

MINUTES – ZONING BOARD – MAY 10, 2021

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, May 10, 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. Lucas
Mr. Quinn

Members Absent:

Mr. Ashrafi
Mr. Salomon

Alternates Present:

Ms. Oliver
Mr. Rees

Alternates Absent:

None

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

COMMUNICATIONS:

None

MINUTES:

Motion to adopt minutes from the April 12, 2021 meeting was made by Mr. Aschenbach, seconded by Mr. Marotta and passed on unanimous voice vote.

RESOLUTIONS:

Application #ZBA 19-010
Applicant: New York SMSA Limited Partnership
d/b/a Verizon Wireless, T-Mobil Northeast LLC
New Cingular Wireless PCS, LLC
Union County College
1033 Springfield Avenue
Block: 121 Lot: 2.01, E-1 Zone

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. Aschenbach, Mr. Lucas, Mr. Quinn

Opposed: None

OLD/NEW BUSINESS

The workshop portion of the meeting concluded at 7:49 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on May 10, 2021 at 7:49 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-20-007 – **CONTINUED FROM MARCH 8, 2021**
Applicant: South Avenue Dental Group
104 South Avenue East
Block: 478 Lot: 1.02, D-C Zone

Applicant is requesting a c(2) variance and a d(3) conditional use variance. Offices are only permitted on the first floor in an existing space measuring less than 1,000 sq. ft. in a building without storefront-type windows and is required to have off-street parking; the applicant will occupy 2,699 sq. ft on the first floor with storefront-type windows and provide no off-street parking §255-39B(18)(b) & (d). A minimum of 18 off-street parking spots are required and zero (0) is proposed §255-44A.

Andrew Kohut appeared. Stated he is the attorney for the applicant. Asked if all seven board members in attendance tonight are eligible to vote. Ms. Daly stated yes, that Mr. Aschenbach has reviewed all the materials from the last hearing. Mr. Kohut stated that after the last hearing, they submitted a Planning Report date April 15, 2021 prepared by Mr. Grygiel, marked Exhibit A-5.

Paul Grygiel appeared and was reminded he was still under oath. Reviewed his report. Stated most of the information in the report was provided as testimony at the last hearing, but did some additional research on the property as to when it was last utilized. Stated his conclusion remains the same, that the conditional use and parking variance can be granted based on the statutory criteria. This is a permitted conditional use. The block is unique. It does already have other ground floor uses and the storefront has been vacant for over seven years. There is no parking on site, but ample parking nearby. Reviewed the *Coventry Square* case, focusing on the fact that the site can accommodate the use although not meeting one or more of the conditions. The D-C zone permits offices as a conditional use; any use of this property will have the same parking issue. Applicant will have parking permits for its employees and customer parking would be on the street or in the public lot.

The existing building and site layout are not being changed. It is not desirable for retail, since it is 75 feet deep. Office use can take advantage of the deeper space. This is consistent with trends having a downtown with more uses. Does provide a complimentary use to a downtown setting. Stated there is no substantial detriment to the public good. Office vs. retail can control the patient load. The DMC Office stated that the project was a good one and looked favorably on the use. Stated the Master Plan has language encouraging a variety of uses.

Questions by Mr. Kohut to Mr. Grygiel ascertained the following:

Building fits into the setting. The employee parking is covered and there is also a train line. Not desirable because not visible for retail. This use would complement the nearby uses.

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

ADA does require handicap spaces if there is a parking lot. Since there is no parking with this application, there is no requirement for a handicap space. The applicant would be willing to discuss with the owner of Kilkenny House the use of a handicap space. Also, there was discussion of a handicap space on the street, but the Board cannot approve the space, that would need to go to the Township for approval. The applicant will make all its patients aware of the parking. A restaurant could go in that space, but there would still be a lack of parking, and could need a much higher number of parking spots. Does not know if it is the least intensive use, but this type of use can be limited by the applicant and the nature of the use. There is parking on both sides of South Avenue and on High Street. In the deck, there are public spaces not reserved for commuters. Towns are adding various uses to their downtowns. The Cranford 2019 Reexamination Report looked for additional changes to try and diversify the mix for the Downtown, (referred to page 6 of his report for language from the 2019 Reexamination Report).

Mr. Kohut stated as a condition of approval, the applicant would reach out to Kilkenny House to request the ability to park in one of the handicap spots in his lot.

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

Trend is to live and work in close proximity to a range of services. This adds to the mix of why people come to an area.

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

Tom Ganley - Asked about handicap entry into the building and about the bathrooms being handicapped accessible.

Mr. Grygiel – Stated ADA would apply to access into the office and it would be a code issue for code enforcement to handle.

Mr. Kohut confirmed the office will be ADA compliant, as well as the bathrooms in the office.

Dr. Lajja Patel appeared and was reminded she is still under oath.

Mr. Kohut asked Dr. Patel about reaching out to the neighbor about the handicapped spot.

Dr. Patel stated she has not reached out to the neighbor yet and there is no handicap street parking. She was waiting to see if the application was approved before speaking to the neighbor.

Mr. Kohut stated a handicap spot is not required since there is no parking onsite.

Mr. Kohut stated ADA parking is required if you have parking onsite. Where there is no parking onsite, there is no variance needed for an ADA spot.

Mr. Verderese appeared and was reminded he is still under oath. Stated the ADA requirement is directly related to the number of spaces provided onsite. When providing zero spaces onsite, you do not need to provide any ADA spaces. If Board grants the variance from parking, there would be no ADA space.

Board member asked if the neighbor adjacent to this building was required to be at the hearing.

Mr. Kohut stated the property owner adjacent was noticed, but not required to be at the meeting.

Ms. Daly asked if there were any questions from the Public, no one appeared.

Ms. Patas, Board Planner, appeared and was sworn in. Stated she reviewed the Master Plan and also reviewed some of the policy issues. Read and reviewed some of the goals of the 2019 Reexamination Report.

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

Trying to keep transparency inside the office. Any use would have the parking deviation. Having the parking permits helps. Suggested that as the number of employees increase, so does the number of parking permits. Having offices in a downtown is important, since that is your lunch crowd and after work crowd. A narrow office building with a couple of windows is ok versus a large office building. The Downtown Office did support the use. The best practice for a downtown is the more diverse, the livelier the downtown and need to strict a balance. This is a permitted use with conditions.

Mr. Grygiel reviewed the layout of the front of office space. Stated the design is like a storefront. Kilkenny parking is for their establishment only, but there are on street spaces in the front.

Mr. Kohut asked Ms. Patras about a Board conditionally approving an application, and requiring an off-site handicap space. Stated his client will speak with the Kilkenny property owner and also reach out to the Traffic Bureau, but if neither one is agreeable, the approval should still be in effect. If the application is approved, he will copy Mr. Rothman on the request to the Traffic Bureau.

Mr. Patras stated the applicant can petition the town to obtain a space, but a private entity does not need to agree to provide a space. Any use would have the same requirement and issue. There are public spaces within 200 feet that are handicapped.

Ms. Daly asked if anyone from the Public would like to make a comment about this application, the following appeared:

Liz Snyder, appeared and was sworn in. Stated she is a resident and an owner of Home Power Yoga in Cranford. Knows Dr. Patel and supports her and the business. Feels it would be great to bring health and wellness to the town to balance the restaurants and retail.

Frank Ambrosio – 12 Nomahegan Court - appeared and was sworn in. Stated he is a resident and owns a business in town. He thinks this is great for Cranford and it is a good idea to allow a dental office.

Mr. Kohut summarized the application. Reviewed both variances requested - the parking variance and the conditionally permitted use.

Stated there is ample on-street parking and the employees will be using employee permits and parking off street. This is an existing condition and there is no parking. The office space is net 2294 sq. ft. and gross about 2600 sq. ft. Offices are permitted. Reviewed the *Coventry Square* case. Property can handle the deviation. The layout is narrow and long. Not idea for retail, but ideal for office space. Office will not overtake the area. Desirable visual environment. Does not believe there will be a substantial detriment to the public good. Meeting the demand of a medical office use which is a conditional use in the zone. Can grant relief without substantial impairment to the zoning ordinance. Property is unique. DMC Office loves the project and believes it will be an asset to the town. Request the Board approve the application as submitted.

2. **DELIBERATION** Application # ZBA-20-007
Applicant: South Avenue Dental Group
104 South Avenue East
Block: 478 Lot: 1.02, D-C Zone

Applicant is requesting a c(2) variance and a d(3) conditional use variance. Offices are only permitted on the first floor in an existing space measuring less than 1,000 sq. ft. in a building without storefront-type windows and is required to have off-street parking; the applicant will occupy 2,699 sq. ft on the first floor with storefront-type windows and provide no off-street parking §255-39B(18)(b) & (d). A minimum of 18 off-street parking spots are required and zero (0) is proposed §255-44A.

Board Comments consisted of the following:

In favor with conditions. This building has been vacant for seven years. Will have a light patient load, limited signage, and minimal impact to the neighborhood. More benefit then negative. Conditions would be reasonable and address the parking and maintain openness in front of the office. Very good application and design. Does not agree there is adequate parking on the street. There is parking in the garage. Discussion with neighboring property on handicap parking and discuss with Traffic Department. Train station does allow free parking after 10:30am. Addressed employee parking. DMC is in favor. Promotes vibrant diverse downtown. Nice to hear other business owners in support of the application. Building vacant for too long. Parking is not an issue. Concern has been mitigated by the design of the storefront. Will contribute to the neighborhood and the other businesses in the Downtown.

A motion to approve the application was made by Mr. Marotta, with conditions, that the front windows and doors be open without shades or blinds being closed, applicant will make every attempt to negotiate to lease one of the handicapped spots and if not, approach the Traffic Bureau to see if the parking spot in front of building could be designated as a handicapped parking spot, and that parking permits scale up as required for all the employees, was seconded by Mr. Aschenbach and passed on roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Lucas, Mr. Quinn, Ms. Oliver and Mr. Reese

Opposed: None

PUBLIC PORTION:
None

CONCULSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 9:42 p.m.

Daniel Aschenbach, Secretary