

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

ORDINANCE NO. 10-14-09

**AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN
MIDDLESEX COUNTY, NEW JERSEY, TO CORRECT A
CONSERVATION EASEMENT ON BLOCK 25, LOT 44.06**

WHEREAS, in March 2000 the Cranbury Township Planning Board granted an application for a major subdivision to create five lots; and

WHEREAS, a condition of the Planning Board approval required that a 100 foot Conservation Easement on the three lots running along the Cedar Brook; and

WHEREAS, the filed plat depicted a 200 foot rather than a 100 foot Conservation Easement for Block 25, Lot 44.06 as shown on the Cranbury Township Tax Map; and

WHEREAS, the current property owners of Block 25, Lot 44.06 requested that the Conservation Easement be corrected to reflect the 100 foot Conservation Easement required by the Planning Board approval; and

WHEREAS, the current property owners of Block 25, Lot 44.06 have received a Letter of Interpretation from the New Jersey Department of Environmental Protection dated August 21, 2014 depicting the wetlands located on property; and

WHEREAS, the current property owners of Block 25, Lot 44.06 have agreed that the Conservation Easement should contain and protect all of the wetlands located on the property as shown on the August 21, 2014 Letter of Interpretation; and

WHEREAS, the Township's Planning Board Engineer has reviewed the Planning Board file, the Letter of Interpretation and the plan entitled "Exhibit A – Conservation Easement Revision" dated August 14, 2014, prepared by Act Engineer's Inc.; and

WHEREAS, the Township's Planning Board Engineer agrees that the Conservation Easement for Block 25, Lot 44.06 should be corrected to a point 10 feet south of the line shown as the "Proposed Conservation Easement Modification Area" on Act Engineer's Inc. August 14, 2014 Plan; and

WHEREAS, the Township's Planning Board Engineer feels that this correction is consistent with the intent of the Township Planning Board's March 2000 Resolution and that the correction will protect the wetlands and its associated buffer;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey that the Conservation Easement on Block 25, Lot 44.06 should be corrected to a point 10 feet south of the line shown as the “Proposed Conservation Easement Modification Area” on the plan entitled “Exhibit A – Conservation Easement Revision” dated August 14, 2014, prepared by Act Engineer’s Inc.; and

BET IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on October 13, 2014. It was further considered for final passage, after public herein thereon, at a meeting of the Township Committee held on October 27, 2014 and finally adopted.

Kathleen R. Cunningham, RMC
Municipal Clerk

Cranbury Township Resolution # R 10-14-118

Resolution Setting Forth Special Reasons for Adopting Ordinance 09-14-08

Whereas, the Township Committee introduced Ordinance 09-14-08 on September 22, 2014; and

Whereas, the Township Committee referred the Ordinance to the Planning Board for review as required by the Municipal Land Use Law; and

Whereas, the Planning Board reviewed the Ordinance on October 16, 2014, and found it to be "technically inconsistent" with the Master Plan; and

Whereas, the Planning Board nevertheless recommended that the Township Committee adopt the Ordinance; and

Whereas, the Municipal Land Use Law requires a governing body adopting a land use ordinance that is inconsistent with the master plan to adopt a resolution setting forth its reasons for so acting (see, NJSA 40:55D-62);

Now, therefore, be it resolved by the Township Committee of the Township of Cranbury, that the following reasons support the adoption of Ordinance 09-14-08:

1. The Planning Board concluded that the inconsistency between the Ordinance and the Master Plan was technical only, based on fact that it had reviewed bulk standards for the 2010 Master Plan but no changes to height restrictions in the industrial zones were recommended at that time.
2. The Planning Board concluded that this inconsistency was minor and non-substantive.
3. The Planning Board recommended adoption of the Ordinance notwithstanding the technical inconsistency.
4. The Ordinance advances the overall goals and objectives of the Master Plan for the industrial zones in the Township by recognizing the technical advances since 2010 that now allow warehouse operators to stack goods up to 48 feet high and accommodating those advances by permitting taller buildings in the zoning district.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk certify that this resolution is a true copy of a resolution which was adopted by the Township Committee at a regular meeting held on October 27, 2014.

Kathleen R. Cunningham, RMC
Municipal Clerk