

MINUTES – ZONING BOARD – October 5, 2020

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, October 5, 2020 at 7:30 p.m. was conducted virtually in order to avoid potential impacts from Covid-19.

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.

The workshop portion of the meeting was called to order at 7:31 p.m. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

Mr. Marotta
Ms. Daly
Mr. Aschenbach
Mr. Ashrafi
Mr. Lucas
Mr. Quinn
Mr. Salomon

Members Absent:

None

Alternates Present:

Mr. Savino
Mr. Rees

Alternates Absent:

None

Also, in attendance: Mark Rothman, Esquire, Kathy Lenahan, Board Administrator, Jacqueline Dirmann, Board Engineer, Jeff Fiore, Traffic Engineer, Greer Patras, Board Planner

COMMUNICATIONS:

None

MINUTES:

Motion to adopt the minutes of the September 14, 2020 meeting was made by Mr. Savino, seconded by Mr. Lucas and passed on unanimous voice vote.

RESOLUTIONS:

None

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 7:36 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Zoning Board of Adjustment was called to order by Mr. Marotta on October 5, 2020 at 7:45 p.m. via **Google Meet**. Mr. Marotta announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader or Star Ledger has been notified and the agenda posted in the municipal building as required.

Mr. Marotta explained the protocol, purpose and procedure that will be followed during the hearing.

- 1. Application # ZBA 19-020 – Continued from August 10, 2020
NATC Donuts Inc.
49 South Avenue West
Block: 473 Lot: 1 ORC Zone**

Applicant is requesting preliminary and final site plan approval, a d(1) use variance, numerous “c” variances as well as design waivers/exceptions for a drive-thru restaurant.

Mr. Paparo, Esq. appeared and gave an overview of the application. Stated various recommendations regarding the traffic aspects of the application were made. Mr. Verderese has prepared a supplemental traffic assessment with those recommendations. Revised plans were also submitted.

Mr. Verderese appeared and was reminded he is still under oath.

Questions by Mr. Paparo to Mr. Verderese ascertained the following:

Discussed the plan changes that were made. Presented a version of the site plan dated 10-5-20 and marked as Exhibit A-8. It is an alternative design that relocates the driveway back to its original location. Will keep bus stop in existing location. This clears site line to the left of the driveway. There is now “do not block the box” striping to clear out first internal intersection. In the future, there could be other changes should the que go beyond the 13, such as modifying turning movements or closing certain movements at a driveway or removing parking spaces. Feels this plan is the optimal plan for the site. Additional landscaping has been added by the sign at the intersection and a shift in the landscaping along South Avenue. There were some modifications to the lighting. All signage on the site would be externally illuminated. Also, two trees along Lincoln Avenue were changed to a maturity height of 8 to 10 feet. Reviewed Exhibit A-4 which was the initial plan. They would suggest to NJ Transit to relocate the bus stop up near the intersection. They will also provide shelter and bench for bus stop.

Questions posed by the Board to the witness ascertained the following:

Exhibit A-8 is alternative design. Bus stop would be past the hydrant near the intersection. Similar to the other side of the street. Have not heard from NJ Transit yet on the first request for the bus stop. Both alternatives have a shelter for the bus stop. Building size has not changed and there is still 10 parking spaces.

Mr. Verderese continued his testimony regarding the supplemental traffic assessment. Stated he reached out to Garwood and there are 4 developments in Garwood. Garwood Station at 400 South Avenue, the Lidl Grocery Store, 55 South Avenue is small office over retail and a redevelopment plan that has not received approval on North Avenue which is residential. Did a pre and post development analysis and stated there was a nominal change to the intersection. This type of use has a heavy percentage already on roadway not new traffic, its already passing by. Driveways still have acceptable levels of service. Received a report from the Board’s engineer dated October 2nd. Reviewed Item #24 where engineer stated they have no issue with the findings or conclusions of Mr. Verderese’s report.

Questions posed by the Board to the witness on his additional testimony ascertained the following: 40% of traffic is new and 60% is pass by traffic. The percentage is historical data for this type of use which is published by the Institute of Transportation Engineers.

Jeff Fiore Board Engineer appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in Traffic Engineering. Stated he reviewed the original and supplemental traffic studies and the site plans submitted by the applicant. He prepared a report dated October 2nd. Reviewed comments 24 and 25 in his report. Stated the more traffic you have from other developments, the more the traffic impact is diluted for the Dunkin Donuts. Discussed the levels of service and the movements going from a C to D or a D to an E depending upon the delay. Stated the original study versus the supplemental study has an incremental change of one or two seconds but no change from the no build to build analysis. Discussed the location of the bus stop. On alternate plan, the bus stop is in its current location which reduces the queuing and there is less stacking ability. Driveway located on Exhibit A-4 is the better option. Feels bus stop can be shifted closer to the intersection. Suggested to add striping around the radius for cars making a right turn from Lincoln Avenue going east on South Avenue. If there is no left turn out of driveway, there will be a condition for vehicles making a right onto Lincoln Avenue to want to make the left turn since that is the only way to get West. Lincoln Avenue would be right turn only into and out of the site.

Questions from the Board for this witness ascertained the following:

There are vertical tubes that can be put on the road to prevent a car from making a left turn. Not enough room to put an island. Feels it is safer for a car to make a left onto South Avenue. If you do right turn only from both driveways, that would add traffic. Car would need to go east on South Avenue and right onto Washington Place and right onto South Union to get back to Lincoln Avenue. Speed limit is 35 miles an hour on South Avenue. Morning peak hour is 48 vehicles coming out of driveway which is less than one car a minute. Stated the applicant's analysis states 20 cars during peak time making left onto South Avenue. The Walgreens has ability to make a left on east side of building further away from the signal. They have a large enough frontage to have two driveways. The Walgreens driveway is about 75 feet from the intersection and the Dunkin Donuts would be about 140 feet. Look at site line, level of service and queuing. Based on Mr. Verderese's study, there is adequate queuing and good levels of service and site lines. Walgreens peaks at different times during the day. Peaks more mid-day and pm. This is a tight property to provide a drive thru. Building can be accessed from the front and side. He defers to police and fire for ability to access. Not concerned there is no bypass lane for this type of site.

Mr. Verderese stated there are about 3 to 4 vehicles that can que from stop sign to where people pick up their food. It will take 20 seconds for a car to go left or right out of driveway. The Walgreens driveway has a different site line than the Dunkin Donuts. There is always double yellow for driveways, only break lines for intersections. He does not have any examples of sites that did not work, because they would not go to a Board. Right in, right out, could be on a busier road. They presented the plan and traffic study to the County and they made a determination.

Questions from Mr. Rothman to Mr. Fiore ascertained the following:

Reviewed the site plan for emergency vehicles. On the original plan when there was a bypass line, that provided full circulation. With building size being reduced and no longer a bypass lane, the Police department did state there was not issue with access. Applicant did provide a turning template for access for a firetruck. Based on the applicant's plan, the firetruck can get into the site with no issues. Deliveries should be in the evening.

Mr. Paparo stated that South Avenue is a County road and that the County did approve the movement with the bus stop west of the driveway. Stated both Cranford Police and Fire Departments issued review letters stating there was no impact with this application.

Mr. Marotta asked if anyone from the Public had questions for this witness, the following appeared:

Rita LaBrutto – 104 Arlington Road – Asked about a signature on the Police Department review letter and about the Maser engineer. Asked about the County meeting and about traffic on North Avenue at 9 am. Asked if Mr. Fiore is familiar with the Starbuck's site and the traffic at the intersection. Asked about inching out to South Avenue to make a left when there was a bus stopped. Asked about location of the bus stop and about seeing around a bus and site lines. Asked about the meeting with the County.

Mr. Rothman stated Maser is here as a traffic engineer representing the Board.

Mr. Paparo stated there is a County letter approving this application. No one in the Township participated in the meeting with the County.

Mr. Verderese stated he did not analyze the traffic on North Avenue for this application.

Mr. Fiore stated he is familiar with the Starbuck's but has not studied it in detail. Does know it is near the GSP and there could be more traffic in that location. Stated he would wait until the bus has moved before making the left turn. Stated they are working with the applicant on the design to move the driveway as far east as possible and to work with NJ Transit to move the bus stop closer to the intersection. Bus stops and goes, most of the time the bus is not there. When bus is there, people will wait till bus moves. Stated it is NJ Transit's decision where the bus stop will be placed.

Sara Thode – 325 Walnut Avenue – Asked about turning left onto South Avenue. Asked why the area around Starbuck's was not studied.

Mr. Verderese stated the proposal is a full movement driveway and received approval for a full movement driveway. Testified about the Starbuck's operation at the last meeting.

Phyllis Howard – 5 Burnside Avenue – Asked about other Dunkin Donuts projects the County did not approve. Asked about historical data and about data being wrong with traffic counts. Asked about Clark location and the "don't block the box". Asked about queuing and size of the cars. Asked about motorists yielding to the bus and about the levels of service.

Mr. Verderese stated he did not know of any projects the County has not approved. Did not do new traffic counts, reached out to the other new developments. Focused on peak hours. Confident in his studies. He did not work on Clark location. The "don't block the box" would be interior to site by driveway to South Avenue. There would be 13 vehicles in the que with 21-foot car lengths. Motorists have to stop for a school bus not a NJ transit bus. Anticipates 75% of traffic to come off of South Avenue. They could fit 13 vehicles plus five vehicles going toward South and two vehicles toward Lincoln before it would que out to the roadway. Stated an "E" level of service is an acceptable level of service.

Ms. Howard asked Mr. Fiore is he went to the site. Asked him if he is familiar with a Police report from April 2019. Asked what the width is across Lincoln Avenue.

Mr. Fiore stated he did go to the site but did not do traffic counts. He does not have the April report. The data he reviewed was from October 2018 and the width is around 44 feet.

Donna Bacich - 5 Denman Place – Asked about turning right on red. Asked about painting the crosswalk and about a walk signal. Asked if anyone has tried to cross the street and about signage.

Mr. Verderese stated it would stay the same. Stated the intersection is controlled by the NJ Dept of Transportation. Stated he has not tried to cross the street and when it was a service station, there were two driveways with no signage.

Mr. Fiore stated he also did not cross the street.

Mr. Paparo stated the applicant would not have no objection and they can reach out regarding painting. They have not explored a walk signal.

Mr. Paparo stated their next witness is Connie Justice.

Connie Justice appeared and was sworn in. Ms. Justice reviewed her background and work experience.

Questions asked by Mr. Paparo to Ms. Justice ascertained the following:

Stated she was hired by Dunkin Donuts a little over two years ago. Is aware of the site plan for this application with the double stack. Explained the double stack drive thru which starts inside the restaurant and the design. Food is made at time of the order. Guests take 25 to 30 seconds on average to place an order. Pay and pick up windows are 10-15 seconds per window. Taking two orders at a time creates efficiency and there is a significant reduction in the stacking behind the order point. By having a pay and pick up window the guest paying has money ready, it takes 7-12 seconds to take the cash and they can move forward. The delay at pickup window is 5 to 7 seconds longer due to having to do something when handed the food. Having 13 vehicles in the stack is very large. Most are 5 to 7 cars in the industry. Feels this drive thru can function safely as designed.

Questions from the Board for this witness ascertained the following:

Majority of store will have a right turn in and right turn out due to positioning of the store. They look for traffic flow that can come on a right turn. Business is more spontaneous and is a matter of convenience. Right turn only will still have people making the left unless you put up the delineators. Stacking reduces when you have two order points. 50-50 between cash and an app or credit card. Cashless is quicker than cash. An app is dependent upon the community.

Mr. Marotta asked if anyone from the Public has questions for this witness the following appeared:

Phyllis Howard – 5 Burnside Avenue – Asked about the walk-up customers as to efficiency.

Ms. Justice stated the walk up is same as the drive-thru due to the design of the store.

Mr. Paparo stated Mr. McDonough is his next witness.

John McDonough appeared and was sworn in. He his credentials where presented to the Board and he was accepted as an expert in Professional Planning & Landscape Architecture.

Questions from Mr. Paparo to Mr. McDonough ascertained the following:

Reviewed the revised plans and is familiar with the Land Development Ordinance of Cranford and the ORC zoning. Reviewed all the reports submitted. Marked Exhibit A-9 as slides of existing conditions of the site.

Slides included:

Size of the lot;
Existing condition of the site;
Developed conditions of the area (in color);
Vision for the area; established zoning (in color);
Building on site as it exists;
Looking at building from South Avenue;
Conditions of property (2 slides);
Poor condition site with driveway;
Various views of property across the street;

Presented Exhibit A-10 of slides (simulations) for proposed site including:

View from South and Lincoln of proposed project;
View of fence system proposed on proposed building;
View of project from South Avenue with landscaping;
View of project from Walgreens showing proposed driveway;
View from Lincoln toward South with landscaping;

Mr. McDonough discussed the variances requests. Reviewed a d(1) use variance and the site suitability. Discussed the physical characteristics and does feel the site is suitable for this use. It is a commercial signalized intersection and will meet a need. Discussed the Purposes of Zoning and meets all zoning under land use law. Reviewed parts of the Master Plan with regard to Purpose A, G, I and M for efficient use of land. Can the variance be granted without causing substantial detriment to the Public-at-Large. There are no adverse impacts from the site and will promote economic development. Discussed the bulk variances – c(2) which is that the benefits outweigh the detriments. For the c(1) hardship variance, that is due to the irregular shape of the property. Site is predominately front yard. Stated the detriments could be the order boards but they have been obscured with a fence and buffer. With the parking location based on its shape, the applicant has appropriately cited the building and maintained convenient access to the building. There will be appropriate screening and the refuse location has been mitigated to reduce impact.

The design waivers fall under section 51 of the Land Use Law and the applicant must show that it meets acceptable industry standards. There are multiple benefits of this application. It is a benefit to the site and integrates well with the neighborhood. No inherently problematic issues with this site and the believes the applicant has met its burden under the law.

Questions from the Board to this witness ascertained the following:

Parking lot lights would be 12-foot-high. Applicant will stipulate that the lights will match those on South Avenue. Will work with town professionals if the Board is not satisfied with the plantings. Site is in the Office-Residential Character Zone. Site is different because it is not a house. This is not a residential conversion. The question for Board is, is it a substantial departure from the zone. The road will have the traditional lights and the lights internal to the parking lot at 12 foot, strikes a balance.

Mr. Marotta asked if anyone from the Public had questions for this witness, the following appeared:

Phyllis Howard – 5 Burnside Avenue – Asked about owner marketing the property as office.

Mr. McDonough stated he did not know about the marketing.

Donna Bacich – 5 Denman Place – Asked about an environmental study and air quality.

Mr. Paparo stated the site is an active remediation site which is monitored by the DEP and will continue till the DEP is satisfied.

Mr. McDonough stated there are anti-idling laws. If it becomes a problem, it would be enforceable under New Jersey law. Cars will not be on the site for a long period of time.

Mr. Paparo stated the crosswalks are out of the applicants' control. Applicant would work with the Township of Cranford. Applicant has worked with Township Planner for proper vegetation. Applicant is including storm water management.

Discussing was held regarding Board witnesses and a future hearing.

Ms. Lenahan stated the next hearing will be October 26th and that there is another application on the agenda.

Consensus was that October 26th would be the date for the continuation of this application.

PUBLIC PORTION:

None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:24 p.m.

Daniel Aschenbach, Secretary