

MINUTES – ZONING BOARD – MARCH 28, 2022

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, March 28, 2022 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 7:33 p.m. by Ms. Daly, Chair.

ROLL CALL:

Members Present:

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

Members Absent:

Mr. Aschenbach
Mr. Rees

Alternates Present:

Ms. Oliver
Mr. Cukierski

Alternates Absent:

None

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

COMMUNICATIONS:

None

MINUTES:

None

RESOLUTIONS:

Application # ZBA 21- 014
Michael & Megan Solebello
17 Osage Drive
Block 581 Lot 8, R-4 Zone

Applicant is requesting a c(1) variance for the construction of a single story addition at the rear of the house. The minimum rear yard setback required is 29.75 feet, where 25.5 feet is proposed §255-34.

The Resolution of Memorialization was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Marotta, seconded by Mr. Lucas and passed by roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Ashrafi, Mr. Lucas, Mr. Quinn

Opposed: None

OLD/NEW BUSINESS:

Discussion was held regarding a proposed rule change # 3:7-4 to be included in the bylaws for virtual meeting decorum. All members present, were in agreement to include the new rule into the bylaws.

A motion to include Rule 3: 7-4 into the Zoning Board of Adjustment Bylaws was made by Mr. Quinn seconded by Mr. Marotta and passed on unanimous voice vote.

The workshop portion of the meeting concluded at 7:39 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on March 28, 2022, 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 the maximum is two bedrooms per unit and four (4) three bedroom units are proposed §255-39B(22)(d); a d(5) density variance where maximum density permitted is 10 units/acre and 52 units/acre is proposed §255-39B(22)(g); a c(2) variance for impervious coverage where 80% is the maximum permitted, 52% exists and 86.9% 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, 0' exists and 0' is proposed §255-34; and a design waiver for parking where 77 parking spaces are required and 49 parking spaces are proposed §255-44A & B.

James Lisa, Esq. appeared for the applicant.

Brian Murphy appeared and was sworn in. Stated his qualifications and he was accepted by the Board as an expert in the field of Civil Engineering.

Questions from Mr. Lisa to Mr. Murphy ascertained the following:

Reviewed the Use Variance Plan for the site submitted on 3/14/22 and marked as Exhibit H-1. Stated they are now proposing to rehabilitate the existing building and proposing 39 dwelling units. There will now be access along front, west, and north side (rear of building). Shifted driveway further to the east for site distance. Six of the dwelling units will be COAH units, along with 640 square feet of retail on the bottom floor. There were to be seven parking stalls along the front, now they are proposing three; leaving the remaining area for fire access. 46 parking stalls will be on site and 3 along the frontage. Floor ratio is 2.4 where 2.5 is maximum.

Questions from the Board for Mr. Murphy ascertained the following:

Retail space of 640 square feet will be along frontage of roadway. He will not be testifying to anything related to the ground contamination. Each apartment will have at least one stall, any excess would be for the residences, not proposing any parking for the retail space. Could possibly designate two stalls for the retail space. With the train and bus stop nearby, there will be a reduced need for parking. Parking dimensions are 9 x 16 for two compact vehicle stalls, the rest of the stalls are 9 x 18. There is no loading

space proposed. Loading or moving would be in the drive aisle, which is a 24-foot-wide aisle and is enough room to go around a truck. Will not be taking about stormwater during this application. That would be with site plan testimony. There are three ADA spots proposed, but may reduce to two since that is what is required. One would be for a van and one would be for an auto. Electric vehicle parking could be assigned on a first come, first serve basis. If multiple people were moving in, there could be set hours. There is a turning radius to get into the site and to get to the back of the site. A firetruck would be able to pull in, but would need to back out. Will prepare a turning radius template for the Board. The driveway is 24 feet in width. The traffic engineer will speak to the parking issues. There is no front setback for the building. The sidewalk is 10 feet wide. Does not have a business targeted for the retail space. There will be bike storage. Would be willing to put the wires below the ground along the frontage. There will be fire access with an 80-foot-long space for the firetruck to park directly in front of the building.

Ms. Patras, Board Planner, asked for clarification on what variances the applicant is requesting in this portion of the application. Also asked about impervious coverage and stormwater. Asked about designated spaces for Uber, Amazon, etc.

Mr. Murphy stated the use, density and number of stories is what they are requesting in this part of the application. Will need to meet the stormwater requirements. The design is part of the site plan. Will be redoing the sidewalks in front of the building and providing two street trees along the frontage. Loading and unloading would be parking along the west of the building.

Discussion was held as to what relief the applicant is seeking.

Mr. Murphy stated they will only be looking for the d(3) conditional use variance and the d(5) density variance.

Mr. Rothman stated the applicant has the burden to prove their request for relief.

Questions from Ms. Dirmann, Board Engineer to Mr. Murphy ascertained the following: They will be doing curbing. The retail space is 640 square feet. The ordinance states the off-site spaces can be included in the parking count. There are 49 spaces total. Request one of the spaces be designated as a turnaround space. ADA spaces reduced to two. The driveway curb cut will be 24 feet and shifting closer to the building. Most likely providing fencing around the site. Not sure about upsizing of sewer or water facilities at this time. Will not be discussing stormwater at this hearing. They have not approached the parking authority regarding street parking yet. The refuse area is 12 x 10, there would be additional pickups for refuse, if needed. There would be no issue of recharging on the site.

Board member stated in the police department report, it was stated that the on-street parking spaces the applicant is considering are currently 12-hour commuter spaces and overnight parking is restricted by Cranford ordinance.

Board member asked about the contamination on the property and throughout the neighborhood.

Ms. Patras asked since the building is no longer being destroyed, will there be a different report regarding site disturbance and the contamination. Also asked about the landscaping and the courtyard.

Mr. Murphy stated there will be a landscaped courtyard. Proposing a pervious area.

Ms. Daly asked if anyone from the Public had questions for Mr. Murphy, no one appeared.

Alex Pavlovsky appeared and was reminded he is still under oath. Mr. Pavlosky addressed the Board. Stated they are trying to do something positive with this project. Understands the Board's concerns. Right now, there is a contaminated old building, not good for the town. Environmental condition not getting any

better. Discussed the bonuses a town can provide, such as density or intensity. Does not meet parking and unit count. Site has limitation due to size. Looking for younger millennials who have fewer cars. Have to meet all the codes and stormwater regulations. Lot of positives if we work together.

Questions from the Board for Mr. Pavlovsky ascertained the following:

People with extra car won't rent at that location. Will go somewhere where there is more parking. Zoning Board is responsible to vote on applications where the positives outweigh the negatives. Going to the zoning board because the site has unique circumstances. Site has environmental concerns and financially unfeasible to remediate without some type of bonus on number of units allowed. There is an agreement to clean up the site, but he has not been able to move forward with the environmental. Has an agreement with the State DEP. Believes the town needs to be a willing partner. Feels town has a moral obligation to the site. In order to get the project developed, they decided to decrease the unit count.

Board member asked applicant if Cranford was a signatory to the agreement. Applicant did not respond.

Ms. Daly asked if any members of the Public had questions for Mr. Pavlovsky, the following appeared:

Rita LaBrutto – 104 Arlington Road appeared. Asked about changing the unit count and about controlling who he rents to and the parking. Asked about project being five times the density in Cranford.

Mr. Pavlovsky stated they did change the unit count. Originally there were 75 units. Took concerns into consideration and dropped by half. The market can control the number of tenants. Only have three or four 3-bedroom units. Legally they can control through the lease. Can also charge for parking. There will be 39 units.

Questions from Ms. Patras to Mr. Pavlovsky ascertained the following:

Any units that are built will have windows.

Mr. Lisa stated the next witness would be the traffic engineer and he would like him to testify just once, so he is requesting that the matter be carried until the next meeting.

The hearing will be continued to the next meeting on April 11, 2022 at 7:45 p.m.

PUBLIC PORTION:

Ms. LaBrutto asked if the Zoning Board would reconsider being virtual.

Ms. Daly stated it was discussed at the last meeting. Wanted to wait six weeks in case of a spike in cases. Will discuss again at the April 11th meeting.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 10:00 p.m.

Kent Lucas, Assistant Secretary