

MINUTES – ZONING BOARD – APRIL 12, 2021

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, April 12, 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, Jacqueline Dirmann, Board Engineer

COMMUNICATIONS:

None

MINUTES:

Motion to adopt minutes from the February 22, 2021 meeting was made by Mr. Aschenbach, seconded by Mr. Marotta and passed on unanimous voice vote.

Motion to adopt minutes from the March 8, 2021 meeting was made by Mr. Marotta, seconded by Mr. Quinn and passed on unanimous voice vote.

RESOLUTIONS:

1. Application #ZBA 20-005
Applicant: Brian Luciana and Elizabeth Grasafi
12 Grove Street
Block: 487 Lot:13 R-5 Zone

Applicant is requesting a c(1) hardship variance for post-approval for a newly paved driveway which exceeds the maximum impervious lot coverage where 50% is permitted and 64.3% exists/proposed (§255-34 Attachment 1, Schedule 1); as well as several existing nonconforming conditions including a nonconforming location for an existing shed, elevated patio and hot tub. (§255-38).

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

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

Opposed: None

2. Application # ZBA 19-020
Applicant: 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.

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

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

Opposed: None

OLD/NEW BUSINESS

The workshop portion of the meeting concluded at 7:57 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on April 12, 2021 at 7:57 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 - CONTINUED FROM FEBRUARY 8, 2021
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 witnesses for the evening.

Mr. Shimanowitz stated at the last meeting, Mr. Murphy did not present any planning testimony; he just testified as a site engineer. Tonight, Ms. Ehlen will be presenting the planning testimony.

Barbara Ehlen appeared and was sworn in. Her credentials were presented to the Board and was accepted as an expert in Professional Planning.

Questions from Mr. Shimanowitz to Ms. Ehlen ascertained the following:

Reviewed the proposed application. It will be a 75-unit multifamily building 4 stories, the ground level will have parking, a residential lobby and retail. The residential units will form a U-shape around the second-floor courtyard. It is zoned Downtown Business and conditionally permits residential apartments. Theaters and hotels are allowed as-of-right. Seeking a d(3) variance and d(5) variance. Reviewed the c(2) variances proposed. There are 143 parking spots required and they will provide 95 spaces, of which 74 spaces will be at grade and 21 stacked stalls. They will provide mechanical stacking and the stacked stalls will be dedicated to the 2 and 3-bedroom units. There will be four accessible and seven Zip car spots. The height is 45 feet to roof height and will have a 6'4" parapet around roof, which will shield mechanical equipment mounted on the roof. First floor will have parking for 95 vehicles, 674 sq. ft. of retail space, a lobby and bicycle racks. Discussed what was included in the FAR calculation. Property was listed in the 2018 Housing Plan and is included in the draft 2020 Fair Share Plan. Proposing a 15% set aside of affordable units. Market rate will be studio, one and two-bedroom apartments; affordable units will have some three bedrooms.

Discussed the school children component. Stated 74% of units are studio and one bedroom and they don't usually generate school children. Anticipate five public school children, of which, four children will be from the affordable units.

Discussed how the ordinances are tied to the 2009 Master Plan. Reviewed the goals and objectives of the 2009 Master Plan for the downtown core. Reviewed the Land Use portion of the Master Plan which includes a vibrant downtown and the need to provide affordable housing for the community. Stated this site is a Brownfield and it will be remediated for the residential use. Reviewed portions of the 2019 Reexamination Report which includes density and impervious coverage requirements. The property is near the train and in a commercial portion of the town and is buffered from residential uses by the ORC zone.

Reviewed the variances for density and the parking. Discussed the site being able to accommodate the deviation. Proposing 21 stacked vehicles over 21 at grade level, 42 standard, four accessible and seven Zip car spots. The Zip cars will be for residential and public use. Also going to provide a transit board. Zip cars may eliminate the need for personal vehicles and the need for a second car in family.

Reviewed the negative criteria. Applicant is complying with the height and side yard setbacks. Also proposing a courtyard with landscaping. Trash handled on site, and will not generate a lot of noise. Traffic will not have a significant impact on adjoining roadways. Stated Board must balance the positive and negative. Front yard setback is typical in this type of area. With regard to impervious coverage, there is a green element on the second-floor courtyard. Master Plan has envisioned density in the downtown and feels the positives outweigh the negatives.

Questions from the Board to Ms. Ehlen ascertained the following:

The stackable parking is in places like Jersey City and New York. This project is a higher density than any others in the town. Typically, the affordable units generate school children. The second-floor courtyard is community space. Does see higher density residential in Carteret and possibly in Livingston. Zip cars will be open to the public. Courtyards are becoming common as an amenity. 11 units are proposed for the 15% set aside and usually like to round up, so the applicant would change it to 12 units for Fair Share. This site provides Brownfield remediation and affordable housing. Each site is unique and each application stands on its own. The Zip car study was done in 2019 and was done for more than 500 cities and towns. Site is not in the middle of single or two families and does permit hotels and theatres. On a different application that this witness testified to, it was for a prohibited use on a site. This is a residential apartment where traffic does not come and go all at the same time. Looking for this to be a transit-oriented development. The courtyard will provide landscaping as an amenity. Providing greenspace for the residents, not for the town. Not requesting any three-bedroom market rate apartments; will only provide three-bedroom affordable units. Zip cars will be parked in the garage. Stairwells and main elevators would be key carded for safety, but have not discussed with the Police Department yet. Retail space is small and will not generate a lot of vehicle traffic, but some pedestrian traffic. Will rely upon public parking for the retail space. Due to size of retail space, only a limited type of use could go there. There would be two spaces for the front of the building. The spaces in front of the building will be impacted, no matter what goes on the site. Once people get close to having kids who are school age, they tend to move out of this type of property. However, this does not necessarily happen in the affordable units.

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

First floor calculations include the retail, residential lobby, sprinkler and trash rooms, stairwells and complies with FAR. Building height measured to roof surface not to parapet. Zip cars are for the residents and the public. Four ADA spaces are proposed. Size of outdoor space is 2718 sq. ft. and will have landscaping. If they removed the 12 affordable units, they would still be over the allowed density. An application without a density variance would still need to do site remediation and would still need to comply with affordable housing units.

Ms. Ehlen stated the applicant is not opposed to limiting the Zip cars just to residents. Zip car spaces will be reserved.

Questions from Ms. Dirmann, Board Engineer, to Ms. Ehlen ascertained the following:

Information regarding stacked spaces has not yet been provided to the Board. The site engineer would have to address the impervious coverage being 91.8% instead of 86%. Stated 86% is based on the application.

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

Rita LaBrutto – 104 Arlington Road – Asked if she knew that the affordable housing plan being referred to was outdated and about the property in Round 1, 2, or 3 of the Fair Share Plan. Asked about the site

being included in the Unmet Need. Asked about a report dated November/December 2020 and about a hotel, density and parking on the site. Asked about the retail space on the first floor and the restrictions on parking on South Avenue. Asked about Zip cars and about the density at the site. Asked about the units and how many school children that would yield. Asked the amount of parking spots and how many apartments will not have cars and will there be spots for visitors.

Ms. Ehlen stated they reached out to the Town and confirmed the property was being considered in the most recent Fair Share Housing Plan. Not aware of the November/December 2020 plan. Stated a hotel could have the same intensity. Testified that they are providing enough parking on site for this use. A small retail use that could be supported by the residents and pedestrian traffic could go in that space. They are not proposing any on-street parking. The Zip cars are not in the 21 stacked spaces calculation. There are 74 parking spots on grade, 21 will be stacked parking, seven Zip car and four are accessible. Based on the local ordinances, the number of units would be 15. Anticipated three 3-bedroom affordable units and that would equal 2.688 students. Overall, they anticipate 5 school children. Anticipated that the studios and one bedroom may not have a car and those units would have fewer guests.

Mr. Rothman stated the applicant has the burden to prove its case. It is a bifurcated application.

Alex Pavlovsky appeared and was reminded he is still under oath. Stated he took on this project and has been working with the Town professionals for a year and a half and has listened to the professionals' comments. Designed a beautiful building. Site is on the main street of Town, and is an old dilapidated building. Board has to decide if the positives overcome the negatives. There are two negatives, which are parking and traffic and cannot do anything about it. Site is small and needs to build a site that makes a profit and needs a certain number of units. The positive is cleaning up a contaminated site, and filling COAH obligations.

Gary Lader appeared and was sworn in. His credentials were presented to Board and he was accepted as an expert in Architecture.

Questions from Mr. Shimanowitz to Mr. Lader ascertained the following:

Presented the following: Exhibit A-6 as Ground Floor Plan with parking, retail and a lobby. Exhibit A-7 the Exterior Floor Plan with courtyard in the middle, Exhibit A-8 Third Floor Plan, Exhibit A-9 Fourth Floor Plan, Exhibit A-10 is the Exterior Elevations and photo of reference project, Exhibit A-11 is the Side Elevation and Rear Elevation, (marked A2.02); Exhibit A-12 (marked A.2.03) Right Side or East Elevation; Exhibit A-13 (marked A2.04) Building Signage. Stated he has been working with the applicant on the project since 2019. Project promotes principles of transit-oriented development. Project is a major component for a sustainable community. Described Exhibit A-10 as brick masonry on upper floors and decorative trim, i.e. dental molding which forms a cornice on roof edge. Center arch marks the main entrance to the building. Roof height is 45 feet which conforms to the ordinance. Apartments conform to the ordinance and will have accessibility features. Amenities include enclosed courtyard. Ground Floor Plan (Exhibit A-6) includes bulk storage, small retail store and a lobby. Walked the downtown and feels they did a responsible job with the design and is similar to many other downtown buildings.

Questions from the Board to Mr. Lader ascertained the following:

Elevators are sized for an EMS stretcher. Project is planned according to the NJ Uniform Construction Code and has three exit stairs and will follow all travel distances. Will be fully sprinklered and windows exceed the egress requirements. Building has a 5-foot band from it neighbors. In rear of property, is the right-of-way for NJ Transit. There will be one way traffic. The open-air courtyard has no roof. Handicapped parking has three spots close to the retail shop side and one spot to right of main lobby.

The electric charging stations are flexible as far as location. Deliveries would be taken through the main lobby, and there is a mail room. Trash room will have a trash service and there will be a dumpster that will be wheeled out about 50 feet for pickup. Does not know anything about staffing. Still has to work out the recycling. There will be a more generous sidewalk in front of the building. Moving in and out of the building would need to be done by the elevators. Right now, there is parking behind the building, but the back of the building will not be accessible to vehicles with the proposed application. If there is a fire emergency, the main concern for fire safety is to get everyone out of building. Fire Department does not always have access to an entire building. Does not remember seeing anything from the Fire Department stating there was an issue. Life safety is concerned with the safety of the occupants, not preservation of the building. Building is designed to withstand a fire for a certain period of time.

Mr. Shimanowitz stated some of the questions being asked are not able to be answered by this witness.

Mr. Pavlovsky stated in the retail space there could be something like a bagel store or a coffee shop.

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

Requesting that the comments in her report be addressed at the next meeting. Also asked Mr. Lader to provide more information on the following: cars turning in and out of a parking space, more information on stacked parking, provide mechanical equipment for EV and stacked spaces, more information on front yard setback, and on the four-story proposed, when three stories are allowed, information on impervious coverage and sustainable building design and more information on open space.

There was discussion on the next available date to continue the hearing. This hearing will be continued on June 14, 2021.

PUBLIC PORTION:
None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 11:17 p.m.

Daniel Aschenbach, Secretary