

**MINUTES
OF THE
CRANBURY TOWNSHIP
ZONING BOARD OF ADJUSTMENT
CRANBURY, NEW JERSEY
MIDDLESEX COUNTY
OCTOBER 4, 2023**

TIME AND PLACE OF MEETING

The Meeting of the Cranbury Township Zoning Board of Adjustment was held on October 4, 2023 7:00 pm at Town Hall, 23A North Main Street, Meeting Room.

CALL TO ORDER

Mr. Nissen, ZBA Vice-Chairperson, called the meeting to order and presided over the meeting.

STATEMENT OF ADEQUATE NOTICE

Under the Sunshine Law adequate notice in accordance with the open public meetings act was provided on January 11, 2023 of this meeting's date, time, place and the agenda was mailed to the Cranbury Press and Trenton Times, posted on the Township Bulletin Board, mailed to those requesting personal notice and filed with the municipal clerk.

MEMBERS IN ATTENDANCE

- ☒ Joseph Buonavolonta
- ☒ Robert Diamond
- ☒ Richard Kallan
- ☒ David Nissen
- ☒ Gwen Parker
- ☒ Steven Schwarz
- ☒ Frank McGovern (Alternate #1)
- ☐ Saras Kothari (Alternate #2)
- ☐ Merilee Meacock

PROFESSIONALS IN ATTENDANCE

- ☒ Martina Baillie, Conflict Board Attorney
- ☒ Robin Tillou, Secretary
- ☐ David Hoder, Board Engineer
- ☒ Elizabeth Leheny, Board Planner
- ☐ Andrew Feranda, Traffic Engineer

MINUTES

September 13, 2023

Upon a motion from Mr. Kallan and seconded by Mr. Diamond, the September 13, 2023 minutes were unanimously approved by those members eligible to vote on said dates.

RESOLUTIONS

**ZBA384-23 Cranbury Housing Associates, Inc.
1-20 Park Place West
Block 23, Lot 63.02 – R-ML (Residential-Mount Laurel) Zone
Minor Subdivision with Bulk Variances**

MOTIONED TO MEMORIALIZE RESOLUTION: Mr. Kallan

SECONDED: Mr. Diamond

ROLL CALL:

AYES: Mr. Buonavolonta, Mr. Diamond, Mr. Kallan, Mr. Nissan, Ms. Parker
and Mr. Schwarz.

NAYS: None.

ABSTAIN: None.

**ZBA372-23 Link Logistics Real Estate, LLC
Block 3, Lot 1.01, LI (Light Industrial) Zone
257 Prospect Plains Road
Bulk Variances – Signage**

MOTIONED TO MEMORIALIZE RESOLUTION: Mr. Kallan

SECONDED: Mr. Diamond

ROLL CALL:

AYES: Mr. Buonavolonta, Mr. Diamond, Mr. Kallan, Mr. Nissan, Ms. Parker
and Mr. Schwarz.

NAYS: None.

ABSTAIN: None.

APPLICATION

**ZBA383-23 John and Deborah Repko
46 Cranbury Neck Road
Block 23, Lot 141 – A100 (Agricultural Preservation) Zone
d(1) and Bulk Variances – Barns**

Representatives: Frank Brennan, Esq., Brennan Law Firm, Applicant's Attorney
Deborah Repko, Owner/Applicant
William Gittings, Gittings Associates, PC, Applicant's Architect
James Kyle, P.P., Kyle McManus Associates, Applicant's Planner

EXHIBITS:

A-1 – 2022.02.02 Zoning Office Letter - Incomplete Application

A-2 - 2022.08.17 Brennan Letter to Zoning Officer with Exhibits

A-3 - 2022.08.26 Zoning Officer Denial of Application

A-4 – Barn #1 - Cider Bard in Rear Storage Use

A-5 – Barn #2 – Wheelhouse Barn Entertainment Use

A-6 – Barn #3 – Existing and Proposed Office Use

A-7 – 2022 Aerial Photo View / Tax Parcel-Based Map

A-8 – Google Earth Aerial View

Ms. Baillie announced she has reviewed the notice, it is adequate, and the Board has jurisdiction over this application.

Mr. Brennan introduced the application by stating this application is the location of the old Windmill Farmand and is now the Repko's Farm. There are three (3) barns from the 1800s that need to be restored and repurposed. The applicants will be using the barns for storage, an office and a family entertainment space. The kind of use they are proposing for a living space and a home office was denied by the zoning officer due to not being the customary and incidental use in Cranbury. In exhibit A-2, there are examples of barns that have been repurposed without zoning permits. The Barn Park on Cranbury Neck Road has weddings and art shows at the property. Due to the barn being an accessory structure, a use and bulk variance are needed.

Ms. Repko, Owner, advised their home is for personal use only. Her husband would like to use one of the barns for office space. The smaller barn will be for storage, mainly for tools and holiday decorations. The large barn with two (2) bays will be retained for storage of vehicles. It will be for parties and entertaining guests for 50 – 75 people for Christmas, Halloween, etc. They will have a bathroom in the office space barn and the large barn. The kitchenette in the entertainment barn will be for the caterers when they hold an event.

Mr. Diamond asked if HVAC will be installed in the barns and if the farm on the property is preserved.

Ms. Repko replied that the entertainment barn and the office barn will have HVAC installed.

Mr. Brennan replied that the property is farmland assessed but is not preserved.

Mr. Kallan inquired if the 900 sq. ft. barn for entertainment is what is of concern.

Mr. Brennan responded that the barns were not separated in the zoning officer's decision. The barns for storage should not have had an objection from the zoning officer. The applicant was going to put in a greenhouse in the storage barn, and the Zoning Officer did have an issue with the greenhouse for storage, but the greenhouse was dropped from this application.

Mr. Kallan asked if the barn for entertainment will be strictly for family use and if HPC had a say in this proposal.

Ms. Repko replied it will be for family and friends use only and they will not be commercializing it. They do not want strangers on the property. The goal is to make the barns look more beautiful than they are today. When we went before the HPC they did support the use.

Bill Gittings, Architect, advised of his credentials as being a licensed architect in New Jersey and has gone before the Cranbury Planning and Zoning Board numerous times.

Vice-Chair Nissen accepted Mr. Gitting's credentials.

Mr. Gittings exhibited A-4, Barn #1, advising the Cider Barn is in the rear and will be repaired as is. This barn will be used as storage.

Mr. Gittings exhibited A-5, Barn #2, advising the Wheelhouse Barn was built in 1890 and is the oldest barn out of the three (3). This will be Mr. Repko's office, and it needs to be rebuilt. There will be insulation installed. The proposal is for a shingle roof and to install wood siding with like kind. There will be new windows and doors. This barn has a 2nd floor. It will have a mezzanine on the 2nd floor for office and a storage area. Children can hang out on the 2nd floor of this barn as well.

Mr. Gittings exhibited A-6, Barn #3, advising it was built in 1940 and added onto three (3) different times. This barn has a large open space. There are two (2) bays left that will be used for storage. The center will be for entertainment and the right is the kitchen area. All new siding will be installed, the foundation will be rebuilt, and the roof will be replaced. The gatherings that will happen will be a distance from the property line. The barn is 135 ft. from the property line, and the requirement is 150 ft. The gathering space is 150+ ft., but the actual barn is 135 ft.

Mr. Kallan asked if the barn for the entertainment would have the cathedral ceiling.

Mr. Gittings replied yes.

Mr. Kallan asked when the setback ordinance was put into effect.

Mr. Brennan did not know when the ordinance was put into effect for the gathering spaces.

Mr. Gittings exhibited A-8, aerial view and described the surrounding properties.

Mr. Buonavolonta asked if the property must install a new well and septic.

Mr. Gittings advised it has a new septic and due to not being a new bedroom it does not need a new septic.

Ms. Leheny asked if the floor plan for the largest barn (barn #2) where there is the wagon bay has a mezzanine now and where the stairs go to in that barn.

Mr. Gittings stated there is no mezzanine, it is all open now and the stairs will go to the storage mezzanine that is proposed. A mezzanine may be something the applicant wants, and with that the floor area ratio would still be below the requirement. It would be below 3% and there is a 6% maximum.

James Kyle, Professional Planner, advised the Board of his credentials being a bachelor's in science and planning design from Rutgers and has been practicing for 25 years, presented in front of 240 Boards and is licensed in New Jersey.

Vice-Chair Nissen accepted Mr. Kyle's credentials.

Mr. Kyle distributed exhibit A-7, 2022 Aerial photo view and tax parcel-based map.

Mr. Kyle explained the yellow border of exhibit A-2 is the property before you. All the land to the north of the property across Cranbury Brook is preserved farmlands. There are additional preserved farms behind those properties as well. This is a 13.2-acre property. The variances the applicant is seeking are for a d(1) use variance to permit an accessory use not permitted in the zone. The bulk variance is in reference to "any areas of outdoor activity be at least 150 ft. from the property line. They feel they are more than 150 ft. but will err on the side of caution and go with being 137 ft. where 150 ft. is required. The positive criteria for the use variance are the site is suited to the proposed use therefore the public welfare is promoted. The negative criteria are there is no substantial detriment to the public good to properties adjacent to the site and there is not any potential impairment to the zoning ordinance. The closest property is 500 ft. from this property so there is good separation from their surroundings for potential nuisance issues. Use of these barns are going to ensure their long-term maintenance and care. These three (3) barns are identified as a historic resource within the township from the Master Plan of 2010. For the negative criteria they are 137 ft. from the western property and there is no development on that property. The other dwelling to the east is situated 550 ft. There is a significant evergreen screen that runs along that property line that provides additional protection. This proposal is not inconsistent with the zone plan or the ordinance. Under Medici in this case the grant of the variance will ensure the barns are maintained in perpetuity that others in the community can enjoy them and are an important scenic vista going out of the village. The approach of the bulk variance would be a c(1) variance which is a hardship. To move the structure would not be practical. The physical layout creates this hardship. The standards are difficult to meet due to the physical configuration of the buildings as they exist.

Ms. Baillie swore in Liz Leheny, Board Planner.

Ms. Leheny advised regarding the bulk variance the intention of the ordinance is to regulate outdoor activity and the patio is 160 ft. so it is a little technicality that was flagged. All the buildings are setback significantly from Cranbury Neck Road. You may or may not notice if there was a party going on.

Mr. Diamond stated his concern is the next owner. There are buildings with HVAC that are a short step to a residence.

Ms. Leheny stated a condition could be to never put in a shower/bath without coming back to the Board and to restrict it to being used for private use only. It will be put as a condition that if they sell the house and the next resident wants to rent it out for parties, that cannot be done.

Mr. Brennan is not objecting to the private use condition, but they would like the option of putting in a shower/bath. They will not change this to a bed and breakfast. They do not feel a shower would make this a residence.

Ms. Baillie stated they can put as a condition that this will not be a dwelling and will not function independently. If the barn is a standalone dwelling, then it would need another variance.

Mr. Leheny would like to know how it is enforced.

Mr. Brennan stated that would be up to the zoning officer to enforce. As a condition of approval, it can be stated it cannot be used as a separate dwelling unit without additional approvals that may be required under the LDO.

Mr. Brennan stated the work will not be started immediately. This will take years. The applicant would like a condition stating that this approval runs with the land and there is no time limit and to be recorded in a deed recording.

Mr. McGovern advised Cranbury Township does not have a time limit on a variance and no other applicant has needed that condition.

Mr. Brennan stated it is coming up as an abundance of caution.

Ms. Leheny advised there is only a limit on site plan approval.

Mr. McGovern does not feel a shower would make a difference on approval.

The Board agreed to a condition of not allowing a dwelling for the barn.

Ms. Baillie advised the conditions of the applicant are the barns will not be used as a separate dwelling unit and a deed restriction would be recorded of that.

Vice-Chair Nissen opened the meeting to the public.

Roy Reinhardt, 171 Plainsboro Road, stated he has known the past owners and one of the past owners has destroyed one of the unique buildings on the property so that is a loss. The barns have gone downhill during the previous owners. The applicant wanting to restore the barns will be an asset to the community and he is in favor of it. He feels the shower should not be omitted as a condition as farmers benefit from taking a shower when working on the farm with pesticides, etc. and then going into the house.

Before Mr. Reinhardt stated his comment, Ms. Baillie swore him in.

With no other public comment, Vice-Chair Nissen closed the public forum.

MOTIONED TO APPROVE WITH CONDITIONS: Mr. Kallan

SECONDED: Mr. Diamond

ROLL CALL:

AYES: Mr. Buonavolonta, Mr. Diamond, Mr. Kallan, Ms. Parker, Mr. Schwarz and Mr. Nissen.

NAYS: None.

ABSTAIN: None.

ADJOURNMENT OF MEETING

There being no further business, on motion by Mr. Diamond and seconded by Mr. Nissen, and unanimous vote, the meeting was thereupon adjourned at 8:45 pm.

CERTIFICATE OF SECRETARY

I, the undersigned, do at this moment certify;

That I am duly elected and acting secretary of the Cranbury Township Zoning Board of Adjustment and, that the preceding minutes of the Zoning Board of Adjustment, held on October 4, 2023, consisting of eight (8) pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name of said Zoning Board of Adjustment this November 3, 2023.

Robin Tillou
Robin Tillou, Administrative Officer