

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

**MINUTES JULY 6, 2017
APPROVED ON AUGUST 3, 2017**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Planning Board was held at the Cranbury Township Hall Municipal Building, 23-A North Main Street, Cranbury, New Jersey, Middlesex County on July 6, 2017, at 7:30 p.m.

CALL TO ORDER

Art Hasselbach, Chairman of the Cranbury Township Planning Board, called the meeting to order.

STATEMENT OF ADEQUATE NOTICE

Under the Sunshine Law, adequate notice by the Open Public Meeting Act was provided to this meeting's date, time, place and agenda were 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

- Callahan, Karen (Excused)
- Cook, David
- Gallagher, James
- Hasselbach, Arthur
- Johnson, Glenn
- Kehrt, Allan
- Mavoides, Peter
- Schilling, Brian
- Stewart, Jason (Excused)

PROFESSIONALS IN ATTENDANCE

- Andrew Feranda, Traffic Consultant
- David Hoder, Board Engineer
- Trishka Cecil, Esquire, Board Attorney
- Josette C. Kratz, Secretary
- Richard Preiss, Township Planner

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Virginia Guinta, Court Reporter

MINUTES

Each under a separate motion and seconded the following minutes were approved unanimously: May 10, 2017; May 18, 2017; and June 15, 2017

RESOLUTIONS

**PB295-17 Sun Pharmaceuticals Industries, Ltd.
Block 5, Lot 7.01, Zone LI
270 Prospect Plains Road
Minor Site Plan**

MOTION MADE BY: Mr. Johnson
MOTION SECONDED BY: Mr. Schilling

ROLL CALL:

AYES: Mr. Gallagher, Mr. Hasselbach, Mr. Johnson, Mr. Kehrt, Mr. Schilling
NAYS: None
ABSTAIN: Mr. Cook (not eligible to vote), Peter Mavoides (not eligible to vote)
ABSENT: Ms. Callahan, Mr. Stewart

MOTION CARRIED

**PB065-03 Alfieri – Half Acre Road, LLC
Block 5, Lot 9, LI Zone
Block 7, Lot 10, LI Zone
Half Acre Road
Final Major Site Plan**

MOTION MADE BY: Mr. Kehrt
MOTION SECONDED BY: Mr. Johnson

ROLL CALL:

AYES: Mr. Gallagher, Mr. Hasselbach, Mr. Johnson, Mr. Kehrt, Mr. Schilling
NAYS: None
ABSTAIN: Mr. Cook (not eligible to vote), Peter Mavoides (not eligible to vote)
ABSENT: Ms. Callahan, Mr. Stewart

MOTION CARRIED

**PB165-09 Prologis South
Block 10, Lots 4.01, 19.01 & 19.02, Zone I-LIS
66 Station Road
Amendment to the Original Preliminary and Final Site Approval**

MOTION MADE BY:
MOTION SECONDED BY:

ROLL CALL:

AYES: Mr. Cook, Mr. Gallagher, Mr. Hasselbach, Mr. Johnson, Mr. Mavroides
NAYS: None
ABSTAIN: Mr. Schilling (not eligible to vote)
ABSENT: Ms. Callahan, Mr. Stewart

MOTION CARRIED

APPLICATION

PB289-16 Radko/Wells Enterprises, LLC
Block 23, Lot 50.01, Zone VC
55 North Main Street
Major Site Plan Review

REPRESENTATIVES: Francis Brennan, Esquire
Laurie E. Totten, P.E. – Crest Engineering
David Wells, Owner/Applicant

BOARD PROFESSIONALS REPORTS:

David Szabo, HPC Chairman, Review Memo dated June 21, 2017
Richard Preiss, P.P., Phillips Preiss Grygiel LLC dated June 12, 2017

Jurisdiction was announced at the last hearing.

Ms. Totten, Mr. Wells, and Mr. Preiss were sworn.

Mr. Brennan briefed the Board on the approval being sought. All proposed uses are allowed in the Village Commercial Zone; however, the applicant must seek site plan approval for each proposed use. Mr. Radko and Mr. Wells have owned this property for an estimated 20 years. The upper floors have remained unused for several decades.

Mr. Brennan stated Mr. Radko and Mr. Wells have never had a need for the dumpster and no record exists of there being a dumpster. He felt it only made sense to include a dumpster in this proposal for future users. The only place available to locate a dumpster requires a setback variance of 3 ft. where it would be required to have 8 ft. from the side yard. The existing building already has a pre-existing condition of a delinquent setback. The applicant is seeking an exception for parking. The applicant provides six (6) off-street parking spaces; which have become de facto public parking with the other spaces owned by Teddy's and the Chinese restaurant. The range of potential uses could trigger a parking demand of as little as six (6) parking to as many as thirty-eight (38) parking spaces. Mr. Brennan stated there was no way the applicant could provide additional parking on his property.

Mr. Wells mentioned his love for Cranbury. He also stated it has been difficult selling the property without having site plan approval; perspective buyers were not interested in spending their own money and risk having their application denied.

The Board accepted Ms. Totten's credentials. Ms. Totten testified that changes to the site were necessary for the uses proposed. They could fit 26 seats (fixed tables outside) in front of the building. The regulating code, for the proposed uses, requires fire escapes to be provided. The applicant proposes a roll-out dumpster; placement of the dumpster triggers a side yard setback variance. The applicant can provide six (6) on-site parking spaces to the rear of the building.

Mr. Wells, using a proposed seating chart, explained the layout of the building if the use was a restaurant. Hours of operation proposed are 5:30 AM to 11:00 PM. Outdoor seating would comply with the Township regulations, and the owner is aware outdoor seating requires an outdoor dining permit. He explained how the parking spaces in the rear are shared. Additional parking opportunities would be the Township's 12 spaces to the rear of the applicant's property and an additional 20 spaces when the library is constructed.

Mr. Preiss stated he felt that the availability of spaces downtown and public parking the number of spaces available would be probably sufficient to satisfy the need. Mr. Preiss mentioned there was testimony that the applicant would comply with all the requirements related to the Outdoor Dining Ordinance along with obtaining an Outdoor License. Mr. Brennan answered his client was aware and would comply.

Mr. Wells explained that delivery trucks back into the easements, both to Teddy's and the Chinese restaurant. Mr. Wells expects to do the same.

Ms. Cecil wanted on the record that the Molto Bene approval could not be used as evidence in this approval and it was based on the different analysis.

Mr. Preiss stated, responding to a question Mr. Gallagher brought up, that in the initial analysis during the Master Plan review there is a parking problem from the municipal lot and the on-street parking, particularly for the residents. There wasn't a problem when someone came to a store and left because they could not find parking space. The analysis discovered the key reason the park problem exists is the parents, picking up their children at the school, park on Main Street instead of the municipal/school parking lot for a quicker exit. The suggestion made to elevate the parking problem was to create a second means of access.

Mr. Gallagher said it sounded like conditions at the time without anticipation of further expansion.

Mr. Preiss noted restaurants were usually at peak hours in the evening when a lot of the other businesses are closed.

Mr. Schilling mentioned that there has been a history of businesses reverting to residential use.

Ms. Cecil stressed to the Board they needed to keep in mind that the Township Committee has still allowed these uses in the downtown, even with the limited off-street parking that is available. She felt that was something the Board needed to keep in mind as it is evaluating the request.

Mr. Cook stated there have been a few remedies the Township Committee has worked on, such as adding parking down by the West Property and Park Place East and West have been marked, and the addition of the Sweetwater with nine public parking spaces. The Library is expected to be shared parking. He stated there was more than enough to handle the level of parking.

Mr. Schilling asked if the numbers provided for the parking needs are not above and beyond what the current use demands and asked about the current use of the facility requirements.

Mr. Brennan assumed the current use did not exist anymore. One of those uses would have been a retail use of the first floor and apartments on the second floor. Currently, there is a retail use of the first floor and nothing on the second floor.

Mr. Hasselbach read into the record the review recommendation by HPAC, dated June 22, 2017. Summarized - when exterior changes were necessary the application would have to come before HPAC for review.

Mr. Mavoides asked about the fire escape requiring site plan approval. Ms. Totten pointed out that they are shown on the plan.

Mr. Johnson stated he was inclined to go with this, although there has been a group a people who claim there is a parking shortage, insisting it was the Township's responsibility to provide parking. Many of those people are interested in Historic Preservation so they do not want the Township to buy a house and demolish for a parking lot. Like other towns, we are thinking about what we can do to provide more parking. He felt this applicant was taking the correct approach and felt it was "worth a shot".

Mr. Hasselbach stated it was not a bad use for the Township.

PUBLIC COMMENTS

All persons from the public speaking were sworn before they testified.

Mr. Nicolas George Skroumbelous stated he liked the plan and secondly, the concept in real estate is "greatest and best use" and this will make this building reach its full potential.

Mr. Andrew Mento stated he was the current Vice President of the Trustees of the Library Board. He said it was his opinion the Library parking lot would be a public parking lot to be used by the Library and the public; there may even be signs directing the public to the parking.

Motion made by Mr. Kehrt to approve the application as presented. Seconded by Mr. Schilling.

MOTION MADE BY: Mr. Kehrt
MOTION SECONDED BY: Mr. Schilling

ROLL CALL:

AYES: Mr. Cook, Mr. Gallagher, Mr. Johnson, Mr. Kehrt, Mr. Mavoides, Mr. Schilling,
Mr. Hasselbach
NAYS: None
ABSTAIN: None
ABSENT: Ms. Callahan, Mr. Stewart

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 July 6, 2017, consisting of six (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 August 3, 2017.

Josette C. Kratz, Secretary

/jck