

MINUTES – ZONING BOARD – FEBRUARY 8, 2021

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, February 8, 2021 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 Ms. Daly, Chair.

ROLL CALL:

Members Present:

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

Members Absent:

None

Alternates Present:

Ms. Oliver
Mr. Rees

Alternates Absent:

None

Also in attendance: for Mark Rothman, Esq., and Kathy Lenahan, Board Administrator, Greer Patras, Board Planner

COMMUNICATIONS:

None

MINUTES:

Motion to adopt minutes from the December 14, 2020 meeting was made by Mr. Salomon, seconded by Mr. Marotta and passed on unanimous voice vote.

RESOLUTIONS:

None

OLD/NEW BUSINESS

Ms. Daly requested the discussion on the amended language on public comments made during a hearing while in a State of Emergency, be tabled till the next meeting. The Board members had no objection, discussion was tabled.

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

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on February 8, 2021 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 20-003
Cranford Harrison Developers LLC
24 South Avenue West
Block: 474 Lot: 1 D-B Zone

Applicant is seeking a d(3) conditional use variance, where maximum density permitted is 10 units/acre and 100 units/acre are proposed §255-39B(22)(g); a d(5) density variance where maximum density permitted is 10 units/acre and 100 units/acre proposed §255-39B(22)(g); A c(2) variance for impervious coverage where 80% is the maximum permitted, and 52% exists and 86% is proposed §255-34; a c(2) variance for building height where 3 stories – 45' is permitted and 4 stories – 45' is proposed §255-34; a c(2) variance for front yard setback where 5' is required and 0' exists and 0' is proposed §255-34 and a waiver for parking where 142 parking spaces are required and 76 parking spaces are proposed §255-44A & B.

Ron Shimanowitz, Esq. attorney for the applicant appeared. Reviewed the application and variances that are being requested. Stated this is a bifurcated application; they will be requesting the variances first, then if the application is approved, they would come back with the site plan. Existing building will be demolished and a four-story mixed use building with 75 apartments, 15% being affordable housing and some ground floor retail space will be built.

Alex Pavlovsky, appeared and was sworn in. Stated he is the managing member of the firm and is responsible for the project. Reviewed the history of the site. It was an industrial site and has environmental contamination. Plans are for 75 apartments with retail and parking for 75 cars. They have an ACO (administrative consent order) with the DEP regarding the clean up of the site. Due to the cost of the cleanup, a higher density is required to have the project be profitable.

Presented Exhibit A-1 as the Google street view of the existing building. Site is zoned for residential housing but at a lower density. Stated the height and aesthetic is consistent with other projects in town. This project will create construction jobs, housing for residents and over \$300,000 in property taxes. The only negatives are parking and traffic. Project is very close to the train and there is also Uber and Lyft which lessens the need for cars. Target rental is young millennials. Project will be mostly studios and one-bedrooms. They do have County Board approval. Reviewed the two proformas that were submitted and marked as Exhibit A-2 (75 units) and Exhibit A-3 (50 units).

Questions from the Board ascertained the following:

The ACO does state he is the developer of the project and there is a time frame for the clean-up. The contamination is TCE's which is a chemical in the soil, possibly in the ground water and may have migrated off site. There is additional testing that needs to be done on the site. The previous owner was not in a position to do the clean-up. Currently working with Bloomfield on a similar project. Has worked on other Brownfields projects. He is a sole entity. There will be several

phases to the environmental clean-up. Property is three quarters of an acre and goes back to the train tracks. There could be more contamination underground which could make project last longer. There is also some asbestos at the site. Will follow all the DEP guidelines for the clean-up. Could involve the Township officials with monthly or quarterly meetings. He owns the site and has taken an interest in remediating it. The DEP has looked over the financials. Only certain developers would want to take on a project like this. Would like to see this project developed himself.

Ms. Daly asked if anyone from the Public has questions for this witness, no one appeared.

Brian Murphy appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in Engineering and Planning.

Mr. Murphy reviewed the site. Showed a Google Earth aerial view of site marked Exhibit A-4. Site is in the D-B zone and is 32,673 sq. ft. it is a Brownfields site. Proposing a 75-unit building, 4 stories, top 3 floors will be apartments with retail on the ground floor of 674 sq. ft. There will be a 74-stall parking garage. All access will come off of South Avenue. Presented Exhibit A-5 as a color rendering of Sheet 3 of 3 which shows layout of site. There will be two parking stalls in front of the building and will provide seven Zip Car spaces. 15% of the apartments will be dedicated to COAH. There will be one way in from west side and one way out from east side and pedestrian access is through the front. The site is a quarter of a mile from stores and businesses. A food store is within a third of a mile. The train station is a five-minute walk. The FAR is 2.45. This project will support the local businesses and the area will be more of an urban setting.

Questions from the Board for this witness ascertained the following:

There will be electric charging stations for the Zip Cars. There will be 67 parking spots and 7 Zip Car spots for a total of 75 parking spots. 143 spots are required. There will be approximately 75 to 145 occupants in the building. There will be a Lidl grocery store in Garwood. Eleven of the units will be affordable. The affordable units will be: two - one bedroom; six - two bedrooms; and three - three bedrooms. Did not do a study on the economic impact on the school system. There are stormwater management requirements which they will present with the site plan.

Board requested a study on the impact of the school system be provided.

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

Rita LaBrutto - 104 Arlington Road - Asked about the financials presented and if the Board should have their own consultant reviewing those documents. Asked about the discrepancy in the documents regarding the land purchase price. Asked about the rents and amenities and about a tool available for third party liability for the cleanup.

Mr. Shimanowitz stated at the DRC meeting they were asked to prepare these financials. The Board counsel will advise the Board what they can or cannot consider.

Mr. Pavlovsky stated by the time the project is completed, rents will have increased. There are some insurance policies that limit the liability for a developer.

Greer Patras, Board Planner appeared. Asked Mr. Murphy about items in her Planning Report. Asked about the trash containment, the utilities and about site suitability.

Mr. Murphy stated site plan information will be provided with the stormwater. A site plan was submitted before the application was bifurcated.

Question was asked about time being a constraint on this application.

Mr. Shimanowitz stated his client would consent to an extension.

Board asked for a summary of the stormwater plan.

Rob Gascoyne appeared and was sworn in. Stated he is an Environmental Consultant and an LSRP (Licensed Site Remediation Professional). His credentials were presented to the Board and he was accepted as an Environmental Consultant with credentials as an LSRP.

Questions from Mr. Shimanowitz to Mr. Gascoyne ascertained the following:
Reviewed the site contaminants and will focus their remediation on those containments.
Previously site was a machine shop and will need degreasing agents. Will address all of the containments at the site and reviewed the process of removing the containments.

Questions from the Board to Mr. Gascoyne ascertained the following:
CVOC's (chlorinated volatile organic compounds) are at the site, which are cleaning solvents. If radon was found, an evaluation and installation of a slab system would be installed. Applicant's approach is to be proactive. Completed a preliminary assessment required by the DEP which includes obtaining all the history data available. Next step would be to collect soil samples and ground water samples if necessary. There are monitoring wells associated with the site. The plume has migrated off site. Solvents tend to sink and migrate vertically. Degree is significant enough for active remediation. The applicant signed an ACO with the DEP and is required to perform the required remediation even if the Board does not approve this application. The risk to the surrounding community is within 100 feet of project and will make sure there are no vapors coming from the structure. DEP makes the applicant do a well search to make sure there are no potable wells in the area. For this building, they put in a sub slab depressurization system for any vapors on site which would be captured and will be monitored within 100 feet of plume. Believes there will be some soil removed from the site and will be working closely with the engineer. Believes the DEP delineated the plume to less than a quarter of a mile. Applicant is responsible for all contaminates that emanate from his property. Properties within 100 feet of the ground water plume are required to be investigated. These properties were notified and investigated by the DEP and will be investigated again. Applicant has a timeline to complete the remediation or there is a penalty from the DEP. Most times, the State will share data with the Township Clerk.

Mr. Shimanowitz asked Mr. Gascoyne how this project will improve the site and the area.

Mr. Gascoyne stated this will clean up the site and make it better. Redevelopment will make this area look nicer and will make this happen sooner since the applicant wants to get it done. Within three years, this site will be a positive.

Board member asked if the Township Committee is aware of the information the State/DEP has provided regarding the contaminates and the plume.

Mr. Rothman asked if the applicant could provide the site data inventory of contaminants.

Mr. Shimanowitz stated they can put something together for the Board.

Questions from Mr. Rothman to Mr. Gascoyne ascertained the following:
Brownfields refers to any site that is being underutilized because of contamination. This site is considered a Brownfields, but that does not prohibit improvement to the property. Loans can be facilitated for these types of sites. He has not been asked by the applicant to seek funding for this project.

Further questions from the Board to Mr. Gascoyne ascertained the following:
The DEP does seek permission to get access to someone's property. The Board's consultant could review the data.

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

Rita LaBrutto – 104 Arlington Road – Asked about the delineation of the testing and 3rd party liability. Also asked about residential vs. commercial.

Mr. Gascoyne stated the solvent plume has been delineated by the DEP. If the release is prior to 1987, there is a possibility of a claim. Stated commercial is more challenging.

Mr. Pavlovsky stated that by redeveloping the site they are speeding up the process of cleaning it up. They will remediate to DEP standards.

The Board discussed the next available meeting date to continue this application. Application will be continued on April 12th.

PUBLIC PORTION:

Rita LaBrutto – 104 Arlington Road - Asked if the Township Committee sends revised amendments to the Board.

Ms. Daly stated the information is not sent directly to the Board.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 10:38 p.m.

Daniel Aschenbach, Secretary