

Lawrence Township Planning Board  
Regular Meeting  
Monday, September 21, 2015

Present: Christopher Bobbitt  
Philip Duran  
Richard S. Krawczun, Municipal Manager  
Terrence Leggett  
James Kownacki, Councilman  
Diego Samuel  
Stephanie Pangaldi  
Doris Weisberg, Chairperson  
Kim Y. Taylor, Vice-Chairperson (8:10 pm)

Excused Absence: Ian J. Dember, Councilman

Absent: None

Also Present: James F. Parvesse, Municipal Engineer  
Philip B. Caton, Clarke Caton & Hintz, Planning Consultant  
James Kochenour, Traffic 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 not on the agenda)**

None

3. **Minutes for Approval**

Monday, August 3, 2015 and August 17, 2015 minutes were unanimously approved; moved by Councilman Kownacki and seconded by Philip Duran.

4. **Resolutions**

Resolution of Memorialization No. 21-15 approving Major Site Plan – Preliminary & Final Approval with Variances & Waivers Application No. SP-15/12; **Public Service Electric & Gas Co.**; 60 Bunker Hill Road; Tax Map Page 27.01, Block 2701, Lots 33 – 38 & 40 was unanimously approved.

Resolution of Memorialization No. 22-15 approving Major Site Plan – Preliminary & Final Approval Application No. SP-5/15; **2700 Brunswick Pike Realty, LLC, (Chrysler Dodge Jeep Ram)**; 2700 Brunswick Pike; Tax Map Page 22.01, Block 2201, Lot 21 was unanimously approved.

5. **Applications**

Minor Site Plan Application No. SP-5/15; **Lightbridge Academy**; 100 Federal City Road; Tax Map Page 27.03; Block 2701, Lot 81.01.

Before the testimony started on this application, Mr. Krawczun had a question for Mr. Parvesse that the original reports that taxes were delinquent and wanted to know if taxes have been paid. Mr. Parvesse verified with the Tax Collector's office and they have been paid.

Michael Herbert, Esquire represented the applicant. Mr. Herbert stated his applicant is looking to put in a daycare center which is approximately 8,275 sf and will be located in Building B on the site; parking will be in the front and side and a playground being placed in the back with an underground Stormwater facility underneath so the buffer behind the building is not infringed upon.

One issue is in the Planning report by Mr. Caton that there is an issue on a sign in front of the door that could possibly cause a variance and the sign will be eliminated and not part of this application. The other issue is there are two sheds on the property and both sheds will be removed.

Witness No. 1: Chris Weiss, Vice President of Real Estate and Construction. Exhibit A1: "Site Plan Proposed Day Care" Sheet 3 of 6, revision dated July 27, 2015.

Mr. Weiss stated this school caters to 6-weeks to 4 years and up to kindergarten age. They use early education age curriculum; use a lot of technology; scanner for security with fingerprinting; cameras in the classrooms which can be viewed on line by the parents. The school focus is heavily on children education and safety. The children are split up by infants (6 weeks – 18 months); toddlers (18 months – 2 ½ years old and pre-school (2 ½ to 4 years old). The parents bring their lunches or there are meals that are brought in by an outside vendor. There is no cooking on the premises there is only a microwave in each classroom.

There is a dumpster that will be emptied regularly once a week or as needed. Hours of operation are 6:30 am to 7:00 pm. The pickup/drop-off is staggered; not like a regular school where the children have to be there by a certain bell. It is depended upon when the parent has to be at work. The time for drop-off is usually between 6:30 and 8:30 am and pick up starts around 4:00 pm to 7:00 pm which is also staggered. Parking spaces turn around very quickly. The gates on the playground are emergency egress only, so when there is a fire drill or an emergency the kids will file out into the playground area to get out of the building safely and use those egress gates to leave the premises. The gates cannot be used from the outside.

The playground is split up for toddler and infant and then a larger area for pre-school children. It is scheduled throughout the day (each classroom has their own schedule) and are on the playground twice a day and there will be no more than two classrooms on the playground at one time. The school has no resources for special needs services at this school. There are 144 children with 22 staff.

Chairperson Weisberg questioned the playground thickness. Mr. Weiss stated there is padding and artificial turf is rated for the five-foot fall from the equipment. There is no platform that is above five-foot. Mr. Yoskin stated this is a franchise and have a standard way of operating are these operations based on the manner in which the other facilities are operated. Mr. Weiss stated they are regulated by the State of New Jersey or child care. Each space is designed to fit a prototype; it is also governed by the State. It is one child to every 35 square feet and then based on the age groups and the teacher child ratios that is how a classroom is designed. There are 17 schools currently in New Jersey and six new ones (3 in New Jersey, 1 in PA and 1 New York).

Mr. Caton asked what is the maximum number of cars that you expect to be on-site in the morning for drop off because there are 13 spaces set aside. Mr. Weiss stated it depends on the time of the day; there will be more arriving in the middle of peak morning (6:30 am to 8:30 am). Mr. Caton continued asked how many cars will be on site at the same time. Mr. Weiss not sure on how many at that time and the 13 spaces will be adequate because we do not use the later spaces because they turn over quickly, which is about 5 – 7 minutes.

Mr. Yoskin stated there are 40 spaces; 23 spaces for employee parking and 17 left. Mr. Weiss stated for the amount of employees using the parking spaces the mass number of employees will be there during the middle of the day and not at the peak time of drop off. Mr. Caton stated they are obligated to 40 spaces and made reference to the IT standards for day care centers, they are also exceeding and should be good on parking.

Witness No. 2: Robert J. Buda, PE. Mr. Buda stated the day care center is going to be put into an existing building, used Exhibit A1. The drainage is handled through the existing detention basin which was constructed with the original buildings. An impervious ground cover will be installed for the playground, and explained how this impervious ground cover works. There is an existing swale which runs behind the building and constructed to handle drainage flow on the original site. There is 80' of existing vegetation between the playground and the homes (Federal Point). The goal was not to disturb that existing vegetation. However, a few trees will have to be taken down in the back where the fence will be constructed and put in some vegetation and landscaping because there are 4 to 5 existing large mature trees which are 10" in caliper because the limbs overhang into the playground.

The traffic circulation was described and has no changes with the exception of striping the parking lot for a one-way circulation to go around the island. There will be no signs installed unless a "Do Not Enter" sign is required by the Municipal Engineer. Mr. Buda accepts all the requests of the Municipal Engineer's report dated August 7, 2015. Proposed delivery spaces will be between the west-side of the building, the two spaces closest to the parking area. There is no additional lighting is being requested or required since there is no use in the evening.

Chairperson Weisberg asked where will the bulk of the traffic be coming from in the morning because of all the traffic congestion especially coming from Bull Run and how will they make a left. Mr. Herbert stated that this applicant chose this site because of I-295 and it is an issue. Mr. Buda stated when the original application was approved the traffic was studied very carefully and the facility met the traffic requirement.

Mr. Parvesse stated he was not aware that the applicant wanted to make the parking area one way and currently is designed for two-way traffic and leave it the way it is. Mr. Buda stated they are circulation arrows and will not be a one-way. Mr. Caton stated there is a detail for a detail sign and are at least 4 or 5 signs; Exhibit A2: "Profile & Details", Sheet 4 of 6, revision dated July 27, 2015; and it is suggested to do the minimum of the signs and do not need his many signs in front of the building, only have one or two.

**Public Comment:**

Mary Baird, 92 Traditions Way: wanted to know how many days of operation; the direction of the parking lot and at present when people come into the doctor's office and they go out the other way, people are going to come in and go out the first way instead of going around the building; the 2-way is going to present a problem because the traffic is short circuiting their access into their development because of the traffic in the morning or the afternoon; the only reason they are working because the buildings are not fully occupied; when transport from a doctor's office occurs there is an emergency vehicle that comes from the hospital, ambulance, police car it does create a lot of congestion on that corner. Mr. Herbert stated the days of operation are five (Monday through Friday). Mr. Buda stated the islands were approved under the original application and are working fine.

George Ford, 86 Federal City Road. Stated when the resolution which approved the construction of this site plan for construction of the building indicated that all non-emergency lighting should be turned off one hour after business and will this be a problem for the applicant. Mr. Herbert stated the lighting is not changing and is no issue for the applicant. Mr. Ford handed out a copy of the resolution (22-07, copy attached) and stated the owner of the building is not complying with the resolution. When he

street was being repaved, at 11:00 pm, some of the lights were on in the parking and still on 10:00 and 11:00 pm and at this time of year it is not an issue because of the trees; however, in the winter time, the lights are lighting up his house and the owner was made aware of this and did comply for a while and now the lights are not being turned off. Having a problem with the removal of the trees in the buffer area; the building is very big and the top is white and when looking out the back window that is all he sees of that building; there are some trees that are dead and need to be replaced; now this applicant is going to remove additional trees and evergreens were supposed to be planted and now these are not being planted. Mr. Ford cannot understand why taking out more trees when it is already an inadequate buffer. It is not the width of the buffer it is the fact that there is not enough vegetation there.

Mr. Krawczun stated to Mr. Parvesse that the reason we are here tonight is for the location of the playground because it was this alternate plan to remove less trees than what was originally proposed where it would have been further into that 80' buffer that Mr. Buda referred to his testimony. So there are some trees to be removed in this location but it is far less than it would have been otherwise because that playground would have been pushed back further into the buffer. Mr. Parvesse stated it was originally pushed back to the 50' buffer line and would have been a substantial impact on the buffer so we asked them to pull it adjacent to the building and they did do and was not aware of the impact of the overhang. We could work with them on the landscaping so we can get the best benefit out of the new plantings. Mr. Herbert stated the applicant is happy to work with the Township professionals on the landscaping buffer issue. Mr. Ford asked that the buffer be whatever the Township standards are. When the Detox Center it was not up to Township standards and it trees are being removed. Mr. Caton stated the buffer requirement is 50' and Mr. Ford is talking about the buffering. Mr. Caton stated the width of buffer meets the Township standard. As to the planting, the understory shrubs that was suggested will do better than the evergreens that were proposed (Spruce and White Pine) because of the shade they would be under. The plantings that were suggested will provide a better buffer in terms of the plant material than what was proposed.

Mr. Ford stated can't show what the visual impact is and six-months of the year he looks at this monstrous building and painted white not even a color that would blend into the scenery. Mr. Caton will try to take into consideration year round foliage (holly) when working with the applicant to select the planting scheme for the buffer to address the concern for winter. Mr. Ford has his own buffer and should not be his responsibility to maintain this screening for this confusion into this residential zone.

Chairperson Weisberg stated that Mr. Caton has assured you that he will work with the applicant and the buffer is to Township standards and will make sure he will find the proper foliage for the winter months. The lighting being on too late is not part of this application. Mr. Ford understands this and wanted to bring it up to see if the applicant had a problem with it. Mr. Parvesse will follow up on the request on the lighting issue.

Frank Buckley, 23 Karena Lane. He came late to the late and wanted to know how many children; any cooking facility. Mr. Herbert stated there will be 144 children and food will be brought in.

Mr. Caton summarized the conditions. There was a five minute break.

**Major Site Plan Application – Preliminary & Final Approval Application No. SP-8/15; Notre Dame High School Expansion Project, 601 Lawrence Road; Tax Map Page 13, Block 1301, Lot 34.02.**

Daniel Haggerty of Stark & Stark represented the applicant. Exhibit A1: Rendered Vision of the Overall Planting Plan, Sheet L1.0, revision dated July 21, 2015. This plan shows the expansion is two pieces; it is a field house addition which is in the rear of the existing building and the footprint is about 47,560 sf and there is an addition to the auditorium which is the performing arts addition in front of the school.

Witness #1: Barry Breen, President. Mr. Breen stated the school is 58 years old and gave a brief history of the school stating that in 1957 there were 420 children and it costs \$150 a year to attend. It is located on 100 acres, which much of it is in the wetlands and not buildable. Title 9 gave women far more opportunities to participate in athletics than previously participated. Technology today is five labs, two technology labs so things have changed. The end result of this there is a need for space. Some there are some marketing needs and the movement out of the population which is now from further away.

Today there are 1,294 students, with a consistent enrollment. It is a college preparatory school and there is one-half time priest. Tuition is \$12,500 a year, owned by the Diocese. The school is limited by space for the things they need to do which are a gymnasium with 16 teams (starts 8:30 pm and ends at 10:00 pm); locker room/weight room; library needs updating; classrooms that have become labs and offices, special needs spaces and now the teachers move from room to room three times a day; swimming program but no pool and must look for space at TNCJ or Rider and practices go to 10:30 pm; performance arts which have no dressing rooms, no green room and inadequate rehearsal spaces, no dance studio.

The school is not adding the number of students; however, the school wants to provide an educational building that is suitable for a top class institution.

Witness No. 2: Joseph Saphire, Architect. Exhibit A2: Overall Survey Map, Sheet C-2, revision dated April 6, 2015 which shows the entirety of the property and it is large. Mr. Saphire showed the wetlands lines and a good portion of the property is behind the wetlands and buffer line. There are many more subject matters and not proposing to expand enrollment; however, ten to twelve classrooms were needed to be added for those academic programs that needed help and also an athletic component. The front of the building faced Route 206 and now the side entrance faces to the parking lot (south) so the building is designed differently than it is being used. So the building had to be recreated to be used more efficiently and effectively for that educational program. One of the proposals is taking off the pillars and to reuse as the entrance to the new field house. The gym is undersize for one full size court which is in adequate for a school of this size. The field house will be for the locker rooms that are in the basement; relocate the gym; a future pool and other athletic opponents out of the main body of the building which would create more room for classrooms and allow each department to bring their classrooms of appropriate size together.

The center portion of the school is now the gym will be split up, a floor plate will be added in the gym space tie that second floor into the existing second floor and add nine classrooms on the second floor and taking the lower level, all the administrative functions (9 office) will be brought to the front door.

Mr. Haggerty referred to Mr. Parvesses' report dated August 18, 2015, copy attached; Clarke Caton Hintz' report dated September 8, 2015, copy attached. The areas of concern were the setbacks of the proposed building to the Diocese of Trenton property. Mr. Caton stated not concerned with internal property lines. The owner asked Notre Dame to construct a low brick wall, about 3' tall, would screen the vehicles parked in the lot, see Exhibit A3: Elevations.

The field hockey field is open space which will be used for the addition, Exhibit A4, Sheet L1.1 – Planting Plan, copy attached. The dumpster area is next to the kitchen area and a dumpster with an enclosure is proposed. There will be two dumpsters by the football field that will be enclosed. Arora and Associates report dated August 31, 2015, copy attached.

Mr. Krawczun spoke about the wall at the existing basin that will block the view of the parking lot from people using Route 206; and that wall will terminate the location that will be closer to the existing basin and what is the possibility of some type of natural plantings along the stone parking lot to create a buffer to break up that vista. Mr. Haggerty stated if they can do it, they will. A stream encroachment permit was granted and will be up to New Jersey Department of Transportation. Mr. Yoskin stated you can do appropriate plantings in a transition area part of normal property maintenance.

There are 56 existing classrooms; when the addition is completed there will be 68 rooms (adding 12 rooms). The average size of the rooms vary for different functions, a typical full size classroom is 24 x 36 and have two doors into the hallway. Mr. Kockenour stated this expansion is not being done with the intent of increasing the student population or staff and there are about 56 classrooms existing, adding 12 classrooms; what is the average size of students in a classroom, Mr. Breen stated 2.

Mr. Breen stated he wants to give his staff a home classroom, especially science and are not trying to have a smaller class size; there is not one available space to be taught.

Witness #3: Gonzalo Trenosky, PE. All the comments are in agreement. The Stormwater management, Exhibit A5: C-500 Grading, Drainage and Utility Plan, there is one in the northwest corner of the property, two in the front. The larger detention basin will take the majority of the water and will go into a green swale and discharged to the creek.

The turning lane will be adjusted for the fire apparatus. Exhibit A6: Site Plan – changes were made to eliminate the eight handicap parking spaces and the landscaped island by the drop off and should be tapered for traffic purposes. The third change is for the Chancery, Lot 34.01 and the School is on Lot 34.02 and there is going to be a connection between the parking lot that stops, north side of the high school, which does not serve the high school it, serve the chancery. The parking lot will be connected to the new parking lot on the north side of the field house. The current proposal is that would be only an emergency access connection and will be gated.

There was a break (9:15 pm).

Mr. Haggerty stated the traffic has also been issue between 7:15 am and 7:45 am in the vicinity of Notre Dame and has been for years. Mr. Breen stated the School was approached by the Lawrence Township police to see if a traffic pattern could be created to do two things. One was to move the traffic off Route 206 and create some patterns to keep the pedestrian traffic, once on the property, safer. One limitation is that the school does not own the Diocese property next door. An initial plan was submitted to the Diocese and it was to see if they could use the south parking lot. The biggest issue was it was going to stop traffic out and would cause a back-up on Route 206. Tried it for one week and went back to the old traffic pattern.

The new design is bringing them back to the circle to drop off, behind the school and going into the back of the building, which takes more cars off of Route 206. The area has been roped off by the island and the sidewalk by the school so parents cannot drop of their children. Mr. Haggerty explained the drop off of the school buses and the walkers. The school also encouraged the parents to drop off the students on Fairfield Avenue and the child could walk to the crosswalk.

The gated entrance on Lot 34.01 heading toward the circle, there are three driveways: the first one serves the Chancery; the second one serves Notre Dame and the third is the Notre Dame exit. A meeting held with Lt. Drew that during the morning peak (7:00 am – 8:00 am) the northern gate would be opened for a second ingress for the southbound traffic. Mr. Breen stated he had two prior conversations with the Diocese and they are not willing to open the gate.

Mr. Krawczun stated that Lt. Drew's proposal deserves further discussion. This is a tremendous project and it is an opportunity for the applicant to conditionally accept a cross access easement with the Diocese for the peak arrival time, not work out any specific language, subject to working that out with our professionals. Mr. Breen accepted those conditions.

Witness #4: Harvey Yesowitz, PE, of Harlyn Associates. Mr. Yesowitz testified to try to mitigate some of the problems regarding the traffic coming in and out during the peak hours. There is no impact, from the proposal tonight, making the existing condition worse. A traffic count was prepared and there were 377 vehicles making a right turn in and 339 vehicles making a left turn in to the school property which causes a backup on Route 206 during drop off by 15 – 20 minutes. A copy of the results is attached, dated June 22, 2015.

Witness #5: Thomas Stearns, Planner, Architect. Mr. Stearns testified about the planting around the basins and have met with Delaware & Raritan Canal Commission and are not sure if they are going to approve the wall. However, they may approve shrubs. He further discussed plantings in other areas of the school and asking for a waiver for the landscaping in the islands.

Exhibit A7: Lighting Plan, Sheet L3.0., revision dated July 21, 2015. All the existing parking areas are lite on the campus, so the lights are focusing on the field house and the main entrance plaza. The parking lot lights are 24' tall, all LED lights, going with low 42" pre-cast concrete bollard lights which are LED. Mr. Stearns stated there are no detriments and no negative effects on the surrounding properties.

There was no public comment. Mr. Caton summarized the conditions.

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

Affordable Housing: Mr. Caton stated Judge Jacobson issued an order that they have to have an affordable housing plan element (Master Plan) and fair share plans adopted and endorsed by December 14, 2015. This is from the New Jersey Supreme Court case that was decided last March and for years the Council on Affordable Housing have been going through adopting rules and the Courts would overturn them (2004, 2007) and they attempted in 2014 and deadlocked on the vote.

The Supreme Court stated COAH is not doing their job; not regulating so the Courts will do it. We used to be before COAH, are we are now before the Courts. Lawrence Township is in the third round of housing compliance. The first round was in 1987 to 1993; then the second round was in 1999. At one point Lawrence was the first municipality in the State to get its third round housing plan approved by COAH.

Those rules were thrown out by the Court so we no longer have that approval. Judge Jacobson established this December 14<sup>th</sup> date and Rich, James, Phil and Dave will be working to try to sort out what the rules are that are going to guide the municipalities. The second expert was from Rutgers and had to be replaced by another consultant firm from Philadelphia and they are just starting now and will not finish until the end of December. One thing the Courts are wrestling with whether they have to proceed forward with the information they have or whether they can wait until this municipal funded study of the affordable housing obligations is complete so they can compare the housing advocates report and the municipal experts report.

So far all the judges think they have little flexibility in the Supreme Court decision. They are pushing forward. There are 15 different Judges handling these matters around the State. So every day there is a different decision that comes out of one corner and the people involved in this and from the planning side are changing on a day to day basis.

We are obligated to have a fair share plan by December 14<sup>th</sup> and cannot tell you what the number is and won't find out the number until we get a lot closer. The Supreme Court made clear was that as long as the Towns are trying on good faith to meet their obligation, the Court is going to give them the time to do it right.

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Mr. Caton is confident that we will stay ahead of the curve. One of the things that the Judges want to see is an effort and if we are paying attention. The Court has to determine what the methodology is to determine the fair share for the third round. The housing advocate expert has a methodology of over a 1,000 units.

Mr. Parvesse stated we continued the Car Wash to October 19<sup>th</sup>; however, it will not be on that agenda and will be carried to November. The members discussed that the public will be upset and Mr. Krawczun stated we could do a reverse 911 within 200'.

7. **Adjournment:**

There being no further to come before the Board, the meeting was adjourned at 10:20 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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