

## MINUTES – ZONING BOARD – May 8, 2023

**The Cranford Zoning Board of Adjustment meeting scheduled for Monday, May 8, 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. Mr. Marotta, Vice Chair.

### **ROLL CALL:**

#### **Members Present:**

Mr. Marotta  
Mr. Aschenbach  
Mr. Cukierski  
Mr. Lucas  
Mr. Rees

#### **Members Absent:**

Ms. Daly  
Mr. Quinn

#### **Alternates Present:**

Ms. Oliver  
Mr. Giuditta

#### **Alternates Absent:**

None

Also, in attendance: Mark Rothman, Esq., Kathy Lenahan, Board Administrator, Jacque Dirmann, Board Engineer

### **COMMUNICATIONS:**

None

### **MINUTES:**

None

### **RESOLUTIONS:**

1. Application #ZBA 23-002  
Jonmichael Caldarone & Erin Snyder  
33 Keith Jeffries Avenue  
Block 445 Lot: 3, R-4 Zone

Applicant is requesting “c” variance relief where the maximum story height is 2.5 stories and 3.5 stories is proposed 255-34, Attachment 1, Schedule 1.

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

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

Opposed: None

### **OLD/NEW BUSINESS**

None

The workshop portion of the meeting concluded at 7:38 p.m.

### **PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on May 8, 2023, 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.

1. Application #ZBA 23-004  
Christina & Nicholas Mano  
13 Cherokee Road  
Block: 618 Lot: 8, R-4 Zone

The applicant is requesting c(1) and/or c(2) variance relief for the construction of an in-ground pool. Minimum rear yard setback for a pool is 15 feet, where 7.8 feet is proposed, §255-38B(2).

Matthew Capizzi, Esq. appeared and reviewed the application. Applicant is requesting to install a 10 x 20 pool in the rear of their yard.

Jeff Egarian appeared and was sworn in. He presented his credentials to the Board and was accepted as an expert in engineering.

Questions from Mr. Capizzi to Mr. Egarian ascertained the following:

Presented pool location and grading plan. The lot has several existing non-conformities and is improved with single family home. Proposing to remove rear walkway and patio and install a 10 x 20 pool with pool filter on the side of the house, six feet from the property line. There will be minimal grading and disturbance. The pool will be parallel to the home. The house is pushed back an additional 5.67 feet beyond the minimum requirement, which reduces the rear yard area. A 10 x 20 pool is on the smaller side for a pool. They are not removing any trees. The net impervious is under 300 feet, so stormwater is not a concern. Fencing is in compliance with the Code.

Questions from the Board for this witness ascertained the following:

Impervious coverage will be reduced. There will not be any steps or walkway to the pool. The utilities are located near the pool filter. The fence is completely around the yard with self-locking gates on both sides of the side yard. Any water would be discharged to the front yard and to the street away from any adjacent properties. Property slopes toward the road. There will be a one-foot wide coping around the pool. Landscape lighting is not part of this application.

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

Questions from Jacqueline Dirmann, Board Engineer, to this witness, ascertained the following:  
Any additional impervious coverage, not on the plan, would trigger a stormwater variance. Soil needs to be removed and elevation in backyard cannot be increased. Water must discharge to the street.

Ben Heller, appeared and was sworn in. Presented his qualifications and was accepted as a landscape architect.

Questions from Mr. Capizzi to Mr. Heller ascertained the following:  
Presented his landscape plan. There will be 17 green giant arborvitaes, 6 to 7 feet tall at planting. There will also be 20 hydrangeas and 13 pachysandras for ground cover. The fence will be black aluminum, four feet tall, and have two self-closing gates. This is a relatively low maintenance plan.

Questions from Board members for this witness ascertained the following:  
There are four-inch openings in the fence and will have spring loaded gates. The rear yard will be fully enclosed. Locking gates are not required.

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

Mr. Rothman requested a copy of the color rendering marked Exhibit A-1 presented by Mr. Heller, be sent in for the file.

Mr. Capizzi summarized the application. The applicant proposed the smallest pool possible to provide as much of a rear yard setback as possible. The improvements are at grade. There is no substantial negative impact on the rear neighbor. The landscape plan will establish a visual buffer. Reviewed the c(1) and c(2) criteria for the application. Predominately a c(1) basis. The landscape plan can become part of the Boards' approval. They will comply with Board Engineer's comments. Also, gates will have a locking mechanism.

Mr. Marotta asked if anyone from the Public had comments on the application, no one appeared.

2. DELIBERATION – Application #ZBA 23-004  
Christina & Nicholas Mano  
13 Cherokee Road  
Block: 618 Lot: 8, R-4 Zone

The applicant is requesting c(1) and/or c(2) variance relief for the construction of an in-ground pool. Minimum rear yard setback for a pool is 15 feet, where 7.8 feet is proposed, §255-38B(2).

Board comments consisted of the following:

Being done according to the pool standards. Agrees to put locks on the gates. Lot does not look different than other lots in the neighborhood. The pool is small. Did what they could do. Application will meet requirements for fencing and safety. There is a good landscape buffer. Not a lot of room on the property to work with.

A motion to approve the application for a c(1) variance, with the condition of locking gates and the discharge of the water not to adjacent properties, was made by Mr. Giuditta, seconded by Mr. Cukierski and passed on roll call vote:

Affirmative: Mr. Marotta, Mr. Aschenbach, Mr. Cukierski, Mr. Lucas, Mr. Rees, Ms. Oliver, Mr. Giuditta

Opposed: None

Mr. Capizzi withdrew the c(2) variance request.

PUBLIC PORTION:  
None

The next meeting will be held virtually on May 22, 2023 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 8:47 p.m.

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Kent Lucas, Secretary