

LAWRENCE TOWNSHIP PLANNING BOARD MEETING
Monday, December 18, 2017

Present: Maria Connolly
Philip Duran
James Kownacki, Councilman
Kevin Nerwinski, Municipal Manager
Terrence Leggett, Vice Chairperson
David Maffei, Mayor
Stephanie Pangaldi
Doris Weisberg
Edward Wiznitzer, Chairperson

Absent: Kim Y. Taylor

Excused Absence: Diego Samuel

Also Present: Philip Caton, Planning Consultant
Brian Slauch, Planning Consultant
James Kochenour, Traffic Consultant
James F. Parvesse, Municipal Engineer
Edwin Schmierer, Planning Board Attorney
Susan Snook, Recording Secretary

Statement of Adequate 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; by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building and mailing to the Trenton Times and the Trentonian newspapers.

Public Participation (for items not on agenda):

None

Minutes for Approval:

None

Resolutions:

Resolution of Memorialization No. 25-17 for the Extension of Time to Record Minor Subdivision Deed Application No. S-2/11; **Marianne R. Mele**; 58 Carter Road; Tax Map Page 66.01, Block 6601, Lot 36 was approved per unanimous vote.

Resolution of Memorialization No. 26-17 for Major Site Plan – Preliminary & Final Approval Application No. SP-9/16; **HACBM Properties, LLC**; 31 East Darrah Lane; Tax Map Page 33, Block 3301, Lot 30.01 was approved per unanimous vote.

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Applications:

Major Sitte Plan – Amended Preliminary & Final with Variance Application No. SP-10/17; **Shake Shack New Jersey, LLC**; 3303 Brunswick Pike; Tax Map Page 52.02, Block 5201, Lot 29. The Board took jurisdiction.

Kevin Moore, Esquire represented the applicant and stated it is presently the Patio World is on 1.306 acres. A Resolution of Memorialization 21-17 adopted on August 21, 2017 granted to demolish the existing Patio World and to construct a 3,622 SF Shake Shack restaurant. The applicant is seeking one change from the approval the right to add a 62 SF sign on canopy and the approval is not changing in any other way.

Witness #1: Michael Davis, Architect testified on the location and explained using Exhibit A1 Photographs of the sign which is 62 SF and not a solid sign, there are ten individual free standing letters plus the burger logo, which is 24' x 29' x 6'2". The 3D letters are internally illuminated; the burger with a green glow which is their logo. Mayor Maffei wanted to know the square footage of the Patio World building that exists on the site currently and Patio World has a sign currently and is related to the square footage of the building itself, what relationship is this sign going to make on the Shack Shake building versus the building that is on there now. Mr. Davis responded that the sign is 60 to 70 SF and the band is another 60 SF, 120 – 130 estimated square footage of sign as against 3,360 sf building. Mr. Caton commented the square footage of the signage to the front façade of the elevation. Mayor Maffei wanted to know how big is this sign going to be versus what is on there now. Mr. Caton commented it is 57' across and 23' tall, which makes it 4 ½% less.

Witness #2: Donna Miller, P.P. spoke about the variances to permit the letters comprise of the Shack Shake sign on the canopy that faces Route 1 and the burger logo icon. There are no detriments to the public good or to the zone plan. The corporate logo and lettering style are icons of the corporation and they identify the restaurant from any other restaurants and businesses. They are attractive, clear presentation of Shake Shack and present an aesthetically pleasing design scheme, which will only be facing Route 1.

Chairperson Wiznitzer commented on an application regarding Johnny Rockets, which was a similar sign, and they lowered it a bit and put it behind their window and required no approval of this Board because it was inside. Ms. Weisberg stated this stretch of Route 1 has chain restaurants and asked if we created variances for larger signs. Mr. Slauch stated the issue is because it is a roof sign and they are not permitted.

Mr. Moore referred to Clarke Caton & Hintz report dated December 5, 2017, copy attached. Mr. Moore stated that the applicant tonight is different that is doing the building; Shack Shake is the tenant and applying for the sign. Mr. Moore stated that New Jersey Department of Transportation is taking property for the Route 1 widening and it has not been finalized. The applicant is working with them and a cross access easement will be provided when State is finalized. Mr. Schmierer referred to Comment 3.2, parking setback exception. Richard Moralle, PE commented that adjustments have been made on that side, further away. There were some additional modifications on that side, there is a vegetative filter strip and added more vegetation than before, still has one or two spaces extending in the northwest corner. Mr. Moore stated this requires an exception. Delaware & Raritan Canal Commission required porous pavement and a filter strip.

There was no public comment.

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Public Hearings:

Master Plan Amendment (Housing Element and Fair Share Plan) and Resolution 27-17. Amendment to the Land Use Ordinance: Referral from Council – Ordinance Amending the Land Use Ordinance to revise Section 409, the Apartment and Townhouse (AT) District; Referrral from Council – Ordinance Amending the Land Use Ordinance to revise Section 421, the Regional Commercial (RC) District; and Referral from Council – Ordinance Amending the Land Use Ordinance to revise Article X, Affordable Housing Procedural and Eligibility Requirements to implement the third round of Affordable Housing in accordance with the Fair Housing Act of 1985.

Mr. Caton stated the Township settled in April which was approved by Judge Jacobson in July and gave the Township until November 1st to complete all of the work preparing the housing element of the Master Plan and ordinances that would implement the housing element. There was an extension to the end of January, attached is the package, and to get a judgement of protection through 2025.

Mr. Slaugh presented a summary of the ordinances and the housing element. Our round three number if 1,110 units. He explained the rehabilitation section of the Fair Share Housing and this will continue, which is called the spending plan and shows how you are anticipating funding for the program, fees, affordable housing trust fund.

He continued to speak about the different locations, Page 36, Table 29, copy attached. He spoke about the surplus number being 134 and that number goes to the third round; about vacant land (Table 32, Page 46); extensions of expiring controls; credits; and other associated information for affordable housing including the Hub City site, hospital site on Princess Road and by Quaker Bridge Mall.

Mr. Nerwinski stated where Burlington Coat Factory is, the parking lot, that has been identified as Project Freedom site and a half-way realistic idea that the owner may go for and that will be explored.

Public Comment:

Michael Knapp, RPM Development spoke regarding the Merry-Go-Round site located on Princeton Avenue, which is under contract. He explained that they are interested in doing 100% of affordable housing. He stated that they are trying to figure out how to work with Towns and be part of the solution to address the 4:1 issue which is important to Towns. He stated their timing has not been good and what is being observed is that Towns are moving forward with the settlements with inclusionary solutions which does not include 100% affordable housing. He feels like they are being a part of the solution but being left out as Towns move forward with inclusionary plans.

Mr. Caton responded that Lawrence is different because we have two inclusionary sites that are carrying the load of this plan and one owned by Brandywine is in heated negotiations and the chances are almost certain that will develop. The other is the Quaker Bridge Mall and although not down to specific discussions with them, all shopping malls are looking for new sources of revenue. The two new restaurants added to th mall are evidence of that and they are competing with on-line and are looking for other sources of revenue.

Mr. Knapp continued that it is a short term contract and not here forever, but there is a timing issue and this site may be a reasonable site years from now when you need it. There needs to be a little bit more coordination between the larger affordable housing developer that know how to produce in towns that will eventually need more affordable housing.

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Mayor Maffei asked what are the arguments for and against your idea. Mr. Knapp stated if he can build 100% affordable housing that meets a large portion of the towns obligation with one quality site, that he can development, manage and build long term, so looking to create value over the long term and stay with it.

Mr. Parvesse stated this site is in the Highway Commercial zone and not permitted and would require a zoning change. Mr. Knapp stated he is an option and feels not welcome yet and will loose the contract on the site and maybe in the future they will be option.

The Master Plan Amendment Resolution 27-17 was approved per unanimous vote.

The Amendments to the Land Use Ordinance were approved per unanimous vote.

Other Business:

Mayor Maffei stated to the Board members that this is his last day on the Planning Board as Mayor and found this Board to be 100% perfect. The Professionals are the best professionals in the world. The other members of this Board have been outstanding, they have given their heart and soul. He is humble and proud to have served under Mr. Wiznitzer and Ms. Weisberg as chair and only see the best.

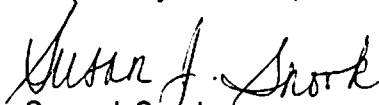
Chairperson Wiznitzer stated there will be no meeting for a while and the next meeting is February 5, 2018 and that will be re-organization and training.

Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 8:56 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,


Susan J. Snook
Recording Secretary

Minutes approved: March 5, 2018