

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

**MINUTES MAY 5, 2022
APPROVED ON MAY 26, 2022**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Planning Board was held via Zoom <https://us06web.zoom.us/j/86494062397> Meeting ID: 864 9406 2397 on May 5, 2022, at 7:00 p.m.

CALL TO ORDER

Michael Kaiser, Chairperson, called the meeting to order at 7:00 pm.

STATEMENT OF ADEQUATE NOTICE

Adequate notice as well as electronic notice of this meeting were provided in accordance with the requirements of the Open Public Meetings Act and the regulations governing remote public meetings. The notice included the time, date and location of the meeting and clear and concise instructions for accessing the meeting. A copy of the agenda for this meeting was made available to the public for download on the Township's website, and all documents and other materials pertaining to any applications listed on the agenda were posted electronically and made available for download at least forty-eight hours prior to the meeting.

All participants in this meeting are required to keep their microphones muted until recognized or directed otherwise. The Board will engage the Zoom "mute" function until the time for public comment is reached.

Members of the public who wish to make a comment are required to use the "Raise Hand" feature in Zoom, or, if participating by telephone, by pressing *9. Once recognized by the chair, the participant will be able to unmute his or her microphone and offer a comment. Interested parties wishing to ask a question or make a comment during a public hearing on an application will be sworn in and asked to provide their name and address before proceeding. The Board Chair or his designee will manage the order of the comments.

MEMBERS IN ATTENDANCE

- Ferrante, Michael
- Gallagher, James
- Gittings, Bill
- Jones, Dominique (arrived late)
- Kaiser, Michael

- Mavoides, Peter
- Spann, Evelyn
- Stewart, Jason
- Wittman, Wayne

PROFESSIONALS IN ATTENDANCE

- David Horner, Conflict Traffic Consultant
- David Hoder, Board Engineer
- Elizabeth Leheny, Township Planner
- Robert Davidow, Esquire, Board Attorney
- Robin Tillou, Planning Board Administrative Officer

MINUTES

Upon a motion made and seconded the minutes of March 3, 2022 were unanimously approved.

Upon a motion made and seconded the minutes of April 7, 2022 were unanimously approved.

RESOLUTION

**PB346-21 J-Star Research (Cedar Brook Corp)
Block 1.01, Lot 1, RO/LI Zone
2 Clark Drive
Preliminary and Final Site Plan Amendment**

Ms. Spann advised that the handicap ramp to the handicap parking that Mr. Feranda had mentioned was not a condition in the resolution and she wanted to confirm that was already in the plans and did not need to be part of the conditions.

Mr. Hoder stated he will ensure the handicap ramps are on the final plans that the applicant submits.

MOTIONED TO APPROVE: Ms. Spann

SECONDED: Mr. Mavoides

ROLL CALL:

AYES: Mr. Gallagher, Mr. Gittings, Ms. Jones, Mr. Mavoides, Ms. Spann,
Mr. Kaiser

NAYS: None.

ABSTAIN: None.

MOTION PASSED

APPLICATIONS

**PB325-19 Cranbury Station Road, LLC c/o Summit Associates, Inc.
Block 13, Lot(s) 13, 15 & 16, Zone I-LI
Hightstown-Cranbury Station Road
Preliminary and Final Site Plan / Subdivision**

REPRESENTATIVES: Michael Vitiello, Esq., Giordano, Halleran & Ciesla
John Visceglia, SAI Real Estate
Clint Miller, Applicant's Engineer, Hammer Engineering
Joseph Hanrahan, Applicant's Engineer, Hammer Engineering
Andrew Janiw, Applicant's Planner, Beacon Planning
John Rea, P.E., Traffic Consultant, MRA Traffic
Ed Kuc, Eastern States Environmental Associates
Joe DiGiorgio, ARCO Design/Build Industrial

EXHIBITS:

A-1 – Aerial Exhibit of Property and Surrounding Area

Mr. Davidow announced he has reviewed notice for the application and notice was adequate and this Board can take jurisdiction over the application.

Mr. Vitiello gave a summary of the application stating the minor subdivision approval is a lot line adjustment. It slides the lot line between lot 13 and 16 to enlarge the area shown for lot 13. The minor subdivision was approved, but the land use attorney had passed, and the subdivision was never perfected. The only option was to pass it again due to the time lapsing for an extension. In addition to the minor subdivision, the preliminary and final site plan approval is for two warehouse buildings on the two different lots. The one warehouse will be 250,000 sq. ft. and the other will be 75,000 sq. ft. The project is located along Cranbury Station Road and Halsey Reed Road. It is in Cranbury but is adjacent to the border of Cranbury and Monroe. The warehouses proposed are permitted uses in the zone. A portion of lot 16 is currently encumbered with a wetland mitigation bank. That wetlands mitigation bank is proposed to remain exactly as it exists. This application was submitted in 2019, but COVID derailed the process. As part of the initial submission, they had gone to the Development Review Committee (DRC) and went to an Environmental Commission (EC) meeting. The comments regarding the landscaping and architecture were put into consideration and the plans were resubmitted from the original submission in 2019.

Mr. Hanrahan, P.E., applicant's engineer, advised he is a licensed professional engineer in NJ and is licensed in ten other states. His civil engineer degree is from NJIT. He has been practicing in land development engineering for 30 years. Chair Kaiser accepted his credentials.

Mr. Davidow swore in Joseph Hanrahan.

Mr. Hanrahan displayed Exhibit A-1 “Aerial of Property and Surrounding Area”.

Mr. Hanrahan stated there is frontage on Lot 13, Halsey Reed Road, and the remainder of Halsey Reed Road to the south frontages on Lot 16. Lots 13 and 15 also front on Cranbury Station Road. The access will be from Cranbury Station Road although there is a Conrail right of way. The property on Cranbury Station Road does wrap around two residential properties. The development is proposed on lot(s) 13 and 15 and consist mainly of farmland.

Chair Kaiser requested Mr. Hanrahan explain the properties to the west and east and the type of uses for them.

Mr. Hanrahan advised to the east is the Monroe municipality with single family dwellings, to the north are single family lots on the triangle between Halsey Reed Road and the Conrail right of way. There are two residential properties inset on the west side of the project and residential properties across Cranbury Station Road and the Turnpike. On the other side of the Turnpike there are warehouse developments.

Chair Kaiser asked what the property to the southwest is.

Mr. Hanrahan advised it is a vacant property also in the I-LI Zone.

Mr. Vitiello advised that property has a portion of it in the mitigation bank. A mitigation bank is a deed restriction between the landowner and DEP (Department of Environmental Protection) that specifies the restrictions applicable to the specific area to create certain plantings or wetland environments and to maintain those, but to otherwise not disturb the area within the restriction area. It is considered a wetland bank because there are possibilities for credits to be given for other projects whether it be the same owner or not.

Vice-Chair Wittman asked if credits were used anywhere else in Cranbury regarding the Wetlands Bank.

Mr. Vitiello stated yes, those credits have been used for other developments in Cranbury.

Vice-Chair Wittman asked if you could subdivide the wetland bank area and include it in another portion of those lots.

Mr. Vitiello stated the restriction is a contract and it delineates what can be done within the restriction area and what cannot be done within the restriction area. A subdivision of the restriction area into two or three separate tax lots, is a transfer of the restriction area all permitted within the restriction which states any rights convey to DEP under the restriction are expressly reserved to the landowner.

Mr. Ferrante asked how they know that the remaining portion of lot 16 was used for parts of the bank by way of credits.

Mr. Vitiello stated the conveyance of a credit for a portion of the wetland bank area does not remove any property rights from the property owner other than the ability of the property owner to assign that credit.

Mr. Ferrante asked if that went towards impervious surface calculations.

Mr. Vitiello stated all the lot area counts towards the impervious calculations.

Mr. Hanrahan displayed the "Sheet SR-01 - Site Layout Rendering".

Mr. Hanrahan stated the project proposed is a flex warehouse development. The two buildings total 327,000 sq. ft. with associated auto parking, loading, trailer parking and stormwater management. Warehouse building number one is on the top left of the rendering and is the larger warehouse. Warehouse one is 252,000 sq. ft. and is on proposed lot 13.01. Warehouse number two is on lot 15. Both lots consist of farmland. Two full movement access drives are proposed to Cranbury Station Road. The northerly access drive will be the primary access for warehouse two and the southerly access will be the access for warehouse number two. The warehouses are designed with a circulation drive completely around the building for emergency vehicles. Warehouse number two does have a grass paver emergency access drive on the east side. The two driveways are interconnected to allow for redundancy for emergency access purposes. There are two truck courts for warehouse number one consisting of loading and the trailer parking on the north side and the south side. There is automobile parking to the front of warehouse number one with two smaller automobile parking lots in the southeast and northeast corner. There is a truck court to the south of the building of warehouse number two and the automobile parking is at the top left of warehouse number two. The project is fully compliant with the parking requirements. It consists of 133 parking stalls, 99 parking stalls for warehouse number one and 34 parking stalls for warehouse number two. The loading docks are 13'X60' and the trailer stalls are 12'X55' and this requires a waiver. The standard calls for 15' wide stalls. The green banking for the parking is the electrical vehicle parking requirement implemented by the state which is four additional parking stalls due to the EV ready zoning requirement. Instead of 133, we would have 137 stalls which is why they have the four bank stalls.

Ms. Jones asked what the property is across from the southernly entrance to the complex.

Mr. Hanrahan stated it is a single-family home.

Mr. Hoder stated the impervious coverage for the table states what is required is 40% and it states lot 13.01, 39.02% and lot 15, 27.7% and 16 n/a and a maximum for all of it of 35.4%. That means you are not using the mitigation bank to help yourself with the impervious coverage.

Mr. Hanrahan stated they used the portion that was annexed into lot 13 which is post subdivision numbers.

Mr. Hoder stated he had asked for crosswalks.

Mr. Hanrahan confirmed they would do the crosswalks that Mr. Hoder had asked for.

Mr. Gallagher asked if the railroad would continue to function after the improvements are made to the railroad property.

Mr. Vitiello stated one of the crossings on the plan currently exists and is an at grade railroad crossing. The line is not active right now, there are even chunks of track that are missing. These could continue to function though if the line were ever reactivated.

Mr. Vitiello confirmed they would receive approvals to make sure they are finalized and executed and that would be a condition that is in place to receive all approvals from outside agencies.

Vice-Chair Wittman asked if the egress and ingress could be moved south on the property, so it is not straight across from the home.

Mr. Hanrahan stated Conrail will only allow one new crossing, and that is where the existing crossing is. They needed an additional crossing so that must stay where it is.

Vice-Chair Wittman asked why a waiver is needed for the size of the parking for the loading and the trailer stalls.

Mr. Hanrahan stated it is due to industry standard to be 13 ft. wide for the loading and 12 ft. wide for the trailers. Warehouses are not built with 15 ft. wide loading docks or 15 ft. trailer spaces.

Chair Kaiser wanted confirmation the south access way is a right of way (ROW) for the dwelling that is adjacent to that access.

Mr. Vitiello stated that house has frontage on the Conrail ROW and there is an easement that is across the applicant's property that allows that homeowner as an alternative to traverse the easement area and get to the public road. They currently follow that area. The applicant's proposal is to maintain that exactly where it is.

Mr. Hoder asked if the mitigation bank will have a 150 ft. buffer.

Mr. Hanrahan stated the riparian zone does not refer to that body of water due to not being on the GeoMap.

Mr. Hoder stated that the DEP map is not up to date and that body of water was produced in 2017.

Mr. Davidow swore in Ed Kuc, Eastern States Environmental Associates.

Ed Kuc, Environmental Consultant, advised the Board he has been a principal ecologist for 30 years. He is also the Chief Representative of his clients for state and federal regulatory agencies for environmental permits. He was previously the environmental specialist for NJ DEP Division of Fish and Wildlife where he was responsible for various Fishery and Wildlife Management programs, trout stream classifications and dealt with the proposed Freshwater Wetlands Protection Act. Chair Kaiser accepted his credentials.

Mr. Kuc stated the area of the wetland mitigation was considered as a jurisdictional wetland. That area is mapped as a wetland area and referred in the DEP letter of interpretation as a jurisdictional wetland area. At any given time, it has inundation and does not presently contain an open water classification for the entire year. In accordance with the DEP flood hazard area control act rules, which was not considered as a water with a riparian zone associated with it. It is an isolated wetland area that can at time be inundated and other times it is not.

Mr. Vitiello stated the state open water classification does not change the applicability of the riparian zone ordinance.

Mr. Kuc explained this is due to not being always inundated and this is not applicable to the ordinance.

Mr. Hoder explained all mitigation banks are designed by someone so there must be a plan somewhere with how big this pond would be and where it would be. Would the applicant be willing to stay 150 ft. from that design so this is not an issue?

Mr. Vitiello stated they do not have those measurements just yet.

Mr. Hoder stated there should be a mitigation bank design.

Mr. Vitiello stated they will ask the consultants that helped create the bank.

Mr. Hoder stated if there is a defined edge the 150 ft. buffer could be located.

Mr. Vitiello stated they will go on site as well as refer to the plans.

Mr. Vitiello stated they have discussed whether the water feature near Building #1 is subject to the riparian buffer as indicated in the ordinance.

Mr. Vitiello stated the applicant proposed to the DEP to make the water feature enlarged, have inlets and outlets constructed to make it part of the sedimentation control of the water treatment for the facility. The DEP reviewed those applications and reviewed the entire water quality for the whole stormwater plan and all DEP permits have been issued for those modifications. DEP has determined there is no buffer associated with this water. This is an isolated water feature and is not stream fed. The ordinance states the riparian buffer not applying to sedimentation or stormwater control features which the DEP has approved that to be converted into.

Mr. Kuc stated there are two state regulations regarding that water feature. The Flood Hazard Area (FHA) control act rules and the wetlands rights are the two regulations. The DEP had determined because that water feature is isolated, manufactured and has less than 50 acres of drainage, it is not considered as a regulated water in accordance with the FHA regulations. It was regulated by the wetlands rights and any alterations they had to do to that feature would be the subject of a wetlands permit through the freshwater wetland's protection act. No FHA water existed, and no FHA riparian zone existed and therefore, no FHA permits were required of this project. It was then determined the overall modification of this would be reviewed and dealt with under freshwater wetlands general permit number six because of the isolated characteristics of this feature.

Chair Kaiser asked for the advice of Mr. Davidow regarding this water feature.

Mr. Davidow stated as far as legal precedent there is none. There would not be an overarching as to whether it applies across the board, it would only be a decision for this application. The analysis starts with whether it is applicable to the ordinance and depending on the answer to that question you would determine what else would be needed from there.

Mr. Hoder stated the body of water falls under the local ordinance, but it is up to the Board.

Mr. Hanrahan stated in regards to § 150-39.1 Riparian zones, E. (exceptions) (3), there is no way to combine plan or project and if you go to the last sentence of E. it states "projects or activities", that does not state plan or project. It should not be broken up or combined plan or project the way it had been applied in the past. If you were to apply the way § 150-39.1 Riparian zones E. 3. to number 1. And 2. You would put the same thing, "Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the NJDEP." That is the way it is written and that is the way it is meant to be written and applied to a certain situation this project proposes.

Ms. Spann stated the purpose of the riparian zone is to protect the environment, species, ecosystem and the ecology of what is already there. We want to preserve that, and we do not want to hurt the environment. Can we do what the developer is asking and protect the riparian zone in some way?

Mr. Gallagher (Planning Board and Environmental Commission Member) stated the Environmental Commission (EC) felt the exception did not apply. The EC did not interpret number 3 of the riparian ordinance (exceptions) as the applicant does. The EC felt that was an extreme corridor restoration/extreme bank stabilization only.

Vice-Chair Wittman stated it would be helpful if the applicant can produce a way to show the Board they are trying to meet those characteristics.

Mr. Vitiello stated he will speak with his team to where they will get an enlarged pond to the north and trying to enhance the pond to the south.

Mr. Kuc stated the three main reasons of buffers and riparian zones are for water quality so there is vegetation to a water body to keep temperatures down, etc., for sedimentation control so there is buffer between a continuous water course and ecologically corridors are attempted to be made. The irrigation pond has no water quality issue associated with it. It is isolated so any qualities it would serve us is not provided by the body of water. This is isolated by any other habitat. If a buffer is put on it, the continuous wetlands to the south and the eastern region of lot 15 would be to stay out of the buffer. If a buffer zone is put on the northern manufactured pond, there is no corridor. If they can incorporate a stormwater management plan, there would be an existing water feature that will be expanded and utilized for stormwater management.

Ms. Spann asked if the body of water on the opposite side that is not isolated would be enhanced to better this project.

Mr. Kuc stated he would like to have a contiguous wetlands area with large water feature enhancements. The concerns are if the wetlands mitigation bank would allow them to deal with an expansion of an open water feature and the wetlands protection act views the creation of a pond or lake in a wetland area the same way you would use putting a building or a parking lot in, they consider it a disturbance of a jurisdictional wetland area. He is not sure if expanding an open water feature within a jurisdictional wetland is permissible for DEP.

Mr. Mavoides asked if it was a jurisdictional wetland area or a jurisdictional wetland bank.

Mr. Vitiello stated it does not matter whether those credits have been taken or not. Mr. Kuc's analysis applies either way.

Vice-Chair Wittman stated a retention pond will be needed somewhere on that property.

Mr. Hanrahan stated there is dry detention basin adjacent to the wetlands bank in the upper right-hand corner of building #1.

Mr. Ferrante stated the irrigation is like a mini habitat and is important due to being a bit of an oasis. The GeoMap shows a vernal pond where it was plowed over and then came back. Is that on the plans?

Mr. Kuc stated the vernal pond is the feature within the wetlands mitigation bank on the northern portion of Lot 16. That was an area that was considered by DEP to be a vernal pool.

Mr. Ferrante stated it would be good to know where that is.

Mr. Mavoides feels the riparian zone is applicable to the body of water.

Ms. Jones agrees with Mr. Mavoides.

Mr. Gittings stated he would like to see all the houses all around the property on all sides. He would like to understand the berms and the landscaping. All the buffers between the building, how the building meets the ordinance as far as breakdown of the massing. An additional driveway would be beneficial, so it is not right across from the dwelling.

Chair Kaiser called a special meeting for May 26, 2022.

MOTION TO HAVE SPECIAL MEETING MAY 26, 2022: Mr. Wittman

SECONDED: Ms. Spann

By unanimous vote, a special meeting has been scheduled for May 26, 2022 at 7 pm via Zoom.

COMMENTS FROM THE PUBLIC

Mr. Kaiser opened the meeting to the public.

Deanne Napurano, 92 Halsey Reed Road, asked if the public had information relevant to the Planning Board what are the options are.

Mr. Davidow stated the communication should start with the Land Use Administrative Officer, Ms. Tillou, and we will discuss if relevant and can be sent to the Board.

Mihir Majmundar, 11 Mission Drive, Monroe, NJ, asked if the application goes to the Environmental Commission (EC) for any approval and when will it go to the EC if it does.

Mr. Gallagher stated there was a presentation which he was not present for, but the approval is for the Planning Board. EC can only provide input. The EC report can be found in the link for the Planning Board website.

Mr. Morolda, 93 Halsey Reed Road, wanted to know if the PB ever visits the site of an application.

Chair Kaiser stated that he has visited sites, but not with other members to avoid a meeting.

Rob Borrero, 79 Halsey Reed Road, wanted to know if the Planning Board would like to enforce the quality of life in town and nearby towns and to enforce any ordinance.

With no further public comment, Chair Kaiser closed the public forum.

ADJOURNMENT OF MEETING

There being no further business, Mr. Wittman made a motion to adjourn the meeting and Mr. Ferrante offered a second. By unanimous vote, the meeting was thereupon adjourned at 10:15 pm.

CERTIFICATE OF SECRETARY

I, the undersigned, do at this moment certify;

That I am duly elected and acting secretary of the Cranbury Township Planning Board and that the minutes of the Planning Board, held on May 5, 2022, consisting of eleven (11) pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name to said Planning Board this June 1, 2022.

Robin Tillou _____
Robin Tillou, Administrative Officer

/rst