

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

APPROVED FEBRUARY 7, 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 September 20, 2007 at 7:30 p.m

CALL TO ORDER

Tom Harvey, 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. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey

PROFESSIONALS AND STAFF PRESENT

Josette, C. Kratz, Planning Board Secretary/Land Use Administrator; Valerie Kimson, Esquire, Planning Board Attorney; Richard Preiss, Township Planner

NOMINATION & APPOINTMENT OF PLANNING BOARD ATTORNEY

Mr. Harvey introduced Valerie Kimson, Esquire, to the board who would serve as Joe Stonaker's replacement as Planning Board attorney. There was a sub-committee established which met and interviewed six candidates.

Mr. Golubieski motioned for the appointment of Valerie Kimson, Esquire, as the Planning Board Attorney for the remainder of 2007. Mr. Stannard seconded the motion.

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey
NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt

MOTION CARRIED

RESOLUTIONS

PB 101-05 Prologis Park Cranbury (South Park), Block 10, Lot 4 & 19, Station Road, Preliminary & Final Site Plan

Mr. Speer said he had comments on the draft and did not believe they were noted. Mr. Harvey asked to present them now.

On Finding/Condition 7G, "if required by the planning board the applicant shall revise the plans . . ."

Mr. Goldman said he recalled that was the area behind building #1, the existing building would be utilized. If there were a use that required an additional 64 spaces that would be the area. He felt that if the use changed then the PB could strike that out.

Mr. Speer said maybe it could say something to the affect, "If the owner ever puts the banked parking into practice then the applicant shall present revised plan for approval at that time?"

Mr. Harvey asked if perhaps, "the Township engineer required it."

Mr. Speer indicated that it could be something like, "if required by the township engineer at some time in the future . . ."

Mr. Speer said that Condition #1 was that, "The applicant should comply with . . ."

Mr. Speer, on Condition #2, the second sentence he would say, "the left turn lane improvements shall be constructed and in place prior to the issuance of a certificate of occupancy for either of the new buildings two and three."

Mr. Speer said for Condition #4, "The applicant shall restore the trees . . ." He asked if the applicant had eliminated them when they went from the earlier plan to the later plan. He felt it should say something that indicates, ". . . as shown in the original plan"

Mr. Golubieski motioned for the approval. Mr. Stannard seconded.

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey
NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt

MOTION CARRIED

**PB 135-07 (PB 380-99) Gordon 8A Sign, Block 1, Lot 4, Zone I-LI,
Cranbury South River Road, Sign Variance**

At the applicant's request, the resolution was being postponed.

MINUTES

March 1, 2007

Mr. Speer motioned for approval of the minutes as presented. Ms. Weidner seconded the motion.

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey
NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt

MOTION CARRIED

April 19, 2007

Mr. Speer moved for their approval as presented. Mr. Wahlers seconded the motion.

Mr. Preiss made a minor correction to Elizabeth Leheny's name.

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey

NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt

MOTION CARRIED

April 26, 2007

Mr. Speer moved to approve as presented. Ms. Weidner seconded the motion.

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey
NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt

MOTION CARRIED

June 7, 2007

Mr. Speer moved the minutes be approved as presented. Ms. Weidner seconded the motion.

VOTE ROLL CALL

AYES: Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey
NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt
INELIGIBLE TO VOTE: Mr. Dulin

MOTION CARRIED

June 21, 2007

Mr. Speer moved to be approved with minor changes. Mr. Golubieski seconded the motion.

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Wahlers, Ms. Weidner, Mr. Harvey
NAYS: None
ABSTAIN: Mr. Stannard
ABSENT: Mr. Kehrt

MOTION CARRIED

July 12, 2007

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

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers
NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt

MOTION CARRIED

August 16, 2007

Mr. Speer motioned for the minutes to be approved as presented. Mr. Stannard seconded the motion.

VOTE ROLL CALL

AYES: Mr. Golubieski, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey
NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt
INELEGABLE TO VOTE: Mr. Dulin, Mr. Panconi

MOTION CARRIED

APPLICATIONS

**PB 137-07 Teddy Nikitiades – Teddy’s Luncheonette, Block 23, Lot 52, 49 North Main Street,
Outdoor Dining**

REPRESENTATIVES: Richard Schroeder, Architect

Noticed was properly given and the board had jurisdiction to hear the matter.

Mr. Schroeder indicated that this was an application to allow for dining in the front, outside of the building as shown on the plans.

There were nine spaces besides the loading area and an area where Mr. Nikitiades (Teddy) parked his own vehicle.

Mr. Preiss said since the conditions for parking are pre-existing they do not trigger a parking variance.

Mr. Golubieski asked how this compared to the other outside dining approvals.

Mr. Preiss said he did not do that analysis as part of this application. The tables and chairs are all pre-existing; there are no waiver or variances.

Mr. Golubieski said he was referring more to the number of seats. Mr. Preiss said that Teddy’s Luncheonette was setback from the sidewalk; therefore, the seats were not on the sidewalk.

Mr. Golubieski motioned for the approval of the application for site plan for outdoor dining with 28 chairs and 7 tables.

Mr. Speer requested the wording of the availability for nine parking spaces are provided, be in the resolution.

Mr. Speer seconded the motion.

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Harvey
NAYS: None
ABSTAIN: None
ABSENT: Mr. Kehrt

MOTION CARRIED

**PB 138-07 The Blue Rooster Bakery, Block 23, Lot 109, Zone VC, 17 North Main Street, Minor
Site Plan w/Variance**

REPRESENTATIVES: David Orron, Esquire
 George A. Fett, Architect
 Bob Finigan, Applicant/Owner
 Julia G. Algeo, P.E. Maser Consulting P.A.
 Joseph Layton, P.P.

EXHIBITS

EXHIBIT A-11 Breakfast Menu
EXHIBIT A-12 Lunch Menu
EXHIBIT A-13 Dinner Menu
EXHIBIT A-14 Parking survey with five charts
EXHIBIT A-15 Ariel Photo

Mr. Harvey announced that he was not present for the original hearing but did listen to the digital recording and was eligible to vote tonight.

Mr. Harvey wanted the applicant to start with the discussion regarding the air conditioner and exhaust fan.

Mr. Finigan said the fan would not be directed to the side, it would be directed to the rear.

Mr. Speer wanted the air conditioning units marked on the plans.

Mr. Stuart Alexander, adjacent property owner, had no comments on the location of either the exhaust fans or the air conditioning units.

Mr. Harvey asked about the soil exporting.

For the excavation of the basement and crawlspace, they would require exporting up to 257 CY.

They proposed four downspouts that would link up with the proposed drywell that still needed to be sized since they were increasing impervious coverage on the site.

They asked that they be allowed to do the soil testing at the same time the foundation was dug. They would do a test pit and perk test, to avoid bringing in a boring rig.

Mr. Alan Danser mentioned that the board should specify that they would allow that condition, conditioned on Ms. Marcelli approving the arrangement. If you only say a building permit, then the Construction Official will not issue any permit until that condition is met.

Mr. Harvey thought that we could make it a condition subject to Ms. Marcelli's approval.

Hours of operation would be 6 a.m. to 8 p.m, Monday through Saturday, and 6 a.m. to 6 p.m. on Sunday. The actual hours that they will be open to the public will be 7 a.m. to 6 p.m. They have requested

additional hours, as recommended by DRC for during the holidays. However, they planned to be open to the public 7 a.m. to 6 p.m., Monday through Friday, 7 a.m. to 4 p.m. on Saturday, and 8 a.m. to 2 p.m. on Sunday.

Mr. Harvey suggested that they ask for the whole number of hours they might need so the applicant was not caught in a situation where they would have to come back in for an hour earlier or later.

The upstairs would be used for meetings, but there would be no wait staff service provided. Patrons would have to purchase their coffee downstairs and bring it with them upstairs.

There would be twenty-eight (28) chairs downstairs that would provide tableside wait service and six (6) chairs in the other room.

Mr. Speer said the concern was that any approvals would remain with the site. It stood that the applicant would be limited to twenty-eight (28) seats with table service, six (6) in the other room, and possibly twenty (20) additional seats upstairs which could be used by persons who have purchased retail goods and brought them upstairs for a total of fifty-four (54) seats.

Mr. Alexander asked what the total number of seats would be.

Mr. Harvey said that the application was for fourteen (14) upstairs and forty (40) downstairs. Mr. Speer said that would amount to fifty-four (54) total seats.

Mr. Alexander asked what the maximum people allowed in the building would be. Mr. Speer said for restaurant service the maximum seating would be limited to twenty-eight (28) seats.

John Patella, 95 North Main Street, felt this was a great idea for a store and just what Cranbury needed.

Don Davidson, Westminster Place, felt this was exactly what we needed in Cranbury and was an appropriate use in Cranbury.

Mr. Dulin said that this use would have 54 persons seated in one form or another and if it passes to another owner, it would still have seating for 54 persons.

Mr. Harvey said that he did not feel it would be drafted that way.

Mr. Dulin argued that the greater the success, the greater the use. If 100% successful, people will be waiting in line to use it from 6 a.m. to 8 p.m.

Mr. Alexander felt that this was an approval for something that could be large enough to be something outside of what was being described. Someone may end up with a different animal in the future.

Mr. Preiss said that the resolution would be worded as such that if there was a successor they could not operate this as a restaurant with 54 seats, only 28 and upstairs would be restricted.

Additional members of the public:

Kevin Hart of Future Solutions; Kevin Fox, 19 Liedtke Drive; Florence Kettlekamp, 26 Labaw Drive; Susan Mavoides, 10 South Main Street; Deanna Farrante, 86 North Main Street; Frank Marlow, 11 & 13 North Main Street; Art Hasselbach, 2684 Route 130; Bill DeSimone of Optimal Fitness on Maplewood Avenue; Claire Maselli, 5 North Main Street, Nancy Sheehan; Resident of Cranbury, Marilyn Mullen; 102 North Main Street, and Karen Petrucelli, 26 North Main Street.

All spoke in favor of the application. They felt it was a good use for the property and for Cranbury and looked forward to doing business with the Finigans.

Mr. Layton went through the planning aspects and used the Cranbury Business District Study as support for his argument.

Mr. Speer motioned for the approval of the application for Minor Site Plan with variances with the following conditions:

1. Waiver for soil removal of 250 CY subject to Township requirements and Township engineer's approval.
2. Recommendation for foundation and footing permit to be issued before the drywell drainage design is complete.
3. Hours of operation are 6 a.m. to 8 p.m. Monday through Friday and 6 a.m. to 6 p.m. on Sundays.
4. There would be 28 seats with table service on the first floor with additional 6 chairs in other room on the first floor, 6 seats outside the building, 14 chairs upstairs only for consumption of food that was bought downstairs.
5. Any change in the use of the seats would require an amendment to the approval.
6. Final landscaping, including consideration of the replacement of the boxwoods would be subject to the Township professionals.
7. Approval of Township Engineer on the construction details of the access to the property.
8. Garbage would be kept in the enclosure at all times and taken out and returned at the time of collection by the waste company.
9. Applicant shall provide vibration monitoring if the Engineer requires.
10. Roots of the Maple tree shall be removed as not to affect the adjacent property.
11. All conditions of the Engineer's report except the approval of the drywell before a footings and foundation permit.
12. Approval of all outside agency approvals.

Mr. Golubieski seconded the motion.

VOTE ROLL CALL

AYES: Mr. Dulin, Mr. Golubieski, Mr. Panconi, Mr. Speer, Mr. Stannard, Mr. Wahlers, Mr. Harvey
NAYS: None

ABSTAIN: Ms. Weidner (recused)

ABSENT: Mr. Kehrt

MOTION CARRIED

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 September 20, 2007, consisting of 10 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 February 7, 2008.

Josette C. Kratz, Secretary

/jck