

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

**MINUTES OF JULY 6, 2016
APPROVED ON SEPTEMBER 7, 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 July 6, 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

PROFESSIONALS IN ATTENDANCE

- Andrew Feranda, Traffic Consultant
- David Hoder, P.E., Board Engineer
- Trishka, Cecil, Esquire – Board Attorney
- Josette C. Kratz, Secretary
- Richard Priess, P.P., 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 _____, 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

Ms. Cecil announced that all members attending this evening have complied requirement of listening with the previous hearings and/or attended the previous meeting and all were eligible to vote.

Mr. Smith gave his closing statement.

Mr. Dulin recognized the professionals and the applicant for all their work, however stated he would be voting against the application because of the environmental impact.

Mr. Nissen took a different position, he stating he felt the suitability for development; generally, stood at a third less than originally approved, he felt if the Board turned it down as a matter of judgment (on environmental concerns) of the board's under no controlling NJDEP regulations, we would be reversing the approval for significantly larger development since years ago. The impact of development has been reduced than the one previously granted, which would have be a greater threat.

Mr. Deverin asked what was within the 150-FT Cranbury Riparian Zone that pertains to the gas station elements. Mr. Hoder answered no, and added that it drains to the riparian zone however was located there. They would have to receive NJDEP approval for the basin and flood plain, which is not an easy approval. Mr. Deverin asked about the oil separator. Mr. Hoder said the applicant was providing a concrete box oil/water separated which are standardized to collect normal rainwater; originally not proposed but requested by Mr. Hoder as part of this application. There was some discussion on explanation of water held by their storm water system between Mr. Hoder and Mr. Deverin.

Mr. Nissen motioned and noted he was satisfied by the exceptional reasons testified to, and was satisfied the negative impacts have been mitigated, and the positive benefits under-development. He felt the mitigation was adequate and felt the board was not in a position to deny the property owner use of his land considering the specifics the board has been given: development at the intersection with a gas station not on a highway but in an enclosed development, were sufficient, and the criteria has been satisfied for the D-Variance approval.

Mr. Diamond seconded the motion.

ROLL CALL:

MOTION MADE: Mr. Nissen
MOTION SECONDED: Mr. Diamond

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

MOTION PASSED

**ZBA281-16 Michael Lee
Block 35, Lot 10, Zone V/HR
29 South Main Street
Bulk Variances, waivers for garage construction**

**REPRESENTATIVES: Frank Brennan, Esquire – Brennan Law Firm
Michael Lee – Applicant
Kirsten Thoft - Architect**

Mr. Brennan introduced this application and applicant who was sworn in addition to the applicant's professional, Ms. Thoft. The house currently has a single-car garage that is in poor condition. The application proposes to demolish existing garage and replace with a new two-car garage with a second floor for storage in same location. In 1986, a similar application was filed and approved (which noted the dilapidated condition of the garage) - same mentioned garage presently exists and Mr. Brennan comment one could imagine the condition of this said garage. Unfortunately, since the garage was not constructed before the one-year expiration so they were re-seeking approval. Garage would measure 24' wide x 28' long x 22'6" high approximately 1.2-FT from the southern property line and 4-FT from the rear property line.

ROLL CALL:

MOTION MADE: Mr. Dulin
MOTION SECONDED: Mr. Deverin

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

MOTION PASSED

Minutes for June 15, 2016 were unanimously approved.

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 July 6, 2016, consisting of 5 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 September 7, 2016.

Josette C. Kratz, Secretary

/jck