

MINUTES – ZONING BOARD – December 12, 2022

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, December 12, 2022 at 7:30 p.m. was conducted virtually in order to avoid potential impacts from Covid-19.

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. Ashrafi
Mr. Lucas
Mr. Quinn
Mr. Rees

Members Absent:

None

Alternates Present:

Mr. Cukierski

Alternates Absent:

Ms. Oliver

Also in attendance: Mark Rothman, Esq., and Kathy Lenahan, Board Administrator, Carl O'Brien, Board Engineer

COMMUNICATIONS:

None

MINUTES:

None

RESOLUTIONS:

Application #ZBA 22-014
Frank Litterio
322 Manor Avenue
Block: 235 Lot: 14, R-4 Zone

Applicant is appealing the Zoning Officer's decision regarding story height §255-1 Story Above Grade.

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

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

Opposed: None

OLD/NEW BUSINESS:

None

The workshop portion of the meeting concluded at 7:41 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on December 12, 2022, 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 22-006
Edward Sisk
134 Garden Street
Block: 285 Lot: 8, R-4 Zone

Applicant is requesting c(2) variances for the construction of a front porch. The minimum front yard setback is 25' (23.6' minimum required based on the prevailing setback) and 21' is proposed, §255-34, Attachment 1, Schedule 1 and 40% is the maximum impervious coverage where 41.9% is proposed §255-34, Attachment 1, Schedule 1.

Edward Sisk appeared and was sworn in. Discussion was held regarding a proof of mailing receipt.

Nicholas Sisk appeared and was sworn in. Stated the variances requested were for impervious coverage and front setback. However, he submitted updated plans and the impervious coverage drops to 36.2% and is now below the 40% threshold. Eliminated some areas in the rear yard and will replace with topsoil and grass. Date of revised plan is 11-20-22 and was submitted to the zoning office. Presented the updated plan marked as A-1 (one sheet). The front yard setback is to allow for a usable front porch. The property line cuts into the front lawn. This will not be an eyesore, a lot of the houses on Garden Street are making improvements. Does not believe it has a negative effect on the block. Presented the prevailing setback document.

Questions from the Board for this witness ascertained the following:

The applicant no longer requires a variance for impervious coverage. Started construction and building out walls for the porch and realized it would not work for their use, needed to get a variance. There is a double stacked sewer in the front yard.

Questions from Carl O'Brien, Board Engineer, to this witness ascertained the following:

The roof leaders will tie into PVC underground and go out to the curb line. The back garage is more of a shed, will not be used to park a car. Stairs will be blocking the garage. Will be turned into a grass area.

Mr. O'Brien requested, should this application be approved, attaching their review letter (dated November 28th) as an exhibit in the resolution.

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

Mr. Rothman asked about access with the side steps.

Mr. Sisk stated there will be blacktop leading up to the steps. Beyond the steps, will be turned into pervious coverage. The zoning office has the hard copies of the revised plans.

Ms. Daly asked if anyone from the Public would like to make a comment about this application, no one appeared.

2. DELIBERATION Application #ZBA 22-006
Edward Sisk
134 Garden Street
Block: 285 Lot: 8, R-4 Zone

Applicant is requesting c(2) variances for the construction of a front porch. The minimum front yard setback is 25' (23.6' minimum required based on the prevailing setback) and 21' is proposed, §255-34, Attachment 1, Schedule 1 and 40% is the maximum impervious coverage where 41.9% is proposed §255-34, Attachment 1, Schedule 1.

Board comments consisted of the following:

Good application, glad the other variance was taken care of. Agrees with comments, but subject to the final documents. Applicant has done what professionals have asked. Prevailing setback document very helpful. Applicant has shown the benefits outweigh the detriments. It is a *de minimis* request of four feet.

A motion to approve the application was made by Mr. Lucas, seconded by Mr. Rees and passed on roll call vote:

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

Opposed: None

3. Application #ZBA 22-011
Matthew & Mollie Laracy
50 Morse Street
Block: 448 Lot: 8, R-3 Zone

Applicant is requesting a c(1) variance for the construction of a single-story addition. The minimum front yard setback in a street side yard is 25' and 14' is proposed, §255-34, Attachment 1, Schedule 1.

Rich Pierce appeared and was sworn in. Presented his qualifications and was accepted as an expert in the field of architecture. Stated this is a split level and the applicant did an existing addition as-of-right. Would like to add to the family room space. Could go either out the back of the house or side of the house. This is a corner property with two 25-foot setbacks on Morse and Carolina. Could have added to back as-of-right, but wanted to use some of side property on Carolina. The back of house has a nice deck and nice backyard, so did not want to add to back of the house. The side yard is not use much. Addition off the side requires a variance. They are under on building coverage, with the maximum allowed being 2100 square feet, and they would only be at 1572 square feet with the addition. On impervious coverage, allowed is 2850 square feet, they are proposing only 2150 square feet. Presented the drawing of the

addition. Discussed a comment from the Historical Society about neighboring setbacks. Stated along Morse Street, most houses are on the 25-foot line, there is only one house behind them on Carolina and it looks to be about 22-23 feet.

Mr. Rothman reviewed the standard for a c(1) hardship variance.

Questions from the Board for this witness ascertained the following:

The property is unique due to it being a corner property. Corner properties are subject to two front yard setbacks. Adding to back of house has issues with encroaching on the bedroom windows. Also, would encroach on rear yard and deck. Options for building out the back behind dining room and kitchen, would take away windows from that area and would be on the other side of an L-shaped addition. Would limit them having a deck out the back.

Mr. O'Brien requested, should this application be approved, attaching their review letter (dated November 28th) as an exhibit in the resolution. Stated any grading done on the site needs to be submitted for building review and approval; so as not to negatively affect stormwater drainage. There is also 186 square feet of additional impervious, but cannot exceed over 300 square feet cumulatively.

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

Matthew Laracy appeared and was sworn in. Stated they have a growing family, love the neighborhood, have lots of kids coming over. Wants to stay and this room would give them more living space for entertaining. Going out the back presents a lot of issues and they really use the back of the house much more than the side yard. Feels it would be a nice addition.

Board had no questions for this witness.

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

Ms. Daly asked if anyone from the Public would like to make a comment about this application, no one appeared.

Mr. Pierce summed up, stating he feels it is a reasonable request. Corner lots are tough. Believes this is the best option to keep the backyard as a useful space versus dividing the house up into thirds.

4. DELIBERATION Application #ZBA 22-011
Matthew & Mollie Laracy
50 Morse Street
Block: 448 Lot: 8, R-3 Zone

Applicant is requesting a c(1) variance for the construction of a single-story addition. The minimum front yard setback in a street side yard is 25' and 14' is proposed, §255-34, Attachment 1, Schedule 1.

Board comments consist of the following:

Hardship not created by the applicant. Does not feel this will create any issues with neighboring properties, no neighbors have come forward. Does not think it fits the criteria for a hardship. Corner lots have to follow the rules, does not feel there is a uniqueness to this property to allow the variance. Not a *de minimis* request. Other corner properties have maintained the 25-foot setback. Nothing unusual about the shape of property to meet hardship criteria. More of a preference than a hardship.

A motion to approve the application was made by Mr. Quinn, seconded by Mr. Aschenbach and passed on roll call vote:

Affirmative: Mr. Marotta, Mr. Aschenbach, Mr. Ashrafi, Mr. Quinn, Mr. Rees

Opposed: Ms. Daly, Mr. Lucas

5. Application #ZBA 22-004
Andre & Elizabeth Rivera
96 Riverside Drive
Block: 264 Lot: 13, R-4 Zone

Applicant is requesting a c(2) variance for the construction of a front porch. The minimum front yard setback is 25', whereas 29.92 exists and 22.92 is proposed, §255-34, Attachment 1, Schedule 1.

Andre Rivera appeared and was sworn in. Stated property is a corner property. Would like to construct a 7 x 27 open front porch with a Gable roof. Porch will be open on three sides with lattice and shrubs. Four piers would support the porch floor and roof. Gutters and downspouts will lead to the street. Porch would encroach 2.08 feet. The prevailing setback is 29.3 feet. House is irregularly shaped and the front of the house is not parallel with the front property line. Will remove a portion of the rear patio to comply with impervious coverage. Will enhance this property as well as his neighbor's. Would have more interaction with their neighbors.

Questions from the Board for this witness ascertained the following:

They do have a basement. Water would go through the lattice. An addition was just completed on the property, over an existing structure, but footprint did not get larger. The prior addition did not require Board approval.

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

Ron Meeks appeared and was sworn in. He presented his credentials and was accepted as an expert in the field of architecture. Stated the porch will be on piers and will not impede any flow of water. There is a slight increase in elevation. Stated the negative criteria would be the encroachment into the required front yard setback. It is an attractive addition to the house, open on three sides, and fits in with the neighborhood. Removing approximately 90-95 square feet of the pavers to address impervious coverage. Homeowners will increase the shrubs in front and possibly around the property.

Questions from the Board for this witness ascertained the following:

The amount of square footage being removed takes them to the maximum. The homeowners are open to the suggestion from the Environmental Commission. The basement is utilized for storage. The porch backs up to the front elevation and the two sides and front of porch will be open. There is no basement under the porch. The applicant has no objection to a condition that the porch remains open.

Mr. O'Brien, Board Engineer, stated as a condition of approval, they would need an engineer's estimate for substantial improvements to make sure that it is less than 50% of market value. This is based on a Permit by Rule by the DEP.

Ms. Daly asked if anyone from the Public would like to make a comment about this application, no one appeared.

Board comments consisted of the following:

Does not appear to be adding any structure that would impede flow. Complies in all other ways. Beautiful view from house. Plantings will help with the water absorption.

A motion to approve the application was made by Mr. Marotta, seconded by Mr. Aschenbach and passed on roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Ashrafi, Mr. Luca, Mr. Quinn, Mr. Rees

Opposed: None

PUBLIC PORTION:

None

Ms. Daly stated the Reorganization meeting will be held on January 9, 2023 at 7:30 p.m. and it will be virtual. At that time, the Board will discuss whether to go back to in-person meetings or to stay virtual.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 9:12 p.m.

Kent Lucas, Secretary