

Lawrence Township Planning Board  
Regular Meeting  
Monday, October 15, 2012

Present: Christopher B. Bobbitt  
Ian J. Dember  
Philip B. Duran  
Richard S. Krawczun  
Terrence O. Leggett  
Aaron D. Duff  
Glenn R. Collins  
Kim Y. Taylor  
Doris M. Weisberg, Chairperson

Absent: Gregory S. Puliti, Councilperson  
James S. Kownacki, Mayor

Also Present: James F. Parvesse, Municipal Engineer  
Philip B. Caton, Clarke Caton & Hintz, Planning Consultant  
Neil Yoskin, Planning Board Attorney  
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, June 18, 2012  
Monday, August 20, 2012  
Monday, September 10, 2012

The minutes were unanimously approved.

4. **Resolution of Memorialization:**

None

5. **Applications:**

Preliminary and Final Site Plan Application No. SP-11/12; **Rider University (Indoor Athletic Practice Facility)**; 2083 Lawrence Road, block 2807, Lots 1 & 5

Mark Solomon of Pepper Hamilton Law, attorney for the applicant. Mr. Solomon stated the application is for a 7,000 square foot indoor practice facility internal to the campus and is located in the rear center of the Campus adjacent to the existing maintenance building. There are no variances that Mr. Solomon is aware of. Mr. Solomon introduced his witness, Mike Reca, Vice President of Facility.

Mr. Reca described the facility to include three (3) batting cages for the baseball and softball team; on a synthetic floor and be multi purpose; an indoor space for field hockey and men and woman's soccer to run drills. Mr. Reca stated that Rider University does not have a quality batting facility for the baseball and softball team; therefore, it is imperative to have this facility for these teams; as well as the University does not want to have these games in the Alumni gymnasium, like women's basketball, volley ball and wrestling due to the fact that things get damaged. This indoor facility would also be rented out to the Community or other organizations who wish to use it.

Mr. Parvesse stated that there are no bathrooms in this facility and are there plans to construct any. Mr. Reca stated not at the current time; however, there are bathrooms at the end of the maintenance building and is unisex and when there are events; they supply port-a-potties. A discussion came up about only one bathroom. Mr. Caton stated it is a practicability, that they use port-a-johns.

Mr. Krawczun questioned the hours of operation. The hours will be 8:00 until 10:00 pm.

Mr. Solomon introduced his second witness; F. Mitchell Ardman, P.E. of the Reynolds Group. Mr. Ardman described the proposal, Exhibit A1, Sheet SP-2 "Indoor Athletic Practice Facility", shows orientation of the location on site and the closest property line is 693'; it is all woods and there are no neighbors in the direct area.

Exhibit A2, Site Plan, Sheet SP-3; which is the rendered site plan. Mr. Ardman explained the plan; showing the maintenance building, the driveway that comes into the maintenance building; back of the building for storage. The southwest of the building is an existing stone area that materials have been kept over the years and is basically a clear area, where the proposed 70 x 100 foot building is proposed.

Mr. Ardman stated there is very little impact on the parking, lighting and no additional parking is required. The lighting will have building mounted lights which is for security purposes and will be set at 15' – 16'. The total height of the building is 29 ½' at the peak. Mr. Ardman other feature is the stormwater management. It is proposed to collect runoff from the roof through the roof leaders and pipe them into the underground stormwater chamber system at the rear of the building.

Mr. Solomon asked if the performance bond requirement could be waived for this site. Mr. Ardman requested that Item 2 – soil testing, if it could be performed at the time of construction. Mr. Caton stated that as a condition that the silt details on the plan and in the field per Shade Tree; manufactured cut sheets on the lights and building mounted only and no poles. Mr. Parvesse stated we never waived performance bond; therefore, it is not recommended. Mr. Reca stated there will be no additional doors installed; no additional windows and no ceiling fans installed for reasons that it is a practice facility.

Minor Site Plan Application No. SP-6/12; **Asim Mufti**; 22 Fackler Road, Block 6801, Lots 2, 3, and 4.

Bruce Satin, Szaferman, Lakind, attorney for the applicant. Mr. Satin stated the application is for the conversion of a building that was previously a vet's office into a day care center. Testimony will be provided regarding the size, hours of operation, and the likely effect of the traffic along Fackler Road. Mr. Yoskin stated there was an issue regarding the notice which stated a school and a revised notice stated a private day care; Chairperson Weisberg accepted the notice.

Mr. Douglas Pelikan, Engineer for the applicant. Mr. Pelikan gave testimony of the layout of the existing house, Site Plan, Sheet 2 of 4, revision dated September 20, 2012 (Exhibit A1). The house will be converted and the relocated garage which exists on site and will be relocated closer to the existing house and connected with a walkway; one-half of the existing barn will be removed to meet the setback requirements; the farm of the garage is being moved to meeting the existing 50' setback. The existing driveway in front will be removed and a horseshoe driveway and parking lot area will be put in to the east of the building as shown on the plan. There is also exterior construction; there will be no expansions to the house. All conditions of James Parvesse's memorandum dated September 24, 2012 and Phil Caton, Planning Consultant's memorandum dated October 4, 2012 will be complied with.

There is no proposed sidewalk to be installed along Fackler Road to keep rural nature as the rest of the road. The plant density exception is due to the landscaping and buffering to utilize the plants and trees that exist and it is not being required to landscape the open space. Mr. Caton questioned the lighting. Mr. Satin stated there is a difference regarding the lighting on Fackler Road between Mr. Parvesse and Mr. Caton's memorandums.

Mr. Krawczun asked if additional testimony will be on the items under the site plan issues; particularly the change in the parking lot layout and how will this parking lot function differently from the original plan; issues on the safety for the children getting safely in and out of the facility; sidewalk from the parking lot to the house and reducing conflicts of traffic and pedestrian movement. Mr. Pelikan address the new driveway in addition to a new fence going around the parking area and the whole property to keep children contained. It was also noted there will be a sidewalk in front of the car that will have a curb. The additional drive on the east side is for emergency parking which would handle a large truck like a fire truck only for emergency vehicles, there will be no delivery trucks.

Mr. Krawczun questioned the trash enclosure; if this driveway is to be utilized for the purpose of emergency vehicles and will have a chain; where the trash enclosure is to be placed and how it will be accessed. Mr. Pelikan stated at the present time there is no trash enclosure because they will use the blue trash containers for our garbage collection. If a trash enclosure is needed, one will be provided in the westerly corner and pick up will be on weekends by a private collection.

There is no landscaping being proposed on Princeton Pike or the intersection of Fackler Road, which is an unnecessary requirement. Mr. Caton stated the landscaping being conforming between the house and the 50' north of the house going to the next neighbor on Fackler Road and the landscape plan is conforming. Mr. Pelikan stated the 40' landscape dense buffer are ever green tress and the parking lot is all shielded from the road; there are shrubs along the property line and on the north side as well as street trees which are 20" and 5' back from roadway, Exhibit A2. Landscape Plan, Sheet 4 of 4.

Mr. Caton asked the fence in the play area be described. Mr. Pelikan testified that from the west side of the garage, that is being moved, there is a new piece of fence going from the garage to the rear, heading north to the existing fence; east to the parking area which is the existing fence and proceeds about 40' and back to the building to the west. Mr. Caton stated the 50' setback area it will be outside the play area to keep children form the buffer area. Mr. Caton stated that the landscaping in the parking lot, the southwestern side is in adequate and will beef up the landscaping.

Mr. Satin introduced his witness, James Foran, Architect. Exhibit A3, Sheet A1 – Floor Plan & Elevations and Exhibit A4, Sheet A-1 – Barn Alteration Plan and Elevations. Mr. Foran described the appearance of the building. There are no current changes on the outside of the building; however, there are new bathrooms and 1 additional room being proposed. The second floors will be the office area. Mr. Foran described the second sheet that consists of the barn where one-half of the barn will be removed because it is 34' from the property line and 28' wide; cutting it down to 10 or 11' to have a garden shed type structure which will not be used for educational purposes. The Fackler Road area has a septic and will accommodate the day care center which generates less than a single family dwelling. It will not be need for showers because there are only powder rooms.

A brief discussion of concern was the kitchen. It was noted that the kitchen area will remain; however, there will be no food preparation, no cooking for the children only the staff. Mr. Parvesse stated it does comply with the Health Officer's report that the septic system is acceptable.

Mr. Satin introduced Mrs. Meliha Mufti. Mrs. Mufti testified that she will be operating the day care center and currently has two in Hamilton Township. The nature of the operation will be a pre-school and a day care. The ranges will be from infants (8 weeks to 5 years) and will anticipate about 50 children; however will apply the maximum number of children, around 70; however, depending upon the State license. Ms. Mufti stated the hours will be 7:00 am to 7:00 p.m. and the hours children are dropped off is around 7:00 am to 9:30 am and then children will be picked up anytime between 2:30 – 7:00 pm; however, most of the children leave around 3:30 – 4:00 pm. There will be eight infants from 6 weeks to 2 ½ years; ten children from 4 – 5 years old; 15 children for 2 ½ years old and 17 children that range from 2 ½ to 4 years old. There will be seven staff members which is required by the State and no employee on a regular basis.

There was a brief discussion and testimony from Ms. Mufti regarding the hours and the number of staff members. There will be no more than seven staff members at one time; the staff will do most of the cleaning and if necessary, a cleaning company, once or twice a week in the evening. Mr. Krawczun stated the requirements for the number of children anticipated based on the different age group creates a need for seven staff members and will work from 7:00 am until 7:00 pm and there will be overlap; how many staff will be on site and at various times of the day; how will the staffing will be accommodated. Mrs. Mufti explained two people will open the center; and two more staff members will arrive, and the two who arrived to open then leave. Mrs. Mufti stated that staffing is based on how many children are present at a given time, maximum of seven. If classes are not full, must meet the ratio's and depends on age groups and the enrollment. The staff changes based on the number of children present on that day.

Mr. Duff asked about the 17 parking spaces; one will be handicapped; will there be enough space for a drop off and with cars turning around. Nine parking spaces are need just for staff and this is not dealing with the children being dropped off. Mrs. Mufti testified it will take 3 – 4 minutes for a parent to drop of their child. Mr. Caton explained that the ordinance has standards for parking spaces and what is being proposed exceeds the amount of parking spaces. The ordinance states one space per 10 children, maximum seven spaces.

A discussion regarding deliveries to the school and garbage pickup was discussed. Mrs. Mufti stated she will bring in all the toiletries that will be required, as well as everything else that would be needed. Mr. Krawczun stated per our policy, we cannot pick up trash at commercial establishments unless it was pre-existing as well as we cannot regulate when it will be picked up; we could stipulate time of day but no exact day. Mr. Satin stated the trash pick up could be before or after school or weekends, not when school is open because of the children.

It was noted there are other business in the area such as Chapin School, Princeton Day Care and a Animal Hospital.

**Public Participation for the Asim Mufti application:**

The following residents came forward with questions and answered by Mr. Pelikan:

- Roosma Jacob, 17 Teak Lane: his concern was the tests performed on the septic
- James & Maryann O'Hara , 34 Fackler Road: traffic concerns between certain hours of the day
- Susan Naquin, 54 Fackler Road: concerns were the driveway and where the additional cars could the property hold
- Adam Naidoff, 14 Oak Place: concern regarding the driveway and traffic
- Steve Macedo, 50 Fackler Road: concerns were the trees that were removed and the trees that will be planted on Princeton Pike
- Herb Kane, 6 Oak Place: concern was the driveway
- Max Polin, 9 Teak Lane: concerns were the traffic and how many children will be dropped off and picked up
- Bernie Broad, 13 Oak Place: concerns were the back up of traffic from the parking lot of the school
- Charles Harris, 30 Fackler Road: concerns were the limited access between Princeton Pike and Route 206 with no connecting streets
- Everett Kline, 3 Westfield Court: stated the State law that the school should have a director; head teacher and lead teacher; concerned with the number of parking spaces

Chairperson Weisberg stated the Board members are here to make sure this application is in the Lawrence Township Land Use Ordinance, that is the only thing that we have authority over we have no authority over licensing, only the Lawrence Township Land Use Ordinance and as long as this is a permitted use and the application meets all the criteria, that is all we are allowed to judge on.

Mr. Satin stated the comments deal mainly with the parking issues. The Township has a parking requirement that totals seven spaces; this application shows 17 spaces, twice as many; the Board could post conditions on that require parking beyond by the Ordinance, which would be very unusual to have the spaces doubled.

Mr. Caton stated in one way of resolving this parking issues, in the past when we had applications, setting aside the ordinance standard, there was a question among the Board members whether the parking being proposed would be adequate, we asked the applicant to bank, what is called "banking" parking spaces, which means the parking spaces would be shown on an amended plan; would not be constructed at the out set; however, if the spaces are needed, the applicant would agree in advance to a condition of the resolution of approval that the spaces be installed. In this case, only going 30' further east you can put in six more parking spaces, based on the testimony, no more than 23 spaces for this lot.

Mr. Krawczun stated to defer this topic on the garbage container and fence area will be deferred to the professionals; and ask the applicant to contact the Princeton Junior School, Chapin School and the vet clinic to see which contractor they are using and what time and come at a time similar to the customers in the area. A conversation regarding the enclosure and the standard is masonry enclosure.

The following residents came forward with comments and were sworn in by Mr. Yoskin:

- Everett Kline, 3 Westfield Court (President of HOA of Province Hill development): not opposed to school; concerned about the traffic problem on Fackler Road (they will use Teak Lane and Foxcroft Drive will become a through fare. Submitted petitions with 72 signatures.
- Jackie Earle, 15 Oak Place: concerned with the weeds, underbrush and how the property is degrading the other homes in area and the blind spot at Princeton Pike & Fackler Road.
- Linda Nowicki, 22 Foxcroft Drive: concerned with the tremendous traffic problem: that Foxcroft development will be effect and there are no sidewalks so there will be direct impact on the neighborhood.
- Herbert Kane, 6 Oak Place: concerned about the food preparation; why is there a kitchen.
- Allan Nadoff, 14 Oak Place: would like a traffic study done just to determine whether there is a problem getting in and out of their facility

Mr. Kline gave an informational comment that a day care center was considered and zoned for a day care center and it was turned down; why doesn't this precedent hold here that an application for a day care center in a zone that it is permitted be turned down

- Elaine Hogan, 8 Highland Road: concerned about the property being overgrown with weeds
- Jacob Roosman, 17 Teak Lane: concerned about traffic and quality of life in the neighboring developments, there is a negatively impact which will decline the adjacent neighborhoods

Mr. Yoskin read a scripture from William Cox regarding legal guidance and rules under a conditional use. Mr. Satin commented that the traffic on Fackler Road was not caused by this application and this application complies with the Land Use Ordinance as presently written.

Mr. Caton summarized the application as the applicant abides by all of the conditions in both Mr. Parvesse and Mr. Caton's memorandums; the applicant agreed to revise the plan to show six additional spaces which will be banked subject to installation if needed; the applicant agreed to provide a trash enclosure and the location to be determined by Mr. Parvesse; the applicant agreed to survey the collection services for nearby non-residential uses, Princeton Junior School, Chapin School and the vet clinic; the applicant has agreed to relocate the sidewalk, as need be, depending on the actual location of the septic system; the applicant will comply with the illumination standard at the intersection of the driveway and Fackler Road; and comply with the landscape requirement for screening the parking lot on Fackler Road.

A brief discussion where Mr. Duran and Ms. Taylor stated to ask for a traffic study to address the issues; Mr. Krawczun commented what can we do with the results once received. Mr. Caton commented that this applicant is not responsible for the traffic on Princeton Pike and Fackler Road. The furthest extent would to have an additional turning lane or a light and to have the applicant would be obligated to contribute to the cost of the improvement.

7. Adjournment:

There being no further to come before the Board, the meeting was adjourned at 10:20 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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