

## **MINUTES - PLANNING BOARD**

### **Workshop meeting of January 30, 2019**

**WORKSHOP PORTION.** Ms. Anderson called workshop portion of the meeting to order at 7:34 P.M.

**1. COMMUNICATIONS**

None

**2. RESOLUTIONS OF MEMORIALIZATION**

None

**3. MINUTES**

Motion to adopt minutes of the November 28, 2018, Executive Session & Official Meeting was made by Ms. Feder, seconded by Ms. Pedde and passed on unanimous voice vote.

Motion to adopt minutes of the December 5, 2018 Executive Session meeting was made by Ms. Pedde, seconded by Ms. Feder and passed on unanimous voice vote.

Motion to adopt minutes of the December 5, 2018 Official meeting was made by Ms. Feder, seconded by Dr. Chapman and passed on unanimous voice vote.

Motion to adopt minutes of the December 12, 2018 Special Meeting was made by Ms. Feder, seconded by Ms. Pedde and passed on unanimous voice vote.

Motion to adopt minutes of the December 19, 2018 Executive Session was made by Ms. Feder, seconded by Ms. Pedde and passed on unanimous voice vote.

Motion to adopt minutes of the December 19, 2018, Official meeting was made by Ms. Pedde, seconded by Mr. Cossa and passed on unanimous voice vote.

Motion to adopt minutes of the Reorganization & Official Meeting on January 16, 2019, as amended, was made by Dr. Chapman, seconded by Ms. Didzbalis and passed on unanimous voice vote

- 4.** A motion was made by Ms. Pedde, seconded by Ms. Feder go into executive session with the following voting in favor of the motion: Ms. Anderson, Dr. Chapman, Mr. Cossa, Mayor Giblin, Mr. Taylor and Ms. Didzbalis.

- 5.** A motion was made by Ms. Didzbalis, seconded by Ms. Feder to return to open session with the following voting in favor of the motion: Ms. Anderson, Dr. Chapman, Mr. Cossa, Mayor Giblin, Ms. Pedde and Mr. Taylor,

**6. OLD BUSINESS/NEW BUSINESS**

A motion to start the February 20, 2019 workshop meeting at 7:00 p.m. was made by Ms. Didzbalis, seconded by Mr. Cossa and passes on unanimous voice vote.

**PUBLIC HEARING - ROOM 107**

**1. STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT**

Ms. Anderson called a public meeting of the Cranford Planning Board to order on January 28, 2019 at 8:15 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. Anderson  
Dr. Chapman  
Mr. Cossa  
Ms. Feder  
Mayor Giblin  
Ms. Pedde  
Mr. Taylor

**Members Absent**

Ms. Murray  
Deputy Mayor Dooley

**Alternates Present:**

Mr. Aschenbach – arrived at 8:39 P.M.  
Ms. Didzbalis

**Alternates Absent:**

None

**Also present:**

Mark Rothman, Esquire; Kathy Lenahan, Administrator/Scribe,

Ron Johnson, Zoning Officer was absent.

**4. Application # PBA-17-00004- Continued from December 5, 2018  
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).**

James Rhatican, appeared on behalf of the applicant. Stated testifying tonight is Mr. Pehnke, the Traffic Engineer, who submitted a supplemental analysis to the Board and Mr. Hughes, the Planner, who will testify to the Fiscal Impact Statement.

Karl Pehnke, appeared and was reminded he was still under oath.

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

Since his last appearance he did another sampling of traffic volume. Stated he went out on October 30, 2018 while school was in session and recounted the traffic at intersections along Walnut, Raritan, Behnert, Mitchell and Lexington to compare with the prior database. Results were consistent from a traffic pattern with what was seen in 2016 and 2017. During morning hours there was higher northbound flow on Walnut compared with southbound traffic being lighter and the reverse during evening hours. Noted the cut though on Lexington from Raritan. Some variations were that volumes were higher in general. Consistent with the 2017 ATR data. There was one notable anomaly which was northbound AM peak on Raritan toward Walnut, which had a higher flow. Could have been an event that occurred on the Parkway to divert some traffic. Does reflect general growth.

Stated that he ran analysis with same methodology. Used data in 9<sup>th</sup> edition of the ITE. General results are similar. Same recommendations at Raritan for the timing at intersection and the signal left turn arrow on westbound approach. At site plan there would be another traffic study and discussion with Town professionals and the County.

Analysis still shows that the signalization for site access would still operate with very good levels of service. Will design and operate a signal for the Walnut Avenue traffic flow. Cycle by cycle traffic signal will clear. Discussed the methodology of cueing. Will design left turn lane into site, with lane being 200 feet in length. Cueing analysis shows no spill back to Raritan Road. At maximum, end of red cycle could have some spill back to Mitchell.

Conclusions are that you can design safe property access to site whether proposed residential zoning or existing zoning.

Noted that on front page of report the date shows October 30, 2016 should be 2018.

Questions posed by the Board ascertained the following:

The anomaly is Figure 2 in the report and is reflected in the northbound flow. 2018 count is 524 prior count was 415. Parentheses is the evening peak hour and no parentheses is morning peak hour. Driveway one will be a right turn only so there is no traffic across to Lexington Avenue. Potential cut through anticipates about 10 to 20 vehicles, whether zoned commercial or residential. Distance between Raritan and Driveway 3 is close to 800 feet. At time of site plan could look at lengthening curb lane; also could widen and extend further north. Existing zoning of commercial/industrial has more of an inbound movement in the morning as compared to residential zoning. Residential is more outbound traffic. Pattern is different for residential then

commercial/industrial. Some movements will go up some movements will go down. Full build will have additional mitigation.

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

Christine Esposito - 11 Behnert Place – Asked if plan is still to have Lexington be a right out and right in. Asked what may have caused the anomaly and would any study be done to see if that was normal. Asked about access to site.

Mr. Pehnke stated it will be a right out and left and right in. At site plan, they are open to discussions. Stated left turn from Lexington to Raritan can be difficult. Anomaly could have been Parkway or Central Avenue or the circle. Updated study would be done at time of site plan. Prepared to work with the Board.

Mr. Rhatican asked Mr. Pehnke about traffic across Walnut Avenue.

Mr. Pehnke stated it will be a right turn exit from the site.

Rita LaBrutto – 104 Arlington Road – Asked if there is an exhibit that shows driveways or neighborhoods. Asked about impact to site whether commercial or residential and impact on neighborhoods. Asked about the 200-foot turn lane and about Saturday and Sundays in the report.

Mr. Pehnke stated they only have this site plan. Existing zoning permits various uses such as office use along with medical office, which is a very active use. Stated traveling northbound on Raritan there would be a left turn lane and would accommodate about 10 vehicles. Discussed the lanes approaching Raritan staying the same. Could look at during site plan. Looked at weekday peak periods.

Board member asked about plans for striping for roadway and widening the road. Also asked about no build option under current zoning.

Mr. Pehnke stated the plans submitted did show the left turn lane to site and to Behnert. Stated they would widen with their frontage. The no build assumes re-occupancy of what is there.

Chiara Siliato – 19 Munsee Drive – Asked about right turns out of driveway. Asked about left hand into site, and impact of driveways for residents on Walnut. Asked how long is cycle. Asked about railroad line and impact on rescue.

Mr. Pehnke stated there is a southern one opposite Mitchell and northern on opposite Lexington. Central driveway would be signalized with full movement. Signal will clear and operate well. Cycle is 100 seconds. Stated there is residential development up and down the northeast corridor and emergency personnel are trained for those events.

Jim Carvalho – 9 Orange Avenue – Asked about adding lanes to Walnut Avenue. Asked several questions about future site plans regarding freight lines, pedestrian & vehicle infrastructure.

Mr. Pehnke stated all widening would occur on the applicant's side of the road. Stated there is no need for freight access to a residential site. Stated topics can be discussed but are not proposed.

Mr. Carvalho asked Mr. Rhatican about previous testimony on May 15<sup>th</sup> and documents that bear his signature.

Mr. Rhatican stated he provided one answer in previous testimony that Mr. Reeves could not answer.

Kennan Hughes, appeared and was reminded he was still under oath.

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

Submitted a revised Fiscal Impact Analysis in October of 2018. Focus of analysis is the impact of the development on municipal services and school district. Comparison of tax revenue vs. service costs generated by the development. If the tax revenue exceeds the cost of the services, then the development has a positive fiscal impact. If costs outweigh the tax revenue, then it has a negative fiscal impact. Described the per capita multiplier method they used. Established the market value of project as \$290 million and applying the equalization ratio, the assessed value of the property at full build out would be \$105.9 million. The tax revenue using the 2018 tax rate would be \$6.78 million; 1.5 million would go to the municipality and 3.7 million to school district. Current taxes are 1.1 million on property.

Discussed Table 4, Page 3 for the multifamily units to get total number of residents. Stated that after Phase One total residents would be 756 and after full build out would be 1622 residents.

Based on the data used, the public-school children would be a total of 52 after Phase One and 110 after full build out for the site.

Described the multipliers used based on the bedroom count and income levels. Stated Table 9 Page 5 found that the number of public-school children was higher after Phase One. Number would be 70 and 152 after full build out. Census data shows approximately 89% of children enroll in public school which would be 63 after Phase One and 135 after full build out. Discussed how the per capita costs were derived both for the residents and for the public-school children.

Discussed the revenue vs. the costs on Table 11 Page 7. Stated net impact to municipality at full build out is \$660,000, which is a net positive tax revenue generated on an annual basis.

The school impact is a net 2.1 million benefit on annual basis on 110 children. If the Rutgers study is used the school would see a net benefit of 1.75 million based on 135 school children.

Mr. Hughes stated that he has read or witnessed all of the hearings and heard the testimony of the other Hartz witnesses which has reinforced the opinions that he has provided. Discussed the setbacks for the site vs. other zones in the township with apartment buildings.

Questions from the Board ascertain the following:

77% of total per pupil spending is funding by local property taxes. Development would be a 10% population increase. Multipliers used to generate the estimate of the population based on census data from Cranford. Per capita cost assumes current level of service would stay the same level of service. Has reviewed the demographic & facilities study prepared in March 2018 for Cranford school district. He will continue to listen to all the testimony provided and take into consideration all experts testimony. Price per school student includes special needs student costs. Aware there is a proposal for the schools for redistricting. Students will be distributed throughout the system.

There were no further questions by the Board.

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

Jeffrey Pistol – 243 Hillside Avenue – Asked about the multiplier used for the number of children and was it above or below the State average. Asked about communities that are close to the train station with school age children and about setbacks and height of buildings.

Mr. Hughes stated the Cranford multipliers are less than the statewide multipliers. There is a difference in the location, but does not know if that impacts the number of school age children. Visual impact is 100 feet back from the street. In other areas of town there are similar buildings that are closer to the public right of way.

Board member asked about the limitation errors in the Rutgers study.

Mr. Hughes stated that there is another Rutgers update and that showed a reduction in number of public school children especially in multifamily developments.

Rita LaBrutto – 104 Arlington Road – Asked about Downtown and the design to have less of a setback and about diversified housing. Asked various questions about the analysis and the calculations. Asked about the school budget and the breaking point. Asked about various units in the development and the number of children per unit.

Mr. Hughes stated the tallest building is 66 feet and that 100 feet is the closet point. Has not done a per unit comparison. Stated at full build there would be a range of 110 to 135 public school students.

Mr. Rhatican asked Mr. Hughes if the Rutgers study is utilized by professional planners to perform analysis.

Mr. Hughes stated the study was release last year and is used by a number of planners.

Board member asked if Mr. Hughes knows what the limitation errors are.

Mr. Hughes stated he does not recall what the limitation errors are.

Board member asked about the total market value and how it was established.

Mr. Hughes stated on Page 2 Footnote 2 explains the assumptions.

Chiara Siliato – 19 Munsee Drive – Asked when the census was done and about students being disbursed throughout the town.

Mr. Hughes stated it was from 2012 – 2017; a 5-year sampling. Students would be distribution through grade levels.

Board member asked if all students went to one school would there be an impact on that one school.

Mr. Hughes stated there could be an impact on the school.

Mr. Rothman asked Mr. Rhatican if he is going to make a closing statement.

Mr. Rhatican stated he will make a closing statement at the end of the proceedings.

Mr. Carvalho – 9 Orange Avenue – Asked about the application for rezoning and other documents with Mr. Rhatican's signature. Asked why other owners of the property have not been listed on the owner disclosure form. Asked about letters from Mr. Rhatican to Mr. Cooper.

Mr. Rhatican stated he is willing to answer questions based on the limited testimony he provided. Stated that the property is a condominium and there are 2 distinct owners. If there was an oversight, they will submit an ownership disclosure statement.

Mr. Rothman stated the question must be regarding Mr. Rhatican's direct testimony. Stated there was an appearance before the Township Committee for a different application.

Mr. Rhatican asked about the next hearing date and what Town witnesses will be at meeting.

Ms. Anderson stated the next available meeting is February 20<sup>th</sup>.

Mr. Rothman stated he was not sure what witnesses would be available, but will speak with Mr. Rhatican.

Ms. Anderson stated on Feb. 20<sup>th</sup> the Workshop will begin at 7:00 p.m. and at 8:00 p.m. the Hartz hearing will continue.

## **8. PUBLIC COMMENTS**

Ms. Anderson asked if there are any Public comments not related to this application, the following appeared:

Thomas Kash – 586 Ludlow Avenue – Speaking on behalf of the proposed development of green space/wetlands from 73 to 105 Myrtle Street. Discussed the meeting in December the he and his neighbors went to regarding the proposal. One of his neighbors requested to buy

some of that land and was told by the Town that it is wetlands and he could not purchase it. Spoke to an environmental scientist, who did some analysis and it tests positive that there is water on the site. Area helps with the flooding situation. Development would adversely affect the wildlife in the area. Against any development in that area no matter what would be built there. Asked if there is any more information that the Board could share with him. Asked about notification to residents.

Mr. Rothman stated if there is a plan for development there would be notice and to keep coming to meetings.

Vaghese Mancery - 577 Ludlow Avenue – Stated he moved to Cranford in 1991. Opposed to any development on Myrtle Street. Has a lot of flooding and has problems with drainage. Would become worse if the woods were knocked down. He has come to the Engineer and Public Works about his flooding and has not received a response.

Diego Ramos – 615 Hory Street – Opposed to any development of wooded areas owned by the Township of Cranford, namely #73, 83, 91, 101, & 105 Myrtle St. Stated there is a proposal to build two 4-bedroom homes for affordable housing. Feels it is a detriment to the environment; land is narrow. They do have non-profit housing in the neighborhood and the street is very busy. Requesting the Township deny any variances and remove the affordable housing designation in the Master Plan and the Fair Share Element.

Teresa Pires-Ramos – 615 Hory Street – Stated the trees also protect them from the Parkway. Stated the engineer of the document drew a map showing a proposal to build on the land. In the last 10 years they have seen public land being taking and flipped to maximize the units, not to the benefit of the residents. Discussed the history of the Parkway. Asked the Planning Board for feedback regarding the Myrtle Street project and why those lots. Stated there are other properties around them that have already been built on. In the last 10 years, there have been 6 public land lots that were sold and built on. Trees have been knocked down and you can hear the Parkway much more. Trees provide a buffer. Will continue to express their opposition.

Mr. Rothman stated the planner prepared a proposal and presented it to the Board. Stated Planning Board cannot give assurance in this proceeding. The Township Committee adopts the ordinance.

Board member stated that in 1989 there was a proposal for a parking lot for one of the industrial companies in that area, the residents came out and opposed that proposal. Doing what you need to do as a citizen.

Jim Carvalho – 9 Orange Avenue – Asked Mr. Rothman if someone representing the applicant makes a statement, are they considered to be under oath. Also asked about Planning Board members making statements and being under oath. Asked if Mr. Mistretta was under oath when he presented the Fair Share Housing Plan to the Planning Board. Discussed comments made



about a letter from PSE&G. Asked questions about the application submitted by Hartz Mountain and the owners of the property.

Mr. Rothman stated that statements made by an Attorney are not under oath and not part of the record, that it does not express firsthand knowledge. Planning Board members deliberate and that is part of the record. Mr. Mistretta was under oath at the Fair Share presentation. The letter from PSE&G was not addressed to Planning Board. Stated the Hartz application was deemed completed and the members of the Board relied on that certification.

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

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:51 p.m.

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Donna Pedde, Secretary