

MINUTES - PLANNING BOARD

Workshop meeting of September 2, 2020

A public meeting of the Cranford Planning Board was called to order by Ms. Murray on September 2, 2020 at 7:37 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
Mr. Cossa – joined before Public Hearing
Ms. Didzbalis
Mayor Giblin
Deputy Mayor Prunty – joined before Public Hearing
Mr. Taylor

Members Absent:

Ms. Feder

Alternates Present via Google Meet:

Ms. Kellett – recused herself after the Workshop meeting
Mr. Walton – joined before Public Hearing

Alternates Absent:

None

Also present via Google Meet:

Jonathan Drill Esq., Jason Bottcher, Zoning Officer, Kathy Lenahan, Board Administrator
Michael Ash, Esq., Annie Hindenlang, Topology Planner

Members of Public

None

2. RESOLUTIONS:

Resolution PB-2020-011

Recommending that the Properties Designated on the Township Tax Map as Block 193, Lots 6.01, 10, 11, 12, 13 & 14 Be Designated as a Condemnation Area in Need of Redevelopment.

After discussion, a motion to adopt the Resolution of Memorialization was made by Ms. Pedde, seconded by Ms. Kellett and passed by roll call vote:

Affirmative: Ms. Murray, Ms. Pedde, Mayor Giblin, Ms. Kellett

Opposed: None

3. Application No. PB-20-005

Food Truck Inc.
40-42 Jackson Drive
Block 640, Lot 6.01
677-679 Raritan Road
Block 640, Lots 2 & 3

Applicant in this matter is seeking Amended Site Plan Approval to eliminate the previously approved second floor mezzanine and to expand the previously approved building addition.

After discussion, a motion to adopt the Resolution of Memorialization was made by Ms. Pedde, seconded by Ms. Didzbalis and passed by roll call vote:

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Ms. Didzbalis, Ms. Kellett

Opposed: None

3. MINUTES

Motion to adopt the minutes of the executive session of July 15, 2020, was made by Ms. Pedde, seconded by Ms. Kellett and passed on roll call vote.

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Ms. Didzbalis, Ms. Kellett

Opposed: None

Motion to adopt the minutes of the official meeting of July 15, 2020 was made by Ms. Pedde seconded by Ms. Kellett and passed on roll call vote.

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Ms. Didzbalis, Ms. Kellett

Opposed: None

Motion to adopt the minutes of the official meeting of August 5, 2020 was made by Ms. Pedde, seconded by Ms. Didzbalis and passed on roll call vote:

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Mayor Giblin, Mr. Taylor

Opposed: None

Motion to adopt the minutes of the special meeting of August 12, 2020 was made by Mr. Taylor seconded by Ms. Pedde and passed on roll call vote:

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Mayor Giblin Mr. Taylor, Ms. Kellett

Opposed: None

Motion to adopt the minutes of the executive meeting of August 12, 2020 for the Fair Share Plan was made by Mr. Taylor seconded by Ms. Didzbalis and passed on roll call vote:

Affirmative: Ms. Murray, Ms. Pedde, Dr. Chapman, Ms. Didzbalis, Mayor Giblin, Mr. Taylor

Opposed: None

Motion to adopt the minutes of the executive meeting of August 12, 2020 for the Topology Presentation of the 750 Walnut Avenue Preliminary Investigation Report 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, Mr. Taylor

Opposed: None

4. COMMUNICATIONS

None

5. OLD BUSINESS/NEW BUSINESS

- Discussion of 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. A motion to request proposals from the Planning Board bench for a preliminary study on the above-mentioned properties to be reviewed at the next meeting, was made by Ms. Murray, seconded by Ms. Pedde and passed on roll call vote:

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

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 2, 2020 at 8:02 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
Mr. Cossa
Ms. Didzbalis
Mayor Giblin
Deputy Mayor Prunty
Mr. Taylor

Members Absent:

Ms. Feder

Alternates Present via Google Meet:

Mr. Walton

Alternates Absent:

Ms. Kellett – recused herself

Also present via Google Meet:

Jonathan Drill Esq., Jason Bottcher, Zoning Officer, Kathy Lenahan, Board Administrator Michael Ash, Esq., Annie Hindenlang, Topology, From Hartz: Henry Kent Smith, Esq., Keenan Hughes, James Rhatican, Esq., Irina Elgart, Esq.

Members of Public

None

4. 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.

Michael Ash, Esq., appeared and reviewed the reason for the Public hearing this evening. Stated the report from Topology by Annie Hindenlang, will be marked Exhibit

PB1 titled 750 Walnut Avenue, not dated. There is also a PowerPoint presentation for this hearing marked Exhibit PB2 dated September 2, 2020, titled 750 Walnut Avenue Preliminary Investigation prepared by Topology. No correspondence or comments from the Public were received regarding this hearing.

Annie Hindenlang from Topology appeared and was sworn in. Her qualifications were presented to the Board. Mr. Kent-Smith asked Ms. Hindenlang a series of questions regarding her qualifications. She was accepted as an expert in Professional Planning.

Mr. Kent-Smith stated that the report on the Township's website is not signed or dated. Asked if the signed and dated report has been put online. Also stated that the Hartz experts will be put on record at the September 16th meeting.

Mr. Ash stated that the signed and dated report is identical to the report that is online, that there is only one version of the report.

Ms. Hindenlang presented a PowerPoint presentation. The presentation included the following:

- The process of how Topology was authorized to conduct a study on 750 Walnut
- Site inspections and the documents that were reviewed for the study
- Described the study area
- Reviewed the existing zoning designation
- Discussed the history of the property
- Reviewed the statutory criteria for an Area in Need of Redevelopment
- Reviewed the Standard of Proof
- Reviewed the criteria that the site meets and reasons why
- Discussed recommendations
- Discussed the next steps in the process

Ms. Murray asked the Board if there were questions for this witness

There were no questions from the Board.

Mr. Kent-Smith stated there was a Town Hall meeting last night which he is objecting to on the record. Stated it is his position, that this is why there is no Public in attendance this evening.

Questions from Mr. Kent-Smith to Ms. Hindenlang ascertained the following:
Appendix D is a planning report in support of request to rezone block 541 lot 2. Her report focused on the existing conditions of the site. The report does not rely on documentation not referenced in the report. The interior of the building was not inspected. Reviewed the tax records for ownership, looked at rent rolls and water usage for the tenants. She did not request access to the property. Found no building or health code violations. Found no violations of the ADA. Analysis was limited to an external

review. Page 24 was taken from the court record from the rezone proceedings She looked at the last 5 years of police reports and the rent rolls came from the Tax Assessor. She walked both sides of Walnut Avenue. She was retained in April of 2020. Her investigation took place from April to July. The Township Committee wanted to know if the property fit the criteria for the redevelopment housing law. There was no discussion on future use of the property. She has done three redevelopment analysis' with condemnation; all others were without condemnation. None involved single owner properties. Properties that included site plan applications were in Perth Amboy and in Newark. Redevelopment is still justified even if a property owner is remedying deleterious conditions. She is not a real estate broker and does not hold any real estate licenses. She has worked with others discussing market conditions. She did not work with any brokerage firms to prepare this report. She did not evaluate the site plan approved on August 5th, but did review the DRC memo regarding the approval. The Public Purpose is to address properties that are unsafe or damaging to the welfare of the community. Looked at the property as a single structure. Did not find any information regarding anything un-remediated about this property on the DEP website. Reviewed the chart on page 16 and the assessed valuation of the property. Mr. Abramson from Topology worked on sections of the report with Ms. Hindenlang. Discussed cases cited in the report and the definition of blight. Did not do an analysis of any of the surrounding properties. Found no building or zoning code violations. Familiar with the Redevelopment Handbook. No engineers or architects performed any inspections on the building. Reviewed the photos in Appendix H for substandard conditions. All photos were based on existing conditions. Discussed the berm on the property and the safety issue. Not aware of anything documented by the Township with regard to landscape/site maintenance violations. She has a date/time log for all the photos in the report and will provide to Mr. Kent-Smith. The site conditions noted in the report were existing before the pandemic. Police activity was most burglary, suspicious activity. Believes there was at least one assault. There were no violent crimes. There was no evidence of vandalism or graffiti. Believes that deferred maintenance results in meeting Criteria A. She only looks at existing conditions during a site visit. She accepts the findings made in the resolution of September 2019. Believes the property is untenable, but does not believe it has been abandoned. She defines substantial as 60% or more. Vacancies would have to be for at least two years. Unit C02 is functionally obsolete with regard to lighting and/or air. Obsolete layout creates an unsafe environment for pedestrians with regard to safety. Stormwater runoff does have an issue with regard to public health. Did not do a market analysis on the property. The pandemic is irrelevant to her analysis. Not aware of any redevelopment plan for the property. Her opinion is that the elimination of blight is related to a Public Purpose. Found some birds' nests in the C02 unit. Excessive land coverage was authorized by the Planning Board. Reviewed all the transcripts for the rezoning request. Did not include any transcripts, did her analysis on existing conditions and reports from the Township.

Mr. Kent-Smith agreed to file Hartz's experts reports by September 11th and Ms. Hindenlang agreed to provide the date/time logs for all photos and a summary of the police reports by September 11th and. Mr. Drill announced that this hearing will be continued on September 16th without need for further notice.

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 10:30 p.m.

Kathleen Murray, Chair