

TOWNSHIP COMMITTEE MEETING
February 25, 2013

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Cranbury School Cafeteria. Answering present to the roll call were Township Committee members: David Cook, Susan Goetz, Daniel Mulligan, and Mayor Glenn Johnson. Mr. James Taylor was absent. Also present were Mr. Bill Tanner, Township Engineer; Mr. Ronald Sender, Middlesex County Engineer; Mr. Robert Kuhne, Project Engineer of Najarian & Associates; Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator. Mayor Johnson 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 3, 2012 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 3, 2012.
- (3) Filed on December 3, 2012 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, and
- (4) Sent to those individuals who have requested personal notice.
- (5) Notice of the change in location was made on February 19, 2013, communicated to the Cranbury Press, Home News Tribune and Trenton Times, posted on the Bulletin Board, posted on the Township's website and sent to those who have requested personal notice.

Regular Township Committee Minutes of February 11, 2013

On motion by Mr. Mulligan, seconded by Mr. Cook, and unanimously carried (with Mr. Taylor being absent), the Regular Township Committee Minutes of February 11, 2013 were adopted.

Closed Session Minutes of February 11, 2013

On motion by Mr. Mulligan, seconded by Mr. Cook, and unanimously carried (with Mr. Taylor being absent), the Closed Session Minutes of February 11, 2013 were adopted.

Special Township Committee Budget Meeting Minutes of February 16, 2013

On motion by Mr. Mulligan, seconded by Mr. Cook, and unanimously carried, the Special Township Committee Budget Meeting Minutes of February 16, 2013 were adopted.

Reports and Communications

--Mayor

Mayor Johnson reported a Budget Meeting was held on February 16th, and work was completed on the Budget. Mayor Johnson reported he received a letter from a gentleman in Spain who collects lapel pins requesting a pin from Cranbury. Mayor Johnson explained the Township is small, and while the Town does have a seal, however, it has never been manufactured into a pin.

Reports and Communications

--Township Committee

Mr. Cook reported he had no comments.

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Reports and Communications

--Township Committee

Ms. Goetz reported the Township may not have a manager this year for the Farmers' Market. She stated the Market was very successful last year and vendors want to return this year; however, volunteers are needed to manage the Market. Ms. Goetz stated the Municipal Alliance also needs volunteers to help with the Drug Free Fair. She stated both events are wonderful for the community, and she hopes residents step up to volunteer.

Reports and Communications

--Subcommittees

There were no reports from Subcommittees.

Agenda Additions/Changes

Ms. Cunningham, Municipal Clerk, stated for the Budget Resolution, the date the Township Committee will consider the Budget and have a Public Hearing has been changed from March 25th to April 8th at 7:00 p.m. at the regular Township Committee meeting.

Ordinances

First Reading

Cranbury Township Ordinance # 02-13-06

An Ordinance entitled, Cranbury Township Ordinance # 02-13-06, "AN ORDINANCE SUPPLEMENTING THE CODE OF THE TOWNSHIP OF CRANBURY BY CREATING A NEW SECTION 101, ENTITLED "REFUSE CONTAINERS/DUMPSTERS" was introduced on First Reading and will be heard on Second Reading and have a Public Hearing at the next regular Township Committee Meeting on Monday evening, March 11, 2013 at 7:00 p.m. On motion by Mr. Mulligan, seconded by Ms. Goetz, the Ordinance was passed on first reading by vote:

Ayes: (Cook
(Goetz
(Mulligan
(Johnson

Abstain: (None
Absent: (Taylor

Nays: (None

Second Reading: March 11, 2013 at 7:00 p.m.

WHEREAS, the New Jersey Department of Environmental Protection requires the enforcement of rules for refuse containers and dumpsters; and

WHEREAS, it is necessary to establish certain standards governing this enforcement;

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, that the Code of the Township of Cranbury is supplemented as follows:

SECTION 1. Chapter 101 entitled "Refuse Containers/Dumpsters" is created as follows:

§101.1 Purpose

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by Cranbury Township and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

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Cranbury Township Ordinance # 02-13-06
(Continued)

§101.2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Cranbury Township or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, and is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§101.3 Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Covered shall mean any of the following:

- a. The container is kept within an area that has walls and a roof which will prevent loose refuse from being carried away by wind, rain or other means;
- b. The container has a permanently affixed hinged cover made of a sturdy material such as plastic or metal;
- c. On a temporary basis, a tarp made of plastic or a heavy weight fabric, which is attached and secured to the container or dumpster until a more permanent cover, as described above, can be obtained.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by Cranbury Township

§101.4 Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)

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- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

§101.5 Enforcement:

This ordinance shall be enforced by the Police Department, Health Department and/or other Municipal Officials of Cranbury Township.

§101.6. Violations and Penalties

For any violation of this Chapter, the violator shall be subject to such fines and other penalties as are provided for in § 1-15 of this Code, entitled "General penalty, continuing violations," except that the minimum fine for any such violation shall be \$100.

SECTION 2. Repealer. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provisions 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.

Cranbury Township Ordinance # 02-13-08

An Ordinance entitled, Cranbury Township Ordinance # 02-13-06, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, REVISING CHAPTER 150, LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF CRANBURY BY AMENDING THE LIST OF PERMITTED AND CONDITIONALLY PERMITTED USES IN THE HIGHWAY COMMERCIAL (HC) AND GENERAL COMMERCIAL (GC) ZONING DISTRICTS" was introduced on First Reading and will be heard on Second Reading and have a Public Hearing at the next regular Township Committee Meeting on Monday evening, March 11, 2013 at 7:00 p.m. Ms. Cunningham, Municipal Clerk, stated for the public's knowledge, this Ordinance will be referred to the Cranbury Township Planning Board for their review. The Planning Board will make a recommendation on this Ordinance to the Township Committee prior to the March 11th meeting.

Ms. Goetz asked Mayor Johnson or Mr. Cook for clarification on the changes. Mr. Cook explained the changes in the Ordinance affect the Route 130 Corridor. He stated previous zoning uses did not attract businesses that would be considered ratables. Mr. Cook stated this Ordinance amends the Master Plan by allowing retailing capabilities on the south side of Route 130. On motion by Mr. Mulligan, seconded by Mr. Cook, the Ordinance was passed on first reading by vote:

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(Continued)

Ayes: (Cook
(Goetz
(Mulligan
(Johnson

Abstain: (None
Absent: (Taylor

Nays: (None

Second Reading: March 11, 2013 at 7:00 p.m.

WHEREAS, on February 21, 2013, the Cranbury Township Planning Board adopted an amendment to the Land Use Plan Element of the Cranbury Township 2010 Master Plan; and

WHEREAS, the purpose of the amendment is “to reexamine the permitted uses and development standards of the non-residential zones along the Route 130 Corridor in Cranbury Township, and to recommend changes that will spur new development and redevelopment that will promote the purposes of the Cranbury Master Plan and the Municipal Land Use Law”; and

WHEREAS, the amendment inter alia recommends changes to the Highway Commercial (HC) and General Commercial (GC) zoning districts to spur new development or redevelopment within those zones; and

WHEREAS, more specifically, the amendment “recommends an increase in the variety of permitted uses in the HC and GC zones, in order to further the Township’s economic development goals by allowing a wider variety of uses along the Route 130 Corridor, thereby generating ratables, employment opportunities and providing a greater variety of goods and services to the residents of Cranbury”; and

WHEREAS, the amendment and the recommendations contained therein are intended to further several goals of the 2010 Master Plan; and

WHEREAS, the Township Committee agrees with the recommendations of the Planning Board set forth in the amendment and wishes to implement those recommendations; and

WHEREAS, the Township Committee finds that doing so will further general health, safety, morals and welfare of the Township’s residents and business owners and will benefit the public;

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

Section 1. Definitions Amended. Section 150-7, “Definitions,” in Chapter 150, “Land Development”, of the Code of the Township of Cranbury (“Code”) is hereby amended by adding thereto the following two new definitions:

BIG BOX GENERAL RETAIL STORE — A retail store with a ground floor area of 60,000 square feet or more in which the general merchandise, including but not limited to the following, comprise over twenty percent (20%) of the gross floor area: toys, clothing, sporting goods, automotive supplies, electronics, appliances, home and garden, supplies, pool supplies and equipment, discount dollar items, bedding, photo processing, a portrait studio, cell phone sales, a bank, pet shop, video rental, hair and/or nail salon, hardware, jewelry, banks and fast food outlets.

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WAREHOUSE/DISCOUNT CLUB — A retail store selling a wide variety of merchandise in which customers purchase large, wholesale quantities of the store's products, and where the customers may be required to pay an annual membership fee.

Section 2. Permitted Uses in Highway Commercial (HC) District Amended. Subsection 150-20B of the Code is hereby amended by adding new uses to the list of permitted uses in the HC District, as follows (additions are underlined; deletions are in [brackets]):

B. Permitted uses.

- (1) Stores providing retail goods and services as listed below, as well as all uses substantially similar to them:
 - (a) Agricultural supplies and accessories.
 - (b) Home and garden centers inclusive of lawn tractors and utility trailers, as well as hardware stores, paint supply, plumbing supply, electrical supply, tile and granite sales, carpet and floor covering, home decor and furnishings, and appliance stores.
 - (c) Sporting and hobby stores, such as sporting goods, scuba supplies and service, pool supply, pet shops and supplies, party rental, hobby and craft shops, and supply stores.
 - (d) Pharmacies and/or drugstores.
 - (e) Banks, including banks with drive-through windows.
 - (f) Automobile parts and supplies, car rental and automobile service-only establishments.
- (2) General, professional and medical office, including offices on the second floor over retail uses.
- (3) Retail shopping centers, combining a number of retail establishments permitted in the zone, with or without second floor offices.
- (4) Hotels and inns.
- (5) Wholesale, interior storage and contractors.

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- (6) Stores selling books, music, DVDs, and other media.
- (7) Office supplies and stationery stores.
- (8) Bakeries.
- (9) Restaurants and eating and drinking establishments except fast food restaurants or drive-through restaurants.
- (10) Liquor stores, bars, and taverns.
- (11) Establishments selling and servicing computers, electronic goods, and appliances.
- (12) Grocery stores and food stores.
- ([6]13) Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.

Section 3. Conditional Uses Added to Highway Commercial (HC) District. Section 150-20 of the Code is hereby amended by a new subsection B.1, "Conditionally permitted uses," to the uses and standards in the HC District, to read as follows:

B.1. Conditionally permitted uses.

- (1) Car wash establishments, subject to the following standards:
 - (a) The car wash facility shall adhere to the area and bulk regulations for the HC Highway Commercial District as set forth in 150-20D.
 - (b) No parking area, driveway aisle, loading area or outdoor working area shall be located within 15 feet of a front or rear property line, or within 20 feet of a side property line. Within these setbacks to the side or rear of the property, a landscaped buffer of at least 10 feet in width shall be provided for screening purposes.
 - (c) All mechanical car wash facilities shall be located within an enclosed building whose entry shall not face the

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front property line, and shall be capable of being locked and secured during hours when the facility is closed.

- (d) If the entrance into the car wash building faces a residential use or zone, the entrance to the car wash, including the portion where cars are vacuumed or prepared prior to entry into the building shall be screened by means of opaque fence or wall of at least 6 feet in height with landscaping adjacent to the residential use or zone to soften its visual appearance from the adjacent property.
- (e) All outdoor cleaning equipment including vacuum cleaners, buffers, steam cleaners, compressor air hoses and the like shall be located in the side or rear yard, and if provided, the applicant shall provide evidence that the State noise standards shall be adhered to.
- (f) Only hand-drying of vehicles shall be permitted in the front yard. A maximum of four spaces per mechanical car wash lane may be provided in the front yard for this purpose.
- (g) A double row of vehicular stacking spaces shall be provided behind the entrance to the car wash building with space for no less than 8 vehicles per lane. No part of the stacking lane shall be permitted in the front yard.
- (h) Additional off-street parking spaces shall be provided for employees on maximum shift, as well as for the storage of vehicles that are undergoing treatment of a longer duration, such as detailing. Additionally 2 parking spaces shall be provided for each self-service vacuum position.
- (i) All wash water generated from the car wash including that which is generated outside the car wash building shall be contained within a spill containment pad to prevent run-on of storm water from adjacent paved areas, and shall be collected via a drain system which discharges into the sewer system. A water recycling system to reuse the rinse water shall be included in the facility.

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- (j) No outdoor public address system, bells or music shall be permitted.
- (k) The hours of operation shall be limited to 7:00 am until 8 pm Monday through Friday and 7:00 am until 6 pm Saturday and Sunday.

Section 4. Prohibited Uses in Highway Commercial (HC) District Amended. Subsection 150-20C of the Code is hereby amended by adding new uses to the list of prohibited uses and removing uses from the list of prohibited uses in the HC District, as follows (additions are underlined; deletions are in [brackets]):

C. Prohibited uses. The following uses are specifically prohibited:

- (1) Automobile sales or camper, trailer, truck, boat or motorcycle sales, except as permitted pursuant to § 150-20B(1)(b).
- (2) Gas stations.
- (3) Convenience stores.
- [(4) Restaurants and eating and drinking establishments.]
- [(5)4] Supermarkets, warehouse/discount clubs and big-box general retail stores.
- [(6)5] Self-storage warehouses.
- [(7)6] Residential development of any kind.

Section 5. Permitted Uses in General Commercial (GC) District Amended. Subsection 150-21B of the Code is hereby amended by adding new uses to the list of permitted uses in the GC District, as follows (additions are underlined; deletions are in [brackets]):

B. Permitted uses.

- (1) Stores providing retail goods and services as listed below, as well as all uses substantially similar to them:
 - (a) Agricultural supplies and accessories.
 - (b) Home and garden centers, such as hardware stores, paint supply, plumbing supply, electrical supply, tile and granite sales, carpet and floor covering, home decor and furnishings, and appliance stores.
 - (c) Sporting and hobby stores, such as sporting goods, supplies and service, pool supply, pet shops, party rental, hobby and craft stores, and supply stores.

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- (d) Automobile parts and supplies, car rental and automobile service-only stores.
- (2) General, professional and medical offices, including offices on the second floor over retail uses.
- (3) Retail shopping centers, combining a number of retail establishments permitted in the zone, with or without second floor offices.
- (4) Commercial recreational uses such as gyms, health clubs and bowling alleys.
- (5) Wholesale, storage and contractors.
- (6) Business services.
- (7) Regionally, automotive-oriented establishments such as automobile, camper, trailer and truck sales and service.
- (8) Supermarkets, grocery or specialty food stores.
- (9) Stores selling books, music, DVDs, and other media.
- (10) Office supplies and stationery stores.
- (11) Bakeries.
- (12) Restaurants and eating and drinking establishments except fast food restaurants or drive-through restaurants.
- (13) Liquor stores, bars, and taverns.
- (14) Establishments selling and servicing computers, electronic goods, and appliances.
- ([9]15) Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.

Section 6. Conditional Uses Added to General Commercial (GC) District. Section 150-21C of the Code is hereby amended by the following new uses to the list of conditional uses in the GC District, to read as follows (additions are underlined; deletions are in [brackets]):

C. Conditionally permitted uses. [(Reserved)]

- (1) Gasoline service stations and convenience stores, subject to the following standards:
 - (a) No gasoline fuel pump shall be located less than 35 feet from the street right-of-way or other property line.

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- (b) At least two driveways shall be provided, at least 18 feet wide and no more than 25 feet wide, and located not less than 20 feet from any adjoining property or corner of an intersecting public street. Such driveways shall be separated by a distance of at least 100 feet measured from the centerline of each driveway. No more than two curb cuts may be permitted per street frontage, and no more than three curb cuts on corner lots.
- (c) No servicing, repair, auto body work, automobile sales, towing or any other automobile-related activities shall be permitted except for the sale of automobile accessories such as oil or washer fluid.
- (d) No automobiles or trucks or commercial vehicles shall be parked overnight on the premises.
- (e) A canopy may be provided over the gasoline fuel service area, but such canopy shall not contain any signage, logo or be painted in bright or garish colors, nor shall the face of the canopy be illuminated.
- (f) Lighting below the canopy shall not exceed 10.0 foot candles in any location.
- (g) For a gasoline service station, only one freestanding sign shall be permitted, which may include gasoline price information, and shall not exceed 60 square feet, be higher than 20 feet, and no closer than 20 feet from the public right-of-way. If the site has frontage on a second public street, a second freestanding sign may be permitted, but shall not be located within 100 feet of any intersecting streets, measured at the property line.
- (h) One wall sign on any convenience store or accessory gasoline service station building shall be permitted per street frontage, and shall not exceed 40 square feet, nor shall such sign be internally illuminated.
- (i) No storage or display of any kind shall be permitted outdoors.

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- (j) A curbed, landscaped area, at least 15 feet in width, shall be installed and maintained and shall extend across all front, side and rear property lines.
- (k) In addition to the fuel service station, additional off-street parking shall be provided at a ratio of one space for each two pumps and a minimum of 4 spaces. This shall be in addition to the parking that may be required for a convenience store, if the gas station is located on the same property.
- (l) No convenience store shall exceed one story or have a floor area which exceeds 6,000 square feet.
- (m) Parking for the convenience store shall be one space for each 150 square feet of floor area.
- (n) One truck loading space of no less than 10 feet wide by 50 feet long with a height clearance of 14 feet shall be provided for the convenience store and shall be located to the rear of the store. To the extent necessary to block views of the loading area from the street, a fence, wall, plantings or a combination thereof shall be provided to shield views of such loading space.
- (o) A standalone convenience store may have a freestanding sign of the same dimensions, height and location as that permitted by a gas station. However, if both uses are located on the same property, the convenience store may have a second such freestanding sign, provided the total area of the two signs does not exceed 100 square feet.

Section 7. 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 8. 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.

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Ordinance
Second Reading

Cranbury Township Ordinance # 02-13-07

A motion to enter an Ordinance entitled, # 02-13-07, "AN ORDINANCE SUPPLEMENTING THE CODE OF THE TOWNSHIP OF CRANBURY BY CREATING A NEW SECTION 102, ENTITLED "PRIVATE STORM DRAIN INLET RETROFITTING", 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. No one present wished to speak, so the public hearing was declared closed

On motion by Mr. Mulligan, seconded by Ms. Goetz, the Ordinance was passed on by vote:

Ayes: (Cook
(Goetz
(Mulligan
(Johnson

Abstain: (None
Absent: (Taylor

Nays: (None

Work Session

- a) Presentation on the Brainerd Dam Lake Project by Middlesex County Engineer Ronald Sender and Robert Kuhne, Project Engineer of Najarian & Associates

Mr. Cook introduced Mr. Ronald Sender, Middlesex County Engineer and Mr. Robert Kuhne, Project Engineer. Mr. Bill Tanner, Township Engineer, was also present. Mr. Cook gave a brief history of the Dam and displayed some pictures. He assured residents the Fountain will stay and the railing from approximately 1906 will be replicated. He stated the goal is to maintain the Bridge's historical "flavor" as close as possible to what has been there for years. Mr. Cook described the various concepts to the public and the effects of the proposed lighting, and stated there will be a cantilever where pedestrians can walk out over the spillway. He reported the biggest change will be the addition of potted trees, and stated the actual containers have not yet been selected. Mr. Cook reported the current 36-foot roadway over the Bridge will be made narrower to approximately 30 feet, which will be plenty wide for traffic and will make a wider "green zone."

Mr. Bill Tanner, Township Engineer, addressed the construction aspects of the Project, including narrowing the roadway. He explained the pictorial concept may not depict exactly where the tree planters will be placed. He stated trees cannot be planted near the Dam since the roots tend to weaken the structure. Mr. Tanner explained the design of the spillway will direct excess water down the spillway instead of low-lying areas of the Town. He stated this will not eliminate downtown flooding problems; however, it will help. He stated this project is to restore the Dam for safety and was never meant to be a flood protection project. Mr. Tanner described the railing material, stating it will not rust or flake and will last a long time, and a gate will allow skaters down to the ice. Mr. Tanner gave additional details concerning the spillway construction, describing the composition of materials to be used.

Mayor Johnson opened the meeting to public comment.

Mr. Frank Marlowe, North Main Street, asked for clarification on the spillway and how the flow of water will be directed. There was discussion concerning the size of the

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Work Session (Continued)

- a) Presentation on the Brainerd Dam Lake Project by Middlesex County Engineer Ronald Sender and Robert Kuhne, Project Engineer of Najarian & Associates (cont'd.)

(Mr. Marlowe cont'd.)

culvert and the amount of water flow. There was discussion about whether the curbing would be lowered or removed to allow water to cross the roadway.

Mr. Tanner explained the sidewalk will not be pitched toward the road, but will be pitched toward the downstream side. He explained the curbing will be lowered about four (4) inches. Mr. Marlowe asked about the scheduling, and Mr. Tanner stated not all permits are in hand yet. Mr. Ronald Sender, Middlesex County Engineer stated once the permits are obtained, it can be another three (3) to four (4) months until the project commences, probably sometime in late summer. The project will probably take a year to complete. Mr. Marlowe stated that timeframe puts the Township through another hurricane season with the existing dam, and Mr. Sender agreed, stating his frustration at all the delays.

Mr. Dale Smith, Maplewood Avenue, asked if some type of ramp or stairs could be added to the downstream area of the Dam to make it accessible for residents to fish. Mr. Cook stated that could be addressed separately from the construction project.

Mr. Aldo Maselli, North Main Street, asked if his basement would be filled with water if another big storm like Hurricane Irene were to come. He stated the water filled his basement and was 13 inches high in his first floor. Mr. Tanner stated this project will not prevent flooding if there was another flooding. Mr. Cook described the conditions prior to Hurricane Irene and Super Storm Sandy, stating that the ground was saturated before Hurricane Irene. He stated if the conditions was the same as before Irene, there would probably be flooding again.

Dr. Susan Genco, Chief School Administrator of the Cranbury School asked about the timeline of the construction since many of the students are walkers. She asked if students would be able to walk to school during the construction. Mr. Tanner reported the construction will only do one half of the bridge at a time and there will be a sidewalk for students and residents to walk on during construction.

Mr. Mulligan asked if something will be done to the West Property driveway. Mr. Sender stated the driveway will be raised about ten (10) inches. Ms. Goetz asked if raising the drive would divert the water away from the back of residents' houses, and Mr. Tanner stated the water would go down that driveway before it would flood the street.

Mr. Mulligan stated he agreed some access should be provided on the east side of the roadway for residents to fish. He stated many aspects of the project are maintaining the previous look of the Lake; however, he stated his concern about the tree pots. He stated he is concerned about the function of the pots because he has seen many towns with dead trees in pots. He stated he is concerned about the "look" of the pots; however, he is more concerned with the pots functionality. He stated the Township will want trees that will survive; otherwise it will be difficult for Public Works to maintain the trees. Mr. Tanner stated the Shade Tree Commission is involved and has been providing input on tree size, location and types of trees. Mr. Tanner stated the County has graciously deferred the decision of the trees to Cranbury Township. He stated the County has no intention of telling the Township how to plant the trees.

Mr. Mulligan reiterated that this project is not going to prevent floods; however, he believes a lot of hard work has been put into the project to address the flooding concerns. Mr. Mulligan stated he wanted to thank Mr. Cook for his hard work the last couple of years.

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Work Session

- a) Presentation on the Brainerd Dam Lake Project by Middlesex County Engineer Ronald Sender and Robert Kuhne, Project Engineer of Najarian & Associates (cont'd.)

Ms. Suzanne Palocz, North Main Street, asked how the changes to the West Property driveway would impact the surrounding homes. Mr. Sender explained the water will be prevented from going down the driveway, and the elevation on the other side is the same as before; however, a small levy is being created to prevent the water from going down to the low area. Mr. Cook explained instead of having water breach along the West Property driveway because of the current inlet, the curb will remain the same height but the roadbed will drop about four (4) inches. There was additional discussion about the spillway, and Mr. Cook stated the construction is not designed to direct water into the back of Ms. Palocz's property. Ms. Palocz asked about the vibration during construction, and Mr. Tanner stated the contractor will be required to do a vibration monitoring program. There is a maximum force that can be exerted to drive the sheet pilings into the ground. There will be various devices set up to measure the vibrations, and if the vibrations exceed the maximum allowed level, other means of driving the sheet pilings will need to be used. Mr. Tanner explained there would not be hammering of the sheet pilings, which would cause large amounts of vibrations. Ms. Palocz asked if the construction would affect the surrounding homes. Mr. Sender explained the soil in the Lake is sandy, and unless rocks are hit, the sheet pilings should be installed with very limited disturbance to adjoining houses.

Mr. Dale Smith, Maplewood Avenue, asked whether the stabilization of the Lake's bank along Village Park would be included in this construction project. Mr. Cook stated initially it was thought it would be more efficient to have it included in the Bridge/Dam Project; however, because of permitting, it is necessary to handle the projects separately. Mr. Cook stated the stabilization of the bank is currently being addressed, pricing has been obtained, and DEP has been out to look at the site. Mr. Smith stated he hopes the Township does consider the lower lighting. Mr. Cook stated the selection of lighting has not yet been finalized, and the Shade Tree Commission is giving recommendations on planters.

Mr. Richard Kallan, Wynnewood Drive, asked if provisions are being made for floodlights for ice skating. Mr. Cook replied floodlights are currently on light poles and PSE&G will be contacted concerning the placement of the poles and where lighting could be placed.

Resolutions

Ms. Cunningham, Municipal Clerk, announced Cranbury Township Resolution # R 02-13-034, Proposed 2013 Budget for the Township of Cranbury was being introduced, and the public hearing on the Budget will be held on Monday evening, April 8th, 2013 at 7:00 p.m.

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

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

TOWNSHIP COMMITTEE MEETING
February 25, 2013

CRANBURY TOWNSHIP RESOLUTION R 02-13-034
2013 MUNICIPAL BUDGET

of the Township of Cranbury, County of Middlesex for the fiscal year 2013.

Revenue and Appropriation Summaries

Summary of Revenues	2013	Anticipated 2012
1. Surplus	\$1,359,922.00	\$1,371,000.00
2. Total Miscellaneous Revenues	\$3,448,174.83	\$3,449,474.68
3. Receipts from Delinquent Taxes	\$151,060.00	\$123,789.00
4. a) Local Tax for Municipal Purposes	\$5,841,530.15	\$5,777,464.79
b) Addition to Local District School Tax		
c) Minimum Library Tax	\$495,245.00	\$554,069.00
Tot Amt to be Raised by Taxes for Mun Budget	\$6,336,775.15	\$6,331,533.79
Total General Revenues	\$11,295,931.98	\$11,275,797.49
Summary of Appropriations	2013 Budget	Final 2012 Budget
1. Operating Expenses: S&W	\$3,064,093.22	\$2,990,110.22
Other Expenses	\$5,486,249.76	\$5,821,141.66
2. Deferred Charges & Other Appropriations	\$25,000.00	\$25,000.00
3. Capital Improvements	\$20,000.00	\$20,000.00
4. Debt Service (include for School Purposes)	\$2,505,265.00	\$2,246,530.59
5. Reserve for Uncollected Taxes	\$195,324.00	\$173,015.00
Total General Appropriations	\$11,295,931.98	\$11,275,797.47
Total Number of Employees	70	69

Balance of Outstanding Debt

Interest Payments in 2013	\$330,880.00
Principal Payments in 2013	\$2,093,444.83
Outstanding Balance (12/31/12)	\$18,363,995.00

Notice is hereby given that the budget and tax resolution was approved by the Township Committee of the Township of Cranbury, County of Middlesex on February 25, 2013.

A hearing on the budget and tax resolution will be held in the Committee Meeting Room, Town Hall, 23A North Main St, on Monday, April 8, 2013 at 7:00 o'clock PM at which time and place objections to the Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of the Township Clerk at the Municipal Building, 23A North Main St Cranbury, NJ, (609) 395-0900 ext. 234 during the hours of 8:00 AM to 4:00 PM, Monday through Friday.

TOWNSHIP COMMITTEE MEETING
February 25, 2013

Resolution

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

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

Cranbury Township Resolution # R 02-13-035

WHEREAS, Cranbury Township has applied for \$22,736.82 from the Community Development Block Grant (CDBG) earmarked to be used for its Third Round Affordable Housing Program; and

WHEREAS, Cranbury Township has submitted its Third Round Affordable Housing Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury it hereby requests the \$22,736.82 in grant monies be used to defray some of the costs related to assist in the development of or rehabilitation of low-to-moderate income housing in the Township of Cranbury.

Resolution

Ms. Goetz stated she had several comments on Resolution # R 02-13-036. Ms. Goetz stated the resident obtained a County permit but not a Township permit, installed a driveway and disrupted several parking spaces. She stated she understands the Committee came to this Resolution as the best decision; however, she stated she is concerned with the precedent being set of not obtaining a permit even though there was knowledge of the requirement. Ms. Goetz stated she spoke to the Zoning Officer who made it clear to her the property owner knew a Township permit was required. She stated, that being said, the Resolution as written is the best way to settle the issue. She stated the driveway must remain stone and gravel and asked if there should be a deed restriction for future owners to maintain the stone and gravel driveway. Ms. Marabello stated she is waiting to hear from the Township Attorney on clarification. Ms. Goetz stated there is a 45-day time period upon signing of the Resolution for the property owner to rectify the issue, and Ms. Goetz inquired what happens after the 45 days if the issue is not resolved. Ms. Marabello stated if the actions are not done within 45 days, the property owner would be taken to court. Ms. Marabello stated Mr. Nichols has not seen the Resolution and did not know the conditions. Ms. Cunningham read the conditions of the Resolution for the record.

Mr. Nichols, the owner of the property in question on North Main Street, asked why he could not put concrete or pavers down on the easement if he would have to pay anyway to resurface the driveway if the Township had to dig up the easement. Ms. Marabello stated the Township would have to pay to dig up the surface to do any work on the easement. She stated the Township and the Township Attorney do not agree to having to pay, which is why the condition is in the Resolution.

Ms. Goetz explained to Mr. Nichols, by him following the conditions in the Resolution, the Township will gain one (1) of the two (2) parking spaces back, which is what would have been lost if the proper permitting process had been followed. Mr. Nichols stated, in his defense, he was told by Mr. Jeff Graydon, Zoning Officer, that he could proceed with the construction of the

TOWNSHIP COMMITTEE MEETING
February 25, 2013

driveway with the approved County permit. He stated he proceeded with the construction based on that. Mr. Nichols stated he has lived in the Township all his life and would never do anything to hurt the Town. He stated he did the work according to what was directed by the Township Zoning Officer.

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

Ayes: (Cook
(Goetz
(Mulligan
(Johnson

Abstain: (None
Absent: (Taylor

Nays: (None

Mr. Nichols asked who he should contact concerning the striping. Ms. Marabello stated the County has a contract who will do the striping. She stated the Township Engineer will approve the County's contractor. Ms. Marabello advised Mr. Nichols to contact Mr. Jerry Thorne, Public Works Manager for the contact information.

Cranbury Township Resolution # R 02-13-036

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION ISSUING A PERMIT PURSUANT TO SECTION 130-11
OF THE CRANBURY TOWNSHIP CODE

WHEREAS, Anthony Nichols, owner of the property located at 68 North Main Street (Block 3, Lot 8 on the Cranbury Township Tax Map), has constructed a driveway on that lot; and

WHEREAS, the new driveway was built over a Township-owned easement; and

WHEREAS, the new driveway was built in a location that caused the loss of two parking spaces on North Main Street; and

WHEREAS, the property owner painted over the parking spaces on North Main Street, effectively removing them; and

WHEREAS, the property owner painted a yellow no-parking zone on the curb in front of the subject property; and

WHEREAS, Section 130-11 of the Cranbury Township Code states that "it shall be unlawful for any person to construct or remove, or cause to be constructed or removed, any sidewalk, driveway apron, curb or gutter or any part thereof within any public right-of-way in the Township without first having obtained a permit to do so from the Township Committee; and

WHEREAS, the property owner obtained a driveway permit from the County of Middlesex, as required by the fact that North Main Street is a County road; and

WHEREAS, the property owner never applied for or obtained a permit from Cranbury Township to construct his driveway, as required by Section 130-11; and

TOWNSHIP COMMITTEE MEETING
February 25, 2013

Cranbury Township Resolution # R 02-13-036
(Continued)

WHEREAS, the property owner had no authority to build a driveway over a Township-owned easement or to remove two parking spaces from North Main Street or to paint a yellow no-parking zone on the curb without a permit issued pursuant to Section 130-11; and

WHEREAS, the property owner has now retroactively applied for said permit; and

WHEREAS, the Township Committee reviewed the memorandum dated February 8, 2013 from Township Engineer William Tanner, P.E., and considered the matter on notice to the property owner at an open public meeting held February 11, 2013; and

WHEREAS, the Township Committee finds good cause to issue the retroactive permit subject to certain conditions designed to ensure access by the Township to its easement and to reclaim one parking space on North Main for public benefit.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that Anthony Nichols be and hereby is retroactively GRANTED a permit pursuant to Section 130-11 of the Cranbury Township Code, conditioned on the following:

1. The parking spaces on North Main Street, from the subject driveway north to the corner of North Main and Westminster Place, shall be restriped by a contractor approved by the Township Engineer, pursuant to specifications approved by the Township Engineer, at the property owner's expense. The purpose of the restriping is to reclaim at least one parking space for the benefit of the public.
2. The property owner shall cause the yellow paint to be removed from the curb in front of the subject property, to a standard approved by the Township Engineer.
3. The driveway, which has been constructed with stone and gravel, shall not be paved, in order to ensure access to the Township-owned easement beneath the driveway.
4. In the event the Township requires access to the Township-owned easement, and the driveway must be removed to secure access to the easement, any reconstruction of the driveway shall be at the property owner's expense.
5. The parking spaces must be restriped, and the yellow paint must be removed, within 45 days of the date of this Resolution.

Resolutions
Consent Agenda

Mayor Johnson gave a brief summary of the Resolutions and asked the Township Committee if there were any questions or comments. On a motion by Mr. Mulligan, seconded by Ms. Goetz, the following Consent Agenda Resolutions were adopted by vote:

Ayes: (Cook
(Goetz
(Mulligan
(Johnson

Abstain: (None
Absent: (Taylor

Nays: (None

TOWNSHIP COMMITTEE MEETING
February 25, 2013

Cranbury Township Resolution # R 02-13-037

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 02-13-038

WHEREAS the Township of Cranbury wishes to enter into an Agreement for new telephone service; and

WHEREAS, Line Systems, Inc. (hereinafter known as LSI), 1645 West Chester Pike, Suite 200, West Chester, PA 19382, has indicated they are able to provide such services; and

WHEREAS, pursuant to "N.J.S.A. 40A:11-5 **Exceptions**, any contract the amount of which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefore and shall be awarded by resolution of the governing body if (ii) Extraordinary unspecifiable services and (f) the supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, filed with the Board or Commission; and

WHEREAS, said Agreement with LSI is for three (3) years at a cost of \$3,229.00 per month;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury the Mayor and Clerk are hereby authorized to execute the Agreement with LSI; and

BE IT FURTHER RESOLVED, a duly-authenticated copy of this resolution be sent to LSI.

Cranbury Township Resolution # R 02-13-039

WHEREAS, The Tax Collector, Ross E. Maszczak has certified that the following taxpayer qualified for a \$250.00 veterans deduction for tax year 2012; and

WHEREAS, the taxpayer has already paid all taxes billed and due for the tax year 2012; and

WHEREAS, the Tax collector is requesting that the credit due from the qualified Veteran's deduction be refunded,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following overpayment be refunded:

<u>Taxpayer</u>	<u>Refund</u>
OWNER: Kettelkamp, Larry & Florence 26 Labaw Dr. Cranbury, NJ 08512	\$250.00
OWNER: Kettelkamp, Larry & Florence LOCATION: 26 Labaw Dr. BLOCK: 20 LOT: 10.38 QUALIFIER: N/A	
Total	\$250.00

TOWNSHIP COMMITTEE MEETING
February 25, 2013

Cranbury Township Resolution # R 02-13-040

WHEREAS, The Tax Collector, Ross E. Maszczak has certified that the following taxpayers overpaid their taxes; and

WHEREAS, The Tax collector is requesting that the overpaid taxes be refunded,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following overpayment be refunded:

<u>Taxpayer</u>	<u>Refund</u>
OWNER: Panconi, Thomas & Cathleen 29 Bergen Dr. Cranbury, NJ 08512	\$3,212.25

OWNER: Panconi, Thomas & Cathleen
LOCATION: 29 Bergen Dr.
BLOCK: 18.02 LOT: 9 QUALIFIER: N/A

Total	\$3,212.25
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Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

The Mayor opened the meeting to public questions and comment.

Ms. Christine Ondocin, North Main Street, asked for a status update on the Township allowing Gil & Bert's Ice Cream to have live music. Mr. Mulligan stated he did not have a chance yet to meet with Ms. Beth Veghte, President of the Business and Professional Association. He stated he would follow up.

Ms. Ondocin discussed with the Township Committee the flooding issues from Hurricane Irene on her property. She stated the previous owners did not have flooding issues; however she and Frank Brennan's office have experienced flooding several times. She stated she does not know what the actual problem is and is looking for a possible solution for the future. She stated her husband went to the Township and the County looking for maps of the underground tunnel; however, there are no maps available.

There was no additional public comment, and the Mayor closed the public portion of the meeting.

Mayor's Notes

Mayor Johnson reported, at the request of the County, the Township is proclaiming "Youth Art Month". He reported the following appointments to the Recreation Commission: Dominique Jones, Regular Member; Richard Grubb, First Alternate; Antonio Evidente, Regular Member; and Kate Hall, Second Alternate.

On a motion by Mr. Cook, seconded by Ms. Goetz and unanimously carried, the meeting adjourned at 9:00 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk