

## **MINUTES - ZONING BOARD**

September 11, 2017

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

### **ROLL CALL:**

#### **Members Present:**

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

#### **Members Absent:**

None

#### **Alternates Present:**

Mr. Trelease

#### **Alternates Absent:**

Ms. Dehnhard

Also in attendance: Nicholas Giuditta, Esquire, Ron Johnson, Zoning Officer, Ruthanne Della Serra, Interim Administrator/Scribe, Jackie Dirmann and Darlene A. Green from Maser Consulting on behalf of the Zoning Board.

### **COMMUNICATIONS:**

**NONE**

### **RESOLUTIONS OF MEMORIALIZATION:**

**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)).**

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. Pistol, seconded by Ms. Hay and passed with the following voting in favor of the motion: Mr. Marotta, Mr. Pistol, Mr. Bovasso, Ms. Drake, Ms. Hay and Mr. Higgins.

#### **MINUTES:**

Adoption the minutes of August 21, 2017 was carried.

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

**None**

The workshop portion of the meeting concluded at 8:11 P.M.

#### **PUBLIC MEETING:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on September 11, 2017 at 8:15 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-17-0006:  
Emanuel Nimrud, Applicant  
496 Centennial Avenue  
Block: 594 Lot: 8 Zone: R-5**

**Site Plan approval to permit construction of mixed use building with four residential apartments with the following variances: to exceed the maximum allowable density for apartment component (conditional use) of mixed use (§136-35.B.(22)(g); less than the minimum front yard setback (§136-30, Attachment 1, Schedule 1); less than the minimum side yard setback (§136-30, Attachment 1, Schedule 1); less than the minimum combined side yard setback (§136-30, Attachment 1, Schedule 1); to exceed maximum allowable impervious surface (§136-30, Attachment 1, Schedule 1); and no loading or unloading zone (§136-23.7(12) and the following pre-existing conditions: less than the minimum required lot area (§136-30, Attachment 1, Schedule 1); less than the minimum required lot width (§136-30, Attachment 1, Schedule 1); and less than the minimum required distance from a residential zone for parking (§136-30, Attachment 1, Schedule 1).**

Gary S. Goodman, Esquire appeared on behalf of the applicant. Question was posed as to whether the application, if heard tonight, was subject to COAH ordinance presently in place, or if it benefits from the new Affordable Housing ordinance that the Township Committee is adopting tomorrow night. Mr. Giuditta explained as previously discussed with Mr. Goodman, the application is governed by the current ordinance which was in place at the time the application is made and therefore, the affordable housing obligation would apply. Applicant is seeking 4 residential units and current ordinance requirement of 15% would render 1 unit as affordable housing with that unit also required to be a two-bedroom unit resulting in one of the two-bedrooms units proposed would need to be designated as affordable. The newly proposed ordinance indicates 5 or more unit development would be subject to COAH, however, that would not be the ordinance that was in effect at the time the application was submitted given it is not yet adopted by the Township Committee.

Mr. Goodman explained Mr. Nimrud spoke with township officials who indicated that once the new ordinance was passed, that act would eliminate his affordable housing obligation. Mr. Giuditta explained MLUL clearly states the governing ordinance would be that which is in effect at the time the application is submitted, and in this case, the new ordinance would not help as it is not yet passed and will not be until possibly tomorrow evening. Ordinance as exists does not speak to a specific number of units rather a percentage of the development. Mr. Goodman confirmed if the application were to be withdrawn entirely, and the applicant waited until the new ordinance is adopted and resubmitted the proposal the new ordinance would most likely then apply.

Mr. Goodman after consulting with the applicant, advised the applicant will be withdrawing his application and will resubmit at a later date. The withdrawal is also due to potential notice deficiency if applicant is required to comply with the current ordinance versus the new affordable housing ordinance that is proposed to be adopted.

Mr. Marotta explained for the benefit of the public in attendance that the application has been withdrawn and the applicant intends to resubmit at a later date. A new hearing date cannot be established at this time due to the withdrawal, applicant will be required to renotice once a new application is submitted, review completed and the application scheduled thereafter.

#### **PUBLIC PORTION:**

Rich Camorski – Stated he has not seen the present plans, but the Board needs to realize that whatever is built, where is the water going to go, as there is no sewer systems in the area until the water gets to Centennial Avenue and Wall Street. Other questions is, how will the increase in students be addressed, understands if property is purchased the owner pays taxes, not so in rental units. Mr. Marotta explained any

development must follow the recommendations of and the submission to stormwater management plans to the the engineer for review and approval. Also has concern with parking issues in the area and illegal parking on other side of Centennial where not permitted. Mr. Marotta explained Police Traffic & Safety Department reviews every single application and provides recommendations. Confirmed at this point until another application is submitted, cannot provide the technical answers Mr. Camorski is seeking, however, the public is welcome to come to the Zoning Office and review any application and Zoning Officer will respond to any questions that he can. Submission and notice date, is not known at this time.

Steven Durner - Confirmed that new notices must be sent.

Andzejus Ruskulis - Concerned with the current application and possibility of a traffic light to help assist with traffic concerns. Mr. Marotta restated the Board cannot respond to that question at this time, must await Traffic review at time of new submission. Also concerned with parking and believes insufficient with current application and explained previous experiences with former smaller building. Mr. Marotta explained parking calculation was part of the withdrawn application and applicant would have had to either meet those requirements or seek relief. Also concerned with number of variances and it was explained that appears in many applications, due to changes in the ordinance requirements and each application must be reviewed on its own. Building itself may change, but the property does not and the variances required are determined by the Zoning Officer and during the Development Review Committee review, the Board does not determine. Process of review and discussions during the hearing were explained.

#### **CONCLUSION:**

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 8:55 P.M.

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Jeffrey Pistol, Secretary