

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

**MINUTES FEBRUARY 13, 2020
APPROVED ON MAY 7, 2020**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Planning Board was held at the Cranbury Elementary School, Large Group Room, 23-A North Main Street, Cranbury, New Jersey, Middlesex County on February 13, 2020, at 7:00 p.m.

CALL TO ORDER

Peter Mavoides, Chairman of the Cranbury Township Planning Board, called the meeting to order.

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
- ☒ Hamlin, Judson
- ☒ Kaiser, Michael
- ☒ Mavoides, Peter
- ☒ Scott, Matthew
- ☒ Spann, Evelyn
- ☒ Stewart, Jason
- ☒ Wittman, Wayne

PROFESSIONALS IN ATTENDANCE

- ☒ Andrew Feranda, Traffic Consultant

- ☒ David Hoder, Board Engineer
- ☒ Trishka Cecil, Esquire, Board Attorney
- ☒ Josette C. Kratz, Secretary
- ☒ Richard Preiss, Township Planner

APPLICATIONS

PB324-19 Toll Brothers, Inc. Regency
Block 25, Lot 1, Zone PAR
Corner of Dey Road and Petty Road
Major Preliminary & Final Subdivision and Site Plan

Due to the lack of information provided in the notice regarding whether a variance was needed for the riparian buffer zone, not noted on plans, the Board decided not to take jurisdiction over the application and delayed the hearing until such notice was given (potentially a March 5th, 2020 hearing date @ 7:00 pm in Town Hall's Council Chambers, the regularly scheduled meeting place). Applicant to provide adequate notice.

PB302-17 Alfieri Cranbury South Brunswick Park
Cranbury - Block 1, Lots 2, 3, 8 & 10, RO/LI, Zone
South Brunswick – Block 7, Lot 6.01
1241, 1243 & 1245 South River Road,
Property is surround by Route 130 & South River Road,
Seeking a design waiver regarding tree caliper/size deviation.

REPRESENTATIVES: Frank Petrino, Esquire
Linda Barie Gumeny, RLA, LEED AP-ND

Member of Shade Tree Commission – Kathleen Easton

Mr. Petrino introduced himself and explained that the property discussed tonight for Cranbury South Brunswick Park 273 ac parcel located on South River Road, mostly in Cranbury with a portion of it in South Brunswick. Previously granted preliminary site plan approval to construct on Lot 2.01 approximately 1,400,000 SF of warehouse with approximately 200,000 SF in South Brunswick. They were granted the right to have two entrances on South River Road extended areas designs exceptions, resolution of memorialization was adopted on November 19, 2019 and subsequent to that they have had discussion the caliper of trees on the site. The plans initially

showed 2.5" diameter approved on Half Acre Road a waiver. Tonight, they were asking for amended final subdivision and site plan approval to modify the landscape plan to reduce the caliper to the trees on Cranbury South Brunswick Park to 2.5" whereas a minimum of 3" is required as granted for three buildings on Half Acre Road.

Mr. Petrino stated the 2.5" caliper trees are more readily available, particularly for the fall planting season. Most construction of the buildings take place in the spring, therefore the planting/landscaping take place in fall. It was also mentioned during the hearing on South River Road, the .5" reduction in caliper is minor but increases the likelihood of survival.

Ms. Gumeny, sworn, accepted as a professional. Ms. Gumeny stated she felt the waiver was a reasonable request, typically she suggests planting 2.5" to 3", but stated the 3" to 3.5" size is a popular size and it is hard to get what one wants within that size range. Most of the trees on this site are fast growing trees, the .5" difference in size would not be substantial and noted that the small trees have more success, over the shock of the transplant. The fall planting season has a fall digging hazard, but there should be no problem.

Board's professionals sworn.

Mr. Preiss walked through his review letter and indicated that the two other Alfieri projects were granted these waivers. The American standards have ranges, this case 3" caliper and many do allow 2.5" to 3". The difference is not substantial, its about 1 to 1.5 years of growth. With a project of this scale and magnitude the difference may not be substantial. The reason for the applicant seeking the waiver is two-fold; one the magnitude of the number of trees being requested and the reduction of the size is a substantial cost savings for the applicant. He added, when the site plan was approved in 2019 the resolution required the applicant plant additional trees on the property, and they have been working with an ongoing dialogue for making up for that shortage.

Mr. Hoder stated he had nothing to add.

Mr. Gallagher asked if the approval was for less trees.

Mr. Preiss stated there was a shortfall on the number of trees, which the board left it to the consultants to come up with a plan that complied with the ordinance.

Mr. Gallagher asked if the ordinance should be changed to allow for the smaller caliper.

Mr. Preiss stated the landscape ordinance adopted proceeded him being hired as a planner and the specification is 3", 3" to 3.5". Whereas, most municipalities allow 2.5" to 3" and may be something to reconsider.

Ms. Cecil stated the board has regularly granted exceptions for other applications for the 2.5" caliper.

Mr. Gallagher asked if there was a requirement for native trees. He stated there were a couple, such as the Japanese Sakura, an invasive species.

Mr. Preiss noted the applications are now being reviewed by the Shade Tree Commission.

Mr. Kaiser stated that they would not go shopping for they would buy direct from the grower.

Ms. Spann stated that she was good for the number of trees being smaller, but questioned setting precedent.

Ms. Cecil stated this was one of the reasons that the distinction matter between a waiver and a variance. Site plan exceptions are routine, and the threshold is very low, and is site specific and exceptions are always considered in the context of the overall site. It is not a zoning regulation. She felt it was something that board routinely grant.

Mr. Preiss state the Board does not have to give way to precedent; every application stands on its own.

Mr. Mavoides stated that not every site is 273 acres involving hundreds of trees.

Mr. Wittman added that Cranbury has almost developed the entire zone. He stated he would not waste time changing the ordinance and case by case for what was left and call it a day. He would be in favor of more trees at a small caliper if that could be worked out with the applicant.

Judge Hamlin state, given the size of the development, he hoped that we could work this out as a matter of practicality.

Mr. Scott asked was a similar waiver granted for Half Acre Road project

Mr. Preiss stated yes at 2.5".

Mr. Spann asked about what if the trees die and Mr. Preiss explained the provision in the ordinance, performance and post maintenance bonding and resolution compliance.

Ms. Easton, sworn, commented that originally the Shade Tree was not part of the site plan review and have recently coordinated with Ms. Kratz to assure review of the site plans. They are reviewed these plans and it make s lot of sense for 2.5" caliper trees, because of more viability, nurse stock, fall dig hazard is important as well as keeping the trees hydrated. She does not

think there is anything in the ordinance but in this environment it is important. Ms. Easton asked about zelkova and where was that seen. She stated on the Shade Tree website they have an ongoing list that they continue to evaluate and update and recently added a Do Not Plant List.

Ms. Easton asked about the rainfall measured when watered for water conservation. Mr. Preiss did not feel the ordinance got into that level of detail.

No more questions from the public.

Mr. Hamlin motioned for the approval of the application. Mr. Stewart seconded the motion.

ROLL CALL

AYES: Ms. Callahan, Mr. Gallagher, Mr. Hamlin, Mr. Scott, Ms. Spann, Mr. Stewart, Mr. Wittman, Mr. Mavoides

NAYS: Mr. Kaiser

ABSTAIN: None

ABSENT: None

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 other minutes of the Planning Board, held on February 13, 2020, consisting of ten (10) 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 7, 2020.

Josette C. Kratz, Secretary

/jck