

## MINUTES – ZONING BOARD – August 8, 2022

**The Cranford Zoning Board of Adjustment meeting scheduled for Monday, August 8, 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 7:34 p.m. by Ms. Daly, Chair.

### **ROLL CALL:**

#### **Members Present:**

Ms. Daly  
Mr. Marotta  
Mr. Aschenbach  
Mr. Ashrafi  
Mr. Lucas  
Mr. Quinn

#### **Members Absent:**

Mr. Rees

#### **Alternates Present:**

Ms. Oliver  
Mr. Cukierski

#### **Alternates Absent:**

Also in attendance: Mark Rothman, Esq., and Kathy Lenahan, Board Administrator, Jacqueline Dirmann, Board Engineer, Graham Petto, Board Planner (Topology)

### **COMMUNICATIONS:**

None

### **MINUTES:**

Motion to approve the minutes of the June 27, 2022 meeting, was made by Mr. Marotta, seconded by Mr. Ashrafi and passed on unanimous voice vote.

### **RESOLUTIONS:**

None

### **OLD/NEW BUSINESS:**

Board once again held discussions on returning to in-person meetings. Discussion ensued. Consensus from Board members was to remain virtual.

The workshop portion of the meeting concluded at 7:43 p.m.

### **PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on August 8, 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 21- 013  
Cold River Realty Corp  
85 Winans Avenue  
Block 527 Lot 7, C-2 Zone

Applicant is requesting a d(1) and d(4) variance for the construction of a new two-family dwelling. A d(1) variance for a new two-family dwelling where only two-family dwellings existing as of 2014 are allowed §255-36D(1) and a d(4) variance to allow a floor area ratio of 1.03 where a maximum of .6 is allowed §255-34 Attachment 1, Schedule 1.

Adam Brown, Esq. appeared for the applicant. Reviewed the application and the witnesses he will have testify this evening.

Daniel Roma appeared and was sworn in. He presented his qualifications and he was accepted as an expert in the field of architecture.

Questions from Mr. Brown to this witness ascertained the following:

Applicant bought an existing two family. The property is 50 x 125. He has demolished the existing house and would like to build a new two-family. There is other two and four families in the neighborhood. Presented the site plan and stated he has prepared site plans in the past. The front will have a 20-foot driveway with access to a two-car garage, with dimension being 39.8 x 65. Reviewed what rooms will be on each floor including the basement. Both apartments will mirror each other. The first floor has access to the garage which is 10.6 x 21.6. Façade is stone veneer and vinyl siding. Back elevation has sliding door for each unit. The rear yard is 40 feet. Proposing a patio with pavers 15 x 17. Percolation tests will be performed to see if they comply with code. Water and sewer connections were removed when they removed the house. All utilities will have brand new connections. There were some changes made after hearing comments of the town professionals. They tried to make the building smaller. Increased the side yard to 5.3 on each side. They will correct any items and comply with the Colliers Engineering Report numbers one through fourteen. The entrance is in the front, with a sliding door in the back. There is no side door, but could have an entrance to the side. However, with current design, the front door looks better.

Questions from the Board members for this witness ascertained the following:

The applicant will provide cement siding, which will protect the building with a one-hour fire rating. The parking stalls are usually 8 ½ x 18, they are providing 20 x 20. Driveway is 20 feet, area for parking is 22 feet with a curb. The new dwelling will be 2380 square feet. The previous duplex was 27 x 35, with a 20 x 25 garage in the back. The two variances being requested are due to the size of the property. Lots on either side have four families. The current fences will be removed and replaced on the property line with a six-foot privacy fence. There will be plantings between the units and they can plant new trees in the back by the proposed new fence. The four families in the neighborhood were built before 2014. Proposing a water retention system for the two family. Gutters from roof will be connected to the two seepage pits in the driveway. The back is grass and they can use either regular or permeable pavers. Does not know if there was a water issue with prior homeowner. Stated that 98 Winans is a similar home to what they are proposing. Showed a Google image of 98 Winans Avenue.

Questions from Ms. Dirmann to this witness ascertained the following:

Stated they can treat as a duplex and have two laterals, one for each apartment.

Questions from Mr. Petto to this witness ascertained the following:

The applicant wants a duplex style two family. There is a two-car garage in front and two separate entrances, one for each apartment. Uses bulk standards from the C-2 zone not the R-5 zone. There is a

20-foot driveway with the front yard being 20 feet. There is a seepage pit in front of each garage door. The proposed connection will be removed and the overflow will go through the grates of each seepage pit. There is grass and a 3-foot sidewalk to connect to the stairs. Proposing a patio in the back. Trash and recycling will be in the garage area. The side yard setback required is 10% and they have 5.2 and 5.2 for a total of 10.4. They are exceeding the minimum requirement. Does not know what the R-5 standard is for a side yard setback. The properties across the street are in the R-5 zone.

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

Ryan Urban appeared and was sworn in. Stated he is a partner with Cold River Realty and Daniel Periera is his father-in-law.

Mr. Brown had no questions for Mr. Urban.

Questions from the Board members for this witness ascertained the following:  
He is a partner in the firm and his father-in-law will be living in one of the units. He agrees to comply with all the requests of all the township professionals in their reports. They will work with Mr. Brown and Mr. Roma.

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

Graham Petto, Board Planner appeared and was sworn in. Reviewed his credentials for the Board and he was accepted as an expert in Planning.

Questions from the Board for Mr. Petto ascertained the following:  
The C-2 zone does permit one- & two-family residential dwellings existing as of 2014. As of 2014, new residential dwellings are subject to the R-5 standards Reviewed the R-5 standards for that zone.  
Reviewed what relief the applicant would require including relief for side yard setback, combined side yard setback, maximum building coverage, maximum impervious coverage, minimum rear yard setback.  
Discussed the front yard setback and prevailing setback for this property. New one- and two-family residences are not a permitted use within the zone. Intent of C-2 zone is for non-residential uses.  
What the applicant is proposing is not stipulated in the ordinance.

Questions from Mr. Rothman to Mr. Petto ascertained the following:  
98 Winans is on the opposite side of the street in the R-5 zone. Reviewed the positive criteria against the negative criteria for the d(1) variance. Stated the applicant has not provided any testimony for this being a beneficial use or promoting the general welfare. Applicant also has not provided any testimony regarding the negative criteria.

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

Mr. Brown stated the plans have been modified several times, however, his client would like the opportunity to make further revisions before the Board makes a decision on the application.

Mr. Brown requested an adjournment.

Discussion was held as to the next available hearing date. Hearing will be continued on October 24, 2022 at 7:30 p.m. No further notice is required.

Discussion was held as to when the applicant would need to submit any new documents. Applicant will submit additional documents by October 4, 2022.

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PUBLIC PORTION:

None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 9:21 p.m.

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Daniel Aschenbach, Secretary