

MINUTES - ZONING BOARD

March 26, 2018

The Workshop portion of the meeting was called to order at 8:02 P.M. by Mr. Illing, Vice-Chairman.

ROLL CALL:

Members Present:

Mr. Illing
Mr. Pistol
Mr. Bovasso
Ms. Daly
Ms. Drake
Mr. Salomon

Members Absent:

Mr. Marotta

Alternates Present:

Mr. Trelease

Alternates Absent:

Ms. Hay

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

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

Motion to adopt the Resolution of Memorialization to appoint Nicholas A. Giuditta, III, Esquire as Zoning Board Attorney for the remainder of the 2018 year, was made by Mr. Bovasso and seconded by Mr. Pistol and passed by unanimous voice vote.

MINUTES:

Motion to adopt minutes of the March 12, 2018 Closed Session meeting as amended, was made by Mr. Pistol and seconded by Mr. Salomon and passed by unanimous voice vote.

Motion to adopt the minutes of the March 12, 2018 Workshop meeting was made by Mr. Bovasso and seconded by Mr. Pistol and passed by unanimous voice vote.

OLD/NEW BUSINESS

Ms. Lenahan passed out bound copies of the Township of Cranford Zoning Ordinances.

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

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Illing on March 26, 2018 at 8:19 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.

Mr. Illing explained the protocol, purpose and procedure that will be followed during the hearing.

- 1. Application No. ZBA-17-025**
Applicant: Florin Traistaru
115 Miln Street, Block 187, Lot 13, Commercial D-B Zone
Requesting a use variance to convert a principal permitted use
space (retail) to a dentist office (conditional use) on the first
floor in a zone where not permitted (§136-30).

Mr. Traistaru appeared and was sworn in. He explained the application. He is the owner of the property. He purchased the property about two years ago, and it is located in the Special Improvement District. At this time the first floor is vacant and the second floor is an owner occupied residence. The applicant described the property as a triangular shaped corner lot with 0.17 acres. He is seeking a conditional use variance to permit converting the first floor to a dentist's office. The property is zoned in the business district and to conform with the ordinance he will need a variance for parking size from 10 x 18 to 9 x 18 to meet all standards and codes. The applicant stated that granting of the variance will not be detrimental to the public's welfare and the use is for the public good. A professional office is a permitted use on the second floor in that zone. The applicant states that an office on first floor will be more accessible to many more people.

Questions posed by the Board ascertained the following:

The applicant is the dentist. He lives on the second floor. There will only be one dentist in the practice. In the future, the second floor may be office space and he may rent it out. This is a conditional use. The first floor and the basement total over 1000 square feet.

The office will be approximately 900 square feet on first floor and the basement will hold patient records and Silva injectors, etc. The applicant stated he will only use a 3 x 3 space in the basement. The hardship is the location of the building due to the parking. Parking spaces do comply with the zoning ordinance. Customers will come into office from the front entrance. Applicant provided pictures marked exhibits A-1, A-2, & A-3, showing pictures of pipe coming from roof, corner of building and picture of building, respectively.

Prior to the applicant purchasing the building it was a retail space. There is a sign already on the property and applicant will have a similar sign. There will be no lighting changes nor changes to curb cut or driveway entrance. Trash will be secured and taken by waste management company.

Mr. Johnson stated that the basement space has to be utilized. There will be 500 square feet in the basement and 900 square feet on first floor for dentist office. For a total of over a 1000 square feet. Utilities in the basement were not part of the calculation.

Zoning Board Attorney stated that the Board could grant a deviation from the conditional use if basement is used as storage and the first floor is a total in excess of 1000 square feet. Waivers can be granted if reasonable under the circumstances.

Mr. Illing opened the application to the public for questions of the witness with no one appearing the matter was referred back to the Board.

Mr. Traistaru summarized his application. Stated that he does not consider the basement as part of the office and does not feel it should be included in the calculation.

Mr. Illing opened the application to the public to comment either for or against this application, the following appeared:

Mrs. Krause – 20 Pittsfield Street appeared and was sworn in. Stated she is concerned about St. Michael's school being directly opposite the driveway of the entrance and exit of the applicant's property. Stated there are hundreds of children at St. Michael's school and feels the intersection is dangerous.

Mr. Masol, Township Engineer appeared and was sworn in. He discussed his March 14th review letter. Stated there is an ADA proposed parking space which is undersized. Stated that the applicant should be required to widen the aisle to comply with the ADA standards.

1. **Deliberation of Application No. ZBA-17-025**
Applicant: Florin Traistaru
115 Miln Street, Block 187, Lot 13, Commercial D-B Zone
Requesting a use variance to convert a principal permitted use space (retail) to a dentist office (conditional use) on the first floor in a zone where not permitted (§136-30).

Mr. Illing reviewed the testimony.

Board comments consisted of the following:

Does not see it as a detriment to the zoning ordinance or neighborhood. Should generate the same amount of traffic as previous use. Conditional use is a matter of interpretation. Motion should be granted with conditions that basement only be used as storage, dentist office on first floor and widening of the ADA parking space.

Motion to approve Application # ZBA-17-025 was made by Mr. Bovasso, with the following conditions: basement will only be used as storage, dentist office only allowed on the first floor and must widen the ADA parking space, seconded by Ms. Daly with the following voting in favor of the motion: Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Daly, Ms. Drake, Mr. Salomon and Mr. Trelease.

2. **Application # ZBA-17-030**
Applicant: Community Access Unlimited, Inc,
70 Myrtle Street, Block: 634, Lot: 1.01 Zone C-2
Preliminary and final site plan approval for amendment to prior site plan approval (July 13, 2015) regarding use of administrative office space, expand on-site training and educational services that will exceed the maximum allowable lot coverage (§136-30, Attachment 1, Schedule 1): and with the following previously approved variances: to exceed maximum allowable lot coverage (§136-30, Attachment 1, Schedule 1); generator located in the front yard (§136-31D(4); less than the minimum required parking aisle width (§136-23.6) and the following pre-existing conditions: less than the minimum required setback to the GSP (§136-30, Attachment 1, Schedule 1); less than the minimum required front yard setback (§136-30, Attachment 1, Schedule 1).

Mr. Stephen Hehl, appeared on behalf of the applicant. He explained the application and why it was carried from the last meeting. Stated they were before the Board in 2015. Explained the history of the building. Applicant is requesting to take approximately 4000 square feet of administrative office space and convert it to training & educational space for people with special needs. No exterior or site changes are proposed. Stated they require a D variance because the administrative office space is permitted in the zone but the training and educational office space is not. Stated the applicant is an inherently beneficial use.

Thomas Quinn, 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. Stated that he was before the Board in 2015 when they granted approval for site plan changes.

Stated that the only changes to the site plan are three small portions along Myrtle Street which were owned by the Township and donated to Community Access Unlimited. Those three parcels were merged into the existing parcel, which is now approximately 5000 or 6000 square feet larger. Parking demand now is less based on the usage of the building. Site has two access driveways one on Myrtle Street's westerly side and one on the easterly side of the smaller satellite parking lot.

Question by the Board ascertained the following:
Community Access Unlimited is a not for profit. It is a private not for profit agency.

Mr. Illing opened the application to the public for questions of the witness the following appeared:

Rita LaBrutto – 104 Arlington Road

Asked applicant if the property is tax exempt and asked if the generator in front yard had landscaping. Mr. Quinn stated it is located at the easterly portion of the site and yes there is landscaping surrounding it. Ms. LaBrutto asked about the parcels from the Town. It was stated that they were donated.

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

James Guerra, 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. Described the interior changes proposed to convert from administrative office to training and educational space. No changes to outside and only inside changes are minimal. Stated the drop off procedure would be switched. The canopy area will be used by the administrative personnel. Stated that 3700 square feet would convert from administrative to educational. They have complied with all ADA requirements.

Mr. Hehl stated the sign that was approved in 2015 is part of the applicant for the variance.

There were no questions of this witness by the Board.

Mr. Illing opened the application to the public for questions of the witness with no one appearing the matter was referred back to the Board.

Bernadette Griswold, appeared and was sworn in. Stated that Community Access Unlimited is a private not for profit founded in 1979 for people with disabilities and high-risk youth. They serve about 500 people in Union County and about 2500 in the State of New Jersey. Her position is the Associate Executive Director. She oversees all of the programs for CAU. Discussed the various programs that the individuals participate in and that there is a real need for this service. Stated that they have a waiting list at the moment. There was another program that vacated the space and is no longer part of CAU. They would like to utilize that space for training and education. They will be adding approximately 12 more employees and about 35 more clientele. Hours of operation are 8:00 a.m. to 6 p.m. Most traffic will be gone after 3 p.m. from site. There will be some weekends where the facility will be use, but traffic will be lite. The smaller entrance will be used for wheelchair needs. The other entrance will be for those who can walk a longer distance. Stated that emergency services has only been called twice in the last two months. Stated that they have a nurse on duty at all times and two board certified behaviorists on site. The site will remain exactly as is and the sign will remain at the location.

Questions posed by the Board ascertained the following:

CAU started operations shortly after the Board approved their application back in 2015. The previous program had about 40-50 staff. There will be a reduction of people at the site with the new program.

Charles Olivo, 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. Stated that his firm worked on the last application back in 2015. Stated there will be little change at all regarding traffic and parking. Described the site plan on page two of three. Access to and from the property will not change. Stated there will be some circulation improvements based on the ability to have vans and employees use the primary parking lot and driveway. There will be 600 feet of queuing on the site. They expect approximately 17 vans to use the parking lot. Vans will gradually come in around 8 a.m. to drop off and they will be picking up around 3 p.m. Employees arrive at the site around 7 a.m. Traffic peaks in that area around 5 p.m. to 6 p.m.

Question by the Board ascertain the following:

The vans are similar to Dodge Caravan and Ford Flex vehicles.

Mr. Illing opened the application to the public for questions of the witness with no one appearing the matter was referred back to the Board.

Christine Nazzaro-Cofone appeared and was sworn in. Her credentials were presented to the Board and she was accepted as an expert witness in the field of Planning. Stated they need a D-1 use variance. They are an inherently beneficial use and have a different burden of proof. The burden of proof is the Sica balancing test and negative criteria.

Described the balancing test as follows:

- Identify the public interest – CAU provides training and education for people with special needs. At the current time they have a wait list.
- Identify any detrimental effects resulting from granting the application – Sees none.
- Reduce any detriments – CAU will run more efficiently with the pickup and drop off.
- Weigh positive and negative – Benefits outweigh any detriments. For example, existing use, proximity to the GSP, population underserved.

Board had no questions for this witness.

Mr. Illing opened the application to the public for comments for or against the application. The following appearing:

Patrick Fay appeared and was sworn in. Stated that he is lifelong resident of Cranford and has two twin boys with Autism and a 13 year old. Retired Cranford police officer and works for CAU. Described his responsibilities at CAU. Feels there are no negatives but many positives for the Township of Cranford and CAU.

Rita LaBrutto - 104 Arlington Road appeared and was sworn in. Stated she is not against the application. Her comments are about the financials and the impact on the community. Stated she has tried to contact CAU but has not been successful. Stated that they are tax exempt and should be willing to provide deed restrictions to the Township on their properties. Applauds the work they do. Stated that there is double the credits on group homes so that would be 26 credits which is equal to building 180 units in the Township.

Mr. Hehl summarized the application. Stated that the applicant is only seeking interior modifications to the building. It is an inherently beneficial use. No negative impacts and meets the prongs of the Sica test. Worked with all the professionals in the town to comply with their recommendations.

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-17-030

**Applicant: Community Access Unlimited, Inc,
70 Myrtle Street, Block: 634, Lot: 1.01 Zone C-2
Preliminary and final site plan approval for amendment to prior site plan approval (July 13, 2015) regarding use of administrative office space, expand on-site training and educational services that will exceed the maximum allowable lot coverage (§136-30, Attachment 1, Schedule 1): and with the following previously approved variances: to exceed maximum all allowable lot coverage (§136-30, Attachment 1, Schedule 1); generator located in the front yard (§136-31D(4); less than the minimum required parking aisle width (§136-23.6) and the following pre-existing conditions: less than the minimum required setback to the GSP (§136-30, Attachment 1, Schedule 1); less than the minimum required front yard setback (§136-30, Attachment 1, Schedule 1).**

Mr. Illing reviewed the testimony.

Board comments consisted of the following:

One of the board members is familiar with work of CAU. Thanked applicant for coming and feels more people will be helped with these services. In favor of the application. Sees no negative impacts to the Township. Applicant is seeking a minor deviation and no significant impact on traffic. It is an inherently beneficial use. The internal changes have no effect on the surrounding area. Changes will help provide better service to participants. Proud Cranford is home of CAU.

Motion to approve Application # ZBA-17-030 was made by Mr Bovasso, seconded by Mr. Pistol with the following voting in favor of the motion: Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Daly, Ms. Drake, Mr. Salomon and Mr. Trelease.

PUBLIC PORTION:

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 10:01 P.M.

Jeffrey Pistol, Secretary