

MINUTES – ZONING BOARD – February 26, 2024

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, February 26, 2024 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. by Mr. Marotta, Vice-Chair.

ROLL CALL:

Members Present:

Mr. Marotta
Mr. Cukierski
Mr. Rees

Members Absent:

Mr. Aschenbach
Ms. Daly
Mr. Lucas
Mr. Quinn

Alternates Present:

Ms. Oliver
Ms. Vidwans

Alternates Absent:

None

Also, in attendance: Thomas Jardim, Esq., Kathy Lenahan, Board Administrator, Kevin Boyer, Board Engineer

COMMUNICATIONS:

A letter from Gary Goodman, Esq., representing the applicant for 545A & 547-549 Lexington Avenue, was read into the record. Mr. Goodman requested the application be carried until April 8, 2024, at which time, the Board will be in person. The applicant has agreed to re-notice and republish.

MINUTES:

A motion to adopt the minutes of the January 22, 2024 closed meeting, was made by Mr. Rees, seconded by Ms. Oliver and passed on unanimous voice vote.

A motion to adopt the minutes of the January 22, 2024 official meeting, was made by Mr. Rees, seconded by Ms. Oliver and passed on unanimous voice vote.

RESOLUTIONS:

None

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 7:39 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Zoning Board of Adjustment was called to order by Mr. Marotta on February 26, 2024, at 7:45 p.m. via Google Meet. Mr. Marotta 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.

Mr. Marotta explained the protocol, purpose and procedure that will be followed during the hearing.

Mr. Marotta stated the application ZBA-23-017 will be carried until April 8, 2024.

1. Application #ZBA 23-017 – Requested to be carried until April 8, 2024
J. Tan & M. Tog Properties Co. LLC
545 A & 547-549 Lexington Avenue
Block: 547 Lots: 7 & 8

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.

2. Application #ZBA 23-024
Francine & Charles Mueller
319 Union Avenue South
Block: 431 Lot: 5 R-4 Zone

The applicant is requesting a c(2) variance to construct an addition for a new attic, interior renovations and facade improvements. The maximum story height is 2 stories where existing is 2.5 stories and proposed is 3 stories §255-34 Schedule 1.

Francine & Charles Mueller appeared and were sworn in. Ms. Mueller reviewed the application. Stated they love Cranford and have two young daughters. The house is small and they would like to expand it. There is only one bedroom on the second floor that they are all currently sleeping in.

Ralph Finelli appeared and was sworn in. Presented his qualifications and was accepted as an expert in architecture. Presented the survey of the property showing the footprint of the house. They are putting a second floor on the house, but not expanding the side walls or the backyard. The first floor of the house is almost five feet above grade, so the basement is considered a story by Cranford's ordinance. Presented the architectural plan showing the addition of a full second floor. They are compliant with the feet and inches, it is just the height above the ground for the first floor that triggers the variance. There are nine, two story homes on the block, and eight have the exact same relationship to the ground. They are keeping with the neighborhood and will fit right in; they are turning a cape into a two story. Showed the proposal of the first-floor plan and the second story with three bedrooms, and one shared bathroom. They are not expanding the footprint.

Ms. Mueller stated that her children do not like to sleep alone on a separate floor. They would be moving the staircase to enable them to use all of the space.

No one from the Board had questions for the applicants or the architect.

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

Ms. Mueller stated that there is a brand-new house that went up across the street this year, that came before the Board for the same variance. They are not changing the character of the street, and believes it will add value. Stated they want to stay in Cranford.

Mr. Marotta asked if anyone from the Public had comments for or against this application, no one appeared.

3. DELIBERATION - Application #ZBA 23-024
Francine & Charles Mueller
319 Union Avenue South
Block: 431 Lot: 5 R-4 Zone

The applicant is requesting a c(2) variance to construct an addition for a new attic, interior renovations and facade improvements. The maximum story height is 2 stories where existing is 2.5 stories and proposed is 3 stories §255-34 Schedule 1.

Board comments consisted of the following:

The Board has heard other applications similar to this one. It does not change the character of the street. They are improving the property. They are meeting the height requirement, and it makes sense. It is a straightforward application. Understands the family's situation. It is great to see young families improving their homes and staying in Cranford.

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

Affirmative: Mr. Marotta, Mr. Cukierski, Mr. Rees, Ms. Oliver, Ms. Vidwans

Opposed: None

4. Application #ZBA 18-003
Emanuel Nimrud
496 Centennial Avenue
Block: 594 Lot: 8, NC Zone

The applicant received a d(3), d(5) and c(1) variance approval to permit four residential apartment units and one commercial unit on May 14, 2018. The applicant is requesting an extension of said approvals.

Gary Goodman, Esq. appeared for the applicant. Stated the applicant is seeking to extend the approvals received in 2018. Reviewed the steps the applicant took before Covid to take out demo permits and what happened once Covid hit. In 2021/2022, when he went to obtain permits, he was told his permits had expired. Mr. Rothman, the previous board counsel, suggested that the applicant come back to the Board. Mr. Goodman believes there are several reasons why the extensions should be granted. The land has been dormant for several years, and the applicant would like to move forward with the mixed-use project.

Mr. Marotta asked Mr. Jardim if there was any reason the Board could not move forward hearing this application.

Mr. Jardim stated it is discretionary for the Board, and the applicant's attorney should state how much time they are seeking for those approvals and that they would need to move forward in that time frame. Reviewed

the MLUL regarding an approval. Stated in §255-4, it does allow for extensions as well as time limits. Stated that the applicant must show good cause for the extension.

Mr. Boyer, Board Engineer, asked about resolution compliance, since his office was not involved in the original application. Stated there have been changes to the township's stormwater ordinance since 2018, as well as ADA compliance.

Emanuel Nimrud appeared and was sworn in. Stated that he is confident he can do it in 12 months. The resolution that was issued had no time period mentioned. He was before the Board twice, and he will comply with the current ordinances.

Mr. Jardim asked for clarification on what the 12 months would include. His recommendation would be upon the issuance of building permits.

Mr. Goodman stated it should be until they get a response from the building department, once they have submitted their documents.

Mr. Nimrud stated he can submit all his documents within the next two months.

Mr. Goodman suggested asking the Board for 18 months.

Mr. Jardim stated it is typical to request extensions, although this application is a little older. However, when asking for the extension, the Board does not go back into the merits of the application. The attorney for the applicant is suggesting that the timing would be 18 months from the submission of a substantially compliant building permit application. They can either do a resolution of memorialization or it would be reflected in the minutes. The variance relief runs with the land. The property can only be built based on what was already approved.

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

Patrick Daly – 7 Cranford Terrace – Asked about the finding of facts in the resolution, (i.e. garbage storage), but are not in the conditions of the resolution. Asked about ADA compliance and if the parking sizes were to change. Asked if those changes would make the applicant come back to the Board

Mr. Jardim stated the applicant will submit plans to the building department and the zoning officer will make sure that the plans submitted comply with the resolution of memorialization. The applicant has to comply with laws at the time they are submitting a building application.

Mr. Boyer stated the issue he sees, is there is no ADA accessibly from the right-of-way to the front of the building, which is the commercial portion of building. There are stairs on either sidewalk access, but a ramp would need to be built in place of one of those stairs to provide ADA access. There is also a column obstructing the loading zone for the ADA space, so they would need to revise the building design. If the changes made to the plan to be compliant, result in any change in any variance(s) already granted, then they would need to come back before the Board.

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

5. DELIBERATION - Application #ZBA 18-003
Emanuel Nimrud
496 Centennial Avenue
Block: 594 Lot: 8, NC Zone

The applicant received a d(3), d(5) and c(1) variance approval to permit four residential apartment units and one commercial unit on May 14, 2018. The applicant is requesting an extension of said approvals.

Board comments consisted of the following:

Uncomfortable with voting for something they do not know anything about. Does not know enough about it. Deliberated the application extensively. Some of the employees who worked with the applicant are no longer with the town. Was not on the Board at the time the application was approved. The question is, does this warrant an extension. They may have to come back before the Board, if they need to redesign the application. There is a chance the applicant will not come back before the Board. Would feel more comfortable with the language of issuance of permits. There were extenuating circumstances and believes the applicant is motivated to move things along.

Mr. Boyer stated they should be able to make the application compliant without coming back before the Board, except for the possibility of the ADA accessibility from the right-of-way.

A motion to approve an 18-month extension for the issuance of building permits, was made by Mr. Cukierski, seconded by Ms. Vidwans and passed on roll call vote.

Affirmative: Mr. Marotta, Mr. Cukierski, Ms. Oliver, Ms. Vidwans

Opposed: Mr. Rees

PUBLIC COMMENT:

None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 9:14 pm.

Kent Lucas, Secretary