

## TOWNSHIP COMMITTEE MEETING

May 22, 2006

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: Richard Stannard, Pari Stave, David Stout, Wayne Wittman and Mayor Thomas F. Panconi, Jr. Also present were: Trishka Waterbury, Esquire, Attorney, Thomas C. Witt, Administrator and Kathleen R. Cunningham, Clerk. Mayor Panconi 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 7, 2005 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 7, 2005.
- (3) Was filed on December 7, 2005 with a Deputy Municipal Clerk at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Regular minutes of May 8, 2006

Closed Session minutes of May 8, 2006

On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried, the Regular Committee minutes of May 8, 2006 were adopted.

On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried, the Closed Session minutes of May 8, 2006 were adopted.

### Reports and Communications

--Mayor

Mayor Panconi reported on May 11<sup>th</sup>, he had met with three officials from Yardville National Bank at Town Hall. Yardville Bank plans to open a branch in the Township and wanted to introduce them and develop a relationship with Cranbury. Mayor Panconi forwarded the information they had given him to Ms. Marabello, Chief Financial Officer. Also on May 11<sup>th</sup>, the Personnel subcommittee met; a request had been made by the Tax Collector to work 8:00 a.m. to 4:00 p.m. and a decision was made by the subcommittee to allow the Tax Collector to work from 8:00 a.m. to 4:00 p.m. At that meeting, the Personnel subcommittee requested the Department Heads update employees' personnel folders with pertinent information—hours of work, annual salary and job description to eliminate any confusion and have a standard procedure. Mayor Panconi reported he had held Mayor's Hours on May 20<sup>th</sup>. The Fraternal Order of Police came in to discuss an issue with negotiations procedures and proposed addressing superior officers separately at the time of negotiations for the police contract. Mayor Panconi also reported he had two residents come in from Lenape Court with some issues.

--Members of Committee

Mr. Stout reported he, Mr. Wittman and Ms. Stave had attended the Planning Board meeting the previous Thursday, May 18<sup>th</sup> and the Planning Board had reviewed three (3) Ordinances which had been referred to the Board by the Township Committee and later on in the meeting the outcome would be reported.

Reports and Communications (Continued)

--Subcommittees

There were no subcommittee reports.

Agenda Additions/Changes

Ms. Cunningham, Clerk, indicated an addition was being made to the Consent Agenda, Cranbury Township Resolution # R 05-06-084 and under Closed Session, formal action may be taken. Ms. Cunningham also stated, in reference to the Appeal Hearing, all residents within 200 feet of the Corr's dwelling at 99 North Main Street, were noticed, both by certified and regular mail and the hearing had been advertised two (2) consecutive weeks in the Cranbury Press.

Ms. Cunningham, Clerk, read the following Resolution aloud:

Cranbury Township Resolution # R 05-06-084

Resolution

On motion offered by Mr. Wittman, seconded by Ms. Stave, the following resolution was adopted by vote:

Ayes: (Panconi	Abstain: (None
(Stannard	Absent: (None
(Stave	
(Stout	
(Wittman	

Nays: (None

WHEREAS, Kate McConnell has lived and worked in the Township of Cranbury for several years; and

WHEREAS, Kate McConnell has served on the Cranbury Township Historic Preservation Commission (formerly known as the Historic Preservation Advisory Committee) since January 3, 2005; and

WHEREAS, Kate McConnell served recently on the Barn Park subcommittee, both to lend her technical knowledge in saving the barns on the Updike parcel and assisting in obtaining grant monies to fund such a project; and

WHEREAS, Kate McConnell has given of her time, knowledge (as an Architectural Historian) and expertise to the residents of Cranbury Township;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that Kate McConnell is wished much success and good health in her future endeavors; and

BE IT FURTHER RESOLVED that a duly authenticated copy of this Resolution be presented to Kate McConnell with great admiration and thanks.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a Resolution which was adopted by the Township Committee on May 22, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Mr. Wittman thanked Ms. McConnell for all her help with the Updike barn project and wished her well.

**HEARING RE: APPEAL TO TOWNSHIP COMMITTEE ON DECISION BY THE HISTORIC  
PRESERVATION COMMISSION FOR JOHN AND CHERYL CORR, 99 NORTH MAIN STREET**

Mayor Panconi opened the appeal hearing at 7:12 p.m.

Ms. Waterbury, Township Attorney, summarized the background of the appeal and gave the Township Committee the procedural guidelines for the appeal process. In particular, Ms. Waterbury explained the Township Committee would have three options:

- a. Affirm the denial of the Corr's certificate of approval and put the application back to its original form.
- b. Reverse the denial of the Corr's certificate of approval.
- c. Reverse the denial with conditions.

Ms. Waterbury also explained public comment on the appeal would not be allowed.

Mr. Frank Brennan, Esquire, representing John and Cheryl Corr, stated the H.P.C.'s decision had been on an application filed by the Corrs for an addition of a garage with a pergola with a sheet metal roof. Mr. Brennan presented photographs that had been part of the application to illustrate the garage with the pergola and sheet metal roof. Mr. Brennan explained the Corrs had fashioned the design of the sheet metal roof from the former Updike barn as well as the Frank Hand barn on Old Trenton Road and Mr. Brennan indicated over time the sheet metal roof would develop a patina. Mr. Brennan stated the pergola addition had been the subject of an approval by H.P.A.C. back in January, 2004 and during the construction of the pergola there had been several field changes made which necessitated the Corrs returning to H.P.A.C. to receive approval for those changes. Mr. Brennan explained the three (3) changes were: the number of pillars had been changed from four (4) to three (3) due to a problem with the fourth pillar facing directly out of the Corr's living room window. The second field change was a change in the stone facing on the pillars, increasing its height by a few feet. The third change was the roof pitch itself. The roof pitch that had been approved originally by H.P.A.C. was for a pitch of 2 inches over 12 feet whereas the roof pitch of the as-built pergola was actually 4 inches over 12 feet. Mr. Brennan indicated H.P.A.C. had approved the reduction in the pillars and the change in the stone facing; however, denied the change "post- facto" for the roof pitch, indicating it contained too much mass and did not approve of the building material. The Corrs maintain the roof pitch in question was found on many historic residences throughout the Village area of the Township. Mr. Brennan presented pictures of homes with very similar roof pitches. Mr. Brennan stated the Corrs goal had been to follow the lines of the house as well as harmonize the hip roof and its pitch with other dwellings in the Village area of the Township and stated the Corrs had previously spent a great deal of money to comply with H.P.A.C.'s various requests pertaining to the garage addition. Mr. Brennan referenced the previous H.P.A.C. Ordinance and indicated that the Corrs had met the requirements of the Ordinance and in addition, the pergola was consistent with the U.S. Secretary of Interior's standards.

Mr. Wittman asked how long it would take for the material to develop a patina. Mr. Brennan responded he did not know as the material is sheet metal and would rust and develop a patina over time; however, the Corrs had volunteered to paint the roof if H.P.A.C. desired. Mr. Wittman also asked if the contractor had been a licensed engineer or if a licensed architect had made a determination on the field change. The approval had been given on January 7, 2004, however,

**HEARING RE: APPEAL TO TOWNSHIP COMMITTEE ON DECISION BY THE HISTORIC  
PRESERVATION COMMISSION FOR JOHN AND CHERYL CORR, 99 NORTH MAIN STREET  
(Continued)**

the applicants did not go back to H.P.A.C. until April 19, 2005. Mr. Wittman expressed his concern over such a long period of time lapsing and asked why H.P.A.C. had not been notified if there had been a structural change to the house. Mr. Brennan indicated he had not represented the Corrs at that time and did not know the answer.

Mr. Greg Farrington, Construction Official, added in the central part of New Jersey, all roofs are designed for a 30 lb. snow load and changing the pitch of a roof did not change the snow load. Mr. Farrington indicated because of the change in the number of columns being made, there could in fact be a problem with the beams spanning between the columns.

Mr. Stannard asked if there had been any estimates on what it would cost to tear the pergola down and build according to H.P.A.C.'s decision. Mr. Brennan responded there had not; however, in the testimony previously given, Mr. Corr had indicated to re-build from the pillars up would have been a considerable cost as the timbers used had been brought in from Vermont or Canada and it would have been a major expense and undertaking.

Mayor Panconi asked Bobbie Marlowe, H.P.A.C. Chairperson, to give her testimony. Ms. Marlowe indicated the materials which were used had never been in question. The hip roof had actually been suggested by H.P.A.C. and the only issue H.P.A.C. had was with the pitch, i.e., connecting the garage with the house and Ms. Marlowe stated the architectural connection was very inappropriate for a home from its era. Ms. Marlowe stated H.P.A.C. had asked the Corrs to lower the pitch, they had agreed and H.P.A.C. had approved it. When the issue of the snow load had come up later and it was recommended that they return to H.P.A.C. to discuss the snow load which the Corrs never did. Ms. Marlowe added, the Corrs never could explain why the roof pitch could not have been lowered –it was a matter of choice.

Mr. Stannard asked about the length of time between the contractor indicating there was a problem with the snow load and the actual building of the addition. Ms. Marlowe responded H.P.A.C. had not heard about the snow load issue until after the project had been completed and in addition had asked why the contractor was not brought in to discuss what was needed to be done due to the snow load issue. The contractor never came in. Mr. Stannard also asked how long the sheet metal was from the house to the pergola. Specifically, the height of the pergola. Ms. Marlowe indicated the pergola was double in height of what had been approved causing the sheet metal to be very visible.

Mayor Panconi gave Mr. Brennan another opportunity to speak. Mr. Brennan indicated the pergola approved by H.P.A.C. in 2004 had the present connection and nothing was any different than what had been approved. Architecturally, H.P.A.C. had said in previous testimony they had a problem with the connection—the connection had been approved and the roof pitch was an issue. Mr. Brennan stated he had pointed out similar homes with similar roof pitches in the Village area of the Township and evidence had been put forth that the type of roof pitch would be found typically on barns. Mr. Brennan again mentioned the Corrs had drawn their inspiration from the Updike barn and it was typical to add to any agricultural outbuildings and residences in that fashion during that time period. With respect to the field changes--there had been testimony previously it had occurred quickly and no time line had been given as to whether it was days or weeks.

Ms. Stave asked if the roof were a galvanized tin roof. Mr. Brennan explained it was not, the Corrs had wanted the roof to rust over time to develop a patina. Ms. Stave also asked Ms. Marlowe if there had ever been a precedent pertaining to a change being made in the field based on an assumption of a necessity for structural safety. Ms. Marlowe responded there had not

**HEARING RE: APPEAL TO TOWNSHIP COMMITTEE ON DECISION BY THE HISTORIC  
PRESERVATION COMMISSION FOR JOHN AND CHERYL CORR, 99 NORTH MAIN STREET  
(Continued)**

been since she had served on H.P.C. and this was the only example of something getting discussed after it was built.

Mr. Stout asked for clarification on the pitch connecting the house and garage and asked Ms. Marlowe to elaborate on her remark, "it was inappropriate for a house of this era". Ms. Marlowe explained H.P.A.C. takes a look at applications obliquely. Ms. Marlowe referenced the Updike barn, explaining the barn had been built in the 1740s and the Corrs house much later. The design of the pitch roof connecting the house and garage was not typical of that particular era. Specifically, the garage and house would not have been connected and would have been separate buildings. Ms. Marlowe also stated H.P.A.C. felt as long as the pitch was lower, it would not have been an issue.

Mr. Stout indicated when he had read the standards, they had seemed "very grey and murky" and made reference to the minutes from H.P.A.C. when the denial had been rendered, "it had a very negative impact on the streetscape" and asked Ms. Marlowe for an interpretation. Ms. Marlowe stated the property had two sides on the street, lending to the required placement of the garage and the two structures side by side (the house and garage) were not typical; to connect the two had created a very large mess.

Ms. Stave stated, it had been clear from the adaptations the Corrs had made to the architectural plan over time, they had the spirit of compliance, having used resources to have the architect make changes to utilize materials which were recommended by H.P.A.C. and in addition had gone along with the spirit of the Historical Preservation Commission's recommendations---using colors which had been recommended by an H.P.A.C. member. Ms. Stave also stated when the contractor had gone to the Corrs indicating a change would have to be made due to the structural change, even though not in the previous testimony, one could only think it would pass "muster" because it was a question of safety over esthetics. Ms. Stave also stated when she had looked at the structure, she had looked at it as a garage but rather as a barn typical of an outbuilding in its relationship to the house. Ms. Stave further explained even though its function was as a garage, the idea of a lean-to attachment to a barn did not seem so far fetched to her as the flatter pitch of the trellis would seem to connect the barn to the house. Ms. Stave stated, the two elements were a unified whole and the three elements were not necessarily together. Ms. Stave stated she had been troubled with the fact it had never been discussed in the H.P.A.C. hearing what the costs would be to the homeowner should they be forced to change the roof pitch. Ms. Stave stated the costs would have been considerable and hardship should have counted for something--to the extent the Township would be requiring a homeowner to make changes and further, it begged for a compromise. Ms. Stave recommended some resolution to bring about a compromise and suggested painting the roof the color of what the rust would have been over time if the shine of the roof were an issue.

Mr. Wittman stated he had a concern of an approved plan with a roof pitch of 1 ½ x 12 with four columns and after 16 months, the applicant came back with a change. Mr. Wittman stated a simple phone call could have alleviated a lot of problems and the fact that the builder had never come in to discuss the change with anyone had been a problem. Mr. Wittman expressed he also had been troubled by the change and cautioned, if the Township Committee granted a scenario for the Corrs, what would happen to future applicants. Mr. Wittman expressed he would like to see some kind of compromise.

Mr. Stout stated having served on other volunteer boards; it was not an easy job and in reference to the appeal it becomes a matter of subjective interpretation. Mr. Stout stated the issue requires a case-by-case consideration. Mr. Stout indicated he had reviewed the file and had seen nothing either positive or negative from the neighbors. Mr. Stout also stated it had appeared to him what

**HEARING RE: APPEAL TO TOWNSHIP COMMITTEE ON DECISION BY THE HISTORIC  
PRESERVATION COMMISSION FOR JOHN AND CHERYL CORR, 99 NORTH MAIN STREET  
(Continued)**

Mr. Stout (Continued)

had been added appeared to be an improvement. Mr. Stout stated he was looking for a compromise to be made and it was his opinion the Corrs had constructed the pergola with good intent.

Mr. Stannard stated in his opinion the Corrs had spent a significant amount of money and had agreed to make a number of changes they had not necessarily cared to make as a compromise. Mr. Stannard

indicated he had seen nothing in the record which indicated the Corrs had tried to pull a “fast one” and agreed quite a bit of time had expired without a phone call and stated he suspected it had been an oversight—the record had not indicated otherwise. Mr. Stannard stated H.P.A.C. had always seemed to compromise with applicants and Mr. Stannard did not see a problem on their end. Mr. Stannard explained H.P.A.C. usually voted for historical accuracy most of the time and that opportunity had not been present in the case of the Corr residence. Mr. Stannard indicated he had a difficult time deciding one way or the other in looking at the pergola whether he was for or against the project. Mr. Stannard also stated the garage had been approved and the mass of the two buildings together was a fact of life. Mr. Stannard stated there was a fairness issue involved--there would be considerable costs to the Corrs if it had to be taken down. Mr. Stannard concluded the Township Committee had to review the remedies and esthetics and weigh what was most important. Mr. Stannard indicated it was his decision to overrule H.P.A.C.

Ms. Stave stated in her opinion the Corrs had a spirit of compliance and she was not comfortable with second-guessing H.P.A.C. as the volunteers who serve provide the Township with invaluable expertise and guidance. Ms. Stave made reference to the Corrs having had continually complied and worked with H.P.A.C. so that the pergola would harmonize with the area. Ms. Stave stated 98 or 99% of the time the H.P.A.C. process worked very well and the only time she could remember an appeal was when the First Presbyterian Church came before the Township Committee in 2003, where a compromise was reached, proving to residents that the Township Committee does not necessarily rubber stamp important decisions. Ms. Stave stated she agreed with Mr. Stannard's decision to reverse the denial of H.P.A.C.'s decision.

Mayor Panconi made a motion, seconded by Ms. Stave to reverse H.P.A.C.'s denial of approval for Cheryl and John Corr:

Ayes: (Panconi	Abstain: (None
(Stannard	Absent: (None
(Stave	
(Stout	

Nays: (Wittman

Mr. Stannard stated for the record, the appeal hearing would be the last hearing the Township Committee would conduct in reference to H.P.C. All future appeals would be heard by the Cranbury Township Zoning Board, pursuant to the new H.P.C. Ordinance # 01-06-02, adopted on February 27, 2006. Mr. Stannard also stated for the record, the appeal had been decided on very specific and narrow facts of the case and if anyone out there would think “whoops, made a mistake”, that was not going to be the case. Mr. Stout added, in no way was the Township Committee indicating anything negative about the job that H.P.C. does—to the contrary, and complimented them for their fine work and the fact that the Township Committee had very rarely had to hear an appeal. Mr. Wittman added, in no way did the decision reflect on the work that had been done at the Corrs.

Ordinances  
First Reading

#### Cranbury Township Ordinance # 05-06-12

An Ordinance entitled, “Cranbury Township Ordinance # 05-06-12, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY AMENDING “AN ORDINANCE FIXING THE SALARIES, WAGES AND BENEFITS FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CRANBURY PROVIDING FOR THE MANNER OF PAYMENT THEREOF, AND RATIFYING SALARIES AND PAYMENTS TO EMPLOYEES AND OFFICIALS”, was introduced for first reading. Mr. Witt explained, this Ordinance was being introduced to conform to the State's rules concerning hours required to work for employees to receive health benefits. On motion by Mr. Wittman, seconded by Ms. Stave, the Ordinance was passed on first reading by vote:

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (None

Nays: (None

Public Hearing: June 12, 2006

SECTION 1. The following portions are hereby amended:

#### **B. PERSONAL DAYS**

All full-time employees shall be entitled to three (3) personal days per year (they cannot be carried over) and must be approved by the Department Head. **Any personal time of less than one half hour shall be charged as one half hour.**

All part-time employees receive personal days on a pro-rata basis where such part-time personnel normally work at least 15 regularly scheduled hours per week (or based on employment agreement with the Township Administrator).

#### **C. SICK PAY**

All full-time employees shall be entitled to sick days in accordance with the following standards:

During the first calendar year of employment, Township employees shall be entitled to 1.75 sick days for each calendar quarter or portion thereof that they have actually worked for the Township. Thereafter, Township employees shall be entitled to seven (7) sick days per calendar year that they have actually worked. **Said sick days may be accumulated to a maximum of 120 days. There would be a one – time buyout of 50% of accumulated sick leave upon retirement, with one year written notice, not to exceed \$15,000.00.** The purpose hereof is to ensure that employees will be compensated within the framework hereof for days during which they shall become ill and unable to work. It is not intended that sick days will be considered days off as a matter of right and unrelated to illness.

In the event any employee is required to be absent because of sickness in excess of three (3) consecutive days, a doctor's certificate evidencing said illness will be required to be furnished to the Township at the time said employee returns to work. In the event that any such day or portion thereof is taken on the day prior to, or the day immediately after a vacation or holiday, said employees will likewise furnish a doctor's certificate evidencing said illness to the Township at the

Cranbury Township Ordinance # 05-06-12  
(Continued)

time of returning to work. Sick time is to be taken in no less than one hour increments. **Any sick time of less than one half hour shall be charged as one half hour.**

All part-time employees receive sick days on a pro-rata basis where such part-time personnel normally work at least 15 regularly scheduled hours per week (or based on employment agreement with the Township Administrator).

#### **D. VACATION PAY**

All full-time employees of the Township of Cranbury shall be entitled to annual vacation days in accordance with the following formula:

1. Any full-time employee commencing employment after July 1<sup>st</sup> of a given year shall not be entitled to receive a vacation during the first calendar year of employment. Any employee commencing employment before July 1<sup>st</sup> of a given year shall be entitled to receive one-half (1/2) day vacation for each full month of employment during said first calendar year,
2. During the second through the fifth years of employment, all employees shall be entitled to receive a vacation totaling ten (10) working days per year.
3. During the sixth through the fifteenth years of employment, all employees shall be entitled to receive a vacation totaling fifteen (15) working days per year.
4. From the sixteenth year and thereafter, all employees shall be entitled to receive a vacation totaling twenty (20) working days per year.
5. All vacation days must taken during the particular year, except that not exceeding five (5) vacation days may be taken within the first six months or, by July 1<sup>st</sup>, of the following year.
6. No employee shall be entitled to receive additional compensation for vacation days not taken in accordance with the above.
7. Other leave negotiated as part of an offer of employment shall be approved by the Township Committee and set by letter of the Administrator.

**Any vacation time of less than one half hour shall be charged as one half hour.**

All part-time employees receive vacation days on a pro-rata basis where such part-time personnel normally work at least 15 regularly scheduled hours per week (or based on employment agreement with the Township Administrator).

Ordinances

First Reading

Cranbury Township Ordinance # 05-06-14

An Ordinance entitled, "Cranbury Township Ordinance # 05-06-14, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 46, "ALARMS" OF THE CODE OF THE TOWNSHIP OF CRANBURY", was introduced for first reading. Mr. Witt explained, this Ordinance had been discussed during the work session at the

Cranbury Township Ordinance # 05-06-14  
(Continued)

previous Township Committee meeting on May 22, 2006 and would add a little "clout" to the Alarm Ordinance due to 50% of the fire calls being false alarms. The fines would be changed from \$100 to \$250 and the number of alarms from six (6) to three (3). Mayor Panconi indicated in the Fire Apparatus Evaluation performed in 1999 by Mr. William Peters, Consultant, 58% of the Township's fire alarms are automatic alarms, most of them being false alarms. On motion by Mr. Stannard, seconded by Mr. Wittman, the Ordinance was passed on first reading by vote:

Ayes: (Panconi	Abstain: (None
(Stannard	Absent: (None
(Stave	
(Stout	
(Wittman	



Nays: (None

Public Hearing: June 12, 2006

**TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, that the "Code of the Township of Cranbury" ("Code") be amended as follows:

1. Section 46-4 of Chapter 46, entitled "Alarms," shall be amended as follows (deletions are in [brackets]; additions are underlined):

**§ 46-4. Registration; cutoff; violations and penalties.**

- A. Every alarm user shall register annually with the Chief of Police in the month of January or prior to use of an alarm system. Users of systems using robbery, burglary or fire alarm capabilities shall register for each alarm function. Wherein a large business has subsidiary business sites with alarm systems, each alarm system will be registered by the individual subsidiaries.
- B. All exterior audible alarm systems (horns, buzzers, bells, etc.) (excluding residential alarm systems in existence prior to January 1, 1985) either installed by an alarm business or alarm user, shall require registration as Subsection A above and shall contain an automatic reset or cutoff within 15 minutes from the time of activation.
- C. Any alarm system which has three [six] or more false alarms, subject to control by the alarm user, within a registration year are in violation of this article and are subject to a fine of \$250.00 [100] for each false alarm over three [six].
- D. Any alarm user who fails to register as specified in Subsections A and B above or within 90 days after the effective date of this article or who is more than 60 days delinquent in renewing registration is subject to a fine of \$250.00.
- E. Any business or other nonresidential facility that generates three [six] or more 911 emergency calls to the Cranbury Township Police Department by reason of negligence or error during any twelve-month period is in violation of this article and is subject to a fine of \$250.00 [100] for each such call over three [six].
- F. Any person who intentionally places a false 911 emergency call to the Cranbury Township Police Department shall be subject to a fine not to exceed \$1,000 and imprisonment for a term of up to 90 days, or both, for each such offense. In the event New Jersey statutes provide for stricter penalties, those penalties shall supersede this provision.
- G. Any person who tests or repairs an alarm system without prior notification to the Cranbury Township Police Department shall be in violation of this Article and is subject to a fine of \$250.00.

2. Section 46-6 of the Code shall be deleted in its entirety.

3. This ordinance shall take effect upon passage and publication, as provided for by law.

Ordinances  
Second Reading

Cranbury Township Ordinance # 04-06-09

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 04-06-09, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY CONCERNING STORMWATER MANAGEMENT AND REPLACING IN ITS ENTIRETY OLD SECTION 150-61 OF THE CRANBURY TOWNSHIP LAND DEVELOPMENT ORDINANCE WITH NEW SECTION 150-61", 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. The Mayor opened the public hearing on the Ordinance. Ms. Cunningham, Clerk, stated she had received a memorandum from the Planning Board, indicating the Planning Board had reviewed the Ordinance and approved it. Mr. Stout stated there had been some discussion of said Ordinance at the Planning Board meeting concerning the inclusion of some definitions—Ms. Waterbury, Township Attorney, stated the only change would be on page 26, a non-substantive change pertaining the spacing between trash bars, from six inches to one inch, and at a later date, other changes would be made concerning definitions. No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Stout, seconded by Ms. Stave, the Ordinance was adopted by a vote:

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (None

Nays: (None

Ordinance  
Second Reading

Cranbury Township Ordinance # 05-06-11

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 05-06-11, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 150 OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADD A NEW R-MIL II-RESIDENTIAL MT. LAUREL II ZONE", was presented for second reading and final

Cranbury Township Ordinance # 05-06-11  
(Continued)

adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. Ms. Cunningham, Clerk, stated she had also received notice on the Ordinance in the memorandum from the Planning Board. The Planning Board had reviewed the Ordinance and took no action. Ms. Waterbury, Township Attorney, indicated there had been a number of substantive changes—changing the front yard setback from 15 to 20 feet and no parking in the front yard, which were recommended that would require re-introduction. Ms. Waterbury indicated those changes had been made a new Ordinance was being introduced this evening, # 05-06-15. The Planning Board recommended pulling 05-06-11 and in its place, introduced # 05-06-15. No one else present wished to speak, so the hearing was declared closed. Ms. Stave made a motion to rescind Cranbury Township Ordinance # 05-06-11 and introduce in its place, Cranbury Township Ordinance # 05-06-15. Mr. Stout seconded the motion.

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout

Abstain: (None  
Absent: (None

(Wittman

Nays: (None

First Reading

Cranbury Township Ordinance # 05-06-15

An Ordinance entitled, Cranbury Township Ordinance # 05-06-15, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 150 OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADD A NEW R-ML II-RESIDENTIAL MT. LAUREL II ZONE" was introduced for first reading.

Public Hearing: June 12, 2006

WHEREAS, Chapter 150 of the Code of the Township of Cranbury ("Code"), the "Land Development Ordinance of Cranbury Township" ("LDO"), regulates land use and development in the Township; and

WHEREAS, the Township's third round affordable housing plan and land use element calls for the construction of affordable housing on property located on Old Cranbury Road and designated as Block 20, Lot 10.01 on the Cranbury Township Tax Map; and

WHEREAS, it is necessary to create appropriate zoning and bulk standards for the construction of said housing;

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

1. Chapter 150 of the Code of the Township of Cranbury ("Code"), the "Land Development Ordinance of the Township of Cranbury," is hereby amended to create the Residential-Mt. Laurel II (R-ML II) Zone by adding new section 150-25.1, which shall read as follows:

Cranbury Township Ordinance # 05-06-15  
(Continued)

**§ 150-25.1 Residential—Mt. Laurel II (R-ML II) Zone.**

A. Permitted uses. All those uses permitted in the R-ML Zone.

B. Area and bulk regulations.

- (1) Minimum lot area: two acres.
- (2) Minimum lot width: 200 feet.
- (3) Minimum lot depth: 150 feet.
- (4) Minimum front yard depth: 20 feet.
- (5) Minimum side yard width: 20 feet.
- (6) Minimum rear yard depth: 40 feet.
- (7) Maximum building height: 35 feet or two stories.
- (8) Maximum gross density: 10 dwelling units per acre.

C. Other requirements.

- (1) Infrastructure. All residential units shall be served by public sewer and centralized water systems.
- (2) Off-street parking. All off-street parking shall be located a minimum distance of 15 feet from any property line and shall be screened from view from adjacent properties. No parking whatsoever shall be permitted in the front yard of any property.
- (3) Dwelling units design features. All dwelling units shall be designed in such a manner as to provide maximum security and visual privacy from adjacent dwelling units, nonresidential uses and streets.
- (4) Site plan review. During site plan review, the following criteria shall be given consideration:
  - (a) The function and visual relationship between dwelling units and adjacent existing developments.
  - (b) Orientation of buildings so as to take advantage of passive solar heating and summer breezes while minimizing exposure to winter winds.
  - (c) Pedestrian walkways which are linked to off-site walkway networks.
  - (d) Minimization of glare, noise and visual intrusion of parking lots to external roadways and adjacent properties through grading, berms and/or plantings.

2. A copy of this ordinance will be referred to the Cranbury Township Planning Board for review following its introduction on first reading.

3. This ordinance shall take effect upon its passage and publication and upon the filing of a copy of said ordinance with the Middlesex County Planning Board, as required by law.

#### Ordinances Second Reading

#### Cranbury Township Ordinance # 05-06-13

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 05-06-13, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY CONCERNING LAND DEVELOPMENT AND AMENDING THE DEFINITION OF "OPEN SPACE" IN SECTION 150-7 OF THE CODE OF 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. The Mayor opened the public hearing on the Ordinance. Ms. Cunningham, Clerk, stated the Planning Board had reviewed and rejected Ordinance # 05-06-13 with a recommendation that the Open Space element be separated, and the Planning Board would form a subcommittee and review the recreation portion of the Master Plan. Mr. Stout indicated during the Planning Board discussion it was recommended a subcommittee be formed to create and develop different aspects of the Plan. Mr. Wittman stated Mr. Stannard had been given the task by the Planning Board to form the subcommittee with various members representing different groups such as the School, Recreation Board, Parks Commission, Environmental Commission and Planning Board. Once those findings and recommendations were in place, the Ordinance would then be re-introduced. Ms. Stave stated as the Ordinance read at present, no Township open space, owned by the Township, could be used for active recreation. Ms. Stave explained the Township had not banked any open space for future park space which would involve active recreation and at some point in time, depending on what the subcommittee findings were, the Township would have

to decide whether or not to change the Ordinance, to reflect a desire on the part of the community to allow the Township more flexibility and options to have active recreation in some parts of the Township on Township-owned land. Mr. Stout mentioned the last two parks that had been dedicated in the Township were either for passive or alternate recreation; that being Heritage Park and The Cranbury Brook Preserve, rather than for active recreation. Ms. Beth Veghte, Recreation Chairperson and member of the Parks Commission, stated she was very disappointed the Ordinance did not pass. Ms. Veghte explained both she and Ms. Dossin, Parks Chairperson, had been requesting the need for bankable park space for several years and specifically, the need for active recreation space. Ms. Veghte stated there was no space available should there be a need to rotate fields or for temporary usage needs. Ms. Veghte stated as the community grows, there is no place to go for additional fields for recreation. Ms. Veghte requested when the subcommittee is formed, an equal number of Recreation and Parks Commission members be on the subcommittee. The Township Attorney indicated it would be up to the Planning Board as to the subcommittee's membership. Mr. Wittman stated the Township needed to plan correctly for the future and that is why the subcommittee was being formed. Mr. Wittman also indicated a plan should be in place by the end of September, 2006. Mr. Stout stated the Township had not been ignoring the open space issue and referenced the Wright South remediation project having to be dealt with over the past 18 months, namely, the Township was now moving forward and could eventually add that space to its inventory. Ms. Dossin, Park Chairperson, stated she agreed with Ms. Veghte and the Township needed to recognize the fact that the Township had five (5) residential parcels that had been identified as interior parcels. Ms. Dossin made reference to the Updike parcel, specifically having written into its Deed, the parcel could be used in the future as park space. Ms. Dossin also mentioned the Township's Recreational Master Plan which would be separate from the interior parcels. Ms. Dossin urged the Township to work on identifying what two (2) parcels of the five (5) would be park space and then identify what of the remaining space would be allocated for recreational space. Ms. Dossin stated there had been monumental efforts put forth to do the right thing and the Planning Board had "dropped the ball". Mr. Wittman indicated residents need an opportunity to comment on what would be decided. Ms. Stave stated, in defense of Ms. Veghte and Ms. Dossin, who had brought the issue up to the Planning Board three years ago, that in fact, the Planning Board had dropped the ball; had they considered changing the Ordinance when they were asked to, two and a half years ago, the lands which the Township had subsequently deeded to the Township would have fallen under the new definition of open space that included active recreation and therefore the Township would not be facing a problem now. Ms. Stave also stated

Cranbury Township Ordinance # 05-06-13  
(Continued)

it had been approached in the wrong way, asking the cart to be put before the horse; the net result, however, was it had lit a fire under the Planning Board. Ms. Stave cautioned, there would be a battle when the Township would be asked to change the Ordinance and indicated there would still be those who believed because the land had been deeded under certain definitions to the Township it should not be changed. Mr. Richard Preiss, Township Planner, stated what was really important at this point was that the Township move forward. Mr. Preiss indicated he sensed the Planning Board had not been comfortable designating certain parcels for active recreation without going forward and without having a comprehensive plan in place. Mr. Preiss indicated the Planning Board has a Master Plan revision which would be taking place within the next year or so, however, it had been decided at the Planning Board meeting, this issue needed to be fast tracked and could not wait for the Master Plan revision. Mr. Preiss stated the positive thing was that there had been a recognition the Township would need to reach out to a broader constituency in order to undertake the recreational element and therefore all interests would be represented as part of the subcommittee. Mr. Stout, as the liaison to the Environmental Commission, stated with the new Environmental Resources Inventory, there would be information/input available on how to make a more solid planning decision. Mr. John Ritter, Plainsboro Road, stated he had been at the Planning Board meeting and it appeared to him the Planning Board would have voted against opening up the parcels and Mr. Ritter sensed Recreation would just "shoot from the hip" in reference to how the properties were used for recreation. Mr. Ritter indicated he had suggested, rather than see the issue go down to defeat, recreation put a plan in place in advance to allow the Planning Board to feel comfortable as to what would happen to the space once it opened up. Mr. Ritter indicated the Recreation Board was not equipped to produce such a plan and it should have been a cooperative effort between the Planning

Board and Recreation. Mr. Ritter stated after years, it seemed there was now a proper plan in place. Ms. Connie Bauder, Petty Road, stated she did not think the Township should rush into a plan and coming up with a plan before the third quarter was too optimistic. Ms. Bauder stated there was one parcel that should be discussed first and a plan could evolve from that discussion---the Fischer parcel. Ms. Bauder explained the Township had taken the parcel by condemnation and in the condemnation papers, specifically the Ordinance 02-03-01, reference had been made to take the land for open space and Township recreational needs and conservation, etc. Ms. Bauder stated if eminent domain is used to take space, a municipality should follow through and use the space for what it was defined for and suggested perhaps there would be a part of the parcel that could be used for active recreational needs. Ms. Bauder made reference to a memo prepared by the Township's former Planner, Mr. Harvey Moskowitz who indicated when a parcel is acquired with Green Acres' Funds, it may not be farmed for more than five (5) years. Ms. Bauder indicated the Township had been leasing the farm for the past three (3) years since its acquisition and could only lease it another two (2) years. Ms. Bauder also stated the Township's taxpayers were receiving no benefit to the parcel, as the land is being farmed for free and Green Acres' rules indicate the public should have access to the land, which they do not with the land being farmed. Ms. Bauder urged the Township Committee to make a decision as to how it was going to proceed with the Fischer property in order to comply with Green Acres' regulations. Ms. Waterbury, Township Attorney, responded the land had only been farmed for two (2) seasons, not three (3) and the Township was not at risk for leasing the land to be farmed. Ms. Waterbury also stated she did not know if the five (5) year rule were still in effect and stated a municipality was allowed to have the land farmed while deciding what to do with the park land. Ms. Stave added, the purpose of Green Acres' funding was not to have land farmed, but rather to open it up to the public for their use. Mr. Wittman stated each Township-owned parcel would be looked into for its best potential use by the newly created subcommittee and in addition she had been on the Township Committee when the Frostezga parcel had been acquired and the reason it could be farmed long term and not used for active recreation was due to there being no public access and most of it being wetlands. Ms. Stave explained it was considered an exception at the time of acquisition and that is why the Township maintained the parcel. Mr. David Cook, North Main Street, commended the Planning Board for putting the brakes on the

Cranbury Township Ordinance # 05-06-13

(Continued)

adoption of the Ordinance, and stated at the least the Township needed to have some kind of control analysis of the various parcels and supported the creation of the subcommittee. No one else present wished to speak so the hearing was declared closed. Mayor Panconi asked for a motion to adopt the Ordinance, hearing none, the Ordinance died for a lack of a motion.

#### Resolutions

##### Consent Agenda

Mr. Stout raised a question in reference to Cranbury Township Resolution # R 05-06-079, concerning the definition of pictometry aerial imagery. Mr. Stannard asked who would own the satellite equipment and raised his concern and asked that the Resolution for the approval of the Agreement be pulled until more information could be obtained. Mr. Stout also recommended certain restrictions, which were consistent with any previous restrictions, be included in the Deed for Millstone Park, Cranbury Township Resolution # R 05-06-081. Ms. Waterbury, Township Attorney, indicated she would check over the Deed and amend it if necessary.

On motion offered by Mr. Stannard, seconded by Ms. Stave, the following Consent Agenda Resolutions, without Resolution # 05-06-079, were adopted by vote:

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (None

Nays: (None

Cranbury Township Resolution # R 05-06-077

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

Cranbury Township Resolution # R 05-06-078

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants (for calendar year 2004) will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Cranbury to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Cranbury Township Resolution # R 05-06-078  
(Continued)

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Cranbury Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas Witt to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage-grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a resolution, adopted by the Township Committee of the Township of Cranbury on May 22, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 05-06-080

RESOLUTION TO CONFIRM THE WORK HOURS OF MUNICIPAL BUILDING PERSONNEL

WHEREAS, on May 8, 2006, the Township Committee of the Township of Cranbury passed Resolution R 05-06-075, which confirmed the work hours of the Municipal Building Personnel; and

WHEREAS, the Tax Collector's hours have been amended to read 8:00 a.m. to 4:00 p.m.;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that implementation of Resolution R 05-06-075, which set the hours of the Municipal Building Personnel, be and is hereby rescinded to be replaced by said Resolution # 05-06-080.

**CERTIFICATION**

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a Resolution which was adopted by the Township Committee on May 22, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 05-06-081

**TOWNSHIP OF CRANBURY**  
**COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DEED NOTICE FOR  
BLOCK 21, LOT 8.18 (MILLSTONE PARK)**

WHEREAS, the Township of Cranbury is the owner in fee of certain real property designated as Block 21, Lot 8.18 on the Cranbury Township tax map, also known as Millstone Park; and

WHEREAS, elevated levels of arsenic were found on a portion of the property; and

Cranbury Township Resolution # R 05-06-081  
(Continued)

WHEREAS, on October 15, 2003, the New Jersey Department of Environmental Protection (DEP) approved a remedial action work plan to address said contamination; and

WHEREAS, in order to receive a "No Further Action" letter (NFA) from the DEP, Cranbury Township must record a Deed Notice in the office of the Middlesex County Clerk in the same manner as other deeds and interests in property are recorded;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the Township through its appropriate staff and officials is hereby authorized and directed to cause the attached Deed Notice (or such other substantially similar Deed Notice as has been approved by the Township Attorney and the Township Engineer) to be recorded in the Middlesex County Clerk's Office in the same manner as are deeds and other interests in real property, as required by the New Jersey Department of Environmental Protection; and

BE IT FURTHER RESOLVED, that the Township through its appropriate staff and officials is authorized and directed to undertake any and all such other acts and to execute and file any and all such other documents as may be necessary to effectuate the terms hereof.

**CERTIFICATION**

I, Kathleen R. Cunningham, RMC, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a resolution passed by the Township Committee of the Township of Cranbury at a regularly scheduled meeting duly held on May 22, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

CRANBURY TOWNSHIP RESOLUTION # 05-06-082

**RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ**



A RESOLUTION REGARDING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT  
2665 ROUTE 130 SOUTH, DESIGNATED AS  
BLOCK 26, LOT 3 ON THE TAX MAP OF THE TOWNSHIP OF CRANBURY, SOMETIMES REFERRED  
TO AS THE "ROUTE 130-D" SITE.

WHEREAS, on November 28, 2005, the Township Committee of the Township of Cranbury adopted Ordinance 11-05-28 authorizing the acquisition for public use, by voluntary conveyance or condemnation, of a fee simple interest in property sometimes referred to as "Route 130-D", located at 2665 Route 130 South, and designated on the Cranbury Township Tax Map as Block 26, Lot 3 ("subject property"); and

WHEREAS, pursuant to said Ordinance, the Township obtained an appraisal of the subject property prepared by the firm of DeMartin Schwartz, Inc., Real Estate Appraisal & Consulting Services (Thomas A. DeMartin, MAI, CTA), dated March 27, 2006 ("DeMartin Appraisal"); and

WHEREAS, pursuant to said Ordinance, the Township also obtained an appraisal of the subject property prepared by the firm of Carduner Valuation Services, Inc. (J. Scott Carduner, MAI), dated March 30, 2006 ("Carduner Appraisal"); and

WHEREAS, the DeMartin Appraisal, using the Sales Comparison Approach, established a fair market value for the subject property as of March 20, 2006 of Two Hundred Sixty Thousand Dollars (\$260,000) per acre for the approximately three point eight one (3.81±) acre site, less demolition costs of the existing on-site improvements of Sixteen Thousand Dollars (\$16,000), for

CRANBURY TOWNSHIP RESOLUTION # 05-06-082  
(Continued)

a total fair market value of Nine Hundred Seventy Four Thousand Six Hundred Dollars (\$974,600), rounded to Nine Hundred Seventy Five Thousand Dollars (\$975,000.00); and

WHEREAS, the Carduner Appraisal, also using the Sales Comparison Approach, established a fair market value for the subject property as of March 9, 2006 of Two Hundred Sixty Thousand Dollars (\$260,000) per acre for the approximately three point eight one (3.81±) acre site, less demolition costs of the existing on-site improvements of Fifteen Thousand Dollars (\$15,000), for a total fair market value of Nine Hundred Seventy Five Thousand Six Hundred Dollars (\$975,600), rounded to Nine Hundred Eighty Thousand Dollars (\$980,000.00); and

WHEREAS, the "pre-rounded" market value conclusions of the DeMartin Appraisal and the Carduner Appraisal differ by only One Thousand Dollars (\$1,000); and

WHEREAS, pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1 *et seq.*, the Township is required to offer the property owner fair market value for the property, which offer cannot be in an amount less than the approved appraisal; and

WHEREAS, the Township is not limited by law to approving only one appraisal;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

1. The appraisal dated March 20, 2006, prepared by DeMartin Schwartz, Inc. (Thomas A. DeMartin, MAI, CTA) is hereby approved.
2. The appraisal dated March 30, 2006, prepared by Carduner Valuation Services, Inc. (J. Scott Carduner, MAI) is hereby also approved.

3. The Township, through its Attorney and other appropriate staff and officials, is hereby authorized and directed to make an offer to the record owner to acquire the subject property for Nine Hundred Seventy Five Thousand Dollars (\$975,000) and to engage in *bona fide* negotiations with said property owner, including by making such other and higher counter-offers as may be deemed necessary to acquire the subject property.

4. The Township, through its Mayor, Clerk and Attorney is hereby further authorized and directed to execute and file any and all such actions or documents and to initiate such proceedings pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1 *et seq.*, as may be necessary to accomplish the purposes hereof.

5. The determination to complete the acquisition of the subject property either upon acceptance of the Township's final offer by the owner or by filing a Declaration of Taking and making a deposit into court shall abide the enactment of a further ordinance authorizing same and providing funding for the acquisition.

#### CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a Resolution passed by the Township Committee at a meeting duly held on May 22, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Reports from Township staff and professionals

There were no reports.

Reports from Township Boards and Commissions

There were no reports.

Work Session

#### a. Discussion of outdoor dining ordinance (Richard Preiss, Township Planner)

The Township Committee discussed implementation of an outdoor dining ordinance. Mr. Richard Preiss, Township Planner, stated at the last meeting, he had discussed the two drafts of an outdoor dining ordinance, one for the land development ordinance amendment and the second for the permitting process. Mr. Preiss indicated it would be a two-prong approach, one to make it explicitly clear under what circumstances and where outdoor dining would be permitted under the amendment to the land development ordinance as well as have a site plan review for any new restaurant coming into the Township. The second ordinance would require outdoor dining permits to be required for restaurants in the village/commercial district. Mr. Preiss explained the reason for the ordinance was due to a mixed-use area and in addition, having some restaurants in close proximity to residential dwellings. Mr. Preiss recommended having an annual renewal permit, thus giving the Township some power to monitor the ongoing operation to alleviate problems or conflicts. Ms. Waterbury, Township Attorney, indicated the only restrictions the Township could make would be on those portions of the property that were in the Township right-of-way. Hours of operation were discussed in protecting the public interest. The Township Committee will discuss the draft of outdoor dining ordinance again at the next meeting on June 12, 2006. Mr. Frank Marlowe, Cranbury Business Association member and resident, raised his concern with the ordinances not addressing the disparity of the seating and the hours of operation and asked how those issues would be addressed. Mr. Stannard explained the ordinance was to preclude the Planning Board from having to decide on a case-by-case basis who should and should not have outdoor seating and how many. Mr. Stannard stated the ordinance was an outline and specifics would have to be ironed out. Ms. Linda Bowker, Bunker Hill, stated there had been an article in the Princeton Town Topics in February this year, concerning the outdoor seating issue in the business district of Princeton Borough. They had a pilot program to see if it would work and also asked for the businesses to request a license application with an outdoor seating plan which was reviewed by the Police Chief, Fire Official, Health Officer and the Zoning

Officer to see if it would work. Ms. Bowker stated seating had been limited to 24 seats outside. Ms. Bowker suggested getting a copy of Princeton Borough's Ordinance. Ms. Bowker also mentioned a problem every morning with the school children having to go around the tables and chairs to walk to school in the Village area and recommended the tables which are on the public sidewalk be moved to the businesses' property so children can get to school in the morning. Also, the public trash bins are being used by the restaurants and should not be. Ms. Bowker requested that issue be addressed. Ms. Betty Wagner, North Main Street, asked who owns the land from the sidewalk to the street. Mr. Preiss responded it was in the public right-of-way. Someone would have to look at a survey to determine where the property line ends and the public right-of-way begins. Mr. Robert ? from Cranbury Pizza asked where the provision would be in the proposed ordinance to address private property adjacent to a business. Mr. Preiss responded the provision would be the business owner would have to come in for site plan approval before the Planning Board and there would be restrictions placed on what was and was not allowed. Mr. Robert Heugel, representing The Cranbury Pizza, asked if a grandfather clause would be included in the ordinance. Ms. Waterbury explained those businesses that received site plan approval would not have to go back to the Planning Board. Mayor Panconi stated the ordinance was to "level the playing field" and not take anything away from the businesses. Ms. Beth Veghte, Bunker Hill, stated she had never had a problem finding a parking space when she frequented The Cranbury Pizza. Ms. Veghte also stated she felt a one year permit was not a good idea. Ms. Waterbury stated the permitting was only for the public right-of-way and as long as the applicant gives the required information there should be no problem. Ms.

#### Work Session (continued)

##### a. Discussion of outdoor dining ordinance (Richard Preiss, Township Planner)(cont'd)

Waterbury offered any comments could be e-mailed to her. Mr. Stannard suggested everything be sent to the Clerk at her e-mail address and the Township Committee unanimously agreed.

##### b. Discussion of Cranbury Township Code Change, §13.3—Membership Municipal Alliance Committee (Tom Witt) CHECK WITH TOM WITT

Mr. Witt explained he had met with Jane Holland and Kristen Hamilton of the Municipal Alliance Committee regarding the problem getting a quorum at their meetings. They would like to change the existing membership of the Committee to nine (9) members from 15 and also change the rotation of the membership to four members appointed for one-year terms, four members for two-year terms and four members for three-year terms. Also recommended was to change the membership of the Police of Chief to "or his designee", the President of the School Board to member of the School Board, along with changing the name of the Cranbury Township Parent Teacher Organization instead of Association. The Township Committee members unanimously agreed with the changes and directed the Township Attorney to prepare the Ordinance for introduction for the June 12, 2006 meeting.

**Ms. Stave recommended the following item be discussed at the meeting of June 12, 2006 due to the late hour. Ms. Waterbury indicated it would be more beneficial to have the Township Engineer present when the item was discussed and she would be at the June 12<sup>th</sup> meeting. The Township Committee unanimously agreed.**

##### c. Discussion of revised specs for Cell Tower (R. Preiss, Township Planner & Trishka Waterbury, Township Attorney).

The Township Planner and Township Attorney will discuss with the Township Committee, revised specs for the Cell Tower. (**See Above**)

#### Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Ms. Kate McConnell, North Main Street and member of the Historical Preservation Committee stated the proposed placement of the cell tower was in the Historic District and when such an undertaking takes place, project authorization would have to be received from the State Historic Preservation Office. Ms. Waterbury responded the carriers were aware of the criteria and had been in touch with the S.H.P.O. There being no further comments, the Mayor closed the public part of the meeting.

#### Mayor's Notes

Mayor Panconi announced "Click It or Ticket It" was in effect until June 1, 2006 and there would be zero tolerance and anyone found to be in violation would be fined. Mayor Panconi also stated in respect to the recent break-ins, residents should be aware of any suspicious activity and not be afraid to call the police to report anything out of the ordinary in their neighborhood.

#### Resolution

On motion offered by Ms. Stave, seconded by Mr. Stout, the following resolution was adopted by vote:

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout  
(Wittman  
Nays: (None

Abstain: (None  
Absent: (None

Cranbury Township Resolution # R 05-06-076

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

#### RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

- Pending or anticipated litigation: FSHC objection to Cranbury Township's petition for third round substantive certification;
- Contract Negotiations: Memorandum of Understanding with Cranbury Housing Associates.

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

Date: May 22, 2006

On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried, the meeting returned to Open Session:

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout  
(Wittman  
Nays: (None

Abstain: (None  
Absent: (None

On motion by Ms. Stout, seconded by Mr. Stannard and unanimously carried, the meeting adjourned at 10:48 p.m.

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Kathleen R. Cunningham, Clerk