

MINUTES – ZONING BOARD –December 11, 2023

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, December 11, 2023 at 7:30 p.m. was conducted virtually.

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. Ms. Daly, Chair.

ROLL CALL:

Members Present:

Ms. Daly
Mr. Marotta
Mr. Aschenbach
Mr. Cukierski
Mr. Lucas
Mr. Quinn
Mr. Rees

Members Absent:

None

Alternates Present:

Ms. Oliver

Alternates Absent:

Mr. Giuditta

Also, in attendance: Mark Rothman, Esq., Kathy Lenahan, Board Administrator, Kevin Boyer, Board Engineer, Maurice Rachad, Board Traffic Engineer

COMMUNICATIONS:

A letter from Thomas Cook at 45 Concord Street was read into the record. Mr. Cook requested a withdraw of his application #ZBA 23-016.

MINUTES:

A motion to adopt the minutes of the October 23, 2023 meeting, was made by Mr. Lucas, seconded by Mr. Marotta 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 Ms. Daly on December 11, 2023, at 7:45 p.m. via Google Meet. Ms. Daly 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.

Ms. Daly explained the protocol, purpose and procedure that will be followed during the hearing.

1. Application #ZBA 23-018 – Carried until January 22, 2024
Applicant: Mark & Denise Smith
Owner: Township of Cranford
100 Lambert Street
Block: 322 Lot: 18, R-1 Zone

The applicant is requesting an interpretation of the zoning ordinance pertaining to §255-39 Conditional Uses.

2. Application #ZBA-23-016 – Requesting a Withdrawal of the Application
Thomas & Lisa Cook
45 Concord Street
Block 461 Lot 15, R-2 Zone

The applicant is requesting a c(1) variance for the construction of a one story addition to the rear of the existing dwelling for an expanded kitchen and eating area, along with a new deck in the rear yard. Minimum total side yard setback required is 30% of the lot width = 30' (min.), where existing is 30.7' and proposed is 27.65' §255-34, Attachment 1, Schedule 1.

3. Application #ZBA 22-012 – Continued from October 2, 2023
NACT Donuts Inc.
333 North Avenue East
Block: 318 Lot: 22 NC Zone

The applicant is requesting a d(1) Use variance for the purpose of utilizing the property as a Dunkin drive-thru fast food restaurant. §255-36(c)(1). This is a bifurcated application.

Joe Paparo, Esq. appeared and stated they will be recalling Betsy Dolan. He reviewed Ms. Dolan's testimony from October 2nd. Stated that Ms. Dolan has prepared a revised traffic study dated November 27, 2023, which has been submitted to the Board for their review.

Betsy Dolan appeared and was reminded she is still under oath.

Questions from Mr. Paparo to Ms. Dolan ascertained the following:
Stated that the letter dated November 27th summarized the traffic counts hour by hour that they conducted on the site, at the driveways at Elizabeth Avenue and North Avenue on Monday October 20, 2023 through Saturday November 4, 2023. Counted from 5am to 3pm, to capture the morning peak hour. The peak hour was on Monday October 30th with 188 trips, which is 94 vehicles that entered and exited. The previous highest volume counted in 2018 was 96. Peak Saturday activity happens around 10am. The busiest hour on a typical week day would be between 75 and 96 vehicles visiting the site between 7am and 9am. Stated the concern seems to be what if the site has more volume. The double drive thru and the pay and pick up windows minimize the amount of time between the customer and the employee.

There are also fewer steps within the building, and there is a pull forward space, should someone have a large order. The typical queue is five to six vehicles. There are 15 vehicles shown on the site plan without spilling into the interior circulation or the driveway. The applicant has a new Dunkin on Inman Avenue and they went and did counts there. There were 110 vehicles and 94 went through the drive thru. It does have an interior site to accommodate customers. The max queue was 11. A garbage truck did come while they were there and it had no trouble navigating the site and did not impact the operations. The queue keeps moving, and it is random arrival. Processing time at that site was 2 1/2 to 3 minutes. Based on the analysis, the site plan presented can more than accommodate peak queues. She concluded that this site is appropriately designed and there will not be queuing out onto North Avenue. If the Board wants to impose a no left turn restriction, they will take that to NJDOT, but she does not think that is necessary. The parking spaces at the Dairy Queen will not be impacted by this plan.

Ms. Dolan corrected her testimony to say the other counts were done in 2021 and 2022 not 2018.

Questions from the Board for this witness ascertained the following:

The Edison store is on Inman Avenue in a shopping center. She was there during the peak hour of 7am to 9am. There is no other Dunkin on that stretch of Inman Avenue. There were 33 vehicles in the 2021 and 21 in the 2022 count that turned right from Elizabeth Avenue into the Dunkin. They will have one driveway serving the Dunkin, which is why they modeled it for 100 vehicles using North Avenue. The drive thru and the parking spaces will all be on the east side of the building, all on Dunkin property. Presented Exhibit A-2 (already introduced) showing the site plan with the landscaping around the perimeter of the property. The building is significantly smaller; it is only 648 square feet. The existing building is around 1800 square feet. Dunkin is different from Starbucks with menu items. Dunkin will have a double drive thru, and staff for both drinks and food. It will not have the impacts that Starbucks has had. Does not believe there would ever be spill out onto North Avenue, since they have room for 15 vehicles. The volume at this Dunkin is consistent with Edison. She has not been at the Dunkin on Central and Raritan at the peak hour. You could have 18 cars on the site before there would be a spill out onto North Avenue. Does not see the need to prohibit the left out of the site, but the applicant is willing to do it if the Board requires it. These type of uses, are convenient uses. There are other opportunities for coffee and food on North Avenue. Did not get the split of lefts and rights out in the last count. Would not expect numbers to change dramatically with additional new buildings on North Avenue. The Edison store is not near a highway. The majority of activity with this location happens between 10am or 11am. The applicant is willing to do a post review based on whatever timeframe the Board requests. It is usually done around three or four months after opening. They usually do it from 6:30am to 9:00am, looking at driveway volumes, queuing, and parking. The Edison site has two exits which are internal to the shopping center. They estimate 25-30 % growth at this location.

Questions from Mr. Rachad, Board Traffic Engineer, to this witness ascertained the following:

Entering the site is a level of service "A" with little or no queuing. Exiting the site might be one or two vehicles waiting. Lefts out during the peak, are dependent on the traffic signal to the east and courtesy gaps. Restricting the left out, frees up capacity, since a right turn can be made with no delay.

Questions from Mr. Boyer, Board Engineer, to this witness ascertained the following:

Someone with a large order would be asked to pull into a parking space. Most sensitive area of site would be the left out onto North Avenue.

Mr. Rothman asked Mr. Paparo to mark the November 27, 2023 letter as Exhibit A-6.

Questions from Ms. Patras to this witness ascertained the following:

Believes it is unlikely that there will be an issue with the queuing. Based on the Edison location, which has 13 for drive thru and another 2 makes 16 vehicles that can queue, and this location would have the ability to have 18 vehicles before having an issue. This site provides generous circulation.

Mr. Paparo stated on other approvals, they have agreed to a post-occupancy meeting to collect data at the site at a given date and time. A condition of approval is to meet at the site on a given date, with the police department and address any circulation issues.

Ms. Daly asked if anyone from the Public had questions for this witness the following appeared:

Rita LaBrutto – 104 Arlington Road – Asked about the Inman drive thru, the traffic and the outlets for the Inman Avenue site. Asked about parking and backing out of the Dairy Queen. Asked about a backup plan and about a bus stop in front of the Dunkin.

Ms. Dolan stated that the Inman Avenue Dunkin site is a similarly designed facility, with a double drive thru. The Inman Avenue facility is within a shopping center. It is different, but in terms of layout and drive thru operations, it is the same. It will be narrower than in existing conditions. Does not show the driveway failing in either existing conditions or with the proposed condition. The bus stop is an existing situation.

Mr. Paparo stated the pull up space is there so that there would not be an issue with someone holding up the drive thru; that is the backup plan.

Mr. Paparo asked Ms. Dolan to review the trip generation study she prepared.

Ms. Dolan stated that in the hours of 7am to 10am there were over 100 trips each hour. After that, everything drops down to 30- 45 vehicles, which is at least half of the peak. After that it is limited activity. There are other tradition fast food restaurants that are busy all day.

Tony Gallerano appeared as a Planner (was qualified at the last meeting) and was reminded he was still under oath.

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

This is a bifurcated application and if it is approved, it would need to return to the Board with a full site plan. The Township allows restaurants with dine in service with takeout service, but excludes the drive thru. Did receive the reports from the Township's professionals. Presented a colorized zoning map marked as Exhibit A-7. The site is located toward the Parkway in the ORC zone. Discussed the Environmental Commissions report. Addressed the issue of walkability. Stated there is not a lot of walkability along this stretch of North Avenue. The applicant has no significant walk-ins. There are no real destinations that people are walking to; it is disconnected from the Downtown. Discussed the DEP rules for idling. Cars in a queue are exempt from those regulations. This site is definitely a takeout facility. Has not yet done a detailed landscaping plan. There will be an updated stormwater system, but does not qualify as a major project for stormwater. Not proposing a walk-up window, since does not feel it would be safe. Discussed the advancement of the some of the Master Plan goals.

Discussed the site is suitability and that the site can proceed with the bulk requirements. It is already a Dunkin restaurant. The applicant is not changing the product, it will be the same menu. Already operating as a takeout facility, just changing the mode of delivery. The site has adequate space for parking, refuse, circulation and can function without any issues. The use will not change. They are reducing impervious coverage and adding buffering areas. Will be adding stormwater management where this is no stormwater management now. Will also be upgrading lighting. Taking old building and replacing it with a more aesthetically pleasing building. There is no negative impact to the surrounding area. It is a modernization of the existing facility. It will continue as a takeout facility. The trend in market has been drive thru for years. Stated that Paragraph G in the Purpose of Zoning is advanced.

Dunkin restaurants have tons of data and studies to consistently evaluate how to make their operations better. Dunkin restaurants are franchisee based. Starbucks are all corporately owned. There is a difference between a franchisee and a corporate owned store. Franchisees have skin in the game. This applicant is personally involved in his stores. The issues with the Starbucks are operational and not that it is a drive thru. Sees no historical value to this store.

Questions from the Board to this witness ascertained the following:

He has seen people walking to Dairy Queen. Dairy Queen is more of a destination. Getting a cup of coffee is something different. Does not see people walking to get coffee. There are sidewalks on North Avenue. Does not see people walking from the Downtown. The DEP regulates all things environmental. Not sure where the three minutes comes from for idling. The cars will not be in the queue lane very long. The queue line moves pretty quickly. Based on the testimony, the queue lanes move quickly and cars won't be sitting very long. Does not see a lot of people walking on North Avenue. Applicant did testify he does not get walk up customers. It has a dine in capability, but it does not function. Applicant has testified, based on his experience, its 90% takeout. Applicant provided both the national averages and his personal experience with the store. There will be sidewalks along the frontage of the building on North Avenue. Does think the trend is going more toward drive thru. Every site has to be evaluated separately. For site suitability, it is in the right location, near state highway and used as a restaurant.

Questions from Ms. Patras, Board Planner, to this witness ascertained the following:

The applicant's current customer base is takeout. Not sure changing the facility will have people walking in there. The Downtown is a destination. The Starbucks is a drive thru, it does not have a walk-up component. There is an office building and a gas station towards the Parkway. The uses are not set up for walkability. It is designed to be a drive thru facility. Does not have a demand for a walk up. Every goal of the master plan does not pertain to every single site. Does not know if they would comply with all landscaping standards, but will provide a comprehensive landscaping plan. It will be an improvement to what is there now. The building will be more aesthetically pleasing, there will be new signage and also new landscaping. Right now, there is no stormwater on the site. The applicant has committed to doing some type of stormwater. Anything that is added, would be an enhancement and there is a reduction in impervious coverage. Does not qualify as a major project. The idling regulations do not apply to this site. There will be additional landscaping, which improves air quality. Advances the MLUL Purpose of Zoning G and N. Does not believe excluding walk up people is relevant, since from the owner's experience, he does not get walk ups. The demand is for drive thru facilities. For site suitability, it is in the right location, on a state highway and already used as a restaurant.

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

Rita LaBrutto – 104 Arlington Road – Asked about the Elizabeth Avenue driveway being closed and the traffic for the neighbors. Asked about a non-conforming use and about parking in the front not being allowed. Asked about a lawn area in front of the building and about safety walking to Dairy Queen.

Mr. Gallerano stated the applicant would allow the left turn. Any restaurant that wanted to put a drive thru in this location would need a d(1) variance. They are not permitted anywhere in the town. It is a new d(1) variance. The nonconforming use is the restaurant, the drive thru is the d(1) variance. A queue lane is not parking. There will be a green area between the street and parking lot. They are not connected to Dairy Queen. There will be no queuing on North Avenue, so no cars will be blocking the sidewalks.

Discussion was held as to when this application could continue. The application will continue on January 22, 2024.

Mr. Rothman asked Mr. Paparo for a letter extending the time of decision.

PUBLIC PORTION:

Ms. King from 101 Hering Avenue asked when their application would be heard.

Ms. Daly stated that application #ZBA 23-019, Lauren King & Sean Swift, 101 Hering Avenue, Block: 208 Lot: 14, R-4 Zone would be adjourned until January 8, 2024, and would be heard immediately following the Reorganization Meeting which will begin at 7:30 p.m. virtually.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 10:50 p.m.

Kent Lucas, Secretary