

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

**SPECIAL MEETING MINUTES MAY 26, 2022
APPROVED ON JULY 7, 2022**

TIME AND PLACE OF MEETING

The special meeting of the Cranbury Township Planning Board was held via Zoom <https://us06web.zoom.us/j/86494062397> Meeting ID: 864 9406 2397 on May 26, 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

APPLICATIONS

**PB325-19 Cranbury Station Road, LLC c/o Summit Associates, Inc. (tabled from May 5, 2022 PB Hearing)
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
Brian Cramer, Greenvest, Environmental Consultant

EXHIBITS:

A-1 – Aerial Exhibit of Property and Surrounding Area

A-2 – Colorized Landscape Plan

A-3 – Sanitary Sewer Force Main Exhibit

A-4 – Alternate Layout Exhibit showing how to further enhance the vegetative areas

A-5 – Existing and Proposed Cross Pond Sections

Mr. Davidow announced Mr. Stewart has listened to the recording and is eligible to vote on this application. All witnesses previously sworn in are still under oath.

Mr. Vitiello explained testimony was given at the previous PB hearing on May 5, 2022. They will continue their testimony tonight and explain the changes after hearing from the Board at the last hearing.

Mr. Hanrahan, P.E., applicant's engineer, displayed exhibit A-2, Landscape Plan.

Mr. Hanrahan stated this application provides 761 trees and 682 shrubs. The ordinance has a tree buffer requirement, and they are 135 trees over that requirement. There is a tree requirement for the tract, and they are 438 trees over that requirement. The tree replacement requirement is one to one and they are 56 trees above that requirement. It was asked to provide a break in the landscaping berm. You will now see the breaks in the berms as requested by the Board professionals.

Mr. Hanrahan stated the lighting proposed is 25 ft. high light poles to light the project. There is no light spillage off the property and all lighting requirements are met. The project proposes two monument signs at the entrance to Cranbury Station Road. These are 10 x 6 signs with 10 ft. setback and ground lit. The project proposes three (3) way finding signs within the project that are 4" x 3 ½' to help visitors navigate the project. The project will be serviced by existing utilities within Hightstown Cranbury Station Road in the form of gas, water, electric and telecom. There will be new services from the existing service lines within the frontage road. The proposal is a sewer pump station on site in the northly side of the site. The pump station will discharge flow through a 2" force main.

Mr. Hanrahan displayed A-3, sanitary sewer force main exhibit.

Mr. Hanrahan stated the 2" force main comes out of the site and runs northerly on Hightstown Cranbury Station Road, makes a left down Station Road and goes underneath the Turnpike and ties into a gravity manhole on the western side of the Turnpike. The project includes two detention basins, one in the northerly section of the bigger building which will be an expansion of the pond and the second basin is at the smaller building. The project includes porous pavement and providing swales for nonstructural strategies and has approval of DEP and DRCC. The project proposes no variances. It does propose waivers. The waivers were discussed at the previous hearing.

Chair Kaiser would like more details of the farm pond conversion and the building to the proximity to the wetland area to the south of the building.

Mr. Hanrahan displayed A-4 – Alternate Layout Exhibit showing how to further enhance the vegetative areas.

Mr. Hanrahan stated the light shaded areas represent the different areas that are being proposed to enhance the vegetation and have the environmental features provide adjacent habitat to the mitigation bank area. The farm pond of the bigger building proposes additional water surface area for habitat purposes of 1.2 acres and an additional habitat area of 2.1 acres of what was originally proposed. The northerly pond will provide grasses along the water's edge and below the water to have a wetland feature 5 ft. along the water's edge to provide habitat along the water's edge. Planting 3 to 1 slope and the safety ledge area above the water's edge to what was previously planted. This will provide full buffer, vegetation and habitat. Along the truck court and the loop drive area a 10' landscape strip is proposed just outside the curb for landscape and

maintenance purposes. Beyond the 10' will be heavily planted vegetation for habitat benefit. The water surface area of the existing farm pond is ½ acre and the new pond would be 1.1 acre. There is more planted area now with the expansion. The truck drive on that side of the property is 225 ft. from the property line. We complied with GP6 requirements to fill the pond. The stormwater management for the smaller building is a wet habitat feature. This was part of the original submission. This is to further enhance the vegetation along the water's edge and up the banks to the retention basin to expand the mitigation bank area because this is directly adjacent to that area. The plantings selected is to maximize habitat for the species in the area. We are open to requirements from the municipal environmental staff for specific plantings and what not to plant. At the southeast corner along Halsey Reed Road is where we will make it a constructive wetlands basin. We will lower the surface area of the bottom of the basin 1 ft., so it remains in a wet state. We will plant the bottom of the basin with grass and plants as recommended and plant up the slopes. On the right side of the basin the gap area is a row area of trees connected to the mitigation bank area. It will combine with the mitigation bank area and provide an additional habitat of wetland at the bottom of the basin. That represents .3 additional acres of habitat. About 60% of that area is farm, and we are proposing the area to revegetate and will not be maintained and will only maintain the grass. The measurements and design have changed as shown on the red line in the exhibit, which shows the 150ft. radius from the pond area. We will have to make slight modifications to the design to stay out of the 150ft. riparian zone. The pond is close to the mitigation bank. The new feature is the lot adjacent to the north of the smaller warehouse and is being combined with the project. There are two houses inset within the development. The southerly home will be combined with the project, and we are proposing to provide another wet pond feature like the others to occupy the entire lot to be planted with trees, shrubs, grasses and wetland plants along the water's edge. That will be 1 acre, 0.3 acres of water surface area and 0.7 acres of vegetation area. The easement that sits on the site to allow the residential home to exit under this layout could be eliminated. We have expanded the driveway, so the exiting lane no longer exits to the residents across the street.

Mr. Hanrahan displayed exhibit A-5 – Cross Sections.

Mr. Hanrahan stated the two plan view images at the top of A-5 is the existing farm pond and the right side is the expanded farm pond into the retention basin.

Chair Kaiser asked what the change in elevation is.

Mr. Hanrahan stated the water surface elevation is like what was submitted. The water surface elevation is the 117 contour that is there. The rest of the contours are below the water surface. The depth of the basin is recommended to be 4 – 6 ft. deep to prevent creating algae. There will be 34 ft. of habitat area. The applicant is proposing to increase it and widen it with other plantings.

Mr. Hoder asked if they will be creating wetlands like what they had done with the wetlands mitigation bank.

Mr. Hanrahan stated yes, but we will not be going through DEP due to not needing approval.

Mr. Hoder asked if they will be creating the soils with the water table at the right location, pick the plants so they are all wetland plants and create wetlands surrounding the existing pond and in three other places.

Mr. Hanrahan stated yes, the wet ponds will be taking advantage of the water's edge and the dry pond will be taking advantage of creating a sump in that basin and amending the soils as stated and planting it with wetland plants.

Mr. Hoder asked if you will put together a maintenance plan. The DEP requires a maintenance program.

Mr. Hanrahan stated yes, it is their intent to be a successful wetlands area.

Mr. Wittman asked if the wetland enhancement area could be used for runoff on the property if they did not touch the farm pond.

Mr. Hanrahan stated yes, the dry detention basin will provide volume for stormwater manager.

Mr. Wittman asked if they are buying the house out and creating the new pond. And if so, could that be made into a permanent pond?

Mr. Hanrahan stated yes, but if the Board would like to see a different type of feature that did not have a water surface at the center, we are amendable.

Mr. Wittman asked if the southerly pond would have water in it.

Mr. Hanrahan stated it will have water.

Mr. Stewart asked if having a substantial wetland so close to the existing single-family home creates any issues.

Mr. Hanrahan stated they would fence it off for a safety perspective, but it will be what you would think is a man-made feature, but it would be a pond. It will not make any noise or disturb the driveway.

Mr. Gallagher asked if they would be prepared to match the density of the canopy cover that is there now for the vegetation. Since it is being made bigger it exposes it more to sunlight than it is now.

Mr. Vitiello stated by making it bigger they would not be reducing the shaded area, but they would introduce a non-shaded area on top of a similar area that is already shaded.

Mr. Gallagher asked why the wetlands bank mitigation project was done.

Mr. Vitiello stated the DEP creates this program to entice property owners to voluntarily restrict their land and create wetlands in exchange for credits to be used under other DEP permitting issues.

Mr. Hoder asked if the property would use a manufactured treatment device before the ponds to prevent the oils and pollutants out of those ponds.

Mr. Hanrahan stated that could be done but is beyond the DEP requirements. We went through DRCC, and have gotten their approval, and they comply with their requirements of the stormwater management. The wetlands plantings are further water enhancement to what was already provided.

Mr. Hoder asked what the final outlet is of all the stormwater.

Mr. Hanrahan stated it goes to the wetland bank area.

Mr. Hoder asked if they are creating clean water with the use of these wet ponds that will not run to the wetlands mitigation bank.

Mr. Hanrahan stated yes.

Mr. Hoder asked if the wet ponds are the filtration unit.

Mr. Hanrahan stated yes, and they have the swale system that cleans the water.

Mr. Gittings asked where the fencing goes and how high it is and the environmental impact.

Mr. Hanrahan stated the fencing along the northerly and easterly perimeter is a 6' high vinyl chain link black coated fencing and will be vegetated on both sides where it runs along the loop drive and will be vegetated to the Halsey Reed side. The fencing is the solid line with the black squares (referring to exhibit A-4). The fence runs around the detention basin and there will be gates at the truck courts for security purposes and close off at the building.

Mr. Kaiser asked if fencing will be on the eastern and northern segments of the property.

Mr. Hanrahan stated it is also on the southern. The truck courts for security purposes are closed off. It wraps around the easterly side of the building and closes off with the building and continues to the north and ties into the fencing of the bigger building. On the other side of the entrance drive its fenced around the two (2) inset properties.

Mr. Gittings asked if it is ok environmentally to tear out the vegetation, plant new vegetation and enlarge the wet pond to create a natural habitat to then fence it off.

Mr. Vitiello stated they can get input from the Board. The environmental consultant did not see that as something that eliminates the benefit of these new and expanded areas.

Mr. Hoder stated you are destroying everything in the short term (turtles, frogs, etc.) and nature is very resilient and in 10 years you may have something like you have today, but it will take a while.

Mr. Wittman stated we may want new plantings due to the existing plantings not serving any benefit to the area or the town.

Mr. Ferrante stated his issue is still with the riparian zone that must be enforced.

Ms. Spann stated she is trying to determine why there is plenty of effort in recreating something that is already there.

Mr. Hanrahan stated they are working within the zone requirements.

Ms. Spann stated to include the 150 ft. riparian zone.

Mr. Gallagher asked why the existing vegetation must be cleared.

Mr. Hanrahan stated the grading calls for that to be cleared so they can keep the drainage on their property, so the drainage does not go onto other properties. Mr. Hanrahan will look further into keeping more of the existing vegetation.

Mr. Gallagher asked how long the pond has been in existence.

Mr. Vitiello stated it was all as part of the farm project and could go back as far as 30 – 40 years.

Mr. Davidow swore in Brian Cramer.

Mr. Cramer graduated in 1997 with a degree in environmental biology. Has been doing environmental consulting focused on restoration and mitigation projects for over 20 years. He is the vice president at Greenvest, the mitigation bank sponsor and was involved with all the design, construction and maintenance of the mitigation bank adjoining the proposed development.

Chair Kaiser accepted Mr. Cramer's credentials.

Mr. Cramer stated this is a wetland mitigation bank where wetland mitigation credits were developed that could be used to mitigate for impacts for other applicants in the water shed in the Raritan River Basin. This site was not constrained, there were some wet farm field areas.

Mr. Gallagher stated the vernal pool on the northern end of lot 16 was proposed as a development of a vernal pool. Is that accurate?

Mr. Cramer stated yes that was the original design intent. That area was an area of invasive phragmites. The goal was to get rid of that invasive species. The plan was to excavate out the root and created a shallow pond area that would mimic a vernal pool like feature. The pool was never certified as a vernal pool. It is mapped as a potential vernal pool but was never certified as a vernal pool.

Mr. Gallagher asked if there were any other vernal pools on the site.

Mr. Cramer stated to the far south closer to Indian Run there were vernal pools.

Mr. Gallagher asked what the filling of the trenching was.

Mr. Cramer stated there was ditch plugging. This site was ditched farm fields back when it was originally cleared and turned into agriculture. We plugged those ditches to restore natural hydrology in the area. On site material was used.

Mr. Kuc, environmental specialist, stated the difference between a vernal pool and vernal habitat is what the DEP looks for in a vernal pool or a potential vernal pool. The DEP will take a radius around 300 meters of a vernal pool or a potential vernal pool. The 300 meter is not a regulated buffer under DEP rules.

Ms. Spann stated in drawing SP-08 it does note the fence is 8' high and is the black vinyl coating in response to Mr. Gittings question.

Mr. Hoder stated an 8' fence is a deer fence and stops most animals.

Mr. Vitiello stated they are willing to work with the Board if they would like a different fence.

Mr. Kuc stated he would recommend split rail fences which keep people out and allow species to transport between there. They incorporate in larger fences some type of cut outs to allow for foxes and coyotes for example to pass through there.

Mr. Vitello stated they would be willing to work with the Board to even omit any fencing if that were what the Board would want.

Mr. Kuc stated the vegetation once planted will not be farmed.

Mr. Davidow requested the measurements from the ponds to the parking area.

Mr. Hanrahan advised of the measurements of the ponds to the edge of the curb. The current proposal will be approximately 44' from the farm pond to the edge of the curb from the

southeastern corner of the wet pond traveling south and the existing is 75'. Moving west where the first parking stall is to the existing water feature is 50'. Further down before it starts to pull away where we are disconnecting impervious surfaces is 39' for existing.

Chair Kaiser opened the meeting to the public for this application.

Paul Mullen, 102 N. Main Street, Cranbury, NJ, Chair of the Environmental Commission (EC), stated the applicant must comply with the Cranbury Township riparian zone or request a variance. The EC is not against development in this area. The EC wants to see a development that does not disturb the existing water bodies.

Mike Pisairo, 31 Titusville Road, Pennington, NJ, stated by allowing this application to go forward you are disregarding the riparian zone ordinance.

Deanne Napurano, 92 Halsey Reed Road, stated her property is one of those that is north of the pond that has been spoken of. The pond is important and is a barrier to buffer the area from surroundings and development. She does not think the mitigation pond was built for this reason.

Maryanne Bossard, 91 Halsey Reed Road, stated the intended use of the parcel of land is incompatible with the homes located at 88, 90, 92 and 96 Halsey Road. These homes are designated as Hamlet Residential just as the other side of Route 130 is designated. Cranbury has the right and responsibility to ensure that the project approved is in the best interest of all Cranbury families.

Janice Mondoker, 92 Halsey Reed Road, stated the size of the proposed warehouse is greedy. Both the Township Committee and the Historic Preservation Committee recognize the value of the properties that abut this site. It has been designated the Cranbury Station Hamlet Historic District. This application if approved would decimate their quality of life. The riparian ordinance should be enforced.

Nick Moroldo, 93 Halsey Reed Road, stated the Planning Board cannot interpret DEP regulations, does the Planning Board has the authority to act on the subdivision request?

Mr. Davidow stated they have the authority to act within the ordinance.

Nick Moroldo, 93 Halsey Reed Road, stated if the Planning Board enforces the riparian zone and denies the subdivision the developer will still be able to build on the lot. The "c" variance would have to demonstrate that there will be little detriment to the area, but there will be a large detriment to the area with air issues, noise and environmental losses. The Board should enforce the riparian zone.

Jennifer Suttmeier, 14 Scottsdale Court, stated she serves as a member of Historic Preservation Commission and is the recording secretary for the Cranbury Historic Preservation Society. Her comments are for her own as a resident. She opposes the warehouse plan. The plans that have

been shared is using every inch to build on. Agriculture is a part of Cranbury's history and building a warehouse in a farm area is not the history of our community.

Kathleen Morolda, 93 Halsey Reed Road, stated after doing research the farmers pond has been there since the 1930's. Anyone who has visited that area could see that farmers pond has value. She would like the Board to enforce the riparian zone ordinance.

Fred Dennehy, 19 Prospect Street, stated Cranbury has put quality of life for its residents first. The residents in the Cranbury Station area have had to put up with 24/7 distribution centers in the area. The homeowners are unable to get full night's sleep due to the truck traffic and the idling.

Mihir Majmundar, 11 Mission Dr., Monroe, NJ, stated the pond is outside of his property and the pond is mostly filled. The property is right up against the properties on Mission Drive and there is no buffering to protect our properties. The noise will affect our home that is 30 ft. difference between the two properties.

Brian Scarpulla, 88 Halsey Reed Road, the farm pond and the surrounding wetlands are more than just an isolated ecosystem. It is home to turtles, frogs, spring peepers, snakes, deer, racoon skunks, etc. This pond also supports five (5) species of special concerns. By not protecting this pond they are contributing to the future demise of these already vulnerable species.

Kinnar Mehta, 1 Mission Drive, Monroe, NJ, stated he agrees with his neighbor, Mihir Majmundar's comments.

Kumar Thirumalaiappan, 32 Sheller Drive, Monroe, NJ, stated if the Board is planning to approve this application, his request is to have a larger berm.

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

Mr. Vitiello in response to the public comment stated regarding providing a buffer in the other municipality and not wanting the development stated this development is in accordance with the zoning and the Master Plan. The DEP has given approval to modify the pond. The flood hazard and pollution control act that was mentioned as authority is not applicable. What is applicable is the freshwater wetlands protection act. This riparian ordinance nor other similar ordinances site the freshwater protection act as authority for the ordinance due to the act stating the county and municipalities may not regulate freshwater wetlands. With the freshwater wetlands act controlling the permits and water feature, any prevention in what is approved under the permits is a municipality exercising regulations over freshwater wetlands.

Mr. Wittman stated on the Updike property there was an irrigation pond like this applicant's pond, and we did require the applicant to buffer around that. That is something the Board needs to be sensitive to.

Chair Kaiser stated the applicant (Urdike) agreed to leave the pond alone and let it manifest itself to what it will become.

Mr. Ferrante asked how the subdivision relate in our decision to this application.

Mr. Davidow stated there is nothing in the township code that should prevent the subdivision approval.

Chair Kaiser asked if the DEP could step in if this application is approved.

Mr. Davidow stated the DEP can step in if there are any issues on their end.

Mr. Ferrante asked if we could make our condition of approval to be contingent on DEP's approval.

Mr. Davidow stated it can be a condition for the standard outside agency approval and is not outside your purview.

Ms. Jones asked if a subdivision should be approved by right.

Mr. Davidow stated if there are no variances and there is no reason under the code that it should be denied then yes.

Mr. Vitiello stated for the applicant's subdivision proposal, before the subdivision two lots exist, if the subdivision is approved then there will be two lots. This is still a subdivision, but we are not changing the number of lots. It is a lot line adjustment.

The Board was in consensus that the riparian zone must be enforced for the application.

Mr. Vitiello requested for this application to be tabled.

MOTION TO TABLE AUGUST 4, 2022 with NO NEW NOTICE: Mr. Stewart

SECONDED: Mr. Ferrante

By unanimous vote, the applicant has been tabled to the scheduled date of August 4, 2022 at 7 pm via Zoom with no new notice.

PUBLIC COMMENT

Mr. Kaiser opened the meeting to the public; with no public comment the public comment was closed.

MINUTES

Upon a motion made and seconded the minutes of May 5, 2022 were unanimously approved.

ADJOURNMENT OF MEETING

There being no further business, Mr. Stewart made a motion to adjourn the meeting and Mr. Wittman offered a second. By unanimous vote, the meeting was thereupon adjourned at 11:00 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 26, 2022, consisting of twelve (12) 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 July 8, 2022.

Robin Tillou

Robin Tillou, Administrative Officer

/rst