

TOWNSHIP COMMITTEE MEETING
May 23, 2016

The Township Committee Meeting of the Township of Cranbury was held at 6:30 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: Susan Goetz, Glenn Johnson, and Mayor Dan Mulligan. Committeemen Dave Cook and Jay Taylor were absent. Also present were Karen Cayci, Esq., Township Attorney, Kevin Van Hise, Esq., Affordable Housing Attorney; Mary Beth Lonergan, Affordable Housing Consultant, Mark Berkowsky, Cranbury Housing Association President; Denise Marabello, Township Administrator/Director of Finance; and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Mulligan 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 1, 2015 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 1, 2015.
- (3) Filed on December 1, 2015 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection.
- (4) Sent to those individuals who have requested personal notice.
- (5) Notice of time change was posted on the Bulletin Board, communicated to the Cranbury Press, Home News Tribune and Trenton Times and posted on the Township's web site on May 16, 2016.

Resolution

At 6:50 p.m. Mayor Mulligan announced the Committee would be going into Closed Session and asked for a motion. On motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried (with Mr. Cook and Mr. Taylor being absent), the following Resolution was adopted by vote:

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

On motion by Ms. Goetz, seconded by Johnson and unanimously carried (with Mr. Cook being absent), the Committee returned to Open Session at 7:02 p.m.

Ms. Cunningham announced for the record that Mr. Taylor arrived at 7:05.

Township Committee Minutes of May 9, 2016

On motion by Mr. Johnson, seconded by Ms. Goetz and unanimously carried (with Mr. Cook being absent), the Township Committee Minutes of May 9, 2016 were adopted.

Closed Session Minutes of May 9, 2016

On motion by Mr. Johnson, seconded by Mr. Goetz and unanimously carried (with Mr. Cook being absent), the Closed Session Minutes of May 9, 2016 were adopted.

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Reports and Communications
--Members of Committee

--Mr. Taylor

Mr. Taylor reported he received several more complaints from residents whose vets would not administer rabies vaccines early in time for the licensing period, and stated to Mr. Van Hise, Board of Health Attorney, that the issue needs to be looked into further. Mr. Taylor reported Public Works issued 19 violation letters for chipping violations, and stated residents should look at the Township website for the chipping schedule.

--Ms. Goetz

Ms. Goetz reported an herbicide treatment will be applied to the weeds in Brainerd Lake after Memorial Day. Notices have been sent to residents on the Lake not to use the water for irrigation purposes during the treatment.

--Mr. Johnson

Mr. Johnson reported he attended a Zoning Board Meeting and a Planning Board Meeting.

Reports and Communication
--Mayor

Mayor Mulligan reported there has been a lot of work on affordable housing, which will be addressed later in the meeting.

Reports and Communications
--Subcommittees

There were no reports from Subcommittees.

Reports and Communications
--Department Heads

Rickey Varga, Chief of the Cranbury Police Department, stated he did not have a formal report for the past month and asked the Township Committee if they had any questions. Hearing none, Chief Varga reported Lt. Frank Dillane retired, Sergeant Giuseppe DeChiara was promoted to Lieutenant and Officer Schneider will be promoted to Sergeant on May 31st. The new officer will start May 31st.

Chief Varga reported the "Click It or Ticket" enforcement has begun. He stated Cranbury Police Department, although small, has consistently been a top enforcer in the State over the last several years.

Chief Varga reported the Police Department conducted a rigorous candidate hiring process, and hired Kevin Pace from Monroe. Mayor Mulligan commended Chief Varga on the hiring process, and informed the public that there were nine (9) phases of the process, and stated Mr. Pace seems like a fantastic addition to the department. Chief Varga stated he looks for a candidate who fits not only in the department, but also in the community. Chief Varga reported the Cranbury Police are ready to lead the parade.

Michael Kervan, Chief of the Cranbury Volunteer Fire Company, gave his report for March 29th through present as follows: 74 incidents, including three (3) vehicle fires; five (5) motor vehicle accidents; a brush fire, and a gas leak. In that time period, there were 443.45 volunteer hours (769.1 hours year-to-date). Chief Kervan stated the Fire Company is recruiting for new volunteers and stated the calls this year are a little less than last year.

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Agenda Additions/Changes

Ms. Cunningham reported there were no Agenda additions or changes.

Public Comment - For Agenda Items

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

Mr. Dave Mauger, Griggs Road, thanked the Committee for all of their hard work on affordable housing. He requested in the future the Committee consider extending site selection to other areas in the Township because it currently seems concentrated to the Route 130 area. Mr. Mauger stated on the Applewood Court (Route 130-D) site plans, the paved portion of the emergency access should be less wide.

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

Ordinance

First Reading

CRANBURY TOWNSHIP ORDINANCE # 05-16-09

An Ordinance entitled, # 05-16-09, "AN ORDINANCE VACATING, RELEASING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS IN AND TO OLD HIGHTSTOWN ROAD BOUNDED BY OLD CRANBURY ROAD AND OLD TRENTON ROAD (ROUTE 535) IN THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY IN ORDER TO FACILITATE REDEVELOPMENT OF BLOCK 19, LOTS 1, 2, 3 AND 4 AND BLOCK 20.16, LOTS 7, 8, 9, 10 AND 20 AS SO DESIGNATED ON THE TAX MAP OF THE TOWNSHIP OF CRANBURY," was introduced for first reading. On motion by Mr. Johnson, seconded by Ms. Goetz, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: June 13, 2016 at 7:00 p.m.

WHEREAS, High Point Development, LLC ("HPD") is the contract purchaser of property located at Old Trenton Road, Old Cranbury Road and South Main Street, consisting of approximately 12.705 acres, designated on the Cranbury Township Tax Maps as Block 19, Lots 2, 3 and 4 and Block 20.16, Lots 7, 8, 9, 10 and 20 (the "Property"); and

WHEREAS, the Property comprises the "High Point Redevelopment Area" pursuant to a certain redevelopment Plan entitled "Redevelopment Plan for the Cheney/Hagerty/Kushner Tract in the Township of Cranbury, New Jersey", adopted by the Township Committee of the Township of Cranbury on October 26, 2015 by Ordinance # 10-18-15 (the "Redevelopment Plan"); and

WHEREAS, On December 15, 2015, HPD received Preliminary and Final Major Subdivision Approval, Preliminary and Final Major Site Plan Approval (Phase 1), and Preliminary Major Site Plan Approval (Phase 2), with Site Plan Ordinance Exceptions (Waivers) and Redevelopment Plan Deviations (collectively, the "Approvals") from the Cranbury Township Planning Board to redevelop the Property with 54 three-bedroom townhouses grouped in 11 buildings consisting of either 4 or 6 units, a +- 4.7 acre open space area, 3 private roads and associated storm water management, parking, lighting, landscaping and other improvements (Phase 1), and a 3.5 acre mixed-use lot containing a 12,000 square foot pharmacy with

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CRANBURY TOWNSHIP ORDINANCE # 05-16-09
(Continued)

drive-up window and pass-by lane, a 5,000 square foot bank with 3 drive-through lanes and a pass-by lane, and a 12,250 square foot building containing retail space on the ground floor and 12 apartments on the second floor, of which 7 apartments will be affordable to low and moderate income households, with all 3 buildings fronting on Old Trenton Road (Phase 2) (the "Redevelopment Project"), as set forth with more particularity in the Resolution of Memorialization (Application Number PB 267-15), adopted February 5, 2016; and

WHEREAS, the Redevelopment Plan specifically addresses the vacation of Old Hightstown Road, stating that "[i]n order for the Redevelopment Area to be developed as envisioned in the Redevelopment Plan, it will be necessary to vacate Old Hightstown Road, which currently bisects the Redevelopment Area"; and

WHEREAS, the aforesaid Resolution of Memorialization of the Approvals permitting the Redevelopment Project grants such Approvals subject to the condition Old Hightstown Road be vacated, stating that "[t]he Redevelopment Plan calls for Old Hightstown Road to be vacated, and applicant's proposed development of the site depends on such vacation. The applicant shall therefore request that the Cranbury Township Committee adopt an ordinance vacating Old Hightstown Road."; and

WHEREAS, HPD has filed a Petition with the Township Committee of the Township of Cranbury requesting vacation of Old Hightstown Road as described precisely by metes and bounds in the legal description and as depicted on the plan entitled "Right of Way Dedication", each dated April 8, 2016, prepared by Bowman Consulting Group, Ltd. (the "Bowman Plan"), a genuine and complete copy of which is appended hereto as "Schedule A" to "Exhibit A" and made a part hereof; and

WHEREAS, the said Petition has been duly advertised and proof of the giving of due notice of the Petition requesting enactment of this Ordinance as required by law has been filed with the Township Clerk, and the Township Committee of the Township of Cranbury having held a public meeting thereon, and no objections having been made thereto; and

WHEREAS, the Township Committee of the Township of Cranbury is authorized and empowered to vacate Old Hightstown Road pursuant to N.J.S.A. 40:67-1(b), N.J.S.A. 40A:12-13(c) and N.J.S.A. 40A:12A-8(g); and

WHEREAS, The Township Committee of the Township of Cranbury has determined that the vacation of Old Hightstown Road to facilitate the redevelopment of the Property with the Redevelopment Project in accordance with the Approvals and the Redevelopment Plan serves a public purpose and is in the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, County of Middlesex and State of New Jersey, that:

1. The factual matters set forth in the preamble to this Ordinance are hereby found to be true and correct.

2. Any and all public rights in and to Old Hightstown Road bounded by Old Cranbury Road and Old Trenton Road (Route 535) in the Township of Cranbury, County of Middlesex and State of New Jersey be and the same hereby are vacated, released and extinguished as described and depicted in the Bowman Plan attached hereto and made a part hereof.

3. All costs and expenses incidental to the introduction, passage and publication of this Ordinance, including preparation and mailing of any and all notices related to this Ordinance upon owners within 200 feet of the area and publication shall be borne and paid by HPD.

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(Continued)

4. HPD shall file this Ordinance with Exhibit A appended hereto with the Clerk of the County of Middlesex within sixty (60) days after the Ordinance becomes effective. Upon the filing of this Ordinance with the Clerk of the County of Middlesex, title to the vacated area shall vest in HPD.

5. Pursuant to N.J.S.A. 40:67-1(b), this vacation ordinance shall expressly reserve and except from vacation all rights and privileges then possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street or any part thereof to be vacated. The costs of relocating any utilities and related utility facilities, including but not limited to water, sewer, gas, electric, telephone and cable television lines, poles, wires and related facilities, necessitated by the within vacation shall be borne and paid entirely by the applicable utility company and/or HPD, as required by law, and not by the Township.

6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

7. This Ordinance shall be a part of the Township of Cranbury Code as though codified and fully set forth therein. The Township Clerk shall have this Ordinance codified and incorporated in the official copies of the Township of Cranbury Code. The Township Clerk and the Township Attorney are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code in order to avoid confusion and possible accidental repeat of the existing provisions.

8. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

Resolutions
Consent Agenda

Mayor Mulligan asked the Township Committee if there were any questions or comments on the Consent Agenda. He stated he wanted to address Cranbury Township Resolution # R 05-16-096 – Zoning Board of Adjustment appointment separately. Mr. Taylor stated he wanted to congratulate the Historic Preservation Commission for their efforts seeking and receiving \$25,000 grant for the "HPC Inventory Update. Hearing no further questions or comments, Mayor Mulligan requested a motion to adopt the Consent Resolutions, excluding item d.).

On a motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried, the following Resolutions were passed by vote:

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

Nays: (None

Cranbury Township Resolution # R 05-16-093

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

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Cranbury Township Resolution # R 05-16-094

WHEREAS, The Tax Collector, Tanyika L. Johns has certified that the following taxpayers overpaid their taxes; and

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

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

<u>Taxpayer</u>	<u>Refund</u>
OWNER: Keystone NJ	\$292,674.00

Make check payable to: KNJA 1, LLC
LOCATION: 66 Station Road
BLOCK: 10 LOT: 19 QUALIFIER:
Duplicate Payment

<u>Taxpayer</u>	<u>Refund</u>
OWNER: Keystone NJ	\$ 455.83

Make check payable to: KNJA 1, LLC
LOCATION: 66 Station Road
BLOCK: 10 LOT: 19 QUALIFIER: QFARM
Duplicate Payment

Total	\$293,129.83
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CRANBURY TOWNSHIP # R 05-16-095

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

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,000.00 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 is hereby appropriated under the caption "Click It or Ticket"

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CRANBURY TOWNSHIP # R 05-16-095
(Continued)

Section 3

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

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

CRANBURY TOWNSHIP # R 05-16-097

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

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$24,999.00 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$24,999.00 is hereby appropriated under the caption "HPC Inventory Update"

Section 3

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

- (c) Director of the Division of Local Government Services
- (d) Township Chief Financial Officer

CRANBURY TOWNSHIP # R 05-16-098

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

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

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CRANBURY TOWNSHIP # R 05-16-098
(Continued)

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

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

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$13,749.27 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$13,749.27 is hereby appropriated under the caption "Clean Communities"

Section 3

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

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

Cranbury Township Resolution # 05-16-099

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN AGREEMENT WITH
EVOQUA WATER TECHNOLOGIES FOR ODOR AND CORROSION CONTROL
BIOXIDE FEED SYSTEM AT THE FOUR SEASONS PUMP STATION

WHEREAS, the Township wishes to enter into an agreement for Odor and Corrosion Control Bioxide Feed System at the Four Seasons Pump Station; and

WHEREAS, the Township wishes to enter into an agreement with Evoqua Water Technologies, Sarasota, FL; and

WHEREAS, Evoqua Water Technologies, Inc. has offered to provide these services to the Township for cost of \$26,915.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A: 11-4.1 et seq., authorizes the award for purposes for which a competitive quotes may be used by local units; and

WHEREAS, the Chief Financial Officer has certified that there will be sufficient funds for this contract;

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

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # 05-16-099
(Continued)

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Evoqua Water Technologies for Odor and Corrosion Control Bioxide Feed System at the Four Seasons Pump Station for \$26,915.00; and
2. A copy of the Agreement shall be available for public inspection in the Township Clerk's Office during regular business hours.
3. A notice of this Contract shall be advertised within 10 days of the award of said contract

Cranbury Township Resolution # 05-16-100

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BID WITH
JML LANDSCAPING, INC. FOR INSTALLATION OF IMPROVEMENTS AT THE
FOUR SEASONS PUMP STATION

WHEREAS, one (1) bids was received on May 10, 2016 for Installation of Improvements at the Four Seasons Pump Station and;

WHEREAS, the Township wishes to enter into an agreement with JML Landscaping, Inc. Neshanic Station, NJ and

WHEREAS, JML Landscaping, Inc. has offered to provide these services to the Township for cost of \$19,997.44; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A: 11-4.1 et seq., authorizes the award for purposes for which a competitive bid may be used by local units; and

WHEREAS, the Chief Financial Officer has certified that there will be sufficient funds for this contract;

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with JML Landscaping, Inc. for Installation of Improvements at the Four Seasons Pump Station for \$19,997.44; and
2. A copy of the Agreement shall be available for public inspection in the Township Clerk's Office during regular business hours.

CRANBURY TOWNSHIP RESOLUTION R 05-16-101

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, Cranbury Brickyard has deposited engineering escrow with Cranbury Township; and

WHEREAS, Cranbury Brickyard has requested the release of the balance of said escrow in the amount of \$2,645.21.

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

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CRANBURY TOWNSHIP RESOLUTION R 05-16-101
(Continued)

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

- (a) Township Engineer
- (b) Township Director of Finance
- (c) Glenn Gerken

Resolution

Mayor Mulligan stated he is very happy Mr. Joe Buonavolonta is being appointed to the Zoning Board. Mayor Mulligan stated Mr. Buonavolonta is a small business owner and stated he feels he will be an asset to the Zoning Board. On a motion by Ms. Goetz, seconded by Mr. Taylor and unanimously carried, the following Resolution was passed by vote:

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

Cranbury Township Resolution # R 05-16-096

WHEREAS, it is necessary to make the following appointment due to a vacancy,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following individual is hereby appointed to the position and term: effective May 23, 2016:

NAME	APPOINTMENT	TERM ENDING
Joseph Buonavolonta	Regular Member – Zoning Board of Adjustment	12/31/18

Ms. Cunningham issued the Oath of Office to Mr. Buonavolonta.

Work Session

a). Update on Cranbury Township's Affordable Housing

The Township Committee and Township's Professionals presented and discussed the Township's Affordable Housing Plan. Mayor Mulligan gave a brief history of affordable housing, describing the various changes over the years and described some terms and the parties involved with affordable housing. He also gave an explanation of builder's remedy and the problems associated with it. He stated Cranbury did not want to be caught in the crosshairs of builder's remedy. Mayor Mulligan stated through this current process, the Township had to work with the Fair Share Housing Center, a group of attorneys that lobbies for affordable housing in New Jersey. He stated the group is noble in what they are trying to do; however, Cranbury is not trying to build out the Township. Mayor Mulligan stated Cranbury Housing Associates is the local organization that manages Cranbury's affordable housing. He stated Ingerman is another affordable housing developer the Township will be working with, and explained the next phase of affordable housing is at a much larger scale and Ingerman's specialty is obtaining Federal grants that will fund the new affordable housing. Mayor Mulligan explained the Route 130-D site is now being called Applewood Court. He stated the Committee is trying to call "Paul's Auto Site" as the "Ingerman Site."

TOWNSHIP COMMITTEE MEETING
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Work Session

a). Update on Cranbury Township's Affordable Housing (continued)

Mayor Mulligan explained Mr. Cook could not attend the meeting because he was away on business. He stated the entire Township Committee has worked closely together as a group to protect Cranbury and thanked his fellow Committee Members and Ms. Marabello for making complex decisions in a very short timeframe. Mayor Mulligan stated the goal was to protect and preserve Cranbury and not have it become developed and overbuilt like surrounding municipalities. He stated they wanted to maintain the K – 8 School, which otherwise would have been jeopardized by large-scale development. He stated the perception is that Cranbury is a wealthy town that does not provide affordable housing, when in reality the Township has always done its fair share with affordable housing.

Mr. Kevin Van Hise, Esq. the Township's Affordable Housing Attorney, gave a brief history of the Mount Laurel cases and the Fair Housing Act, which created COAH. Mr. Van Hise stated for the first two (2) rounds (First Round 1987 to 1993; Second Round 1993 – 1999), COAH had a quota-based system whereby plans were determined, submitted to COAH and if satisfied, the Township could receive substantive certification. He stated Cranbury did that and stated Cranbury is a recognized leader in affordable housing and its efforts pre-dated the affordable housing obligations of the Mount Laurel doctrine. Mr. Van Hise stated after the late 1990s, COAH shifted away from the quota-based system and created a new methodology called "growth share," which meant as towns grow so would their obligation for affordable housing grow. He stated this methodology led to about 15 years of litigation, resulting in the process changes of the last 14 months ago. He stated the Third Round rules were invalidated in 2007 by the Appellate Division. COAH then created a second set of rules. At the end of 2008, Cranbury tried to anticipate its obligations, created a plan, which was certified in 2010. After Cranbury was certified, the Appellate Division invalidated the second set of rules and in 2013 the Supreme Court upheld the Appellate Division's ruling, stating without Legislative change to permit growth share methodology, that the methodology was inconsistent with the Fair Housing Act. COAH came up with another set of rules, which did not pass. Last March the Supreme Court entered an opinion that the COAH process was nonfunctional and turned all of the affordable housing issues back to the Trial Courts. There was a 90-day window for municipalities to digest the change and then the towns would have 30 days to elect to proceed into Court to seek protection from the builders' remedies. Mr. Van Hise stated the Town had to determine its obligation, come up with a plan and file an action with the Courts for review. If the plan was approved, the Township would be immune from builder's remedy suits for a period of ten (10) years.

There was additional discussion about the obligation calculation and how that is an ongoing battle throughout the State. He stated each vicinage has its own judge and there is no coordination of efforts. Mr. Van Hise stated there are two primary experts: Fair Share Housing Center who has Rutgers professor, Dr. David Kinsey, who actually calculated all of the obligations state-wide. Last July Dr. Kinsey issued a report that stated a township has three (3) components to its obligation, past, current and prospective. Mr. Van Hise stated in the Fair Housing Act there is a 20% cap in that the municipal obligation shall not exceed 20% of the existing occupied housing stock to prohibit a radical transformation in the municipality.

Mr. Van Hise stated Cranbury submitted its plan and received very positive feedback. He stated many hours were spent and the Township met with the Court on November 12th. On that same day, a resident on Plainsboro Road, Michael Protinick, filed a Motion to Intervene for the purpose of challenging the 20% cap. If that motion was successful, the Township would have to address its obligation potentially of 1,267 units. The Township objected to the Intervention, and Judge Wolfson ruled they could intervene and pursue their claims. The Township made the decision, under extreme pressure from the Court, to sit down and work with the property owner, which is a requirement both under COAH's rules and the litigation for affordable housing to sit down with property owners that have sites for affordable housing. Mr. Van Hise stated this site is not in a

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Work Session

a). Update on Cranbury Township's Affordable Housing (continued)

sewer service area and does not have public water and for those reasons, it was not a site that was looked at for affordable housing. He stated the number of houses at the end of 2013 was a little over 1,300 units and looking at an affordable housing obligation of almost that amount would increase the housing stock by approximately 4.5 times. He stated Judge Wolfson by background was a builder's attorney before he was on the Bench and brings a certain perspective having litigated against municipalities during his career. Mr. Van Hise stated for approximately three (3) months the Township met with the developer, their attorney and professionals and because it is in court mediation process, he cannot give out the details. He stated he could say the property owner is looking for high density, single family residential units with multi-family inclusionary component. He stated the Township already had a plan in place to meet its affordable housing obligation that would not impact its infrastructure and school. Mr. Van Hise stated due to Court pressure, many municipalities started settling their cases, and stated only South Brunswick in Middlesex County is involved in litigation. He stated in February, Mayor Mulligan, Committee member Dave Cook, Township Administrator Denise Marabello went to Court with the Judge, the Protinicks, the Fair Share Housing Center, and the Special Master, and were able to reach an agreement that worked for the Township. He stated the Township is still finalizing the agreement which he anticipates should be done next month. He stated the Protinicks' property on Dey Road is approximately 79 acres, some of which is environmentally constrained but would permit up to 174 senior/age-restricted units on the property. In lieu of constructing affordable housing units, they would make a contribution to the Township's affordable housing trust fund which would then be used to offset some of the construction projects and other affordable housing requirements the Township has. The advantage of the senior-restricted project is that there is less demand on municipal services, no impact on the schools, and allows the Township to work with the design that will be compatible with Cranbury. Once the design is presented to the Township Committee, it will be made public.

On April 18th the Court held a fairness hearing where the Court is obligated to hear the terms of the settlement, the outline of the plan and number, and insure those requirements for affordable housing are met and protected. He stated Judge Wolfson was not only happy with the Township, but with very satisfied with its efforts. Mr. Van Hise stated Judge Wolfson was going to use Cranbury and one other municipality as the examples he was going to set other affordable house with. Once all of the numbers are together, the Township will report back to the Court in August for the Judge to evaluate the plan, and provided all requirements are met, the Township will be protected and immunized for a period of ten (10) years against further builder's remedy actions.

Mayor Mulligan stated the Township is very lucky to have professionals like Mr. Van Hise, Ms. Lonergan and Mr. Berkowsky working on the affordable housing. Mayor Mulligan stated Township was moving along well with the affordable housing plan until the Protinick's challenged the Township and threatened with a large-scale townhome or home buildout. He stated the alternate plan of building an over-55 development on the Protinick's property is a fantastic alternative over what could have been. He stated that development would have destroyed this Town. He stated there are still a lot of hurdles to develop that property, including environmental issues as well as obtaining sewer service from Plainsboro.

Mayor Mulligan introduced Mary Beth Lonergan, who stated she would try not to duplicate anything already said. She stated before addressing the Third Round numbers, there are two (2) other components to the Affordable Housing Fair Share Obligation, tenant rehabilitation. She stated the Township has an interlocal agreement with Middlesex County, which has a limited amount of funds, she stated the Township may need to establish a local relocation program. She stated a minimum of \$10,000 dollars in a low-interest loan which is paid back once the rehabilitation is done to assist the low income in the community to fix minor rehab in the units. She stated the Township has been in the forefront in addressing affordable housing and Mr. Berkowsky will go into those details.

TOWNSHIP COMMITTEE MEETING
May 23, 2016

Work Session

a). Update on Cranbury Township's Affordable Housing (continued)

Ms. Lonergan stated the Township has addressed its First and Second Round obligations of 217 affordable units (called "prior round"). The Third Round obligation was for 260 units, which was adjusted by virtue of that 20% cap to insure the community was not drastically altered. She stated Cranbury had a prior round surplus of 66 units, which tells the Court Master or Judge that the Township was ahead of the game. She stated CHA did a great job with the units on Old Cranbury Road, and stated there is one (1) affordable housing apartment in the Gristmiller House. Ms. Lonergan stated Applewood Court is in the process of obtaining approvals for 32 affordable rental units, which gives the Township a "2 for 1" bonus which encourages municipalities to provide affordable rentals. The Ingerman site will have 24 affordable family rentals, 49 senior affordable rentals and 17 special needs units. Ms. Lonergan stated Ingerman is a for-profit, tax credit development entity that will be applying to the New Jersey Housing Mortgage Finance Agency for low income tax credits. They will be approaching other entities as well. Ms. Lonergan stated the High Point site will have inclusionary development with market rate townhouses as well as seven (7) affordable rental units above the mixed use retail space. Ms. Lonergan stated 65 of the 260 units were bonus credits giving an actual number of 198. She stated Cranbury was able to address its Third Round obligation, with the Judge being very impressed, while at the same time doing it in a very cost effective way with family and senior rental units without a large impact to the school. She reported of the 63 family units, there are nine (9) one-bedroom, 36 two-bedroom and 18 three-bedroom units. In the senior and special needs units, there are 61 one-bedroom and five (5) two-bedrooms. She stated those were the main points she wanted to cover, and after Mr. Berkowsky gives his presentation, she is available for questions.

Mayor Mulligan wanted to clarify that the Applewood Court site (32 units) has been on the books over seven years and is not new. The High Point property (South Main Street/Old Trenton Road) and Ingerman site will have senior and special needs units that will not impact the school. He stated again the importance of the "2 for 1" credits the Township is receiving for building rental units. He stated the Township will have a say on how the units will look, which is why the current units looks so good in Cranbury.

Mayor Mulligan introduced Mr. Mark Berkowsky, President of Cranbury Housing Associates. Mr. Berkowsky explained the services the Township receives from CHA. He gave a brief history of CHA, stating they are a volunteer, not-for-profit corporation and stated none of the volunteers receive any compensation. Mr. Berkowsky reported CHA provides benefits to all Cranbury residents and especially those with low or moderate income. He stated for the past 30 years, CHA has worked in partnership with the Township helping to meet the original and continuing affordable housing obligations.

There was a slight problem with the presentation, and during that time, several questions were asked concerning the Protinick property, which Mr. Van Hise answered. Ms. Marabello also addressed the financings for the Applewood Court and the Ingerman sites. She stated the estimated cost right now for the Township for the two (2) projects is approximately \$8,600,000. She stated the Township will have to come up with that money over the next couple of years, and stated the Township will obviously bond for that money. She reported the bond will be a 15 to 20 year bond and based on estimating interest rates, she estimated the cost to the Township will be \$12 million. Ms. Marabello stated that will have a significant impact on the tax rate of 3 to 5 cents per year to pay off that debt, and stated some debt will be coming off the books which will help offset that debt. She stated if the Township receives the \$3 million contribution from the Protinick property will also offset that debt. Mayor Mulligan stated redevelopment along Route 130 and the additional warehouses coming into the Township will be a huge help also. Mr. Taylor inquired what the Township's total debt is today, and Ms. Marabello stated approximately \$20 million total debt. She stated the Township is fine with the additional debt. Mr. Taylor stated this is a huge hit to the Township's

TOWNSHIP COMMITTEE MEETING
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Work Session

a). Update on Cranbury Township's Affordable Housing (continued)

finances. She stated the Township anticipated the affordable housing debt, which is why the Committee has been careful with the surplus. Mayor Mulligan stated if the Protinick property is developed, he saw tax numbers of \$1 million/year to the school and \$800,000 to the Township without any impact to the school. Ms. Goetz stated one concern of the additional of additional development is not having enough volunteers in the Fire Department and Rescue Squad.

Mr. Berkowsky continued his presentation, stating in 1984 CHA was asked by concerned citizens to help the Township meet its Mount Laurel obligation and avoid a builder's remedy. At that time there were over 1,000 new units proposed for Cranbury, which would have doubled the number of homes that existed at that time in the Township. The Historical Society was an objector to that plan and because of that objection, the plan was scrapped and CHA became the Project's developer. Since CHA had 25 years of experience of developing affordable housing in Cranbury, CHA's credentials convinced COAH that Cranbury could develop its own affordable housing without the need of the builder's remedy. CHA signed a Memorandum of Understanding (MOU) with the Township to develop 60 units for the Round 1 COAH requirements. He stated the MOU has been repeated for Rounds 2 and 3. Mr. Berkowsky stated the rules have changed many times over the past 30 years, and each Committee has worked hard to do what is best for the Town. Mr. Berkowsky stated the concepts include: the housing is developed by the Township, the sites are staggered throughout the Town, sites are selected in residential neighborhoods and are walkable to the village.

Mr. Berkowsky described the various affordable housing sites, including Village Senior Housing on Park Place West. He described how CHA assisted in the rehabilitation of nine (9) housing units in Town by upgrading substandard housing to meet current codes for safety and health requirements, and CHA also renovated the Pin Oaks property on Old Cranbury and added one (1) unit creating a total of seven (7) units. Round 1 also included 40 units on what was known as the Morris Site, which is the development on South Main Street and Old Trenton Road. He explained the development of the Morris site was more difficult since there were many opinions from residents and many resisted the site because of location, density and type of housing to be developed. Once developed, the housing exceeded the expectations of all involved in the projects. There are now 24 (one and two-bedroom) units located in five (5) buildings. Another site of two (2) buildings with ten (10) units was developed on Danser Drive. These are also one-and two-bedroom units. On South Main Street, there are three (3) buildings consisting of three-bedroom units. Of the 40 units, ten (10) have been retained by CHA and are part of the rental program. The additional 30 units have been sold to residents and some of those have gone through a resale procedure. These resales are monitored and administered by CHA's Property Administrator, Frank Piazza.

Mr. Berkowsky stated COAH's requirements for Round 2 were developed in 1996 and were a much lower number required. Bennett Place, adjacent to Village Park and consists of 16 rental units. It provided nine (9) units of new stock and seven (7) units to replace the old Pin Oak project. The Township was given credit for all 16 units. All of the units are rented to qualified low-to-moderate income families.

Mr. Berkowsky reported in 2004 COAH revised its rules to the growth share methodology and 2005 Cranbury submitted its Affordable Housing Plan, which anticipated a 106 unit requirement. Credits for providing rental units and very low income units were also anticipated. The first site to be developed in that plan is located on Old Cranbury Road. The site was given to the Township as part of a settlement of a zoning dispute. The ultimate developer of the adjacent property was K Hovnanian, which build the Four Seasons site. They gave the property to the Township and in turn to CHA, and 20 units were built at this site (four one-bedroom, two two-bedroom, and four three-bedroom buildings). This Project also utilized the design concepts of Rounds 1 and 2. Mr. Berkowsky stated the Township applied for and received a \$300,000 grant from the County which allowed them to reduce the Project's cost. The other site which the Township purchased and is

TOWNSHIP COMMITTEE MEETING
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Work Session

a). Update on Cranbury Township's Affordable Housing (continued)

currently transferred to CHA is the Route 130-D Site, which is now called Applewood Court. Based on input received, 32 units will be built with additional buffering, screening and additional open space. This site will have a more traditional apartment design with four one-bedroom units, 20 two-bedroom units and eight three-bedroom units, which will be located in four buildings. Construction on this site will start next month with an anticipated completion of next spring. Mr. Berkowsky stated he believes CHA has addressed the neighbor's concerns while meeting the project requirements in a fiscally responsible manner.

Mr. Berkowsky reported during Rounds 1 and 2 under a Regional Contribution Agreement, the Township was allowed to send half of its obligation to another town and pay that other town to build affordable housing. That has since been invalidated for Round 3. He stated the sales units are more difficult to control while the rental units are maintained and the Township receives the bonus credits.

Mr. Berkowsky stated, with Applewood Court, CHA will have developed 128 units in the Township. He stated Rounds 1 and 2 were developed without any local taxpayer funds. This was accomplished by obtaining grants, mortgages from various State and Federal agencies, mortgages and loans from banks which met their community development needs by providing mortgages to people with low incomes. The Affordable Housing Trust Fund, which was created by the Town, receives contributions from developers as they start residential and commercial construction in Cranbury. The proceeds from this Fund are used to defray affordable housing expenses.

Mr. Berkowsky explained the Memorandum of Understanding between the Township Committee and CHA, where the Township Committee establishes the project scope of the affordable housing plan, provide the land and assist with the initial funding. CHA then takes over with design, construction and owns the project without any additional Township support. CHA is totally self-sufficient. He explained CHA does make a payment in lieu of taxes in the amount 3% of gross property rents. He stated CHA collects rents, verifies tenant's financial qualifications, and there is no on-going cost to the Township on rental properties. Even though CHA is a not-for-profit corporation, it is allowed to have a reserve for property maintenance, such as landscape and snow removal, and longer term maintenance such as roof replacements. CHA also manages the annual reporting and income verification of tenants to satisfy COAH monitoring requirements. CHA has received grants and low interest mortgages from Federal, State and County governments in excess of \$2 million, and has saved the Township several million dollars in development fees. Mr. Berkowsky stated he and many of the volunteer Board members have been on the Board for over 30 years. They meet once a month to make policy decisions and to maintain and develop affordable housing. CHA is fortunate to have Piazza and Associates to manage the Township's affordable housing. Mr. Berkowsky stated Frank Piazza is known in the State for the quality work he does and he also teaches affordable housing. Piazza manages the initial rental, maintaining the applicant lists, assisting in re-rentals, verification of tenants' incomes on an annual basis, collecting rents and maintenance of the properties.

Mr. Berkowsky gave some examples of the affordable rents in Cranbury and explained how the rent amounts are derived. He stated all of the rental units in Cranbury are occupied and there are waiting lists as well. He stated the sales units turn over but at a much slower rate. Mr. Berkowsky stated CHA is looking for volunteers, and reported they have just updated their website.

Mayor Mulligan gave a brief description of the Ingerman Site, including the location. He displayed a rendering of the site, and explained the U-shaped building will contain 60+ senior and disabled units and the other building will have the 24 family units.

TOWNSHIP COMMITTEE MEETING
May 23, 2016

Work Session

a). Update on Cranbury Township's Affordable Housing (continued)

Public Comment

The Mayor opened the Work Session to public questions, comments and concerns.

Ms. Anne Gordon, North Main Street, stated she is a member of the CHA Board, and asked for a description of the disabled units on the Ingerman Site. She asked about the configuration of the units and inquired who would qualify. Ms. Lonergan reminded the public that the Township is host to a number of group homes that serve special needs individuals. She stated special needs can include developmentally disabled, and a whole range of tenants. She stated Ingerman has not yet selected a "special needs provider" through the State, either the Department of Developmental Disabilities or Human Services, which will assist them in tenant selection. Some of the units will be senior special needs that are restricted to age 55+, and the majority of the units will be one-bedroom units. Ms. Gordon stated she appreciates the time constraints the Township had in making decisions; however, she inquired if residents have any say in how the units are maintained. Mayor Mulligan stated Ingerman was selected because of the quality of their work. He reported they are very well known in the State and their properties are maintained at a very high standard. He stated Ingerman is very qualified to help the Township obtain the funding needed to build the site, and stated the Township could not financially take on a project of this scope on its own. He stated the Committee had to make the decision because of the timeline; however, he stated that was why they were having this Work Session so they could be transparent to the public before going to the final hearing in August.

Mr. Michael Dulin, Wynnewood Drive, inquired if the Township will continue to own the units that Ingerman will be managing. Mayor Mulligan stated the Township does not own the CHA units and will also not own the Ingerman units. He stated Ingerman will own and maintain the property.

Ms. Lisa Rue, Adams Drive, inquired about the impact to School and also asked about the timeframe. The most immediate impact will be the construction of the Applewood Court development. He stated 32 units will be built in the next year. The contract for Ingerman will go into 2017/2018 and could go longer, depending on the funding. Mayor Mulligan stated work has been done with the School to look at the impact, which is very low currently. He stated for K through 8, the impact is about a dozen students. He stated if you look at the bedroom counts, they are not putting in any four-bedrooms, and most of the development is senior units with a few family units up to three-bedrooms. He believes the Township can absorb the numbers, especially since the school enrollment is down.

Mr. Fran McGovern, Washington Drive, asked how the taxes will work with the Ingerman site since Ingerman is a for-profit organization. Mayor Mulligan stated it will be a pay-in-lieu of taxes. Mr. McGovern asked if it would be 3%, the same as CHA, and Ms. Lonergan stated it will be 6.28%. Mr. McGovern inquired if that 6.28% covers everything or is there a negotiated amount for school and municipal taxes. She stated 95% of the amount goes to the Township and 5% goes to the County with nothing to the school. Mr. McGovern asked about the increase in residents' taxes, and Ms. Marabello stated they are hoping to defray some of the costs of the Project. Mr. Mulligan stated they are stating worse-case scenario than paint a utopia.

An Applegate Court resident expressed his appreciation to the Township Committee for its efforts and hard work on affordable housing.

Mr. Dee Wahlers, Hagerty Lane, inquired if the Township had locations for the 129 units that the Township is required to build. Mayor Mulligan stated the units will be built on the Applewood Court, the Ingerman site, and on South Main Street.

TOWNSHIP COMMITTEE MEETING
May 23, 2016

Work Session

Public Comment (continued)

a). Update on Cranbury Township's Affordable Housing (continued)

Mayor Mulligan thanked his fellow committee members and asked if they had any comments to share. Mr. Johnson stated there was a comment earlier about the distribution of affordable housing around the Township. He stated about ten years ago, the complaint was there was too much affordable housing on the south end of town and now there is more development on the north end. Mr. Johnson stated decisions are made for the Town as a whole for locations that make the most sense.

Mayor Mulligan stated Paul's Auto Site was selected because they wanted to have the affordable housing connected to the Town. He stated it was nothing short of a miracle that the Township was able to obtain the site in such a short time frame, and Ms. Marabello confirmed that Ingerman worked very hard to obtain the site. Ms. Goetz stated they looked at any land, and some of the land was farmland preserved so that was not available. She stated they wanted the site to be on this side of Route 130 so it could be connected to the Town. Mayor Mulligan stated the site also qualifies for the much-needed Federal tax credits the Township needs for financing.

Mr. Dee Wahlers, Hagerty Lane, inquired if the Township is still vulnerable for affordable housing on the Protinick property. Mr. Van Hise stated that concept came out of COAH's growth share rules that as developers build, obligations were owed for that development. He stated that has ended with the Supreme Court's pronouncement a few years ago that growth shares methodology cannot work unless the Fair Housing Act is amended. He stated the Township's obligation will be met with this plan and the Township is now protected for ten (10) years.

Ms. Goetz stated although all the Committee Members were involved, she wanted to especially thank Mayor Mulligan and Mr. Cook who really lived affordable housing along with Ms. Marabello and the professionals. She stated she believes the Township has a Plan that all residents can live with and it is a testimony to their efforts.

Mr. Michael Dulin, Wynnewood Drive, thanked the Township Committee for all of the work done on affordable housing, especially Round 3. Mayor Mulligan stated the process was extremely stressful and stated he appreciated the support.

Mr. Taylor stated the affordable housing stock today counts in terms of calculating our future needs. He stated Cranbury was addressing affordable housing needs prior to the Mount Laurel ruling and has exceeded the prior round obligations. Mr. Taylor stated after hearing all the work volunteers from the Fire Company and CHA have done for the Town, he is very frustrated by what the Protinick's did to the Town because of money.

Mr. Taylor stated a few meetings ago he reported a resident donated the money for the baskets on Main Street; however, he forgot to thank the Woman's Club for continuing to fund raise for the baskets and barrels for the future. He also thanked Studio 43 Salon for getting and planting the flowers.

Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello stated she had nothing to report.

--Assistant Administrator's Report

Ms. Cunningham stated she had nothing to report.

TOWNSHIP COMMITTEE MEETING
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Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions

Public Comment

The Mayor opened the meeting to public questions and comments.

Mr. Edwin Liu, Evans Drive, stated there are ten (10) homes on Evans Drive that back up on Route 130. He stated the noise on Route 130 has increased since he moved into his home in 1990. He stated the Township has allowed berms for Cranbury Greene, and residents on Evans Drive have signed a petition requested the Township to change the Ordinance to allow those residents to build a berm and fence to reduce the noise from Route 130. He stated he spoke to Mr. Allan Kehrt who thought this might be the easiest approach than each resident going before the Planning Board to request a variance to elevate their properties more than 1 foot.

Mayor Mulligan asked Mr. Liu why there was a petition when there had been no prior conversations on the issue. He stated he has been trying to sell his home for two (2) years. He stated Mr. Greg Farrington, Construction Official suggested he plant trees to reduce the noise, and that he could not raise the elevation more than one foot. Mr. Liu stated he misunderstood and thought he could raise the elevation two feet. He had his contractor dump soil. He stated Mr. Jeff Graydon, Zoning Officer, stated the Department of Transportation questioned the Township about the soil. Mr. Graydon cited Mr. Liu for exceeding one foot, issued a "cease and desist" letter to Mr. Liu, and instructed Mr. Liu to go to the Planning Board for a variance. Mr. Liu stated he asked Mr. Kehrt if there was a better way to handle it. Mayor Mulligan asked Mr. Liu where the dirt came from, and he stated his contractor brought the dirt in with a certificate that it was clean material. Mayor Mulligan stated most municipalities have standards for dirt importation. Mr. Liu stated he was just looking for a way to build a berm and fence like everybody else on Route 130. Mr. Liu stated if ten residents when to the Planning Board, it would be ten separate applications and perhaps there would be an easier way. Mr. Liu asked if Mr. Kehrt could address the Ordinances that would need to be addressed.

Mr. Allan Kehrt, Planning Board Chair, stated he saw the dirt and thought it was part of the Alfieri project. He had a conversation with Mr. Liu. Mr. Kehrt stated during the Cranbury Greene application, acoustical engineers testified the berms in back of the properties were necessary. Mr. Kehrt stated he spoke with Mr. Richard Press, Township Planner, about it and stated it did not seem like an unreasonable request to change the Ordinance. He stated it is a simple request to write an Ordinance which would then be reviewed by the Township Committee and Planning Board. He stated the change could help the residents on Ryan Road as well as Evans Drive. Mr. Kehrt stated it does not make sense to not allow them to improve their properties by reducing the noise.

Mayor Mulligan clarified a one-foot change in elevation has been cited other times. Mr. Kehrt agreed Mr. Liu violated an ordinance and agreed he can follow the variance process. However, Mr. Kehrt stated changing the ordinance would not cost the Township any money and would help a number of residents. Mr. Kehrt stated Trishka Cecil, Planning Attorney, agreed that properties bordering major arterial roads in Cranbury, (and identifying those roads), should have the ability to create a berm to better their properties. Mr. Kehrt agreed it could increase the residents' property values. Mr. Kehrt stated he was just making a suggestion, and if the Committee agreed, he would follow up. Mayor Mulligan asked if there are other issues. Ms. Goetz asked if only the berm issue would be addressed and not the importation of soil. Mr. Kehrt stated Mr. Johnson is on the Zoning subcommittee, and he stated Mr. Johnson is always trying to make things easier for people. This is an example that would make it easier for residents who back up on Route 130 to address the berm issue.

Mayor Mulligan inquired if the residents would have to apply for approval for the soil, and Mr. Kehrt stated the soil would have to be certified to be clean. There was additional discussion about the berm. Mr. Johnson stated before a berm is built across the properties. Mr. Johnson stated the current ordinance

TOWNSHIP COMMITTEE MEETING
May 23, 2016

Public Comment

(Mr. Johnson cont'd.)

requires berms be built at a 1 in 3 or 1 in 5 slope and stated 40 feet would be required for a 1 in 5 slope for an 8 foot berm. Mr. Johnson stated he did a simple Google search to look up how to reduce traffic noise in a backyard and alternatives are available. He suggested seeking out other alternatives that would reduce the noise and weigh the costs.

Mayor Mulligan stated he was very frustrated with how Mr. Liu and Mr. Kehrt handled the issue. He stated at no point was the Township Committee approached about a problem with noise or building sound barriers. Mayor Mulligan stated the Committee will work with the neighbors to come up with a solution.

Mr. Michael Dulin, Wynnewood Drive, stated Mr. Liu had a problem he was trying to address and may have gone about it the wrong way. He stated he thought Mr. Liu very appropriately reached out to professionals. Mr. Dulin stated there are committees for this purpose and he suggested the Township Committee use the committees already established to handle issues they are supposed to handle.

Mr. Liu explained the various people he spoke with in Town Hall, and after getting frustrated, asked Mr. Kehrt if this was the process all residents would have to do. He stated they were trying to come up with an easier solution to the problem. Mr. Kehrt stated he did reach out to Mr. Johnson, and all Township Committee members were copied so the issue should not have come as a surprise to anybody. He stated he believes this issue could be easily resolved by the Township Committee. He stated he will go back to the Zoning Committee to speak about it; however, thought it could be addressed by the Township Committee.

Mayor Mulligan stated he would respectfully disagree with Mr. Kehrt on how this was approached. Mr. Dulin stated he disagreed with the Township Committee's opinion. Mr. Dulin stated the Township Committee is not using committees established for this very reason and want to take matters into their own hands.

Mr. Taylor stated his issue is with the way process worked. He apologized to Mr. Kehrt and stated as soon as Mr. Liu was cited by Mr. Graydon, the issue should have been brought to the Zoning Subcommittee for discussion.

Ms. Goetz stated the Township Committee should not be making the decision. She stated the issue should be addressed by the Zoning Subcommittee. She stated everybody agrees there is a noise issue on Route 130 and it needs to be addressed. If the subcommittee thinks there needs to be a change in the Ordinance, the professionals should advise the Township Committee. Ms. Goetz stated the situation is there are residents that would like to examine the potential for sound barriers. She suggested going to the Zoning Subcommittee to have it looked at and come back with possible resolutions to the noise problem.

Mr. Brian Schilling, stated Rutgers has acoustic engineers who could help. Ms. Goetz stated the residents do not want the Township to build the berm; they want permission to build the berm themselves and they will need to know the berm works.

Ms. Goetz stated all the Boards in the Township are very careful about importing material into the Township. She stated the Township wants to be certain no contaminated soil is brought in the Town.

Mr. Dulin stated the Zoning Subcommittee is a new committee, and it is not clear where it is an appropriate time to bring up issues. He stated this was a learning experience and hopefully in the future, there would be less back and forth with the Township Committee.

Mr. Taylor stated Mr. Johnson has done a great job bringing zoning issues to the Township Committee. There being no additional comments, the Mayor closed the public portion of the meeting.

TOWNSHIP COMMITTEE MEETING
May 23, 2016

Township Committee Members' Notes

The Township Committee Members had no additional comments.

Mayor's Notes

Mayor Mulligan stated he had no additional comments and asked for a motion to go into Closed Session.

Resolution

At 9:55 p.m., on motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried, the following Resolution was adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 05-16-102

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

- "N.J.S.A. 10:4-12b (7)/Contract Negotiations" - Discussion of possible contract negotiations,
- "N.J.S.A. 10:4-12b (5)/ Land Acquisition" – Discussion of possible land acquisition.

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

On motion by Ms. Goetz, seconded by Mr. Taylor and unanimously carried, the meeting returned to open session at 10:30 p.m.

On motion by Mr. Taylor, seconded by Mr. Goetz, and unanimously carried, the meeting adjourned at 10:32 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk