

## **MINUTES - ZONING BOARD**

August 21, 2017

The workshop portion of the meeting was called to order at 8:02 P.M. by Mr. Marotta, Chairman.

### **ROLL CALL:**

#### **Members Present:**

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

#### **Members Absent:**

Mr. Illing

#### **Alternates Present:**

Ms. Dehnhard

#### **Alternates Absent:**

Mr. Trelease

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

### **COMMUNICATIONS:**

1. May/June 2017 edition of the New Jersey Planner distributed to the Board members.

### **RESOLUTIONS OF MEMORIALIZATION:**

**Application #ZBA-17-0016**

**Daniel Pereira, Applicant**

**27 Spruce Street**

**Block 159, Lot 8, Zone R-4**

**To permit construction of an addition, demolition of detached garage with the following variances: less than the minimum required front yard setback on a corner lot (§136-30, Attachment 1, Schedule 1); and the following pre-existing conditions: less than the minimum required lot width (§136-30, Attachment 1, Schedule 1).**

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

#### **MINUTES:**

Minutes of the DMC Strategic Plan presentation were distributed to the Board.

Motion to adopt the minutes of March 13, 2017 was made by Mr. Pistol, seconded by Ms. Hay and passed on unanimous voice vote.

Motion to adopt the minutes of June 12, 2017 was made by Mr. Bovasso, seconded by Mr. Higgins and passed on unanimous voice vote.

Motion to adopt the minutes of July 10, 2017 was made by Ms. Hay, seconded by Mr. Bovasso and passed on unanimous voice vote.

#### **OLD/NEW BUSINESS**

Discussion as to suggestions, comments and recommendation to DMC re: Strategic Plan

Discussion as to posting procedure explanation to the Township's website. Approved to post.

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 August 21, 2017 at 8:25 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-17-014:**  
**500 North Commons, LLC, Applicant**  
**500 North Avenue East, Block: 333 Lots: 2 & 3 Zone: C-2**  
**Block: 333.01 Lot 3 Zone: C-2**

**Amended site plan approval to comply with conditions previously set in application #ZBA-16-002 (granted November 21, 2016) with the following variance: to exceed the maximum allowable impervious surface (§136-35(b)(10)(e)).**

John R. Frieri, Esquire, Frieri Law Group appeared on behalf of the applicant. He explained history of original application #ZBA-16-002 approved on November 21, 2016 with amendment required due to compliance with conditions imposed at that time as contained in the Resolution of Memorialization.

Jeffrey Martell, Stonefield Engineering, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of engineering.

Through questioning posed by Mr. Frieri, Mr. Martell stated the following:

Recalls from previous application, at that time advised approval was not obtained from Roselle Park, and a condition of the Board's approval was to obtain site plan approval from that municipality, which applicant did with approval granted by Roselle Park.

Exhibit A-1 aerial photo of property prepared August 22m 2016. There is a rail spur that separates portions of the property and will remain. Previously marked exhibit A-2 – original site plan with zoning, dated November 3, 2016. This is plan originally approved by the Board on November 21, 2016. Exhibit A-3 is subject of amended site plan dated May 5, 2017. Store and fuel pumps have not changed and all components are exactly the same. Achieved rear circulation around the building with inclusion of Roselle Park parcel, trash enclosure relocated to be attached to the building and more condensed. Loading zone has been enlarged. Biggest improvement is addition of 20 parking spaces on the property, original approved for 35 now have 55. Drainage has been incorporated within the site plan. Air pump has been relocated to comply with setback requirements. Impervious surface is reduced on overall site by 5.65 %, able to reduce light levels at property line as requested down to 6 foot candles and added additional landscaping to the property. More continuity to the property. Overall lot size has been increased. Not intensifying any relief previously sought with some minimized. Essence of application is the same, police and fire sought inclusion of the additional parcel and reports indicate pleased with addition of the Roselle Park lots. Can comply with all technical conditions in Township Engineer letter.

Questions posed by the Board ascertained the following:

Confirmed even though added additional parking spaces and circulation, impervious surface reduced in terms of percentage overall. All new site improvements to property in Roselle Park. Reduction is due to increase in overall property size. Pedestrian path was not proposed from parking area, however, good suggestion and will incorporate. The Applicant stated that the lighting has been adjusted to provide 3500K color

temperature on the entire site. The lighting within the gas canopy structure , and the building mounted floodlights are 4000K. The pole lights and the lighting recessed within the north building soffit are 3000K. Applicant stated that by combining the 2 color temperatures it provides an overall site color temperature of 3500K. There was discussion with the Board that this is not scientifically accurate. Cannot take 10 lights at 4000K and 10 lights at 3000K and state that the site color temperature is 3500K. The difference in color temperature from each source will be evident. Applicant indicated that Corporate WAWA stated that their security cameras will only work with 4000K light sources and that they cannot reduce the color temperature for this reason. The 3000K pole lights and the 3000K lights on the main building elevation will provide a warmer appearance of the site from North Avenue will provide a softer appearance of the site. Mr. Frieri indicated the applicant has gone round and round with WAWA corporate, and 4000K on the building is a safety issue that impacts security cameras and prohibits proper functionality, understands the differential but is out of the hands of the applicant completely, who have gone as far as they can. Traffic and truck turning plan, confirmed that has been addressed previously and with the addition of the Roselle Park property explained in depth as to onsite movements and modified curb cut. Increased circulation movements that is an improvement. Railroad spur is not included in total square footage of the site, rail spur is not active. Practically speaking, is part of the site but since not held in title, not included in any calculations and no intent of being reactivated by the railroad.

There were no further questions by the Board.

David R. Atkinson, Neglia Engineering, appeared as Board professional in accordance with report dated August 4, 2017. Mr. Atkinson asked the original circulation was just on Cranford portion of the site and have been improved with addition of Roselle Park property, original plan also depicted the railroad spur, and explained it is inactive area, has a separate block and lot designation, and has not been utilized for calculation purposes, has prescriptive easement as used for numerous years by owner. Vehicle and pedestrian crossing is permitted with no permanent structures within that property.

There were no further questions posed by Mr. Atkinson.

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.

Mr. Frieri presented his summation.

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

**DELIBERATION OF APPLICATION #ZBA-17-014**

**Application #ZBA-17-014:**

**500 North Commons, LLC, Applicant**

**500 North Avenue East, Block: 333 Lots: 2 & 3 Zone: C-2**

**Block: 333.01 Lot 3 Zone: C-2**

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Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Certainly, heard applicant, was concerned with lighting and whether that will be much of an issue. From aesthetic issue, it will be an issue, but understands security needs on the site and all lights that face North Avenue are 3000K, however, if that's what their cameras require for proper security, would override aesthetic concern. Board approved last year, and essentially same application that includes overall improvements with more area and less pressure on the site. Improved traffic flow and circulation on site. Property as a whole reduces impervious surface.

Motion to approve Application # ZBA-17-0014 was made by Mr. Bovasso, with the condition that a pedestrian walkway from the new parking area on Roselle Park property to the building will be incorporated. The motion was seconded by Mr. Pistol with the following voting in favor of the motion: Mr. Marotta, Mr. Pistol, Mr. Bovasso, Ms. Drake, Ms. Hay, Mr. Higgins and Ms. Dehnhard.

**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 9:00 P.M.

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Jeffrey Pistol, Secretary