

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

**MINUTES JANUARY 19, 2017  
APPROVED ON FEBRUARY 16, 2016**

**TIME AND PLACE OF MEETING**

The regular meeting of the Cranbury Township Planning Board was held at the Cranbury Township Hall Municipal Building, 23-A North Main Street, Cranbury, New Jersey, Middlesex County on January 19, 2017 at 7:30 p.m.

**CALL TO ORDER**

Josette C Kratz opened the meeting in order to receive nominations for Chairman. Art Hasselbach, Chairman of the Cranbury Township Planning Board, after being duly appointed as Chairman called the meeting to order and acted as the Chairman thereof.

**STATEMENT OF ADEQUATE NOTICE**

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

**MEMBERS IN ATTENDANCE**

- ☐ Callahan, Karen (Excused, called prior)
- ☒ Cook, David
- ☒ Gallagher, James
- ☒ Hasselbach, Arthur
- ☒ Johnson, Glenn
- ☒ Kehrt, Allan
- ☒ Mavroides, Peter
- ☒ Schilling, Brian (arrived 7:40 pm)
- ☐ Stewart, Jason (Excused, called prior)

**PROFESSIONALS IN ATTENDANCE**

- ☐ Andrew Feranda, Traffic Consultant
- ☒ David Hoder, Board Engineer
- ☒ Trishka Cecil, Esquire, Board Attorney
- ☒ Josette C. Kratz, Secretary
- ☒ Richard Preiss, Township Planner
- ☒ Substitute Court Reporter

## **APPLICATIONS**

**PB293-16      Kevin J White  
Block 22, Lot 14, Zone A-100  
Present evidence that the proposed division meets the  
MLUL criteria for an ag division.**

## **RESOLUTION**

### **RESOLUTION REGARDING APPLICATION BY KEVIN J. WHITE FOR CONFIRMATION OF AN AGRICULTURAL DIVISION PURSUANT TO N.J.S.A. 40:55D-7**

**BLOCK 22, LOT 14  
(80 Cranbury Neck Road)**

**APPLICATION NO. PB293-16**

**WHEREAS**, Kevin J. White (“applicant”) has applied to the Cranbury Township Planning Board (“Board”) for confirmation of an agricultural division pursuant to the Municipal Land Use Law (“MLUL”), *N.J.S.A. 40:55D-7*, involving property designated as Block 22, Lot 14 on the Cranbury Township tax maps, situated at 80 Cranbury Neck Road in Cranbury Township (“site,” “property” or “subject property”), in the Township’s A-100 Agricultural Preservation zoning district; and

**WHEREAS**, the application was considered at a public hearing held on January 19, 2017; and

**WHEREAS**, the Board reviewed and considered the following materials submitted by the applicant:

- One-paragraph description of proposed division dated December 15, 2016, prepared by Kevin White
- Letter dated August 2, 2016 from the State Agriculture Development Committee to Kevin White regarding Request for Division of Premises
- State Agriculture Development Committee Resolution #FY2016R6(10) dated June 23, 2016 and attachments thereto, consisting of:
  - Schedule “A” – aerial map of property and proposed division
  - Middlesex County Agriculture Development Board Resolution to Approve an Application Change for the Division of Permanently Preserved Farmland, adopted May 11, 2016
  - Plan of Agricultural Subdivision of Lot 14, Block 22 for Kevin J. White dated November 14, 2016, prepared by Princeton Junction Engineering, P.C.
  - Plan of Survey of Lot 2.01, Block 22 for Kevin J. White dated November 14, 2016, prepared by Princeton Junction Engineering, P.C.
  - Plan of Survey of Lot 14.01, Block 22 for Kevin J. White dated November 14, 2016, prepared by Princeton Junction Engineering, P.C.

and

**WHEREAS**, the applicant was not required to provide public notice of the application under either the MLUL or the Cranbury Township Land Development Ordinance (“LDO”); and

**WHEREAS**, during the hearing, the following witnesses were sworn in and testified:

- Kevin J. White (applicant)

and

**WHEREAS**, the Board provided an opportunity for comment from interested parties and the public (there were none); and

**WHEREAS**, the Board has reviewed all of the submissions identified above and is granting approval in reliance upon the representations and statements made in said materials and during the public hearing, including the findings and conclusions set forth in the State Agriculture Development Committee’s and the Middlesex County Agriculture Development Board’s resolutions; and

**WHEREAS**, the Board, after carefully considering all of the evidence and testimony presented, makes the following findings:

#### PREAMBLE

1. The findings set forth in the preamble above are hereby incorporated as if restated in full herein.

#### JURISDICTION

2. The Board has jurisdiction over the application pursuant to *N.J.S.A. 40:55D-7*.

#### SUBJECT PROPERTY

3. According to the State Agriculture Development Committee (“SADC”) Resolution (Resolution #FY2016R6(10)) submitted by the applicant, the specific findings and

conclusions of which are hereby incorporated as if fully restated, the subject property is a ±62.30-acre farm located on Cranbury Neck Road. The property was permanently preserved as farmland pursuant to a development easement conveyed in 1992 to Middlesex County. The property is improved with a single-family dwelling and accessory structures.

#### APPLICANT'S PROPOSAL

4. On September 26, 2002, the SADC approved a division of the property with a configuration that envisioned moving the existing single family dwelling to another location on the property, but that division and relocation never transpired. The applicant now proposes to divide the property into two 31-acre parcels, one of which will contain the existing house and garage (Parcel "A") and the other of which will be unimproved (Parcel "B"). Parcel A will be transferred to a purchaser who proposes to convert the property into fresh market vegetable production, in conjunction with the purchaser's neighboring 49-acre preserved farm. Parcel B will be merged with the applicant's adjacent preserved farm, a 79-acre parcel designated on the Cranbury Township tax maps as Block 22, Lot 2 and containing a Residual Dwelling Site Opportunity ("RDSO"), to form a 110-acre combined farm. Pursuant to the terms of the SADC's resolution approving the proposed division, Parcel B will have deed language associated with it that will prevent it from being sold separately from Block 22, Lot 2, and the RDSO allocated to Block 22, Lot 2 shall not be moved to Parcel B.

#### LEGAL STANDARD

5. The MLUL's definition of the term "subdivision" set forth at *N.J.S.A. 40:55D-7* states that "[t]he following shall not be considered subdivisions within the meaning of this act, if no new streets are created: (1) divisions of land found by the planning board . . . to be for agricultural purposes where all resulting parcels are 5 acres or larger in size . . . ." Under this definition, if the Planning Board finds that the proposed division will not create any new streets; the division will be for agricultural purposes; and the division will result in parcels that are at least five acres in size, then the division does not require subdivision approval under the MLUL or local ordinances adopted pursuant thereto.

#### RELIEF GRANTED

6. The Board finds that here, the applicant's proposed division of land meets the MLUL criteria set forth at *N.J.S.A. 40:55D-7* and therefore can be confirmed as an

agricultural division expressly excluded from the MLUL's definition of subdivision. In reaching this conclusion, the Board relies on the following:

- a. The division will create two 31-acre parcels, one of which will be merged with the applicant's adjacent 79-acre preserved farm.
- b. The parcels all front on existing roads, and no new roads will be created.
- c. The property and the resulting parcels are already deed restricted against any use other than agricultural uses (except for the existing single-family dwelling on Parcel A and the RDSO on Block 22, Lot 2, which in any event may not be exercised on Parcel B).
- d. The SADC and MCADB have already approved the proposed division, and in its resolution of approval the SADC specifically found that the division "is for an agricultural purpose and does result in agriculturally viable parcels capable of sustaining a variety of agricultural operations."

For all of these reasons, the Board finds that the applicant has met the criteria of *N.J.S.A. 40:55D-7* and the Board can appropriately find that the applicant's proposed division is an agricultural division of land as defined in the MLUL.

**NOW, THEREFORE, BE IT RESOLVED** by the Cranbury Township Planning Board in Middlesex County, New Jersey on this 19<sup>th</sup> day of January, 2017, that Kevin J. White's proposed division of Block 22, Lot 14 into two 31-acre parcels as described in the materials submitted to this Board constitutes an agricultural division of land exempt from the MLUL's definition of subdivision. This finding, however, is expressly conditioned upon compliance with the conditions set forth in SADC Resolution #FY2016R6(10) adopted June 23, 2016, and upon the information and representations contained in the submissions to this Board.

\*\*\*\*\*

**ROLL CALL ON THE APPLICATION AND RESOLUTION, January 19, 2017:**

Yes: 6      No: 0      Absent: 3      Recused: 0      Abstain: 0      Not Voting: 0

K. Callahan	Absent	A. Kehrt:	Yes
D. Cook:	Yes	P. Mavoides:	Yes
J. Gallagher:	Yes	B. Schilling:	Absent
A. Hasselbach:	Yes	J. Stewart:	Absent
G. Johnson:	Yes		

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Cranbury Township Planning Board at a regular meeting held on January 19, 2017.

---

Josette C. Kratz, Board Secretary

MOTION MADE: Mr. Johnson  
MOTION SECONDED: Mr. Cook

VOTE ROLL CALL

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

MOTION PASSED

**PB291-16 Elray Outdoor Corp.  
Block 15, Lot 1.01, Zone I-LI-S  
29 Brickyard Road  
Minor Site Plan for Digital Billboard**

REPRESENTATIVES: Steven Kisker, Attorney  
Joseph Laniado, Applicant  
Alex J. Zeponi, Engineer – Entec Engineering Inc.

EXHIBIT A-1 Color Ariel  
EXHIBIT A-2 Revised Landscape Plan  
EXHIBIT B-1 Ariel from Google

Applicant and all professionals sworn. Credential of applicant's professional accepted.



Mr. Laniado stated they have two signs further north, about 2.5 miles north. Applicant was proposing two billboard signs. Proposing one static and one digital in Cranbury. NJDOT regulations state digital signs must be 3,000-FT apart. Digitally controlled by a remote location. Digital billboard would have LED lights which will not have glaring, they project forward.

Mr. Hoder did not feel additional landscaping was necessary beyond the bushes proposed. Bulbs would end up being eaten by the deer.

Mr. Zeppoini stated the billboard would have no impact on drainage. Both are mono-poles, 3.5-FT diameter poles supporting the boards from the center. The frame work for the LED blocks (Facing) and the static would be sheets (Facing), no ladders.

Mr. Hoder mentioned there were six items in his letter which the applicant took care of Item #1 and #2. Applicant indicated in DRC they would perform Item #3, #5, and #6. Item #4 was a request to move billboard slightly so that no part of the billboard was within 1,000 FT of another billboard. Applicant would discuss with the NJDOT on how they (NJDOT) would like to have it measured.

Mr. Preiss mentioned the testimony addressed many of the items in his review letter. The plans indicated the height of the billboard above the NJ Turnpike and the ordinance requires height above grade, there was testimony about 36-FT and the other 39-FT.

Mr. Zeppoini stated the static billboard was 36-FT and the digital would be about 41-FT.

Mr. Gallagher thought there was a billboard closer than required, existing. Mr. Gallagher introduced Exhibit B-1, aerial Google Map.

Mr. Laniado stated that billboard was on the Chamberlain property which was more than a mile north.

There were no public comments.

Motioned was made to approval application as submitted along with the professionals' comments in their review letters.

MOTION MADE: Mr. Johnson  
MOTION SECONDED: Mr. Schilling

VOTE ROLL CALL

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

**MOTION PASSED**

## **MINUTES**

Upon a motion duly made and seconded the minutes for January 5, 2017 were approved.

## **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 hereby certify;

That I am duly elected and acting secretary of the Cranbury Township Planning Board and, that the foregoing minutes of the Planning Board, held on January 19, 2017 consisting of 7 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 Planning Board this February 16, 2017.

---

Josette C. Kratz, Secretary

Minutes of January 19, 2017  
Planning Board Meeting  
Page 11 of 11

/jck