

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

**MINUTES OF JUNE 1, 2016
APPROVED ON OCTOBER 5, 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 June 1, 2016 at 7:50 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

- Joe Buonavolonta
- Sean Deverin
- Robert Diamond
- Michael Dulin
- John Hoffman
- Marilee Meacock
- David Nissen
- Frank McGovern (Alternate #1)
- Ronald Witt (Alternate #2)

PROFESSIONALS IN ATTENDANCE

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

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 Wisler, Quick Check Environmental Engineer**

All professionals remained under oath.

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

Mr. Dulin commented some of the comments made at the last meeting regarding role of the Zoning Board and the role of the professionals. It was stated that the professionals in their comments and the professionals stick to the actually written areas of their expertise as it relates to those written regulations and the Board members themselves should consider only what the professionals were talking about as it related specifically to actual regulations and expertise. He stated it was not good advice for the Board to follow and the Board needs the professionals to be offering their best opinion as it relates to their specific areas of expertise but also their experience the items discussed are frequently in “grey” areas and hard to define or describe. In the case of what was under discussion at the last hearing did pertain to specifics about regulations and ordinances as well as the specific expertise of the professionals involved. The board did evaluate what the professionals were discussion and before the comments made that he was referring too

the board had already desired they were going to side with the applicant then what the applicant was suggesting indicating the Board is independent and not overly influenced by the professionals follow what they feel is of the best interest to the town, which is the Board's charge. He would like to make sure that all the professionals and those testifying give us their full opinion or impress and best input of their experiences in the field.

Mr. Nissen supported Mr. Dulin's comments and explained the Board's "charge" with weighing the positives and the negatives and the role in which the professional are important to the Board. He noted that the professionals are under the direction of the chairperson and no one else. Therefore, the principles advocating should be consistent with the board and direction of the chairperson.

Mr. Diamond asked the status of the signage on the canopy. Mr. Vallario state the canopy lettering would be white lettering to be imbedded. Ms. Talley though there was a light bar underneath the letters on the canopy. Mr. Vallario said it would be just the letters, no backlit lighting. The pricing on the monument sign would be LED.

Mr. Hoder reviewed the revised plans and there are some "housekeeping" items were taken care of and perhaps a half of dozen minor things that are not a big deal. He commented that there need to be a final drainage design for the basin, although explain in previous testimony the applicant is working with the DEP for stream encroachment permit which would be a condition of the approval.

Mr. Dulin stated his observations during a site visit after a most recent storm.

Mr. Ochsner addressed Mr. Dulin's observations. He had been there as well, however he felt the real storm for discussion was hurricane Irene. During that hurricane, the entire section of Dey Road was flooded. He stated he experienced penetration in the basement because of the pressure of the water. There was never water passed the first floor at an elevation of 99-FT and the elevation at ground level for the Quick Check would be 102-FT.

Ms. Coffin gave her planning testimony. She felt the site was particularly suited for this use and there is a specific need in his area for this type of retail use to service the surrounding office and warehouse employees. This site was identified in the Master Plan as being an appropriate location for the mixed use.

Mr. Ochsner addresses the exiting warehouse and explained they do not receive anything by tractor-trailer, mostly trucks. Lost tractor-trailer have been able to navigate the site presently when they are lost and need to turn around. One of the concerns for the sites that do not have a lot of lighting and signage are the lost trucks. Mr. Ochsner stated he is at his office and odd

times and even on a Saturday, a “lost” truck driver will knock on his office door asking where an address is. However, the exiting use does not utilize tractor-trailers.

Mr. Kochenour asked about offering additional crosswalk protection.

Mr. Lescavage stated the C-variance requests as listed on Sheet 1 of the site plan. Ms. Talley mentioned the canopy; Quick Check sign was not listed and signs per previous discussions of nine business signs.

RECESS

Floor opened to the public.

Mr. DiFelia of Stony Brook Watershed (previously sworn) discussed the riparian buffer on the eastern end of the property, which was addressed. He stated there was a comment made regarding storm water and due to current regulations would improve the current situation, he disagreed because he felt that State’s regulation had a lot to be desired and do not necessary address volume and are up for re-adoption.

Ms. Bauder (previously sworn) addressed her concerns with the bridge on her road being underwater for three days due to the recent rain. She stated information from the Environmental Manual for Municipal Officials and an element of the County’s Comprehensive Master Plan. She stated this property was in the highest gallons and highest inches per year of recharge, using Aquifer Recharge Areas Map in Middlesex County New Jersey prepared by Middlesex County, prepared dated 1997 which placed this area 1 for greatest area of recharge which would go down to the aquifer and become a problem for those on well water, south of this property. She felt to not approve this property would not create a hardship to the applicant to develop this property and that other affective uses can be made of this property. She asked the board to recognize this is an environmentally sensitive site which the Master Plan, with input from the citizens, Planning Board, and Environmental Commission, restricted this to certain uses and this gas station was not one of the permitted uses and asked the Board to vote no on the D-Variance use.

Ms. Meacock addressed over the course of the hearings they have had Township Committee member made comments about this application and this board must view those comments if made by residences of this Community and not as elected officials. The Zoning Board does not want to be coerced by our Township Committee and the Zoning Board is a separate body that must vote based on the testimony presented at the hearings.

There were no other members of the public and the public portion was close.

This application would be carried to the July 6, 2016 Zoning Board meeting for deliberation of the Board and vote.

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 June 1, 2016, consisting of 6 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 October 5, 2016.

Josette C. Kratz, Secretary

/jck