

MINUTES - PLANNING BOARD
May 15, 2019

Workshop meeting of May 15, 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

Discussion was held regarding the procedure for the public comment portion of the meeting. The Board discussed a five-minute time limit per resident and allowing each resident to speak once. Dr. Chapman opposed the five-minute time limit. Consensus of Board members was to allow residents a five-minute time limit and to make public comments once.

Motion for the Board to move into executive session was by Mayor Giblin, seconded by Ms. Pedde.

Motion for Board to return to open session was made by Ms. Pedde, seconded by Mr. Cossa.

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 May 15, 2019 at 8:07 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
Mayor Giblin
Ms. Pedde
Mr. Taylor

Members Absent:

None

Alternates Present:

Mr. Aschenbach

Alternates Absent:

Ms. Didzbalis

Also present:

Mark Rothman, Esquire; Kathy Lenahan, Board Administrator

4. Application # PBA-17-00004- Continued from May 8, 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).

This portion of the hearing was dedicated to public comment. Ms. Murray explained the process. Each public comment will be no longer than five minutes and each member of public can speak once at the podium. Requested everyone be courteous and respect their neighbors. After the comments are completed, Mr. Rhatican will make his closing summation. The next meeting will be the deliberations and a vote. Stated the vote will to be whether or not to recommend the rezoning request to the Township Committee.

The following members of the Public appeared:

Wayne Orshak – 166 Mohawk Drive – Was sworn in. Stated he has lived in Cranford for 40 years and has worked for the post office in Town and was also a director on Chamber

Of Commerce. He has seen many positive changes to the community. Stated change is inevitable, but must be carefully considered. The project being considered will forever change the community. Stated the school system and infrastructure of services is not equipped to handle the large increase in population. Cranford will see more traffic, will need more police, fire fighters, teachers and more classroom space. If this request is granted, the quality of life in Cranford will be affected not only in the immediate future, but for many years to come. Please consider everything that is stated tonight. The project in its current format is not a good fit for the community. Encouraged members to vote against changing the zoning and not allow multifamily residential housing as it is currently proposed.

Lydia Allen – 751 Walnut Avenue – Was sworn in. Discussed what it is like every day to get in and out of her driveway. Stated if they allow 1800 cars to park across the street, they will never get out. The traffic is tremendous and Clark Commons has added to the traffic. The building at 67 Walnut Avenue in Clark sold for 10.5 million. Does not feel the applicant tried to market the building. Stated Public Service wants to build a substation behind 750 Walnut. It is a very dangerous situation. Putting a red light at Behnert Place will back up traffic to Raritan Road. If this is passed, they will have to back into their property and force their way out. Take into consideration that this is ruining the south side of Town. Please vote against it.

Mark Zucker – 19 Pershing Avenue – Was sworn in. Stated he has attended many of the meetings and traffic is one of his concerns. The traffic study by Hartz was flawed. It did not incorporate different times and different days of the week. Stated no one has done a review of the accuracy of previous reports. The streets along Walnut and Raritan Road are used as a bypass for the light at the intersection, and will increase with this project. The project site will add over 1900 residents (8% of the current population). Applicant wants to build five story structures, there are no other buildings of that height in the area and will be visible to the surrounding residential homes. Discussed the plans for trash and snow removal. No additional parking for the recreational facilities. Whether it is an additional 200 or 300 children to the schools does not matter since the schools are full to capacity. Hartz will not have the ability to restrict the number of school age children in the complex. Does not feel that Hartz has the right to place a burden on the schools or the Town's services such as fire, police, EMT, etc. Stated Hartz has other options. Stated the Master Plan restricts high density projects to the Downtown. Keep Cranford a quaint, quiet, friendly town.

Christine Esposito – 11 Behnert Place – Was sworn in. Thanked the Board for their time. Stated Hartz is a property owner just as she is and they have the right to request a zoning change. However, does not feel they have presented a compelling reason to rezone the property. Discussed issues with the application related to the Master Plan such as density near the downtown core, and implementing Land Use development policies to avoid adversely affecting Cranford's school district. Plan will have a direct effect on the traffic in the Walnut Avenue corridor and beyond. Will bring added volume

to Indian Village and Sunny Acres, which are historic areas. Asked Board to carefully consider if Hartz Mountain has provided proof that the commercial space is no longer viable. She has lived in the area for 18 years and has never seen a sign at the site for leasing space. She hopes the Board does not make the recommendation for rezoning of the property.

Tom Roettker – 347 South Union Avenue – Was sworn in. Stated he is there to ask the Board to reject the request to rezone the Hartz Mountain property at 750 Walnut Avenue. Asked if Hartz has considered other commercial uses. Hartz has stated that the 905 residential units is the only use for this site. Also stated there will be minimal traffic disruptions, and that on-site parking is adequate and emergency services are acceptable. Also, Hartz stated no more than 150 school age children will be in the development and would be a 2.4 million dollar positive impact. But what if they are wrong. What if the testimony from the other experts is right. Asked the Board to carefully consider the impact to Cranford.

Christine Pecoraro - 15 Pershing Avenue – Was sworn in. Stated she has owned her home for 18 years and is a lifelong resident of Union County. Hartz has painted a picture with the best numbers possible, trying to tip the scales in their favor. Residents know the figures are projections. May be impossible to predict the impact to the community. The residents know that rezoning to accommodate this oversize apartment complex would have permanent, detrimental effects on the Town. Asked what will Hartz give to Cranford down the road when the projections they made are false. Township should not allow Hartz to compromise the integrity of Cranford in anyway.

Jeffrey Pistol – 243 Hillside Avenue – Was sworn in. Stated he is opposed to the change in the zone. Property should remain commercial, feels that is best for the community and the tax base. If the Board must rezone the property, stated there could be a compromise to be fair to everyone and provide affordable housing. Described the concept of dividing the parcel into 3 parts to accommodate different types of housing. 1/3 apartments with affordable housing, 1/3 age restricted single family houses and 1/3 age restricted clustered town houses. Would be a mixed housing type development.

Don Stiles – 244 Hillside Avenue – Was sworn in. Stated that most of his points have been covered, but stated the math should be checked. What is glaring is there is no flexibility, no plan B from Hartz. Stated without any flexibility, does not see how it can go in Hartz favor. Thanked the Board.

Susan Malanka – 4 Hemlock Circle – Was sworn in. Stated she is there to personally read a statement. She challenges the argument that Hartz cannot lease 750 Walnut. She has examples of sales of commercial real estate properties similar to Cranford. Described selling points of properties as location, proximately to labor pool, walkable, amenities, access to NJ transit, bus service and park like setting. Also proximity to Newark Airport and NYC. All these things are shared by Cranford. Most of properties had recent upgrades. Since Hartz has chosen not to upgrade their property, is not

Cranford's fault. She has tables to show several real estate deals. Stated the real estate that Hartz owns is profitable. Some of the properties were in Paramus for \$74 million dollars (gave description of property), Roseland for \$72 million dollars (described the building), Clark for \$10.6 million dollars, (gave description of property), South Iselin for \$61.5 million (listed selling points of property).

Mr. Rhatican requested to cross examine Ms. Malanka. Asked the source of the information she cited. Asked if all the buildings were office buildings and constructed as office buildings. Made a motion to strike the testimony.

Mr. Rothman stated this was public comment. Board has not accepted this testimony as expert testimony.

Ms. Malanka stated her source was RE NJ.com. She works for a law firm that handles real estate. Stated she does not know the answer to Mr. Rhatican's questions about the office buildings.

Richard Bingham – 20 Pershing Avenue – Was sworn in. He has lived here since 1959. Stated that cars come down the street at a very high rate of speed. Increasing the volume of traffic will only get worse. Watched the meetings on TV35. Discussed the testimony of the experts that appeared. Knows the vetting process for testifying. Disappointed when people accepted as experts make ridiculous comments.

Rita LaBrutto – 104 Arlington Road – Was sworn in. Stated Walnut Avenue School is out of space. The addition that was built has the SNAPPY classes and various rooms share space. At the last Planning Board meeting there was a question about Dr. Haber's methodology using single family homes. Stated that is only one of the factors he uses. Discussed the other ratios Dr. Haber uses. The Rutgers Study from 2006 was always underestimating and he stopped using it in 2009. His data is very reliable and 353 students is a 39% increase. Mr. Carfagno stated that Hartz could build a school in kind if this application is approved. Feels the Hartz study for school age children is too low. The Master Plan states development should not adversely affect the schools and to concentrate high density is the downtown core. Cranford already has the same type of housing stock between Riverfront, Woodmont and Birchwood. Traffic numbers need to be recounted. People find a way around signals.

Brett Dreyer – 12 Hampton St – Was sworn in. Stated Hartz bought the property 30 years ago and has failed to reinvest in the property. They claim it is unmarketable. Stated when Hartz is gone the tax payers will be left with the bill and dealing with traffic, pollution and schools. Thinks it is sad.

Chiara Siliato – 19 Munsee Drive – Was sworn in. Has listened for the past year. Hartz is a property owner. They want to maximize their profits. Hartz thinks the property cannot be rented and it would require a lot of effort to change the property. Why should the township be burdened with 905 units because Hartz does not want to raise ceiling or floor. Hartz will reap the benefits and the residents will have the burden of infrastructure, schools, and traffic.

Francisco Guastella – 225 Rankin Avenue – Was sworn in. Asked to stop and think before voting. You don't need an expert to know that 900 units will add to the traffic and the school system. The residents are affected by this, think about what is good for Cranford and say no to Hartz and the rezoning.

Kevin Kilpatrick – 9 Roger Norton Place – Was sworn in. Read from a source titled Turn On Information New Jersey. Stated Hartz has not shown any effort in reinvesting in the property to make it more marketable. Read quote regarding the sale of 67 Walnut Avenue in Clark.

Ben Serna – 8 Iroquois Place – Was sworn in. Wanted to give a kid's perspective. Lives close to 750 Walnut and rides his bike in that area. Feels the traffic would be significantly increased and would put him and others at greater risk. Also, the schools are at maximum capacity and significant changes would need to be made for more children to come to the schools.

Phyllis Howard – 5 Burnside Place – Was sworn in. Stated there are four panels that she looks at when she comes into this room. They represent progress and 900 apartments in Cranford is not progress and urge the Board to vote no to the application.

Delia Collins – 72 Georgia Street – Clark – Was sworn in. She is concerned about safety. Travels on Chester Lange Place many times a day. Worries about the children going to Walnut Avenue School. There may be a need for a crossing guard at corner of Chester Lange and Walnut. Chester Lange backs up every evening. Concerned about the rear of the complex with fire trucks and emergency vehicles getting into the complex.

Don Smith – 21 Oneida Place – Was sworn in. Stated he has lived here for 52 years. Understands Hartz corporate mission, but what about the impact on the Township and the community. Discussed the traffic in Cranford and in Union County with overdevelopment. Cranford is a draw to the parkway. From a commerce perspective, there will be little impact to Cranford downtown businesses. The school impact of 353 students is larger than any of the schools now. People come for the education. Having larger class sizes will water it down and reduce value of homes. Will have ripple effects. Residents understand what the impacts will be.

Eric Rubinson – 8 Alan OKell Place – Was sworn in. Stated he purchased a map showing the development of Cranford from its inception. He lives very close to 750 Walnut. Likes the map with areas of development and it shows progress as a community. The map tells a story of responsible and measured progress. Asked to maintain the pace of progress that has made Cranford great, need to be strong. Hope decision is a no to 750 Walnut.

Kathy Allegro – 17 Shetland Drive – Was sworn in. Has been to a lot of the meetings. In all testimony and questions, she has not heard one positive benefit to the community or to the residents that would outweigh all the problems.

James Cavallo – 9 Orange Avenue – Was sworn in. Stated the application and statement of ownership was incomplete and invalid due to not identifying all the owners. Applicant has since delivered a statement of ownership, but application has not been corrected. Precedent has been set. Described a letter from PSE&G to acquire property at 750 Walnut Avenue. Letter is referenced in the Housing Fair Share Plan. Stated he has met the author of the letter. He has invoices for planning services from Harbor Consultants for 750 Walnut Avenue. The principle of Harbor owns property adjacent to 750 Walnut. Had questions regarding Harbor Consultants and PSE&G which he would like answers to.

Wendy Lyubarsy – 21 Sutton Place – Was sworn in. Understands this is a process and that Hartz needs to be heard. But it is an incredibly bad idea. Stated what if she rented her home but did not take care of it and now no one wants to rent it, so she decided she wants to make it a Wawa and gas station. She comes to the Planning Board and brings experts to say it will be great. Hopes and expects that they would see through that to know it is ridiculous. Cranford has made so much progress but sometimes they make mistakes. Please do not let this be the mistake. It is the only town they have.

Robert Pipchick -107 Lincoln Avenue East – Was sworn in. Stated at various times during the day there is a backup on Lincoln Avenue which is a residential street with traffic trying to get to Walnut Avenue. Schools are at a 100% and how will Hartz will solve this problem. Would they possibly build a school. Discussed the Master Plan and age restricted land use.

There was no other Public comments and the matter was referred back to the Board.

Ms. Murray thanked the audience for their comments and their conduct.

Mr. Rhatican summarized the application. Stated due to so many witnesses and testimony, he will be submitting a written summary in advance of the next meeting, He hopes to have it to the Board by May 24th. Stated Hartz did buy the site over 30 years ago, was previously a manufacturing facility. It was converted to office space for Bank of America (BOA). Hartz did build two other small office buildings. One was occupied by Trinitas Hospital and the other by BOA. They are both vacant now. Efforts were made to rent to Summit Medical Group but that did not work out. Discussed the Town's ordinance for rezoning. Stated that years ago the Town adopted Ordinance 136-67 regarding rezoning applications. Stated this is not a site plan application.

Mr. Rhatican reviewed sections of the ordinance:

#A- Necessity – The only way to accomplish the conversion is through changing the zoning. Does not consider a use variance. Hartz did make an application for redevelopment. That application was not granted.

#B - Master Plan – If it is inconsistent with the Master Plan, the Planning Board can make a recommendation to the Governing Body whether or not to amend the Master Plan. Stated that Mr. Liotta, the Township's Planner, did not refer to this ordinance.

#C - Modification – Planning Board may make a recommendation that the application be granted in whole or in part.

#D – Effect on Current Zoning – Applicant may demonstrate that the property will be zoned into inutility or that the changes will benefit the Town. Potential tenants are looking at the layout of building and know that Hartz will fix the cosmetic parts. Marketing efforts have been unsuccessful and the building is obsolete. Not a site that is suitable for warehouse and distribution use.

Mr. Rhatican stated he challenged Dr. Haber's calculations of the number of students. Stated 74% of the calculations were single family homes which does not accurately reflect the number of students generated from a garden apartment building. He believes the flaws in Dr. Haber's testimony are: miscalculating the number of households in Chatham, not accounting for private school children and using transit village data from other towns, but not using Cranford data. His margin of error was on town wide projections. The number of students projected by Mr. Hughes added to current enrollment, stills equals less students then in the school system 2 years ago.

Discussed the document "Comprehensive Annual Financial Report" which is prepared by the school district every year and provided to the State. The 2018 report which was Exhibit School District 5, reported Cranford High School was 573 students below capacity. Also discussed the traffic and ITE studies. Stated the rezoning will change the traffic patterns but will not increase traffic based on what the existing zoning can accommodate. Discussed municipal services and the criteria. If looking at inutility, you don't look at municipal services. Stated they did demonstrate that municipal services will not result in a net fiscal deficit. Asked that Board to elevate the request based on the criteria in the ordinance. Asked that they recommend to the Governing Body that they rezone the property as requested by the applicant.

Ms. Murray stated that on June 5th the Board will publicly deliberate on this application and vote.

Stated there will be a public participation session regarding the reexamination of the Master Plan on May 28th at the Community Center from 6 p.m. to 8 p.m.

5. PUBLIC PORTION

Rita LaBrutto – 104 Arlington Road – Asked how many sessions will there be for the reexamination and requested that anything involving in the Master Plan be done in public.

Ms. Murray stated they have scheduled a meeting for May 28th, there will also be a presentation of a draft report sometime in early September. Any workshop sessions discussing the reexamination process will be listed on the agenda.

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 10:10 p.m.

Donna Pedde, Secretary