

## **MINUTES - ZONING BOARD REORGANIZATION**

January 11, 2016

The reorganization meeting was called to order at 7:41 P.M. by Mr. Marotta, 2015 Chairman.

### **ROLL CALL:**

#### **Members Present:**

Mr. Marotta  
Mr. Pistol  
Mr. Bovasso  
Ms. Hay  
Mr. Higgins  
Mr. Illing  
Mr. Mallon

#### **Members Absent:**

None

#### **Alternates Present:**

Mr. Salomon  
Ms. Dehnhard

#### **Alternates Absent:**

None

Also in attendance: Ruthanne Della Serra, Robert Hudak and David Weeks, Esquire.

### **SWEARING IN OF MEMBERS**

Robert Bovasso, Member was sworn in for a term expiring December 31, 2019 by Mr. Weeks.

Karolina Dehnhard, was sworn in as Alternate No. 2 member for a term expiring December 31, 2017 by Mr. Weeks.

### **ELECTION OF OFFICERS**

#### **Chairman:**

Ronald Marotta was nominated as Chairman by Mr. Bovasso, seconded by Mr. Pistol and passed by the following vote in favor of the nomination: Mr. Marotta, Mr. Pistol, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing and Mr. Mallon.

#### **Vice-Chairman:**

Robert Bovasso was nominated as Vice-Chairman by Mr. Pistol, seconded by Ms. Hay and passed by the following vote in favor of the nomination: Mr. Marotta, Mr. Pistol, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing and Mr. Mallon

**Secretary:**

Jeff Pistol was nominated as Secretary by Mr. Bovasso, seconded by Mr. Illing and passed by the following vote in favor of the nomination: Mr. Marotta, Mr. Pistol, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing and Mr. Mallon.

**Assistant Secretary:**

Mary Ann Hay was nominated as Assistant Secretary by Mr. Pistol, seconded by Mr. Marotta and passed by the following vote in favor of the nomination: Mr. Marotta, Mr. Pistol, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing and Mr. Mallon.

**APPOINTMENT OF BOARD ATTORNEY**

Motion to go into closed session to conduct interviews of David Weeks and Christopher Corsini and Michael O'Grodnick of Mauro Savo law firm for position of Board Attorney was made by Mr. Bovasso, seconded by Mr. Illing and passed on unanimous voice vote.

A motion to approve David Weeks, Esquire as Zoning Board Attorney in accordance with the terms and conditions contained in his RFQ submitted was made by Mr. Illing, seconded by Mr. Bovasso and passed by the following vote in favor of the motion: Mr. Marotta, Mr. Pistol, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing and Mr. Mallon.

Motion to return to open session was made by Mr. Higgins, seconded by Mr. Mallon and passed on unanimous voice vote.

**APPOINTMENT OF ADMINISTRATOR**

A motion to approve Ruthanne Della Serra as Zoning Board Administrator (formerly known as scribe) and Trish Cullen as succeeding Board Administrator was made by Mr. Illing, seconded by Ms. Hay and passed by unanimous voice vote.

**DESIGNATION OF OFFICIAL NEWSPAPER**

Motion to designate The Westfield Leader and/or The Star Ledger as the Zoning Board as the official newspapers was made by Mr. Pistol, seconded by Mr. Mallon and passed by unanimous voice vote.

## **TIME SCHEDULE OF MEETINGS**

The proposed Zoning Board of Adjustment Time Schedule of Meetings was discussed and amended with the workshop meetings to start at 8:00 PM and official meeting at 8:15 PM. A motion to adopt the time schedule was made by Mr. Bovasso, seconded by Mr. Higgins and passed by unanimous voice vote.

## **DESIGNATION OF PLANNER**

Motion to designate Robert Hudak, Zoning Officer/Planner as in-house Planner together with Maser Consulting and Matrixneworld as Zoning Board outside-Planners was made by Mr. Bovasso, seconded by Mr. Pistol and passed by unanimous voice vote.

## **COMMUNICATIONS:**

1. November/December edition of the NJ Planner was distributed to the Board

## **RESOLUTIONS OF MEMORIALIZATION**

### **Application #ZBA-15-028:**

**Lazaro Pla, Applicant**

**318 High Street, Block 498, Lot 10, R-4 Zone**

**To permit re-construction of a non-conforming garage with the following variances: less than the minimum required distance to a side lot line (§136-34A(2)); to exceed the maximum allowable lot coverage (§136-30 Sch. 1 Attachment 1); and to exceed the maximum allowable height for an accessory structure (§136-30 Sch. 1 Attachment 1).**

The Resolution of Memorialization (attached and made part of these minutes) as amended was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Bovasso, seconded by Ms. Hay and passed with the following voting in favor of the motion: Mr Marotta, Mr. Bovasso, Ms. Hay, Mr. Illing, Mr. Mallon and Mr. Pistol.

### **Application #ZBA 15-034:**

**Kevin Niemsyk and Rachel Capece, Applicants**

**820 Springfield Avenue, Block: 197 Lot: 7 Zone: R-4**

**To permit construction of a new garage with the following variances: to exceed the maximum allowable lot coverage (§136-30, Schedule 1, Attachment 1); to exceed the maximum allowable height for a accessory structure (§136-30, Schedule 1, Attachment 1); and less than the minimum required side yard setback for an accessory structure (§136-30, Schedule 1, Attachment 1).**

The Resolution of Memorialization (attached and made part of these minutes) as amended was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Illing, seconded by Mr. Pistol and passed with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Illing, Mr. Mallon and Mr. Pistol.

**Application #ZBA-15-035:**

**National Christmas Products, LLC, Applicant**

**2 Commerce Drive, Block 635, Lot 2.02, C-1 Zone**

**To permit construction of a new ground-mounted generator in the front yard which is not permitted (§136-31D)**

The Resolution of Memorialization (attached and made part of these minutes) as amended was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Mallon, seconded by Mr. Bovasso and passed with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Mallon and Mr. Pistol.

**MINUTES:**

None

**OLD/NEW BUSINESS**

None

The workshop portion of the meeting concluded at 8:21 P.M.

**PUBLIC MEETING:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on January 11, 2016 at 8:22 P.M. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Mr. Marotta announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader or Star Ledger has been notified and the agenda posted in the municipal building as required.

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

**1. Application #ZBA-15-026:**

**310 Centennial Avenue, LLC, Applicant**

**310 Centennial Avenue, Block 525, Lot 5, VC Zone**

**Site plan approval to permit construction of a new mixed-use building with the following variances: to exceed the maximum allowable height and number of stories (§136-30 Schedule 1, Attachment 1) and NJSA40:55D-70(1); less than the minimum required area for a parking space (§136-23.6(3)[a][1]; tree island breaks not provided (§136-23.6(8)[c]; granite block curbing not provided (§136-23.6(8)[g]; loading/unloading zone not provided (§136-23.6(12); less than the minimum required front yard setback (§136-30 Schedule 1 Attachment 1 (front yard setback); less than the minimum required rear yard setback (§136-30 Schedule 1 Attachment 1 (rear yard setback); less than the minimum required number of on-site parking spaces provided (§136-39A(1) (parking schedule 1); and less than the minimum required distance from a residential zone for parking (§136-23.6(3)(a).**

Kevin Illing recused himself as he received notice of the hearing.

Joseph J. Triarsi, Esquire appeared on behalf of the applicant. He explained the applicant is seeking to construct a three story structure consisting of

Variety of variances requested most importantly is density on the site and on-site parking. Photo display of the existing site as compared to the proposed development.

Three story building that meets height requirement of 38 feet, retail area located in corner, to the right is the garage, space under the building to park 38 vehicles and is slightly less than RSI for residential building. Use is permitted in zone and Master Plan would like to see this type of use implemented with certain constraints – parking and density. Application was crafted on basis that it was a permitted use, but Zoning Officer determined contrary sections of the code requiring a density variance. This is an opportunity for the Board to make significant improvement to that part of Centennial Avenue and hopefully will set standard for future development. Going to be a couple of issues that need to be dealt with and will be addressed through witnesses. Will hear from applicant's spokesman; Michael Tobia, Planner; Joseph Steiger, Traffic Engineer; and Ed Dec, Engineer.

Gehane Triarsi, spokesman on behalf of the applicant, appeared and was sworn in. She works for a real estate company, lives in town. When first interested, she met with the Township and discussed potential properties that could be developed with suggestion made for 310 Centennial Avenue Drove the site, realized there were environmental issues and wanted to get a sense of energy on that side of Town. Discussed with partners whether 27 units would be possibility. Was reduced from 27 to 20 units. Demolition costs, etc relayed to the Board.

Questions posed by the Board ascertained the following:

Current proposal is mix of one and two-bedroom units, when 7 were eliminated, included three-bedroom in case, however, relies on two-bedroom, high luxury tenants

who will support the retail. No leases are yet retail spaces, only carved out space for purposes of determining the parking required, and if should be more, would have to return to the Board. Mr. Triarsi relayed COAH process and requires a mix of 1, 2 and 3 bedroom units. Town also has ordinance that permits contribution in lieu of meeting COAH, needs flexibility of providing different types of units. No three-bedroom proposed. If only ten units were to be approved, the project would not go forward as environmental costs alone are heavy. Does not have "no further action letter", some remediation completed and more to do - removal of the lifts, hydraulics, etc. Contract purchaser at present. If approved, would be committed to continue clean up regardless of what was found. Significant amount of clean-up has been performed, water monitors presently installed. Will all be rentals at approximately two-bedroom \$2,550 per month and \$2100 for one-bedroom. Could be one retail component or possibly two. One neighbor approached – driveway easement and advised would honor the easement for continued use as section will not be needed nor impacted by project. Two-bedroom will be 1150 to 1200 square feet, one-bedroom about 850. Does not anticipate months and months of soil sampling as that aspect done, need to deal with water issue and that may go on beyond development of the property and does not stand in the way of development. Parking will be under the building rather than lower in the ground, to accommodate and then shared for retail end, on tight sight and is reason retail is small section of the development. Tenants will pay heat electric and water, sewer will be landlord's expense.

There were no further questions posed by the Board.

Mr. Marotta opened the application to the public for questions of the witness with no one appearing

Martha Sturn – Confirmed she is employed by Gebroe Hammer, a real estate investment firm that only works on multi-family properties. Retail not yet determined.

There were no further question by the public and this portion of the hearing was closed with the matter referred back to the Board.

Avelino Martinez, Appeared and was sworn. His credentials were presented to the Board and he was accepted as an expert witness in the field of architecture.

History of relationship and development of project relayed. Was requested to design a mixed use residential and retail development. Visited the site and presently is an abandoned service station – Exhibit A-1 rendering of project when developed. He described the concept as depicted and how it fits into Cranford with recent development.

Project consists of 20 luxury units over retail and parking. Rather than put parking in front or near the residential zone chose to move the building closer to the street with parking underneath. Building is 150 feet long and modulated in design vertically as well as façade breaks with different materials. Makes it appear as more than one continuous attached building and is consistent with the Master Plan building designs. Materials exterior will be masonry. is poured combination of two different color bricks and cast stone, fiber cement product with PVC boards, crown moldings, cornices, awnings. Important elements is modulation of the building, standard seem metal roof. Overall height is 38 feet as shown on the drawings from average grade to roof surface. Previously was greater due to turret element. Other two sides will be finished Sheet A-05 exterior elevations, marked Exhibit A-2 dated July 6, 2015 consisting of all architectural drawings, 7 sheets A-01 through A-06. Rear elevation is combination of cement fiber sidings, base will be built up paneling, right side elevation contains façade breaks carried throughout No metal vinyl siding on the building.

First Floor plan of building – Sheet A-01 - 1952 square feet gross space for retail component, 558 square feet are dedicated to tenant storage, aside from access and utilities remainder would be dedicated to parking. Tenant access would be from two points, one in rear and one in the vestibule into common lobby.

Second floor plan – Sheet A-02. Are combination of 1 (3) and 2 bedroom units (7). From 850 square feet to 1300. Layout of one bedroom – high end finishes and appliances, open kitchen, living and dining space, one bedroom, bathroom and area for washer/dryer closet. Two-bedroom layout, enter into similar arrangement average size would be between 1182 and 1200, with corner unit an exception.

Ten units on each floor and 3<sup>rd</sup> floor is replication of the second floor. Fixtures and finishes of each unit relayed – hardwood floors, granite countertops, trim and moldings, washer/dryer. Ceilings are 9 feet. Windows are of vinyl and higher end, and are insulated double pane glass. Trim features will be of wood.

Is familiar with Cranford's Master Plan, and in designing project, reviewed that document as well as discussions with the municipal professionals as to what is appropriate project with this design meeting those. Many finishes are similar to Riverfront which has been received well within the town.

Questions posed by the Board ascertained the following:

Elevations A-05 rear, indicates windows right hand side, but layout appears units do not have windows - discrepancy in drawings there will be windows in the units. Density permitted in the zone per Mr. Hudak, Section 136-35B(22) – shall not exceed 20 units per acre and this is double in the conditional use section, another section does not have a density requirement, inconsistency discovered when application was amended and letter dated November 4, 2015 sent amending the application as uncertain which

ordinance provision controls. The more restrictive would prevail per Hudak. Removed the height variance due to parapet, code checked and height is measured to roof line not parapet height as confirmed by Mr. Hudak.

Mr. Triarsi advised if additional retail space was added even with number of units reduced, would impact parking as area referring to is proposed location for retail space. There is available parking on the street as well as two public parking lots nearby. During DRC meeting, concern expressed regarding parking, One space will be reserved for each tenant and remainder will be first come first serve, that situation would be an enforcement issue. Mr. Steiger met with the Traffic & Safety. Calls for 47 spaces including the retail.

Some minimal equipment will be located on the roof i.e condensing units for common areas - lobby and hallways and would be concealed by the parapet. Looking at possibly 40 people occupying the building. Private hauler garbage pickup will be relayed by Engineer. Two handicapped spaces are provided.

There were no further questions posed by the Board.

Mr. Marotta 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.

Ed S. Dec. Guarriello & Dec, Appeared and was sworn. His credentials were presented to the Board and he was accepted as an expert witness in the field of engineering and land surveying.

Mr. Dec testified to the preparation of the site plan for the proposed development. Site plan dated June 29, 2015 and consists of 9 sheets.

Sheet 1 of 9 – cover sheet, includes zoning chart, list of property owners, key and zoning map, colored photograph of site, general notes as to requirements and list of utility companies. Zoning chart reviewed in detail. Planners letter dated November 2, 2015 – identifies the variances and design waivers being sought and will be addressed in detail by Michael Tobia, Planner.

Sheet 2 of 9 – survey depicting existing conditions of site and in street relative to the site. All run off will be directed to town system sanitary sewer and storm water system and will accommodate the projects need.

Sheet 3 of 9 – site with proposed development and parking, driveway ingress off of Centennial and ingress and egress off of North Lehigh. Traffic lane 24 feet wide and adequate for emergency vehicles with Fire Department requiring fire lane otherwise all

other vehicles can access. Rear yard setback is 16.49 as opposed to 25 by ingress/egress of North Lehigh, and parking is 2.4. Immediately adjacent to parking area is existing masonry garage that is approximately 3.5 to property line and residential dwelling is approximately 30 feet from property line. Two very narrow sections impacted. Proposing a fence and additional landscaping in that area. Trash removal will be handled (in most southwesterly corner of the area) with a 5 foot high concrete area, with bins for trash and recycling through private hauler that will provide equipment that can access. Islands will not interfere with circulation of parking area. Across the street is building for landscaping showroom/office space.

Sheet 4 of 9 – aerial view of building and open space parking areas. Parking is under and behind the building. Serves for perception of how the site will look when developed. Has access point on Centennial with 24 foot aisle with parking underneath or in the open area.

Sheet 5 of 9 – gives more detail as to what is happening at the site as well as the building itself on the first floor – mechanical room, trash area, storage area, retail space and general lobby as well as parking area.

Sheet 6 of 9 – utility and drainage plan and shows how storm water increase is being addressed. Proposing storm water management system that equals rate of both State and municipal run off requirements and complies with all requirements. Pipe on Lehigh Avenue is 48 inches and is actually at reduced rate with runoff taking longer to get into the system. Proposing a sanitary sewer connection also to Lehigh. All electrical will come off of Lehigh. Grading of site meets existing grade at the property lines with 1.5 difference between curb and property. No additional run off will be resulting from the development. Current run off will be eliminated from the storm water management system proposed.

Sheet 7 of 9 is lighting/landscaping plan. Light poles proposed to meet minimum ordinance standards – 4 lights in open lot and one wall mounted light that will be sufficient to light the open parking area. Lights will not impact the neighboring properties as shielded directional lighting. Poles are 12 feet in height. Landscaping proposed along the parking area together with a fence at the rear of the property. Landscaping will consist of arbor vitae, ground shrubs in beds along the southerly side of the building and parking area. Side yard of North Lehigh side is 11 feet at its narrowest point. Also showing trees that will be planted on south side of the property and in north corner of the parking lot.

Recent Renovations further north on Centennial Avenue relayed nothing near to the proposed site.

Sheet 8 and 9 are detail sheets relating to sizes of the pipes, etc. Traffic control sign at the bottom of the sheet as well as handicapped signs. Will agree to the enforcement of municipal motor vehicle laws on the site. Also proposing stop sign at egress location.

Questions posed by the Board ascertained the following:

Member believed 12 foot pole even with shields is too high next to the residential property by anyone standing in the adjacent property - needed to meet the foot candle maximum and minimums per ordinance and by keeping the intensity lower. Has serious concerns with 12 foot high industrial looking poles, going to see surface brightness and would suggest lower height pole. Mr. Triarsi advised would reduce to 10 feet. Has used colonial type pole and can make that change. Off site parking would be on Centennial only due to request for open fire lane for Fire Department, at present believes 4 spaces existing on Centennial.

If retail component were eliminated would have to shift and would need another access aisle. Conversion of storage area and 3 parking spaces into another retail space and relocate the storage area elsewhere – 19 by 70 area that can reviewed to that suggestion.

Trash area calculations – were done by private hauler and developer will determine schedule for pick-up which could be each day or once a week or in between and units may have trash compactors. Retail pick-up would depend on the tenant. Will return with formulas and/or numbers.

On north side, closest property is 5,233 feet setback and adjoining property has 8 feet from property to building and is a two story building and will be open to provide access to the adjoining property. No fence. Emergency door exit.

There were no further questions posed by the Board.

Mr. Marotta opened the application to the public for questions of the witness with no one appearing

Martha Sturn – consider traffic patterns with regard to entrance and exit of the development explained will have traffic expert who will address.

Marie and Mark Mayer – They are located 5.33 from northerly end of property has recorded easement that provides for 8 feet from the property line as a driveway and plans have not been modified to address. Mr. Triarsi indicated could not locate the recorded easement. Was recorded in deed book 1197 page 74 in 1930. Mr. Triarsi advised will review and confirmed applicant will not change under any circumstances.

Brian McCarthy – regards to trash area - is equivalent to a parking stall and hauler will access the cans from the enclosure, will not be wheeled to the street. Not personal to each unit.

Sally Kleeman – clarified where the VC zone begins and residential zone begins. Rear setback is 25 feet and proposing 16.43 due to building overhang. Parking stall size of 180 square feet and providing 162 feet with 2 foot overhang.

Mike Scotti – concerned with traffic patterns on Lawn Terrace. Traffic engineer will testify at next meeting. Traffic Engineer, Planner and perhaps Real Estate expert.

Peter Stevens – Proposal is for 38 feet in height, existing is probably 30 feet. Any other buildings of that height – one on corner.

Eugenia Deolivira – Questions as to parking, no retail tenant at present and therefore cannot determined if they will be operating in the evening, if that is the case, what will happen with shared parking? At this point, retail use has not been determined, however shared parking analysis was permitted, when traffic engineer testifies will have better clarification. Landscaping concerned with tree heights at planting time and 20 years to become mature.

There were no further questions from the public and this portion of the hearing was closed with the matter referred back to the Board.

Hearing carried to March 21, 2016 no notifications will be provided due to announcement at meeting.

**PUBLIC PORTION:**

None

**CONCLUSION:**

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 10:51 P.M.

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Jeffrey Pistol, Secretary