

## **MINUTES - ZONING BOARD**

August 12, 2019

The workshop portion of the meeting was called to order at 7:37 p.m. by Mr. Marotta, Chairman.

### **ROLL CALL:**

#### **Members Present:**

Mr. Marotta  
Ms. Daly  
Mr. Ashrafi  
Mr. Bovasso  
Ms. Drake  
Mr. Salomon

#### **Members Absent:**

Mr. Aschenbach

#### **Alternates Present:**

Ms. Hay

#### **Alternates Absent:**

Mr. Quinn

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

### **COMMUNICATIONS:**

None

### **MINUTES:**

Motion to adopt the closed minutes of the June 24, 2019 was made by Mr. Bovasso, seconded by Mr. Salomon and passed by unanimous voice vote.

Motion to adopt the official minutes of the June 24, 2019 was made by Mr. Bovasso, seconded by Mr. Ashrafi and passed by unanimous voice vote.

### **RESOLUTIONS:**

None

### **OLD/NEW BUSINESS**

None

The workshop portion of the meeting concluded at 7:40 p.m.

**PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on August 12, 2019 at 7:45 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 19-006 – Continuation from July 8, 2019  
Applicant: DB Walnut Avenue LLC  
109 Walnut Avenue  
Block: 478 Lot: 10.01 DB Zone

Applicant is requesting amended major site plan approval to modify the commercial space of the ground floor; this will require alterations to the previously approved floor plans as well as the façade of the building.

Jason Tuvel, Esq., appeared. Stated this is a continuation of the meeting from July. Reviewed the application before the Board. Stated there is a change to the layout of the building from the previous approval. The 5000 sq. ft. will now be divided up into three tenants instead of one tenant. An updated traffic report and parking study have been provided. The number of seats is the same as the prior approval. However at the last meeting, the Board did have questions regarding the operation of the three restaurants and they are here to address those issues. Mr. Tuvel will be calling four witnesses this evening. Reviewed the smallest tenant, under 1000 sq. ft., which will be a Bubble Tea cafe. The cafe will have 12 seats, hours of operation will be 10 a.m. to 9 p.m., there will be one delivery per week by a van and there will be one to two employees on site. The peak hours are 11:30 a.m. to 1:30 p.m. and 3:00 p.m. to 5:00 p.m.

Board member asked Mr. Tuvel a question about a letter from the town attorney regarding site plan approval and variances. Asked for clarification on “d” variances.

Mr. Tuvel stated the prior site plan was approved and the applicant is not changing anything regarding that site plan. Stated a conditional use variance was granted in the prior approval and neither a d(5) or d(3) variance was required.. Not seeking any deviations from the prior approval.

Mr. Bottcher, Zoning Officer, stated this is an amended site plan based on the ground floor uses. The parking variance was approved in 2017 and is based on the number of seats, not on number of retail spaces and still applies.

Mark Phillips appeared and was sworn in. Provided his credentials. Stated he is the Property Manager of the commercial and residential operations for the building. He oversees the entire development. Also deals with garbage pick and deliveries.

Questions posed by Mr. Tuvel to Mr. Phillips ascertained the following:

There are three pickups scheduled per week. There are two four-yard dumpsters. One for garbage and one for recycling in an enclosed room which is climate controlled. Residential will have a three-yard compact dumpster and two two-yard dumpsters for recycling. The non-residential will have one four-yard dumpster and one four-yard for recycling. Hours for pick up will be in the afternoon between 11 a.m. & 3 p.m. for recycling and trash and they will be on site for approximately 15 minutes.

Questions posed by the Board ascertained the following:

The garbage will be picked up at the loading zone on Chestnut Street and will be front loaders. They will not be there at the same time, one would follow the other. The trash room is climate controlled. Someone from the company will be there 7 days a week; will tour the site and will also go into trash room. Residents have a chute for trash and one for recycling. Stated three restaurants will generate the same or less trash than one restaurant. It is a Class A building. If necessary, they can pick a different time for the trash pickup. Mr. Phillips will be physically on site approximately 3 to 4 times a week in the beginning. After that, the Director of Property Management will be there several times a week. A porter or a supervisor will be there 7 days a week. The porter will be there every day, but may be different times each day. Move in and move outs will have extra pickups for excess cardboard. The goal is to never have a dumpster on the street. The area is congested with people and children (i.e. dance studio across the street) from 11a.m. to 3 p.m. Applicant can accommodate the Board's request for a change in the time for the trash pickups.

Mr. Marotta asked if the Public had any questions for this witness, the following appeared:

Nick Dickerson – Maser Consulting – Planner for the Board – Asked where the loading space will be on Chestnut Street.

Mr. Tuvel stated it is not in the marked parking space.

Christopher McDonough – 18 Retford Avenue – Asked about garbage with a front-end loader.

Mr. Phillips stated they will bring the loader around to the front. Could also use a rear yard loader.

Mr. Tuvel stated in the prior resolution, there were no specific conditions regarding the operations of the space. The applicant is now giving specifics about the operations of these tenants.

Charles Tomasello appeared and was sworn in. Stated he is the President of Tomasello Winery. Gave his credentials. They sell their wine both wholesale and retail. This will be their 10<sup>th</sup> wine tasting room. The hours will be: closed on Mondays, Tuesday through Thursday 11 a.m. to 9 p.m., Friday & Saturday 11 a.m. to 11 p.m., Sunday 12 p.m. to 6 p.m. There will be one

full time employee and a second employee on weekends. Deliveries will be once per week by van and will only be there 10 to 15 minutes. Usually generate one trash bag a day and recyclables. Their peak hours would be Saturday from 1p.m. to 4 p.m. Will have 16 seats and usually 8 to 10 people in store at one time. Summer is the busiest season. Three pickups for trash is more than sufficient.

Questions posed by the Board ascertained the following:

They have a plenary wine license which is issued by the State of New Jersey. Cannot sell wine by the glass only by the bottle. Wine can be consumed on site. Any food would be pre-cut and delivered; they would just be plating it. There is no wine production on site. Patrons usually spend ½ hour or hour in the store. There will be no sidewalk seating at the onset. There will be four tables with four chairs and a tasting bar which does not have any seats. The bar could fit approximately 6 to 10 people.

Mr. Marotta asked if the Public had any questions for this witness, the following appeared:

Nick Dickerson – Maser Consulting – Planner for the Board – Clarified that there would be people sitting at tables, people standing at the bar for the tasting and people purchasing wine and leaving.

Mr. Tomesello stated that the bar area is where people would make their purchases.

Luk Sarabhayavanija appeared and was sworn in. Stated he is the CEO of Ani Ramen. Responsible for the daily operations. He has four restaurants. The hours are seven days a week 11:30 a.m. to 3:00 p.m. for lunch, they close from 3 p.m. to 5 p.m. and open again at 5 p.m. to 10 p.m. On Friday and Saturday, they are open till 11 p.m. Busiest times are Friday and Saturday between 6 & 8 p.m. and busiest in the winter. Will have 10 to 12 employees and two deliveries on a Monday and three deliveries on a Thursday between 9 a.m. and 11 a.m. in box trucks or refrigerated vans. Feels trash pickups will be more than adequate. Deliveries would take about 10 to 15 minutes and they do not have a liquor license.

Questions posed by the Board ascertained the following:

Deliveries are boxes, no pallets. Vendors are flexible with timing of deliveries. There will be 85 seats. Will serve Japanese comfort food. There is a limited menu and is family friendly. There is no take out or delivery. The Montclair restaurant has 40 seats.

Mr. Tuvel stated that Mr. Philips will be coordinating the deliveries with the tenants.

Mr. Marotta asked if the Public had any questions for this witness, no one appeared.

Joe Steiger appeared and reminded he was still under oath. Accepted as expert in traffic and planning. Stated the loading space is 56 feet from the edge of driveway to curb at Walnut. There is 55 feet of delivery area. The box trucks are about 26 feet, step vans are about 20 to 22 feet and garbage trucks are about 30 feet. There will be only one vehicle at a time and the loading zone is before the site line. Revised the traffic report, but the three restaurants still have the same number of seats - 112. Town's ordinance is 2 ½ seats per parking space. Having three restaurants instead of one will peak at different times and different seasons. If there was one restaurant it would peak at one time.

There is no detriment to the public good. Parking demand will be less than previously approved. Reviewed the traffic calculation from the parking study. Surveyed the same streets and lots as the prior report in 2017.

Board member showed a picture that was taken today marked Exhibit B-1. Shows a metered spot that is 5 or 6 feet into the driveway.

Michael O'Krepky – Maser Consulting – Engineer to the Board – Asked where the loading area is on the plan. Referred to site plan submitted 4-20-18 sheet 12.

Questions posed by the Board ascertained the following:

The highest use for a restaurant was used in the trip generation report. Used the high turnover sit down restaurant. Trip generation for a Starbucks would be a different classification. Did not use that type of classification for the Bubble Tea restaurant. The parking study used was for one municipal parking lot (#6) and the rest was street parking. Condition of approval runs with the land.

Mr. Marotta asked if the Public had any questions of this witness, the following appeared:

Christopher McDonough – 18 Retford Avenue – Asked which streets were used in the parking study. Asked about residential permit parking and how many parking spaces were counted on Retford Avenue.

Mr. Steiger stated they used High, South, Chestnut, Walnut, South Avenue, Cherry and Retford. Stated they surveyed between Cherry Street and Grove Street and there were 9 to 12 empty spaces.

Juan Luciano – 17 Retford Avenue – Asked about the intersection of Walnut and Chestnut. Asked about protecting the public who will be using that intersection and the increased traffic.

Mr. Steiger stated they will address the offset of the deliveries. Does not feel there is an unsafe or dangerous condition. Stated there is good site visibility, crosswalks and a stop sign.

Mr. Tuvel stated the deliveries are low and peak at different times. Applicant was already approved for a 5000 sq. ft. restaurant.

Mr. Marotta asked Mr. Bottcher if the traffic concerns regarding pedestrian safety should be addressed with the Traffic Bureau.

Mr. Bottcher stated that with a development of this scope, it should be monitored for possible improvement and that it is an enforcement issue. Gave some examples of ways to improve the situation. Stated it is a County road and would need to do a study to justify installation of a traffic light.

Mr. Tuvel stated the site plan was approved by the Union County Planning Board and was also referred to the Township's Traffic Safety Department and there were no comments regarding the change in tenancy.

Mr. Rothman stated there was a review by the Traffic Department and they had no comments. Stated the Board approved what is currently constructed and the first floor for a single use restaurant.

Richard Tomasso – 25 Retford Avenue – Asked about parking for tenants and employees and about using the residential parking for restaurant patrons.

Mr. Tuvel stated the prior approval had 36 on-site spaces for the residential. After a CO is issued, if additional parking is required it is up to the developer to provide those spaces. The parking study showed adequate parking in the area for patrons of the restaurants.

Mr. Steiger showed the map that was used in parking study which surveyed municipal lot 6 and street parking.

Mr. Tuevl reviewed the following: hours of operation for the three tenants, deliveries for Ani Ramen will be Monday and Thursday between 9 a.m. and 11 a.m. Garbage and recycling will be three times a week from 9 a.m. to 11 a.m. There will be a rear loader for garbage and recycling. An employee or supervisor will be walking the property every day. The parking spot in Exhibit B-1 was removed and a new spot was created on Walnut Avenue. There will striping for the loading zone which must be approved by the Township Committee. Applicant's engineer will submit a signage and striping plan.

Board member asked about employees using the parking deck.

Mr. Tuvel stated they can put a condition in the resolution that the employees make reasonable efforts to use municipal parking spaces. Also stated the applicant will record the resolution of approval with the title.

There were no further questions by the Board.

Mr. Marotta asked if the Public had any questions or wished to speak for or against this application. The following appeared:

Debbie Coury – 118 Walnut Avenue -Yvette Dance Studio – appeared and was sworn in. Read a prepared statement. Stated she is unhappy regarding the parking situation for the project. Does not feel there is enough parking for the tenants, customers and the other businesses in the area. Objected to the one restaurant and strongly objects to the three restaurants proposed.

Adam Farrah – VP of UCEDC – 75 Chestnut Street - appeared and was sworn in. Stated they are the property next door. Confused about the public notice and the amount of parking spaces needed. Asked the Board and developer to increase the number of spaces. Stated he chases people out of their lot now and feels it will only get worse.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

Mr. Tuvel summarized the application. Feels they have worked through a lot of issues. Stated there is 5000 sq. ft. of approved restaurant space. Number of seats is what determines parking. Applicant is keeping the same number of seats as 2017. Now there are limitations on number of deliveries, times, etc. which allows the Board to have more control over the application. Fully conforming and there are no changes to the site plan. Adding conditions of approval to application, makes it a better project. Requests the Board approve the application with the conditions and stipulations discussed this evening.

Nick Dickerson – Maser Consulting – Planner for the Board - appeared and was sworn in. Stated his concern is regarding the winery usage. People using the site might be a little different then a regular restaurant. Winery has three distinct usages: purchasing wine, sitting down and consuming wine and the tasting component. Ramen will not permit deliveries, will be only a sit-down restaurant and Bubble tea will be ordering and leaving.

2. **DELIBERATION OF** Application # ZBA 19-006

Applicant: DB Walnut Avenue LLC  
109 Walnut Avenue  
Block: 478 Lot: 10.01 DB Zone

Applicant is requesting amended major site plan approval to modify the commercial space of the ground floor; this will require alterations to the previously approved floor plans as well as the façade of the building.

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Glad applicant has addressed the trash management system. Still have concerns with employees and where they will park. Concerned about Retford Avenue. Parking is a challenge. Point of district is for higher density housing. Bigger issue is the intersection of Chestnut and Walnut. Encourages residents and tenants to speak up about that intersection. Part of goal is to create a central business district. There will be some affordable units from this project. Zoning Board is to look at what the zones are, along with the rules and ordinances. Feels it is a significant change from what was approved in 2017. Board decided based on one restaurant vs. three restaurants. Use common sense. Satisfied that the applicant has shown the parking will be satisfied. Much more intense use with the one restaurant. Demonstrated that there is no significant change in the parking demand then in 2017. If there are no spaces in the garage, employees should not park in the residential neighborhoods. Appreciate the safety traffic concerns that have been raised. Rely upon the municipal professionals. Appreciate that delivery times were addressed. One restaurant vs. three restaurants does change things. Does not feel it is a significant change from original site plan approval. Still maintaining a restaurant use. Different times of the day. Appreciates the property manager listening to the concerns of the Board. Concessions agreed to are things they did not have before. Applicant has agreed to most everything that was brought up by the Board.

Motion to approve Application # ZBA-19-006 was made by Mr. Ashrafi based on the conditions: hours of operation, deliveries and trash pickup 9 a.m. to 11 a.m., rear loading truck, attendance 7 days a week by management company, striping and signage of loading zone and recording of the resolution with deed, employee parking in the municipal lots or on commercial streets, seconded by Mr. Bovasso with the following voting in favor of the motion: Mr. Marotta, Mr. Ashrafi, Mr. Bovasso, Ms. Drake, Mr. Salomon and Ms. Hay

Opposed: Ms. Daly

**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 10:50 p.m.

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Robert Bovasso, Secretary