

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

APPROVED AUGUST 21, 2008

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Planning Board was held at the Cranbury Town Hall Municipal Building, Old School Building, 23-A North Main Street, Cranbury, New Jersey, Middlesex County, on May 8, 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

Mr. Dulin, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. 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

Mr. Stannard motioned for the approval of the minutes. Mr. Speer seconded the motion.

ORDINANCE DISCUSSIONS

Ordinance No. 04-08-09 An ordinance of the Township of Cranbury, Middlesex County, New Jersey, Amending Chapter 150 of the Code of the Township of Cranbury, Entitled "Land Development," to implement low impact development nonstructural best management practices for storm water runoff.

Mr. Speer had a couple of questions. He said that he had e-mailed Ms. Marcelli and had received a response. One issue was the curbing. He still did not understand, despite the response from Mr. Plevier, when there was run-off off the parking lot what was the purpose of the flush curbing.

Ms. Marcelli felt the question was more of why install the flush curbing at certain locations. They may or may not install it. They may also not install it and have the asphalt "at grade" with the area that it could run off to.

Mr. Speer referring to where it read, "parking areas up stream and tributary to vegetative . . . **shall** have curbing flush with the finished surrounding frame to allow discharge." He felt that was a prescription for flush curbing.

Ms. Marcelli said that was correct. She felt maybe it should be **may** have flush curbing.

Mr. Speer indicated that Mr. Plevier said it should be required for a short piece. They should continue the curbing for locations of sheet flow discharge, unless the entire parking area would sheet flow; than curbing may be waived. Ms. Marcelli said that was correct. If they have the entire parking area curbed and one area that allowed sheet flow off the parking area to a vegetative filter system, that area shall have continued curbing around.

Mr. Speer said he would be happier if some of that was "spelled out." He felt this would come to the Planning Board and we would have to interpret this. He would be happier to see that made clear.

Ms. Marcelli said there was no requirement, storm water wise, and there were no requirements other than the ordinance having the area to have curbing surrounding the parking lot. It shall be

flush in the areas where they ask for runoff and shall be full height where one is not allowing runoff to occur.

Mr. Speer asked, where one allowed runoff, was there a reason for requiring concrete curbing. Ms. Marcelli said there was no reason. Mr. Speer felt, if the Board was going to be requested to make waivers, he would rather have **shall have a surface flush with the finish.**

Mr. Speer had another question regarding Item 2 of permitting pervious. He noted that for most other items the ordinance had details for impervious surfaces; with regard to depth, subsurface, etc. There was nothing provided for the pervious areas and simply referred to as detailed in the NJ Storm Water Best Management practices manual. He asked if we do not need some statement on how pervious parking lots are going to be constructed in parallel to what we have for impervious parking areas.

Ms. Marcelli said that the DEP talks of the material specification; she did not know that they speak to the depth. She thought the DEP only specified the specifications of the surface course.

Mr. Speer's concern was there was a lack of parallel between the two. Ms. Marcelli said she would hold off until she could answer that question. Mr. Speer said Mr. Plavier's comment was that they would be considered on a case-by-case basis. Mr. Speer had concern with that. Ms. Marcelli agreed it should be, as specified in the ordinance.

Mr. Speer mentioned the original phrasing said certain things **shall** be; curbing landscaped out, islands shall be flush, and driveways. Mr. Wahlers said that there was a change subsequent to that to **may** be required. Mr. Speer said that was driveways, but not on landscaped islands.

Mr. Stannard asked if that did not put the onus back on the Board as a power to do that. Essentially every applicant would come in without it and the Board would have to be the "heavy." Mr. Speer said he would be happy with **shall**, but **may** be required meant we have the power to provide that.

Ms. Marcelli felt that within the landscaped island we would want them to comply on the curbing for control of the landscaping.

Mr. Wahlers said, with regard to the driveways, he was not sure of the economic impact. Ms. Marcelli said there would be a large economic impact. Mr. Speer said then for driveway it **may** be required, but for the curbing in the cul-de-sac we should go back to **shall** be flush to the roadway.

Mr. Golubieski suggested tabling the ordinance so the Board could see the revisions.

APPLICATION

PB 074-04 Joe Stasi
 Block 7, Lot 20.02
 Station Road/Liberty Way
 Major Preliminary & Final Site Plan

REPRESENTATIVES: Walter Toto, Esquire
 Dan Doran, P.E., Engineer
 Kamla Shaw, Tenant

Mr. Toto introduced himself and verbally discussed the general background of the application. He mentioned that Freehold Soil had been on-site yesterday and had given a conditional approval provided ongoing maintenance was upheld.

Notice was given and the professionals were sworn.

EXHIBIT A-1 Highlighted version of the landscaping plan.

Mr. Doran explained the site, located at the intersection of Liberty Way and Logan drive, was approximately a half acre in size. The top (east) of the site was where the Township Police Station was located. On the south side of the property was a residence. The property was also bordered by a detention facility and the Volkswagen facility.

Two existing storm water inlets gathered water through the inlets and traveled through their site to an inlet located on Logan Drive. There were no other site improvements existing on the property. The site had very little vegetation. On both Liberty and Logan, there were existing sanitary sewers. The existing water line was located on Station Road. The exterior, size and configuration of the building would not be altered. The entrance would be located off of Liberty Way, with one way traffic which would loop around to the south and east side of the existing building and lead out onto Liberty Drive.

As one entered the site, in the area of the parking area, it would be 18 feet wide with 15 parking spaces. It had been suggested to slightly reduce the parking space at the entrance to 15 feet. Only some of the spaces would be paved and curb. The remaining spaces would be stone, the thirteen unpaved spaces would have concrete wheel stops. There was an existing walkway to the

front of the property which would remain, along with a walkway from the parking area to the building and a walkway to Liberty Way.

The trash enclosure would be located on the southeasterly corner of the property. The enclosure would be seven feet in depth and ten feet wide, fully enclosed with a six feet high solid vinyl fence.

The intention was to service the site with municipal water and public sanitary sewer. The Applicant has had difficulties in locating the sanitary sewer. Located on plans there shows a service line to the site off Liberty Drive, the intention is to utilize that.

The owner of the property entered into an agreement with the property owner to the south for American Water to extend the water service line to the building in order to provide water to the office.

Four pre-existing variances were associated with the property. The site was located in the industrial zone where minimum lot size was six acres, where this lot was a half acre. Lot frontage for the zone was 300 ft, where total frontage along Liberty Drive and Logan Way was 280 ft. The front yard setback for the zone was 125 ft, where the front northwest corner of the porch was less 25.89 ft. The last variance was for the rear yard setback. In this zone was 50 ft, the existing was 33.4 ft. The house was located under the recommendations of the Township at the time.

Mr. Doran discussed a design waiver needed for the storm water inlet located on the exit drive of the site. They proposed eight-inch pipe from the inlet to the basin. Ms. Marcelli suggested looking at alternative means to avoid clogging; perhaps elliptical pipe.

Ms. Kimson announced the applicant was withdrawing the design waiver, under Ms. Marcelli's letter Item 3, h and g.

Ms. Marcelli said that they would have to resubmit plans to show the reinforced concrete pipe or equivalent.

Mr. Doran requested a design waiver from the planting of street trees. Suggestion was to plant one tree toward Logan Way.

Ms. Marcelli asked about the existing trees. Mr. Doran pointed them out. Mr. Preiss asked about screening to buffer the parking lot. Mr. Doran said that they could add additional hedgerows. Mr. Preiss asked also about outdoor seating space, as a suggestion. Mr. Doran said that they maybe able to provide.

Mr. Toto pointed out the reduction of the driveway from 18 ft to 15 ft. Mr. Doran said it was acceptable, 18 ft up to the parking area, but the rest could be 15 ft. Mr. Feranda asked if that permitted enough width to allow for emergency vehicles or a garbage truck to circulate on site.

Mr. Speer asked about dumpster placement. He thought the trucks would back up to the dumpster. Mr. Doran said they would be coming from the front end of the building.

Mr. Preiss mentioned the Growth Share contributions. Mr. Toto thought that they might be entitled to a reduction based on the use of the Holland House. He thought that it might have already been calculated as an office.

Even though the applicant was utilizing an existing house and not creating an additional impact, the fact that one was converting from residential to office may increase the obligation on the Township. It was that difference that a contribution would be sought for Growth Share. Mr. Toto replied that the only caveat to that was that he was not sure that the Holland House was never used as an office.

Mr. Preiss said that if it were classified as an office with DCA, then there would be no change.

Mr. Speer asked about the sign. Mr. Doran said that sign will be in compliance with the ordinance. Mr. Preiss said that six feet was the high limit and the applicant was proposing seven feet. He also needed to know how the sign was to be lit.

Mr. Doran explained which portions of the parking would be paved and which remaining portion would be stone. To delineate the parking spaces they suggested utilizing concrete wheel stops. It was the intention, sometime in the future to pave the parking area, at which time they would strip the spaces. They considered those on their impervious coverage and their drainage calculations as not to impact future intentions.

They proposed a flat surface from their parking area to the walkway. As far as tripping over wheel stops, it was a possibility, but people trip over curbs before wheel stops. The applicant would like to utilize wheel stops to delineate the parking spaces at this time.

Mr. Feranda understood what they meant by delineation, and was not referring to most of the parking spaces to the outside. They will not be walking toward the outside but would be walking toward the building. He was more concerned with the spaces near the building, of which two and a half of those would be paved and striped for delineation anyway. He asked about the two unpaved spaces. He suggested concrete curb be installed on the side near the building to protect pedestrians rather than the curb stops on the building side.

Ms. Marcelli said that would change all of the grading. To have a sufficient parking lot they would want them in the gravel area.

Mr. Feranda asked if there was a rear access to this building. Mr. Doran answered that there was not.

Ms. Marcelli commented on the future paving of the parking lot. There should be some notation on the plans with a condition in the resolution recognizing, that, paved upon review and approval of the Township Engineer subject to the Township Ordinance.

Mr. Wahlers questioned the access of water from Gordon Stults's property. Ms. Marcelli said it had been changed slightly. Mr. Stasis had approached the NJ American Water about extending a water main connection from Station Road within the public right-of-way to the property. Typically, they do not allow that and have not allowed it for the Police Station. Mr. Brennan has put a letter in the file indicating that whichever way NJ American requires they will install the water.

Mr. Speer asked about the sewer connection and had it been found "physically." Ms. Marcelli said it was out there and easy to find looking in the manhole on Liberty Way. One can see the service connection inside the manhole. They just cannot find the clean out; due to all of the construction activity, they tend to get covered. Mr. Doran indicated that a number of years ago it was marked.

Mr. Speer asked about Mr. Preiss's report mentioning a waiver that Ms. Marcelli's did not for the buffer between the parking and roadway, which Mr. Preiss did not feel, was adequate. Had the applicant agreed to additional landscaping? Mr. Doran said that was correct.

Mr. Wahlers said that the maintenance of the property against soil erosion was very important. Freehold Soil had approved what was done so far, but was critical that the new owners maintain the site until everything was complete. He felt it was important that it be stated.

Mr. Speer asked if a letter from Freehold Soil arrived. The applicant's engineer, Mr. Wahlers, and Ms. Kratz answered that the inspector from Freehold Soil contacted each of them to tell them of his verbal approval, and that they did not general write those letters, when there was no formal application to reference too. Ms. Marcelli confirmed those discussions.

Mr. Dulin said he remembered when the issue came up about moving the Holland House. He knew there was a lot of community interest in preserving it. Now when one goes by the area one can see that it is under construction. It looks like there will be a house dominating an area that

was industrial with the driveway and parking lot taking up a lot of space. He asked if there were requirements that they were going to need as much space as they were proposing and did the Board have to discuss gravel vs. paving all the way through.

Mr. Toto said that the Applicant had already reduced the parking spaces to the bare minimum of thirteen spaces.

Mr. Shaw described his intention to use the facility as his architectural firm's office. The idea was to maintain the character of the building and the character of the site.

Mr. Stannard asked if they would have two, non-handicapped spaces for customers. Mr. Shaw they would.

Mr. Speer made the motion to approve the application subject to the following:

1. The four variances as described in the report of the Township Planner are granted; and
2. The design waivers as described in the Township Engineer's report, with the exception of the waiver Items G & H of which request has been withdrawn should be granted; and
3. That the applicant comply with the Growth Share portion of the ordinance, and
4. The applicant agrees to satisfy all requirements in the report of the Township Engineer; and
5. The applicant agrees to satisfy all the requirements in the report of the Planner, in particular of the reduction of the width of the exit driveway to 15 ft, installation of the picnic or sitting area, the installation of one shade tree on Logan Drive; and
6. Additional landscaping as recommendation subject to the approval of the planner; and
7. Submission of a revised description of the sign in such a way that it complies with the ordinance and the provision that it not be lit; and
8. The applicant agreed to all the issues within the Township Traffic Engineer, specifically the installation of the curbing rather than the wheel stops on the north side of the parking area; and
9. Note that there is no rear access so that portion of the report was irrelevant; and
10. The Applicant may in the future pave the additional parking area which is currently planned to be gravel, in accordance to the current Township ordinance with the review and approval of the Township engineer; and
11. The site is to have water service to be installed in whatever manner is required by N.J. American Water; and
12. The applicant agrees to the maintenance of the existing soil erosion plan which was approved by the Freehold Soil; and

13. Subject to all required approval from other Boards or Governmental Bodies having jurisdiction; and
14. There would be no changes to the exterior of the building.

Mr. Stannard seconded the motion.

VOTE ROLL CALL

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

MOTION CARRIED

NEW BUSINESS

Mr. Golubieski opened the floor for discussion from the Board to look at the opportunity with regard to the PNC property as the Township Committee decides whether to purchase the property.

Mr. Golubieski said there was an opportunity for the board to look at it from a planning perspective going forward.

He (Mr. Kehrt) had asked Mr. Golubieski to discuss whether it was appropriate or not to do anything, and let the Township Committee know the “flavor” of the Board.

Mr. Dulin thought it was a good idea and that Mr. Kehrt’s suggestion was good. The underlying theme was concern with the future of the property. He was not sure a library would be right, but that was not the Board’s choice anyway. He felt the Board should do what they could to control what happened with the property. In particular, he felt downtown businesses were having a hard time making a go of it.

He felt that the Board needed to do what they could to encourage and support appropriate development, and discourage inappropriate development.

Mr. Speer was not sure if he necessarily agreed with Mr. Kehrt’s idea. He felt the town had been concerned with parking in the past. To close that off meant a loss of parking spaces.

Mr. Golubieski felt the point was to say this was a planning opportunity we should probably not miss as the Township Committee goes through with their decisions. Was there, whatever the Township Committee decided, a role for the Planning Board to look at the opportunity?

Mr. Wahlers heard quite a bit about parking and did not see a parking problem downtown. He asked Mr. Preiss what his opinion on the downtown parking problem.

Mr. Golubieski interjected that he felt there was not a parking problem.

Mr. Preiss, based on his experience of working downtowns through out New Jersey, did not think that they had an immediate parking problem. He added a parking problem would be an indication of a thriving downtown and only meant one would have to park further away or a side street. He did notice on a couple of occasions, despite the bank being empty, there still was parking taking place on the lot. Obviously, it was fulfilling some need, even though he agreed with Mr. Wahlers, Mr. Harvey and Mr. Golubieski, that there probably wasn't a parking problem. He felt that if the Township does purchase the property and was proposing development they should look into the question of who was parking there.

Mr. Dulin felt that in the not so distant past there was a parking problem.

Mr. Stannard mentioned he had been on the Planning Board for five or six years now and could never recall any development on Main Street that did not speak of a parking problem. Perhaps there was a problem. The need to look at the opportunity that exists would probably not happen again. He announced Monday evening at 7: 00 p.m., the Township Committee would meet to discuss this very same issue, and all were welcome.

Mr. Wahlers said if they were leaning toward a library, he would want to hear what the impact would be on the school. Mr. Weidner said they (the School Board) had talked about that a little. The main thing would be an advantage to the school, due to the additional gained space. She thought that most of the books in the library that are the school used are schoolbooks.

Mr. Speer indicated that Beverly Luck thought that most of the books were the Township's. Mr. Wahlers thought that the count was about 25,000 books that the Township owned and 9, 000 that the school owned. Ms. Weidner said that she thought that the books that the school needed were owned by the school. She felt the impact would not be that great.

Mr. Stannard said that it has not even reached a proposal stage at this point. Although one of the possibilities, if COAH has its way with the Township, we could end up looking at that as a potential school building.

Mr. Golubieski asked if there was something that the Board should do to present their ideas to the Township Committee or was there a role of the Board to try, not to interfere, but to help.

Mr. Preiss mentioned that the Board was entitled to have an opinion and communicate that to the Governing Body. He felt that there was some planning consideration. One was the consideration the rear parking lot and if the parking spaces no longer there, whether or not that would create a parking problem. To the extent that the property was looked at for redevelopment, he agreed that the streetscape and the subject of the "missing tooth" was relevant. He noted that the VC does not permit drive-thru banks or any drive thru uses, which he felt, was appropriate since those situations creates gaps on Main Street. A future use of that should be discouraged or prohibited. Communication to the Township Committee, if they do not purchase the property and therefore have ultimate control of the property development, should not be forgotten, through the power of zoning, to determine permitted uses and control over design requirements.

Beyond the decision to purchase or not purchase, the Governing Body and the Planning Board certainly would play a role in that. They have the availability to shape and determine what goes on the site. The changes would have to be made "zone wide."

The topic of abandonment and the difficulty in proving it came up, with limit discussion.

Mr. Preiss indicated he was asked Ms. Smeltzer to put together a preliminary list of permitted uses and what uses they may not want.

Mr. Dulin asked if the Township Committee could purchase the property and then decide who they sell it too. Ms. Kimson said that everyone was guided by nondiscrimination. The better way to do that was to deed restrict the property. Mr. Preiss said that there should be a very good rational and some public benefit or purpose. Just to purchase and then figure out what to do with the property later was not a good rational and dangerous.

Mr. Golubieski asked if there should be any communication from the Board to the Township Committee.

Mr. Preiss said that the Board could put something in writing, give a report, and member of Committee on the Board could rely the discussion, etc.

Mr. Golubieski was hesitant to have a member present on behalf of the Board. He would rather have a collective agreement amongst the Board members. Ms. Kimson said it could be done in

the form of a memo, a whole lot of things have been thrown around and a motion and consensus on what message wants to be sent to the Committee would have to be made.

The Board could not come up with a common consensus on how to move forward at this time.

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 May 8, 2008, consisting of 12 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 August 21, 2008.

Josette C. Kratz, Secretary

/jck