

TOWNSHIP COMMITTEE MEETING  
February 23, 2015

The Township Committee Meeting of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: David Cook, Susan Goetz, Glenn Johnson, Dan Mulligan, and Mayor Jay Taylor. Also present were Denise Marabello, Township Administrator/Director of Finance; and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Taylor led in the salute to the flag, and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 2, 2014 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 2, 2014.
- (3) Filed on December 2, 2014 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.

Budget Township Committee Minutes of February 7, 2015

On motion by Mr. Johnson, seconded by Mr. Mulligan and unanimously carried, the Budget Township Committee Minutes of February 7, 2015 were adopted.

Regular Township Committee Minutes of February 9, 2015

On motion by Mr. Mulligan, seconded by Ms. Goetz and unanimously carried, the Regular Township Committee Minutes of February 9, 2015 were adopted.

Reports and Communications  
--Mayor

Mayor Taylor made the following appointments for the Parks Commission: Michelle Kemper and Sally O'Grady to three-year terms ending on December 31, 2017, and Lisa Rue to the unexpired term of Kate Hall ending on December 31, 2016.

Mayor Taylor announced this Friday, February 27<sup>th</sup> at 6:00 p.m. will be a Ribbon cutting ceremony for Cranbury Station Art Gallery and Cranbury Limousine.

Mayor Taylor reported a "Coffee with the Mayor and Police Chief" was held last Saturday at Teddy's Restaurant. Mayor Taylor reported a continuing theme is pedestrian safety and traffic. He stated there will be a "distracted driver" campaign coming up, and stated there will be a zero-tolerance policy. Mayor Taylor reported his car and a neighbor's car were hit in separate incidents while parked on South Main Street. He reported there was another incident on Plainsboro Road, and stated there are issues with speeding in the Township.

Mayor Taylor thanked the Public Works Department for opening up Brainerd Lake for skating. He thanked the Fire Department for providing lighting for skaters and also for responding to the horrible accident on the New Jersey Turnpike on February 9<sup>th</sup>.

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Reports and Communications  
--Members of Committee

Mr. Johnson

Mr. Johnson reported he attended a Library Facilities Meeting and also attended a School Board Meeting.

Ms. Goetz

Ms. Goetz stated she had nothing to report this evening other than her comments for the "Downtown Beautification Project," which she would save for after the presentation.

Mr. Mulligan

Mr. Mulligan reported he and Ms. Marabello met with the Township's IT professional, Abdul Hassan, President of IT Network Solutions regarding some of the capital spending questions from the Budget Meeting. Mr. Mulligan stated, after reviewing Mr. Hassan's recommendations, the proposals do make sense, both for the Police Station and Town Hall. He stated there is some redundancy between the Police Station and Town Hall, and Mr. Hassan wants to expand that redundancy between the buildings themselves. Some of the costs were cut on the surge protectors. Mr. Hassan will also be reviewing the phones to see if there might be a better cost savings.

Mr. Mulligan reported residents have been reaching out to him about getting FIOS in the Township. Mr. Mulligan stated he has been directing residents to contact Ms. Bonnie Larson, Chair of the Citizen's Committee on Cable Television, who will be meeting with Comcast on Friday, February 27<sup>th</sup>. Mr. Mulligan reported to the public that FIOS is not available in Cranbury because Verizon made the decision not to install it in Cranbury. He reported there is nothing with our cable franchising fee that prevents FIOS from coming here. It is up to Verizon to make the decision to spend the money to bring FIOS into the Township. Mr. Mulligan stated the Township is not in any way preventing Verizon from installing FIOS.

Mr. Cook

Mr. Cook reported the Recreation Board is looking at a number of projects, including the installation of a concrete pad for an ice rink in Village Park, a dog park; and a Concert for Wounded Warriors in Village Park.

Concerning the Brainerd Lake Bridge and Dam Project, Mr. Cook reported the Project is at the finishing stage. The punch list includes the removal of the trailer from next to the Fire Department, and the sluice gate assembly has been ordered and materials will be delivered for the install. Mr. Cook stated there have been discussions concerning the Fountain, and reported Robert Conover will do the re-pointing of the Fountain, and the balance of the work will be done as a Boy Scout Eagle project, resulting in a substantial savings to the Township. Mr. Cook stated the Bridge lighting is being reviewed to possibly bring down the wattage.

Mayor Taylor asked if the punch list included tire tread damage on the Fire House parking lot. Mr. Cook stated the punch list included sprinkler system restoration; however, tire surface damage is not listed on the punch list. Mr. Cook stated they will have to look at the damage to the parking lot.

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Agenda Additions/Changes

Ms. Cunningham reported there was the addition of two (2) Resolutions to the Consent Agenda: R # 02-15-035 (Honoring Cranbury Station Gallery) and R # 02-15-036 (Honoring Cranbury Limousine), and also the Budget Resolution had a corrected year number.

Reports and Communications  
-- Subcommittees

Mr. Michael Kervan, Chief of the Cranbury Volunteer Fire Company gave a report for January 1<sup>st</sup> through February 23<sup>rd</sup>: 103 calls (compared to 65 in the same time period last year), including a mutual aid call to Kingston for a multiple alarm fire, a severe motor vehicle accident on Plainsboro Road, a Turnpike motor vehicle accident, a vehicle fire on Route 130, tanker task force assignment in South Brunswick Township, two (2) Station Road vehicle fires (tractor trailer and passenger vehicle), and a heater malfunction on Cubberly Court, which brought a significant amount of mutual aid. With all the calls and training, Chief Kervan reported there were 585.61 volunteer hours in the last two (2) months. Chief Kervan compared this year's percentages to last year's and reported there is an increase in participation. He stated he believes the incentive program is working.

Mr. Cook thanked Chief Kervan for providing light in the evenings for ice skating. Ms. Goetz also thanked Chief Kervan for giving his report, stating residents may not realize how many calls the Fire Company receives.

Public Comment

Mayor Taylor opened the meeting to public questions and comments for items on the Agenda. There being no comments, the Mayor closed the public portion of the meeting.

Resolution

A motion was made by Mr. Johnson, seconded by Ms. Goetz and unanimously carried, the following Resolution was passed by vote:

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

Cranbury Township Resolution # R 02-15-031

**2015 MUNICIPAL BUDGET**

of the Township of Cranbury, county of Middlesex for the fiscal year 2015.

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Cranbury Township Resolution # R 02-15-031  
(Continued)

**Revenue and Appropriation Summaries**

Anticipated		
Summary of Revenues	2015	2014
1. Surplus	\$970,000.00	\$1,344,050.00
2. Total Miscellaneous Revenues	\$2,656,766.00	\$3,013,419.17
3. Receipts from Delinquent Taxes	\$167,125.00	\$168,457.00
4. a) Local Tax for Municipal Purposes	\$6,466,711.92	\$6,225,387.90
b) Addition to Local District School Tax		
c) Minimum Library Tax	\$483,300.00	\$522,192.00
Total Amount to be Raised by Taxes for Municipal Budget	\$6,950,011.92	\$6,747,579.90
Total General Revenues	\$10,743,902.92	\$11,273,506.07
Summary of Appropriations	2015 Budget	Final 2014 Budget
1. Operating Expenses: S&W	\$3,145,491.22	\$3,079,759.22
Other Expenses	\$5,329,458.86	\$5,672,829.59
2. Deferred Charges & Other Appropriations	\$25,000.00	\$25,000.00
3. Capital Improvements	\$30,000.00	\$20,000.00
4. Debt Service (include for School Purposes)	\$2,072,438.84	\$2,294,863.26
5. Reserve for Uncollected Taxes	\$141,514.00	\$181,054.00
Total General Appropriations	\$10,743,902.92	\$11,273,506.07
Total Number of Employees	69	70
<b>Balance of Outstanding Debt</b>		
Interest Payments in 2015	\$521,681.11	
Principal Payments in 2015	\$1,547,762.12	
Outstanding Balance (12/31/14)	\$16,664,255.00	

Notice is hereby given that the budget and tax resolution was approved by the Township Committee of the Township of Cranbury, County of Middlesex on February 23, 2015.

A hearing on the budget and tax resolution will be held in the Committee Meeting Room, Town Hall, 23A North Main St, on March 23, 2015 at 7:00 o'clock PM at which time and place objections to the Budget and Tax Resolution for the year 2015 may be presented by taxpayers or other interested persons.

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

TOWNSHIP COMMITTEE MEETING  
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Ordinances  
First Reading

Cranbury Township Ordinance # 02-15-03

An Ordinance entitled, # 01-15-03, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, INCREASING DOG AND CAT LICENSE FEES," was introduced for first reading. On motion by Mr. Johnson, seconded by Ms. Goetz, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: Monday, March 9, 2015 at 7:00 p.m.

WHEREAS, Chapter 82 of the Code of the Township of Cranbury ("Code") sets forth miscellaneous fees charged by the Township; and

WHEREAS, any person who shall own, keep or harbor a dog or cat of licensing age in the Township of Cranbury, on or before January 31 of each year, procure from the Clerk of the Township of Cranbury, or other person designated by the Township Committee for said purpose, a license and official metal registration tag for each such dog or cat owned, kept or harbored; and

WHEREAS, a survey of neighboring municipalities reveals that dog and cat licensing fees in the Township of Cranbury need to be increased;

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

1. The recitals contained in the foregoing preamble are incorporated herein as if fully restated.

2. Section 82-2 of the Code of the Township of Cranbury ("Code"), entitled "Miscellaneous Fees," is hereby amended to add dog and cat license fees, and shall read as follows (additions are underlined; deletions are in [brackets]):

**§ 82.2. Miscellaneous Fees**

The following are rates applicable to buildings or facilities connected to the sewerage system:

- F. Spayed/neutered dog or cat license fee \$10.00. Non spayed/neutered dog or cat license fee \$13.00. A dog or cat license obtained after January 31<sup>st</sup> will be charged a late fee of \$5.00 per animal in the month of February and \$10.00 per animal in the month of March through December.

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Cranbury Township Ordinance # 02-15-03  
(Continued)

3. This Ordinance will take effect upon final adoption and publication, as provided for by law.

Ordinances  
Second Reading

Cranbury Township Ordinance # 02-15-01

A motion to enter an Ordinance entitled, "CRANBURY TOWNSHIP ORDINANCE # 02-15-01 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)" was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. Ms. Marabello explained this Ordinance is done every year. This Ordinance enables the Township to exceed the cap and then bank the amount for two (2) years. She stated this is a precautionary Ordinance. Mayor Taylor asked the Township Committee if there were any questions, and hearing none, the Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Johnson, seconded by Ms. Goetz, the Ordinance was adopted by a vote:

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

Nays: (None

Cranbury Township Ordinance # 02-15-02

Ms. Cunningham reported this Ordinance was referred to the Planning Board by a memo dated February 10, 2015. She explained since the Planning Board has not had a meeting since that date, the Ordinance was not reviewed for the Township Committee, and therefore, this Ordinance needs to be carried over to the next Township Committee Meeting on March 9<sup>th</sup>. Ms. Cunningham read the Ordinance title for record: "CRANBURY TOWNSHIP ORDINANCE # 02-15-02 – AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING TOWNSHIP CODE CHAPTER 150, LAND DEVELOPMENT, TO INCREASE THE HEIGHT LIMITS IN THE LIGHT INDUSTRIAL (LI) AND INDUSTRIAL – LIGHT IMPACT SEWERED (I-LIS) ZONES."

Mr. Mulligan requested clarification on the process going forward on this Ordinance. Ms. Cunningham explained the Planning Board will meet between now and the Township Committee's next meeting and once the Planning Board provides their recommendations, the Committee can move to adopt at the next meeting.

TOWNSHIP COMMITTEE MEETING  
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Resolutions  
Consent Agenda

Mayor Taylor asked the Township Committee if there were any questions or comments on the Consent Agenda. There were no questions, and the Mayor asked for a motion to adopt. A motion was made by Mr. Mulligan, seconded by Ms. Goetz and unanimously carried, and the following Resolutions were passed by vote:

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

Cranbury Township Resolution # R 02-15-032

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

Cranbury Township Resolution # R 02-15-033

WHEREAS, in 1999 the Township of Cranbury established the annual Length of Service Award Program (LOSAP) for the Cranbury Township Fire Company and First Aid Squad to enhance the municipality's ability to retain and recruit new members; and

WHEREAS, LOSAP shall provide for annual contributions for each eligible member,

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, that the Township agrees to make an annual LOSAP contribution of \$1,614.00 per eligible Fire Company and First Aid Squad member and that the total LOSAP contribution will be funded by virtue of adoption of the annual municipal operating budget.

Cranbury Township Resolution # R 02-15-034

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source 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, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2014 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of

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Cranbury Township Resolution # R 02-15-034  
(Continued)

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

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 hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Linda M. Scott, Recycling Coordinator 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.

Cranbury Township Resolution # R 02-15-035

WHEREAS, since 1983, Cranbury Station Gallery has served central New Jersey with two convenient locations – one in the Cranbury Station section of Monroe Township and another on Palmer Square in downtown Princeton;

WHEREAS, Cranbury Station Gallery has chosen to make downtown Cranbury their new home;

WHEREAS, they are detailed artists and have provided many beautiful framing projects for the residents and businesses in Cranbury over the years;

WHEREAS, they bring enjoyment of art to the homes and business by carrying a large selection of artwork in their galleries;

WHEREAS, they provide a platform for many local artists including Sydney Neuwirth, Charles McVicker, and Kathleen Maguire Morolda;

WHEREAS, Cranbury Station Gallery has been a generous donor to our civic causes;

NOW, THEREFORE BE IT RESOLVED, that the Township of Cranbury heartily welcomes Cranbury Station Galleries to your new location on North Main Street.

Cranbury Township Resolution # R 02-15-036

WHEREAS, Cranbury Limousine was established in Cranbury in 2008 as a local homegrown business;

WHEREAS, Christine A. Thompson is a co-owner and has lived and worked in the Cranbury, New Jersey, area for the past 35 years;

WHEREAS, Ms. Thompson in her capacity has been active in our local Business Association including holding the title of President;



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Cranbury Township Resolution # R 02-15-036  
(Continued)

WHEREAS, Frank C. Vesci is a co-owner of Cranbury Limousine and also owns and operates the East Coast Limousine Service in Yardley, Pennsylvania;

WHEREAS, the services provided by Cranbury Limousine provide many opportunities for residents and families to benefit from travel to airports for vacation, proms or other enjoyable events;

WHEREAS, Cranbury Limousine has been a generous donor to charitable causes in Cranbury;

NOW, THEREFORE BE IT RESOLVED, that the Township of Cranbury heartily welcomes Cranbury Limousine to your new location on North Main Street.

Work Session

a). Discussion of Downtown Beautification Project – Phase III

On behalf of the “Downtown Beautification” Subcommittee, Mr. David Szabo presented and recommended areas of improvement utilizing the Third Round Grant funding. Mr. Szabo stated the vision is to expand the work that was done last year, including sidewalks, crosswalks, bump outs, and pedestrian level lighting. Mr. Szabo stated the main vision is to do a whole segment, rather than do piecemeal sections of the grant boundaries. Part of the vision is to enhance Cranbury’s tradition of being an historical village, integrate and balance the street scape, make the historic district pedestrian friendly for businesses and promote Cranbury Township as a destination and a cultural resource.

Mr. Szabo explained the various Phase III Plan Options and three (3) suggested ways to do the Project while staying within budget. All three (3) options include completing the safe pedestrian walkway from School House Lane to the Lake. Mr. Szabo described the various combinations to consider completing under the Grant funding. Mr. Szabo stated \$36,000 budgetary fee was deducted for permits and engineering work, and also to repair some items from the First Round; namely, the south edge of the intersection of Park Place and North Main Street where water collects, and walkway and step of the building next to Cranbury Pizza. He stated all three (3) options come in under \$300,000, with the \$36,000 deducted. Each section has a 10% contingency fee built in. Mr. Szabo addressed the materials to be used in the various sections.

Mayor Taylor asked the Committee if there were any questions. Ms. Goetz commended the Beautification Committee, stated they had walked the area many times, and the work done in Phases I and II looks like it has always been there. After pricing out the various sections and coming up with options to best use the Grant monies, Ms. Goetz asked the Township Committee which options would best serve the community. She stated the Beautification Subcommittee all thought Section A was important to connect the Lake to the Village so that was included in all three (3) options. She stated the Subcommittee had differing opinions on Section B. Ms. Goetz stated Section C (Post Office to Bunker

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Hill) may have some ADA compliance issues since the sidewalk is narrow in spots. Mr.

Work Session

a). Discussion of Downtown Beautification Project – Phase III

Szabo pointed out that even a narrow new sidewalk would be safe than what currently exists. Ms. Goetz stated Section D was debated for a long time as the sidewalk on the east side of Main Street from Westminster to Park Place is not in bad shape; it is just not consistent with the rest of the new sidewalks. She stated the Subcommittee would love to replace the east side of Main Street from Park Place East to the Lake; however, the cost is very expensive. Ms. Goetz stated this is a sidewalk grant so curbs alone may not be fixed. Mr. Szabo stated the goal is to continue what is in place and what people can see. He stated the side streets are included in this the Third Round Grant while side streets were not included in the First and Second Rounds. If trees are to be taken down, Ms. Lee Nissan of the Beautification Subcommittee recommended the pear trees on Park Place West and Main Street be removed. There was discussion about replacing street signs and the number of lights needed for each section.

Mr. Mulligan inquired if the walkway from School House Lane down to the West property driveway would be brick, and would there be a problem with brick and electrical if there were floods. Mr. Szabo stated brick is put on an asphalt base so there is stability; the brick is not placed solely in a sand base.

Mr. Cook stated the combination of Sections B, D and E would be the best since he prefers balance on both sides of the street. He stated he would also prefer some type of overhead lighting be considered in Section A. Ms. Nissan stated the trees are very thick in Section A and only one (1) tree will be removed. She stated the overhead lights will not provide enough lighting for the street and stated the height of period lighting is more effective for actual lighting in the street itself. There was additional discussion about lighting.

Ms. Goetz stated she thought it was important to do Section A (School House Lane to the Lake). She stated the sidewalk and curbs on Park Place West have deteriorated, and there is a lot of traffic in that area. The east side of Main Street is in better shape. She stated she would like to see Sections A, B and D done.

Mayor Taylor stated he did a spreadsheet for his own use. He reviewed his criteria and stated he would like to see Sections A, C and D done. Mr. Cook asked if all areas would receive lighting, and Ms. Goetz stated the Subcommittee felt only Section A required lighting as it was much darker than the other areas. There was additional discussion about the amount and style of lighting needed in the Township.

Mr. Mulligan agreed Sections A, C and D should be done and stated Mr. Taylor's spreadsheet was very helpful.

Mr. Cook stated, after discussion, he would select Sections A, C and D.

Public Comment on Work Session

Mayor Taylor opened the meeting to public questions and comments concerning the Downtown Beautification Project. There being no comments, the Mayor closed the public portion.

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Ms. Goetz asked the Beautification Subcommittee for their thoughts and preferences. Ms. Nissan stated working on Section D seems like a waste because there is nothing

Work Session

a). Discussion of Downtown Beautification Project – Phase III

(Ms. Nissan cont'd.)

wrong, other than aesthetics, with the sidewalk. Ms. Nissan stated the sidewalk on Park Place North is horrible; however, she suggested finding additional grant money in the future and doing that section when the new Library is built. Ms. Goetz stated the work would have to be done around holidays or events, such as Memorial Day, Cranbury Day, Halloween and also winter.

Mayor Taylor asked for a motion to select Option 3 (which covers School House Lane to Bridge, North Main Street – Gil and Bert's to Bunker Hill, and North Main Street – Westminster Place to Park Place East). Mr. Mulligan requested for clarification on the brick and lighting in Area A, and Mayor Taylor stated the vote would be conditional on the certification of brick being acceptable in Section A as in the event of flooding and pending investigation of pricing of alternate lighting. On motion by Mr. Mulligan, seconded by Ms. Goetz, the motion was adopted by vote:

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

Nays: (None

The Township Committee thanked Mr. Szabo and Ms. Nissan for the presentation.

Work Session

b). Discussion of Proposed Riparian Ordinance by Township Committeeman Glenn Johnson

Township Committeeman Glenn Johnson and Mr. Paul Mullen, Environmental Commission member, led a continuance of a discussion with the Township Committee Members on a proposed Riparian Ordinance. Mr. Mullen stated the Zoning Ordinance Committee has no problem putting in a clause that states all "Permits by Rule" are permitted by Ordinance. Mr. Mullen stated he contacted the DEP to get their perspective on whether Permits by Rule would not be allowed by Riparian Zone Ordinances, and the response he received from a DEP Supervising Environmental Engineer was that it is not the DEP's intention to prevent activities that could be authorized under a flood hazard area by Permit by Rule. DEP stated these activities had been adopted as Permits by Rule because the DEP had determined they will have a minimal impact on flooding the environment. Mr. Mullen reported the DEP stated adopting a Riparian Zone Ordinance that allows these activities will not be considered to be less stringent or in violation of the DEP's Riparian Zone standards.

Mr. Johnson stated it needs to be decided if the Riparian Zone Ordinance should be a "stand-alone" piece of legislation or whether it should be under the Municipal Land Use Law (MLUL). Mr. Johnson stated the Environmental Commission's recommendation is

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that the Ordinance be part of the MLUL, and he suggested the Township Committee discuss this issue.

Work Session

b). Discussion of Proposed Riparian Ordinance by Township Committeeman Glenn Johnson  
(Continued)

Mr. Mulligan stated he has been a big proponent of the Riparian Ordinance falling under the Township Committee as a standalone. He stated a lot has been moved under Land Use and the Boards have a lot on their plates already. He stated he felt the Township Committee could make decisions in a timely manner and applicants would be saved a lot of money. He stated the Township Committee would make decisions in the overall best interest of the Town by taking a holistic view.

Mr. Mullen asked if the Ordinance would be better in the Land Use Law because the variances and appeals are built in the Land Use Law. He suggested the Township Committee discuss this with the Township Attorney. Mr. Mullen stated he thought it would be a lot of work for the Township Committee to become involved in a development application dealing with the Riparian Zone. Mr. Mulligan stated his concern is that the Riparian Zone touches a lot of properties that need to be redeveloped. Mr. Mulligan stated the applicant would need to present a smart plan that is environmentally sound. He stated he felt the Township Committee would be able to act on the application since other Boards are comprised of volunteers and there are sometimes quorum issues. It was clarified that this is currently a standalone Ordinance and is not under Land Use.

Mr. Mullen stated he does not know the ramifications of having the Ordinance be standalone or be under Land Use. Mr. Cook stated the Committee does not know if the Ordinance would have more "bite" in Land Use. Mr. Cook stated many of the areas impacted are commercial properties, and the issue may not be as much fast tracking as "paralysis of analysis" with some projects where the Committee has no control and the project's progress is based on a volunteer board. He suggested wording putting a limit on the time, and perhaps after 30 or 45 days, have the application default to the Township Committee. Ms. Goetz pointed out the Township Committee is comprised of volunteers also, and stated the Planning and Zoning Boards have the expertise to understand the impacts of these decisions. She stated the Environmental Commission has representation on these Boards as well. Mr. Mullen stated those Boards utilize professionals and the Township Committee would use professionals as well. Ms. Goetz stated the Boards have the expertise and consider the entire community's welfare in making decisions. Mr. Mullen stated once the Ordinance is placed in Land Use, it is there to stay and cannot be taken out. The Township Committee would no longer have the ability to act on it. He stated he would prefer starting slowly and if the Township Committee became overwhelmed with applications, the Ordinance could later be put in Land Use.

Mr. Johnson stated one of the frustrating parts of his job is the extent to which the State has invested so much autonomy in Planning and Zoning Boards. He stated without any good reason, it takes a long time to do things that could have been done quickly. He stated he is in favor of keeping the Ordinance as a standalone. Ms. Goetz asked if the Township Committee would have the opportunity to do a variance, and asked how the Committee would proceed. Mr. Johnson stated the applicant would have to prove the need for the variance. Ms. Marabello stated the Attorney would have to be present, and Mr. Mulligan agreed, stating the other professionals would also be needed.

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Ms. Goetz clarified the process: an applicant with issues with the Riparian Zone Ordinance would come before the Township Committee for a variance and the professionals would be present at the meeting. Mr. Cook stated the motivation for a developer would be the clock component or getting the project moved along quicker. He

Work Session

b). Discussion of Proposed Riparian Ordinance by Township Committeeman Glenn Johnson  
(Continued)

(Mr. Cook cont'd.)

suggested starting the process at the Boards and then have a time frame where if no action has been taken, the application would then go to the Township Committee. Ms. Goetz reiterated having the Planning and Zoning Boards hear an application, and if not handled in a finite period of time, there would then be an opportunity to go to the Township Committee. Mr. Johnson stated once the Ordinance is under Land Use, it is the Zoning Board's call. Mr. Mullen stated the question is whether the Ordinance can be written as such, and Mr. Cook stated he believed the language could be included as long as the Ordinance was not in Land Use. Ms. Goetz asked if the Ordinance is outside of Land use, would the Zoning and Planning Boards have the authority to deal with it, and Ms. Marabello stated the Attorney would have to be consulted. Ms. Goetz asked if the Township Committee would be charging fees since professionals would have to be paid to review the plans and preside at the meeting. Mr. Mullen stated if the Township Committee wanted to proceed with keeping the Ordinance out of Land Use, all of these questions are valid and would have to be answered by the Attorney.

Mayor Taylor stated besides bringing in the Planner, Engineer and Attorney, the stenographer would also be required because it is a judicial matter. All costs would have to be assumed by the developer. Ms. Goetz stated the goal would be to have the process be easier and not as expensive for the developers. There was additional discussion about fees, costs and timing of the process.

Mr. Mullen stated, on behalf of the Environmental Commission, it does not matter if it is the Township Committee or the Zoning Board that approves the variances. What matters is that Cranbury has the power to control what happens with our streams. It is important for Cranbury Township to have the power for variances and not the DEP. Mr. Mullen stated if the DEP gives a permit the Township thinks is detrimental to Cranbury, the Township Committee should have the power to reject it. Ms. Goetz stated it is important to find the place for the Ordinance so Cranbury has the final word. Ms. Marabello stated Mr. Johnson should speak with the Township Attorney for clarification. The Township Committee thanked Mr. Mullen for his time and hard work.

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.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

TOWNSHIP COMMITTEE MEETING  
February 23, 2015

The Mayor opened the meeting to public questions and comments.

Public Comment (Continued)

Mr. Richard Kallan, Wynnewood Drive, stated red light cameras have been eliminated in the State; however, he noticed there were cameras on Route 130 in Cranbury. The Committee stated those sensor cameras replace the plates in the road to change the turning light signal. There being no further comments, the Mayor closed the public portion of the meeting.

Township Committee Member Notes

There were no additional Township Committee Member comments.

Mayor's Notes

Mayor Taylor announced a Proclamation will be mailed from Cranbury proclaiming March is Youth Art Month. He stated he had no additional comments for the Mayor's Notes and requested a motion to adjourn. On a motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried, the meeting adjourned at 9:02 p.m.

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Kathleen R. Cunningham, RMC  
Municipal Clerk