

TOWNSHIP COMMITTEE MEETING  
October 27, 2014

The regular meeting of the Township Committee 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: David Cook, Glenn Johnson, Daniel Mulligan, and Mayor Susan Goetz. Jay Taylor was absent. Also present were Denise Marabello, Township Administrator/Director of Finance; and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Goetz 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 4, 2013 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 4, 2013.
- (3) Filed on December 4, 2013 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 October 13, 2014

On motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried (with Mr. Taylor being absent), the Regular Township Committee Minutes of October 13, 2014 were adopted.

Reports and Communications  
--Mayor

Mayor Goetz reported she, Mr. Johnson and Mr. Taylor attended a ribbon cutting event for First Bank, a new bank on Route 130. Mayor Goetz reported Molto Bene is closing on November 9<sup>th</sup> because their lease is expiring. She explained the restaurant has been very successful, and the owners plan to look for a larger space in Cranbury and are not closing because of any problems.

Mayor Goetz addressed the Ebola issue and explained the Township does have an action plan in place. She explained Police Chief, Rickey Varga and emergency responders are developing a protocol, which she described. She explained the procedure will follow the guidelines of the CDC.

Reports and Communications  
--Township Committee

Mr. Johnson

Mr. Johnson reported he attended "Candidates' Night" and he congratulated Mayor Goetz on her performance. He reported he met with the Township's Fire Official and with a developer who hopes to develop a project in Cranbury. He stated he met with two (2) animal rights activists who are concerned about a nearby shelter, met with the attorney who advises the Planning and Zoning Boards, and also attended the First Bank ribbon cutting ceremony.

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Reports and Communications  
--Township Committee

Mr. Cook

Mr. Cook reported the Brainerd Lake Bridge and Dam Project is now approaching 340 days (originally scheduled as a 300-day project). He reported eight (8) trees were being planted on the Lake side today. Mr. Cook reported 15 sheets of slate were replaced from 1 North Main Street to the West Property driveway. He stated the electrical conduit has been installed which will run power for the sluice gate motor and for additional electrical access for holiday lighting, etc. He stated hopefully PSE&G will put in the overhead street lighting in the next four (4) to five (5) weeks. Mr. Cook stated the final sample of the railing should be approved in the next few days. Mayor Goetz asked about the fencing for the western side for Halloween night, and Mr. Cook confirmed there will be a railing in place for safety. Mr. Cook stated work continues on the pricing of the remediation of the Lake's edge in Village Park.

Mr. Mulligan

Mayor Goetz acknowledged that Mr. Mulligan left for an emergency and could provide a report if he returned to the meeting.

Agenda Additions/Changes

Ms. Cunningham reported there are no changes to the Agenda.

Public Comment – for Agenda Items

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

Mr. Michael Kervan, Chief of the Cranbury Volunteer Fire Company, and Mr. Charlie Smith, Captain of the Cranbury First Aid Squad discussed with the Township Committee the incentive program they have been working on to entice new members. The incentive program would include a clothing allowance to reimburse members for wear-and-tear on their personal clothing and shoes. Chief Kervan stated the number of calls a member would make would impact the amount of wear-and-tear. Mayor Goetz asked if this incentive would attract new members, and Chief Kervan and Captain Smith agreed it would be beneficial. The incentive would be paid at the end of the year and the amount would be based on the member's response participation over the course of the year. Chief Kervan stated LOSAP is based on all participation, including meetings, drills, and special events such as Cranbury Day. The clothing incentive would be based solely on response participation. Captain Smith stated the First Aid Squad will be receiving Ebola training next week.

Chief Kervan gave the Fire Company's report for activity since the last meeting. The Fire Company responded to 35 calls, and the members spent 298.4 hours volunteering.

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

Mr. Mulligan

Mr. Mulligan returned and stated he would provide a report at the next meeting. Mayor Goetz gave a brief summary to Mr. Mulligan of what transpired while he stepped out.

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Resolution

Ms. Cunningham explained that the Mayor will open the Public Hearing of Ordinance # 09-14-08 and Resolution # R 10-14-118 listed next on the Agenda needed to be adopted after the Public Hearing and before the Governing Body actually adopts the Ordinance.

Ordinances

Second Reading

Cranbury Township Ordinance # 09-14-08

A motion to enter an Ordinance entitled, # 09-14-08, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING TOWNSHIP CODE CHAPTER 150-23 INDUSTRIAL-LIGHT IMPACT (I-LI) ZONE" was presented for second reading and final adoption. Ms. Cunningham announced the Ordinance was introduced by title only at the September 22, 2014 meeting and was then referred to the Cranbury Township Planning Board. On October 20<sup>th</sup>, the Township Committee received a memo from the Planning Board Attorney. 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 Goetz explained the Ordinance addresses the allowable height of buildings in the warehouse areas and stated with current technology, building structures can be higher. The Ordinance allows for a height increase in warehouse buildings. The Planning Board determined the increased height is technically inconsistent with the Master Plan as height had not been addressed with the last Master Plan revision. Mayor Goetz stated it is consistent with the Master Plan in that the Ordinance meets the objective of the Master Plan, which encourages this type of development in that Zone. Mayor Goetz stated the Planning Board supports and encourages the change in height. She reported the Planning Board Attorney stated "it was a minor non-substantive inconsistency".

Public Hearing

The Mayor asked for a motion to open the public hearing on the Ordinance. On a motion by Mr. Johnson, seconded by Mr. Cook and unanimously carried, (with Mr. Taylor being absent), the motion was adopted by vote:

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

Nays: (None

Mr. Richard Kallan, Wynnewood Drive, asked what the increase in height would be, and Mayor Goetz stated the increase would be from 40 feet to 60 feet. Mr. Kallan stated in the past, the Fire Company was always consulted about the height of buildings because of the limitation of their equipment to fight fires.

Mr. Richard Goldman, Esq. attorney representing Viridian (developer of warehouses of Brickyard Road) explained the maximum height is 65 feet in the other two (2) industrial zones and the height being raised to 60 feet in this Ordinance is less than that. No one further wished to speak, so Mayor Goetz requested a motion to close the Public Hearing. On motion by Mr. Cook, seconded by Mr. Mulligan, the motion to close the Public Hearing was adopted by vote:

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Cranbury Township Ordinance # 09-14-08  
(Continued)

Ayes: (Cook  
(Johnson  
(Mulligan  
(Goetz

Abstain: (None  
Absent: (Taylor

Nays: (None

Resolution

On motion by Mr. Cook, seconded by Mr. Mulligan, the following Resolution was adopted by a vote:

Ayes: (Cook  
(Johnson  
(Mulligan  
(Goetz

Abstain: (None  
Absent: (Taylor

Nays: (None

Cranbury Township Resolution # R 10-14-118

Resolution Setting Forth Special Reasons for Adopting Ordinance 09-14-08

Whereas, the Township Committee introduced Ordinance 09-14-08 on September 22, 2014; and

Whereas, the Township Committee referred the Ordinance to the Planning Board for review as required by the Municipal Land Use Law; and

Whereas, the Planning Board reviewed the Ordinance on October 16, 2014, and found it to be "technically inconsistent" with the Master Plan; and

Whereas, the Planning Board nevertheless recommended that the Township Committee adopt the Ordinance; and

Whereas, the Municipal Land Use Law requires a governing body adopting a land use ordinance that is inconsistent with the master plan to adopt a resolution setting forth its reasons for so acting (see, NJSA 40:55D-62);

Now, therefore, be it resolved by the Township Committee of the Township of Cranbury, that the following reasons support the adoption of Ordinance 09-14-08:

1. The Planning Board concluded that the inconsistency between the Ordinance and the Master Plan was technical only, based on fact that it had reviewed bulk standards for the 2010 Master Plan but no changes to height restrictions in the industrial zones were recommended at that time.
2. The Planning Board concluded that this inconsistency was minor and non-substantive.
3. The Planning Board recommended adoption of the Ordinance notwithstanding the technical inconsistency.

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Cranbury Township Resolution # R 10-14-118  
(Continued)

4. The Ordinance advances the overall goals and objectives of the Master Plan for the industrial zones in the Township by recognizing the technical advances since 2010 that now allow warehouse operators to stack goods up to 48 feet high and accommodating those advances by permitting taller buildings in the zoning district.

Mayor Goetz requested a motion to adopt Ordinance # 09-14-08. On motion by Mr. Mulligan, seconded by Mr. Cook, and unanimously carried (with Mr. Taylor being absent), the Ordinance was adopted by a vote:

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

Nays: (None

Cranbury Township Ordinance # 10-14-09

A motion to enter an Ordinance entitled, # 10-14-09, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, TO CORRECT A CONSERVATION EASEMENT ON BLOCK 25, LOT 44.06" 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. The Mayor opened the public hearing on the Ordinance.

Ms. Julie Hirsch, Esq., Attorney for Robin and Steven Reifinger, Silvers Lane, discussed her clients' objection to the change in the proposed Ordinance. She discussed the history of the property stating it had a 200 foot conservation easement, while the adjacent properties on both sides only had 100 foot conservation easements. Ms. Hirsch stated was important to understand the history of the lot before changing the easement. The Township Committee requested clarification on why a resident on Silvers Lane would be concerned about this property, and Ms. Hirsch explained the Reifingers were contract purchasers of the property (Block 25, Lot 44.06), and after doing due diligence, found several issues with the property that were not disclosed. After giving the seller time to remedy those issues, which were not corrected, the buyers cancelled the contract; however, the sellers will not return the substantial deposit. Ms. Hirsch stated there is a pond on the property, which is State-regulated body of water and cannot be filled in without a permit from the State. She stated if the conservation easement is reduced to 100 feet, the line would run through the wetlands and through the pond. She stated if this was a new piece of property being reviewed by the Planning Board, Cranbury Ordinance 122-3A3 requires a 50-foot buffer from any pond such as the pond on this property. She stated only a Court can relax or eliminate a deed restriction that has been imposed as a requirement by the Planning Board. Ms. Hirsch stated this conservation easement is a deed restriction and only a Court can relax it.

Mr. Christopher DeGrazia, Esq., Drinker, Biddle & Reath, LLC, representing Mr. & Mrs. Copeland, stated he wanted to clarify some of Ms. Hirsch's information. He stated there is litigation underway; however, the litigation is not for the reasons previously stated. He clarified that moving the line does not go through any wetlands or buffer areas. He stated it is protected from all the environmental-sensitive areas and creates an additional 10-foot buffer behind that. Mr. DeGrazia stated the movement of the line does what it is supposed to do and is exactly in keeping with the Ordinance. There was additional discussion about the original subdivision and the protection of the environmental sensitive areas.

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Ordinance # 10-14-09  
Continued

Public Hearing (cont'd.)

Additional information was provided by a consultant from an environmental engineering firm who stated since the original wetlands line had no line, the firm re-delineated the wetlands. He stated the tree line on the rear of this property has not changed since the 1940's aerial photograph. He stated the most conservative line has been created between the 100 foot wetland buffer plus 10 feet.

Mr. DeGrazia stated this is an easement that was negotiated in terms of a separate easement document and was not recorded as a deed restriction. He stated the subdivision plan had a dashed line on it at 200 feet and the issue is to have that error corrected.

Mr. Mulligan and Mr. Johnson stated they are ready to proceed based on feedback from the Township's Attorney and Engineer. Mayor Goetz agreed, stating the Planning Board also looked at this and have come to the same conclusion. For the record, Mr. Cook clarified that he felt the easement issue and litigation issue are two (2) separate issues.

No one further wished to speak, so the public hearing was declared closed.

On a motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried, (with Mr. Taylor being absent), the motion was adopted by vote:

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

Nays: (None

Resolutions  
Consent Agenda

Mayor Goetz asked the Township Committee if there were any questions or comments on the Consent Agenda. A motion was made by Mr. Johnson, seconded by Mr. Mulligan and unanimously carried (with Mr. Taylor being absent), the following Resolution was passed by vote:

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

Nays: (None

Cranbury Township Resolution # R 10-14-119

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

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

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Reports from Township Staff and Professionals

-- Administrator's Report

Ms. Marabello reported on behalf of Ms. Linda Scott, that the award for the tonnage grant for Cranbury Township is \$56,491.90. Ms. Marabello stated Ms. Scott puts a lot of work into the application, and a significant amount of last year's award was used for salaries.

--Assistant Administrator's Report

Ms. Cunningham stated she had nothing to report.

Public Comment

The Mayor opened the meeting to public questions and comments.

Mrs. Mary Speer, South Main Street, stated she walks a lot in Town and had a bad experience. She stated she was crossing at the crosswalk at Station Road from east to west during daylight. She stated a car stopped to let her cross and another car passed that car almost hitting her. She complained there are no signs, either north or south, alerting drivers to a crosswalk at that location. She stated putting up another sign for a pedestrian crossing would be helpful and recommended lights embedded in the roadway, or something that would actually stand in the roadway. Mrs. Speer stated it is not a very visible crosswalk. Mayor Goetz agreed it is not visible because that crosswalk is not located at the corner. Mayor Goetz asked Ms. Marabello if the Township could paint the crosswalk even though Main Street is a County road. Ms. Marabello stated the Township does not have that type of paint. Mr. Cook suggested the work could be done by the County when they are in Town doing other work; however, Ms. Marabello stated that could be a long time. Mr. Mulligan suggested having the Township Engineer approach the County with the Township's concerns about the crosswalk. Mayor Goetz asked Ms. Marabello to speak with Mr. Tanner, and Ms. Marabello stated signs could be put in the street in the meantime as a more immediate solution. Mrs. Speer stated there needs to be more police enforcement at crosswalks. Mayor Goetz thanked Mrs. Speer for bringing the issue to the Township's attention.

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

Mayor's Report

Mayor Goetz appointed Becky Mathers Lowery as a new Environmental Commission member with a term to expire on December 31, 2015.

Resolution

A motion was made by Mr. Cook at 8:20 p.m., seconded by Mr. Johnson and unanimously carried (with Mr. Taylor being absent), the following Resolution was passed by vote:

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

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Cranbury Township Resolution # R 10-14-120

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

The general nature of the subject to be discussed in this session is as follows:

----- "N.J.S.A. 10:4-12b (5) Land Acquisition" - Discussion of  
possible land acquisition."

It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

On a motion by Mr. Cook, seconded by Mr. Johnson, and unanimously carried, the meeting returned to Open Session at 9:07 p.m.

On a motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried, the meeting adjourned at 9:13 p.m.

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Kathleen R. Cunningham, RMC  
Municipal Clerk