

Applicant

Care One at Lawrence

Appl. No.


ZB-1/22, SP-3/22, S-2/22

REFERRALS

	Date		Date		Additional Reports
	Referred	Comments Dated	Referred	Comments Dated	
a. Municipal Engineer	<u>8.30.22</u>	<u>4/14/22</u>			
b. Professional Planner	<u>8.30.22</u>	<u>11/8/22</u>			
c. Traffic Consultant	<u>8.30.22</u>	<u>9/26/22</u>			
d. Construction Official	<u>8.30.22</u>	<u>9/9/22</u>			
e. Shade Tree Advisory Comm.	<u>8.30.22</u>	<u>10/2/22</u>			
f. Health Officer	<u>8.30.22</u>	<u>9/10/22</u>			
g. Tax Collector	<u>9.12.22</u>	<u>9/13/22</u>			
h. Public Safety	<u>8.30.22</u>	<u>10/3/22</u>			
i. Environ. Res. Committee	<u>8.30.22</u>	<u>10/3/22</u>			
j. Mercer County Planning Bd.					
k. Ewing-Law. Sewer Auth.					
l. _____ Water Co.					
m. D & R Canal Commission					
n. U.S. Post Office					
o. NJDOT					
p. PSE&G Co.					
q. Board of Education					
r. Historic Preserv. Comm.					
s. NJDEPE/Wetlands					
t. NJDEPE/Stream Encroach.					
u. _____					
v. _____					
w. _____					
x. _____					
y. _____					
z. _____					

Township of Lawrence
ENGINEERING DEPARTMENT

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Use and Bulk Variance Application No. ZB-1/22
Major Site Plan – Preliminary & Final Application No. SP-3/22
Minor Subdivision Application No. S-2/22
Care One Management, LLC, 3641 Lawrenceville-Princeton Road
Tax Map Pages 66.02 & 66.04, Block 6601, Lot 2

DATE: November 14, 2022

General:

Care One Management, LLC has submitted an application for construction of a 170 bed assisted living facility on Block 6601, Lot 2 (3641 Lawrenceville Road). The property currently contains the existing historic Gulick House. As part of the project, the Gulick House will be relocated to a one acre parcel along Province Line Road that will be subdivided from the facility property. The application documents include restoration plans for the house as a single family dwelling.

A brief history of the application is as follows:

- The initial Zoning Board application in 1997 proposed 84 assisted living units, while preserving a portion (25%) of the Gulick House. This proposal was denied.
- Legal action was taken and the project was remanded back to the Zoning Board in 1999. This proposal included 100% preservation of the Gulick House which was integrated into the facility. The number of units was reduced by the Board from 84 to 68 during the hearing. The Board concluded removal of the third floor of the north wing would mitigate the visual impact of the new building on the Gulick House. The applicant did not present any economic viability testimony regarding the number of units at this time.
- This decision was also legally challenged but upheld.
- In 2005, the applicant filed another Zoning Board application for construction of a 150 bed (120 unit) assisted living facility of approximately 100,900 sf. The Gulick House was proposed to be demolished. Although meetings were held, the application was not concluded and ultimately was denied without prejudice by the Board due to lack of action.
- A demolition permit for the Gulick House was requested in 2015. The permit was denied by the Historic Preservation Advisory Committee. An appeal application was filed in 2016 with the Zoning Board but was not heard and was withdrawn.

A use variance is required for the current proposal as assisted living facilities are not a permitted use in the EP-1 Zone. Site plans have been submitted which show construction of a three-story 113,931 sf assisted living facility with 126 parking spaces, stormwater management, lighting, landscaping and utility infrastructure.

In addition to providing the necessary use variance testimony, there are several key issues that must be addressed:

Care One Management – Application Nos. ZB-1/22; SP-3/22 and S-2/22

1. The property does not have public sanitary sewer; existing residential properties rely on private septic systems. The plans show connection to the Ewing-Lawrence Sewerage Authority system either via an easement through the Bristol Myers Squibb property or via connection to existing sanitary sewer piping in Landfall Lane. For the BMS alignment, an easement is required from BMS to connect to an existing Ewing-Lawrence Sewerage Authority easement. A sanitary sewer piping extension of over 3,000' would be required to connect to the nearest manhole in Route 206 (south of BMS). The Landfall Lane connection will require easements from each property owner as Landfall Lane is privately owned. This alignment will require over 1,000' of piping extension. The applicant shall provide testimony on the status of obtaining either easement. The project is not viable without public sanitary sewer service.
2. Testimony shall be provided regarding the Gulick House relocation and restoration. The applicant shall clarify the restoration commitment and schedule. It is unclear whether the report and plans are submitted to demonstrate feasibility or whether the applicant intends to complete all restoration work. The future plan for the property shall be discussed.
3. There is a 30' conservation easement along the common property lines with BMS. The conservation easement deed states that there shall be no tree removal within the easement without the approval of BMS. The plans show tree removal and installation of improvements, notably the access driveway. The applicant shall provide the status of discussions regarding this issue.
4. Additional information is required for review of the stormwater management design (see Section 2.00 of the detailed report).

Detailed Report:1.00 Site Layout

- 1.01 The proposed assisted living facility will be centrally located on the property, with two-way circulation around the building and 126 parking spaces for employees and visitors. Access will be provided via Route 206 and Province Line Road; however, left turns from northbound Route 206 will be prohibited. The existing Gulick House will be relocated to the northerly side of the site with access via the Care One driveway.

In addition to site improvements, there will be off-site utility connections and pavement shoulder improvements to Route 206 as part of the project.

- 1.02 The applicant shall present testimony regarding the facility operations including:
 - number and types of staff per shift
 - daily and weekend shift information
 - delivery schedules

The intensity of the proposed use and its impact can be evaluated with this information.

Care One Management – Application Nos. ZB-1/22; SP-3/22 and S-2/22

- 1.03 The Land Use Ordinance parking standard for a nursing care facility is one parking space per two (2) beds. Assisted living facility parking requirements are less than nursing care requirements (1 space per three beds). Using the nursing care standard, this proposal of 170 beds requires 85 spaces; however, the plan provides 126 spaces. Extra parking spaces shall be justified as the spaces comprise additional impervious surface that impacts stormwater runoff.

The Board may wish to consider banked parking until the facility is in operation and parking needs can be assessed.

- 1.04 A detailed description of the Gulick House relocation and restoration shall be provided in testimony with the applicant's schedule and commitment for completing the work. The on-site relocation route shall be described, particularly with regard to impacts on existing trees.
- 1.05 The new lot deed for the Gulick House shall include all applicable easement information, porous pavement restrictions, maintenance responsibilities for the access drive, etc. Note that the address of the house will remain 3641 Lawrenceville Road. A new address will be assigned to the facility.
- 1.06 There is no facility signage shown for the Province Line Road driveway. The applicant shall confirm signage is not requested.

2.00 Stormwater Management

- 2.01 Additional information shall be provided to demonstrate compliance with state stormwater regulations. A groundwater mounding analysis, groundwater recharge calculations, low impact development checklist, storm sewer calculations, mapping and time of concentration calculations (no minimum entry) shall be submitted for review.

Note that Lawrence Township does not have a mitigation plan and stormwater variances / waivers are not issued.

- 2.02 Soils testing is required in bio-retention basin 1 and shall be witnessed by this office per §522.E.4. of the Lawrence Township Land Use Ordinance.
- 2.03 The stormwater management outlet piping connects to an existing storm sewer pipe in Route 206 which appears to flow to the BMS property. A new point discharge onto an adjacent property must be evaluated. The applicant's engineer shall provide additional information. The existing drainage mapping for BMS indicates a ridge line along Route 206 which would impede new drainage flow. Per §522.E.1 of the Lawrence Township Land Use Ordinance, stormwater cannot be diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on private properties. Analysis of the 100-year storm is required.
- 2.04 A snow storage area shall be identified.
- 2.05 The Operations and Maintenance Manual shall specifically address snow removal, chemical usage, pavement sealing prohibition and the testing requirements after installation in addition to the other required plan elements.
- 2.06 Basin cross sections and outlet structure details shall be added to the plans.

3.00 Grading

- 3.01 Grading shall be revised at the Gulick House. The plans show runoff toward the building. The Engineering Department requirement is a 6" drop in the first 20' from the structure. Minimum driveway slope of 1.5% shall also be demonstrated.
- 3.02 Adequate spot elevations shall be provided in the parking areas to demonstrate minimum slope of 1.5% overland and 0.75% along curb lines. Detailed grading is required beyond the schematic pattern provided.
- 3.03 The construction of the northerly retaining wall will encroach onto the BMS property due to the excavation required for installation. An easement is required or the wall shall be relocated. Shop drawings will be required for both retaining walls.

If wall height exceeds 30", a railing will be required.

- 3.04 Seed tags will be required for the bio-retention areas.

4.00 Miscellaneous

- 4.01 The timing schedule for the parking lot lighting shall be discussed. If security lighting (24 hour) is requested, fixture locations shall be identified on the plans.
- 4.02 Any existing septic system or well shall be properly abandoned in accordance with Health Department requirements.
- 4.03 Other permits / approvals:
- a. New Jersey Department of Transportation
 - b. New Jersey Department of Environmental Protection Sewer Extension/Treatment Works
 - c. Mercer County Planning Board
 - d. Delaware & Raritan Canal Commission
 - e. Ewing-Lawrence Sewerage Authority
 - f. NJ American Water
 - g. Lawrence Township Historic Preservation Advisory Committee
 - h. Lawrence Township Public Safety
 - i. Lawrence Township Soil Disturbance Permit

Care One Management – Application Nos. ZB-1/22; SP-3/22 and S-2/22

Documents Reviewed:

- Letter from T and M Associates, dated August 22, 2022
- Application Nos. ZB-1/22; SP-3/22; S-2/22 with checklists and Disclosure Statements
- Feasibility Study prepared by Maximillian Hayden, dated July 13, 2021
- Stormwater Subsurface Investigation Summary Letter prepared by RPM Engineering, dated June 24, 2022
- Traffic Impact Study, dated may 27, 2022
- Geotechnical Engineering Report, dated June 24, 2022
- Stormwater Management Statement, dated May 27, 2022
- Approximate Septic Test Pit Location with Test Pit Log, Sheet 1 of 1, undated
- Minor Subdivision Plan, Sheet 01 of 01, revision dated June 28, 2022
- Cover Sheet, Sheet 1 of 19, revision dated June 28, 2022
- Legend & General Notes, Sheet 2 of 19, revision dated June 28, 2022
- Existing Conditions Plan, Sheet 3 of 19, revision dated June 28, 2022
- Demolition Plan, Sheets 4 and 5 of 19, revision dated June 28, 2022
- Construction Site Plan, Sheet 6 of 19, revision dated June 28, 2022
- Signage & Striping Plan, Sheet 7 of 19, revision dated June 28, 2022
- Grading Plan, Sheet 8 of 19, revision dated June 28, 2022
- Drainage & utility Plan, Sheets 9 and 10 of 19, revision dated June 28, 2022
- Landscaping Plan, Sheet 11 of 19, revision dated June 28, 2022
- Lighting Plan, Sheet 12 of 19, revision dated June 28, 2022
- Storm Sewer Profiles, Sheet 13 of 19, revision dated June 28, 2022
- Construction Details, Sheets 14 thru 18 of 19, revision dated June 28, 2022
- Truck turning Plan – Fire Truck, Sheet 19 of 19, revision dated June 28, 2022
- Cover Sheet, Sheet A0.00, dated July 14, 2022
- Demolition Floor Plan – Basement, Sheet D1.01, dated July 14, 2022
- Demolition Floor Plan – First Floor, Sheet D1.02, dated July 14, 2022
- Demolition Floor Plan – Second Floor, Sheet D1.03, dated July 14, 2022
- Demolition Floor Plan – Third Floor, Sheet D1.04, dated July 14, 2022
- Construction Floor Plan – Basement, Sheet A1.01, dated July 14, 2022
- Construction Floor Plan – First Floor, Sheet A1.02, dated July 14, 2022
- Construction Plan – Second Floor, sheet A1.03, dated July 14, 2022
- Construction Plan – Third Floor, Sheet A1.04, dated July 14, 2022
- Exterior Elevations, Sheets A2.01 & A2.02, dated July 14, 2022
- Interior Elevations, Sheets A3.01 thru A3.03, dated July 14, 2022
- Basement, Sheet SK-01, dated October 4, 2021
- First Floor Plan, Sheet SK-02, dated October 4, 2021
- Second Floor Plan, Sheet SK-03, dated October 4, 2021
- Third Floor Plan, Sheet SK-04, dated October 4, 2021
- North & West Elevations, Sheet SK-05, dated October 4, 2021
- South & East Elevations, Sheet SK-06, dated October 4, 2021

SJS

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November 18, 2022

Lawrence Township Zoning Board of Adjustment (via e-mail)
2207 Lawrenceville Road
PO Box 6006
Lawrence Township, NJ 08648



**Re: Care One at Lawrence, LLC
Block 6601 Lot 2
D(1) Use Variance Relief, D(6) Height Variance Relief, Site Plan Approval, & Minor
Subdivision Approval
EP-1 Environmental Protection-1 District**

Dear Board Members:

Pursuant to the Board's request, we have reviewed the above captioned matter for compliance with the Land Use Ordinance of the Township of Lawrence. The material reviewed, as supplied by the Township, included the following:

1. Land Use Application ZB-1/22 & SP-3/22 and supporting documents.
2. Preliminary and Final Site Plan, prepared by Michael R. Thomas PE, PE of T and M Associates, dated May 27, 2022 last revised June 28, 2022 consisting of 19 sheets.
3. Architecture Plans for CareOne, prepared by Michael A. Pomarico, of Pomarico Design Studio Architecture PLLC, dated October 4, 2021, consisting of 6 sheets.
4. Gulick House Architecture Plans, prepared by Maximillian Hayden Architect Inc, dated July 14, 2022, consisting of 14 sheets.
5. Elevations and Floor Plans, prepared by Anchored Architects, LLC, dated January 20, 2022 consisting of 2 sheets.

Based on the information provided with the submission, the applicant seeks d(1)use variance relief, d(6) height variance relief, site plan approval, and minor subdivision approval to subdivide the property and relocate the existing historic single family home (The Gulick House) to proposed lot 2.01. Additionally, a three-story 113,931 square foot assisted living facility, with 170 beds, 126 parking spaces, and associated lighting, landscaping, and stormwater management improvements would be constructed on proposed lot 2.02. Both the assisted living facility and the single family dwelling would be connected to public water and sewer. Access to the assisted living facility would be via two driveways, one located on Province Line Road and the other on Route 206; the residential dwelling is provided access from the internal driveway for the assisted living facility off of Province Line Road.

The subject property, known as Block 6601, Lot 2, with a street address of 3641 Lawrenceville Road, is located in the northwest corner of the intersection of Lawrenceville Road (US 206) and

Province Line Road. Totaling 6.449 acres, the site has 935' of frontage along Lawrenceville Road. At present the site contains an existing historic two-and-a-half story 5-bedroom single family residence (William Gulick House), and a detached garage, and much of the eastern half of the site is wooded. Surrounding uses include residential dwellings immediately to the east and south with the Bristol Meyers Squibb office campus to the north and west. The recently approved dental office is located immediately south of the site on the opposite corner of Province Line Road.

Zoning

The subject property is located in the EP-1 Environmental Protection 1 Zoning District, which permits agriculture, farmsteads, single family detached dwellings, residential cluster option, public parks and recreation, conservation, municipal uses, and cemeteries. Accessory uses permitted include private residential swimming pools and cabanas, private residential tool sheds, recreational vehicle storage, outdoor recreational facilities including tennis or other court sports, off-street parking and private garages, fences and walls, deck/patio, signs, home occupations, accessory apartments, ECHO housing, satellite dishes and television antennas, farm stands and consumer crop picking operation when used in conjunction with an agricultural use, and other accessory uses customarily incidental to a principal use. The district conditionally permits public and private day schools, public and private golf courses, farm stands, bed and breakfast accommodations and childcare centers. As the applicant proposes an assisted living facility and the use is not permitted as of right, a d(1) use variance is required. We note that assisted living residences are permitted in the SCR and EGI districts in various locations throughout the Township, although most of those properties are developed.

The table below lists the bulk requirements for the EP-1 District and compares them to the applicant's proposal.

	Required		Proposed Lot 2.01	Proposed Lot 2.02
	Single Family Detached	Other Permitted Uses		
Minimum Lot Area per Unit	2-acres	3-acres	**1-acre	5.449-acres
Minimum Open Space	0%	N/A	75.8%	N/A
Minimum Lot Frontage	200'	200'	223.88'	851.1'
Minimum Front Yard	75'	100'	*37.67'	*73.37'
Minimum Side Yard	50'	50'	50'	87.28'
Minimum Rear Yard	50'	50'	80.83'	**38.64'
Minimum Acreage Exclusive of Critical Areas	N/A	1-acre	N/A	5.449-acre
Minimum Useable Yard Area	N/A	20% of each yard	N/A	100%
Maximum Impervious Surface Ratio	.14	.08	** .24	** .45
Maximum Height	35'	35'	**42.4'	**40'
Parking Spaces	3	1 space for every 2 beds	3	126
Maximum Sign Area	N/A	20 SF	N/A	**24 SF
Maximum Sign Height	N/A	5'	N/A	**6'
Maximum Sign Setback	N/A	30'	N/A	**20.52'

**denotes variance required

The applicant's proposal requires the following variance relief:

1. §401.B, d(1) use variance for a use not permitted in the EP-1 District.
2. §401.E.3, bulk variance for minimum lot area, where 2 acres is required and 1 acre is proposed for Lot 2.01.
3. §401.F.1, bulk variance for minimum front yard setback, where 75' is required and 37.67' is proposed for Lot 2.01.
4. §401.F.1, bulk variance for maximum impervious surface ratio, where 0.14 is permitted and 0.24 is proposed for Lot 2.01.
5. §401.F.4, bulk variance for minimum front yard setback, where 100' is required and 73.37' is proposed for Lot 2.02.
6. §401.F.4, bulk variance for minimum rear yard setback, where 50' is required and 38.64' is proposed for Lot 2.02.
7. §401.F.4, bulk variance for maximum impervious surface ratio, where 0.08 is permitted and 0.45 is proposed for Lot 2.02.
8. §401.F.5, d(6) use variance for maximum building height for principal use, where 35' is permitted and 42.4' is proposed for Lot 2.01 and 40' is proposed for Lot 2.02.

In addition to the variances requested, a number of exceptions are required as documented later in this report in the site plan comments section.

Use Variance Considerations

The Board has the power to grant "d(1)" variances to permit prohibited uses (N.J.S.A. 40:55D-70(1)) only "in particular cases and for special reasons." This is the so-called positive criteria of a "d(1)" variance. In 2009, the Legislature amended the Municipal Land Use Law to include a definition of "inherently beneficial use", which means "*a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, childcare center, group home, or a wind, solar or photovoltaic energy facility or structure*". While assisted living facilities are not specifically listed in the statutory definition included in the MLUL, it is closely related to a hospital or congregate care facility, with hospitals included in the definition and congregate care facilities having been deemed inherently beneficial through case law. Although we do not disagree with the proposed use being classified as inherently beneficial, the Board should be guided the Court's decision in *Smart SMR v. Fair Lawn Bd. Of Adj.*, 152 N.J. 309, 329 (1998), which noted "*inherently beneficial uses are generally limited in number within a single municipality.*" The Court's suggestion in *Smart* is that at some point a certain need may be fulfilled, which may alter the outright general welfare benefit that is to be considered both in connection with evaluation of the first part of the Sica balancing test (i.e. the public interest at stake) and when the Board balances the positive aspects of the project against any negative impacts. As there are a significant number of similar facilities within the Township, the Board will need to carefully weigh the need testimony provided by the applicant. We assume that the applicant has received a certificate of need from the State, which will be informative on this issue. If granted a certificate of need for the facility, one would assume that despite many other similar

facilities existing in the area, additional need exists.

Once a use is determined to be inherently beneficial, the Board's consideration of the use variance is quite different than that for a non-inherently beneficial use and represents a lesser legal burden. First and foremost, for an inherently beneficial use, the positive criteria are presumptively satisfied. In addition, the applicant need not demonstrate that the site is particularly suited to the proposed use. The negative criteria considerations are also modified under case law established in *Sica v. Board of Adjustment of Tp. of Wall*, 127 N.J. 152, 160 (1992). The applicant is not required to demonstrate the enhanced quality of proof as required by the Court in *Medici v. BPR Co.* In its decision in *SICA*, the Court set forth a four-part test to be employed by the Board for the negative criteria, which consists of the following:

- 1) Identify the public interest at stake, realizing some uses are more compelling than others.
- 2) Identify any detrimental effects that could ensue from the grant of the variance.
- 3) Identify conditions that can be placed on the grant of the variance to reduce any detrimental effects.
- 4) Determine if on balance, the positive outweigh the negatives and the variance can be granted without substantial detriment to the public good or substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

Related to the negative criteria, the Board should consider the following in terms of the second part of the *Sica* balancing test.

- a. In order to achieve the design proposed, the applicant is essentially clearing the site to construct improvements. This will represent a dramatic change from the current condition and appearance of the property. The context of surrounding uses is an important consideration relative to the site development plan, as is the appearance of the site along Route 206 and the linear King's Highway Historic District.
- b. As noted previously, the applicant requires significant bulk variance relief relative to the standards of the EP-1 District, most notably as to maximum impervious surface coverage and front yard setback.
- c. Building size and mass. The proposed building is situated parallel to Route 206 and is three stories in height, requiring d(6) height variance relief. The applicant should present testimony comparing the building to surrounding structures and the building design standards related to assisted living facilities in §521.E, as discussed later in this report.
- d. Traffic. As the applicant requires use variance approval, the Board needs to carefully consider the traffic impact associated with the proposed use in a residential zone. Safe ingress and egress must be demonstrated.

Relative to the third part of the *Sica* balancing test, the Board needs to consider whether reasonable conditions can be imposed to reduce any of the detrimental effects identified. Landscape buffering along Route 206 will be a primary consideration, as additional landscape material along the roadway could help soften views of the proposed facility.

Although the applicant is not required to address the enhanced quality of proof under Medici, the Board still needs to consider potential impacts to the intent and purpose of the zone plan and zoning ordinance, assessing whether the grant of the use variance substantially impairs the intent of stated planning policy. The Municipal Land Use Law specifically states in 40:55D-70d *“No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.”* It is worthwhile to note the Legislature reinforced the second prong of the negative criteria through amendments to the Municipal Land Use Law adopted in 1997. It did this in response to judicial trends requiring variances be issued for inherently beneficial uses without consideration of the potential for impairment to the intent and purpose of the zone plan.

As to the intent and purpose of the zone plan and zoning ordinance, the Land Use Ordinance, §401A notes the purpose of the Environmental Protection 1 (EP-1) District as follows:

“Purpose. The Environmental Protection 1 district is designed for low intensity uses primarily in the northwest area of the municipality where poor water yields and strata for septic systems dictate large lot development in an area of little or no public infrastructure and severe environmental constraints, including but not limited to, a seasonal high water table, shallow depth to bedrock, and steep slopes along the Stony Brook. Further, the purpose of the EP-1 district is to protect the environmental resources and qualities of this area, maintain the rural character of roads and scenic views, and retain farmland. The EP-1 designation is contrasted with the EP-2 district by being underlain with the Lockatong-Argillite geologic formation as depicted in the adopted Master Plan. Both the EP-1 and EP-2 districts, though poorly suited for development, are exceptional areas for non-irrigated agriculture. Because of this last factor, clustering of residential units is preferred whether under the provisions of this section or §428.”

The Land Use Ordinance also contains a statement of intent and purpose in §102, which is reproduced below. We have highlighted (in bold) certain items that may be relevant to the Board’s consideration of the matter at hand. The applicant will need to focus on reconciling the bold items and in particular focus on the intent of discouraging small-scale office development outside of neighborhood commercial areas, which this proposal appears to be directly contrary to. Discussion of potential impacts to the King’s Highway Historic District, which the site abuts, should also be addressed.

- A. To guide the appropriate use or development of all lands in a manner that will promote the public health, safety, morals and general welfare;**
- B. To secure safety from fire, flood, panic and other natural and manmade disasters;**
- C. To provide adequate light, air and open space;**
- D. To ensure that the development of the Township of Lawrence does not conflict with the**

- development and general welfare of neighboring municipalities, the county and State as a whole;
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- G. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which will result in congestion or blight;
- I. To provide a desirable visual environment through creative development techniques and good civic design and arrangements;**
- J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;**
- K. To encourage planned unit development which incorporates the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;
- L. To encourage senior citizen community housing construction;**
- M. To encourage the coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- N. To promote utilization of renewable energy sources;
- O. To promote the maximum practical recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs;
- P. To discourage the creation of additional highway commercial uses except in areas specifically designated on the zoning map and to encourage mixed use neighborhood centers;
- Q. To discourage small scale office development outside of designated neighborhood commercial areas;
- R. To encourage, within areas identified in the Master Plan, a mixture of land uses that facilitate non-vehicular and pedestrian access;
- S. To place higher density housing only in areas:
1. With sufficient capacity in the transportation system;
 2. With access to public transit;
 3. Near shopping and other personal convenience services, and;
 4. In locations with public sewer and water;
- T. To maintain traditional architectural forms in higher density housing by utilizing the highest possible design standards.
- U. To plan adequately for the timely provision of new community facilities, including but not limited to:

1. Firehouses;
2. Schools;
3. Community Centers;
4. Parks;
5. Bicycle lanes and pedestrian paths;
6. Municipal facilities; and
7. Public transit.

V. To encourage the redevelopment of existing underutilized or abandoned lands and buildings;

W. To promote the redevelopment of the commercial core of the village of Lawrenceville through coordinated parking, streetscape improvements, signage, and lighting in keeping with the historic character of this district;

X. To preserve and enhance historic buildings, places and landscapes, encourage the maintenance of traditional architectural forms in buildings, and retain rural road characteristics, including but not limited to the following areas:

- 1. Delaware and Raritan Canal and associated areas;**
- 2. Port Mercer;**
- 3. The Lawrenceville School;**
- 4. Lawrenceville Village;**
- 5. Sites designated on State and National Registers of Historic Places; and**
- 6. Adjacent or nearby sites that by their proximity to listed places influence the nature of historical places.**

Y. To establish design standards to encourage the construction of new buildings to complement the style and scale of existing buildings;

Z. To protect environmentally sensitive lands from development or other potentially damaging influences and to control the clearing of land that would adversely affect threatened or endangered plant and animal species;

AA. To promote the preservation of natural features during land development;

BB. To preserve remaining farmland and rural areas, through:

1. Transfer of development credits from farmland into appropriate receiving areas;
2. Residential clustering in areas adjacent to agriculture;
3. Use of traditional rural design in roadways and landscaping;
4. Limiting the extension of public sewers to areas suitable for more intensive development; Land Use Ordinance

CC. To encourage open space dedications in the development review process to maximize the quantity and quality of such land in accordance with the criteria in the adopted Township Master Plan, and provide improved access to existing parks;

DD. To create a Greenway Network to preserve and enhance existing stream corridors, connecting parks and conservation areas and using the Network for pedestrian and bicycling in areas capable of supporting such activity;

EE. To promote the visual improvement of the Township's major arterials by the coordination of visual design and character of signage, planting additional street trees, and requiring on-site landscaping improvements during the redevelopment review process.

FF. To improve streetscapes in existing residential areas, non-residential and rural areas, through:

- 1. Installing a row of street trees, or a double row where possible, on all collector and**

arterial roads;

2. Using textured materials for sidewalks and crosswalks;
3. The use of decorative fencing as a landscape design element in multi-family housing developments;
4. The installation of hedges and hedgerows; and
5. Requiring underground utilities in development and redevelopment.

GG. To discourage the widening, except for safety purposes or bicycle lanes, of existing collector, subcollector and residential access roads in existing developments and where rural development patterns are present, restricting new residential roads to two lanes, preserving the level of service by reducing curb cuts and discouraging speeding by the use of traffic calming measures.

HH. To encourage the coordination of development through the connection of commercial properties by easement and physical improvement.

II. To help retain existing rural character by designing new rural roads with two lanes, narrow shoulders, drainage ditches and hedges or hedgerows;

JJ. To decrease the visibility and extent of parking lots and access driveways by:

1. Requiring the installation of landscaped traffic islands in parking lots;
2. **Screening parking lots from the traveling public and adjacent residents by a combination of landscaping, berming, walls and fencing; and**
3. Reducing the required number of parking spaces in pedestrian-oriented development and redevelopment.

KK. To provide for the conservation and, where appropriate, the improvement of the entire length of the Delaware and Raritan Canal State Park to the extent possible by municipal government and assure that the development of adjoining properties protects and enhances the resources and qualities of the Canal Park;

LL. To provide for the redevelopment of Alternate Route 1 (Brunswick Pike) south of Colonial Lake, by promoting a commercial boulevard through the reduction of cartway width, an increase in the median area and improvements to paving, landscaping, building facades, signage and lighting.

MM. To provide, to the greatest extent feasible, the natural control of storm water from land development while preserving the existing contours and natural features of the site; restrict development on steep slopes to reduce negative impacts on stream bank stability and to control erosion.

The Township's 1995 Master Plan sets forth a number of goals and objectives, and subsequent reexaminations of the Master Plan have not significantly altered those policy statements. Those that are potentially relevant are noted below.

- Community Character goal -Maintain the predominantly residential nature of the municipality.
- Land Use goal – Foster a well balanced, diverse community with a mix of residential housing types, institutional, commercial, and limited industrial uses along with ample open space and public facilities. The land use plan and development regulations are designed to minimize land use conflicts and to reduce adverse impacts of development on other activities in the Township.
- Land Use objective - Discourage the introduction of incompatible land uses.

Ultimately the Board will be engaging in weighing the public welfare benefit of the proposed assisted living facility against the potential detriments that could arise from the grant of a d(1) use variance. In order to grant the relief requested, the Board must be satisfied that under the Sica balancing test, the benefits outweigh the detriments and the relief will not result in substantial detriment to the public good. The master plan policies and goals and objectives noted above must also be separately considered.

Consideration of d(6) Use Variances

The applicant is requesting d(6) use variance relief in accordance with the requirements of the New Jersey Municipal Land Use Law. While technically use variances, d(6) height variances are treated differently than d(1) use variance requests to allow a use or principal structure not permitted in the EP-1 district. The Board should be guided by the case Grasso v. Bor. of Spring Lake Heights, 375 N.J. Super. 41 (App. Div. 2004). In its decision in the Grasso case, the Court likened the grant of d(6) height variance relief to that of d(4) relief for an increase in floor area ratio. The applicant must show that the grant of relief is not contrary to the governing body's purpose of imposing height restrictions in this residential district, which are related to the provision of adequate light, air and open space. Discussion should be presented on the character of the proposed structure relative to uses surrounding the site. The applicant must also demonstrate the traditional negative criteria, focusing on the potential effect of the increased height of the building on surrounding properties and reconciling the intent of the governing body relative to imposition of the 35' height limitation.

Consideration of Bulk Variances

The applicant is requesting bulk variance relief related to maximum impervious surface ratio and required setbacks. The Board has the power to grant c(1) or hardship variances "(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property." The Board may also consider the grant of c(2) variances where the purposes of the New Jersey Municipal Land Use Law would be advanced and the benefits of the deviation would substantially outweigh any detriment. In either case, the Board cannot grant "c" or bulk variances unless the negative criteria are satisfied, or that there is no substantial impact to surrounding properties (first prong) and the grant of the variance will not cause substantial impairment to the intent and purpose of the zone plan (master plan) or zoning ordinance (second prong).

The mass and size of the proposed structure is an important consideration relative to the setback relief sought and the combination of the d(6) variance and front yard setback relief must be carefully considered. Additional landscape buffering along Route 206 will be critical to reducing potential detrimental effects. Considering the maximum impervious surface ratio variance, the Board will need to be satisfied that stormwater management can be adequately addressed and that the resulting increase will not have a negative visual impact on the roadway and surrounding

properties.

Consideration of Exceptions

As part of its application for site plan approval, the applicant has requested a number of exceptions from the design standards applicable to site plan review. In consideration of the requested exceptions, the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-51b permits the Zoning Board to “...grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.” The Court, in Garofalo v. Burlington Tp., 212 N.J. Super. 458 (Law Div. 1985) noted a waiver (exception) is simply an acknowledgement the proposal is satisfactory relative to the site plan requirements. Waivers (exceptions) must be considered reasonable under the facts. The applicant’s professionals should provide appropriate testimony to support the exceptions requested.

Site Plan Considerations

While we have reviewed the applicant’s proposal relative to the ordinance, we defer comments on site construction details, stormwater management and lighting to the engineering department. We have focused most of our comments on site design, signage and landscaping.

1. §521 sets forth design standards for commercial and industrial buildings. The applicant’s architect should provide testimony addressing these standards. Of particular note are the additional design standards in §521.E related specifically to assisted living facilities
2. §523 of the LDO, Energy Conservation, sets forth standards for sustainable design. The applicant has provided a Sustainable Design Assessment as required by the ordinance, and testimony should be provided.
3. The applicant’s proposal includes relocation of the William Gulick House to the far east side of the site. Landscape buffering is proposed between the dwelling and the assisted living facility, but it does not comply with the requirement for a minimum 50’ buffer between such uses as 37.23’ is proposed, requiring an exception. Testimony should be provided relative to the plant density requirements in Table 5.11 in the LDO, and solid fencing should be considered in addition to the proposed landscape buffer.
4. §525.L of the LDO sets forth specific requirements for parking lot landscaping and screening. We note that limited buffering is proposed along the southern boundary of the parking area along Route 206. The ordinance requires that a combination of berming, fences, hedges and walls be utilized to screen parking areas from public view. As this standard is not met, an exception is required. We suggest that additional buffering be considered for this particular area of the site.
5. Table 5.16 sets forth parking requirements, and notes that 1 space is required for every three beds in assisted living facilities. The bulk table notes a requirement of 1 space for every two beds, and should be corrected. Based on 170 beds, parking demand would be 57 spaces versus the 126 proposed. Given the need for a variance related to impervious coverage, the applicant should provide testimony relative to true parking demand, with

specific information provided on similar facilities the applicant operates and actual parking demand at those facilities. As the parking lot in the western portion of the site will be highly visible from Route 206, consideration should be given to reducing the number of spaces and pulling the parking area farther from the roadway. This would present the opportunity for additional buffering in this area of the site.

6. Testimony should be provided on compliance with the recently implemented EV charging requirements in the MLUL. EV charging spaces are proposed in the main parking area.
7. §530.F requires parking areas to be setback a minimum of 25' from property lines. The parking area along the front of the building appears to be closer than 25' to Route 206 with the bumpout proposed. A dimension should be added to the plan and an exception will be required.
8. §530.K.1.b requires 1 loading space for each 50,000 square feet of floor area, generating a need for 3 loading spaces. As designated loading areas measuring 15'x60' are required and not provide, an exception is needed.
9. §535.U.5 sets forth sign requirements for institutional uses in the EP-1 District. The applicant requires exceptions related to the proposed freestanding sign as follows:
 - a. Maximum sign area permitted is 20 square feet where 24 square feet is proposed.
 - b. Maximum sign height permitted is 5 feet where 6 feet is proposed.
 - c. Minimum sign setback from the roadway is 30 feet where 20.52 feet is proposed.
10. §541.G of the LDO sets forth requirements for tree protection. As larger specimen trees are proposed to be retained, the applicant should revise the plans to address these requirements.
11. §541.H and I set forth requirements for tree replacement and density. Calculations should be provided so that compliance can be determined. An exception is likely required.

We trust the Board will find this information useful in consideration of the matter at hand. We will attend the hearing on November 30th and reserve the right to provide additional comment based on the applicant's presentation. Should you wish to discuss this review memo, please feel free to contact our office.

Sincerely,



James T. Kyle, PP/AICP, Board Planner

attachment

Cc: Brenda Kraemer, PE (via e-mail)
Ed Schmierer, Esq., Board Attorney (via e-mail)



SURINDER S. ARORA, PE
President

ARORA and ASSOCIATES, P.C.

Consulting Engineers

Princeton Pike Corporate Center
1200 Lenox Drive, Suite 200, Lawrenceville, NJ 08648
(609) 844-1111 • Fax (609) 844-9799

MEMORANDUM

DATE: September 26, 2022

TO: Lawrence Township Planning Board and Zoning Board of Adjustment

FROM: Quazi Masood, P.E., PTOE *QM*
Jeffrey A. L'Amoreaux, P.E. *JAL*
Traffic Consultant

SUBJECT: Use and Bulk Variance Application No. ZB-1/22
Minor Subdivision Application SP-2/22
Major Site Plan - Preliminary & Final Application No. SP-3/22
CareOne at Lawrence - Assisted Living Facility
Tax Map Page 66.02 & 66.04, Block 6601, Lot 2
Zoning Board Memorandum #1
Lawrence Township, Mercer County, New Jersey

We are in receipt of the following information for review pertaining to the submission of a Bulk and Use Variance Application and a Preliminary and Final Site Plan Approval for a proposed assisted living facility to be located along U.S. Route 206 (Lawrence Road):

- One Transmittal Letter from Susan J. Snook, Administrative Secretary dated August 30, 2022, for reports due no later than Monday October 3, 2022.
- One Transmittal Letter from T&M Associates dated August 22, 2022
- One bound Township of Lawrence, Mercer County, NJ, Department of Community Development, Land Use Application Master Checklist filled out, including Forms G-1, C-1 & U-1 and Supplement to Application, with signatures dated May 26, 2022 and supporting documents (34 pages) prepared by T&M Associates.
- One full-size copy of plan titled Block 6601, Lot 2 – Minor Subdivision Plan dated May 27, 2022 (1 sheet) prepared by T&M Associates last revised June 28, 2022.
- One bound copy of a Report titled Stormwater Subsurface Investigation Summary Letter Proposed CareOne Assisted Living Facility prepared by RMP Engineering < LLE (19 pages), dated June 24, 2022.
- One bound copy Geotechnical Engineering Report Proposed CareOne Assisted Living Facility (28 pages) prepared by RMP Engineering LLC undated (though some figures have dates in May 2022)
- One bound copy Septic Field Evaluation CareOne Assisted Living Facility prepared by RMP Engineering LLC (6 pages) dated May 25, 2022
- One bound copy Traffic Impact Study Proposed CareOne at Lawrence (47 pages) prepared by T&M Associates dated May 27, 2022.
- One bound copy of Feasibility Study to Move the Gulick House (21 pages) prepared by Maximillian Hayden Architect, Inc. dated July 13, 2021
- One bound set of Preliminary and Final Site Plans for CareOne at Lawrence (19 sheets), prepared by T&M Associates dated May 27, 2022, last revised June 28, 2022.

- One bound set of Relocation and Restoration of the Gulick House Lawrenceville (14 sheets) prepared by Maximillian Hayden Architect, Inc. dated July 14, 2022.
- One bound set of Architectural Plans for CareOne at Lawrence (6 sheets) prepared by Pomarico Design Studio Architects PLLC dated October 4, 2021.

From the existing and proposed building plans and supporting documentation, the following are apparent. The proposed 113,931 SF three-story, 170 bed assisted living facility is to be located on a property designated as Block 6601, Lot 2 on the Township of Lawrence Tax Map, currently the location of the historic “Gulick House” property. It is in the southwest quadrant of the intersection of US Route 206 (Lawrence Road, or Trenton-Princeton Road) and Province Line Road at Milepost 51.29 along the southbound side. Proposed access to the subject property is provided via one (1) right-in/both-out driveway along U.S. Route 206 and one (1) full-movement driveway along Province Line Road. The existing access to Gulick House was via a gravel driveway to the south which connected to a driveway on the adjacent property (via easement from Bristol Myers Squibb) which provided access onto US Route 206 south of the intersection alongside the southern property boundary.

Built in the 1870s, the Gulick House is a former Single-Family Detached Dwelling per §401.B.2 which they are proposing to relocate and restore on a subdivided (approximately 1 acre) portion of the existing property to the north of its current location within the property, moving it closer to Province Line Road and providing its main access there. The relocation is being done to open up the middle portion of the property for a new three-story 170-bed assisted living facility with related parking areas around it, 127 proposed parking spaces were counted. The existing frame garage and concrete pad are being demolished.

We offer the following comments.

From the EP-1 Zoning Code §401

1. The §401.A EP-1 Zoning Code states “The Environmental Protection 1 district is designed for low intensity uses primarily in the northwest area of the municipality where poor water yields and strata for septic systems dictate large lot development in an area of little or no public infrastructure and severe environmental constraints, including but not limited to, a seasonal high water table, shallow depth to bedrock, and steep slopes along the Stony Brook. Further, the purpose of the EP-1 district is to protect the environmental resources and qualities of this area, maintain the rural character of roads and scenic views, and retain farmland. The EP-1 designation is contrasted with the EP-2 district by being underlain with the Locketong-Argillite geologic formation as depicted in the adopted Master Plan. Both the EP-1 and EP-2 districts, though poorly suited for development, are exceptional areas for non-irrigated agriculture. Because of this last factor, clustering of residential units is preferred whether under the provisions of this section of §428.”
2. Adult Day Care Facility, though an allowable Conditional Use under §430 is not one of the §430 Conditional Uses listed under §401. Zoning variance is required, this is likely what the ZB-1/2022 is all about.

3. Per §401.F.6.a “No accessory building or use shall be located in the front yard.” Off-Street Parking is considered an Accessory Use per §401.C.5. Even §430.A.5.a states “No parking lot shall be permitted in a front yard...” All three parking lots (and a large portion of the main new building) are shown encroaching the “Front Yard Setback” identified on the plans. Therefore, a variance to have parking (and building) will be needed in the “front yard” (facing US Route 206) as shown.

Preliminary and Final Major Site Plans

4. The Signage and Striping Plan, sheet 7, does not indicate the width of the crosswalks. Please label them to be 10’ wide minimum. Their width is also not indicated in the Construction Details on sheet 14.
5. It seems concerning that the Handicap Accessible Parking Spaces, at 8’ wide, should be 1’ narrower than parking spaces for able bodied drivers which are shown as 9’ wide typical. §530.D.5.a requires Van Accessible Spaces to be 9’ wide.
6. The Sign Details on Sheets 7 & 14 require a minor correction. The R(NJ)7-8A Sign is 10”x12” (not 12” x 14”) per NJDOT Standard Sign Manual 2011, which matches the “Penalty Plate” shown in the detail below it on Sheet 14, which should also be labeled R(NJ)7-8A. The R7-8 and R7-8P signs are shown correctly, thank you.
7. The R1-3P plate shown under one of the R1-1 Stop signs on sheet 7 is not detailed anywhere. Is it needed? What supplementary message does it show? Per the MUTCD, R1-3P says “All Way”, that is not the case at the location shown, only one direction is stopped there. This sign callout does not belong, please remove it.
8. There are no curb ramps shown along the Accessible Parking Areas to indicate how wheelchair bound drivers will access the sidewalks between accessible parking stalls. There may be conflicts between the proposed electric vehicle charging kiosk(s) and curb ramps there. That sidewalk appears fairly narrow such that providing curb ramps may prove difficult to have the clear path to roll a wheelchair past the ramps without dipping down into them and also the kiosk for two of those spaces to also be Electric Vehicle spaces may further obstruct the walkable pathway.
9. The Fire Truck Turning Template shown on sheet 19 indicates that the right turning movement into the site from Province Line Road completely runs over the vehicle shown to the stop line waiting to turn out. Similarly, the right turn movement in from Lawrence Road (US Route 206) runs over the channelizing island and also impacts the vehicle waiting to turn out at that stop line. Note, this same situation will occur with a garbage truck entering the site.
10. Please remove the curb stops from the Accessible Parking Spaces, they get hit, damage vehicles and become a maintenance issue. Provide bollards instead and mount the R7-8 and related signs on the bollards.

11. The Right-In/Both Out Driveway along US Route 206 is too close to the building entrance and circulation roadway. There is insufficient throat distance for the driveway access. Two possible solutions we would suggest are: a) moving the right-in driveway further south along US Route 206 to line up with the parking aisle and removing the both-out portion or b) moving the building vestibule to the other southern corner of the building.
12. It is not necessary to show all possible curb ramp types in the construction details on sheet 16. Please only show the details of the ones you are proposing to use on the site.
13. The “Parking Isle Thru Arrow” detail on sheet 14 spells aisle incorrectly. These markings while shown correctly, thanks, are not needed. Please remove this detail and remove the arrow markings from the plans.
14. Several of the internal stop bars shown around the parking lots/site can also be removed.
15. Since all of the handicap accessible parking spaces shown indicate that the R7-8P Van Accessible Plaque is provided for them, the detail showing the Accessible Parking Stall with the incorrect sign size for R(NJ)7-8A can be removed, none of the handicap accessible spaces shown are not Van Accessible as indicated on the plans.

Traffic Impact Study

16. The paragraph on Adjacent Development mentioned the Premier Dental Arts development as taking the place of an existing Chiropractic office. This seems to be incorrect. It is taking the place of an existing “home occupation” that included a small space (634 SF) dedicated to chiropractic care within a single-family detached dwelling. The dentist will not be living at the site and will dedicate the entire building to her practice. When we reviewed this one, we noted that the expected increase in traffic from the new 7 to 10 chair dental practice would be below the threshold that NJDOT would be concerned about, but it is not a “net zero” change. The chiropractor was limited to no more than two patients and one non-resident staff member at a time and only had five parking spaces. The dentist will not be quite so limited, 7-10 chairs, unknown staff size, 17 parking spaces. So, a revision to this trip estimation is suggested.
17. Technically there is an existing “Site Driveway #1”, but it has long been abandoned as the existing, historic, single-family detached home has fallen into disrepair. It was just off the property boundary to the south as an easement in the adjacent Bristol Myers Squibb property. The report should address the future use or fate of this driveway.

This completes our comments at this time. Additional comments may be provided as this project moves forward.

cc: James Parvesse, P.E.
Brenda Kraemer, P.E.
Susan Snook

Township of Lawrence
ENGINEERING DEPARTMENT

TO: Brenda Kraemer, Assistant Municipal Engineer
Elizabeth McManus, Planning Consultant
Jeffrey L'Amoreaux, Traffic Consultant
Michael Rodgers, Construction Official
Edward Tencza, c/o Public Safety Coordinating Committee
Historic Advisory Committee
Environmental Resources Committee
Shade Tree Advisory Committee
Keith Levine, Health Officer
Greg Whitehead, Public Works Director

FROM: Susan Snook, Administrative Secretary *AS*

SUBJECT: Use and Bulk Variance Application No. ZB-1/22
Major Site Plan – Preliminary & Final Application No. SP-3/22
Minor Subdivision Application No. S-2/22
Care One Management, LLC, 3641 Lawrenceville-Princeton Road
Tax Map Pages 66.02 & 66.04, Block 6601, Lot 2

DATE: August 30, 2022

Attached are the following documents with regard to the above-referenced application for an appeal decision:

- Letter from T and M Associates, dated August 22, 2022
- Application Nos. ZB-1/22; SP-3/22; S-2/22 with checklists and Disclosure Statements
- Feasibility Study prepared by Maximillian Hayden, dated July 13, 2021
- Stormwater Subsurface Investigation Summary Letter prepared by RPM Engineering, dated June 24, 2022
- Traffic Impact Study, dated may 27, 2022
- Geotechnical Engineering Report, dated June 24, 2022
- Stormwater Management Statement, dated May 27, 2022
- Approximate Septic Test Pit Location with Test Pit Log, Sheet 1 of 1, undated
- Minor Subdivision Plan, Sheet 01 of 01, revision dated June 28, 2022
- Cover Sheet, Sheet 1 of 19, revision dated June 28, 2022
- Legend & General Notes, Sheet 2 of 19, revision dated June 28, 2022
- Existing Conditions Plan, Sheet 3 of 19, revision dated June 28, 2022
- Demolition Plan, Sheets 4 and 5 of 19, revision dated June 28, 2022
- Construction Site Plan, Sheet 6 of 19, revision dated June 28, 2022
- Signage & Striping Plan, Sheet 7 of 19, revision dated June 28, 2022
- Grading Plan, Sheet 8 of 19, revision dated June 28, 2022
- Drainage & utility Plan, Sheets 9 and 10 of 19, revision dated June 28, 2022
- Landscaping Plan, Sheet 11 of 19, revision dated June 28, 2022
- Lighting Plan, Sheet 12 of 19, revision dated June 28, 2022
- Storm Sewer Profiles, Sheet 13 of 19, revision dated June 28, 2022
- Construction Details, Sheets 14 thru 18 of 19, revision dated June 28, 2022
- Truck turning Plan – Fire Truck, Sheet 19 of 19, revision dated June 28, 2022
- Cover Sheet, Sheet A0.00, dated July 14, 2022

08/31/2022 NO Fire Comments SM
8/31/2022 NO PLB Comments JD

7/8/2022 NO ELECTRICAL Comments
9/9/2022 NO Bldg Comments MR

TOWNSHIP OF LAWRENCE

2207 Lawrence Road
Lawrence Township NJ 08648

Department of Community Development
609-844-7087

Lawrence Township Shade Tree Advisory Committee
REPORT
Care One Mgmt., LLC
3641 Lawrenceville-Princeton Road (Rt 206)
October 2022

- We have reviewed these plans. **The main suggestion is to plant many more trees for a proposed development of this size and intensity. There are opportunities to plant many more trees on bump-outs within the parking area. There will provide shade, quality parking spots during the warmer months, and reduce the amount of storm water run-off.** Additional water-tolerant species of trees may be needed.. **There is a high % of impervious surface** in this proposal, which can lead to water-logged soils in the remaining areas.
- Planting Red Oak trees along Rt 206 is a plausible suggestion. The planting scheme might be improved by being more naturalistic rather than in as straight row. There is a trend to plant smaller trees along roadways. Note that Red Oak can grow to be 50-65 feet tall. Any tall trees that may be blown down by a typical storm from the North or Northwest can block Rt 206.
- Consider planting additional dampness-tolerant conifers to give four-season interest and to create a visual buffer along Rt 206. There is a high % of impermeable surface in the proposal. Additional water retention basin area may be needed.
- The proposal appears to envision widening Rt 206. This would reduce the area available for planting a buffer to screen the large proposed structure. The parking area shown on the plans along Rt 206 is inconsistent with planting trees to create a visual buffer. Remove that parking area and plant shrubs and trees as a buffer.
- The setback required of the neighboring Bristol Myers Squibb offices is enormously greater than the small set back proposed here. There should be a much larger setback on this property, with conifer shrubs and trees to create a visual buffer.
- As proposed, **there is a need for safe places to walk on this site with a proposed intensive residential use.** A basic design principal for safety is to separate pedestrians from automobiles. Trees can also help to reduce vehicle speeds and prevent collisions.

Respectfully submitted,

David Bosted, STAC Chair

LAWRENCE TOWNSHIP HEALTH DEPARTMENT

2207 Lawrenceville Road - Box 6006 - Lawrenceville, New Jersey 08648

Telephone: (609) 844-7089

Date: September 6, 2022

To: James Parvesse, P.E., Municipal Engineer, Secretary to Planning Board

From: Keith Levine

REVIEW FOR:

<input type="checkbox"/>	Building Permit	<input type="checkbox"/>	Food Establishment
<input type="checkbox"/>	Certificate of Occupancy	<input type="checkbox"/>	Sewage Disposal System
<input checked="" type="checkbox"/>	Planning Board	<input type="checkbox"/>	Individual Water Supply
<input type="checkbox"/>	Zoning Board	<input type="checkbox"/>	Commercial Property
<input type="checkbox"/>	Other: _____	<input checked="" type="checkbox"/>	Prelim & Final Major
			Site Plan w/ Variances

PROJECT NAME: Care One Management, LLC - ZB-1/22, SP-3/22 & S-2/22

LOCATION: 3641 Lawrenceville - Princeton Road

BLOCK: 6601 LOT # 2 PR# -

OWNER: CareOne at Lawrence, LLC Phone: 201-242-4000

ENGINEER/ARCHITECT: Michael Thomas, PE T&M Associates

ADDRESS: 11 Tindall Rd.
Middletown, NJ 007748 PHONE: 732-865-9471

APPROVAL DISAPPROVAL APPROVAL WITH CONDITIONS

COMMENTS:

Provide will serve letters from New Jersey American Water Authority (NJAW) and Ewing Lawrence Sewerage Authority (ELSA).

Construction and operational activities shall be in accordance with the Lawrence Township Noise Nuisance Ordinance and NJDEP anti-idling regulations.

Trash enclosure shall be of adequate size for all waste containers including trash, recycling and waste grease.

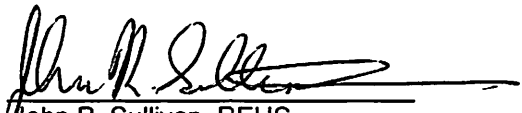
Requirements for a grease trap for the food establishments shall be reviewed with the Plumbing Subcode Official & ELSA.

Since food service will be provided in the CareOne Building and Gulick House, a Retail Food Establishment Plan Review Application and licensing as Retail Food Establishments will be required by the Health Department per N.J.A.C. 8:24, the state Retail Food Code.

Clarification is requested regarding the number of proposed bedrooms in the Gulick House. Most documents indicate 5 bedrooms while the Renovation Plans for Gulick House indicate 8 existing and proposed bedrooms.

Any wells or septic tanks identified at the site shall be abandoned in compliance with NJDEP regulations.

The Health Department shall be notified if any additional wells or septic tanks are identified.


John R. Sullivan, REHS


Keith Levine, Health Officer

Township of Lawrence
ENGINEERING DEPARTMENT

TO: Susan McCloskey, Tax Collector
FROM: Susan Snook, Administrative Secretary *SS*
SUBJECT: Verification of Current Tax and Sewer Payment Status
DATE: September 12, 2022

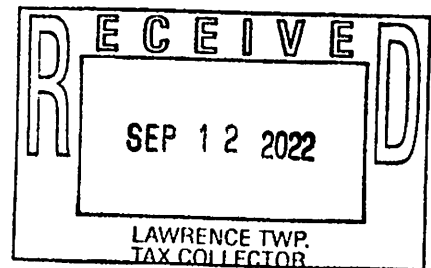
Please update the status of taxes and sewer payments with regard to the following application:

Application No(s): ZB-1/22; SP-3/22; S-2/22
Application Name: **Care One Management, LLC**
Street Address: 3641 Lawrenceville-Princeton Road
Tax Map Page(s): 66.02 & 66.04
Block: 6601
Lot(s): 2

Thank you for your anticipated assistance and response.

SJS
g:\engineering\tax request.doc

*Taxes are current
as of 9/13/22
NO SEWER.
Tax Collector*



TOWNSHIP OF LAWRENCE

Edward Tencza, Fire Marshal

Department of Public Safety

TO: Zoning/Planning Board
FROM: Edward Tencza
SUBJECT: Care One Management, LLC, 3641 Lawrenceville Road
Block 6601, Lot 2

DATE: October 3, 2022

After review of proposed site plan for Care One Management, LLC, 3641 Lawrenceville Road.

The following items of concern.

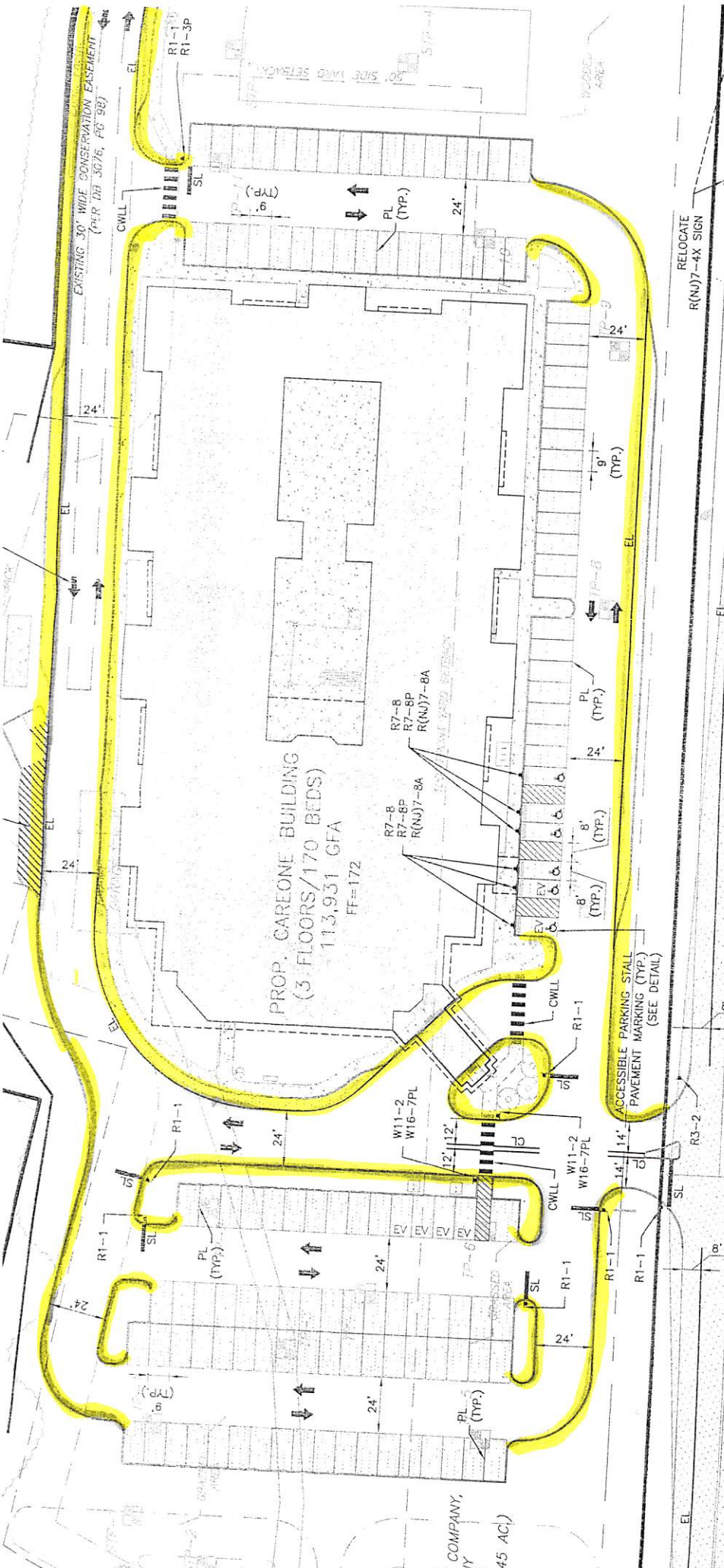
1. How will this 170 bed Health Care Facility impact the Lawrence Township Emergency Services? Will there be the use of private ambulance transport companies, have Care One ambulance available for transports or utilize Lawrence Township Emergency Services? Other surrounding Emergency Medical Services respond frequently to Care One Facilities throughout the day. Lawrence Township Emergency Services currently staffs one ambulance with two EMTs per twelve hour shift 6 am to 6pm and 6 pm to 6 am.
2. Fire Lane Markings curb/ pavement and proper "NO PARKING FIRE LANE" signs to be installed in main entrance/ exit driveways both sides. Curb line on west side adjacent to Bristol Myers Property, curb line adjacent to Lawrenceville road and all areas indicated in highlighter on site map provided. Allowing appropriate access for Fire Apparatus from main entrance driveway to rear of building.

Edward C. Tencza



Fire Marshal

Public Safety Committee



PROP. CARBONE BUILDING
 (3 FLOORS/170 BEDS)
 113,931 GFA
 FF=172

U.S. ROUTE 206
 (A.K.A. LAWRENCEVILLE ROAD)
 (VARIABLE WIDTH R.O.W.)

INTERSECTION SIGHT DISTANCE = 480'
 (DESIGN SPEED = 50 MPH)

SIGHT DISTANCE = 555'
 (DESIGN SPEED = 50 MPH)

*No Packing Fine Line Markings
 Both Cures Paint AND Signage*

October 2, 2022

COMPANY,
 NY
 4.45 AC.)



To: Lawrence Township Zoning Board
From: Environmental and Green Advisory Committee (EGAC)
Date: October 3, 2022
Re: Care One Management, 3641 Lawrenceville-Princeton Rd.
Major Site Plan-Preliminary & Final Application No. SP-3/22
Minor Subdivision Application No. S-2/22
Tax Map Pages 66.02 & 66.04, Block 6601, Lot 2

In accordance with the legal authority and responsibility of the Lawrence Township Environmental and Green Advisory Committee (EGAC), we have conducted a review of the application materials provided to the Committee by the Township of Lawrence.

SUMMARY

This 6.449-acre plot is in the EP-1 Zone. Subdivision would create a one-acre plot with relocated residence and a Major Site Plan for a 5.449-acre plot and three-story assisted living facility.

The project use and size appear inappropriate for this site given the environmental impacts. The amount of land disturbance, deforestation, and impervious cover (and *significant* deviation from Maximum Impervious Surface Ratio) increases community exposure to risk from flooding/flashfloods, pests, and other climate change effects, and decreases the municipality's resiliency to rebound from these threats.

This development would permanently alter the rural characteristic of the area as well as the nationally significant historic corridor. Strategically, the municipality as a whole relies upon the Zone Plan, the EP1 designation and ordinances to protect environmental services provided for the **public good** from the **cumulative risk** caused by urban infill across the municipality. As such, D1 and C Variances are not recommended and further details are provided.

Recommendations/Questions:

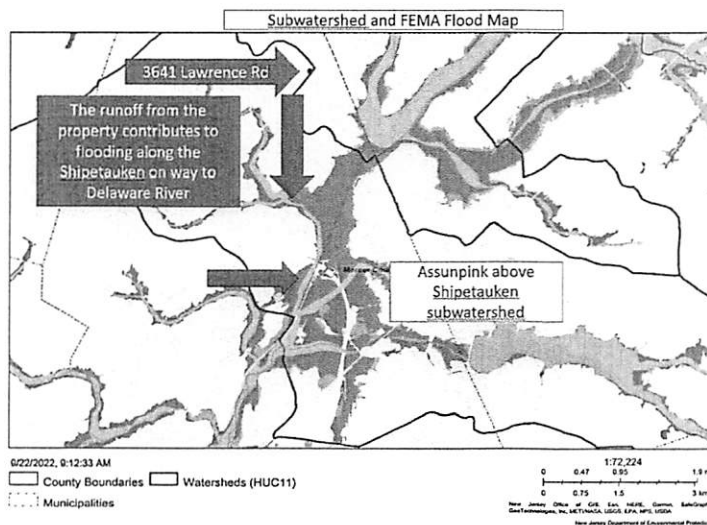
1. The amount of impervious cover is a principal concern. In addition to the *significant* deviation from .08 (8%) Maximum Impervious Cover ratio, it appears calculations are under reported. Lot 2.02 appears greater .5 (50%). Lot 1 also appears greater than indicated on plans.
2. Provide required Water Quality Calculations.
3. Provide required Groundwater Recharge Calculations.
4. Appears Mounding Analysis should be provided.
5. Provide bio-infiltration basin construction details and cross section on plans.
6. Provide narrative in Stormwater Statement interpreting reports and describing drainage functionality.
7. Stormwater Facilities are likely undersized given current and future rainfall predictions.
8. Provide Environmental Impact Statement (EIS) or at a minimum, additional information per §812 of the MLUL not found in other documentation (including Demographics, Master Plan Compatibility (*not just to the Lawrence Master Plan*), Historic Resources, Miscellaneous, and Impact) which are pertinent for Zoning Board consideration. The Committee details some below and ask for additional info that the EIS would cover.
9. Adhere to Landscaping Buffer, Front and Back Yard minimums and Sign Setback regulations.
10. Sustainable Design Assessment lacks detail, please provide comprehensive design assessment.

SUGGESTION/RECOMMENDATION DETAIL

Stormwater Management

In Lawrence, there is particular flood risk in the Assunpink above Shipetauken Watershed, with flooding all along the Shipetauken and into the Assunpink. This project is located in the upper portion of the watershed and the land use here impacts the rest of the watershed, impacting for instance the former Sleepy Hollow Motel site on Route One and the Lawrence Township Public Works facilities on Bakers Basin Road. Impervious cover variances increase hazard risk.

1. Regarding quantity, it is important for the Board to know that reduction is only required, per regulation, for 50% of the 2-year storm, 75% for 10-year and 80% for the 100-year storm, so there is still an increase which relates to flooding and erosion. And, according to the DEP, annual rainfall in New Jersey is projected to increase 7% to 11% by 2050 and will often be delivered in more intense storm events--consider tropical storms Henri and Ida, statistically both 100-year storms, yet they occurred within weeks of each other.
2. On top of that, recent studies released by NJDEP show that stormwater systems are currently being undersized due to calculations of the 2-year storm based on historical precipitation data (Atlas 14), not even *current* rainfall and certainly not future rainfall. So, even when in compliance with current stormwater management regulations, the facilities appear undersized and there is added risk of flooding, in particular localized flashfloods, and erosion.



3. Applicant needs to provide required Water Quality calculations. Regardless, the Board should know that only 80% of Total Suspended Solids (TSS, ie some pollutants) over motor surfaces (not sidewalks, roof, turf) is currently required, therefore there will be additional pollutants, such as fertilizer and pesticides, plus that additional runoff from the motor surfaces (which will include road salt and thermal pollution) added to the township's *already impaired* water.
4. Applicant needs to provide required Groundwater Recharge calculations. Given there are two infiltration basins and close in proximity, as well as surrounding drinking water supplies and septic, seems Mounding Analysis (hydraulic impact) should be provided. It appears the pervious pavement is not being used for infiltration? Is all infiltration at the basins and if so, each drainage area 2.5 acres or less?
5. Given EP1 is a sensitive area, does hydraulic or other analysis support water supplies and septic are safe during construction of underground storage tank, pervious pavement, other construction?

6. Sheet flow in the northeast section of appears to be diverted postconstruction. How does the drainage affect the needs of the trees and vegetation on the neighboring lot?
7. Don't see inlet for the storage tank—is this roof drainage? Detail shows it is an R-Tank. R-Tank can be designed to discharge the stormwater runoff into a drainage system, infiltrate as recharge, or contain the water for future use, such as for irrigation. How is this tank being used? Is outlet directed to neighboring property and if so, how does that effect the needs of the vegetation of the neighboring property?
8. The underground R-Tank is made of polypropylene. Could microplastics, phthalates or other plastic additives leach into the area drinking water wells? If drainage is from the roof and becomes heated, does that increase risk of plastic degradation or leaching?
9. Is the swamp oak in the basin far enough on edge? Gets big can affect understory vegetation.

Impervious Cover

1. Plans indicate 44.78% (where just 8% max is allowed for other permitted use) impervious for the care facility and 24% for the residence. These are significant increases which negatively impacts environmental health including biodiversity, flood management, drought management, carbon sequestration, air temperature, air pollution and more.
2. Additionally, it appears the impervious cover, for Zoning purposes, is even greater than indicated on plans. Suggest applicant provide calculations and diagram for engineering and Board.
3. Residential unit should comply with 8% other use maximum as it will not necessarily be used as a residence.

Land Disturbance

1. Related to impervious cover is the amount of land disturbance. Nearly all of the 6.5 acres is proposed to be disturbed, basically denuding the property and compacting the soil. Carbon sequestered in the soil will be released and the health, structure and function of remaining soil will be permanently damaged (at least for generations). Healthy soil is an important storehouse of water and carbon.
2. Vegetation loss and diminished plant-based reservoir of water and carbon contributes to periodic droughts which further decreases plant matter (as plants die off) and the cycle continues, further releasing carbon and water.
3. The loss of the trees, including the 139 healthy trees over 8", especially the 14 specimen trees which are the most productive, and many of smaller caliper, will impact air quality, carbon, stormwater mitigation, air temperature, soil health and the municipality's urban tree canopy and resiliency. Tree species/genus/family, relative age and location are factors for resiliency. Resiliency is the ability to bounce back from threats such as storms or disease. The replacement trees are smaller, will be trying to grow in compromised soil and can take generations, if ever, to replace the services currently provided. Increased development and urban infill across the municipality (and surrounding towns) means protecting what canopy and soil remains is of even greater importance. The township relies on the planned Zoning and ordinances to protect what canopy and land still exists for the good of the whole township.
4. Viewshed buffers along Lawrence Road and along Province Line Road are essentially eliminated. Viewshed buffer to adjacent Bristol Myers Squibb is largely eliminated. Viewshed buffer between residential building and nursing facility very limited. Building height additionally impacts the Viewshed.

5. Replace non-natives with natives, particularly Mid-Atlantic Keystone species essential for biodiversity. Do not use Vinca, invasive.

From § 812 of the Municipal Land Use Law (MLUL), regarding the EIS:

1. **B2 Demographics:** Census information indicates this tract is a community of least need for this type of service while staff, visitors, residents/patients, suppliers, etc. will be increasing vehicle miles to come into the area. (Sustainability Element, reduce vehicle miles).
2. **B3 a through f, Master Plan Compatibility:** in addition to consideration of the Township Master Plan (in particular the Sustainability Element), compatibility with State and County Energy Master Plans (for instance, appears seeking gas lines rather than electrical which contravenes the NJ Energy Master Plan), NJPACT (Protecting Against Climate Change) should be addressed. The property is adjacent to Princeton and therefore need to consider compatibility there as well.
3. **C i. Historic resources:** In addition to being the King's Highway Historic District, this corridor is also the Assunpink Trail, the Washington-Rochambeau Revolutionary Route National Historic Trail, Washington's Victory Trail, and the original Lincoln Highway and is affected by the plan. The District is listed with both the State and National Registers of Historic Places. The reference and guidance material *Spatial Organization and Land Patterns: Standards for Preservation* includes the standard: "**Protecting spatial organization and land patterns that extend beyond a landscape.** Utilizing preservation tools such as acquisition, zoning, scenic and conservation easements." The size of the project density and height, lack of landscaping buffer and smaller setbacks negatively impact the standard and the District designation significantly.

The Gulick House is deteriorating and has roof leakage which can be expected to worsen over the winter. If a project is approved and relocation not successful, what would the plan be? If project is not approved, what will be the plan to stabilize and secure the Gulick House? The architectural report by Max Hayden suggests that the House security has already been breached and mantels already removed, coupled with existing water damage caused by breaching of roof and walls.

Transportation

1. There is no proposed sidewalk along Lawrence Road. (See municipal Complete Streets Resolution and Sustainability Element of Master Plan.)
2. Drainage at right turn entrance on Lawrence Road appears to be directed directly at island and not going into storm drain, seems like an issue for pedestrians/bikers. It also seems steep which also may be an issue for pedestrians/bikers especially when wet or icy.
3. There is a no left turn sign going south on Lawrence Road, but is there potential for confusion as to where the entrance is, including stopped traffic or left turns which are potentially impacts pedestrians and biker movement/safety?

Lighting

1. Reduce Correlated Color Temp (from 4000k to \leq 3000k) of outdoor lighting.
2. Appears to be house side shielded, recommendation is fully shielded.

Other

Where will plowed snow go? Is recycle area large enough and is there Green bin?