

MINUTES - ZONING BOARD

April 8, 2019

The workshop portion of the meeting was called to order at 7:34 P.M. by Ms. Daly, Vice-Chair.

ROLL CALL:

Members Present:

Ms. Daly
Mr. Bovasso
Mr. Aschenbach
Mr. Ashrafi
Mr. Salomon

Members Absent:

Mr. Marotta
Ms. Drake

Alternates Present:

Mr. Quinn
Ms. Hay

Alternates Absent:

None

Also in attendance: Mark Rothman, Esquire, Jason Bottcher, Zoning Officer, Kathy Lenahan, Administrator/Scribe

COMMUNICATIONS:

None

MINUTES:

Motion to adopt minutes of the March 25th closed and open sessions was made by Mr. Bovasso and seconded by Mr. Salomon and passed by unanimous voice vote.

The workshop portion of the meeting concluded at 7:38 P.M.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on April 8, 2019 at 7:45 P.M. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Ms. Lenahan 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.

Ms. Daly explained the protocol, purpose and procedure that will be followed during the hearing.

1. **Application # ZBA 19-002**
 Applicant: 24 North Avenue East LLC
 24 North Avenue East
 Block: 195 Lot: 1, D-C Zone

Applicant is requesting Preliminary and Final Site Plan Approval, along with d(3) and d(5) variances, a c(2) variance and multiple design waivers. Applicant is seeking to construct a fourth floor with four two-bedroom apartments and rooftop dining, where three stories is the maximum permitted in the zone §255-34 Attachment 1, Schedule 1.

John DeMassi, Esq. appeared and explained the application. Testifying tonight will be the owner of the building, an architect, a traffic expert and a planner. Stated the owner, Hector Alvarez, has owned the property since 2003. Reviewed the variances they are requesting.

Hector Alvarez appeared and was sworn in. Questions posed by Mr. DeMassi ascertained the following: He is the owner of Bar Americana and 24 North Avenue East LLC. He came up with the idea to develop his property with apartments and rooftop dining a few months ago. Rooftops are very trendy. Current hours of operations are Monday to Thursday 3pm to 11pm, Friday and Saturday 11:30am to 1:30am and Sunday from 11am to 9pm. He does not own any parking, but there is parking in the front & behind and in the back there is municipal parking. The waiver he is seeking is for a loading dock. There are deliveries twice a week on Monday and Friday in the morning. A midsize truck or van brings the supplies. Trash is stored behind the building. Rooftop lounge would be an upscale, relaxed environment. His vision is New York style; sofas, waterfall, lite music. There will be an elevator and two stairways. There will be a men's and women's restroom. Currently he has 5 employees per shift, will have 15 more employees with the rooftop. His property was designated by the Town as an area in need of redevelopment. Looking to have four two-bedroom apartments. Originally looking to have 6 one-bedroom apartments, but would need more parking with 6 one bedroom apartments. He did consider putting in office space. Building will be soundproofed. There will be no live bands on rooftop. Most of tenants would be commuters.

Questions posed by the Board ascertained the following:

Rooftop music would be lite, maybe jazz. There will be speakers, but not mounted. It will be more of a lounge. There will be soft lighting. One elevator will service both the apartments and the lounge. He is agreeable to one unit being affordable housing. Debris will be contained inside the building in an enclosed concrete room. They will not be serving food on rooftop. Back access road is a Township road. Does not have a sound engineer's report. The music will be through speakers, but there will be no bands or DJs. There will be a person in the elevator bringing people up to the rooftop. The glass on the rooftop will be soundproof. The lounge could be used for parties. Will restrict music to acoustic guitars or pianos. Bar Americana will remain the same downstairs. There is a special key for the elevator for residents. Patrons can only go to the rooftop. There will be a bouncer in the elevator. There are two stairways, main staircase goes to every floor, the other one only goes from rooftop to restaurant. Asking for more apartments than what is zoned

for in the area. Hours of operation will stay the same. The liquor permit will need to be expanded for the rooftop. Eight parking spaces are needed and they are not proposing any.

Ms. Daly asked if the Public had any questions for this witness, the following appeared:

James Carvalho – 9 Orange Avenue – Asked about a bucket with grease outside and if that will no longer be there with this new development and about banners or temporary signs on rooftop.

Mr. Alvarez stated the grease bucket will be gone and he will not have any banners or signs on the rooftop lounge.

Bill Biach – 108 Holly Street – Owner of the purple building across the street. Asked about controlling the sound from the rooftop. Music is going on till 2am or 3am at Bar Americana. His tenants are disturbed by the music. Calling police more than once a night.

Mr. Alvarez stated his building is very old, the new construction will have new sound insulation. The outside patio will be enclosed.

Gabe Bailer – Representing the Downtown Management Corp. – Asked about the 8 parking spaces required and about opportunities to find available parking. Asked if his employees have parking permits and where do the employees park.

Mr. Alvarez stated they have looked into other parking options and his employees take the train.

Nick Dickerson – Planner for the Board – Asked about the use of the cellar and about the bar area for the residential apartments.

Mr. Alvarez stated the cellar is used for events and storage. There will be no changes to the cellar as part of this application. The open area for residents will have a fitness center and recreation area, but there will not be a bar that serves liquor.

Theordora Boyadjis, appeared and was sworn in. Her credentials were presented to the Board and she was accepted as an expert in architecture. New plans were handed out to the Board which were marked Exhibit A-1 containing 3 sheets.

Questions posed by Mr. DeMassi ascertained the following:

The rooftop is in 3 parts, the bar area with permanent roof is 42 x 20, the lounge area to west would have retractable roof and the other lounge area would be completely open with no roof and would not be used in winter months. Toward the back would be the restrooms. There will be two entrances, one to the restaurant and one to the lobby area. There will be someone in the elevator at all times during hours of operation for the restaurant. Residents will use a key card to get to their floor, and patrons will tell bouncer they are going to rooftop. Resident needs to use key card in elevator and in stairwell. There will be 4 apartments. Two of apartments are 1146 square feet and the other two are 954 square feet. The minimum requirement is a 1000 square feet per apartment, but could not make apartments conform due to the positioning of the elevator.

There is a common area for bike storage. Trash will be in an alcove accessed from the exterior. The trash is collected twice a week. Dumpster will be within the property line and enclosed on three sides with a gate. There is a fitness area for residents. The first floor construction will be masonry; the second floor will be metal studs with soundproofing. Exterior will be similar to neighborhood, but looking for it to be contemporary. First floor will have a stone façade, similar to the purple building across the street. Upper levels will be brick with operable windows. Cornice on top will be modern. They are still working on the details. Will have glass on top of cornice for rooftop. Brick will be on all sides of the building.

Questions from the Board ascertained the following:

Sheets SD2 & SD3 show some of the materials for the building. Lighting on rooftop will be dim and would mostly be along the walls of parapet. There will be 42 inches of opaque wall around the roof and on top of that 24 inches of glass. Bar wall lighting would be a little brighter for the servers. Lighting will not go above the parapet. Bar area may have recessed down lighting. Lighting would only be on when rooftop was in operation. There will be lighting for entrance of the building and possible up lighting, starting at the water table and going up. The Bar Americana signage would be illuminated. Windows are clear vision glass. Bedroom windows can be used as egress. There will be a dumpster for recycling and a dumpster for trash, both residential and commercial in same area. There will be a card reader for the elevator for the second and third floors and an intercom system. There will be soundproofing from the bottom to the second floor residents. The existing open patio will be enclosed. They will be keeping the windows near kitchen. The rear wall is currently encroaching, but they will be removing it and the new wall will be on the property. There are existing stairs that are past the lot line, which they will rebuild but need to keep because they are not lowering the first floor. Stairs are not in the way of access to municipal lot. Discussed possible mural on east side wall of building. Applicant agrees to a condition that they could recess the upper wall 12 inches, in consultation with the DMC.

Mr. DeMassi stated if the application is approved, it will be contingent on the Township either deeding the portion of the right-of-way to the applicant or providing them with an easement or lease.

Ms. Daly asked if the Public had any questions for this witness, the following appeared:

James Carvalho – 9 Orange Avenue – Asked about the rooftop and railings.

Ms. Boyadjis stated the minimum is 42 inches but they are doing 42 inches opaque and 24 inches of glass.

Mr. Rothman asked about exceeding the density of the project.

Ms. Boyadjis stated that they are working with the Master Plan bringing residential into the area and maximizing the use of the lot.

Thomas Connolly – 16 Cranford Avenue - On the DMC Board – Asked about the main stairwell and elevator being separate from the same shaft enclosure.

Ms. Boyadjis stated they will address that when they go through the building permit phase and believes they have room to separate them if required.

Mr. Rothman stated the Board should know if there is an inability to provide an architectural solution.

Nick Dickerson – Planner for the Township – Asked about calculations for the façade facing the street and will it be at least 75% brick, stone or metal. Asked about encroachments onto neighboring properties and if the windows are operable.

Ms. Boyadjis stated it will 75% brick, stone or metal and there were be no walls encroaching, only the stairs. The bedroom windows will be egress and living room windows will open 4 inches and will be tempered.

Cory Chase appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in the field of traffic engineering.

Questions posed by Mr. DeMassi ascertained the following:

Property cannot provide on-site parking. Property is located adjacent to the train station and close to a bus stop. Apartments will cater to people using mass transit. Uber and Lyft have changed the way residential parking is perceived. Two parking spaces for a two-bedroom are required and one-bedroom apartments require 1.8 parking spaces. Apartments will be marketed to people who use mass transit for their commuting. When renting these apartments, it is known that there is no parking. Residents can apply for parking permits. Stated that the overnight 9pm to 6am parking permits have no waiting list. However, the day parking permits from 9am to 6pm have a wait list. Used data for census tracking which stated that 1.2 vehicles per apartment, which would be 5 vehicles for the 4 apartments would be required. Stated that four units generates very limited traffic. Overnight parking permits are \$200 per year. There is also metered parking along North Avenue. Explained the concept of shared parking, which is discussed in the Master Plan. Stated that RSIS specifies to consult local data and if the local data provides a characteristic that defers, local standards should apply. The unique characteristic for this project is the proximity to mass transit.

Questions from the Board ascertain the following:

Applicant did not analyze data for parking for the rooftop. Overnight parking is located in lots 1 & 7. After 6pm many of the lots clear out and there should be available parking in the area. These units cater to someone who does not have a car. In his professional opinion, there is no adverse impacts on parking in the area. It is much cheaper to use Uber or Lyft versus the expenses of a car. In Union Township, they provided 1 space per unit, near a train station, but not as close as to the train as this application. He is aware there is no grocery store close to the property. Anything can be delivered. In his opinion, parking is much less of an issue with these types of applications being close to mass transit. Applicant is not providing any on-site parking. Currently there is a waiting list for day permits for parking. The lots with overnight parking are on Miln Street and North Union Avenue. A map of parking lots was marked Exhibit A-2. Estimating that the parking lots are 500 feet from subject property. Unloading would be behind the building or on the stripe shoulder area at North Avenue.

He has been involved with other Transit Villages but mostly on a larger scale. Not proposing any loading in Lot 19. Loading occurs in the rear of building.

Ms. Daly asked if the Public had any questions for this witness, the following appeared:

Gabe Bailer – Representing the Downtown Management Corp. – Asked if he reached out to any of the downtown properties to ask where they or their tenants park. Asked when the census data was from and is he aware of why there are no 12 hour parking permit spaces available.

Mr. Chase stated they did not reach out to any downtown property owners and the census data was from 2017. Stated he did not know why there are no 12 hour permits available.

Mr. DeMassi stated the Town's ordinance does not require parking for restaurant use in the Downtown core.

Mr. Alvarez stated that he as looked into Box Car, but it is his understanding is it has not been approved yet.

Ms. Daly asked about the census data and that the last census was 2010.

Mr. Chase stated this is the most current data for this census tracking.

Nick Dickerson – Planner for the Board - Asked about where the deliveries would park.

Mr. Chase stated there is no dedicated loading zone; would occur in designated parking spots.

Ms. Daly stated the meeting will need to be continued to May 20th since the Board does not hear new witnesses after 10:30 p.m.

Mr. DeMassi stated he and his witness are available on May 20th.

Mr. Rothman stated that no additional notice is necessary.

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 10:40 P.M.

Robert Bovasso, Secretary