

Lawrence Township Planning Board  
Regular Meeting  
Monday, March 2, 2015

Present: Christopher Bobbitt  
Ian J. Dember  
Philip Duran  
Richard S. Krawczun, Municipal Manager  
Terrence Leggett  
Stephen Brame, Councilman  
James Kownacki, Councilman  
Doris M. Weisberg, Chairperson

Excused Absence: Diego Samuel

Absent: Aaron D. Duff  
Kim Taylor, Vice Chairperson

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**

Monday, January 12, 2015 and February 2, 2015 minutes were unanimously approved.

4. **Resolutions**

Resolution of Memorialization 11-15 for Minor Site Plan Application No. SP-3/14; **Starbucks Coffee Company**; 2673 Main Street; Tax Map Page 57.01, Block 5709, Lot 3 was approved per unanimous vote.

Resolution of Memorialization 13-15 for Minor Site Plan with Variance Application No. SP-8/14; **Mercedes-Benz of Princeton**; 2910 Brunswick Pike; Tax Map Page 36.01, Block 3601, Lot 25.01 was approved per unanimous vote.

Resolution of Memorialization 14-15 for Preliminary & Final Major Subdivision w/ Variances & Waivers Application No. S-2/07, **Mabel Mews**, 337 Lawrence Road and Mabel Avenue; Tax Map Page 9, Block 902, Lot 8 was approved per unanimous vote.

Resolution of Memorialization 15-15 for Major Site Plan – Preliminary and Final Approval Application No. SP-6/14; **Lawrenceville School – Kirby Math Building**; Main Street; Tax Map Page 58.03, Block 5801, Lot 1.02 was approved per unanimous vote.

5. **Applications**

Extension Major Subdivision - Preliminary Approval Application No. S-1/10; **Edward D. & Edward M. Bucci**, 125 Roxboro Road; Tax Map Page 19, Block 1901, Lot 6.

Mr. Krawczun excused himself from this application as he did on the original approval. Councilman Brame asked if this Board had jurisdiction and Mr. Yoskin stated this Board does and is a request for a two-year extension of an original approval over three years ago and did not require notice.

Mr. Bucci stated he is asking for an extension of an approval that was granted back in 2012 and the reason for the extension is basically the current economic conditions due to the construction industry, which has slowed down the last couple of years and the lack of interest in this particular site. Hopefully the economic conditions will change and will be re-visiting a different product for this site.

Councilman Brame asked what the proposed period of extension is and Mr. Bucci stated two years and hopefully construction will start sooner than that, hopefully in spring. Mr. Yoskin stated this is a preliminary major subdivision and this applicant will have to come back to the Board for final site plan approval.

Mr. Duran asked for a recap of this application since there were no plans at the meeting. Mr. Bucci stated it is a subdivision that is located at Roxboro and Fieldboro Roads. The approval was for six (6) building lots and two lots were for the detention basin. All the lots were conforming and required no variances.

The Board commented about the drainage issues and Mr. Caton stated there was an underground drainage system in all the rear lot lines. Mr. Bucci stated the sump pump was going to connect to the basin. Mr. Parvesse commented that they put in a drain system into the existing home. He compared his situation to a new property listed on Hoover Avenue that is priced at \$390,000 (4 bedrooms, 2 bath houses) and with today's market can't afford to do it.

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

Clarification of Approval – Resolution of Memorialization 26-04; **Federal Realty Investment Trust (Mercer Mall)**.

David Joss is employed by the Federal Realty Investment Trust and presented to the Board that he seeking from the Resolution of Memorialization 26-04 to permit staff to review and approve modifications to the façade at Mercer Mall.

Mr. Yoskin stated normally on a procedure that a corporation must be represented before a Planning Board or a Zoning Board by an attorney. But because this is not an application of approval but just for clarification and in this circumstance it is okay. It is a closed case and next time a lawyer was to present this type of case.

Mr. Joss continued that retail is an ever changing industry and tenant turnover in retail is the highest velocity of any commercial product out there. If a tenant comes and goes, the building itself does not change, the only change is the interior of the building. In retail, it is not that way, everyone has their own entrance and the entry features is something that is very particular to several of the tenants.

Sheet 13 of 32 – Elevations which were approved in 2004 and Exhibit 1A shows the shopping center in its entirety, attached. Sheet 14 of 32 which is a blow up and is currently the Nordstrom Rack and shows some of the changes and the elevations, attached. Sheet 15 of 32 and Sheet 16 of 32 which show the tenants that are already there and it shows design elements, the demolition of K-Mart and the Raymour & Flannigan store, attached.

While the improvements were made to the property, which is in the corner by REI, Nordstrom Rack and Outback Stonefish and all of these have changed, Sheet 20 of 32, attached. The tenant store fronts always change, see attached photographs, that when new tenants come in the store fronts change to attract people. Councilman Brame asked what are we supposed to do with these pictures. Mr. Yoskin stated they will be returned and that clarification is being requested by Federal Realty then rather than take a vote, the request is to direct staff, that they have the authority to deal with this administratively. This would be a work session and comfortable that this is the case, then instead of having an application submitted and review, then it could be to have the staff to approve it administratively with the proper procedure.

Mr. Krawczun stated that we did encourage Mr. Joss to attend tonight and we were unsure with his request about the façade and whether or not there was some need to discuss this with the Board from the original application and to have complete transparency and clarity going forward as far as administrative approval.

Councilman Brame stated are the proposed changes or modifications incorporated into the resolution or highlighted there. Mr. Yoskin stated staff and Mr. Krawczun had a discussion with Federal Realty and what is being requested is in the scope of the resolution.

Mr. Caton stated in 2004 when the Mall came before the Board it had a plan for reworking the facades of many of the stores so they could have a common theme. Those elevations were presented to the Board and were not specifically called out in the resolution as requirements. These were sketches distributed by Mr. Joss to give the flavor of the façades and the improvements that they had in mind at the time. The reason is when you have 25% of the floor area and the Mall turning over in any given year, each store which has a brand entrance that it wants to impose on its store front, there is no way this sketch of elevations is going to be adhered to. How much the Board wants to be involved with these, over time, changes to the elevations of the individual stores, as long we recognize that they are all going to impact visually the character of the Mall and not getting into circulation issues or trash or recycling.

Councilman Brame is satisfied with this request and that we are looking at proposed modifications for 25% of the shopping center and is it being proposed that the staff will continue to work with the applicant beyond that 25% modification in future years and if so, is this an authority that we would have to reserve. Mr. Caton stated this is the question on the table and in the likelihood in 25% of the floor area has changed this year, it comes in store by store. The procedure is either going to be that the Board is going to see every store at it comes along and has its own brand or delegate it staff. It would be either the consent of the Board or staff and a process that will continue.

Councilman Kownacki stated if the staff disagreed with it, it would have to return to the Board. Chairperson Weisberg stated limited to the façade with log and coloring.

Mr. Joss stated this is geared toward tenants that come in. This request is not for the entire center it is for each individual tenant. Mr. Joss explained the photographs, attached, how the stores have changed and how the new stores want their own façade. Lemon Pop is added in the new space and there is no added space, just change façade. Councilman Brame stated the applicant made the argument and things to do change overtime and stated that the resolution in Paragraph 25 be amended to include staff to continue participation with the applicant in reviewing proposed plans.

Mr. Caton stated that Paragraph 25 does state it can be extended by the staff. Councilman Kownacki commented if the staff disagrees with it then the applicant must come back before the Board. Mr. Caton stated all three stores are adjacent to one another and had a more contemporary look than the conventional look at the rest of the facades, so this worked out well. However, if one of the stores on

the other side and wants to change what is there, and we disagree with it; therefore, it must come back to the Board. Mr. Yoskin wanted to make sure the signage is reviewed. Mr. Dember was unsure what they are trying to get. Mr. Krawczun stated if the elevations that were originally submitted weren't cast in stone and that is the reality of business and that James or Phil can respond without having to come to the Board for every single store front.

**Master Plan Discussion:**

Mr. Caton gave a presentation for the Master Plan. In April of 2006 we were obligated to re-exam the Master Plan and we are in the ninth year. The Municipal Land Use Law sets out criteria for this re-examination report and they need to assess what the major issues were at the time of the prior examination report of the Master Plan. What has changed in the landscape of issues facing the municipality and in the statute of governing development around the State and what the major issues are.

Back in 2006, the re-examination report, the major issues were Route 1 Redevelopment; Quaker Bridge Mall re-zoning and expansion; Capital Health Systems on Princess Road; the Open Space & Recreation Plan had been drafted by staff and in 2015 still has not been reviewed by the Planning Board and still has not been adopted yet; that also includes the Lawrence Hopewell Trail and the northwest County Park; there is an Airport Safety Zone still designated on our Master Plan and that is obsolete in that neck of the woods; the foundation for the in-fill housing section of the zoning ordinance and there was a call for sustainable practices that lead eventually to the adoption of the green buildings and environmental sustainability element of the Master Plan five years ago; mixed use service stations and convenience stores was identified as an issue and that has been addressed both by the Board and Council.

There is some unfinished business and part of the reason to bring this up tonight is for the Board members to think of issues that either the Master Plan or the Zoning Ordinance are to address. This is not the last opportunity it is just to start the process.

One source is the Zoning Board of Adjustments annual reports. These are required and they are prepared faithfully ever year. In this case they asked the Planning Board to look at Adult Day Care, Medical Day Care facilities because they have an application which was approved and it was before the Zoning Board because it was not a recognized use.

The other item the Zoning Board asked this Board to look into is in-law suites, detached buildings on properties with relatively large lots for aging parents or relatives related to the principal owners of the house. The Zoning Board had an application along those lines and asked if the Planning Board could give some guidance.

The open space and recreation plans still have not been adopted yet and would like to get it updated and in a position where its documents, the resources and open spaces and identifies priorities for preservation among parcels that remain. If the Board members could think about the mixed use, both commercial and retail, as well as commercial and residential, including live work units where those seem to make sense and becoming more popular. Basically it is where there is a trade or business on the first floor with residences above. The housing element to consider this year to deal with Affordable Housing issues and if we are instructed along with the other Towns to address our plan.

The definitions of offices and medical facilities because there are different definitions for offices and medical offices and developments like office parks in the ordinance. We want to simplify those and acknowledge there are clinics and are pharmacies that are going into clinics as business practices change and we should be current with them. The Council adopted an amendment last year having to do with addiction rehab services and that was a form of medial office.

The sustainability element is five years old and it has a whole series of objectives and to see how many have been accomplished and whether there are Lawrence Township Land Use Ordinance changes to help facilitate some of those goals and objectives. There are some minor issues from the 2006 re-examination report that need to be incorporated in the Master Plan and in the Ordinance.

Mr. Caton asked the Board members if they want to do it as the entire Board, which is the way it was done in the past, or have a committee of the Board and work with staff and then present it to the full Board.

Some members suggested a sub-committee. Mr. Krawczun stated using the Screening Committee. Mr. Caton stated no decisions will be made. Mr. Krawczun stated we have contracted with DVRCP to update our environmental resources inventory which is used to include in the Master Plan update. Councilman Brame asked if there is a time frame and Mr. Caton stated no reason we cannot do it this calendar year. Mr. Caton spoke about in-law suites and then what happens when they sell the house.

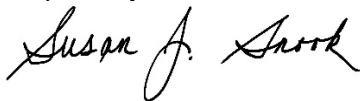
Mr. Krawczun asked Mr. Caton to outline a memo that can be shared with the members of the Board and to the Screening Committee or sub-group to use as an outline for discussions.

7. **Adjournment:**


There being no further to come before the Board, the meeting was adjourned at 7:45 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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