

MINUTES - ZONING BOARD

November 20, 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 – Arrived at 8:08 pm
Mr. Pistol
Mr. Bovasso
Ms. Drake
Ms. Hay
Mr. Higgins

Members Absent:

None

Alternates Present:

Mr. Trelease

Alternates Absent:

Ms. Dehnhard

Also in attendance: Nicholas Giuditta, Esquire, Ron Johnson, Zoning Officer, Kathy Lenahan, Administrator/Scribe, Bill Masol, Township Engineer, David Atkinson, Neglia Engineering

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

None

MINUTES:

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

OLD/NEW BUSINESS

Ron Johnson, Zoning Officer discussed the renumbering of the Zoning section of the Township Code.

The workshop portion of the meeting concluded at 8:09 P.M.

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on November 20, 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-17-019:**
10-12 Commerce, LLC, Applicant
10-12 Commerce Drive
Block: 636 Lot: 3 Zone: C-1
To permit a change in use to permit use and occupancy of a day school on the first and second floor for a private therapeutic school in a zone where not permitted. No changes to the property are anticipated other than interior.

Joseph Triarsi, Esquire, appeared on behalf of the applicant. He explained the application. Cornerstone Day School is in operation in Mountainside, NJ. Their present facility does not allow for expansion. Saw the site in Cranford and feels building is perfect for their needs. They will use the rear portion of building, some of the basement and 2nd floor. They provide special education services for children and young teenagers. They use a college prep curriculum. The students receive one on one attention. There will be no changes to structure of the building and parking is sufficient for their needs. This application is requesting a D variance. The use is not permitted in the zone.

Dr. Allan Blau appeared and was sworn in. He testified to the following through questions posed by Mr. Triarsi:
He is the founder of Cornerstone Day School. It is presently located in Mountainside and is a 14,000 square foot building. They have a waiting list at the present time. It is grades 5 through 12. The facility in Mountainside does not have any outside play area.

Decided to look to move and the facility in Cranford is perfect for them. The Cornerstone mission is to combine cutting edge therapeutic programs with challenging academic programs. Students usually stay in the program 18-22 months then returned to public school. Average attendance is 87 students. By moving to Cranford they expect at their peak to have 140 to 150 students. The new facility will allow them to grow the grades 5 through 12 program and possibly expand to an elementary school. Even if they expand and add an elementary school, there will be no changes to the outside of the building.

Cornerstone is a private tax paying school and receives students through local Boards of Education. Kids comes from Cranford and other suburban areas. They have a staff of 40 and there are seven to eight students in a class. There is a teacher and an assistant teacher in each class plus clinical staff.

Process to enroll a student takes about 3 months. School is accredited by Middle States, NIPSA and Advance Standards.

Therapeutic services include the individual's family and is held on a weekly basis. They also have group counseling and have retreats four times a year.

Building is good for school because:

- the outside area
- lower level gives flexibility to have a gym, dance studio, etc.
- 2nd floor can be divided between high school and middle school

They want the experience to feel like the students are at a prep school. Building is adequate in size for present and future needs.

Questions posed by the Board ascertained the following:

It is a 12 month type of program. There are 180 days of school in public school, Cornerstone is 220 days of school. Summer schedule has shorter days. Family counseling sessions occur day and evening. There is a clinician there every Wednesday night until approximately 8:00 pm. Operating hours are 7:45 a.m. to 3:15 p.m. for students and 7:30 a.m. to 3:30 p.m. or 4:00 p.m. for facility. Children are not allow to leave premises by themselves. No one is allowed to drive to school. There is an outside play area which is fenced in and separate for the school.

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

Ms. Leonore Johnston, appeared and was sworn in.

She testified to the following through questions posed by Mr. Triarsi:

She is the executive director for Cornerstone. Her duties include running the school, taking care of budget, operations, curriculum, arrival and dismissal, etc. Typical students are of average intelligence, some have been bullied or have anxiety, need smaller school setting. They do not accept students who act out, are aggressive or threatening.

Public school districts will determine if student needs IEP and a more specialized setting. Grades 5-6-7-8 total 20 students and the high school has 60 to 70 students. All in one building at same time. There are 40 staff members: 11 clinicians and balance are teachers and instructional aids. They follow the common core curriculum.

Students arrive by vans, minivans or cars. There are approximately 35 vehicles during drop off. At 7:45 a.m. the staff is there to greet students. Dismissal is at 3:00 pm and the staff is also there.

There is an occasional need for emergency services. There was a need for emergency services seven times this year at their location in Mountainside. Student to teacher ratio is 2 to 1. Not over 10 students in a classroom. Teachers are certified in content area that they teach and some are certified in special education. Looking forward to using the outside area at the facility. Great location. Building does not look like a school.

Questions posed by the Board ascertained the following:

Individual school districts provide the transportation. No buses on premises during the day. There 77 school districts represented. Students arrive at 7:45 a.m. Takes approximately 10 minutes to get all students off the buses. Once a month there is an after school social.

There were no further questions by the Board.

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

Nick Tsapatsaris appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of architecture.

He testified to the following through questions posed by Mr. Triarsi:

He was commissioned by Cornerstone to take their program and introduce it into an existing office building. Visited the proposed site and spent time at other facility.

Mr. Tsapatsaris introduced Exhibit A-1. Described sheet A002 dated 10/04/16. In southwest corner of sheet is where middle school is dropped off.

Northern corner is where high school is dropped off. Center of drawing is the gym. Described sheet A003 also dated 10/04/16 as drawing of the main floor plan.

Questions posed by the Board ascertained the following:

No change to exterior of building. No changes to the windows. Stage area will be wheelchair accessible. It will be in full compliance with the ADA. There will be access to daylight in classrooms. Will look into skylights depending upon the roof layout. Rooms in center with less light are the therapy rooms.

There were no further questions by the Board.

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

Ed Dec 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.

He testified to the following through questions posed by Mr. Triarsi:

Mr. Dec described the site plan he prepared for Cornerstone. Introduced Exhibit A-3 (2 sheets). Stated he did a survey of site and reviewed the zoning requirements. He conducted a zoning analysis. There will be no physical changes to the footprint. The building is in the C-1 zone. Building meets all the bulk requirements. Parking analysis shows parking lot with 206 spots plus additional parking stalls that service the gym. Parking is adequate for the zoning ordinance.

A few improvements will be made such as landscaping, and an eight foot vinyl fence. A sign will be at main entrance and another one along the southside of the building. Marked Exhibit A-4 photo of fence and A-5 Cornerstone School signs. Signs will not be lighted.

Vans will enter from Commerce Drive. Drop off passengers and then exiting out to Commerce Drive. There will be 2 entrances. One for middle school and one for high school.

Questions posed by the Board ascertained the following:

Trinitas uses the building for administrative space. The gym on the site is a membership gym. Cornerstone sign will be on north side of the building near entrance to high school and corner of building. Not on south side as previously stated. Signs will be not on Commerce Drive side. Eight foot fence provides greater security for playground. Picket fence will be facing the parking lot.

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

Nick Verderese 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.

He testified to the following through questions posed by Mr. Triarsi;
Did quick traffic study and took traffic counts along Commerce Drive at peak hours of day: 7:30 a.m. to 8:30 a.m. and again at 2:30 p.m. to 3:30 p.m. Site traffic is moderate. At peak hours there were about 300 vehicles.

Introduced Exhibit A-6 as an ariel photo of site with 21 vans waiting to drop off. Exhibit A-7 is an ariel photo of site with 34 vans waiting to drop off.

In his opinion it is a well-chosen site. Use is on the rear of the property. No queuing of vehicles onto Commerce Drive.

Questions posed by the Board ascertained the following:
Parking utilization study done a few weeks ago. Traffic counts done on Friday November 17, 2017. Will not impact driveway traffic coming into Commerce Drive.

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

Kevin O'Brien appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in planning.

He testified to the following through questions posed by Mr. Triarsi:
This applicant requires a D-1 use variance. It is a use that is not conforming in the zone. Needs a 5 vote super majority. School is licensed by the State of New Jersey. Building has been vacant for two and a half years. Discussed the burden of proof for a D-1 variance. Looked at Master Plan dated 2009. Discussed the goals for 2020 listed in the Master Plan. Trend is to take existing office spaces and reuse as schools. Environmentally friendly. A school use is an inherently beneficial use. Stated that there is no negative impact to surrounding properties or Township as a whole. Feels variance should be granted, there is no negative criteria.

Questions by board ascertained the following:

The Fire Department requested additional information regarding the necessity of emergency services. During testimony, it was mentioned that there was a need for emergency services this year at their existing location. School should be up and running by spring if variance is granted.

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

Mr. Triaris presented his summation:

This is a good application. Special school for special kids. No impact on the neighbors. Traffic is minimal, there will be no queuing. School can take kids with special needs and in 18-22 months return them back into the public school system.

2. DELIBERATION OF Application #ZBA-17-019:

10-12 Commerce, LLC, Applicant

10-12 Commerce Drive

Block: 636 Lot: 3 Zone: C-1

To permit a change in use to permit use and occupancy of a day school on the first and second floor for a private therapeutic school in a zone where not permitted. No changes to the property are anticipated other than interior.

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

This is one of easiest applications that the Board has had. School will be in business park, no detrimental impact for this proposed use. Students do not leave unsupervised. Brought by buses provided by school districts. Very little impact on the Township. There are vacancies in the building and this helps office park. Does not impact residents in an adverse way. Not altering building in any way on exterior. Would like business park to become more dynamic. Perfect addition to business park. If granted make sure to amend to satisfy needs of Fire Department. Good presentation. Very impressed with educational business model.

Motion to approve Application # ZBA-17-019 was made by Mr. Pistol seconded by Mr. Illing with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Drake, Ms. Hay, Mr. Higgins.

Zoning Board of Adjustment
November 20, 2017
Page 8

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 10:31 P.M.

Jeffrey Pistol, Secretary