



UNLOCKING POTENTIAL  
IN PLACES YOU LOVE

## Development Review Committee Memorandum

Date: March 17, 2023  
To: Cranford Development Review Committee  
From: Greer Patras, AICP, PP, Town Planner  
Applicant: NATC Donuts, LLC  
SUBJECT: **ZBA-22-012**  
**333 North Avenue East - Block 318, Lot 22**  
**D(1) - Use Variance + Bulk Variances**

The Township's DRC, established by §255-10 of the Township Code, serves to review all applications for development or requests for review presented to the Planning Board or Board of Adjustment. The DRC consists of applicable Township professionals who review applications for compliance with the technical standards set forth in Article IV – Development Requirements and Standards and other provisions of the Township's Land Development Ordinance. The DRC may make non-binding recommendations on the design and technical elements of any application however it is not the scope of the DRC to argue for or against the merits of any application to be heard by the Planning Board or Board of Adjustment.

The Applicant attended a first DRC meeting on December 14, 2022, which is summarized in Topology Memo #1 dated January 4, 2023. The plans were subsequently revised and presented. This memo serves to provide an overview of the project proposal and the items discussed at the DRC meeting.

### I. APPLICATION INFORMATION

#### **A. DRC Meeting Date:** March 15, 2023

#### **B. Attending Town Representatives:**

1. Bryan Flynn – Tax Assessor
2. Kathleen Nemeth – Zoning Officer
3. Frank Genova – Construction Code Official
4. Ty Apgar – Engineering Consultant, Colliers Engineering
5. Matthew Nazzaro - Cranford Police Department
6. Chief Matthew Lubin – Cranford Fire Department
7. Kathy Lenahan – Board Administrator
8. Greer Patras and Justin Cutroneo – Town Planning Team

#### **C. Attending Applicant's Representatives:**

1. Anthony D'Amore – Applicant
2. Joe Paparo – Applicant's Attorney
3. Frank Truilo – Applicant's Architect
4. Anthony Gallerano – Applicant's Engineer

5. Betsy Dolan – Applicant’s Traffic Consultant

**D. Documents Submitted**

1. **Township of Cranford - Development Application Package** received November 1, 2022.
2. **Application Cover Letter**, prepared by Joseph A. Paparo, Esq., dated October 31, 2022.
3. **Application Rider**, undated and unsigned.
4. **Site Plan**, consisting of 2 sheets, prepared by Harbor Consultants, Inc., dated July 13, 2022 and last revised on January 5, 2023.
5. **Architectural Plans**, consisting of 1 sheet, prepared by Frank Trulio, R.A., dated April 12, 2022 and last revised on January 6, 2023.
6. **Traffic Impact Analysis**, consisting of 21 pages, prepared by Dolan and Dean Consulting Engineers, LLC, dated May 19, 2022.
7. **Resubmission Cover Letter**, consisting of 2 pages written by Joseph A. Paparo, Esq., dated March 6, 2023.

**II. SITE INFORMATION:**

- A. Block 318, Lot 22: 17,904 SF (0.4 acres)
- B. Office Residential Character (ORC) District
- C. The Site contains a 1-story masonry building occupied by Dunkin Donuts, surrounded by a paved parking lot, landscaping, lighting, a trash storage area, and a wooden fence.
- D. The site is located within the commercial corridor of North Avenue East, within a mile of the Garden State Parkway to the east, and the Cranford Train Station to the west. Properties to the west and north are residential in the R-4 zone. The Cranford DPW and the Historic Roundhouse is across North Avenue East directly to the southeast.



*Figure 1 (Courtesy of Google Maps): Aerial map of the subject property. Outline is a representation and not accurate of property boundary.*



Figure 2 (Courtesy of Google Street View): Image of the subject property from North Avenue East.

### III. PROPOSAL:

#### A. Proposed Site Improvements:

1. Demolish existing Dunkin' building
2. Remove all curbing, parking, bollards, lighting, walkways, guardrails, and landscaping on site
3. Relocate utility pole
4. Construct a one-story, 648 SF, drive-through Dunkin' building
5. Construct 9 parking spaces
6. Construct loading zone in the rear of the Site
7. Construct refuse area screened by vinyl fencing
8. Install generator towards rear of building
9. Replace existing concrete sidewalk, curbing, and apron along property frontage
10. Construct associated signage, lighting, striping, landscaping, and other site improvements

#### B. Use Variance Discussion:

1. The drive-through fast food use is not permitted in the ORC District per §255-36(C). The Applicant requires D(1) use variance relief.

- C. At this time, the Applicant has indicated that they're seeking a bifurcated Use Variance Application. Therefore, site plan and bulk variances approval would be sought as a secondary application if the drive-through use is approved. However, as part of site suitability for a use variance, compliance with the other standards of the zone may be considered.

#### ORC Supplemental Use Regulations:

1. The Applicant is proposing parking in the front yard, where no parking is allowed per §255-37(J)(2)(a). The Applicant requires variance relief.
2. A 5' tall landscaped or fence buffer separating parking areas from adjacent residential zones and public roads is required per §255-37J(2)(b). The Applicant requires variance relief.
3. The proposed building does not maintain the architectural character of the existing structure, where this is required per §255-37J(3)(a) The Applicant requires variance relief.
4. The proposed building is not two stories above grade, where this is required per §255-37J(3)(c) The Applicant requires variance relief.
5. The proposed building frontage along South Avenue West does not provide a primary building entrance along this front facade, where this is required per §255-37J(3)(i). The Applicant requires variance relief.

Design Waiver Discussion

1. The Applicant is proposing a portion of the parking area in front of the building face, where all parking areas are required to be located to the rear of the building face per § 255-26G(3)(a). The Applicant requires a design waiver.

Additional variances and waivers may be identified during professional reviews and as part of a site plan application.

**IV. DRC MEETING COMMENTS + NOTES:**

**A. The Applicant provided the following comments:**

1. The circulation remained the same as the last plan, and the focus was on increasing the landscape buffers and reducing impervious coverage. Curb lines were pulled in for landscape buffering, and a planting strip along the east side of the building was added.
2. The Applicant went through the pre-application process with NJ Department of Transportation.
3. The proposed sidewalks around building are for employees only.
4. The Applicant is not proposing a walkup window or a front entry door for customers.
5. The building was made taller, and the front sign will be externally illuminated by 2 gooseneck lighting fixtures.
6. Each window on east elevation will have orange awnings above them.

**B. The DRC Committee provided the following comments and recommendations:**

**1. Site Circulation + Parking:**

- On-site and off-site traffic concerns were the most heavily discussed:
  - There have been issues with traffic with other nearby drive-throughs.

- A right turn only out of the driveway would alleviate some queuing issues and should be considered. Applicant said this would be revisited and willing to make the exit lane a "right turn only" lane.
  - The mechanics of the queuing lane should be presented at hearing. Applicant stated DOT threshold for a post-covid drive-through is 14 vehicles and the drive-through has been designed accordingly.
  - Applicant stated the drive-through has been designed with appropriate food preparation timing in mind and that Dunkin's menu is more condensed than others and therefore the drive-through process is quicker.
  - Applicant stated that there are two order points to aid in the brevity of the ordering process and that this allows the drive-through to be more efficient and reduce the likelihood of traffic backup.
  - How will the Applicant deal with capacity if the Site has more than the 15 vehicles at one time? How will increased traffic be dealt with? Applicant offered ongoing meetings with Police post-construction, but DRC recommended suitable strategy be developed now, not leaving it to clean up later.
- There appears to be an entrance to the front of the building on the site plan, but an entrance is not displayed on the elevation plan. This should be clarified, and the plans should be consistent as it relates to an ordinance requirement for front façade primary building entrance. To minimize the invitation of pedestrians to the drive-through only building, no front entrance should be proposed. Any doors for operation purposes should be located along the other sides of the building.
  - The Applicant should provide "No Stopping" or "No Standing" signs in the front of the property so they do not create spillover on the road.
  - The Applicant should review the lighting in the parking lot so there is no spillover on to neighboring properties.
  - 1 make-ready EV parking space is required per State law. Applicant should confirm compliance with this.
  - Applicant stated the building itself is employee only. The overall parking would comply since restaurant requirement is based on employees.
- 2. Impervious Coverage + Landscaping:**
- The Applicant has removed bulk variances for impervious coverage, landscape buffer width, and distance from trash enclosure to residential use.
  - A landscape plan has not been provided, as the Applicant is only seeking a bifurcated use variance.
  - The concrete walkway surrounding the drive-through building seems oversized and should be reduced to allow for an overall reduction in impervious coverage, and to allow for additional landscaping opportunities and a widened planting strip.

- Per Section 255-37.J.3(h), "Ground-level mechanical equipment, such as air-conditioning equipment, utility boxes and meters, shall be screened by landscaping, walls or fencing." The proposed ground-mounted generator must be screened, or the Applicant should request a variance.

**3. Architecture + General:**

- The Applicant has removed the variance for roof pitch. There are detailed design standards within the ORC zone (subsection 255-37J.3), which will be considered variances since they are in the zoning chapter of the Ordinance. <https://ecode360.com/30628452>. Site and building design more in compliance with ORC standards may help suggest site suitability.
- The Applicant should be prepared to discuss signage at the Zoning Board hearing and provide a signage plan for both the freestanding and mounted signage for both traffic safety and architectural purposes. Section 255-38 outlines the signage requirements from the Zoning Ordinance, which was amended on July 7, 2022.
- The Applicant will coordinate with Ms. Lenahan to schedule a Zoning Board hearing date.

**Request for Recommendations  
from Cranford Township Professionals**

TOWNSHIP OF CRANFORD – PLANNING & ZONING DEPARTMENT  
8 Springfield Avenue - Cranford, NJ 07016  
Phone: (908) 709-7216 \* Fax: (908) 276-7664



Application #:	<b>ZBA-22-012</b>
Date Sent to Township Professionals:	<b>March 21, 2023</b>
Date Due Back to Zoning Office:	<b>April 13, 2023</b>
Date Returned to Zoning Office:	

TO: Cranford Department of Traffic & Safety ✓  
 Cranford Health Department  
 Environmental Committee  
 Downtown Economic & Business Development Office  
 Cranford Fire Department  
 Cranford Engineering Department  
 Historical Preservation Advisory Board

RE: 333 North Avenue East  
 Block: 318 Lot: 22 Zone ORC  
 Application # ZBA-22-012  
 Applicant: NATC Donuts, Inc.

Applicant is requesting a d(1) use variance to allow a Dunkin fast food drive-thru restaurant in the ORC Zone.

Type of Variance	LDO Section	Requirement	Relief Requested
d(1)	§255-36(c) (1)	Not permitted: drive-thru fast-food restaurant	Proposed: Dunkin drive-thru fast-food restaurant

**Following pre-existing conditions:**

Type of Variance	LDO Section	Requirement	Relief Sought


PLEASE CHECK ONE:

XX No negative impacts are apparent from my review of this application as it affects my area of review.

\_\_\_\_\_ I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter:

\_\_\_\_\_

Project Hours: 2

Signature:  Date: 3/22/23

\_\_\_\_\_



# Request for Recommendations from Cranford Township Professionals

TOWNSHIP OF CRANFORD – PLANNING & ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016

Phone: (908) 709-7216 \* Fax: (908) 276-7664



Application #:	<b>ZBA-22-012</b>
Date Sent to Township Professionals:	<b>March 21, 2023</b>
Date Due Back to Zoning Office:	<b>April 13, 2023</b>
Date Returned to Zoning Office:	

TO: Cranford Department of Traffic & Safety  
 Cranford Health Department ✓  
 Environmental Committee  
 Downtown Economic & Business Development Office

Cranford Fire Department  
 Cranford Engineering Department  
 Historical Preservation Advisory Board

RE: 333 North Avenue East  
 Block: 318 Lot: 22 Zone ORC  
 Application # ZBA-22-012  
 Applicant: NATC Donuts, Inc.

Applicant is requesting a d(1) use variance to allow a Dunkin fast food drive-thru restaurant in the ORC Zone.

Type of Variance	LDO Section	Requirement	Relief Requested
d(1)	§255-36(c) (1)	Not permitted: drive-thru fast-food restaurant	Proposed: Dunkin drive-thru fast-food restaurant

**Following pre-existing conditions:**

Type of Variance	LDO Section	Requirement	Relief Sought

PLEASE CHECK ONE:

No negative impacts are apparent from my review of this application as it affects my area of review.

I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter:

---

Project Hours: 30 mins.

Signature: *Marilyn Horvath* Date: 3/23/23

---

# Cranford Environmental Commission

333 North Avenue East

11-April-2023

## Site Plan Review

The comments were organized and drafted by Jason Stevens and submitted to the Township of Cranford by Jason M. Stevens on 13-April-2023 by email. All correspondence related to the Cranford Environmental Commission review of the application for 333 North Avenue East should be addressed to [cranfordec@gmail.com](mailto:cranfordec@gmail.com).

From an Environmental perspective there are two main concerns, reduced walkability and increased air pollution. Goal #6 of Cranford's reexamination of its master plan in 2019 is to encourage and support programs and policies that create transportation options and enhance quality of life. A subgoal was articulated to "promote compact, mixed-used development patterns **which promote walkability**, and support transit. This is consistent with Cranford seeking to update its Complete Streets policy in 2023 to ensure that our streets work for all of our residents. Furthermore, car-centric culture creates problems in Cranford as it increases the need for impervious cover to support higher parking demands and leads to flooding issues. This is important as the current layout of Dunkin Donuts has dine-in options and is accessible to pedestrians on the North side of town through sidewalks. Walking carries significant environmental benefits versus driving such as less noise, air pollution, and carbon dioxide emissions. Thus, creating a drive-thru only restaurant is in stark contrast to Cranford's aim to promote walkability and is detrimental to the environment. There are also 8 parking spaces, none of which support electric vehicles, when the requirement is only for 5 spaces. These three spaces would be better utilized as a rain garden given the Townships history of flooding.

Regarding the second point of air pollution, it is important to note that there is already a drive-thru only establishment in the area (Starbucks), that routinely backs up traffic on North Avenue East as well as on Elizabeth Avenue. This is problematic as these restaurants are adjacent to a residential neighborhood that would be exposed to more tailpipe pollutants and brake dust from constantly idling cars and traffic in the proposed plans. The current proposal doesn't add any tree cover to aid in cleaning the additional polluted air that will result from this proposal.

Based on the two above factors, the EC recommends that the variance not be granted. The proposal is in direct conflict with our municipality's 2019 Master Plan Re-Examination regarding the goals of improved walkability and reducing dependence on motor vehicles and will contribute to air and particulate pollution. It should be noted that although Starbucks was granted a variance to develop a drive-thru only restaurant, this variance was granted well before the 2019 reexamination report, which updates and clearly defines our current development goals for the Township. Moreover, the approval of Starbucks was not a direct comparison as the site was previously a gas station and thus the environmental impact of the conversion of a gas station to a drive-thru restaurant is much different than the conversion of a dine-in restaurant to a drive-thru only. If a variance is nonetheless granted, the EC recommends that the developer be required to fund the planting of at least fifty trees within the township to compensate for increased air and stormwater pollutants from the increased motor vehicle

usage. Additionally, a rain garden should be installed on-site with specific maintenance plan to help manage the automobile pollutants that will otherwise wash into township storm drains.

Sincerely,

Jason M. Stevens Ph.D.

Chair – Cranford Environmental Commission



**CRANFORD FIRE DEPARTMENT**  
**BUREAU OF FIRE PREVENTION & RISK MANAGEMENT**  
7 SPRINGFIELD AVE, CRANFORD, NJ 07016  
PHONE: (908)709-7360  
FAX: (908) 276-6183  
WWW.CRANFORDNJ.ORG

March 31, 2023

MEMORANDUM FOR: Township of Cranford – Planning and Zoning Department

FROM: B/C Matthew J. Lubin /s/  
Fire Official

SUBJECT: Application ZBA-22-012  
333 North Avenue East; Block 318 – Lot 22  
Applicant: NACT Donuts, Inc.

---

The Cranford Fire Department has conducted a review of the subject application and supportive documents submitted for the above referenced application before the Zoning Board. In addition, we have completed a review of the submitted site plan, dated January 5<sup>th</sup> 2023, architectural plans dated January 6<sup>th</sup> 2023, and traffic impact analysis dated May 19, 2022. Our office participated in Development Review Committee meetings pertaining to this application on December 14, 2022 and March 15, 2023.

The applicant is seeking a use variance to permit the remodeling of the existing Dunkin' store to an exclusively drive-thru concept. The applicant is submitting a bifurcated application, so this review is specific to the requested use variance relief.

There are no impacts or concerns apparent based on the Fire Department area of review of this application.

If you have any questions, please feel free to contact our office.

## Memorandum - *Revised*

To: Kathy Lenahan, Land Use Administrator  
From: Jacqueline Dirmann, P.E., C.M.E., C.F.M.  
Date: August 1, 2023  
Subject: 333 North Avenue East  
Block 318, Lot 22  
ZBA-22-012  
D1 Variance  
Project No.: CDZ0354A

---

Colliers Engineering & Design Inc. dba Maser Consulting has reviewed the application for the proposed Dunkin Donuts renovation.

The following has been submitted by the Applicant for review:

- Site Plans, prepared by Harbor Consultants Inc., consisting of two (2) sheets, dated 7/13/2022, revised 1/5/2023.
- Architectural Plans, prepared by Frank Truilo Architect LLC., consisting of 1 (one) sheet, dated 1/6/2023.
- Cranford Board Application Form 1, Form 5, Use Variance Application, prepared by the Applicant, date stamped November 1, 2022.
- Traffic Impact Analysis, consisting of twenty-one (21) sheets, prepared by Dolan & Dean Consulting Engineers, LLC., dated May 19, 2022.
- Cross access easement/agreement dated December 30, 1963.

The site is located in the ORC: Office Residential Character subdistrict. The property is on Block 318 in between Elizabeth Avenue to the east, and John Street to the west. The site is improved with a Dunkin Donuts fast-food restaurant. The site has ingress and egress points located on North Avenue. The site has property frontage along North Avenue.

The site is not located in the NJDEP Flood Fringe Area, as shown on the NJDEP Delineation of Floodway and Flood Hazard Area Plans, Township of Cranford, New Jersey.

The property is located in Flood Zone X (area determined to be outside the 0.2% annual chance Flood Hazard Area), as shown on the Flood Insurance Rate Map (FIRM) for the Township of Cranford, dated September 2006.

The Applicant is proposing to bifurcate the application and will seek to get the "D1" use variance approved. If approved, the Applicant will move forward with site plan approval with the appropriate board.

The Applicant is proposing to remove the existing 1,825 SF masonry building on-site, currently being utilized as a Dunkin Donuts restaurant. The Applicant is also proposing to remove all existing granite block curbs, asphalt parking, bollards, signs, light fixtures, concrete walks, guard rails and landscaping.

The Applicant is proposing to construct a new Dunkin Donuts drive-through. The proposed structure for the drive-through will be 648 SF. The Applicant is proposing granite block curb along the east, north, and west sides of the lot, a refuse area in the northeast corner of the lot, and nine (9) parking spaces, one of which is ADA compliant. The Applicant is proposing a loading zone in the rear of the property. The Applicant is also proposing to replace the concrete sidewalk, concrete curb, and construct a new concrete apron along the entire property frontage. The Applicant is decreasing the pavement area on site, therefore, decreasing the impervious coverage on the site by 259 SF.

Based on a review of the above-referenced documents, the Applicant shall address the following professional comments related to traffic impacts:

1. The Starbucks facility, located about 150 feet to the east, has been experiencing vehicular queuing and conflict issues. Being that the Starbucks operation and circulation are similar to the Dunkin Donuts, the Applicant should discuss what measures have been (or will be) put in place to ensure that the site will not experience similar traffic issues.
2. Will the proposed operation include outdoor facilitators to take orders and improve the flow and speed of the vehicular queue?
3. Does the Applicant have a standard operating procedure (SOP) that covers queue management?
4. What is the maximum number of employees expected to be in the store in one shift?
5. The Applicant has not provided the required ADA aisle spacing stripes.
6. The proposed refuse area faces against the flow of traffic. The Applicant shall provide testimony for dumpster pickup.
7. An engineering review will be completed if/when the Applicant wishes to pursue a site plan application.

8. All excavated material shall be removed from the site. No material is to be stored on Township property unless prior approval is obtained from the Township Engineer. Under no circumstances can the contractor place excavated material within Township property. Any soil disturbance shall be done as set forth by Subsection 351-1.
9. The Applicant shall not direct any stormwater towards adjoining properties. The site grading and drainage should not adversely affect or burden the adjacent property owners or pose a negative impact as set forth by Subsection 364-5E.(3).
10. No changes in grading are permitted without the submission of a grading plan to the Engineering department for review and approval, as required by Ordinance 351-4. A Professional Engineer or Professional Land Surveyor must prepare any such grading plan.
11. The Applicant shall be aware of their responsibility to repair any damage to improvements within the Township Right-Of-Way, including but not limited to, sidewalk, driveway apron, curb, and asphalt pavement as required by Subsection 367-1.

Should you have any questions, please do not hesitate to contact our office.

cc: Mark Rothman, Esq., Zoning Board Attorney (markrothman@robbsandrobbsllp.com)  
Maurice Rached, Board Traffic Engineer (Maurice.rached@collierseng.com)  
Greer Patras, (g.patras@topology.is)  
NATC Donuts, Inc, Applicant (adamore@natcdonuts.com)  
Joseph Papro, Esq., Applicant's Attorney (japaparo@pbnlaw.com)  
Anthony Gallerano, Applicant's Engineer, (tonyg@hcicg.net)



**Request for Recommendations  
from Cranford Township Professionals**

TOWNSHIP OF CRANFORD – PLANNING & ZONING DEPARTMENT  
8 Springfield Avenue - Cranford, NJ 07016  
Phone: (908) 709-7216 \* Fax: (908) 276-7664

Application #:	<b>ZBA-22-012</b>
Date Sent to Township Professionals:	<b>March 21, 2023</b>
Date Due Back to Zoning Office:	<b>April 13, 2023</b>
Date Returned to Zoning Office:	

TO: Cranford Department of Traffic & Safety  
Cranford Health Department  
Environmental Committee  
Downtown Economic & Business Development Office

Cranford Fire Department  
Cranford Engineering Department  
X Historical Preservation Advisory Board

RE: 333 North Avenue East  
Block: 318 Lot: 22 Zone ORC  
Application # ZBA-22-012  
Applicant: NATC Donuts, Inc.

Applicant is requesting a d(1) use variance to allow a Dunkin fast food drive-thru restaurant in the ORC Zone.

Type of Variance	LDO Section	Requirement	Relief Requested
d(1)	§255-36(c) (1)	Not permitted: drive-thru fast-food restaurant	Proposed: Dunkin drive-thru fast-food restaurant

**Following pre-existing conditions:**

Type of Variance	LDO Section	Requirement	Relief Sought

PLEASE CHECK ONE:

\_\_\_\_\_ No negative impacts are apparent from my review of this application as it affects my area of review.

**SEE ATTACHED**

\_\_\_\_\_ I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter:

\_\_\_\_\_

Project Hours: \_\_\_\_\_

Signature:  Date: 4.9.23

\_\_\_\_\_

ZBA-22-012

Received - March 21, 2023

Returned - April 13, 2023

Owners - NATC Donuts, Inc.

Address - 333 North Avenue East

Block: 318, Lot: 22

Zone - ORC (Office Residential Character District)

Constructed - 1971

Variance requested - Use variance to allow a Dunkin fast food drive-thru restaurant

A drive -thru fast food restaurant is not permitted in this zone

The applicant is requesting a use variance for a drive-thru fast food restaurant which will result in the demolition of the existing one story building and construction of a new 648 square foot structure (40.5 feet by 16.0 feet). The new building is to be located 35 feet back from the front property line and 30.5 feet from the left side property line on a 120 foot wide lot. Should the variance be approved the applicant will return for site plan approval.

HPAB strongly urges careful consideration of the demolition of any building since demolition and rebuilding irreparably changes the character of the community. In addition there have been issues with another drive-thru establishment adjacent to this proposed site. People exiting onto North Avenue trying to make a left hand turn block west bound traffic on a narrow two lane state highway. The queueing of automobiles on the highway has also been an issue.



UNLOCKING POTENTIAL  
IN PLACES YOU LOVE

# Planning Report #1

DATE: September 5, 2023

TO: Zoning Board, Township of Cranford

FROM: Greer Patras, AICP, PP

APPLICANT: NATC Donuts, Inc.

ATTORNEY: Joseph Paparo, Esq.

SUBJECT: **APPLICATION ZBA-22-012  
333 NORTH AVENUE EAST  
BLOCK 318, LOT 22  
D(1) USE VARIANCE APPLICATION**

The purpose of this report is to provide the Zoning Board with guidance in its evaluation of Application ZBA-22-012, submitted by NATC Donuts, Inc. ("the Applicant"). The Applicant proposes to demolish an existing walk-in only Dunkin' and construct a new drive-thru only Dunkin'. The Applicant seeks to bifurcate the application and only requests d(1) use variance approval. The following items have been reviewed:

- **Township of Cranford - Development Application Package**, received November 1, 2022.
- **Application Cover Letter**, prepared by Joseph A. Paparo, Esq., dated October 31, 2022.
- **Application Rider**, undated and unsigned.
- **Site Plan**, consisting of 2 sheets prepared by Harbor Consultants, Inc., dated July 13, 2022 and last revised on January 5, 2023.
- **Architectural Plans**, consisting of 1 sheet prepared by Frank Trulio, R.A., dated April 12, 2022 and last revised on January 6, 2023.
- **Traffic Impact Analysis**, consisting of 21 pages, prepared by Dolan and Dean Consulting Engineers, LLC, dated May 19, 2022.
- **Resubmission Cover Letter**, consisting of 2 pages written by Joseph A. Paparo, Esq., dated March 6, 2023.

## I. EXISTING CONDITIONS

- A. **Site Description:** The Site is a 17,904 SF (0.4-acre) lot located along North Avenue East (NJ Route 28). The Site contains a 1-story masonry building occupied by a walk-in only Dunkin' and a paved parking area that contains 21 parking spaces. The Property also consists of concrete walkways, landscaping, lighting, signage, and a refuse area. **(See Appendix A below for Site photos)**
- B. **Zoning:** ORC (Office Residential Character)
- C. **Neighborhood Context:** The Site is located within the commercial corridor of North Avenue East, and surrounding businesses to the east of the Site include Dairy Queen and a drive-thru only Starbucks that has access via North Avenue East and Elizabeth Avenue. Properties to the west and north are residential in the

R-4 zone. The Cranford DPW and the Historic Roundhouse is across North Avenue East directly to the southeast.

D. **Traffic + Circulation:** The Site is accessible via one curb cut along North Avenue East (NJ Route 28), which serves as ingress and egress for the Site. The Site is also interconnected with adjacent Lot 21 (Dairy Queen), which has driveways on both North Avenue East and Elizabeth Avenue. Therefore, while the Site only technically contains one means on ingress/egress, it does have additional access to North Avenue East and Elizabeth Avenue from the interconnected lots. The Site is also within a mile of the Garden State Parkway to the east, and the Cranford Train Station to the west.



(Courtesy of Google. Site boundary in red is approximate.)

## II. PROJECT PROPOSAL

A. **Proposed Project:** The Applicant proposes to demolish the existing Dunkin' building and construct a new one-story, 648 SF Dunkin' building to service drive-through customers only. Additionally, the Applicant proposes the following:

1. Remove all curbing, parking, bollards, lighting, walkways, guardrails, and landscaping on site along with the relocation of a utility pole.
2. Construct 9 parking spaces (1 ADA), a loading zone in the rear of the Site, and a refuse area constructed by vinyl fencing.
3. Replace existing concrete sidewalk, curbing, and apron along property frontage.
4. Construct associated signage, lighting, striping, landscaping, other site improvements, and install a generator towards the rear of building.

## III. USE VARIANCE DISCUSSION

A. **The Applicant requires the following d(1) Use Variance Relief:**

1. **The Applicant requires d(1) Use Variance Relief from Section 255-36.C(1):** The proposed drive-through fast food use is not permitted in the ORC District, therefore, d(1) use variance relief is required. Below is a list of the principal permitted uses within the ORC District:

- Artist and artisan studios and workshops
- Business and administrative offices
- Data processing and computer firms
- Essential services
- Existing one- and two-family residential dwellings as of 2014
- Funeral homes
- Professional offices in dwellings

**2. The standard for D(1) variance relief under N.J.S.A. 40:55(d)-70(d)(1):**

Prior to the 1948 land use law amendments, a use variance could only be granted if an undue hardship was proven. The prerequisite of proving "unnecessary hardship" was substituted with the authority to grant a variance "in particular cases and for special reasons." This meant that the board of adjustment had the authority to grant a variance with the proof of special reasons, and including but not limited to undue hardship.

In 1952, *Ward v. Scott* N.J. 117, clarified that "special reasons" was circumscribed by the general purposes of zoning. The 1975 Municipal Land Use Law lists the purposes of zoning in N.J.S.A. 40:55D-2. A-O. "Special reasons" is more generally referred to as the positive criteria for a use variance.

The accepted standard for reviewing a use variance is set forth in *Medici v. BPR Co.*, 107 N.J. 1 (1987). The Applicant must provide testimony in support of the D(1) use variance and demonstrate both the "positive criteria" and the "negative criteria."

- 1) Under the "positive criteria," the Applicant must show that there are "special reasons" for a use variance:
  - a. That the purposes of zoning listed in the MLUL at NJSA 40:55D-2 are advanced,
  - b. That the use is particularly suited to the property; and
  - c. Must also meet the enhanced burden of proof, by demonstrating that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance

OR

  - d. Instead of advancing the purposes of zoning, as a "special reason", the Applicant must demonstrate and prove that there is an extreme or undue hardship that exists that prevents the site from being used as it is zoned.
- 2) Under the "negative criteria", there are two prongs that the Applicant must prove that the variance can be granted without:
  - a. Prong 1 – Substantial negative impact on the general welfare, AND
  - b. Prong 2 – Substantial impairment of the intent and purpose of the zone plan and zoning ordinance

**3. Evaluation of "d(1)" use variance criteria:**

For this evaluation, the Board and the Applicant should discuss the following:

- For 1a, what purposes of zoning as outlined in the MLUL are advanced by a vehicle-only drive through?
- For 1b, is there something so specific about this use on this specific site that changing the allowable permitted uses wouldn't constitute a rezoning (a power only bestowed to the governing body)? If the same could be said for many other properties in the zone, this criteria can't be met.

- For 1c, is a vehicle-only drive through meeting the intent of the Master Plan and Zoning Ordinances? What does the Master Plan say about this corridor with respect for vehicles, pedestrians, cyclists, and users of public transportation? Is the proposed use consistent with other permitted uses in the zone? Is the proposed site design consistent with the ordinance or are variances required?
- For 1d, Is the zoning so strict or outdated that legal use of this property is unachievable?
- For 2a, testimony should focus on the impact of the proposed use to the immediate neighbors, the ORC zone in total, and, in particular, the public that may visit this commercial corridor to work, shop, or eat in this zone on foot, on bike, or via public transportation.
- For 2b, the intent of the ORC zone and commercial corridor should be discussed, particularly in the context of relevant Master Plan goals, discussed below.

#### 4. Master Plan Review:

The Applicant should review and be prepared to discuss the project in relation to the 2009 Township of Cranford Master Plan and 2019 Master Plan Reexamination Report. The Applicant should be prepared to discuss the nature of the proposed non-permitted use, associated traffic, and public realm enhancement in relation to the surrounding uses and consistency with the Master Plan. The Applicant should be prepared to discuss the following goals from the Master Plan:

1. *"This Plan recommends creating a new Office Residential Character (ORC) District in accordance with the Future Land Use Plan. This District, located adjacent to South Avenue and Lincoln Avenue West is intended to allow the conversion of existing residential structures for professional office uses, while preserving the historic character, scale and features of the buildings and the streetscape. This Master Plan also proposes the creation of ORC districts on North Avenue adjacent to Lincoln Avenue West and on North Avenue adjacent to Arlington Road. The purpose is to allow professional office and other low intensity commercial uses, while retaining the residential scale and character of buildings."* 2009 Master Plan Page LU-3
2. *"Improve pedestrian, recreational and automobile safety."* 2019 Master Plan Reexamination Report Page 60
3. *"Promote stormwater best management practices to improve local drainage patterns and enhance the environment through implementation of Cranford's Stormwater Management Plan."* 2019 Master Plan Reexamination Report Page 63
4. *"Protect air quality."* 2019 Master Plan Reexamination Report Page 63
5. *"Promote development in existing nonresidential areas that accommodate alternative modes of transportation and shared parking."* 2019 Master Plan Reexamination Report Page 63
6. *"Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle and pedestrian pathways."* 2019 Master Plan Reexamination Report Page 64

## IV. PLANNING COMMENTS

### A. Use + Operation:

1. The Applicant should discuss why a drive-through only use instead of a standard service serving parked vehicles, walking patrons, and drive-through customers is proposed. The Applicant should provide an overview regarding the drive-through only operation, proposed hours of operation, anticipated number of customers, and number of employees (total and daily, per shift).

2. The Applicant is seeking a bifurcated Use Variance Application. Therefore, site plan and bulk variances approval would be sought as a secondary application if the drive-through use is approved. However, as part of the required analysis for a "d(1)" use variance, site suitability must be considered. Compliance with the other standards of the zone should be considered is a relevant part of site suitability. As currently designed, the Applicant would require the following bulk variances and design waivers. (A bulk chart and information regarding the proofs of standard for bulk variances are included in Appendix B for reference.)
  - a. **Parking Location:** where no parking shall be permitted in the required front yard or between any part of the front building facade and the street right-of-way line, but parking in the front yard is proposed. (§255-37.J(2)(a))
  - b. **Architectural Character:** where all uses in the ORC Zone shall maintain the character and architecture of the existing structure, but the proposed building does not maintain the character and architecture of the existing structure. (§255-37.J(3)(a))
  - c. **New Buildings Stories Above Grade:** where all new buildings and any existing buildings that are expanded shall contain at least two stories above grade, but the proposed building is only one story above grade. (§255-37.J(3)(c))
  - d. **Lighting Height:** where lighting shall not exceed eight feet in height, but the proposed lighting fixtures mounted on the front façade are greater than eight feet in height. (§255-37.J(3)(g))
  - e. **Parking Space Width:** where a minimum width of 10' is required, but 8' is proposed. (§255-26.G(3)(1))

**B. Parking + Circulation Comments:**

1. We offer concern regarding the vehicle-centric use, and that there are no opportunities for persons on foot to be customers. People working or living nearby would need to drive their car to the site, instead of choosing walking or biking. The customer base would purposefully exclude those using mass transportation or bicycling. This does not support goals of the Master Plan, specifically:
  - *"Promote development in existing nonresidential areas that accommodate alternative modes of transportation and shared parking."* 2019 Master Plan Reexamination Report Page 63
  - *"Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle and pedestrian pathways."* 2019 Master Plan Reexamination Report Page 64
2. The Applicant should provide testimony regarding the following:
  - a. Anticipated number of trips and vehicle circulation for drive-through users and employees.
  - b. Traffic impact and how the removal of access via Elizabeth Avenue impacts Site access and circulation compared to the existing development.
  - c. Procedure of the queuing lane
  - d. How will the Applicant deal with capacity if the Site has more than the 15 vehicles at one time
  - e. Efficiency of the drive-through with 2 order points.
  - f. Evaluation of traffic and queuing issues on this site compared to other "drive-through only" buildings.
  - g. Consideration of a right turn only out of the Site to alleviate queuing issues which has been emphasized by the Historic Preservation Advisory Board.



3. The Applicant should be prepared to address the memo from the Environmental Commission, specifically the comments regarding walkability, air pollution from idling, and impervious coverage.
4. The Ordinance does not provide a parking calculation specific to drive-through only fast-food uses, but states that the requirement shall be determined by the Board based on industry standards. The Applicant has stated that the building itself is employee only and that the industry parking standard is 1 space per employee. The Applicant notes that there will be 5 employees, so the parking requirement is 5 parking spaces to which they comply with 9 proposed parking spaces. The Applicant should provide testimony regarding the use and industry standard for employee parking.
5. The Applicant will require a bulk variance for parking location since parking spaces are proposed in the front yard which is not permitted. We note that using the industry standard from the Applicant, 5 parking spaces are required and 9 parking spaces are proposed. If the Applicant were to remove the 2 parking spaces nearest to the street, the need for this variance would be eliminated, and the Applicant should consider this as it relates to site suitability.
6. The Applicant should provide an overview of all deliveries and pickups on site. Specific attention should be given to the frequency of deliveries, type/size of delivery truck, and expected timing of loading access and deliveries. A truck turning plan was provided for a "single-unit" truck, but the Applicant should provide testimony whether any larger vehicles will make deliveries to the Site. The Applicant should confirm that the proposed loading space is at least 12' wide by 50' long.
7. The Applicant should provide "No Stopping" or "No Standing" signs in the front of the property so they do not create spillover on the road.
8. The Applicant will require design waiver relief for the undersized parking stall width, and we recommend that hairpin striping be employed in lieu of a single stripe to help mitigate this design.
9. The Applicant shall provide testimony regarding waste management, waste removal and waste removal truck circulation, as well as the frequency and method of waste removal.
10. Per State Law, the Applicant is required to provide one make-ready EV parking space, and the Applicant should confirm compliance or request variance relief.
11. The Applicant is required to provide a minimum of three bicycle parking spaces, and the Applicant should confirm compliance or request design waiver relief. We note that the site is not designed for cyclists to use, which is a concern.
12. The Applicant should confirm ADA compliance for parking and building access.
13. The Applicant should confirm compliance with all parking and loading standards as listed in the above tables. Where compliance cannot be met, relief must be requested.
14. The Applicant should provide testimony regarding emergency vehicle access, and how snow removal will be handled.
15. The proposed improvements within North Avenue East (NJ Route 28) remain outside of the Zoning Board jurisdiction must receive appropriate outside approvals.

**C. Architecture, Signage + Lighting Comments:**

1. The Applicant should specify and provide testimony to all building façade materials, colors, and overall details of design, relative to the Site and surrounding character. Given the intensity and importance of the use variance requested, renderings should be presented to show each facade colors and materials.

2. The Applicant will require the following "c" variances from the ORC District Design Standards of Zoning Ordinance Section 255-37.J(3):
  - a. Architectural Character: where all uses in the ORC Zone shall maintain the character and architecture of the existing structure, but the proposed building does not maintain the character and architecture of the existing structure.
  - b. New Buildings Stories Above Grade: where all new buildings and any existing buildings that are expanded shall contain at least two stories above grade, but the proposed building is only one story above grade.
  - c. Lighting Height: where lighting shall not exceed eight feet in height, but the proposed lighting fixtures mounted on the front façade are greater than eight feet in height.

Site and building design more in compliance with ORC District Design Standards may help suggest site suitability. The Applicant should provide testimony regarding these design standards in relation to the proposed building design.

3. There appears to be an entrance to the front of the building on the site plan, but an entrance is not displayed on the elevation plan. This should be clarified, and the plans should be consistent as it relates to an ordinance requirement for front façade primary building entrance. To minimize the invitation of pedestrians to the drive-through only building, no front entrance should be proposed. Any doors for operation purposes should be located along the other sides of the building.
4. The Applicant should be prepared to discuss signage at the hearing which should comply with the signage requirements of Section 255-38. As part of any site plan application, the Applicant should provide a signage plan for both the freestanding and building-mounted signage for both traffic safety and architectural purposes.
5. As part of any site plan application, the Applicant should provide a full lighting plan, colored renderings, and label all colors and materials on the elevation plans. We will then provide a full review.

**D. Landscaping, Utilities + Drainage Comments:**

1. The Applicant should provide testimony regarding proposed landscaping, utilities, drainage, grading, and any stormwater management strategies.
2. To help determine site suitability, the Applicant should confirm compliance via testimony with the landscaping requirements such as parking screening, parking area landscaping, etc. as listed below in the bulk and design standards tables. On any site plan application where compliance cannot be met, variances and/or design waivers must be requested.
3. The concrete walkway surrounding the drive-through building seems oversized and should be reduced to allow for an overall reduction in impervious coverage, and to allow for additional landscaping opportunities and a widened planting strip.
4. The Applicant proposes a ground-mounted generator which should be screened by landscaping, walls, or fencing, as required by Section by 255-37J(3)(h). The size and height of all mechanical / HVAC units should be provided.
5. The Applicant should confirm the location of all utilities, including meters, and HVAC systems on both the civil and architectural sets.
6. If the Applicant submits a site plan application with landscaping, utility, and drainage plans, we will then provide a full review.

7. We defer to the Board Engineer regarding other preliminary comments related to landscaping, drainage, and utilities.

If you have any further questions regarding this application, please feel free to contact our office.

Sincerely,



Greer Patras, AICP, PP  
Board Planner

# Appendix

## A. Site Photos (June 13, 2023):



**B. "C" Bulk Variance Discussion**

- 1. Bulk Chart:** The Applicant is seeking a bifurcated Use Variance Application. Therefore, site plan and bulk variances approval would be sought as a secondary application if the drive-through use is approved. However, as part of site suitability for a use variance, compliance with the other standards of the zone should be considered. The Applicant would require the following bulk variances and design waivers from the ORC zone.

<b>Standards</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Area (Min.)	15,000 SF	17,904 SF	No Change
Lot Width (Min.)	100'	120'	No Change
Front Yard Setback (Min.)	30'	21.8' (E)	35.8'
Side Yard Setback – East (Min.)	10% of lot width = 12'	8.3' (E)	73.5'
Side Yard Setback – West (Min.)	10% of lot width = 12'	57.5'	30.5'
Side Yard Setback – Combined (Min.)	20% of lot width = 24'	65.8'	104'
Rear Yard Setback (Min.)	25'	88.7'	73.7'
Floor Area Ratio (Max.)	0.5	0.102	0.036
Building Coverage (Max.)	30%	10.19% (1,825 SF)	3.63% (648 SF)
Lot Impervious Coverage (Max.)	75%	76.29% (13,659 SF) (E)	74.8% (13,400 SF)
Building Height (Max.)	35'	<35'	16'-11"
Building Stories (Max.)	2.5	1	1
Distance From Building to 1- or 2-Family Residence Zone (Min.)	20'	66.93'	34.46'
Landscaped Buffer – East Side Yard (Min.)	5'	Not Provided (E)	5'
Landscaped Buffer – West Side Yard (Min.)	5'	Applicant to Confirm	7.5'
Landscaped Buffer – Rear Yard (Min.)	7'	Applicant to Confirm	12.6'
<b>Parking Location</b>	Not in front yard	Not in front yard	In front yard (V)
Parking Screening (Min.)	5' tall	Applicant to Confirm	Applicant to Confirm
<b>Architectural Character</b>	Maintain the character and architecture of the existing structure	N/A	Not maintaining the character and architecture of the existing structure (V)
Principal Buildings per Lot (Max.)	1	1	1
Principal Building Area per Lot (Max.)	6,500 SF	Applicant to Confirm	648 SF
<b>New Buildings Stories Above Grade (Min.)</b>	2	1 (E)	1 (V)
Roof Pitch (Min.)	4:12	Applicant to Confirm	Applicant to Confirm
Trash Setback from Residential Zone or Use (Min.)	7'	Applicant to Confirm	9.2'
Lighting Setback from Residential Zone or Use (Min.)	8'	Applicant to Confirm	Applicant to Confirm
<b>Lighting Height (Max.)</b>	8'	Applicant to Confirm	>8'
Ground-Level Mechanical Equipment Screening	Landscaping, walls or fencing	Applicant to Confirm	Applicant to Confirm
Primary Building Entrance (Min.)	1 in front facade	1	Applicant to Confirm

Standards	Required	Existing	Proposed
Parking Spaces (Min.)	In accordance with industry standards – 1 space per employee = 5 spaces	21 spaces	9 spaces
EV Make-Ready Parking Spaces (Min.)	1 space	N/A	Applicant to Confirm
(E) Existing Condition (V) Variance			

2. Design Standards Table:

Design Standards	Required	Existing	Proposed
Parking Space Width (Min.)	10'	Applicant to Confirm	8' (W)
Parking Space Length (Min.)	18'	Applicant to Confirm	Applicant to Confirm
Parking Side Yard Setback – East (Min.)	5'	Applicant to Confirm	5'
Parking Side Yard Setback – West (Min.)	5'	Applicant to Confirm	7.5'
Parking Rear Yard Setback (Min.)	5'	Applicant to Confirm	>5'
Parking Setback from Residential Zone (Min.)	10'	Applicant to Confirm	>10'
Parking Area Landscaping (Min.)	10% of parking area	Applicant to Confirm	Applicant to Confirm
Parking Area Trees (Min.)	1 tree/12 spaces = 1 tree	Applicant to Confirm	Applicant to Confirm
Parking/Loading Area + Driveway Curbing	Granite block	Granite block	Granite block
Bicycle Parking (Min.)	3 spaces	Applicant to Confirm	Applicant to Confirm
Driveway Width	24'-46'	Applicant to Confirm	26.8'
Loading Spaces (Min.)	1 space	Applicant to Confirm	1 space
Loading Space Dimensions (Min.)	12' wide by 50' long	Applicant to Confirm	Applicant to Confirm
Side + Rear Fence Height (Max.)	6'	Applicant to Confirm	Applicant to Confirm
(W) Waiver			

3. **Standard of proof for “c” bulk variances:** The Applicant must prove, and the Board must find that the necessary criteria for “c(1)” and/or “c(2)” variances, identified by the Municipal Land Use Law at section 40:55D-70, have been satisfied. The criteria are as follows:

For a c(1) variance, the Applicant must prove hardship:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
- By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- By reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal relating to such a property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship,

- AND that such relief from the zoning ordinance will not be substantially detrimental to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

For a c(2) variance, the Applicant must prove:

- That the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement; and
- That the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.