

MINUTES – ZONING BOARD – November 27, 2023

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, November 27, 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- arrived during closed session
Mr. Cukierski
Mr. Lucas
Mr. Quinn
Mr. Rees

Members Absent:

None

Alternates Present:

Ms. Oliver

Alternates Absent:

Mr. Giuditta

Also, in attendance: Mark Rothman, Esq., Kathy Lenahan, Board Administrator, Carl O'Brien, Board Engineer, Greer Patras, Board Planner, Caren Demyen, Downtown Director

COMMUNICATIONS:

None

MINUTES:

None

RESOLUTIONS:

None

OLD/NEW BUSINESS

A motion to go into closed session was made by Mr. Marotta, seconded by Mr. Rees, and passed on unanimous voice vote.

A motion to come out of closed session was made by Mr. Marotta, seconded by Mr. Cukierski, and passed on unanimous voice vote.

The workshop portion of the meeting concluded at 7:57 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Zoning Board of Adjustment was called to order by Ms. Daly on November 27, 2023, at 7:58 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 23-020
Peter & Leah Katz
410 Orchard Street
Block: 171 Lot: 1.04, R-1 Zone

The applicant is requesting a design waiver to install a 6' tall solid fence along the stormwater drainage canal within the West End Place front yard. Maximum fence height permitted is 4' tall, where existing is 4' and proposed is 6'. Maximum fence transparency permitted is 50% solid, where existing is 50% solid and proposed is 100% solid. Minimum required fence front yard setback is 35' where proposed is 26.5' §255-26.K(2).

Mr. Rothman reviewed the standards for a c(2) variance/design waiver.

Peter & Leah Katz appeared and were sworn in. Mr. Katz presented a PowerPoint presentation marked as Exhibit A-1. Reviewed the property and the design waiver they are requesting. Presented the existing conditions of the site as being on the corner of Orchard Street and West End Place. Property contains two front yards, per Code. There is also an easement for a concrete drainage flume located on the West End Place front yard. There is also existing fencing on the side and rear yard and is a six-foot 100% white vinyl fence. There is a 54-inch black aluminum fence. Discussed the proposed conditions they are requesting. Requesting a 6-foot-high 100% opaque white vinyl fence. Proposing fencing will tie directly into the existing white vinyl fencing. The proposed fencing will run along the edge of the flume.

Ms. Katz presented the reasoning for requesting the fence. They would like to have a cohesive fence around the property. They also see the existing fencing as a safety concern for small children who might fit through the bars. Also, small items can get through the existing fence and get into the canal. Trying to create a solid barrier. Discussed the issues if they were to locate the fence per the code requirements. Due to the presence of the flume, it creates a narrowness of a portion of the property. Also limits access for maintenance. It may also lower the value of the property. Discussed the mitigation factors and feels there is no impact to sight lines and does not create a safety issue with the location of the fencing. The property does slope from the street to the canal and based on that, a six-foot fence will look more like a four-foot fence. There will be no visual impact. There is greenery between the canal and the street and that blocks the view of the fence. As for the neighborhood character, there are many fences that appear very similar to what they are proposing. There will be no restriction to the flume or the Town's access.

Questions from the Board for these witnesses ascertained the following:

They have lived in the property since 2018. Their property did not flood in Ida. It is a safety issue for a small child. At least half the property will be open on both sides. They do have a life safety fence around their pool. The elevation plays into the height of the fence.

Mr. Rothman asked about the report from the Board's Planner and if there are any comments about the report they are objecting to. Asked about the existing fence be entirely removed.

Ms. Katz stated they would object to picking a different color other than white. They would like an aesthetic that matches their existing white fence. No landscaping will be removed or increased. They are aware that the fence would need to be taken down if the Town required access and it would be at their expense. The fence that is on West End Place would be removed.

Carl O'Brien, Board Engineer, asked about their review letter of November 16th. Asked about changing grading patterns. Asked about negative drainage impacts and being the responsibility of the homeowner. Stated in some towns, they are required to have the fence from grass to bottom of fence four to six inches to allow water to flow through. Recommends they work with the building department to come up with an elevation height for the drainage. Footings will need to be installed per the building department's inspector.

The Katz's stated they are only looking to take out one fence and replace it with another fence. They are willing to comply with whatever requirements are needed.

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

Carl O'Brien, Board Engineer, appeared and was sworn in. Stated they looked at the DEP regulations due to the flume. It is not located in the flood fringe area. If they go with a solid fence, it should be raised to allow the free flow of water. If the brook does overflow, there will be pressure on the fence and any damage would be on the homeowner. Also, any damage to the brook would be on the homeowner. They are taking a risk. Should coordinate with the building department to allow free flow of water to the brook.

Questions from the Board for Mr. O'Brien ascertained the following:

Depends on how much freeboard you have from the grass to the bottom of the fence. He has no knowledge of the brook overflowing. It is not in the DEP fringe area. If there is a lot of rain, there could be a concern. He has seen anywhere from an inch or two, up to six inches. He would recommend checking with the building department.

Board member asked about the history of the fence.

Ms. Katz stated that they originally planned to continue the fence around the yard. Once they had a child, they realized that fence was not going to work and replaced the two sides with a solid fence.

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 about the application, the following appeared:

Randy Severs – 130 West End Place appeared and was sworn in. Stated that looking at the side yard as the front yard, they are their next-door neighbor. Feels the ability to have them complete the fence around the yard would be beneficial for them also. Makes sense for the neighborhood and feels it would fit into the neighborhood.

The Katz's summarized their application. Stated they thank everyone who reviewed the application and provided their professional expertise and appreciated the Board's time.

2. DELIBERATION Of Application #ZBA 23-020
Peter & Leah Katz
410 Orchard Street
Block: 171 Lot: 1.04, R-1 Zone

The applicant is requesting a design waiver to install a 6' tall solid fence along the stormwater drainage canal within the West End Place front yard. Maximum fence height permitted is 4' tall, where existing is 4' and proposed is 6'. Maximum fence transparency permitted is 50% solid, where existing is 50% solid and proposed is 100% solid. Minimum required fence front yard setback is 35' where proposed is 26.5' §255-26.K(2).

Board's comments consisted of the following:

In favor of the fence. Fence will not be detrimental to the view. Make senses to have a six foot instead of a four-foot fence. Applicants have satisfied the criteria for the variance. In favor of it, so long as the issue of the water is mitigated and the applicants agree to work with the building department. Think there should be focus on the stormwater allowing to flow through. Also, in favor of the screening. Believe they have met the standard. Property does cause a hardship.

A motion was made by Mr. Rees, seconded by Mr. Marotta to approve the fence with the following conditions: that the water is mitigated by the applicant, that the applicant works with the building and engineering departments to be compliant with the professional's recommendations, they must maintain the natural screening and be responsible to repair and rectify any damage to the fence.

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

Objection: None

3. Application # ZBA 22-009 – Continued from June 26, 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).

Gary Goodman, Esq. appeared. Reviewed the June 26th hearing where the applicant presented his application for a d(3) and d(5) variance. Stated it is in the Downtown and does not believe the 1000 square foot requirement was designed for this area of the Downtown; the site can accommodate the four residential units. The applicant has met with the Downtown Management Office for their input.

Greg Waga appeared and was sworn in. Mr. Waga was qualified at the last hearing.

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

They have listened to the Board's comments and made an alternative design. They submitted it and received a call from the DMC who asked to meet with some of the DMC members to provide their input on the redesign. After that meeting, they submitted a new application and provided a more cohesive structure than what was presented in June. Presented a colorized version of the elevation (A-4) dated 9-15-23 and marked as Exhibit A-1. Described the elevation as a masonry base with a small covered porch and two floors of residential. They have included balconies and a lot of glass. Each floor is segmented. There is crown and dental detail along the parapet. The railings will satisfy code, and the building will be fully sprinklered. The ground level will have the office component. There will be no rooftop access, except the mechanical hatch. The mechanical units will be screened by the parapet toward the rear of the structure. The square footage on the first floor is 1831 of usable space. The chair lift will be installed on an as needed basis.

The materials will be a masonry façade, with vertical elements every three to four feet. The building is set back 2 ½ feet. There are many levels of crown and continuous band of dental around the perimeter. There is a variety of buildings in this area and tried to use a transitional approach.

Questions from the Board for this witness ascertained the following:

The balconies are usable balconies. The dimension of balconies is 10 feet wide and 4 feet deep. The handicapped accessibility is required if you are above two stories. It will be installed, if in fact, the applicant leases one of the apartments to someone who requires ADA accessibility. The commercial signage is a ground mounted sign but is not shown on the rendering. The frame is a bronze frame with applicant's logo. The flat roof is for relocation of condensers and is an easier form of drainage. The roof is pitched two feet and drains off the rear, with only two leaders. The driveway has been increased for access to rear yard.

Questions from Ms. Patras, Board Planner to Mr. Waga ascertained the following:

Did not submit a roof plan. Will need to submit a roof plan with details and will add the chair lift to the plans. All work is custom to a customer's request. It will not be a stucco, it will be precast veneer. Will label the colors on the plans. The windows line up and are centered and setback. Did take into consideration the type of windows, the style, placement and material of the windows. Moving toward rear of structure, you will not have the visual aspect as in the front. They will incorporate any DMC comments and will update all committee comments when they provide revised plans. Other than the rear lighting for the parking area, no lighting will be on top of the building.

Questions from Mr. Rothman to Mr. Waga ascertained the following:

The signage is base lit and is a two-sided sign. The upper two floors have the appearance of stucco, but it will be precast panel. The applicant will comply with the architectural lighting.

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

Rita LaBrutto – 104 Arlington Road – Asked about the DMC meeting and what the DMC requested. Asked about the DB zone and the architectural requirements. Asked about the DMC memo from November 13, 2023 and about precast masonry in the SID. Asked about the Environmental report. Asked about the home on right which is a Victorian and about fitting into the SID requirements when taking a building down to the ground. Asked about front first floor windows and about the balconies. Asked about gaining footage in the back with less balconies.

Mr. Waga stated he was at a meeting August 18th with the DMC and that this building is a flat roof with dimension. It is recessed with railings, continuity and color. They have implemented Victorian elements in this building. Would be willing to work with the DMC and whatever architectural elements they are requiring. Believes that any material is allowed, if it complements a buildings' finish. There is a mixed variety and diversity of structures in the area. They are agreeable to work on some of the building's elements. They don't want to make it look like a residential structure. Not adversely opposed to being compliant. It needs interior wall space, it is not a continuous front. It will take away from the aesthetic of structure, if they do full windows on first floor. They are above grade at this location. The intent was for a table and chairs on the balcony. The balconies exceed the footprint and don't play a part in the configuration of the parking.

Daniel Ghanime appeared and was sworn in.

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

Stated he is the owner of the property and the business. He has had the business for five years. He has 14 employees, four in the office and all others out in the field. Employees would park in the back. The vans for his business do not park in the back, they go home with the technicians. All other available parking would be for the tenants. Deliveries go to his warehouse. Signage will be the same, but will change the color to blend in with building colors. The sign is six feet high and would have a timer for the lighting to come on. Apartments would be priced at market value. He will comply with the DMC recommendations.

Questions from the Board for this witness ascertained the following:

Has 14 employees, including himself. Four will be parking in the back. Leaves seven for the tenants. He will be moving the sign and will comply with Code.

Questions from Ms. Patras, Board Planner to this witness ascertained the following:

The sign is six feet for the posts. Need details for the spot lights in the front on the plans. The existing sign's post is six feet and the sign is six feet three inches.

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

Rita LaBrutto – 104 Arlington Road – Asked how applicant's employees receive their assignments. Asked about the height of the sign and about the rents on the apartments.

Mr. Ghanime stated the technicians received their information via iPads. They do not come to the office. There is no need to come to the office. His van is the only one that is there. The sign that is there does not comply with the ordinance. He goes by market value for the rents.

Anthony Gallerano appeared and was reminded he is still under Oath.

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

They provided a stormwater management plan and addressed the stormwater reductions for a major project. There will be an underground infiltration system. Discussed the water quality element and will go with a permeable surface in the parking lot. They did perform a soil log test on site and will provide an O&M Manual with the next submission. The deliveries on-site would be US mail, Amazon, Door Dash, etc.

Small vehicles would be coming into the parking lot. Deliveries might also be curb side. The driveway is still a single lane. The lighting will be updated. They did not want to over light the site. Felt 0.5 is adequate, but will drop the waiver and comply with the 1.5-foot candles. They can reduce the lumens from 4000 to 2700. Along the side of building there will be two or three lights to light up the driveway and, in the rear, there will be pole mounted lights.

The refuse enclosure and bike rack were eliminated from the parking area and bikes will be stored inside along with the refuse. There are two rooms in the building with access to the outside for the bikes and refuse. They increased the green area with landscaping, where refuse would have been. A tree will be preserved. There will be additional landscaping in front of the building. The sign will be relocated. There is a requirement for another tree, which could be possibly put in front or donated to the Town. There are parking lots on either side of this property with screening. They will provide granite block curbing instead of concrete. The refuse will be pickup by a private hauler and will have four containers. Pickup will be twice a week. They will comply with the comments in the Colliers report. Presented a turning template and marked as Exhibit A-2.

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

Permeable pavement would be the approach if possible, to address water quality. A variance would still be needed. Vehicles would be able to pull in and pull out and make a k-turn to exit. Passenger or delivery van could make the maneuver. An oversized vehicle could park on other side of North Avenue. Not sure how to stop deliveries from using street vs. rear parking. The could use signage to direct deliveries to the rear. Private hauler would bring a vehicle to accommodate the site.

Questions from Ms. Patras to this witness ascertained the following:

Trucks would not use a space to turn around, they would use the aisle. Can add a template to show how a van would turn around. A car does not need a spot to turn around. A sprinter van would be able to turn around, not a truck. Reviewed the memo from November 13th. The lighting will be updated for the next submission. The increase in impervious coverage is mitigated by the stormwater management. They are open to suggestions for landscaping. Foundation plants for the side of the building to right should be included.

Questions from Mr. O'Brien, Board Engineer, ascertained the following:

Requesting to see turning templates for a regular vehicle not using a parking space to turn around, a refuse/recycling vehicle, a sprinter van and an EMS vehicle. Stormwater is in the November 15th report and they need to revise stormwater report and provide the O&M manual to review.

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

Rita LaBrutto – 104 Arlington Road – Asked if there will be new testimony with all the new changes. Asked about a moving truck being able to turn around in the rear.

Mr. Goodman stated there will be new testimony.

Mr. Gallerano stated moving trucks are usually on the street and coordinated ahead of time. 50% of buildings on North Avenue would not be able to accommodate a moving truck. They would back in and pull out.

Mr. O'Brien stated he would like the information two weeks before the next meeting.

Discussion was held as to when the next meeting could continue. The next meeting will be on March 11, 2024 and requesting all information be submitted by February 19, 2024.

Mr. Rothman asked Mr. Goodman for an extension for the date of decision.

PUBLIC PORTION:

Rita LaBrutto – 104 Arlington Road – Asked about virtual workshop.

Ms. Daly stated the workshop meeting is available to the public (except for closed session) by logging on 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 11:10 p.m.

Kent Lucas, Secretary