

Lawrence Township Planning Board
Regular Meeting
Monday, April 15, 2013

Present: Christopher Bobbitt
Ian J. Dember
Philip B. Duran
Richard S. Krawczun, Municipal Manager
Terrence Leggett
Michael Powers, Councilman
James Kownacki, Mayor
Aaron Duff
Glenn R. Collins
Kim Taylor, Vice-Chairperson
Doris Weisberg, Chairperson

Excused Absence: None

Absent: None

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 no on the agenda)**

None

3. **Minutes for Approval**

None

4. **Resolutions**

- Resolution of Memorialization 9-13 approving Major Site Plan – Preliminary & Final Application No. SP-15/12; **Public Service Electric & Gas Company**, 60 Bunker Hill Road, Tax Map Page 27.01, Block 2701, Lots 33 – 38 & 40 was approved per unanimous vote.
- Resolution of Memorialization 12-13 approving Minor Site Plan Application No. SP-14/12; **PNC Bank**; 4201 Quakerbridge Road; Tax Map Page 52.03, Block 5201, Lot 45 (Block 7.16, Lot 1 (West Windsor) was approved per unanimous vote.
- Resolution of Memorialization 11-13 approving Major Site Plan – Preliminary & Final Application No. SP-17/12; **Rider University – Combined Heat and Power Building**; 2083 Lawrence Road; Tax Map Page 28.01, Block 2801, Lot 24 was approved per unanimous vote.

- Resolution of Memorialization 13-13 approving Preliminary & Final Site Plan Application No. SP-12/12; **Britton Realty of Lawrenceville, LLC**; 231 Bakers Basin Road; Tax Map Page 36.01, Block 3601, Lot 13 was re-scheduled for the next available meeting.

5. **Mercer County Wastewater Management Plan Amendment**

Mr. Parvesse gave a presentation on the Mercer County Wastewater Management and went through his report dated April 15, 2013. When the original plan was prepared in 1997 is when the existing sewer system was replaced. Mr. Parvesse explained the exhibit map and testified that the area shaded is outside the sewer service area; the area not shaded is inside the sewer service area and the north of Lawrenceville Village is out of the sewer service area and that is the way it remains today.

In 1993 the Township and Ewing Lawrence Sewerage Authority re-examined the wastewater management plan and during that process the changes were Route 206, Lawrenceville Village, Fackler Road, ETS and BMS were shown in the sewer area and north of the Lawrenceville School Campus and south of Fackler Road was removed from the sewer service area. This plan was reviewed in 1991, approved by the Planning Board and then submitted by Ewing Lawrence Sewerage Authority to New Jersey Department of Environmental Protection for approval. Ewing Lawrence Sewerage Authority supporting Ewing and Lawrence submitted that plan to New Jersey Department of Environmental Protection office which was never approved and stayed there until 1998 or 1999 and Ewing Lawrence Sewerage Authority sent that plan back to the Township. Ewing Lawrence Sewerage Authority did not act on it because of outstanding issues in Hopewell Township.

The Board has the Waster Water Management Plan proposed by the County. The starting point of the original plan never received County approval. The final draft was proposed by the County which started back in 2008 and took 3 years to come up with a plan.

First category is Township parks which have been removed from the sewer service area if that park has no facilities and prevents a problem in the future, not because it would be developed, but still have restroom facilities for ball fields, see attached letter dated April 15, 2013.

Second category is Township land (not open space) which is primarily in the Eggert Crossing area and land that has been owned by the Township for sometime which was acquired through a tax sale and we have been selling these properties to adjacent land owners and would like to continue with that process, and will request that these properties remain in the sewer service area, see attached letter dated April 15, 2013.

Third category is properties that have been removed (privately owned) which are two properties located on Princeton Pike that are existing residential dwellings and have existing septic problems and the long range plan for them was to be connected to sewers and therefore we recommended to the County to keep them in the sewer service area.

Fourth category are properties that are inside the existing sewer service area; but outside of the 1993 amendment that the Township prepared and submitted to New Jersey Department of Environmental Protection and did not get approved, see attached letter dated April 15, 2013 (Mr. Parvesse described the sites from the colored map).

The two school properties, back in 2008 when the County prepared the first draft, they had taken out the entire campus from the sewer service area as well as part of Rider campus and other spots in Lawrence. In 2009 the school met with the Township and asked to maintain the sewer service area for these lots and the Township agreed at that time Lawrenceville School agreed to come back to the Planning Board.

Mr. Caton stated the 1995 Master Plan which includes a variety of plan use elements which identifies areas for preservation of rural character, farm land retention and identifies the Princeton Pike Corridor (north of Lewisville Road) and the area south of the Intersection of Route 206 and Fackler Road, essentially it covers the same area (Cherry Grove Farm, Cranstoun Farm, etc.). That area was identified as high priority for preservation of rural character, the utility element includes a sewer service map that the Planning Board adopted and that map excludes the three large parcels from sewer service because to include sewer service it would be a growth inducing move and the Master Plan identifies those as opposites for preservation rural character. The zone EP-2 which allows large lot residential zoning and addition of sewer service would allow for more intense residential zoning.

There was a brief period of discussion and questions among the Planning Board members regarding the financial impact on the Township; why the school would want sewer service since it is farm land; if sewer service is put in, must the school connect. Mr. Parvesse stated only if they were going to build a new development would they be obligated to connect. Does the size of the lot considered a factor; if you were going to develop in area that was on septic, and piping is not installed who is responsible for the putting in the pipe. Mr. Parvesse stated the developer would be responsible. Mr. Krawczun commented that Ewing Lawrence Sewerage Authority has an easement that runs from Route 206 to Princeton Pike across the northerly property line of the Cranstoun Farm (Lots 9 and 11).

Public Participation:

Marc Solomon, Law Firm of Pepper Hamilton, represents the Lawrenceville School. Mr. Solomon stated he is here to request on behalf of the school that Lots 9 & 11 remain in the sewer service area. They have been mapped since 1973 and there is a sewer line that runs thru the properties. In the mid 90's there was a reconsideration that never happened and since the 1970's they have been within the sewer service area and the mapping proposed by the New Jersey Department of Environmental Protection, they remain in and the school came over and had a conversation with the Township in 2008 and it was indicated at that time that the Township would give support to stay in the sewer service area.

The schools mid range plan is to have sustainable farming and there are no plans for developing on this property. The school cares because they understood those lots would always have sewer, and is just for asset value; and once you are removed it is very difficult trying to get sewer service back.

Mr. Krawczun stated the Planning Board has the authority to make the recommendation and Council has the authority to adopt the plan. There were administrative discussions that could not produce a final plan or an amended or adopted plan.

Mr. Solomon stated in 2008, New Jersey Department of Environmental Protection decided to change how the Wastewater Management Plan was being conducted and in the mid 2000's that the authority was being transferred to the County; however, they gave the County the working map which did not look like the 1973 or 1993 maps; it had different data that New Jersey Department of Environmental Protection came up with. The 2008 map was not an adopted map but a working map from the State; and from this point forward things started to change. There were meetings with the Township, the County and State to discuss inclusion of these properties and both the County and State have mapped those two lots in. A study had to be performed on the land for endangered species and the study showed there were no endangered species existed on the land. However, there is a conflict between the Township and State.

Lot 10 is on a cesspool, which they would like to have included in the sewer service area. The two lots in question are Lots 9 & 11; zoned EP-2 and residential homes can be built in that zone. The Cranstoun farms, which is 30 – 40 acres is devoted to solar fields; and have a long term service for 30 years. A big issue was if the school built homes the cost would go to the Township.

Mr. Caton stated this is the only area the school owns that is zoned residential and all other properties are zoned EGI, which they can build for facility but not the public. Mr. Solomon stated he is not aware of any plans.

In 1993, why the Board pulled these lots out was stated by Mr. Caton that the Township did not want to promote growth in this part of the Town and this is why the utility plan was adopted in 1995 in the Master Plan and there are two EP zones and the EP-1 and EP-2 was created for environmental conditions and rural character. Councilman Powers stated that the 1977 sewer map was in the whole northern part of the Township because of the rural character. In 1993 they excluded it and now we are going into a different direction. Mr. Yoskin stated that if the Township's 1993 Wastewater Management Plan had been approved, this would not be a sewer service area; but it was not approved, so from the State's perspective it is in a sewer service area. If the Board votes to advise Council to accept the endorsement the application which has to go from Lawrence to Mercer County, you would have to go back and amend the Master Plan to conform to the wastewater plan, which would be inconsistent with one another.

Chairperson Weisberg stated the northern part of the Township is rural, to be the agriculture, to avoid development, if we could; if the school has already dedicated 30 or 40 acres to solar and its intent is sustainable farming for the rest, putting into a sewer district is a contradiction, which does not make sense.

Mr. Solomon stated the school should not be penalized for pursuing steward ship programs that you should find appealing. The school has an obligation to protect its assets and resources. There is some history that intervenes with what happened in 1993 and later, it was when the Township sought to change the wastewater management plan to pull out properties. There was a property called "The Dyson" property on Princeton Pike, acquired for open space, the way that got acquired was DKM was in the for an application for high density residential for that property and they challenged getting taking out of the sewer service district and before that, the School approached the Township and stated we own this property and you own Cranstoun, the school told the Township lets do a swap, we would like the piece closest to us and not to be separated, the Township stated we have a better idea, we are in a fight with Dyson; why don't you the school, buy Dyson; convey it to us (the Township), we will value Cranstoun and put cash in the deal to even it up; so Lawrenceville School buys Dyson, the Township I conveys Cranstoun to the Lawrenceville School, which the School paid 2.35 million dollars for the Dyson piece and Cranstoun was valued at only 2.1 million and everyone walked away happy. The Lawrenceville School always thought that the Cranstoun property came with sewer because it is an important fact on how we find in the position that we are in. The mappings never changed.

Mr. Collins asked what can be built there if they wanted to build? Mr. Caton stated residential single family homes on 2 – 3 acres depending on whether utilities are available per Zoning; with sewer some where between 66 – 70 homes on 3 acres lots, assuming it is with septic; 66 – 80 with sewer. Mr. Krawczun stated the land swap between the School and the Township, and presented to the Board members with a letter from Jamieson Moore Peskin & Spicer, addressed to David Smith, Compliance Supervisor, dated April 16, 1997. Mr. Krawczun pointed out the second paragraph and it is about

process. The Cranstoun Farm was owned by the Township, was purchased in the 1960's by Green Acres funds and that land was already preserved as open space. When the land swap occurred, it had to lift the restrictions on the Cranstoun farm; when there is a diversion of park land which is funded by Green Acres and there is a change of any sort, there is a cost (financial or some other land being preserved) this cost was subject to those conditions.

Mr. Krawczun continued with the letter from Governor Whitman to Robert Shinn, Commissioner, dated May 27, 1997, unsigned, saying that the transfer was approved and the Green Acres restrictions are being lifted. Mr. Solomon stated prior to the swap, the Cranstoun Farm was Zoned CP (conservation park) and a zoning change was after the swap. The Township changed the zoning from CP to EP-2 and not sure why it happened that way. So between 1993 and 2008, what has changed; the school and Town did this transaction and as a result of that, this property would be transferred to the school and was also under the idea it was under the sewer service district. Mr. Solomon stated he cannot produce a piece of paper that is signed by Lawrence Township and the Lawrenceville School stating we are going to do this whole deal and your going to transfer Cranstoun and it shall have sewer. As a result, they had to go the State House, had to go Green Acres and the State House Commission to get the restrictions lifted and was very successful in doing that. The Lawrenceville School wants to preserve our borders and protect the open space and would like sewer because it is an asset and a value of land.

Mayor Kownacki stated in 1995 when doing the Master Plan, it was opened to the public and did anyone from the Lawrenceville School appear to object it and to the best of Mr. Caton's knowledge, no one came from the Lawrenceville School. There were discussions and questions among the Planning Board members regarding if houses can be built on that property, about the integrity of the Master Plan; and the asset and the intention not to sell it then the asset doesn't matter.

Chairperson Taylor asked why the Parks are being omitted from the sewer service area. Mr. Caton stated the first maps that were produced were way off the mark and caused a major uproar in the State so in most cases, New Jersey Department of Environmental Protection mission was to limit the area in sewer service and had an opportunity of excluding rather than including and that is why some of the park were left out.

Mr. Yoskin indicated that Lawrence Township is required no later than May 4, 2013 to get back to Mercer County and say either they consent to the proposed Wastewater Management Plan or not consenting or we have the following objections or comments. New Jersey Department of Environmental Protection can do one of three things: open up public records; disapprove the proposal and return the amendment to the applicant which is Mercer County or New Jersey Department of Environmental Protection can prepare a new proposed amendment. If the Board decides that in 1995 it made a decision not to do sewer service, New Jersey Department of Environmental Protection can keep the properties in the sewer service area.

Mr. Solomon explained the map – the line is the existing sewer line and the easement runs through the property and ETS was always considered north Lawrence and there was a sewer line and don't think it is reasonable to say that the property since 1973 was mapped for having sewer and a similar line adjacent to it should come out. Mr. Solomon stated take the history and existing facilities and make a decision as to what is appropriate under these circumstances. When you take existing infrastructure, the history and to say it will be better served if it stays the way it is.

Mr. Caton commented about the line and there is a sewer line that runs through the property; however, the planning should come first and the infrastructure should follow and any Township should feel locked in by a virtue of investment. If the sewer service was to remain, Lawrenceville School would have to appear before the Planning Board in order to build. Mr. Caton said if it is in the sewer service, it would be the schools right to develop. However, Mr. Solomon stated the soils would have to be tested first and he understands the soils are not that great.

There were discussions about having someone from the School to state that they have no intention on building, which would make some Planning Board members feel more comfortable; however, Mr. Krawczun stated that the schools plans, from Wes Brooks, is that 30 to 40 years out is not to be developed, but can't guarantee it.

Mayor Kownacki asked how to take a vote; if the Board does nothing and makes no recommendations, it goes to Council and then New Jersey Department of Environmental Protection and the County, they tell the Township how it will be; let the County make the decision. Mr. Solomon stated the school is okay with that.

Mr. Yoskin stated about the decision that is being voted on. Mr. Parvesse stated a letter will be prepared to Council with the recommendation with or without a resolution.

6. **Old Business / New Business / Correspondence:**

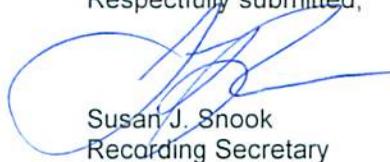
None

7. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 8:47 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan J. Snook
Recording Secretary

Minutes Approved: Susan Snook
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