

## MINUTES - PLANNING BOARD

### Meeting of February 3, 2021

A public meeting of the Cranford Planning Board was called to order by Ms. Murray on February 3, 2021 at 7:31 p.m. via **Google Meet**. Ms. Lenahan announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader and the Star Ledger have been notified and the agenda posted in the municipal building as required.

#### 1. ROLL CALL

##### **Members Present Via Google Meet:**

Ms. Murray  
Ms. Kellett  
Ms. Didzbalis  
Commissioner Gareis  
Mr. Nordelo  
Ms. Pedde  
Mayor Prunty  
Ms. Rappa  
Mr. Taylor

##### **Members Absent:**

None

##### **Alternates Present via Google Meet:**

Ms. Sen

##### **Alternates Absent:**

Mr. Walton

##### **Also present via Google Meet:**

Jonathan Drill Esq., Board Attorney, Jason Bottcher, Zoning Officer, Kathy Lenahan, Board Administrator

#### 2. RESOLUTIONS

None

#### 3. MINUTES

None

#### 4. COMMUNICATIONS

None

#### 5. OLD BUSINESS/NEW BUSINESS

None

**PUBLIC MEETING - 8:00 p.m.**

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

Ms. Murray called a public meeting of the Cranford Planning Board to order on February 3, 2021 at 8:00 p.m. via **Google Meet**. Ms. Lenahan announced 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.

**2. ROLL CALL:**

**Members Present Via Google Meet**

Ms. Murray  
Ms. Kellett  
Ms. Didzbalis  
Commissioner Gareis  
Mr. Nordelo  
Ms. Pedde  
Mayor Prunty  
Ms. Rappa  
Mr. Taylor

**Members Absent:**

None

**Alternates Present via Google Meet:**

Ms. Sen

**Alternates Absent:**

Mr. Walton

**Also present via Google Meet:**

Jonathan Drill Esq., Board Attorney, Jason Bottcher, Zoning Officer, Kathy Lenahan, Board Administrator, Wanda Monahan, Special Outside Counsel Esq., Annie Hindenlang, Topology Consultant, Teun Deuling, Topology Consultant

- 3.** Presentation of the Topology Report on the Area in Need of Rehabilitation for certain properties on South Avenue and Chestnut Street. Upon the conclusion of the presentation, the Planning Board may determine whether to recommend to the Township Committee of the Township of Cranford that the above referenced properties should be designated as an Area in Need of Rehabilitation.

Wanda Chin Monahan, Esq. appeared. Stated she is the Special Outside Counsel for Redevelopment and Rehabilitation for the Township. Ms. Monahan stated the Township Committee adopted a resolution on August 11, 2020 requesting the Planning Board do a preliminary investigation on certain properties to see if they would qualify as an Area in Need of Rehabilitation. Reviewed the process for the study and listed the properties involved which were: 100-104 South Avenue E., 108 South Avenue E., 112 South Avenue E., 118 South Avenue E., 122-126 South Avenue E., 32 High Street (Block 478 Lots 1.01, 1.02, 2, 3, 4, 5,6); 2 Chestnut Street (Block 483 Lot 18) and 201 Walnut Avenue (Block 484 Lot 19.01). The Planning Board hired Topology to perform the preliminary study and they will present their findings tonight. After the presentation, the Board members and the Public will be able to ask questions.

Ms. Monahan stated the rehabilitation process is different than the redevelopment process in that there is no power of eminent domain. Requesting the Planning Board send the report prepared by Topology along with any recommendations they make to the Township Committee. At that point, the Township Committee would consider the Topology Report and any recommendations from the Planning Board and make a motion to adopt the Planning Board's recommendation. The Township Committee would then prepare a draft resolution to send back to the Planning Board for their review. The Planning Board would then consider the draft resolution and either approve, approve with modifications or disapprove. After that, the Township Committee could adopt the resolution and it would be sent to the NJ Dept. of Community Affairs. After 30 days, it would be deemed approved if there is no response from DCA before that.

Mr. Drill stated that even though a hearing is not necessary for a rehabilitation designation, the Board will be treating this like a hearing and the witnesses will be sworn in under oath. Stated the study by Topology was posted on the Planning Board webpage.

Annie Hindenlang, PP AICP and Teun Deuling AICP candidate from Topology LLC, were sworn in. Their qualifications were presented to the Board.

Mr. Deuling presented a PowerPoint presentation titled *Rehabilitation Area Investigation* dated February 3, 2021.

The Presentation included review of the following:

- Topology's experience with redevelopment;
- The properties involved in the study;
- The designation would authorize the Township to adopt a redevelopment plan and if adopted, allow properties an incentive for short-term tax abatement;
- The designation does **not** allow changes in zoning, condemnation or allow long-term tax exemptions;
- The conditions that need to exist in order to designate an area in need of rehabilitation and that the program would need to prevent further deterioration and promote development of the community.

Also, any one of the following would need to exist:

1. Significant portion of structures are in substandard condition;
2. More than half of area must be more than 50 years old;
3. There is underutilization of the properties;
4. Arrears of property taxes;
5. Environmental contamination which may be discouraging investment;
6. Water and sewer in area at least 50 years old and needs substantial repair.

Topology conducted a site visit on November 21, 2020 and found nine parcels in the study area. Six parcels had deterioration; two properties did not have deterioration which were Block 478 Lots 1.01 and 1.02 and one parcel - Block 478 Lot 2, was a parking lot with no structure so there was no deterioration. The first three conditions exist in the study area. Reviewed each property and condition(s) that applied on the study date which included:

- Damaged siding and fencing;
- Cracked masonry, peeling paint;
- Damaged window frames and gutters;
- Water damage, cracked foundation walls

Reviewed the age of the housing stock. One of the parcels is residential and was built before 1970 so it is over 50 years old. All the properties are located in the SID. Looked at the land and improvement values of the study area and four of properties are underutilized based on the tax records which showed a decline in the assessed value between 2013 and 2020.

Topology concluded that the area qualifies under the statute for an Area in Need of Rehabilitation.

Ms. Murray asked if the Board had any questions regarding the presentation. There were no questions from the Board.

Ms. Murray asked if the Public had any questions regarding the presentation, the following appeared:

Jerry Grillo – 4 Seneca Road – Asked why the two adjoining properties on Walnut, south of the corner, were not in the study and how this area became a candidate for the study. Asked if the other adjoining properties to the south of the corner lot were notified of the study. Asked about properties being owned by same person and date of purchase of properties.

Mr. Deuling stated the Planning Board and Township Committee asked Topology to study certain properties.

Ms. Monahan also stated the properties' representatives/owners in this study had contacted the Town to see if they would consider doing a study for rehabilitation. The Township Committee considered whether the study and designation would benefit the downtown area and would it be consistent with other redevelopment and rehabilitation renovations going on in the town. The Township Committee then asked the Planning Board to study those specific block/lots. Not aware of any other adjoining properties being notified. Is aware that there is common ownership among these properties and that the properties were purchases within the last 5 years.

Mr. Drill stated that the Planning Board did not notify any properties owners since it is not required for rehabilitation. However, the Topology Report was put on the website.

Ms. Hindenlang stated that this does not preclude any other property owners from being designated at a later time.

Rita LaBrutto – 104 Arlington Road – Asked about a tax abatement with redevelopment or rehabilitation. Asked about the owners of these properties requesting a tax abatement from the Township Committee and about a vote by the Township Committee and a term sheet. Asked what conditions qualify for a rehabilitation vs. redevelopment designation. Asked if everyone in the study wants to be included in the designation.

Ms. Monahan stated there needs to be a designation for a tax abatement. There was discussion about the properties qualifying for a tax abatement if they were designated an Area in Need of Rehabilitation. There was a term sheet approved in 2020. The Term sheet included a request for a short-term tax abatement.

Ms. Monahan stated the Planning Board should only be considering the Topology Report and if they want to recommend it to the Township Committee. The Planning Board has no authority to grant tax abatements. Owners of these properties came to the Township and wanted to be included in the study.

Ms. Hindenlang stated that they look for deferred maintenance. Deferred maintenance over time and a loss of value could mean that the property owner is struggling to maintain the property. The documents in the report are relative to a moment in time.

Board members had follow-up questions for Ms. Monahan and ascertained the following: There is an option to expand the area of rehabilitation but that was not considered by the Township Committee. The statute for rehabilitation has great flexibility.

Ms. Murray asked if the Public had any comments regarding the presentation, the following appeared:

Barry O'Donovan – 710 Orange Avenue – appeared and was sworn in. Stated that he is aware of the project and feels it would be very good for the area.

Josh Mann – 55 Bleeker Street, Millburn, NJ – Owner of Iron Ore Properties – appeared and was sworn in. Stated they are the developers of 100 and 104 South Avenue and will be working on the other properties involved in this study. Did approach the Town on the rehabilitation. They are supportive of this process.

Jerry Grillo – 4 Seneca Road – appeared and was sworn in. Stated it is confusing to him that Topology would take nine properties in one area, six of which are owned by the same developer and not the rest of the town. Feels majority of properties owners on North side and some on South side would be very disappointed in the Township Committee and Planning Board. Some property owners have owned their properties for 50-75 years. Feels many property owners fit the criteria. Feels Topology needs to reevaluate the nine properties and the Planning Board should

not recommend this to the Township Council. Adjoining properties should have been included in this study.

Ann Steinbach – 1 Hamilton Avenue – appeared and was sworn in. Feels that this should have waited, report only came out on Friday and does not feel the Public had the time to look at the report. Asked what was the rush.

Rita LaBrutto – 104 Arlington Road – appeared and was sworn in. Concerned that the properties are being put into a rehabilitation designation so that the developer can get a tax break. Township Committee should explain the revenue numbers if a tax abatement is given. Concerned about parking, school children and terms of the PILOT.

Ms. Monahan provided a closing statement. Asked that the Planning Board consider sending the Topology report to the Township Committee stating they reviewed all the findings and considered all the questions and comments from the Board members and the Public, including the owners of the properties, and to include any recommendations from the Board.

Comments from the Board members were:

No issues with the Report but should recommend with modifications to increase the size of the area. Any property should have the same benefit as the properties noted in the study. Isolated to a few, gives the impression that it is not open to everyone. Should include any property over 50 years old. Request from Township Committee was very specific. One argument that was compelling was the underutilization. This could open up a discussion for other property owners to use this tool. Rehabilitation is proactive so it does not become an Area in Need of Redevelopment.

Ms. Monahan stated if you add additional properties to study, they would be separate since it would require a site visit. There is no benefit to holding up this designation. If the Township Committee wants to study other properties, they can request the Planning Board do another investigative study.

Board members had follow-up questions for Ms. Monahan which ascertained the following: Under redevelopment law, when an area is designated as an area in need of rehabilitation, the Township Committee can adopt a resolution to offer a tax abatement to those properties. It can only be up to a 5-year tax abatement. The Township Committee is open to speaking to all tax payers. If once learning more about the rehabilitation tool, there is interest, sure the Township Committee would be open to discussions. With this rehabilitation, there are plans to add residential units which will satisfy some of the affordable housing for the Township.

A motion by Ms. Murray, to send the Topology report to the Township Committee, recommending that the study area be designated an Area in Need of Rehabilitation and to also encourage the use of this tool to other property owners, was seconded by Ms. Kellett and passed on roll call vote:

Affirmative: Ms. Murray, Ms. Kellett, Ms. Didzbalis, Commissioner Gareis, Mr. Nordelo, Ms. Pedde, Mayor Prunty, Ms. Rappa, Mr. Taylor

Opposed: None

There being no further business, a motion to adjourn the meeting was regularly made seconded and passed. The meeting concluded at 9:44 p.m.

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Kathleen Murray, Chair