

**MINUTES – ZONING BOARD – November 6, 2023**

**The Cranford Zoning Board of Adjustment meeting scheduled for Monday, November 6, 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 7:33 p.m. Ms. Daly, Chair.

**ROLL CALL:**

**Members Present:**

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

**Members Absent:**

Mr. Rees

**Alternates Present:**

Ms. Oliver

**Alternates Absent:**

Mr. Giuditta

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

**COMMUNICATIONS:**

None

**MINUTES:**

A motion to adopt the minutes of the October 2, 2023 meeting, was made by Mr. Marotta, seconded by Mr. Lucas and passed on unanimous voice vote.

**RESOLUTIONS:**

1. 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.

The Resolution of Memorialization was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Quinn, seconded by Mr. Cukierski and passed on unanimous voice vote.

## **OLD/NEW BUSINESS**

Discussion was held regarding the 2024 Reorganization date and the 2024 Board Schedule.

A motion to adopted January 8, 2024 as the Board's Reorganization date, along with the 2024 Board Schedule was made by Mr. Marotta, seconded by Mr. Aschenbach and passed on unanimous voice vote.

Discussion was held regarding returning to in-person meetings or to stay virtual.

Board members commented that it is easier when traveling to still be able to attend and participate in the meetings. Appreciate the flexibility and allows members to attend more frequently. Also allows the applicants and their professionals to join as well. Some members were fine either way and feel there are pros and cons. The elderly may be able to get on virtually, if they cannot get out. The Board as a whole has heard both large and small applications virtually and take all applications very seriously, not matter how big or small. One member feels you do gain something from being in-person. For minor zoning changes where applications take five minutes, it is easier on a virtual call. Board was able to handle very complicated applications effectively virtually.

Members of the Public had comments on in-person vs. virtual meetings:

Peter Potenciano - 9 Georgia Street - Feels it's prudent to do the meetings in-person.

Anthony Rossetti – 102 Hillcrest Avenue – Asked about a hybrid meeting.

Board Administrator stated that they don't have the ability to do a hybrid in Council Chambers.

Steve Merman stated that there might be changes in upcoming legislation regarding a tier system.

Rita LaBrutto – 104 Arlington Road – Stated it is very frustrating as a member of the Public to be virtual. Feels it is better to be in the room with the exhibits. Stated that is why the Board has alternates in case some members can't make a meeting. Feels disrespectful to the Public.

Greer Patras stated a lot of her Boards are still virtual. Stated she is aware of some lawsuits where the issue is the equality of opinions that were given to in-person vs. virtual.

A motion to remain virtual and to be reconsidered when the Chair deems appropriate, was made by Mr. Quinn, seconded by Mr. Marotta and all members were in favor except for Mr. Aschenbach who voted Nay.

The workshop portion of the meeting concluded at 8:07 p.m.

**PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on November 6, 2023, at 8:07 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 23-013  
Applicant: 34 Leo LLC  
Owner: Joel Rosenberg  
30 Commerce Drive  
Block: 644 Lot: 2, C-1 Zone

The applicant is requesting a d(1) use variance and Minor Site Plan approval to convert an existing single-family dwelling into a Mikvah (commercial therapeutic bath) §255-36.D(1). Existing non-conforming conditions are not proposed to change with this application, but may require relief due to the change in use to a new non-confirming use.

Steve Merman, Esq. appeared. Stated he will have four witnesses testify. Reviewed the application. Stated the applicant is requesting to convert the existing one family to a commercial Mikvah in the C-1 zone.

Mr. Rothman discussed the type of variances the applicant is requesting.

Raizy Freund appeared and was sworn in.

Questions from Mr. Merman to Ms. Freund ascertained the following:

Stated that the Mikvah will be a private business that will serve the needs of the Jewish community in Cranford and the surrounding neighborhoods. Will be used by Jewish women per Jewish law. It will be used by women ages 20 to 50, approximately once a month. There are about 60 community members and they will be able to accommodate about 3 to 6 visits per night. It will operate by appointment only with no more than 2 to 3 people at a time. They will spend about 1 ½ to 2 hours at the Mikvah. The hours will be around 4pm to 8pm. There will be two workers; a receptionist and a cleaner. There will be a monthly membership fee of \$90.00 per month and about \$40.00 to \$50.00 each visit. Women coming to the Mikvah do not drive and will either walk or come by taxi. The parking spaces will mainly be for drop-offs and pick-ups. There will be little garbage since there will be no eating or drinking on site. It will be a quite and clean use for the neighborhood. Feels it will benefit the neighborhood and the entire community. A contractor will be hired to run the facility. The Mikvah would run 6 nights a week and would be closed on Fridays and all major Jewish holidays. The facility will only be open to Jewish women.

Questions from the Board for this witness ascertained the following:

8 pm would be when the facility would close. They already have the 60 members who are from Cranford and the surrounding local area.

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

John Ponticello – 32 Commerce Drive appeared. Asked about the hours for the Mikvah and if there has been a traffic or pedestrian study. Asked about an environmental study on the rainwater equipment and the maximum capacity of memberships the Mikvah can accommodate. Asked about the zoning.

Ms. Freund stated the hours would be from 4pm to 8 pm. She does not know if there has been a study. Their engineer would know about the environmental issues. Stated approximately 100 memberships could be accommodated.

Mr. Merman stated there has not been a traffic study done. The rainwater collection will be testified to by the engineer.

Rita LaBrutto – 104 Arlington Road – Asked about the women traveling from other areas and about parking on Commerce Drive and dropping off. Asked if this Mikvah will prohibit men and cleaning of tools. Asked about a contractor vs. a volunteer and about trash and deliveries.

Ms. Freund stated that the taxis would drop off in the parking lot. Only women would be allowed and there would be no other uses at the site. Stated there would be a contractor at the facility, not a volunteer. They will do their own laundry and there would be minimal garage.

Follow up questions from Mr. Merman to Ms. Freund ascertained the following:  
Her community is not associated with the Mikvah at Orchard and cannot access that Mikvah. She is going to Brooklyn to a Mikvah now.

Kevin Boyer, Board Engineer, stated that the applicant would have to file a Business Registration with the Township. The Health Department and building permits are not for the purveyor of this Board, it is only for the use.

David Freund appeared and was sworn in.

Questions from Mr. Merman to Mr. Freund ascertained the following:  
They will have an experienced contractor from Brooklyn running the Mikvah. There are strict laws in building a Mikvah and will have an operator for the Mikvah. The staff would be from 1pm to prepare the facility. The target time to close would be 8pm. The receptionist will book the appointments, there would no walk-ins and there will be no signage. There will be deliveries when they first open, after that there would be small deliveries. The contractor has experience in how to gather the rain water from the roof for the Mikvah. There will be no tractor trailer deliveries.

Questions from the Board for this witness ascertained the following:  
The water retention would be in the back of the property.

Questions from Greer Patras, Board Planner, for this witness ascertained the following:  
The employee would be the same from 1pm to 8pm for cleaning, and a receptionist would be there at 4pm. They would park in the parking lot. The basement will only be used for storage and laundry.

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

Rita LaBrutto – 104 Arlington Road – Asked about the timing of the last appointment and about the purchase of the property. Asked about being attached to another use and is it a commercial use or a religious use.

Mr. Freund stated it is by appointment only and the goal is to try and close at 8pm. Stated they do not own the property; they have a lease option to buy the property.

Mark Chisvette appeared and was sworn in. Mr. Chisvette presented his qualifications and was accepted as an expert in engineering.

Questions from Mr. Merman to Mr. Chisvette ascertained the following:

He prepared the site plan for this application. Presented the Site Plan (C1) dated 9-29-23, and described the property. Stated the property is fairly close to the City of Linden. Reviewed the zoning table and the bulk variances requested. Not proposing to expand the building. Reviewed (C2) the Demolition Plan. The existing building's left rear corner is an enclosed porch and is the location of the actual Mikvah bath. Does not have a basement below it. Proposing to remove the shed at rear of the property, concrete pad and sidewalk. Will remove asphalt driveway and replace with permeable material. Five trees are being removed. Presented a revision version of (C3) in the Site Plan dated 10-27-23, and marked as Exhibit A-1. It has been revised based on professional comments from Township. This was amended with HVAC relocating to rear yard and placed on a concrete pad; second revision is curbing with granite block. Proposing a new driveway to the right of the existing house, there will be five parking spaces with one ADA compliant space. The existing driveway will become a loading area. Presented a parking table and marked as Exhibit A-2. They did not want to increase the parking lot because they did not want to increase the impervious coverage. They are proposing a large concrete pad for the trash in rear of building and since the trash demand will be very light, they could eliminate that area altogether. Could plant grass there instead and keep trash containers in the garage. If a dumpster were to come into the site, it would not be able to make a K-turn, it would need to back out of the facility. They are proposing new light poles in the parking area along with some wall mounted fixtures for the ADA ramp and walkways. Will remove the lamppost near the driveway and replace it. They are slightly over the maximum foot candles at the two driveway aprons, otherwise they comply. Proposing replacement trees and will compensate for the remainder of the trees. Site is too small to replace 27 trees per the Ordinance. There will be shrubbery along the perimeter of the parking area, in front of parking area and front of the building. Proposing a five-foot-high solid vinyl fence along northernly property line. There is a tank proposed in the garage for the collection of some of the roof water, but is not part of the detention system. Some of the replenishment of the Mikvah water needs to be rain water. The Mikvah will run similarly to a swimming pool with chlorination and a filter. It will sometimes need to be replenished with rain water. Proposing a storage tank for the rain water and is not part of the detention system. They are proposing two infiltration basins in the front yard. Presented Exhibit A-3 which is a shaded version of C5. Shaded area in blue of the building will discharge into the infiltration basin system. The system is designed to meet the 2, 20, and 100-year storms. Did reviewed Board Engineer's report. Permeable pavers will be used and will do percolation testing and submit as a condition of approval. Will be able to comply with the request for the reduction of the slopes in the infiltration basins. If the Board requests to have applicant fence around the infiltration basin, he would recommend a two-foot-high picket.

Questions from the Board for this witness ascertained the following:

There is no maintenance plan, but they will do one and make it a condition of approval. There will be two employees on site and no more than three patrons in the Mikvah at a time. The capacity of the tank is on the architectural plans and labeled as 90-inch diameter, 5-foot tank. Some wetland plantings would be good for the area with the infiltration basins. There are mature trees being removed and will be replaced with different varieties of trees. Proposing nine (9) 3-inch caliber when planted.

Questions from Mr. Boyer, Board Engineer for this witness ascertained the following:

There is another down spout on the left side of the building, that would discharge to grade as it does now.

Once the storage system is full, it will overflow to grade as it currently does now.

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

Believes the proposed use is less intense than uses that are allowed. A lot less traffic, and patrons will come at off peak hours. Women coming to the facility will not be driving. There will not be any walk-ins. Requesting a waiver for the bicycle parking. They will be doing twelve (12) replacement trees, not nine, as previously testified to. Providing buffering along the front and northerly side. Proposing boxwoods as hedge plantings. They can change the infiltration basin area from grass to wetland plantings. If they remove the trash area, they could bump out the last parking space. The whole site is not over lit; just the two areas for the aprons and believes it would be safer with that lighting.

Mr. Rothman asked about the fencing material.

Mr. Chisvette stated it is a 5-foot-high solid vinyl privacy fence. Proposed almost to rear of the property on the entire sideline up to the corner of the parking area. Not making the bend in the front or the back.

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

Rita LaBrutto – 104 Arlington Road – Asked about the intensity of the site and about a 5-foot vs. 6-foot fence. Asked about footage between driveways and other variances the applicant is requesting. Asked about a fence around the basin.

Mr. Chisvette stated a professional office would have activity all day. A sole proprietor would not use a 1700 square foot professional office. Fence is for screening headlights. They are proposing 40 feet, which would require a variance. They are not suggesting a fence, but it has been suggested. They are open to the Board's suggestion.

Robert Murphy appeared and was sworn in. Mr. Murphy presented his qualifications and was accepted as an expert in architecture.

Questions from Mr. Merman to Mr. Murphy ascertained the following:

Stated it is an existing Ranch style house, with a garage. It is one story, flat terrain, with a Gable roof. Proposed floor plan includes a reception area, four prep areas and one handicap area. There is a garage with a cistern for rain water. The existing porch will be enclosed which will be the Mikvah and a mechanical room. There will be a handicap ramp and access to the building from the rear. The basement will have a powder room and a washer and dryer. Presented a supplemental sheet based on DRC comments, marked as Exhibit A-4 and will provide a signed and sealed copy to the Board. There are also two existing storage rooms which will remain. Presented the existing house with proposed changes. Changes include new siding, the brick will remain on the base in the front, there will be new doors and windows.

Questions from the Board for this witness ascertained the following:

The outside will maintain the look of a single-family house. There will be no signage.

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

Rita LaBrutto – 104 Arlington Road – Asked about HardiePlank siding vs. vinyl siding.

Mr. Murphy stated that if the Town has a preference they can do what is requested. It has always been vinyl siding being proposed.

Mr. Merman requested an adjournment and at the next meeting, will present at the renderings.

Board member asked for the renderings to be submitted to the Board in advance.

Mr. Merman agreed to submit the documents prior to the next meeting.

Mr. Rothman asked for the applicant's consent to an extension.

Mr. Merman agreed to provide an extension for the time of decision.

Ms. Daly stated the meeting will be adjourned to February 12, 2024 at 7:30 p.m. and it will be virtual.

2. Application #ZBA-23-017  
Applicant: J. Tan & M. Tog LLC/Reel Strong Fuel  
545A Lexington Avenue & 547-549 Lexington Avenue  
Block 457 Lots 8 & 9, R-1 Zone

The applicant is requesting a d(1) use variance for the construction of an age-restricted townhouse development consisting of 24 residential units (20 market rate and 4 affordable) spread throughout 5, three-story townhouse buildings. The applicant also proposes surface and garage parking, fencing and landscaping improvements. §255-36.A(1) This is a bifurcated application.

Discussion was held as to when the application for 545A Lexington Avenue & 547-549 Lexington Avenue would be able to be heard.

The application for 545A Lexington Avenue & 547-549 Lexington Avenue will be scheduled for February 26, 2024 at 7:30 p.m. virtually.

Mr. Goodman consented to an extension for the above application.

**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 10:38 p.m.

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Kent Lucas, Secretary