

**MINUTES
OF THE
CRANBURY TOWNSHIP
PLANNING BOARD
CRANBURY, NEW JERSEY
MIDDLESEX COUNTY**

APPROVED MAY 15, 2008

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Planning Board was held at the Cranbury Elementary School Cafeteria on February 7, 2008 at 7:30 p.m.

CALL TO ORDER

James Golubieski, Chairperson, of the Cranbury Township Planning Board, called the meeting to order and acted as the Chairman thereof.

STATEMENT OF ADEQUATE NOTICE

Pursuant with the Sunshine Law adequate notice in accordance with the Open Public Meetings Act was provided of this meeting's date, time, place and agenda was mailed to the news media, posted on the Township bulletin Board, mailed to those requesting personal notice, and filed with the Municipal Clerk.

MEMBERS IN ATTENDANCE

Thomas Harvey, Eugene Speer, Pari Stave, Richard Stannard, Dietrich Wahlers, Joan Weidner, James Golubieski

PROFESSIONALS IN ATTENDANCE

Richard Preiss, Planner; Cathleen Marcelli, Engineer; Valerie Kimson, Esquire, Planning Board Attorney; Jackie Wahler, Court Reporter; Andrew Feranda, Traffic; Josette C. Kratz, Secretary

MINUTES

Upon a motion duly made and seconded the minutes of May 10, 2007, Sept. 20, 2007, Oct 4 & 18, 2007, Nov 1, 2007, and Jan 10, 2008 were approved.

RESOLUTIONS

PB 099-05 Matthew & Patricia Long
 Block 21, Lot 3, Zone A-100
 39 Cranbury Neck Road
 Extension of time for signature on deeds

Mr. Speer motioned for the approval of the resolution as written. Mr. Harvey seconded the motion.

VOTE ROLL CALL

AYES: Mr. Harvey, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Golubieski
NAYS: None
ABSTAIN: None
ABSENT: Mr. Dulin, Mr. Kehrt
NOT ELIGIBLE TO VOTE: Ms. Stave

MOTION CARRIED

CONCEPTUAL REVIEW

PB 098-05 Viridian (a.k.a. Unexcelled)
 Block 10, Lot 10
 Brickyard Road
 Conceptual Review

REPRESENTATIVES: Richard Goldman, Esquire
 Richard Burrows, Lagan Engineer
 Don Mills, Clivus
 Don Jenkins, Munitions Management

Ms. Kimson, in her opening remarks, announced that the Board had jurisdiction and that notice was not necessary for conceptual review.

Ms. Kimson, directing a comment to the public, said this was a concept plan application and the Applicant was not required to publicly notice individuals within 200 ft. Under the concept plan

application, permitted under the Municipal Land Use Law (MLUL), tonight's proceeding would not be binding on the Applicant or the Board. The Applicant has the discretion to actually file a formal application for site plan or subdivision later upon which notice would be required.

Mr. Golubieski announced there were members of the Environmental Commission present this evening, since there were various environmental issues with regard to this parcel.

Mr. Goldman explained this parcel involved the post development of the former Unexcelled (munitions) Plant including Block 10, Lot 10 and Block 10, Lot 1 on Brickyard Road and Route 130. He explained that the presentation would include the phases of munitions mitigation and potential development of the property.

Mr. Goldman noted that there was a restriction on the current sewer regulations with regard to sewer capacity, the site currently was not in the sewer service area. They calculated 1,000 gallons per day or less of wastewater would be generated. Under investigation in ways in which to meet their septic needs, they found composting toilets; a facility solution in which uses virtually no water and composts waste. He emphasized the conservation benefits of using "green" technology.

Mr. Burrows explained the physical properties of the site to the Board, directing attention to the explosion area, the wetlands, and streams, all of which created today's constraints to the property. He identified the primary problem was the mitigation of remaining unexploded ordinances.

The developed area would act as a "cap" above the most affected blast area, a.k.a. MEC Area (minimum explosible concentration). The remaining portion of the site would not allow for physical public entry onto property as protection from unexploded munitions/ordinances. The design was driven by the need to "hard cap" the MEC area and keep the public from walking around freely. Although the MEC was concentrated, the remaining forested area was naturally constrained from finding the entire remaining explosives due to the tree overgrowth.

The proposed development would have potential waivers associated with the site but no variances.

Mr. Stannard, referring to the general understood term of "Open Space", commented that this site's "Open Space" did not fit the generally accepted term. He felt there should be a term more appropriately describing this space. Mr. Goldman offered the use of the term "conservation area." It would remain a conserved, deed-restricted area and would not permit public access.

Ms. Marcelli offered, as an example, a wetlands mitigation area not far from the site that was built approximately eight (8) years ago in Monroe off Wyckoff's Mill Road. She stressed that the down side of this idea was maintenance. It met the intent of creating wetlands, but the concern was the future site maintenance. It was the warehouse owner's responsibility to maintain this wetland area.

Mr. Harvey asked what the reasoning was behind not taking advantage of maximizing the floor area ration (FAR). Was there a reason that the Applicant did not want to overbuild and construct the 500,000 SF? Mr. Harvey added his experience with developers was they try to get every foot they can. Mr.

Burrows felt the reason was to leave a significant buffer and additional SF would be inaccessible due to the wetlands and the MEC area. Mr. Harvey summarized, the Applicant really did not have a choice to construct the 500,000 SF except to put it close to the residents.

Ms. Marcelli perceived that the Applicant was relying heavily on truck traffic utilizing a road that currently did not exist. The Applicant was relying on a road off the Alfieri property, of which there was no application before the Board. The understanding would be if the Applicant went ahead of the Alfieri project, would procure the right to build that road all the way to Station Road and complete that connection.

Ms. Marcelli disclosed, it would also require a DEP permit to allow wetlands crossing. She asked if the Applicant had spoken with the State.

Mr. Jenkins explained that they were the only ones certified by the Army Corps of Engineer for ordinance mitigation. He explained in detail the ordinance located on the site, where the concentration of explosives were found, and the proposed procedure on how they had been conducting their investigation and how their continued operation would be performed.

Mr. Mills explained in detailed the operation of the composting toilets.

Ms. Marcelli was concerned with the composting toilets and the success applied to warehousing operations. She asked how the company would maintain the system. If there was a problem at the Cranbury facility, being the company originated in Massachusetts, what would happen if no local contractor was available? She asked what regulation did the company fall under on the other facilities that they were designed for, if not under the state DEP regulations.

Mr. Mills declared they were approved by the National Sanitation Foundation.

Ms. Marcelli stressed that she had a difficult time accepting a technology for a facility that has no standards established by the DEP and/or the Health Department specifically for using it on a large scale. She embraced the use of "green" technology but on a smaller scale.

Mr. Mills emphasized that the scale really did not matter. Ms. Marcelli said that this was in a large facility where the maintenance of the toilets would be the least of the Owner's worries. She was concerned furthermore for the protection of the Township. She understood that there was pollution involved because there was no discharge of pollutants into the ground water. She asked if the wetlands would be affected by the grey water discharge. She did not want Cranbury to be the "guinea pig."

Mr. Stannard indicated that perhaps the Applicant's traffic consultant should consider whether the bridge was going to be built. The assumption was that a bridge would be there. If that was the case, the current arrangement of 50% coming from Cranbury might be close "to a point of a gun" if we are talking \$8 million from Cranbury. For a small town it is a massive sum. He felt the consultant needed to consider both the possibility that the bridge perhaps would not be built anywhere near as soon as anybody wanted.

Mr. Gallaher, the chairman for the Environmental Commission, asked if the toilets were approved by the US Green Building Council. Mr. Goldman answered that it was.

Mr. Golubieski opened the floor to the public.

Mr. John Ritter, 101 Plainsboro Road, had a question which was inaudible. Although the answer was that there was documentation that there was contamination in the groundwater.

Mr. Robert Dillon, 32 Cranbury-Hightstown Station Road, questioned the immense size of warehouse and traffic. Was there any information about the air quality before build and after build? Mr. Goldman summarized, that there were many warehouses in the vicinity and the use was what the parcel was zoned for.

Mr. Dillon said asked about the berm and how far it would extend outward. He also asked about the maintenance and mowing of the property near his house.

Mr. Ritter asked about Exit 8A and the additional truck traffic, the backup on the Turnpike and how do we work with Exit 8A to alleviate the gridlock. Mr. Goldman felt that was far beyond the jurisdiction of the Planning Board but what he heard was the Turnpike planned to submit plans on improving that interchange along with the widening of the Turnpike.

Mr. Jim Waltman, Executive Director of the Stony Brook Millstone Watershed Association, was appreciative of the information given tonight. He had prior conversations with Mr. Goldman. He indicated that this site was deemed a vital environmentally sensitive site by the State of New Jersey. He requested clarification on discussion of the ground water contamination and asked how a "cap" protected against further ground water contamination.

The answer was an impervious "cap" over an area of ground water contamination would eliminate rainwater to perk through the soil that was contaminated and leach down to the ground water. The cap does serve to prevent further contamination. It does not necessarily cure the contamination.

The Applicant's professional added that they had not come up with a remedial action plan at this point and said that the State of NJ would laugh at them if did. They were, right now, in an investigation plan mode. Once the investigation plan was complete then they would have the data to make plans to the State on the best action.

The Board and Applicant discussed the present debate of the COAH requirements and the huge impact that this could potentially have for a town like Cranbury.

Mr. Preiss said that he had a meeting with the Office of Smart Growth of which a COAH representative was present of which Mr. Preiss raised this same issue on the change of ratio for warehousing. He described the impacts that it had on Cranbury. The COAH representative said that they believed that the ratios proposed were ridiculous and if the ratios that we had on warehouse developments indicated something different the representative requested documentation be sent to him. He felt at this point that

the ratios might overstate the number of employees. Aside from other provisions in the COAH regulations that may be challenged he felt this one provision was going to face substantial challenge for many.

The question was asked if the applicant would be willing to construct the affordable units instead of an in-lieu growth share payment. Mr. Goldman responded yes, but clarified his position saying that they could not be built on site. He did add, with help from the Township through eminent domain, land could be purchased to build the affordable units at another location within the Township.

Mr. Golubieski said that the Applicant had received the necessary feedback from the Board and the public. The Applicant had the option to incorporate those ideas into the plan. He felt everyone agreed that DEP had a significant say on the outcome. DEP's input would determine the process of this application and how it could proceed.

ADJOURNMENT OF MEETING

There being no further business, on motion duly made, seconded, and carried, the meeting was thereupon adjourned.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify;

That I am duly elected and acting secretary of the Cranbury Township Planning Board and, that the foregoing minutes of the Planning Board, held on February 7, 2008, consisting of 6 pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said Planning Board this May 15, 2008.

Josette C. Kratz, Secretary

/jck