an amendment to the LUO via Ordinance 1920-07 which established an innovative approach to preserving neighborhood architectural context by regulating the floor areas of new houses on infill lots within established neighborhoods.

9. Route 206 Commercial Node

In furtherance of improving this local commercial node on Route 206 the Township sponsored a series of "visioning" sessions with neighboring stakeholders, including residents, business owners/employees, and representatives of the firehouse and St. Ann's Church. The issues which were of most interest to the stakeholders were improving pedestrian safety-particularly crossing Route 206, improving access to and the appearance of the municipal parking lot south of the firehouse and expediting the redevelopment of the former service station on Route 206. The Township, with funding from NJ DOT and local funds installed an automated, state-of-the-art pedestrian crossing, constructed a brick wall/fence around the municipal parking lot fronted by planting beds and prepared illustrative plans to depict how the former service station property could be redeveloped as mixed use with the building set up on Route 206 and parking in the rear.

10. Mercer Crossings Study Area

The Township has cooperated with the County Planning office in examining the land use constraints and opportunities in the area where Lawrence, Ewing and Trenton intersect. One off-shoot of the Mercer Crossings engagement has been renewed interest in the Trenton Farmer's Market, spurred by a 2006 report entitled "Revitalizing the Trenton Farmer's Market" and prepared by the Project for Public Spaces.

11. Eggerts Crossing Neighborhood Improvement Strategy

As indicated in the 2006 Reexamination Report, the Township has undertaken various open space, greenway and infrastructure improvements in the Eggerts Crossing Neighborhood. There has been active interest in infill housing in this neighborhood, with single family detached houses being constructed on vacant lots.

12. Sustainable Development

As indicated in the "Prior Planning Efforts" section of this Reexamination Report, in 2010 the Planning Board adopted a *Green Buildings & Environmental Suitability Element of the Master Plan*. That Element contains a variety of initiatives which can be undertaken at the local level to reduce the carbon "footprint" of new and existing development and increase energy efficiency.

13. Lawrence Township Board of Education Long-Range Facilities Plan

The school expansion referenced in the 2006 Reexamination Report has occurred. The Board of Education and the Township routinely collaborate to the extent necessary on enrollment issues which have land use implications.

14. Bus-Rapid Transit System Planning for the Route One Corridor/Circulation Plan Element

The Township has been an active participant in the stakeholder meetings organized by NJDOT and NJ Transit to plan for traffic congestion mitigation in the southern portion of the Route One corridor. As evidence of the seriousness with which the Township views this issue the Planning Board required the Simon Group (developer/owner of the Quakerbridge Mall) to accommodate the NJDOT's bus-rapid transit right-of-way through the Mall Property in its General Development Plan approval. The NJDOT's strategy at this time is to reserve easements through properties within the corridor and eventually implement the bus-rapid transit system.

15. Kings Highway Historic District and Israel Stevens House

The amendment of the Historic Preservation Element of the Master Plan to include both the Kings Highway Historic District and the Israel Stevens House remains a worthwhile endeavor and will be carried forward as a recommendation in this Reexamination Report.

16. Environmental Resources Inventory

As forecast in the 2006 Reexamination Report, the Lawrence Township Environmental Resources Committee succeeded in securing the assistance of the Delaware Valley Regional Planning Commission (DVRPC) to prepare an Environmental Resource Inventory of Lawrence Township. DVRPC was funded by a combination of grants from the Association of New Jersey Environmental Commissions (ANJEC), the Geraldine R. Dodge Foundation and Lawrence Township. The ERI is very thorough and warrants being adopted as a supplement to the Conservation Element of the Master Plan.

17. Mixed-Use Convenience/ Gas Sales Facilities

This recommendation to permit uses which combine gasoline sales and convenience good sales is addressed in Section IV of this Reexamination Report and is ready for adoption as a Master Plan amendment.

Redevelopment Planning Along Brunswick Pike (also referred to as “Business” Route One)

See Section VI Redevelopment Plan for information on this topic.

IV. CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES AT THE LOCAL, COUNTY AND STATE LEVELS

The 2006 Reexamination Report described several state and regional planning events that occurred subsequent to the preparation of the Township’s Master Plan in 1995 that had bearing on land use in the Township. These included the adoption of the 2001 State Development and Redevelopment Plan, the 2004 Preliminary State Plan, NJ Council on Affordable Housing (COAH) Rules, NJDEP Stormwater Management Requirements and enactment of the Statewide Transfer of Development Rights Act.

The section below lists additional changes in assumptions, policies and objectives at the local, county, state and regional levels that have occurred since the 2006 Reexamination Report and which impact land use in Lawrence Township.

2001 State Development and Redevelopment Plan

In March, 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas based on natural and built characteristics and sets forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4) and Environmentally Sensitive Planning Area (PA5).

Within Lawrence Township, the Planning Areas designated under the 2001 State Plan include the Metropolitan Planning Area (PA1) in the southern portion of Lawrence bordering Trenton, Hamilton and Ewing; the Suburban Planning Area (PA2) in the western-central portion of the Township, roughly following the I-95/I-295 corridor; the Fringe Planning Area (PA3) and Rural Planning Area (PA4) located in the northern portion of the Township, and the Environmentally Sensitive Planning Area (PA5), largely located in the eastern portion of the Township along the Shipetaukin stream corridor and in the vicinity of the Delaware & Raritan (D&R) Canal.

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendments to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and Counties during the Cross-Acceptance process, this Plan was never adopted.

Rather, a new State Plan, the *State Strategic Plan: New Jersey's State Development & Redevelopment Plan*, was drafted and released in 2012. This draft State Plan takes a significantly different approach than the 2001 State Plan with the elimination of Planning Areas in favor of "Investment Areas". The Plan identifies four investment areas to be used for identifying locations for growth, preservation and related investments (listed in descending order from the most developed to the least developed condition): Priority Growth, Alternate Growth, Limited Growth and Priority Preservation. The locations of the Investment Areas are determined not by a State Plan Map, as in the past, but by a criteria-based system applied during State agency decisions on investments, incentives and flexibility on State land use regulations, programs and operations.

After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better

account for the impact of Superstorm Sandy which occurred on October 30, 2012. No Plan revisions have been released to date and no further public hearings on the Plan have been scheduled. Until such time as a new State Plan is adopted, the 2001 State Plan remains in effect.

Affordable Housing Rules & Legislation

In response to the adoption of new “third round” Substantive Rules (*N.J.A.C. 5:94*) by the New Jersey Council on Affordable Housing (COAH) in December, 2004, the Planning Board and Township Council amended the Housing Element and Fair Share Plan on December 5, 2005. This Plan was submitted to COAH; however, the agency did not review the Plan or take any action on it.

COAH’s 2004 Substantive Rules were partially invalidated in a January 25, 2007 Appellate Court decision. In a unanimous decision, the Court invalidated some of COAH’s key third round rules, such as the concept of “growth share”, the size of each municipality’s fair share obligation and the manner in which the obligation can be satisfied. COAH revised its third round rules (*N.J.A.C. 5:96* [procedural rules] and *5:97* [substantive rules]), effective June 2, 2008 as well as a further rule revision which was effective on October 20, 2008. These revised rules were intended to address the 2007 Appellate Court decision, while still relying on a revised “growth share” approach.

On December 1, 2008 the Township adopted an amended third round Housing Element and Fair Share Plan consistent with COAH’s 2008 third round rules. On April 8, 2009 Lawrence Township became the first municipality in New Jersey to receive third round substantive certification from COAH. The Township’s December 1, 2008 Housing Element and Fair Share Plan were amended on June 15, 2009 to account for the minor changes required by COAH as conditions of substantive certification.

One of the third round sites included in the 2009 Amended Housing Element and Fair Share Plan, the “Jade Development” site, was redesignated in the Master Plan from an age-restricted inclusionary housing land use to a Highway Commercial land use in 2012. Notwithstanding the site’s favorable location within the Route One corridor, no applications for development under the PVD-3 inclusionary zoning district were submitted during the years which it has carried the inclusionary zoning designation. Given the national recession’s disruption of the age-restricted housing market, not only in New Jersey but in most of the parts of the country, the site was not likely to be developed for the age-restricted housing use. The site’s rezoning to HC will facilitate retail development.

The next Housing Element and Fair Share Plan prepared by the Township will incorporate the elimination of this third round affordable housing site. The affordable housing units which had been expected from the Jade development amounted to fewer than 4% of the affordable housing units in Lawrence Township's compliance plan.

The 2008 COAH rules were also challenged in an Appellate Court Case. On October 8, 2010, the Appellate Court again invalidated several key provisions of COAH's rules, including the revised "growth share" approach. The Court directed COAH to revise its third round methodology and regulations by March 8, 2011 using a methodology substantially similar to COAH's first and second round methodologies. COAH later sought a stay from the NJ Supreme Court of the March 8, 2011 deadline imposed by the Appellate Division to prepare revised third round rules. On January 18, 2011, the NJ Supreme Court granted the stay. To date, no new third round rules have been promulgated.

Subsequently, the NJ Supreme Court granted petitions and cross-petitions to all of the various challenges to the Appellate Division's decision. The NJ Supreme Court heard oral argument on the challenges to the Appellate Court's ruling on November 14, 2012; a decision has not yet been issued.

In addition to judicial activity, there have been a number of efforts at statewide affordable housing reform over recent years. The most significant occurred on July 17, 2008, when Governor Corzine signed P.L. 2008, c.46, known as the "Roberts Bill", which amended the Fair Housing Act in a number of ways. Key provisions of the Roberts bill include the following:

- Eliminated regional contribution agreements ("RCAs");
- Added a requirement for 13% of third round affordable housing units to be restricted to very low income households (30% or less of median income);
- Established a statewide 2.5% nonresidential development fee instead of a nonresidential growth share delivery obligation for affordable housing; and
- Established a requirement that development fees be committed for expenditure within four years of being received by the municipality.

COAH has not yet promulgated rules to effectuate the "Roberts Bill".

In addition, on July 27, 2009, Governor Corzine signed the "NJ Economic Stimulus Act of 2009", which instituted a moratorium on the collection of nonresidential affordable housing development fees set forth by the "Roberts Bill". The moratorium has been extended to nonresidential property which had site plan approval prior to July 1, 2013 and a permit for the construction of the building prior to January 1, 2015.

On June 29, 2011, the Governor Christie issued Reorganization Plan No. 001-2011 that abolished COAH and transferred all responsibilities and duties to the Department of Community Affairs. In a March 8, 2012 decision, the Appellate Division set aside the Reorganization Plan. The Court declared that the Governor exceeded his authority by abolishing a legislatively-created independent agency that was “in but not of” the Executive Branch. The Court indicated that only the Legislature has the authority to abolish the agency. The State subsequently appealed to the NJ Supreme Court which accepted the case. Oral argument was heard by the Supreme Court on January 28 and 29, 2013; a decision has not yet been issued.

In light of the “Roberts Bill”, on or about July 17, 2012 Governor Christie anticipated recouping \$140 million for the 2013 budget from uncommitted monies in municipal affordable housing trust funds which are four years old or older. However, on July 14, 2012 the Appellate Division issued an Order that outlined a process for municipalities to resolve disputes with COAH over their trust funds. This process included a notice from COAH outlining the amount of funds subject to forfeiture and the basis for the calculation. The court order further permitted municipalities to contest any proposed forfeiture before the COAH Board prior to any transfer of funds. Lawrence Township committed all funds which were four years old or older prior to the July 17, 2012 deadline. However, The issue of trust fund forfeiture remains unresolved to this day.

Permit Extension Act

In response to the “Great Recession”, which is defined as the period from December 2007 through June 2009, the Permit Extension Act was signed into law July 2008. It was extended twice with the most recent extension signed in September 2012. The Act extends all approvals issued on or after January 1, 2007 through December 31, 2014. There are several exceptions to the Act, such as but not limited to, federal permits, permits for development in the Pinelands Protection Area, Highlands Preservation Area, coastal centers and environmentally sensitive areas (Planning Area 4B, 5 or critical environmental sites as defined by the 2001 State Development and Redevelopment Plan).

Time of Application Law

The “Time of Application” Law was signed on May 5, 2010 and took effect on May 5, 2011. The effect of this statutory change is that the municipal ordinance provisions that are in place at the time an application for development is filed are those which are applicable, regardless of whether or not an ordinance is amended subsequent to

such an application. This is a departure from previously established case law, where courts in New Jersey have consistently held that the ordinance that is in place at the “time of decision” (the moment the Planning Board or Zoning Board of Adjustment votes on the application) is the law that applies to the application.

This provision has raised many concerns with municipalities. Principal among these is whether the new law will provide opportunities for developers to have their development rights “locked in” by submitting applications that are incomplete.

Green Buildings & Environmental Sustainability Plan Element

In August 2008, the Municipal Land Use Law was amended to include the Green Buildings and Environmental Sustainability Element in the list of permitted Master Plan Elements. The Element is permitted to address such topics as natural resources, renewable energy, impact of buildings on the global environment, ecosystem, stormwater and optimizing climatic conditions through site and building design. On May 3, 2010, Lawrence Township was one of the first New Jersey municipalities to adopt a Green Buildings and Environmental Sustainability Element.

Renewable Energy Legislation

The New Jersey Legislature has been active since the 2006 Reexamination Report legislating to facilitate the production of alternative forms of energy. The following four new statutes, in particular, have changed the way alternative energy can be produced in New Jersey.

- **Industrial Zones.** The Municipal Land Use Law was amended March 31, 2009 to pre-empt local zoning authority and to permit, by right, solar, photovoltaic, and wind electrical generating facilities in every industrial district of a municipality. To be eligible for this permitted use, a tract must be a minimum size of 20 contiguous acres and entirely under one owner.
- **Inherently Beneficial Use.** The Municipal Land Use Law was amended to define inherently beneficial uses and to include solar, wind and photovoltaic energy generating facilities in the definition.
- **Wind, Solar, and Biomass on Farms.** A law signed on January 16, 2009 restructured statutes regarding alternative energy and preserved farms, commercial farms, right to farm, and farmland assessment. In response, the State Agriculture Development Committee (SADC) adopted rules establishing an Agricultural Management Practice (an “AMP”) for on-farm generation of solar energy which extends the protections of the Right to Farm Act to the

generation of solar energy on commercial farms. Additionally, the Right to Farm Act was amended to permit and protect up to 10 acres or 2 megawatts (2MW) maximum production of electricity on commercial farms not subject to farmland preservation, provided the acreage of the electrical facility does not exceed a ratio of 1 acre of energy facility to 5 acres of agricultural acres, or approximately 17% of the farmland. In addition, farms developing electrical facilities not exceeding these limits will remain eligible for farmland assessment for the entire farm including the area under the electric generating facility.

- **Solar Not Considered Impervious.** On April 22, 2010 an act exempting solar panels from being considered impervious surfaces was signed into law. This bill exempts solar panels from impervious surface or impervious cover designations. It mandates that NJDEP shall not include solar panels in calculations of impervious surface or impervious cover, or agricultural impervious cover and requires that municipal stormwater management plans and ordinances not be construed to prohibit solar panels to be constructed and installed on a site.

Water Service Areas

Lawrence Township is currently served by New Jersey American Water, Aqua New Jersey and Trenton Water Works, a division of the City of Trenton Public Works Department.

Aqua New Jersey recently acquired the Lawrenceville Water Company in July of 2009 and has been working to improve the system. Until such time as it can provide its own water supply Aqua New Jersey has an agreement to purchase a portion of their water from New Jersey American Water.

New Jersey American Water has continued to improve their infrastructure and has completed an interconnection with Trenton Water Works to provide water in an emergency situation. A map entitled "Water Service Area Map of Lawrence Township" can be found in the Exhibits of this Report.

NJDEP Wastewater Management Planning Regulations

Lawrence Township is located in the sanitary sewerage services district of the Ewing Lawrence Sewerage Authority (ELSA). ELSA and Lawrence Township collaborated on preparation of a Wastewater Management Plan (WMP) for Lawrence, as well as the other Township's served by ELSA in 1993. This Plan was approved by ELSA and

submitted to NJDEP; however, the State never took action on it. It was anticipated that after State approval was received, the Plan would be incorporated into the County's Wastewater Management Plan, also known as the "2008 Plan".

On May 20, 2008 the NJDEP readopted the Water Quality Management Planning Rules, effective July 7, 2008. There were a number of substantive changes which impact land use in Lawrence Township.

- Reassigned wastewater management planning responsibility from wastewater management planning agencies (such as ELSA) to the respective county Boards of Chosen Freeholders and required the counties to update WMPs;
- Prohibited sewer service in environmentally sensitive areas, defined generally as areas mapped as endangered or threatened wildlife species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, wetlands, riparian zones and along Category One waterways.
- Required updated WMPs to address septic density in a manner that demonstrates compliance with a 2 mg/L (ppm) nitrate planning target on a HUC 11 watershed basis or as required by development type and location.
- Required municipalities to develop a septic system inventory and tracking system through an ordinance or other means which will ensure that septic systems are functioning properly through a mandatory maintenance program;

WMPs were required to be submitted to NJDEP by April 7, 2008. The consequences of not meeting the deadline included withdrawal of sewer service areas. Notwithstanding, many counties did not submit WMPs by the deadline. In recognition of this, the deadline was extended by NJDEP to April 7, 2011. On January 17, 2012 Governor Christie signed legislation which again extended the effective period of existing sewer service areas and required completed portions of WMPs to be submitted to NJDEP July 15, 2012, or "for such longer time as [the NJDEP Commissioner] may determine. Also included in the legislation was a process for approval of site specific WMP amendments. The septic density standards based in a nitrate planning target will not be enforced until the County WMP is approved by NJDEP.

Mercer County, in response to the 2008 and 2012 regulations, established a working group to prepare the County WMP. The Plan provides an overview of treatment facilities, wastewater demand, a delineation of those areas currently and proposed for sewer service and a build-out of those lands served by individual septic systems using the nitrate planning target. The County's draft "Existing Wastewater Facilities and

Sewer Area” Map and draft proposed “Future Wastewater Facilities and Service Area” map can be found in the Exhibits of this Reexamination Report.

The County’s draft Plan was released for public comment in March 2013. In April 15, 2013 the Lawrence Township Planning Board reviewed the County Plan and accepted public comment on it. The Planning Board found the Plan would be consistent with the Master Plan with the addition of several revisions. On April 16, 2013 the Township Council found that the County Plan was acceptable, provided the revisions recommended by the Planning Board along with additional changes to remove sewer service from the undeveloped center of the Township near the village of Lawrenceville were incorporated into the Plan. The Council Resolution, which includes the recommended revisions, can be found in the Exhibits to this Reexamination Report.

The next step in the process is for the County to review all comments provided by the municipal governing bodies and revise the WMP accordingly. Once accepted by the County Freeholders, it will be submitted to NJDEP for review and approval. Once the NJDEP approves the WMP it should be incorporated into the Utility Element of the Master Plan.

V. RECOMMENDATIONS

1. 2006 Master Plan Reexamination Report Recommendations

As detailed in the preceding Sections III and IV, there are amendments to the Master Plan and to the Land Use Ordinance which have been recommended in prior Reexamination Reports and remain to be addressed. If this Reexamination Report is subject to public notice and adopted as a Master Plan amendment a number of these outstanding issues can be resolved. If so, the Planning Board should specify those portions of this Reexamination Report which it is adopting as Master Plan amendments and identify those components in the memorializing resolution.

2. Office and Medical Facilities

Recent zoning permit and Board applications have pointed out some differences in how the Township’s Land Use Ordinance (LUO) permits various types of office space. Further, there has been confusion over the meaning of certain medical uses (e.g., medical clinic as distinct from medical office) in an area of rapid technological change and new business models. Systematically reviewing the LUO reveals the following specific categories of land use that include office space as permitted or defined uses:

- Office
- Office buildings
- Professional offices (including “offices of a recognized profession”)
- Medical office
- Office parks
- Business parks
- Research and engineering offices
- General business offices
- Administrative offices

Offices of various types are permitted in the NC-1, NC-2, MX, PVD-2, PO, O, RD-2, HC, RC, I-1, I-2 and EGI zoning districts as well as in those R-2B districts that have a professional office overlay. Offices are also considered ancillary uses in most other non-residential districts and in home occupations. For example, retail stores typically have an office for the administrative functions of the business.

The key issue with these various types of offices is whether they differ sufficiently in their land use characteristics that they should be assigned to specific zoning districts.

Lawrence Township’s Land Use Ordinance, however, includes only two definitions which relate to offices and these terms apply only to uses which are permitted in the Office and Research and Development 2 zoning districts. These are as follows:

- **BUSINESS PARK:** A non-residential land use developed as a single entity combining office, research and development, and laboratory uses which may contain ancillary personal services, overnight accommodation, and eating establishments primarily for use by employees and visitors to the complex.
- **OFFICE PARK:** A non-residential land use developed as a single entity combining general, business, professional, and medical offices which may contain ancillary personal services primarily for employees.

The terminology for offices which have meaningful land use distinctions should be clarified both in Section 201- Definitions of the LUO and in the respective nonresidential zoning districts in which they are permitted. The expansion of medical services in an era of rapid technological change has also altered how medical buildings are used and categorized in the LUO. For example, “urgent care”, which is common in other parts of the country, has rapidly expanded in New Jersey in the past decade. Financial incentives have also spurred more innovative means of providing medical care that used to be undertaken only in a general hospital setting, such as outpatient surgical services. The federal Affordable Care Act will shortly provide for a transformation in health care delivery that may require new facilities.

The LUO would benefit by incorporating clearer updated definitions for medical uses and use of those defined terms as permitted and conditional uses in the respective zoning districts. As with office uses, supplemental definitions of medical uses should be incorporated into the LUO as well as more clearly indicating where such uses are appropriate or not. Following are some new definitions to consider as well as some commentary.

- **OFFICE** – A building or portion of a building principally engaged in conducting the affairs of a business, profession, service industry, or government. Examples include real estate agencies, business services firms, accounting firms, design firms, financial advising firms and insurance companies. *Comments:* Banks shall not be included since they more typically have the characteristics of retail sale of goods and services. Offices could include accessory uses serving office workers and visitors such as a cafeteria, café or limited convenience, which is present in the Research and Development Districts today.
- **MEDICAL CLINIC** – A public health facility, blood donor center, kidney dialysis center, or walk-in medical office. *Comment:* This definition provides a distinguishing element from a general medical office

MEDICAL OFFICE – A building or portion of a building principally engaged in providing services for health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical or mental condition of patients solely on an outpatient basis. No overnight patients shall be kept on the premises. Examples of medical offices shall include but not be limited to general physicians, dentists, chiropractors, psychologists, cardiologists and other various specialties. *Comments:* If the Township wanted to exclude outpatient and residential treatment facilities, it would provide the exclusion here. Urgent care centers and hospitals should not be included because of their higher levels of vehicular and pedestrian activity.

- URGENT CARE CENTERS – A medical clinic in a building or portion of a building, whether private or institution, principally engaged in providing walk-in, extended hour access for acute illness and injury care that is either beyond the scope or availability of the typical primary care practice or medical clinic. Patients shall be served solely on an outpatient basis and no overnight patients shall be kept on the premises. *Comment:* Hospitals should not be included.
- HEALTH CARE FACILITY – A building or portion of a building, whether private or institution, principally engaged in providing services for inpatient and outpatient services for physical health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical condition of patients. Care may be provided on a short term or long term basis. Outpatient services may also be provided as a secondary service. Such facilities may include laundries, cafeterias, gift shops, laboratories, and medical offices as accessory uses.
- RESEARCH AND DEVELOPMENT OFFICES – A building or portion of a building principally engaged in developing new products or procedures, or to improvement of existing products or procedures. Research and engineering offices may include laboratory space, pilot manufacturing and production space and/or office space.

The definition for “business parks” could probably be eliminated since it is very similar to “office parks”. The business park land use only arises in the RD-2 district. The primary distinction is that a business park allows overnight accommodation and specifically includes research and development. But research and development can be handled with adding “Research and Development Offices” as a specific land use in appropriate districts. Both terms are also used in §417.E. in describing commercial garage standards in the Office district and in §430.A. in describing parking requirements for child care centers in office parks. A revised set of definitions for office and medical uses should be aligned with the respective zoning districts and considered for recommendation to the Township Council.

3. Highway Commercial District

On September 10, 2012 the Planning Board adopted Resolution of Memorialization 21-12 which removed the Planned Village Residential -3 land use designation from a 37 acre tract fronting on Quakerbridge Road at Lawrence Station Road (Block 4202, Lot 1) and substituted instead the Highway Commercial land use designation (see also Affordable Housing Rules & Legislation in Section IV. herein and Land Use Plan Amendment map in the Exhibits). This change in use involved changes to both the Land Use and the Housing Plan Elements of the Master Plan.

The LUO has yet to be revised to be consistent with this Master Plan revision. This zoning map modification should be adopted along with various changes to the Highway Commercial zoning standards themselves to improve their functionality.

The 2006 Reexamination Report recommended that the Planning Board assess the efficacy of allowing a commercial use which combined the sale of gasoline with convenience goods and, if so, how the LUO should regulate the location and development character of such facilities (2006 Reexamination Report, Recommendation # 17, p. 19). Since the adoption of that Report combined gasoline and convenience goods retail uses in commercial corridors throughout the state have become increasingly prevalent.

To the extent that these combined retail services reduce the need for another vehicular trip to a second destination, these combined uses reduce traffic congestion and save energy. Experience has proven that the site circulation challenges of the combined use can be managed provided the lot area is adequate.

Consequently, this Reexamination Report proposes that this combined use be permitted in those zoning districts which currently permit service stations but subject to an increase in minimum lot area from 20,000 sf for service stations to 1.5 acres, which area is necessary to reasonably accommodate both uses. Service stations should also be permitted on the same lot with membership club "bulk retail" outlets as is customary with those facilities.

In addition, there are a variety of technical changes to the regulations for service stations, convenience stores and the Highway Commercial district which will modernize the LUO and reduce the need for applicants to seek unnecessary variance relief. These include the following:

1. Update the definition of convenience store by eliminating the references to size and hours of operation; the Planning Board considers the hours of operation for every application for development of a convenience store in the routine course of application review.
2. Clarify that convenience and membership club bulk retail outlets are permitted uses in, the Highway Commercial-HC zoning district .
3. Specify service station attendant booths-both on the motor fuel pump islands and elsewhere on site (which may contain rest rooms) as permitted accessory structures;
4. Specify canopy structures for motor fuel pump and passenger protection as permitted accessory structures;

5. Update the LUO by removing the separation requirement between service stations since the primary concern with proximity of stations-traffic circulation-can be addressed by the Board with jurisdiction through the traffic analysis typically required as part of the site plan application process.
6. The LUO currently prohibits more than one principal building on a lot for all residential uses except multi-family dwellings and limits to-either two or three (depending on the zoning district) the number of principal buildings on a lot for all non-residential uses except for the Regional Commercial- RC district, which has no limit. These limitations on non-residential uses, which are found in Section 110B of the LUO have impeded development and redevelopment initiatives and serve no compelling planning purpose, thus they should be eliminated.
7. Due to the large lot area of the Princeton Research Lands property (which is designated as Highway Commercial land use in the Master Plan) and the announced redevelopment plans for the property which involve a large anchor store with pad sites along Quakerbridge Road a definition of pad site should be incorporated in the LUO along with a requirement that construction of the anchor store precede that on any of the adjacent pad sites. In addition, the announced anchor store, a “membership club bulk retail” store may display a new car for sale as a promotion. Since new car sales are a permitted use within the Highway Commercial-HC district, this limited retail activity should be permitted provided it is associated with a franchised new car dealer.
8. In concert with recommendations #5 and # 6 above, the classification of shopping centers established after January 1, 1989 with the Highway Commercial-HC district as a conditional use should be removed, as should the condition that they be limited to properties with a minimum tract size of 20 acres and at least 800 feet of frontage on U.S. Route One. Shopping centers should be permitted uses within the Highway Commercial-HC district.
9. Outdoor seating which is currently permitted only in shopping centers, should be a permitted accessory use to a restaurant in any zoning district provided that standards providing for accessibility, buffering, pedestrian circulation, parking and the like are maintained.
10. The 2011 Annual Report from the Lawrence Township Zoning Board of Adjustment recommended that the number of uses within an existing building in the Highway Commercial-HC district be increased if warranted by the floor area of the building. The LUO currently limits the

number of uses in a principal building to three provided that each activity occupies a minimum of 750 square feet. In deference to the Zoning Board's experience in handling these variance requests the LUO should be amended to permit up to five uses meeting the minimum floor area requirement.

4. Wastewater Management Plan

Once approved by NJDEP, the portion of the County WMP which pertains to Lawrence Township should be incorporated into the Township's Utility Plan Element of the Master Plan.

VI. REDEVELOPMENT PLAN

The Township has designated one redevelopment area (the Brunswick Pike South Redevelopment Area) in the southern portion of the municipality. In 1998, the lots fronting on Brunswick Pike (also known as "Business Route One") between Mayflower Avenue and the Brunswick Circle and an adjoining segment of Whitehead Road were formally designated as the Brunswick Pike South Redevelopment Area. In subsequent years the Township has worked closely with the New Jersey Department of Transportation (NJDOT) to plan for transforming the Brunswick Pike into a mixed use boulevard. A draft Redevelopment Plan for this area was prepared in April 2004 that recognized and provided regulations for three distinct redevelopment "districts" within the larger Brunswick Pike Redevelopment Area, the Whitehead Road Extension Redevelopment District, the Brunswick Pike North Redevelopment District, and Brunswick Circle Gateway Redevelopment District.

On January 8, 2007, the Lawrence Planning Board adopted the *Brunswick Pike South Vision Plan*. This document incorporated many of the maps in the 2004 draft Redevelopment Plan and expanded the policies set forth for the area's redevelopment. This Plan envisioned the redevelopment area as a vibrant, mixed-use corridor which would provide a high-quality environment for people to live, work and shop. Consistent with discussions with NJDOT, Brunswick Pike was anticipated to be transformed into a tree-lined boulevard with a landscaped center median and generous planting strips and sidewalks lining the cartway. Convenience retail and local service uses would occupy the ground floors of mixed-use buildings on both sides of the Brunswick Pike, allowing it to serve as a seam which brings together the stable residential neighborhoods which flank it. Furthermore, buildings would be two or three stories in height and located at the front property line so as to provide spatial definition to the Brunswick Pike corridor. The quality of architectural design and the selection of building materials and the elements of the "streetscape" – the sidewalk and crosswalk paving, the streetlights, the street furniture, the landscaping and the

like- would all be first rate and coordinated to create a coherent visual context for residents and visitors alike.

In June 2012 the Planning Board adopted the *Brunswick Pike Redevelopment & Form-Based Codes Study*. This document explores the application of a form-based code along Brunswick Pike to assess what opportunities it may offer in encouraging alternative land use patterns in the study area and permitting increased development intensity. It offers potential remedies to difficult challenges shared by many aging suburban corridors: how to integrate suburban commercial corridors with surrounding residential neighborhoods, how to restore a road oriented exclusively to the vehicle to one that accommodates the vehicle while encouraging pedestrian activity as well and how to engage the public and government agencies to improve the safety, quality of life and appearance of an area.







The *Redevelopment & Form-Based Codes Study* also addresses the Township's work with the NJDOT on a plan to convert the Brunswick Pike into a mixed use boulevard. After the right-of-way improvements are completed, the Township has agreed to take jurisdiction of that portion of the road. NJDOT's Division of Project Development has nearly completed the project design. The project is on the Fiscal Year 2012 Transportation Improvement Program (TIP) (\$4.3 million) and construction is anticipated for 2014. This road conversion will have a dramatic impact on the character of the corridor – transforming it from a highway which is hostile to pedestrians and lacking in any cohesive visual character into a tree lined boulevard which invites pedestrian travel. This significant public investment should spur private investment in the area.

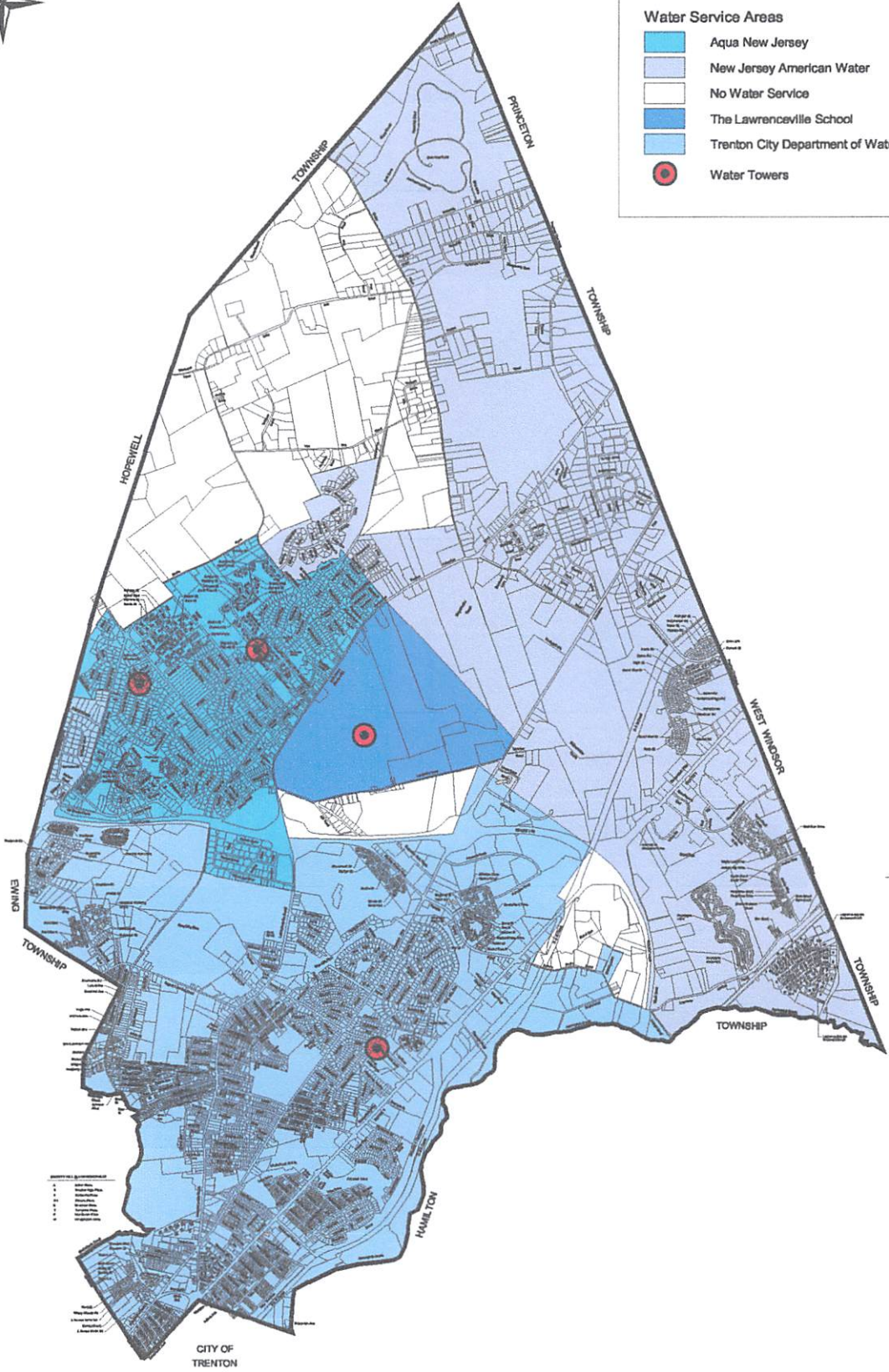
The Township should consider adopting a Redevelopment Plan for this area and perhaps an extension north from Whitehead Road once the installation of the Brunswick Pike road improvements has been completed and their impact evaluated. Redevelopment Plan could incorporate either a form-based code or conventional zoning with design standards.

Exhibits
of the
2013 Reexamination Report of the Master Plan

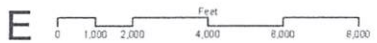


Water Service Areas

-  Aqua New Jersey
-  New Jersey American Water
-  No Water Service
-  The Lawrenceville School
-  Trenton City Department of Water
-  Water Towers



WATER SERVICE AREA MAP
of
LAWRENCE TOWNSHIP
MERCER COUNTY, NJ



Lawrence Township

Map 2M: Existing Wastewater Facilities and Sewer Area

June 2012 Revised February 6, 2013

Mercer County

NJDEP Required Notes:

Development in areas adjacent to wetlands, flood prone areas, designated river waters, or other environmentally sensitive areas may be subject to special regulation under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Disposition of environmental features is for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.

All existing, new, or expanded industrial pretreatment facilities requiring significant indirect use (SIIU) permits under Treatment works 4 approvals that are located within the depicted sewer service area, are deemed to be compliant.

Individual subsurface or on-site disposal systems (SODS) for individual residents can only be constructed in designated sewer service areas if legally enforceable guarantees are provided. Before such construction, that use of such systems will be discontinued when the depicted sewer service becomes available. This applies to SODS that require certification from the Department under the Riparian Improvement Sewerage and Facilities Act (N.J.A.C. 7:15-23) or individual Treatment Works Approval or New Jersey Pollutant Discharge Elimination System Permit (under N.J.A.C. 7:15A). It also applies to SODS which require only local approvals. Compliance with the connection requirement has been demonstrated through adoption of local ordinances which require abandonment of the septic and connection to the sewer system once it becomes available. See Appendix F of County Summary.

Use plans of future pump stations, major interceptor, and trunk sewers are being provided for general information only and will serve as the basis for any future consistency determinations or permit reviews unless the pump station, major interceptor or trunk sewer is part of a State or federally funded project.

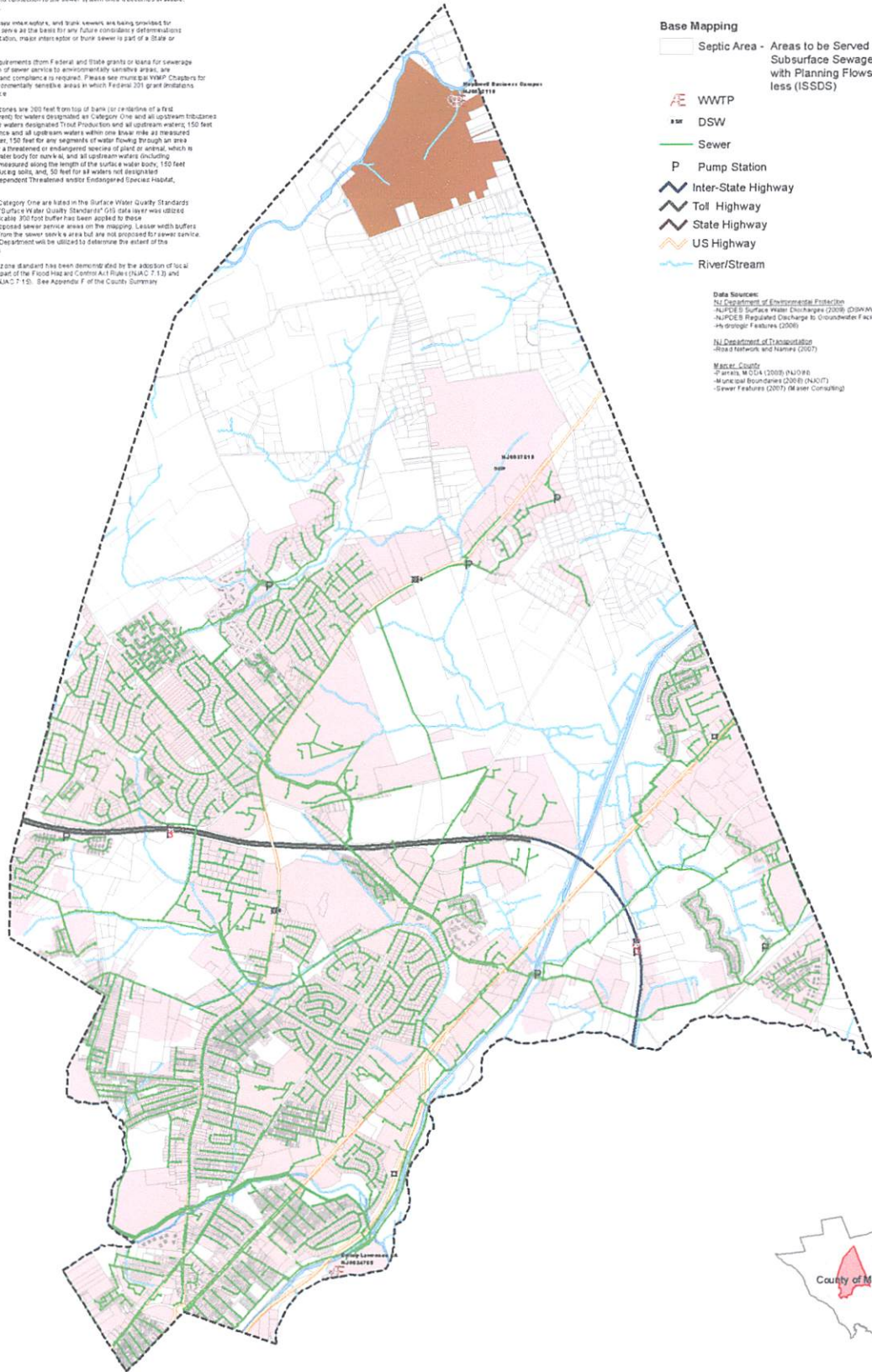
The existing grant conditions and requirements from Federal and State grants or loans for sewerage facilities which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this WWP and compliance is required. Please see municipal WWP Chapters for the existence of any applicable environmentally sensitive areas in which Federal 201 grant limitations provide the expansion of sewer service.

Purported to N.J.A.C. 7:15, Riparian zones are 200 feet from top of bank (or crests) of a first order stream where no banks are apparent; for waters designated as Category One and all upstream tributaries within the same NAIC 14, 150 feet for waters designated Trout Production and all upstream waters; 150 feet for water designated Trout Production and all upstream waters within one linear mile as measured along the length of the regulated water; 150 feet for any segments of water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body; 150 feet for waters that run through acid-producing soils, and, 50 feet for all waters not designated as C1, trout waters, critical water dependent threatened and/or Endangered Species Habitat, or associated with acid soils.

Surface waters that are designated Category One are listed in the Surface Water Quality Standards at N.J.A.C. 7:15B. The Department's "Surface Water Quality Standards" GIS data layer was utilized to determine these waters. The applicable 300 foot buffer has been applied to these waters and removed from the proposed sewer service areas on the mapping. Lesser width buffers have not been graphically removed from the sewer service area but are not proposed for sewer service. Jurisdictional determinations for the Department will be utilized to determine the extent of the sewer service area on individual lots.

Further compliance with the riparian zone standard has been determined for the addition of local ordinances in compliance with all or part of the Flood Hazard Control Act (N.J.A.C. 7:13) and Water Quality Management Rules (N.J.A.C. 7:15). See Appendix F of the County Summary.

NJPDES	DSW Facility Name	Flow (MGD)
NJ0027618	BRISTOL-MYERS SQUIBB CO	0.14
NJ0024759	EWING LAWRENCE SEWERAGE AUTH.	16
NJ0022110	HOPEWELL BUSINESS CAMPUS	0.08



Existing Parcel Served by Sewer

- Facility Name, NJPDES
- Ewing Lawrence Sewerage Authority, NJ0024759
 - Educational Testing Service, NJ0022110

Base Mapping

- Septic Area - Areas to be Served by Individual Subsurface Sewage Disposal Systems with Planning Flows 2000 GDP or less (ISSDS)
- WWTP
- DSW
- Sewer
- Pump Station
- Inter-State Highway
- Toll Highway
- State Highway
- US Highway
- River/Stream

Data Sources:
 NJ Department of Environmental Protection
 -NJDEP's Surface Water Discharge (2008) (DSW/WWTP)
 -NJDEP's Required Discharge to Groundwater Facility (2007) (DOW)
 -Hydrologic Features (2008)
 NJ Department of Transportation
 -Road Network and Names (2007)
 Mercer County
 -Parcels, M.C.A. (2008) (NJPDES)
 -Municipal Boundaries (2008) (NAIC/T)
 -Sewer Features (2007) (Muser Consulting)





NCEP Required Notes:

Development in areas mapped as wetlands, flood-prone areas, designated river areas, or other environmentally sensitive areas may be subject to special regulation under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information, Division of Environmental Features or for general information, Superfund only, and that not be construed to define the legal geographic jurisdiction of such statutes or rules.

As existing, new or expanded individual pretreatment facilities (requiring liftstation and indirect use) (IIS) permits and/or treatment works approvals that are located within the depicted sewer service area, are deemed to be consistent.

Individual subsurface sewage disposal systems (ISSDS) for individual residences can only be controlled in designated sewer service areas if legally enforceable guarantees are provided, before such construction, that use of such systems will be discontinued when the designated sewer service becomes available. This applies to ISSDS that require contribution from the Department under the Ready-to-Receive Sewerage and Sanitation Act (N.J.A.C. 7:27-23) or individual Treatment Works Approval or New Jersey Pollutant Discharge Elimination System Permits (under N.J.A.C. 7:27-44). It also applies to ISSDS which require only local approval. Compliance with the connection requirement has been demonstrated through adoption of local ordinances which require abandonment of the septic and connection to the sewer system on a 4 becomes available. See Appendix F of County Summary.

Locations of future plant, stations, mass interceptors, and trunk sewers are being provided for general information only and will not serve as the basis for any future consistency determinations or permit reviews unless the pump station, mass interceptor or trunk sewer is part of a State or Federally funded project.

Pre-existing grant conditions and requirements from Federal and State grants or loans for sewerage facilities which provide for reduction of sewer service to environmentally sensitive areas, are unaffected by adoption of this WWP and compliance is required. Please see Municipal WWP Charters for the existence of any applicable environmentally sensitive areas in which Federal 201 grant limitations prohibit the extension of sewer service.

Pursuant to N.J.A.C. 7:15, Riparian zones are 300 feet from top of bank (or centerline of a first order stream where no bank is apparent) for waters designated as Category One and all other streams within the same HUC 14, 150 feet for waters designated Trout Production and all stream waters, 150 feet for water designated Trout Enhancement and all stream waters within one league mile as measured along the length of the regulated water, 150 feet for any segments of water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is directly dependent on the surface water body for survival, and all stream waters (excluding tributaries) within one league mile as measured along the length of the surface water body, 150 feet for waters that run through acid-producing soils, and, 50 feet for all waters not designated as C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14, C15, C16, C17, C18, C19, C20, C21, C22, C23, C24, C25, C26, C27, C28, C29, C30, C31, C32, C33, C34, C35, C36, C37, C38, C39, C40, C41, C42, C43, C44, C45, C46, C47, C48, C49, C50, C51, C52, C53, C54, C55, C56, C57, C58, C59, C60, C61, C62, C63, C64, C65, C66, C67, C68, C69, C70, C71, C72, C73, C74, C75, C76, C77, C78, C79, C80, C81, C82, C83, C84, C85, C86, C87, C88, C89, C90, C91, C92, C93, C94, C95, C96, C97, C98, C99, C100.

Surface waters that are designated Category One are listed in the Surface Water Quality Standards at N.J.A.C. 7:15b. The Department's Surface Water Quality Standards (SWQS) data base was utilized to determine these waters. The applicable 300 foot buffer has been applied to those waters and removed from the proposed sewer service areas on the mapping. Lesser width buffers have not been generally removed from the sewer service area but we do not propose for sewer service. Jurisdictional determinations by the Department will be utilized to determine the extent of the sewer service area on individual lots.

Further compliance with the riparian zone standard has been demonstrated by the adoption of local ordinances in compliance with all or part of the Food Hazard Control Act (N.J.A.C. 7:13) and Water Quality Management Rules (N.J.A.C. 7:15). See Appendix F of the County Summary.

NJPDES	DSW Facility Name	Flow (MGD)
NJ0027618	BRISTOL-MYERS SQUIBB CO	0.14
NJ0024769	EWING LAWRENCE SEWERAGE AUTH.	16
NJ0022110	HOPEWELL BUSINESS CAMPUS	0.08

Lawrence Township

Map 3M: Future Wastewater Facilities and Service Area

June 2012 Revised: February 5, 2013

Mercer County

Future Parcels Served by Sewer

Facility Name, NJPDES

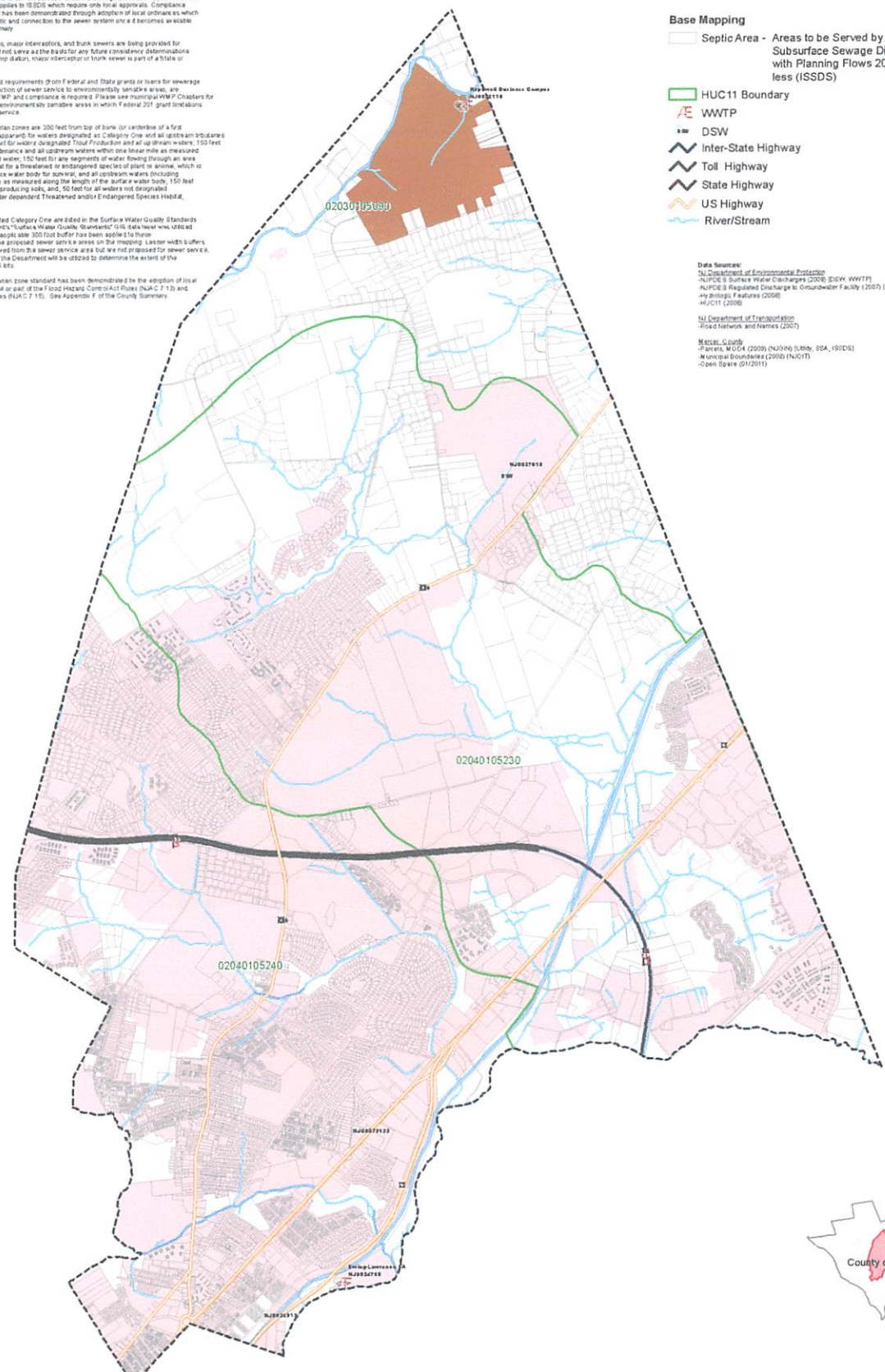
- Ewing Lawrence Sewerage Authority, NJ0024769
- Educational Testing Service, NJ0022110

Base Mapping

- Septic Area - Areas to be Served by Individual Subsurface Sewage Disposal Systems with Planning Flows 2000 GPD or less (ISSDS)
- HUC11 boundary
- WWTP
- DSW
- Inter-State Highway
- Toll Highway
- State Highway
- US Highway
- River/Stream

Data Sources:

- NJ Department of Environmental Protection
- NJPDES Surface Water Discharges (2008) (DSW, WWTP)
- NJPDES Regulated Discharge to Groundwater Facility (2007) (DSW)
- Hydrologic Features (2008)
- HUC11 (2008)
- NJ Department of Transportation
- Road Network and Names (2007)
- Mercer County
- Planning Model (2008) (NJ/PA/IL/IN, RSA, 18/20/1)
- Municipal Boundaries (2008) (14/07)
- Open Space (01/2011)



Resolution No. 155-13

**ATTACHMENT
STATEMENT OF CONSENT**

**A RESOLUTION CONSENTING TO THE
MERCER COUNTY WASTEWATER MANAGEMENT PLAN (WMP)
PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT**

WHEREAS, the Township of Lawrence desires to provide for the orderly development of wastewater facilities within its borders; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the New Jersey Department of Environmental Protection has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed Wastewater Management Plan (WMP) Amendment noticed in the New Jersey Register on March 4, 2013 proposes a WMP for Mercer County prepared by Mercer County with its consultants CDM Smith; and

WHEREAS, on April 15, 2013 the Lawrence Township Planning Board reviewed the Mercer County Wastewater Management Plan Amendment, the April 15, 2013 report from the Municipal Engineer and accepted public comment from a representative of the Lawrenceville School; and

WHEREAS, the existing sewer service areas for Lawrence Township were established in the 1970's by the DVRPC. In 1993 Lawrence Township and the Ewing Lawrence Sewer Authority (ELSA) re-examined the WMP and proposed changes to the sewer service areas. The 1993 WMP was submitted to NJDEP for approval; however, due to issues unrelated to Lawrence Township, the plan was never approved by NJDEP and was returned to ELSA in 1998; and

WHEREAS, the Lawrence Township Planning Board made the following comments and recommendations;

Township Parks

Parks with potential for higher recreational use should be maintained in the sewer service area so that facilities may be provided. There are Township parks with facilities that have been shown entirely within the sewer service area such as Central Park, Village Park and Veterans Park, and we recommend the same coverage for the following Township parks:

- **Dyson Tract (Block 5101, Lots 8, 9 & 33)**
- **Nash Park (Block 502, Lots 19 - 37, 3 - 18, 38 and Block 503, Lots 17 - 24)**
- **Cofonial Lake Park (Block 2101, Lot 6)**

On a motion from Ian J. Dember and second by Kim Y. Taylor, there were nine (9) affirmative votes for the recommendation, with two (2) members not eligible.

Township Land (not open space)

There are several parcels of land owned by the Township (acquired through tax sale) that we anticipate selling for residential property use. These properties are not dedicated open space and are generally in residential neighborhoods surrounded by the sewer service area and are shown as isolated exceptions. We believe these properties have development potential and should have access to public sewers.

These properties include:

Block	Lot(s)
2302	30, 41
2304	1
2305	5
2306	41
2308	16
2317	5
1314	4
2301	24

On a motion from Ian J. Dember and second by Kim Y. Taylor, there were nine (9) affirmative votes for the recommendation, with two (2) members not eligible.

Properties that have been removed (privately owned)

Two properties with residential dwellings on Princeton Pike were formerly in the sewer service area but have been removed, presumably because the properties have existing septic systems. We request inclusion of the properties (Block 5101, Lots 27 and 28) in the sewer service area. This inclusion would allow the homeowners to connect to the public system in accordance with a plan that was developed several years ago due to compromised septic systems.

On a motion from Ian J. Dember and second by Kim Y. Taylor, there were nine (9) affirmative votes for the recommendation, with two (2) members not eligible.

Properties outside the 1993 WMP (endorsed by Lawrence Township)

Several Properties outside the 1993 WMP (endorsed by Lawrence Township) are shown within the proposed sewer service area. They are as follows:

- **Block 6601, Lot 22**
- **Block 6601, Lot 44**

Inclusion of these two properties (north of U.S. Route 206) appear to be the result of a mapping error by Mercer County. Both properties are outside the existing sewer service area and the sewer service areas shown in the 1993 WMP. Inclusion of these properties would be inconsistent with the Master Plan and should be removed from the plan.

On a motion from Ian J. Dember and second by Kim Y. Taylor, there were nine (9) affirmative votes for the recommendation, with two (2) members not eligible.

Additional Properties outside the 1993 WMP (endorsed by Lawrence Township)

Several Properties outside the 1993 WMP (endorsed by Lawrence Township) are shown within the proposed sewer service area. They are as follows:

Cherry Grove Farm (Block 5801, Lot 15)

Lawrenceville School - additional lands (Block 5801; Lots 9 - 11)

Residential properties along Route 206 (Block 5801, Lots 8, 12 - 14, 17, 20 & 22)

These properties are inside the current sewer service area but outside the sewer service areas shown in the 1993 WMP. It was noted by the Board that inclusion of these properties would be inconsistent with the 1993 WMP and the current Master Plan; however, a motion to maintain these properties in the draft sewer service area proposed by Mercer County was made and approved.

On a motion from Ian J. Dember and second by Phillip B. Duran, there were five (5) affirmative votes and four (4) no votes for the recommendation, with two (2) members not eligible.

WHEREAS, the Lawrence Township Governing Body has reviewed the comments and recommendations from the Planning Board.

NOW, THEREFORE, BE IT RESOLVED on this 16th day of April, 2013, by the governing body of the Township of Lawrence that the Township of Lawrence hereby consents to the amendment entitled "Proposed Amendment to the Mercer County Water Quality Management Plan", and publicly noticed on March 4, 2013, prepared by Mercer County with its consultants CDM Smith, for the purpose of its incorporation into the applicable WQM plan(s).

BE IT FURTHER RESOLVED that this consent is subject to Mercer County and New Jersey Department of Environmental Protection (NJDEP) satisfactorily addressing the following concerns:

Township Parks

Several Township parks are shown as removed from the sewer service area as they are designated as open space and do not currently have facilities. Parks with potential for higher recreational use should be maintained in the sewer service area so that facilities may be provided. We do not have specific site areas for facilities but wish to reserve the right to provide acceptable facilities for our community. There are Township parks with facilities that have been shown entirely within the sewer service area such as Central Park, Village Park and Veterans Park, and we request the same coverage for the following Township parks:

- Dyson Tract (Block 5101, Lots 8, 9, & 33)
- Nash Park (Block 502, Lots 19 - 37, 3 - 18, 38 and Block 503, Lots 17 - 24)
- Colonial Lake Park (Block 2101, Lot 6)

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These properties include:

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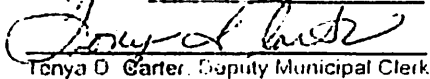
BE IT FURTHER RESOLVED that the Township reserves the right to withdraw its consent if the above noted concerns cannot be satisfactorily addressed.

Adopted: April 16, 2013

CERTIFIED TO BE A TRUE COPY OF

Resolution No. 155-13

Adopted on April 16, 2013


Tenya D. Carter, Deputy Municipal Clerk

Date April 17, 2013

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						X
Ms. Lewis				X			
Dr. Maffel	X						
Mr. Powers	X					X	
Mayor Kownacki	X						



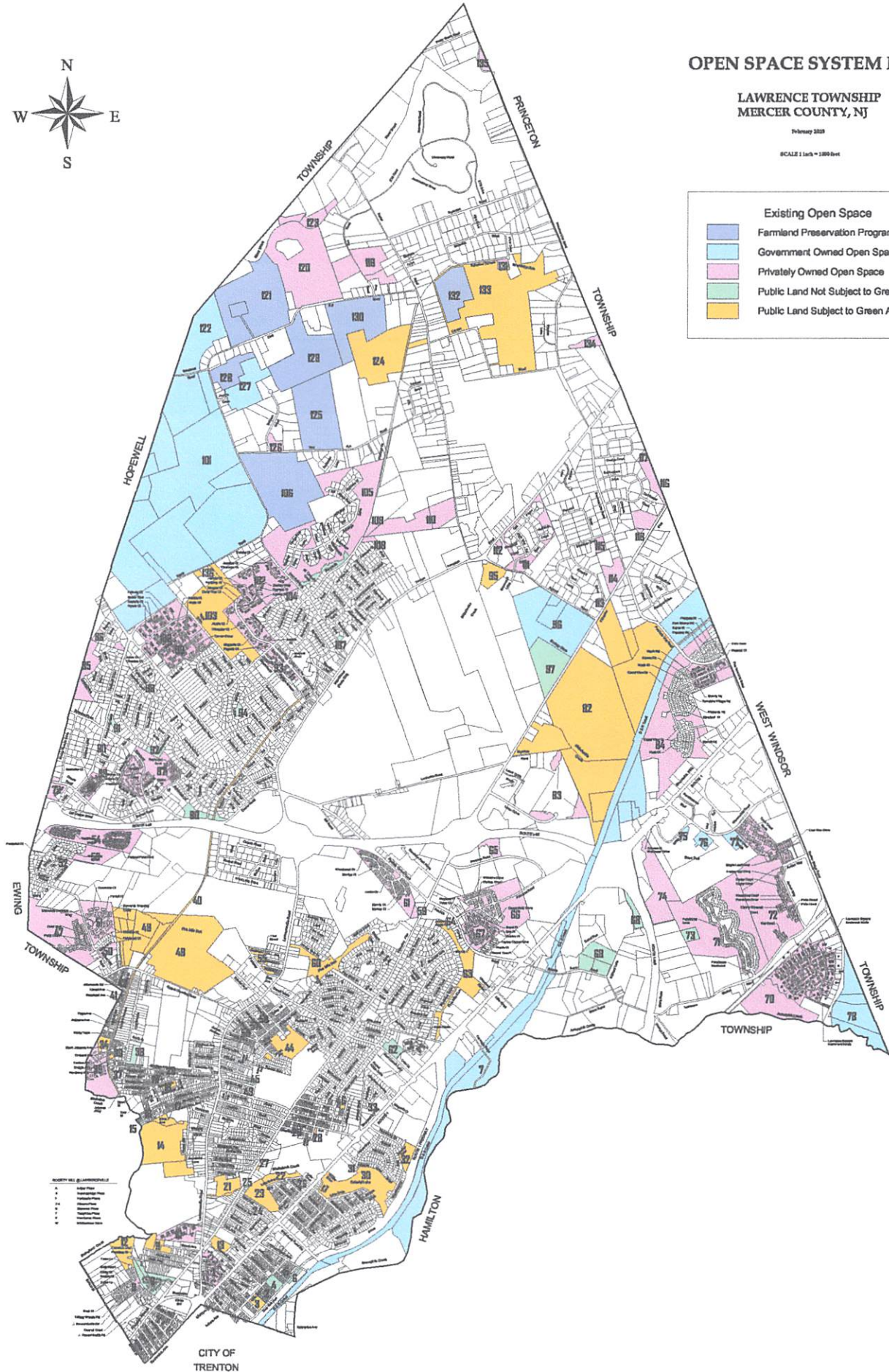
OPEN SPACE SYSTEM MAP

LAWRENCE TOWNSHIP
MERCER COUNTY, NJ

February 2023

SCALE 1 inch = 1000 feet

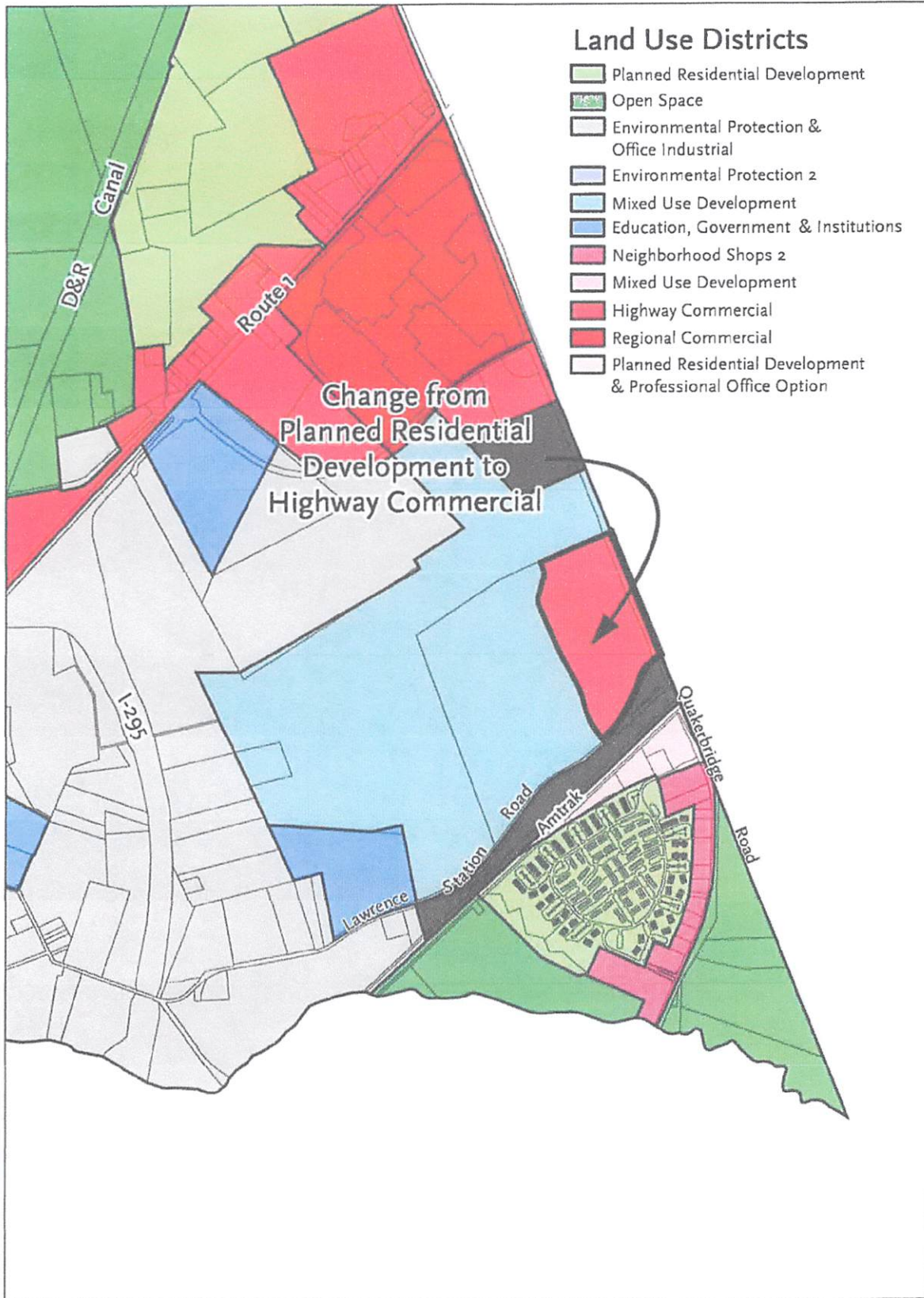
	Existing Open Space
	Farmland Preservation Program
	Government Owned Open Space
	Privately Owned Open Space
	Public Land Not Subject to Green Acres
	Public Land Subject to Green Acres



- Legend for symbols:
- Water
 - Highway
 - Interstate
 - County Road
 - Local Road
 - Public Water
 - Public Sewer
 - Public Gas
 - Public Electric
 - Public Telephone
 - Public Cable
 - Public Gas
 - Public Electric
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 - Public Cable

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 - Public Telephone
 - Public Cable

CITY OF TRENTON



Land Use Plan Amendment

Lawrence Township, Mercer County, NJ August 20, 2012

Clarke Caton Hintz
 Architects
 Planners
 Landscape Architects