

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

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held at the Township Hall (Old School Building) Main Meeting Room, 23-A North Main Street, Cranbury, New Jersey, on January 11, 2006, at 7:30 p.m.

CALL TO ORDER

Josette C. Kratz, Secretary, of the Cranbury Township Zoning Board of Adjustment, called the meeting to order and acted as the Chairman until appointment was made.

STATEMENT OF ADEQUATE NOTICE

Pursuant of 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

Mr. Gerberich, Mr. Herbert, Mr. G. Johnson, Mr. R. Johnson, Ms. Kemp, Mr. McCarville, Mr. Patterson, Mr. Shea, Mr. Smith

PROFESSIONALS IN ATTENDANCE

Mr. Jeffrey Green, Esquire, Zoning Board Attorney; Guinta, Court Reporter; Josette C. Kratz, Board Secretary; Cathleen Marcelli, P.E., Township Engineer

NOMINATIONS AND ELECTIONS/APPOINTMENTS

Chairperson

The floor was opened for nominations for Chairperson. Mr. Shea nominated Mr. Smith. Mr. Gerberich seconded the nomination.

VOTE ROLL CALL

AYES: Mr. Geberich, Mr. Herbert, Mr. G. Johnson, Mr. R. Johnson, Ms. Kemp, Mr. McCarville, Mr. Patterson, Mr. Shea, Mr. Smith
NAYS: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

Vice Chairperson

The floor was opened for the nominations for Vice Chairperson. Ms. Kemp nominated Mr. Shea. Mr. Johnson seconded the nomination.

VOTE ROLL CALL

AYES: Mr. Geberich, Mr. Herbert, Mr. G. Johnson, Mr. R. Johnson, Ms. Kemp, Mr. McCarville, Mr. Patterson, Mr. Shea, Mr. Smith
NAYS: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

Board Secretary/Administrative Officer (Appointment and Resolution)

The floor was opened for the nomination for Board Secretary. Ms. Kemp nominated Ms. Kratz. seconded the motion.

VOTE ROLL CALL

AYES: Mr. Geberich, Mr. Herbert, Mr. G. Johnson, Mr. R. Johnson, Ms. Kemp, Mr. McCarville, Mr. Patterson, Mr. Shea, Mr. Smith
NAYS: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

Board Attorney (Appointment and Resolution)

Mr. Smith thanked Mr. Green for his 28 years of service on the Zoning Board and explained that this appointment would be temporary until a new attorney was appointed, due to Mr. Green's retiring.

The floor was opened for the nomination for Board Attorney. Mr. Shea nominated Mr. Green. Mr. Kemp seconded the nomination.

VOTE ROLL CALL

AYES: Mr. Geberich, Mr. Herbert, Mr. G. Johnson, Mr. R. Johnson, Ms. Kemp, Mr. McCarville, Mr. Patterson, Mr. Shea, Mr. Smith
NAYS: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

Court Reporter (Appointment and Resolution)

The floor was opened for the nomination for Court Reporter. Mr. Shea nominated Virginia Guinta. Ms. Kemp seconded the motion.

VOTE ROLL CALL

AYES: Mr. Geberich, Mr. Herbert, Mr. G. Johnson, Mr. R. Johnson, Ms. Kemp, Mr. McCarville, Mr. Patterson, Mr. Shea, Mr. Smith
NAYS: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

ZBA Representative to the Development Review Committee

The floor was opened for the nomination for a DRC member. Ms. Kemp nominated Mr. Shea. Mr. Patterson seconded the nomination. Motion was unanimously approved.

2006 Calendar Year Approval and Resolution 2006 Notice of Meetings and Fees Approval and Resolution

Resolutions approving the Calendar of Meeting Dates for 2006, Official Notice for Meetings in Cranbury Press upon and motion duly made and seconded was approved.

MINUTES

The minutes for November 9, 2005 and December 12, 2005 were unanimously approved.

RESOLUTIONS

ZBA 414-00 Cranbury Service Center
Block 10, Lot 12.02
Route 130
Preliminary & Final Site Plan w/Bulk Variance

Mr. R. Johnson motioned for the approval of the resolution. Mr. Shea seconded the motion.

VOTE ROLL CALL

AYES: Mr. Hebert, Mr. R. Johnson, Ms. Kemp, Mr. McCarville, Mr. Patterson, Mr. Shea, Mr. Smith
NAYS: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

APPLICATIONS

The following applications had given noticed and the Board took jurisdiction and carried them to February 8, 2006.

ZBA 100-05 Donald and Mary Hess
Block 11, Lot 18
120 South Main Street
Use Variance pre-existing non-conforming use & Bulk Variance

ZBA 104-05 Pia Klinga
Block 21, Lot 47
11 Hardley Drive
Bulk Variance to erect a fence

ZBA 273-96 The Cranbury Inn
Block 35, Lot 7.01
South Main Street
Amendment to the Site Plan

REPRESENTATIVES: Donald S. Driggers, Esquire
Ricardo Perez, AIA – Perez & Radosti Associates, P.C.
John Sensente, Maser Consulting P.A.
Thomas & Gay Ingegneri, Applicant

Mr. Hebert and Ms. Kemp had to recused himself since the are within the 200 ft. Mr. Shea was found to be conflicted due to his daughter booking a wedding at The Cranbury Inn.

Mr. Perez announced his credentials and was accepted. The changes have been reviewed and approved by HPAC.

EXHIBIT A1 Revision Dated Original 1/17/02, prepared by Schroeder and Perez (Sheet A3)

EXHIBIT A2 Revision Date 3/24/05, prepared by Perez & Radosti Associates (Sheet A6)

They removed the door and substituted a window in its place. This change was to avoid being mistaken as a front door or a secondary entrance. The window at the top of stairwell was changed to three windows together. The window at the back of building was changed to a smaller window. Bat-on-board cedar siding was an error. HVAC shed removed since ductwork was contained within the building. Mr. Driggers would supply a letter from HPAC.

Mr. R. Johnson asked if roof was raised. Mr. Perez said the 8 ft ceiling in kitchen was changed to 10 ft.

Mr. Smith asked for comments from the public with regard to the architectural modifications. There were no comments made

Mr. R Johnson said that a significant statement (letter revision) needs to include the elimination of the above roof projections and the raising of the roof.

Mr. Vincenti was accepted as a professional.

EXHIBIT A3 Prepared by Maser Consulting, Sheet 1, Dimension Plan, dated 12/22/05

EXHIBIT A4 Prepared by Maser Consulting, Sheet 2, Amended Grading, dated 12/22/05

EXHIBIT A5 Prepared by Maser Consulting, Sheet 3, Amended Landscaping Plan, dated 12/22/05

On the northerly side of plan there were 13 grass pavers and a guide rail had been removed. The curbing and fence made the guide rail unnecessary. The step to the door was removed. The landscaping in the area was repositioned with the thought soften the visual impact. Drainage was changed as shown on A4, stilling meeting all requirements. A sub pump was added in the inside with a discharge to the outside as shown on A4, during construction it became an issue and was added. There was a redistribution of landscaping at the electric transforming pad and the landscaping was re-proportioned in that area. The carriage house was in the process of being constructed.

The original landscaping design called for two rows of planting; evergreen and arborvitae. A different type of planting would serve same purpose and more anesthetically pleasing. The pines did not change, and lower shrubs in a series with hollies and other shrubs.

At the Kemp's residence some trees were to be removed at the back side of the carriage house. Mr. Ingegneri indicated that the fencing, as agreed to with neighbors, would be placed along the Kemp's property. The trees removed. When barn is erected the fence would be installed. Mr. Meyer's property would have fence to the property line and along the property line of neighbors. Along the Graydon's he drew, in pink highlight, on the Exhibit where the fence would be placed along/on the property line.

Ms. Marcelli asked where transformer was originally located. Mr. Vincenti thought it was to be in the same general area. Mr. Perez said that he thought that there was landscaping around of the transformer.

Ms. Marcelli asked if all the fencing was going to be installed immediately with the exception of the Kemps. Mr. Ingegneri agreed. The Kemp's would be after the construction of the carriage house. Mr. Ingegneri said that the carriage house would be constructed within three weeks.

Mr. Perez said that they matched the stone on the carriage house with the original building. It was approved as brick but changed to stone to match the original building.

Mr. Smith thought it went from three rows of landscaping to two. Mr. Vincenti indicated it was always two, only the planting material changed. It was interior to the fence. The fence to the west made relocation of pines interior to the fence.

Mr. R. Johnson asked if they knew for a fact the transformer was shown. Mr. Perez said they were shown on the construction drawings only.

Mr. R. Johnson said that the two-story framed garage looked different than that originally approved. Ms. Marcelli verified that it was the same SF as approved.

Mr. Hebert, 22 Station Road, said the inside of fence was visible and asked for trees on the inside as well as the outside. He thought there were some evergreens on Station Road to buffer the entrance. Ms. Marcelli said that the entrance on Station Road was exactly as approved.

It was Ms. Marcelli's understanding that Mr. Ingegneri would meet with the neighbors. Mr. Chiacolla said that he thought the applicant was to come before the board for approval instead of these deals.

Mr. Driggers asked what Mr. Chiacolla would like. Mr. Chiacolla said that this was not "let's make a deal".

Mr. Smith said that was what was happening tonight. Since he has not approached you then you can tell us what you would like. Mr. Chiacolla said an appointment can be made and then we can come back to the Board. He was not prepared to discuss this at this time. He thought he would like as much buffering as possible and however that can be accomplished.

Mr. Keith Graydon, 15 Station Road, they have wished for a fence since 2000. They have not agreed to anything yet. A fence that would be installed, as drawn, would be acceptable, but could not speak for his neighbors. He would have liked to see the fence on the opposite side being extended as far as the one on the easterly side.

Mr. Graydon said that the plantings on the interior were lacking and he had six lights reflecting light back at his house and asked if they could be lower than the twelve feet to a bollard height.

Mr. Driggers felt the side parking was for overflow. Mr. Graydon asked if the lighting not be used if the parking lot was not in use or be minimized.

Mr. Kemp of 9 Station Road mentioned that the trees have come down and understood that the fence would go up shortly.

Mr. Jeff Meyer was satisfied with fence as drawn.

Mr. R. Johnson asked Ms. Marcelli if there were any other changes she saw, like the issue of the fencing with an agreement what is shown on the approved drawings should be the standard. He asked if there was a fence on Lot 8 along the easterly property line. Ms. Marcelli said it was more convoluting. The fence is not shown. It was stated on record that there would be a meeting. A plan was agreed upon when they met with the neighbors, but Mr. Ingegneri was not invited. They then met with Mr. Ingegneri afterwards. Mr. Moskowitz wrote a memo with regard to those meetings. It appeared that is they could not agree they would come back to the Board.

Mr. R. Johnson said the layers of landscaping were to provide shield to the board on board fence. As evergreens mature they would loose their lower canopy and the lower shrubs would shield that. The primary purpose of fence would eliminate car lights infiltration. One of the specific reasons was recognition that the landscaping at planting and five years from now were different and would break up the fencing. The transformer pads show up off-site, but landscaping is an inelegant solution and wished that the applicant looked at a more thoughtful way to deal with it since it was right at their front door.

He mentioned that the board did not have the benefit of comparing the plans and make asked the engineer to make sure that these were the only changes.

Mr. Smith asked if she was comfortable. Ms. Marcelli said there were some technical changes but these were the substantiate changes.

Mr. Smith said that three came close to an agreement, but the fourth neighbor has not had opportunity to discuss changes with Mr. Ingegneri. Maybe that neighbor could accept a solution as final to not through the planner and engineer back into fry to discuss this over and over again.

Ms. Marcelli said that the new plans, Sheet 1, says that plan with still showing the arborvitae on the inside of the fence. It is not consistent with testimony tonight.

Mr. Vincenti said a Compact Ink Berry Holly was planted not the arborvitae. Ms. Marcelli said that plan should reflect that if the board allows that change.

Mr. Chicadicola said if they extended the fence as originally approved he would be fine. Mr. Ingegneri said that if you look there are only cedar trees. They have not had a chance to finish landscaping. There are three pines trees that would go next to the garage. With three pine trees there would be no need for a fence. There is just a corner of his property that would not make sense for a fence there. But if needed he would put it from corner to the cedar tree. He said that if he puts arborvitae he didn't need the fence and he thought that they would give it a year to see how it looked. If he was given the time to make this right, but did not go to him because there was no property of his involved.

Ms. Marcelli said that there were cedars. Mr. Smith asked if it was reasonable to stop the fence at the cedar. Ms. Marcelli agreed.

Mr. Ingegneri said that those that cut through are usually the school children. They need a little time. We could put a fence of the two sections and the pines would do more than block. He felt what existed blocked it enough and was upset by the thought of removing them and placing a fence there.

Mr. Gerberich suggested that Ms. Marcelli and Mr. Preiss take a look at the other pieces and propose a solution. Mr. Smith said that he wanted to pass at least as possible. Mr. Smith asked if they could make a determination of the area of the cedars.

Mr. Ingegneri asked if they could finish the garage first. Mr. Driggers thought that was what the chairman was suggesting.

Ms. Smith said he would like to leave knowing the fence come up to the cedars as a done deal.

Ms. Graydon said that she was unclear that there was going to be a fence and they were going. She wanted the arborvitae back. The fence does not come all the way up to the house. She said to put the fence next to us to get the fence and they have a lot of trespassing on their yard including vehicles. It will not block the lighting, she was surprised that HPAC ever approved the industrial lighting. She wanted to be separated from this property and felt to be private from it. The overflow parking on two occasions have been completely filled and the big part has not been opened. She questioned what it would be like when the new addition was opened. The fence was to surround all of the properties.

EXHIBIT P1, P2 and P3 Photos taken by Mr. Graydon.

Mr. Smith said the fence should return at least to the cedars, the question would be if it went to the farther corner to the west side of the garage. Ms. Marcelli asked what she was to measure that by.

Mr. Smith asked that fence be extended to the west side of the entrance of Station Road to the same point on the eastern side.

Ms. Marcelli said the ink berries do not get very big, they are a compact shrub.

Mr. Smith asked why the change was made. Mr. Ingegneri said that when they met with the board the fence would be put between the arborvitae and from his side it did not look good and was not attractive that would be colorful. The pines trees that are on the other side would grow twenty feet high. The main reason was to not have it look like a compound. This was suggested by his engineer and would cover the fence and look very pretty.

Mr. Ingegneri said that there was arborvitae place along Mr. Frish's property wrote him a letter of changes. He has to be able to finish the project.

Mr. Smith asked who desire was it to have the fence between the pine trees and the property. Ms. Graydon said it was placed but not to the end. There was a person who came to them and asked to put a fence at the end but not connect so not to loose Mr. Ingegneri access to his property. The Graydon's said yes to try a resolve the issue, they felt there wasn't anything else they could say. It was presented as a trade off by someone who works for Mr. Ingegneri. Mr. Graydon said that if the narrow bit of property would not be accessible from that side for Mr. Ingegneri. Ms. Graydon said that they would be in shade from the white pines quickly, which they hoped that they would screen some of the lighting. They felt that they had to say okay. If the fence came closer or remained that was fine.

Mr. Smith asked about the physical impediment of extending the fence through the cedar.

Mr. R Johnson said they should be looking at AC 3, not Drawing 1.

Mr. Gerberich suggested that with the structure built, AC 3 has to be modified. The clouds are probably wrong. The landscaping in general now that it was built it seemed it needs to be reviewed by the professionals because there may be spots that need to be revised. We should look at the lighting, landscaping, and see the property built and get some advice back.

Mr. Smith said he was not sure to there was a way to resolve this. The older looking fixtures that they used in the past did not agree with neighbors in the past because here was no shielding. Ms. Marcelli said that this lighting was as approved. She could check it at night to see what the spillage was.

Mr. McCarville asked if there was remedial action if there was spillage. Ms. Marcelli said that he would have to come back to the board. The applicant has to come up with a plan to eliminate the spillage.

Mr. Smith said that discussion of the lighting would have to be tabled until the township engineer has a chance to review those issues.

Mr. Smith felt they took a shot at the landscaping and they made significant changes in the plans and asked the township engineer to look at those changes. Ms. Marcelli said that she wanted direction from the board. The ink berries will not shield the fence. They would never grow to a height of 6 ft.

Mr. McCarville said that it seemed that the intent was to have two layers. If the fence was extended then the neighbor would no longer see the inside of the far side. It then becomes the applicant's view. He asked why we or the neighbors should be concerned with the inside. Ms. Marcelli said she agreed.

Mr. Gerberich said that it wasn't meant to be an entrance. In the spirit of compromise maybe there is an opportunity to landscape it differently to not make it look like an entrance.

Mr. Smith said that when the fence on the west side was moved they would see it a lot. The issue of the type of shrubbery would become moot.

Mr. R. Johnson felt this was not the attempt; its purpose was to make the fence go away. To have the security of the fence but made to go away. The fence was more visible than it was intended.

Mr. Ingegneri mentioned a problem with the insurance company on the placement of the fence.

Mr. Perez said that maybe they could pull some of the arborvitae further out into Station Road.

Mr. Ingegneri said that he still had to come back a year from now for the 400 seating.

Mr. Driggers said that they would agree with the issues. He felt that the Graydons and the applicant has a compromise and go with that. They understood the changes in the landscaping to soften.

Mr. Smith said that moving the fence gets rid of the "no man's land". They will extend it to the same point on the eastern end and all along through to the church property, unless there is a physical reason for it not behind the church property. Applicant will soften the entrance to the Station Road.

Ms. Marcelli asked the applicant to provide a plan and then the landscape architect and planner can take a look at it.

Mr. Gerberich asked if it could show a rendering from Station Road so they know what it looks like.

Mr. Smith asked that the Township Engineer to look at the lighting.

Mr. Hebert said the landscaping was so people didn't see a four hundred foot fence.

Mr. Kemp asked when the fence would go in. Mr. Ingegneri said that as soon as the carriage house was done, about three weeks.

Mr. Smith marked up Exhibit A5 to reflect, in pink, where the fence would be located

1. Fence outlined in pink.
2. The buffer at the Station Road entry and interspersing treatment with the ink berry.

3. Lighting
4. Letter by Perez with addition of duct elimination and roof rising.
5. Plans submitted to reflect changes.

Straw vote was found to be favorable.

ADJOURNMENT OF MEETING

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

CERTIFICATE OF SECRETARY

I, undersigned, do hereby certify; that I am duly elected and acting secretary of the Cranbury Township and, that the foregoing minutes of the Zoning Board of Adjustment meeting, held on January 11, 2006, comprised of 26 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 June 7, 2006.

Josette C. Kratz, CPS

/jck
Attachments