

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

**MINUTES OF APRIL 6, 2016
APPROVED ON JUNE 15, 2016**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held at the Cranbury Township Town Hall (Old School Building), 23-A North Main Street, Cranbury, New Jersey, Middlesex County on April 6, 2016 at 7:30 p.m.

CALL TO ORDER

Marilee Meacock, Chairman called the meeting to order and presided over the meeting.

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

- Sean Deverin
- Robert Diamond
- Michael Dulin
- John Hoffman (arrived @ 8:05 PM)
- Marilee Meacock
- David Nissen
- Frank McGovern (Alternate #1)
- Ronald Witt (Alternate #2)
- Vacant Position

PROFESSIONALS IN ATTENDANCE

- James Kochenour, Conflict Traffic Consultant
- David Hoder, P.E., Board Engineer
- Trishka, Cecil, Esquire – Board Attorney
- Josette C. Kratz, Secretary
- Janice Talley, P.P., Conflict Board Planner (Ms. Britton substituted)
- Virginia Guinta, Court Reporter (substitute provided)

RESOLUTIONS

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

Postponed until the next regular scheduled hearing

APPLICATIONS

ZBA 180-10 The Verde Group, LLC II
Block 5, Lot 18, Zone LI
1260 South River Road
Amending Use Variance, Preliminary & Final Site Plan

REPRESENTATIVES: **Robert Smith, Esquire – Attorney for the Applicant**
 Todd Ochsner, Verde Group – Owner/Applicant
 Bob Vallario, VP of Real Estate for Quick Check
 Mark Lescavage, PE – Principal of Envision
 John Rea, Traffic – McDonough & Rea Associates
 Russ DeRosa, Architect
 Alice Coffin, Planner
 Derek Jordan, Quick Check Engineer
 Rick _____, Quick Check Environmental Engineer

PUBLIC WHO SPOKE: **Connie Bauder, Petty Road**

Ed DiFiglia, Stony Brook Millstone Water Shed
Barbara Rogers, Environmental Commission Chairperson
Glenn Johnson, Township Committee
David Cook, Township Committee

APPLICANT EXHIBITS:

EXHIBIT A-1 Ariel
EXHIBIT A-2 Previously A-4 for original application, as approved in 2010
EXHIBIT A-3 Color Rendering of Site Layout
EXHIBIT A-4 Stone – Proposed Layout
EXHIBIT A-5 Brick – Proposed Layout
EXHIBIT A-6 Concept Rendering Site Plan – A Mixed Use Project, Color Exact layout as submit site plan only color
EXHIBIT A-7 Color Rendering titles The Proposed Layout, an artist computer rendering Arial view of proposed site.

PUBLIC EXHIBITS: None

REPORTS BY TOWNSHIP PROFESSIONALS AND OUTSIDE AGENCIES:

Janice Talley of Talley Planning Assoc., LLC dated November 23, 2015
David Hoder of Hoder Associates dated November 23, 2015
Cranbury Vol. Fire Co, Plan Review Committee dated November 30, 2015
James L. Kochenour, Arora and Associates, P.C. dated December 2, 2015
David Hoder of Hoder Associates dated January 29, 2016
James L. Kochenour, Arora and Associates, P.C. dated January 29, 2016
Cranbury Township Environmental Commission dated January 22, 2016
Cranbury Township Environmental Commission dated April 3, 2016
Janice Talley of Talley Planning Assoc., LLC dated April 4, 2016
David Hoder of Hoder Associates dated April 4, 2016
James L. Kochenour, Arora and Associates, P.C. April 5, 2016

Ms. Meacock announced that there were only six voting members so the Board would hear testimony and not vote tonight until we have seven voting members.

Mr. Smith agreed. Mr. Smith stated they have been before the Board December 9, 2015 and February 3, 2016, since then their team has met before the Environmental Commission on February 16, 2016 and March 21, 2016 to address their issues and concerns. The plan was to call two witnesses this evening to address those concerns, both engineers.

All professionals for the applicant and the board remained under oath.

Mr. Lescavage summarized the changes to the plan since the last meeting. He stated he cleaned up the site plan details: curbs, construction information, etc. Major changes to the sign package, reducing all three of the freestanding signs for the project. The two identification signs were reduced to 76.5 SF sign, 8.5 FT height x 9 FT wide with brick faced base. The Quick Check sign was reduced to 100 SF visual face, 141 SF with the base total. 294 SF for the three signs. Originally 460 SF. Internally light for the Quick Check sign only.

Mr. Lescavage stated they added four parking spaces (using Exhibit A-6 from the previous meeting). The four spaces were added in a previously existing pervious area, adjacent to the shed. In response to Mr. Kochenour relating to the absence of a parking requirement for the existing warehouse, they were going by the proposed parking demand for the proposed buildings and providing spaces for that. The four spaces are adjacent to the warehouse so the suggestion was made to provide the deemed for the entire site. They identified the warehouse has 6,379 SF including mostly warehouse and small office. They realized the demand would be about six spaces. The requirement would be 159 space for the other uses on the property that would mean they need 165 spaces for the entire project, total parking supply would be at the 165 spaces. Mr. Lescavage said he was in agreement with that.

Mr. Lescavage having reviewed Mr. Hoder's report dated April 4, 2016 and felt they could comply with everything including the exceptions recommended which they were requesting..

There was extensive discussion on the landscaping around the Quick Check.

Mr. Hoder felt the applicant should ask for a portion waiver for the up sizing of the pipes within the area, Section 151-61.E.6. Mr. Hoder also stated the applicant should indicate whether they are doing irrigation, not a design, just whether it would be done and a "cloud" showing an area of irrigation. He could not tell if there were berms up front, because the elevations were not there. Mr. Lescavage said they were not proposing berms. Applicant indicated they would do everything else including an operations manual. They would also pay the addition \$750.00 application fee owed and \$2,500.00 escrow fees for any the nine additional waivers/exceptions.

Mr. Hoder, in the method that the applicant was constructing the storm water and the NJDEP approves it as it is designed then Mr. Hoder had no issue with the way in which they are constructing it. However, if the NJDEP does not approve it then all "bets are off".

Mr. Talley stated she likes the varying roofline, which is a nice effect. She felt in order to insure roof top equipment is not visible would be to locate roof top equipment toward the center of the

building to reduce visibility. Mr. Smith stated the applicant would comply with retaining the varying heights while screen/shield the visibility of the of the rooftop equipment.

Mr. Kochenour suggested the applicant submit changes (an interim submission) to the professionals prior to making the formal submission for the hearing in order for the professionals to review and changes could be made if necessary before he comes back for the next hearing.

Mr. McGovern questioned the March 30, 2016 letter from the Environmental Commission. Mr. Smith advises him to look at the April 3, 2016 report, which was a follow up. Mr. Hoder stated the applicant needs a variance from the riparian ordinance, which allows deviation from the requirements if it is a preexisting condition. There are three ways written in the ordinance in which to proceed: exceptions and variances located in two different sections of the code. Mr. McGovern commented that he was waiting in the letter for the EC to conclude they were endorsing the application but the memo states their objection stands.

Mr. McGovern asked about the phasing for the rear building. The answer was it was no longer part of this application.

Mr. McGovern asked about the medical uses. Ms. Talley said it would need to be as discussed; rehab was not defined in the zoning ordinance however, the original approval there was medical office component.

There was discussion related to rehab and rehab types, Ms. Cecil said the way the ordinance is written she did not feel the Zoning Board had the discretion to start subtracting used out of what is allowed by ordinance. There is an open question as to whether a drug rehab facility would be considered an office/professional services/government/commercial business, which would be in interpretation question potentially for the Zoning Board. It is a fair question, but she could have a definitive answer before the next meeting.

Mr. Nissen asked if this was not Planning Board issue.

Ms. Talley said the only internally illuminated sign was for Quick Check. Mr. Dulin thought that especially new gas stations where bright under the canopies and asked if that could be limited.

Ms. Connie Bauder, Petty Road, objected to the construction of the Quick Check as proposed with the argument the discharge would increase existing problems faced downstream with flooding.

Mr. Lescavage stated it would not aggravate the current issues.

Ed DiFiglia, Stony Brook Watershed, sworn, questioned the detention basins and total suspended solvability.

Mr. Smith explained all the processes in which the applicant has taken with trying to please the environmental commission and their obligation would run with the land verifying with Rick Wisler, sworn, has worked for Quick Check Corporation as Director of Engineer for 29 years.

There was extensive discussion landscaping around the immediate area of the Quick Check however, the applicant felt the request of the board would end up as both a safety hazard and a maintenance issue, the majority of the Board members concurred with the applicant.

Barbra Rodgers, Chairman of the Environmental Commission, sworn, Shady Brook Lane, concerned with the environmental sensitive area near a stream corridor. Felt approval of this applicant would be an abandonment of the Master Plan.

Mr. Smith commented that they were not opposed to the conditions of the EC and felt they have been met.

Glenn Johnson, sworn, 77 North Main, stated that the purpose of the Zoning Board was to grant relief from the ordinance were the relief is necessary. The resolution that he has witnessed out of the Zoning Board have been written in such a way that does not present a pattern for the future or precedent. He thought in the real world in risk assessment is the technology that is available to avoid the worst situation associated with the risk. He felt this was an ideal site for an idea location for this type of use.

David Cook, sworn, felt the site being located at a lighted intersection away from the Village in the industrial area lent itself to an ideal location.

Ms. Meacock mentioned Mr. Hoffman would have to listen to the first fifteen minutes of the meeting prior to voting.

FINDINGS: None at this time

ACTION TAKEN BY THE BOARD: Meeting carried to June 1, 2016 with no further notice.

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 April 6, 2016, consisting of 7 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 15, 2016.

Josette C. Kratz, Secretary

/jck