

**MINUTES  
OF THE  
ZONING BOARD OF ADJUSTMENT  
CRANBURY TOWNSHIP  
CRANBURY, NEW JERSEY  
MIDDLESEX COUNTY**

**MINUTES OF OCTOBER 5, 2011  
APPROVED ON NOVEMBER 2, 2011**

**TIME AND PLACE OF MEETING**

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held at the Township Hall Municipal Building, Main Meeting Room, 23-A North Main Street, Cranbury, New Jersey, on October 5, 2011, at 7:30 p.m.

**CALL TO ORDER**

Dale Smith, Chairman of the Cranbury Township Zoning Board of Adjustment, called the meeting to order.

**STATEMENT OF ADEQUATE NOTICE**

Pursuant to the Sunshine Law, adequate notice in accordance with the Open Public Meetings Act was provided of this meeting's date, time, place and agenda was mailed to the news media, posted on the Township's Bulletin Board, mailed to those requesting personal notice, and filed with the Municipal Clerk.

**MEMBERS IN ATTENDANCE**

- James Gerberich (7:50 p.m.)
- Alain Hebert
- John Hoffman (2<sup>nd</sup> Alternate)
- Mel Lehr
- Merilee Meacock (arrived 7:35 p.m.)
- Thomas Patterson
- Brian Schilling (1<sup>st</sup> Alternate)
- Frank Shea
- Dale Smith

**PROFESSIONALS IN ATTENDANCE**

- Andrew Feranda, Traffic Consultant
- David J. Hoder, P.E., Township Engineer
- Valerie Kimson, Esquire, Planning Board Attorney
- Josette C. Kratz, Secretary
- Richard Preiss, P.P., Township Planner

**APPLICATIONS**

**ZBA 206-11 Christopher & Francine Ruzich  
Block 28, Lot 20, Zone V/HR  
18 Prospect Street  
Bulk variance for fence**

Since the noticed to the 200-ft property owners went out short of the ten (10) day requirement this application was postponed until the November 2, 2011 meeting date.

**APPROVAL OF MINUTES**

**Approval of July 6, 2011**

MOTION MADE BY: Mr. Shea  
SECOND MADE BY: Mr. Patterson

VOTE ROLL CALL

AYES: Mr. Hoffman, Mr. Patterson, Mr. Schilling, Mr. Shea  
NAYS: None  
ABSTAIN: None  
ABSENT: Mr. Gerberich, Mr. Hebert, Mr. Lehr, Ms. Meacock  
INELIGIBLE  
TO VOTE:

MOTION CARRIED

**Approval of July 21, 2011**

MOTION MADE BY: Mr. Shea  
SECOND MADE BY: Mr. Patterson

VOTE ROLL CALL

AYES: Mr. Patterson, Mr. Shea, Mr. Smith  
NAYS: None  
ABSTAIN: None  
ABSENT: Mr. Gerberich, Mr. Hebert, Mr. Lehr, Ms. Meacock  
INELIGIBLE  
TO VOTE: Mr. Schilling

MOTION CARRIED

**Approval of August 3, 2011**

MOTION MADE BY: Mr. Patterson  
SECOND MADE BY: Mr. Shea

VOTE ROLL CALL

AYES: Mr. Hoffman, Mr. Patterson, Mr. Schilling, Mr. Shea, Mr. Smith  
NAYS: None  
ABSTAIN: None  
ABSENT: Mr. Gerberich, Mr. Hebert, Mr. Lehr, Ms. Meacock  
INELIGIBLE  
TO VOTE: None

MOTION CARRIED

**Approval of September 7, 2011**

MOTION MADE BY: Mr. Shea  
SECOND MADE BY: Mr. Patterson

VOTE ROLL CALL

AYES: Mr. Hoffman, Mr. Patterson, Mr. Schilling, Mr. Shea  
NAYS: None  
ABSTAIN: None  
ABSENT: Mr. Gerberich, Mr. Hebert, Mr. Lehr, Ms. Meacock  
INELIGIBLE  
TO VOTE: Mr. Smith

MOTION CARRIED

**ZBA 208-11 Ron & Nancy Witt  
Block 32, Lot 5.01, Zone VC  
38 North Main Street  
Bulk variance for fence**

REPRESENTATIVES: Ronald Witt, Applicant/Owner

Mr. Witt and Mr. Hoder were sworn.

Memorandum from Richard M. Preiss, Phillips, Preiss, Grygiel, LLC, dated October 4, 2011

EXHIBIT A-1 Foam Core Board with mounted photographs of property and color site plan  
EXHIBIT A-2 Letter from Marjorie A. Gutman, dated October 4, 2011 entered by applicant

Mr. Smith recused himself from this application.

Mr. Witt explained his application was for a fence along the property line where the approved fence 5-ft high would have been placed, but at a height of 6-ft and solid. His preference was for the fence to be completely solid without lattice at the top, the "Chesterfield" design. The front portion would match the height of the neighbor's existing fence. Exhibit A-1 showed a picture with red ribbon tied to the line of trees, which indicated the height of the fence once erected. The

lower limbs of the line of trees were removed because of the previously erected fence, originally installed by the bank. Mr. Witt summarized the letter he received from his neighbor Ms. Gutman.

Mr. Hoder asked if the fence would be on the property line.

Mr. Witt answered it would be on the property line. There were no utilities that it would interfere with, nor vegetation that would need to be removed.

Mr. Gerberich arrived at 7:50 p.m.

There were no comments made by the public.

Motion made for approval of the application as presented.

1. Applicant would install the "Chesterfield" designed fence, without the lattice top.
2. Along the front where visible from Main Street applicant would match the height with the height of the neighbors fence.

MOTION MADE BY: Mr. Patterson  
SECOND MADE BY: Mr. Schilling

VOTE ROLL CALL

AYES: Mr. Hoffman, Mr. Patterson, Mr. Schilling, Mr. Shea  
NAYS: None  
ABSTAIN: None  
ABSENT: Mr. Gerberich, Mr. Hebert, Mr. Lehr, Ms. Meacock  
INELIGIBLE  
TO VOTE: Mr. Smith

MOTION CARRIED

**ZBA 102-05 Rajesh Wadhwa  
Block 18.02, Lot 4, Zone V-HR  
2709 Route 130 South  
Amendment to Original Use Variance, Bulk Variance, Preliminary & Final  
Site Plan Approval**

REPRESENTATIVES: Donald Driggers, Esquire  
Rajesh Wadhwa, Owner/Applicant  
Carl Stover, Architect/Engineer

Mr. Wadhwa, Mr. Stover, and Mr. Hoder were sworn.

Report from David Hoder, Maser Consulting, dated September 26, 2011  
Report from Andrew Feranda, Shropshire Associates LLC, dated September 29, 2011  
Report Memorandum from Richard Preiss, Phillips Preiss Grygiel, LLC, dated October 4, 2011

EXHIBIT A-1 Series of eight photographs of the property.

Mr. Driggers explained this was a previously approved use variance and site plan at this time they are seeking approval to be allowed to use the current facility for offices with no patient visit. Dr. Wadhwa and his wife, also a physician would use the space for office use and at times meet with insurance company representatives.

Dr. Wadhwa testified that he was having financing difficulties due to the current economic situation. His intent was to store patient files there only and allow for a private place in which he could review those files securely. His intent was to utilize the building for a maximum of eight (8) hours per week. The applicant would comply with the comments in the Board Engineer's report that included paving the parking lot, striping of spaces, handicapped space and directions arrows, planting of additional arborvitae to fill in the gaps, and installation of the fence. There would be no signage, with the expectation of a small sign at the door to identify the building.

Mr. Hoder said he visited the site and noticed the pavement was in need of repair. There were test holes that needed to be filled. The landscaping needed to be filled in to screen the adjacent property and there were dead and damaged trees, which needed to be replaced. The handicapped access spaces needed to be completed with appropriate signage.

Mr. Smith wanted to be assured that the septic was functional.

Mr. Driggers agreed that he would have Barry Wham do a full report of the condition of the present septic and submit that to Middlesex County Health Department and the Board Engineer with plans attached to report for approval.

Mr. Stover testified the railings were in good shape. The applicant agreed to clean up and paint area by the two windows.

There were no comments from the public.

Mr. Shea motioned for the approval of the application with the following conditions:

1. The site is limited to office use only and there would be no patients seen at this site.
2. No signage is proposed, or approved with the exception of a small sign on the door.
3. Submission of a professional engineer's report indicating the condition of the existing septic prior to issuance of a CO, which shall be to the satisfaction of the County Health Department and Board Engineer.
4. Overlay of the parking lot to the satisfaction of the Board Engineer.
5. Subject to the compliance with in the professionals' reports.
6. No more than five (5) staff members on site at any time.

MOTION MADE BY: Mr. Shea  
SECOND MADE BY: Mr. Schilling

#### VOTE ROLL CALL

AYES: Mr. Gerberich, Mr. Hoffman, Mr. Patterson, Mr. Schilling, Mr. Shea, Mr. Smith  
NAYS: None  
ABSTAIN: None

ABSENT: Mr. Hebert, Mr. Lehr, Ms. Meacock  
INELIGIBLE  
TO VOTE: None

MOTION CARRIED

**APPROVAL OF VOUCHERS**

<b>P-20-05-296-000 ZBA204-11 Matrix</b>		<b>-644.00</b>
P-20-05-296-026 - Legal	Mason, Griffin & Pierson, PC	14.00
	TOTAL	<u>-658.00</u>
<b>P-20-05-234-000 ZBA102-05 Rajesh Wadhwa</b>		<b>1467.68</b>
P-20-05-234-025 - Traffic	Shropshire	604.75
P-20-05-234-026 - Legal	Mason, Griffin & Pierson, PC	14.00
P-20-05-234-028 - Engineering	Maser Consulting	537.50
	TOTAL	<u>930.18</u>
<b>P-20-05-282-000 ZBA180-10 The Verde Group, LLC II</b>		<b>-6585.50</b>
P-20-05-282-026 - Legal	Mason, Griffin & Pierson, PC	266.00
	TOTAL	<u>-6851.50</u>
<b>1-01-21-185-100 - Advertising - Zoning</b>		<b>1141.82</b>
9/2/11 - Ref#0001212842	Packet Publications	36.27
9/16/11 - Ref#0001213471	Packet Publications	27.28
	TOTAL	<u>1078.27</u>
<b>1-01-21-185-300 - Legal - Zoning</b>		<b>3976.00</b>
General	Mason, Griffin & Pierson, PC	280.00
	TOTAL	<u>3696.00</u>
<b>1-01-21-185-312 - Engineering - Zoning</b>		<b>1636.00</b>
Christopher - 50 Maplewood Avenue	Maser Consulting	67.50
	TOTAL	<u>1568.50</u>
<b>1-01-21-185-310 - Planner - Zoning</b>		<b>-281.00</b>
Christopher - 50 Maplewood Avenue	Phillips Preiss Grygiel LLC	195.00
	TOTAL	<u>-476.00</u>

Following item will be charge to PB litigation

Riya v. ZBA of Twp Cranbury

Mason, Griffin & Pierson, PC

2128.07

Mr. Smith explained to the Board that Ms. Kratz and he were in the process of revising these voucher reports; there would be an addition of information to reflect the amount to date of total monies spent. This would allow the Board to look at this every time and know what the amount of the current request as well as the escrow charge history for the application. He would have Ms. Kratz make further clarify changes and the Board would see them for next month.

Mr. Smith said that he would also communicate to the consultants that Ms. Kratz will be distributing these voucher report at least a week before the meeting and that the consultants need to submit vouchers timely for approval at that meeting. This will give the Board members adequate time to review the back up if necessary. If the Board concurs an official letter will be sent to the consultants informing them of the schedule along with an agreed upon report format.

The motion was made to approval the bill list (subject to the Chair reviewing P020-05-234-025 Traffic)

MOTION MADE BY: Mr. Shea  
SECOND MADE BY: Mr. Patterson

#### VOTE ROLL CALL

AYES: Mr. Gerberich, Mr. Hoffman, Mr. Patterson, Mr. Schilling, Mr. Shea, Mr. Smith  
NAYS: None  
ABSTAIN: None  
ABSENT: Mr. Gerberich, Mr. Hebert, Mr. Lehr, Ms. Meacock  
INELIGIBLE  
TO VOTE: None

MOTION CARRIED

#### OTHER BUSINESS

Mr. Smith suggested that minutes be distributed ten or fifteen business days after the meeting via e-mail. Changes could be incorporated for the hard copy to follow in the packets with corrections.

Mr. Smith asked the Board members to review the dates for 2012 and let him know if there were any conflicts.

Mr. Smith mentioned he requests Mr. Preiss to write a review of every application. He felt that every application should have at least a very brief memo to the file from our planner establishing the record. Mr. Smith asked Mr. Hoder for a quick memo to Ms. Kratz to, for the file, there does not appear/or does if there are any engineering issues.

Mr. Hoder said that he would look at every application and make a determination on whether or not there is a need for a report.

Mr. Smith felt this would determine if there are any issues that the Board needs to look at, such as drainage, easements, etc.

**ADJOURNMENT OF MEETING**

There being no further business, on a motion duly made, seconded and carried, the meeting was thereupon adjourned 8:50 p.m.

**CERTIFICATE OF SECRETARY**

I, the undersigned, do hereby certify that I am duly elected and acting Secretary of the Zoning Board of Adjustment and that the foregoing minutes of the Zoning Board of Adjustment meeting, held on October 5, 2011, comprised of 9 pages, constitute a true and correct copy of the Minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said this November 2, 2011.

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Josette C. Kratz, Zoning Board Secretary

/jck