

Lawrence Township Planning Board
Regular Meeting
Monday, December 15, 2014

Present: Philip B. Duran
Richard S. Krawczun, Municipal Manager
Terrence Leggett
Stephen Brame, Councilman
James Kownacki, Councilman
Aaron D. Duff
Glenn Collins
Kim Taylor, Vice Chairperson

Excused Absence: Christopher Bobbitt
Doris Weisberg, Chairperson

Absent: Ian J. Dember

Also Present: James F. Parvesse, Municipal Engineer
Philip B. Caton, 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**

Monday, November 17, 2014 minutes were unanimously approved.

4. **Resolutions**

Resolution of Memorialization 16-14 for Major Site Plan – Preliminary & Final Approval Application No. SP-5/14, **Porsche of Princeton**, 3331 Brunswick Pike, Tax Map Page 52.03, Block 5201, Lot 37 was approved per unanimous vote.

5. **Applications**

Mr. Yoskin told the Board members that it needs five votes to have a quorum and the Board has five members that were present at the November 17, 2014 meeting.

Minor Site Plan Application No. SP-3/14; **Starbucks Coffee Company**, 2673 Main Street; Tax Map Page 57.01, Block 5709, Lot 3. Mr. Prime gave a brief description of the site and at the last meeting the Board members had questions relative to the traffic report regarding queuing items; the Lawrenceville School had questions therefore, the application was tabled at that point. Since the last meeting, Starbucks got the data necessary to answer some of the questions and met with the Lawrenceville School representatives and made progress on some issues that they had.

Mr. Prime introduced the traffic engineer, Mr. Hoffman. Exhibits were submitted to the Board members the night of the meeting and are as follows: Exhibit A11: Queuing Observations, dated November 13, 2014; Exhibit A12: Queuing Observations dated December 4, 2014 and December 9, 2014 and Exhibit A13: Queuing Observations, dated November 21, 2014, copy attached. Mr. Hoffman discussed each of the queuing observations.

Councilman Brame asked if it is unique then how is it comparable and Mr. Hoffman stated we could not find a sample like this site. Mr. Prime stated it was asked for by the Board members. The Board members had questions regarding the stacking of cars and that 10 or 11 cars might fit without confusion. Mr. Krawczun stated the Bordentown site makes a queue of 10 cars and occurs for a 1 – 2 minute time frame, the other time frame shows less than 10 minutes, what is the definition of number of vehicles entering vs. maximum number of queuing observed.

Mr. Hoffman stated it is just counting the number of cars that come within that period and the queue is you are actually observing the number of cars waiting. Mr. Krawczun stated the real number is the actual number in the queue and there is a two minutes period where that occurred.

Mr. Kockenour asked Mr. Hoffman to do additional data for drive thru sites and this is a unique site; the three sites Mr. Hoffman counted and none of them are identical to each other and none of them are identical to this site and what makes this site unique is its location within a village. It does not mean that you build a building with a drive thru that it will operate the same as the next one and what makes this difficult is the fact it is in a village setting, there is an expectation you will have a fair number of pedestrian traffic, not traffic that parks and goes in, but people who will be shopping in the village or coming from the Lawrenceville School, they will be an expectation there will be a fair amount of pedestrian traffic. Mr. Kockenour described “trips” and a reasonable projection and how it is based on the square footage of a building (gross floor area of the building). Does the trip projection he prepared equal those three components (vehicles, pedestrians and out of the car and park).

Mr. Hoffman stated when looking in the trip manual and talks about samplings. It tells you regarding coffee shops (most are Dunkin Donuts) and most performed in suburban areas in commercial retail corridors. There is also language that stats are in areas that do not have a good walkable component which are stand alone.

Council Brame’s concern is the connection of the square footage of a building and the number of trips and that generates a projection; how sufficient is the projection, does the project determine the accuracy of that formula and by what percentage or amount. Mr. Yoskin stated Mr. Rees testified that 65% of the business experienced by Starbucks with a drive thru and 35% is walk thru. Mr. Kockenour stated he agreed with Mr. Hoffman’s opinion with the drive thru and the location (6 – 8 stack is realistic for this site).

Mr. Caton stated in the report dated October 30, 2014 there is a table indicating drive thru queuing and the number of vehicles from 6:30 to 9:15 am and the number of vehicles in the queue are 3 to 7 and do not have the data from the three sites that were asked to look into; does the data from those three sites cause you to change your opinion on the number of vehicles presented in the report. Mr. Hoffman stated no he supports the seven vehicle max.

Mr. Hoffman updated the information with the a meeting with New Jersey Department of Transportation to discuss the access and Starbucks will be making a Letter of No Interest submission and New Jersey Department of Transportation agrees with a condition they are going to require a permanent left turn out the driveway at any time, 24/7. Mr. Kockenour explained about New Jersey Department of Transportation classification and the provision in the code. Councilman Brame stated that the Letter of No Interest will stated no left turns out of that driveway and what supersedes what. Mr. Yoskin stated Mr. Rees already agreed to no left turns during the peak hours and with this condition from New Jersey Department of Transportation.

Mr. Krawczun stated the left turn lane if you are driving north on Route 206 and making a left turn onto Gordon Avenue is a left turn lane which New Jersey Department of Transportation regulations prohibit a left turn out of the Starbucks site to Route 206 north because there is a left turn onto Gordon Avenue. Mr. Kochenour stated when it was the Bank, there was a left turn out and when New Jersey Department of Transportation made that left turn grandfathered and now there is a new use and resets the clock. Councilman Brame stated then a changed use is significant enough to change to make a grandfathered change obsolete or render it null and void, that is another way of getting around the issue, which is when there is a change in use it is significant enough to impose new restrictions on that use. Mr. Kochenour stated under the provisions of the code you cannot make a left turn into or out of a site to cross a left turn lane and it is only this use. Mr. Prime stated he would agree to make receiving the Letter of No Interest from New Jersey Department of Transportation a condition of approval if the Board approves this application.

Mr. Prime stated the Lawrenceville School had an issue and it was the PM peak (2 – 4 at Lawrenceville School and there real peak is between 4:30 and 7:00 pm. It was asked to look at the decrease or increase in traffic from 4:30 – 7:00 pm.

Mr. Rees stated they looked at several stores with drive thru and no drive thru and it was calculated at 42 and 54% is the amount of traffic in the pm peak and the am peak (100 transactions in the peak hours there would be anywhere between 42 and 54 in the evening peak hours between 4 & 6.

Mr. Prime stated if the possibility was to talk with Mr. Hullfish about the shared parking spaces and there are only 16 spaces proposed on site and will have some employees that will take up a third of the spots. Mr. Rees spoke with Mr. Hullfish today and there is no agreement in hand and Mr. Hullfish stated some of the Starbucks employees can park on his property.

Mr. Krawczun stated the application shows it meets the required parking on the site.

Witness #5. Christine Nazzaro, Cofone, Principal Planner. Ms. Cofone described the property and the bulk variances (4); sign variances (buffer width and buffer density), drive thru queue (required 12 and asking for seven which is a comfortable number for Starbucks). It is a walkable site and a bike rack on Gordon Avenue which will remain. A variance for the parking isle width is being requested.

Ms. Cofone went over the sign variances which is Exhibit A14 and read the Purpose and Intent under §535 Signs (A), copy attached and summarized that businesses need to advertise which helps economic development and growth. Mr. Cofone read the purpose of the Neighborhood Center 1 (NC-1) District, copy attached and it is implementing the visions for both the sign districts and the districts in which they are supporting.

Ms. Cofone started with the façade sign on the southern elevation, Sheet A5 where 10 sf is allowed and the existing sign is 27.5 and asking for a variance for the green awning and read design standards, copy attached. Sheet A6 show the façade sign and the third awning; the number of wall mounted signs. Mr. Cofone went on to describe the directional sign, the pre-menu sign, the five panel menu board, and the directional sign as you exit (thank you).

The ground sign will be refaced on Main Street; however, a new monument sign along Gordon Avenue is proposed, which is a variance, because one ground sign is permitted (Exhibit A15). It is not uncommon to have two free-standing signs when a property is located on a corner lot. Ms. Cofone gave her opinion being a Planner on why this application should be approved.

Mr. Caton stated the maintenance and aesthetic and compatible; however, the ordinance discourages internal illuminated signage within any historic district. The monument sign on Main Street which is currently illuminated; and a grandfathered situation (Exhibit A14). The logo sign which is mounted on the Main Street façade is six-feet wide and is and is intended to internally illuminated and the recommendation would be to scale it down and asked it be illuminated by a goose neck lighting fixture. The tree will be removed when the walkway is installed to the new door on that side of the building. Mr. Prime stated he is in agreement with this recommendation.

Mr. Caton stated the sign that is troubling is the second free standing sign that requires a variance on Gordon Avenue side of the property right next to the pedestrian walkway up at the front door, which will be internally illuminated, which is six-feet high. It is a variance because the Village is really intended for façade mounted signage where the buildings are generally close to the sidewalk and so you see signage on the awnings, which is consistent with the historic district.

Mr. Krawczun commented that part of the site is undersized and with this monument sign being a close proximity to the building with the façade sign and the awning signs; that the monument sign on Gordon Avenue be removed. Mr. Kockenour stated that sign might be in the sight triangle because it is pretty close to Gordon Avenue. Mr. Prime stated the applicant would like to keep it in some form and maybe smaller in size (3' 10") to encourage use for that driveway.

Councilman Brame stated the sign should not be place because it spirit and intent is to create a balance between signage, commercial activity incorporated into residential uses and when you have that many signs the attraction is on the sign which pulls away the other values of that neighborhood.

Councilman Kownacki stated the sign should not be placed because it is close to his residence because people park in front of his home. Mr. Prime stated his client will withdraw that sign and proceed with rest of the sign package.

Mr. Duran commented that some issues have not been addressed and there are five issues: there was a bank there and used by downtown merchants and residents and fill it with a coffee house what are the chances that another bank would be there and that is a perfect spot for a bank; some merchants trouble competing (Wal-mart effect); safety being an issue; local traffic with more traffic on Gordon Avenue to get to the light to go north; fire truck will not make turn if traffic is backed up on Gordon Avenue. Mr. Caton stated the applicant is here because it is a permitted use.

Mr. Kochenour commented on the left turn restriction and where a certain number of people will try to make the left turn especially during the off peak and sometimes the only way to avoid that is try to reconstruct the driveway to force a motorist as much as you can to make a right turn. With the amount of traffic on Route 206, most people will see how difficult it will to make a left turn so they will make a right turn. Public Safety Coordinating Committee had no comments on this application.

Mr. Duff stated it would be safer with the new change making a right turn and no left turn. The crosswalk should help people crossing Route 206.

Mr. Prime stated they met with representatives from the Lawrenceville School regarding safety issues. Mr. Hoffman stated at the meeting pedestrians were discussed, upgrades that could be done at the intersections of Route 206 and Gordon Avenue which would consist of new pedestrian signal head with the countdown timers, upgraded pedestrian push buttons, new cross walks (high visibility continental crosswalk (wider bars)), and some additional concrete work to provide better accessibility to the pushbuttons and providing some options on illumination at the intersection.

Mr. Prime stated there are issues that they discussed with the school. There is a time aspect and waiting for a Letter of No Interest from New Jersey Department of Transportation. It could be agreed upon a condition of approval perhaps help fund the improvements with the Township meeting the applicant and New Jersey Department of Transportation.

Mr. Krawczun commented that no one from Lawrence Township was present at that meeting and wanted to know if the matter of jurisdiction for maintenance purposes, after installation, of these improvements discussed. If an application like this was made for jurisdiction raised by New Jersey Department of Transportation for purposes of maintenance. Mr. Krawczun stated he wants to make it clear that the Township was not party to that discussion and it we are not taking jurisdiction of maintenance for those items.

Mr. Kockenour stated it is highly unlikely the Township would be responsible for maintenance for the light because it is a State highway and they maintain that signal now and will continue to maintain it regardless of what improvements are made. If the applicant is willing to fund those improvements, but the improvements will happen a lot quicker with the source of funding and trying to rely on the New Jersey Department of Transportation for money.

Mr. Krawczun stated that recent discussions with New Jersey Department of Transportation on other sites where we asked to take jurisdiction for improvements like Mrs. G's, Brunswick Pike redevelopment area and once improvements are complete they are the jurisdiction of the Township; so we have agreements with Mercer County on traffic signals and now they are the Township's maintenance problem. The installation of the traffic light at Route 206 and Darrah Lane we had to make a contribution. Mr. Krawczun stated the application could be approved with conditions and would have to reach an agreement. Councilman Brame stated if the Township was involved with the discussions; therefore, ultimately we could be made responsible or take jurisdiction over activities that were discussed and planned in our absences, so it the discussion void or voidable that took place with the applicant and New Jersey Department of Transportation.

Mr. Yoskin stated if it was the opinion of the Board and the school offered testimony last month that they were concerned about pedestrian safety and the students, if this Board is also concerned, then we would do a developer's agreement (which we do not do) and the Township does not want to be the responsible party for this maintenance. The Board would have to have a discussion with Mr. Prime about that would be addressed through the Resolution of approval assuming this application gets approved and the details would have to be worked out with the governing body.

Councilman Brame commented that we were not part of that discussion and we need a meeting where we can sit down and access what the terms of the conditions would be for the Township to take jurisdiction and how would the costs be marshalled. Mr. Krawczun stated the applicant is not going to agree to any number and do not want it to be a condition of this Board, if it approved, and suddenly the Board is placed in a position where you gave approval and the Township is backing out. The Township is operating in the blind here.

Councilman Kownacki stated at this time to present about this meeting and is not comfortable with it and who will be involved with it as well as the money. Mr. Prime stated they had conversations with the School and had an informal meeting that there would be more formal meetings with the Township and New Jersey Department of Transportation because it is their roadway. This was just a starting point and asking what their concerns were, the safety concerns and how can we make it better. Mr. Prime stated they did not want to go behind the Township's back and not willing to go into a blanket condition where we have to do these improvements or else our approval is void and have to come back to the Board.

Mr. Collins stated our Safety Committee, our Professionals looked at it and there were no safety issues with the crosswalks, push buttons, the lights, trying to work with the School on what their concerns are and these are issues the school has concerns over, so can this be approved as it stands and this is a topic that the school and town could have down the road on what improvements might take place over that intersection area.

Mr. Krawczun stated if a developer's agreement is needed, can there be language in the resolution to stipulate a developer's agreement had to be entered to in a certain time and one condition of that agreement would have to be a sub-agreement about those particular improvements (installation, maintenance). Mr. Yoskin stated this is a concern of the school and we do not have to address in the resolution. If approved, as proposed, the school, Starbucks, Township and New Jersey Department of Transportation meet. Mr. Yoskin stated the concern has been raised to this Board and not appropriate to make it a condition of approval.

Mr. Duff stated this issue would be there whether it is a Starbucks or not and not a part of this approval of this application. Mr. Krawczun asked if a dollar amount was discussed for your client. Mr. Prime stated there were no dollar amounts at the present time. Mr. Krawczun stated the Township would be the applicant and this is where are brought into this and say we can't agree in that meeting as to the application and are we now going to be sued by someone. The fear is we might be approving an application that is a subset of another agreement that could come into play here. Mr. Collins suggested that we approve the application as is and forget the agreement because it is not our intersection. Mr. Yoskin stated the heaviest pedestrian vehicle conflicts at that intersection are on Sunday mornings because the parishioners' have to park across the street. Mr. Kockenour stated if anything is to be done at that intersection the Township must be the applicant.

Mr. Yoskin stated it cannot be made a condition of the approval because this Board cannot bind the governing body into a contract, there has to be good faith discussions and be separated from this approval. Mr. Caton stated if the meeting occurs it is on a voluntary basis without there being an obligation on the Township that you have to agree to anything. Mr. Prime stated the sole intent was to meet with the school and to make the intersection safe for pedestrians.

Public Participation:

1. Judy Titonioni, represents the Lawrenceville School. There was no offense toward the Township; however, Starbucks contacted the Lawrenceville School to review safety issues. The meeting was informal to talk out the issues with traffic concerns. Starbucks wanted to hear the concerns of the Lawrenceville School. Starbucks was willing to put money into an escrow account toward these improvements. New Jersey Department of Transportation might not agree with these improvements.
2. Gary Dean, 792 Chimney Rock Road, Martinsville NJ, Traffic Engineer. Mr. Dean was hired to elevate the impact associated with the Starbuck application relative to the change in the use from a bank to convenience store. The Township must be the applicant to New Jersey Department of Transportation because of Gordon Avenue. It is to make improvements at the intersection for pedestrians to bring it up to compliance to current New Jersey Department of Transportation standards. What is being asked for is a high visibility crosswalk at Gordon Avenue; installation of pedestrian count down timers; correct push buttons because the ones out there are not in compliance; the pole in front of Starbucks where the push button is there is no sidewalk; New Jersey Department of Transportation compliant lighting of the intersection so at night time has visibility; to enforce the left turn restriction (our governing body must adopt an ordinance to allow per Title 39); the applicant cannot go to New Jersey Department of Transportation because of lack of jurisdiction and to ensure the highest level of safety at the driveway apron to Route 206 (painted stop bar and high visibility "stop for pedestrian").

Mr. Caton stated the applicant has not offered to pay for all of the improvements but the installation and the maintenance so it brings us back to the discussion we were having. Mr. Dean stated it is zero maintenance to the Township and it is the same equipment New Jersey Department of Transportation installed.

Ms. Titonioni stated the amount was around \$5,000 - \$10,000 in escrow if it could be accommodated and this could be taken care of for this price, then, if the township was agreeable it would proceed. Mr. Yoskin stated it is beyond the scope of this proceeding and we are not required to respond to comments; however, there has been no professional testimony and if this Board said to Starbucks we think you are creating a situation that is going to create a traffic nuisance, what about the bakery, ice cream store, each one of those components that adds to the pedestrian mode on the intersection. This Board does not have the ability to require anything.

3. James Sapp – Presbyterian Church. They are an extreme parking space challenge and would ask the applicant if the parking spaces that are adjacent to the facility remain as if you will open spaces for anyone or anybody to parking behind that facility. The only request is that not be restricted for only Starbucks facility and to remain as common parking spaces.

3. John Covello – member of Lawrenceville Main Street Board. Does not reflect or promote of Lawrenceville Main Street. The problem is what they are trying to do with this application and this site is jam a square peg into a round hole. This site with a different use to a much higher vehicular traffic to an open store selling products. Mr. Covello feels with the drive thru is the wrong application with the wrong use for the Village. The only logically and appropriate approach to this site is to approve this application without the variance request for the drive thru.

Closed Public Participation at 9:59 p.m.

Mr. Caton summarized the conditions.

Preliminary and Final Major Site Plan Application No. SP-7/14; **The Trustees of the Lawrenceville School – Heating Plant Building (I.T. Addition)**; Main Str. (U.S. Route 206); Tax Map 58.03, Block 5801, Lot 1.02. Mr. Solomon represented the applicant.

The Board gave jurisdiction for the Lawrenceville School (Kirby) and will be carried to the February 2, 2015 meeting.

Mr. Solomon stated this application is to relocate the technology center in the Kirby Math building over to the utility part of the campus. It will be a one-story, 1,800 sf addition. There are no new parking proposed, no new drainage proposed, no new students or faculty associated with this project

Witness #1: Gary Skirzynski, Capital Project Director. Mr. Skirzynski stated the IT is in the Kirby Math building. The location is in the northeast portion of the Campus and will serve as a service facility for the Campus. The proposed 1,700 sf building will have no effect to increase faculty or students. This is a time sensitive project and request, if approved, to proceed immediately before adoption of the resolution. Mr. Krawczun stated our policy if there was a vote and vote was affirmative, and then the applicant could proceed at their own risk.

Witness #2: F. Mitchel Ardman, Reynolds Group. Mr. Ardman gave a brief overview of the site with Exhibit A1: Overall Site Plan – Arial View of the Campus. The location is centered in the easterly corner of the campus.

Exhibit A2: Dimension Grading, Sheet S2, dated December 24, 2014. This plan outlines the building location. The plan is for 1,755 sf building addition onto the existing power plan. The area is existing paved area and there is no other off campus interaction; a generator is proposed (easterly side) of the building which is a 175 KF emergency generator and will be diesel; it will have three days of back up and maintenance will be run once a month during the day; it will be 600' from the property line and is not near the campus residences; utilities will be on the roof; one sanitary sewer lateral; there will be impact on roads. The County has declined to take jurisdiction.

Mr. Caton summarized the conditions.

5. **Old Business / New Business / Correspondence**

None

6. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 10:26 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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