

TOWNSHIP COMMITTEE MEETING
August 12, 2019

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: Michael Ferrante, Glenn Johnson and Dan Mulligan all answered present. Mayor James Taylor was absent. Matt Scott was absent for roll call (entered 7:24 p.m.). Also present were Denise Marabello, Township Administrator/CFO; Steve Goodell, Township Attorney; Scott Miccio, Township Attorney and Debra Rubin, Municipal Clerk. Deputy Mayor Mulligan led in the salute to the flag 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:

Posted on December 20, 2018 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.

Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 20, 2018.

Filed on December 20, 2018 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.

Sent to those individuals who have requested personal notice.

Agenda Additions/Changes – Ms. Rubin advised that Consent Agenda item 10(f) - Cranbury Township Resolution #R-08-19-117 was being removed and tabled to the next Township Committee meeting.

--Township Committee Regular Meeting Minutes of July 22nd, 2019

The Township Committee Regular Meeting Minutes of July 22nd, 2019 on a motion by Mr. Johnson, seconded by Mr. Ferrante. On a roll call vote of the members of the Township Committee;

Ayes: (Ferrante
 (Johnson
 (Mulligan

Abstain: (None

Absent: (Scott
 (Taylor

Nays: (None

the Township Committee Regular Meeting Minutes of July 22nd, 2019 were adopted.

--Reports and Communications

--Members of Committee

--Mr. Johnson

Mr. Johnson reported that he attended the Planning Board meeting. Discussions included the warehouses located on South River Road.

--Mr. Ferrante

Mr. Ferrante reported that he attended the Historic Preservation Committee meeting and the Resident Communication Subcommittee meeting. He reviewed the proposed placement of the lighted crosswalks to be installed shortly.

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Mr. Ferrante discussed participation for the upcoming Cranbury Day and the Township Committee will be focusing on strengthening communication and driving residents to sign up for "E-News". Mr. Ferrante will also organize the schedule for the members of the Township Committee participation in Cranbury Day.

-- Deputy Mayor Mulligan -

Deputy Mayor Mulligan reported he also attended the Planning Board and Library Board of Trustees meetings.

--Subcommittees – None

--Departments Heads – None

--Follow-up Items

- Ms. Marabello stated that the township audit had been received and the resolution will be on the next meeting. There were no comments noted on the audit for corrections or changes.
- Ms. Rubin polled the Township Committee if the August 26th meeting, that is scheduled as "optional" on annual calendar, would be necessary.

--Boards and Commissions

- **Appointments –**

Deputy Mayor Mulligan made the following appointment to the Library Board of Trustees –

- Patricia Thomsson appointed to fill unexpired term to expire on 12/31/23

- **Vacancies**

Ms. Rubin read the vacancies for the following boards and commissions:

- (3) Municipal Alliance - Full Member, 1st and 2nd Alternate
- (1) Parks Commission – 2nd Alternate
- (1) Historic Preservation Commission – 2nd Alternate

The members present moved the Consent Items to be voted on before Ordinances to allow for Mr. Scott's attendance.

Resolutions

Consent Agenda

Deputy Mayor Mulligan asked the Township Committee if there were any questions or comments on the Consent Agenda. Hearing no questions or comments, Deputy Mayor Mulligan requested a motion to adopt the Consent Resolutions minus item f as previously stated. On a motion by Mr. Ferrante, seconded by Mr. Johnson and unanimously carried, the following Resolutions adopted by vote:

Ayes: (Ferrante
(Johnson
(Mulligan

Abstain: (None
Absent: (Scott
(Taylor

Nays: (None

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Cranbury Township Resolution #R 08-19-1112

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 08-19-113

**RESOLUTION AUTHORIZING THE EXECUTION OF AN
AGREEMENT BETWEEN CIVICPLUS, LLC, AND THE TOWNSHIP OF CRANBURY**

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 an Agreement with CivicPlus, LLC, regarding the License and Service Agreement pertaining to the Website Redesign described in the agreement.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized and directed to execute the Agreement

Cranbury Township Resolution # R 08-19-114

**RESOLUTION EXTENDING THE GRACE PERIOD FOR
2019 THIRD QUARTER PROPERTY TAXES**

WHEREAS, the Township Committee of the Township of Cranbury determined that it is impossible to send out the regular third quarter tax bills for 2019 in a timely fashion, for reason beyond the control of the Township of Cranbury; and

WHEREAS, it is anticipated that the tax bills will be prepared and sent to (mailed) to tax payers on or about July 24, 2019, and

WHEREAS, the Township Committee of the Township of Cranbury has determined that tax payers are entitled to a reasonable extension of time to make the payments of the third quarter 2019 taxes, without imposition of penalties;

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Cranbury assembled in public session this 12th day of August, 2019 that the Tax Collector of the Township of Cranbury is hereby authorized to extend the grace period for the third quarter 2019 property taxes to August 19, 2019.

CRANBURY TOWNSHIP # R 08-19-115

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE
MUNICIPAL BUDGET OF THE TOWNSHIP OF CRANBURY PURSUANT TO N.J.S.A. 40A:4-87
(CHAPTER 159, P.L. 1948)**

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$1,000,000.00 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$1,000,000.00 is hereby appropriated under the caption "NJDOT Local Freight Grant-Brickyard Road"

Section 3

BE IT FURTHER RESOLVED that a copy of the Resolution, certified by the Township Clerk to be a true copy forwarded to each of the following:

- (a) Director of the Division of Local Government Services
- (b) Township Chief Financial Officer

RESOLUTION # R 08-19-116

**A RESOLUTION CRANBURY TOWNSHIP, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY
AUTHORIZING THE INSTITUTION OF AN IN-REM TAX FORECLOSURE ON CERTAIN
PROPERTIES WITHIN THE TOWNSHIP**

WHEREAS, the Tax Collector of Cranbury Township has prepared an in-rem tax foreclosure list and has certified the same to the governing body; and

WHEREAS, it is the desire of the governing body to institute an in-rem tax foreclosure proceeding against the property which is set forth on Schedule "A" attached hereto; and

WHEREAS, it is not only in the best interest of the municipality to institute said proceedings, but also is a duty of the governing body; and

WHEREAS, the institution of said in-rem proceeding will result in revenue to Cranbury Township either by a redemption of the subject property or by the foreclosure and resale by Cranbury Township.

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

1. That the governing body does hereby authorize the institution of an In-Rem Tax Foreclosure proceeding in regard to the property set forth on Schedule "A" attached hereto.
2. That a certified copy of this resolution be forwarded to the Tax Collector and Township Attorney.
3. This Resolution shall take effect immediately.

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Cranbury Township Resolution # R 08-19-117

RESOLUTION AUTHORIZING THE EXECUTION OF AN
AGREEMENT BETWEEN THE CRANBURY HISTORICAL & PRESERVATION
SOCIETY AND THE TOWNSHIP OF CRANBURY

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 an Agreement with THE CRANBURY HISTORICAL & PRESERVATION SOCIETY, regarding the Ground Lease and License Agreement pertaining to the Historic House being moved from 87 Old Trenton Road (Lot 2, in Block 20.17) dating back to 1760, to the licensed premises described in the agreement.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized and directed to execute the Agreement.

Cranbury Township Resolution # R 08-19-118

A RESOLUTION OF THE TOWNSHIP OF CRANBURY AUTHORIZING
THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER
NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Cranbury has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all personal property be sold at public sale to the highest bidder and;

WHEREAS, the Township of Cranbury intends to utilize the online auction services of US GovBid located at www.usgovbid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9;

WHEREAS, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, that the Township of Cranbury is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.usgovbid.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between US GovBid and the Township of Cranbury are available at www.usgovbid.com and in the Township of Cranbury Clerk's office; and

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BE IT FURTHER RESOLVED, that a certified copy of the Resolution be forwarded by the Township of Cranbury Clerk to the appropriate agencies and individuals.

**Ordinances –
Second Reading –**

Ms. Rubin read the following Ordinance into record by title:

CRANBURY TOWNSHIP ORDINANCE # 07-19-11

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO SET PROCEDURE AND POLICY FOR APPOINTING A POLICE CHIEF

BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, State of New Jersey, that the Township Committee authorizes the Township Administrator to set the process for appointing a candidate to the position of Police Chief. This process will be reviewed by the Personnel Subcommittee and will become internal policy. Any future amendments to the policy shall be done by ordinance.

Deputy Mayor Mulligan opened the public hearing for Ordinance No. 07-19-11 Deputy Mayor Mulligan, hearing no public comment, closed the public comment.

On motion by Mr. Ferrante, seconded by Mr. Johnson, the Ordinance was passed and adopted on second reading by vote:

Ayes: (Ferrante
(Johnson
(Mulligan
Abstain: (None
Absent: (Scott
(Taylor
Nays: (None

Ms. Rubin read the following Ordinance into record by title:

CRANBURY TOWNSHIP
ORDINANCE# 07-19-12

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING AND REVISING CHAPTER 150-32 AND 150-34, THE LAND DEVELOPMENT CODE

WHEREAS, in 2010, the Cranbury Township Planning Board reexamined the Cranbury Township Master Plan, which set forth the goals of the Township for Land Use regulation; and

WHEREAS, recently upon receiving feedback from the community, the Township Planner has drafted changes to Sections 150-32 and 150-34 of the Cranbury Land Development ordinance for 150-32 Accessory Buildings Structures and Uses and Section 150-34 Swimming Pools, Tennis Courts and similar private recreational facilities; and

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WHEREAS, these changes were made by the Township Planner, pursuant to feedback from the Township Land Use Boards and the public with regard to the construction of Accessory Building Structures, Swimming Pools, Tennis Courts and similar private recreational facilities; and

WHEREAS, the ordinances amend Land Use Development ordinance to amend, amongst other things:

- To better regulate Accessory buildings such as detached garages, sheds storage buildings and pool houses;
- To delineate the placement of Accessory buildings upon properties;
- To better define the placement and design of swimming pools;
- To govern the design and placement of tennis courts, sports courts and similar private recreational facilities.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, as follows:

SECTION 1. The Cranbury Township Land Use Development Ordinance is amended and supplemented as follows:

ARTICLE II

§ 150-32 Accessory buildings, structures and uses.

A. General requirements.

(1) Accessory buildings, structures and uses shall be permitted only on the same lot as the principal building to which they are accessory.

(2) Accessory buildings, structures and uses shall not be such as to alter the character of the premises on which they are located and, except for access ways to accessory parking or loading areas from an adjoining street, shall not encroach upon any front, side or rear yard unless otherwise permitted in this chapter.

(3) An accessory building which is attached to a principal building shall be considered part of the principal building and the entire structure shall adhere to the yard and setback requirements for the principal building regardless of the manner or technique of connecting the principal and accessory building.

~~(3)~~ (4) In all residential zones in Cranbury, accessory buildings such as but not limited to detached garages, carports, sheds, storage buildings, barns, private greenhouses, gazebos, boathouses, pool houses and cabanas shall adhere to the following requirements:

(a) Such accessory buildings may be erected in the side and rear yard only, subject to the following setbacks: they shall be located no closer to the side or rear property line than four (4) feet in the V-C and V/HR zones, and ten (10) feet in all other zones, provided that in

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all zones, such an accessory building shall be placed no closer than ten (10) feet to a rear property line that serves as a neighbor's side yard, and provided that such an accessory building is located no closer to a street property line than thirty (30) feet.

(b) Such an accessory building shall not exceed a height of one and a half (1 ½) stories nor fifteen (15) feet, whichever is less.

(c) No more than thirty five percent (35%) of a rear yard shall be covered by accessory buildings and structures.

(d) Such accessory buildings shall be included in the calculation of building coverage, impervious surface coverage and floor area ratio as applicable.

~~(3)(5) All other accessory buildings, structures or uses shall be governed by the bulk and area regulations for principal buildings of the zone in which they are located., except as set forth in § 150-32 B., 150-34 C., 150-34, 150-34.1, and 150-35. that storage sheds associated with one- and two-family dwelling units on the same lot as the principal structure shall be located at least 10 feet from the side and rear lot lines and shall comply with the front yard requirement for a principal structure and shall not exceed a maximum floor area of 200 square feet. Storage sheds on corner lots shall not be located nearer to any street line than the minimum required front yard in the zone in which the lot is located.~~

§ 150-34 **Swimming pools, tennis courts and similar private recreational facilities.**

~~Except for~~ The following regulations shall apply to ~~permanent~~ **in-ground** and portable swimming pools, tennis courts and similar recreational facilities that are accessory to a residential use:

A. Said use shall be located on the same lot as the principal structure and only in the side or rear yard.

B. Portable swimming pools less than three (3) feet in height and less than ten (10) feet in length or diameter **shall adhere to the same setback requirements as accessory buildings as set forth in § 150-32 A4.**

C. All in-ground swimming pools and above-ground or portable swimming pools which are taller than three (3) feet and more than ten (10) feet in diameter or length shall be located no closer than ten (10) feet to a side yard, nor fifteen (15) feet to a rear yard in the VC and V/HR zones, and no closer than fifteen (15) feet to a side yard and twenty (20) feet to a rear yard in all other residential zones.

~~C.D. Said use~~ **All other tennis courts, sports courts, and similar private recreational facilities** shall comply with the minimum side **and rear** yard requirements for principal structures.

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~~D.E.~~ Said use shall be screened to minimize any adverse impact on adjoining properties.

~~E.F.~~ No loudspeakers or amplifying devices which can be heard beyond the lot lines of the lot on which said facility is located shall be used in connection with such recreation facilities.

~~F.G.~~ Swimming pools shall be enclosed by a permanent fence as regulated in the State Uniform Construction Code. (See Chapter **72**, Construction Codes, Uniform.) The purpose of such fence shall be to enclose the swimming pool. Such fence shall not exceed a maximum height of five feet. If more than 50% solid, then such fence shall be located no farther than 20 feet from the edge of the pool.

~~G.H.~~ All hot tubs and whirlpools in excess of three feet in depth shall be enclosed by a four-foot-high fence or pool cover or other protective device approved by the Construction Official.

~~H.I.~~ Chain link fences are permitted around a tennis court, provided that such fences do not exceed 12 feet in height, and the dimensions of the fenced area are no more than are 60 feet by 120 feet. A minimum distance equal to the height of the fence shall be maintained to all property lines.

~~I.J.~~ Tennis court drainage shall be reviewed and approved by the Township Engineer prior to construction.

~~J.K.~~ No lighted tennis courts shall be permitted.

Section 2. Repealer. All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective date. This ordinance shall take effect upon its passage, publication, filing with the County of Middlesex, and entry of final judgement of compliance and repose.

Deputy Mayor Mulligan opened the public hearing for Ordinance No. 07-19-12.

Mr. Goodell explained the differences between Ordinances 12 and 13.

- Richard Kallan – He stated he agreed with Ordinance No. 07-19-12 which is being heard for public hearing. He believes 4 feet is very intrusive.
- Mark Berkowsky – He stated he would prefer the ordinance not be passed and it remain the current status. He believes it creates a visual burden to all in town and would be burdensome to neighbors. He added that it conflicts with guidelines within the historic district.

(Matt Scott present – 7:24 p.m.)

- Matt Cannon – He requested clarification on existing structures. Neither ordinance appears to address existing structures or improvements to them. He asked how various improvements would be addressed under these ordinances. Mr. Goodell advised that would be determined by the Planning and Zoning attorney.

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- Bill Gittings – He requested no change in current status. Mr. Gittings supplied the members of the Township Committee with maps of the township depicting hypothetical changes under the current ordinance and the potential under the proposed ordinances. He proposed removing the escrow fees. He further elaborated on the purpose of the zoning ordinance and its purpose was written to protect the general welfare of the community.
- Connie Bauder – Thanked Mr. Gittings for his presentation to the Township Committee. She added that the ordinance will allow for how water travels if properties are dug. This will impact water and noise in the township.
- Kevin Golisano – Thanked Mr. Gittings and added that the proposed ordinances can change the value of property.
- Steven Golisano – Thanked Mr. Gittings for his summary. He added that excavation on 4 feet off property lines may need to encroach on neighboring property lines. Mr. Golisano wanted to clarify that the change is from 40 feet to 4 feet, which is huge change and will have a large impact.

Deputy Mayor Mulligan added that the spirit of the room is to keep the current status “as is”.

- Sal Golisano – He added that though the variance process was addressed, the biggest problem appears to be the cost of variance. He suggested addressing the cost of the variances as they can be very expensive. He thanked the members for the recent property tax credit, however, maybe they should be addressing the variance fees. He agreed the current status is best but with emphasis on addressing the cost of fees.
- Barbara Rogers – She added that impervious cover would add more stormwater and more issues. She questioned the impact to conservation easements, Shady Brook and the killing of massive trees if ordinance passes.

Deputy Mayor Mulligan closed the public hearing for Ordinance No. 07-19-12.

Deputy Mayor Mulligan asked for a motion from the members to move the ordinance. No motions were given therefore the ordinance died on the floor and did not move.

First Reading –

Ms. Rubin read the ordinance by title:

**CRANBURY TOWNSHIP
ORDINANCE# 08-19-13**

**AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX
COUNTY, NEW JERSEY, AMENDING AND REVISING
CHAPTER 150-32 AND 150-34, THE LAND DEVELOPMENT CODE**

Deputy Mayor Mulligan asked for a motion from the members to introduce the ordinance. No motions were given therefore the ordinance died on the floor and did not move.

Public Comment -

Deputy Mayor Mulligan opened the meeting to general public comment.

- Bill Bauder – He stated that the sewer lines on Petty Road were marked out this past week. Mr. Bauder also added that in past minutes it stated residents would be notified and they were not. Ms. Marabello answered that Toll Brothers does not to alert the township and they are

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scheduled to have presentation after the summer. Deputy Mayor Mulligan added he wants the presentation scheduled for a meeting in September. Mr. Bauder stated he has a list of 40 people that should be notified. He questioned the status of the drywell repair. Mr. Bauder stated the current state is unacceptable. Deputy Mayor Mulligan asked Ms. Marabello to follow up with the Township Engineer, Tom Decker, to discuss options for a temporary fix of the drywells.

- Steve Golisano – While at the meeting he was able to Google various options to stop mosquito larvae from forming in the drywells.
- Mark Berkowsky – He wanted the members to know that he received the deer management letter and believed it was a “frightening letter”. He also stated the maps were not specific enough.
- Bill Bunting – Parsonage Barn – The township owns this particular structure and the CHPS leases it. He asked why the township would not take ownership of the historic 1714 structure that is being currently proposed by the CHPS for movement from private property to township property. He requested that the township own the additional structure and the CHPS will agree to maintain it as long as possible.
- Mark Berkowsky – He added that the history center, which was the former police center, is owned by the township.
- Barbara Rogers – She requested information on the plan for the dredging of the lake. Ms. Rogers asked about the Master Plan Re-examination Committee. Mr. Goodell stated that any questions about the Master Plan should be directed to the Planning Board. He suggested reviewing the Planning Board agendas and publications to stay abreast of their meetings.
- Mark Berkowsky – Asked if the training class for the deer management plan was open to the public. Ms. Marabello stated the training class is only for the participants, however, information is on the website for the public.

Deputy Mayor Mulligan closed the meeting to public comment.

Deputy Mayor Mulligan asked for a motion for go into Closed Session. Mr. Johnson made a motion and Mr. Ferrante seconded. The meeting was closed to the public.

Cranbury Township Resolution # R 08-19-119

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)/Attorney-Client Privilege; Potential Litigation
 - 147 Plainsboro Road
- N.J.S.A. 10:4-12b (5)/matter involving the purchase, lease, or acquisition of real property

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.

Deputy Mayor Mulligan asked for a motion to close Closed Session. Mr. Johnson made a motion and Mr. Ferrante seconded. The meeting was open to the public.

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Deputy Mayor Mulligan requested a motion to adjourn. On motion by Mr. Johnson, seconded by Mr. Ferrante and unanimously carried, the meeting adjourned at 9:05 p.m.

Debra A. Rubin, RMC
Municipal Clerk