

TOWNSHIP COMMITTEE MEETING  
August 10, 2015

The Township Committee Meeting of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: Dave Cook, Susan Goetz, Glenn Johnson, Dan Mulligan, and Mayor Jay Taylor. Also present were Richard Preiss, PP, Township Planner; Denise Marabello, Township Administrator/Director of Finance, and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Taylor led in the salute to the flag, and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 2, 2014 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 2, 2014.
- (3) Filed on December 2, 2014 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection.
- (4) Sent to those individuals who have requested personal notice.

Regular Township Committee Minutes of July 27, 2015

On motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried, the Regular Township Committee Minutes of July 27, 2015 were adopted.

Closed Session Minutes of July 27, 2015

On motion by Mr. Cook, seconded by Mr. Mulligan and unanimously carried, the Closed Session Minutes of July 27, 2015 were adopted.

Special Township Committee Minutes of July 28, 2015

On motion by Mr. Mulligan, seconded by Mr. Cook and unanimously carried with Mayor Taylor abstaining due to absence), the Special Township Committee Minutes of July 28, 2015 were adopted.

Closed Session Minutes of July 28, 2015

On motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried (with Mayor Taylor abstaining due to absence), the Closed Session Minutes of July 28, 2015 were adopted.

Reports and Communications

--Mayor

--Mayor Taylor reported over the weekend several Wynnewood residents alerted the Township to the concern of an odor emanating from the Cranbury Brook Pump Station. He stated the Township will be addressing the problem as soon as possible. He stated Ms. Marabello has obtained estimates for the repairs from the Township Engineer and is seeking feedback from Mr. Glenn Gerken, P.E., the Township's sewer system expert. Mr. Cook reported there will be an on-site inspection in the next few days to determine the cause of the problem.

Mayor Taylor reported the County was on South Main Street to look at correcting the flooding on the road. He stated there is a dip in the road from when the road was paved three (3) years ago. The water now goes up on the sidewalk instead of flowing down the street.

Mayor Taylor reported the Department of Transportation has released its 2016 State Aid Program and the Township will discuss with the Engineer what projects the aid could apply to. He stated more people are visiting the Village and stated the Downtown Beautification Project has worked.

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Reports and Communications

--Mayor (cont'd.)

Mayor Taylor thanked the Police Department FOP for National Night Out, stating the event was a huge success.

Reports and Communications

--Members of Committee

Mr. Johnson

Mr. Johnson reported since the last meeting he and Ms. Goetz met with a subcommittee of the School Board to discuss the Hagerty improvement project. He stated he and Ms. Goetz also met with the Developers for the property before attending a Planning Board Meeting. She stated the meeting was very productive

Ms. Goetz

She reported the next phase of the Beautification Plan has been reviewed and approved by the DOT. The Plan is now being reviewed by the Historical Preservation Committee, and once the HPC approval is received, the Township will go out to bid for the project.

Mayor Taylor asked Ms. Marabello for an update on the work on Town Hall. She stated the exterior painting is almost done, and the landscaping should be completed by the end of the month.

Mr. Mulligan

Mr. Mulligan reported the Township has started looking at how to respond to the affordable housing plan. He stated there will be a lot of expenses with affordable housing, possibly in the \$6 million to \$10 million range. He stated in addition to the costs for affordable house, the Township will be incurring additional costs of approximately \$5 million to dredge Brainerd Lake and approximately \$2.5 million for road repairs. He stated the Township's debt has been brought down significantly over the last few years; however, there will be a few costly projects in the future.

Mr. Mulligan stated there are a few Boy Scouts in the audience who will speak during public comment about the significant beaver dam on the Millstone River.

Mayor Taylor suggested having a Work Session in the near future to explain to residents the large expensive projects the Township will be dealing with the future. Mr. Mulligan agreed and suggested addressing the projects at a meeting after the summer and at the same time the affordable housing issue will be addressed.

Mr. Cook

Mr. Cook stated the Township does not know at this point the cost of affordable housing, and stated the costs will be spread over 20 or 30 years. Mr. Cook reported the Township does have the five-month window before receiving the formalized number of units. Mr. Cook reported the affordable housing process is now handled at the County level, and Judge Wolfson is the judge for Middlesex County.

Mr. Cook reported the Township received the cost for the electrical wiring for the Brainerd Lake Bridge. He stated once the approval is received from the County engineers, the work should be done within a

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Reports and Communications

--Members of Committee

(Mr. Cook cont'd.)

month. Mr. Cook stated the Township is just slightly over budget for the Bridge Project, mainly due to the discovery of a large cavity underneath the Bridge which required a change order.

Reports and Communications

--Subcommittee Reports

There were no Subcommittee Reports.

Agenda Additions/Changes

Ms. Cunningham reported there were no changes/additions to the Agenda.

Public Comment - For Agenda Items

Mayor Taylor opened the meeting to public questions and comments for items on the Agenda.

Mr. Kallan, Wynnewood Drive, asked for an explanation on Cranbury Township Resolution # R 08-15-099 on the Consent Agenda. Mayor Taylor explained the Resolution is independent of the Work Session discussion by Mr. Richard Preiss, P.P. Ms. Marabello reported she received a call from the Cranbury Brick Yard Engineer who stated tonight's Developer's Agreement is to continue to do road improvements on Cranbury-Hightstown Station Road. This is another phase of their project. Ms. Marabello stated the Township has several Developers' Agreements with them.

Ms. Suzanne Palocz, North Main Street, reported there is a problem with mosquitos along her property. Mayor Taylor stated this would need to be discussed at the Public Comment at the end of the meeting since it is not listed on the Agenda. There being no further comments, the Mayor closed the public portion of the meeting.

Ordinance

Second Reading

Cranbury Township Ordinance # 07-15-14

A motion to enter an Ordinance entitled, # 07-15-14, "AN ORDINANCE AMENDING SECTION 150-41(j) OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADD DESIGN STANDARDS FOR SIGNS IN THE LI AND I-LIS ZONING DISTRICTS," introduced by title only at the last Regular Township Committee Meeting on July 27, 2015 and was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. The Ordinance was then referred to the Cranbury Township Planning Board. Ms. Cunningham reported she received a memo from Ms. Josette Kratz, Planning Board Administrative Assistant, stating the Planning Board had reviewed the Ordinance. The Mayor opened the public hearing on the Ordinance.

Mr. Richard Kallan, Wynnewood Drive, asked for clarification about the size of signage in the Ordinance. Mayor Taylor clarified the size of signs in the Ordinance is standard and is not being changed. Only two (2) additional zones are being added. Ms. Goetz stated a variance can be obtained if a larger sign is requested. No one further wished to speak, so the hearing was declared closed. On motion by Ms. Goetz, seconded by Mr. Johnson, the Ordinance was adopted by a vote:

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Cranbury Township Ordinance # 07-15-14  
(Continued)

Ayes: (Cook  
(Goetz  
(Johnson  
(Mulligan  
(Taylor

Abstain: (None  
Absent: (None

Nays: (None

Consent Agenda

Mayor Taylor asked the Township Committee if there were any questions or comments on the Consent Agenda. There were no questions, and the Mayor asked for a motion to adopt. A motion was made by Mr. Cook, seconded by Mr. Johnson and unanimously carried, and the following Resolutions were passed by vote:

Ayes: (Cook  
(Goetz  
(Johnson  
(Mulligan  
(Taylor

Abstain: (None  
Absent: (None

Nays: (None

Cranbury Township Resolution # R 08-15-092A

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid.

Cranbury Township Resolution #R 08-15-093

RESOLUTION CANCELING OUTSTANDING CHECKS

WHEREAS, the Director of Finance has requested that checks outstanding for more than a year be cancelled; and

WHEREAS, the Director of Finance has advised that it would be appropriate for the Township Committee to authorize the cancellation of said checks as follows:

RECREATION TRUST ACCOUNT

FIRST CHOICE

ACCOUNT # 4010000281

3004	\$28.93	07/13	Lisbeth Vegthe
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Cranbury Township Resolution # R 08-15-093  
(Continued)

CURRENT CHECKING

FIRST CHOICE

ACCOUNT # 4010000299

94404	\$95.00	08/13	Nat'l Trust for Historic Preservation
94534	\$1,315.04	09/13	CHA
95166	\$22.37	03/14	ADJ Developers

PAYROLL

FIRST CHOICE

ACCOUNT #4010000109

42661	\$100.77	08/13	Jackson Andres
44379	\$84.88	06/14	Jeannie Gettings
44382	\$14.85	06/14	Joseph Graziano
44394	\$8.94	06/14	Richard Such

CAPITAL

FIRST CHOICE

ACCOUNT #4010000315

2120	\$50.00	04/13	MCUA
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Cranbury Township Resolution # R 08-15-094

TOWNSHIP OF CRANBURY  
RESOLUTION TO AUTHORIZE AMENDMENT TO THE TOWNSHIP'S  
EMPLOYEE HANDBOOK DATED MARCH 10, 2014

WHEREAS, the Township Committee has recommended the Township Employee Handbook be amended to include mandatory email addresses for all board members; and

WHEREAS, all board members will be required to use only their Township email addresses for Township business;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury in the County of Middlesex that *Section 2: Workplace Policies Communication Media Policy (Email, Voice Mail, Computer and Internet Usage) Policy* be amended.

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Cranbury Township Resolution # R 08-15-095

WHEREAS, a Tax Sale was held in the Township of Cranbury on November 16, 2012; and,

WHEREAS, FNA Jersey Lien Services LLC paid \$500.00 as a premium to obtain Tax Sale Certificate #12-00009 on Block 19 Lot 14 and,

WHEREAS, the Tax Sale certificates have been redeemed, the holder is entitled to a refund of the premium paid to obtain said certificate,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that a refund in the amount of \$500.00 be paid to FNA Jersey Lien Services LLC.

Cranbury Township Resolution # R 08-15-096

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.S.A. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.S.A. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

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Cranbury Township Resolution # R 08-15-096  
(Continued)

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Cranbury, hereby states that it has complied with N.J.S.A. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Cranbury Township Resolution # R 08-15-098

WHEREAS, Cranbury Township Police Chief Rickey Varga is the designated "Office of Emergency Management's Coordinator ("OEM"); and

WHEREAS, there is a need for a Deputy OEM Coordinator which position was held previously by Sgt. Ryan Dworzanski whose term has expired;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that Sgt. Ryan Dworzanski is hereby appointed, effective January 1, 2014, as Cranbury Township's Deputy OEM Coordinator, term expiring December 31, 2016;

BE IT FURTHER RESOLVED that a duly authenticated copy of this resolution be given to Sgt. Dworzanski and Chief Rickey Varga.

Cranbury Township Resolution # R 08-15-099

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT  
WITH "CRANBURY BRICK YARD, LLC" FOR THE PROPOSED DEVELOPMENT  
LOCATED AT BLOCK 10, LOT 10 AND BLOCK 12, LOT 1 IN THE  
TOWNSHIP OF CRANBURY, STATE OF NEW JERSEY

**BE IT RESOLVED**, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that the Township is authorized to enter into a Developer's Agreement with "CRANBURY BRICK YARD LLC" regarding its proposed development located at Block 10, Lot 10 and Block 12, Lot 1 (Cranbury Township Tax Map) in the Township of Cranbury, County of Middlesex, State of New Jersey; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are authorized and directed to execute the Developer's Agreement once all conditions precedent to execution are satisfied.

Work Session

a). Discussion by the Township Planner on the Redevelopment of the Viridian Site

The Township Planner, Mr. Richard Preiss, PP, discussed and presented to the Township Committee and Public the "Area in Need of Redevelopment Report" ("AINR") for the "Viridian" Site (former Unexcelled property, Block 10, Lot 10 and Block 12, Lot 1) parcels. Mr. Preiss stated the 414 acre property is located north of Brick Yard Road and to the east of Route 130. He stated many years ago there was a munitions manufacturing facility on the property, and after an explosion in the 1950's, the site was shut down and has not been utilized since. In 2004 Viridian approached the Township to clean up the contamination on that property. Viridian worked with the Department of Environmental Protection under a remedial action work plan to begin to clean up the site. Mr. Preiss stated at that the time the market for warehouses was very good. Viridian anticipated the clean up to be only a couple of years; however, Mr. Preiss stated the cleanup is ongoing and they are now ready to pave and put foundations in for the buildings.

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Work Session

a). Discussion by the Township Planner on the Redevelopment of the Viridian Site (cont'd.)

Mr. Preiss explained the problem is for the size of the proposed warehouse buildings, (one building is over one million square feet and another is close to that), the builder is in competition with other areas in the region where the land is less expensive and the cleanup costs are much less. Mr. Preiss reported in the State of New Jersey through the Economic Development Agency and through the local Redevelopment and Housing Law, certain tax credits and other financial incentives were made available in order to spur the development of brown (formerly contaminated) sites to be brought back to productive use. Mr. Preiss explained the only way the funds become available is if the site is deemed an "area in need of redevelopment." The Developer is requesting the Township Committee to do that investigation. Mr. Preiss stated the property has been looked at, and under the Redevelopment and Housing Law, there are eight (8) criteria under which a property can be deemed an "area in need of redevelopment." There are two (2) criteria which are applicable to this site. Mr. Preiss explained the "AINR" process and stated the Planning Board has recommended the Township Committee designate the property as such. He stated one criteria which applies is Criteria "C" whereby the property had to remain vacant for a period of more than ten (10) years and by nature of certain conditions, including the soil, is not likely to be developed through private capital. Mr. Preiss stated without the financial incentives, it will take a lot longer for the property to be built out. Criteria "H", which is also applicable, requires the development be consistent with smart growth planning principles.

Mr. Preiss reported Katharine A. Coffey, Esq., who represents the Developer, made a presentation to the Planning Board and was available this evening to do discuss with the Township Committee the project from the Developer's point of view and answer questions.

Mayor Taylor requested the record reflect that Mr. Allan Kehrt, Chairman of the Planning Board arrived at 7:24 p.m. Mayor Taylor asked Mr. Kehrt if he would like to share his thoughts after seeing Ms. Coffey's presentation last week at the Planning Board Meeting. Mr. Kehrt stated he and Mr. Preiss had extensive conversations about the site. Mr. Kehrt stated the biggest concern is the plan will be expensive and there were questions about the sequence, i.e., why was the request for the AINR designation coming so late? In effect, the designation would make the property more attractive to tenants. Mr. Kehrt stated there was one abstention on the vote with the rest of the Planning Board voting unanimously in favor. He stated if Cranbury is looking for ratables, this will speed up the process. Ms. Goetz stated there was much discussion at the Planning Board, and one of the concerns was whether this would give an advantage to this Developer over other Cranbury Developers, and would it make their property more attractive. Mr. Kehrt stated while the Developer knew the property needed cleaning up, it was much more extensive and expensive than they had anticipated.

Mr. Cook stated for the public that Cranbury is in a unique situation in that east of Route 130 is now being seen as commercially viable and is owned by entities like Viridian and Alfieri, which will give the Township ratables. Mr. Cook stated this particular property has had hardships above and beyond other developments. He stated he feels this is good for Cranbury and expressed his appreciation to the Planning Board for its feedback.

Mayor Taylor invited Ms. Kate Coffey, Esq. representing the Developer, to discuss the Developer's view on the redevelopment. Ms. Coffey addressed the question concerning the sequence of the project, stating to get to this point, the project has taken seven (7) more years and 30% more dollars than the Developer had anticipated. In addition to that, she stated the world of commercial real estate and interstate competition has changed. She reported the State incentive programs did not exist then. Ms. Coffey stated fortunately the property affords very large buildings which is a unique opportunity that will attract long-term, big-name tenants. She stated the Developer must be able to put together a competitive package to attract tenants to Cranbury. Ms. Coffey stated the State's



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Work Session

a). Discussion by the Township Planner on the Redevelopment of the Viridian Site (cont'd.)

incentive programs have no impact on municipal real estate taxes. She stated the State's program offers tax credits that go against sales and use tax.

Mr. Cook stated he fully supports the redevelopment and it will be fiscally beneficial for Cranbury. Mayor Taylor stated if this is approved, he wants clarification that in the future the Developer will not come back before the Township Committee requesting a tax credit. Ms. Coffey confirmed the Developer is not interested in having those concessions and in designating a property in need of redevelopment, there is no requirement on a municipality to give a tax exemption. Mr. Cook stated one is not contingent upon the other. Mayor Taylor stated his concern is that the Developer would appeal to the County Tax Board for an exemption in the future. He stated he did not want the Developer going to the Tax Board requesting their tax assessment be lowered because the Town itself declared this property an area in need of redevelopment. Ms. Coffey explained the tax incentives will not help the Developer because the tax incentives go to the tenant/occupier of the building. Ms. Goetz stated the rent does not have to be cheap because they offer comparable rent to the tenant with the additional benefit offered. Mr. Cook asked what level of square footage will the tenant most likely take, and Ms. Coffey stated she did not know the specific tenants; however, the property has been approved for three (3) buildings and the goal is to find a single tenant for each building. She stated there have been preliminary discussions with tenants; however, she does not know the specifics.

Mr. Mulligan stated there has been a lot of research before approving this, and he stated he believes this is a positive step with no costs to the tax payers, and it incites the builder to build the property. Mr. Mulligan stated the Township needs to work with the builder as the ratables are needed. He stated there is competition regionally as well as from others towns in the State that are using these same programs. He suggested using this program for other properties in the Township.

Mayor Taylor asked if there were any further questions from the Township Committee, and hearing none, opened the discussion to the public.

Mr. Richard Kallan, Wynnewood Drive, inquired if there would be an impact on the Mount Laurel obligations. He stated in the past, the amount of warehousing would impact the numbers of affordable housing units. Mr. Cook clarified that method of calculation for warehousing has been overturned. Mayor Taylor stated approving this redevelopment is not changing anything that has already been approved by the Planning Board. Mr. Mulligan reiterated there is no affordable housing impact.

Mr. Preiss clarified the methodology used in the third round of affordable housing will be like the second round methodology and will not have growth share or any contingency on growth or non-residential growth. Ms. Goetz advised Mr. Kallan that the Township has been approved for 9 million square feet of warehouse growth, which is in the permitting phase.

Mr. Dee Wahlers, Hagerty Lane, inquired if there are any disadvantages to approving the designation, and the Township Committee confirmed there are no disadvantages to Cranbury. Mr. Preiss stated the only disadvantage of the State-wide program is that it will be paid for by the State's taxpayers.

There were no additional comments, and the Mayor closed the public portion of the Work Session. He stated it is important to note there is no Township liability and the land is not being condemned. Mayor Taylor stated this property has already gone through site plan approval and this does not change the site plan or the zoning of this property. This action also does not change any zoning in the surrounding area or properties. Mayor Taylor stated there is a strong financial advantage for the Developer to attract tenants and increase the value, and stated the Township wants the Developer to

TOWNSHIP COMMITTEE MEETING  
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Work Session

- a). Discussion by the Township Planner on the Redevelopment of the Viridian Site (cont'd.)  
continue the project. Mayor Taylor reported that as has been discussed numerous times, Cranbury pays a tremendous amount of taxes to the State and receives very little in return. He stated the Township can take advantage of a tax which would lessen the burden on taxpayers by obtaining the ratables. Mayor Taylor thanked Ms. Coffey for her presentation.

Resolution

A motion was made by Mr. Johnson, seconded by Ms. Goetz and unanimously carried, and the following Resolution was passed by vote:

Ayes:	(Cook	Abstain:	(None
	(Goetz	Absent:	(None
	(Johnson		
	(Mulligan		
	(Taylor		

Nays: (None

Cranbury Township Resolution # R 08-15-097

TOWNSHIP OF CRANBURY  
RESOLUTION DESIGNATING  
THE "VIRIDIAN" OR "UNEXCELLED" SITE  
(BLOCK 10, LOT 10 AND BLOCK 12, LOT 1)  
SITUATED AT 22 HIGHTSTOWN-CRANBURY STATION ROAD  
AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT  
PURSUANT TO THE NEW JERSEY LOCAL  
REDEVELOPMENT AND HOUSING LAW (*N.J.S.A. 40A:12A-1 et seq.*)

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* ("LRHL") authorizes municipalities to determine whether certain parcels of land located within the municipality constitute an area in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute an area in need of redevelopment, the Township Committee of the Township of Cranbury, pursuant to Resolution #R 06-15-074 adopted June 8, 2015, authorized and directed the Cranbury Township Planning Board ("Board") to conduct a preliminary investigation to determine whether the area consisting of Block 10, Lot 10, and Block 12, Lot 1, situated at 22 Hightstown-Cranbury Station Road in the Township's I-LI zoning district and sometimes referred to as the "Viridian" or "Unexcelled" Property (the "Study Area"), meets the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

**WHEREAS**, by resolution adopted June 11, 2015, the Planning Board authorized and directed its planning consultants Phillips Preiss Grygiel LLC ("PPG") to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of redevelopment and to prepare a report on the Board's behalf regarding the results of that investigation; and

**WHEREAS**, PPG prepared a report entitled "AREA IN NEED OF REDEVELOPMENT INVESTIGATION FOR Block 10, Lot 10 and Block 12, Lot 1 IN THE TOWNSHIP OF CRANBURY, NJ," dated July, 2015 (the "Report"), regarding the determination of the Study Area as an area in need of redevelopment; and

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Cranbury Township Resolution # R 08-15-097  
(Continued)

**WHEREAS**, the Redevelopment Law requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

**WHEREAS**, the Board conducted its public hearing on August 6, 2015, at which it heard the testimony of its planning consultant, Richard M. Preiss, PP and the testimony of Joseph Zingaro, a representative of the property owner; reviewed Exhibits PB-1, consisting of the above-referenced Report; and took comments and questions from members of the public; and

**WHEREAS**, the meeting and public hearing were duly noticed in accordance with the requirements of the Open Public Meetings Act and the Redevelopment Law; and

**WHEREAS**, members of the general public were provided an opportunity to present evidence concerning the potential designation of the Study Area as a non-condemnation area in need of redevelopment, and an opportunity to cross-examine the Board's consultants and to address questions to the Board and its representatives concerning the potential designation of the Study Area as a non-condemnation area in need of redevelopment; and

**WHEREAS**, the Planning Consultant concluded in the Report and testified to the Planning Board on August 6, 2015 that there was evidence to support the following findings:

- (i) Block 10, Lot 10 and Block 12, Lot 1, the Viridian/Unexcelled Property satisfies the criteria for redevelopment area designation set forth in *N.J.S.A. 40A:12A-5c*.

**WHEREAS**, after the conclusion of the public hearing described above, the Planning Board adopted a Resolution (the "Board Resolution") finding and concluding that the Study Area qualified as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5c*; and

**WHEREAS**, the Planning Board recommended that the Cranbury Township Committee designate the Study Area as a non-condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law; and

**WHEREAS**, the Township Committee agrees with the conclusion of the Planning Board that the Study Area meets the criteria for redevelopment area designation, and the Township Committee finds that such conclusion is supported by substantial evidence; and

**WHEREAS**, the Township Committee now desires to designate the Study Area as a non-condemnation area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Cranbury, in the County of Middlesex, New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Committee hereby designates the **Viridian/Unexcelled Property** (Block 10, Lot 10 and Block 12, Lot 1), collectively referred to as the "Study Area," as a non-condemnation area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*.
3. This resolution shall be forwarded to the Commissioner of Community Affairs pursuant to *N.J.S.A. 40A:12A-6(b)(5)(c)* and shall be served on all persons entitled to notice pursuant to *N.J.S.A. 40A:12A-6(b)(5)(d)*.

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--Administrator's Report

Ms. Marabello reported the new ceiling fans were installed in the Meeting Room.

--Assistant Administrator's Report

Ms. Cunningham stated she had nothing to report.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

The Mayor opened the meeting to public questions and comments.

Boy Scouts Danny Mulligan and Chris Sockler presented to the Township Committee two (2) photos of the Millstone River showing overgrown vegetation. Chris explained the Boy Scouts were taking a canoe trip for a merit badge. He stated they were on the Millstone River near Old Cranbury Road and stated it was very hard to navigate the River because of the vegetation. He reported further down the River there was a large beaver dam, which was causing some flooding. Mr. Mulligan added the River at that point is approximately 75 feet and the beaver dam goes from shoreline to shoreline. He stated the water level at Old Cranbury has been rising, even though we have had very little rain. Mr. Mulligan stated there is a good possibility of flooding on the roadway if we were to receive a heavy rain. He stated if the dam were to be compromised, there could be problems with flooding downstream. Mr. Mulligan stated the dam is causing a lot of negative impact to the environment, including trees being chewed down and water rising on the land. Ms. Goetz stated the DEP would have to be contacted as the Township could not just pull the dam down. Ms. Goetz stated the reality is the beavers will just build another dam. Ms. Marabello stated in the past the DEP had been contacted concerning the beaver problem in the various waterways in the Township and she reported there is a program that will relocate the beavers. However, the Township was not able to locate someone in the DEP to actually relocate the beavers. Ms. Marabello stated earlier today she reached out to Mr. Bill Tanner, the Township Engineer, for a contact at the DEP. Mayor Taylor stated he will work with Ms. Marabello to get a contact. Mr. Mulligan stated if the DEP says the Township cannot do anything about the beaver dam, the Township may just have to deal with a negative impact in the future. He stated he and the Boy Scouts wanted to make the Township Committee aware of the problem.

Ms. Suzanne Palocz, North Main Street, stated the water from the Lake is very shallow and is not flowing near her property. She stated there is a resulting problem with mosquitos. Mr. Cook stated the Township can look at it, and Mayor Taylor stated the County's Mosquito Control Team was there a few weeks ago to look at the water. Mr. Cook stated there has not been an issue with dead turtles or fish and stated they will look at the west side of the bridge to determine if there is a mosquito problem. Mayor Taylor stated we are going through a dry spell so the water is not as high. Mr. Mulligan reported heavy rains were expected later tonight and tomorrow and that should increase the flow of the water. Ms. Palocz reported there was some water coming out of pipes by the Lake. The Township Committee requested she take a picture or video if it happens again so the issue can be addressed.

Mr. Dee Wahlers, Cranbury Neck Road, stated he has an issue a possible decrease in independence of the Planning Board. He stated he is seeing the Township Committee becoming more involved in what was historically an independent Planning Board. He stated he feels the Township will lose something if the Planning Board and Township Committee have joint discussions, and stated he feels the Township is going in the wrong direction with the Planning Board losing its independence. Mr. Wahlers cited the Hagerty property as an example and the way it is being handled. He stated the Township has had many projects where the Planning Board made decisions independently. He stated there are two (2) Township Committee members on the Planning Board, and the remaining members are citizens. Mr. Wahlers stated he is not sure if the Township Committee was not happy with the Planning Board and has heard

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Public Comment (cont'd.)

discussions about absenteeism. He stated if there is a problem, the Planning Board members should be changed, not the process.

Mayor Taylor stated the process is governed by Land Use Law. The Hagerty/Cheney property is unique in that it is a redevelopment project, which is a joint effort with the Planning Board and the Township Committee. Mr. Wahlers asked why the Township Committee decided to do a redevelopment project, and he stated his argument is that it was done so the Township Committee would be involved in it and thereby erode some of the independence of the Planning Board.

Mayor Taylor stated that was not the case, and stated he has had a number of residents challenging the Township Committee on this issue. He stated there were a number of public meetings at the Planning Board level and at the Township Committee. Mayor Taylor reported the Developer, High Point, came to the Township and stated they had a deal with the three (3) property owners and stated they wanted to work through a process that was most efficient for them and the Township; however, the current Master Plan does not allow them to do to unite all three (3) properties. All options were considered, including zoning variances, and the most conducive was to explore a redevelopment plan, which must be done at the Township Committee level. The Committee engaged Mr. Richard Preiss, PP, Township Planner and Mr. Allan Kehrt, Planning Board Chairman, to do a study along with the Planning Board. The study was reviewed by the Planning Board, then referred to Township Committee for approval and the project is moving forward. Mayor Taylor reported the subcommittee is comprised of the two (2) Township Committee members that are Planning Board members and Mr. Kehrt. Mayor Taylor stated the Planning Board is actively involved in the Hagerty/Cheney project. The State's redevelopment process must involve governing body. He stated he appreciates having the Planning Board members who have the municipal land use experience running the project. He stated Mr. Kehrt has attended several Closed Session meetings and has been involved in the discussions of the property. Mayor Taylor stated the Township Committee has not eroded the independence of the Planning Board and once the agreement for the site has been decided, the normal Planning Board approval process will be followed, with the Township Committee not being involved. The application will be reviewed and treated by the Planning Board and professionals the same as any other application.

Mr. Wahlers asked if the Township Committee will be voting on the project. Mayor Taylor stated the redevelopment plan comes before the Township Committee for approval, but not the site plan, which is all at the Planning Board level. Mr. Kehrt stated he was on the Planning Board for approximately 23 years and was Chairman probably six (6) or seven (7) times. He stated he has never experienced pressure from the Township Committee, and the redevelopment process is new to him and is new to Cranbury. He stated there was discussion many times over the years to condemn the Hagerty property. He stated redevelopment seemed the way to proceed; however, the Township Committee had to be included. Mr. Kehrt stated there has been a good working relationship between the Township Committee and the Planning Board. He stated there should soon be a resolution with the Developer on what will be built there. Mr. Kehrt stated the architectural concept of the project is posted on the Township's website.

Mr. Wahlers stated he was concerned with comments he had heard about the Township Committee negotiating for a better deal. Mr. Kehrt stated there have not been any problems and the Developer is willing to do what the Committee wants. When the site plans are finalized, the plans will be presented for the approval of the Township Committee at the recommendation of the Planning Board. Once that is approved, it will be up to the Developer to come before the Planning Board exactly as any other application would. Mr. Wahlers asked for clarification that there would not be dual negotiating between the existing Committee and the Planning Board. Mr. Kehrt confirmed the subcommittee consists of himself, Ms. Goetz, Mr. Johnson, and Mr. Preiss. Mr. Wahlers asked when the subcommittee's authority ends and it goes back to the Planning Board.

Mayor Taylor asked Mr. Preiss to explain the process. Mr. Kehrt stated in his mind the subcommittee was going to work with the Developer until they had a development plan, which they are very close to. Mr.

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Public Comment (cont'd.)

Wahlers stated he felt the development plan should be done at the Planning Board. Mayor Taylor stated the Planning Board cannot have discussions with the Board of Education to discuss what the impact of the development will be to the school system. He stated the Planning Board cannot have discussions with a developer to determine the look and feel of the site. Mr. Kehrt stated the Planning Board does not get involved until a developer files an application.

Mr. Preiss stated usually the Planning Board does the Master Plan, makes recommendations and then the Township Committee can accept or reject. If a developer makes an application for a rezoning, they do a presentation to the Planning Board and then to the Township Committee for a decision. Mr. Preiss stated there is a level of collaboration that can occur. The Planning Board cannot hold private meetings and cannot negotiate with the developer. Mr. Preiss stated when you designate an area in need of redevelopment, you can work with the developer (owner of the property) to come up with a plan that satisfies both parties. In the normal process, no such events are available as in the redevelopment process. However, there are also similarities in that when you do a rezoning, the Planning Board has a say in how the area is rezoned although the ultimate decision is with the Township Committee. In a redevelopment plan, Mr. Preiss explained it is similar because once the redevelopment plan has been written, it goes to the Planning Board first and it can be accepted, amended or rejected and once they are satisfied with it, they will recommend it to the Township Committee for adoption. Mr. Preiss said with the redevelopment process, the subcommittee is unique in that you have to work through the plan. The redevelopment plan gives you the opportunity that is very specific while with the Zoning Board, you cannot ask the developer to do improvements. Mr. Preiss recommended that it was to Cranbury's to advantage because there are things you can do, including have negotiations, that are proper and legal that you cannot otherwise do in the usual process. What is unique is the period of negotiation where decisions can be made, including the impact on the School Board, the density, the architecture, and the public improvements, typically not done through Zoning, but which can be done in the redevelopment plan. He clarified the Planning Board is not cut out of the process and is very much involved. Mr. Preiss stated at the end of the day, as happens with the Zoning Board, the final say is with the Township Committee.

Mr. Wahlers asked if the zoning was going to be changed. Mr. Preiss explained the redevelopment plan, when designated, will supersede the zoning. Mr. Wahlers stated the School Board has a representative on the Planning Board and is not sure why the subcommittee has to still go to the School Board. Mayor Taylor reiterated Mr. Preiss' point that the redevelopment process allows the Township to sit down and have discussions with the Developer that cannot be done at the Planning Board level. This subcommittee is able to say to the Developer that the Township wants a certain number of houses. The subcommittee is then able to go back to the School Board and discuss what the implications may be to Cranbury School and Princeton High School. Mr. Preiss stated three (3) items came out of the public meeting: the public liked the architecture and the other two (2) items of concern were the density and the impact on the schools. Mr. Preiss stated the subcommittee has looked very closely at these items and is working with the Developer to come to a resolution. At that point, the redevelopment plan will be drafted and made public.

Mr. Wahlers stated he did not want to see a change in what has previously worked so well for Cranbury. Mr. Cook stated all sequences come together and the site plan is developed, the public will have the opportunity to provide its input. Mayor Taylor stated public comment is critical to the success of the project. Mr. Preiss stated there are five (5) opportunities for the public to be involved to get to the point of the redevelopment plan and then again once the site plan approval starts. Mr. Preiss stated the Planning Board is involved in the redevelopment study and recommendation, as well as the redevelopment plan itself and then in the site plan.

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Public Comment (cont'd.)

Mr. Mulligan stated this is a new process that everyone is getting comfortable with, and stated Mr. Preiss will be composing a document to outline the process. Once written, the process will be posted on the Township website so everyone can understand it.

Ms. Goetz explained the reason the subcommittee met with the School is that the impact on the School was such a big concern to the public. There was discussion on what the impact of the additional housing may be and what the data was suggesting. The School's input is considered at this point instead of waiting until application is made at the Planning Board.

Ms. Suzann Palocz, North Main Street, requested the Township Committee to consider if the new stores at the Hagerty location would have an impact on the Village stores. She stated it is important to keep that in mind that downtown is what Cranbury is about. Mayor Taylor stated when the Master Plan revision was drafted in 2009/2010, the idea was this new location would have a symbiotic relationship so each location would draw business to the other location. Ms. Goetz stated the Master Plan combined residential and commercial at that site, and that has not been changed. She suggested the public go to the Township's website to look at the conceptual drawings.

Mr. Art Hasselbach, Route 130, commented on the redevelopment of the Viridian property. He reported it was lucky for Cranbury that Viridian bought the property because if the previous owner abandoned the property, it would have been Cranbury's problem. Mr. Hasselbach stated there is no negative aspect of the redevelopment of that property.

Concerning the redevelopment of the Hagerty/Cheney property, Mr. Hasselbach stated there have been many people looking at that parcel, which could have been used for several things that would bring no tax revenue to the Township. He stated there is a downside to not working with the Developer. Mr. Hasselbach stated this Developer is anxious to move forward before interest rates go up. There was additional discussion about the increase in the number of students from this development and what the possible requirements for affordable housing will be in the future. Mr. Hasselbach suggested looking at all options and taking the option that is least harmful to the Town. As concerns businesses in the Township, Mr. Hasselbach stated there are four (4) or five (5) businesses that are for sale. He stated it is not up to the Township Committee, Zoning Board or Planning Board to make it viable for businesses to exist.

There being no further comments, the Mayor closed the public portion of the meeting.

Mayor's Notes

Mayor Taylor reported he has a Proclamation for Zenergy Wellness Center, which is a new downtown business on North Main Street.

Proclamation

**Whereas**, in 2015, "Zenergy Wellness Center LLC" (Zenergy) was formed; and

**Whereas**, Zenergy's goal is to be a sanctuary where people can come to relax, recover and regain balance; and

**Whereas**, its mission is to provide to its customers a variety of services at affordable prices in a safe environment to bring harmony and balance back into their life on the physical, emotional and spiritual level; and

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Proclamation  
(Continued)

**Whereas**, it is Zenergy's belief a wellness program should be accessible and affordable to many, and not a luxury for the few; and

**Whereas**, Zenergy opened its doors at 61 North Main Street in Cranbury on July 6, 2015;

**Whereas**, with these goals in mind, Zenergy's staff is comprised of Licensed Massage Therapists and Certified Fitness Instructors to provide massage therapy, yoga, fitness classes, informational classes, meditation circles and nutritional advice; and

**Now Therefore**, I, Jay Taylor, Mayor of the Township of Cranbury, do hereby proclaim Zenergy Wellness Center LLC is welcomed to the "Downtown Business District" of the Township of Cranbury and conveys the Township's best wishes for much success and a prosperous future!

Mayor Taylor suggested the public to visit Zenergy. He stated he also had dinner at the new Asian restaurant, Food Sing. He said the food was excellent and encouraged residents to visit them as well.

Mayor Taylor stated he had no additional comments for the Mayor's Notes and requested a motion to go into Closed Session.

Resolution

At 8:45 p.m. Mayor Taylor requested a motion to go into Closed Session. On a motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried, the following Resolution was adopted by vote:

Ayes:	(Cook	Abstain:	(None
	(Goetz	Absent:	(None
	(Johnson		
	(Mulligan		
	(Taylor		
Nays	(None		

Cranbury Township Resolution # R 08-15-100

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

BE IT RESOLVED, by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey as follows:

The general nature of the subject to be discussed in this session is as follows:

"N.J.S.A. 10:4-12b (7)/Discussion of Possible Contract Negotiations



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Cranbury Township Resolution # R 08-15-100  
(Continued)

It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

On motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried, the meeting returned to open session at 9:20.

On a motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried, the meeting adjourned at 9:22 p.m.

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Kathleen R. Cunningham, RMC  
Municipal Clerk