

**The Cranford Zoning Board of Adjustment meeting scheduled for Monday, October 3, 2022 at 7:30 p.m. will be conducted virtually in order to avoid potential impacts from Covid-19.**

Due to the ongoing public health emergency, and the Governor's Executive Orders related to the same, the Zoning Board of the Township of Cranford will conduct all meetings remotely and by electronic means for the foreseeable future.

In accordance with N.J.S.A. 10:4-6 (the "Open Public Meetings Act") and consistent with the Department of Community Affairs, Division of Local Government Services guidelines, the Township's Zoning Board Meetings will be open to the public by electronic means. Residents can view the meetings on TV-35, and via livestream on [TV-35's Facebook Page](#).

**Residents who wish to participate in the virtual meeting for purposes of making a public comment or to participate in the scheduled public hearing can join with Google Meet at: [meet.google.com/axp-dbam-wpg](https://meet.google.com/axp-dbam-wpg) or by phone at 1-319-449-0189 enter PIN 155175388.**

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided to 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.

1. Roll Call
2. Communications
3. Resolutions of Memorialization
4. Minutes
5. Old/New Business

**PUBLIC MEETING – 7:45 p.m. – This meeting will be offered virtually for all Board Members, Board Professionals, Applicant and Applicant's Team and interested parties and members of the Public.**

1. Statement of compliance with the Open Public Meetings Act.
2. Roll Call
3. Application # ZBA 22- 003  
NAKT Real Estate Holdings, LLC  
49 South Ave West  
Block 473 Lot 1, ORC Zone

Applicant is seeking Preliminary and Final Site Plan Approval, a d(1) variance and multiple "c" variances and design waivers (see attached list) for the construction of a medical office and urgent care facility.

### **Use Variance**

1. The Proposed physical therapy office and urgent care facility uses are not permitted in the ORC Zone District per §255-36C. The Applicant requires D(1) use variance relief.

### **Bulk Variances**

1. The proposed 4.6' front yard setback does not comply with the 30' minimum requirement outlined in §255-34, Attachment 1, Schedule 1. The Applicant requires bulk variance relief.

2. The proposed 4.5' rear yard setback does not comply with the 25' minimum requirement outlined in §255-34, Attachment 1, Schedule 1. The Applicant requires bulk variance relief.

3. The Applicant is proposing 23 parking spaces, where there is a minimum of 25 required for a health care facility or clinic per §255-44.A(4). The Applicant requires bulk variance relief.

### **Supplemental Use Regulations - ORC District Requirements**

1. The Applicant is proposing partial landscaped buffering along the sides and rear yards of the Site, less than the required 5' buffer along the side yard and 7' buffer along the rear yard as required per §255-37(J)(1). The Applicant requires variance relief.

2. The Applicant is proposing parking in the front yard, where no parking is allowed per §255-37(J)(2)(a). The Applicant requires variance relief.

3. The Applicant requires variance relief of the required landscape or fence buffer of parking areas from adjacent residential zones and public roads as required under § 255-37J(2)(b).

4. The proposed building does not maintain the architectural character of the existing structure, where this is required per § 255-37J(3)(a) The applicant requires variance relief.

5. The proposed building has a flat roof, where a pitched roof is required per § 255-37J(3)(d), "The roof pitch on all new buildings and on existing buildings where a second floor is added or created shall be a minimum of 4:12." The applicant requires variance relief.

6. The Applicant proposes to locate the trash disposal area between the front façade and the street right-of-way where such location is not permitted under § 255-37J(3)(f).

7. The proposed pole lighting in the parking areas has a total height of 10' tall, where a maximum height of 8' is permitted under § 255-37J(3)(g). The Applicant requires variance relief.

8. The proposed building frontage along South Avenue West does not provide a primary building entrance along this front facade, where this is required per § 255-37J(3)(i). The Applicant requires variance relief.

### **Design Waivers**

1. The Applicant proposes parking spaces that are 9' in width and 18' in length, where a 10' width is required per §255-26.G(3)(a)(1). The Applicant is requesting a design waiver for this deviation.

2. The Applicant is proposing an "employee only" parking space within 5' of the rear property line, where this is prohibited per §255-26.G(3)(a). The Applicant is requesting a design waiver for this deviation.

3. The Applicant is not proposing any loading spaces, where a loading space is required per §255-26.G(11)(a). The Applicant is requesting a design waiver for this deviation.

4. The Applicant is proposing a sign that is 6' in height, where the maximum sign height is 4' per §255-26.f(3). The Applicant is requesting a design waiver for this deviation.

**PUBLIC PORTION** - Any interested party may appear at said hearing and participate therein in accordance with the rules of the Zoning Board.

**SUBMISSION OF WRITTEN PUBLIC COMMENTS NOT RELATED TO A PUBLIC HEARING OR AN APPLICATION -**

To the extent that N.J.A.C. 5:39-1 et seq., (Emergency Remote Meeting Protocol for Local Public Bodies) remains applicable; when the Board conducts a virtual meeting, members of the public shall be permitted to make public comment, in advance of the remote public meeting, by submitting a written comment to the Board Administrator at: [Board-Administrator@cranfordnj.org](mailto:Board-Administrator@cranfordnj.org), by electronic mail and in written letter form by 12:00 p.m. the day before the scheduled meeting. The Board shall have the discretion to accept text-based public comment received during a remote public meeting held through an electronic communications platform or Internet-accessible technology. Public comments submitted before the remote public meeting through electronic mail or by written letter shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public. The Board may limit public comments submitted in written form in the same manner that oral public comments are limited. Nevertheless, each submitted comment shall be read from the beginning, until the time limit is reached. The Board may exclude duplicative comments; however, each duplicate comment shall be noted for the record with the content summarized. The Board will not arbitrarily exclude or summarize duplicative comments, while reading other duplicative comments individually.

As used herein "submission of written public comment" shall be only those comments from the public called for by the Chair after the hearings included on the agenda for the scheduled virtual meeting have been concluded or adjourned and shall not be related to any matters pending before the Board. The submission of written public comment shall be related to land use issues that are cognizable before the Board. The Board in its discretion may exclude submitted public comment that is meant to be disruptive by including statements not related to land use issues cognizable before the Board or include profanity or include disparaging language directed at an individual rather than a legitimate land use issue.

Nothing in this section shall be interpreted to alter any Board action permitted by the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., or Municipal Land Use Law N.J.S.A. 40:55D-1 et seq., or any other law or rule applicable to the Board or alter the requirement directing the Board to have all individuals giving sworn testimony at a remote public meeting to appear by video in addition to audio (N.J.A.C. 5:39-1.4(d)).

***COPIES OF THE MINUTES OF THE MEETING ARE AVAILABLE AFTER ADOPTION BY THE BOARD UPON WRITTEN REQUEST SUBMITTED TO THE TOWNSHIP CLERK, 8 SPRINGFIELD AVENUE, CRANFORD, NEW JERSEY 07016 IN ACCORDANCE WITH THE OPRA ACT.***