

MINUTES – ZONING BOARD – October 23, 2023

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, October 23, 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 7:31 p.m. Ms. Daly, Chair.

ROLL CALL:

Members Present:

Ms. Daly
Mr. Marotta
Mr. Cukierski
Mr. Lucas

Members Absent:

Mr. Aschenbach
Mr. Quinn
Mr. Rees

Alternates Present:

Ms. Oliver

Alternates Absent:

Mr. Giuditta

Also in attendance: Mark Rothman, Esq., Kathy Lenahan, Board Administrator, Kevin Boyer, Board Engineer

COMMUNICATIONS:

None

MINUTES:

A motion to adopt the minutes of the September 18, 2023 meeting, was made by Mr. Marotta, seconded by Mr. Lucas and passed on unanimous voice vote.

RESOLUTIONS:

None

OLD/NEW BUSINESS

Discussion of the 2024 Board Schedule was tabled till the November 6th meeting.

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 Ms. Daly on October 23, 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 23-018 – Carried until December 11, 2023
Applicant: Mark & Denise Smith
Owner: Township of Cranford
100 Lambert Street
Block: 322 Lot: 18, R-1 Zone

The applicant is requesting an interpretation of the zoning ordinance pertaining to §255-39 Conditional Uses.

2. Application #ZBA-23-016
Thomas & Lisa Cook
45 Concord Street
Block 461 Lot 15, R-2 Zone

The applicant is requesting a c(1) variance for the construction of a one story addition to the rear of the existing dwelling for an expanded kitchen and eating area, along with a new deck in the rear yard. Minimum total side yard setback required is 30% of the lot width = 30' (min.), where existing is 30.7' and proposed is 27.65' §255-34, Attachment 1, Schedule 1.

Mr. Rothman stated the application indicates a c(1) variance. He provided the requirements for seeking relief under the c(1) standard.

David Bailey appeared and was sworn in. He presented his credentials and was accepted as an expert in architecture. Mr. Bailey presented the drawings that were submitted to the Board in the application. Reviewed the existing plans showing the first and second floor plan with a large existing deck in the back. Also presented photos of the existing home. Stated there have been previous additions done in the past. Proposing to demolish the existing storage shed on the right side along with the deck in the back. Also, there is existing landscaping on the right to screen the neighbor. Presented proposed plan, which included expanding the first story to get a large kitchen and family room. Want to be able to entertain their large family. Proposing a new deck that is smaller than the existing deck. Addition is symmetrical to the house. Presented a drawing of the proposed elevation which includes a Gable roof. Stated the deck would be over gravel. Presented the existing site plan which showed existing wood deck, patios and pool. The proposed site plan shows in red, the one-story addition on the back of the house. It is 464 square feet, with a proposed deck of 236 square feet. Stated that the impervious coverage is compliant and they are only here for the setbacks.

Questions from the Board members for this witness ascertained the following:

The idea was to have the addition symmetrical to the back of the house. The addition is off set to the existing two-story wing. The depth of the proposed addition is similar to the existing deck. The proposed plan has a similar footprint. The narrowness does not allow them to function well, and would like to build a room wide enough that will enable them to function comfortably. If the addition was to be a little narrower but slightly longer to the rear, it would conform with the rear yard setback. The property is an odd shape but could conform with the setbacks. They could go wider on the left by the patio to conform with the right-side setback, but it would not be symmetrical. There is a buffer on the side of the neighbor with large green shrubs. The massing on the current elevation is symmetrical. Trying to balance the left side addition with the proposed one on the right side. Does not know how old the deck is, does not look new.

The shed is also old, but does not know the permit history. Not proposing to change the driveway. Shrinking the patio in the back.

Mr. Boyer, Board Engineer, asked about the 96 square feet of concrete and where it is located. Stated that they track impervious coverage year to year and once it reaches 300 feet, stormwater management would be required.

Mr. Bailey stated it is the paving around the tool shed and some of the patio that will be removed

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

Thomas Cook appeared and was sworn in. Stated they are concerned with their landscaping and how their property looks. They did look at going back narrower, but widen two feet on each side allows them to have a nice sizeable table and areas to sit in, all in one room. If they move back and give up the four feet, and then add the four to six feet in the back, they would need a variance for impervious coverage. So, either way they would need a variance. To get the room they desire they would not just go back two feet. They would need to take out more of the patio which is major construction. They are removing the shed and paver blocks. There is no concrete other than the front sidewalk. Everything else is patio block. Encroaching on the patio two to four feet makes everything look off center. They came up with this design as the best solution. They are 30 feet from house to house. The encroachment is very slight. Presented pictures of the landscape marked as Exhibit A-1 (3 photos). Described the landscaping in the front as a lot of bushes. Presented photos of side by the neighbor's property. There are over 22-foot-tall arborvitaes that go all the way down the property. They also have Leland Cypress which are 35 foot tall. Replacing the tool shed with arborvitaes. Presented a photo of neighbor's backyard showing fence and arborvitaes. Trees would block any view of the addition. Right now, they are symmetrical, the left side matches the right side. They have had permits for everything. The driveway material is asphalt and is not changing.

Questions from the Board members for this witness ascertained the following:

The house has a double car garage. A split level is very difficult to have a large area. There is a lot of separation. It is challenging to host more than 8 or 10 people.

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

Ms. Daly asked if anyone from the Public wanted to make a comment for or against this application, no one appeared.

Mr. Cook summarized his application. Stated they want to stay here and grow their family here. Would like to see this option go through to bring value to community, the property and Cranford. Tried to minimize any variances that were required in order to do what they want to do.

3. DELIBERATION of Application #ZBA-23-016
Thomas & Lisa Cook
45 Concord Street
Block 461 Lot 15, R-2 Zone

The applicant is requesting a c(1) variance for the construction of a one story addition to the rear of the existing dwelling for an expanded kitchen and eating area, along with a new deck in the rear yard. Minimum total side yard setback required is 30% of the lot width = 30' (min.), where existing is 30.7' and proposed is 27.65' §255-34, Attachment 1, Schedule 1.

Board comments consisted of the following:

Doesn't think it meets the criteria for a c(1). Testimony stated there is not a hardship. There are other options that they could use to remedy the situation. Appreciate the landscaping for the view of the neighbors. Symmetric is important, but it can't be the only reason to allow a variance.

Mr. Rothman stated the applicant might want to consider asking the Board for adjournment and then notice for a c(2) variance or consult with an attorney. The published notice was for a c(1). The applicant has not requested c(2) relief and there was no testimony for a c(2) variance. The Board has the discretion to approve a request for an adjournment.

Mr. Rothman discussed a c(2) variance, stating the focus is different than with a c(1) variance.

Mr. Cook requested an adjournment.

Mr. Rothman stated the applicant would have to re-notice if the relief was to change.

Ms. Daly stated the application is being adjourned with no date certain.

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 8:51 p.m.

Kent Lucas, Secretary