

Lawrence Township Planning Board
Regular Meeting
Monday, January 12, 2015

Present: Christopher Bobbitt
Ian J. Dember
Philip Duran
Richard S. Krawczun, Municipal Manager
Terrence Leggett
Stephen Brame, Councilman
James Kownacki, Councilman
Diego Samuel
Kim Y. Taylor, Vice Chairperson
Doris M. Weisberg, Chairperson

Excused Absence: Aaron D. Duff

Absent: None

Also Present: James F. Parvesse, Municipal Engineer
Philip B. Caton, Clarke Caton & Hintz, Planning Consultant
Neil Yoskin, Planning Board Attorney
James Kochenour, Traffic Consultant
Susan Snook, Recording Secretary

1. **Statement of Proper 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, and by filing this agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, and the Lawrence Ledger newspapers.

2. **Oath of Office:**

Mr. Krawczun, Councilman Brame, Councilman Kownacki and Diego Samuel were placed under oath. Mr. Yoskin, Esquire, administered the oath.

3. **Elections:**

Chairperson:

Councilman Kownacki moved and Councilman Brame seconded to appoint Doris Weisberg as Chairperson. Nominations were closed. The following voice call vote took place: Ayes 9; Nays 0; Absent 1; Ineligible to Vote 1.

Vice Chairperson:

Councilman Kownacki moved and Councilman Brame seconded to appoint Kim Taylor as Vice Chairperson. Nominations were closed. The following voice call vote took place: Ayes 9; Nays 0; Absent 1; Ineligible to Vote 1.

4. **Appointments:**

Councilman Brame moved and Councilman Kownacki seconded to approve the Resolutions of Appointments in a Block (Resolution 1-15 thru 10-15). Ayes 9; Nays 0; Absent 1; Ineligible to Vote 1.

Committee Appointments:

Screening Committee (4): Mr. Krawczun; Vice Chairperson Taylor; Councilman Kownacki and Chairperson Weisberg

Growth & Redevelopment Committee (1): Christopher Bobbitt

Shade Tree Advisory Committee (1): Doris Weisberg

5. **Public Participation (for items no on the agenda)**

None

6. **Minutes for Approval**

Monday, December 1, 2014 minutes were unanimously approved.

7. **Resolutions**

Resolution of Memorialization 12-15 approving Major Site Plan – Preliminary & Final Approval Application No. SP-7/14, **Lawrenceville School – Heating Plant Building (I.T. Addition)**, Main Street, Tax Map Page 58.03, Block 5801, Lot 1.02 was approved per unanimous vote.

8. **Applications**

Minor Site Plan with Variance Application No. SP-8/14; **Mercedes-Benz of Princeton**, 2910 U. S. Route 1; Tax Map Page 36.01, Block 3601, Lot 25.01.

Robert Casey, represented the applicant. The application is for installing stacking units (stackers which will double the space in the parking garage; both the ground floor and second floor).

Witness No. 1: Robert Buda, PE.

Exhibit A1: Site Plan, original site plan approved by this Board for the construction of the parking structure about 10 – 12 years ago. The purpose of this plan being in the set was to familiarize the Board with the existing facility. The only dealership in the Township that had a dedicated parking structure. Mr. Buda stated to the north is the Ford Dealership; the Exxon Dealership is to the south and the driveway next to the Exxon dealership is for tractor trailers, Route 1 is to the north and there are no residential uses around the site.

The stacker units are not permanently attached to the parking structure, to the deck, walls or ceiling of the structure which will be operated by trained personnel only. The stackers will hold new inventory and will be adding spaces because the manufacturers are requiring the dealers to have large spaces for inventory (floor plan) which is how many vehicles the dealership is capable of storing.

Exhibit A2: Upper Deck Layout, Sheet 3 of 6, dated October 8, 2014. There is nothing on this plan that will be changed or modified; it is only to show where the stackers are going. The stackers are on the upper level. Mr. Caton asked whether the ramp leading up to the upper deck was going to

remain in place with an access point as indicated on Sheet 3 and will not be changed. Mr. Buda stated the only difference is it shows earlier configuration of the ramp up to the parking structure (west side). The actual ramp which was constructed exists today is parallel to the parking structure. There is no change of the location of the ramp.

Exhibit A3: Lower Deck Layout, Sheet 4 of 6, dated October 8, 2014 is to implement the stackers on level one and level two with no footprint changes. Councilman Brame asked if this application is complete since the exhibit does not match to the original application. Mr. Yoskin stated the exhibit was for historical content which does not match the application, but testified that the plans that were submitted to match the existing conditions, so the application is complete. Mr. Buda testified that this plan that he just introduced is not the plan that was approved. Mr. Casey stated that the construction office would not issue a building permit if the ramp was not shown on the site plan, so during the course of that approval it was revised as it is reflected in the memorandums.

Mr. Buda described the construction of the tie beams that will be installed on the stackers and how they will operate. The stackers will be able to accommodate two stacked vehicles with each of a total height of 4' 11". The total clearance between the ground of the first level and the underside of the second level will be 10' 3".

Exhibit A4: Mr. Buda read: "It is the applicant's intention to install the stackers in phases as the need and inventory dictate. For example, the upper deck reinforcement and utilization may be implemented at a later date", see copy attached. This project will be done in phases and not all at one time.

Mr. Buda explained how the platforms will operate. Mr. Caton had an issue with the lane width which is 19' and will be used by the personnel only. Mr. Buda stated that is the way it was built. Mr. Parvesse asked about the power supply to the power packs. Mr. Buda stated on each level there are power packs and the lower level consists of four and is where the electrical wire has to go to, required by the manufacturer that a disconnect is provided at the locations. The load that is required by this power pack cannot be carried by the lighting load that exists now, there were conduits installed at the time through which is where the wire can be brought in to provide power. The Board had concerns about safety issues and personnel being crushed inadvertently and it was requested that Mr. Buda supply information from the manufacturer (as a condition).

There was no public participation for this application.

Mr. Caton summarized the conditions of approval.

There was a fifteen minute breaks (7:45 – 8:00 p.m.)

Major Subdivision – Preliminary and Final Approval with Variance & Waiver Application No. S-2/07; **James G. & Hugh F. Maguire (Mabel Mews)**; Mabel Avenue and Route 206; Tax Map Page 9, Block 902, Lot 8

Councilman Kownacki stated his wife is president of Society Hill and they were noticed about this application; therefore, he excused himself from participation on this application.

Gary Backinoff represented the applicant and gave a brief description of the property, which is currently a vacant field. This application had an initial application in 2007 and revised plans are being submitted to address these issues. There are seven new homes that conform to the new Land Use Ordinance; however, there are minor setback issues and detention basin issues. Mr. Yoskin asked what the ownership requirements are. Mr. Backinoff stated they own the property and there is no LLC.

Witness #1: Robert Buda. Exhibit A1: Preliminary and Final Grading & Utility Plan, sheet 4 of 7, revision dated July 23, 2014. Mr. Buda gave a brief summary of the property. This project will construct of seven homes on a 2.09 acre tract; one single family home will be retained. In April of 2007, this application was before the Planning Board for a total of nine building lots; the applicant decided to pull back in 2007 until the economy changed. The concerns were the proposed nine lot subdivision was too dense for the area; the proposed K-turn at that time, felt was not adequate for traffic that had to turn around (trucks and larger vehicles) and the left turn out of Helen Avenue was not appropriate and dangerous.

The plans were changed from nine to seven; the K-turn was replaced by a cul-de-sac, which is capable of handling fire trucks, large trucks, etc.); the left turn out is being replaced by a structured right turn only lane and a mountable curb island with guides to make only a right turn.

The lots are in conformance with the new Land Use Ordinance; they are consistent with the Municipal Land Use Law; there are no variances for the lots; there is a concern about the 25' buffer from the apartments (it will be the detention basin). There is a weir, if flows over the grass area and there is rip-rap on the downhill slope to avoid erosion. There is a heavily wooded area between the basin and the apartments. The applicant is planting additional trees and the rest is existing.

A sight triangle is to be provided with Princeton Avenue and Mable Avenue and cuts into the existing lot and does not affect the sight triangle. Mr. Buda met with New Jersey Department of Transportation and a Letter of No Interest was received from Maintenance, dated November 20, 2007, copy attached.

Mr. Parvesse's concern was the right turn, Comment b, see report attached dated December 26, 2014. Mr. Buda stated there were no accidents reported in 2014 at this intersection. The applicant is agreeing to Comment 1.01. Comment 1.06 regarding wetlands; Mr. Buda stated there is a letter from NOVA and found no evidence of wetlands; therefore, a waiver from New Jersey Department of Environmental Protection is required (Letter of No Interest Presence/Absence). Mr. Buda will submit templates that a fire engine can make the turn.

Mr. Caton's report dated December 18, 2014, copy attached and discussed were Comments 3.2, 3.4 (it should be a variance). Mr. Buda is opposing the installing of six to seven trees per 100 feet and the only place to put more trees in would take down the existing buffer or put them in the infiltration basins. Mr. Caton's other concerns were the access easement and the floor area.

Mr. Buda submitted the information on the impervious rate used for infiltration system, copy attached. Mr. Kockenour's major concern was the length of the driveway; see report dated December 31, 2014. The width of Mabel Avenue, with the additional widening, it is still going to be difficult to park vehicles on the street; so his recommendation is to make certain that the driveway length be at least 36' (from the right-of-way line) back to the garage door or the building; that way at least two cars will be parked off street.

Mr. Backinoff stated the lots are deep enough and the house can be pushed back and still allow them to have significant back yards and this condition is acceptable. Mr. Kockenour wanted to make sure that a fire truck or delivery truck can use the cul-de-sac. Mr. Buda will do an analysis per Comment No 4; it will be put onto the grading plan per Comment No. 6; and will be in accordance with existing

conditions per Comment No. 7.

Lawrence Township Planning Board

Monday, January 12, 2015

Page 5

Mr. Kockenour gave additional background on the access concerns associated with this development. This is a unique application because at the intersection with Mable Avenue and Princeton Avenue, which is a county road; New Jersey Department of Transportation stated that Mabel Avenue does not intersect with Route 206, so they do not have jurisdiction and passed it to Mercer County. The only way New Jersey Department of Transportation would have jurisdiction is if something was done with the traffic signal because a traffic signal is under the jurisdiction of New Jersey Department of Transportation.

Mr. Fallet, Traffic Engineer of DOT, stated his major concern is to prohibit a left turn out of Mabel Avenue and DOT would prefer not to make any revisions to the traffic signal but are agreeable with the no left turn. A small island to try to put the attention to discourage homeowners to make a left turn; however, the island is inadequate. The number of houses will be doubling, around 13, still adding additional traffic and something needs to be done to restrict those movements. The island has to be configured differently and become larger than shown on the site plan. Whatever is designed, in the way of an island and shown as traffic control, no left turn signs, has to be approved with Mercer County and if the need arises approved by New Jersey Department of Transportation, if needed.

The County and the State addressed the concern of having an adequate line of sight for a left. The turning movement into the site is on the plan because it orders to accommodate the sight lines, some of the landscaping might have to be re-worked and suggested that Mabel Avenue might have to be shaved off to make a smooth turn because of trucks being able to make the turn.

The other concern with this new movement is where will all the traffic go and the first opportunity would be to make a U-turn in the shopping center at Princeton Avenue; go to Helen Avenue or to Project Freedom. Mr. Backinoff stated that Mercer County has jurisdiction of that specific intersection and will remove the hedges or trees and removing a piece of the property to enhance the movement. Mr. Kockenour stated he would like to be a part of the meeting with New Jersey Department of Transportation. Mr. Buda stated the existing trees will be taken down which create the problem and submit a plan to Mr. Parvesse with a template that shows that fire trucks and semi vehicles can get in.

Mr. Krawczun stated "extent if what we can" is a problem. What problem would that impose if the turning radius can't be accommodated for the fire apparatus. Mr. Yoskin stated the Fire Department did not have a comment and this Board requires a plan that is acceptable to the fire department and the applicant is asking for the approval with the understanding that they will submit a plan that conforms to the fire department approval. Mr. Buda stated the curb is mountable and the fire engine will go over it and that is acceptable. Mr. Kockenour stated the Board still needs to see that the truck can make that turn.

Mr. Yoskin stated Mr. Buda testified that the corner of the existing house that encroaches within the sight triangle is a de minimus encroachment and that Mr. Kockenour either agrees or disagrees. Mr. Kockenour agreed that it is a de minimus impact and you can see the row of evergreens which is the elephant in the room. Mr. Buda requested of Mr. Kockenour if he could prepare a sketch and then could be incorporated. Mr. Kockenour stated he has two or three and are basically free hand and will pass onto the applicant.

Mr. Yoskin stated that the intersection be designed to the satisfaction of the traffic engineer and if you cannot reach an agreement, the applicant must come back to the Board. The County will have the final word of this approval. The Board members had concern with a design that works. Mr. Backinoff stated the site plan is laid out and the intersection is basically the discussion. Mr. Buda will work with the county to come up with the best solution. Mr. Yoskin stated it is the small concrete island and the turning radius is the issue. Mr. Dember has stated there are too many conditions that we are leaving opened and it is a big concern to him.

Mr. Duran asked Mr. Caton that we have a development with seven new lots for building and if accepted, the residents will lose their ability to make a left turn at the end of the road. The Township has a new road to take care of and why should we approve with the negatives of the traffic safety and expense. Mr. Caton stated the proper solution at this intersection that Mabel is a one way in and Helen Avenue to be a two-way. Mr. Krawczun stated we already have jurisdiction on Mabel Avenue. Mr. Yoskin stated the five homes use Mabel Avenue today and lose the ability to make a left turn, and the notice did not inform them of that fact and the MLUL requires that property owners are notified of the application and if the condition with making a left hand turn does it require supplemental notice and to implement the no left turn that Township Council has to adopt an ordinance to that effect.

The Board members discussed the left hand turn not being in the notice and the resident not aware of this change.

There was no public participation for this application

Mr. Caton summarized the conditions of approval. Mr. Backinoff gave a summary of the conditions.

9. **Old Business / New Business / Correspondence**

None

10. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 9:29 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes Approved: 
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