

Lawrence Township Planning Board
Regular Meeting
Monday, January 14, 2013

Present: Christopher Bobbitt
Ian J. Dember
Philip Duran
Richard Krawczun, Manager
Michael Powers, Councilman
James Kownacki, Mayor
Aaron D. Duff
Glenn R. Collins
Kim Y. Taylor, Vice Chairperson
Doris M. Weisberg, Chairperson

Excused Absence: Terrence Leggett

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. **Oath of Office**

Mayor Kownacki, Mr. Krawczun, Councilman Powers, Mr. Dember, Mr. Collins were placed under oath. Mr. Yoskin administered the oath.

3. **Elections:**

Council Powers moved and Mr. Duran seconded to appoint Doris M. Weisberg as Chairperson. Nominations were closed and approved by unanimous vote.

Chairperson Weisberg moved and Mr. Krawczun seconded to appoint Kim Y. Taylor as Vice Chairperson. Nominations were closed and approved by unanimous vote.

4. **Appointments:**

Mayor Kownacki moved and Mr. Krawczun seconded to approve the Resolutions for Appointments in a Block (Resolutions 1-13 thru Resolution 8-13).

- Resolution 1-13 appointing Susan Snook as Recording Secretary
- Resolution 2-13 appointing Neil Yoskin as Planning Board Attorney, representing the firm of Sokol, Behot & Fiorenzo
- Resolution 3-13 appointing Philip B. Caton as Planning Board Consultant, representing the firm of Clark Caton Hintz

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- Resolution 4-13 appointing James F. Parvesse, as Engineer In-house
- Resolution 5-13 appointing James F. Parvesse, as Secretary In-house
- Resolution 6-13 appointing James L. Kochenour, P.E. as Traffic Consultant, representing the firm of Arora and Associates
- Resolution 7-13 appointing Eric M. Zwerling, as Noise Consultant, representing the firm of The Noise Consultancy, LLC.
- Resolution 8-13 appointing John H. Rea, P.E. as Special Traffic Consultant representing the firm of McDonough & Rea Associates, Inc.

Committee Appointments:

Screening Committee (4): Mayor Kownacki, Richard Krawczun, Doris Weisberg, Kim Taylor

Growth & Redevelopment (1): Christopher Bobbitt

Shade Tree Advisory Committee (1): Doris Weisberg

5. **Public Participation:** None

6. **Minutes for Approval:** None

7. **Resolutions:** None

8. **Public Hearing:**

Land Use Ordinance Amendment – Article XII – Administration, enforcement, Violations & Penalties was approved by unanimous vote.

9. **Applications:**

Major Site Plan – Preliminary & Final Approval 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.

Ana Murteira of Genova Burns, Giantomasi & Webster representing the applicant. Mr. Yoskin addressed Chairperson Weisberg regarding the issue of conflict of interest due to the fact that Ms. Murteira is the Township's labor counsel and the standard was modified in 2007; therefore there is no conflict.

Ms. Murteira gave a brief summary of the application stating that PSE&G is expanding the switching station located at 60 Bunker Hill Road which is located in the R-1 Zone and public utilities is a permitted use in this zone. The application involves the installation of a new electrical capacitor bank which consists of public equipment which sits on five trailers and also a lighting mask to protect part of the station; an emergency diesel generator which was proposed the west side of the property; however, it is being proposed to be moved to the center of the station. The following variances are being requested: impervious coverage (25% permitted, existing coverage is 27% and requesting to increase to 28%); land disturbance within 100' of a floodplain and a submission waiver.

Ms. Murteira named the witnesses that will give testimony: Brian Pearson, PE, Burns & McDonald and Noreen Merainer, PP, Project Manager for PSE&G. Mr. Pearson testified that he is familiar with the materials and the project. He continued to explain what was being proposed at the site as shown on Exhibit A1, Site Plan, dated October 10, 2012. He explained what permits were received in blue and the items marked in red are new which require permits (generator, transformers, cap bank upgrade). The purpose is for upgraded material for the site and the diesel generator will help for the reliability of the station because the current generator is not sized properly (emergency generator only for the AC auxiliary system at this station only), it is not portable and will run when there is an emergency situation. The station system transfer is being changed because it is not sized properly and will be replaced and relocated because of connections.

The gravel is a requirement at all PSE&G substation which helps minimizing settlement and allows maintenance vehicles to get around easier to move. The improvements will take approximately three months. There will be no impacts to existing utilities as well as any odors or emissions. Councilman Powers asked about the old generator on site. Mr. Pearson showed the new location of the generator and will be further away from the residents from Anthony Lane.

Mr. Caton stated since we did not see this study, he asked if there will be additional lighting at the site, location on poles and watts. Mr. Pearson testified the lights will be on the structure and there will be 5 to 6 new additional lights and there will be no flood lights. He continued that there will be no impact on properties in area, because they will be 210 – 220' from the properties. Mr. Yoskin stated this could be a condition of approval that the lighting study be submitted. Ms. Murtiera answered Mr. Caton's questions regarding additional signage; the only signage will be "High Voltage".

Ms. Murteira introduced her second witness, Noreen Merainer of PSE&G. Mr. Merainer described the reason that this project was constructed at this site in 1960 because it took advantage of the benefits of the two transmission lines (JCP&L line from the north and PSE&G from the south), and this station connects both of these lines and is able to take power from these transmission lines. Ms. Merainer stated they are asking for three types of relief; one is for a bulk variance for total impervious coverage to increase it to 28%; second is for the ability to disturb land within a 100' of the floodplain associated with a small tributary and will be applying to New Jersey Department of Environmental Protection for a permit; third relief is for a submission waiver from showing minor information on the site plan, which is listed under the schedule of bulk requirements (having to submit certain requirements regarding scale and off-site equipment; landscape plan; tree plan; EIS, CIS or circulation impact plan; waiver from showing a survey of the wetland and other environmental information); when they get the permit from New Jersey Department of Environmental Protection, PSE&G will revise the plan accordingly. Ms. Merainer submitted a new updated version of the site plan, Exhibit A2, dated January 10, 2013 showing everything to be the same; only updating the wetlands. Mr. Yoskin stated this could be a second condition to receive New Jersey Department of Environmental Protection approval.

Ms. Merainer gave a summary why these waivers and variances could be granted because this is beneficial that promotes the general welfare and supports the good for the community which is for the use of Township residents. There will be no detriment to the neighborhood; there will be no smoke, fumes, gas, odor, dust, pollutants, or any waste material into the air or water, no glare, vibration or no increase in traffic. There was much discussion regarding the gravel that they found from the recent testing for the wetlands. It was suggested the gravel was from years ago because there is a layer of soil on top; and the original wetlands map was done incorrectly.

Mr. Caton summarized from his report suggesting a hedge row along the rear yards on Anthony Lane be supplemented with evergreens for a more effective for year round screening and this would be a more effective way of balancing the issue on the environmental sensitivity. It will have to be on the New Jersey Department of Environmental Protection approval on one map or the other and it is a third party approval that we have no control over; so if the location of the new capacity bank is properly cited it would be deferred to New Jersey Department of Environmental Protection with the issue whether it is on wetlands or what extent it is and will leave up to the State.

Mr. Yoskin stated that the Board has no jurisdiction to make a decision; therefore Mr. Dunn and Mr. Collins raised relevant questions; and makes this observation; the wetlands were delineated by PS&S in March of 2011 and were delineated and confirmed again by PS&S in June 2012; the delineation at present will be difficult to get wetland permits for unless the wetlands are isolated depending what will happen on site. The new delineation reduces the wetlands by half and is curious why last year it was looked at by PS&S and Mazer, there is wetlands of this size and confirmed and then reduced by half when the same people looking at it and caution of presence of the gravel and if it was placed there anytime after July 1, 1988 that would be counted toward acreage; so the Board has no jurisdiction and only could make this a condition of approval on receipt of the wetland permit.

A question was asked why the cap bank could not go into the area labeled storage (east of the new generator) to the center of site. If it was put in the center it would have to be connected by overhead lines so lines would be criss-crossing lines which would be a safety issue because of the high voltage lines.

Mr. Krawczun gave testimony for the practicality of this application and with experience from the last few storms and having issues with the electricity. He continued to state he visited the site and things being moved around and does not want to prejudge this application or anyone's consideration of it; however, we are talking about something that is a little bit different than if a truck depot was put there and we would have some flexibility. It is important that we recognize what the use of this site is and who is operating this site and what they are providing to the Township is a community wide issue and should not diminish the impact of a local residence and that PSE&G has to his satisfaction has addressed those concerns very early on. Mr. Krawczun continued to state he recognizes the issue to protect sensitive areas in floodplains and wetlands and there is some balance for a trade off by additional planting and management of the site in away that would be beneficial to the environment. Mayor Kownacki stated the location is the safest place they can put it because of the electrical lines and connections.

Ms. Merainer stated they have no further plans for this site only improving the facility.

Public Participation for this application was opened by Chairperson Weisberg for questions and/or statements. There were no questions or comments.

Mr. Caton stated the following are the conditions which would be subject to the professional reports and submitting the lighting study prepared by PSE&G; the applicant has agreed as a condition to supply the Board with the delineation of the wetlands by New Jersey Department of Environmental Protection and the evergreens to be planted along the properties on Anthony Lane.

Major Site Plan – Preliminary & Final Approval Application No. SP-16/12; Lawrence Associates (Brio Tuscan Grill), Quakerbridge Road, Tax Map Page 42+, Block 4201.1, Lots 2, 3.01, 4, 36 & 38, Block 5201, Lot 25.

Jonathan Epstein, Drinker Biddle and Reath, PC, representing the applicant. Mr. Epstein gave a summary of the application where it involves a 7,400 sf restaurant, 3,700 sf which is the restaurant outside of the building and one-half of the new restaurant space would be interior uses in the Mall. There is a patio of 1,329 sf which will include outdoor seating, similar to the Cheesecake Factory.

Mr. Epstein explained part of this application, in addition to the site plan, for new signage throughout the Mall. The signage being presented tonight is not in the nature of a variance for the Mall signage, but further amendment to the General Development plan which allows for alternative bulk standards on this site.

The variance is for signage related to the Brio building; submission waivers for requested relief; comments from Clarke Caton & Hintz report dated January 7, 2013 and James F. Parvesse report dated December 24, 2012 are acceptable.

Mr. Epstein named his witnesses that will give testimony: Thomas Schneider, John Burdick, Kristin Plotts, David Meleca.

First witness is Mr. Schneider, Executive Vice President of the Simon Property Group gave a description on what was modified at the Mall – lighting, handrails, floors which completed by the Christmas holiday; most of renovation is complete on the interior of the Mall. The exterior, Exhibit A-1 – Rendering of the Plaza, reflects some signage which is not completed; Exhibit A-2 shows the entry and Cheesecake Factory as well as the Brio. Mr. Schneider gave a description of what was complete and partially complete and renovation should be done by March. The reason for the sign package is part of the architectural feel to make it fresh, new and architectural pleasing; more importantly for a safety standpoint for auto traffic.

Second witness is John Burdick, Vice President of Brio Restaurant. Mr. Burdick stated the locations of the current restaurants and Brio was a family type restaurant where it served Italian food, however, it is currently an upscale type restaurant. The project opening is November.

Third witness is Kristin Plotts, General Manager of Brio Restaurant located in Cherry Hill briefly described the restaurant as fine dining, hours of operations, costs for a lunch and dinner and how many employees at each store.

Fourth witness is David Meleca, Architect, President, Meleca Architectural gave testimony regarding the features of the building and stated there is no proto type that they work from because each restaurant is unique, Exhibit A-3 – Perspective Architectural Rendering which shows a Tuscan feel; Exhibit A4 – North Elevation which shows the façade and covered patio; Exhibit A-5 – East Elevation which shows the façade that faces JC Penney courtyard entry and shows the side view and entrance; Exhibit A-6 – Floor Plan which shows the parking lot side of the entry façade which has a waiting area and a bar area with an exterior eating terrace.

Mr. Meleca explained the proposed signage as oval Brio signs on the facades indicating the restaurant; plaque signs which designates Italian type food and an Italian sign, on the awning, which reads "Welcome". An alternative for the food on side of the building would be Tuscan villages or towns on the signs, per the request of Mr. Caton.

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It was suggested that ornamentation signs on top of the arches without words be proposed; it was also suggested closed shutter detail with trim in lieu of signs. The sizes of signs differ from each restaurant except the plaque signs are standards. Mr. Caton stated permitted by ordinance is one; however, seven are proposed and in this case the Board permitted them to have a Cheesecake Factory sign on each of their three elevations and have had other businesses apply for signs on exterior walls; however, we try to minimize the number of signs.

There was a discussion between the Mr. Meleca and the Board members on the signs. Mr. Meleca stated the signs being an architectural feature of the building; however, extra signage and how too many signs will distract people on what they are looking for. All signs serve a different kind of purpose. This application will be used by other businesses for extra signage and feels that the consistency with the Cheesecake Factor to be fair. Mr. Epstein stated there is an architectural feature of these particular signs at this location that enhances the attractiveness and the look of this building and is no detriment to the public by this kind of relief and not having the extra signs will not hurt the business and would have a substitute design. Mr. Schneider stated it is important Mr. Caton recommended

Exhibit A-7 – Overall Proposed Mall Signage Plan. Mr. Schneider stated it is important with Brio and this location because of the dominant parking lots, a sign would be needed if you were coming off of Quakerbridge Road or off of Route 1. Identification signs are very important from the Mall standpoint to know where things are. Mr. Caton stated the Land Use Ordinance only permits one sign; he would endorse having a Brio sign on each of the three facades.

Witness #5 – Doug Szabo, PE, Pennoni & Associates briefly described the engineering features (Exhibit A-8 – Two Dimensional Rendering) showing the Brio Restaurant north of the Cheesecake Factory. Mr. Szabo explained the landscaping and the black silt fence. The parking will be 5.1 spaces per 1,000 sf and the ordinance permits 4.5 spaces per 1,000 sf. The stormwater water management was approved under the Cheesecake Factory and there will be no changes. Waste management will be shared with the Cheesecake Factory. Mr. Szabo discussed the overall signage for Mall – directional and monument, Exhibit A-7.

Exhibit A-9 – Elevation View of Sign Type L which is the typical directional signage at the entrances. There are seven (7) directional and monument signs and will be where the large retail tenants are located. There are two new freestanding signs and one is already an existing sign. Exhibit A10 – Elevation of Proposed Refurbishment of Existing Free Standing Sign along Route 1 which shows the existing Quaker Bridge Mall sign graphic. The existing face will be removed and replaced with a new face; the location of the sign will not change (reader board will be eliminated – 406 square and new sign will be 335 sf) and width will change about one-inch and a couple feet shorter. Mr. Caton stated the sign fits the Mall of this size. Councilman Powers questioned the electronic board and it was stated that this electronic board does not use today's technology and size is not very friendly and it will be removed and replaced with an architectural type sign. Exhibit A-11 – Elevations of Sign K is a free standing sign with the Letters QB (which defines Quaker Bridge Mall). Exhibit A-12 – Elevation of Sign Type J and will be at all entrances with a glass etched "QB" log with Mall below. Exhibit A-13 – Elevation of Façade Type N will be attached to the building above covered walkway by JC Penney. Sign O will be a façade sign located at the Main Entrance adjacent to the Cheesecake Factory (Page 14.0). Mr. Caton stated next to the Mall entrance behind the QB sign, what would happen if another restaurant would come in and needs signage, see Exhibit A-14 – Entry Plaza. The sign would have to be worked out architecturally.

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Mr. Epstein summarized the suggestions from Mr. Caton: oval façade signs and awning sign is acceptable; stencil over the door is acceptable; would eliminate the small architectural features signs and eliminate the goose neck lights would be eliminated and approve an alternative decorative feature which would be shutter like on the building.

10. **OLD BUSINESS / NEW BUSINESS / CORRESPONDENCE:**

None

11. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 9:55 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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