

MINUTES – ZONING BOARD – JULY 13, 2020

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, July 13, 2020 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 7:34 p.m. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

None

Alternates Present:

Mr. Savino
Mr. Rees

Alternates Absent:

None

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

MEMBERS OF THE PUBLIC:

See attached sheet

COMMUNICATIONS:

None

MINUTES:

Motion to adopt the minutes of the March 2, 2020 meeting was made by Mr. Salomon seconded by Mr. Quinn and passed on unanimous voice vote.

Motion to adopt the minutes of the June 22, 2020 was made by Mr. Aschenbach seconded by Mr. Salomon and passed on unanimous voice vote.

RESOLUTIONS:

None

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 7:37 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on July 13, 2020, at 7:45 p.m. via **Google Meet**. Ms. Lenahan announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader or Star Ledger has been notified and the agenda posted in the municipal building as required.

Mr. Marotta explained the protocol, purpose and procedure that will be followed during the hearing.

**3. Application # ZBA 19-020
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.

Mr. Paparo, Esq. appeared and explained the application. Stated the application is located in the ORC zone. Requesting approval for a 1423 sq. ft. restaurant with drive-thru. Requesting a d(3) variance for the proposed use. Reviewed the history of the site. They reached out to the community and held a meeting to discuss the concept. The plans include some of the recommendations from the community feedback. Also received feedback from the Township professionals.

John Palus appeared and was sworn in. His qualifications were presented to the Board and he was accepted as an expert in Civil Engineering.

Questions by Mr. Paparo to Mr. Palus ascertained the following:

His office prepared the Site Plan that was submitted. Reviewed the Exhibits he will present and were marked as: Site Plan A-1, Aerial Exhibit A-2, Survey A-3 and Colorized Site Plan A-4. Reviewed the Survey. Stated existing site is 0.41 acres, it is vacant and at one time was a service station. Almost all of the area is impervious surface. There are two driveways to Lincoln Avenue and two driveways to South Avenue. Reviewed the Ariel Exhibit A-2. Property is triangular and described the surrounding area. Reviewed the color version of the Site Plan Exhibit A-4. Proposing a coffee shop drive-thru of approximately 1423 sq. ft. interior which would have a counter with 6 seats. Can order inside but primarily for drive-thru. Double drive-thru is proposed. Eliminating one of the driveways to Lincoln Avenue and restricting the other driveway in the NW corner to a right in, right out. Closing the South Avenue driveway closest to intersecting on west side. Only driveway to South Avenue would be on the east side of the property. South Avenue is a County road and they did receive approval from the County of Union on March 10th for the application. Providing 8 parking spaces on the north side of the property and two employee spots for a total of 10 parking spots which are 10 x 18. Seeking a variance for parking

in the front yard. Deliveries will be by box truck; no tractor trailers will be coming to the site. There is no loading zone. There are two order boards and they queue around the building. There are 13 cars within the queue. East side will have a white PVC fence that goes to a four-foot white vinyl fence around to the employee spaces. Proposing brick pavers on South Avenue and new concrete walks. Will do stamped concrete to signal crossing a driveway. Hours are seven days a week 5am to 10pm. Maximum employees would be 5 and there would be three shifts per day. Delivers once a week between 10am to 1pm. Donuts would be first thing in the morning. Trash and recycle on an as needed basis. Trash enclosure is 10 x 20. There is a generator on site. Can wrap the trash enclosure with a brick façade. Lighting would be two decorative street lights in the right a way. Interior is a single head 10-foot high LED light, four wall mounted fixtures and one wall mounted on back of building for employee door. Landscaping will be a total of six trees, 148 shrubs, four ornamental grasses and three street trees on Lincoln Avenue. Stormwater management will now be 71% impervious and reducing runoff at site. Signage will be one free standing sign at NW corner of property. It is a narrow sign and is internally illuminated. There will also be information signs, along with gateway clearance bars and awnings on the east side of building. Reviewed the sizes of the menu boards and directional signs. There will be a bike rack along South Avenue and the NJ Transit bus stop will be moved toward the west of driveway to South Avenue.

Questions posed by the Board ascertained the following:

The generator will be gas. Would look to possibly externally illuminate sign on corner of South and Lincoln. The sign is 12 feet high due to it being so narrow. There is ornamental fencing on the roof, but no outdoor area on roof. Bus stop could have covering subject to NJ Transit approval. This lot is 40% larger than the Starbucks property. The trash enclosure will have same brick as building. There will be a left-hand turn to South Avenue. Vinyl fence on Lincoln will go to property line. Complying with ordinance for storm water. Resident suggestions incorporated into plan were the lighting, trash enclosure and some of the landscaping. There is no restriction on South Avenue, there are restrictions on Lincoln Avenue. Deliveries would be about 5am and would be by box truck. Mounting of lights are 10 feet due to uniformity ratio. Drive-thru lane will be 2-foot candle. There is no soil issue. Hedges are designed to block the headlights of the vehicles and for vehicles to make a safe decision on whether or not to enter the site. Some employees may be riding a bike or using NJ Transit. There was a prior plan which was revised and that plan is before the Board tonight. It is not unusual not to have a bypass lane.

Mr. Paparo stated the applicant is willing to remove the two signs on the building.

Mr. Palus described the following exhibits. Exhibit A-5 as a 3D rendering of the SE view, Exhibit A-6 is view directly from west looking east from Lincoln, Exhibit A-7 is southern view from intersection, Exhibit A-8 is SW view of front of building and Exhibit A-9 is North view from Lincoln.

Mr. Palus discussed the Professional reports:

Topology Report – stated they are not putting a 6-foot fence along Lincoln that was an error on plan. Lighting height will be 10 foot mounted. Lighting level is 2.0-foot candles at the property line. Will work with Board professionals with regard to the lighting levels. There is no outdoor seating proposed at this time. Two stories are required but did not look appropriate for this size of a building. Rear door can be same color as walls. Signage will be discussed further. Corner of intersection will be a brick wall and could have welcome to Cranford if requested by the Board.

Ms. Patras, Board Planner, discussed some of the lighting issues with Mr. Palus.

Mr. Palus reviewed the Maser Report – stated a number of items were already addressed.

Mr. Marotta asked if the Public had any questions for this witness the following appeared:

Phyllis Howard – 5 Burnside Avenue – Asked about other deliveries, the location of the generator and trash. Ask about vinyl fence and the loading space. Asked about an accessory structure setback and about the amount of lights on property. Asked about a walk-up project and about a monitoring well relocation.

Mr. Palus stated there are no other deliveries. There was no other area to place the trash enclosure that would not need a variance. Stated the white vinyl was the nicest, but would defer to the Board. Stated there is no need for a loading space since there are no tractor trailers coming to the site. Setback went from 0 at south end to 37.9 at north end. Stated there are eight fixtures and could increase depending on discussion with Planner. Did not consider a strictly walk up project. Stated shifting is due to a pipe or drainage structure.

Dave Kaplan – 21 Burnside Avenue – Asked about the sign being backlit and about safety issues.

Mr. Palus stated signs are backlit and safety issue could be not seeing interior of site to turn in.

Rita LaBrutto – 104 Arlington Road – Asked about noise level of generator and about width of this driveway vs. Starbucks. Asked about Union County approving this plan. Asked about the evergreens and about the sign committee agreeing to signage. Asked about making a one way in and one way out on the site and if the DD on South Avenue will close.

Mr. Palus stated the generator would run for 20 minutes once a week and meets all State requirements for noise levels. South Avenue driveway is 34-foot width and does not know the Starbucks width. Union County did approve the plan. Stated there are multiple species of evergreens and they did not consider the one way in and one way out.

Mr. Paparo stated the other Dunkin Donuts will close.

Donna Bacich – 5 Denman Place - Asked about impact of cars idling.

Mr. Palus stated he did not do an analysis of car idling.

Anne Marie McNamara – 31 Lincoln Avenue West – Asked about garbage deliveries and a dumpster. Asked about zoning.

Mr. Paparo stated the applicant is aware of the current zoning.

Mr. Palus stated the garbage would be between 10am to 5pm and that it would be a front loader.

Gabe Bailer, Director of Downtown Management Office – Asked about decorative pavers and could they be the same as across the street. Asked about driveway curbing and if the County has ever changed their decision if a turn becomes an issue.

Mr. Palus stated the pavers can be the same and the curbing is Belgian Block. He never had a project a county had to revisit.

Anthony D'Amore appeared and was sworn in. He stated he is a representative of NATC Donuts.

Questions by Mr. Paparo to Mr. D'Amore ascertained the following:

His family started in 1967 with Dunkin Donuts (DD). Stores are mostly in Union County and that the South Avenue store has had some challenges. Cannot operate the way they have in the past due to the pandemic. Discussed the ways they have had to change the way they work. Decided on more of a drive-thru concept. He also owns the site in Clark. This store's hours will be 5am to 10pm. There would be 5 employees max per shift. Can drop to one lane when not in peak hours. Employees start at 4:30am to 4:40am. Donut deliveries will come about 5:00am. There is one delivery per week for all other goods for the store. There are no 3rd party vendors. Menu items are the same as every other DD. There is no bypass lane at the Clark DD. The average time of a car is 160 seconds. The refuse and recycle is three days for pickup of garbage and two days for recycling but all depends on the volume. Garbage truck is a front-loader. Hours can be in the afternoon. There will be 10 parking spaces. Stores that have a drive-thru and in-store ordering, the percentage is close to 90% for drive-thru and 10% in store. The two wall signs will be removed. There is a general manager and a manager. There will be a security camera at every location.

Questions posed by the Board members ascertain the following:

The menu boards can be angled if requested to add height to some of the plantings. The brick can match Walgreens. They can change the screening for the HVAC and ice machines on the top of building. Victorian lights will match whatever is there. Will work with the Town on the plantings and the height. Agree to do a traffic study regarding the left turn after the store is up and running. Would consider doing more natural fencing. Ordering has changed since Covid.

Mr. Marotta asked if the Public had any questions for this witness the following appeared:

Wendie Walsh – 24 Lincoln Avenue - Asked about the lights being turned off and trash pickup. Asked about noise ordinance and about parking along east side of Lincoln Avenue W.

Mr. D'Amore stated there are automatic timers. When the store closes, all the lights are turned off. Trash pick up will not be before 10am. Stated he is aware of the noise ordinance.

Phyllis Howard – 5 Burnside Avenue – Asked about purchasing property and the submitted plans. Asked about traffic at Clark location and about teens working at 5am. Asked about the front loader.

Mr. D'Amore stated he is under contract to buy the property subject to approval of this application. He was part of the other application. People did not want to come into the building during Covid. The teens will not start at 5am. The front loader waits till the area opens up and an employee opens the gate. Will be coming on non-peak hours.

David Kaplan – 21 Burnside Avenue – Asked about revising the hours and about shielding the neighborhood on the last application.

Mr. D'Amore stated the hours between 9pm to 10pm are slow. If Board requests, they can close at 9pm, and will look at other designs.

Donna Bacich – 5 Denman Place – Asked about Uber Easts and Door Dash.

Mr. D'Amore stated Uber and Door Dash go thru the drive-thru.

Mr. Marotta stated the witness will be back at the next hearing.

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Ms. Lenahan stated the next hearing will be August 10th and that there another application on the agenda.

Mr. Paparo stated he has two other witnesses still to testify.

PUBLIC PORTION:

None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:19 p.m.

Daniel Aschenbach, Secretary