

Lawrence Township Planning Board  
Regular Meeting  
Monday, November 19, 2012

Present: Christopher B. Bobbitt  
Ian J. Dember  
Philip B. Duran  
Gregory S. Puliti, Council  
James S. Kownacki, Mayor  
Aaron D. Duff  
Glenn R. Collins  
Kim Y. Taylor, Vice Chairperson  
Doris M. Weisberg, Chairperson

Absent: Richard Krawczun, Terrence Leggett

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. **Public Participation (for items not on the agenda):**

None

3. **Minutes for Approval:**

Monday, October 15, 2012 - The minutes were unanimously approved.

4. **Resolution of Memorialization:**

None

5. **Applications:**

Amendment to Major Site Plan – Preliminary Approval Application No. SP-13/12; Bristol-Myers Squibb Company; Princeton Pike & Lewisville Road, Block 5001, Lots 1 – 3 & 11

Christopher Tarr, Attorney for the applicant. Mr. Fred Eginoff, Director of Corporate Communications and Community Affairs for Bristol-Myers Squibb.

Mr. Tarr presented information and background of the approvals that were previously granted by the Board 12 years ago. The property is located on the east side of Princeton Pike and is a 134 tract bound by the Brandywine Office Park; south which is I-95 and to the west if Franklin Corner Road and to the north is Lewisville Road. The primary access will be from Princeton Pike.

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There were four (4) applications that were made. The first application was made in 2000, a Preliminary Site Plan application for the overall site which included several variances and took place in February of 2000; six months later an amended application to grant final approval for the first of the two phases (a little than ½ the site); nine months later with an amended to the overall and amended to the final to divide up the site, the goal being for this to be the world headquarters of the RCN Cable Corporation. The preliminary site plan was perfected to the point to pull building permits to do the site work. Nine months later they made arrangements to share this site with Bristol-Myers Squibb. The application came in April of 2001 with a condition that only one occupant can be on the site, so they made minor changes. The last approval took place 4 months later when Bristol-Myers came in and wanted to be the dominant of the site. Resolution of Memorialization 27-00 was adopted.

Exhibit A1 – Amended Final Site Plan (Phase I), Sheet L1.1.00, revision dated November 9, 2012. Mr. Tarr described the overall site from the plan. There were office buildings with an equal number of parking garages which were outbound along Lewisville Road and along the Interstate (10 buildings, 10 garages). The primary entrance driveway went to a new traffic light, installed to the north of the existing traffic light at Lenox Drive. Water features were to work as storm water basin.

The applicant was Matrix Development and Union Camp owned the front of the site and rear of site was undeveloped. The proposal was for 10 building (1,520,000 sf) and is in the RD-2 zone where office parks are permitted. The application involved several variances because parking garages were not permitted in the front yard and too close together. A variance was also required for the sign which was too big and too tall; two facades signs on the tower and a waiver not requiring street trees along the properties on the boundary. The access drive was too close to Lewisville Road and a resident suggested that Lewisville Road be bent so the access drive came in at a right angle and a waiver for the access drive because it was too wide. There were also 31 docking bays and the number of access drives were to many.

There were neighbor comments, to buffer this business use from the residences by Lewisville Road and Franklin Corner Road and particularly from the Ben Franklin Swim Club. Tall dirt mounds which were landscaped would hide lights and keep the noise down. There were concerns from the neighbors about the water supply especially on Lewisville and Franklin Corner Road that they were private wells. The concern was the impact event though this was going to be on public water. One approval was that the wells were tested. Neighbor concerns were traffic concerns, how many employees, wildlife, and soil study for the swim club. The Board approved the application with 18 special conditions and the Board added on another 13 special conditions, which Mr. Tarr described. The Board granted final Phase I approval with five buildings with five parking garages and all the site amenities. RCN came back with a new application as Bristol-Myers Squibb as the applicant to buy out the site and rent to RCN a certain amount of space and the changes including moving away from the condition about one user on the site to allow for two users, as well as other changes. BMS presented an Amended Preliminary & Final Site Plan for Phase I only to lease to RCN, change parking, putting mechanical equipment on top of the building, decks with three stories and lights on top.

The current application involves a request to relieve Bristol-Myers of the obligation to have the parking garages. Exhibit A3 (Amended Preliminary Site Plan Concept), revision dated November 9, 2012 shows everything staying the same; the garages removed and replaced with service parking which is the major change. Mr. Tarr continued that New Jersey Department of Environmental Protection has

changed the stormwater regulations and will have to back to DEP with the changes to get approvals. The proposal is to use porous pavement for where the cars are parked and particularly what the maintenance requirements are. Porous pavement allows water to go into the ground and will discharge on the site; the light poles are brought down; berms will be lowered; emergency generators will be in the basement so they will be less noisy for the neighbors; big disks will be removed and substantially more landscaping.

Mr. Caton stated the most important part of the application the last time around was the construction on site. The buildings, open spaces and pond that the buildings were enclosing and the character of the corporate campus was what that space would look like. This site is the only substantial sites left at an interchange system. The parking structures were problematic because they would be pushed to the perimeter of the property and triggered issues with the neighbors. This application keeps the best part of the prior approval as a Corporate campus and eliminates the issue of the garages; however, there are still issues related to the how the stormwater is handled and the traffic.

Mr. Duran is concerned about the change to 17 acres of porous paving. Where the groundwater is flowing and what is happening if any of the cars are leaking oil or gas for the neighbors in relation to the their wells. Mr. Caton commented that the condition is still in effect for testing and in an event there is an issue with the contamination of a well requiring replacement, the obligations that are contained in the resolution. Mr. Tarr stated the water will come into the site, not up Lewisville Road, and the parking lot will be built that the public water will go to Lewisville Road. Chairperson Weisberg asked if there is any type of maintenance that makes this remain porous. Mr. Tarr stated his experts have information which including how to maintain this porous pavement.

A summary about the submission of a landscaping plan being submitted and reviewed by the Shade Tree Advisory Committee. However, it was stated that everything in the loop roads remain the same and will have a typical island arrangements and just details. There is landscaping on the berms, which is existing and the only change is the parking lots which are covered by the Ordinance.

Councilman Puliti questioned if the traffic will be the same as in 2000. Mr. Kochenour, introduced himself, and stated he had a meeting with Mr. Pinky, who performed traffic counts and has been updating the numbers the beginning of this year. One suggestion was to tweak the access points along Princeton Pike to get those intersections to operate those intersections better than what was projected. Since the last time this application was heard, the new driveway at Lenox Drive has been built by Brandywine Realty and the Princeton Pike Corporate Center and the new driveway being built by Bristol-Myers Squibb will align with that driveway and a traffic signal will be installed. The traffic on Princeton Pike has not changed and has been stable and the numbers same as ten years ago.

Lots 4 and 5 would affect Phase II and the applicant will come back to the Board to amend Phase II because it was not able to be built.

**Public Participation (Questions):**

Jeffrey Alan: There is an existing traffic light on Princeton Pike and it would make sense to align with the existing traffic light as opposed to creating a new traffic light.

Mr. Kochenour stated that with the volume of traffic that would be anticipated by the two developments that a second access point would be required to try and take all that traffic in and out of those two developments to a single traffic signal would be very difficult; so a second traffic light would spread the traffic to make the traffic enter and exit so much easier. Mr. Tarr noted that the Brearley Oak is directly across the street from the Lenox Drive outlet, so it would have to clear the oak tree to line up the intersection.

Melissa Saunders: She heard the traffic count in the morning was 600 cars and the afternoon was 590. But, 600 cars do not equal 17 acres or even 7 acres of structured parking. What is the actual number of cars which are intended to be parked?

Mr. Kochenour stated the peak hour traffic; where there is traffic in and out of the site, couple hours before the peak hours and a couple hours after. There will be more traffic generated to and from these sites than just what the peak hours show.

**Public Participation (Statements):**

Judy Treadway, 71 Lewisville Road: Ms. Treadway asked if any Board member walked the site; any idea on what is going on there now; any idea about the landscaping on the berms, which was suppose to be wildflowers, the problem is water, they are on wells that were going to be monitored, they were 12 years ago, but they were going to be over a consistent basis and it was only once in 12 years and this is a problem. With the water line coming in and heard it was going in two different places where it was going; behind the berm, or in front of the berm. Her concern is also the extra traffic on Lewisville Road during construction with construction vehicles and eventually Lewisville Road will be so torn up. The other concern is the water from the parking lot that will go into her lot; the drinking water from her well; the serious traffic problem because of the back up of vehicles so she suggested to make Lewisville Road a dead end. However, her major concern is the well monitoring and promises made and have been forgotten over the past 12 years.

Paula Klockner, 75 Lewisville Road: Ms. Klockner stated her concerns are that RCN was to remove the Brearley Oak and she would like it to be saved; the porous pavement will affect the wells and should be monitored; she approves of the elimination of the parking garages and spoke about the porous pavement being a lot different than years ago; monitoring of wells; happier with Squibb developing the property; leaving up the berm up which is needed for privacy; will have more comments at next meeting on traffic and landscaping; wildflowers would have to be planted every 2 to 3 years; RCN proposed a six (6) story conference center which the fire department could not handle this type of building and Bristol Myers Squibb changed it to three stories is a benefit and concerned that another traffic light will only cause a problem.

Dr. Melissa Saunders, 57 Stonicker Drive: It is the elected official's responsibility to gage those personnel expectations against the greater good and health of the larger environment. There will be impacts on a broader scale when you build on undeveloped land. It is a site plan type which is current to that era and now living in 2012 and other things have changed in the world since 2000 and deeply confused of the idea if it would be accepted as a simple application and try to move forward and there is no economic benefit from this; also deeply concerned about unearthing a mothed-balled site plan from 2000 and bringing it out 12 years later and expecting that neighbors just approve it; suffered from Hurricane Sandy and what we do to our open spaces impact on drainage, habitant, pollution and air quality. Why are we rushing to approve this application and what other possibilities there might be for accommodating the 1.5 million square feet of office space that seems to be needed by Bristol Myers Squibb.

Councilman Puliti asked if the wells were tested and Mr. Tarr stated building permits were pulled and RCN tested once. When RCN stopped the construction so did the testing of the wells. Councilman Puliti asked to find the base line to have the well materials and address the questions.

Mr. Kochenour described the peak hour and trip generation. The report prepared 12 years ago by Mr. Carmalt was on traffic generated in and out of the site. Mr. Pinky looked at the most recent trip generation numbers that were published at the end of September/October and there was a new trip generation document put into publication and based his updated numbers on the current 9<sup>th</sup> edition for trip generation.

Judy Treadway: The traffic generation profiles that are published become fiction very quickly, is it based on this road on these times or based on somewhere else on these times? Mr. Kochenour stated traffic counts were done at intersections in January along Princeton Pike and how much traffic the Township will expect generating by Phase I of this project. Chairperson Weisberg stated we will have specific testimony on traffic.

Public participation was closed at 8:37 p.m.

Councilman Puliti stated the professionals, Mr. Caton and Ms. Parvesse, know what the Board members will need. Mr. Yoskin explained what Mr. Tarr stated part of the reason for this application is that Bristol Myers Squibb has leases that are expiring in other properties in Mercer County. They have time constraints in this calendar year to make a corporate decision; so the question was asked assuming that the Board approves this application on the 17<sup>th</sup>, whether a draft resolution could be available for consideration that night; this is not against the law; Mr. Yoskin will draft a resolution that presupposes an outcome and in no way binds the Board; would not act on the resolution that night; a meeting shortly afterwards to memorialize the resolution.

Councilman Puliti stated the resolution will not be extending the rights any further. Chairperson Weisberg stated if this application is approved on the 17<sup>th</sup>, a very short meeting on the 20<sup>th</sup> acting on the Draft Resolution of Memorialization if the application is approved on the 17<sup>th</sup>.

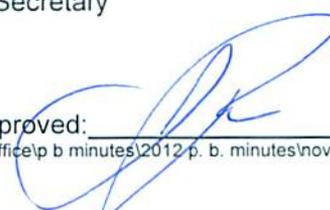
7. Adjournment:

There being no further to come before the Board, the meeting was adjourned at 8:45 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,

  
Susan J. Snook  
Recording Secretary

Minutes Approved:  12/17/12  
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