

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

**MINUTES FOR NOVEMBER 28, 2018
APPROVED ON MAY 2, 2019**

TIME AND PLACE OF MEETING

The special meeting of the Cranbury Township Planning Board was held at the Cranbury Township, 23-A North Main Street, Cranbury, New Jersey, Middlesex County on November 28, 2018, at 7:30 a.m.

CALL TO ORDER

Arthur Hasselbach, Vice-Chairman of the Cranbury Township Planning Board, called the meeting to order and acted as the Chairman thereof.

STATEMENT OF ADEQUATE NOTICE

Under the Sunshine Law, adequate notice by the Open Public Meeting Act was provided of this meeting's date, time, place and agenda were mailed to the news media, posted on the Township bulletin board, mailed to those personal requesting notice, and filed with the Municipal Clerk.

MEMBERS IN ATTENDANCE

Callahan, Karen
Gallagher, James
Hasselbach, Arthur (Excused)
Johnson, Glenn
Kaiser, Michael
Mavoides, Peter
Mulligan, III, Daniel P
Schilling, Brian (Excused)
Stewart, Jason (Excused)

PROFESSIONALS IN ATTENDANCE

- P Andrew Feranda, Traffic Consultant
- P David Hoder, Board Engineer
- P Trishka Cecil, Esquire, Board Attorney
- P Josette C. Kratz, Secretary
- P Richard Preiss, Township Planner

MINUTES

Upon a motion made and seconded the minutes from October 25, 2018, and November 1, 2018, were approved unanimously.

APPLICATIONS

PB267-15 High Point Development (Hagerty/Chaney Tract)
Block 20.16, Lot(s) 7-10- & 20
Block 19, Lot(s) 2-4
County Road 535/Old Trenton Road, County Road 539/South Main Street,
Old Cranbury Road
AMENDED Preliminary and Final Major Site Plan

REPRESENTATIVES: Frank Petrino, Esquire
Sean Delany, P.E. Bowman Engineering
Geoffrey Lonza, Bowman, sworn, filling in for Sean Delany for this evening
Paul Schneier, Fleet Cranbury
Peter Zampolin, Architect
Michael Cantor, Project Director

EXHIBIT A-1 Ay24, Van Cleef Ltr dated 8/24/2018 & PPG letter dated 8/21/2018
EXHIBIT A-2 Deviation Chart
EXHIBIT A-3 Resolution
EXHIBIT A-4 Sheet 5 of 18, dated 8/24/2016
EXHIBIT A-5 Phase 1 residential sub-district approved the layout
EXHIBIT A-6 Overlay Plan for Bldg 9, date 10/25/2018
EXHIBIT A-7 Overlay Plan for Bldg 10, date 10/25/2018
EXHIBIT A-8 Overlay Plan for Bldg 11, date 10/25/2018

EXHIBIT A-9 Whole Set of Engineering Drawings as listed, the date on all plan 11/16/2018, prepared by Bowman Consulting:

Sheet 1 of 4 Amended Site Plan,
Sheet 2 of 4 Amended Site Plan Optional Footprints-Bldgs 4, 7 & 8
Sheet 3 of 4 Landscape Plan – Mechanical Unit Screening
Sheet 4 of 4 Landscape Plan – Mechanical Unit, Screening –
Optional Bldgs 4, 7 & 8

EXHIBIT A-10 Whole Set of Elevations, dated 11/28/2018 Sheet A-1 thru A-9, prepared by Zampolin & Associates
EXHIBIT A-11 Architectural
EXHIBIT A-12 Photo Board
EXHIBIT A-13 Revised BBQ Elevations
EXHIBIT A-14 Garage Detail – Manufacturer Spec
EXHIBIT A-15 Architectural Deviation List, updated December 12/4/2018

Ms. Cecil announced the noticing was made and found adequate and the board could take jurisdiction. She suggested first dealing with sit plan issue identified at the last hearing and then the architectural items and charted and went down the list of each item, one at a time. Then open to the public.

Mr. Preiss announced that the plans provided were as he requested for the Board to decide this evening.

All witnesses and board members were previously sworn and remained under oath.

Mr. Scheiener pointed out what he thought was for points on how this conflict in plans has arisen and set the stage for resolutions of these conflicts. The creation of new architectural and plans is an evolving process. Comprised of various stages, such as conceptual designs to working drawings to construction drawings; with input from mechanical engineers, structural engineers, and trust designers. When plans showed, as part of the redevelopment approval and Planning Board approval, are inevitable are not the final plans. Rarely is a town as involved in the fine points in designs as Cranbury has been. Most builders show conceptual plans to boards and retain the flexibility to make field changes based on conflicts, actual framing, utility locations, and market forces. In this situation, He said he mistakenly believed that they had some flexibility, particularly to the elevations that did not face South Main Street or Old Cranbury road and he admitted he was wrong and failed to appreciate how closely he had to stick to the plans, renderings and the language of the redevelopment plan.

Mr. Scheiener felt there were only 13 items agreed to, out of the 25 items listed. He stated 13 items were complete.

Ms. Cecil said to identify them by numbers, noting when its referenced as a 'score sheet' the Board is literal.

EXHIBIT A-2 Deviation Chart, updated October 22, 2018 (as part of the application package)

Mr. Geoffrey Lonza, Bowman Engineering, sworn, filling in for Sean Delahany. His credentials were accepted. Sheet A-1 1 of 4 - buildings 4, 7, 8 are the only buildings with the design configurations. There is no need for any variances and consistent, other than those previously mentioned. There is a zoning chart on the plan. The Board had not seen the AC Condensers, and now they all have, along with metering for utilities. For middle units, they are setback 18 to 20-ft from South Main Street and Old Cranbury Road and looking to landscape them. One Sheets 3 and four the only difference between the two sheets is the building configuration, all currently landscaped. He felt hat was a satisfactory resolution to that de minimus variance.

Mr. Petrino said, about building 5 and 6, the same condition for the AC units. Mr. Lonza said there was not 20-FT setback issue. However, they would landscape the same way. There was no issue for the setback from Hamilton Drive.

Mr. Preiss noted this was the first time the Board saw the actual location of the AC units. There were also photos shown in both his reports and Van Cleef's reports. One of the things he said discussed, was the necessity of placing them there instead of on the other side. He asked for testimony on why they have to be on the street side, and he noted he saw the landscaping and feared landscaping dies, thins out, etc. Is there some other form of screening to be provided between landscaping and HVAC unit.

Mr. Petrino asked to defer that discussion to the architect.

Mr. Lanzo noted the end units have air conditioners on the sides. It would be a hardship to plan the center units elsewhere so that it would be a C1 variance.

Mr. Preiss noted he conferred with Mr. Graydon, Cranbury's Zoning officer, and he does think it is a structure and a variance would be necessary.

Mr. Hoder, noting A1 through 4, two sheets are site plan without elevations or grades and the second 2 are landscaping plans. He questioned which of the options, A or B are closer or more exact to the originally designed approval. Mr. Lanzo said A is close, but not exact. Mr. Hoder still wanted to know the location of the units internally. He did not see the hardship.

Mr. Lanzo stated there was no way to place them on the side and get through to the lots, except for the end units; they could only be placed on one street side or the other.

Mr. Hoder asked what the reasoning was that they could place the AC units on the Hamilton Drive side.

Mr. Lanzo thought it was more esthetics, but would defer to the architect.

Mr. Hoder asked about the arborvitae, noting the plant needs a lot of maintenance and thought it not to be a good choice. Mr. Hasselbach noted deer are fond of them. Mr. Hoder noted they have submitted what he had asked for.

Mr. Mulligan wanted clarification on the testimony that AC units could not be moved?

Mr. Lanzo said he deferred the question. From an engineering standpoint, there was no reason they could not be moved. However, he could not testify from a mechanical standpoint.

Mr. Fred Macarow, 87 Labaw Drive, asked about controls over the landscaping on the KHOV side at Old Cranbury Road. Another problem he stated, he had made a police report, was the trucks idling and he could not sit out on his porch because of the diesel smell and the police said he needed to go to Plainsboro to make a complaint. He wanted to protect. When will be the start date for the landscaping?

Mr. Scheiener promised to get in touch with KHOV, it was a question of timing for the planting, along with the fencing. Board could make a condition of the approval at the earliest Spring planting.

Mr. Macarow said it cost him \$500 to put a fence up on his side of his patio, and whether the developer is building there or not there are still trucks going up and down the road. He couldn't open his windows because of the dust flying around, and there were no water trucks. When does KHOV come into consideration?, When the development is complete? He stated the developer now wants to start the commercial and KHOV still hasn't anything.

Mr. Preiss asked Mr. Scheiener about implementing the fence and landscaping in the Spring.

Mr. Scheiener said absolutely and completed within a week from the time they start and would be happy to submit a plan to Four Seasons, no later than the end of April. The developer would be required to submit a plan to Mr. Hoder also, for review.

Mr. Hoder said the diesel trucks could be noisy, in the original plan it the decision was this would be the staging area. Mr. Hoder asked if some of the equipment could be relocated to the center of the site.

Mr. Scheiener said that they would ask their contract to move the equipment to the center.

Mr. Hoder asked why there was not someone on the job need to constantly back up the entire project with his backup alarm going off. He felt there was no consideration for the KHOV community. Last year they decided to jackhammer outside his backdoor on Christmas week, had not worked for three months and decide to start on Christmas week.

Mr. Scheiener thought the water company was performing the road work and he did not have control over that. He stated he could, and he would talk to the on-site managers, and they talk to their trade partners to minimize inconvenience.

Mr. Priess asked if they could give the community the site construction manager to call about complaints.

Mr. John Battles, 76 Labaw, sworn, mentioned the loss of their ash trees of which they found the Shade Tree Commission to be a vital resource. He asked the applicant also work with the Shade Tree Commission, as noted on the plans because such conversation has not been recorded in any Shade Tree Commission meeting minutes for the last two years.

Mr. Preiss asked the applicant to share the plans he intended to share with KHOV and Mr. Hoder to the Shade Tree Commission. Mr. Scheiener agreed.

Mr. Hoder asked about the plans for Old Cranbury Road and who they were presenting them to. Mr. Scheiener said they had organized a meeting through Mr. Battles, President of the HOA.

Ms. Dorit Keller, 23 Hagerty Lane, sworn, stated she, in September, was told she would have a fence. She had every light shining in her windows, all trucks, and noises, etc. She was located directly across from the main entrance to the development.

Ms. Elias stated that mostly everyone had shrubs that have been planting several times unless more topsoil was imported. She stressed that the town had allowed for KHOV to strip the topsoil and begged the Board not to let the developer do that. She noted already that the traffic already being bad near to their entrance and Labaw.

Ms. Theresa Eaccaro, 13 Chamberlain Court, sworn, questioned vehicle charging stations for the commercial portion, the goal to participate in Sustainable New Jersey and Cranbury could get points for certification if there is a charging station within the Township. She mentioned the VW Settlement was coming down the [pike and there would be \$72,000,000 put into the infrastructure for the vehicle charging station.

Mr. Scheiener said they had not considered it.

Mr. Hoder suggestion the question be posed for the commercial portion of the project before the board next month.

Mr. Zamplon gave testimony regarding the architectural however the board made no mention to whether they would accept those changes.

There were certain places on the elevations where the brick disappeared, and the column is also sitting on the porch instead of brick. Mr. Mulligan stated it was a completely different design. He also asked about A-4 and A-6; the columns looked different (side elevation).

Mr. Kasier mentioned the (brick facade) issue; there cannot be a break.

Ms. Callagher stated it was on A1 and A3.

Mr. Scheiener wanted more than footings and foundation, but he stated he understood that he needed to be held to the architectural decision that was made.

Mr. Preiss pointed out in comparing A7 to A9 the top elevation there was an area of brick above the base level which is now missing on A9.

The application would be carried to December 6, 2018, without further notice.

The applicant asked to be allowed a footing and foundation permit, and bifurcate the other items. Ms. Cecil said they could only vote on the plans as A9 and nothing else. There will be no resolution in January if concluded.

Mr. Hasselbach suggested only 'brick shelf.'

Mr. Kaiser noted this was all identified in September, and it is still going on, and highly recommend they pause on some of these items until resolved. "Stop the train" – the fact that it is already complete should not play into the Board's decision.

Ms. Cecil mentioned they could not bifurcate the vote, depending on what the board decides on the 25 items would need to be reflected on the sheets submitting. Mr. Hoder said yes, the landscaping and the latticework.

Mr. Petrino said just Item 1 and Item 2.

Ms. Cecil said they would move for the layout ONLY on these sheets.

The layout shown on Sheets 1 of 4 and 2 of 4, plan marked as Exhibit A-9 and setback variance. Mr. Priess noted if a vote is yes, you are approving the air condenser units and the gas/electric meters. Limit vote to ONLY the building footprints, nothing else. Doesn't include variance, landscaping, lattice, utilities, condensers or anything else.

MOTION BY: Mr. Johnson
SECONDED BY: Mr. Hasselbach

AYES: Mr. Gallagher, Mr. Johnson, Mr. Mulligan, Mr. Hasselbach
NAYS: Ms. Callahan, Mr. Kaiser
ABSTAIN: None
ABSENT: Ms. Stewart, Mr. Schilling, Mr. Mavoides.

MOTION PASSED

ADJOURNMENT OF MEETING

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

CERTIFICATE OF SECRETARY

I, the undersigned, do at this moment certify;

That I am duly elected and acting secretary of the Cranbury Township Planning Board and, that the preceding minutes of the Planning Board, held on November 28, 2018, consisting of nine (9) pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name to said Planning Board this May 2, 2019.

Josette C. Kratz, Secretary

/jck