

**CONDITIONS SUGGESTED TO THE CRANFORD PLANNING BOARD
FOR ANY APPROVAL OF THE 750 WALNUT AVENUE APPLICATION**

**APPLICATION PB-22-002 SUBMITTED BY HARTZ FOR PRELIMINARY AND
FINAL SUBDIVISION APPROVAL AND SITE PLAN APPROVAL WITH “C”
VARIANCES AND EXCEPTIONS TO ALLOW CONSTRUCTION OF AN
INCLUSIONARY RESIDENTIAL DEVELOPMENT CONSISTING OF TWO
BUILDINGS AS WELL AS A COMMERCIAL DEVELOPMENT CONSISTING
OF TWO BUILDINGS TO BE USED AS AN OFFICE DISTRIBUTION CENTER
ON PROPERTY CURRENTLY DESIGNATED AS LOT 2 IN BLOCK 541
WHICH IS LOCATED AT 750 WALNUT AVENUE**

The following are conditions that I suggest should be imposed on any approval that the Board grants to the applicant, with an indication from my notes of whether the applicant has consented to the condition. I have organized the conditions in chronological order as they appear in my notes but, assuming that the Board approves the application and imposes the conditions, the conditions would be included in any resolution of approval in a different order as I list conditions in resolutions by subject matter and not in chronological order. Finally, some conditions have been superseded by subsequent conditions, such as compliance with Board expert reports, and any approval resolution will reference the subsequent condition in such a case.

Hearing Session #1 - July 20, 2022:

1. The Hartz entities responsible for the maintenance and upkeep of the Residential site and the Commercial site shall enter into an Operation and Maintenance Agreement that will be recorded after review and approval by the Township Attorney. (Applicant consented to this condition.)
2. Phasing plan shall be submitted for review and approval by the Township Attorney and Township Engineer. (Applicant consented to this condition.)
3. All suggestions contained in Township traffic engineer's report shall be made part of any approval. (Applicant consented to this condition.)
4. The applicant shall comply with all requirements of the Walnut Avenue Redevelopment Plan ("WARP") and the Township land development ordinance unless a variance or exception is granted from a requirement. (Applicant consented to this condition.)
5. The applicant shall sign all documents necessary to provide for Title 39 enforcement on both the Residential lot and the Commercial lot. (Applicant consented to this condition.)
6. The applicant shall comply with all suggestions set forth in the Fire Official memorandum dated July 13, 2022. (Applicant consented to this condition.)
7. The applicant shall comply with all comments set forth in the Board engineering expert's report dated July 18, 2022. (Applicant consented to this condition.)
8. The applicant shall contact County of Union to request permission to cut into the slope adjacent to the Walnut Avenue sidewalk to widen the sidewalk in the area of the slope. (My notes reflect that the applicant consented to this condition. Henry Kent-Smith

advises that his notes reflect that the applicant consented to request permission to cut into the slope adjacent to the Walnut Avenue sidewalk only as it relates to widening of the sidewalk areas proposed by the applicant to be widened. In my opinion, the Board can impose the condition as I have drafted it as to any areas in which the Board requires the sidewalk to be widened depending on the Board's determination of the applicant's request for the exception from the 8-foot sidewalk width requirement.)

Hearing Session #2 – August 17, 2022:

9. If Township wishes to pursue, the applicant shall deposit funds with the Township in an escrow account which shall be established to pay for all costs associated with the Township installation of all off-site traffic improvements, including all-way stop signs on nearby roads and striping, markings, and signage associated with same. (Applicant consented to this condition.)
10. If Township wishes to pursue, the applicant shall deposit funds with the Township in an escrow account which shall be established to pay for all costs associated with the Township installation of off-site speed hump(s) and signage and striping associated with same. (Applicant consented to this condition.)
11. If the Township wishes to pursue lowering the speed limit along frontage of the property, the Township shall apply for County approval for same and, in the event that the County lowers the speed limit along the frontage of the property, The applicant shall deposit funds with the Township in an escrow account which shall be established to pay for Township installation of new speed limit signage to be installed by Township. (Applicant consented to this condition.)
12. If Township wishes to pursue having the applicant install striped median/left-turn lanes into Lexington Avenue and Behnert Place down the middle of Walnut Avenue, and subject to County review and approval, The applicant shall deposit funds with the Township in an escrow account which shall be established to pay for Township installation of striped median/left-turn lanes into Lexington Avenue and Behnert Place down the middle of Walnut Avenue in accordance with that reflected on exhibit A-14. (Applicant consented to this condition.)
13. The Board traffic engineering expert shall determine the amount of initial escrow deposits to be made to any escrow account(s) established as set forth above, which deposit(s) shall be based on the Board traffic engineering expert's estimate of the total cost(s) of the traffic improvements at issue. (Applicant consented to this condition.)
14. In the event that The applicant disputes the reasonableness of any of the charges to its escrow account(s) established as set forth above, applicant shall follow the procedures prescribed by N.J.S.A. 40:55D-53.2a and, in the event that the County Construction Board of Appeals declines to accept jurisdiction over any such dispute that is not resolved between the applicant and the governing body of the Township, the dispute shall be subject to an action filed in the Law Division of the Superior Court of New Jersey, Union County vicinage. (This is a condition that was not discussed during the hearing but which

I believe should be imposed to account for possible disputes as to the reasonableness of costs of installing the traffic improvements as Henry Kent-Smith as advised that the applicant should only have to pay for reasonable costs and I agree with his position on this issue.)

15. The applicant shall at its sole cost and expense to install a crosswalk along with a flashing light sign device on Walnut Avenue near Benhert Place in accordance with that reflected on exhibit A-13, subject to review and approval by the County, and subject to review and approval by the Township professionals. (Applicant consented to this condition.)
16. The applicant shall at its sole cost and expense to make and complete the signal-timing change and upgrade the existing vehicle detection installation at Raritan Road/Walnut Avenue, subject to review and approval by the County. (Applicant consented to this condition.)
17. The applicant shall at its sole cost and expense to install signage enforcing the turning-movement restrictions and prohibition of through movements from the on-site driveways to Behnert and Lexington, respectively, prohibiting truck and cut-through vehicular traffic. (Applicant consented to this condition.)

Hearing Session #3 – September 7, 2022:

18. The applicant shall perform and traffic study post approval and analyze the results of the post-approval study with the pre-approval traffic study that was presented to the Board as part of the application and submit the post-approval study and analysis to the Township Engineer and the Township traffic engineering expert. (My notes reflect that the applicant consented to this condition, but Henry Kent-Smith has advised that his notes reflect that the applicant did not consent to this condition. This condition was recommended by the Township traffic engineering expert and, regardless of whether the applicant consents to its imposition, it is my opinion that the condition is a reasonable condition and can lawfully be imposed in the event the Board wants to impose it.)
19. The applicant shall at its sole cost and expense to install a second crosswalk along with a flashing light sign device on Walnut Avenue near Lexington in accordance with that reflected on exhibit A-13, subject to review and approval by the County, and subject to review and approval by the Township professionals. (Applicant consented to this condition.) (Board member Taylor indicated that he was against this condition.)

Hearing Session #4 – September 21, 2022: (no conditions)

20. In the event that the Board grants the “c(2)” variance to allow the applicant to eliminate the basketball court, the applicant shall revise the site plans to incorporate the stormwater management improvements reflected on exhibit A-15. (Applicant consented to this condition.)

Hearing Session #5 – November 30, 2022:

21. The applicant shall comply with all comments set forth in the Board engineering expert's report dated November 21, 2022, subject to the engineer's review and confirmation. (Applicant consented to this condition.)
22. The applicant shall comply with all comments set forth in the Board planning expert's report dated November 4, 2022, subject to the engineer's review and confirmation. (Applicant consented to this condition.) (The Board took a straw poll and approved the design of the bicycle racks and that will be included in any approval resolution.)
23. The applicant shall contact Hyatt Hills Golf Club to discuss repair and/or replacement of the protective netting installed adjacent to the property line between the property and the golf course. (Applicant consented to this condition.)
24. No mechanical equipment shall be visible from any street. (Applicant consented to this condition.)
25. If solar panels are added to the roof, no solar panels and no related equipment shall be visible from any street. (Applicant consented to this condition.)
26. The applicant shall revise the architectural drawings to reflect that one of the stair towers of each of the residential buildings facing the service drive shall provide interior access to the buildings' roofs. (Applicant consented to this condition.)
27. The applicant shall revise the architectural drawings to reflect the color and material of the leaders proposed for the residential buildings, which shall be a dark gray color and aluminum material. (Applicant consented to this condition.)
28. There shall be no rentals of the residential building amenities (rooms, outdoor areas, etc.) to non-residents. (Applicant is supposed to get back to the Board as to whether it consents to this condition.) (This condition was suggested by objector Rita Libretto.)
29. There shall be a limitation on the number of outside guests using the residential building amenities rooms. (Applicant is supposed to get back to the Board as to whether it consents to this condition.) (This condition was suggested by objector Rita Libretto the number of guests limited to using the residential amenities rooms was not suggested.)
30. The applicant shall comply with the plant species recommendations of the Cranford Environmental Commission. (Applicant consented to this condition.)

Hearing Session #6 – December 7, 2022:

31. In addition to the condition that the Hartz entities responsible for the maintenance and upkeep of the Residential site and the Commercial site shall enter into an Operation and Maintenance Agreement that will be recorded after review and approval by the Township Attorney (which the applicant consented to and is set forth above as a condition

referenced in Hearing Session #1), the applicant shall not only include maintenance of the berm and landscaping in the Operation and Maintenance Agreement but a Maintenance Easement shall be recorded over the berm and landscaping areas. (Applicant consented to this condition.)

32. In addition to decreasing the lighting level for the loading area between the commercial buildings from 1.5- footcandles to 0.5-foot candles in accordance with exception relief the applicant agreed to apply for at the suggestion of the Board, the applicant shall install motion detectors for overnight lighting control, subject to the review and approval of Township Engineer. (Applicant consented to this condition.)
33. The applicant shall supplement the landscaping in the northwest corner of the property (the rear of the commercial lot) by replacing dead trees and filling in gaps. (Applicant consented to this condition.)
34. The applicant shall add landscaping along the northern corner of the property along the adjacent to the railroad tracks after the Township vacates its easement in that area if said easement has not already been vacated. (Applicant consented to this condition.)
35. The applicant shall revise the site plans to reflect that the two (2) freestanding signs shall comply with all applicable ordinance provisions as the plans show the signs exceeding the allowable height and size. (Applicant consented to this condition.)
36. The Applicant shall utilize low phosphorous fertilizer and green friendly products on the site. (Applicant consented to this condition.)
37. The Applicant shall select plantings that are deer resistant. (Applicant consented to this condition.)

Hearing Session #7 – December 14, 2022:

38. The applicant shall implement the landscaping represented on exhibits A-30.1, A-30.2 and A-30.3 with the maximum quantities of new plantings being as follows, subject to review and approval by the Board’s landscaping expert as to locations and heights at planting: (a) 100 evergreen trees; (b) 30 subcanopy trees; and (c) 200 shrubs. (Applicant consented to this condition.)
39. The applicant shall revise the site plans to reflect that the all signs shall comply with all applicable ordinance provisions (with one exception being the façade signs on one of the commercial buildings which face a residentially zoned area and are 100-feet from the residential zone if the Board grants an exception to allow this deviation). (Applicant consented to this condition.)
40. The applicant shall submit a revised Community Impact Statement (“CIS”) which fully complies with the Township ordinance requirements as the existing CIS does not include the PILOT (payment in lieu of taxes) agreement. (Applicant consented to this condition.)

41. Any approval by the Board shall be subject to approval by the Union County Planning Board (but if the County approval contains any condition(s) that require a substantial change to the improvements reflected on the site plan approved by the Board, the applicant shall be required to apply for and obtain an amended approval from the Board). (Applicant consented to this condition.)
42. There shall be no smoking in the residential buildings. Smoking shall be restricted to areas outside the buildings at least 25-feet from the buildings in accordance with the WARP requirements, with such areas to be identified and marked, subject to review and approval by the Board planning expert. (Applicant consented to this condition.)
43. Any Board approval shall also be subject to the Board's standard conditions as set forth in the Board's rules and regulations. (Applicant consented to this condition.)