

MINUTES - PLANNING BOARD

Workshop meeting of April 3, 2019

WORKSHOP PORTION. Ms. Murray called the workshop portion of the meeting to order at 7:04 p.m.

1. COMMUNICATIONS

None

2. RESOLUTIONS OF MEMORIALIZATION

None

3. MINUTES

None

4. OLD BUSINESS/NEW BUSINESS

Motion for the Board to move into executive session was made Ms. Didzbalis, seconded by Ms. Anderson and passed on unanimous voice vote.

Motion for Board to return to open session was made by Ms. Anderson, seconded by Mayor Giblin and passed on unanimous voice vote.

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 3, 2019 at 8:05 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

Ms. Anderson

Dr. Chapman

Deputy Mayor Dooley

Ms. Feder

Mayor Giblin

Mr. Taylor

Members Absent:

Mr. Cossa
Ms. Pedde

Alternates Present:

Mr. Aschenbach
Ms. Didzbalis

Alternates Absent:

None

Also present:

Mark Rothman, Esquire; Kathy Lenahan, Administrator/Scribe

Mr. Bottcher was not present for Official Meeting.

Mr. Rothman announced there will be a special meeting on May 8th to continue the Hartz application. The Workshop will start at 7:00 p.m. and the Official Meeting will start at 7:30 p.m.

4. Application # PBA-17-00004- Continued from March 20, 2019

Hartz Mountain Industries

750 Walnut Avenue

Block: 541, Lot: 2, C-3 Zone

Applicant is seeking to rezone the subject property to eliminate the office and warehousing uses in favor of multi-family residential use (§136-13).

Robert Carfagno, appeared and was sworn in. Stated he is the Business Administrator - Board Secretary of the Cranford School District. His credentials were presented to the Board and he was accepted as an expert in the areas of a business administrator.

He testified to the following through questions posed by Mr. Rothman:

He is familiar with the application for 750 Walnut. He reviewed the application and the fiscal and demographic components. Things he considered were the demographic information, the space issues and the financial impact on the budget. Discussed the budget process and all the components that are considered. Stated there are close to 4000 students and there is usually a 1 to 2% increase in enrollment or it stays flat. Starts the budget process in September and works on it till mid-March. Fiscal year is July to June. Budget must be submitted to State Department of Education for approval. There is a hearing on the budget in April and hopefully gets adopted. If budget is not approved at the hearing, it needs to be amended and be approved by May 7th. Discussed the student population and the budget preparation. Stated there is a 2% cap. Discussed various categories in the budget and the limited exceptions that can exceed the cap. Reserve for capital improvements is not in the budget. Reviewed the process involved if there was a need for a capital improvement which includes approval from the Department of Education

and putting a question on the ballot for the public. There are eight school sites, and the buildings are at their capacity. Class sizes are between 20 and 25.

Classrooms are being used for multiple purposes. There is no expansion planned at this time. Either projection for additional students cannot be accommodated, because they do not have the space or the staff. The per capita cost per student is \$15,915 for 2019-2020. Other projects in Cranford, such as Birchwood, have similar impacts. Students are assigned to schools by attendance zone map. 750 Walnut students would go to Walnut Avenue, Livingston Avenue and Hillside Avenue depending on grade level. Using Dr. Haber's projections there would be 247 students in grades K-5 and there would be an excess of 30 students per class. The elementary buildings do not have cafeterias or kitchens. His opinion is that 750 Walnut would have an extraordinary impact on the schools. There would be a lack of space and money to educate the students. The schools' budget is funded by the tax payers, not assessments. The tax levy number can only be raised by 2%. Assessments have no effect on the 2% levy cap. There would be millions of dollars in construction costs for additional classrooms. Staff increases are within the 2% cap. To exceed the cap, you would need to go to the public with a budget question in November.

Questions posed by the Board ascertained the following:

October 15th is the date to determine the student enrollment for any cap adjustment and any money is not received until the following year. Debt service is outside the cap. 88% of the budget is paid by property taxes. Based on the size of the classrooms there is not enough room to put 40 desks. Does not know the fire code for a classroom. 12% of budget comes from State aid, but that is down from 2010. Cannot go back to the public on a bond referendum for one year. Board of Ed can accept monetary or in-kind gifts. Dr. Haber was engaged initially to study full day kindergarten for the District. 353 students would need 7 additional classrooms. Would need to look at footprint to see where they could be located. Would need to add various services for the added students. There is debt service still on one bond issue.

Questions posed by Mr. Rhatican for the witness ascertained the following:

The addition to Walnut Avenue was in 2002 and in his time at the Cranford School District there have been no other school additions. The tax levy is defined as the gross number that balances the budget that is paid by the taxpayers in the municipality. The adjustment to the levy is added after the 2% cap. He prepared the exhibit marked SD#1, he did not perform any independent analysis to determine the number of students for the 750 Walnut project. His opinion is based on Dr Haber's analysis. The audit report is filed with the State Department of Education every year. The State relies on it for state aid. The State can adjust the aid. Mr. Carfagno is familiar with exhibit SD#5, the audited report. Exhibit SD#1 showed the budget per pupil cost. The cost is comparing one district to another and includes state aid and out of town tuition. He is familiar with the cost called "total spending per pupil". Mr. Rhatican marked Exhibit SD#7 "Taxpayers Guide to Education Spending 2018" which came off the State website. Mr. Carfagno is familiar with the document. Document is being used to cross exam the witness; it is not been moved into evidence. Mr. Rhatican gave the document to Mr. Rothman.

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

Mark Zucker – 19 Pershing Avenue – Asked about average classroom size and special education. Asked about the time lapse of going to the State for more funds and what obstacles might there be.

Mr. Carfagno stated when he discussed class size it was a regular education level classroom, if you have special ed classrooms, the number goes down, since depending on the classification, you cannot exceed a specific number of students which is set by the State. Would have major space issues, does not have a plan for split sessions, or contractual issues.

Tom Roettker - 347 So. Union Avenue – Asked about a surplus in the budget and about trailers for classrooms. Asked about assessment for the project.

Mr. Carfagno stated there is no surplus. Stated any trailers for classrooms would have to come out of the 2% cap. Stated assessments do not affect what the district receives.

Rita LaBrutto – 104 Arlington Road – Asked about a cap on the number of students a teacher can have in a class. Asked about the different classrooms being shared. Asked about commercial properties not generating school children and about a deficit created based on applicant's revenue versus costs for students.

Mr. Carfagno stated he is not aware of a cap on students for teachers. Stated commercial properties do not add school children and they have no effect on the operating budget.

Nathanael Lowe – 414 Cranford Avenue – Asked about the number of 353 students, and do the schools have space to even build extra buildings.

Mr. Rothman stated the author of that report was here on a prior night. This expert is relying on that testimony.

Mr. Carfagno stated they would have to hire an engineer/architect to determine if they have enough room on the property to build.

Phyllis Howard – 5 Burnside Avenue – Asked about trends to move/rent in a town for the school systems.

Mr. Rhatican objected to the question.

Mr. Carfagno stated that the town's special ed programs have grown and he has been told that the programs are so good, people do move into the town for those programs. Does not know about the rental aspect.

Kevin Comer - 33 Tulip Street – Asked about the cost of a new school and cost of the average assessment to homeowner. Asked about the reimagining and does any of those plans include the 350 projected students. Asked about a deficit and where does the money come from.

Mr. Carfago stated he is not sure how much it would cost to build a new school, would depend on the size and what is put in the school. Does not know the cost to a taxpayer. Stated there are no actual plans, they are for information only and 750 Walnut was not factored into any of the information. The deficit would need to be filled by reallocating resources.

David Pringle – 333 Walnut Avenue – Asked about a special meeting. Asked about ideal class size and about additional space, ratables, and increased traffic.

Ms. Murray restated there will be a special meeting on May 8th to continue this hearing.

Mr. Carfagno stated current policy is elementary 25 students or less and kindergarten 23 students. Dr. Haber's report is the only analysis that has been done. Stated the budget and schools affected cannot handle the projected students. Stated the increase or decrease in retables has no impact on the district.

Mr. Rhatican asked a follow-up question to Mr. Carfagno and ascertained the following: If all the factors stayed the same and there was additional taxes paid there would be a redistribution of the taxes.

Raymond Liotta appeared and was sworn in. Stated he is employed with Maser Consulting and is testifying on behalf of the Township. His credentials were presented to the Board and he was accepted as an expert witness in the field of planning.

He testified to the following through questions posed by Mr. Rothman:

He has reviewed the proposal for 750 Walnut. He considered all application documents and reports submitted by the applicant. Also read the school board reports submitted and attended all planning board hearings except the first one. In order to provide an opinion on the application, he compared the applicants' documents to the zoning ordinance and compared what is being proposed in terms of a zoning change to the Master Plan. Presented an exhibit marked Planning 1 as a copy of the current Township zoning map prepared under his direction dated April 2019. It is color coded and is to scale. Exhibit is highlighted with all the multi-family zones in the Township. Described the various color-coded areas and their designations. Stated the star on the exhibit is the center of train station. The red circles are in increments of 1000-foot distances as you move away from the train station. Described the redevelopment areas near the train station which are depicted in light blue.

Described the other redevelopment projects in the upper right-hand area as Birchwood and Cranford Rehabilitation & Nursing Center, and in the lower right-hand corner is the Lincoln & Gill Apartments. The subject property is at the bottom left in the red shaded area. That zone is the C-3 zone and described the permitted uses for that property.

He reviewed the Master Plan which was adopted on September 30, 2009. Presented an exhibit marked Planning 2 which was sections from the Township's Master Plan. Read those sections from the Master Plan. Based on the sections that were just read, the proposed zoning is very high density and is inconsistent with the Master Plan and the request for rezoning.

Discussed the applicant's Planning Report dated March 2017 specifically page 15, and stated the reasons the applicant's proposal is inconsistent with the Town's Master Plan. On page 17 of the report, reviewed the applicant's MLUL purposes to be advanced. In his opinion, the project is inappropriately placed and has an inappropriate density. Does not promote the general welfare. Discussed a marketing report provided by the applicant on 11/28 at a public meeting, which included a walk score and a transit score. Stated the walk score measures the walkability of an address and the transit score measures the access to public transit. Created by walkscore.com. Reviewed the various scores and how they are calculated.

Mr. Rhatican objected to the testimony regarding the walk score data.

Questions posed by the Board ascertained the following:

The sections of the Master Plan that were read were identified as the areas where the zoning request is inconsistent with the Master Plan. Applicant is mitigating conditions that their proposal will create, that don't exist now. The applicant submitted a report that included the walk score data.

Questions posed by Mr. Rhatican for the witness ascertained the following:

He did not prepare the Master Plan nor was he involved in preparing the Master Plan. He is the Planning Board's planner. He was not the Board planner in 2009. He is familiar with the Fair Share Plan, but was not involved in preparing that plan. He did review the Fair Share Plan. He did not verify if 750 Walnut was in a flood zone. Some of the downtown is in a flood area. The exhibit marked Planning 1 did not show any flood zone data.

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

Phyllis Howard – 5 Burnside Avenue – Asked about green space for the project.

Mr. Liotta stated there is landscaping but no public green space, but there will be private recreation, like a clubhouse.

Mr. Rothman asked Mr. Liotta with a reasonable degree of certainty, in his professional opinion, is the proposed request for rezoning of 750 Walnut inconsistent with the Master Plan, inconsistent with zoning codes and inconsistent with sound principles of planning.

Mr. Liotta state that is correct.

Rita LaBrutto – 104 Arlington Road – Asked about commercial and industrial acreage. Asked about deficiencies for parks and recreation.

Mr. Liotta stated that the Master Plan did not call for the proposed area to change from commercial to another use.

There were no further questions by the Board.

Ms. Murray stated that Mr. Liotta will return on May 8th at 7:30 p.m. to discuss the fiscal impact statement.

Mr. Rhatican requested copies of the witnesses' exhibits.

8. PUBLIC PORTION

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11: 30 p.m.

Donna Pedde