

MINUTES - PLANNING BOARD

Workshop meeting of September 16, 2020

A public meeting of the Cranford Planning Board was called to order by Ms. Murray on September 16, 2020 at 7:34 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. Formal action may be taken.

1. ROLL CALL

Members Present Via Google Meet:

Ms. Murray
Ms. Pedde
Dr. Chapman
Ms. Didzbalis
Mayor Giblin
Deputy Mayor Prunty
Mr. Taylor

Members Absent:

Mr. Cossa
Ms. Feder

Alternates Present via Google Meet:

Ms. Kellett
Mr. Walton

Alternates Absent:

None

Also present via Google Meet:

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

2. RESOLUTION

Application # PB-19-003 – **Not adopted at the meeting**

Applicant: Mone Bia Corporation

111-115 North Union Avenue

Block: 191 Lot: 5 , D-C Zone

The applicant in this matter is seeking Minor Site Plan approval, a c(2) flexible variance and exceptions to construct a retail building in the Downtown Business District.

3. MINUTES

Motion to adopt the minutes of the August 19, 2020, was made by Ms. Pedde seconded by Ms. Didzbalis and passed on roll call vote:

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Ms. Didzbalis, Mayor Giblin,
Deputy Mayor Prunty, Ms. Kellett

Opposed: None

4. COMMUNICATIONS

None

5. OLD BUSINESS/NEW BUSINESS

- Discussion of proposals submitted for Township Resolution No. 2020-270 - Requesting the Planning Board evaluate certain properties on South Avenue and Chestnut Street to determine if they should be designated an area in need of rehabilitation. Properties identified are: 201 Walnut Avenue, Block 484, Lot 19.01; 100-126 South Avenue, Block 478, Lots 1.01, 1.02, 2, 3, 4, and 5; 32 High Street, Block 478, Lot 6; and 2 Chestnut Street, Block 483, Lot 18.

Discussion was held on the two proposals that were received by the Board Secretary. One was from Topology and the other was from Banisch & Associates. Ms. Murray stated that Maser Consulting did not send in a proposal due to a conflict of interest.

Motion to appoint Topology NJ, LLC to do an investigative study on the properties listed above was made by Ms. Murray, seconded by Mayor Giblin and passed on roll call vote:

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Ms. Didzbalis, Mayor Giblin, Deputy Mayor Prunty, Mr. Taylor, Ms. Kellett, Mr. Walton

Opposed: None

PUBLIC HEARING –

1. STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Ms. Murray called a public meeting of the Cranford Planning Board to order on September 16, 2020 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. FLAG SALUTE

3. ROLL CALL:

Members Present Via Google Meet:

Ms. Murray
Ms. Pedde
Dr. Chapman

Ms. Didzbalis
Mayor Giblin
Deputy Mayor Prunty
Mr. Taylor

Members Absent:

Mr. Cossa
Ms. Feder

Alternates Present via Google Meet:

Mr. Walton

Alternates Absent:

Ms. Kellett – Rescued herself after the Workshop

Also present via Google Meet:

Jonathan Drill Esq., Jason Bottcher, Zoning Officer, Kathy Lenahan, Board Administrator
Michael Ash, Esq., Special Counsel

4. Public Hearing – Continued from September 2, 2020

Public Hearing on whether the 750 Walnut Avenue Study Area – Block 541 Lot 2 on the Cranford Tax Map – is a Condemnation Area in Need of Redevelopment (AINR). Upon the conclusion of the hearing, the Planning Board may determine whether to recommend to the Township Committee of the Township of Cranford that the above referenced property should be designated as a Condemnation Area in Need of Redevelopment.

Mr. Ash appeared and reviewed the September 2nd hearing and stated that documents were requested and produced. Also received a letter from Mr. Kent-Smith and Ms. Elgart objecting to the proceeding.

Ms. Elgart stated they requested an adjournment. Stated Hartz was not ready to provide expert reports; however, they do have experts to provide testimony tonight.

Discussion was held regarding a Town Hall meeting and why there is no public at the hearing tonight.

William Sitar appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in industrial, commercial and flex space in the mid or northern New Jersey area.

Questions to Mr. Sitar from Ms. Elgart ascertained the following:

Described the documents he reviewed for this hearing. Stated he did a site visit and reinspected the inside and outside of the property. Did not have time to prepare a report. He testified in the 2018 hearing and reviewed the transcript of that hearing. Stated the building is a large site, flat, with multiple ingress & egress, and is behind a berm, all of which are positive. Stated site is close to Garden State Parkway (GSP), access to Rt. 28 and to Rt. 22. Can accommodate a lot of parking and good circulation.

The 18 to 20-foot ceilings are a positive. The negative is that it is located in the central county, not close to Turnpike and the GSP is car traffic only. There is a large amount of office space and the office market is challenging. A two-story office with parking is challenging to lease. Better for building to come down and to convert to flex warehouse. Appropriate ratio is 4-5% office space, it is now is 60-65% office space. Described Class C tenants as risky, no credit tenants. Current building is not obsolete; it has viability, but needs upgrades. Stated the building has not been abandoned and there was a tenant about a year ago. Reviewed properties that he has leased for flex buildings. Stated that the pandemic did have an impact on all of the real estate industry. Now sees that multifamily and flex warehouse is working. Office space is not working and is challenging. Discussed the vacancies at the site. Stated his 2018 testimony was regarding traditional warehousing space.

Mr. Ash stated the Topology report is based on the existing characteristics of the building. There is a site plan that was approved but has not yet occurred. Those conditions do not exist and were not elevated by Topology.

Questions from Mr. Ash to Mr. Sitar ascertained the following:

He is not a professional planner. Has not provided an opinion of whether a property is an area in need of redevelopment. Did not provide a written report. He is a member of a firm. He spoke to Mr. Rhatican and met a property manager at the property. He was at the property about 3 to 4 months ago and before that it was in 2018. Today's inspection took about an hour. Walked inside and outside of the building. He did not see any tenants at the property today. In 2018 there were tenants and trucks at the site. Discussed some of Mr. Sitar's testimony from the 2018 transcript (page 38). Stated his testimony was limited to industrial tenants. Advocate for the highest and best use of the property. Feels the flex project that has been approved by Planning Board is a good project. Footprint of building will not change, just the removal of the two-story building with parking underneath. Would be a repositioning not a redevelopment of the site. Reviewed Mr. Sitar's testimony from 2018 (page 31) regarding truck traffic. Agrees that the subject property has an issue with cross loading and needs more loading docks.

Questions from the Board members to Mr. Sitar ascertain the following:

The property has not been abandoned by the owner nor has the property been abandoned, since there was a percentage of it occupied in 2017/ 2018 /2019. Today the property is 100% vacant. Repositioning means adding or taking out and upgrading mechanicals. Redevelopment is a larger scale operation. Existing building could be used for storage. Upgrades would be needed to fit the user group. The building is vacant due to limited demand for office space. With some changes it could be a viable project.

Ms. Elgart's follow up questions to Mr. Sitar ascertained the following:

His 2018 testimony referred to traditional warehouse space. Flex space includes vans, box trucks, and fits more with the character of the neighborhood.

Stan Slachetka appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in Professional Planning.

Questions from Ms. Elgart to Mr. Slachetka ascertained the following:

He reviewed the Topology report and the transcript from the planner testimony on September 2nd. He did not prepare a written report. He did not do an independent investigation and he is relying on the written record noted above. Stated a site visit is important and reviewing documents is important. Described the property in question. Discussed the Criteria A, B, & D that were relied upon by Topology in their report. Reviewed what is required to meet Criteria A including the blight conditions of a building. For a property to be under Criteria A, there should be a thorough physical evaluation of a the property. A structural engineer or environmental engineer might provide an evaluation if there are any structural or environmental concerns. Planner from Topology did not perform an interior inspection. There were some photos of cosmetic issues, but no evaluation on the structural conditions or interior aspects of the building were referenced. In his opinion, the evidentiary foundation was not established. Does not feel the report or testimony from Topology provided specific evidence to support the obsolescence for unwholesome living or working conditions in order to meet Criteria A. He did not see any violations to support that the site meets the A criteria. For Criteria B there needs to be significant vacancies and the statute does not define "significant". Mr. Sitar testified that the vacancies for 2020 are 100%. It is up to the planners and the Planning Board to determine what "significant" vacancies are. For Criteria D, conditions must rise to the level of hazard to the health, safety and welfare of the community. There was some discussion about stormwater and ponding on sidewalks, but there was no testimony on the drainage impact to create a specific hazard to the community. Discussed the police calls noted by Topology and stated there is no real connection with the calls and the site meeting the D criteria. Feels there needs to be the "next steps" and further evaluation of the health, safety and welfare of the community. Stated no neighboring properties were affected. Discussed the excessive land coverage being at 65% where the standard is 60%. The Municipality and the Planning Board need to assess and determine if the evidence test has been met. The property owner could challenge the designation and then it is the court's decision. He would need a few weeks to prepare a report and present it to the Board.

Questions by Mr. Ash to Mr. Slachetka ascertained the following:

Reviewed other reports he has prepared over the years. Discussed a Neptune case from 2007. The statutory criteria are the same for condemnation and non-condemnation. The Board has to evaluate the criteria and determine if it meets one or more of the statutory criteria. Preparing a redevelopment study, he would evaluate the current physical conditions of the property. Only one criteria of the Redevelopment Law need to be satisfied. He was contacted on September 4th by Hartz and has spoken to Ms. Elgart and Mr. Kent-Smith. Did not speak with the property owner. Only reviewed the Topology report and the transcripts from Sept. 2nd. Did not read the appendices in detail. He did not review in detail the report by Mr. Hughes (Appendix D) dated March 2017. He focused on the conclusions and findings in the Topology report. He did not conduct an inspection of the subject property. He has not been there recently. Can rely on rent rolls, water usage and other documentation to show vacancies. Did not conduct an analysis of the vacancy of subject property. Not disputing the chart on page 26 of the Topology report regarding vacancies. He co-authored the Redevelopment Handbook and reviewed certain characteristics and conditions for a property to meet the D criteria.

Questions from the Board for this witness ascertained the following:

Topology used an approach that was acceptable and reasonable, but feels there were places where they fell short regarding evidence when reaching their conclusions. He can't make an assumption as to what other professionals might conclude. His conclusion is that Topology has not proven their case or provided the support to make the connection under the substantial evidence test. Feels they need a much more detailed analysis on the deleterious impact.

Ms. Elgart's follow-up questions to Mr. Salchekta ascertained the following:
He was relying on the testimony and the Topology report.

Mr. Ash summarized his case:

Stated there is a report from Topology and after review and substantial analysis, concludes that the property meets the Criteria A, B, and D under the Redevelopment Law. Rebuttal testimony stated that more research is needed, but the conclusion in the Topology report is that neither expert disputed the vacancy records of the property. Ms. Hindenlang stated there was a significant vacancy in 2017 and now the property is 100% vacant. That alone qualifies in Subsection B and meets one criteria of the Redevelopment Law which is enough to designate the property as a redevelopment area. The criteria for a condemnation or non-condemnation redevelopment area is the same. Based on the record, the property qualifies as an area in need of redevelopment.

Ms. Elgart summarized her case:

Stated this is an extremely important issue. Talking about condemnation matters to Hartz and to property owners. Looking at possibility of condemning Hartz property. Heard from two experts. Mr. Slachetka state there was insufficient evidence to warrant a designation of redevelopment with Criteria A and D. With Criteria B, there is no definition for significant vacancies. Mr. Sitar stated there are various ways that vacancies can be looked at. Asked for the opportunity to provide written reports to the Board to assess the property before the Board decides if it is in need of redevelopment. Board did approve a site plan for this property. She is relying on their written objection, and requesting the Board read it and give it the consideration it deserves. This is a very important issue for Hartz. Property being condemned makes a difference when talking about redevelopment.

Ms. Elgart and Mr. Drill discussed various statements in the Topology report.

Mr. Drill reviewed the request from Hartz that the hearing be continued so Mr. Slachetka could complete a study and provide a report.

Question was posed to the Board if they wanted to deliberate tonight or not and a roll call vote was taken.

Members voting in favor of deliberating tonight were: Ms. Murray, Ms. Pedde, Dr. Chapman, Ms. Didzbalis, Mayor Giblin, Deputy Mayor Prunty, Mr. Taylor
Mr. Walton

Opposed: None

5. **DELIBERATIONS OF:** Public Hearing on whether the 750 Walnut Avenue Study Area – Block 541 Lot 2 on the Cranford Tax Map – is a Condemnation Area in Need of Redevelopment (AINR). Upon the conclusion of the hearing, the Planning Board may determine whether to recommend to the Township Committee of the Township of Cranford that the above referenced property should be designated as a Condemnation Area in Need of Redevelopment.

Ms. Murray reviewed the testimony.

Board comments consisted of the following:

More than one of the standards was met. Appreciate all the arguments made this evening. This is a serious matter. Must make a decision based on what is there today. Does not believe the condition of building meets Criteria A. As to Criteria B regarding the vacancy issues over two years, does feel the Covid situation needs to be considered. As to Criteria D, does not feel building is detrimental to health or safety of the public. Based on Mr. Slachetka testimony, not sure Topology supported their conclusions.

A motion to recommend to the Township Committee of the Township of Cranford that the above referenced property known as 750 Walnut Avenue Block 541 Lot 2 Qualifiers C01 through C07, should be designated as a Condemnation Area in Need of Redevelopment. was made by Deputy Mayor Prunty, seconded by Ms. Murray and passed on roll call vote:

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Mayor Giblin, Deputy Mayor Prunty,

Opposed: Ms. Didzbalis, Mr. Taylor, Mr. Walton

6. **PUBLIC PORTION**
None

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 1:11 a.m.

Kathleen Murray, Chair