

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

**MINUTES OF JULY 1, 2021
APPROVED ON SEPTEMBER 2, 2021**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Planning Board was held via Zoom on July 1, 2021, at 7:00 p.m.

CALL TO ORDER

Peter Mavoides presided over the meeting as chairperson.

STATEMENT OF ADEQUATE NOTICE

Adequate notice as well as electronic notice of this meeting were provided in accordance with the requirements of the Open Public Meetings Act and the regulations governing remote public meetings. The notice included the time, date and location of the meeting and clear and concise instructions for accessing the meeting. A copy of the agenda for this meeting was made available to the public for download on the Township's website, and all documents and other materials pertaining to any applications listed on the agenda were posted electronically and made available for download at least forty-eight hours prior to the meeting.

All participants in this meeting are required to keep their microphones muted until recognized or directed otherwise. The Board would engage the Zoom "mute" function until the time for public comment was reached.

Members of the public who wish to make a comment are required to use the "Raise Hand" feature in Zoom, or, if participating by telephone, by pressing *9. Once recognized by the chair, the participant would be able to unmute his or her microphone and offer a comment. Interested parties wishing to ask a question or make a comment during a public hearing on an application would be sworn in and asked to provide their name and address before proceeding. The Board Chair or his designee would manage the order of the comments.

Comments or questions sent via chat would not be accepted and would not be made part of the record or minutes.

MEMBERS IN ATTENDANCE

P Callahan, Karen
P Gallagher, James
P Hamlin, Judson
P Kaiser, Michael
P Mavoides, Peter
AB Scott, Matthew
P Spann, Evelyn
AB Stewart, Jason
P Wittman, Wayne

PROFESSIONALS IN ATTENDANCE

P Andrew Feranda, Traffic Consultant
P David Hoder, Board Engineer
P Robert Davidow, Acting Board Attorney
P Josette C. Kratz, Secretary
P Elizabeth Leheny, Township Planner

APPLICATIONS

PB341-21 Opper Group, Block 2.01, Lot 11, 7 Pleasant Hill Road, Minor Site Plan for adding 28-ft by 59-ft ramp

REPRESENTATIVES: Gary Forshner, Attorney
Larry Murphy, Engineer

Mr. Forshner explained trying to repurpose the property for a new tenant. Largely the improvements relate to three roll up doors and other related improvements to that.

Mr. Davidow announced notice requirements have been met and the board had jurisdiction to hear the matter.

Mr. Murphy, sworn along with all the Board's professionals.

Mr. Murphy briefly gave his educational background and was accepted as a professional. The property was currently utilized as an office/warehouse combination. To the west was farmland and north, east, and south was warehouse industrial. Access to site was a two-way driveway from Pleasant Hill Road. There was an existing building on-site with a 20,480-SF footprint,

with two-stories, second story had a mezzanine and total SF was 23,728 –SF with 102 parking spaces to loading spaces and substantial amount of buffering on-site on all side with the exception of the driveway. This application was to reduce office space and associated reduction in the intensity of use, total office space would go from 22,778 SF to 11,774 SF. That office space removed would be converted into warehouse space, which new tenant needs to store goods. The building would have 11,954 SF of warehouse, which would decrease the parking requirements, currently a 102 parking spaces and reducing 9 parking spaces to facilitate the tenants operation. The tenant must be able store water trucks within the building; they need water onsite to perform their operations, proposing three roll-up doors. A total of six water trucks are anticipated to be stored within the building three roll-up doors and two water trucks per door. Proposing a compactor in one of the spaces to recycle, with anticipation that there would be a heavy cardboard use. The operations would only require one loading space or area; generally they would receive box trucks (UPS, FedEx, Post Office, etc.). The site cannot fit a tractor trailer on-site, maybe a WB40 but there would be no place to park it. It looks like they would require a maximum of 55 spaces at any one time and the ordinance, based on office/warehouse breakdown requires 50, 93 spaces would remain on site so there would be excess parking and plenty ways to load and unload.

Mr. Forshner stated most of the professional's items mention in their reports was agreeable to the applicant. Referring to Mr. Hoder's report, dated June 18, 2021 and asked Mr. Murphy to address Page #2, grading plan with contours should be provided.

Mr. Murphy stated they would provide contours with localized topography at the ramp to show the proposed grading.

Mr. Forshner stated Item #2 was informational, with regard to the parking spaces and that was compliant. Item #3 the applicant would comply. Item #4 was based on original plan to have metal ramps, and was now using asphalt, so the puncturing would not be appropriate.

Mr. Hoder indicated he would still like to see the puncturing toward the bottom of the ramp so that there was no seepage between the top pavement and the lower pavement.

Mr. Murphy stated that they were in agreement.

Mr. Forshner stated Item #5 was regarding landscaping and there was existing landscaping there and if anything additional was needed someone would let us know. Item #6 with regard to traffic impact statement had been indicated in Mr. Fernanda's report, and the applicant was not adding traffic. If anything they are reducing traffic. Outside agency approvals are Middlesex County Planning Board, which the applicant would take care of.

Mr. Hoder stated he spoke with the applicant's engineer during the week and came in the common mind for all the items except for Item #2, applicant would provide information

requested.

Mr. Forshner (using Mr. Fernanda's report), Item #1 thru #5 are acceptable to the applicant. Item #6 and #7 are fine. Item #8, Mr. Murphy clarified, the storage and the materials have been removed. Under Parking and Loading the first two items are informational, Item #3 and #4 are acceptable. Under Traffic, the first item was informational, and of course would take care of outside agency approvals, which they already testified they would take care of.

Mr. Feranda asked about the water trucks being stored in the building and how large are the water trucks. Mr. Murphy answered they are approximately 17-ft long; they can maneuver in and be fairly aligned for the doors which would be 12-ft wide. These would not be the larger water trucks; they would be box truck size. Mr. Feranda asked if they pull in straight our back into the building. Mr. Murphy through they would pull in straight, and added there was ample maneuverability within the warehouse to move and park. That K-Turn would be performed within the building to then pull out forward. Mr. Feranda stated he agreed and added there may be some jockeying if all four were in the building at the same time. Mr. Feranda added that he did not see the interior of the building so he did not know how much room was inside.

Mr. Murphy explained the loading ramp vs the loading dock.

Testimony had already gone over most of the items in the Planner's report in previous testimony address other professionals concerns.

Ms. Leheny had no additional comments or questions, Mr. Feranda had asked a number of her questions.

Mr. Forshner gave his closing statement, noting this was a minor site plan, which could have been heard by the DRC, however logistically it made more sense to go before the Planning Board.

Mr. Mavoides opened the floor to the board. Mr. Murphy restated the office SF as asked by Mr. Wittman. Mr. Wittman asked if that would trigger anything with the mix use in that zone. It was implied no it did not. Mr. Wittman asked about the need for that much water and was there not that much water available on-site. Mr. Murphy answered they are using that water to go do jobs elsewhere and not for the site, or because there was a deficiency of water on-site. Purely to deal with their operations.

Mr. Gallagher asked what else was being stored within the warehouse space. Mr. Murphy stated it was goods for restoration and supplies to perform their work and explained that Rotor-Rooter would be the tenant. Mr. Gallagher asked had structure analysis been done since the applicant would be placing different loads and stresses on the building. Mr. Murphy, once it was handed off to the architect to modify the building interior and application would be submitted to the

construction official and they would retain the structural engineer to removed existing building walls and convert the space; at that time a whole building analyses would be undertaken and reviewed by the Construction Official.

Mr. Kaiser stated he was concerned with other uses on the site. Mr. Murphy stated there would be service vehicles or Rotor-Rooter vehicles that would be coming to the site to pick up material and those trucks are typically brought home by the service tech to respond at any time necessary. There are also approximately ten office staff employees that would be onsite at any one time. With the turnover of service techs and restoration vehicles there would be a maximum of 35 vehicles onsite and any one time. The majority of the parking lot would be empty overnight.

Mr. Kaiser asked if supplies delivered would be stored within the structure; and wanted as a condition of approval, that there would no onsite storage and to use the interior of the building to store material. Mr. Murphy stated that the onsite storage observed was for the existing tenant to pack up their equipment and office to move out of the building.

Mr. Kaiser pointed out that the dumpster area was in disrepair and should be within an enclosure and well maintained.

Mr. Hoder stated that normally the material would be something to match the buildings along with a gated fence for the full width of the opening with two separate gates. Mr. Kaiser suggested waving those requirements because the structure predates that requirement and would like to see that area maintained and would like to make sure that makes its way into the resolution.

Mr. Forshner stated that would be acceptable to the applicant.

Mr. Kaiser asked about the cardboard compactor and why could that not be included within the trash enclosed area or next to the trash enclosure.

Mr. Murphy stated, from an operational perspective when receiving goods, one can put it into a shoot that would go out to the compactor. Otherwise, there would be more trash or cardboard that would come loose on the property and an operational nightmare. Mr. Kaiser said he understood it was a logistically issue and should be closer to the building.

Mr. Mavoides opened the floor to the public, having no comments made closed the public portion.

Mr. Mavoides asked Mr. Hoder about the ramp being able to withstand the weight of the trucks and Mr. Hoder replied if constructed according to the plan it should be fine, he was more concerned with Mr. Gallagher's question about the floor inside the building. Which was not part of the board's preview.

Motion made subject to the acceptance of the consultants letters as indicated as well as Mr. Kaiser's comments regarding the no onsite storage and the dumpster area/enclosure repair.

MOTIONED: Mr. Hamlin
SECONDED: Mr. Wittman

ROLL CALL:

AYES: Mr. Gallagher, Mr. Hamlin, Mr. Kaiser, Ms. Spann, Mr. Wittman, Mr. Mavoides
NAYS: None
ABSTAIN: None
INELIGIBLE: None
ABSENT: Ms. Callahan, Mr. Scott, Mr. Stewart

MOTION PASSED

PB339-21 Plant Food, Block 16, Lot 12, Zone I-LI, 38 Hightstown-Cranbury Station Road, Minor Site Plan – back-up generator

REPRESENTATIVES: Francis J Brennan III, Attorney
Theodore (Ted) Platz, Owner/Applicant
Grant Platz, Owner/Applicant
Michael Geddis, Installer
Loralie Totten, Crest Engineering

Carried from last hearing, Mr. Gallagher still recusing himself, all professionals for applicant and board remain under oath.

Mr. Brenna explained the application was for installation of 125 Kw Kohler standby generator on a 8 FT by 12 FT concrete slab behind an existing 7 FT tall privacy fence. Property and improvements are located at the end of a longer drive off of Hightstown–Cranbury Station Road, heavy landscaped at the border of the property.

Ms. Totten was sworn and accepted.

Mr. Platz explained that Plant Food was an ag (agricultural) business, licensed through NJ State

obtained annual for ag exemption in State for fertilizers produced and supply to the ag businesses. Mr. Brennan stated there was an ag exemption to noise within the ordinance. The generator would not have anything installed out of the ordinary; an option was the tank size, which the applicant went with the smaller of the options (24-hr run tank vs 48-hr run tank) and second option was the enclosure. This enclosure covers everything up and makes it more attractive to the outside.

Ms. Totten, using minor site plan dated 6/21/21 with revision made on 6/24/21, plan taken from an as-built that they prepared recently after the completion of the addition. The driveway comes in off of Hightstown-Cranbury Station Road and through a tank farm where they load up fertilizer. Located in front of tank farm was where the generator and generator pad to be located, closest corner was 14 FT off the setback line, and just inside the transition zone from the wetlands. The ruck that would supply the diesel fuel would be able to stop and park next to it and access the fueling port located on the generator, as well as maintenance. It was her opinion that both the fueling and maintenance of the generator in this location was easily completed. She pointed out the wiring of the generator and the generator controls. Ms. Totten stated that she was familiar with this plant since they have been updating their plans for several years for the DPCC Plan which Plant Food must maintain (New Jersey Department of Environmental Protection Bureau of Release Prevention requires a Preparation of Discharge Prevention, Containment and Countermeasure (DPCC) and Discharge Cleanup and Removal (DCR)).

Mr. Brennan asked about the potential for a noise issue. Ms. Totten answered that she formed the opinion that the ordinance specifically listed, under the exception, ag business so it was her opinion that this business was exempt from the noise ordinance. Mr. Brennan asked Mr. Davidow if he had an opportunity to look at the exception and the determination. Mr. Davidow stated he spoke with Ms. Cecil this afternoon and both of their positions were that holds and outside the preview of the Planning Board, that it was a Board of Health issue.

Mr. Brennan asked Ms. Totten about the need for a NJDEP Air Permit. Ms. Totten stated the NJDEP requirements for a 1M BTU's power output per hour and if reading the specific action sheet for this generator it was putting out less than a million BTU's per hour for this size generator, therefor no permit required.

Mr. Hoder stated he did not have the plan indicating the underground wiring and must be submitted as part of compliance. He accepts that they do not need an environmental impact report and understand that you do not need an air permit, if the applicant could send him that information with the resubmission or via email that would help out.

Mr. Mavoides asked if the 6/23/21 have the location of the trench. Mr. Hoder stated he had a signed plan by Ms. Totten dated 6/21/21, but not a 6/23/21. Mr. Mavoides stated it was Exhibit A5 in the drop box file. Mr. Hoder apologized that he did not view the drop box today.

Mr. Feranda commented that the generator had a fence from view from the road, but would screen it from any drivers, anybody trying to pick up supply and asked if there was any way of getting bollards to protect the fence and generator.

Mr. Mavoides noted that the 6/23/2021, Mr. Feranda stated he had the plan but did not see them called out so if they are on there then that was fine.

Applicant stated they fully intended to protect the generator and fence with bollards.

Mr. Feranda felt the testimony regarding the refueling and servicing the generator was acceptable.

Ms. Leheny had no further.

The board had no further questions.

There were no public comments made either.

Motion made to approve the application.

MOTIONED: Mr. Wittman

SECONDED: Ms. Spann

ROLL CALL:

AYES: Mr. Hamlin, Mr. Kaiser, Ms. Spann, Mr. Wittman, Mr. Mavoides
NAYS: None
ABSTAIN: Ms. Gallagher (recused)
INELIGIBLE: None
ABSENT: Ms. Callahan, Mr. Scott, Mr. Stewart

MOTION PASSED

RESOLUTIONS

PB336-21 WuXi Biologics USA, Block 1.02, Lot 2, Zone RO/LI, 7 Clark Drive, Site Plan for Generator and Storage Tanks

Motion made and seconded to postpone this resolution until next month when Ms. Cecil had an

opportunity to address Mr. Gallagher's questions/concern. Unanimously approved (any recused were excluded)

PB005-01 Chinmaya Mission, Block 22, Lot 16 & 18, Zone A-100, 95 Cranbury Neck Road, Relief from a condition of the resolution – fencing

MOTIONED: Mr. Gallagher

SECONDED: Mr. Wittman

ROLL CALL:

AYES: Mr. Gallagher, Mr. Hamlin, Mr. Kaiser, Ms. Spann, Mr. Wittman, Mr. Mavoides

NAYS: None

ABSTAIN: None

INELIGIBLE: None

ABSENT: Ms. Callahan, Mr. Scott, Mr. Stewart

MOTION PASSED

PB335-21 SciSafe (Kerzner), Block 2, Lot 3.031, Zone LI, 8 Corporate Drive, Amend Major Preliminary and Final Site Plan – Outdoor generator and tanks

Mr. Kaiser mentioned where it mentioned removing salt pile and relocating dumpsters he did not see anything eliminating onsite salt storage and was there a way to include or must it be rewritten.

Mr. Brennen did not recall anything about onsite storage being an issue other than the salt storage,

Mr. Kaiser stated there was presently a lot of storage of other equipment outside and would like to see in resolution.

Mr. Brennen stated that he did not recall that discussion during the hearing. There were no other comments from the professionals. Mr. Brennan stated that perhaps this becomes an enforcement issue with the zoning officer.

Mr. Mavoides asked if this was not a multi-tenant building. Mr. Brennan stated that was correct.

Mr. Mavoides stated this was really an issue for the landlord and would be difficult to place on SciSafe.

Motion was to approve the resolution as written.

MOTIONED: Mr. Hamlin

SECONDED: Ms. Spann

ROLL CALL:

AYES: Mr. Gallagher, Mr. Hamlin, Mr. Kaiser, Ms. Spann, Mr. Mavoides
NAYS: None
ABSTAIN: None
INELIGIBLE: None
ABSENT: Ms. Callahan, Mr. Scott, Mr. Stewart

MOTION PASSED

PB338-21 Cooper Electric, Block 4, Lot 1.03, Zone LI, 311-315 Half Acre Road, Amended Preliminary & Final Site Plan - back-up generator

Motion made to approve as written.

MOTIONED: Mr. Wittman

SECONDED: Ms. Spann

ROLL CALL:

AYES: Mr. Gallagher, Mr. Hamlin, Mr. Kaiser, Mr. Spann, Mr. Wittman, Mr. Mavoides
NAYS: None
ABSTAIN: None
INELIGIBLE: None
ABSENT: Ms. Callahan, Mr. Scott, Mr. Stewart

MOTION

ORDINANCE REVIEWS

Ordinance No. 05-21-07 - Prohibiting Outdoor Storage of Deicing Material and Amending Section 150-10 Of the Township Code

Mr. Kaiser commented [he thought] that the intention here was to line up with the State requirements. The State was look for a little more control over large property owners covering large piles of salt with a tarp, and was looking for more structure to contain salt so it does not filtrate into the storm drains. The intention here was to not allow it at all, whether covered or not and keep it in its own building. He added the more durable a facility to more protection from seepage into the streams.

Mr. Mavoides asked if we were setting up all of our industrial sites to apply for minor site plan. Ms. Spann stated that if their application was prior to being a prohibited use our zoning officer would now have teeth to go back onsite and that this was a prohibited use and there was 'x' amount of time to deal with compliance. Mr. Mavoides stated eventually they would be forced to come before the board. Ms. Spann said or, at end of season, pick it up and get rid of it; in winter while in use was not the concern, the concern was waiting for the storm in March that doesn't come and stays through the summer. It allows the ability to inforce and cannot just leave salt to sit out and dissolve in the rain.

Mr. Mavoides asked then if the language should be, "other than on a temporary basis". Ms. Spann stated it was a prohibited use and deferred to Ms. Leheny.

Ms. Leheny stated that it was to give the Planning Board some guidance in reviewing application and say during the application process, what are you going to do with your deicing material and how are you going to store them. With regard to existing uses and existing buildings it becomes an enforcement issue, and how often and when. It was consistent with the environmental commission and goals and objections of the Master Plan, with regard to the environment.

Mr. Wittman stated he shared Mr. Mavoides concern, and if they put up a temporary structure and then take it down and remove any trace of material do they still have to come before the board for a permit? Mr. Mavoides feels they should make a permeant structure and it would not be prohibited or it was prohibited and we have an enforcement issue where it becomes problematic for them to store onsite deicing material because even temporary storage creates problems for the environment. Ms. Spann felt the reason it was a prohibited use was so they bring in what they need for said storm and not what they need for four months.

Mr. Kaiser said that the way it works was vendors purchase salt in advance of the season, ex. 10 truckloads and stockpile. We are trying to eliminate those stockpiles. Mr. Hoder state Mr. Kaiser was correct about the delivery of bulk and this ordinance would not allow that unless it was stored properly. Storing properly would be some type of building which means they would have to come before the board, unless it was something that could be approved by the Zoning Officer, ex. A shed. Mr. Mavoides stated he felt, as did Mr. Kaiser, it becomes the contractor's problem and not really the tenants in the building and the snow removal guys would have to deal with it.

Mr. Mavoides opened the floor to the public.

Mr. Bauder commented felt the ordinance needs to eliminate any temporary storage of any kind. Temporary facilities are insufficient to stand up to the weather that we have and must be a permanent structure similar to the Township's storage of salt and any temporary storage should be eliminated. It really was the responsibility of the contractor to store that material and to bring on site as needed. Anything to eliminate temporary storage outside of a permeant structure was an important thing to do.

Mr. Mavoides asked if the ordinances should prohibiting outdoor storage bring a grey area to temporary storage. Ms. Leheny sated this was vented by the Code Official and vented for the most appropriate langue for what we are trying to get at now.

No additional public comments made.

Motioned ordinance consistent with the Master Plan.

MOTIONED: Mr. Gallagher

SECONDED: Mr. Hamlin

ROLL CALL:

AYES: Mr. Gallagher, Mr. Hamlin, Mr. Kaiser, Ms. Spann, Mr. Wittman,
Mr. Mavoides

NAYS: None

ABSTAIN: None

ABSENT: Ms. Callahan, Mr. Scott, Mr. Stewart

MOTION PASSED

Ordinance No. 06-21-08 – Prohibiting the Operation of Any Class of Cannabis Businesses within its Geographical Boundaries and Amending Chapters 50 and 150 of the Code of the Township

Mr. Davidow gave a briefing what this ordinance was about and how it came into being.

Ms. Spann commented that Mr. Davidow did a good job of explaining the opt-out option and her only question was how this aligns with the Master Plan, because we are to review consistency with the Master Plan.

Mr. Davidow stated that it was sort of backwards, so you are recommending to incorporate this into the Master Plan.

Ms. Spann felt, from a Master Plan standpoint, I would recommend this ordinance to the Planning Board because it does give the Township the ability to bring in any of the six licenses; it just gives the municipality more control. By opting out we can opt-in to any license, by not opting-out those licenses would be imposed on the municipality for a five-year period. She stated it was the view of the Township Committee that they would like to have those options.

No additional public comments made.

Motioned ordinance consistent with the Master Plan.

MOTIONED: Mr. Wittman
SECONDED: Mr. Gallagher

ROLL CALL:

AYES: Mr. Gallagher, Mr. Kaiser, Ms. Spann, Mr. Wittman,
Mr. Mavoides
NAYS: None
ABSTAIN: Mr. Hamlin
ABSENT: Ms. Callahan, Mr. Scott, Mr. Stewart

MOTION PASSED

Ordinance No. 06-21-09 – Amending and Revising Chapter 150-61 (Storm water Management) of the Land Development Code Implementing, Changes Required by the Middlesex County Office of Planning and Ensuring, Consistency with the Township’s Sump Pump Regulation in Chapter 132 of the Township Code

There were minor changes from the previous code and consistent with the storm water plan.

No additional public comments made.

Motioned ordinance consistent with the Master Plan.

MOTIONED: Mr. Gallagher

SECONDED: Mr. Hamlin

ROLL CALL:

AYES: Mr. Gallagher, Mr. Hamlin, Mr. Kaiser, Ms. Spann, Mr. Wittman,
Mr. Mavoides

NAYS: None

ABSTAIN: None

ABSENT: Ms. Callahan, Mr. Scott, Mr. Stewart

MOTION PASSED

Mr. Mavoides added discussion about it being over 10 years since the last RFP for board professionals and have discussed in the past running an RFP process as part of good corporate governance or good board governance. Really no commentary of the existing professionals. He wanted to form a committee and to inform council to draft an RFP, authorize the board secretary to distribute the RFP and then establish and manage the selection criteria and come back to the board towards the end of the year.

Ms. Spann motioned for the approval to begin the process. Mr. Kaiser seconded the motion. All voted unanimously in favor for the motion.

Volunteers are James Gallagher, Wayne Wittman, and Peter Mavoides

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 minutes of the Planning Board, held on July 1, 2021, consisting of fifteen (15) pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I had hereunto subscribed my name to said Planning Board this September 2, 2021.

Josette C. Kratz, Secretary

/jck