

TOWNSHIP COMMITTEE MEETING
November 28, 2011

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, Jay Taylor and Mayor Winthrop Cody. Also present were Michael W. Herbert, Esq., Township Attorney; Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator. Mayor Cody 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, 2010 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, 2010.
- (3) Was filed on December 2, 2010 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.

Regular Township Committee Minutes of November 14, 2011

Mr. Taylor asked to postpone the approval since the Minutes were only sent out by e-mail today and he did not have a chance to read them. The Township Committee agreed to move the Minutes to the December 12th meeting.

Reports and Communications

-- Mayor

Mayor Cody reported the 2012 meeting schedule would be discussed later in the meeting. He stated this year there are two (2) meetings scheduled for December (December 12th and December 19th), and he stated he believed the December 19th meeting would not be needed. Ms. Marabello agreed stating ordinances could not be introduced and there would not be any bills to pay since bills would be paid at the December 12th meeting. The Township Committee agreed to cancel the December 19th meeting, and Ms. Cunningham, Clerk, stated she will notice the newspapers tomorrow.

-- Members of Committee

Mr. Mulligan stated he did not have any reports; however, he stated he wanted to address the continued speeding in the Township. He stated he has received complaints of speeding on Old Trenton Road and reports of cars passing on the right. He reported a car hit a light pole this week, and two (2) pedestrians were hit at the intersection of Old Trenton Road and South Main Street. Mr. Mulligan stated he is not sure if the incidents were speed-related; however, he stated he would like to see the police focus in resident areas of the Township.

Mayor Cody reported he has received complaints of cars passing school buses when students are being dropped off. Mr. Taylor stated the bus driver is supposed to report these incidents to the police. Mr. Taylor reported the police have received the "aggressive driving" grant so funding is available for overtime for officers to do speed patrols. Mr. Mulligan asked Mr. Taylor to relay to Chief Rickey Varga to focus speed patrols in resident areas. Mr. Taylor stated he will be reporting on several police issues when he gives his report this evening.

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-- Members of Committee (Continued)

Mr. Cook reported a meeting will be held on December 14th at 8:00 p.m. to look at open space, and the appraisals of the Reinhardt South property will be reviewed. He reported this meeting is a step forward with the acquisition of the property. On a separate issue, Mr. Cook reported there is not much going on with COAH and affordable housing at this time. He stated there is not much information available; however, he stated 9% to 10% affordable housing may be the assumption now. Mayor Cody asked if 9% or 10% would mean Cranbury is compliant, and Mr. Cook stated Cranbury would be compliant with the completion of the Route 130-D site.

Concerning the appraisals for the Reinhardt South property, Mr. Richard Preiss, Township Planner, stated five (5) years ago he was asked by the Township Committee to prepare a Best Use Analysis for that property. He stated he provided a plan/analysis to the Township Committee, and he stated it can be used as an appraisal because the Township was considering purchasing the property at that time. Mr. Preiss stated if the changes to the Ordinance are adopted this evening, the same analysis would be appropriate, and he offered to forward the analysis to the Township Committee.

Mr. Johnson reported he observed the Public Works Department picking up the leaves, and he stated he was very impressed with the machinery being used. He commented residents in Cranbury are lucky to have such a service as other Townships do not offer anything similar. He commended the Public Works Department for their hard work. Mr. Johnson also reported his both neighbors on Main Street had their car windows broken and equipment stolen from inside. He stated he doesn't remember this ever happening before in the village, and hopes these are isolated incidents.

Mr. Taylor stated there are a number of issues to report concerning the Police Department. He reported on December 1st, Detective Sergeant Peter Ziegler and Officer Bill Simkin will be retiring from the Police Department, leaving only one (1) detective on the force, and two (2) shifts with the minimum coverage of two (2) officers. Mr. Taylor reported in the event of an arrest, serious motor vehicle accident, or warrant pickup, two (2) officers are required, which leaves no coverage in the Township and requires officers to be called in on backup/overtime. Mr. Taylor reported several incidents happened concurrently today while one (1) officer was doing school crossing and one (1) detective was investigating a burglary at a warehouse. With the shortage of officers on duty and able to respond, the resources are not available for speed patrols. Mr. Taylor reported incidents at the warehouses take up a lot of detective time for investigations. He reported he, Ms. Marabello and Chief Varga had a meeting today and discussed a minimum of 16 overtime hours for December because of vacations and being down two (2) officers. The number of overtime hours could increase depending on the activity during the month and if there are snow storms. Mayor Cody asked if the school crossing guard is paid by the Police Department or the Cranbury School, and Mr. Taylor replied the Township pays the crossing guard because it falls under the Police Department. Mr. Taylor reported the Police Department is understaffed; staffing has not been at this level since the mid 1990's before the warehouses and hotels were built.

--Subcommittees

There were no reports from Subcommittees.

Agenda Additions/Changes

Ms. Kathleen R. Cunningham, Clerk, reported there were no additions or changes to the Agenda.

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Ordinances
Second Reading

Cranbury Township Ordinance # 10-11-19

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # Ordinance #10-11-19, "AN ORDINANCE AMENDING AND REVISING CHAPTER 150, THE LAND DEVELOPMENT CODE, AND THE ZONING MAP OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" was presented for Second Reading and Final Adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. Ms. Cunningham reported this Ordinance was introduced at First Reading on October 24th, and then referred to the Township's Planning Board. The Planning Board sent a memo dated November 4, 2011 to the Township Committee and Township Attorney. The memo contained a number of changes, and Mr. Richard Preiss, Township Planner, is addressing the changes this evening. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public.

Mayor Cody reported this is the result of a lot of hard work by the Planning Board. He stated in 2010 a subcommittee was formed, chaired by Mr. Tom Harvey (who he acknowledged in the audience), members of the Township Committee (Mr. David Stout and Mayor Cody), and members of the Planning Board and Zoning Board, who worked to put together a Master Plan. This year another committee worked on taking pieces of that Master Plan and putting it into Code.

Mr. Richard Preiss, Township Planner, handed out a map showing the proposed changes. He gave a summary of the proposed Planning Board changes, and stated the changes were minor. He reviewed the changes with Mr. Steven Goodell, Esq., Township Engineer, who deemed the changes minor as they related mostly to typos or addition/omission of a word, and therefore, did not necessitate the Ordinance to be re-introduced or for notice to be provided of those changes. Mr. Preiss provided a memorandum summarizing those changes and he offered to answer any questions. He summarized the amendment for the Ordinance, stating the most significant change is the new use and bulk regulation and new design standards for two (2) existing commercial zones in Cranbury, HC Zone (Highway Commercial) and GC Zone (General Commercial). Mr. Preiss stated there is also a small change from the PO/R Zone (Professional Office Residential Zone) to the General Commercial Zone on the east side of Route 130 north of the Circle. He stated there is a replacement of the PO/R Zone with two new zones, CM Zone (Community Mixed Use Zone) and the HM Zone (Highway Mixed Use Zone). The regulations in all the four (4) commercial zones are intended to create a more vibrant retail sector in Cranbury, especially along the Route 130 corridor, and would allow the three (3) properties (Cheney, Hagerty, and Kushner properties) to be redeveloped with a mixed-use project, allowing retail uses and both apartments and townhouses to serve the needs of the young and older residents in the community. The retail uses are designed not to compete with the smaller downtown businesses, but to provide for additional retail needs for the community.

Mr. Preiss summarized changes to the VC Zone (Village Commercial), lot averaging in the RLi Zone (Residential Light Impact), requiring smaller lot sizes and widths in the industrial zones, removing utilities and institutional uses from being permitted in a number of zones in Cranbury. He reported some "tweaking" of current regulations is necessary, such as several references to the 1994 Master Plan, which is no longer the most current Master Plan. Mr. Preiss reported the map changes include shifting the VC zone on the west side of Main Street up to Bunker Hill Road and eliminating two (2) split lot zones along the Route 130 corridor because split lot zones create impediments to redevelopment and improvement. Mr. Preiss reported the Planning Board determined Attachment 150-2, a table showing permitted uses in various zones, was not necessary because the actual language and rules are included in the text. The table was used for reference; however, Mr. Preiss stated the table created situations of ambiguity and confusion and left areas for errors and omissions as the table was not always updated when the text was updated, and it leaves no room for interpretation by the Zoning Officer with respect to uses not

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contained in the table. For clarification and use of the document, Mr. Preiss stated Attachment 150-2 would be removed.

Concerning an e-mail received from Mr. Tom Weidner concerning the proposed change to the maximum side yard setback in the Village Commercial Zone, Mr. Preiss reported the maximum side yard setback is referenced in the Master Plan on Page 14-4 and addresses restricting the width of side yards so as not to permit wide gaps in the downtown streetscape and to discourage wide driveways and curb cuts along Main Street. Mr. Preiss stated this was discussed by the Planning Board and recommended as a change to the Land Development Ordinance at the time PNC property was for sale and before the Witt's and Sweetwater Construction bought and developed the property. The concern at the time was characterized by Mr. Alan Kehrt, now the Chairman of the Planning Board, if the property was redeveloped there would be a "missing tooth" because houses on Main Street are towards the front and having a large gap in the streetscape was a concern. Mr. Preiss stated that property is now developed and the chief purpose of this recommendation has been fulfilled and there is probably not a great reason to adopt this change now. He stated side yards in that zone will be grandfathered.

With respect to this change, Mr. Preiss reported three (3) options. First, if the Township Committee feels it necessary this change be adopted, he stated his opinion is this is a substantial change and if the Township Committee feels it cannot adopt the rest of the provisions of the Ordinance and this change must be included, the proposed LDL would be withdrawn, make the change, and reintroduce in January or February 2012 and sent back to the Planning Board for review. The second option would be to not make the change, and third, if the Township Committee feels the change should be made, he recommends adopting the Ordinance as it appears currently so it is not delayed and then in January, introduce an amendment as a second Ordinance. Mr. Preiss stated this would not delay the rest of the Ordinance changes, which are substantial, and which residents are counting on the Township Committee to adopt this evening. He stated he would be glad to answer any questions.

Mayor Cody stated rationale for changing the commercial zones is there are properties needing redevelopment, and there are residents waiting for these changes to happen. Mr. Preiss stated many sections of the Master Plan were considered to be in very good shape; the key areas requiring attention was the revitalization of downtown and a focus changing the Route 130 corridor, which currently inhibited development. He stated the Cheney/Hagerty/Kushner properties had very restricted uses and low intensity bulk standards, and as a result have remained undeveloped for a long time. The changes in the Master Plan and zoning are intended as an incentive to take those three (3) properties and redevelop it in a manner to generate ratables, fulfill needs in the community while at the same time not compete with the uses in the downtown.

Mayor Cody asked for comments from the members of the Township Committee. Mr. Cook asked about the setbacks on the PNC property, and stated he understood the uncertainty of the development of the property at that time. Since the property is now developed and the likelihood of that issue is now remote, Mr. Cook asked Mr. Preiss if this would leave the Township in a negative position. Mr. Preiss stated if the change of not having a maximum side yard setback is omitted, he agreed the Township or any property would not be vulnerable to problems they were previously concerned about. He stated the Township would be fine if this change was incorporated.

Mr. Preiss stated many communities have different setback standards for accessory uses. In Cranbury, regulations in Section 150-32, Accessory Buildings, state accessory buildings shall be governed according to the zone in which they are located, except for storage sheds associated with one (1) and two (2) family dwelling units shall be located at least ten (10) feet from the side

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and rear lot lines and shall require with the front yard requirement and shall not exceed 200 square feet. Mr. Preiss further explained the setbacks and minimum standards of this regulation.

Mr. Taylor stated he is opposed to the change in language for agricultural uses in the village hamlet or commercial which would prohibit home agricultural uses or horticultural uses. He stated that zone currently has a nonconforming Christmas tree farm and a number of residents with agricultural animals. Mr. Preiss stated those uses would be grandfathered in so there would be no restrictions on them; however, the purpose would be to prohibit farm animal, chicken coops or other forms of inappropriate agriculture on smaller village hamlet lots on Main Street. Mr. Taylor stated there are many properties on Main Street that are larger than many properties outside the village, and considering Cranbury is an agricultural town; he doesn't support removing that section. Ms. Goetz asked for a definition of "commercial and home agriculture" and asked what home agriculture includes. Mr. Cook stated it would be helpful to have a definition of "home." Ms. Goetz stated the Master Plan wording included "home agriculture with temporary agricultural stand," which she understands. She stated she agrees with Mr. Taylor that the wording does not agree with the Master Plan. Mayor Cody asked if the wording in the Master Plan would need to be revised, and Mr. Michael Herbert, Esq., Township Attorney, stated the wording in the Master Plan would not need to be revised as it is a guiding instrument and it is not the law. If this change is not made, the wording would be left as it currently is. Ms. Goetz stated her interpretation of the Master Plan is there could not be a commercial relationship with your home agriculture.

Mr. Mulligan asked Mr. Preiss if there was a way the Township Committee could come up with a list of changes to be addressed in January. Mr. Preiss stated the Ordinance could be adopted "as is" this evening and make the changes in January, or to the extent changes are being made, which are substantive, the Ordinance would be pulled and reintroduced. Mayor Cody stated the Ordinance could be adopted tonight and some items could be readdressed. Mr. Mulligan stated he wanted to confirm that the substantial changes could be made in January, and Mr. Herbert stated the Township Committee's concerns would be reflected in the Minutes. Mr. Mulligan confirmed there are now two (2) issues to address in January: the zoning issue brought up by Mr. Weidner and the agricultural question.

Mr. Taylor asked about the wording "public parks and playgrounds will remove building structures and uses" on Page 4, and Mr. Preiss explained it is to be consistent with the recommendation in the Master Plan to remove all for private and public institutional uses (houses of worship or any public places of assembly. Mr. Taylor stated he would like to see the Village Commercial Zone wording tightened up on "restaurants excluding drive-through restaurants" in Section A.(3)(7), and cited Burger King in Princeton as an example of a fast food restaurant without a drive-through. Mayor Cody stated there was already something in the existing Master Plan referring to fast food restaurants. Ms. Marabello stated a list can be made for changes in January. Mr. Preiss stated he will review the current Master Plan and will make a list for changes in January.

Mr. Taylor questioned the Highway Commercial development listed on Page 18 and asked Mr. Preiss what is the maximum square footage size that can be developed. Mr. Preiss stated the Master Plan recommended restrictions on usage. Initially the maximum size building was 50,000 square feet to discourage very large big box stores from coming into Cranbury. Mr. Preiss reported the restriction of maximum 50,000 square feet was deleted because it did not apply to many properties and did not want it to deter the properties from being developed. Mr. Taylor stated he had concern the maximum size was deleted and would like to see that included in the Ordinance.

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Mr. Art Hasselbach, Route 130, stated most of the lots on Route 130 are narrow, with the exception of his lot and the hotel lot next to his. He stated nothing large will be able to be built on the available lots. Mayor Cody stated he thought box stores were restricted; however, Mr. Preiss stated Page 14 lists home and garden centers, sporting and hobby stores, and retail shopping centers as being acceptable uses for that Zone. Mr. Cook stated most big box stores are in excess of 80,000 square feet, and Mr. Preiss stated supermarkets, Wal-Mart and Home Depot would be large and parking would be also be a problem. Mr. Preiss offered to give to the Township Committee a memo before January with additional information for this change. Mr. Cook asked for a list of possible types of stores and square footage. Mr. Taylor asked about the possible traffic impact on the Township, and Mr. Preiss explained stores usually build on highways because cars are already on the road and stated the impact would not be significant. He stated traffic is impacted by changes in the region, such as in South Brunswick and East Windsor, and even if Cranbury restricts building, those townships are not and Cranbury is still impacted by increased traffic.

Mr. Mulligan confirmed the Township Committee is going to adopt the Ordinance with the lot size averaging, and asked Mr. Preiss what the deliverable would be on this item. Mr. Preiss stated he will select the four (4) largest properties and will give a report back in terms of what the largest store could be on those properties. He stated he will look at literature to see what types of stores would fit on those properties. Mayor Cody asked parking for those properties be included on the study.

Mr. Taylor referred to Section 150-22, Community Mixed Use District, and stated the new Ordinance will extend South Main Street, and asked if the Historic District should also be extended so the design of the buildings will be maintained. Mr. Preiss stated the Historic Preservation Ordinance is intended to protect the historic nature of an existing district, preserving the buildings and to be sure any changes are compatible. He stated this zone is at the far end of South Main Street and is outside of the Historic District so the district could not be extended for that reason. Mr. Preiss stated that is the reason there are design and architectural guidelines because there is concern about the aesthetics of that development. He further stated there are site design standards which can be enforced at the site planning stage. Mr. Preiss stated historic guidelines apply where there are historically-designated properties, and he does not believe this property would not be included in the Historic District. He stated the kinds of design requirements outside the Historic District in Cranbury are a duplicate of those in the Historic District. Mr. Taylor stated he believed extending the Historic District down to South Main Street would further preserve the look of the Township. Mr. Preiss stated he works with developers who want to know what communities want because it minimizes risk.

Mr. Taylor asked about clarifying the "take-out restaurants" in the Mixed Use Zone, and Mr. Preiss stated that was included so as not to compete with the downtown businesses. Mr. Cook clarified there would be no wait staff. Mr. Preiss read the definitions of restaurant and fast-food restaurant. Discussion ensued concerning about types of restaurants, and Mr. Preiss stated if the Township Committed wanted, definitions in the entire Master Plan could be reviewed and definitions tightened. Mr. Cook stated if the wording "served and consumed on premises" could be added for clarification. Mr. Mulligan confirmed with Mr. Preiss there was no change on this item, and Mr. Preiss confirmed he may come back with different wording.

Mr. Taylor asked about the changes to 150-23 (B) (1) and (2), Industrial-Light Impact Zone. Mr. Preiss reported an increase in the number of large warehouse developments in the 1990's through the 2000's, and there is a substantial decrease in that type of development because of the recession. There is now an increase in interest in smaller industrial space and smaller warehouse spaces. Mr. Preiss stated if the minimum lot size and minimum frontage requirements

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are reduced, it may provide and opportunity/incentive for smaller industrial establishments to come to Cranbury.

Mayor Cody asked if there were further questions from the Township Committee, and hearing none, asked for public comment.

Mr. Tom Weidner thanked the Township Committee for their consideration to his e-mail. Mr. Weidner stated the chief purpose for this provision for the maximum side yard setback in the Village Commercial Zone has been fulfilled. He stated 25% of the residents in this Zone have principal structures ten (10) feet away and asked if a resident wanted to build an addition that did not conform to the Ordinance, would a variance be needed. He stated they would need to go to the Zoning Officer because that proposed change to their building would not be within ten (10) feet of the property line, which is the maximum setback. Mr. Herbert told Mr. Weidner a variance would be needed. Mr. Weidner suggested the Township Committee consider the timing of passing this Ordinance, which contains provisions other residents want; however, what will happen to residents in the Village Commercial Zone who want to make any small alteration which will not meet the setback requirements. They will need to get a variance in order to do any work. Mr. Weidner stated the Planning Board and the Township Committee have done a great job working on this. Mr. Weidner asked if deleting this proposal means continuing with the same setback the Township always had so it becomes "no change." Mr. Herbert stated deleting this would be a substantial change because the Ordinance is as advertised. Mr. Preiss stated the number of applications for additions is minimal, and the process usually takes three (3) to four (4) months so worst case scenario, the application would be delayed one (1) month. This change could be introduced at the first meeting in January, and the other changes could be discussed further and be referred to the Planning Board for recommendations.

Mr. Art Hasselbach, Route 130, stated long ago the Historic District was 2,500 feet from the center of Town. He put his business on Route 130. He stated he realized the Historic District could not be enforced because there were no historic buildings there. Mr. Hasselbach stated if the Historic District area was moved down South Main Street, Cranbury Greene would also be affected because there is a 200 foot buffer. He stated the Township building codes and design standards will dictate the type of building in that area. Mr. Hasselbach stated if the requirements are too restrictive, the property will remain undeveloped. Mr. Taylor stated he was sure the houses on the Cheney property and Schroeder's property are historic. He stated the enforcement of the standards rely on the people serving on the Boards; if the developers come next year and the same people are the Boards, they will adhere to the standards. Mr. Taylor stated the design standards be enforced, and the Township Committee needs to do what is best for the Town. Mr. Hasselbach suggested looking into the legality of calling those properties "historic". Mr. Hasselbach stated a lot of time and energy was spent working on the Master Plan, and meetings were held for public input.

Mayor Cody asked for additional public comment, and hearing none, closed Public Comment and asked for a motion to adopt this Ordinance. Mr. Mulligan stated before making a motion, he wanted to review the list of changes. After the adoption is done, Mr. Mulligan stated Mr. Preiss will address: deleting the maximum side yard requirement in the VC Zone, the home agricultural references, the fast-food restaurants, and Mr. Taylor's concerns about lot averaging and what kinds of buildings can be put on lots. Mr. Mulligan confirmed with Mr. Preiss these changes will be addressed in January, and the amendment for the VC Zone maximum side yard requirement will be introduced on January 9th Township Committee Meeting. (Mr. Johnson recused himself, explaining to the public his property is one (1) of the two (2) benefitting from the expansion of the Village Commercial Zone. He stated his understanding is if he and his wife were residents of a Zone experiencing a change and benefitted no more than anyone else, he would be free to vote.

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However, since he is one (1) of two (2) owners affected by the Ordinance, it is best if he not vote.)
On a motion by Mr. Taylor, seconded by Mr. Mulligan, the motion was adopted by a vote:

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

Nays: (None

Cranbury Township Ordinance # 11-11-20

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # Ordinance #11-11-20, "BOND ORDINANCE AUTHORIZING THE PURCHASE OF A FIRE BRUSH TRUCK APPROPRIATING \$139,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$132,050 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" was presented for Second Reading and Final Adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. Mayor Cody stated he is in favor of the Brush Truck; however, he will not support the issuance of bonds to purchase the Truck. Mayor Cody asked Ms. Marabello to publish on the web the open unused ordinances so the public understands the rationale of why those ordinances are not being used. Mr. Taylor reported this was put out to bid, and five (5) or six (6) bid packages have been picked up. Mr. Cook stated the bids could come in at or below the \$139,000, and Mr. Taylor stated the bids could come in higher and no purchase would be made. Mayor Cody opened discussion to the public, and hearing none, asked for a motion. On a motion by Mr. Taylor, seconded by Mr. Mulligan, the motion was adopted by a vote:

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

Nays: (Cody

Cranbury Township Ordinance #11-11-21

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance #11-11-21, "ORDINANCE RE-APPROPRIATING \$11,000.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN VARIOUS CAPITAL ORDINANCES IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" was presented for Second Reading and Final Adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. Mayor Cody asked for comments from the Township Committee. Hearing none, he asked for public comment, and hearing none, asked for a motion. On a motion by Mr. Taylor, seconded by Mr. Cook, the motion was adopted by a vote:

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

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Nays: (None)

Cranbury Township Ordinance #11-11-22

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance #11-11-22, "ACCEPTING ASSIGNMENT OF DEED OF SEWER EASEMENT FOR BLOCK 5, LOT 15 IN THE TOWNSHIP OF CRANBURY" was presented for Second Reading and Final Adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. Mayor Cody asked for comments from the Township Committee. Hearing none, he asked for public comment, and hearing none, asked for a motion. On a motion by Mr. Taylor, seconded by Mr. Mulligan, and unanimously carried, the motion was adopted by a vote:

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

Nays: (None)

Cranbury Township Ordinance #11-11-23

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # Ordinance #11-11-23, "ACCEPTING ASSIGNMENT OF DEED OF SEWER EASEMENT FOR BLOCK 5, LOT 14.01 IN THE TOWNSHIP OF CRANBURY" was presented for Second Reading and Final Adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. Mayor Cody asked for comments from the Township Committee. Hearing none, he asked for public comment, and hearing none, asked for a motion. On a motion by Mr. Cook, seconded by Mr. Taylor, and unanimously carried, the motion was adopted by a vote:

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

Nays: (None)

Resolution

Consent Agenda

On a motion offered by Mr. Mulligan, seconded by Mr. Johnson, the following Consent Agenda Resolution was adopted by vote:

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

Nays: (None)

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Cranbury Township Resolution # R 11-11-141

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

Resolution

Cranbury Township Resolution # 11-11-142

Mayor Cody explained "Safe Routes to Schools" was discussed with the School Board at the Township Committee's last meeting. He clarified this Resolution is endorsing the submittal of the application for the grant, not where the sidewalks should be placed. Ms. Marabello stated Mr. Tanner will be meeting with the School Board in the future to discuss this. Mayor Cody stated the Township cannot apply for the grant without approval of this Resolution. On a motion by Mr. Mulligan, seconded by Mr. Taylor, the following resolution was adopted by vote:

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

Nays: (None

*TOWNSHIP OF CRANBURY
STATE OF NEW JERSEY*

A RESOLUTION ENDORSING CRANBURY TOWNSHIP'S GRANT APPLICATION FOR
NJ DOT "SAFE ROUTES TO SCHOOLS" FUNDING FOR CRANBURY TOWNSHIP

WHEREAS, the Township of Cranbury is preparing a grant application to the New Jersey Department of Transportation for funding through their Safe Routes To Schools Program; and

WHEREAS, the Township of Cranbury wishes to seek funding through this Program; and

WHEREAS, the Township recognizes that walking and bicycling should be encouraged along safe routes as it is the most environmentally friendly and low-cost way to get children to and from school; and

WHEREAS, there exists areas along the routes to school where sidewalks are missing or in a poor state of repair; and

WHEREAS, through the use of this grant the Township would be able to construct new and repair old sidewalks and/or bikeways to provide a safe walking/bicycling routes for children to the Cranbury Elementary School in the center of the downtown; and

WHEREAS, the Project area, in addition provides pedestrian access to a bus stop which borders The Cranbury Elementary School and will enhance pedestrian safety as well;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Township is pleased to support and endorse the above-mentioned grant application to the State of New Jersey Department of Transportation "Safe Routes To Schools" Program; and

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BE IT FURTHER RESOLVED that the Township agrees to own and maintain the sidewalks and/or bikeways constructed under this grant throughout their useful life, per the provisions set forth in the Township Code;

BE IT FURTHER RESOLVED that the Mayor of the Township of Cranbury and the Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Cranbury and that their signatures will constitute acceptance of the terms and conditions of the grant agreement and will approve the execution of the grant agreement.

Reports from Township Staff and Professionals

--Administrator

Ms. Marabello reported she has nothing to report this evening.

Reports from Township Staff and Professionals

--Municipal Clerk/Assistant Administrator

Ms. Cunningham reported she recently attended the League of Municipalities Convention and attended a class, Open Public Meetings, which addressed Governing Bodies not sending the Municipal Clerk copies of any e-mails dealing with Township-related business. Ms. Cunningham stressed to the Township Committee the importance of her being copied on all correspondence so OPRA requests can be fulfilled. Ms. Goetz asked for clarification on types of correspondence, and Ms. Cunningham stated correspondence by the Township Committee. Ms. Cunningham stated, as Custodian of Records, she must be copied on any correspondence. Mr. Herbert, Township Attorney stated any e-mail having to do with Township business is discoverable, even if using a private e-mail account. Mr. Taylor asked if hard copies of correspondence would be discoverable. Mr. Mulligan stated if the Township is sued, it could all depend on how far it would go. Mr. Herbert stated it is under discovery rules and would depend on the situation. Mr. Herbert cautioned in addition to e-mail, texting, Facebook, and other forms of communication are also discoverable.

--Reports from Township Boards and Commissions

There were no reports.

Work Session

- a). Discussion by the Township Committee on 2012 Proposed Cranbury Township Meeting Dates and Township Holidays.

The Township Committee discussed the continuation of meetings on the second and fourth Mondays of each month. Some minor changes were made to the calendar to reflect some Mondays were not the normally scheduled dates. Discussion ensued on trying to keep the dates to the second and fourth Mondays, unless a conflict from a holiday occurs. The Township Committee decided to replace the December 3rd meeting with a meeting on December 10th and keep December 17th as an optional meeting. Ms. Cunningham asked if the Township Committee is in agreement with the Township holidays. Mayor Cody asked if this was being voted on this evening, and Ms. Cunningham explained approval is needed this evening so the schedule can be attached to a Resolution at the Re-org meeting.

Ms. Cunningham stated she will put a notice on the website stating Township Offices will be open on January 2, 2012. All members of the Township Committee were in favor of the amended schedule.

TOWNSHIP COMMITTEE MEETING
November 28, 2011

Public Comment

Mayor Cody opened the meeting to public questions and comment.

Mr. Art Hasselbach, Route 130, spoke against the notices sent out for signs in the Township. He stated he felt the notices were sent out on a selective basis and were not sent to everybody in violation of the Sign Ordinance. He stated many businesses are hurting in this economy, and stated it is not the time of year to be enforcing the Code. Mr. Hasselbach cited Gentle Healing wanted to put out a sign for gift certificates for the holidays; however, she had to take the signs down or be faced with fines/jail. Mr. Hasselbach stated there should be an interim process to avoid penalizing business owners. He stated the Sign Ordinance will be revised; however, it will take time and that will hurt businesses in this economy. He stated banners in front of a business attract customers.

Mr. Hasselbach asked about the pile of dirt sitting by the gas station for over two (2) years. He asked if the dirt is contaminated and asked why it has never been removed. Mr. Hasselbach stated if the Township must use common sense when enforcing Code and cannot be selective in issuing violations. Mayor Cody stated the Code is being revised and asked if anything can be done. Mr. Herbert stated the Code is the law, and suggested the Code Enforcement Officer be made aware the Township Committee is looking to make changes to the Code. Mr. Herbert stated the Zoning Officer can be guided, but cannot be commanded not to enforce the law. Mr. Taylor confirmed the Township Committee cannot tell the Zoning Officer not to do his job, and Mr. Herbert confirmed that is true. Mr. Hasselbach stated the enforcement must be consistent. Ms. Marabello stated she will make the Zoning Officer aware there are signs in the Township and violations notices have not been sent. Ms. Marabello stated if notices are sent to some, they must be sent to all. Mr. Mulligan asked if Ms. Marabello can speak with the Zoning Officer to stress the Sign Ordinance is being reworked. She stated she can speak with him; however, he is the enforcing officer.

A representative New Jersey Self Storage addressed the Township Committee about the sign violation notices. She stated the banners have improved the business with new customers coming in because of the banners. She asked how long it will take to make changes to the Sign Ordinance, and Mayor Cody stated hopefully it will be changed in the next month or two. Mr. Herbert suggested applying to the Zoning Board for permission to put up a sign. The Zoning Officer advised not doing that until the Sign Ordinance has been changed. Mr. Hasselbach stated the timing was poor and the notices hurt the businesses. Mayor Cody stated unfortunately the Zoning Officer is only doing his job. Mr. Taylor offered to sit on the Sign Subcommittee.

Linda Bowker, Bunker Hill, reported her neighbor wants to install Belgian block curbing on her street. A few homes on Bunker Hill have concrete curbing, and others have no curbing. She asked how the Township Committee feels about putting curbing in the Township other than the standard concrete curbing. She stated there is Belgian block on Main Street in front of 31 North Main, next to Charmed by Claire, as well as brick sidewalk which she believes was not approved. She asked if the Township Committee is in agreement with changing the look of a neighborhood with a different type of material. Mayor Cody stated he is not aware of the situation. Ms. Bowker stated there is a sampling of the block in front of the residence. She stated she spoke to Mr. Jeff Graydon, Zoning Officer and Mr. Bill Tanner, Township Engineer, who said he would make a site visit. Ms. Bowker asked if Mr. Tanner's findings are given to the Township Committee. Ms. Marabello stated she spoke with Mr. Tanner, who was aware of the matter because Ms. Bowker's neighbor had to go before the Historic Preservation Commission (HPC) for approval. Ms. Marabello stated HPC will govern the look of the curb, as it is not up to the Engineer. She stated there is nothing in the Township Code stating curbing cannot be added there; however, Mr. Tanner will go out to look at the site, and he will give specifications of size, elevation and height of what the curbing should be. Ms. Marabello stated she will receive a copy of that letter.

TOWNSHIP COMMITTEE MEETING
November 28, 2011

Public Comment (Continued)

--Ms. Bowker (con't.)

Ms. Bowker stated the street juts out where the proposed curbing is going, and it would not be in line with the rest of the street. She stated the sidewalk goes nowhere because the sidewalk cannot go to Main Street because of a driveway and neighbor's trees. She stated since her house is the historic home in the district and is next door to this home, she does not want any Belgian block there. She stated she feels the curbing should comply with what is already on the street. Ms. Bowker stated she wanted it on record that she does not want the curbing changed, and asked the sidewalk and curb on 31 North Main Street be reviewed. Ms. Bowker stated when HPC receives an application, she felt as a courtesy neighbors surrounding that property should be noticed about the proposed changes. She stated she would aware of this change because the Belgian block was placed by the curb.

Ms. Bowker asked about a huge flood light in front of 31 North Main Street. She stated the light is near the curb and it lights up the front of the house; however, it is blinding to anyone walking on Main Street. She asked if the light is on Township property, and suggested someone from the Township Committee walk by to look at the light. She stated the Township allows things for some and jump on others who try to follow the rules. She stated she feels the Township is becoming lax and she would rather not see a "mish mosh" of various materials without following rules. She asked if when site plans are submitted for construction, if lighting is included on the plan. Ms. Marabello stated if lighting is added after construction, an electrical permit is required; however, she doesn't believe there are regulations for placement. Ms. Bowker stated her home is old and light from lamp posts comes right in her windows. Mr. Taylor stated there are site plans for new construction and guidelines are required from HPC for lighting to be installed.

Mr. Mulligan stated he would be surprised if 31 North Main Street did not have approvals from HPC, and Ms. Bowker stated she will check. Mr. Taylor cited several locations in Town having brick sidewalks, which is an approved use of sidewalk material. Ms. Marabello stated she does not believe HPC has guidelines for curbing. Ms. Bowker stated she would like to see concrete to match the rest of the street, and stated it may be a moot point once Mr. Tanner does he site survey. Ms. Bowker stated she wanted to bring the issue to the Township Committee as she will be out of Town and will miss the HPC meeting. It was suggested Ms. Bowker send a letter or an e-mail to HPC with her concerns. She asked Ms. Marabello how she would know the results of Mr. Tanner's report, and Ms. Marabello stated Ms. Bowker could fill out an OPRA request for the information.

Mayor Cody asked for additional public comments, and hearing none, closed the public portion of the meeting.

--Mayor's Notes

Mayor Cody stated he has nothing to report this evening.

Mr. Mulligan stated information from the League of Municipalities addresses when affordable housing funds can be pulled back. Mr. Herbert reported as of July 1st all monies can be taken out of the Township's escrow account and will be managed by the State and put back into the community as they see fit. Mr. Herbert suggested that money be spent before July 1st if possible. He stated the money must be spent on affordable housing associated costs, including architectural fees and land acquisition, and approval must be received from the Department of Consumer Affairs. Mr. Herbert stated the future of COAH is very uncertain, and stated Cranbury is in much better shape than his other towns.

TOWNSHIP COMMITTEE MEETING
November 28, 2011

Mayor Cody asked for any additional comments, and hearing none, asked for a motion to adjourn. On motion by Mr. Taylor, seconded by Mr. Mulligan and unanimously carried, the meeting adjourned at 9:40 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk