

MINUTES – ZONING BOARD – September 18, 2023

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, September 18, 2023 at 7:30 p.m. was conducted virtually.

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 7:36 p.m. Mr. Marotta, Vice-Chair.

ROLL CALL:

Members Present:

Ms. Daly – Arrived at 7:58 p.m.
Mr. Marotta
Mr. Aschenbach
Mr. Cukierski
Mr. Lucas
Mr. Quinn
Mr. Rees

Members Absent:

None

Alternates Present:

Ms. Oliver
Mr. Giuditta

Alternates Absent:

Also in attendance: Mark Rothman, Esq., Kathy Lenahan, Board Administrator, Kevin Boyer, Board Engineer, Greer Patras, Board Planner (joined for the second application).

COMMUNICATIONS:

None

MINUTES:

A motion to adopt the minutes of the August 14, 2023 meeting, was made by Mr. Quinn, seconded by Mr. Rees and passed on unanimous voice vote.

RESOLUTIONS:

1. Application #ZBA 23-005
Brendan & Kate Ryan
24 Tuxedo Place
Block: 283 Lot: 4, R-3 Zone

The applicant is requesting c(1) variance relief for the construction of a two story addition. The maximum allowed building coverage is 28%, where 28.2% is existing and 29.9% is proposed §255-34, Attachment 1, Schedule 1.

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. Rees passed by roll call vote:

Affirmative: Mr. Marotta, Mr. Aschenbach, Mr. Lucas, Mr. Rees, Ms. Oliver

Opposed: None

2. Application #ZBA 23-007
Marc & Jessica Bromberg
19 Blake Avenue
Block: 490 Lot: 8, R-3 Zone

The applicant is requesting a c(2) variance for the construction of a new deck. The minimum required side yard setback is 5.5 feet, where the proposed setback is one foot. §255-38A(5)

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

Affirmative: Mr. Marotta, Mr. Aschenbach, Mr. Cukierski Mr. Lucas, Mr. Quinn

Opposed: None

3. Application #ZBA 23-008
Joseph Sullivan
203 Columbia Avenue
Block: 245 Lot: 14, R-4 Zone

The applicant is requesting a c(2) variance for a proposed expansion of an existing half story attic. The maximum story height permitted is 2.5 stories, where 3 stories is proposed §255-34, Attachment 1, Schedule 1.

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

Affirmative: Mr. Marotta, Mr. Aschenbach, Mr. Cukierski Mr. Lucas, Mr. Quinn

Opposed: None

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 7:43 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on September 18, 2023, at 7:45 p.m. via Google Meet. Mr. Marotta 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.

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

1. Application #ZBA 23-012
David & Denise Berkowitz
16 Wade Avenue
Block: 320 Lot: 42, R-4Zone

The applicant is requesting a c(1) variance to permit air conditioning equipment in the front yard, whereas, it is only allowed in the rear and side yards §255-35D(4).

David Berkowitz appeared and was sworn in. Stated they live in an older home without central air conditioning and using the window units are inefficient and loud. Decided to go with a ductless system. Installation was done in March and then they found out the unit could not be placed in the front without going for a variance. They are on a corner lot and it was placed in the front yard for the best ventilation. If it was put in the rear yard, the length of the piping would have exceeded the manufacturer's warranty. They referenced the letter they submitted from Cranford Plumbing and Heating.

Questions from the Board for this witness ascertained the following:

They have planted shrubbery around the unit. Shrubby stays green all year round and should fill in, so you will not be able to see the unit. They are willing to replace any screening that dies or gets damaged.

Mr. Marotta asked if anyone from the Public had questions for this witness, no one appeared.

Mr. Rothman explained the criteria for a c(1) variance.

Mr. Marotta asked if any of the Board's professionals had questions for this witness, no one had questions.

Mr. Marotta asked if anyone from the Public wanted to speak for or against the application, no one appeared.

2. DELIBERATION - Application #ZBA 23-012
David & Denise Berkowitz
16 Wade Avenue
Block: 320 Lot: 42, R-4Zone

The applicant is requesting a c(1) variance to permit air conditioning equipment in the front yard, whereas, it is only allowed in the rear and side yards §255-35D(4).

Board comments consisted of the following:

In favor of mini-split systems. Corner lot makes it difficult. Applicant has taken proper measures for screening. Has put it in the best place they could. This is what a zoning board is for, when there are limitations on a property. Would be a hardship for applicant if the application was not granted.

A motion to approve the application, with the condition of replacing any screening that dies or gets damaged, was made by Mr. Quinn seconded by Mr. Lucas and passed by roll call vote:

Affirmative: Mr. Marotta, Mr. Aschenbach, Mr. Cukierski, Mr. Lucas, Mr. Quinn, Mr. Rees, Ms. Oliver

Opposed: None

2. Application #ZBA 22-012
NACT Donuts Inc.
333 North Avenue East
Block: 318 Lot: 22 NC Zone

The applicant is requesting a d(1) Use variance for the purpose of utilizing the property as a Dunkin drive-thru fast food restaurant. §255-36(c)(1). This is a bifurcated application.

Joseph Paparo, Esq., attorney for the applicant appeared. Stated this is a bifurcated use variance. The applicant is requesting to use this property as a drive-thru Dunkin only. Located in the ORC zone where a drive-thru is not allowed. Seeking a d(1) use variance and should that use be granted, they would return to the Board with a full site plan at a later date. The site is an existing Dunkin store. Will demonstrate that the site can accommodate a drive-thru.

Anthony D'Amore appeared and was sworn in.

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

He is a representative of NACT Donuts and is the owner operator of the Dunkin at this location. He is currently a tenant, but looking to purchase the property if the variance is granted. He has operated this store for seven years and has three locations in Cranford. This site has a kitchen, but they do not bake at this location. The facility has deteriorated and is hard to maintain. Dunkin has changed the way they operate and do business. It is 80% take out and 20% eat in. All the new Dunkins' he has built have been drive-thru. The Edison location he owns, has a double stack drive-thru and two order boards with a pay and pickup window. With this type of drive-thru you can process more cars quicker and the operations inside the building have changed to an Omni setup which provides better efficiency. They will present a video to show how the process works. There will be a maximum of seven employees on a shift. The products for a Dunkin are different; most are drinks (65-68%) and the rest are baked goods and sandwiches. The other competitors are espresso-based products and those drinks are a lot more time-consuming including ordering and processing. He is aware that he would need to come back with a full site plan should the Board approve the use variance. He is here to work with the Board and the Township. They do not have a lot of people walking into the current Dunkin.

Questions from the Board for this witness ascertained the following:

They did contact Dairy Queen, but the operator of the business is not the owner. There is an old easement on their property but the owner of the Dairy Queen would rather not do anything with that easement. The benches and the tree are on the Dairy Queen property. The access to Dunkin will be only from North Avenue, not Elizabeth Avenue. The way the Brand has developed over time is drive-thru. It is more about what the guest wants. Somebody walking in the area could not use the drive-thru. Dairy Queen has a lot of parking in the back. He did offer the owner to combine to a strip center, but the owner does not want to replace the barn. People using public transportation would not be able to use the drive-thru. There are a lot of people using an app to order. Dairy Queen and Dunkin have different operating

times. Dunkin is a lot of morning orders, whereas, Dairy Queen seems to have more traffic at night. People riding bikes would not be able to use the drive-thru. At this site, it is 80% take out, 20% dine in.

Mr. Paparo stated he worked with the attorney for the owner of the property for the Dairy Queen. They discussed doing a formal easement between the two properties but the attorney stated the owner was not interested in modifying the easement. The applicant will keep all the traffic on North Avenue.

Questions from Ms. Patras, Board Planner, for this witness ascertained the following:

The 80-20 number is a national number. Did think about doing both drive-thru and walk up, but are focused on the needs of the 80%. Possibly could do a pass-through spot, but he does not have that information today to get there.

Questions from Kevin Boyer, Board Engineer, ascertained the following:

Total employees could be 20-25 people more or less, but a lot of it is part time kids. He has a harder time finding help for the night and closing hours.

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

Carmen Karasch – 327 North Ave East – Asked about hours of operation and will there be a lot more business than there is there now. Asked how will that impact the people in her area and what type of barrier would be put up.

Mr. D'Amore stated the hours will be 5 am to either 9 or 10 pm., it would depend on the slowest hour. The site is an existing Dunkin. The two-lane order board will not affect what is next door. They will replace the fence and provide better screening with greenery.

Mr. Rothman asked what the current Dunkin hours are.

Mr. D'Amore stated they are the same, 5 am to maybe 8 or 9 pm.

Tony Gallerano appeared and was sworn in. He presented his qualifications and was accepted as an expert in engineering and planning.

Questions from Mr. Paparo to Mr. Gallerano ascertained the following:

Presented Exhibit A-1 as a Goggle satellite aerial of the site. Shows that the site does not interfere with the access points of the Dairy Queen. Existing Dunkin has a single driveway on North Avenue with parking along the side and back of the building. Shows that the large tree is on the Dairy Queen property. Presented a colorized version of the site plan, marked Exhibit A-2. Showed the existing curb cut from North Avenue and the site will have a buffer on all four sides. Described the circulation as entering North Avenue and is a counter clockwise, double drive-thru with two menu boards and cars go to pay then the pickup window and out to North Avenue again. There is also a bypass lane and employee parking for nine vehicles, refuse and loading areas. There will be buffers between the two-family house and also the Dairy Queen. There will also be a sidewalk around the building with a backup generator. The purpose of the door in the front on the plan, is for the employee to come out and direct a car into a parking space. Described the turning template on the site plan for truck loading and unloading. Deliveries will be on off hours and refuse would be by a private hauler, so the applicant can choose when to do a pickup of refuse.

Presented a colorized version of the architectural rendering marked as Exhibit A-3. Materials would consist of brick veneer, capstone on the bottom, with Dunkin signs and logos. If use variance is granted, they would come back with a full architectural plan.

Mr. Gallerano discussed the reports provided by the Township professionals. Stated the traffic will be addressed by their traffic engineer. The ADA aisle would be included in site plan.

Questions from the Board for this witness ascertained the following:

There will be a complete vegetative buffer between Dunkin and Dairy Queen. There will be small canopies above the drive-thru with warning signage. The curb cut will be in the same place.

Mr. D'Amore stated cars over the height clearance would pull out of line and pull into a parking space. They can also order on the mobile app.

Mr. Rothman asked about the garbage pickup being similar to the way it is now.

Questions from Kevin Boyer, Board Engineer, ascertained the following:

They did not run templates with right turn in and right turn out. Fire department indicated no negative impacts.

Questions from Ms. Patras, Board Planner, for this witness ascertained the following:

Optimum location for the door in the front is for efficiency. Did reduce the impervious coverage from the original application, but do want to make sure that it is safe for the employees. They are bringing it to a conforming situation. Provided a landscaping strip along the foundation. The sidewalk needs to meet ADA accessibility. Will look into permeable pavers. They would try to make the lighting plan to be conforming. The site currently does not have any stormwater management. With reducing impervious coverage and providing stormwater management, there will be an improvement in runoff at the site.

Mr. Paparo stated the door could be located on the side instead of in the front.

Connie Justis appeared and was sworn in. Presented her qualifications and stated she is the Senior Manager of Innovations for Inspire Brands.

Questions from Mr. Paparo to Ms. Justis ascertained the following:

Stated it is important to understand what the guest wants in regard to service expectations. Guests make their decisions based on speed of service. Guests expect a 5-minute time from entering to time exiting. Each interaction should be 30 seconds or less. Tried to present a video marked Exhibit A4, but had trouble with the audio. Stated that 14 to 16 cars is what the guide is for a side by side environment. Stated Starbucks is a one at a time espresso-based product, which takes much longer; whereas with Dunkin there is an assembly line that can develop three beverages at a time, simultaneously. Presented a video (with drone footage), marked Exhibit A-5, of a Dunkin store in Fairfield, OH, which was the first two lane drive-thru. There was no backup of cars in the four-minute video. Gave an overview of the video in Exhibit A-4, which showed a customer in both a Dunkin and a competitor's drive-thru and the total amount of time a customer spends in each.

Questions from the Board for this witness ascertained the following:

When there are issues with employees not showing up, that is a management issue. Need to work through whatever issues or concerns there are. Want to build a trust that they are going to deliver every day. Distance from pickup to driveway is two to three cars exiting. Every site has a particular need. All of the big brands are going toward drive-thru only, for future grow potential.

Questions from Ms. Patras, Board Planner, for this witness ascertained the following:

A drive-thru only with side by side order boards will give you more cars and more performance. Drive-thru only are either a niche on a small site or a site with multiple stores.

Mr. Marotta asked if anyone from the Public had questions for this witness, no one appeared.

This hearing will be continued and put on the agenda for October 2, 2023.

There was a request from a Board member to email the video that had audio issues, so that Ms. Lenahan could forward it to the Board for their review.

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 10:34 p.m.

Kent Lucas, Secretary