

## **MINUTES - ZONING BOARD**

July 8, 2019

The workshop portion of the meeting was called to order at 7:30 p.m. by Mr. Marotta, Chairman.

### **ROLL CALL:**

#### **Members Present:**

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

#### **Members Absent:**

Ms. Drake

#### **Alternates Present:**

Mr. Quinn  
Ms. Hay

#### **Alternates Absent:**

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

### **COMMUNICATIONS:**

A letter of withdrawal from Mr. James Turteltaub, from Iselin Realty, LLC for the application at 49 South Avenue West.

### **MINUTES:**

None

### **RESOLUTIONS:**

Motion to accept the withdrawal of Application #ZBA -19-001 from Iselin Realty, LLC for 49 South Avenue West, Block 473 Lot 1 was made by Mr. Bovasso, seconded by Ms. Daly and approved on unanimous voice vote.

### **OLD/NEW BUSINESS**

None

The workshop portion of the meeting concluded at 7:35 p.m.

### **PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on July 8, 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 19-010  
Applicant: 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) use variance for a wireless telecommunications facility §255-371(5) & (6), a c(2) variance for height where the maximum height permitted is 70 feet and 140 feet is proposed §255-371(10)(a), a c(2) variance for setback where the minimum required setback to the closet property line is 175 feet and 112 feet 9 inches is proposed §255-371(10)(b)(1) and a c(2) variance for separation from the nearest residential unit where the minimum is 420 feet and 229 feet 7 inches is proposed §255-371(10)(c).

Gregory Meese, Esq. appeared and stated he received a letter from Mr. Rob Simon who is representing some of the objectors. Mr. Simon has requested an adjournment due to the 4<sup>th</sup> of July holiday and some objectors not having enough time to prepare. Would like to adjourn to the next scheduled meeting or a special meeting.

Mr. Rothman stated it is up to the Board members to select a date and the applicant will need to re-notice for the next meeting. Mr. Rothman will discuss with counsel and get back to them on date where there will be a quorum for the Board.

Rob Simon, Esq. appeared and stated he is the author of the letter requesting the adjournment. Asked that his office be consulted on the new date. Mr. Simon identified his clients as Union County United Inc. and there are four trustees.

2. 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.

Jason Tuvel, Esq. appeared. Stated this project was approved in 2017. There are 24 apartments and 5000 sq. ft. of commercial space. Applicant is here to amend the approval and the ground floor configuration. There are no site plan changes, but there will be three signs instead of one. The applicant will be dividing the space into three commercial tenants. The first

one will be 996 sq. ft. and will be a café, the second will be 1114 sq. ft. and will be a winery outlet, the third will be 2887 sq. ft. and will be a Japanese noodle restaurant (Ani Ramen). Reviewed the parking variance. Stated nothing is changing with the residential parking. In the prior approval, the commercial component had 45 spaces required for the one tenant. Now proposing to break up space into three commercial tenants. There is still a 45 space parking requirement. No additional relief is being requested. There is still the same amount of seats for the three establishments. Stated in the 2017 traffic report there were 100 seats in the Ani Ramen restaurant, now there are only 85 seats. He will be calling two witnesses this evening. Stated in 2017 there was a parking study done that they have since updated.

Avelino Martinez 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. Reviewed the changes from the initial approval in 2017 and the proposal today. Referred to sheets T-1 through A 2.1 dated March 20, 2019. Discussed the ground floor plan sheet A 2.1. Stated there are no changes to façade. The 5000 sq. ft. ground floor is being subdivided into three separate spaces. Door locations and trash location remains the same. Marked A-1 as the entire architectural exhibit with four sheets. There are place holders for signage which would be submitted by the individual tenants. Reviewed the trash room and stated it has not changed. All bulk standards remain the same. They would need to speak with the operators of the spaces regarding the amount of trash they would generate.

Questions posed by the Board ascertained the following:

There is a different owner then the one in 2017. They are not seeking any relief from prior conditions of the approval. The trash generation is similar and it is a private trash hauler. Frequency of pick up can be adjusted. The residents have a trash chute to a compactor. The trash room is based on the sq. ft. of the commercial space which is 5000 sq. ft. The number of seats is the same as previously approved. The illumination will still be external as required by ordinance and will still have building mounted exterior lighting. Parking requirement is based on the number of seats not the square footage. The number will still be 113 seats. The variance runs with the land with respect to the parking.

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

Tony DiGiovanni – 26 Forest Avenue - Asked if there is more than one trash room and about the trash for the 24 apartments. Asked commercial tenants' access to the trash room. and about recycling. Asked if this space can still be used as one 5000 sq. ft. restaurant.

Mr. Martinez stated there is only one trash room. There is a trash compactor and a chute. The retail tenants have dumpsters and there may be bins for the recycling. The space could be used as one restaurant.

Discussion was held as to the reasons the applicant is here today before the Board. The parking ordinance and the 2017 prior approval were reviewed.

John Healey – 204 Walnut Avenue – Asked where the deliveries will be made and about the parking ordinance and amount of spaces.

Mr. Martinez stated the access points are two in the rear and six in the front.

Jamie Hanna – 30 Beech Street – Asked about bathroom facilities for tenant number three.

Mr. Martinez stated the layout is a subdivision plan and bathrooms will be designed by the tenants and will be in compliance with the law.

Adam Farrah – Senior Vice President of UCEDC – 75 Chestnut - They are next door to this project. Asked about where delivery trucks will be staging. Stated the intersection has bad site lines and could be a public safety issue.

Mr. Tuvel stated the Traffic Engineer will be able to address that question.

Anthony DiGiovanni – 26 Forest Avenue – Asked about loading spaces and architecture design with regard to building and layout. Asked questions about previous 2017 tenant with regard to deliveries and hours of operation and about on-site and off-street loading spaces.

Mr. Tuvel stated that usually the architect does within the four walls and the site engineer does everything on exterior of walls.

Mr. Martinez stated he is aware of the previous commercial tenant being one tenant.

Joseph Steiger appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of traffic engineering and planning. He has reviewed the property, the area and the parking ordinance with the application. He prepared the traffic study and a parking study for this application. Also prepared the 2017 parking study. Reviewed his parking study from 2017 and his revised report of June 2019. Stated the Ani Ramen will now have 85 seats instead of 100 seats. Will have a total of 113 seats. Kilkenny was to have 112 seats now there is 113 seats. Stated the traffic impact will be the same. Parking requirements are based on the number of seats. Required 45 parking spaces with the previous application and still require the same amount of spaces with this amended application. Discussed intensity during peak hours. One user will have one peak while three users will not likely peak at the same time. Discussed the parking study. They surveyed two block distance from site, and went at times that restaurant and residential would peak. Found 103 vacant spaces within the two-block site.

Reviewed the three separate users: Tenant One will have 12 seats, open 10am to 9pm. Will have two employees, and deliveries will be once a week with a small box truck. Product sold will be 80% Bubble Tea and 20% food. Tenant Two a winery, will be closed Monday, will have 16 seats, Tuesday thru Thursday hours are 11am to 9pm, Fridays till 11pm and Sundays 12pm to 8pm. There will be one full time and one part time employee and there will be one delivery a week with a van. Tenant Three will have 85 seats, hours are Sunday thru Thurs 11:30am to 3:00pm, and 5:00pm to 10pm. Friday and Saturday 11:30am to 3:00pm and 5:00pm to 11:00pm. There will be 12 employees and 4 trucks per week which will be step van/box trucks. No tenants will have tractor trailer deliveries. There is a loading zone on Chestnut Street. Vans can access garage if needed which has a 10-foot clearance.

Mr. Tuvel asked the Board if they would be able to adjourn to the next available meeting in order to get clarification for the Board for all their questions.

Questions posed by the Board ascertained the following:

On sheet C3 Layout and Materials Plan (Exhibit A-2) dated March 10, 2017 shows the distance from curb radius from Walnut to Chestnut is 56 feet to driveway. Loading zone should be designated 46 feet from driveway and 10 feet from stop bar. Will concentrate on the trash component and have answers when they come back for next meeting. The restroom facilities will comply with all building code requirements. Each facility will have its own restrooms. There will be no outdoor seating for any of the three restaurants. Employees will park in available public spots. Did not use the Wells Fargo area in the calculations. The loading dock will be 46 feet for two trucks. There will be six deliveries a week. Based on the parking study, there is adequate capacity for 5000 sq. ft. for restaurant/retail space. There is no increase in the trip generation. Train station lot was not included in the study or the parking garage. Trip generation is determined by the ITE rates using empirical data. Used the rates for high turnover sit down restaurant. The retailers and the hours of operation could change and new tenants could come in with new products. In most cases, retailers will not be selling the same products. All the tenants have signed leases.

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

Tony DiGiovanni – 26 Forest Avenue – Asked if he testified at the 2017 hearing and about previous testimony in 2017. Asked about different peak times with the 2017 applicant vs. the current applicant.

Mr. Steiger stated his partner testified at that meeting. Stated there is no parking variance needed because the required parking spaces were not increased. Stated the ITE generation was used for the 2017 application.

Rita LaBrutto – 104 Arlington Road – Asked about the application being approved for a specific user. Asked about a deficit of spots and if residential homes were included in the survey. Asked about a property on Chestnut Street and about resident parking spaces and dedicated parking.

Mr. Tuvel stated that the application was approved for a specific use not a specific user.

Mr. Steiger stated they used legal public usable spaces within a two-block radius. Stated he is not aware of the property on Chestnut Street. Discussed shared parking arrangements. Stated residents may not have assigned parking spots.

Mr. Steiger amended his testimony to state he did use the train station parking lot in the study.

Tony DiGiovanni – 26 Forest Avenue – Asked about loading and a Stop sign. Asked about striping and approval of the striping. Asked about the site triangle and about three tenants vs. one tenant loading requirement. Asked about limitation of hours for loading in prior resolution.

Mr. Steiger stated loading will be on Chestnut Street and there is a Stop sign. Stated it will be striped and the Township Committee grants approval. Stated the Board granted a waiver for the

loading. There will be a loading zone sign 10 feet back from the stop bar and the loading requirements are the same for one large tenant vs. three small tenants.

Mr. Tuvel stated the Board may impose reasonable conditions on a site plan.

Nick Dickerson – Maser Consulting - Board Planner appeared. Referred to his revised letter originally dated May 17, 2019. Stated that it looks like there are 43 spaces approved in the resolution: 36 off street and 7 on street. Asked about revised drawings and if the cable canopy was a new addition.

Mr. Martinez stated there was no change to the exterior.

There were no further questions and the matter was referred back to the Board.

Mr. Tuvel confirmed the next meeting will be August 12<sup>th</sup>. Confirmed the application will be carried till then with no additional notice needed. Stated he will bring back all his witnesses.

**PUBLIC PORTION:**

Gerry Grillo – 4 Seneca Road – Asked Board members to view prior meetings that have been before the Board in the past.

Tony DiGiovanni – 26 Forest Avenue – Lifelong resident of Cranford. Appreciate Board members trying to make the best decisions for the town. Requests that as volunteers they have an obligation to research the information.

Mr. Tuvel objected to the statement by Mr. DiGiovanni.

Adam Farrah – Sr. Vice President UCEDC – Asked about making a comment.

Mr. Marotta reviewed how the meeting will be proceed on August 12<sup>th</sup>. Stated that at that time public comment will be allowed regarding the application being heard.

This portion of the meeting was concluded at 10:43 pm.

Motion to go into closed session was made by Mr. Bovasso, seconded by Mr. Ashrafi and passed on unanimous voice vote.

Motion to go into open session was made by Mr. Bovasso, seconded by Mr. Salomon and passed on unanimous voice vote.

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Motion to approve Resolution #ZBA-19-003 to engage conflict experts Mott MacDonald was made by Mr. Salomon, seconded by Mr. Ashrafi and passed on unanimous voice vote.

**CONCLUSION:**

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The official meeting concluded at 11:10 p.m.

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Robert Bovasso, Secretary