

MINUTES - PLANNING BOARD

Meeting of September 16, 2015

WORKSHOP PORTION. Ms. Feder called workshop portion of the meeting to order at 7:40 P.M.

1. COMMUNICATIONS:

1. Letter from Somerset-Union Soil Conservation dated 9/9/15 re: subdivision Spring Garden Street

2. MINUTES:

Minutes of August 19, 2015 were carried to the next meeting.

3. RESOLUTIONS OF MEMORIALIZATION

Applicant #PBA-15-00004:

MD Developers, LLC, Applicant

124 Spring Garden Street, Block 173, Lot 26, R-1 Zone

To permit subdivision approval with less than the minimum required lot width for lot (required 80.00 feet, proposed 74.96 feet) (§136-30, Attachment 1, Schedule 1).

After discussion, a motion to adopt the resolution approving Application PBA-15-00004 (as amended) was made by Ms. Pedde, seconded by Ms. Murray with the following voting in favor of the motion: Ms. Murray and Ms. Pedde.

Applicant #PBA-15-00007:

Strength & Fitness, LLC, Applicant

570 South Avenue East, Block 534, Lot 1 and Block 533, Lot 19, C-2 Zone

To permit waiver of site plan approval with less than the required on-site parking spaces provided (§136-39, Parking, Schedule 1).

After discussion, a motion to adopt the resolution approving Application PBA-15-00007 (as amended) was made by Mayor Kalnins, seconded by Ms. Pedde with the following voting in favor of the motion: Ms. Murray, Ms. Steinbach, Mayor Kalnins, Mr. Petrucci and Ms. Pedde.

4. OLD/NEW BUSINESS

None

Workshop portion adjourned at 7:46 P.M.

PUBLIC HEARING - ROOM 107

1. STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Ms. Feder called a public meeting of the Cranford Planning Board to order on September 16, 2015 at 8:00 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. Feder
Ms. Murray
Ms. Steinbach
Mayor Kalnins
Deputy Mayor O'Connor
Ms. Pedde

Members Absent:

Ms. Anderson
Mr. Aschenbach
Mr. Taylor

Ms. Feder presented the process, procedure and protocol to be followed this evening during the meeting.

1. Applicant #PBA-15-00006:

Miln Street Partners, Applicant

101-103 Miln Street, Block 187, Lot 1, D-B Zone

To permit conversion of an existing convenience store to an indoor playground/gym with less than the required on-site parking spaces for proposed use and less than the total amount of required parking spaces for all uses on site (§136-39, Parking, Schedule 1).

Communications consisted of the following with same being received and reviewed by the applicant who waived formal reading.

1. DRC Memo dated July 27, 2015;
3. Historical Preservation Advisory Board dated August 19, 2015
4. Planner's report dated September 11, 2015.

Andrew Keavy, Esquire appeared on behalf of the applicant. He gave an overview of the application as gym and playground with coffee shop for attendees' parents. Relief is requested for parking that will consist of shared parking as well as use of the public parking in the area.

Kinga Keaveney, applicant, appeared and was sworn in. She explained goal is to open an indoor play space for Cranford where families and care givers can bring their children/charges from 6 and under to playground from 9:00 to 5:00 with birthday parties held on the weekend. Proposed is a change of use, onsite parking available for 14 spaces with 17 required seeking waiver.

Questions posed by the Board ascertained the following:

Food for parties will be catered by bringing pizza and cake from local businesses. At any given time during open play would be 10 children with parent/care giver in attendance. Will have drop off hours where parents can leave the children. Hours of operation - goal is from 9:00 to 5:00 during the week which may be revise if necessary with parties only on the weekend. No class type structure, rather drop in type. Need to sign up for classes at other facilities and sometimes just want to get the children out of the house without committing to a designated period of time. Play equipment will consist of wooden indoor play set, slides fire poll, ladders, etc. Pretend kitchen and market area, track for ride on toys. Employees do not have to be licensed as parents/caregivers will be in attendance. Although site plan gives impression of large deficiency in parking – dry cleaners mostly use spaces for pick-up and drop off only, in actuality there are always open spaces and there is a municipal lot across the street.

Would agree that parking would be more client based not employee based who will be able to park at owner's house on Holly Street.

There were no further questions by members of the Board.

Ms. Feder opened the application to the public for questions, with no one appearing and this portion of the hearing was closed and the matter referred back to the Board.

Ronald Meeks, Planner/Architect, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of planning and architecture.

Mr. Meeks stated building was constructed in 1941 as grocery store and bakery with very different parking requirements at that time. Use has changed over the years. Convenience store required 14 spaces and proposed use requires 17 difference of 3. Parking is available on Eastman Street, Miln and Alden Street as well as Municipal Lot 11.

21 spaces on Eastman, 91 on Miln Street and municipal lot has 97 spaces. Base on zoning ordinance and Master Plan shared parking may be applied in this case.

If the adjacent properties were approached, the request for additional parking would place those properties in noncompliance and therefore could not consider that route. Gym is permitted in the DB zone, and will create pedestrian traffic for parents to shop and frequent the local businesses. Large number of spaces available within walking distance from this property.

Questions posed by the Board ascertained the following:

The restaurant itself required a parking waiver, tea shop is not very active.

There were no further questions by members of the Board.

Ms. Feder opened the application to the public for questions, with no one appearing and the matter was referred back to the Board.

Mr. Keavey presented his summation

Ms. Feder opened the application to the public for comments, with no one appearing and the matter was referred back to the Board.

DELIBERATION OF Applicant #PBA-15-0006:

Applicant #PBA-15-00006:

Miln Street Partners, Applicant

101-103 Miln Street, Block 187, Lot 1, D-B Zone

To permit conversion of an existing convenience store to an indoor playground/gym with less than the required on-site parking spaces for proposed use and less than the total amount of required parking spaces for all uses on site (§136-39, Parking, Schedule 1).

Ms. Feder reviewed the testimony presented.

Board comments consisted of the following:

An existing building with existing parking problem next to the downtown area, a zone that has zero parking requirements. Parking at the site has worked in the past and believes should be approved. Used lot 7 that is not at capacity. Will benefit the downtown. Concerned with parking as experienced shows very limited, especially with parties on the weekends. Always concerned with parking but the downtown provides several lots with lot 7 only 25 steps away, and is a pedestrian oriented town. Good use of the space and will enhance other businesses in the area which is goal of downtown. Would request no employee parking on site. Great addition to Downtown.

Motion to approve Application PBA-15-0006 was made by Mayor Kalnins with the condition that employees will not park in the lot. The motion was seconded by Deputy Mayor O'Connor with the following voting in favor of the motion: Ms. Feder, Ms. Murray, Mayor Kalnins, Deputy Mayor O'Connor, Ms. Pedde, Mr. Petrucci and Ms. Didzbalis. Voting against the motion: Ms. Steinbach.

2. Applicant #PBA-15-00005:

PSE&G, Applicant

225 South Avenue East, Block 479, Lot 5, D-C Zone

To permit amended site plan approval for alterations and improvements to an existing sub-station with the following variances: buffer landscaping not provided in parking areas (§136-23.1(a)(i); no trees proposed in parking area (§136-23.6(8)[c]; to exceed the maximum allowable height and openness for a fence (§136-23.11(2) & (3)(e); trees not to be replaced (§136-23.13(2); to exceed the maximum allowable height for an accessory structure (§136-30 (Schedule 1, attachment 1) and following waivers: required sketch plan (§136-21B(2); and landscaping not provided (§136-23.6(11)[a].

Communications consisted of the following with same being received and reviewed by the applicant who waived formal reading.

1. DRC Memo dated August 6, 2015;
2. Traffic and Safety memo dated August 7, 2015;
3. Environmental Commission report August 26, 2015;
4. Cranford Fire Department report dated August 13, 2015
5. Cranford Heath Department memo dated August 11, 2015;
6. Historical Preservation Advisory Board dated August 19, 2015;
7. Engineering report dated September 15, 2015;
8. Planner's report dated September 11, 2015;
9. DMC report dated September 14, 2015;
10. Letter from Union County dated July 13, 2015.

Niall O'Brien, Esquire appeared on behalf of the applicant. The is to provide upgrade to a substation located near the train station. PSE&G received approval to prevent down time during future weather events. Site is 1.17 acres in Downtown core and is considered a principal use.

EXHIBITS: A1: Rendered site plan
A2: Substation Rendering
A3: Landscaping Plan
A4: Lighting Plan

Christina J. Ker, PMP, Project Manager, appeared and was sworn in.

Daniel Butler, Civil Engineer appeared and was sworn in; and

William Bell, Electrical Engineer appeared and were sworn in. Their credentials were presented to the Board and he was accepted as an expert witness in the field of engineering and design.

Ms. Ker stated proposal is statewide project known as Energy Strong presented to the Board of Public Utilities after Irene and Sandy. Cranford is part of that project after several events resulting in the Cranford substation experiencing long duration of outage due to flooding. Project was approved in May, 2014 in order to reduce potential impact of outages during those types of events. Project involves elevating the substation. PSE&G is

both distributor and electrical transmission station difference explained in depth.

Distribution is to local area and transmission is to areas such as Parkway.

Application through use of rendered site plan was explained: includes retention of parking area, relocation of 3 transformers, as well as enclosed switch gear. Parking lot will be relocated to back of the lot. By relocating the mechanicals to the front of the property, will permit the facility to still be in service while the new substation is under construction.

Design waivers and variances: Sketch plan depicts improvements within 100 feet of the site, not making changes therefore no impact. With regard to landscaping and trees, trying to maintain as many parking spaces as possible during construction. If buffer is provided would lose spaces. Will either replace trees on site or will be contributing to tree replacement funds.

Not providing parking spaces within the substation for facility use as no applicable floor area and therefore requirement would be zero, but will be providing 33 spaces for use of the public with some exclusively for PSE&G use by substation mechanics and operators who do not come to the facility on a daily basis.

Design waiver for height of fence – proposing along the front of site per recommendation of Development Review Committee (DRC). Steel fence with columns as shown on Exhibit A-2; along side and rear of property is 8-foot high chain link fence to deter entrance and properly secure the site meets requirements of public utilities.

Lighting - initially proposed 12 lighting masts, however, was determined that 6 are requested at 50 feet in height, testimony to follow.

With regard to the Engineering report – loading area is not required as well as bicycle rack.

There were no further questions by members of the Board.

Ms. Feder opened the application to the public for questions, with no one appearing and the matter was referred back to the Board.

Daniel Butler, stated the following: Explained lightening masts are needed to prevent a lightning strike which would be very costly and may cause outages which should to be avoided. The number was calculated by empirical curves (explained in depth) and must be of significant height above the structures they are meant to protect. Not uncommon with many being 70, 80 feet or higher.

Professional reports – referring to lighting plan A4 – parking area contains lighting and substation yard light. Per Cranford standards all are mounted at 16 feet with minimum of 1.5 foot candles average. Both will be adequately light.

Questions posed by the Board ascertained the following:

Raising substation to one foot above 100-foot elevation, NJDEP level plus 1 foot is level being used. Believes Irene level is one that was provided by NJDEP but uncertain.

Lauren Thomas, Project Director, PSE&G appeared and was sworn. Is determined by looking at observed level and compared to FEMA elevation and raising to higher elevation. Board confirmed level being raised is higher than level of Irene.

Ms. Ker confirmed voltage is not being increased. Traffic and Safety requested several items and applicant will comply with those contained in the report. 40 spaces proposed in front lot and 33 exist in rear lot. There will be no security cameras, has detailed station security but is not typical to use closed circuit. The current building is being demolished and will not be replaced.

Mr. O'Brien explained history of public parking agreement with the municipality and maintaining same. Mr. Butler has not seen request for additional lighting by Traffic & Safety but will consult with Lt. Davenport.

Mr. Butler advised lighting will be installed along the entire walkway to parking lot.

Ms. Ker explained that behind the substation there is a existing retaining wall to railroad tracks. Exhibit A5 – aerial photo of area. Transformers will not be enclosed, however will have two fire walls in between. Transformers cannot be screened as specific space in between is required and if screened would result in a loss of parking spaces. Very difficult constraints to work within, if all public parking were eliminated, would be able to meet all the requests being made tonight. The Township requested the parking remain as a priority with other considerations a trade-off. Further explained by Mr. Giuditta.

Mr. O'Brien advised engineer indicated a sound wall can be constructed to screen between the transformers and the street. Mr. Butler indicated the sound wall would be 16-foot high and equipment is 14.5 feet. Noise created by substation is below ratings. Street view was explained in depth with length of 124 feet on South Avenue.

Mark DeVoti, Homeland Security for PSE&G, explained regarding security provided for 100s of substations and many are located in business store areas and do not place cameras on site. Risk assessments are reviewed solely by PSE&G and the level is assessed as very low. Would be willing to work with Cranford Police should they seek to place security cameras.

There were no further questions by members of the Board.

Ms. Feder opened the application to the public for questions, with no one appearing and the matter was referred back to the Board.

Roy J. Dunn, L.A. appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of landscaping. He stated proposal is to keep number of spaces as many as possible, there are no islands. Replacing two areas which contained street trees, and will add trees in new area equal distant to each other. Constraints on vegetation and landscaping, since elevating the substation. Under normal circumstances would plant far enough back so branches do not hang over the station and become a means of entrance. Understanding is township prefers as many spaces as possible be maintained which restricts landscaping areas.

Questions posed by the Board ascertained the following:

Four trees are being removed and replacing two with contribution of 14 trees to Tree Preservation of municipality.

There were no further questions by members of the Board.

Ms. Feder opened the application to the public for questions, with no one appearing and the matter was referred back to the Board.

John Miele appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of professional planning.

Use is inherently beneficial that is a value to the community as well as serving the public good and welfare. Positive criteria - provides service to Cranford as well as numerous county towns and has been in use for over 100 years, appropriate location. Upgrades being proposed would minimize the risk of weather events and therefore, lightning masts need to exceed the height of equipment. Granting the relief is necessary to proceed with the application. Promotes purpose of zone plan as well as protecting the reliability of the substation and promotes health safety and general welfare for the community. Satisfies several requirements of MLUL as well as ordinance.

Negative criteria – lightning masts as defined under the ordinance are freestanding structures and therefore considered accessory with a maximum height of 45 feet. Additional 5 feet provides added protection to the substation as well as general community. Several other uses in zone would not require a variance for the height. No negative impact seen. Benefits substantially outweigh any detriments.

Relayed positive and negative criteria for fence variance are same as for lightening mast.

Questions posed by the Board ascertained the following:

Design while not meeting Victorian style, does provide other enhancements as discussed during numerous meetings with the municipal professionals as compared to what was originally proposed. Type of utility features are not Victorian in nature, rather designed for a certain function that needs to be performed.

Ms. Ker explained standard design for switch gears structures is a metal building.

Board members believed consideration should be given to other manner of building design as proposed is very harsh when compared to existing.

Not aware of any other scenerios where the replacement would be in exactly same location, cannot answer as to how it would be handled.

Discussion on other methods of design and potential resolution. Mr. O'Brien advised options can be research, but for operational purposes, not aware of any.

Mr. Butler explained access (two) into each building shown, asked if they would be changed to provide a design facade. Would have to research what the loss of spaces would be in trade off for design features.

Member indicating no one will dispute changes are needed, this Board and other Boards have spent time making certain the look of the area is going to encouraging to the municipality, proposed buildings are not an asset. Cannot ask one side of the street to be held accountable to meet design standards and the other side not. Mr. O'Brien advised discussion on design was extensive during DRC meeting, and only way to make the design more pleasing would be to eliminate parking which is being provided for the municipality under a 10-year lease from 1980 that has expired but the arrangement has remained status quo.

Mr. Butler confirmed that if all parking was eliminated, and it would be harder to upgrade out of sequence with more outages occurring, can perhaps add landscaping, but the design of the buildings would remain the same and would have to research exact locations, due to equipment interference requirements. Discussion on possibility of solid decorative brick wall with landscaping rather than the proposed fence. White wall is 21 feet and brick wall would be 16 feet.

Board asked counsel if appropriate to request the applicant to return with plans for the proposed wall, as well as reduction in a few parking spaces contrary to the town directive in order to permit areas of more landscaping. Discussion on whether should add landscaping and/or contribution to tree preservation. Second option would be if building was pushed back – sufficient time and effort already expended. Would go from 38 to 28 spaces, if parking were kept in current location with better aesthetic features in the fence and with some shrubberies for buffer. Some members agree, maybe not solid brick wall, but wall with design elements.

Roy Dunn, landscaping professional explained there would be a problem with evergreen trees as they would die out, shade trees are preferred. Roses in very narrow space between sidewalk and fence.

Mr. O'Brien requested the Board approve the application with condition that applicant must return before the Board. Does not see any additional variances needed other than those requested tonight, and if any should arise, would need to reopen the

application in order to obtain approval for permits and certificate of occupancy. Front wall would be constructed at the end of the project.

Ms. Ker indicated construction would be about two years, 8-foot temporary chain link fence with slats and applicant will do all that can be done to accommodate requests made.

There were no further questions by members of the Board.

Ms. Feder opened the application to the public for questions, with no one appearing and the matter was referred back to the Board.

Ms. Feder opened the application to the public for comments, with no one appearing and the matter was referred back to the Board.

DELIBERATION OF Applicant #PBA-15-0005:

Applicant #PBA-15-00005:

PSE&G, Applicant

225 South Avenue East, Block 479, Lot 5, D-C Zone

To permit amended site plan approval for alterations and improvements to an existing sub-station with the following variances buffer landscaping not provided in parking areas (§136-23.1(a)(i); no trees proposed in parking area (§136-23.6(8)[c]; to exceed the maximum allowable height and openness for a fence: (§136-23.11(2) & (3)(e); trees not to be replaced (§136-23.13(2); to exceed the maximum allowable height for an accessory structure: (§136-30 (Schedule 1, attachment 1) and following waivers: required sketch plan (§136-21B(2); and landscaping not provided (§136-23.6(11)[a]. bicycle racks and

Loading area amended.

Ms. Feder reviewed the testimony presented.

Motion to approve Application PBA-15-0005 was made by Mayor Kalnins with the following conditions:

- a. Will work with Traffic & Safety as to satisfy lighting concerns and condition in lot
- b. Will work with Police Department for determine the need for security cameras
- c. Will return before the Board with rendering for brick facade fence as well as rendering of complete site.
- d. Will include sound wall in transformer areas.

The motion was seconded by Mr. Petrucci with the following voting in favor of the motion: Ms. Feder, Ms. Murray, Ms. Steinbach, Mayor Kalnins, Deputy Mayor O'Connor, Ms. Pedde, Mr. Petrucci and Ms. Didzbalis.

**3. Applicant #PBA-15-00008:
Cranford Restaurants, LLC, Applicant
3 South Avenue West, Block 475, Lots 3 and 4, D-C Zone
To permit minor site plan approval associated with exterior renovations to the
existing structure.**

Communications consisted of the following with same being received and reviewed by the applicant who waived formal reading.

1. DRC Memo dated September 1, 2015;
2. Traffic and Safety memo dated September 2, 2015;
3. Environmental Commission report September 2, 2015;
4. Cranford Heath Department memo dated August 11, 2015
6. Planner's report dated September 3, 2015
7. DMC memo dated September 14, 2015

Debra Green, Esquire appeared on behalf of the applicant. Seeking amended site plan approval for improvements to a restaurant building that was operated as The Office, which closed operations in June of this year. Application includes request for design waiver relating to the building's facade from the requirement of site plan. Essentially proposing removal of wooden exterior of the building (nothing has been done since 1979 and wood is currently rotted) will expose the stucco, and be adding windows. Building is not being enlarged. Will continue restaurant use under the Thirsty Turtle, and be a step from the Office, very good addition to the variety of restaurants available in Cranford.

Proposal is in keeping with surrounding buildings, the intent of zoning ordinance and master plan. Received professional reports indicating no negative impact from the application.

Jeff Bears, principal appeared and was sworn in. He explained he is one of the principals of applicant. In 1979, he first opened the restaurant that was sold to a company called Charlie Browns and has now purchased back. Will be the 24th restaurant over a 34 year period. Renovating the interior which is a disaster with mildew found when the wallpaper was removed resulting in the sheet rock needing removal. Bathrooms upgraded, ceilings are 14 ft tall with exposed rafters.

Adding twelve window where glass doors exist. Photos distributed to the Board of what was existing and Thirsty Turtle in Florham Park.

Questions posed by the Board ascertained the following:

Waivers for façade pertain to a certain amount of glass, stucco and brick being required and is seeking waivers from all. No category in which the code is met. Reviewed numbers in detail and entered same in the record. Most of building is stucco with brick piers and would like to keep same ratios. Renderings of new building is contained in the application. Building color would be light not dark. Hours would be typically 11:30 AM to closing time (2:00 AM) and may have some evenings when it will close earlier. Windows

required is 40% with existing 6%, have added twelve windows. Project is a renovation not build out or new construction as others within the municipality.

There were no further questions by members of the Board.

Ms. Feder opened the application to the public for questions, with no one appearing and the matter was referred to the Board.

Ms. Feder opened the application to the public for comments, with no one appearing and the matter was referred back to the Board.

DELIBERATION OF Applicant #PBA-15-0008:

Applicant #PBA-15-00008:

Cranford Restaurants, LLC, Applicant

3 South Avenue West, Block 475, Lots 3 and 4, D-C Zone

To permit minor site plan approval associated with exterior renovations to the existing structure.

Ms. Feder reviewed the testimony presented.

Board comments consisted of the following:
Very pleased to see improvements made.

Motion to approve Application PBA-15-0008 was made by Deputy Mayor O'Connor, seconded by Ms. Pedde with the following voting in favor of the motion: Ms. Feder, Ms. Murray, Ms. Steinbach, Mayor Kalnins, Deputy Mayor O'Connor, Ms. Pedde, Mr. Petrucci and Ms. Didzbalis.

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 10:25 P.M.

Bobbi Anderson, Chair