

MINUTES - PLANNING BOARD
June 5, 2019

Workshop meeting of June 5, 2019

WORKSHOP PORTION. Ms. Murray called the workshop portion of the meeting to order at 7:30 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 by Ms. Anderson, seconded by Ms. Pedde and passed on unanimous voice vote.

Motion for Board to return to open session was made by Ms. Pedde, seconded by Mr. Cossa 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 June 5, 2019 at 8:06 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
Mr. Cossa
Deputy Mayor Dooley
Ms. Feder

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Mayor Giblin
Ms. Pedde
Mr. Taylor

Members Absent:
None

Alternates Present:
Mr. Aschenbach

Alternates Absent:
Ms. Didzbalis

Also present:

Mark Rothman, Esquire; and Kathy Lenahan, Board Administrator

4. Application # PBA-17-00004- Continued from May 15, 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).

Ms. Murray stated tonight the Board will be deliberating and voting on this application. The Board will consider all testimony and evidence presented and the decision will be based on Cranford's ordinance Chapter 136 Article 8 Sections 59-68. Ms. Murray read from that ordinance. Stated that the Board will be following a Jury Charge Chart and will consider the two primary standards:

- Absent rezoning, the current zoning regulations will zone the property into inutility.
- The proposed zoning will substantially and meaningfully benefit the municipal.

Following along with the chart, the Board will first deliberate on inutility. Inutility is defined as uselessness or having no practical use.

Dr. Chapman stated the following:

There has been conflicting testimony between Hartz experts and the Planning Board's experts regarding the property being zoned into inutility. He found Mr. Brunette to be competent and knowledgeable regarding commercial and industrial markets in Cranford. Mr. Brunette's opinion was that the property has not been placed into inutility. Hartz's believes that due to its inability to lease the space with a specific square footage and price per square foot, they are suffering an economic hardship. Residents asked Hartz

about rezoning of their property to provide them with a more favorable economic benefit. He has considered all testimony from Hartz experts and accepts the expert's opinions as fact, except when contradicted with other expert testimony. Does not feel that the current regulations for the C-3 zone has put the current application into inutility, and there are uses for the property which conform to the C-3 zoning regulations. Mr. Brunette testified of shortcomings with the property, but does feel the current regulations places the property into inutility.

In his testimony, Mr. Sitar stated there are other types of industrial uses that could exist on the property. With Mr. Brunette's testimony and Mr. Sitar's statement about other uses for the property, and other reliable testimony, it is reasonable to consider that 750 Walnut has not been placed into inutility.

Dr. Chapman discussed the testimony he relied upon to make his determination regarding the property not being placed into inutility. Stated that Mr. Hughes testified that the property is not suitable due to its location. However, Mr. Sitar's testimony stated there could be other C-3 uses. Mr. Hughes discussed weaknesses in the suburban office market, while Mr. McDonough indicated the office space market is strong in the Union County corridor. Feels most of the hardships Hartz is claiming are self-imposed. Finds Mr. Hughes testimony is not supported by credible evidence. Stated that Mr. Charles Reese indicated that the property is not for sale. PSE&G is interested in purchasing some of the property for a substation. Mr. Reese also stated they have come close in renting the property, particularly to Summit Medical Group. Mr. Brunette stated that there was a 25% vacancy rate in 2006-2008, and now the vacancy rate is about 15-16%. The current trend is to rent smaller spaces, which Hartz has indicated is not willing to do. Mr. Brunette stated that larger buildings are being retrofitted. Mr. Reese stated Hartz is only interested in leasing a significant amount of the property. Mr. Brunette testified that LabCorp would have stayed at 750 Walnut if Hartz would have agreed to lease them a smaller space. Difficulties in renting large amounts of space does not place the property into inutility. Trend for warehousing space is between 5,000 and 50,000 sq. ft. The Union County vacancy rate for industrial/warehousing space is between 4 & 5%. Mr. Brunette stated it is difficult to find space in the 5,000 to 40,000 sq. ft. Mr. Reese stated the property is not in a good location. Dr. Chapman does not find that testimony to be credible, due to the property being located near a golf course, restaurants and Clark Commons. Mr. Reese stated the rates are compatible to other industrial properties, whereas Mr. Brunette stated that 750 Walnut advertised the rates as \$20 to \$25 per sq. ft. which is not reality. Reasonable rates would be \$5 to \$8.50 per sq. ft. Mr. Sitar stated the ceiling heights and product loading capabilities are not suitable for 750 Walnut. However, Mr. Brunette testified there are companies that purchase outdated buildings. Mr. Sitar stated the property even with the building removed, would not be suitable for large trucks to access Route 1 and the Turnpike which allow large trucks. However, there were examples of companies that use smaller vans for deliveries. Mr. Brunette stated there is a strong need for industrial space. Dr. Chapman listed several publications stating the industrial market is very strong. Mr. Brunette stated he contacted Mr. Reese for a client interested in leasing space at 750 Walnut and Mr. Reese stated there was no space available. Because Hartz does not want to rent to smaller size users

does not place the property into inutility. Dr. Chapman has reviewed the testimony and documents from the hearing and does not believe the applicant has demonstrated with credible evidence, that the property at 750 Walnut will be zoned into inutility based on current zoning requirements.

Mr. Taylor stated the following:

He concurs with Dr. Chapman's statements and unless convinced otherwise after hearing the comments this evening from the Board members, he feels that applicant did not meet its burden through the presentation of evidence, that absent a rezoning, the property will be zoned into inutility.

At the May 16, 2018 meeting Mr. Reese testified that in 2012 Summit Medical Group was interested in renting space. He felt Hartz could rent the rest of the site, once Summit Medical had moved in. They did not reach out to any other similar groups when the deal with Summit Medical deal fell through. Hartz also had discussions with BOA and LabCorp to remain. Feels that Hartz would need to spend money, but is unwilling to make that investment. Mr. Reese also stated they have not contacted any of the colleges in the area. However, a trade school did visit the site, but nothing come of it.

Mr. Taylor's comment: Mr. Reese's comments show that Hartz has taken a passive approach and feels they were only going through the motions to lease space.

Mr. Reese was asked if PSE&G requested to buy some of the property, and said yes, they did around a year ago. Stated they were looking at 8 to 10 acres. Mr. Rhatican stated they are currently in discussions with PSE&G.

Mr. Taylor's comment: The use of the site for a substation which is a current use under the C-3 zone, provides evidence that the use of the site as currently zoned, is not in a state of inutility.

At the July 18, 2018 meeting, Mr. McDonough provided testimony to the state of the office market in northern NJ and this site in particular. He stated his expertise was commercial office leasing. Stated he was not an industrial expert and he tried to find subtenants for the space.

Mr. Taylor's comment: A portion of the site was utilized and the property was not in a state of inutility in 2012. The change to the site has been the Hartz application to request a change in zoning.

Mr. McDonough stated he used flyers and brochures to market the site.

Mr. Taylor's comment: Mr. McDonough was working for BOA and the flyers and brochures and the website advertising was at best the bare minimum attempt to show the property. Materials lacked creativity and much of it was misleading and in error.

There was no initiative to search for tenants. Mr. McDonough was no longer involved after 2012 with the property.

Mr. Taylor's comment: Based on Mr. McDonough's testimony, a redeveloped office/industrial/warehouse park would have utility. Hartz would need to make an investment in the property, which Hartz has been unwilling to do. Inutility would not exist if the owner chose not to invest in its property. His opinion is that the highest and best use of the property might not be traditional office space, but possibly revitalized space, which has been successful in many areas.

At the September 12, 2018 meeting, Mr. Sitar testified that the industrial market in NJ is strong. Stated the buildings at 750 Walnut are not conducive to warehouse/distribution.

Mr. Taylor's comment: He would not expect a large Amazon distribution center, but there are other types of uses like light manufacturing, or flex warehousing. There is a trucking company that uses a portion of the site and large tractor trailers can be seen on the site. This shows that the site is not in a state of inutility. PSE&G has a call center on site. Mr. Sitar did not address the possibility of other call centers at the site, and did not provide testimony regarding PSE&G possibly purchasing 8 to 10 acres for a substation.

At the November 28, 2018 meeting, Mr. Reese spoke again, but stated he was not involved in the PSE&G discussions to purchase 8 to 10 acres of 750 Walnut.

Mr. Taylor's comment: He does believe that Mr. Reese, as VP of Sales & Leasing for 16 years with Hartz, held back specific information regarding PSE&G and the purchasing of 8 to 10 acres of land. Their desire to purchase acres of land shows the property can be utilized under the C-3 zone. The applicant proposes a high-density residential development and maximum profits to Hartz and an alleged inflated benefit to the township regarding tax revenue. If density is reduced, the tax revenue would be less and may not provide a benefit to the township. Questions raised by the experts are: Why did LabCorp not renew its lease? Why is Jagro not renewing its lease? Why is the call center at PSE&G leaving? Why might a tenant not be interested in this property? Feels Mr. Reese answered those questions when a member of the public asked Mr. Reese if he should disclose the pending application to a prospective tenant. Mr. Reese stated he will show the space and he is not going to tell them they are building residential on the site. However, Mr. Brunette stated he would be obligated to tell a prospective tenant. Any inutility that 750 Walnut may be experiencing is self-imposed by Hartz.

At the March 16, 2018 meeting, Mr. Brunette testified about rental rates and the Hartz website. Discussed the brochure marked as Exhibit Brunette 2 and felt the brochure was misleading. Stated a medical campus would be a permitted use. Mr. Brunette's professional opinion is that the property is far from inutility.

Mr. Taylor stated that he does not feel the property is in a state of inutility and that Hartz has not met its burden and is not recommending that the 750 Walnut Avenue property be rezoned.

Ms. Anderson stated the following:

Discussed Mr. Reese's testimony regarding the marketing of the property. Reviewed Hartz efforts to market the property and was surprised that Mr. Reese was not aware of what the marketing budget was for either 750 Walnut Avenue or for all of Hartz properties. Stated no one reached out to any other medical facilities when the Summit Medical Group fell through, nor did they contact any other trade schools or educational institutions. Mr. McDonough testified that the trend was for more urban areas, but did not know when the trend started. Discussed various articles on trends. Stated the brokers who show a property have a responsibility to do their due diligence. Knowing there is a pending rezoning application, would lead a broker to direct their client away from the property. Hartz has had the property for 30 years and there has been no updating. Ms. Anderson feels the property has not been zoned into inutility and they have missed an opportunity for this property to be profitable.

Mr. Cossa stated the following:

Hartz testified that the property is zoned into inutility. Reviewed the definition of inutility. Mr. Reese stated the buildings are a tough site to market. Mr. Cossa feels retrofitting or rebuilding to suit current demand for commercial or industrial space are options that would benefit Hartz and not put a demand on municipal services and facilities. Mr. Brunette stated that the industrial market is on fire. Vacancies have been reduced. Feels Hartz is not interested in leasing smaller amounts of square footage and that is contributing to their vacancies. Reviewed Mr. Carfagno's testimony. Introducing a projected 353 students, would place an undue burden on the taxpayers and municipal services. Mr. Cossa hopes that Hartz will find a solution that does not include rezoning and he cannot recommend this application for Township Committee review.

Mr. Aschenbach stated the following:

The question is does the current zoning of 750 Walnut Avenue meet the Township's Master Plan and Land Use Plan. Does the current zone restrict the ability of the current owner to operate their business successfully. Applicant has had limited interest in 750 Walnut and has done minimal investment. Reviewed several comps that have come before the Planning Board including industrial properties in the business park (i.e. Nuts.com). Stated Cranford has been a leader in redevelopment and this site could be a potential Metro-burb commercial development. Hartz lost interest in 750 Walnut and he urges the Planning Board to reject the request for rezoning.

Deputy Mayor Dooley stated the following:

Mr. Reese testified that they tried to keep things clean rather than upgrade. That describes how the applicant has tried not to rent the property in its current zoning. Stated it is a passive approach to sales and marketing. Mr. Brunette testified that the NJ rental rates have rebounded in the Garden State Parkway corridor. Does not accept the

testimony that the location of the site renders it into inutility for industrial use. Mr. Martell testified that none of the structural issues at the property are insurmountable. Also stated that he is not an expert in structural engineering and did not review any of the plans of the buildings on site regarding the items he discussed. Stated this applicant has not proven or shown by evidence that this property has been zoned into inutility.

Ms. Feder stated the following:

Mr. Brunette testified that the Union County office market is improving. Asked why Hartz is not marketing this property more aggressively. Mr. Reese's testimony indicated there has not been an aggressive attempt to market this property. Also, Mr. Brunette's testimony of warehouse vacancies in Union County is under 5%. Stated Hartz has not made substantial improvements since 2009 which is 10 years ago and things change. BOA is gone and Hartz has not made an effort to upgrade the space and agrees with her colleagues that they have not shown that the property has been zoned into inutility.

Ms. Pedde stated the following:

No improvements were made in the past 25+ years. There has been no working with potential tenants by retrofitting the buildings. Discussed the signage and website having minimal information for 750 Walnut. Stated there are trucks in and out of the site all day, yet the applicant is stating the site is not near a truck route. Stated JB Williams, a large manufacturing company located at the site before Hartz had tractor trailers using the current roadways. Stated Hartz has to be willing to put forth an effort and money into their property and not put the burden on Cranford. In her opinion the 750 Walnut site has not been zoned into inutility.

Mayor Giblin stated the following:

He concurs with the other board members regarding their concerns about Hartz not maintaining or marketing the property in a proper way. In his opinion, had Hartz marketed and maintained the property, employers would have been happy to establish a workforce at this site.

Ms. Murray stated the following:

The burden to establish inutility is a high one. Hartz purchased property in 1988 and made improvements to the property and expanded it, but it has been many years since they have made investments in the buildings. Mr. Burnette and Mr. Sitar stated the commercial real estate market is quite competitive in New Jersey. Claims that the property is not rentable are not true. 140,000 sq. ft. is rented, which means the property is not useless. While this might not be optimal, it does not meet the definition of inutility. Hartz has not provided alternatives to the proposed multifamily residential that would be consistent with the zone.

There were no further comments from the Board.

Dr. Chapman made a motion that the Board consider the question - has the applicant met the burden of demonstrating that the property will be zoned into inutility absent a rezoning, motion was seconded by Ms. Pedde.

Ms. Murray clarified that a no vote would indicate the applicant did not meet its burden and a yes vote would indicate the applicant has meet its burden.

Roll Call Vote:

Mr. Taylor – No
Ms. Pedde – No
Mayor Giblin – No
Ms. Feder – No
Deputy Mayor Dooley – No
Mr. Cossa – No
Dr. Chapman – No
Ms. Anderson – No
Ms. Murray - No

Ms. Murray stated the Board will move on to the second review standard on the Jury Charge #8.

Ms. Feder stated the following:

She has been a member on this Planning Board several times. The Boards have always worked hard to develop and maintain a vision for Cranford and implement in the Master Plan. The Master Plan is currently being reexamined and it sets the vision for Cranford now and into the future. Will address two of the 14 major goals listed in the 2009 Master Plan.

The first one is to concentrate dense residential development in the downtown core and less density out from the core. This project does not meet that goal. Projects like Cranford Crossing (CCX) and Riverfront in the Downtown and current projects like Walnut Avenue further this goal. The Township Committee and the Planning Board worked with the developer of Birchwood to reduce the density. This application will add 905 units, which is a 10% increase of overall rental units at the edge of town. This is very dense by Cranford standards. Believes the applicant has not demonstrated inutility. Ms. Feder cannot agree with Mr. Hughes that it will fulfill purpose A of the MLUL. Hartz has stated they will provide amenities and a train shuttle but those features do not benefit Cranford, as they are not accessible to current residents. Cranford has always been an inclusionary community. This proposal would bring 905 units and 1600 people into an isolated setting. Mr. Hughes stated the proposed project fulfills Purpose E of the MLUL. Ms. Feder feels this project establishes the opposite with regard to density in the downtown core. Stated the applicant feels the potential impact can be managed or mitigated on site. She feels this is a counterproductive approach. Also Mr. Hughes discussed Purpose G of MLUL and that the self-contained dense residential community fulfills the goal. Feels the current zoning is much more appropriate and provides a commercial opportunity that does not conflict with Cranford's vision. Cranford is not adverse to residential development in and around the downtown core. Ms. Feder feels Hartz plan is in direct conflict with Cranford's vision for 2020.

The second goal is keeping the small town character and historical architecture. Adding 905 units, over 10% increase and 1600 to 1800 residents in an area where there are single family homes does not fulfill this goal. Believes it is in direct conflict with the goal. The Township Committee and Planning Board have designated the surrounding area a historic district. Adding five story buildings does not preserve the character of the town. Feels proposal is in direct

conflict with the Master Plan vision. Reviewed several of the goals in the Master Plan (Goal No. 6, 7, and Residential Goals No. 4 & 6). In her opinion, the applicant has not demonstrated that this development is consistent with the surrounding neighborhood.

For all the reasons stated, she does not believe that the applicant has met the burden of proof to substantially and meaningfully benefit the Township and the MLUL and believes it is detrimental to the goals stated in the Master Plan.

Ms. Pedde stated the following:

Adding 905 units is increasing the population between 8 & 10 percent. The numbers proposed has been conflicting. One report stated 1846 and another stated 1622. That is a difference of 224. Does not have confidence in the reports. Discussed the Master Plan residential goals. In the Master Plan, density is to be kept in the downtown areas. Cranford Crossing, Woodmont and Riverfront do not compare to the location of 750 Walnut. Does not believe that two four story and three five story buildings can be described as quaint or be beneficial to the neighborhood. The Master Plan states there should be 10.5 acres per 1000 people of open space, park and recreation. This application provides no park space other than the pools and clubhouses. This equals about 19 acres of park space. The application proposes 135 additional students, which is on the low end. Dr. Haber's estimate is 353 additional students. Our schools will be impacted and tax revenue would be reduced to over half of what is being proposed. Does not feel the applicant has met the burden that the rezoning will substantially and meaningfully benefit Cranford.

Deputy Mayor Dooley stated the following:

The project is 905 units and a density of 30 acres. Density is to be in the downtown near the Transit Village. Keep density where transit is. Stated Woodmont is 32.5 units per acre, Riverfront is 47 units per acre, and Cranford Crossing is 38.5 units per acre. Stated that 905 units is 745 more than Woodmont, a difference of 565%. Riverfront is 778 more units, 710% difference and Cranford Crossing is 851 more units, which is an 1800% difference. This is not sound planning and inconsistent with our Master Plan. The property is situated in the southwest corner. Putting 1846 people in one area of town, is not sound, orderly or consistent planning and cannot agree that is consistent with the Master Plan.

Ms. Murray stated the following:

The Master Plan is crystal clear and high density should be in the downtown area. Discussed Conservation Goal No. 3 in the Master Plan which talks about preservation of open space. The Master Plan talks about a core system standard to determine the amount of open space and recreation in a community. The Master Plan of 2009 stated we are deficient in this area and should be looking for additional open space. The Master Plan talks about ten and a half acres of parkland per 1000 people. To add 1743 people you would need to add over 18 acres of public park space and recreation. The applicant proposed recreation facilities in the form of grass and lawns, not public space and it is not open to the public. This is far below what the Master Plan calls for. This is one of the reasons this development is inconsistent the Master Plan.

Mr. Taylor stated the following:

He agrees with all the statements made especially that the development is in direct conflict with the Master Plan and agrees that the application does not substantially and meaningfully benefit Cranford or the MLUL.

Dr. Chapman stated the following:

The application is not compatible with the area for a variety of reasons. Provided the reasons of density and the homes in area are single family 2.5 stories or 32 feet. The proposed project is 5 stories or 67 feet which is inconsistent with the area. The project will have a negative effect on property values and will change the character of the neighborhood.

Mr. Aschenbach stated the following:

The current zone, as is, with a willing property owner can be successful. Feels Planning Board should reject the rezoning request.

Mayor Giblin stated the following:

Feels the application is not consistent with the Master Plan and agrees with the comments of the Board.

Mr. Rothman reviewed the Jury Charge Chart for the Board members. Asked Board members to determine if the rezoning is inconsistent with the Master Plan.

Ms. Feder stated that it is her opinion the Master Plan should not be amended, and believes the goals and visions are working.

Deputy Mayor Dooley state a project of this size would be more then amending the Master Plan, it would be a drastic change to the Plan.

Deputy Mayor Dooley made a motion that the proposed rezoning is inconsistent with the Master Plan, motion was seconded by Ms. Anderson.

Roll Call Vote:

Mr. Taylor – Yes

Ms. Pedde – Ys

Mayor Giblin – Yes

Ms. Feder – Yes

Deputy Mayor Dooley – Yes

Mr. Cossa – Yes

Dr. Chapman – Yes

Ms. Anderson – Yes

Ms. Murray – Yes

The second part of the question was: Is it in the best interest of the Township to amend the Master Plan.

A motion was made by Deputy Mayor Dooley - is it in the best interest of the Township to amend the Master Plan, motion was seconded by Ms. Feder.

Roll Call Vote:

Mr. Taylor – No
Ms. Pedde – No
Mayor Gilbin – No
Ms. Feder – No
Deputy Mayor Dooley – No
Mr. Cossa – No
Dr. Chapman – No
Ms. Anderson – No
Ms. Murray - No

Ms. Murray stated the Board will now discuss the financial impact statement and whether the application will substantially and meaningfully benefit the Township and advance the purpose of the MLUL.

Deputy Mayor Dooley stated the following:

The applicant looked at the project's cost in terms of services and operating costs vs. revenue generated. They prepared three reports and the numbers changed in each one in Hartz favor. She looked at the three reports and the report from Mr. Liotta. As the valuation goes up the tax revenue goes up and the net fiscal benefit of the project increases. Discussed the first two reports and a cap rate of 6%, in the third report a cap rate of 5.5% was used. As the cap rate goes down, the valuation goes up. Mr. Hughes, the Hartz planner did not provided any explanation why he lowered the cap rate. Lowering the cap rate to 5.5% increased the valuation in excess of \$24 million between reports. Also, he did not show how he arrived at the new valuation. Mr. Liotta got a number less then what Mr. Hughes had calculated. He stated the difference could have been due to rounding errors. Mr. Hughes accepted that it could have been a rounding error which was an error of over 10%. Feels the quality and credibility of Mr. Hughes' work is not high due to the errors and changes without explanation. Discussed the costs in the three Hughes' reports. As costs go up, the impact is more negative to the applicant. Stated the costs per resident went up but Mr. Hughes also took a discount which made it a 40% reduction. Mr. Liotta testified that the method used by the planner (Berchal method) does not include a discount. Also stated that the population numbers went down in each report. When adding all of these together it becomes significant. The Hartz planner used the Rutgers study for the first two reports, in the third report he used PUMS. Mr. Liotta stated that PUMS has three different studies. Mr. Hughes did not state which study he used until he came back as a rebuttal witness and was asked. For all these reasons, Deputy Mayor Dooley finds Mr. Hughes projections without sufficient reliability. Discussed the 2018 Rutgers Study for school age children that Mr. Hughes used. Mr. Hughes used the income of \$50,000 to \$100,000 but did not say why he chose that range. Also the study projected 152 school age children, but Mr. Hughes used 135 including private school enrollment of 11%. Questioned if that 11% is correct. Stated Mr. Hughes did use a second method called a Comparable Projects Analysis. After reviewing all his testimony, does not find his net fiscal impact projections reliable.

Ms. Murray stated the following:

She reviewed the impact on educational programs and the facilities in the Township. Several things that were to be considered: the number of students generated by the development, the capacity of the schools, the Board of Education on funds and the impact to the students. The applicant's expert testified that there would be an additional 110 to 135 students. Dr. Haber testified to 353 students. This is Dr. Haber's area of expertise, where Mr. Hughes is a general planner. Dr. Haber has also conducted studies of his past projections and has been within 2 to 3% accuracy. Mr. Hughes has not conducted studies of past projections. Dr. Rubin and Mr. Carfagno know the availability in the Walnut and Livingston area schools. Mr. Hughes stated he has never visited either of those schools. Mr. Carfagno stated the buildings are full to capacity and they are sharing space and have multiple uses in one classroom. Mr. Carfagno stated even if a new school was to be built, the process would take 3 to 5 years to complete, if not longer. Mr. Carfagno also stated the schools' budget allows only a 2% cap on increases. Feels that based on the constraints on funding and the proposed influx of students from this development, the impact to the schools would be overwhelming. Cranford has been known for its excellent school system and this would have a negative impact on the students and their education for years to come. Would also have a negative impact on house values which would lower property taxes. Does not believe it would be a benefit to education in Cranford.

Deputy Mayor Dooley stated the following:

Mr. Carfagno's number of \$15,915 per student is more reliable than Mr. Hughes number of \$14,179. It is 12.2% higher than Mr. Hughes number. Stated that Dr. Haber is a school demographer and does this for a living. The NJ SDA has approved his numbers for funding. When using Dr. Haber's numbers and Mr. Carfagno's cost per student, you get a significant negative net fiscal impact. Also discussed out of district students and how there is no way to predict the amount of such students this development would attract.

Mr. Aschenbach stated the following:

Maintaining the current zone at 750 Walnut will have no school children and the fiscal impact will be positive.

Dr. Chapman stated the following:

Mr. Martell testified there were no traffic conditions that would cause a negative impact to the area. However, there is no parking for any amenities and emergency vehicles may not be able to be accommodated at the site i.e. fire trucks. When there is an emergency, there could be multiple emergency vehicles, which may not be able to access the site. Based on traffic testimony by Mr. Penke, he stated that there would be no off-site impact. They also stated that they would provide a shuttle to the train station, but did not state how many school buses would be needed to transport either 135 or 353 students. Dr. Chapman believes that the data provided by the residents may be more reliable than ITE projections by Mr. Penke. Discussed being on Walnut Avenue on different days of the week at both peak and school hours and the testimony of residents living in the area. Feels this project will not have a meaningful and substantial benefit to the residents living in the Walnut Avenue area.

Discussed past projects that stated there would not be a negative impact and after completion, had a negative impact on an area. Statistical data can only suggest what might happen. When the data is incorrect the community suffers. Feels the project will change traffic conditions and will not substantially and meaningfully benefit the residents or the Township. Discussed the impact on the school system stating that both Dr. Rubin and Mr. Carfagno provided credible testimony about the Cranford school system. They both accepted Dr. Haber's projections of the number of students the development would bring into the schools. Dr. Haber has been accepted as an expert with the NJ SDA. Discussed the Rutgers study and its history of under projecting the number of students anticipated in a school system. Dr. Haber saw deficiencies in the 2009 Rutgers study and stopped using it. Finds Dr. Haber to be more credible in his projections than the Hartz experts who used the Rutgers study. Dr. Rubin stated that the proposed development with 353 additional students, would overcrowd Livingston and Hillside Avenue schools. He also stated that all available space is being used and that the State does not regulate class size. The project could result in larger class size. Mr. Carfagno stated they would need to reallocate resources or reduce services if there was a deficit in funding and would not have an economic benefit. However, Hartz stated there would be an economic benefit to the schools. Does not believe that whether it is 135 or 353 additional students, this project will not substantially and meaningfully benefit the Township or the educational goals of the Cranford school system.

Ms. Feder stated the following:

Mr. Liotta discussed the discrepancies in the three reports presented by Hartz. She has little faith in the fiscal analysis presented by Hartz and it will not have a positive fiscal impact on Cranford and may have a detrimental effect on the school system.

Deputy Mayor Dooley stated the following:

Even splitting the number of school age children between 135 and 353 you would get 244 students. This would still have a negative fiscal impact to the schools and the Town. Reviewed Dr. Haber's methodology; he considered developments and all housing stock types.

Mr. Rothman reviewed the Jury Charge Chart.

Dr. Chapman made a motion asking has the applicant met the burden of demonstrating through the presentation of sufficient credible evidence that the rezoning proposed by the applicant will substantially and meaningfully benefit the Township and further the purposes of the MLUL, motion was seconded by Deputy Mayor Dooley.

Roll Call Vote:

Mr. Taylor – No
Ms. Pedde – No
Mayor Giblin – No
Ms. Feder – No
Deputy Mayor Dooley – No
Mr. Cossa – No
Dr. Chapman – No

Ms. Anderson – No
Ms. Murray – No

A motion was then made by Deputy Mayor Dooley asking has the applicant demonstrated that the proposed rezoning will not unduly burden the planned and orderly development of the Township or place an undue burden upon the municipal services and facilities, motion was seconded by Dr. Chapman.

Roll Call Vote:

Mr. Taylor – No
Ms. Pedde – No
Mayor Giblin – No
Ms. Feder – No
Deputy Mayor Dooley – No
Mr. Cossa – No
Dr. Chapman – No
Ms. Anderson – No
Ms. Murray – No

The second part of that motion was made by Deputy Mayor Dooley asking has the applicant demonstrated that the proposed rezoning will not place an undue burden upon the municipal services and facilities, including traffic impact, fiscal impact and the like, motion was seconded by Dr. Chapman

Roll Call Vote:

Mr. Taylor – No
Ms. Pedde – No
Mayor Giblin – No
Ms. Feder – No
Deputy Mayor Dooley – No
Mr. Cossa – No
Dr. Chapman – No
Ms. Anderson – No
Ms. Murray – No

Ms. Murray stated that based on the Board's votes on inutility and on substantial or meaningful benefit to the Township and furthering the purpose of the MLUL, the application to recommend the property at 750 Walnut Avenue has been denied.

4. PUBLIC PORTION

Rita LaBrutto – 104 Arlington Road – Stated that L'Oréal is expanding their space in Clark. It is 95,000 sq. ft. and that there is a market in Union County for this type of development.

Mark Zucker – 19 Pershing Avenue – Asked when the Township Committee will be voting on this matter.

Mr. Rothman stated that the Board needs to do a report in the form of a resolution. It will be considered at the Planning Board's meeting and adopted. It is then sent to the Township Committee. The Township Committee would put it on their agenda to consider the Planning Board's recommendation.

Mayor Giblin asked if there is an approximate date when the resolution would be to the Planning Board.

Ms. Murray stated the next meeting is the 19th.

Mr. Rothman stated it may take more time.

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:20 p.m.

Donna Pedde