

Lawrence Township Planning Board
Regular Meeting
Monday, October 19, 2015

Present: Christopher Bobbitt
Ian J. Dember, Councilman
Philip Duran
Richard S. Krawczun, Municipal Manager
Terrence Leggett (7:09 pm)
James Kownacki, Councilman
Diego Samuel
Stephanie Pangaldi
Kim Y. Taylor, Vice-Chairperson

Excused Absence: Doris M. Weisberg, Chairperson
Neil Yoskin, Planning Board Attorney

Absent: None

Also Present: James F. Parvesse, Municipal Engineer
Philip B. Caton, Clarke Caton & Hintz, Planning Consultant
Edwin Schmierer, 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**

None

5. **Applications**

Minor Site Plan with Variance Application No. SP-10/15; **Agua New Jersey, Inc.**; 25 Green Avenue; Tax Map Page 57, Block 5703, Lots 109, 160, 161.

Mr. John Giunco, Esquire, Attorney for the applicant. This is for the upgrade and emergency backup generator at 25 Green Avenue. There may be a bulk variance applicable; however, the attorney is going to suggest that this a public benefit and asset and meets the criteria under the Lawrence Township Land Use Ordinance. The site is 1.18 acres.

Witness #1: Norman Rodgers, PE of Consulting Engineer Services. Exhibit A1: Site Plan, Sheet 1 of 1, dated October 15, 2015; Exhibit A2: Landscaping and Lighting Plan, Sheet 6 of 11, dated August 28, 2015 and Exhibit A3: Elevations, Sheet 1, undated, copies attached. Mr. Rodgers summarized that it has frontage on Green Avenue, north of the intersection of Edgehill Street with Green Avenue. It is an existing facility that has three existing wells on site, Well 4 which is in the existing building; Well 5 located in an existing well house and Well 8 which is not located in a building. All three wells

will remain in place. Well House #5, the existing building will be demolished and the well itself will be protected with a steel enclosure, approximately 3' square by 3' high. Well No. 4 will remain; the building will be reconstructed with exterior brick masonry with an A-frame roof, Exhibit 3 for colors.

There is a new 627 sf water treatment building and the purpose of this building is actually provide additional water treatment equipment to provide safe drinking water for Aqua's franchise in this area. Other improvements include an existing stone driveway which leads from the stem of Merion Place for access to Well 5; there is a creek that bi-sects this property in two different components and this is the reason for two separate driveways. There is a driveway that is extending from Green Avenue and that will provide access to Well 8 as well as to one existing building for Well 4 and a new water treatment building.

The new driveway will be constructed with grass pavers, approximately 24" long by 16" wide, have rectangular squares that allow grass to grow thru it and provides a stable service. Exhibit A1 shows the additional landscaping, attached. The other improvements include an emergency generator, which will be used for the purposes of providing emergency power during an electrical outage, it is located on the easterly side of the new water treatment building and adjoining Lot 110. It is a greenway area which once was used by an old trolley line.

There are a couple of dry wells, subsurface devices that allow for the runoff from the roof top from the new water treatment building to be directed to these dry wells so that the roof runoff will actually infiltrate into the ground. There is a six-foot high chain link fence which is a black vinyl clad, has gates which will serve as access from Green Avenue as well a gate to access to the rear of the property. The existing fence around Well 4 will be removed and be replaced with same fencing.

There will be a small sign, which will be six-inches in width and 12-inches in height and have a "No Trespassing Sign" with Aqua's name on it as well as an emergency number, mounted on the gate at entrance driveway.

The generator is on the easterly side of the building and the generator will be manufactured with a sound enclosure (it surrounds the entire emergency generator), won't be able to see the generator. The enclosure is specifically designed so that it complies with the New Jersey State Regulations and is designed so that it will be less than 65 decibels at the property line. This generator is for emergency backup and will automatically detect the loss of power and will energize the system so that the water system will continue to provide service. This generator is also required to be exercised once a month during the day time hours for a 20-minute period.

Additional documentation was required to provide information regarding sound levels and the ability to meet the New Jersey State Standards that was submitted to the Engineer, see the report dated October 9, 2015, copy attached. The noise sound is exempt because of the facility. Mr. Rodgers referred to Mr. Parvesse's report dated October 7, 2015, copy attached, referring to Comment 4.

The purpose of these improvements is to provide for potable safe drinking water and in that definition the Board has the ability to grant relief for this variance because it meets the criteria of that ordinance shows there is an exception if in fact you are providing a means to protect public health and/or safety.

Comment No. 7 – currently this site is serviced by an existing utility pole which is located on Lot 110 and there are overhead wires which travel from this location to another pole located by Well No. 4. The proposal is to place a new pole, it would be a relocation closer to the property line so that we could place a transformer on the utility pole, so there would be overhead lines traveling from one pole to another and take the new service underground from that new pole to both the new water treatment building to the existing Well house No. 4. Mr. Parvesse asked if it is necessary to add that pole on the property or could you use one of the poles that are along the frontage of Green Avenue because there are two poles in the right-of-way on Green.

Mr. Rodgers stated a pole has to be put in because the transformer that is necessary on top of the pole and that is the purpose. Councilman Kownacki asked why can't a transformer be put onto the ground on your property and the utility can still be tied into that transformer and run everything underground and the pole would not be needed, this way you could the existing pole on Green Avenue. Mr. Rodgers stated that this pole is not located on Aqua New Jersey property; therefore, there would have to be an easement granted to the utility company for any underground work to occur from that existing pole onto Lot 109.

Mr. Caton asked what the elevation of where the transformer will be located adjacent to the generator. Mr. Rodgers referred to Exhibit A2 – Landscaping, which shows the location of the new pole (OHE). Mr. Rodgers stated the landscaping and lighting plan was revised to take into consideration the request for additional screening around the emergency generator. Additional screening was added around three sides of the emergency generator and an elevation view (east) which shows the anticipated height of the emergency generator enclosure together with the additional landscaping per the request of the Shade Tree Advisory Committee report dated October 2015, copy attached and the Planner's Report dated October 6, 2015.

Mr. Giunco requested that if the performance bond could be waived and provide a 2-year maintenance bond for the work since this is a utility company that is absolutely required to conform with safe drinking rules and regulations and the BTU has no jurisdiction over Aqua. Mr. Krawczun stated it is interesting that Aqua presents the BTU a detailed application for rate increases that show the cost of doing business. The cost of doing business for Lawrence Township that may include some inspections and would not support the waiving of any inspection fees and understands that Aqua is regulated by the BPU and subject to Board to decide on the maintenance bond.

Mr. Caton asked about the size of the enclosed generator, 4' – 6' high junipers are proposed and how long it would take for them to grow to that height. Mr. Rodgers stated the height is 11' high and 24' in length and junipers are proposed and would take 8 – 10" per year. Mr. Caton asked if the applicant would consider a more mature tree and would prefer a 6 – 8' tree and the applicant agreed.

Mr. Rodgers went over comments of the planner's report regarding the exterior of the building, two buildings that are brick exterior, A-frame roof and earth tone colors. The dimensions of the water treatment building is 19' wide x 33' long and the existing building is 11' wide x 16' long and the height will be less than the 30' requirement; however, it is still being determined about the equipment and how it will fit and anticipating the height will not exceed 25'. Mr. Rodgers stated all the necessary applications have been to New Jersey Department of Environmental Protection for approval and looked into the Delaware & Raritan Canal Commission and is located in Zone B section and if located in Zone B and do not meet the criteria of a major application then you are exempt from submitting an application.

Mr. Caton stated on the generator any objection about a condition that the generator will only be tested during the day. The applicant has no objection. Mr. Rodgers stated there are some areas of the sidewalk that are damaged and the applicant has agreed to repair any of the damaged portions of the walkway.

The floor was open to the public at 7:52 p.m.

Robert Kuser, 11 Green Avenue. Mr. Kuser asked regarding the current height of the buildings. Mr. Rodgers stated the existing building is 25' high, but no higher than 25' and trying to lower the building as much as they can based on the equipment and 30' is allowable in that zone. Mr. Kuser stated the buildings are getting much more higher and more of an intensive usage with more chemicals and need more comfort. You also spoke about an alarm system related to the chemicals and it takes time for a person to get there to fix it; is there an alarm that will trigger as soon as there is a leak.

Councilman Kownacki stated everything Mr. Rodgers stated is true, there are alarms in there and if anything happens it will go and be notified within a minute and will be notified if there is a problem in that building. Mr. Rodgers also stated they have crew that works 24/7. Mr. Kuser questioned the fencing. Mr. Rodgers stated there is an existing fence that is surrounding the existing Well No. 4 building and the plan is to enclosed Well No. 8 and the drive to the front with gates for access from Green Avenue. This fence will enclose the entire property and replacing all the landscaping and screening on the outside portion of that new fence. Mr. Kuser also stated there is a lot of deer activity and whatever you are putting in do use the right stuff that deer do not like.

Public participation was closed at 7:57 p.m.

Mr. Caton summarized the conditions.

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

Mr. Caton gave a summary on the Affordable Housing Plan and stated that Mr. Krawczun, Mr. Roskos and Mr. Caton met the afternoon which continues to be an involving situation. In Mr. Caton's possession there are court orders from August, September and October and will be more just dealing with scheduling. At the moment, we are still obligated to fill out forms which indicate what the Township believes their obligation is for the next ten years and how the Township will meet that obligation. The Township was certified by the Council on Affordable Housing for the third round plan, so the Township is the first to be certified out of the 60 or more that got their certification. The COAH rounds of responsibility have started in 1987 and 1993 was the first round and 1999 was the second round and the we are still in the mist of the third round because COAH was so messed up the adopted regulations and they were overturned by the Courts twice. This time we are essentially making up for those 15 years that past since 1999 to today and we are responsible for ten years; so it is a 25 year period. The Fisher Housing Center which is a public interest advocacy organization out of Cherry Hill has had a fair shares calculated by his experts and they indicated we have a 1,000 unit fair share from 1999 and because we were proactive and got our certification for the third round we are bringing a lot of surplus units into the third round that we can apply against whatever the Courts determine is our number.

A consortium of 230 municipalities, including Lawrence, has retained another expert to produce a different methodology for fair share. They will be finished with that mark on December 16, 2015 and at the moment we are obligated by Judge Jacobson's lawyer to produce this summary of the fair share plan by December 7, 2015. Those dates are backwards, we should have our number and then submit our plan; instead we have to submit a plan and then we get our number. There is a fair chance that there is some further adjustment in the schedule once we move along.

The staff is working on a couple of alternatives approaches meetings, whatever the fair share turns out to be. It has also been made clear by the Court that we all have a chance to supplement our plan and we do not have to be perfect the first time we submit in and especially if we don't know what our number is. They expect that Towns make a good faith effort and we have a tremendous start by virtue of the third round certification and all the units we are bringing in to this in this 26 year period. Mr. Caton asked that Affordable Housing be on the agenda each meeting because he wants to keep as a front burner issue. However, it is something that in the next couple of months we will wind up dealing with more specifically.

Mr. Samuel asked for example of what we have to do. Mr. Caton explained what the fair share obligation is and how the Township has to be the regional need on low income housing. The Township has over 1,000 units already and residential units must have 20% of the units affordable

and some are 100% affordable like Project Freedom. Heritage Village that is 100% affordable, age restricted developed, as opposed to a family development. You can also intervene in the private market and purchase units that are privately owned and right down their costs, if there is a condominium development, for instance, under normal circumstances where the condo might sell for \$200,000.00 and in order to make the affordable the Township can buy the unit and then re-sell it at the affordable rate, maybe it will be \$150,000.00. There are contribution agreements where we sent money to Trenton and received credit for units in Trenton that were built. Those, however, since 2008 have been prohibited by a Statutory amendment so they are not available to us anymore.

6. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 8:13 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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