

MINUTES – ZONING BOARD – June 26, 2023

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, June 26, 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:

None

Alternates Absent:

Ms. Oliver
Mr. Giuditta

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

COMMUNICATIONS:

None

MINUTES:

None

RESOLUTIONS:

None

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 7:36 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on June 26, 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 23-007
Marc & Jessica Bromberg
19 Blake Avenue
Block: 490 Lot: 8, R-3 Zone

The applicant is requesting a c(2) variance for the construction of a new deck. The minimum required side yard setback is 5.5 feet, where the proposed setback is one foot. §255-38A(5)

Marc Bromberg appeared and was sworn in. Stated they are seeking a c(2) variance for the construction of a new and improved deck. They would like to build the deck in a more regular shape. The closest design would be a one-foot setback from the yard and is only for a small portion of deck design. Proposed deck will be more visually desirable, and also add value and character to the neighborhood. Does not believe it will inconvenience those around them. There is an existing easement with the owner of 15 Blake Avenue that was recorded with the Union County Clerk on October 14, 2010. The easement was signed by both the current owner of 15 Blake Avenue and the previous owner of 19 Blake Avenue. This easement travels with the land. Feels the benefits outweigh the detriments. Presented Exhibit A-1 which shows the property owned by 15 Blake Avenue with the fence that is covered by the easement. Presented Exhibit A-2 which shows the current deck railing. Presented Exhibit A-3 which shows landscaping in place now with a white fence. Presented an aerial view of the fence with landscaping.

Questions from the Board for this witness ascertained the following:

The average setback is 13 feet. One foot is the closest to the property line from the deck. The easement is to be able to maintain the fence where it is, and does not cover any of their property. It just allows them the right to use and maintain a planted fence and an improved section of the property. The proposed deck will vary, but will be roughly 10 to 13 feet from the fence. The deck will be fully on their property. The new deck as proposed will be 15 x 14 x 14 x 25 feet. It will be built closer to the sunroom, away from 15 Blake Avenue. There will be no screening by the fence. The deck will be same height as what is there currently. This is the first time he has heard the complaint about the water drainage and he would be happy to remediate it. Underneath the deck will be eleven concrete pilings and dirt.

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

Ms. Daly asked if anyone from the Public had a comment on this application, the following appeared:

Dorothy Keiser and Kim Sorge (daughter of Dorothy) – 15 Blake Avenue appeared and were sworn in. Ms. Sorge stated her mom has been in this home over 40 years. Ms. Keiser is opposing the application. Sounds like a very large deck. Looks like it will take up his whole yard. There is a river behind them and she is concerned about flooding. The easement was done with Ms. Keiser and the previous owner who wanted a shed. The previous owner put up the fence with the shed. Is not sure what side of the lawn Mr. Bromberg is taking care of. Worried about the deck causing more noise and the runoff during storms. Asked where the stairs for the deck will go. Still thinks that if it is a large deck and has a lot of noise, it will not help her sell her house. She will also see the deck from her windows. Concerned about the river in the back. Suggested they could go three feet from the property line.

Mr. Bromberg stated the stairs will be opposite the Keiser's property and it is one foot from the property line, not the fence. The trees are not on his property so he cannot cut them down. Not his intention to devalue his property or Ms. Keiser's. Stated they can compromise and make it a smaller deck having three feet instead of one foot to the property line.

Jacque Dirmann, Board Engineer, appeared and was sworn in. Suggested that one of the conditions would be to provide a signed and sealed "as built" survey showing the deck was built. Stated they do not count the deck as impervious, because there will be soil underneath.

Questions from the Board for Ms. Dirmann ascertained the following:

If the stormwater is an issue, they can point the roof drains toward the river. Water will fall through the deck and into the soil and if soil is graded to the direction of the river, that is where the water will go.

Mr. Rothman stated that the applicant cannot direct any of the runoff to the neighbor's property and the deck cannot be enclosed.

2. DELIBERATION – Application #ZBA 23-007
Marc & Jessica Bromberg
19 Blake Avenue
Block: 490 Lot: 8, R-3 Zone

The applicant is requesting a c(2) variance for the construction of a new deck. The minimum required side yard setback is 5.5 feet, where the proposed setback is **three feet***. §255-38A(5)

Board comments consisted of the following:

Good example of neighbors working together to compromise. Water needs to be directed to the river, not toward the neighbor's property. Reasonable request as long as neighbors agree and met halfway. Post construction survey should be included in the resolution.

A motion to approve the application with all conditions discussed was made by Mr. Quinn, seconded by Mr. Marotta and passed on roll call vote:

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

Opposed: None

3. Application # ZBA 23-008
Joseph Sullivan
203 Columbia Avenue
Block: 245 Lot: 14, R-4 Zone

The applicant is requesting a c(2) variance for a proposed expansion of an existing half story attic. The maximum story height permitted is 2.5 stories, where 3 stories is proposed §255-34, Attachment 1, Schedule 1.

Gary Goodman, Esq. appeared. Stated in this application the basement rises above 3.5 feet and is considered a story. Adding about 90 feet of livable space. Believes the ordinance should be reexamined.

Ron Meeks appeared and was sworn in. He presented his qualifications and was accepted as an expert in architecture.

Questions from Mr. Goodman to Mr. Meeks ascertained the following:

The applicant would like to build over the existing first floor excluding the garage and shed in the back. Will include a new Gable roof that will not exceed the maximum height of 32 feet. Adding a cover over the new front entry, relocating the sidewalk and adding landscaping to the property. Presented the existing site plan. The sidewalk leading from the street to the front entry and the front entry steps will be removed

and be relocated to the side closest to the driveway. They are not exceeding any of the bulk requirements. It will be similar to other houses on that street. Adding approximately 90 square feet to the third story. Had an approval for a dormer, but homeowner would like a new Gable roof and a taller structure. No structure planned above the garage or shed. House will appear like a 2.5 story house.

Questions from the Board for Mr. Meeks ascertained the following:

There will be minimal impact to the look of the structure and the neighborhood and all finishes will be the same. There is no negative impact to neighborhood. House would benefit the neighborhood.

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

Ms. Daly asked if any of the members of the Public had comments on this application, no one appeared.

Mr. Goodman summarized the application stating this is an issue that the Board has addressed before and feels the ordinance needs to be looked at.

4. DELIBERATION - Application # ZBA 23-008
Joseph Sullivan
203 Columbia Avenue
Block: 245 Lot: 14, R-4 Zone

The applicant is requesting a c(2) variance for a proposed expansion of an existing half story attic. The maximum story height permitted is 2.5 stories, where 3 stories is proposed §255-34, Attachment 1, Schedule 1.

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

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

Opposed: None

5. Application # ZBA 22-009
Carwen Management LLC
113 North Avenue West
Block: 183 Lot: 6, D-B Zone

The applicant is seeking to construct a two-story addition to the existing building to create a 3-story mixed use building that contains office space on the first floor and four (4) two-bedroom apartments on the second and third floor.

The applicant is requesting Preliminary and Final Minor Site Plan, along with a d(3) Conditional Use variance, where the maximum allowed office area is 1,000 square feet and the proposed office area is 2,244 square feet §255-39B(18). A d(5) density variance where the maximum allowed is 10 units/acre and proposed is 18 units/acre §255-39B(22). A variance for impervious coverage where the maximum allowed is 80%, existing is 64.6% and 82.4% is proposed §255-34- Attachment 1, Schedule 1. A variance for parking spaces where the required is 15 spaces and 11 spaces are proposed §255-44A. A variance for freestanding sign height where the maximum height is 4 feet and 6.5 feet is proposed §255-38G(4). A design waiver for parking space dimensions where 10 x 18 is required and 9 x 18 is proposed §255-26G(3)(a)(1). A design waiver

from a loading & unloading space where one space is required and none are proposed §255-26G(11) and a design waiver for lighting in a parking area, where a minimum of 1.5 foot-candles is required and some portions of parking area have 0.5 foot-candles §255-26G(9).

Gary Goodman, Esq. appeared. Stated the applicant operates his company out of the first floor of the property. Proposing to knock down the structure and build a new building with four apartments on the upper floor and keep his business on the first floor. Reviewed the variances the application is requesting, including a d(3) and a d(1). Stated the property is in the D-B zone but adjacent to the Downtown area.

Tony Gallerano appeared. He presented his qualifications and was accepted as an expert in planning and engineering.

Questions from Mr. Goodman to Mr. Gallerano ascertained the following:

Prepared a site plan and explained the existing conditions on the site. Presented "C2" of the plans. Described the existing conditions as a 50 x 185 lot. The first floor is the owner's HVAC business and the second floor contains an apartment. In the rear, is a parking lot and 2 car detached garage. Presented an aerial exhibit from Google Maps and described the surrounding area. Presented a color rendering of the site exhibit. Applicant is proposing to develop a three-story mixed-use building. The first floor will still have his HVAC business and the upper floors will have four two-bedroom apartments; each floor containing two units. Access to the apartment units will be in rear of the building. Applicant will remove the two-car garage and construct a parking area for eleven cars, with one handicap spot and two EV spots. A bike rack will also be included in the rear. They will relocate the free-standing sign in the front to have a 10-foot setback. Stormwater management will be an underground detention system. Landscaping will be provided in the rear back corner along with lighting. There is a tree in the back corner that will be preserved. Feels they fall under the "office other" for parking, which would be 14 spaces required: 6 for office, 8 for apartments and a credit for the EV charging stations of 2. They require a variance for the parking. They are requesting a variance for the proposed use and for density. They are also requesting variances for lot coverage and sign height. The waivers requested are for parking space dimensions, parking area landscaping, parking area for screening, parking area lighting, and a waiver for a loading space.

Mr. Gallerano stated they will work with Colliers Engineering on all their comments.

Questions from the Board for this witness ascertained the following:

The parking aisle is almost 27 feet wide and adequate for a car to back in. Cars in the back can make a K-turn and pull straight out. The spaces are 9 x 18. There is a grass strip along the parking spot and the property line. If all parking spots were filled there is still room to make a K-turn to get out of the parking lot. The refuse area will be put inside the building. Deliveries will be small trucks and most deliveries are curb side.

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

The applicant will be doing the granite block and no longer is requesting that relief. They could comply with the lighting, but do not want to over light the parking lot. Stated they would readjust the lighting. They have no objection to putting additional landscaping in the front. There is a large tree in front of the property, and preserving the tree in the back. If an additional tree is desired on North Avenue, they would not be opposed to putting it somewhere else. They will accommodate whatever needs to be done in the Special Improvement District. The HVAC equipment will be shown on the plans.

Question from Ms. Dirmann, Board Engineer, to this witness ascertained the following:

Not sure if it will be a private hauler for the refuse, but cans will be pulled out to the street. Will provide a turning template for the Board. Will need to provide soil testing due to the type of stormwater that is being proposed and update the stormwater report. They have moved the detention system into the parking lot and placed three catch basins on the site. There are two basins in the parking

lot and one at the end of the driveway right before North Avenue. The grading will allow the overflow to come out at the end of the driveway and flow out onto North Avenue.

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

Greg Waga appeared and was sworn in. He presented his qualifications and was accepted as an expert in architecture.

Questions from Mr. Goodman to Mr. Waga ascertained the following:

Presented Sheet AB1 which shows existing basement plan with roof, Sheet AB2 shows existing first floor plan, Sheet AB3 shows existing condition elevations. Presented the proposed plan. Sheet A2 is the plan for the second and third level. Described the buildings next to the proposed development. Stated that maintaining a flat roof and front porch and having residential elements would be a transition between the commercial use to the left and the mixed uses moving west. Stated the current office is 1246 square feet. increasing the gross area of office space to 1830 square feet. there is a storage area 13 x 12 set up, but can allocate 80-90 square feet for the refuse and recycling. Stairs to the basement will be located above that storage area. They will provide a chair rail for handicap accessibility. There will be no rooftop HVAC, they will be self-contained split systems. Presented a color version of the proposed building. The building will be fully sprinklered. The proposed building has a brick base with neutral colors.

Questions from the Board for this witness ascertained the following:

They are agreeable to the Fire Departments' recommendations. This looks different than what is there now. The proposal does not match with anything in a few block radius. Was looking for something different. Two doors down there is a Victorian home that has similar colors. Could submit a color pallet.

Greer Patras, Board Planner, presented pictures from her report of the existing building and area. Stated there are specific requirements of the ordinance and will need to identify compliance or request relief. Also requested that details be added to the plans such as colors and materials. Reviewed the DMC's comment letter.

Mr. Waga stated he is trying to transition from the commercial structure and mix the two for a smoother transition. The coloring of the structure can be modified. They have double hung windows, a railing, a porch, columns, and panelization. Also has a cornice at the perimeter. Discussed other items that they could do to change the design.

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

The Board professionals requested any revisions to be sent in 3 weeks before the next hearing date.

Ms. Dirmann suggested that soil testing be done before the next hearing.

Ms. Daly stated this application will be continued on August 14, 2023, with the workshop at 7:30 pm and the hearing at 7:45pm with no need for further notice.

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 10:41 p.m.