

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

**MINUTES JANUARY 27, 2016
APPROVED ON JUNE 16, 2016**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held at the Cranbury Township Hall Municipal Building, 23-A North Main Street, Cranbury, New Jersey, Middlesex County on January 27, 2016 at 7:30 p.m.

CALL TO ORDER

Ms. Josette C. Kratz called the meeting to order and presided over the meeting until a Chairman was appointed.

STATEMENT OF ADEQUATE NOTICE

Pursuant with the Sunshine Law, adequate notice in accordance with the Open Public Meeting Act was provided of this meeting's date, time, place and agenda was mailed to the news media, posted on the Township bulletin board, mailed to those requesting personal notice, and filed with the Municipal Clerk.

MEMBERS IN ATTENDANCE

- Michael Dulin
- James Gerberich
- Alain Hebert
- John Hoffman
- David Nissen
- Sean Deverin
- Robert Diamond
- Frank McGovern (Alternate #1)
- Ronald Witt (Alternate #2)
- Marilee Meacock

PROFESSIONALS IN ATTENDANCE

- Andrew Feranda, Traffic Consultant
- David Hoder, P.E., Board Engineer
- Trishka Cecil, Zoning Board of Adjustment Attorney
- Josette C. Kratz, Secretary
- Richard Preiss, P.P., Board Planner
- Virginia Guinta, Court Reporter

NOMINATIONS AND ELECTIONS/APPOINTMENTS

CHAIRPERSON

After complementing, Ms. Meacock for a job well done, Mr. Nissen motioned for the appointment of Marilee Meacock as Chairman. Mr. Dulin seconded the motion.

MOTIONED BY: Mr. Nissen
SECONDED BY: Mr. Dulin

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

Ms. Meacock chaired the meeting thereafter.

VICE CHAIRPERSON

Mr. Hoffman motioned for the appointment of Michael Dulin as Vice Chairman. Mr. Gerberich seconded the motion.

MOTIONED BY: Mr. Hoffman
SECONDED BY: Mr. Gerberich

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

BOARD SECRETARY/ADMINISTRATIVE OFFICER

Mr. Dulin motioned for the appointment of Josette Kratz as Secretary to the Zoning Board of Adjustment. Mr. Nissen seconded the motion.

MOTIONED BY: Mr. Dulin
SECONDED BY: Mr. Nissen

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

BOARD ATTORNEY

Mr. Nissen motioned for the appointment of Trishka Waterbury Cecil, with the law firm Mason, Griffin, & Pierson. Mr. Dulin seconded the motion.

MOTIONED BY: Mr. Nissen
SECONDED BY: Mr. Dulin

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

BOARD PLANNER

Mr. Dulin motioned for the appointment of Richard Preiss, Planner with the firm Phillips Preiss Grygiel, Inc. Mr. Nissen seconded the motion.

MOTIONED BY: Mr. Dulin
SECONDED BY: Mr. Nissen

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

BOARD ENGINEER

Mr. Nissen motioned for the appointment of David Hoder, Board Engineer with the engineering firm Hoder Associates. Mr. Dulin seconded the motion.

MOTIONED BY: Mr. Nissen
SECONDED BY: Mr. Dulin

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,

Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

MUNICIPAL TRAFFIC CONSULTANT

Mr. Dulin motioned for the appointment of Andrew Feranda, Traffic Consultant with the firm Shropshire Associates LLC. Mr. Nissen seconded the motion.

MOTIONED BY: Mr. Dulin
SECONDED BY: Mr. Nissen

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

COURT REPORTER

Mr. Dulin made a motion for the appointment of Virginia Guinta as court reporter. Mr. Nissen seconded the motion.

MOTIONED BY: Mr. Dulin
SECONDED BY: Mr. Nissen

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,

Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

CONFLICT BOARD ENGINEER

Mr. Dulin motioned for the appointment of Glenn Gerken, PE with the firm T & M Associates LLC. Mr. Nissen seconded the motion.

MOTIONED BY: Mr. Dulin
SECONDED BY: Mr. Nissen

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

CONFLICT BOARD PLANNER

Mr. Dulin motioned for the appointment of Janice Talley, P.P. Mr. Nissen seconded the motion.

MOTIONED BY: Mr. Dulin
SECONDED BY: Mr. Nissen

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None

ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

CONFLICT BOARD TRAFFIC CONSULTANT

Mr. Dulin motioned for the appointment of James L. Kochenour, P.E. of Arora and Associates, P.C. Mr. Nissen seconded the motion.

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock

NAYS: None

ABSTAIN: None

ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

CALENDAR MEETING DATES

Upon a motion duly made, seconded and carried the motion to approve the 2015 calendar dates was made.

DESIGNATION OF DRC REPRESENTATIVES

Mr. Nissen motioned for Sean Deverin as the DRC Representative. Mr. Witt seconded the motion. Upon a motion duly made, seconded and carried the motion to appoint Mr. Deverin as the DRC Representative.

DESIGNATION OF AN OFFICIAL NEWSPAPER

Approval of designation of Official Notice for Meetings in Cranbury Press and Trenton Times upon a motion duly made and seconded was approved.

APPLICATIONS

ZBA278-15 ADJ Land Developers, LLC
Block 5, Lot 15, HC Zone
2670 NJ State Hwy 130
Use Variance to allow second story to be used as a single-family apartment

REPRESENTED BY: Francis Brennen, Esquire, Attorney
Joe Perovic, Owner Applicant
David Cranmer, P.E., Cranmer Engineering, PA
Joseph Primiano, Architect

Mr. Brennan stated this application was for a use variance.

Ms. Cecil stated the notice was adequate and the board could take jurisdiction.

All professionals for applicant and board were sworn.

Mr. Brennan explained the application was to permit the use of 1,100 SF apartment in the same complex where Italian Touch was located. This would be a two-bedroom apartment above the current Enterprise Rental without seeking any changes outside. The tenant was intended to be the owner's cousin (however not being limited) who currently lived in Staten Island and traveled 1.5 hours to work a 12 hour day. This would make life easier for his wife and his son who was in college. The applicant has had no success with renting out space for the intended office use.

EXHIBITS

EXHIBIT A-1 Ariel Photo, dated January 26, 2016
EXHIBIT A-2 Enlarged Plan Use Variance, dated November 20, 2015 same as submitted as part of the application

Mr. Cranmer, credentials accepted, noted the 1.4-acre site was located on South River Road, which received site plan approval in 2007 and 2010. North of the site are two residential dwellings. The original site plan had 52 parking stalls, three buildings: Doggie Day Care, Enterprise Rental and Italian Touch Restaurant. All parking issues have been resolved and this use would now reduce the parking needs. They have restricted the parking area for Enterprise Rental and signage has been posted.

The proofs Mr. Cranmer used, for special reasons and intended advance purpose of zoning:

1. Purpose appropriate use.

2. Promote population density without improvements necessary, no new construction and using what already exists.
3. Provide efficient space for residential.
4. More efficient space for land without disturbing site nor removing open space.
5. Free flow of traffic.
6. Affordable for a family to work and live.

Positive vs. Negative

Attractive apartment to provide housing would be better than a fully used structure as it was zoned and contiguous with other residential properties. It had a backyard, which would allow for some recreational space, 130' x 140' approximately. Irregular shape of lot gives natural separation. There was an established pattern of development, which would reduce traffic where the impact has been already absorbed. Space has been vacant for years and this would give space a vibrant use of space and enforce economic development.

Mr. Cranmer felt the use variance would not cause detriment to the public good and conformed to the guiding principal to sustain retail in the community. This would avoid suburban highway development and not spot zone.

Mr. Primiano gave a quick overview of the apartment layout.

Mr. Preiss agreed and explained the improvements as outlined in his review memo and felt it would be a significant improvement.

Motion to approve made by Mr. Dulin and seconded by Mr. Nissen.

MOTIONED BY: Mr. Dulin
SECONDED BY: Mr. Nissen

VOTE ROLL CALL

AYES: Mr. Deverin, Mr. Dulin, Mr. Gerberich, Mr. Hoffman, Mr. Nissen, Mr. Witt,
Ms. Meacock
NAYS: None
ABSTAIN: None
ABSENT: Mr. Hebert, Mr. Diamond, Mr. McGovern

MOTION CARRIED

ADJOURNMENT OF MEETING

There being no further business, on motion duly made, seconded, and carried, the meeting was thereupon adjourned.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify;

That I am duly elected and acting secretary of the Cranbury Township Zoning Board of Adjustment and, that the foregoing minutes of the Zoning Board of Adjustment, held on January 7, 2015, consisting of 9 pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said Zoning Board of Adjustment this June 16, 2016.

Josette C. Kratz, Secretary

/jck