

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

**AUGUST 3, 2022 MINUTES
APPROVED SEPTEMBER 7, 2022**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held via Zoom <https://us06web.zoom.us/j/89352721724> Webinar ID: 893 5272 1724 on August 3, 2022, at 7:00 p.m.

CALL TO ORDER

Ms. Meacock, ZBA Chairperson, called the meeting to order and presided over the meeting.

STATEMENT OF ADEQUATE NOTICE

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

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

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

MEMBERS IN ATTENDANCE

- ☐ Joseph Buonavolonta
- ☒ Robert Diamond
- ☐ John Hoffman
- ☒ Richard Kallan

- ☐ David Nissen
- ☒ Steven Schwarz
- ☒ Frank McGovern (Alternate #1)
- ☐ Saras Kothari (Alternate #2)
- ☒ Merilee Meacock

PROFESSIONALS IN ATTENDANCE

- ☒ Robert Davidow, Zoning Board of Adjustment Attorney
- ☒ Robin Tillou, Secretary
- ☒ David Hoder, Engineer
- ☒ Liz Leheny, Planner
- ☒ Andrew Feranda, Traffic Consultant

MINUTES

Upon a motion made and seconded the minutes for June 29, 2022 were unanimously approved by those members eligible to vote on said dates.

RESOLUTION

ZBA360-22 Holly Johnson
Block 35, Lot 13, Zone V/HR
3 Station Road
Bulk Variances – Setback for Back Patio

MOTION TO APPROVE: Mr. Kallan

SECONDED: Mr. Diamond

ROLL CALL

AYES: Mr. Diamond, Mr. Kallan, Mr. Schwarz, and Mr. McGovern

NAYS: None.

ABSTAIN: None.

ZB354-22 Woodmont Industrial Partners, LLC
Block 7, Lot(s) 1 & 2, Zone HC
2678 Route 130 (Lot 1) – 376 Half Acre Road (Lot 2)
Preliminary and Final Major Site Plan
d(1) Use Variance

MOTION TO APPROVE: Mr. Kallan

SECONDED: Mr. Schwarz

ROLL CALL

AYES: Mr. Diamond, Mr. Kallan, and Mr. Schwarz.

NAYS: Mr. McGovern.

ABSTAIN: None.

APPLICATIONS

**ZBA305-17 Mobin Management
Block 18.07, Lot 44 & 45, Zone GC,
112 South Main Street,
Amendment to Preliminary and Final Site Plan with Bulk Variances**

Representatives: Gary Forshner, Law Offices of Gary Forshner
Peggy Steinhauser, MidAtlantic Engineering
Ian Burton, MidAtlantic Engineering
Dr. Omar Mobin-Uddin, Owner
Louis Zuegner, MidAtlantic Engineering

EXHIBITS

A-1 – Aerial View

A-2 – Site Plan Exhibit - Survey

Mr. Diamond recused himself from this application.

Mr. Davidow announced that notice for this application is adequate, and this Board can take jurisdiction over this application.

Mr. Forshner introduced the application by stating this application has frontage on S. Main Street and Rt. 130. It is a relatively narrow lot and triangular shape. In 2019 this Board granted approval for a use variance together with bulk variances for the project. The project is a three-story building that is proposed to have a mix of commercial uses on the first and second floor and will have two (2) apartments on the third floor. The use variance was for the residential apartments on the third floor. No aspects of what was approved in 2019 is being changed besides shifting the building. This application is for an amendment to the site plan only. The county did road improvements along S. Main Street. The county surveyed the property and did a comparison to the survey that was originally submitted for this application. After research was done it was found the original survey was off. This changed the property lines. The reliefs being required are the setback to Route 130 and the setback to S. Main Street. An additional foot on one of the property frontages for a setback variance and an additional 3.9 ft. on another setback variance.

Mr. Davidow swore in the Board professionals and Mr. Louis Zuegner, applicant's engineer.

Mr. Zuegner stated he is a licensed professional engineer and planner in NJ. He had attended Virginia Tech and has been practicing for 25 years. He has testified as an engineer before this Board previously and throughout the state of NJ.

Chair Meacock accepted Mr. Zuegner's credentials.

Mr. Zuegner displayed exhibit A-2 – Site Plan Exhibit - Survey.

Mr. Zuegner stated the red line in the plan is the original survey of the property and the blue line is the change of the survey. The building is the same and the parking is the same. There is no functional change to the site. The two specific items are two front setbacks. The front setback to S. Main Street was 15.5 ft. that was approved, and it is now 14.5 ft. The front setback for Route 130 was 40 ft. to the building and it is now 36.1 ft. These are c(1) variances. There are no changes in the resolution other than the setbacks that were mentioned. These are minor dimensional changes. There is no substantial detriment to the zoning ordinance.

Mr. Kallan stated the paperwork has inconsistencies. The total quantity of soil to remove states "none" in the application. The previous page states topsoil to be removed states 550 cubic yards of topsoil and 775 cubic yards of subsoil. If you are not removing any soil, why are the numbers not 0?

Mr. Zuegner stated there will be a small modest amount that will come off this site. There is a septic system and foundation. It is not a site where the grade changes from the existing. It will be the same but due to having to bring in materials for the septic and foundation there will be a modest amount of soil that comes out and they will ensure the correct permits for that.

Mr. Hoder stated that amount of soil is typical for this type of application.

Mr. Zuegner stated they can adjust those numbers in reviewing with the professionals.

Mr. Kallan stated on page 8 under "provide the name and address of the person to have control of the operation of hauling away the excavated material", the answer is TBD.

Mr. Hoder stated a TBD at this point is fine. The town engineer will look at this and he will have conversations with that person. The roads are county and roads that have better pavement and stronger cross sections will take a brunt of the work to move any soil that has to be moved.

Mr. Kallan stated on the checklist for item number 7, the authorized affidavit of ownership is not checked.

Mr. Zuegner stated it has been submitted and should have been marked “complies.”

Mr. Kallan stated on page 7 of the application, it states “there is no public sewer or water service on site, waste will be discharged to a septic system....”, but Mr. Kallan believes water is now available.

Mr. Zuegner stated at the time they submitted the application originally none of those utilities were available to this property. It was stated if the water were available at the time of construction, they would connect to that.

Mr. Forshner stated that water line was run and not available yet, but it will be. If it can be, they would like to connect to it.

Mr. Zuegner stated as a condition of approval, if the water line is available at the property, they will connect to the water utility as opposed to a well.

Mr. Davidow stated the conditions of the original resolution will survive this approval.

Mr. Kallan stated page 11 states “front yard depth – requires a minimum depth of 75 ft. whereas the building will be setback 14.4 ft. from South Main Street and 40.8 ft. from Route 130”. When looking over the documentation, originally it was 40 ft. and now 33.4 ft. and it was originally 15.5 ft. but is now 18.6 ft.

Mr. Hoder stated the engineer for the applicant should provide the correct numbers.

Mr. McGovern asked if approving this tonight starts anything new, as far as the clock now running from this date.

Mr. Forshner stated the impact is the amended approval starts with this approval. The MLUL clock will begin with this approval. It will be a two-year period of approval with the right to apply to the board with three one-year extensions from there.

Mr. Hoder stated his review letter dated July 11, 2022 explained what happened regarding the faulty survey and the survey is now correct and the applicant will build on that if approved. He has no objection to the updated survey. The numbers are the setback off S. Main Street is 14.5 ft. and the setback off Route 130 is 36.1 ft.

Ms. Leheny stated in the resolution there was design waivers, and she wants to make sure the design waiver numbers have not changed.

Mr. Zuegner stated the design waivers will remain the same except the dimensions from the edge

of the parking lot to the property or right-of-way line. In both instances they change to the road. The distance to the parking lot to the northerly property line remains the same. The Route 130 is now 6.4 ft. to the parking lot instead of 10.3 ft. The Main Street is now 13.7 ft. where it was 17.1. Everything else remains the same.

Chair Meacock opened the meeting to the public. With no public comment, Chair Meacock closed the public forum.

MOTION TO APPROVE: Mr. Kallan
SECONDED: Mr. Schwarz

ROLL CALL

AYES: Mr. Kallan, Mr. Schwarz, Mr. McGovern and Ms. Meacock
NAYS: None.
ABSTAIN: None.

MOTION PASSED

ADJOURNMENT OF MEETING

There being no further business, Mr. Kallan made a motion to adjourn, and Mr. Schwarz seconded, the meeting was thereupon adjourned.

CERTIFICATE OF SECRETARY

I, the undersigned, do at this moment certify.

That I am duly elected and acting secretary of the Cranbury Township Zoning Board of Adjustment and, that the preceding minutes of the Zoning Board of Adjustment, held on August 3, 2022, consisting of pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name of said Zoning Board of Adjustment this September 8, 2022.

Robin Tillou
Robin Tillou, Secretary