

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

**MINUTES OF OCTOBER 16, 2008  
APPROVED APRIL 2, 2009**

**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 October 16, 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, Ms. Stave, Mr. Stannard, Mr. Wahlers, Ms. Weidner, Mr. Golubieski

**PROFESSIONALS IN ATTENDANCE**

Richard Preiss, Planner; Valerie Kimson, Esquire, Planning Board Attorney; Josette C. Kratz, Secretary

## DISCUSSIONS

### WORKSHOP PRESENTATION OF DRAFT COAH THIRD ROUND PLAN (SEE ATTACHED REPORT)

Mary Beth Lonergan of Clarke Caton and Hintz reviewed the draft Third Round Housing Element and Fair Share Plan and time line.

She informed the Board that the anticipated plan was to schedule a formal public hearing at the November 20, 2008 meeting on the Master Plan Amendment to the Housing Element.

Ms. Lonergan believed that there may be another major amendment of COAH's rules but she believed that any such amendment would not be published until January or February of 2009, which would fall after the deadline for submission of the Third Round plans to COAH on December 31, 2008. The plan presented tonight is to address the current COAH requirement for a plan with stated affordable housing compliance mechanisms established. COAH has a two-year monitoring period to run from the date of certification.

The Board discussed that any properties suitable for low and moderate income housing to address the municipal obligation would have to be zoned for such use.

Ms. Lonergan said that we already had mechanisms that would tally up to 120 bonuses or credits. Mr. Speer inquired regarding the rental component. Ms. Lonergan explained that low and medium-income households are having a hard time getting mortgages. Providing rental units is paramount in the entire state.

Mr. Preiss indicated that rental units are granted bonuses, whereas sale units are not. He recommended that the Township include rental units.

The Board allowed for public comments.

Dave Mauger of 26 Griggs requested that the Route 130 D site be reduced in density.

Mr. Preiss noted that the Route 130 D site is already included in the plan with that range of density.

Ms. Kimson said that the process which the Board will follow in considering the Third Round Plan is that of reviewing the Master Plan. This is the Housing Element of the Master Plan and the Planning Board has the responsibility to adopt Master Plans. Ms. Lonergan wanted all Board comments before finalizing the text of the documents.

Mr. Preiss explained the reason that the Board was looking at this tonight was, if the Board was comfortable, she would draft the final copy.

Mr. Speer motioned for the approval to direct Ms. Lonergan to proceed with the final draft of the Housing Element. Mr. Stannard seconded the motion.

## VOTE ROLL CALL

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

MOTION CARRIED

**INFORMAL WORKSHOP DISCUSSION REGARDING VILLAGE COMMERCIAL ZONE (SEE ATTACHED REPORT)**

Mr. Speer liked the idea of restriction of scale and pinning down the usage. The two issues of concern to Mr. Kehrt, about the setbacks and the gap, may be more broad and general than we wanted.

Mr. Golubieski felt that something needed to be done to protect the Township. He suggested the possibility of a sub-committee.

Mr. Preiss felt that one of the issues was the depth of the front yard and the “gap”. Mr. Golubieski was a proponent of the front yard setback to keep the consistency, Mr. Kehrt and Mr. Dulin agreed. Mr. Dulin said he didn’t like the “gap”. Mr. Stannard mentioned he had not noticed it until it was pointed out to him. Mr. Golubieski said he would be less on the gap, more on setbacks.

Ms. Kimson like the itemization of uses permitted. Mr. Speer said he did not object to the approach or the list, but didn’t like the idea of saying a pharmacy was not allowed.

Ms. Kimson recommended that the text of the Ordinance be specific.

Mr. Golubieski asked if Mr. Preiss wanted to talk with Mr. Kehrt or bring it back to the full Board. He was fine with whatever the Board wanted to do.

The discussion was tabled until the next meeting and Mr. Preiss would reach out to Mr. Kehrt.

**PUBLIC COMMENTS**

There were no public comments made.

**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 October 16, 2008, consisting of 3 pages, constitute a true and correct copy of the Minutes of the said meeting.

2009. IN WITNESS WHEREOF, I have hereunto subscribed my name of this April 2,

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Josette C. Kratz, Secretary

/jck

**Outline of Proposed Affordable Housing Plan Amendment**  
**Cranbury Township, Middlesex County**  
**October 13, 2008**  
*Prepared by Clarke Caton Hintz*

**Cranbury's Revised Third Round Affordable Housing Obligation**  
*pursuant to COAH's Rules - adopted September 22, 2008*

- > Third Round Rehabilitation Share = **6**
- > Prior Round Obligation = **217**
- > Third Round Projected Growth Share = **269**

$$224 \text{ housing units} \div 5 = 44.8$$

$$3,581 \text{ jobs} \div 16 = \underline{223.8}$$

269, rounded up

Rehabilitation Share = 6

Participate in the Middlesex County rehabilitation program.

Prior Round Obligation = 217

Addressed COAH's prior round requirements for minimum affordable rentals, maximum affordable senior units and maximum RCAs through existing and proposed credits/ bonuses shown below:

Min. rental units =  $.25(\text{prior round obligation})$   
 $.25(217) = 55$ , rounded up

Max. senior units =  $.25(\text{prior round obligation} + \text{rehab share} - \text{transferred RCAs})$   
 $.25(217 + 6 - 110) = 28$ , rounded down

Max. RCA transfer =  $.50(\text{prior round obligation} + \text{rehab share})$   
 $.50(217 + 6) = 111$ , rounded down

<b>Cranbury's Prior Round Compliance Mechanisms</b>	<b>2008 Proposed Plan</b> (prior round = 217)
> RCAs (Perth Amboy, Carteret-rentals)	110
> Family affordable rentals	26
1.0 rental bonus	26
> Senior affordable rentals	20
0.33 rental bonus	7
> Family affordable sales	30
> Existing group home (bedrooms) - <i>New</i>	6
1.0 rental bonus	6
> Substantial compliance bonuses (prior round)	13
<b>TOTAL</b>	<b>244</b>
<b>Surplus</b>	<b>27</b>

*Outline of Proposed Affordable Housing Plan Amendment  
Cranbury Township, Middlesex County  
October 13, 2008  
Prepared by Clarke Caton Hintz*

Third Round Growth Share = 269

Address COAH’s third round growth share requirements for minimum affordable rentals, maximum affordable senior units and maximum bonuses:

Min. rental units =  $.25(269) = 68$ , rounded up Max.

senior units =  $.25(269) = 67$ , rounded down Max. bonus

cap =  $.25(269) = 67$ , rounded down

<b>Proposed Third Round Compliance Mechanisms*</b>	<b>COAH Projected Growth Share Obligation = 269</b>
> Prior round surplus	27
> Family affordable rental sites: - Old Cranbury Road - Route 130D site - <i>Future site (to be determined)</i>	20 29 – 48 35 - 54
> <i>Senior affordable rental site: - Future site (to be determined)</i>	67
> <i>Existing group home (bedrooms)</i>	5
> Third round bonuses (capped): - <i>Third round compliance bonuses for Old Cranbury Road</i> - Rental bonuses for Route 130D site and future family rental site	20 47
<b>TOTAL</b>	<b>269</b>

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\* Affordable housing compliance mechanisms new to the Township's proposed 2008 plan amendment are listed in *italics*.

## Memorandum

TO: Cranbury Township Planning Board

FROM: Richard Preiss

RE: **Proposed Amendments to the Village Commercial (VC) Zone of the Township of Cranbury**

DATE: October 2, 2008

**A. NATURE OF THE PROBLEM AND PROPOSED SOLUTION TO CURRENT VC ZONE REGULATIONS**

Recent developments that have been proposed or approved within the Village Commercial (VC) zone in the Township of Cranbury have led to the need to reexamine the current zoning provisions. The key in the reexamination is to determine whether the current VC Zone regulations which would allow as-of-right development of a type, size or configuration which could be deleterious to the existing character of the zone.

This reexamination has pointed out that several “loopholes” do in fact exist within the VC zone regulations that warrant revision. They are as follows.

- (1) Some of the types of uses permitted in the VC zone are not appropriate.
- (2) The size of individual buildings is not restricted.
- (3) There are no restrictions on the depth of the front yard setback.
- (4) Gaps in the streetscape, especially for retail uses, could be created.
- (5) Possible parking and loading, and vehicular circulation could be established in the front or side yard.

Each of the problems associated with these loopholes will be discussed in greater detail below, followed by a suggested remedy. In Appendix “A” attached to this memorandum, the proposed amendments to the Village Commercial (VC) Zone regulations which should be enacted to implement such a remedy, are provided.

1. Permissive Uses

*Problem.* There are two uses which are permitted in the VC zone which clearly are not appropriate and should be deleted from the list of permitted uses: commercial and home agriculture, and public utility and service structures. No agricultural activities presently exist within the VC zone, and if they were to be introduced to this small scale, mixed-use environment, potential nuisances related to such activities would be detrimental to the existing uses in the zone. Much the same can be said of public utilities and services. Moreover, to the extent that there are ample locations in other zones in the Township where they are permitted and more appropriate, their deletion in the zone should not be problematic.

In addition, amongst the list of permitted uses in the VC zone are “retail and service establishments”—a term which is not defined in the LDO. Since this term is so broad and encompasses so many uses, it is possible that a number of inappropriate uses, not in keeping with the “small-town Main Street” historic character of downtown Cranbury, could be established as an “as of right” use. This might include lumber, building and supply stores; automotive uses such as automobile sales, or automotive parts and supplies, and certain amusement or entertainment uses such as billiard or pool halls.

*Remedy.* Delete agricultural uses and public utility uses from the list of permitted uses. Rather than allowing “retail and service uses” as a broad term, provide a list of specific retail uses that would be permitted in the VC zone, appropriate to the small-scale, historic and mixed-use character of the zone.

## 2. Size of Buildings

*Problem.* Main Street in Cranbury within the VC Zone is characterized by small, somewhat narrow lots on which small commercial buildings, or small former single-family homes, which have been converted into retail or mixed retail/residential uses. It is the rhythm of the narrow lots and small-scale buildings which gives the district its unique and historic character. However, there is no prohibition if someone wanted to accumulate a number of properties, consolidate them into a single lot and build one large building or a strip of retail stores in a single building.

*Remedy.* A restriction on the maximum size of a single building—and a maximum building footprint—would prohibit or discourage this development.

## 3. Depth of Front Yard

*Problem.* Another key characteristic of Main Street in downtown Cranbury is the consistency and shallowness of the front yard setbacks. This helps to provide an intimate, pedestrian scale environment, and a consistency in the streetscape. The current VC Zone regulations dictate a front yard setback requirement which is excessive (45 feet), although a property owner can

utilize the average setback of lots within 200 feet on either side of the property. While the latter is helpful, there is no mandatory maximum front yard setback. Therefore, on a vacant or redeveloped lot, the new structure could be located far back from the homes or retail uses on either side, thus interrupting the streetscape, and creating what is sometimes referred to as the “missing tooth.”

*Remedy.* Mandate a maximum front yard setback requirement in addition to the minimum front yard setback, and tie it to the prevailing setback of properties to either side.

#### 4. Gaps in the Streetscape

*Problem.* The remedy suggested above does not fully address the problem of allowing gaps in the streetscape to be created. There may be an instance where on a wide lot, a small building could be placed towards the front of a lot, leaving a wide side yard open to the street.

*Remedy.* Restrict the width of a side yard, but provide sufficient width to allow for a single driveway for vehicular access when necessary.

#### 5. Parking/Loading/Vehicular Circulation in the Front and Side Yard

*Problem.* One of the unique characteristics of downtown Cranbury is the absence of parking, loading and vehicular activity either in the front yards or in the side yards that are visible from Main Street itself. There is no regulation presently, however, which would prohibit a property owner from creating a loading or parking space to the side of their building, both visible from Main Street and, again, interrupting the rhythm and character of the small-scale built environment.

*Remedy.* Prohibit parking, loading and circular drop-off in the front and side yards in the VC Zone.

## **B. PROPOSED AMENDMENTS**

Attached to the memorandum is Appendix “A,” which indicates the changes that would be necessary to implement the above recommendations. The existing regulations are shown in normal type, with additions shown in **bold**, and deleted language shown with a line through it.

## **C. CONSISTENCY WITH THE CRANBURY MASTER PLAN**

A key consideration, in terms of the manner in which the proposed regulations would be amended, is the extent to which the proposed amendments are consistent with Cranbury’s Master Plan or Master Plan Reexamination. Before any proposed zoning is adopted by the Township

Committee, they must be referred to the Planning Board for a determination of whether such regulations are consistent with the Master Plan. If not, reasons for adopting such regulations must be stated in the minutes and in the resolution of adoption of such an amendment, and only by an affirmative vote of the majority of the full authorized membership of the Township Council.

In this instance, the proposed changes are consistent with the most recent Master Plan Reexamination, adopted in December 2005. On page 4, a problem stemming from the 1999 Reexamination Report was the need to “improve the economic viability of the Cranbury Village Commercial District.” On p. 10 of the 2005 Reexamination, a recommendation is made that a plan based upon an understanding of which businesses stand the best chance of succeeding” should be formulated. On page 15, the 2005 Reexamination recommends that land use policies to be reexamined include “changes...to the Village commercial zones—both in the downtown and along the Route 130 Corridor.”

Therefore, the proposed amendments are consistent with Cranbury’s most recent Master Plan Reexamination.

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## Appendix A

### **Proposed Amendment to Village Commercial (VC) Zone of the Township of Cranbury Land Development Ordinance<sup>a</sup>**

#### **§ 150-19. Village Commercial (VC) Zone.**

- A. Permitted uses. In the VC Zone, no land shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
- (1) Detached single-family dwelling.
  - (2) Two-family dwellings.
  - (3) Retail and service establishments **limited to the following:** ~~including personal service businesses and specialized and convenience retail.~~
    - a. **Clothing, personal furnishings and accessories, and shoe stores**
    - b. **Music and book stores**

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<sup>a</sup> Note additions are shown in **bold** print; deletions are shown with a line through the word.

- c. **Stationery stores**
  - d. **Antiques stores**
  - e. **Camera and photographic supply store**
  - f. **Gift, novelty and souvenir stores**
  - g. **Jewelry and watch stores**
  - h. **Luggage and leather goods stores**
  - i. **Sporting and recreational goods and supplies**
  - j. **Furniture and home furnishing**
  - k. **Drapery and curtain stores**
  - l. **Florists**
  - m. **Retail bakery store**
  - n. **Grocery stores, fruit and vegetable markets, candy, nut and confectionery stores, meat and fish stores.**
  - o. **Beauty or barber shops, and nail salons**
  - p. **Laundry and dry cleaning pickup or drop-off centers**
  - q. **Travel agencies**
  - r. **Art galleries.**
- (4) Offices for professional services, commercial, business and government.
- (5) Banks, **but not drive-through banks**, and financial institutions, **insurance, and real estate offices.**
- (6) Funeral homes.
- (7) Restaurants, excluding drive-through restaurants.
- (8) Clubs, lodges and fraternal organizations.
- (9) Dwelling units within mixed-use buildings.
- ~~(10) Commercial and home agriculture, subject to the requirements of § 150-11A.~~
- (10) Places of worship, subject to the requirements of § 150-11B.
- ~~(12) Public utility and service structures, subject to the requirements of § 150-11C.~~
- (11) ~~(13)~~ Child care centers, subject to the requirements of § 150-13A.

- (12) ~~(14)~~ Public parks, playgrounds, buildings, structures and uses owned and operated by the Township of Cranbury.
- (13) ~~(15)~~ Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.
- (14) ~~(16)~~ Outdoor dining as an accessory use in conjunction with a permitted restaurant as subject to the requirements of § 150-39.

B. Prohibited uses. In the VC Zone, the following uses are prohibited:

- (1) **Any drive-through or drive-in use or service, whether a principal or accessory use.**
- (2) **Any automobile service, sales, leasing or rental.**
- (3) **The sale of any product or service by outdoor vending machine.**
- (4) **The performance of any service except within enclosed buildings, with the exception of outdoor dining per § 150-19A.16.**

C. Area and bulk regulations.

- (1) Minimum lot area: 6,500 square feet.
- (2) Minimum lot width: 40 feet.
- (3) Minimum front yard depth: the lesser of 45 feet or the average setback of existing buildings on the same side of the street within 200 feet on each side of the lot.
- (4) **Maximum front yard. No front yard setback shall exceed the average setback of existing buildings on the same side of the street within 200 feet of each side of the lot, by a distance of 5 feet.**
- (5) Minimum side yard width: ~~eight six~~ **six** feet for one yard; ~~24~~ **12** feet for combined side yards. Where a side lot line of a lot in the VC Zone coincides with the boundary line of any residence zone, the minimum side yard requirement which is in effect in such adjoining zone shall apply.

- (6) **Maximum side yard width: no building shall be set back more than 10 feet from the side property line, except that where a driveway is provided, such a setback may be increased by 4 feet plus the width of such driveway.**
- (7) Minimum rear yard depth: 40 feet.
- (8) Maximum building height: 35 feet.
- (9) Maximum building coverage shall not exceed 30%.
- (10) Maximum impervious coverage shall not exceed 60%.

**D. Supplemental Requirements for Uses in the Village Commercial (VC) Zone**

- (1) **No single building or business shall exceed 5,000 square feet of floor area regardless of use. No single building shall have a building coverage in excess of 3,500 square feet. No two principal buildings on a single lot shall be closer to one another than 20 feet, and shall not be connected by atriums or enclosed breezeways, or similar structures.**
- (2) **No parking, loading area or vehicular drop-off or circular driveways shall be permitted in any front or side yard.**
- (3) **Driveway openings shall be limited to one per street frontage, and shall not be less than 10 feet nor more than 18 feet in width, although driveway aprons may exceed such widths as necessary at the curblin. The use of shared driveways and common parking areas serving more than one use or property is hereby encouraged.**