

## MINUTES – ZONING BOARD – AUGUST 10, 2020

**The Cranford Zoning Board of Adjustment meeting scheduled for Monday, August 10, 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 7:32 p.m. by Mr. Marotta, Chairman.

### **ROLL CALL:**

#### **Members Present:**

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

#### **Members Absent:**

Mr. Salomon

#### **Alternates Present:**

Mr. Rees  
Mr. Savino

#### **Alternates Absent:**

None

Also, in attendance: Mark Rothman, Esq., Kathy Lenahan, Board Administrator, Jacqueline Dirmann, Mike O’Krepsky, Board Engineers, Greer Patras, Board Planner.

#### Members of the Public:

See Attached List

### **COMMUNICATIONS:**

None

### **MINUTES:**

A motion to adopt the minutes of the March 9, 2020 meeting, as amended, was made by Mr. Savino, seconded by Mr. Quinn and passed on unanimous voice vote.

### **RESOLUTIONS:**

1. Application ZBA 19-0019  
Ryan and Noreen Matlosz  
25 Sutton Place  
Block 251 Lot 6.01

The Resolution of Memorialization was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Aschenbach, seconded by Mr. Quinn and passed by unanimous voice vote.

2. Application ZBA 19-019  
Giovanny & Lina Pulido  
32 Johnson Avenue  
Block 403 Lot 70

The Resolution of Memorialization was reviewed by the Board. After discussion, a motion to approve the resolution was made by Ms. Daly, seconded by Mr. Aschenbach and passed by unanimous voice vote.

### **OLD/NEW BUSINESS**

The workshop portion of the meeting concluded at 7:41 P.M.

### **PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on August 10, 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 20-002**  
**Diana Egan**  
**128 Lehigh Avenue North**  
**Block 524 Lot 8**

The applicant is requesting a design waiver for a 6-foot-high fence in the side-frontage and to be less than 50% open. Front and side yard fences have a maximum height of 4 feet and must be 50% open and the proposed fence is to 6 feet high on the side-frontage and less than 50% open §255-26K(2).

James Egan appeared and was sworn in. He explained the application. Stated they live on a corner and when they moved in they had 10-foot side and rear yard privacy hedges. These hedges died and were replaced but they also died along with a street tree. The yard is now exposed and has less privacy. Presented pictures of the yard and street view. Concerned for the children playing and about the traffic due to some people parking for businesses in the area. Apartment building also has tenants and visitor parking close by. Looking for more privacy. There has also been some car break ins. Showed where the 6-foot fence would be placed. Does not feel a motorist would have an issue with the line of site. Also likes the character and feel of neighborhood. There has been a lot of development in the area. Feels it would improve the area. Would like a more uniform look along the property line.

Questions from Board ascertained the following:

Existing fence is about 20-24 inches off the sidewalk. New fence would need to be on his property line. New fence was going to be put where the old fence was. If they need to move the fence, they would need to replace the entire fence and not sure that is doable. There are some corner houses in the area that have fences 6 feet. The proposed plan is 31 feet up to North Lehigh. Would be willing to move back 10 feet. Rear of house borders the house behind him. The concern is along where the privacy hedges

have died. They did try to replace the hedges, but since they have also died, feels there could be an issue with the area. The fence would be white solid vinyl. There have been cars with out of state license plates or expired tags sitting in front of their house for days.

Jacqueline Dirmann, Board Engineer, appeared and was sworn in. Stated the existing fence is on the right of way. If applicant replaces a portion of fence in same location, they would need approval from Board and the Township Committee. The right of way on one side 1.8 feet front and side yard is .9 feet into the right of way. Applicant is requesting to replace only a portion of the fence. Placing a 6-foot fence would need to be closer to his house by about 10 inches. Obtaining a zoning permit would require the fence to be on the property line.

Mr. Marotta asked if anyone from the Public had questions for Mr. Egan. No one appeared.

Mr. Marotta asked if anyone wanted to speak for or against this application, the following appeared:

Barbara Ehlen - 611 Lincoln Park East – Stated that if the application is denied, he cannot reapply. He may choose to withdraw before a vote is taken. If he has a different solution, he can come back to the Board.

Rita LaBrutto – 104 Arlington Road – Stated she is in favor of it. Feels once the apartments were constructed and had double density, it impacted the homeowner and neighborhood.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

**4. DELIBERATION OF Application # Application # ZBA 20-002  
Diana Egan  
128 Lehigh Avenue North  
Block 524 Lot 8**

The applicant is requesting a design waiver for a 6-foot-high fence in the side-frontage and to be less than 50% open. Front and side yard fences have a maximum height of 4 feet and must be 50% open and the proposed fence is to 6 feet high on the side-frontage and less than 50% open §255-26K(2).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Board member is concerned about application. Feels it affects neighborhood. Looked around area and did not see this type of fencing. Could approve if it was smaller. 4-foot fence would be better. Similar fence with open top is on corner of Lehigh and Mansion. Agree that the apartment has caused issues for neighbors. Less intrusive fence might be an option. Not in favor with this design. Application as is would not be in favor. Applicant is open to reasonable conditions.

Discussion was held.

Motion to approve Application # ZBA 20-002 made by Ms. Daly, seconded by Mr. Aschenbach, with the condition that the privacy portion is 48 feet from rear property line, at a 4-foot height with 1-foot open at the top, for a total of a 5-foot fence instead of a 6 foot fence, with the following voting in favor of the motion: Mr. Marotta, Ms. Daly, Mr. Aschenbach, Mr. Ashrafi, Mr. Lucas, Mr. Quinn and Mr. Savino.

**5. Application # ZBA 19-020 – Continued from July 13, 2020**  
**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.

Joe Paparo, Esq. appeared and gave an overview of the July 13<sup>th</sup> hearing. Stated they reviewed the comments and suggestions from that hearing and submitted a revised plan on July 29<sup>th</sup> also received an updated report from Ms. Patras, Board Planner.

Discussed the changes they have made which include:

- Reduced from four to two wall signs;
- Eliminated background panel on building;
- Removed internal illumination of free-standing sign;
- Trash enclosure will match the building;
- Additional landscaping and screening along Lincoln Avenue;
- Fence changed from vinyl to natural wood;
- Lighting will be revised to reduce intensity. Raised fixtures from 10 feet to 12 feet, but the number of fixtures has gone down;
- Pavement along front on South Avenue will be paver style;
- Top of building replaced the fence feature with a solid brick parapet.

Also discussed the ecofriendly Dunkin Donuts Green initiative. Mr. D’Amore has used this initiative at his other locations and will also use at this location.

Nicolas Verderese appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in Traffic Engineering.

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

Prepared a traffic impact study for this project. Presented a revised Site Plan Exhibit A-7 dated August 10, 2020 which incorporated all the changes Mr. Paparo discussed. Stated the traffic counts are from October 2018. Reviewed the peaks from the weekday and weekends and highest traffic volume was at evening peak hours. Stated there will be more morning peak hour traffic for a DD than evening peak hours. Saturday also had an increase, Will not see much difference then when it operated as a service station. Reducing traffic in the PM peak then what was previously there. Reviewed the driveways on the site and the modifications they are making to those driveways. Stated bus stop will be relocated and there will be a pedestrian walkway from South Avenue into front of building. There will be 10 parking spaces and about 80% will use the drive-thru. There will be one truck in the morning before store opens and another delivery box truck once per week between 10am and 1pm. Drive-thru is new model of two order boards with pay and pickup windows. Discussed the queuing calculation used. The ordering process at Starbucks is different than the ordering process at DD. DD is simpler and food is easier to make. Aisle widths and parking stalls meet the ordinance requirements.

Questions from the Board ascertained the following:

They are processing twice as fast as Starbucks. If there is a traffic back up and if it happened on a regular basis, or became an issue or a safety concern, they would have to turn people away. Dual menu boards will double the ability to process orders. The overdesigned the site because of the concern with the Starbucks. You can make modifications depending upon where the issues are occurring. The time

calculated is an average. Study is based on October 2018 but also did added growth rates. Nothing being developed in the area was identified to have a significant impact on this site. Cranford police mentioned there have been crashes at the intersection. Bus stop will be 120 feet from the intersection. Not aware if there is any development coming in Garwood. Does not believe a supermarket would have an impact on traffic coming out of DD. There is no bypass lane, so if there is an emergency a car would need to wait in line to get out. Did not take into consideration the apartments going up in Garwood. This project has a "C" level of acceptable service.

Mr. Paparo stated the applicant is willing to do a post-operation traffic study.

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

Anne Marie McNamara – 31 Lincoln Avenue West – Asked about updating the traffic study and about average length of cars. Asked about new driveway by bank and about prevention of back up on Lincoln Avenue. Asked about mobile ordering and accident dates.

Mr. Verderese stated he would wait for direction from the Board about an update of the traffic study. Studies the length and number of vehicles at DD to come up with the 20.5 feet in cue. Driveway exit is restricted to right turn only. The accident information was from 2015 to 2019. Stated there were 57 crashes.

Mr. Paparo stated there will be mobile ordering.

Phyllis Howard – 5 Burnside Avenue – Asked about accidents at intersection and stated there were 172 accidents recorded by the Cranford police department. Asked about service levels at intersection and about pass by rates. Asked what year the turn signals were updated and about using the 2018 traffic data for this application. Asked about a traffic count on a holiday weekend and about a pedestrian count at the intersection.

Mr. Verderese stated there is a "C" level of service in AM; a "C" level of service in the PM and a "B" level of service on Saturday. The northbound left is a "D" level of service. The pass by rate is industry data published by NJ Dept of Transportation. Not concerned with the holiday weekend in October. Reviewed the pedestrian counts in the traffic study appendix B.

Rita LaBrutto – 104 Arlington Road – Asked about requesting information from the Garwood Planning Board and about the Union County traffic report. Asked about other developments. Asked about the traffic study from 2018 and the traffic study post opening. Asked about a right turn out of driveway.

Mr. Verderese stated they did not ask the Garwood Planning Board. Reduced the size of building so new study had less traffic impact. Relied on traffic studies pre-Covid. Stated not typical, but they have done post opening studies. Already reduced four driveways to two driveways.

Mr. Paparo stated the Cranford police department stated there was no impact on their report.

Bertha McPhaul – 16 Johnson Avenue – Asked about right and left turns on Lincoln and about Burnside Avenue traffic.

Mr. Verderese stated you can only go right onto Lincoln Avenue.

Wanda Wright – 28 Johnson Avenue – Asked about how many entrances into DD on Lincoln Avenue.

Mr. Verderese said there is only one entrance Lincoln Avenue. Driveway close to Burnside Avenue will be closed.

Brian Andrews – 10 Claremont Place – Asked about pedestrian counts and safety and about upgrade of the intersection. Asked about other traffic studies from other projects.

Mr. Verderese – Stated they counted the pedestrians crossing at the four different crosswalks. It is a DOT intersection and they would have to upgrade all four corners of intersection if they made any improvements. Every site stands on its own with its own characteristics.

Donna Bacich – 5 Denman Place – Asked if the traffic expert tried to cross the intersection.

Mr. Verderese stated he did not cross the intersection.

Follow up questions from the Board to Mr. Verderese ascertained the following:  
Left turn is permitted and approved by the County on South Avenue. Not a good idea to have a bypass lane by order boards. A drive-thru would have more traffic than one without a drive-thru. Bus stops are normally near intersections. Maybe move bus stop to another location. Thinks site works well with good levels of service and feels can operate efficiently. Three other sites that he did DD were in Plainfield and on the Parkway both ways. Buses stop every 15 minutes at peak and off peak is about every ½ hour at this location.

Board member asked about other solutions after the approval and about Cranford police department additional comments. Also asked about maintenance of the property.

Mr. Rothman stated August 31<sup>st</sup> is available for a special meeting, otherwise, meeting would be in October.

Mr. Paparo stated his planner is not available on August 31<sup>st</sup>.

Mr. Marotta stated the hearing will be carried to October 5<sup>th</sup>.

**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 11:35 p.m.

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Daniel Aschenbach, Secretary