

MINUTES - PLANNING BOARD

Meeting of August 16, 2017

WORKSHOP PORTION. Ms. Murray called workshop portion of the meeting to order at 7:32 P.M.

1. COMMUNICATIONS

NONE

2. RESOLUTIONS OF MEMORIALIZATION

Application # PBA-16-00009

Riverside Condominium Association, Inc., Applicant

4-8 Riverside Drive

Block: 266, Lot: 1, R-8 zone

Applicant is seeking amended site plan approval to eliminate two on-site parking spaces and locate a recycling shed and dumpster in said parking spaces

The Resolution of Memorialization (attached and made part of these minutes) was reviewed by the Board. After discussion, a motion to approve the resolution was made by Ms. Steinbach, seconded by Ms. Didzbalis and passed with the following voting in favor of the motion: Ms. Murray, Ms. Steinbach, Mayor Hannen, Mr. Aschenbach and Ms. Didzbalis.

3. MINUTES

Minutes of the DMC Strategic Plan presentation of July 24, 2017 were distributed to the Board members.

Motion to adopt the minutes of July 12, 2017 was made by Ms. Feder, seconded by Ms. Pedde and passed on unanimous voice vote

Motion to adopt the minutes of July 19, 2017 was made by Ms. Anderson, seconded by Ms. Feder and passed on unanimous voice vote.

Motion to adopt the Executive Session minutes of July 19, 2017 was made by Ms. Pedde, seconded by Ms. Anderson and passed on unanimous voice vote.

3. OLD/NEW BUSINESS

DISCUSSION RE: COMMENTS and SUGGESTIONS DMC STRATEGIC PLAN

Reminder that comments and suggestions are needed as soon as possible. Send all comments/suggestions to Ms. Murray who in turn will provide to the DMC. DMC also requested that a representative(s) of the Boards attend the Strategic meetings in the

future.

DISCUSSION RE: PLANNING BOARD PROCEDURES EXPLANATION WEBSITE POSTING

After review, procedures will be posted to the website.

Request received from Hartz Mountain to adjourn the 9/6 meeting and date proposed is October 18th. Location will be determined at alter date.

PUBLIC HEARING - ROOM 107

1. STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Ms. Murray called a public meeting of the Cranford Planning Board to order on August 16, 2017 at 8:01 P.M. In Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Ms. Della Serra announced this meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by publishing of the Board's annual schedule of meetings in the Westfield Leader and the Star Ledger with the agenda specifying the time, place and matters to be heard having been posted on a bulletin Board in the Town Hall reserved for such announcements and the filing of said agenda with the Township Clerk of Cranford. Formal action may be taken at this meeting.

2. FLAG SALUTE

3. ROLL CALL

Members Present:

Ms. Murray
Ms. Anderson
Ms. Steinbach
Ms. Feder
Commissioner Dooley
Mayor Hannen
Ms. Pedde
Mr. Taylor

Members Absent:

Dr. Chapman

Alternates Present:

Mr. Aschenbach
Ms. Didzbalis

Alternates Absent:

None

Also in Attendance:

Mark Rothman, Esquire; Ruthanne Della Serra, Interim Administrator/Scribe, Ron Johnson, Zoning Officer, Jackie Dirmann, Maser Consulting

Announcement made by Ms. Murry regarding hearing presently scheduled for September 6, 2017 re: Hartz Mountain, 750 Walnut Avenue for rezoning application has been carried to October 18, 2017 at request of the applicant with location to be determined. No further notice is required.

- 4. Application # PBA-17-00006:
SCODEE Properties, LLC, Applicant
112 Park Drive
Block: 198, Lot: 1, R-1 Zone
Subdivision of one lot into two single-family lots without any variances requested**

Scott Pyfer, Esquire appeared on behalf of the applicant. Applicant and Harbor Consultants will be witnesses this evening to present evidence regarding the application and matters pertaining to health and welfare, storm water management.

Denise Lorelli, appeared and was sworn in. She testified to the following through questions posed by Mr. Pyfer.

She is the one of the principals on SCODEE Properties LLC. Participated in preparation of application. Members of LLC relayed. Purchased the subject property on September 15, 2016. Obtained title insurance when purchased that revealed in history of legal description that originally the lot was actually two lots when development was organized. Original intention was to live at the home on the property, had been a resident of Cranford for 10 years. Looked for a property that was charming – loved cottage, however is quite small with 2 bedrooms. Contacted Harbor Consultants to perform engineering work and said that it was always intended to be two lots, no variances would be required for subdivision and mapped out buildable footprint of two homes.

In present condition, the basement is cinder block with some water, 1st floor does not appear to have any water damage. Was fire damaged (believed in mid 2000s), metal swing set on the property. House was occupied until 2006 and was then sold to intermediary owner. According to public records, the structure was deemed unsafe in 2013. Four permits would be required to build on the property – NJDEP (has issued permit in last 3 weeks 7/31/2017) to make certain in compliance for flood issue; Union County Planning Commission and Somerset Soil Conservation and both received in last 2 weeks.

Would like to continue to remain in Cranford, is very proud of the town, has many friends including many who are garden club, met a lot of interesting individuals, dedicated to the charm of the town and seeking a home that represents the town.

Questions posed by the Board ascertained the following:

Lived in town during Hurricane Irene. Concerned that a subdivision would be taking away pervious surface through subdivision, however, engineer will testify as to this aspect and will actually be safer. Very aware of damage inflicted by storms. Has complied with all standards and if not within exceed. From what she understands drainage that will be in place will be more efficient and better than run off (ground). Will reside in one home, and the other will be occupied by friends, who are going to build their own home after buying the lot. They are also Cranford residents and are familiar with storms experienced in Cranford. Tried to research history of prior applications or rejections, and was not successful and has no information, but her understanding is the owner at that time wanted to build a McMansion with several variances. Will remain in compliance with tree replacement commission, and engineer will provide further details. Sent letters to the neighbors and has met some when visiting the property.

There were no further questions by members of the Board.

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

Ellen Hunt – lived in neighborhood for 42 years, 2 minor floods, but in Irene had 6 feet in basement, confirmed the applicant will be living in one of the house. House that will be built will be elevated and not affected by flood waters and rest of houses are low, drainage proposed will be better than what is existing. Not proposing a mega mansions.

No one else appeared and the matter was referred back to the Board.

Christian Cueto, Harbor Consultants appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in the field of civil engineering.

He testified to the following through questions posed by Mr. Pyfer.

Mr. Cueto stated through use of Exhibit A-1 (aerial view of the neighborhood). Involved in preparing applications for required permits. Described the lot, surrounding property, 25,764 square foot lot, irregularly shaped, R-1 zone. Currently on site is a single-family home that has driveway that connects to Park Drive. Proposing to subdivide the property into two conforming lots. Exhibit A-2 - color rendering of sheet 3 of the plans. Shows proposed subdivision 12,139 square foot and 13,625 square foot fully conforming lots. Proposing two-story single-family homes without basements. Lot 1.01 – building footprint of 1,995 square feet with attached garage. Lot 1.02 has a footprint of 2,052 square feet and a detached garage. Both have driveways that connect to Park Drive. Based upon conversations with the County, small turn arounds provided so as not to back onto Park

Drive. Other improvements – will construct a walkway to connect the garage that will be in different location other than what is shown on the submitted plan, however, calculations remain the same. Each house will connect utilities to existing mains on Park Drive.

Drainage sheet 4 (Exhibit A-3) of submitted plans. Mimicking existing grading, not proposing to add additional. Corner provides inlet and draining pipe to prevent impact to neighboring property. Seepage pits approved by NJDEP for each property, submitted to Cranford at same time and Township Engineer advised Cranford has more stringent drainage standards and will work with the Township Engineer to meet Cranford's requirements to their satisfaction.

DEP had to approve base elevation and both houses are above this base elevation, underneath first floor is space with flood vents for water flow thru and also includes the garages as well. The existing structure does not have flood vents as well as a basement. Overall volume of proposed structures will be less than what is existing which is requirement of DEP that prohibits flood storage displacement in any flood zone area, and is considered an improvement over existing. If not subdivided, one home built could be a combination of the two proposed homes and would not need to appear if in compliance with ordinance requirements.

The DEP application - Cranford requires finished floor to be above the base elevation with applicant proposing 2 feet above the base elevation. First floor will be approximately 5.6 – 6 feet over existing above ground level. DEP prohibits flood displacement in flood hazard area.

Referring sheet of DEP application marked Exhibit A-4 (contains DEP stamped approval) had to demonstrate there is no net fill over existing and what is proposed. Demonstrated that thru cross sections of area and provided analysis. Zero net fill is due to existing building being solid structure while proposed, because of high finished floor and flood gates, is not considered fill as water can enter and exit on site and also minimizing impact to surrounding areas as adding more flood storage. Increasing ability of property to hold water.

Questions posed by the Board ascertained the following:

Crawl spaces are gravel and considered pervious and water can migrate into the soil. Garages would also have same vents allowing water to flow through, but on slabs and not gravel. Appears to be mature trees – and has de minimus impact on the property as will still be tree line on the property. Is not something that DEP reviews and were not factored into calculations. Only has number of trees to be removed (19) not number that exist on the property. Basements are not proposed for this project. Base elevation explained in detail and a very exact number as originally listed 70.5 and DEP changed to 70.6. Proposal is above DEP requirements. Used 100-year storm as that is what DEP requires, not 500-year storm. Jackie Dirmann, Maser Consulting confirmed Cranford requires the same storm year levels. Adding flood storage on this site, will not fix the entire area, but

will improve. In compliance with DEP and Cranford requirements as well. Mr. Pyfer confirmed will be living on the site. Discrepancy clarified as to area of one lot versus area of two lots contained in chart, and will need to be revised for Cranford's requirements as well as drainage system after discussion with Township Engineer. If there was flood event would have houses surrounded by water. Drainage and flood analysis are two different things. Chart on page 3, calculations on side yard not contained on lot 1.02 stated is conforming and only has one side lot because of lot shape; height includes elevation. Hard curved line represents lot line, driveways extend beyond, are on County property and easements have been submitted to the County. Marked as Exhibit A-5 County approval. County property will be maintained by the property owner, as does not believe the County will be maintaining. Road is marked private, however is County owned. "Private Road" on plan will be replaced by "County Road". Discussion on mature trees versus plantings and drainage impact - will attempt to keep as many trees as possible and could plant more mature trees if possible, can also perform a tree count. Maintenance plan for seepage pit and believes property owner will maintain as required. Building envelopes - will agree to condition of approval and would have to reappear before the board if changed. Believes two lots were consolidated as one owner. Deed restrictions will be included with resolution recorded as part of the deeds just as DEP approval has been recorded. Applicant is going to try to work with the County as to ponding on County property. Discussion as to off-site improvements. Unaware that this property was considered to be used as a pump station, but never materialized. Has unconditional title to the property. In compliance and will mitigate risk, LLC was formed to obtain a commercial loan.

Ms. Lorelli confirmed that she wanted to live in the park and realtor provided information as to flooding. Will agree that sidewalks and driveways will be constructed of pervious materials.

Mr. Cueto reviewed the comments from Maser Consulting report dated August 8, 2017 – copies distributed to the Board members.

- #1 – will comply and provide tree replacement plan. Clarification as to trees and storm water run-off as to mature Trees
- #2 – site triangle will be adjusted to comply with Township standards
- #3 – prevailing setback analysis was provided thru earlier zoning officer. Explained not a uniform setback and proposed are within the 35-foot setback requirement and almost 40 feet to neighboring home property line and complies
- #4 – complies
- #5 – height 29 feet and complies and elevations provided for building permits
- #6 – garage is 15 feet and complies
- #7 – decks will be maximum eight of 4 feet and will comply
- #8 – will comply
- #9 – will comply
- #10 – will comply
- #11 – will comply

- #12 – removal of existing manhole (believes drain) and will be moved and lawn inlet will connect and discharge to Park Drive, but is not a manhole and shown on page 2, second additional comment will comply
- #13 – will comply
- #14 – will comply and provide new detailed plan if necessary after working with the engineering department as to specifications
- #15 – will comply
- #16 – will comply
- #17 – will comply
- #18 – will comply
- #19 – will comply
- #20 – will comply
- #21 – will comply to satisfaction of Township Engineer
- #22 – will comply
- #23 – will comply
- #24 – will comply
- #25 – will comply
- #26 – will comply
- #27 – submitted permits for soil erosion, DEP and County complied
- #28 – will comply
- #29 – will comply
- #30 – will comply
- #31 – will comply
- #32 - will comply

There were no further questions by members of the Board.

Jackie Dirmann of Maser Consulting, on behalf of the Planning Board, appeared and was sworn in.

Questioned compliance with NJDEP requirements and approval of two seepage pits, however, for project to proceed would have to comply with Township's requirements and provide calculations for storm water maintenance for proposal that will be filed with formal maintenance plan with deed. Will comply with all requirements of storm water management as part of the building permit process application. Mr. Rothman advised can be done either way as part of building permits or part of resolution recorded with the deed.

Board questions - confirmed that two seepage pits proposed, however, that does not meet Township's requirements that may require additional pits or changed to complete detention system. System is underground and detention basin is larger than a seepage pit. Confirmed would not want systems connected due to deed requirements and would not add additional volume to pipe. Mr. Cueto confirmed would be a reduction in storm water if pervious DEP approved materials are used. Confirmed what is being proposed presently is not sufficient due to Township's storm water management requirements.

Mr. Cueto advised maintenance plan will be submitted simultaneously with all other requirements as well as tree replacement plan. Plans are already marked with trees to be removed – marked by size but not by species. Ms. Dirmann advised ordinance does not specify species notations only size.

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

Donald Thee – Asked re: trees, questioned markings. Mr. Cueto was unaware of any trees that are marked, may be survey markers. Flood gates explained, there will be several. Total height of house is 29 feet. Based on bulk requirements 5-foot setback for a garage is a minimum, however, could be moved further away from property line. Confirmed applicant has agreed to use pervious materials on the walkway. Ms. Lorrelli placed for sale sign for assessment purposes.

Rita LaBrutto – Confirmed existing lot is 25,764 square feet, each lot requires 12,000. Cannot attest to previous application on 2005 that required 5 variances. Ms. Lorrelli believed previous applicant was putting forth their proposal while this proposal meets all ordinance requirements. Testimony advised that meets DEP storm water management, must provide additional modifications in order to meet the Township's requirements and meeting will be a condition of any approval.

Discussion as to applicant being given preliminary conditional approval, and returning with the requested items for final approval. Member believed Board needs to be comfortable with drainage system being proposed and many are not comfortable. Largest concern in 2005 was variances and flooding, understands two lots that comply but storm water is uncertain. Mr. Pyfer indicated would not object to preliminary approval with conditions and understands that Board wants answers to storm water concerns and other engineering comments. There are some items will not be returning with as they are pre and post building requirements (such as escrows and CO).

No one appearing and the matter was referred back to the Board.

Ms. Murray opened the application to the public for comments, with the following appearing

Nelson Dittmar, appeared and was sworn in. He stated that here as chairman of Environmental Commission, many points covered, but deep concern with the application. Believes putting in more impervious surface is a bad idea. Increase in impervious surface is triple of what is existing. Small points - tree replacement ordinance, plans reviewed with large trees being removed, and from absorption standpoint, cannot be replaced with smaller trees. Union County receives funds from Green Acres and the property owners cannot do anything with the County owned land and must be in touch with the County as well as Green Acres to determine. County Planning Board approved the application.

Donald Thee, appeared and was sworn in. Lived at residence next door for 45 years. Object to approval of this application. March 2, 2005 a slightly different application was denied, 4 variances called for an existing house to remain and only one new building. Different but the same. End result is that thing - to wind up with 2 houses on a piece of property that is located in the most susceptible flood areas of Cranford. Resolution at that time shows not one public came out in support. Objections similar to now – effects on future storms and flooding. Questions as to dry wells and maintenance, has spoken with individuals familiar with this aspect, who believe typical of this type of application. Photos depicting flooding after Irene: North end of Nomahegan Park close to front door; same view taken on August 28, 2011 four hours after rain stopped; from Springfield Avenue in direction of softball fields; from last week; their home next door to 112 and depicts water that had accumulated August 28, 2011 four hours after rain stopped; depicts another area during flooding. All objections expressed in 2005 are probably more relevant now than at that time. Not aware of any new measures that will provide protections from another flooding event. Extreme weather events are likely to increase in the future. Need to contribute to solutions, and to do what is right for the common good, the subtotal of actions done with responsibility might surprise. Everyone in Cranford has some piece of the costs of flooding events. One cost is flood insurance before Irene annual was \$2500, this year \$3500, now 5 to 15% increase per year forever. Believe ideal solution would be to demolish the existing house and turn property over to open space which would be small step to mitigate flood damage in the area as well as other benefits. In 2010 Union County Freeholders tried to mitigate, house had been abandoned, possible foreclosure, offer of \$495,000 was made to Wells Fargo for return of the land to open space as part of the park, Wells Fargo declined the offer as insufficient. Perhaps the County or township would have an interest in purchasing. Has not spoken to a single person who was not astounded that additional construction would be considered in a flood zone. No one more than I would like to see the eye sore corrected. Government could possibly come up with an alternate solution.

Bob Puhak, appeared and was sworn in. Former member of Planning Board and Township Committee and member of the Flood Advisory Committee. Has performed extensive work on flooding. Much could be said, but following sums up spirit in making decision – we know that many many people and many agencies, multiple levels of government and other entities have worked for decades to address and mitigate the serious consequences that has impacted our community. The proposed directly conflicts with extensive and tedious efforts put forth by so many and undermined those efforts over decades. One mediation option is the removal of some homes from known flood areas – which is far too costly; proposed project does just the opposite doubling the number of homes. Applicant indicates the parcel was 2 lots in the 1930s that should be considered very seriously in context of vastly different conditions from then to now and flooding impact. In short, massive efforts have been made to mitigate the problems flooding causes, putting two homes where one was intended on site that was considered for a flood station.

Steven Jandoli – Here to speak in opposition to the proposal that adds another house in the flood zone. Is in direct conflict with work the town has been doing to control flooding. Multimillion dollar project and as a taxpayer cannot see why anyone would want to consider another home in a flood area. Does not make sense and is counterproductive to what the town is working on. Residents had to flee in middle of the night with major debris on the curb – does not make sense. Trying to work on a watershed basis with municipalities upstream, how do we maintain credibility when we allow more homes within the flood zone. Blue Acres program just announced it purchase its 600th home in its buyout program and nearly 500 have been demolished and returned to open space. There are ways in which communities are dealing with the flooding impacts. Not in best interest of Cranford. Serious consideration should be given to denying the proposal and subdivision.

Mr. Pyfer indicated that he received a letter of completeness in May and application could not be scheduled for hearing before this evening. It is obvious the Board has questions, and applicant wants to address the Board's concerns. Looking forward to being neighbors, proposal will have a positive effect, decrease in of flooding, but understands passion expressed. Purchased the property in September 2016 and not about to shy away from demonstrating applicant is complying. Anxious to put doubts to rest. Would like to withdraw the application, and resubmit inclusive of the full information requested. Appreciates comments that the community has, testimony showed not a detrimental effect, not a new development, improving what is existing.

Mr. Thee readdressed the Board. Clarified statement that was made to say that flood water came to front door and stopped, let record show that it came around the back and filled the basement up to 2 inches from the first floor.

No one else appeared.

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 11:17 P.M.

Lynda Feder, Alternate Secretary