

MINUTES - PLANNING BOARD

Meeting of April 20, 2016

WORKSHOP PORTION. Ms. Anderson called workshop portion of the meeting to order at 7:40 PM.

1. COMMUNICATIONS:

None

2. MINUTES:

Motion to adopt the minutes of April 6, 2016 (as amended) was made by Mr. Petrucci, seconded by Deputy Mayor O'Connor and passed on voice vote.

3. RESOLUTIONS OF MEMORIALIZATION

Applicant #PBA-15-00010

RCL Properties, LLC

27 South Avenue West, Block 473 lot 9, ORC Zone

Applicant is seeking Preliminary Site Plan approval to construct a two-story commercial building with various variances and waivers.

After discussion, a motion to adopt the resolution approving Application PBA-15-00010 (as amended) was made by Ms. Murray, seconded by Mr. Petrucci with the following voting in favor of the motion: Ms. Anderson, Ms. Murray, Deputy Mayor O'Connor, Ms. Pedde, Ms. Steinbach, Mr. Taylor and Mr. Petrucci.

4. OLD/NEW BUSINESS

Mr. Giuditta advised one of the objectors has an attorney, Philip Morin, Esquire who has requested that the Board carry to another hearing date to permit the opportunity to obtain expert witnesses on behalf of his client. There is case law that allows for the matter to be carried. The applicant's attorney has no issue and does not wish to proceed this evening as he would like the matter heard/decided in one hearing.

Discussion on whether the Board should allow. Mr. Giuditta explained the law supports the objector has the right to request to be heard. Board agrees should be heard in one night.

Workshop portion adjourned at 8:03 P.M.

PUBLIC HEARING - ROOM 107

1. STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Ms. Anderson called a public meeting of the Cranford Planning Board to order on April 20, 2016 at 8:06 P.M. In Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford,

New Jersey. Ms. Della Serra announced that this meeting is a regularly scheduled meeting as contained in its annual schedule adopted by the Planning Board and published in the designated newspaper as soon as possible after the Board's reorganization meeting. In accordance with the terms and conditions of the Open Public Meetings Act, adequate notice of this meeting's agenda has been provided through publication specifying the time, place and matters to be discussed/heard with the agenda having been filed with the Township Clerk and posted on the municipal bulletin board where such notices are normally posted as required. Formal action may be taken.

2. FLAG SALUTE

3. ROLL CALL

Members Present:

Ms. Anderson
Ms. Feder
Ms. Murray
Deputy Mayor O'Connor
Ms. Pedde
Ms. Steinbach
Mr. Taylor

Members Absent:

Mayor Kalnins
Mr. Aschenbach

Alternates Present:

Mr. Petrucci
Ms. Didzbalis

Alternates Absent:

None

Also present:

Nicholas Giuditta, Esquire; Ruthanne Della Serra, Administrator, Robert Hudak, PP, AICP/
Zoning Officer, Jackie Dormant, Maser Consulting, P.E., Engineering expert on behalf of the
Planning Board.

1. Application #PBA-16-00002

D. Villane Construction, LLC

104 Makatom Drive, Block 130 lot 39, R-3 Zone

**Applicant is seeking Preliminary Site Plan approval to create three new lots,
two of which will be 55 feet in width and one of which will be 50 feet in width**

(§136-30, Attachment 1, Schedule 1).

Reports from the following municipal professionals were received and reviewed by the applicant:

1. DRC dated March 9, 2016;
2. Traffic and Safety dated March 14, 2016;
3. Environmental Commission dated March 28, 2016;
4. Engineering Department dated March 29, 2016;
5. Fire Department dated March 24, 2016;
6. Heath Department dated March 11, 2016;
7. OEBD Office dated March 10, 2016.

John DeMassi, Esquire appeared on behalf of the applicant. He indicated applicant was ready to proceed this evening, but received email from Mr. Morin advising representation of an objector and requesting the opportunity to obtain witnesses with hearing carried to afford the objector to obtain expert witnesses. Believes his presentation should take one hour and has no objection to carrying. Applicant has agreed and hearing will be carried to May 4, 2016.

Mr. Morin explained represents only one objector, he is going to withdraw his request for a continuance and wished the matter to proceed as indicated.

Ms. Anderson explained procedures that will occur tonight - applicant will present case, the board will ask questions of each witness, then the public can ask questions of each witness (questions only) and will be repeated with each witness. When the case is completed, the public will then have the opportunity to provide comments regarding the application.

Mr. DeMassi explained the applicant is seeking a minor subdivision of one lot into 3 separate building lots of 55, 55, and 50-foot width.

James Watson, EKA Associates, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in the field of professional planning and surveying.

Mr. Watson testified to the following thru questions posed my Mr. DeMassi.

Presently there is a single family home on the site, Exhibit A-1 consisting of 3 pages entitled "Minor Subdivision Plan" with topographic details on 4th page.

Cover sheet details explained, most of lots are in the R-3 zone, key map, 200-foot list together with title block and index. General requirements listed and next is a front yard averaging calculations with notes on method.

Sheet 2, dated and revised. Left hand side is existing information, shows proposed lot lines and real line storm sewer. Original lot is 160 feet wide by 190 feet deep. Proposing three new lots – 50-foot then two at 55-foot. Mimics what is in place on that side of the street, corner lot is 50-foot, then 50, 60 and 75-foot lots. Reason why proposed lots were arranged by size order with area of each lot explained.

The schedule of general requirements – minimum lot size required is 8,000, only variances seeking is lot width, and lot area calculated at 125 feet from the street line. All lots exceed the minimum lot area.

Sheet 3 is conformance grading plan – depicts proposed subdivision with typical homes that may be built, drainage, real line of storm sewer easement in rear, curbs, driveways, etc. general notes explaining calculations and construction details.

Sheet 4 is boundary topographic survey. On left side is existing lot 160 feet wide by 191 deep. Existing two-story frame dwelling, independent framed garage with breezeway, existing driveways and paved parking area, shed, existing pool and patio. Immediately behind the pool is storm sewer pipes, could not locate the chamber (including the engineer) which then splits. Original map had easement closer to the property line and when researched, discovered the storm sewer misses the easement. Proposal will create new easement of 10-feet wide and will be centered on the existing pipe. There will be no structures on the easement and is applicant proposing a new inlet in the center of lot, while maintain existing inlet.

Drainage calculations were prepared and submitted with the application (Marked Exhibit A-2). Impervious coverage calculation of existing versus proposed. Cranford allows a maximum impervious surface of 38% and proposal will be for demonstration purposes only coverages of 27%, 25.5% and 25.5%. Impervious surface as existing on site is 9,140 square feet and proposed lots will have 7,000+ square feet resulting in a reduction of both impervious surface and run off. Property is not located in a flood zone.

Within 200 feet there are 36 lots, 15 do not comply with the requirement of 65-foot (41%). With regard to lot depth minimum of 100, site is almost double that.

C-2 variance application of positive versus negative. Proposal promotes Zoning Ordinance and Zoning Plan. Must examine positive/negative criteria. Must weigh if all positives outweigh the negatives, resulting in a conclusion where no substantial detriments exist.

Positive criteria, parcel is unique to the area in that it is at least twice the size of any lot in the area, and for purposes of zoning, complies with several sections. Meets all bulk variances for R-3 zone. Mirrors/mimics lot patterns in the neighborhood/area. Proposal is not out of character in lot widths on same side of Makatom Drive. While existing lot is way out of character and proposed lots are similar. Proposal prevents development of

oversized homes as contained in the Master Plan, could potentially develop a structure up to almost 30% of the lot, impervious would be 38%. Matches street scape, lot frontages, reduces impervious coverage and storm water runoff. Provides a more efficient use of land, all sewers are in place, no need to build new streets or utilities. Repurposing an existing parcel. Master Plan under residential goals – to provide a wide range of housing, provides consistency within the area, limits traffic in the area.

Negative criteria – would be traffic, noise and light and those are already anticipated in this zone – nothing proposed that is different that what currently exists in the zone, therefore anticipated, same negative that is generated by all residents on the street. What would happen if this is turned down – larger home, day care, that would not match anything in the neighborhood. Nothing other than normal negatives that exist in residential neighborhoods.

Benefits explained in depth. Granting the application with approval of variances requested, resulting in no negative impact to Master Plan and Zoning.

Exhibit A-3 portion of site plan submission

Mr. Morin objected to any exhibits being entered into evidence tonight that were not available and filed with Zoning Office 10 days in advance hearing, should not be entered and cited MLUL specific requirements. Mr. DeMassi explained exhibit and believes has the right to enter same, application was deemed complete.

Mr. Giuditta indicated proposed Exhibit A-3 is a larger portion of the site plan and basically a summary of what was on file and should be entered into evidence. Color rendering of subdivision plan, for ease of review – copies were passed out to the Board members and presented to Mr. Morin.

Agrees with Planning Report dated April 14, 2016 – page 2 – proposal presents a better zoning alternative to the property. Copy given to Mr. Morin as was not able to review.

Questions posed by the Board ascertained the following:

Clarified impervious surface of existing lot, pool was included in calculations, back parking lot, and anything that water cannot penetrate. Does not have calculations without the parking lot, approximately 85 X 40, possibly 3500 square feet, which is close to proposed. Impervious surface is defined in the ordinance. Proposing to correct the easement by abandoning the existing easement and replacing with a corrected easement in the proper location in middle of the site. Entire system is functioning and runs the entire length of site, new easement is relocating on paper to over the existing system. Will be adding another yard drain to existing system. By decreasing the impervious surface coverage results in less water thru the system. Concern expressed with channeling water from one area of town to another that cannot handle – less water will be going into the

system and going down stream. Proposal for 3 lots versus 2, no 50 foot lots on their side of the street, on other side there are two that are wider and does not constitute a pattern. Engineer's report indicates property is located in Zone X, that is the last known map and is unaware of any flooding not in 100 or 500 year storms. Curb line for the driveways contained in the engineer report references 18-foot wide driveway and curb cut must be flared out at street. Zoning Ordinance refers to design standards – one and two-way driveways, in report he is considering as a one-way driveway where this is two-way as both in and out and is what he is referring to in report. Proposing 18-foot standard driveway with 22 feet at the curb cut, ordinance allows anywhere from 18 to 30 feet at curb cut. Standards are met and disagrees with engineer's interpretation.

Grading is all within the storm sewer easement towards the streets and assumption everything will come down in that area. Believes 7 trees are being removed, retaining approximately 16 trees in rear. Show 7 trees on their property line and making assumption 3 will be removed which are included in the 7 total. Impervious surface calculations are based on less than the maximum allowable building envelope, based on what is being shown, still room as proposing 8,000 square feet of coverage and allowable is 9100 square feet. If storm water detention is needed would be required as part of the permitting process, proposed is reasonable. Discussion on control of impervious after the subdivision should be granted. Is unaware of why the existing house is being demolished. Proposal will be better fit into the area than existing structure as existing house (113 feet across) is totally out of character of the neighborhood. Density is based on area, units per acre and 65-foot width is a function of what is practical. Lot area and lot width didn't come into play until the MLUL was adopted after this area was built, restrictions have become tighter over time and originally sold as 55-foot lots and is a result of retrofitting area. Believe the lot pattern of proposed is better than the 65-foot width requirement and is reason here this evening. Density is based on square footage of the lot. Need area variance due to 125-foot depth limitation, however lots will have 191 feet in depth and exceeds. Discussion on need of additional variance and every property being treated on its own. Retrofitting a zone over existing lots with the current requirements results in issues more applicable to virgin land, such as a farm, with ordinances having the propensity to create cookie cutter developments.

Members expressed serious concerns with the 3 lot subdivision proposed versus 2 lots that would be conforming, density, percentage of meeting ordinance requirements, what will be seen from the street and appearance of higher density from street view. Mr. Hudak explained not speaking of density per statutory definition of density, rather "intensity" from street view. All of the neighboring properties vary from 39.5 to 40.8 front yard setback, proposing 35 feet to the porch while to main house is 40 feet. Open porches are not considered, however, do not Can push the porch back to 40 feet. Exhibit A-4 is for demonstrative purposes and need to prove it can be reasonably developed with 3 homes and is a viable subdivision with no impact to neighborhood.

When rendering of 2 lot subdivision was requested, Mr. DeMassi explained

application is for 3 lots, cannot do 2 lots as cost ineffective. Mr. Morin placed objection on record that the attorney is testifying to facts and cannot be both attorney and witness, objects to statement as financial hardship is not to be considered when granting variance relief, here for a C-2 variance and financial hardships are not part of it – should not be presented and should be disregarded and not presented. Mr. Giuditta agreed comment should be disregarded as not relevant for a C-2 variance and attorney cannot testify as a witness. Variances are for lot width and lot area within 125 feet and is narrow issues that should be primary focus.

Map was filed in 1940 would assume the house was built sometime around then, it is occupied by current owner. There was an oil tank on the property that was removed together with the pool and is the process of obtaining a No Further Action letter from NJDEP, pipe is part of the process for water removal. Removal process is complete, waiting for letter.

There were no further questions by members of the Board.

Ms. Anderson announced that the meeting will probably have to continue the hearing and for purposes will try to complete questions for this witness by 10:30.

Ms. Anderson opened the application to the public for questions, with the following appearing:

Judith Devenny, appeared – Asked when averages were calculated whether any lots on Indian Spring were included. Lot width was taken on all properties within 200 feet. Questioned drain pipe and plan for same as she is down stream literally and does experience a lot of water, unclear of how the mechanics work and how will that feed into the pipe. Intent of the new easement is for the benefit of the town to give them the right to repair and replace the existing pipe, for benefit of the town. Grading is not to the easement, but to the two proposed inlets and does not propose a swale or ditch in the easement. Field crew took pictures on December 2nd and did not see any pooling as well as having been there several other times and did not see pooling. Was speaking of flooding that is sustained for a long time. Driveways will be graded towards the street (floods at intersection of Makatom), what it means in handling the additional street run off of 3 driveways as opposed to one, cannot separate is total runoff from the site and all testimony is that impervious surface shown on plan is less impervious area than currently exists. Applicant is not the owner of the property, Mr. Giuditta explained a prospective purchaser of a property can make an application with the owner's consent.

Dick Salway, appeared. He asked for clarification of the new easement and was advised it is to correct an existing incorrect easement. Disadvantage of not having an onsite engineer, and is reason why everyone has a drainage in their rear yards. One is being added and will be graded to run towards the inlets. Allowed to regrade property as not in flood area. Requested when applicant return, if plans be redrawn and calculations

performed due to removal of deck and pool. Asked how many lots have double width driveways – did not count. Two cars will park in the driveway with one in the garage. Unaware of how many double driveways currently exist. Now adding vehicles on a street that has parking issues if emergency vehicles are required. How many lots under 55 feet in the R-3 zone – appears to be 2 and both are corner lots and do not include municipal adjoining property. Seven lots 80 feet or over, 15 of the 36 lots within 200 feet do not conform with the 65-foot width requirement with 2 under 55. Did not state anything as to value of the property or the house. How many bedrooms will be in the proposed homes, Ms. Anderson indicated not here for site plan approval and not part of the application.

Daniel Ghanime, appeared. Requested square footage of each house - as demonstrated has foot print of approximately 3,000 square feet. Advised there will be 6 inches of top soil and possibly one foot of fill above the pipe.

Bronwyn Hertz appeared. Asked if the 3 homes were to be set back to match the neighbors, how would impervious surface change? Would increase by 40 additional square feet on each house, maybe 1%. Are you aware that the pipe overflow, and what will the impact be to properties to the rear? Confusion as to “easement”, presently an 8-foot easement that is in an area where the pipe is not located, and will correcting the error with a 10-foot easement that will be over the existing pipe, and in addition will be removing the pipe and inlet in the parking area and relocating to the middle of the back yard of the first lot. Explained regarding of rear yards to push water to the inlets. Can possibly add an inlet in the 3rd lot and is option that will be researched.

Mr. Morin advised he has approximately 45 minutes of questions.

Will continue on May 4th and no need for further notice and will start with Mr. Morin’s questions. Mr. DeMassi to provide calculations without the pool and deck that is being removed and calculation on the building envelope being maximized.

5. PUBLIC PORTION

NONE

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 10:35 P.M.

Kathleen Murray, Secretary