

December 9, 2019

The workshop portion of the meeting was called to order at 7:41 p.m. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

Mr. Marotta
Ms. Daly
Mr. Aschenbach

Members Absent:

Mr. Ashrafi
Mr. Bovasso
Ms. Drake
Mr. Salomon

Alternates Present:

Mr. Quinn
Mr. Lucas

Alternates Absent:

None

Also in attendance: Mark Rothman, Esquire and Kathy Lenahan, Board Administrator

COMMUNICATIONS:

None

MINUTES:

None

RESOLUTIONS:

None

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 7:42 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on December 9, 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 19-014**
Applicant: Gary Goodman/Goodman Realty
29 Alden Street
Block: 189, Lot: 15.01 D-C Zone

Applicant is requesting a d(3) variance to permit conditional use of space as a professional office §255-39B(19) which requires Board approval.

Gary Goodman, Esq. appeared and explained the application. Stated this is a 3 ½ story building with 14 residential spaces and six commercial offices. He built the building in 2000 and the basement was set up for service use at that time. Stated that there was a ruling by the Zoning Officer that he needs a d(3) variance for a 475 sq. ft. room to be used by an attorney. Basement has an elevator and handicapped accessible restrooms. He previously came before the Planning Board and received approval for the building. Described the type of uses that are in the lower level. A professional use is a conditional use and the Board needs to determine if that use is acceptable. For a d(3) variance the applicant must determine the positive and negative criteria.

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

Mr. Gallerano testified to the following questions posed by Mr. Goodman:
Exhibit marked A-1 is a Google ariel view of the site outlined in red. Stated the site sits between Miln Street and Union. Exhibit A-2 is a Google street view. The building is a 3 ½ story mixed use building with commercial on the bottom and lower levels and residential on upper level. It is in the D-C zone and professional offices are considered a conditional use. Building was built to have commercial on the bottom level and those uses have been there since the building was built. Does not feel there will be any negative impact to the surrounding area by having a 475 sq. ft. professional office located in the basement. Believes the positive criteria is satisfied under paragraph "G" and "M" under the Purpose of Zoning.

Questions posed by the Board ascertained the following:
Positive criteria is satisfied by this location intending to have commercial uses on the lower level. Space was constructed for this purpose.

Mr. Rothman asked about the current uses on the lower level.

Mr. Goodman stated there is a dance studio, an excise studio, skincare shop, a small office and an antique showroom.

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

Robert Argen – 27 Seneca Road – Asked what type of attorney would be in the space.

Mr. Goodman stated it would be personal injury.

Mr. Marotta asked if anyone would like to speak in favor or against this application. No one appeared.

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

3. Application #ZBA 19-015
Applicant: Christopher Ozolnieks
19 Connecticut Street
Block: 446 Lot: 1 R-3 Zone

The applicant is requesting a c(2) variance for a front yard fence on a corner lot. On a corner lot, fences over 4 feet in height and/or greater than 50% closed are not permitted in the front yard including the side street frontage. Proposed fence is 6 feet high and more than 50% closed along the current fence line that extends past the line of the principle structure on the lot along the side of the property adjacent to the street §255-26K(2).

Christopher Ozolnieks appeared and was sworn in. Mr. Ozolnieks explained the application. Stated he is looking to replace a fence in his backyard. He requires a variance because the fence is 6 feet tall and more than 50% closed. Stated he has a corner lot and part of his side yard is considered frontage. Showed photos of an old fence and a new 6-foot vinyl fence he would like to install. Stated various reasons he is requesting the fence which include: safety, privacy, protection from animals and to improve the look of the home. Will remove the shrubs along the fence. Stated there were no comments from any of the Township professionals except the HPAB. He addressed the issues from the HPAB stating they are matching the foundation, the color and style will improve the look of the house, and people are modernizing their homes in the neighborhood. He is willing to add mature landscape once the fence is installed.

Questions posed by the Board ascertained the following:
Neighbor would see the fence line where the shrubs currently are. Current fence is old and new fence would have lattice at top so not completely closed. Feels it is a compromise. Along the one side he could have a 4-foot fence and have a 6-foot fence along the other sides. The street is lightly traveled. Would replace with small evergreens the whole length of side yard.

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.

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

2. DELIBERATION OF Application # ZBA 19-014
Applicant: Gary Goodman/Goodman Realty
29 Alden Street
Block: 189, Lot: 15.01 D-C Zone

Applicant is requesting a d(3) variance to permit conditional use of space as a professional office §255-39B(19) which requires Board approval.

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:
Very nice building. Meets parking requirement. Use is permitted. Can have a professional office above the main floor. Statute is silent on the basement level. Meets criteria of a d(3) variance.

Motion to approve Application # ZBA-19-014 was made by Mr. Aschenbach seconded by Ms. Daly with the following voting in favor of the motion: Mr. Marotta, Ms. Daly, Mr. Aschenbach, Mr. Quinn and Mr. Lucas

4. DELIBERATION OF Application # ZBA 19-015
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Block: 446 Lot: 1 R-3 Zone

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Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Not in favor of application. There are other ways applicant could put up fence and comply with the statute. Most homes in area do not have this type of fence. Might allow if it included the shrubbery. Does not feel fence of this height is a safety issue.

Motion to deny Application # ZBA-19-015 was made by Ms. Daly seconded by Mr. Lucas with the following voting in favor of the motion: Mr. Marotta, Mr. Daly and Mr. Lucas

Opposed: Mr. Quinn and Mr. Aschenbach

5. **Application # ZBA 19-010**
Applicant: New York SMSA Limited Partnership
d/b/a Verizon Wireless, T-Mobil Northeast LLC
New Cingular Wireless PCS, LLC
Union County College
1033 Springfield Avenue
Block: 121 Lot: 2.01, E-1 Zone

Applicant is requesting preliminary and final site plan approval, a d(1), d(3) and a d(6) variance for a wireless telecommunications facility §255-37I(5) & (6), plus numerous c(2) variances. A variance for height where the maximum height permitted is 70 feet, and 140 feet to the top of the tower and 148 feet to the top of the concealment branches is proposed §255-37I(10)(a), a variance for setback where the minimum required setback to the closet property line is 185 feet and 112 feet 9 inches is proposed §255-7I(10)(b)(1), a variance for separation from the nearest residential unit where the minimum is 444 feet and 229 feet 7 inches is proposed §255-37I(10)(c) and if so required, variances to permit more than one principal use on a lot, for the continuation of the existing non-conforming lot area §255-37G(1)(c) and open space ratio §255-37G(1)(e).

Gregory Meese appeared and stated last week there was a question regarding the lease. The lease is \$2900.00 a month with a 2% annual increase and a 50% colocation revenue share to the college. Also, Mr. Master noticed one of the photo locations was incorrect on the map (#3) and has corrected it and submitted the new map to the Board. It was submitted as part of the application, but still has the April date. Will mark revised with new date. Stated Mr. Colasurdo is not here and is analyzing whether or not there is another area on the campus to address the residents concerns.

Joseph Hines appeared and was sworn in. Mr. Meese stated Mr. Hines is the Director of Public Safety at Union County College. His background was provided and he has been accepted as an expert in the field of Public Safety and Emergency Management and will be a fact witness with respect to Union County College.

Questions posed by Mr. Meese to Mr. Hines ascertained the following:

Union County College (UCC) attendance is between 3000 and 6000 people coming to the college daily. There are various modes of transport but most come by vehicles. There are 3 bus lines to the campus. Also some walk or take a train to the campus. There are hundreds of faculty and staff at the Cranford location. There are three campuses and Cranford is the largest campus. Campus is open to members of the public; it is an open campus. Campus has gaps in cell phone coverage and college hired a consultant to do a needs assessment and to make recommendations. Exhibit marked A-5 is a copy of that needs assessment. College then did a request for proposals, marked exhibit A-6 dated 11-14-17. College has invested in a system that allows emergency alerts to be sent to thousands of people. However, he is certain that not

everyone will receive the message. His office in Public Safety may or may not receive that message. It depends on the carrier. Stated the indoor DAS system does not work if there is no power. The DAS system was installed by Verizon. He has a responsibility to provide emergency alerts to all people on the campus. Stated under the Cleary Act, all colleges receiving federal funding must be able to provide emergency alert notifications. Feels best way is thru cell service. Cell service needs to extend past the parking areas for students who may be on their way to school. Also need to address first responders. Feels there needs to be real time information for first responders so as not to be at a disadvantage.

Mr. Meese presented a Handbook for Campus Safety marked Exhibit A-7. Also presented a NY Times article 11-14-19 marked Exhibit A-8. Also presented an article on Brookdale College evacuation marked Exhibit A-9.

Questions posed by the Board ascertained the following:

Mr. Hines has been with UCC for over 7 years. He was not part of the conversation with the college and Verizon in the past. The RCC report talked about cell service on the campus. Tests were done by a third party. They do test the system but he does not document the results. People in his office do not receive the texts. The service is better now for certain carriers. There was an incident where the Cranford police could not send a picture from his office. They do have a backup generator for the fire alarm and lighting for evacuation. The DAS system is not part of the emergency generator system. His goal is to keep the campus safe. Putting the DAS on the generator would help, but would not address the issues outside of the buildings. The DAS was installed sometime this year or late last year. Accepted level would be 100% of people being notified. He knows it is not 100% because some people are not receiving the messages. He does not know why the generator is not hooked up to the DAS system. There will not be another fact witness. The location may have been chosen because it was less visible and on an elevated part of the campus. Fire department has equipment to access the area now and does not see that changing. Does not know why Verizon is the only carrier on the IDAS system.

There were no further questions by the Board

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

James Kutzer – 30 Cornell Road – Asked about the emergency system and if participation was optional or mandatory. Asked about the website and opting in and about the participation in the emergency alert system.

Mr. Hines stated when you enroll and provide an email you are automatically enrolled in the system. You would need to opt out on-line and remove yourself from the system. Stated the system does allow people to opt into the system. Stated percentage of participation is very high.

Ray Garguilo 1001 Cranford Avenue, Westfield - Asked about the school reaching the kids without cell phones and other options. Asked about the parking lot.

Mr. Hines stated there is a PA system that works in the building. There are no speakers in the parking lot. Looking for most effective way to get reach everyone.

Dr. Krause – 20 Pittsfield Street – Asked about it being necessary to have all that equipment.

Mr. Marotta stated another expert will testify to that question.

Tom Ganley – 29 Cornell Road – Asked about the assessment done in 2012 and the RFP in 2017. Asked about the IDAS system on the campus.

Mr. Hines stated there were things done to address the safety since 2012. Stated the IDAS is for Verizon only and it is indoor system. Stated system has improved. Stated since 2012 there has been more active shooter incidents and that things have evolved.

Marietta Horne – 42 Princeton Road – Asked who the official vender for telecommunications in Union County is and about police officers communication with UCC.

Mr. Hines did not know the answer. Stated the hand held radio is used in communication with police along with their cell phones. UCC uses the radio.

Mr. Meese stated Verizon was the winner of the RFP.

Guy Graziano – 26 Princeton Road – Asked what the number one public safety issue at UCC is and how many active shooters have been on the Cranford campus. Asked about motor vehicle accidents in front of the college and how many public safety officers are at the college. Asked about Wi-Fi in the buildings.

Mr. Hines stated parking is the number one issue. His number one concern would be an active shooter or someone with a weapon and not able to communicate with the college. Stated there have been no active shooters during his time at the college. Did not know how many accidents are at the college in a week. Stated there could be as many as 8 officers. Officers are responsible for the campus property only. Stated there is Wi-Fi in buildings.

David McDonald – 27 Dartmouth Road – Asked about DAS equipment being run on a generator. Asked if he was aware of the DAS not being on the generator. Ask about first responders and gaps in coverage. Asked if it was pre-DAS when the officer could not send a photo. Asked about how many alternatives were presented.

Mr. Hines stated he would be in favor of the equipment running off the backup generator. Stated he was not aware the equipment would not be on the generator. Stated the Cranford police department did come to campus to review the new building. Stated it was pre-DAS regarding the sending of a photo and stated he was included in the needs assessment.

Lenore Argen – 27 Seneca Road – Asked about safety drills. Asked about teachers having a cell phone and communication. Asked about spots on campus where calls are dropped.

Mr. Hines stated there are no drills since it is difference then middle or high school, but is addressed at orientation. Stated teachers are not required to have cell phones and discussed the opt in/out notification. He has been in parts of the building where he could not communicate.

Ray Licata – 10 Dartmouth Road – Asked about the alert system. Asked what year was it that the officer could not send photo. Asked if cell tower and DAS will improve cell service inside the buildings. Asked about the gaps on the campus.

Mr. Hines stated the alert system is a phone call, email and text depending on the type of event. He is not sure what year it was. But he did not have cell service. Stated the DAS does improve the cell service inside the building. There are gaps inside the Public Safety office and the parking areas.

Ray Soriente – 39 Princeton Road – Asked if he believes the college should provide cell phone service to all its students and employees. Asked about another entity outside proving that service.

Mr. Hines stated he feels it is the college's responsibility to provide emergency notifications and cell service is the most effective way. Stated it does not meet their obligation under the Cleary Act.

Questions posed by Mr. Simon to Mr. Hines ascertained the following:

The Needs Assessment (Exhibit A-5) is a PowerPoint presentation. He did not participate in the presentation. He was asked for comments on the needs assessment. In the RFP (Exhibit A-6) he gave his comments about needing improved cell service. Does not know if AT&T or T-Mobile responded to the RFP. Incident involving student with the 3 replica weapons was in 2018. The Public Safety office is in the Student Development building. There is Wi-Fi service in that building. A report was not made about the incident where the officer could not access his phone. He is not aware of any violations of the Cleary Act by UCC. They do not send emergency notifications to police or fire. There have been no problems with 911 calls. He is not aware of any law in NJ that mandates the carriers cooperating with each other during a time of emergency. He did not participate in either Exhibit A-7 or A-8. His office does not record the tests of the system. He has not seen any data regarding the testing of the system. The system being tested is to see if someone receives a call, a text or email. Test is conducted annually. The test is performed by UCC. He does not know if the emergency communications are done on high or low frequency bands. They have upgraded the fire alarm system with a PA capability. People on campus have noticed the lack of cell service. The White House is on the south end of campus on Springfield Avenue. There is no written emergency notification for use of cell phones in responding to an emergency. It is up to the Board to determine what is relevant regarding testimony. He started in the Science building with no Wi-Fi and has move to Student Development building two years ago with Wi-Fi. He did not participate or speak to any carrier before the public bid. There are 3 or 4 power outages a year. They vary in how long they last. They had no communication during that time. He does not know about antennas on top of the Library for coverage. He has not seen a propagation map for emergency communications on the UCC campus. They have ways of communication with portions of the UCC campus. The gaps identified are those that they need to cover to achieve coverage for emergency communications. He is not aware of other colleges in NJ that rely on a large cell tower for emergency communications. He is not familiar with the Cranford Swim Club application. There are no students or faculty residing at the campus. His office issues an Annual Security Report for UCC (Exhibit O-1 Annual Security Report dated 2018-2019). It is their intention to be able to send notifications to those enrolled. He is not aware of anyone not being able to reach the phone number listed in Exhibit O-1 in a time of an emergency. He is not aware of anyone not being able to reach 911 in an emergency on the campus.

Robert Argen – 27 Seneca Road – Asked about other options beside the tower and about discussing with the neighbors.

Mr. Meese stated it is not Mr. Hines expertise on designing the tower.

Mr. Hines stated that is not within the scope of his duties.

Marietta Horne – 42 Princeton Road – Asked about the DAS system and Verizon.

Mr. Hines stated the DAS improved service.

Jamie Hanna – 30 Beech Street – Asked about the emergency vehicles accessing the location and about generators and fuel.

Mr. Hines stated the road configuration will not change and he is not concerned with the the location of generators and fuel.

Ted Exarhakos - 40 Princeton Road – Asked about power outage at college and cell service.

Mr. Hines stated the officer on duty did not have cell service because the DAS system went down.

Tom Ganley - 29 Cornell Road – Asked about the Cleary Act requirement that all attendees and faculty are reached in an emergency or is it the college must show it has the capability. Asked about gaps on campus.

Mr. Hines stated there is not a requirement that everyone be reached. The college must show they have the capability. He would want all people to receive the emergency notification. He was told there would be no gaps with the cell tower.

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

Mr. Marotta stated the next meeting is next Monday at 7:45 p.m.

Mr. Simon stated he is not available for the next meeting and is requesting he be able to cross examine any witnesses that appear next Monday.

Mr. Meese stated as long the questions are not redundant, he does not object.

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 10:49 p.m.

Dan Aschenbach, Secretary