

## **MINUTES - PLANNING BOARD**

### **Workshop meeting of April 18, 2018**

**WORKSHOP PORTION.** Ms. Murray called workshop portion of the meeting to order at 7:34 PM

**1. COMMUNICATIONS**

Letters from Kevin Campbell, Esq. from Union County and Jay DeFelicis from Maser Consulting. Both letters were regarding 112 Park Drive.

**2. MINUTES**

Minutes of the April 4, 2018 meeting were carried to the next meeting.

**3. OLD BUSINESS/NEW BUSINESS**

**None**

### **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 April 18, 2018 at 8:11 p.m. In Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Ms. Lenahan 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  
Dr. Chapman  
Deputy Mayor Dooley  
Ms. Feder  
Mayor Hannen  
Mr. Taylor

**Members Absent:**

Mr. Cossa  
Ms. Anderson  
Ms. Pedde

**Alternates Present:**  
**None**

**Alternates Absent:**  
Ms. Didzbalis  
Mr. Aschenbach

**Also present:**

Mark Rothman, Esquire; Ron Johnson, Zoning Officer; Kathy Lenahan, Administrator/Scribe, Bill Masol, Engineer

- 4. Application # PB-17-00013**  
**Wells Fargo Bank, NA**  
**107 Miln Street**  
**Block: 187, Lot: 17, Zone: D-B**

**The applicant is seeking minor site plan approval to remove existing pneumatic tube system within one lane of drive-thru and replace with new ATM machine. Also requesting to remove and replace existing concrete island in drive-thru area.**

Raymond Went, Esq. appeared and explained the application. He is representing Wells Fargo. The property is located at 107 Miln Street. They are modernizing and are requesting to modify the existing islands. The one island will be widen and the second will be narrowed. There will be no net of impervious space and distance between lanes will be the same. Purpose is to have the same type of ATM as on the side island. Interior space is used for storage and there are no employees in the building. They do not need a C variance, just site plan approval.

Thomas Pugsley, appeared and was sworn in. His credentials were presented and he was accepted as an expert in the field of engineering. Described the survey of property that was submitted, which was marked Exhibit A. The existing site is a Wells Fargo site that has three drive-thru lanes. Lane closest to Eastman Street has an ATM and other two drive-thru's were serviced by tellers. One through pneumatic tube and the other through the window. Building is not being used for teller services at this time. Proposed improvements plan was marked Exhibit B which shows a colorized version of the site plan. Improvements are limited to the drive-thru area. Use remains unchanged. They are focusing on drive-thru only. The western island in drive-thru is being narrowed to allow for widening of the eastern island to put an ATM. They are adding one sign that says ATM and it will be less than one square foot. It will match the existing sign over ATM.

The existing ATM will be upgraded to have a new lighted topper to match the new ATM.

Questions posed by the Board ascertained the following:

The eastern island's curb is being removed and replaced and a foot of the western island with the existing ATM will be removed by saw cut. The signs will be illuminated.

Mitchell Bobbyack appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of architecture. Described the elevation of the two ATM's. First elevation shows picture of the ATM marked Exhibit C. Island is being reconstructed and will house the new drive up ATM and on top of the ATM will be an internal lighted sign topper. Will also be put on the existing ATM in the third lane. Described that the ATM's will be staggered, not next to each other. Signs will be visible from the street.

Questions posed by the Board ascertained the following:

There will be no change in the canopy and no additional signage on canopy. No change to the building at all. The dimensions on the bollards will be 4 inches. The DRC advised the applicant they did not need a C variance. Mr. Johnson stated that it is a pre-existing legal non-conformity.

Anmar Baban appeared and was sworn in. Stated he is the Project Manager and Assistant Vice President of Wells Fargo.

Board had no questions of this witness.

Ms. Murray opened the application to the public for or against this application. With no one appearing the matter was referred back to the Board.

**5. DELIBERATION OF  
Application # PB-17-00013  
Wells Fargo Bank, NA  
107 Miln Street  
Block: 187, Lot: 17, Zone: D-B**

**The applicant is seeking minor site plan approval to remove existing pneumatic tube system within one lane of drive-thru and replace with new ATM machine. Also requesting to remove and replace existing concrete island in drive-thru area.**

Ms. Murray reviewed the testimony presented.

The Board had no comments.

Motion to grant approval for application # PB-17-00013 was made by Deputy Mayor Dooley and seconded by Ms. Feder with the following voting in favor of motion: Mr. Taylor, Mayor Hannen, Ms. Feder, Deputy Mayor Dooley, Dr. Chapman and Ms. Murray.

**6. Application # PBA-17-00012  
SCODEE Properties, LLC  
112 Park Drive  
Block: 198, Lot: 1, Zone: R-1**

**The applicant in this matter is seeking site plan approval for a subdivision of a single lot into two fully conforming lots with no variances and no design waivers.**

Scott Pyfer, Esq. appeared and was sworn in. Stated he is representing the applicant SCODEE Properties LLC. The application has been deemed complete and they have received the comments from the Township professionals.

Anthony Gallerano from Harbor Consultants appeared and was sworn in. His credentials were presented and he was accepted as an expert in the field of engineering. Described Exhibit marked A-1 sheet 2, which was submitted with the application as the existing conditions of the site. Lot size is 25,764 sf in the R-1 zone, single family residential district. Lot currently contains an existing dwelling which applicant will eventually remove. Described sheet 3 as a minor subdivision plan. Applicant is planning on subdividing the lot into two conforming lots. Lot 1.01 will contain 12,139 sf meeting the minimum lot requirement of 12,000 sf and Lot 1.02 will contain 13,625 sf. Both lots meet the minimum width of 80 feet and the minimum area of 150 feet from front line. Stated that at the DRC meeting it was agreed that all technical items such as grading, drainage, tree replace, etc. would be reviewed at the time of obtaining building permits.

Questions from Board ascertained the following:

Board member stated that they feel there are several problems with this application. One is an easement with the County of Union to allow for egress and ingress, particularly for the second lot, would need to be granted. Feels the first lot may be grandfather. Stated that for County to grant an easement, first the State must grant a diversion per Green Acres regulations. Asked if there will be anyone who can provide support to the Board for the following: a compelling public need by mitigating a hazard to public health, safety or welfare or that would yield a significant public benefit by improving the delivery of essential services to the public or to a segment of the public having a special need. Board member stated that letter from County states they feel the burden could not be met and it is the DEP's decision.

Mr. Gallerano stated that they are in receipt of the letter from the County of Union. Stated that Park Drive is owned by the County and they are going to be working it out with the County.

Mr. Pyfer stated the way lot is configured the existing driveway could be utilized to access Park Drive. Feels letter from County is immaterial because it is based on an understanding that the applicant would be putting in an additional driveway on Park Drive. That may not be the case.

Mr. Gallerano stated that the property consists of 2 parcels. Lot 25 and Lot 26. Lot 26 has an existing dwelling which has a driveway. Lot 25 is an existing lot which has existed since 1936 or 1937. At that time, the lot would have been allowed to have access to Park Drive. Stated that the dwelling is going to be removed but the driveway does not have to be removed. Existing driveway could be used and driveways could split off.

Mr. Pyfer stated that they could use the existing driveway not on the property (block 198 lot 1) which goes across park land to Park Drive. Existing driveway leads up to the line proposed so that each of the proposed lots could have it own driveway on its own property.

Board member stated that the applicant's page 2 is different than the page 2 that the Board has. One says existing conditions and the other says demolition plan. On the demolition plan it says driveway to be removed. Feels that is in conflict with what the applicant's plan shows.

Mr. Rothman asked if the applicant is proposing a shared driveway or a driveway that does not exist.

Mr. Pyfer stated that the premise of letter from the County is that there will be two driveways. He does not think that is the case. Feels letter is not correct. Stated they will be addressing this with the County since it is County property not Cranford property.

Board member stated that there is also an email from Mr. Moriarty at the DEP to Mr. Jotz describing the process involved. The County would be the applicant applying to the State for a diversion which could take 9 to 12 months at a minimum. County stated that they don't believe they can meet the burden. Again asked, what is the compelling need to grant a diversion in order to grant the easement. Asked if applicant has someone who is going to build on the second lot. Also asked if the applicant's Engineer was there

on Monday during the rain or if he has been there during a significant rain event. Also asked how long it will take the applicant to resolve the issue with the County.

Mr. Gallerano stated he had not been at the site on Monday and does not know how long it will take to resolve with County or with DEP.

Mr. Rothman asked if the access to service both lots is currently an easement.

Mr. Gallerano stated he does not know if it is an easement.

Board member stated that the Planning Board has a responsibility to ensure that the Township is protected and if lots are divided, questions if that is sound planning. Feels applicant cannot assure them of that.

Board member asked if applicant would need a variance for a side yard setback. Stated that page 2 shows where driveway intersects property line.

Board member asked if applicant has looked at all the expenditures that the Township has made for the Northeast corridor storm water improvement projects.

Mr. Gallerano stated that he had not looked at the expenditures.

Board member showed various photos (7) of storm marked Exhibits A-G which were taken on Monday April 16<sup>th</sup> in the morning around 8:30 am and in the evening at around 5:30 pm. Photos show property and area surrounding the property and park all which were flooded. Discussed the monies that were spent including grants for projects in the area. Feels it is irresponsible to have more imperious coverage in that area. Stated that the Township engineers' report states that applicant should provide testimony regarding their intent for storm water management.

Mr. Gallerano stated he is aware that the property is in a flood zone. DEP has issued a flood hazard area permit for the property and also approved a footprint of disturbance. They are not required to submit any architectural plans. House has to be elevated one foot above flood hazard elevation and cannot displaced any flood volume on a specific piece of property. These two items negate the impact to the flood zone. Applicant has to comply with the storm water management ordinance. Stated that the DRC agreed that the storm water management would be addressed at time of building permits.

Mr. Pyfer stated that the deed for Lot 26 from the 1930's, indicated that the Park Commission would have to approve everything. However, a later deed states that it currently meets and complies with all existing restrictions.

Mr. Rothman asked if the current owner of property does not own the land that goes from the lot all the way to the roadway. Also asked if it is an intensification of the existing use by sharing access across the roadway that has to be traversed with an additional dwelling.

Mr. Gallerano believes this is a DEP issue not a County issue. Greens Acres money was used in the park. He did some preliminary research and found that Park Drive existed in 1936 when the subdivision created. Green Acres was not around in 1936, so it was not likely that Green Acres money was utilized in this portion of the park. Green Acres money was used to purchase another portion of the park. Stated the letter from DEP is a generic letter. Stated what is involved in the process with the DEP. Stated that when the subdivision was created, there was an intention of having two driveways. Described the history of the property.

Mr. Pyfer stated that every other lot on Park Drive has a driveway. Feels it a County issue and not a black and white issue. Could make an argument with the County. Letter is from April 2<sup>nd</sup> and today is April 16<sup>th</sup> they will need to discuss further with the County. Stated that owners of property have not decided if they will build on the second lot and the buyers that were interested back in August are gone.

Board member asked Mr. Gallerano about requirements for a shared driveway.

Mr. Gallerano stated the driveway would have to be 3 feet from sideline of the property line and width of each driveway is 10 foot minimum. Stated only sharing access not the driveway. Sharing between the curb line and property line. Each lot will have its own driveway and garage.

Mr. Gallerano testified to the following questions asked by Mr. Pyfer:  
The DEP permit has been issued along with a permit from Union County Planning Board and Somerset Soil Conservation. Construction could be completed and applicant would be able to comply with the Cranford Storm Water Management Ordinance. Will also comply with off street and on street parking. Will file by deed and applicant will be subject to an affordable housing requirement and other ordinances that are applicable.

Board called Jay DeFelicis from Maser Consulting. He appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness as a planner.

Mr. DeFelicis answered questions from the Board and ascertained the following:  
He reviewed the application and notes from the DEP and Union County's letter to the DEP. He is familiar with diversions and issues brought up by the County and DEP.

Stated it is a multistep process which could take 8 months to a year and sometimes more than that. Stated applicant must show a compelling public need for mitigation. Stated that the County property is governed by Green Acres. Green Acres is set up so that if you receive money from them, the land becomes part of the Green Acres grant. A diversion is a request to take properties encumbered out of Green Acres. Described the diversion process as outlined in his memo of April 17, 2018. Stated that in his opinion, the property in question would be affected by the process, which was stated in his letter. The question of the second access would require County owned property be diverted from Open Space to a private use.

Board member asked if the same process needs to be approved even if they are going to use a shared driveway approach. If it changes the footprint do they still need approval from DEP.

Mr. DeFelicis stated that the County would be the one to make the application to the DEP. Needs to be a compelling public need or yield a significant public benefit. Single family homes would not be considered for those types of uses. Stated County does not have to make the application. They could just say no. Discussed the compensation of 4 to 1 or 10 to 1 ratios based on type of compensation, land or monetary. He was not sure if the County had the ability to pass cost onto the entity asking for the diversion.

Questions from Mr. Pyfer to Mr. DeFelicis ascertain the following:

He feels that even with one driveway being used as access to the existing driveway, the analysis still applies for a diversion. Stated it is the County's decision and he cannot answer if the County has any input if they use only one driveway. Feels the question has been changed to a single driveway.

Mr. Rothman stated that the question involves a hypothetical on what the County would do.

Mr. Pyfer asked is the testimony given by Mr. DeFelicis based on the premise that two driveways would be sought by the applicant.

Mr. DeFelicis said that his testimony is based on the information he was given by the County on the question of diversion.

Mr. Pyfer read email from Mr. Moriarty to Mr. Jotz. Asked about Green Acres regulations.



Mr. DeFelicis stated that regarding the regulations of the Green Acres program, transferring rights to a private entity is possible. Any resulting transfer would be done once the diversion is completed by the County. He has not worked on any Green Acres or diversion applications on this scale, where the applicant seeks a driveway in front of an existing private ownership to a County road. He has worked on diversion applications where Counties are trading land for usage, not for private entities. He would consider the introduction of a dwelling on the second lot to be an intensification of the use between the lot line and roadway. Two dwellings would seem to develop twice as much traffic.

William Masol – Township Engineer appeared and was sworn in. Stated his credentials. Stated that he reviewed the site plan, minor subdivision plan and the Township of Cranford forms. Stated that the applicant has said if given approval, he will comply with all the requests from his office, such as the Flood Hazard Area Control Act, Chapter 225 of the Cranford Ordinance, and Chapter 364 Township Code Storm Water Management Ordinance. By removing existing improvements and making two lots, the lots would be considered unimproved. As such, they would be required to provide storm water management as if the improvements never existed.

Board member asked what are the obstacles in complying with the storm water management.

Stated that in a flood hazard area, a requirement of the ordinance is when you design a storm water management system you must take into account the effects of tail water. Went over the standard procedures in building home in the flood hazard area. Stated that in the previous submission by the applicant, there was a storm water management plan and applicant was taking credit for impervious area. In his opinion, Park Drive appears to be part of the park.

Board member asked if at the DRC meetings, the applicant is told that the DRC makes no approvals.

Mr. Masol stated that the act of complying with storm water management would fall on the engineer's review. He must enforce the requirements.

Mr. Pyfer stated there is no storm water management at the property at this time.

Ms. Murray opened the application up to the public for questions of this witness the following appeared:

Donald Thee – 108 Park Drive. Asked if there is an ordinance that states the house cannot be left in the condition that it is presently in. Feels house should be razed. If the house were gone, there would be no impervious coverage at the site.

Mr. Masol stated that the question would have to be referred to the Construction Code Official in the Township.

Ms. Murray opened the application to the public for comments for or against the application.

Donald Thee – 108 Park Drive appeared and was sworn in. Stated that he and his wife have lived there for about 46 years. He opposed this application last August, which at that time included a plan of what the new houses would look like. They still oppose the plan now even without a definite plan. Feels it is an attempt at an end run around the Planning Board. At the August 2017 meeting, concerns were raised about building in an area historically devastated by flooding which would be detrimental to the town and its residents. Discussed the amount of investment spent on the flood mitigation efforts. Discussed the August 2017 meeting where in the public comments, three experts who had extensive involvement with flood issues, all opposed the application at that time. To allow a new building in a flood plain would send a bad message to our residents and to governmental agencies. Discussed Blue Acres plan. Feels that there are other beneficial uses for the 112 Park Drive property. Stated he spoke to a representative of the County Office of Open Space on March 30<sup>th</sup> and the County continues to have an interest in purchasing 112 Park Drive and adding it to Nomahegan Park. Stated that no one wants 112 Park Drive fixed more than he and his wife, but with a responsible solution. Feels that building two homes is not a responsible solution.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

**7. DELIBERATION OF Application # PBA-17-00012  
SCODEE Properties, LLC  
112 Park Drive  
Block: 198, Lot: 1, Zone: R-1**

**The applicant in this matter is seeking site plan approval for a subdivision of a single lot into two fully conforming lots with no variances and no design waivers.**

Ms. Murray reviewed the testimony.

Board comments consisted of the following:

Feels they have a responsibility of doing everything possible to avoid problems for future property owners and the community at large. Must honor that commitment. Must consider the quality of access, flooding, drainage, and these issues are plainly there.

Entire track must be suitable and must consider impact on the adjacent areas. Discussed reasons on why they will be voting no on application. First, Town has put money, effort, design and planning into dealing with flood mitigation problems. Quoted various Township ordinances and chapters on flood mitigation and costs thereof. Secondly, is the issue of the easement and the diversion, there is too much confusion on the application. Described the state of the home on that property, and the abandoned vacant property list. It continues to cause cost and worry to the Town. A beautiful single family home could be put on that property. Applicant is not showing how storm water can be stored. Not sure if County will apply for the diversion. There have been several floods in Town and the spending millions of dollars to mitigate. Board has less information this time then last time. Has not satisfied the burden to approve the subdivision. May need a variance due to setback for driveway. One board members is a liaison to the Environmental Commission and read a letter from March 21<sup>st</sup> from that commission. There are quite a few unknowns, such as the approval process for the County land and the DEP process for the diversion. Previous application had storm water management plan. Biggest hurdle is not having that. Driveway access is also an issue. Too little information to say yes with so many unknowns.

Board member asked if the applicant could come back and present another application with same subdivision but with more information for a revote.

Mr. Rothman stated that the applicant can request an adjournment, or request a voluntary dismissal before the Board votes, but after that, the applicant cannot come back with the same application.

Motion to deny Application # PB-17-00012 was made by Mayor Hannen and seconded by Deputy Mayor Dooley with the following voting in favor of motion: Ms. Murray, Dr. Chapman, Deputy Mayor Dooley, Ms. Feder, and Mayor Hannen.

Board was asked to confirm that each affirmative vote was to deny the request of the applicant for a minor subdivision. Ms. Murray, Dr. Chapman, Deputy Mayor Dooley, Ms. Feder, and Mayor Hannen all understood that they are denying the application.

- 8. Application # PBA-17-000011: CARRIED TO MAY 16, 2018**  
**Sergio Martins & Sandra F. Julio Martins**  
**116 Garden Street**  
**Block 285 Lot 5, R-4 Zone**

**Applicant in is matter is seeking a minor subdivision in the R-4 Zone. Minimum lot area required is 6,000 square feet and relief requested is minimum lot of 5,000 square feet as per Section 136 Attachment 1.**

**Minimum lot width is 60 feet and relief requested is minimum lot width of 50 feet. Minimum combined side yard required is 15 feet and relief requested is 14.82 feet per Section 136 Attachment 1.**

9.     **Application # PBA 18-00004 CARRIED TO JUNE 6, 2018**  
          **JGR Investment Group LLC**  
          **126 New Street**  
          **Block 403 Lot 1, R-5 Zone**

**Applicant in this matter is seeking a minor subdivision in the R-5 Zone. No variances are being requested.**

## **PUBLIC PORTION**

There being no further business, a motion to return to the Workshop session in room 108 was made by Mayor Hannen, seconded by Deputy Mayor Dooley

### **Workshop meeting of April 18, 2018 (continued)**

#### **10.     RESOLUTIONS OF MEMORIALIZATION**

**Application #PBA-18-00003**  
**Birchwood Developers Associates, LLC**  
**215 & 235 Birchwood Avenue**  
**Block 292 Lot 2, & Block 291 Lot 15.01, IMR Zone**

**The applicant in this matter is seeking preliminary and final site plan approval for a proposed multi-family residential redevelopment with no variances and one design waiver.**

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 Mayor Hannen and seconded by Dr. Chapman and passed with the following voting in favor of the motion: Ms. Murray, Dr. Chapman, Ms. Feder and Mayor Hannen.

Applicant's attorney, Gary Goodman, Esq. was present for the motion.

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:01 P.M.

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Donna Pedde, Secretary