

Lawrence Township Planning Board  
Regular Meeting  
Monday, May 20, 2013

Present: Christopher Bobbitt  
Ian J. Dember  
Philip B. Duran  
Richard S. Krawczun, Municipal Manager  
Michael S. Powers, Councilman  
James Kownacki, Mayor  
Aaron D. Duff  
Kim Taylor, Vice-Chairperson

Excused Absence: Glenn Collins  
Doris Weisberg, Chairperson

Absent: Terrence O. Leggett

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 13-13  
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 (Resolution was not available)

Resolution of Memorialization 14-13  
**Master Plan Re-examination Report and Amendment to the Master Plan Land Use Element**  
was approved per unanimous vote

Resolution of Memorialization 15-13  
**McNeill Properties V, LLC (Gold's Gym)**, 4152 Quakerbridge Road  
Tax Map Page 42.01, Block 4201, Lot 6 (Resolution was not available)

5. **Amendments to the Land Use Ordinance:**

Section 412A & Zoning Map

Mr. Caton stated the two ordinances were the changes proposed by Council and referred to the Planning Board for consistency determination. This makes the connection between the governing body and the Planning Board legislation. The first amendment is to rezone the Princeton Research Land property which is a 37 acres property on Quakerbridge Road from PVD-3 to Highway Commercial and this is pursuant to an amendment that the Board made to the Master Plan last September. This was also in mentioned in the Re-examination Report which the Board adopted at the last meeting and memorialized this evening so it is consistent with the Re-examination Report as well. The Board's task is to determine if the proposed ordinance is consistent with the Master Plan and has been changed for this modification.

Vice Chairperson Taylor asked is this to be approved and then to go to Council or to be edited. Mr. Caton stated as a recommendation so it is consistent with the Master Plan.

**Section 110 & 420:**

Mr. Caton stated the concerning changes that now have been proposed by Township Council concern primarily the Highway Commercial zone. There is an arrange of purposes in some ways on purposing the definitions be changed to facilitate economic development and to eliminate the need for variances on the part of applicants where the staff feels that the Board can actually control assuming the land use implications of given uses. It is proposing in this land use change that gasoline sales and convenience stores sales be combined as they have been already in the Township through a variance process and it includes shopping centers in the Highway Commercial district and these have been included in the ordinance now but only for centers before 1979. As in the Mrs. G's application there are opportunities for shopping centers to be still established and when the development can occur with the Township standards. We are following up the recommendations from the Zoning Board to allow as many as five uses in a principal building as long as it is for a commercial use and anticipating in this case the application for the Princeton Research Lands. They are proposing that the definition for pad sites; which also includes an anchor store and a series of pad sites, that the pad sites not be developed before the anchor store. These are all specifically mentioned on the Re-examination Report and the Resolution of Memorialization adopted tonight identified these as changes to the Master Plan, not just the Re-examination Report. These changes are consistent with the Master Plan and recommending their adoption to Council to be consistent with the Master Plan.

Mr. Duff questioned if it would be retro active to existing businesses and Mr. Yoskin stated only if it fits the acquired land to the lot size.

6. **Applications:**

Amended Minor Subdivision Application No. S-1/13; **Mordechai and Bonnie Rozanski**, 62 Pine Knoll Drive, Tax Map Page 30.04, block 3004, Lot 25.

Councilman Powers had a conflict with this application and stepped down at 7:14 p.m.

James Manahan, Esquire represented the applicant. Dr. Rozanski is the property owner and was also present at the meeting as a witness, if needed. Mr. Manahan gave a brief description that when the surveyor did his homework to ascertain the proper metes and bounds description of the property and prepare the location survey; he came upon some records that made it clear that all of the conditions that were posed upon the property, prior property owner back to 1986; had not been fulfilled and the Township records did not reflect those conditions were completely satisfied.

Mr. Manahan submitted a letter dated May 9, 2013, copy attached, which sets forth the history of what happened regarding this matter. Exhibit A is entitled "Sketch Plat" which is the most current location survey and is the best physical current condition of the property. It sits on the corner of Pine Knoll Drive and Iris Street, only utilized by the two properties on that street. Attached is the Description of the Property prepared by Robert B. Harrison, dated April 10, 2013, copy attached. This description does contain the sight triangle easement. The history to the title of the property does reflect there is a sight triangle easement which was contained and set forth in the change of title and the history it was done under the actual subdivision and will continued with the property.

Mr. Manahan referred to Exhibit C – Township Resolution No. 23-86 which had set forth the various conditions especially Page 2 where there should be a revised subdivision plan and it was to include a) signature block for the Municipal Clerk; indicating receipt of a performance bond and all monuments or metal alloy pins not set; b) the Public Service Electric transmission tower on adjacent Lot 27 was to be depicted; c) the location of all wooded areas and d) the principal building setbacks and accessory building setback for existing Lot 7 on the site data tabulation also to be depicted.

Mr. Manahan wanted to bring these conditions before the Board and to characterize the application to ask for an amended minor subdivision approval to remove unmet conditions. This property has existed in it current state since 1986 and has been no objection or complaint by any property owner or any one else and nothing further needs to be done to rectify the situation. The applicant is asking the Board to consider the matter allowing the subdivision approval granted back in 1986 to be amended for the unmet conditions.

Mr. Parvesse stated the conditions are minor and has no objection. Mr. Krawczun asked if there were no other resolutions since 1986 and there have been none. Mr. Manahan stated that when Dr. Rozanski purchased the property in 2005 and this issue did not come up and a title search and the surveyor did not raise these issues so when Dr. Rozanski put the property up for sale these issues came up.

Mr. Yoskin stated the Municipal Land Use Law allows application modifications which include elimination of conditions and there are two kinds of conditions in subdivision approvals; conditions preceding and conditions subsequent. Condition preceding have to be satisfied before the subdivision is perfected and condition subsequent have to be satisfied when the subdivision is perfected. This is condition subsequent and the statute allows the removal provided that the conditions that are being removed for which the zoning is being imposed. The decision of the conditions does not defeat the purpose of the Master Plan and Zoning Ordinance and is satisfactory and there is an issue with the pubic notice which is required only if the amended is a significant one and the property has existing since 1986 without these conditions and removal by the Board is satisfactorily. Vice Chairperson Taylor asked what statutes Mr. Yoskin was referring to. The Statute is Sections 12 of the Municipal Land Use Law for noticing and Statute 16-7 for Minor Subdivision by Cox.

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

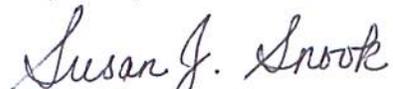
None

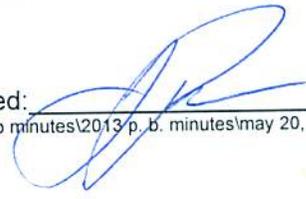
8. **Closed Session Resolution and Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 7:50 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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