

MINUTES - ZONING BOARD

June 25, 2018

The workshop portion of the meeting was called to order at 8:02 P.M. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

Mr. Marotta
Mr. Pistol
Mr. Illing
Mr. Bovasso
Ms. Daly – Arrived at 8:18 pm
Ms. Drake
Mr. Salomon

Members Absent:

None

Alternates Present:

Mr. Trelease

Alternates Absent:

Ms. Hay

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

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

1. **Application #ZBA-18-007
Gary & Teresa Palm
1052 Coolidge Street
Block: 132 Lot 5:, R-2 Zone
Requesting a C(2) variance for an increase in impervious coverage
beyond the 35% maximum in the R-2 Zone to 45.2% and a pool
setback of 10' to the side property line, where 15' is required.**

The Resolution of Memorialization (attached and made part of these minutes), was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Pistol, seconded by Mr. Bovasso and passed by unanimous voice vote.

MINUTES:

Motion to adopt minutes of the June 11, 2018 meeting as amended, was made by Mr. Pistol and seconded by Mr. Salomon and passed by unanimous voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:05 P.M.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on June 25, 2018 at 8:17 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-18-014**
40-42 Jackson Drive LLC
40 Jackson Drive
Block: 640 Lot 6.01, Zone C-1
677 & 679 Raritan Road
Block 640 Lots: 2 & 3, Zone NC

Applicant is seeking preliminary and final subdivision, site plan, use and bulk variance approvals. The Applicant proposes to construct an additional warehouse facility on Lot 6.01, and to subdivide Lot 6.01 into two parcels, here referred to as Lots 6.01A and 6.01B. Lots 2 and 3 will be merged into Lot 6.01B. Lot 6.01A will continue to house the existing warehouse facility. The Applicant will construct the new warehouse facility on Lot 6.01B.

The applicant is requesting the following "D" variances:

§ 255-36C – "d(1)" use variance. Warehousing uses are not permitted in the NC zone. A portion of the proposed structure on Lot B crosses the zone line from C-1 into NC.

§ 255-36C – "d(4)" FAR variance. The C-1 zone permits a maximum FAR of 0.3. The Applicant proposes 0.44 on Lot A and 0.44 on Lot B.

The applicant is requesting the following "C" variances:

§ 255-34 – C-1 Corner Lot Area. Required 100,000 sf, proposed 74,395 sf on Lot A

§ 255-34 – C-1 Corner Lot Width. Required 250 feet, proposed 217.86 feet on Lot A

§ 255-34 – C-1 Interior Lot Area. Required 150,000 sf, proposed 82,056 sf on Lot B

§ 255-34 – C-1 Interior Lot Width. Required 250 feet, proposed 202.63 feet on Lot B

§ 255-34 – C-1 Minimum Side Yard (one). Required 50 feet, proposed nine feet on Lot B

§ 255-34 – C-1 Minimum Side Yard (both). Required 100 feet, proposed 55.2 feet on Lot A and 59 feet on Lot B

§ 255-34 – C-1 Maximum Building Coverage. Permitted 35%, proposed 43.9% on Lot A and 41.6% on Lot B

§ 255-34 – C-1 Minimum distance from one- and two-family zone. Required 100', proposed 55 feet on Lot B

§255-34 – NC Minimum Side Yard (one). Required 12 feet, proposed 10 feet on Lot B

The applicant is requesting the following Design Waivers:

§ 255-26G(8(a)) – Waiver for parking lot landscaping. Not less than 10% of each parking area shall be suitably landscaped.

§ 255-26G(8(c)) – Waiver for parking lot trees. Parking lots are required to have one tree per 12 spaces, and no more than 12 spaces without a landscaped island.

§ 255-26G(9) – Waiver for parking lot lighting. The Ordinance requires parking lots to be lit at 1.5 foot-candles.

§ 255-26G(12) – Waiver for bicycle parking. The Ordinance requires nonresidential developments provide one (1) bicycle space for each 50 off-street parking spaces, but at least three (3) bicycle spaces. A total of three (3) bike spaces are required.

§ 255-26H(2)(a) – Waiver for façade materials. The Ordinance requires façades in the NC zone which are facing the street to be at least 75% brick, stone or metal.

§255-26H(2)(b) – Waiver for façade articulation. The Ordinance requires the vertical demarcations every 25 linear feet in the NC zone.

§ 255-26H(2)(c) – Waiver for façade fenestration. The Ordinance requires 40%fenestration on street-facing facades in the NC zone.

§ 255-26I – Waiver for façade materials. The Ordinance requires non-street facades in the NC zone to have at least 25% of the façade be brick or stone.

Stephen Hehl appeared on behalf of the applicant. He explained the application.

Stated many of the variances and waivers that are listed are dictated by the fact that the property is in a split zone. The warehouse portion is in the C-1 zone and the front part which is for the parking and office space, is in the NC zone. Stated the reason for the subdivision is for marketability and leasing purposes. Stated the applicant worked hard to provide a significant landscape buffer between the proposed warehouse building and the residential area.

Victor Vinegra, 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 and planning.

He testified to the following through questions posed by Mr. Hehl for Engineering:

Described Exhibit A-1 as an ariel view of existing area and Exhibit A-2 as a color rendering of sheet # 3 in the packet with some modifications. Modifications are a truck turning template and narrowing of the road. Site consists of three lots: lot 6.01 which fronts on Jackson Drive and two small lots numbers 2 & 3, which are 677 & 679 Raritan Road, both of which at one time had residential homes. Site has a mid-size warehouse which at one time was leased by Mack-Cali.

Originally the applicant was looking at commercial on first floor and residential on top. However, applicant decided to do warehousing, which is permitted, but wants to front the building on Raritan Road. Stated in his professional opinion it is better to have two separate buildings. The older building has sufficient parking and is leased by Nuts.Com. The footprint of new building is approximately 38,000 square feet. Stated they are reducing the impervious coverage. Right now, there is a 20 to 25-foot buffer to homes in Linden. What they intend to do is to keep the mature trees and shrubs but do a 50 foot plus buffer. Went through the existing conditions describing the photographs as:

- A-3 View along Jackson Drive with bump out
- A-4 Current driveway along Jackson Drive
- A-5 Another view of Jackson Drive with NJ Transit kiosk
- A-6 View internally of parking lot as exists today – over 170 spaces
- A-7 View of end of street in Linden with drainage site
- A-8 House at end of Berwood Road
- A-9 View of buffer
- A-10 Another view of internal parking lot
- A-11 View across the street in Linden
- A-12 View of where the two single family homes were located
- A-13 Queuing that occurs along Raritan Road
- A-14 View from Raritan Road of parking lot and two loading docks on existing building
- A-15 View of convenience store
- A-16 View of the side of existing building
- A-17 View of existing building Lot A
- A-18 View of side street
- A-19 View of building next door coming from Jackson Drive
- A-20 View of front entrance for Lot A – has handicap space
- A-21 View of shrubs that will remain between Lots A & B

Stated that both sites fulfill the parking demands. Described Exhibit A-2, the color rendering. Stated the Township Engineer and Planner made comments about truck circulation and having Jackson Drive conform to the Master Plan with regard to lot width. Stated that applicant has agreed to narrow Jackson Drive to be consistent with the Master Plan. Also, will move some existing storm drains. Any new curbing will be Belgian block. Stated they would like to flip the driveways and reverse the traffic flow. Will also be reducing the amount of impervious and asphalt coverage.

Discussed the design of the buildings. Stated that by having two smaller building you are seeking two specialty clients vs. someone looking for a huge warehouse and does not generate as much truck traffic. Lot A existing tenant likes building and wants to renew lease. Stated only has two tailboards. Described uses for that building. One of the major variances is side yard setbacks. Wanted to push building as far away from homes as possible. Buffer is now 20 feet from property line to curb, they are proposing at the closest will be 50 feet. Storm sewer will be in green area with underground piping. Stated he would like to change the landscaping from the 10-foot arborvitae along the building, and instead mix it up with different species and use the arborvitae as fill with existing landscape for a natural fence buffer. Stated they are limited on tailboards. Wanted only three so that they are looking at someone who is not a “warehouser”. Looking to attract a sales or call center.

They are requesting design waivers for the tree islands and parking lot landscaping. Would like to take that and move it around and use as landscaping instead of tree island.

Stated ordinance requires a 10 x 18 parking spaces they are asking for the normal 9 x 18 spaces. Instead of double striping in parking area, they are asking for single stripe since it is employee parking.

Footprint of existing building is 48,721 sq. ft. and does have a second level for office in the front. The two homes that were there years ago were about 14,000 sq. ft., there is 90,000 sq. ft. of impervious surface and about 34,000 sq. ft. of open space. Proposed building of 38,000 sq. ft. gives a total of 86,716 sq. ft. Adding 24,000 sq. ft. but 28,000 sq. ft. less asphalt. Open space is an increase of 2,400 sq. ft. New water quality detention will be on entire side of building and will do planting there also.

Discussed the C-variances that are being requested. Some are subsumed into the D variance, some are not. Stated the new building will be 9.3 feet away from the property line, the old building is 5 feet and they have enough distance for fire doors and personnel to go between buildings. Feels it is a better layout then connecting the buildings.

Went over the review letter from the Township Engineer dated June 20, 2018. Stated they will comply with the following requests from the Engineer:

Page 5,6,7:

D Items: 1,2, 3, 4, 5, 6 & 7

E Items: 1,2, & 3

F Items 1C, 2, 3

Item 4 asking for a variance

Item 5 asking for a design waiver

Item 6 asking for 9 x 18 parking spaces

Item 7 asking for flexibility for trucks and employee areas

Item 8 they will add 2 breaks

Items 9, 10 & 11 will comply

Item 12 asking for a design waiver

Item 13 asking for variance

Items 14 & 15 will comply

Items 16,17 & 18 architect will address.

Item G-1 & 2 will comply

Item 3 – keeping the asphalt

Item 4 & 5 – will comply

Item 6 – design waiver – will comply with ADA requirements.

Item 7 & 8 – will comply

Mr. Masol asked about adding the landscaping islands.

Mr. Vinegar stated that they were looking for some flexibility in that design. Stated he will agree to putting two islands across from each other in the front parking lot along Raritan Road.

Mr. Hehl stated he reviewed all the other reports that were sent to him and there were no negative comments on the reports. Stated they will work with the Fire Department if necessary for the egress.

Questions posed by the Board ascertained the following:

First floor will be 33,000 sq. ft: 4,200 first floor office and 4,200 office on top. Frontage is 4,200 per level and behind first floor is all open warehouse. It will be 2 levels of office, 35 feet in height. One tenant is proposed. Other building has a tenant already leasing the space. Ceiling height of 35 feet is typical. This building is more like a residential building. C-1 zone permits the height. The Minimart is paved right up to the curb. Loading will be from rear only. 10 x 18 parking spaces increases the asphalt coverage. The State code is 9 x 18 for parking spaces. There is a 50-foot landscaping buffer. Applicant is complying with almost everything requested by the Township Engineer. Maximum parking spots in the front is 35.

Mr. Marotta asked if there was anyone who had questions for this witness, the following appeared:

David Caserie – 144 Raritan Road, Linden – Asked if it is possible not to have two curb cuts and traffic going both way.

Mr. Vinegra stated the problem is the light on Raritan Road and one way in and one way out will not help the queuing. Stated if traffic backs up, this will give flexibility.

Mr. Mattora stated that Emergency Services might want to have two access points.

Charles Honara – 140 Berwood Road, Linden - Asked what sound buffer there will be for the trucks that go into the property and is there going to be a limit on when they can make their deliveries. Also asked if loading docks can be moved and who will maintain the expanded buffer.

Mr. Marotta stated that the Property Maintenance official at the Township is responsible for making sure property owners maintain their properties.

Mr. Vinegra stated the plans shows a row of 10 Arborvitae which they can move and place along the property line for a sound buffer, also stated that there will only be three loading docks so the truck traffic will not be as intense.

Maxine Giordano appeared and was sworn in. Her credentials were presented to the Board and she was accepted as an expert witness in the field of architecture.

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

Described Exhibit A-22 as a color rendering of property. Stated item 16 is a vertical demarcation and they are asking for 40 feet instead of the 25 feet that the Township requires in the NC zone. They are asking for a design waiver. Back of structure shows the loading docks, and side of building has no vertical demarcation. Front is two story office with aisle down center. There will be brick as required, some glass and a metal roof on the top. Sides will have impression of stone.

Materials will be brick, stone impression, metal, glass skylight and two-story atrium and will have an open floor plan.

Questions posed by the Board ascertained the following:

Jackson Drive side has tilt up concrete panel, metal roof, loading zones, impression of stone and that is where the dumpster will go. There is no brick on the existing building. Loading dock will be raised. They will build an exterior projection around dumpster 8 feet high for sound barrier. Also, will add two sets of two windows in back on Jackson Drive. They will take brick to left and right end of front elevation. Driver accesses the building by doors on the side of building. Will move door closer to the loading dock.

Mr. Marotta asked if anyone from the public had questions for this witness with no appearing the matter was referred back to the Board.

Mr. Christopher Erb, appeared and was sworn in. He testified to the following through questions posed by Mr. Hehl:

He is the General Counsel for Mr. Sharma, owner of 40 Jackson Drive. Stated that the property is a warehouse and an unused parking lot. There are also two vacant lots that use to have single family houses on them. The vision is to bring in a mid-level warehousing company that does not have a ton of traffic. Will be a better-looking site. Wanted to have a substantial buffer to reduce the noise and to be good neighbors. Will add a wall to reduce sound in back area. Will comply that buffer area will be maintained. Stated that it would be difficult to reconfigure the existing building. Mr. Erb will let Nuts.Com know that anything they can do off-street should be done. Applicant will comply with the revisions.

Questions posed by the Board ascertained the following:

Mr. Erb will defer to Mr. Vinegra regarding the sidewalks. They have done some internal and external improvements to the existing building. There are no plans to match the facades to new building. Some of the waivers are due to the subdivision. There is high demand for mid-size flexible warehousing. Believes this is the highest and best use for this site. Two separate buildings allow for flexibility for tenants. More marketable with two spaces/two lots. It was discussed doing a two unit condominium but felt the quality long term tenant is a triple net lease.

Mr. Johnson, Zoning Officer asked about the dumpster screening.

Mr. Erb stated they would do fencing around the dumpster.

Mr. Marotta asked if anyone from the public had questions for this witness with no appearing the matter was referred back to the Board.

Victor Vinegra, 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 and planning.

Mr. Vinegra confirmed what Ms. Giordano had agreed to: they will add a door closer to loading area and make a wall by loading dock. There will be a 4-foot tailboard and 8-foot decorative block. Dumpster will be enclosed and will have a metal roof.

As the Planner, Mr. Vinegra described the existing lots and that they are in a split zone. Described the proposed improvements. Stated Raritan Road is the road with the most pass by traffic. Described the C and D variances requested and the reasons those variances should be granted. Cited case law for D-1 and C Variances.

Discussed the positive and negative criteria. Stated the project has permitted uses and provides a better buffer to residents. Stated project will not impair the intent of the zoning ordinance. The ordinance does permit warehouse/office in the C-1 zone and office in the NC zone. Stated that he has addressed the majority of the Maser review letter dated June 11, 2018. Stated they will comply with the Planner's requests on:

- Page 10 F -1 will comply
- 2 will comply
 - 3 zoning table not needed
 - 4 majority of bulk variances – agree
 - 5 truck egress – good layout
 - 6 will comply
 - 7 will go back to client will do picnic area
 - 8 Lot A – will move landscaping around
 - 9 Height requirements - will address
 - 10, 11, & 12 – will comply

Questions from the Board ascertain the following:

Need the C-1 variance because building will be 55 feet instead of 100 feet from the one & two-family zone. Will over buffer the area. Is a pre-existing condition even though has not been used for a year and a half. As long as you don't change the use, the law states it stays as a pre-existing condition. This type of warehouse is less intensive than cross docks. Not proposing fencing around the property at this time. There will be security lighting on the property. Trash enclosure will have gates. 20-yard dumpsters are proposed. Proposing a concrete deck for trash enclosure. Sidewalks will be installed per the Township's Traffic Bureau and Engineer's recommendations.

Kristin Russell appeared and was sworn in. Stated she is from Maser Consulting and is Planner for the Township. Asked about the D variance testimony from Mr. Vinegra. Asked about negative criteria and Master Plan.

Mr. Johnson stated conditions required for offices in the NC zone

Mr. Vinegra stated it is a D-1 variance and stated special reasons for conditional use. Stated that he cited case law. Feels benefits outweigh the detriments of having a D-1 variance in the NC zone. Also stated that they are doing the street narrowing along Jackson Drive to be in accordance with the Master Plan. Described what could be located at the site for either conditional or permitted uses. Feels his testimony is accurate.

There were no further questions by the Board.

Mr. Hehl summed up the application. Stated this is an exciting project. For most of site, the use proposed being warehouse in C-1 zone is permitted. The buffering is being increased, the reason for subdivision has been explained and the justification for the bulk variances has been set forth. The D-1 variance for warehouse use in the NC zone is because of the split zone. Office use will front on Raritan Road. Great investment to Township and great improvement to the site. Feels testimony justifies the granting of the variances. Looks forward to Board approving the application.

Mr. Marotta asked if anyone in the public wished to speak for or against this application.

With no one appearing, the application was referred back to the Board for deliberation.

**2. DELIBERATION OF Application #ZBA-18-014
40-42 Jackson Drive LLC
40 Jackson Drive
Block: 640 Lot 6.01, Zone C-1
677 & 679 Raritan Road
Block 640 Lots: 2 & 3, Zone NC**

Applicant is seeking preliminary and final subdivision, site plan, use and bulk variance approvals. The Applicant proposes to construct an additional warehouse facility on Lot 6.01, and to subdivide Lot 6.01 into two parcels, here referred to as Lots 6.01A and 6.01B. Lots 2 and 3 will be merged into Lot 6.01B. Lot 6.01A will continue to house the existing warehouse facility. The Applicant will construct the new warehouse facility on Lot 6.01B.

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Not opposed to use variance. Due to the mixed zone, there is a reason for the variances. Feels they have shown there is some public good. Is concerned about design wavier for the parking spots, does not feel necessary. Worried about it being so close to the one and two-family zone. Requirement is 100 feet and they are proposing 55 feet. 9 x 18 is the standard required by the State for parking spaces. 100 feet is required in the zone, but this project is already pre-existing 25 feet, so they are doubling the distance. Low intensity warehouse. Have not seen a lot of activity for putting up a warehouse in the business park in some time. Improvement of putting sidewalks on three sides could be start of how Cranford wants area to look. They are adding more of a buffer, enclosing the garbage area, putting back in the landscaping islands. Good use for this land. Putting office in front will look like neighborhood commercial. Investment in the town and the community. Office park has had issues getting tenants, is a beneficial project. No harm to either zone. Good proposal. This is what we want to have in this area. Need to have an employment center in the business park. Applicant has complied with all improvements and designs the Board has asked for.

Motion to approve Application # ZBA-18-014 (with the following conditions: sidewalks on three sides, two landscaped islands, sound buffer for loading dock, lighting requirements, dumpster will be enclosed, maintenance of buffer area, brick extended across façade of building, Jackson Drive side will add windows, door will be moved closer to loading dock, vertical demarcation, roof on dumpster enclosure and 10 foot Arborvitae will used as filler along buffer) was made by Mr. Bovasso, seconded by Mr. Salomon with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Daly, Ms. Drake, and Mr. Salomon.

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 11:48 P.M.

Jeffrey Pistol