

**LAWRENCE TOWNSHIP PLANNING BOARD
REGULAR MEETING
MONDAY, JUNE 18, 2012, 7:00 P.M.**

Present: Christopher B. Bobbitt
Ian J. Dember
Philip B. Duran
James S. Kownacki, Mayor (Class I)
Richard S. Krawczun (Class II)
Gregory S. Puliti, Council (Class III) (Excused 7:07 p.m.)
Aaron D. Duff, ALT. #1
Kim Y. Taylor, Vice Chair

Absent: Terrence O. Leggett (Absent)
Glenn R. Collins, ALT. #2 (Absent/excused)
Doris M. Weisberg, Chair (Absent/excused)

Also Present: James F. Parvesse, P.E., Municipal Engineer
Philip B. Caton, Planning Consultant, Clark•Caton• Hintz
Neil Yoskin, Attorney, Sokol, Behot & Fiorenzo
Sara A. Summiel, Recording Secretary

1. Statement of Adequate Notice

Adequate notice of this meeting of the Lawrence Township Planning Board has been provided by filing the annual meeting schedule with the Municipal Clerk as required by law; by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, the Trentonian and the Lawrence Ledger newspapers.

2. Public Participation : (None)

3. Minutes for Approval:

Monday, January 23, 2012

Mr. Duran moved and Mayor Kownacki seconded to approve the Minutes.

**The following voice call vote took place: AYES (5) NAYES (0)
ABSENT (3) INELIGIBLE TO VOTE (0) ABSTAINED (3)**

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Minutes for Approval – Continued

Monday, May 7, 2012

Councilman Puliti moved and Mr. Bobbitt seconded to approve the Minutes. The following voice call vote took place: AYES (3) NAYES (0) ABSENT (3) INELIGIBLE TO VOTE (5)

4. Resolution of Memorialization 14-12

Resolution of Memorialization 14-12 approving Extension of Filing Minor Subdivision – Minor Subdivision Application S-1/11, Daniel Doherty, 37 West Long Dr., Block 2801, Lot 12 & 13. (See Attachment No. 1)

Mayor Kownacki moved and Mr. Duran seconded to approve Resolution No. 14-12.

Vote:

**AYES: Duran, Krawczun, Puliti, Kownacki
NAYES: None
ABSENT: Leggett, Collins, Weisberg
ABSTAINED: Taylor
INELIGIBLE TO VOTE: Bobbitt, Dember, Duff**

5. Application No. S-1/12 (MUELLER AUTOMOTIVE GROUP, INC. – LAWRENCE TOYOTA), Preliminary/Final Major Subdivision (S-1/12) and Site Plan (SP-3/12), 2871, 2865 & 2851 U.S. Route 1, Block 3507, Lots 20, 21 & 22. Declared complete on March 13, 2012; Action required by July 10, 2012.

The hearing was recorded. The Board took Jurisdiction.

Gary Forster, Esq., represented the applicant. Mr. Forster gave an overview of the proposed application. He stated that the applicant is proposing to cleanup an entire section along Route U.S. 1, expand and upgrade the site to the current modern Toyota proto types, and improve the conditions of the site. He stated that the applicant is proposing the removal of the former Capital Lighting site, renovate the former Princeton Oriental Rug building and integrate within the dealership's operations.

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Application No. S-1/12 – Continued

In addition, Mr. Forster explained that the applicant is proposing to increase the aesthetics by removing other older buildings, upgrading the ingress and egress of the site. He described the applicant's proposed new businesses as Toyota - Scion New Car Sales, Certified Toyota Used Car Sales, Repair Shop, Body Shop and Detailing Shop. He proceeded to explain that the applicant does not have clear title, as of today, to the Princeton Oriental Rug property due to judgments on the property; and therefore, requests that lot line be separate but integrated once the title is cleared. Also, the applicant agreed to provide required Deed Restrictions and Cross Access Agreements for Lot 23.

A discussion took place by the Board with regard to the ownership and questioned whether the Board could proceed to hear the application since there was no clear ownership of the Princeton Oriental Rug property. Mr. Yoskin explained the Board's jurisdiction and ability to hear the application and give a Phase approval.

The applicant's expert witness, Russell M. Smith, referred to Exhibit A-1 (Sheet 2) and described the existing conditions on Lot 20 (9.3 acres), Lot 21 (7.5 acres), Lot 22 (2.9 acres), Lot 23 (1.6 acres) and the 190 parking spaces. He proceeded to describe the surrounding conditions with regard to the 300 feet of buffer, flood plains, wetlands and pending LUI for Lot 23. He described the surrounding commercial uses to the north, east, and south of the site. With regard to the proposed Demolition Plan, he stated that there would be minimal disturbance of existing parking at Use Car Sales. He explained that the entrances at the former Capital Lighting and Carpet Stores would be closed off and freestanding sign be removed with no replacement. With regard to the site plan improvements, Mr. Russell referred to Exhibit A-2 explaining the subdivision for Lot 20.01 (9.9 acres) and the site plan improvements for New Car Sales/Service's partial two-story addition of 2,171 sq. ft. He proceeded to describe the addition to widen existing showroom and renovation of entire building on Lot 21.01. He stated that the applicant is proposing to replace the utilities and construct new stormwater management. He proceeded to explain the stormwater management requirements and reduction of impervious coverage. He stated that the applicant is proposing to remove some fencing and bob wire.

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Mr. Caton referred to his report dated May 18, 2012, and addressed the existing chain link fencing. A discussion followed by Mr. Muller with regard to the need for proposed six-foot fence to be a deterrent to thievery. The applicant agreed to work with the Township Professionals regarding the fence height along the rear, adjacent strip Mall, southeast and north side of property. Mr. Caton accepted. (See Attachments No. 2 – Reports)

With regard to the lighting, Mr. Russell referred to Exhibit A-3 and stated there would be no flood lights. He explained that in addition to the existing lighting, the applicant would be proposing additional lighting on the site. He explained that the replacement of existing bulbs would be reduced from 1,000 watts to 750 watts. He stated that the rear and security lighting would shut off at 11 p.m. He stated that there should be no negative impact on the residents in the rear of property. The applicant agreed to work with the Township Professionals.

Mr. Russell explained the proposed landscaping and the applicant's willingness to work with the Township Professionals. He stated that the applicant agrees to provide street trees, but would like some visibility of the site's displays and signs. He proceeded to review the variances and exceptions associated with the application. Mr. Caton discussed the exceptions and variances that he would support.

The applicant's expert witness, Carmine Cerminara, gave a brief overview of the proposed internal illuminated opaque glass freestanding Toyota element associated with Exhibits A-5, A-6 and A-7. Mr. Cerminara stated that the blazing element will be part of the white building with a red mark and name of dealership. Also, he explained that since the freestanding element is part of the building, an approval would be required as part of this application. Although, the applicant stated that the Signage Plan would not be part of this approval, Mr. Cerminara briefly described the Photo Simulations (Exhibit A-8) with regard to the proposed signage and height variance.

The applicant's expert witness, Terrance Mulhern, gave a brief overview of Lighting Plan and referred to Mr. Caton's report with regard to intensity of illumination for a retail use. Mr. Mulhern proceeded to describe the lighting levels in accordance with the application process and the whole average ratios of illumination for the proposed foot candles. Mr. Caton accepted the testimony given by Mr. Mulhern.

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The applicant's expert witness, Karl A. Pehnke, gave a brief overview of the Traffic Study Report and described the level of service. Mr. Pehnke stated that the proposed improvements and redevelopment of access points would allow the site to operate more efficiently and safely. He explained the need for a depth exception associated with the design of new entrance because of the narrow depth. He proceeded to describe the site circulation, stop signs, loading area for inventory areas, truck circulation and turning movements of islands and parking aisles. Also, he stated that the application for Permits was still pending with NJDOT. With regard to emergency vehicles, he stated that the vehicles were tested by the Office of Public Safety to ensure adequate maneuvering around the entire site.

The applicant's expert witness, Tarma Lee, gave a brief overview of the proposed variances, as noted in Mr. Caton's report, associated with the side yard setback, pre-existing non-conformance condition of front yard setback, outdoor displays, cross-access easements, floodplain buffer and parking lot setback exception. Also, the applicant stated that three variances associated with Lot 23 would be eliminated once the lot is consolidated. Upon the request of Mr. Yoskin, Ms. Lee provided additional testimony regarding the positive criteria associated with the proposed improvements to areas with pre-existing conditions. She stated that most of the variances are C-2 variances. Also, she stated that the benefits of the variances would outweigh any detriments and the positive/negative criteria could be fulfilled.

A brief discussion took place by Mr. Krawczun with regard to the proposed outdoor display and the road frontage. The applicant requested that Mr. Krawczun's stated concerns be addressed at the Signage Plan meeting. Mr. Krawczun accepted.

Vice Chair Taylor questioned the construction phase and schedule of operation. She stated concerns about the visual and possible negative impact upon the community. The applicant stated that if properly phased, along with planned off-site storage, there would be no negative or visual impact during the construction period.

Mr. Forster reviewed the comments noted in Mr. Parvesse's report dated June 11, 2012, and Mr. Caton's report dated May 18, 2012. He stated that the applicant will comply with noted comments and work with the Township Professionals regarding the landscaping, lighting and recycling.

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Application No. S-1/12 – Continued

The following Exhibits were presented:

- A-1 Existing Conditions & Demolition Plan (Sheet No. 2), dated 6/18/12
- A-2 Colored Site & Utility Plan, dated 6/18/12
- A-3 Colored Landscape & Lighting Plan, dated 6/18/12
- A-4 Colored Rt. 1 Frontage Plan, dated 6/18/12
- A-5 (P-2) Main Building – Colored
- A-6 Render Elevations – Colored
- A-7 Existing Detail Shop – Colored
- A-8 Colored Photo Simulations – (4) Photos

All witnesses were placed under oath:

- Russell M. Smith, Professional Engineer & Expert
- Tarma Lee, Professional Planner & Expert
- Tom Muller, Co-owner, Muller Auto Inc.
- Carmine Cerminara, R.A. (Architect) & Expert
- Terrance Mulhern, Electrical Engineer & Expert
- Karl A. Pehnke, Professional Engineer & Traffic Expert

Public Comment:

- Harry Tomlinson, 54 Stonicker Drive, stated some concerns with regard to the water runoff and impervious areas. Also, Mr. Tomlinson stated some concerns about the light levels and spillage behind the building during the winter months. A discussion took place by the applicant stating that there should be a reduction in the water runoff and intensity of lighting.

PUBLIC PARTICIPATION CLOSED

Note: (A continued meeting will take place on August 6, 2012, for Signage Plan and Outdoor Display Only.)

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Application No. S-1/12 – Continued

Mr. Duran moved and Mr. Krawczun seconded to approve the application WITHOUT SIGNAGE & OUTDOOR DISPLAY. Approval is subject to all appropriate conditions and recommendations contained in the Township Professionals' reports.

Vote:

AYES: Bobbitt, Dember, Duran, Krawczun, Kownacki, Duff, Taylor

NAYES: None

ABSENT: Leggett, Puliti, Collins, Weisberg

- 6. Application No. SP-7/12 (CHAPIN SCHOOL) Preliminary/Final Major Site Plan, 4104 Princeton Pike, Block 7001, Lot 5.01.01, Declared complete on May 25,2012; Action required by August 22, 2012.**

The hearing was recorded. The Board took Jurisdiction.

Eric S. Goldberg, Esq., represented the applicant. Mr. Goldberg gave a summation of the proposed application. He stated that the applicant is requesting approval to place a modular classroom to be 24x60 in size on the northwesterly side of the main building. He stated that the modular classroom would serve as an additional fourth grade class and replace a classroom currently held in the basement of the main building. He stated that the request is not for an increase of students, but for a more appropriate use of space. He stated that the applicant is requesting proposed modular classroom for a period of five years. Also, he stated that the modular classroom would not be visible to the public. He stated that in addition to the 70 faculty members and 306 students currently enrolled, the total number of students may increase to 315 by September. He stated that the parking of 116 spaces would be in accordance to the required Township's Ordinance. With regard to the signage, the applicant is now proposing to defer until a later date. He referred to the Township Professionals' reports and addressed the comments regarding the emergency access and drainage. He referred to Exhibit A-1 and stated that there would be sufficient access for fire apparatus. With regard to the three foot separation from the modular classroom and stairwell, he stated the applicant's preference to keep proposed location since there is no anticipated pedestrian access. The testimony of summation given by Mr. Goldberg was accepted by the applicant's expert witnesses and the Board.

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The applicant's expert witness, Ralph Petrella, addressed the drainage issues. He stated that the roof leaders would discharge from underneath the building. He stated that the site currently drains from the northerly direction. A brief discussion took place by Mr. Duran with concerns about students having to walk thru water puddles from the building to access the modular classroom. Mr. Petrella stated that he was not aware of any problems and explained that there would not be any discharge within that area of the walk path.

Mr. Parvesse referred to his report dated June 5, 2012, and questioned the applicant's compliance with regard to the right-of-way dedication required per Land Use Ordinance (539.A.4.B). The applicant agreed to comply. (See Attachment No. 3 – Reports.)

Exhibit: A-1 Engineering Plans (Chapin School)

All witnesses were placed under oath:

- William Ehret, Owner's Representative
- Richard D. Johnson, Head Master
- Ralph Petrella, Professional Engineer

Public Comment: None

Mr. Duran moved and Mayor Kownacki seconded to approve the application **WITHOUT SIGNAGE**. Approval is subject to all appropriate conditions and recommendations contained in the Township Professionals' reports.

Vote:

AYES: Bobbitt, Duran, Krawczun, Puliti, Kownacki, Weisberg

NAYES: Dember

ABSTAINED: Leggett, Taylor

INELIGIBLE TO VOTE: Duff, Collins

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7. Old Business/New Business/Correspondence: None

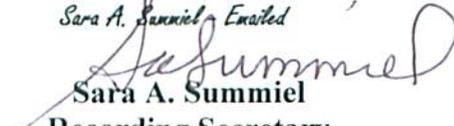
8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 11:06 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

Sara A. Summiel, Executed


Sara A. Summiel

Recording Secretary

MINUTES APPROVED:  _____

10/15/12