

## MINUTES – ZONING BOARD – October 2, 2023

**The Cranford Zoning Board of Adjustment meeting scheduled for Monday, October 2, 2023 at 7:30 p.m. was conducted virtually.**

This meeting is in compliance with the “Open Public Meetings Act” as adequate notice of this meeting has been provided to the Westfield Leader and the Star Ledger with the agenda specifying the time, place and matters to be heard having been posted on a bulletin board in the Town Hall reserved for such announcements and the filing of said agenda with the Township Clerk of Cranford. Formal action may be taken at this meeting.

The workshop portion of the meeting was called to order at 7:34 p.m. Ms. Daly, Chair.

### **ROLL CALL:**

#### **Members Present:**

Ms. Daly  
Mr. Marotta  
Mr. Aschenbach  
Mr. Cukierski  
Mr. Lucas  
Mr. Quinn  
Mr. Rees

#### **Members Absent:**

None

#### **Alternates Present:**

Ms. Oliver  
Mr. Giuditta

#### **Alternates Absent:**

Also in attendance: Mark Rothman, Esq., Kathy Lenahan, Board Administrator, Kevin Boyer, Board Engineer, Greer Patras, Board Planner & Maurice Rachad, Board Traffic Engineer (both joined for the Dunkin application)

### **COMMUNICATIONS:**

None

### **MINUTES:**

None

### **RESOLUTIONS:**

1. Application #ZBA 23-010  
Brad & Nicole Seeman  
26 Crane Parkway  
Block: 548 Lot: 25, R-3 Zone

The applicant is requesting a c(2) variance for the construction of a one-story addition to the existing garage with covered side entry. The required minimum prevailing front yard setback is 24'-2", where existing is 25'-5" and proposed is 22"-1' §255-34, Attachment 1, Schedule 1.

The Resolution of Memorialization was reviewed by the Board. After discussion, a motion to approve the resolution, as amended, was made by Mr. Quinn seconded by Mr. Rees and passed by roll call vote:

Affirmative: Ms. Daly, Mr. Cukierski, Mr. Quinn, Mr. Rees

Opposed: None

2. Application # ZBA 23-012  
David & Denise Berkowitz  
16 Wade Avenue  
Block: 320 Lot: 42, R-4Zone

The applicant is requesting a c(1) variance to permit air conditioning equipment in the front yard, whereas, it is only allowed in the rear and side yards §255-35D(4).

The Resolution of Memorialization was reviewed by the Board. After discussion, a motion to approve the resolution, was made by Mr. Lucas seconded by Mr. Cukierski and passed by roll call vote:

Affirmative: Mr. Aschenbach, Mr. Cukierski Mr. Lucas, Mr. Quinn, Mr. Rees, Ms. Oliver

Opposed: 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 Ms. Daly on October 2, 2023, at 7:45 p.m. via Google Meet. Ms. Daly announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader and the Star Ledger have been notified and the agenda posted in the municipal building as required.

Ms. Daly explained the protocol, purpose and procedure that will be followed during the hearing.

1. Application #ZBA 22-009 – Adjourned until November 27, 2023.  
Carwen Management LLC  
113 North Avenue West  
Block: 183 Lot: 6 D-B Zone

The applicant is seeking to construct a two-story addition to the existing building to create a 3-story mixed use building that contains office space on the first floor and four (4) two-bedroom apartments on the second and third floor.

The applicant is requesting Preliminary and Final Minor Site Plan, along with a d(3) Conditional Use variance, where the maximum allowed office area is 1,000 square feet and the proposed office area is 2,244 square feet §255-39B(18). A d(5) density variance where the maximum allowed is 10 units/acre and proposed is 18 units/acre §255-39B(22). A variance for impervious coverage where the maximum allowed is 80%, existing is 64.6% and 82.4% is proposed §255-34-Attachment 1, Schedule 1. A variance for parking spaces where the required is 15 spaces and 11 spaces are proposed §255-44A. A variance for freestanding sign height where the maximum height is 4 feet and 6.5 feet is proposed §255-38G(4). A design waiver for parking space dimensions where 10 x 18 is required and 9 x 18 is proposed §255-26G(3)(a)(1). A design waiver from a loading & unloading space where one space is required and none are proposed §255-26G(11) and a design waiver for lighting in a parking area, where a minimum of 1.5 foot-candles is required and some portions of parking area have 0.5 foot-candles §255-26G(9).

2. Application #ZBA-23-014  
James & Frances Bradley  
15 Oneida Place  
Block 619 Lot 3, R-4 Zone

The applicant is request "c" variance relief to construct a new one-story addition (310 square feet) to the rear of the property for a new bedroom and bathroom and to construct a new covered patio in the rear yard that is attached to the principle structure. The lot coverage (impervious) permitted is 40%, where 47.4% is existing and 50.3% is requested. The building coverage permitted is 30%, where 27.9% is existing and 30.7% is requested. The minimum rear yard setback required is 25.3' where existing is 16.2' and 10.2' is requested.

Gary Goodman, Esq. appeared on behalf of the applicant. Stated the applicants are looking to stay in their home and due to some health problems, they are looking to add a master bedroom and bath to the first floor. Their grandson and family have moved into the home to assist the applicants. The impervious coverage will be slightly increased along with de minimis building coverage. The rear dimension is only 85 feet and the property is undersized.

Frances Bradley appeared and was sworn in. Questions from Mr. Goodman to Mrs. Bradley ascertained the following:

They have lived in Cranford 50 years and in this home for 45 years. The home is a cape and described the first floor with a living room, kitchen, bedroom and bathroom. The upstairs has two bedrooms and the basement has a bathroom, but due to her health issues, walking is difficult and cannot do the stairs. They would like to have everything together in one area.

Questions from the Board ascertained the following:

It is difficult to get in and out of the tub and quite dangerous for her. Will have a handicapped bathroom installed.

Ms. Daly asked if anyone from the Public had questions for this witness, no one appeared.

Alan Zimbler appeared and was sworn in. He provided his credentials and was accepted as an expert in architecture.

Questions from Mr. Goodman to Mr. Zimbler ascertained the following:

He has been hired by the Bradley's to design a one room with bath addition to the home. He presented a drawing and described the existing home as a one and half story cape. Described the proposal as adding a living space and bedroom with bath off the back of house. They are also proposing a small covered patio

off the bedroom. Adding about 150 square feet of impervious coverage. The bedroom is 11 x 14, bathroom shower is 5 x 10 and a small walk-in closet with doors out to the covered patio. The addition will only be in rear of the home.

Questions from the Board for this witness ascertained the following:

There are no other changes to the home for handicapped accessibility. It is more a question of mobility. There was discussion about the two driveways, but it is up to the homeowners as what to do with driveways. All the finishes will blend with the house. There is a garage. The current bedroom on the first floor is 11 ½ x 11 ½.

Mrs. Bradley said the driveways were there when they moved in and that they went all the way back. They cut some of the driveway and added grass. They bought the house 45 years ago. The garage is shorter and does not have a lot of space, so they added a shed for the lawn mower and other items.

Questions from Kevin Boyer, Board Engineer, to this witness ascertained the following:

They did receive his letter from September 27<sup>th</sup>, it will be addressed by the applicant's engineer.

Ms. Daly asked if anyone from the Public had questions for this witness, the following appeared:

James Dolan – 16 Algonquin Drive. Asked about the garage space and converting that versus adding a whole other living space.

Mr. Zimbler does not know why the Bradley's decided to do it this way.

Mrs. Bradley stated they did not consider the garage, because they need the garage.

Mr. Rothman asked about enclosing the sides of the covered patio.

Mr. Zimbler stated enclosing the porch might make it an unusable space.

Tony Gallerano appeared and was sworn in. He presented his qualifications and was accepted as an expert in engineering and planning.

Questions from Mr. Goodman to Mr. Gallerano ascertained the following:

They have received the Board engineer's review letter and can comply with the comments. Presented five photos taken today of the site, and were marked as Exhibit A-1. Described the photos. Presented an aerial photo from Google of the site, marked Exhibit A-2. Stated it is an undersized, irregularly shaped lot. Presented Exhibit A-3 based on a survey on September 15, 2023. Exhibit showed existing conditions on the left and proposed conditions on the right in red. Will remove the deck and build the new addition and a new patio to side of the addition, which is a net increase of 155 square feet of building coverage. They are requesting three variances: lot coverage, building coverage and rear yard setback. Stated these could be considered c(2) variances, but does feel there is some hardship due to undersized and irregularly shaped lot. The addition is where the property is the deepest. Width of the addition is the same as the covered deck. The length is increased by 3.7 feet beyond the existing covered deck that is there now. Stated there is not a negative effect to the area. The purpose is to create accommodations of someone in need. Discussed the *Purpose of Zoning* Paragraph G. The site slopes from back to front, naturally drains to the driveway and any runoff would be toward the driveway and out to the street. The brick patio on the side would be removed with the stepping stones, which would remove 70 square feet of impervious surface, that would reduce the 155 square feet by 70 square feet. Believes the positives outweigh the negatives.

Questions from the Board for this witness ascertained the following:

The impervious coverage would be reduced based on the additional 70 square feet being removed.

The slate walkway is included in the 70 square foot calculation. The applicant would like to keep the secondary driveway. Could take some of the top of the driveway off to remove another 80-90 square feet. That could make it a zero-net increase. There are some driveways in the area that can accommodate two cars. The house to the left looks like it has an addition on the back and would probably be about the same setback. They could have a smaller pad to accommodate the garbage.

Mrs. Bradley stated for her mobility, the driveway is right there. It would be more difficult if there was only one driveway. The small walkway goes up to a gate and that is where their garbage is. If that is eliminated, they would have to put it somewhere else, possibly on the other side of the house. The tree that was removed was infested and the Town should be planting a new one.

Mr. Rothman asked if the calculations would be the same if they were not removing the entire stepping stone area.

Mr. Gallerano stated they would need a 2 x 3 small pad for the garbage, so it would be an additional six feet.

Ms. Daly asked if anyone from the Public had questions for this witness, the following appeared:

Scott Marino – 18 Algonquin Drive – Asked about a variance being granted for the covered patio.

Mr. Gallerano does not have any knowledge or history about existing structures.

Ms. Daly asked if anyone from the Public had a comment for or against the application. The following appeared:

Scott Marino – 18 Algonquin Drive appeared and was sworn in. Stated they have been great neighbors to the Bradley's for almost 30 years. They are very sympathetic to their challenges. Thought they were adding second level or just a couple of feet for the variance and would have been fine with that. Feels ten feet is really close. Trying to make a ranch on a cape size lot. Looked at eight years of minutes and did not find anything that went this close to a property line. The request concerns him because it is his backyard. They do have ponding issues. Looking at it from his point of view, and what will it do to his property value. The covered porch has been there for years but it was open, so he did not have a problem with it. This is different, since it will be an enclosed structure that pushes back even further. Asking that the variance be denied. Setbacks are created so people can enjoy the space they have. A house ten feet from the property line certainly does not do that. How far back is to far back. The variance concerns him.

James Dolan – 16 Algonquin Drive appeared and was sworn in. Stated he is concerned with builders buying homes and blowing them up and selling them for a profit. Possibly reconsider adding a bathroom suite instead of a whole bedroom that would not encroach so much.

Mr. Goodman summarized the application stating the Bradley's cannot do a second floor due to the health issues of Mrs. Bradley. Every application must stand on its own merits, so setting a precedent is not an issue. Older people are wanting to stay in their homes and up to communities to deal with these situations. Zoning laws are being modified to accommodate older people. The Bradley's are looking to stay in their home and asking for the Board's consideration for these variances. It is an undersized lot and creates a potential hardship.

Mr. Rothman reviewed the standards for each c(1) and c(2) variance and asked that the Board vote on each variance separately.

3. DELIBERATION of Application #ZBA-23-014  
James & Frances Bradley  
15 Oneida Place  
Block 619 Lot 3, R-4 Zone

The applicant is request "c" variance relief to construct a new one-story addition (310 square feet) to the rear of the property for a new bedroom and bathroom and to construct a new covered patio in the rear yard that is attached to the principle structure. The lot coverage (impervious) permitted is 40%, where 47.4% is existing and 50.3% is requested. The building coverage permitted is 30%, where 27.9% is existing and 30.7% is requested. The minimum rear yard setback required is 25.3' where existing is 16.2' and 10.2' is requested.

Board's comments consisted of the following:

As you get older you need to adjust to stay in your home. There was an accommodation made on the impervious coverage. Family trying to keep health needs in mind. It is a hardship in the family and for the community. Older people want to stay in the homes till their last days. The applicant will give up concessions for the impervious coverage. Sympathetic to the applicant, but this is what they want and feel like the ask is to much. There could be other ways they could get what they need, without encroaching so much on the neighbor's property. The c(1)'s don't deal with personal hardship, but the hardship is in connection with the property. Applicant could do a larger bathroom without a full addition. Need to balance concerns of neighbor's encroachment. Board of Adjustment is to apply the existing zoning laws. It is a large addition, if it would have been a smaller space on existing footprint, could have meet their needs. Could have a smaller space. Neighbors concerned about how close it will be. Lot is shaped so that it cannot accommodate the addition.

A motion to deny the c(1) variance was made by Mr. Rees, seconded by Mr. Lucas and passed on roll call vote:

Affirmative: Ms. Daly, Mr. Cukierski, Mr. Lucas, Mr. Quinn, Mr. Rees

Opposed: Mr. Marotta, Mr. Aschenbach

Board's additional comments were:

There are other options like expanding the bathroom, or a new bathroom, but the size of the addition being requested, the benefits of that do not outweigh the detriments going so close to the neighbor's property. Not saying they could not do a different type of addition, where the benefits would outweigh the detriments. Does not think it is the a c(2).

A motion to approve the c(2) variance was made by Mr. Aschenbach, seconded by Mr. Marotta and failed on roll call vote:

Affirmative: Mr. Marotta, Mr. Aschenbach

Opposed: Ms. Daly, Mr. Cukierski, Mr. Lucas, Mr. Quinn, Mr. Rees

4. Application #ZBA 22-012 – Continued from September 18, 2023  
NACT Donuts Inc.  
333 North Avenue East  
Block: 318 Lot: 22 NC Zone

The applicant is requesting a d(1) use variance for the purpose of utilizing the property as a Dunkin drive-thru fast food restaurant. §255-36(c)(1). This is a bifurcated application.

Joe Paparo, Esq. appeared and gave an overview of the September meeting.

Elizabeth Dolan appeared and was sworn in. She presented her qualifications and was accepted as an expert in traffic engineering.

Questions from Mr. Paparo to Ms. Dolan ascertained the following:

She prepared a traffic analysis dated May 19, 2022 for the site. Stated the current Dunkin has an established base and is busiest from about 6:30 am to 9:30-10:00 am. Performed counts in 2021 and 2022 and in the busiest peak hour, the current Dunkin served 96 vehicles. The site will be going from a walk-in, sit down, to the more popular drive-thru only. Did prepare a formal analysis with the Level of Service Scale. No longer tying into the Dairy Queen access, so all traffic will be using only North Avenue. Increased the morning peak volume up to 100 vehicles in an hour. Stated there is capacity to accommodate the ingress and egress movements to the site during the peak hour, without the access on Elizabeth Avenue. They are subject to a DOT Major Access Permit Application, due to the loss of access on the side street. Her analysis indicates that the left turn can be made out of the site, but would be subject to DOT. The proposed configuration can que 15 vehicles on site, DOT suggests 14 vehicles. Discussed the Starbucks and their queuing, which is about eight or nine on site. Customers will be guided to a parking space if their order is taking a little longer and an employee will bring their order out the front door. The interior also has less steps and has a more efficient operation, both inside and out. Having the double drive-thru and new configuration, they will have a more efficient operation than their neighbor. This configuration should be able to accommodate 225 vehicles in an hour, but this site is not anywhere near that, maybe half of that number. The 15-car stack is an above average number. The ITE has a que recommendation of eight vehicles for a drive-thru facility. Site is located on a state highway. Convenience uses like to be located on busier streets for pass by trips. 50-60% of peak hour traffic is drawn from the adjacent highways, versus people leaving their homes to go to Dunkin and then go back home.

Questions from the Board for this witness ascertained the following:

DOT was not involved in the South Avenue application, since it is a county road. The Municipality can provide comments to DOT regarding the turn prohibitions. There are other options such as Wawa and QuickChek where people would not need to make a left turn out of the site. They see a lot of right ins and rights outs, since the left-hand turns are not easy to make. This site has worked fine with left turn egress. If the Board was concerned with cars making right turn and going down residential streets, there could be signage for no right turn for certain hours, which would need to be evaluated by the police and engineering departments. The analysis showed 50 lefts out and 50 rights out, which would show a que of 2.4 vehicles on average. There was an accident summary and it showed that due to the lane drop, there were some side swipes, but none at the Dunkin driveway. This site would not get to 225 vehicles; that is what the site could accommodate, but would only see around 100, based on exposure volume. It may get to over the 100, based on existing business, but it is about passing traffic on North Avenue. One Dunkin that went from a non-drive-thru to a drive-thru, the volume increased by 7%. The numbers from the analysis were from over a year ago, they could do an update if Board feels appropriate. The spaces facing Dunkin from the street are theirs, the spaces to the right adjacent to Dairy Queen are Dairy Queen's. They counted all the driveways, but there is nothing going on at Dairy Queen, when Dunkin is the busiest in the morning. All improvements such as the landscape aisles will be on the Dunkin side. She has been involved in customer service interviews and reported 80% pass by. The 50-60% number is based on the ITE's data. Has studied sites in New Jersey. They are limited to using the ITE's data when preparing studies and submitting to DOT. The Dunkin on Terminal and Raritan was built to be a drive-

thru. The typical Dunkin drive-thru trip generation is 100-120 in and 100-120 out during the morning peak hours.

Mr. Paparo stated the applicant would be agreeable to doing a post occupancy analysis with the police department regarding the left turns.

Questions from Greer Patras, Board Planner, for this witness ascertained the following:

There is no pedestrian service, it is drive-thru only. The design is for vehicles only. Not sure if there is signage proposed. The building is designed to appear not for pedestrians or cyclists. The drive-thru is an expectation that the customers want. Drive-thru only is a newer trend. Does not feel this location would ever meet the 150-225 vehicles in an hour, based on the volume on the street, whether it was a drive-thru only or had sit down service.

Ms. Daly asked if anyone from the Public had questions for this witness, the following appeared:

Rita LaBrutto – 104 Arlington Road – Asked if people coming to the light on Elizabeth Avenue would be using it as a cut through to Springfield Avenue and about the majority of side swipes by Starbucks. Asked about the plan for North Avenue being reduced to one lane and about the courtesy gap. Asked about the actual count of 100. Asked what is the financial benefit and about the square footage and traffic calculations. Asked about the fallback position if the 15 vehicles cannot be handled and is there sufficient room to back out of the parking spot.

Ms. Dolan stated the cut through maybe the path of least resistant. Cut throughs happens everywhere. Does not think the Dunkin renovation would make that worse. Stated the side swipes are happening in the west bound direction by site frontage. Does not see Dunkin having the problems that Starbucks does. The Dunkin proposal is very different, with the two order lanes, faster service and can store 15 vehicles on site. The courtesy gap is where people pause to let someone in or out of a driveway. The highest number they got was 96 vehicles in an hour. Stated these numbers are estimates, based on actual counts. Traffic studies use the building area. The operating procedure would be if someone is taking longer or has a large order, would be directed to a parking spot.

Mr. Paparo stated there is more than adequate parking provided; even more than what the Code requires.

Mr. D'Amore appeared and was reminded he was still under oath. Mr. D'Amore stated the 80-20% is the national average for the Dunkin brands of take out, to sit down. Based on this location, it is more like 90% take out and 10% eat in. The Dunkin in Clark was built pre-Covid. With regard to the square footage, there is 40 feet between the pay and pick up window. The second entry on Elizabeth Avenue for Starbucks creates complications for that site. This site is double the size of the Starbucks. The 90-10 number is from him being in the store in the mornings. They have stopped mobile orders since there are a lot of cars coming through and did not want employees getting hurt.

Follow up questions from Mr. Paparo to Mr. D'Amore ascertained the following.

He has not seen any people walk up to the site. He has only seen people drive up to the site. Nor has he seen cyclists come to the site.

Follow up questions from the Board to Mr. D'Amore ascertained the following:

His busiest site is on the Parkway South in Iselin and the most cars he has ever done is 100 cars per hour. Not everyone comes to the site at the same time. Days past 9am are not as busy. The busiest time used to be 6am, now it is 8am to 9am. Dunkin and Starbucks are different models. Did speak to the owner of Dairy Queen and discussed the parking situation.

Follow up questions from Ms. Patras to Mr. D'Amore ascertained the following:



The signage will say drive-thru only, so pedestrians will know there is no other use. Mobil ordering will also say drive-thru only. One of the greatest benefits would be the remodeling at the site. The site still has a kitchen, which they do not use to bake in anymore.

Discussion was held as to when this application could continue.

Ms. Lenahan stated December 11<sup>th</sup> is available and they would need any updated reports two weeks before the next hearing.

Ms. Dolan stated they would be able to provide an updated traffic analysis and submit to the Board in the time requested.

Mr. Rothman requested an additional waiver for the time of decision from Mr. Paparo.

PUBLIC PORTION:  
None

Ms. Daly announced the next Zoning Board meeting is scheduled for October 23, 2023 at 7:30 p.m.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:00 p.m.

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Kent Lucas, Secretary