

MINUTES – ZONING BOARD – February 27, 2023

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, February 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. Cukierski
Mr. Lucas
Mr. Quinn
Mr. Rees

Members Absent:

Mr. Marotta
Mr. Aschenbach

Alternates Present:

Mr. Giuditta

Alternates Absent:

Ms. Oliver

Also in attendance: Mark Rothman, Esq., and Kathy Lenahan, Board Administrator, Marie Raffay, Colliers Engineering, Board Engineer

COMMUNICATIONS:

None

MINUTES:

None

RESOLUTIONS:

None

The workshop portion of the meeting concluded at 7:37 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on February 27, 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 22-010
Arlene & David Weichert
6 Park Drive
Block: 197 Lot: 3, R-1 Zone

The applicant is requesting c(1) variance relief to allow for the elevation of a house and the construction of additions and a deck. Rear yard setback to house required is 37.4 ft., where 30.7 ft. is existing and 30.24 ft. is proposed, §255-34, Attachment 1, Schedule 1. Rear yard setback to deck required is 28.4 ft., where 18 ft. is existing and 18 ft. is proposed, §255-34, Attachment 1, Schedule 1. The maximum allowed building coverage is 25%, where 22.7% is existing and 31.5% is proposed §255-34, Attachment 1, Schedule 1. Maximum allowed impervious coverage is 35%, where 38.67% is existing and 38% is proposed §255-34, Attachment 1, Schedule 1. Minimum side yard setback combined is 19.4 ft., where 17.6 ft. is existing and 16.36 ft. is proposed, §255-34, Attachment 1, Schedule 1. The alteration cannot constitute a substantial improvement (50% or more of the structure's market value). The proposed increases the market value greater than 50%, §255-36G(6)(c)(2). Any increase in volume or area shall not exceed an aggregate of more than 25% of volume or area during the life of the structure. Proposed is an increase in volume greater than 25 %, §255-36G(6)(c)(3).

Arlene & David Weichert appeared and were sworn in. Stated they have lived in the house for 31 years and have experienced several floods in their home. They experienced flooding on their first floor and no longer want to risk experiencing another flood. Want to invest in this property. Requesting to raise the property and fill in the basement. They will be losing living space in the basement. Will make the home attractive to fit in with the neighborhood. Stated variances are minimal compared to existing conditions.

Questions from the Board for this witness ascertained the following:

They had five feet of water in Ida and in Irene, they were out of the house for several months.

Ms. Daly asked if any of the members of the Public had questions for this witness, no one appeared.

Arthur Henn appeared and was sworn in. Presented his credentials and was accepted as an expert in Architecture. Presented PB1-1 and reviewed the work that will be done. They will be going down to existing foundation and filling in the basement. A two-story house will replace the existing one and a half story ranch. They will be replacing existing driveway with pervious pavers and removing the paver patio in the back. Described the foundation plan. There will be a small addition in the back. The hardship is that it is an undersized lot and is irregularly shaped. The existing deck will be removed and rebuilt at the new elevation. Using a 6% permeable paver. Will essentially be new construction. The house will be consistent with the neighborhood and still be a three bedroom, three bath house. Presented photos of #2 Park Drive and # 4 Park Drive, which are similar to what they are proposing. Presented the building elevations for the property.

Questions from our Board Engineer ascertained the following:

The date of the drawing is 12-8-22 with a revision date of 1-24-23. The revisions were based on comments from the DRC meeting. The cantilever was not calculated in the first set of drawings. Proposing a 6% permeable paver, which would bring down the number. Will provide the documentation for the installation of the pavers. There is a drywell cover for the leaves. All backdown spouts go to the drywell and will continue to do so.

Mr. Rothman asked if the applicant would consent to the items in the Colliers Engineering Report, along with the choice of pavers and the installation. Asked about a deed restriction and a maintenance plan.

Mr. Henn agreed to comply with the report and to provide the information on the choice of paver and the installation information.

Ms. Weichert stated their preference would be not to have a deed restriction.

Discussion followed.

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

A Board member had a follow up question and asked about the body of water closes to their house.

Mr. Weichert stated Nomahegan lake is right across the street.

Ms. Daly asked if anyone from the Public had a comment about this application, no one appeared.

Mr. Henn summed up the application and stated his reasons for the hardships of the lot.

Mr. Rothman reviewed the c(1) standards for this application.

A Board member asked if there was a commitment from the applicant regarding the deed restriction.

Mr. Rothman stated it is up to the Board to include it in a motion. The Board can set reasonable conditions.

2. DELIBERATION OF Application #ZBA 22-010
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Board comments consisted of the following:

Does have a number of restrictions on the lot. Does agree with the Environmental Commission's recommendation on the deed restriction. There could be a maintenance agreement with the owner.

There could be a maintenance agreement between the Township's engineer and the applicant. Not in favor of a deed restriction. There is only a slight reduction, and not a benefit to the applicant or the township. Not a heavy burden on homeowner for a restriction and won't reduce the value of the property. There is no maintenance on the pavers, they just need to be installed correctly. In favor of the application, hardships are there and does not think there should be any restrictions. Does not believe the restriction is necessary and is unreasonable.

Ms. Daly reviewed all the conditions the applicant is requesting.

Motion to approve the application with a deed restriction included on the property, was made by Mr. Lucas, the motion did not receive a second, the motion failed.

Motion to approve the application without the deed the restriction, was made by Mr. Giuditta, seconded by Mr. Rees and passed on roll call vote:

Affirmative: Ms. Daly, Mr. Cukierski, Mr. Quinn, Mr. Rees, Mr. Giuditta

Opposed: Mr. Lucas

PUBLIC PORTION:

None

Next meeting is scheduled for March 13th 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 8:45 p.m.

Kent Lucas, Secretary