

TOWNSHIP COMMITTEE MEETING  
May 11, 2015

The Township Committee Meeting of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: Dave Cook, Susan Goetz, Glenn Johnson, Dan Mulligan, and Mayor Jay Taylor. Also present were Denise Marabello, Township Administrator/Director of Finance, and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Taylor led in the salute to the flag, and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 2, 2014 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 2, 2014.
- (3) Filed on December 2, 2014 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection.
- (4) Sent to those individuals who have requested personal notice.

Regular Township Committee Minutes of April 27, 2015

On motion by Mr. Cook, seconded by Mr. Mulligan and unanimously carried, the Regular Township Committee Minutes of April 27, 2015 were adopted.

Closed Session Minutes of April 27, 2015

On motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried (with Ms. Goetz abstaining due to absence), the Closed Session Minutes of April 27, 2015 were adopted.

Reports and Communications

--Mayor Taylor reported he and Mr. Cook attended the Board of Education hearing. He stated it was interesting to see the larger number of students attending Princeton, while the number of younger students has declined and stated the Board of Education will be doing a demographic study in the near future. Mayor Taylor reported Ms. Pam Szabo and Ms. Joyce Piccariello will both be retiring.

Reports and Communications

--Members of Committee

Mr. Cook

Mr. Cook agreed the Board of Education meeting was interesting. He stated the permitting process is going through on the Village Park remediation, and stated we should see some activity within the next month or so. Mr. Cook stated the Liberty Way proposal he received from Mr. Alan Kehrt is probably one of the best proposals he has seen. He stated he believes Liberty Way is the right way to proceed and he supports the proposal. Concerning the Brainerd Lake Dam and Bridge Project, the Township is waiting for the motor to have the gate operational, rather than just operational manually.

Mr. Mulligan

Mr. Mulligan reported he has received many positive comments on the Bridge and Dam Project. He reported since the last meeting, he attended with Cranbury School a mini-model Congress in Trenton. Mr. Mulligan reported he attended the Planning Board Meeting last week, as a resident, not as a Committee member,

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Reports and Communications

--Members of Committee

(Mr. Mulligan cont'd.)

He reported there was a COAH Subcommittee meeting last week. Mr. Mulligan stated the Township Committee will have to do a Closed Session with the professionals in June. He stated since affordable housing has been overturned in the Courts, the Township will need to go to Court to present a case as to how much affordable housing the Township should be building. Mr. Mulligan stated he is not sure how much can be shared publicly before the Court appearance. He stated in the next few years the Township will see an increase in affordable housing costs. Mr. Cook added affordable housing is rolling back to Mount Laurel 2, which will be a quantifiable number. He stated the number is not set in stone yet; however, it gives the Township some flexibility when approaching the Courts on the number the Township can handle. He stated he is optimistic concerning the outlook that would not bankrupt Cranbury. Mr. Mulligan stated the Township has to protect itself from a "builder's remedy." He stated if the Township does not meet certain criteria/guidelines, the Township could have a massive build out that would negatively transform the Town.

Ms. Goetz

Ms. Goetz reported the Petty Road field survey work is complete. She reported the road is generally along property lines; however, that is being fine-tuned. Concerning the dredging of the Lake, the bid specs have arrived, and she stated the Engineer has proposed a two-phase process. The first phase will be the specifications to bring in a consulting firm to determine the specifics of the Project. She stated if this Project coincides with another big project, like affordable housing, and we cannot proceed with the dredging, we would not have to proceed with the project. She stated the Township will need more finite information before proceeding with the Project.

Concerning weed control on the Lake, the Township has applied for the permit. She stated weeds are starting to grow on the Lake and the consultant will come to make an assessment before determining the type and timing of weed applications.

Ms. Goetz reported she was at the Planning Board meeting. She stated there was some discussion about the southern part of the Village becoming busier now with Molto Bene and Little Owl, and there was a recommendation that another handicapped parking spot be considered. She reported Dr. Stuart Alexander has a plan and nice drawings as a possible recommendation, and stated the Planning Board feels there is a need to look at adding a spot. She stated the Planning Board feels this is a Township Committee issue, and the Planning Board recommends the Township Committee look into adding the spot. Ms. Goetz reported she spoke to the Township Engineer, and he believes now is a good time to add the spot because it would be incorporated into the "Downtown Beautification" Project. She stated the parking spot is consistent with the goals of the Project, and DOT will be agreeable to it. Ms. Goetz stated the Beautification Project is on schedule, with the construction plans almost complete and the bid specs going out on June 19<sup>th</sup>. She stated a handicapped parking spot can be added to the drawings at this point and will not delay the Project. The Township Committee was in agreement on the addition of a handicapped spot and agreed that adding it during the Beautification Project was good timing. Ms. Goetz distributed Dr. Alexander's drawings, and stated she walked there and agreed it was a good location. She asked the Township Engineer to review the area to ensure it is the best location.

Mayor Taylor thanked Dr. Alexander for raising the issue of handicapped parking, stating he knew Dr. Alexander raised the issue when the Blue Rooster was being built seven (7) years ago. Mayor Taylor stated the handicapped spot is larger and inquired if the sight issue was the concern in the past. Dr. Alexander stated the original issue had nothing to do with a handicapped parking space. He stated as part of his approval, the County would not allow him to have a driveway, and with a change in his signage, the County finally gave approval for the driveway. Dr. Alexander stated the neighbors are in

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Reports and Communications

--Members of Committee

(Ms. Goetz cont'd.)

favor of the handicapped spot, and stated he is sure the Methodist Church will also get good use of the accessible spot.

Dr. Alexander commended the Committee on its cooperation, and stated before the meeting he spoke with Mr. Pete Adamo, owner of Molto Bene, who agreed to a spot and hopes it can be added sooner rather than later.

Ms. Goetz reported there is a new photograph exhibit by Mr. David Nissen in the Gourgaud Gallery, which includes old and new shots of Cranbury.

Concerning the dredging of the Lake, Mr. Mulligan asked Ms. Goetz if the Township will have enough information to seek outside funding to assist with the Project. Ms. Goetz stated after the First Phase, there will be a plan that has a receptor for the material, a transportation route, how much material will be removed, where it is going and how much it will cost. Mr. Mulligan asked if one of the professionals can assist in locating funding. Ms. Goetz stated she will follow up on that. Ms. Marabello stated there are grant writers who could assist. Mr. Mulligan stated considering the scope of the project, it would be worth hiring a consultant to seek funds.

Mr. Johnson

Mr. Johnson reported he met with residents who wanted to discuss animal shelters.

Agenda Additions/Changes

Ms. Cunningham reported there were no changes/additions to the Agenda.

Public Comment - For Agenda Items

Mayor Taylor opened the meeting to public questions and comments for items on the Agenda.

Mr. Fran McGovern, Washington Drive, inquired if the Township is still looking at farmland preservation. Mr. Cook reported the last pieces of significant property in Town are small. The owner of the one (1) significant piece of property is looking to be paid and is not interested in farmland preservation. Mr. McGovern stated at a previous meeting concerning the Riparian Zone, he thought the Township talked about getting a survey so residents knew the lines for the preservation areas. He stated there were surveyors behind his neighbor's house, and he assumed it was the survey for the Riparian Zone Ordinance. He stated he was surprised to see the Ordinance on the Agenda because he thought residents would be notified to show how the lines would affect their property. Mr. McGovern stated he is concerned about residents' property rights. He stated the Ordinance was being amended because the current Ordinance did not provide a method for variances. However, before it is adopted, he stated he felt residents should know what the Township is talking about where the line is on various properties. Mr. McGovern stated his interpretation of this Ordinance is that it applies to the Lake and other waterways that go through the Township. He stated unintended consequences grow out of Ordinances being passed without people knowing about them. He inquired if there is a possibility that information can be distributed to show where the line would go through residents' properties.

Mr. Johnson stated all of the houses on either side of the Lake would be affected because the houses are less than 150 feet from the bank. Mr. Johnson stated they could check to see how houses on the creeks would be impacted. Mr. McGovern stated residents should know because it is an invasion of property rights. Mr. Cook stated he thought the "permit by rule" list should also be available to residents. Ms. Goetz confirmed the amount is 150 feet from the edge of the Lake. There was additional discussion

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Public Comment - For Agenda Items (continued)

about who would enforce the lines and the possibility of neighbors suing each other over the lines. Mr. Mulligan suggested identifying the bodies of water affected by the Ordinance. Mayor Taylor agreed that in the absence of maps, identifying the bodies of water would be helpful. Mr. McGovern asked if the survey crew was marking out trails. Ms. Marabello stated the Township is not doing the survey work; however, other Boards may be doing it. The Township Committee stated they have no knowledge of work being done.

Ms. Patty Janovich, Washington Drive, inquired if Parks and the Environmental Commission are going to be building trails. She stated she attended several meetings and the Environmental Commission already mapped two (2) trails and were actually on private property. Ms. Janovich stated as of February, the Parks Commission has "mapping out trails for the public" on their list of goals for 2015. She stated she spoke against the trails at the March joint meeting of the Parks Commission and EC. Mr. Cook stated the Township Committee is not in favor of residents' property being violated. There was additional discussion about trails and property lines. She requested the Township Committee protect the residents' rights.

Mr. Art Hasselbach, Route 130, stated he opposes the proposed Riparian Ordinance. He stated he agreed with the DEP's standard of 50 feet from the edge. He stated for his property that 50 feet takes away usage of about one acre of property (which is worth approximately \$450,000 to \$500,000/acre). He agreed that there are variances that can be granted; however, professionals will have to be involved and costs will be expensive. He stated residents are paying taxes on land they cannot use. He stated the Environmental Commission should not be allowed to make decisions that affect residents' usage of their property.

Mr. Hasselbach commented on the negative aspects of building trails behind houses, stating the access to the trails would not be limited to Cranbury residents. The trails would be accessible to anybody and it could be an enforcement issue with the police. Mr. Hasselbach stated currently only local people know about the area, however, putting in trails and publicizing it could bring in other people too. Mr. Cook stated no one wants to encourage people coming in from outside of Town. Mr. Mulligan stated he lives near open space, which is nice for his family; however, at times there are people he does not know near his home. He stated that is part of living near open space. Mr. Hasselbach stated he has no problem with local residents and Boy Scouts using the Township property; however, he is against publicizing having outsiders coming to Town. There being no comments, the Mayor closed the public portion of the meeting.

Ordinance

First Reading

Cranbury Township Ordinance # 05-15-08

An Ordinance entitled, # 05-15-08, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING TOWNSHIP CODE CHAPTER 82 FEES," was introduced for first reading. On motion by Mr. Johnson, seconded by Mr. Mulligan, the Ordinance was passed on first reading by vote:

Ayes:	(Cook	Abstain:	(None
	(Goetz	Absent:	(None
	(Johnson		
	(Mulligan		
	(Taylor		

Nays:	(None	Public Hearing:	Tuesday, May 26, 2015 at 7:00 p.m.
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Cranbury Township Ordinance # 05-15-08  
(Continued)

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY,  
NEW JERSEY, AMENDING TOWNSHIP CODE CHAPTER 82 FEES

WHEREAS, Chapter 82-1 of the Code of the Township of Cranbury ("Code") addresses government records; and

WHEREAS, Section C Fee schedule of this chapter sets forth the fees for copies of governmental records including the Police Department; and

WHEREAS, it is necessary to establish the fees that may be charged for discovery requests in matters pending in the Municipal Court that is consistent with the provisions of the New Jersey Open Public Records Act , N.J.S.A. 47:1A-1 et seq.; and

WHEREAS, the Township Police Department would like to add discovery fees to subsection (3) Police Department records;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

SECTION 1. The recitals contained in the foregoing preamble are incorporated herein as if fully restated.

Section 82-1 of the Code of the Township of Cranbury ("Code"), entitled "Governmental records", is hereby amended and shall read as follows (additions are underlined; deletions are in [brackets]:

**§ 82-1 Government Records**

C. Fee schedule. The fees for copies of governmental records shall be:

(3) Police department records

(a) Videotape: \$1

(b) Audiotape: \$1

(c) Discovery fees

(1) \$.05 per page (letter size)

(2) \$.07 per page (legal size)

(3) \$.85 per DVD/CD

(4) \$.20 photographs (all sizes) per page

(5) \$5.90 discovery postage (standard USPS shipping envelope)

SECTION 2. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

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Cranbury Township Ordinance 05-15-09

An Ordinance entitled, # 05-15-09, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY REVISING THE STANDARDS APPLICABLE TO RIPARIAN ZONES IN THE TOWNSHIP, INCORPORATING THOSE STANDARDS INTO THE TOWNSHIP'S LAND DEVELOPMENT REGULATIONS, AND MAKING CERTAIN OTHER AMENDMENTS TO THE "CODE OF THE TOWNSHIP OF CRANBURY" IN CONNECTION THEREWITH," was introduced for first reading. Mayor Taylor stated the Ordinance is being introduced and suggested Mr. Steve Goodell, Esq. or one of his partners be at the Second Reading and Public Hearing of this Ordinance. He suggested the Township also have an answer on the issue of private action. Mr. Mulligan asked Ms. Marabello if she could research if the Township had a pre-existing Ordinance that was 150, that the Committee ultimately incorporated into the 150. On motion by Mr. Mulligan, seconded by Mr. Goetz, the Ordinance was passed on first reading by vote:

Ayes: (Cook  
(Goetz  
(Johnson  
(Mulligan  
(Taylor  
Abstain: (None  
Absent: (None  
Nays: (None

Public Hearing: Tuesday, May 26, 2015 at 7:00 p.m.

**WHEREAS**, regulations promulgated by the New Jersey Department of Environmental Protection (NJDEP), specifically, N.J.A.C. 7:15-5.25(g)3, require municipalities to adopt ordinances preventing new disturbance for projects or activities in riparian zones; and

**WHEREAS**, to assist municipalities in this endeavor, the NJDEP has provided municipalities with a model ordinance on which to base their own ordinances; and

**WHEREAS**, said model ordinance contains an optional section that authorizes local land use boards to grant variances from the requirements of the local riparian zone ordinance; and

**WHEREAS**, said model ordinance also contains minimum riparian zone standards, but allows municipalities to adopt more stringent or inclusive standards; and

**WHEREAS**, on September 26, 2011, the Cranbury Township Committee (Township Committee) adopted Ordinance No. 09-11-17 establishing a new Chapter 122, Riparian Zones, in the Code of the Township of Cranbury (Code), which contained standards for development within riparian zones that followed those set forth in the NJDEP model ordinance, but that did not contain any variance provisions; and

**WHEREAS**, based on experience applying the provisions of Chapter 122 since its adoption, the Cranbury Township Environmental Commission (EC) and the Cranbury Township Land Development Ordinance (LDO) Subcommittee have recommended that the provisions of Chapter 122 be revised and be made a part of the Township's land development regulations; and

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Cranbury Township Ordinance 05-15-09  
(Continued)

**WHEREAS**, more specifically, the NJDEP model ordinance and the Township's current regulations require 50-foot buffers along both sides of any surface water body except Category One (C1) waters, for which the minimum buffer is 300 feet, and any trout production or trout maintenance water, any segment of water containing documented habitat for threatened or endangered species dependent on the surface water body for survival, and any segment of water flowing through acid-producing soils, for which the minimum buffer is 150 feet; and

**WHEREAS**, the EC and LDO Subcommittee believe that strong riparian buffers serve many important goals and should therefore be established alongside all surface water bodies, not just C1 waters, trout production or maintenance waters, or waters flowing through acid-producing soils or through habitat for threatened or endangered species; and

**WHEREAS**, to that end, the EC and LDO Subcommittee recommend that except along Category 1 (C-1) water bodies (for which the model ordinance requires a buffer of 300 feet on either side of the water body), the Township replace the graduated standard set forth in the NJDEP model ordinance and currently contained in Chapter 122 with a uniform riparian buffer of 150 feet along both sides of all surface water bodies; and

**WHEREAS**, in recognition that individual circumstances may warrant a relaxation of these buffers under certain conditions, the EC and LDO Subcommittee also recommend that the Township Planning Board and/or Zoning Board of Adjustment, as appropriate, be authorized to grant variances from the applicable riparian zone requirements, as provided for in the NJDEP model ordinance; and

**WHEREAS**, the EC and LDO Subcommittee also recommend that activities that qualify for a permit-by-rule pursuant to subchapter 7 of the NJDEP's Flood Hazard Area Control Act regulations be excepted from the riparian zone requirements; and

**WHEREAS**, lastly, the LDO Subcommittee recommends that the landscaping design standards contained in the Township's site plan and subdivision regulations be revised to eliminate an inconsistency between one of those design standards and the Township's riparian corridor standards; and

**WHEREAS**, the Township Committee agrees with and adopts the recommendations of the EC and LDO Subcommittee;

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

Section 1. Preamble Incorporated. The preamble to this ordinance is hereby incorporated as if fully restated herein.

Section 2. Chapter 122 repealed and replaced. Chapter 122 of the Code of the Township of Cranbury (Code) entitled "Riparian Zones" is hereby repealed in its entirety and replaced with a new section 150-39.1, "Riparian Zones," to be added to Article IV, "Supplementary Zoning Regulations" of Chapter 150, "Land Development" of the Code, which new section shall read as follows:

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Cranbury Township Ordinance 05-15-09  
(Continued)

**§ 150-39.1. RIPARIAN ZONES.**

**A. PURPOSE AND AUTHORITY**

The purpose of this Section 150-39.1 is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of the Township of Cranbury and to comply with N.J.A.C. 7:15-5.25(g)3, which

requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones as described herein. Compliance with the riparian zone requirements of this Section does not constitute compliance with the riparian zone or buffer requirements imposed under any other federal, State or local statute, regulation or ordinance.

**B. DEFINITIONS**

**ACID PRODUCING SOILS** means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

**APPLICANT** means a person, corporation, government body or other legal entity applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this Section, and that would be located in whole or in part within a regulated riparian zone.

**CATEGORY ONE WATERS OR C1 WATERS** shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

**DISTURBANCE** means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**INTERMITTENT STREAM** means a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

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**LAKE, POND, OR RESERVOIR** means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

**NJDEP or DEPARTMENT** means the New Jersey Department of Environmental Protection.

**PERENNIAL STREAM** means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

**PERMIT-BY-RULE** shall have the meaning ascribed to this term by the NJDEP's Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-1.2.

**RIPARIAN ZONE** means the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean or along any manmade lagoon or oceanfront barrier island, spit or peninsula.

**SPECIAL WATER RESOURCE PROTECTION AREA or SWRPA** means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

**SURFACE WATER BODY(IES)** means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

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**THREATENED OR ENDANGERED SPECIES** means a species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §§1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

**TROUT MAINTENANCE WATER** means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

**TROUT PRODUCTION WATER** means a section of water identified as trout production in the NJDEP's Surface Water Quality Standards at N.J.A.C. 7:9B.

**C. ESTABLISHMENT AND PROTECTION OF RIPARIAN ZONES**

- (1) In addition to the goals identified by the NJDEP in its model riparian zone ordinance, strong riparian zones also serve the following goals of importance to the Township and the Cranbury community:
  - (a) Slow flood waters and reduce stream water volume during periods of heavy rain;
  - (b) Stabilize stream banks and reduce channel erosion;
  - (c) Improve water quality by reducing the amount of sediment, pesticides and other pollutants entering surface water;
  - (d) Remove phosphorus, nitrogen and other nutrients that can lead to eutrophication of aquatic ecosystems;
  - (e) Provide shade, shelter and food for fish and other aquatic species;
  - (f) Provide habitat and travel corridors for a multitude of plants and animals, not just the species identified in the NJDEP model ordinance;
  - (g) Improve the aesthetics of stream corridors, which can lead to increased property values; and
  - (h) Provide recreational (swimming, boating, hiking) and educational opportunities for the community.
- (2) In order to advance the goals identified above, and except as provided in subsections 150-39.1D and 150-39.1E below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:
  - (a) The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.

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- (b) For all other surface water bodies, the riparian zone shall be 150 feet wide along both sides of the surface water body.
- (3) If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body shall be measured landward as follows:
  - (a) Along a linear fluvial or tidal water, such as a stream, the riparian zone shall be measured landward of the feature's centerline;
  - (b) Along a non-linear fluvial water, such as a lake or pond, the riparian zone shall be measured landward of the normal water surface limit; and
  - (c) Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone shall be measured landward of the feature's centerline.
- (4) The applicant or applicant's designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the Township in conjunction with an application for a construction permit, subdivision or other land development approval, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Township Engineer and/or Zoning/Planning Board Engineer, as appropriate, and, where required by State regulation, the NJDEP.

**D. VARIANCES**

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), new disturbances for projects or activities in the riparian zone established herein may be allowed through the review and approval by the appropriate land use board of a variance pursuant to N.J.S.A. 40:55D-70c.

**E. EXCEPTIONS**

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and subject to review and approval by the NJDEP to the extent required by those rules, the following disturbances for projects or activities in the riparian zone(s) established herein are allowed:

- (1) Redevelopment within the limits of existing impervious surfaces;
- (2) Linear development with no feasible alternative route;
- (3) Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the NJDEP;
- (4) Disturbance necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands

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Protection Act rules (N.J.A.C. 7:7A) or the Flood Hazard Area Control Act rules (N.J.A.C. 7:13);

- (5) Disturbance with no feasible alternative required for the remediation of hazardous substances performed with NJDEP or federal oversight pursuant to the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11a *et seq.*) or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§9601 *et seq.*); or
- (6) Disturbance resulting from an activity for which the NJDEP has established a permit-by-rule in accordance with subchapter 7 of the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13-7.1 *et seq.*), as same may from time to time be amended or supplemented. Wherever said Rules require written notification to the NJDEP, a copy of such notification shall be provided simultaneously therewith to the Township Engineer and Township Clerk.

**F. APPEALS**

- (1) Any party aggrieved by the location of the riparian zone boundary determination under this Section may appeal to the Township Engineer under the provisions set forth herein. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.
- (2) Any party aggrieved by any determination or decision of the Township Engineer under this Section may appeal to the Zoning Board of Adjustment pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

**G. ENFORCEMENT**

- (1) A prompt investigation shall be made by Zoning Officer with advice as needed from the Township Engineer of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Section is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process.
- (2) Nothing herein shall be construed to preclude the right of the Zoning Officer and/or Township, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in municipal court.
- (3) The violation of any provision of this Section shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Section. Each day a violation continues shall be considered a separate offense.

TOWNSHIP COMMITTEE MEETING  
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Cranbury Township Ordinance 05-15-09  
(Continued)

**H. CONFLICTS, INTERPRETATION, AND SEVERABILITY**

- (1) All provisions of the Cranbury Township Code and/or other local requirements that are inconsistent or in conflict with the provisions of this section are hereby superseded to the extent of such inconsistency or conflict, and the provisions of this section shall apply.
- (2) The provisions of this section shall be construed so as not to conflict with any provision of New Jersey or Federal law.
- (3) If any provision of this section is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions shall continue to be of full force and effect.
- (4) The provisions of this section shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 3. Landscaping design standards amended by deleting section 150-56C(13). Section 150-56, "Landscaping" of Article V, "Subdivision and Site Plan Standards" of Chapter 150, "Land Development" of the Code is hereby amended by deleting therefrom subsection 150-56C(13).

Section 4. Severability. If any section or subsection of this ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the specific section(s) or subsection(s) so adjudged and the remainder of the ordinance shall be deemed valid.

Section 5. Referral to Planning Board. A copy of this ordinance shall be referred to the Cranbury Township Planning Board for review and comment following its introduction on first reading and prior to the public hearing thereon, in accordance with the requirements of N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a.

Section 6. Effective date. This ordinance will take effect upon its passage and publication and upon the filing of a copy of said ordinance with the Middlesex County Planning Board, as required by law.

Ordinances  
Second Reading

Cranbury Township Ordinance # 04-15-06

A motion to enter an Ordinance entitled, # 04-15-06, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING TOWNSHIP CODE CHAPTER 113-3 PEDDLING AND SOLICITING EXCEPTIONS FROM REQUIREMENTS," was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. Mayor Taylor explained to the public that in another municipality, teenagers could not do odd jobs because it was in violation of their Ordinance. He stated Cranbury's Ordinance did not have an exception

TOWNSHIP COMMITTEE MEETING  
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Cranbury Township Ordinance # 04-15-06  
(Continued)

for high school kids to make money. He stated now, kids under the age of 18 can do snow removal, gutter cleaning, house fence painting, leaf raking etc. Ms. Goetz asked why grass cutting was not included. If grass cutting is to be included in the Ordinance, the Ordinance will have to have a first and second reading to be adopted. There was discussion on whether to re-introduce the Ordinance or to adopt as is and then amend. Mr. Art Hasselbach, Route 130, stated New Jersey Labor Laws do not allow children under the age of 18 to operate motors. Mayor Taylor suggested adopting the Ordinance as is and then consulting with the Township Attorney. The Mayor opened the public hearing on the Ordinance.

Mr. Richard Kallan, Wynnewood Drive, suggested other jobs that could fall under the term "grounds maintenance." He suggested waiting on adopting the Ordinance until it is complete. Mayor Taylor stated the Township Attorney, Mr. Steve Goodell, Esq. will be contacted concerning adding the terms "ground maintenance" and "household chores" which could cover the various jobs. No one further wished to speak, so the hearing was declared closed. On motion by Mr. Cook, seconded by Mr. Mulligan, the Ordinance was adopted by a vote:

Ayes:	(Cook (Goetz (Johnson (Mulligan (Taylor	Abstain: (None Absent: (None
Nays:	(None	

Cranbury Township Ordinance 04-15-07

A motion to enter an Ordinance entitled, # 04-15-07, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP OF CRANBURY TO ENTER A PRIVATE SEWER UTILITIES AGREEMENT WITH CRANBURY BRICK YARD LLC," was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. Mayor Taylor explained this Ordinance allows Cranbury Brick Yard, LLC to construct their own sewer utility and own their own pump station, and they would realize the benefits and assume the responsibilities of the sewer system. The Mayor opened the public hearing on the Ordinance. Mr. Fran McGovern, Washington Drive, asked if this pertains to the "Kushner Property", and Mr. Cook explained it is the Veridian Property. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Mulligan, seconded by Ms. Goetz, the Ordinance was adopted by a vote:

Ayes:	(Cook (Goetz (Johnson (Mulligan (Taylor	Abstain: (None Absent: (None
Nays:	(None	

TOWNSHIP COMMITTEE MEETING  
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Resolutions  
Consent Agenda

Mayor Taylor asked the Township Committee if there were any questions or comments on the Consent Agenda. There were no questions, and the Mayor asked for a motion to adopt. A motion was made by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried, and the following Resolutions were passed by vote:

Ayes: (Cook  
(Johnson  
(Mulligan  
(Taylor

Abstain: (None  
Absent: (Goetz

Nays (None

Cranbury Township Resolution # R 05-15-059

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid.

Cranbury Township Resolution # R 05-15-060

A RESOLUTION REQUESTING THE AUTHORIZATION FROM THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION  
TO COMBINE THE 2014 AND 2015 LOCAL AID GRANTS

WHEREAS, the Township of Cranbury has received two grants from the New Jersey Department of Transportation Local Aid for the Historic Main Street Beautification Project; and

WHEREAS, the grants were received in 2014 and 2015; and

WHEREAS, the Township has prepared and completed plans and specifications which would allow the bidding of both the 2014 and 2015 Grants in the fall of this year; and

WHEREAS, the combining of these two Grants will not cause any delay in the awarding of the 2014 Grant, which by contract must be bid this year; and

WHEREAS, the combining of the grants will provide a more efficient use of the grant money.

NOW THEREFORE BE IT RESOLVED that the Township of Cranbury is requesting the approval of the New Jersey Department of Transportation Local Aid to bid and award both phases of the grant this fall.

CRANBURY TOWNSHIP # R 05-15-061

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE  
IN THE MUNICIPAL BUDGET OF THE TOWNSHIP OF CRANBURY  
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or

TOWNSHIP COMMITTEE MEETING  
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CRANBURY TOWNSHIP # R 05-15-061  
(Continued)

Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$12,079.30 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$12,079.30 is hereby appropriated under the caption "Clean Communities"

Section 3

BE IT FURTHER RESOLVED that a copy of the Resolution, certified by the Township Clerk to be a true copy forwarded to each of the following:

- (a) Director of the Division of Local Government Services
- (b) Township Chief Financial Officer

Cranbury Township Resolution # 05-15-062

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, Rohul Patel has deposited planning escrow with Cranbury Township

WHEREAS, Rohul Patel has requested the release of the balance of said escrow in the amount of \$400.00

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury authorizes the release of the above escrow deposit.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy and forwarded to each of the following:

- (a) Township Director of Finance
- (b) Rohul Patel, 13 Ethan Court, Hillsborough, NJ 08844

TOWNSHIP COMMITTEE MEETING  
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Cranbury Township Resolution # 05-15-063

**NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following salaries, wages and fees shall be paid to the various Township Officials and employees of the Township of Cranbury effective April 1, 2015 unless otherwise noted:**

<u>POSITION</u>	<u>SALARY OR</u>	<u>HOURLY RATE</u>
Mayor	\$	6,416.22
Township Committee	\$	5,133.50
Township Administrator	\$	23,176.79
Director of Finance/Chief Financial Officer/Treasurer	\$	112,572.94
Township Clerk/Registrar	\$	88,906.83
Assistant Administrator	\$	2,207.31
Tax Assessor	\$	58,987.41
Tax Collector <b>(effective 1/1/15)</b>	\$	12,000.00
Chief of Police <b>(effective 1/1/15)</b>	\$	135,602.54
Zoning Officer/Director of Fields	\$	10,486.63
Clock Winder*	\$	100.00
Construction Official/Building Inspector	\$	87,731.42
Building Sub-Code/Building/Senior Fire Inspector	\$	84,670.00
Plumbing Subcode Official	\$	15,999.76
Electrical Subcode Official		\$30.75 per hour
Fire Sub-code Official	\$	6,581.58
Fire Official	\$	25,798.13
Director of Recreation	\$	13,298.07
Summer Recreation Art Director**		PER MEMO
Summer Programs Employees**		PER MEMO
Summer Program Director		PER MEMO
Assistant Fire Official		\$19.29 per hour
Deputy Treasurer/Payroll Clerk/Tax Clerk/Sewer Clerk		\$24.93 per hour
Qualified Purchasing Agent/Accounts Payable Clerk/Finance Assistant		\$27.54 per hour
Senior Technical Assistant/Alternate Deputy Registrar		\$26.58 per hour
Deputy Clerk/Deputy Registrar		\$26.26 per hour
Planning Admin Officer/Info Systems Coordinator		\$30.52 per hour
Public Works Admin Asst/Recycling Coordinator		\$25.71 per hour

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Cranbury Township Resolution # 05-15-063  
(Continued)

Administrative Assistant to the Chief of Police ( <b>effective 1/1/15</b> )	\$26.41 per hour
School Crossing Guards**	PER MEMO
Director of Public Works/Small Animal Control Officer/Property Standards Enforcement Officer	\$35.84 per hour
Heavy Equipment Operator/Senior Foreman	\$28.85 per hour
Public Works Mechanic	\$23.94 per hour
Public Work Employee	\$23.88 per hour
Public Work Employee	\$22.04 per hour
Public Work Employee	\$24.08 per hour
Public Work Employee	\$23.75 per hour
Part-Time Help/Board Secretary *	\$22.30 per hour
Board Secretary*	\$19.01 per hour
Emergency Services Incentive-First Aid Responder	\$1.00 per hour
Emergency Services Incentive-Fire Responder	\$1.00 per hour

\* Set by memo of the Administrator

\*\* Set by memo of the Department head with approval of the Administrator

--Administrator's Report

Ms. Marabello stated she had nothing to report.

--Assistant Administrator's Report

Ms. Cunningham asked if the Township Committee wanted a table for Cranbury Day. The Committee does want a table, and Ms. Cunningham will work on setting up time slots as the event gets closes.

Reports from Township Boards and Commissions

Mr. Tom Weidner, Chairman, of the Parks Commission gave the Commission's Annual Report. He stated the Report lists the accomplishments of the previous year and the goals for the current. Mr. Weidner reported last year was the 50<sup>th</sup> Anniversary of Village Park, which was the first usage park in Cranbury. He stated the Public Works Department did a lot of work, including replacing the flag pole and painting in the Park to prepare for the event. Congressman Rush Holt gave to the Township a United States flag that had flown over the Capitol Building in Washington, D.C. Mr. Weidner stated the Parks Commission also prepared a very detailed history of Village Park, acknowledging those organizations that helped purchase equipment for the Park. Mr. Weidner stated the report also acknowledge those individuals who contributed funding and time to the Park. He stated the Parks Commission worked with the Historical Society to install a lake-side sign with historic details of the Lake. Mr. Weidner stated for 2015 the Parks Commission would like to see new signs in Barn Park and Heritage Park to identify the parks. He reported the Parks Commission had a joint meeting with the Environmental Commission to discuss clearing paths on the Reinhardt Forest Preserve. He stated the Parks Commission just cleared an area in the Unami Woods. He thanked Ms. Sally O'Grady, a new member to the Parks Commission, along with her husband, Patrick, and son, John, for creating a trail in Unami Woods. Mr. Weidner stated the Parks Commission has been working with the EC on the Fisher Property, Hagerty Property, Millstone Preserve near Shadow Oaks, and the Cranbury Brook Path. He stated the fencing in Village Park should be replaced. Mr. Weidner thanked the Committee and stated he was available for questions or comments.

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Reports from Township Boards and Commissions

Parks Commission (cont'd.)

Ms. Goetz stated previously in the meeting a resident voiced concern over the EC's efforts in establishing trails in the area behind Shadow Oaks, and asked Mr. Weidner if he could provide additional information on that. Mr. Weidner stated currently in the discussion stages is the possibility of clearing a path similar to Unami Woods. There would not be a sign and the trail would be for the enjoyment of local residents. Mr. Weidner stated since no State or Federal funding was received for the property, it does not have to be open to the public. He suggested checking with the Township Attorney on that. Mr. Weidner assured the public that the trail would not go on private property and would maintain the property. Ms. Goetz requested that special care be given to where the trails are marked. There was additional discussion about the trails, the usage, and not infringing on private property. Ms. Goetz thanked Mr. Weidner and the Parks Commission for all they do, stating the Commission is comprised of volunteers. Ms. Weidner stated the Commission has four (4) new members, and he stated the members are proud of their Town.

Mr. Taylor commended the Parks Commission. He asked Mr. Weidner how the Parks Commission manages the Monuments in Memorial Park. He stated he has received several questions concerning names that are not on the Monuments. He stated a name was added to the monument years ago. Mayor Taylor suggested if names are received, they could be added at one time.

Public Comment

The Mayor opened the meeting to public questions and comments.

Ms. Nicole Wells, formerly with the Cranbury Press for three (3) years, stated she and Charles Kim have started an on-line newspaper, "Tap into Cranbury," which is a news franchise. She stated they will be covering the Town. She stated her e-mail is [nwells@tapinto.net](mailto:nwells@tapinto.net). Ms. Wells stated she will be covering government, schools, police and community events. She stated the site is "tap into.net" and select South Brunswick/Cranbury from the pull down menu. The Township Committee wished Ms. Wells good luck.

Dr. Stuart Alexander, North Main Street, stated earlier in the meeting there was some talk about a handicapped parking space in front of his office. He stated in 2007 the County asked him to have the Township Committee remove one (1) of the two (2) spots in front of his office for sight line reasons. He stated the Township Committee at that time did not want to do that, but suggested that a study be done by the Township Engineer or the Traffic Consultant, who did agree there was a sign line problem; however the Township chose not to act on it. He stated he is very happy the Planning Board has recognized the need to have not only the spot removed for the sight line problem, but also the tremendous need to have accessibility in Town. Dr. Alexander recommended the Township Committee recognize the tremendous growth of North Main Street from School House Lane to the Lake. He stated not only are the businesses growing but with the completion of the "Downtown Beautification" Project, there will be a better integration with the rest of the Town. As a business owner, he thanked the Township Committee for their efforts and stated the Planning Board was "spot on" in recognizing the need for the spot. He requested the spot be striped soon and not wait for the Beautification Project so that people become familiar with the spot. He stated the area does not need to be signed because people are very familiar and respectful of the blue stripe and will leave the spot for someone who needs it. Dr. Alexander stated this is not space is not self-serving for he has a handicapped spot and lift for his office that is separate. He stated he knows parking is an issue in the Township; however, he hopes more accessible spaces become available. He stated this effort tells people in Town as well as outside the Township that they are welcome in Cranbury. Mr. Johnson stated they will need the cooperation of the County. Ms. Goetz stated she will check with the Township Engineer in the morning and ask if the Township can act quickly.

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Mayor Taylor asked Ms. Goetz for the target completion of the Beautification Project, and she stated the completion date is scheduled for October. Mayor Goetz stated the businesses and residents will be notified as the work progresses.

Public Comment (continued)

Ms. Patti Janovich, Washington Drive, asked the Township Committee if the Parks Commission and Environmental Commission free to do what they want to or will the Township Committee protect the residents. Mr. Cook stated he is the liaison to the Parks Commission and he will relate Ms. Janovich's concerns to Mr. Weidner, Chair of the Parks Commission. Mr. Cook stated the Parks Commission is aware of previous issues, and stated Mr. Weidner was probably not aware before this evening that crews were coming on private property. Mr. Cook stated he understands residents do not want the trails to be highly profiled attracting people from out of town. Ms. Janovich asked for clarification of the phrase "wording edited" on the November Parks Minutes. At that meeting the Commission was discussing their goals. She asked the Parks Commission Secretary, Wendy Borg, for the unedited edition, Ms. Borg, referred her to the Parks Commission. Mr. Cook suggested discussing this further outside of the meeting, and assured Ms. Janovich no action would be taken by anybody without Township Committee approval. Ms. Marabello confirmed the Township Committee would approve the project. Ms. Janovich asked that direction be given to both the Parks Commission and the Environmental Commission that they cannot build trails with Township Committee's approval. Mr. Cook confirmed again that he is the liaison and he will communicate that with the Parks Commission and the EC. Ms. Janovich stated there should be no costs to the residents for any projects the EC and Parks Commission decide to do to the property behind their homes. Mayor Taylor stated he would ask Ms. Borg about the phrase "wording edited." Ms. Cunningham stated she is having a Board Secretaries meeting on Wednesday and she will follow up with Ms. Borg.

Mr. Sean Deverin, Prospect Street, and a member of the Planning Board, provided some perspective on the Riparian Zone. He stated there have been certain site plans where storm water runoffs and sewer systems were at the site. He stated he wanted to bring the Committee's attention to what he considers the key issue of the Riparian Zone, which is eliminate disturbances. He stated a disturbance is defined as "clearing, cutting, and removing of vegetation." He stated creating a major path in the Riparian Zone would be a disturbance; however there are exceptions which include providing public and pedestrian access to water that meets the requirements of the Freshwater Wetlands Protection Act. Mr. Deverin suggested the Boards take into consideration these requirements during their planning.

Mayor Taylor advised the public to call Town Hall if anyone claims they are surveying property at the direction of the Township.

Mr. Art Hasselbach, Route 130, stated he was very concerned that Molto Bene was not required to do a traffic study. He stated every business in the Township had to spend a lot of money for a traffic study to prove there was enough parking for cars. Mr. Hasselbach cited several businesses that came before the Planning Board and had to complete traffic studies, and Molto Bene did not. He stated they submitted a traffic study they conducted themselves. Mr. Hasselbach stated the rules have to be consistent; otherwise the Township should do away with the parking requirements. He stated he feels it is discriminatory against all the other businesses. Mr. Hasselbach stated he is pro-business and stated there needs to be consistent enforcement throughout the Town.

Mr. Mulligan stated he gets frustrated with how little power the Township Committee sometimes has, and while he agrees with a lot of Mr. Hasselbach's comments, he stated the Committee has no authority over it. Mr. Mulligan stated this is what Land Use is; Planning and Zoning Boards are autonomous bodies and they make the decisions. He stated personally he felt the decision of the Planning Board was a "game changer" for the Township. Mr. Cook stated he was on the Planning Board for three (3) years and has reviewed a lot of those scenarios. He stated he would want to hear from Planning concerning Molto Bene and what he considered an anomaly; however, there has to be in place some sort of interpretation to formally recognizing the source of parking.

TOWNSHIP COMMITTEE MEETING  
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Public Comment (continued)

Mayor Taylor stated he walks past the area of Molto Bene at various times of the day and there are always cars parked on the street. He stated as a resident he personally feels disappointed that a professional traffic study was not taken into account. He stated he plans on visiting Molto Bene and supports them, however, in the spirit of fairness and doing what is right for the residents, a professional traffic study should be done. If the professional study confirms Molto Bene's own study, then he, as a resident, has no point to argue that. Mayor Taylor stated he agreed with Mr. Hasselbach that a traffic study should have been done.

Ms. Goetz stated she wanted to respond as well. She stated she also serves on the Planning Board. She stated she voted in favor of Molto Bene's application and Mr. Johnson voted against it. Ms. Goetz stated the Planning Board meeting had a packed room and only one (1) person opposed the application. Ms. Goetz stated Molto Bene did go through Town during what would be their busy times and did count available spots. Ms. Goetz stated since the Blue Rooster had been approved, the Township added additional spots and ten (10) Township parking spots are available in the Sweetwater parking lot, which are not being used. She stated during the times of their study, there were available spots in Sweetwater and the West Property. Ms. Goetz stated she believes the Township should support businesses coming into Town. Mayor Taylor clarified when the Blue Rooster application was approved in 2007, the Township had more parking in the lot that is now owned by Sweetwater.

Mr. Alan Kehrt, Planning Board Chairman, stated there was a lot of discussion at the Planning Board meeting, with only one (1) negative comment for a request for a parking study. Mr. Kehrt clarified there is a huge between a traffic study and a parking study. Mr. Kehrt stated if he thought parking was a problem, he would have addressed it. He stated unfortunately Mr. Hasselbach was not able to attend the meeting, or if he had, he might have swayed the decision. He stated he could not add more, except that the overwhelming comments from the audience were in favor of Molto Bene.

Mr. Cook inquired if there was a breach of process during the Planning Board Meeting that allowed the application to pass, and Mr. Kehrt stated he did not think so except a parking study should have been done. Mr. Kehrt stated he discussed the issue with Mr. Richard Preiss, Township Planner, who felt there was no need for a traffic study. Mr. Kehrt stated The Blue Rooster had been approved with zero parking for half the number of customers. He stated he looked at parking a number of times before the meeting and felt it would not be an issue. Mr. Kehrt stated there has been some pressure on the Zoning Board to try to make the process easier for residents and businesses.

Dr. Stuart Alexander, North Main Street, stated he had fought for 17 North Main Street to never be approved as a restaurant. He stated it does not have access or parking and encroached on his property. He stated he felt the property was built out illegally and eventually the issue went to litigation. He stated the fight was very nasty. Dr. Alexander stated the Planning Board made an approval in 2007 for 17 North Main to be a restaurant, and once that decision was made, he had to either live with it or litigate it to protect his property. He stated after 4-1/2 years of litigation, he believes he received at least enough protection for his property. He stated before The Blue Rooster moved in, he suggested a large parking lot be put in behind both properties; however, 17 North Main did not agree. Dr. Alexander stated he has his parking, and would not have bought the property if he could not have done that. He stated the Planning Board should not approved ideas it thinks are good ideas, but should protect the surrounding properties that are becoming too big or cumbersome or nuisance to the neighborhood. He did agree with Mr. Kehrt that only one (1) person in the Planning Board Meeting spoke against the application. Dr. Alexander stated the approval does not affect him because he has his protection in place; however, he stated depending on the number of people allowed, garbage and lack of parking will be issues. The property does not support a dumpster and garbage may have to be picked up every day. Dr. Alexander stated the

TOWNSHIP COMMITTEE MEETING  
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problem started when the Planning Board approved The Blue Rooster in 2007, and now if the seating is increased to 100, that too will never go away. He stated as far as a business, his property rights will be

Public Comment  
(Dr. Alexander continued)

protected. He stated the restaurant has certain obligations, such as no deliveries or drive on his property and cannot have dumpsters. He stated a 100-seat restaurant that does not properly contain garbage could become a Board of Health problem. He agreed if Mr. Hasselbach had gone to the Planning Board meeting, he would have had many arguments against the application. Dr. Alexander stated in 2007 he was viewed as anti-business when he opposed The Blue Rooster becoming a restaurant. He stated the Planning Board made a decision on what Molto Bene presented, although their parking study was far less than what he had to present.

Mr. Hasselbach stated The Blue Rooster application was presented as a "walk-up" restaurant and was never supposed to be a full-blown restaurant. He stated the property 3 feet of side yard on one side and 1.9 feet on the other side. Mr. Hasselbach stated Molto Bene had two dumpsters at the previous location. He is not sure what they will do at this location since there is no access to the back yard. He stated The Blue Rooster had a meeting room upstairs with seating (no service), and a full restaurant downstairs.

Mayor Taylor asked Mr. Kehrt if garbage was addressed when the Planning Board considered approving the restaurant for 105 seats, and Mr. Kehrt stated it was not discussed. Dr. Alexander stated Molto Bene has a right to walk on the driveway. Mayor Taylor stated that garbage can be removed daily by accessing the driveway, and stated the whole point of considering doing garbage collection as a Town a few years ago was to minimize the number of garbage trucks. Dr. Alexander stated the garbage is picked up between 8:00 and 9:00 a.m. The garbage truck stops in front of 17 North Main Street during school traffic. Dr. Alexander stated the Planning Board can only make decisions on the information provided to them. Molto Bene applied for an "exception to the variance for seating."

Mayor Taylor stated as a resident, he is disappointed the garbage issue and impact its impact to School traffic was not addressed. Mr. Kehrt stated the issue of garbage should have come up. Dr. Alexander stated the restaurant is limited to six (6) 96 gallon trash containers, and Mr. Kehrt stated that may be the limiting factor for growth of the restaurant. Mayor Taylor stated the daily removal of trash from the restaurant will impact the Town and School.

Mr. Mulligan clarified he thought Molto Bene should have had a professional parking study; however, he hopes the Township does not in the future require everyone on Main Street to obtain a professional parking study. He stated he felt it would have been appropriate for this application. The Township Committee acknowledged the time and expertise of the Planning Board.

Mr. Kehrt stated he came to the meeting to address the Liberty Way Bridge. The Township Committee stated he missed Mr. Cook's comments that the proposal was probably the best he had ever seen. Ms. Goetz explained to the public that Liberty Way would be an extension of Old Trenton Road which would take traffic off Route 130, through the warehousing district and over to the Turnpike. The issue is the road would go through wetlands, and a bridge would be needed so the wetlands are not disturbed. Mr. Kehrt sent letters to various municipalities that would benefit from Liberty Way and he reported he has had responses from some. He stated he has contacts at the DEP that he will start working with.

Mr. Cook stated he had worked with Congressman Rush Holt several years ago, and stated Cranbury would be responsible for the bridge structure component, which would have been a deal breaker. However, it seems, based on the projected amount of warehouses to be built, the State is now interested. Mr. Cook stated this Project would not only affect Cranbury, but would also impact Robbinsville, South Brunswick, East Windsor, Hightstown, etc. , Mr. Cook stated the cost impact to Cranbury is much different than it was even two (2) years ago.

TOWNSHIP COMMITTEE MEETING  
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Public Comment

(Mr. Kehrt cont'd.)

Mr. Kehrt stated residents whose homes back on Route 130, as well as businesses in that area should write letters to support the Project. Mr. Kehrt stated the Department of Transportation thinks it's a good idea, while the DEP thinks it is not.

Mayor Taylor stated he was surprised at the support from municipalities that are not our immediate neighbors. Mr. Kehrt stated he will continue corresponding with other municipalities and make a presentation to the County Freeholders.

There was additional discussion about the benefits of Liberty Way and its impact on reducing traffic on Route 130. Mr. Cook stated the new warehouses will increase the amount of truck traffic and the Project will alleviate traffic in the area. The Township Committee thanked Mr. Kehrt for his proposal.

Mr. Tom Ingenieri, South Main Street, thanked the Township Committee for approving the helicopter rides for Cranbury Day. Concerning the Molto Bene application, Mr. Ingenieri asked if the Police Chief and Board of Health were involved in the process. Mr. Ingenieri stated he does not want others to go through what he and the Elms went through for approvals; however all the issues must be addressed. He stated he is disappointed on how he was handled and also how Molto Bene was handled. He stated he wants to see them succeed and become part of the Town. He stated questions should be asked before decisions are made.

Mr. Ingenieri stated he is very happy about the Brainerd Lake Bridge and Dam Project. He stated the Lake is what makes Cranbury beautiful, and he thanked the Committee for getting the Project done. He stated he did not like the jut outs and asked what the Township was going to do from December to March when there is snow. He stated the Town looked like it was under construction with all the cones and poles. Mr. Ingenieri concluded by thanking the Committee for the helicopter approval and the Dam Project.

Mr. Richard Kallan, Wynnewood Drive, stated he was also disappointed at Molto Bene's approval. He stated the application should have been decided upon based on facts, not popularity.

Ms. Goetz stated she was the only one in tonight's meeting who had voted in favor of the application. She stated she voted based on the application, not popularity. She stated they were maintaining The Blue Rooster's approvals and the application was only requesting more seats. Mr. Kallan stated if number of seats was doubling, he would assume the garbage and parking needs would increase. There was additional discussion about the approvals for the amount of seats, the lack of parking and the amount of trash.

Ms. Goetz stated the Township Committee gets criticized if it is not "business friendly." She stated the Molto Bene application requested additional seating and looked at parking, and those were the items the Planning Board addressed. Ms. Goetz stated an enormous amount of time and energy was spent to make Downtown Cranbury a "safe walking community." She stated she approved the application because it would be an asset to the Township.

Mr. Johnson stated when you start a business in Town, you buy a building contingent on the approvals. He stated based on if the buyer received approvals, the sale would either go through or the buyer would back out. He stated Molto Bene bought the building and applied to increase the seating. The Township Committee explained Molto Bene could have opened the restaurant with the approved 49 seats; however, they wanted to open with the increased seating. Mayor Taylor stated if the Planning Board was trying to be "business friendly," then they must hold future applicants to the same standard they held Molto Bene

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too. Ms. Goetz stated the Cranbury Business and Professional Association came to support the Project and it is their opinion that it is the responsibility of the Township to provide parking, and not the businesses.

Public Comment (Continued)

Mr. Mulligan stated the good news is the Township's goal is to make it less expensive for businesses and stated he hopes going forward it continues to be easy and less expensive. There was additional discussion about the Molto Bene application.

Mr. Kallan stated on an application to build, many issues are involved, including safety, health, fire, and traffic. He stated he feels the only issue discussed was parking. Ms. Goetz confirmed that the application was solely for parking. Mr. Deverin explained the applicant came before the DRC, and a parking study was never discussed. He stated the Master Plan was cited, which states parking should be at the end of Park Place West. Mr. Deverin recommended the Township have some type of parking financial budget, which would include the parking for the Library. There was discussion about the 2010 study done on the parking from School House Lane to the Lake, and the spaces available during peak times. The Committee also further discussed the garbage pickup from Molto Bene, and Dr. Alexander confirmed the Resolution included the number and size and containers, which must be within the confines of the receptacle in the back of the property. He asked that the Planning Board be more proactive with future requests concerning site plans and outdoor seating.

Mr. Mulligan stated he would like to do more parking; however, it is not fiscally feasible with the future large projects coming up (dredging the lake, affordable housing and road improvements).

Mr. Johnson commented on Molto Bene application at the Planning Board Meeting, which he stated was standing room only. He stated the audience was there on behalf of the owners and were basically providing character references. He stated he does not want to make decisions on behalf of the Township based on that feedback.

There being no further comments, the Mayor closed the public portion of the meeting.

Township Committee Member Notes

There were no additional Township Committee Member comments.

Mayor's Notes

Mayor stated he had no additional comments for the Mayor's Notes and requested a motion to adjourn. On a motion by Mr. Mulligan, seconded by Mr. Cook and unanimously carried, the meeting adjourned at 10:28 p.m.

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Kathleen R. Cunningham, RMC  
Municipal Clerk