

MINUTES - PLANNING BOARD

Workshop meeting of December 19, 2018

WORKSHOP PORTION. Ms. Murray called workshop portion of the meeting to order at 7:38 p.m.

1. COMMUNICATIONS

None

2. RESOLUTIONS OF MEMORIALIZATION

None

3. MINUTES

None

4. OLD BUSINESS/NEW BUSINESS

Discussion was held regarding the 2019 Reorganization Date and Board Schedule. A motion to adopt January 16, 2019 as the Reorganization date and to adopt the 2019 Board Schedule was made by Ms. Feder and seconded by Deputy Mayor Dooley 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 December 19, 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
Mr. Cossa
Deputy Mayor Dooley
Ms. Feder
Mayor Hannen
Ms. Pedde
Mr. Taylor

Members Absent:

Ms. Anderson
Dr. Chapman

Alternates Present:

Mr. Aschenbach
Ms. Didzbalis

Alternates Absent:

None

Also present:

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

4. **Application # PBA-17-00004: ADJOURNED till January 30, 2019**
Hartz Mountain Industries, Applicant
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).
5. **Application # PBA-18-00006 - ADJOURNED till February 6, 2019**
National Christmas Tree Products Inc.
d/b/a National Tree Company
70 Jackson Drive
Block 637 Lot 6.01, C-1 Zone
Applicant in this matter is seeking amended preliminary and final site plan approval.
6. **Application # PBA-18-00009**
Union County College
1033 Springfield Avenue
Block: 121 Lot: 2.01, Zone: E-1
Applicant in this matter is requesting a courtesy capital improvement review to build a cooling tower on the roof of the library building.

Gary Hall of McCarter & English, LLP appeared on behalf of the applicant. He explained the application. Stated Union County College (UCC) needs to replace the existing HVAC system. There was a prior application that came before the Board back in July of 2017 and this replaces that project. The equipment there now has gone beyond its useful life. UCC did submit a noise study with the application showing compliance. At the technical review meeting they did not get much feedback. Will present a site line drawing and they have added some numbers to the drawing.

Robert Hogan, appeared and was sworn in. Stated he is the Director of Facilities. He is in charge of maintenance, construction, custodial and capital projects.

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

The project is necessary because the two pieces of equipment there now are beyond the end of their life and the cooling tower is leaking more water than it is processing. He is not sure if it will start up in the spring. UCC was asked to look at other sites for the unit and they came up with the roof on the library building.

Questions from the Board ascertained the following:

The courtyard area would make the project to expensive. Does not know the extra cost.

Ms. Murray asked if there were questions from the Public of this witness. The following appeared:

Nancy Apicella - 6 Princeton Road – Asked about other locations that were looked at and about the sound studies.

Mr. Hogan stated that Springfield Avenue on the ground was looked at but would be the same situation as Princeton Road.

Horace Walker, 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.

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

Described Exhibit marked UCCA1 as photographs which were prepared under his direction. Stated the photographs have been enlarged and he has highlighted where the unit would go. The second Exhibit marked UCCA2 is a site line drawing which was changed to add dimensions and distance. Stated there are two residences noted on the exhibit - residence one and residence two. Described the site line cones on Exhibit UCCA2 as what someone would see when standing on the first floor of residence one as it relates to the tower. Second cone shows someone on the second floor of residence two and what they would see of the tower. Photographs were taken in the winter. Described the photographs in UCCA1 and where the tower would be located.

Questions from the Board ascertain the following:

Residence two is the photo on left and residence one is the photo on the right. Distance was measured horizontally. Distance to residence one is to the lawn not to the building. It is based on an aerial survey. Residences one and two are on Princeton Road. Viewpoint one and Viewpoint two are the photographs. Described the building as 3 stories high and the existing equipment is in a penthouse mechanical room. The existing equipment is 4 or 5 feet above roof line. Cannot be seen by the residences on Princeton Road. The sides that will be screened are: the side that faces Princeton Road, the side that faces the campus and the other corner. Springfield Avenue will have no impact. They are proposing an acoustic wall on the sides that are impacted and the side not impacted will have an equipment screen similar to what is there now. Dimension of the existing penthouse is 11 feet in height and new equipment will be 17 feet above that. Overall will be 27 feet plus or minus.

Height of building is 46 feet plus overall height from grade will be 74 feet. 35 feet is code or two stories. From viewpoint one you will see 6 feet. Residence one would be 10 feet and residence two will be 15 feet. Exhibit UCCA2 is drawn to scale. Overlays were projected based on a graphic program. Photographs are true photographs. There is no rendering showing the tower.

Mr. Rothman asked the applicant about the request for waivers, survey and site plan. Asked if a site plan would have included some relief or topography. Asked if Exhibit A2 shows that in some fashion.

Mr. Hall stated they feel the information they have given is sufficient. Not aware of any site plan. Stated they have an aerial, which will be marked Exhibit UCCA3. Shows what would be seen on a survey. Stated A2 focuses on Princeton Road.

Mr. Wallace described UCCA3 as an enlargement of what was provided in the application. Right side is a picture of the existing equipment on the roof.

Board member asked about the area where the dirt patch is depicted.

Mr. Hogan stated that area is currently a courtyard with grass, pavement and flower beds.

Questions from the Board to Mr. Wallace ascertained the following:

The photographs were input into a modeling system. Site line cones show residence one height is 10 feet, residence two 15 feet. He did read the Township Ordinance and he did not intentionally take the picture through trees. When the tree is in full bloom, residence two may not see the cooling tower. The red structure on Exhibit A3 is the cover of main library and conference room. Footprint of new tower is 32 feet wide and depth is approximately 42 feet. There is no rendering of the screening. Described the screening as 5 inches thick and built to absorb sound. Available in all types of colors and finishes. Will match existing screens on the roof. Springfield Avenue side will be louvered and other 3 sides will be solid. Approximate size of the existing screens are 10 x 30, new screens will be 32 x 17 on Springfield side and 42 x 17 on other sides.

They did look at other areas for the cooling tower, but was extremely costly to put it any where else. The red line shows the enclosure, the cooling tower is within the confines of the screening. Has not looked at the minimum requirements. To reduce the enclosure, they would have to do a study to see what the minimum requirements are. Height with penthouse is 57 feet, tower will be another 17 feet and the total height from grade will be 74 feet.

Board member asked Mr. Hogan if the existing cooling tower will remain while the new one is being constructed and what purpose will the space with the existing tower have.

Mr. Hogan stated he is hoping to keep the existing cooling tower while the new one is being installed. They will remove the old equipment. Stated he has no purpose for that location. Also stated the mechanical room houses all the air handlers for the building. Mechanical room is fully occupied.

Mayor Hannen asked if the applicant is going to put anything on top of the tower or the screening and if UCC intends to put an antenna on top of the tower.

Mr. Hogan stated they will not be putting anything on top of the tower.

There were no further questions by the Board.

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

Nancy Apicella – 6 Princeton Road – Asked if applicant is putting lights around the structure.

Mr. Wallace stated the only light would be for emergency service and the light would be mounted on the inside of the equipment facing downward.

Charles Tompkins - 2 Princeton Road – Asked about residence one and seeing 10 feet of the tower. Asked when a site line will be done from something other than the street.

Mr. Wallace stated that these are the site lines from the residences.

Board member asked Mr. Wallace to confirm that the site line is from the lawn on front of residences one which is 10 feet. Asked if it is from the top of the head of the person standing on the front lawn.

Benjamin Mueller, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of acoustic engineering.

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

Stated he started with setting the criteria and looked at the regulations including the State noise code. This facility would be allowed to contribute no more than 65. Stated daytime hours are 7:00 am to 10 pm and the nighttime limit goes from 65 to 50. Stated that the Cranford code is a duplicated of the State code. They went out early this year to document the existing emissions along the property line. Stated they ranged from low 40's to high 40's in the area closest to the cooling tower and they comply with the noise code. They recommend putting screening on the north, west and south sides. Described the two reports that were submitted; one was on July 6th and the other was on November 30th. Stated with the screening, they should be meeting the criteria with a 35. Goal is to design the new equipment not to be a factor and will result in little to no change to what is currently in place.

Questions from the Board ascertained the following:

UCC did receive the Engineer's letter of November 27, 2018 and design comments were addressed and a supplemental report was submitted on November 30th. Currently levels are in the 40's and new expected levels are to be 35. Existing emissions will stay the same. What you hear today is what you will hear after the project is complete. Temperature on the night they did the survey was 54 degrees. There were no follow up readings. Fourth side of the barrier is facing the park to the east. Cooling tower does have a low fan sound option. It is a quite unit. Evaluated two units and picked the quieter unit. A barrier that is twice as heavy will not give you twice the noise reduction. Barrier is as high as the unit. The study shows the site complies.

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

Nancy Apicella - 6 Princeton – Asked if the equipment could go somewhere else other than the roof.

Mr. Muller stated he feels they accomplished what they need to and equipment will not be an issue. Feels it is more than acceptable.

Board member asked if the equipment was placed in the courtyard would the people on Princeton Road hear any sound from the equipment.

Mr. Muller stated he has not done a full evaluation of that area, but if the building was high enough it could possible block it. Stated both could result in acceptable levels.

Susan Carollo – 8 Princeton Road – Asked about the screening and if it is the best product available for the noise.

Mr. Mueller described the barrier they are using. Stated this product is designed to be put on the roof.

PUBLIC COMMENTS

Nancy Apicella – 6 Princeton Road – appeared and was sworn in. Stated she appreciated the technical expertise of the Engineer. Stated there is a lot of noise all the time from the college. Feels college ignores the Town ordinances. The quality of life during a construction project is horrendous. Feels College never looked at other places. Strongly discouraged. College is a neighbor. Take it off the roof and put it in the empty space. Visually disturbing. Very concerned that the College does what it wants with no regard for tax paying citizens. Does not believe it is right. College should spend the money and put it in a place not as intrusive. Property values decline because of this college.

Mr. Hall stated it is an educational institution and serves a purpose. The College was here a year ago, the location was not what residents wanted, so they picked another location. Will comply with noise ordinance. College is here to listen to comments and input. There is no perfect answer. Not applying for site plan approval. They are here in good faith with Cranford. Heard testimony and this is a reasonable option. Equipment needs to be replaced.

Board member asked Mr. Hall is it his position that the College is exempt from local ordinances because it is a public institution or for another reason.

Mr. Hall stated it is a public institution and cited case law that the College is required to come in good faith. Took into account the input from the last time they were here. People are professionals and know what they are doing. Testimony of experts is a combination of factors. Publicly owned and devoted to a public purpose under the laws of the State of New Jersey.

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

- 5. DELIBERATION OF Application # PBA-17-00009**
Union County College
1033 Springfield Avenue
Block: 121 Lot: 2.01, Zone: E-1
Applicant in this matter is a courtesy review of capital improvements
to build a cooling tower on the roof of the library building.

Ms. Murray reviewed the testimony presented.

Board comments consisted of the following:

Is an improvement over last year's application. If it was in a location that was lower would be better. HVAC needs to be replaced based on its age. On the last application, the Board did ask the College to look at putting it on the roof. Asked if the College was willing to submit a certification to the Township Engineer, post installation compliance with testimony given this evening in terms of noise and site line. Stated that previous promises have been made to the neighborhood. To protect the interests of the neighborhood, will they agree to a post construction certification. Very challenging. College feels it is exempt from the Township's land use ordinance. If it was just a height variance that might be true. But not just a height change, they are adding a cooling tower. Request is 61% over Town height ordinance and equivalent to a 5-story building. It is 30% over existing. It is a radical change. College has no specific data or measurements. 60% of tower will be visible from residence one (lawn) and 88% visible from residence two. Neighbors have no right to request that the College stay status quo, but residents do have an expectation that it will be manageable and reasonable. Testimony regarding visibility is extremely confusing. College assumes they are exempt by virtue of Rutgers case from Town ordinance. Disappointed in the level of evidence. Town must hold the process to some type of a standard. Not sure what they are talking about regarding visibility. Doing it to scale would have helped.

Mr. Hall stated the height is for an enclosure for a limited percentage of the building. Not sure how to quantify a percentage. Will cooperate with the Engineer. Can file the report but if more than a foot off what is consequence. Does not know the cost of the project. Stated they stand by their testimony. If something is inaccurate, they would address it. They will measure the sound so that it conforms. The site line was an approximate. Stated they are fine with doing the measures and filing the report, but what is a material difference mean.

Mr. Rothman asked if Mr. Walker if he is talking about actual measurements.

Mr. Walker stated the site lines are approximate dimensions. Cannot answer what is the plus or minus, does not know the percentage. Would have to do a calculation.

Board member asked Mr. Mueller if they looked at lowering the height or putting a partial roof over unit to limit noise.

Mr. Mueller stated that height of equipment is based on the way the equipment operates.

Board member asked what could be done to review other mechanical equipment to try and lower those noise levels.

Mr. Mueller stated that there is mechanical noise coming from the site, but they comply with the code limits.

Discussion was held to see if there could be parameters that the as built must comply with.

Mr. Hall stated they stand behind the actual height, but the line of site is an approximate figure.

Request from the Board was for the architect to come back and submit the figures that are exact instead of approximate. Need to hold the College accountable for what it is going to build. College has been a good neighbor after a lot of discussion. Exact numbers would be very helpful.

Mr. Hall requested an adjournment. They will bring someone back from the architect's office and provide to numbers to scale for everything.

Mr. Walker confirmed the Board is specifically looking for dimensions of the enclosure of cooling tower as visible from the two site lines as shown on the drawing.

Discussion was held and it was determined that the Board was requesting a view from residence one and residence two, 6 feet above the curb line. Also requested UCC to look at mechanic room and see if any possible way to lower everything.

Mr. Walker stated it will be prepared in advance of the meeting so it can be submitted.

Ms. Murray stated this application will be adjourned till January 16th at 8:00 pm.

8. PUBLIC PORTION

Jack Ryan – 706 Hory Street - Asked Planning Board for their support in denying the development that is being proposed on the woodlands on Myrtle Street. Stated they have drainage problems and asked to deny any variances requested.

Anthony LaFerrara – 580 Ludlow Avenue – Stated his family is living here for 60 years. In 2008 he put addition on his house and wrote to the Town to buy the lot next to him. Town got back to him 6 months later and said that area is wetlands and would not sell it to him. Stated there has been a drainage problem for years. Asked if Town sells a lot don't they have to send a letter to the neighbors.

Board member stated that 10 years ago the Township adopted a Master Plan. Town must comply with certain conditions. One area for inclusion in the plan was Myrtle Street. An entity has asked for two lots that they could build and house adult developmentally disabled individuals. Stated they are in negotiations.

Mr. LaFerrara asked how are the lots available since it is wetlands. Stated woods are a buffer and there is wildlife in the woods. He has documentation from 2008 and he was told it can never be built on because it is wetlands. Town being owners of the property, need to send certified letters to neighbors. He would like to opportunity to buy that land.

Mayor Hannen stated he will check with the Engineering Department and find out where the wetlands are in that area and get back to him.

Board member stated there is no application they are aware of and when there is an application for development, the property owners would receive letters. Wetland laws would need to be

complied with.

Board member described how a Master Plan is prepared and approved.

Theresa Ramos - 615 Hory Street – Stated she and her boys spend a lot of time in their backyard which backs up to the trees. In the winter there are no leaves on the trees and they can hear noises from the parkway. Cannot imagine what they would hear if there were no trees there. Has been doing research and feels the Board needs to do research and give them the facts. The woods are a buffer for them. Stated they are aware that there are 2 single family four-bedroom homes coming to the neighborhood. Spoke about the Master Plan of 2009 and it mentions a Myrtle Street project. In the Element Report presented last week on page 505 of the 509 page document, there is a map showing a section for special needs housing, one smaller lot mixed use inclusionary project on Myrtle and Ludlow and next to Mr. LaFerrara is another mixed-use inclusionary project. She accepts the fire engines and the noises from the business park, but the parkway can't be changed and the trees there are a buffer.

Board member stated landscaping would be an integral part of the project. Possible evergreens to provide the buffer. Possibly a house being there could be better than nothing being there now.

Thomas Kash - 586 Ludlow Avenue – Recently moved into his house. Choose a suburban area to raise his children. Described the tree line in his area. Feels home value will decrease and they will have to look at the industrial parks if the trees are removed. Feels there are more optimal areas in Cranford for affordable housing.

Diane Oliviera - 612 Hory Street – Stated she grew up in Cranford and her concern is the drainage. There are no storm sewers and when it rains, it floods. Also worried about the traffic and noise. Stated there are no curbs or sidewalks in area. Right now trees are absorbing some of the water from the rain.

Jessy Manchery - 577 Ludlow Avenue – Stated she has lived here 30 years on the corner of Hory and Ludlow. Stated water is draining through the wetlands. Asked if you take away the wetlands, where would the water go. There is no underground drainage.

Rosanna Bryam - 208 Dietz Street – Stated she moved from the Bronx 5 ½ years ago. Very concerned. Asked the Deputy Mayor Dooley if there is an application pending. Also asked what the process would be for an application.

Deputy Mayor stated there is not a specific application before this Board or the Zoning Board. If there is one, everyone within 200 feet will get a notice and it will be published in the newspaper.

Board member stated it is a proposal to show the Court that the Town is addressing its affordable housing, it is not a request for development.

Andrew Feniak - 119 Dietz Street – Asked if Town can sell wetlands. Stated a neighbor of his bought a piece of property which was wetlands.

Board member stated that wetlands are regulated by the DEP. They can be bought but cannot build on them without going to the DEP.

Anthony LaFerrarra - Asked if anyone on the Planning Board in 2008 works for Monarch.

Mayor Hannen stated no one that he was met from Monarch was on the Planning Board in 2008.

Thersa Ramos – 615 Hory Street – Asked about taking an existing home and making it affordable housing and why has Monarch not sought properties in disrepair or vacant. Stated there is a Serv Home on Deitz Street. The house is not well maintained and residents walk around the neighborhood without supervision.

Board member stated that the Town looks for every opportunity that's available. They are required to put a plan forth.

Sandy Pinto – 611 Hory Street – Stated she has lived in Town for 4 years. They purchased their house to raise their children here. Stated trees do provide a buffer.

Gina LaFerrarra – 610 Hory Street -Stated she grew up on 580 Ludlow Avenue. Bought a house 3 doors down to stay in the neighborhood. Very upset to hear there is a potential of more traffic and more noise. Concerned about the water. Spent a lot of money dealing with the water. Water is draining to the woods, there is nowhere else for it to go. Asked if they are looking to save the trees and green space or just looking to build.

Board member stated the job of Planning Board is to plan. There is a Master Plan and the Board is always asking questions about flood mitigation and storm water runoff.

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 12:01 A.M.

Donna Pedde, Secretary