

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call was: Township Committee members: Richard Stannard, Pari Stave, David Stout, Wayne Wittman and Mayor Thomas F. Panconi, Jr. Also present was: Kevin Van Hise, Esquire, Attorney, Thomas C. Witt, Administrator and Kathleen R. Cunningham, Clerk. Mayor Panconi 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 7, 2005 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 7, 2005.
- (3) Was filed on December 7, 2005 with a Deputy Municipal Clerk at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

#### Regular Committee Minutes of June 12, 22 & 27, 2006

On motion by Mr. Stannard, seconded by Mr. Wittman and unanimously carried, the Regular Committee Minutes of June 12, 2006 were adopted.

On motion by Mr. Stannard, seconded by Mr. Wittman and unanimously carried, with Mr. Stout abstaining, the Regular Committee Minutes of June 22, 2006 were adopted.

On motion by Mr. Wittman, seconded by Ms. Stave and unanimously carried, with Messrs. Stannard and Stout abstaining, the Regular Committee Minutes of June 27, 2006 were adopted.

#### Closed Session Minutes of June 12, 2006

On motion by Mr. Stannard, seconded by Mr. Wittman and unanimously carried, the Closed Session Minutes of June 12, 2006 were adopted.

#### Reports and Communications

--Mayor

Mayor Panconi reported he had held Mayor's hours on Saturday, July 8, 2006 from 8:30 a.m. until 10:30 a.m. The Fire Company had come in and given their monthly report: there were 11 calls for the month of June, 2006; six of the calls were from 6:00 a.m. to 6:00 p.m. and five (5) calls were from 6:00 p.m. to 6:00 a.m. and also had mentioned there had been three (3) daytime calls between 7:00 to 3:00 p.m. which had affected the Public Works' employees who were volunteers. Of note, there had been two false alarms at a pharmaceutical company, caused by a contractor failing to notify to put their system on test. The Fire Official will be sending out a letter. They also reported there had been an average of eight (8) men out on each call. The members had been in attendance at the Fishing Derby and Strawberry Festival and had had their monthly drill and meeting. Mayor Panconi stated he had a gentleman come in from Preferred Real Estate, the owners of the former Rhodia site, regarding some issues they are having. They plan to take down a couple buildings on the campus portions of which are in both Cranbury and Monroe Townships. The way it is presently set up, the truck traffic would come through

#### Reports and Communications

--Mayor

Cranbury. Mayor Panconi stated he planned to speak with the Township Engineer about the issue.

--Members of Committee

Mr. Wittman reported he had met with a resident on Petty Road regarding the ongoing drainage problem and road conditions. Mr. Wittman reported he was going to speak with Tom Witt, as the Public Works Director, regarding the problem and re-visit some of the minor issues of the Road to determine if anything could be done. Mr. Wittman stated the Township in the future should take a look at re-designing Petty Road to alleviate the ongoing drainage problem.

--Subcommittees

There were no reports.

#### Agenda Additions/Changes

Mayor Panconi announced an addition to the Work Session of item d—"Discussion of Hillsboro's land development ordinance.

#### Ordinances

##### Second Reading

##### Cranbury Township Ordinance # 06-06-16

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 06-06-16, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 110, "PEACE AND GOOD ORDER" OF THE CODE OF THE TOWNSHIP OF CRANBURY TO PROHIBIT THE FEEDING OF WILDLIFE ON TOWNSHIP-OWNED PROPERTY", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. Mr. Stout noted the Ordinance was an element of the new Storm Water regulations. No one else present wished to speak, so the hearing was declared closed. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (None

Nays: (None

##### Cranbury Township Ordinance # 06-06-17

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 06-06-17, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 130, "STREETS AND SIDEWALKS" OF THE CODE OF THE TOWNSHIP OF CRANBURY TO PROHIBIT ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND TO PROHIBIT THE SPILLING, DUMPING OR DISPOSAL OF MATERIALS OTHER THAN STORMWATER TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Wittman, seconded by Ms. Stave, the Ordinance was adopted by a vote:

##### Cranbury Township Ordinance # 06-06-17 (Continued)

Ayes: (Panconi

Abstain: (None

(Stannard  
(Stave  
(Stout  
(Wittman

Absent: (None

Nays: (None

Cranbury Township Ordinance # 06-06-18

A motion to enter an Ordinance entitled, Cranbury Township Ordinance # 06-06-18, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 13, "DRUG ABUSE AND ALCOHOLISM, MUNICIPAL ALLIANCE COMMITTEE" OF THE CODE OF THE TOWNSHIP OF CRANBURY", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. Mr. Witt, Administrator, explained the Ordinance was being adopted to alleviate a problem the Municipal Alliance had in obtaining a quorum of members at a meeting due to the requirement of 15 members. No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Stout, seconded by Ms. Stave, the Ordinance was adopted by a vote:

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (None

Nays: (None

Resolution

Mayor Panconi gave a brief summary of the circumstances surrounding the following Resolution-- explaining the Resolution was to memorialize the Township Committee's previous decision to overturn the decision which had been rendered by the then H.P.A.C. regarding an application of John & Cheryl Corr, 99 North Main Street, regarding a pergola roof that had been built:

On motion offered by Ms. Stave, seconded by Mr. Stout, the following resolution was adopted by vote:

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout

Abstain: (None  
Absent: (None

Not Voting: Mr. Wittman

Nays: (None

Cranbury Township Resolution Resolution # R 07-06-103

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY  
Cranbury Township Resolution # R 07-06-103  
(Continued)

RESOLUTION OF MEMORIALIZATION

I/M/O APPEAL BY JOHN AND CHERYL CORR FROM THE FEBRUARY 7, 2006 HISTORIC PRESERVATION COMMISSION'S DENIAL OF A CERTIFICATE OF APPROVAL FOR 99 NORTH MAIN STREET (BLOCK 28, LOT 1.01)

WHEREAS, John and Cheryl Corr are the owners of property located at 99 North Main Street and designated on the Cranbury Township Tax Map as Block 28, Lot 1.01, which is improved with a single-family dwelling and a detached two-car garage; and

WHEREAS, the Corr applied to the Historic Preservation Commission (then known as the Historic Preservation Advisory Committee, or HPAC) in 2003 for a certificate of appropriateness (now called a certificate of approval) to construct a pergola between their garage and the side of their house, with a metal roof covering a portion of a pergola; and

WHEREAS, during the course of the application, the Corr agreed to lower the pitch of that roof from what they had originally proposed (a 2.5-inch rise over one foot) to a 1.5-inch rise over one foot; and

WHEREAS, on January 7, 2004, HPAC approved the Coors' application, with the lower roof pitch; and

WHEREAS, on or about April 19, 2005, HPAC learned that the roof covering the pergola was steeper than approved, and notified the Corr by letter dated April 21, 2005 that the roof was nonconforming; and

WHEREAS, the Corr applied for a certificate of appropriateness for the new roof pitch; and

WHEREAS, HPAC voted to deny this application; and

WHEREAS, to create a consolidated record, the Corr on January 24, 2006 filed a new application for a certificate of appropriateness for the pergola roof; and

WHEREAS, on February 7, 2006, HPAC denied the application; and

WHEREAS, on February 10, 2006, the Corr filed a notice of appeal with the Township Clerk, indicating their intent to appeal HPAC's decision to the Township Committee of the Township of Cranbury pursuant to former section 93-9.G of the Code of the Township of Cranbury (Code), the provisions in effect when the appeal was filed; and

WHEREAS, on May 22, 2006, and pursuant to said Code provision, the Township Committee held a public hearing regarding the appeal, during which it heard testimony and arguments from the Corr' attorney and the Chairperson of the Historic Preservation Commission (fka HPAC); and

WHEREAS, Township Committee also considered the applicants' submissions and the full record created before HPAC; and

WHEREAS, based on the information submitted prior to the hearing and the testimony and arguments provided during the hearing, the Township Committee hereby makes the following findings of fact:

Cranbury Township Resolution # R 07-06-103  
(Continued)

- A.** The applicants, John and Cheryl Corr, are the record owners of a single-family home located at 99 North Main Street and designated on the Cranbury Township Tax Map as Block 28, Lot 1.01;
- B.** In 2003 the Corr applied to the Historic Preservation Commission, then known as the Historic Preservation Advisory Committee (HPAC), for a certificate of approval

- C. (referred to at the time as a certificate of appropriateness) to construct a pergola between their detached garage and the side of their house, with a proposed metal roof covering a portion of the pergola;
- D. During the course of the application, the Corrs agreed to lower the pitch of that roof from what they had originally proposed (a 2.5-inch rise over one foot) to a 1.5-inch rise over one foot;
- E. On January 7, 2004, HPAC approved the Corrs' application for a certificate of appropriateness with the lower roof pitch;
- F. On or about April 19, 2005, HPAC learned that the roof covering the pergola had not been built according to the approved plans, in that instead of the approved 1.5-inch rise, the pergola roof in fact had a 4-inch rise. By letter dated April 21, 2005, HPAC notified the Corrs of this nonconformity;
- G. On June 7, 2005, Mr. Corr appeared before HPAC to explain that the pitch of the roof had been changed in the field because of concerns regarding the roof's ability to bear the weight of a heavy snow load if left at a 1.5-inch pitch. No prior approvals had been obtained for this change. HPAC voted to deny the application for a certificate of appropriateness for the altered roof pitch;
- H. The record reflects that the matter of the roof pitch was further discussed by John Corr and HPAC at HPAC's September 20, 2005 meeting, when Mr. Corr was before HPAC on two other applications;
- I. On October 3, 2005, the Corrs filed a formal letter with the Township Clerk appealing HPAC's June 7 denial. At the time, there was considerable confusion regarding the date of the decision from which they were appealing (many, including Mr. Corr, mistakenly thought the date was September 20);
- J. On January 24, 2006, the Corrs filed a new application for a certificate of appropriateness for the pergola roof. The reason for the new application was to eliminate the confusion that had surrounded the prior applications and create a consolidated record for Township Committee's review should the Corrs renew their appeal;
- K. On February 7, 2006, HPAC denied the application;
- L. Apart from the change in pitch, the roof was built as approved in 2004;
- M. Among HPAC's objections to the altered pitch of the roof are that (a) at the lower, approved, height, the roof did not detract from the pergola's visual similarity to a garden structure, whereas at the current pitch, the roof now ties the garage and  
Cranbury Township Resolution # R 06-06-103  
(Continued)
- N. house together, which is historically inaccurate; (b) at the higher pitch, the roof contributes to an overall impression of mass; (c) at the higher pitch, the roof material, which was acceptable when the roof was lower, is now too shiny and visually intrusive; and (d) the Corrs never returned to HPAC before altering the pitch of the roof, or provided HPAC with an adequate explanation as to why the roof cannot now be restored to the original approved height.

and

WHEREAS, the Township Committee makes the following additional findings and conclusions:

- A. The change in pitch was a field change necessitated by a concern regarding snow load and was done in good faith;
- B. The Corrs have spent considerable amounts of money improving their property, and to require them to dismantle and rebuild the pergola roof at the approved rise of 1.5 inches per foot would cause further needless expense;
- C. The feeling of mass on the property is primarily attributable to the size of the garage rather than to the pergola roof, even with the roof's steeper pitch;
- D. The Corrs have consistently acted in a spirit of cooperation and good faith as they pursued HPAC approvals for the pergola, fencing, and other improvements to their property, and have made every effort to build something that is both attractive and consistent with the Township's emphasis on historic preservation;
- E. To require the Corrs at this stage to dismantle and replace the pergola roof would cause a hardship not commensurate with the extent of the roof's deviation from what HPAC had approved.

and

WHEREAS, the Township Committee emphasizes that it does not wish its decision to reflect poorly on HPAC, which has ably pursued its mandate; and

WHEREAS, the Township Committee further emphasizes that its decision is strictly confined to the narrow facts of the current appeal and is not to be construed as precedent-setting;

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

- 1. HPAC's denial on February 7, 2006 of the Corrs' application for a certificate of appropriateness for the as-built pergola roof is hereby REVERSED, and the Administrative Officer of the Historic Preservation Commission (successor to HPAC) is directed to issue a certificate approval to the Corrs for the as-built roof.
- 2. The Township Clerk is directed to provide a copy of this resolution to the Corrs and/or their attorney without charge.
- 3. The Township Clerk is further directed to cause a notice of this decision to be published in the Township's designated newspaper, as required by law.

[ROLL CALL AND CERTIFICATION ON NEXT PAGE]  
Cranbury Township Resolution # R 06-06-103  
(Continued)

ROLL CALL ON MOTION TO REVERSE AND ISSUE CERTIFICATE OF APPROVAL (MAY 22, 2006):

Ayes - 4	Nays - 1	Abstain - 0	Absent - 0	Not Voting - 0
Panconi:	Aye		Stout:	Aye
Stannard:	Aye		Wittman:	Nay
Stave:	Aye			

This Resolution adopted July 10, 2006 memorializes the actions taken at a meeting of the Township Committee of the Township of Cranbury on May 22, 2006, with the roll call vote on the memorialization as follows:

ROLL CALL ON MEMORIALIZATION, July 10, 2006

Ayes - 4      Nays - 0      Abstain - 0      Absent - 0      Not Voting - 1

Panconi:	Aye	Stout:	Aye
Stannard:	Aye	Wittman:	Not voting
Stave:	Aye		

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing is a true and correct copy of a resolution passed by the Township Committee of the Township of Cranbury at its meeting held on July 10, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Resolutions  
Consent Agenda

On motion offered by Ms. Stave, seconded by Mr. Stannard, the following Consent Agenda Resolutions were adopted by vote:

Ayes: (Panconi	Abstain: (None
(Stannard	Absent: (None
(Stave	
(Stout	
(Wittman	

Nays: (None

Cranbury Township Resolution # R 07-06-099

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 07-06-101

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

Cranbury Township Resolution # R 07-06-101  
(Continued)

A RESOLUTION AUTHORIZING EXECUTION OF A RIGHT OF ENTRY AGREEMENT WITH ALFIERI-HALF ACRE, LLC.

WHEREAS, Alfieri-Half Acre, L.L.C. ("Alfieri") owns an approximately 100± acre parcel of land located at Half Acre Road and Liberty Way, and designated as Block 7, Lot 10 on the Cranbury Township Tax Map ("Property"); and

WHEREAS, the Township of Cranbury ("Township") is currently in the process of constructing an extension to Liberty Way along with related storm water detention infrastructure on a portion of the Property; and

WHEREAS, the Township requires a portion of the Property to construct the above improvements; and

WHEREAS, the Township needs immediate access to the Property to begin construction of the above improvements; and

WHEREAS, Alfieri is willing to provide such access while it and the Township negotiates the transfer of title to the needed portion of the Property;

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

1. The Mayor and Clerk are hereby authorized and directed to execute the Right of Entry Agreement attached hereto as Exhibit A, or such other and substantially similar agreement as has been approved as to form and substance by the Township Attorney acting in consultation with the Mayor and Township Administrator.
2. The Township through its appropriate staff and officials is hereby further authorized and directed to undertake any and all such acts and execute any and all such other documents as may be necessary and appropriate to effectuate the terms hereof.

CERTIFICATION

I, Kathleen R. Cunningham, RMC, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a resolution passed by the Township Committee of the Township of Cranbury at a meeting duly held on July 10, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 07-06-102

A RESOLUTION CHANGING THE CUSTODIAN OF A PETTY CASH FUND

WHEREAS, A. Boyko was custodian of the Recreation Petty Cash Fund, and

WHEREAS, in accordance with N.J.S.A. 40A:5-21, the Township of Cranbury is changing custodians to Michele Harcher.

NOW, THEREFORE, BE IT RESOLVED that the Township of Cranbury, County of Middlesex hereby authorizes such action and two copies of this resolution be filed with the Division of Local

Cranbury Township Resolution # R 07-06-102  
(Continued)

Government Services, New Jersey Department of Community Affairs for approval.

CERTIFICATION

I, Kathleen Cunningham, Clerk, hereby certify that this is a true copy of a resolution, which was adopted by the Township Committee on July 10, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 07-06-104

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX



### A Resolution Adopting Street Addresses

WHEREAS, the Tax Collector has determined there is a need for the following street address to be established:

<u>BLOCK</u>	<u>LOT</u>	<u>CURRENT ADDRESS</u>	<u>NEW ADDRESS</u>
4	1.01	North Access Road	Gavett Drive
3	1.01	Road A	Stonaker Drive

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the above street addresses be established.

#### CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, hereby certify that this is a true copy of a Resolution, adopted by the Township Committee on July 10, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

#### Reports from Township staff and professionals

Mr. Van Hise, Esquire, reported on behalf of Trishka Waterbury, Esquire, Township Attorney, the Simonson closing should be taking place either by the end of the week or early next week.

Mr. Witt, Administrator, Administrator, gave a status report the ConAgra odor issue. Mr. Witt indicated he had received a letter from ConAgra's consultant who was hired by ConAgra to address the odor problem. The consultant had sent a letter indicating they had performed some preliminary testing and would be going ahead and implementing some of the solutions to the problem.

Mr. Witt also reported he had been served a summons, from the Middlesex County Health Department through the Township's Health Officer, for a violation on the Wright property. A resident had called the Health Department to complain the Township had wood piles directly on the ground. Mr. Witt explained the wood had been there due to the clearing of the land for the proposed baseball field and the reason they had not been moved was it would cost \$1,000 for a dumpster and there was not enough wood to fill an entire dumpster. Mr. Witt stated he will now obtain a dumpster have the wood removed.

#### Reports from Township Boards and Commissions

There were no reports.

#### Work Session

##### a. Monthly Update on Police Department by Chief Jay Hansen (Jay Hansen)

Chief Jay Hansen gave his monthly report to the Township Committee on the Police Department for the month of June. He reported there had been a total of 129 violations issued for the month of June: 38 issued in the Village area; Route 130-82 and East of Route 130; 9. Speeding violations: 7 in the Village area. Chief Hansen reported a majority (75) of the violations had been for not wearing seat belts. Cranbury had participated in the nationwide "Click It or Ticket" Program and had done an outstanding job. There had been 5 D.W.I. arrests and removed from the roadway, 4 unlicensed drivers and 1 uninsured driver. Chief Hansen stated he intended to have an increase in the stats over the next two months. He also reported the overtime for the month had been within the Budget and in reference to the Bike Patrol--the police officers had been out on at least six (6) occasions and had forgotten to log in the other occasions. Chief Hansen reported the Village Park area had been under significant surveillance by his officers—in the interest of eliminating the butchering of pigs purchased in South Brunswick Township. Chief

Hansen reported a week ago they had intercepted a group in the process of butchering a pig. On Sunday, July 9, 2006 officers encountered another group and had them sanitize the tables and clean up the debris caused by the butchering of another pig. The group was issued a summons and will have to appear in Municipal Court. Ms. Stave asked for a status report on the recent robberies in the Township. Chief Hansen reported they were still under investigation and the burglaries had decreased as of late, however, he was not at liberty to discuss the particulars. He did report there had been an arrest of an individual in another town and that individual could be involved with others in the burglaries. Ms. Stave asked how many burglaries there had been in June and Chief Hansen stated he thought two (2) and would follow-up with an e-mail to her the following day with the correct number. Mr. Wittman stated he had heard there had been some vandalism of vehicles in the Township and asked if it were true. Chief Hansen responded it was a local problem which was under investigation and he could not comment on it. Mr. Stannard asked had the implementation of a 12-hour shift saved the Township any money. Chief Hansen responded he believed it was saving money. Mr. Wittman asked if any thought had been given to when the Open House for the new police building would be. Chief Hansen indicated most likely the Fall. Mr. Wittman requested the Chief give the Township Committee a date when he gives his monthly report at the August 14<sup>th</sup> meeting.

c. Discussion on adoption of Resolution # 07-06-100 to decrease Cranbury Township's Open Space Tax from 3 cents to 2 cents per \$100 of assessed value.

The Township Committee discussed reducing the Open Space Tax from 3 cents to 2 cents per \$100 of assessed value and requesting the question be put on the ballot for the November 7, 2006 General Election. The Township Committee unanimously agreed to adopt the following Resolution, mandating the question be put on the ballot:

Cranbury Township Resolution # R 07-06-100

On motion offered by Ms. Stave, seconded by Mr. Wittman, the following resolution was adopted by vote:

Ayes: (Panconi  
Stannard  
Stave  
Stout  
Wittman

Abstain: (None)  
Absent: (None)

Cranbury Township Resolution # R 07-06-100  
(Continued)

Nays: (None)

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION AUTHORIZING THE SUBMISSION TO THE VOTERS OF THE TOWNSHIP OF CRANBURY AT THE GENERAL ELECTION ON NOVEMBER 7, 2006 A PROPOSITION AUTHORIZING THE DECREASE OF THE TOWNSHIP'S ANNUAL LEVY FOR THE ACQUISITION, DEVELOPMENT AND MAINTENANCE OF MUNICIPAL OPEN SPACE, FARMLAND AND HISTORIC PROPERTIES FROM \$0.03 PER \$100.00 OF ASSESSED VALUE OF REAL PROPERTY TO \$0.02 PER \$100.00 OF ASSESSED VALUE OF REAL PROPERTY, AS PERMITTED BY P.L. 1997, c. 24 OF THE LAWS OF THE STATE OF NEW JERSEY.

WHEREAS, N.J.S.A. 40:12-15.7 (P.L. 1997, c. 24 of the Laws of the State of New Jersey) permits the governing body of a municipality to submit to the voters of said municipality in a general or special election a proposition authorizing the imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the following purposes, or any combination thereof, as determined by the governing body:

- (a) Acquisition of lands for recreation and conservation purposes;
- (b) Development of lands acquired for recreation and conservation purposes;
- (c) Maintenance of lands acquired for recreation and conservation purposes;
- (d) Acquisition of farmland for farmland preservation purposes;
- (e) Historic preservation of historic properties, structures, facilities, sites, areas or objects, and the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes; or
- (f) Payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in paragraphs (a), (b), (d), or (e) hereinabove; and

WHEREAS, by two separate referenda and an initiative, a majority of the voters of the Township of Cranbury approved a proposition by said Township to impose an annual levy of \$0.03 per \$100.00 of assessed value of real property located in the Township for the establishment of a Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund and to appropriate annually that revenue for the purposes set forth hereinabove; and

WHEREAS, the Township is currently undertaking a revaluation of all real property within the Township, which will take effect in 2007; and

WHEREAS, as a result of the ongoing revaluation, it is anticipated that the average Township property assessment may be approximately doubled, although the exact amount of said increase will not be determined until 2007; and

WHEREAS, the anticipated increase in the assessed values of real property in the Township will result in a corresponding increase in the amount collected pursuant to the above-referenced levy; and

WHEREAS, N.J.S.A. 40:15.7d permits the governing body of a municipality to submit to the voters of said municipality in a general or special election a proposition amending or supplementing the proposition previously submitted, approved and implemented pursuant to the aforementioned law changing the amount or rate of the annual levy; and

WHEREAS, in light of the above-referenced anticipated increase in property values, the Township wishes to decrease the above-referenced annual open space tax levy from \$0.03 per

Cranbury Township Resolution # R 07-06-100  
(Continued)

\$100.00 of assessed value of real property located in the Township to \$0.02 per \$100.00 of assessed value of real property located in the Township; and

WHEREAS, the Township Committee wishes to submit to the voters of the Township at the general election on November 7, 2006, the referendum question set forth herein below decreasing the annual open space levy to keep stable the revenue raised for the Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund;

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

1. Pursuant to N.J.S.A. 40:12-15.7 (P.L. 1997, c. 24), the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, wishes to place and hereby requests that the following referendum question be placed on the general election ballot for consideration by the Township's voters in the general election to be held on November 7, 2006:

Shall Cranbury Township decrease its annual levy imposed to raise revenue for the Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund from the rate of \$0.03 per \$100.00 of assessed value of real property located in the Township to the rate of \$0.02 per \$100.00 of assessed value of real property located in the Township and appropriate that revenue in order to permit the Township to: acquire, develop, and maintain lands for recreation and conservation purposes; acquire farmland for farmland preservation purposes; preserve and acquire historic properties, structures, facilities, sites, areas or objects for historic preservation purposes; and pay debt service on indebtedness issued or incurred by the Township for any of the above-named purposes?

2. The Township Clerk is hereby authorized and directed to furnish a certified true copy of this resolution to the Middlesex County Clerk's Office and the Superintendent of Elections by the applicable deadline so that the above-referenced referendum question may be placed on the general election ballot for November 7, 2006.

#### CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing is a true and correct copy of a resolution passed by the Township Committee of the Township of Cranbury at its meeting held on July 10, 2006.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

#### Work Session (Continued)

b. Outdoor Dining Ordinance Discussion (Richard Preiss)

The Township Committee and Mr. Preiss, Township Planner, discussed the proposed Outdoor Dining Ordinance. Mr. Preiss reported he had made some changes to the draft of the outdoor dining permit ordinance and elaborated on the changes. Mr. Preiss stated the Ordinance had been streamlined with recommendations from Trishka Waterbury, Township Attorney and Joe Stonaker, Planning Board Attorney. Mr. Preiss indicated the process for licensing had been streamlined as well, with the licensing applications being processed by the Clerk's office with a yearly renewal. Mr. Preiss stated the license Ordinance would dovetail with the Land Use Ordinance and both would need to be

#### Work Session (Continued)

b. Outdoor Dining Ordinance Discussion (Richard Preiss) (cont'd)

introduced and adopted at the same time. Mr. Preiss recommended having standard hours of operation from 7:30 a.m. until 9:30 a.m. so that residents living adjacent to the establishments were not too inconvenienced. Mr. Preiss also stated there would be a provision in the Ordinance to give the Police Chief the right to suspend a license as well as the Zoning Officer. The Clerk would have the authority to not renew a license if a particular restaurant were in violation of the Ordinance. Also, Mr. Preiss indicated he had added a process of appeal should an establishment be denied a renewal or revocation of its license. The Township Committee would hear the appeal. Mr. Preiss added, a number of residents had sent e-mails to the Clerk and she had forwarded them to him and Ms. Waterbury, Township Attorney. Mr. Preiss reported he had reviewed their remarks and took them into consideration when he drafted the Ordinance. Ms. Stave asked that the Township require restaurants to post its approved site plan. Mr. Preiss stated he believed the licensing requirement, as well as the site plan approval was a good tool to help control the outdoor dining. Mr. Preiss indicated all licensing permits would be issued by the Clerk's Office. Mr. Preiss stated under the proposed Ordinance, the operating hours for the outdoor dining would be from 7:30 a.m. until 9:30 p.m. Mr. Preiss stated those restaurants who already had site plan approval would be grandfathered in and those who do not have site plan approval would need to go before the Planning Board to get such approval. He also stated if a restaurant were allowed to have door dining until 10:00 p.m. they would be allowed to continue. Ms. Stave asked if porch roofs should be added to the language and also requested

that freestanding menu boards be prohibited. The Township Committee discussed the renewal process and having a one-year renewal as well as the process for the Clerk's Office to issue the licenses. Mr. Wittman raised his concern with making it more onerous to do business in town. Ms. Joanne Palma, owner of The Cranbury Pizza spoke, stating if anyone came to her as an owner, with a problem, she would take care of the problem herself and did not need a Board or whomever to deal with the problem. Ms. Palma also stated she had never had a problem or complaints, etc. Ms. Palma asked where the lines were drawn as to how many tables are allowed at various restaurants. Mr. Preiss responded a lot of the number of tables allowed by the Planning Board site plan approval had been based on the available space in front of the restaurant. Ms. Stave asked if an establishment adjacent to a restaurant could lease out their space to the restaurant to be used for outdoor dining. Mr. Preiss indicated they could, however, they also would need to get site plan approval. Mr. Frank Marlowe, North Main Street, spoke and asked if the new Ordinance would allow Hannah & Mason's to have outdoor dining in the evening. Mr. Preiss responded they would have to go before the Planning Board to get an amended site plan approval for them to be allowed to be open until 9:30 p.m. Mr. Marlowe asked when the Ordinance would go into effect. Mr. Preiss indicated it was up to the Township Committee. Mr. Marlowe asked if Hannah & Mason's could be granted a temporary permit until the Ordinances were passed and/or if the Planning Board could grant permission to operate for the summer under an amendment to their site plan. Mr. Preiss indicated that would be up to the Planning Board. The Township Committee discussed the opening and closing time and all agreed to adhere to the 7:30 a.m. until 9:30 p.m. time. The Township Committee determined a license would not be transferable upon the sale of premises. Mr. Van Hise addressed the issue of damage to a sidewalk, i.e. the Township addressing the problem with a notice and upon failure to repair would result in the Township making the repair and billing the restaurant for same. Mr. Witt stated Main Street is a County Road and if the sidewalk issue would be difficult to enforce. The Township Committee directed the Ordinance be prepared for introduction on July 24, 2006 with Second Reading and Public Hearing for August 14, 2006. Mr. Preiss indicated two Ordinances would, one for the land use changes and the other for the licensing, be introduced at the same time. In addition, the amendment to the Land Use Ordinance

#### Work Session (Continued)

- b. Outdoor Dining Ordinance Discussion (Richard Preiss) (cont'd)  
would have to be referred to the Township's Planning Board before the Second Reading date, preferably to be heard at the Planning Board's August 3<sup>rd</sup> meeting.
- b. Discussion on Hillsboro's Land Development Ordinance (David Stout)  
Mr. Stout stated the Borough of Hillsboro, New Jersey, presently has in place an Ordinance which adjusts its F.A.R. requirements. Mr. Stout asked Mr. Dietrich Wahlers, Hagerty Lane, to explain the Ordinance as he had contacted Hillsboro's Planner. Mr. Wahlers explained the Hillsboro Ordinance was only for residential property, however, the Planner had indicated the Ordinance could be adapted to include commercial. Ms. Stave recommended the Township Committee address the issue of a bulky house ordinance soon. Mayor Panconi asked Mr. Preiss, Township Planner, if he could prepare documentation for the Township Committee and Mr. Preiss indicated he could have something ready by September for discussion.

#### Public Comment (For those items not on the Agenda)

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Dietrich Wahlers, Hagerty Lane, indicated the Environmental Commission had been discussing the issue in the context of a stream corridor ordinance and focused on the commercial portion of the land as opposed to the residential portion. Mr. Wittman reported the Recreation subcommittee had met earlier in the evening in reference to the changes for the Master Plan. Mr. Wittman stated the next meeting would be held on Monday, July 17, 2006 and asked that if the School Cafeteria would be available, the meeting should be held there. The Clerk indicated she would check if the cafeteria was

available and check with the Planning Board Secretary in the morning. There being no further comments, the Mayor closed the public part of the meeting.

#### Mayor's Notes

Mayor Panconi reported when he had reported earlier on the meeting with the Fire Company, he had neglected to mention during the Joint meeting of the Township Committee and Planning Board last week, a question had come up with reference to the required radius a fire truck would need for the cul-de-sac at the future site for the affordable housing (K-Hov site)--the radius required was 40 feet.

Mayor Panconi reported he had an unsigned letter from a resident concerning lack of maintenance with Eagle Scout projects. Mr. Wittman indicated a number of projects had been vandalized and the Scouts were in the process of re-visiting how the projects are done.

On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried, the meeting adjourned at 9:05 p.m.

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Kathleen R. Cunningham, Clerk