

MINUTES - ZONING BOARD

May 8, 2017

The workshop portion of the meeting was called to order at 8:04 P.M. by Mr. Illing, Vice-Chairman.

ROLL CALL:

Members Present: ALL HERE

Mr. Illing
Mr. Pistol
Mr. Bovasso
Ms. Drake
Ms. Hay
Ms. Higgins

Members Absent:

Mr. Marotta

Alternates Present:

Mr. Trelease

Alternates Absent:

Ms. Dehnhard

Also in attendance: Nicholas Giuditta, Esquire, Ron Johnson, Zoning Officer, Ruthanne Della Serra, Interim Administrator/Scribe and Madeline Colandro, Interim Assistant.

COMMUNICATIONS:

1. NJ Planner March/April 2017 edition distributed to members of the Board

RESOLUTIONS OF MEMORIALIZATION

NONE

MINUTES:

Motion to adopt the minutes of December 5, 2016 was made by Ms. Hay, seconded by Mr. Pistol and passed on unanimous voice vote.

Motion to adopt the minutes of December 12, 2016 was made by Mr. Pistol, seconded by Mr. Higgins and passed on unanimous voice vote.

Motion to adopt the minutes of February 6, 2017 was made by Mr. Pistol, seconded by Ms. Hay and passed on unanimous voice vote.

Motion to adopt the minutes of April 24, 2017 was made by Mr. Illing, seconded by Mr. Pistol and passed on unanimous voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:24 P.M.

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Illing on May 8, 2017 at 8:25 P.M. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Mr. Pistol 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. Pistol explained the protocol, purpose and procedure that will be followed during the hearing.

1. APPLICATION #ZBA-17-002

Daryl and Brielle Boffard, Applicant

109, 111, 113 & 115 Walnut Avenue,

Block 478, Lots 10, 11, 12 & 13, Zone D-B

Interpretation and site plan approval to permit construction of a three-story mixed-use development of residential apartments and restaurant with the following variances: less than the minimum allowable front yard setbacks (§136-30, Attachment 1, Schedule 1, Bulk requirements for properties in the D-B District); to exceed the maximum allowable impervious surface (§136-30, Attachment 1, Schedule 1, Bulk requirements for properties in the D-B District); less than the minimum required on-site parking spaces provided (§136-39(A)2); less than the minimum required parking spaces required for restaurant use (§136-39(A)1); and no loading or unloading zone provided (§136-23.7(12).

John DeMassi, Esquire, appeared on behalf of the applicant. Explained seeking an interpretation of section of the zoning ordinance and proposes to present all witnesses and then request interpretation. Application is for a three-story project, with permitted

restaurant, parking and apartments on the second and third floors, a conditional use. Only one condition that is not met which is density. Three witnesses tonight.

Alveno Martinez, Blackburn, appeared and was sworn in. His credentials and accepted as an expert witness in the field of architecture.

Mr. Martinez explained property is located at northeastern corner of Walnut and Chestnut Street.

Exhibits submitted:

A-1 rendering of existing site buildings submitted with the application March 2016

A-2 depicts existing dwellings on the subject property which are non-conforming and will be removed.

A-3 color rendering of the project

Existing dwellings will be demolished and replaced with mixed use three-story building with restaurant on first floor and 12 residential units on both the second and third floors. Design included breaking the building in modular appearance (i.e. Riverfront) in order to prevent one solid wall affect. Restaurant will enter off of Walnut Avenue with reminder of 1st floor area being strictly residential parking. Residential units will have separate entrances off of Chestnut street. Two access points in rear for employee and restaurant use. Trash enclosure explained sealed doors and own ventilation.

Second floor plan - access thru elevator for proposed 12 dwellings. Five one-bedroom of approximately 950 square feet and seven two-bedroom units of approximately 1,169 square feet. Exceeds requirements. Front façade aligns with walls below and rear portion is pushed back rather than keeping close to the side walk as property has a jog as well as other factors, mostly shielding away from street.

Third floor plan is effectively identical to second floor plan.

Exterior elevations (front) - materials as well as identifying lobby. Materials are combination of brick, decorative brackets etc. with planters introduced and French balconies, decorative elements.

Building height is under 41 feet, flat roof with internal drainage, mechanical equipment will be on the roof and will contain exhaust for restaurant. Will be screened.

Master Plan intent and purpose as well as character was considered. Trash collection - preliminary analysis has been performed. Two containers that will be picked up three times per week from private hauler and will be able to pick up trash from site.

Two setback variances on Walnut and Chestnut. Walnut will be set at property line to align with other buildings on the block. Curb to building will be approximately 15 feet. Chestnut indicates 3.3 feet as measured to bay windows not building itself. Entrance into residential units will be setback 4 feet.

Questions posed by the Board ascertained the following:
Interior finish details have not yet been defined, but will be upper level apartments. Number of bathrooms versus number of bedrooms has been determined. Screening of parking lot area will be included thru decorative fence. Recycling will be co-mingled. 2nd floor plan apartments on north elevation will not be obstructed by or obstruct adjacent building.

There were no further questions by the Board.

Mr. Illing opened the application to the public for questions of the witness with no one appearing and this portion of the hearing was closed with the matter referred back to the Board.

Nicholas Verderese, appeared and was sworn in. His credentials and accepted as an expert witness in the field of Traffic.

Mr. Verderese testified to the following thru questions posed by Mr. DeMassi.

Exhibit A-4 – Sheet C-3 of site plan prepared by Kimley Horn (4/2017).

Residential standards - Tried to accommodate all levels of parking as per State guidelines with application falling into garden apartment category requiring 1.8 spaces for one-bedroom units and 2.5 spaces for two-bedroom units, to be reviewed by each municipality per household characteristics and adjusted accordingly. Large factor in Cranford is train station. Parking component for Riverside project was amended to 1.5 spaces, which is being provided in the present application. Studied other projects and comfortable 1.5 spaces that are being provided. Other projects in urban areas are a bit lower and recommended a 25% reduction.

Traffic impact study performed – residential portion relayed as negligible. As far as restaurant, would generate more if it was stand alone and conservative in that nature. Study performed in March and on a Friday evening at peak usage hours in a 600-foot radius with available parking in area. Residential parking under RSIS standards tracks this project to 1.22 vehicles per unit. Reviewing 2010 census tracking comparing homes to rental units shows more vehicles for homes and lower ratio for rental units. RSIS speaks to other factors such as proximity to mass transit. Every unit will have spaces available. Restaurant requires 45 spaces and are available off site with Traffic

and DMC both indicating there is sufficient off-street parking. Traffic review includes available off-site parking, in peak evening hours would be 71 spaces available in the area. Parking provided is approximately a 26% reduction from residential.

Questions posed by the Board ascertained the following:

Did not check Saturday as to parking availability as there will not be the commuter demand as during the week. Does not believe there will be residential overflow and believes sufficient parking provided onsite, only parking would be restaurant. Discussion as to parking offset Monday thru Thursday and impact of Community Center functions. Restaurant is not as busy during these weekly evening hours and believes will be adequate parking and reviewed radius of 600 feet. In a letter from Traffic Department (5/2/2017) regarding residential parking and suggests trying to utilize off-street parking at another location – why he referenced Riverfront which was built at 1.1 space which resulted in overflow and here providing 1.5 spaces to accommodate need as well as having a banquet facility. Still requesting that applicant demonstrate there is availability of off-site parking – is unaware and is reason why current proposal is calculated at 1.5. Never seen study that has had more than 1.5 demand – understood, however, contingency plan would be beneficial. Starting at a number that meets the increased demand that was discovered. Dedicating 1 space for one-bedroom and two for two-bedroom, but may have two-bedroom tenant that has only one car. If not sufficient the tenants will leave. Here, there is a no restaurant parking on-site and will be signage for “residential only” parking, although no gate. Although traffic did not have issue with loading zone, DMC did. Now here are 2 parking spaces on Chestnut in front of building with 4 spaces on Walnut which will increase to 6, however, loss of 1 on Chestnut because of driveway. There is no parking between the driveway and Walnut as cannot park within 50-feet of a stop sign, but can have a loading or unloading zone and will be located in this area alongside the restaurant.

There were no further questions by the Board.

Mr. Illing opened the application to the public for questions of the witness with no one appearing and this portion of the hearing was closed with the matter referred back to the Board.

Michel Junghans, Kimley Horn, appeared and was sworn in. His credentials and accepted as an expert witness in the field of civil engineering and planning

Exhibit A-5 - sheet C-5 of plans (utility plan)

Exhibit A-6 - photograph from Walnut Avenue toward site taken 5/8/2017

Exhibit A-7 – zoning map

Mr. Junghans testified to the following thru questions posed by Mr. DeMassi.

The one condition that applicant does not meet pertains to density. Floor Area Ratio – allowable is 2.5 and proposed is 1.8. Allowable would be 9 units, however, not consistent with the FAR. Master Plan goals indicates higher density in the downtown zone and speaks of three-story buildings. Change in ordinance that deletes the section that deals with residential dwellings. FAR controls the density and under the current ordinance, the allowable units could not be achieved with current FAR.

Reviewed the site plan as follows:

Restaurant use is located on the first floor, rear portion is parking with screening provided; access to site of proposed off of Chestnut; driveways will be eliminated on Walnut Avenue; despite loss of one parking space on Chestnut, 6 are proposed on Walnut; all frontage and sidewalks will be upgraded; provide landscape strips along the building, save small tree on Chestnut.

Exhibit A-6 – depicts power line issue on Walnut, exchange with ornamental.

Increase in impervious surface and applicant proposes a detention system to offset increase with filtering system is included although improvements are outside of regulated flood zone and will not impact; detention system provides more than adequate offset. Will comply with all recommendations contained in the Engineering report.

Positive and negative criteria reviewed. Advances Master Plan goals; uses - not only is site suitable, accommodates various considerations for similar uses; does not see any negative impact and would not result in any substantial detriment to the public good, Master Plan or Zone Plan. Has to be give and take with regard to parking – more parking equates to increase in impervious surface,

Questions posed by the Board ascertained the following:

Landscape strip would be 3 feet and cut into the sidewalk with low shrubs planted. No additional parking proposed. Wall hats – will review fixture selection as on prominent portion. Existing street scape lighting will be maintained. Recommend all lighting be 3000. Parking fixtures should be more enclosed. Can keep existing trees, but are utility issues and would prefer replacing existing with new ornamental trees.

FAR is mechanism that determines density. Property is approximately ½ acre. Cranford Crossing and Riverfront (45 units per acre) are examples of density as well as pedestrian, transit village. Discussion held as to FAR/density issue – FAR would permit approximately 50 units per acre and based on zoning before ordinance was changed, project would allow 26 units.

Will include fencing and/or screening around the property to prevent spillage from headlights.

There were no further questions by the Board.

Mr. Illing opened the application to the public for questions of the witness with the following appearing:

Maureen Tinen – Confirmed parking goes up to neighboring properties and will provide landscaping, screening is ornamental fence for parking area.

Anthony DiGiovanni – Mr. Junghans confirmed belief what was done to ordinance results in inconsistency with density stated in Master Plan indicates higher density while ordinance reduced the density in the downtown. Was not involved in rental market and not involved in Savannah project in Westfield. Size of one-bedroom is 950 square feet, two-bedroom would be 1196 square feet. Requested clarification on parking, traffic testimony that showed availability of off-street parking. If 12 larger units on site, and did 1.5 space demand there would, in theory, be 18 spaces available for the restaurant. Unaware of standing of the ownership. Rezoning process was relayed. Confirmed seeking density waiver. Affordable housing was not review as to this application. Confirmed D-3 variance only.

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

Follow-up questions posed by Mr. DeMassi confirmed ordinance prohibits 3-bedroom units, and establishes size. Explained D-B zone requirements indicates one and two bedroom units are permitted, cannot have 3 bedroom units. 136-35.22(d). Request for calculations to determine size of units if using the density allowable, with Mr. Junghans to return after next witness.

Barry O'Donovan, appeared and was sworn in. He is owner of Kilkenny House at 112 South Avenue East. If application approved, his establishment will be moving into the proposed project as the tenant restaurant. Explained clientele and business operations. Has 6 parking spaces at his present location. He is seeking to relocate due to impact of Hurricane Irene, moving to new location provides the same square footage without a basement and will be able to utilize the space better/properly, increased frontage, newer/better more exciting.

He is associated with the DMC and is chairman. Is fully familiar with the operations of the downtown. Deliveries would be Tuesday and Fridays before 11:00 AM, one supplier currently deliveries by larger truck and he has been in touch with them to confirm they will deliver by use of a smaller truck. Hours of operation from 11:30 AM to 11:00 PM and thereby close by midnight during the week and close at 1:00 on weekends.

Once in a while will experience a parking problem, but train station very near with municipal lot on Chestnut and the parking garage very close by to new site.

Questions posed by the Board ascertained the following:

Mr. DeMassi confirmed street parking will be metered and not assigned to the project, although, on-street parking is permitted to be included in the parking space count.

Mr. Junghans returned with density calculations and stated that 5 units on one floor and 4 on the other would equate to 3,000 square foot and 2,000 square foot units that would not be market rate apartments.

There were no further questions by the Board.

Mr. Illing opened the application to the public for questions of the witness after the follow-up testimony presented with no one appearing and this portion of the hearing was closed with the matter referred back to the Board.

Mr. Illing opened the application to the public for comments with the following appearing:

Maureen Tinen, appeared and sworn in. She stated is property owner of 75 Chestnut Street. Brought business to Cranford in 2012, believe proposal is worthwhile addition to Cranford and look forward. However, has concerns: 1- safety issue and believes will require some traffic calming elements such as a large and lighted box grid, flood lights from top of tower on new development or separate light towers, does not believe traffic light would be warranted; vehicular/pedestrian safety explained, concern visibility will decline once the project is built to the property line (which realizes is to maintain consistency); concern with loading/unloading on Chestnut Street which will further impede sight lines; pedestrian crosswalk activity will increase; 2- potential for flash flooding in heavy rains at the intersection of High and Chestnut to extent she cannot exit her property for 15 minutes to 1 hour, this condition not created by the development but is concerned will be exacerbated despite retention basin, although the municipality was to correct there has been no activity but should be completed prior to new project comes on-line; 3- screening mechanism be installed to protect property owners from garage traffic, headlights etc., requests hard-board fence of 3 to 4 feet from her building to shelter view from parking lot, car movements and parking poaching; 4 – believes it would be lovely gesture in good faith if developer would be willing to improve and maintain the town vested-pocket park at Chestnut and Walnut on the opposite corner.

Betty Coury, appeared and was sworn in. Owns dance studio at 118 Walnut Avenue. Concern is with parking and no parking for restaurant during same hours of her operation operation.

Anthony DiGiovanni, appeared and was sworn in. All for development in downtown Cranford and project has merits, but all comes with balance of current zoning ordinance and troubled by not reconciling number of variances with project. Ordinances are changed, lacks review of zoning ordinance that is held dear to the town's heart. Currently every tenant is fighting for parking spaces at Riverfront, no way that this new project can comply with parking demand and would ask that the application be denied and ask the township if the new ordinance change was a mistake or in error. Applicant can reduce the density and reconcile the parking requirements, also applicant owns property next to municipal lot, that can be changed into additional parking. Has strong obligation to make certain the application is reconciled. Must be denied or change of zone. Affordable housing must be included.

Joe Colangelo, appeared and was sworn in. Wants to weigh in as to having solid tenant in the building, River & Rail, all are aware of Kilkenny House and fortunate that he is involved with the project as eliminates many concerns.

Anthony Durante, appeared and was sworn in. Enthused by project, appreciates the need for ordinances, believes appropriate development for the downtown context in every way. From a parking stand point, this is a hot button issue, but has never had a problem parking. Question whether the town is in full understanding of parking utilization and whether there is in fact a problem. Will bring residents to the downtown that do not necessarily need to drive to the downtown.

Frank Ambrosio, appeared and was sworn in. Very excited about this development, used to be owner of business in town, excited to have the area developed and hopes to return.

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

Mr. DeMassi presented his summation. Reviewed issues that were raised including the Master Plan that called for raising of FAR to 2.0, which is inconsistent with the ordinance change that ultimately limits the number of permitted units to 9. Master Plan wants growth in this area. Referred to memo from Construction Code Official R. Belluscio, no one realized ordinance change had imposed this new requirement of 20 units per acre. Inconsistency explained non-downtown area where permitted should be less units versus the downtown area. When application originally submitted did not need D variance, errors in 2014 ordinances were attempted to be corrected, however, ultimately lead to other problems. As far as anyone in Zoning Department knew this was an oversight, and is reason before the Board. D-3 variance and what is looked at is very simple - can proposal accommodate negative criteria. Density always has a concern for parking – proposes 36 spaces for 24 units of 1.5 per unit and is more than

sufficient to meet the obligation. Restaurant parking – Kilkenny house has been in operation for many years, not much change in number of people, Traffic & Safety was not concerned with this aspect of parking as numerous public spaces are available. Rational and reasonable analysis must be employed – business is a known commodity that has run an operation for years, was flooded, seeks to move to new location to eliminate any future flooding hazard. Master Plan states desire to have the greatest density in this zone. Believes project is benefit to the municipality.

The applicant's hearing was closed with the matter referred back to the Board.

DELIBERATION OF APPLICATION #ZBA-17-002

1. APPLICATION #ZBA-17-002

Daryl and Brielle Boffard, Applicant

109, 111, 113 & 115 Walnut Avenue,

Block 478, Lots 10, 11, 12 & 13, Zone D-B

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Mr. Illing reviewed the testimony.

Mr. Giuditta confirmed request for interpretation as ordinance is inconsistent, and need to keep in mind how we have been brought to this point, does not believe a conscious act, believes Board has the right to review if the ordinance is conflicting with the Master Plan. However, believes requesting the interpretation would be asking the Board to state the Township Committee acted in error and asking the Board not to believe the printed text, which is more than a stretch or applicant can seek to request the D-3 variance.

Mr. DeMassi consulted with the applicant and advised will proceed with the D-3 variance request.

Board comments consisted of the following:

Master Plan and review was explained regarding “downtown core” versus “transition zone”. Density is supposed to be higher in the downtown to create a vibrant downtown with one concern being the lack of diversity of housing stock in the downtown. The entire point of Master Plan was to create more variety of housing stock to ensure that people could be born in Cranford and transition to different stages of their life. Density as explained was not meant to be applied to second and third floor apartments. Oversight based on whole sale change of the ordinance when streamlining number of zones intended for this zone to be absorbed into the core. Parking ordinances discussed with belief that intent was less density not more. Room for revisions, very nice project, footprint is fine but believes apartments could be larger, not excessive, possibly 15 units and there will be affordable housing component to include. Would result in applicant meeting parking requirements as 24 units is very intense and dense. Concern with parking, however, there is potential for off-site parking. Should not be redesigning the project as not the Board’s function, ideally should vote on the application before the Board (confirmed by Mr. Giuditta). Applicant has increased their standard for parking to match what is presently existing at Riverfront and if deficiency comes to light, applicant will address if they wish tenants to remain and keep the development viable. The residential streets are controlled by residential parking permits. Well-designed application that will bring in benefits to this area, although dense. Agrees with all said and believes applicant will make a viable project.

Is need for this type of residences within the town, believes traffic expert presented well informed history, good addition to the municipality and not often you come into the application with a tenant. Applicant has demonstrated should parking become an issue, it will be addressed. Very nice project would contribute to the continued vitality of the downtown, but a bit too dense and should not have to compromise on a new construction. Would be concerned about density, but feel confident in step down zones created for the downtown area and has buffer to protect.

Motion to approve Application # ZBA-17-002 was made by Ms. Drake with the following conditions:

1. Applicant shall immediately replenish its escrow account if necessary. No permits or certificates of occupancy can issue in connection with this application unless all legal and engineering fees have been paid by the Applicant through its escrow amount placed with the Township.
2. All representations made by the Applicant and all conditions agreed to by the Applicant shall be strictly adhered to and complied with unless modified through future appearance before the Board as necessary. These shall remain in full force and effect and shall apply to the approval granted herein.
3. Applicant will install appropriate fencing around its lot where it abuts property located at 75 Chestnut Street.
4. Applicant will ensure that 3,000 K lighting is installed in the project and

that the lighting in the parking lot will be more compatible with the architecture of the project.

5. Applicant will comply with the stormwater management ordinance;

6. Applicant will provide additional parking for the project if it reasonably determined at a future date by an appropriate Township Official that such parking is required for the project.

7. Applicant shall comply with affordable housing ordinance and shall include, but not be limited to, communicating with the Township's municipal housing liaison to determine the appropriate number and type of affordable units applicable to this project.

The motion was seconded by Ms., Hay the following voting in favor of the motion: Mr. Illing, Mr. Bovasso, Ms. Drake, Ms. Hay, Ms. Higgins and Mr. Trelease. Voting against the motion: Mr. Pistol.

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 11:48 P.M.

Jeffrey Pistol, Secretary