

ORIGINAL

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MAY 03 2023

Form 01/Board Application

TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 • Fax: (908) 276-7664
Email: Zoning@CranfordNJ.org

PLANNING & ZONING OFFICE
TOWNSHIP OF CRANFORD



Form Updated 10-12

The application, with supporting documentation, must be filed with the Planning and Zoning Department of the Township, and will be reviewed by Township professionals prior to scheduling the meeting at which the application is to be considered.

To Be Completed by Township Staff Only

Dated Received: 5/3/23
Application No.: ZBA-23-012

To Be Completed by Applicant

1. Subject Property

Location/Address: 16 WADE AVE, CRANFORD, NJ 07016
Tax Map: Block: 320, Lot(s): 42
Block: , Lot(s):
Dimensions: Frontage: 50' Depth: 100' Total Area: 5,000 SQ FT
Zoning District: R-4

2. Applicant Information

Name: DAVID AND DEUISE BERKOWITZ
Address: 16 WADE AVE, CRANFORD, NJ 07016
Phone: (908) 370-5359 Email: SONOF44@AOL.COM

Applicant is a: Corporation Partnership Individual [checked]
Limited Liability Company Other (Specify)

3. Disclosure Statement

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.A. 40:55d-48.2 that disclosure requirement applies to any corporation, limited liability company or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate

stockholders and partners exceeding the 10% ownership criterion have been disclosed. [Attach pages as necessary to fully comply.]

Name(s)

Address(es)

N/A

**4. If Owner is other than the Applicant -
Please provide the following information on the Owner(s):**

Owner's Name: N/A
Address: _____
Telephone Number: _____

5. Property Information:

Present use of the premises: HOME, SINGLE FAMILY
Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
Yes [attach copies]: _____ No: X
Proposed use of the premises: HOME, SINGLE FAMILY

NOTE: All deed restrictions covenants, easements, and association by-laws, existing and proposed, must be submitted for review and must be written in easily understandable English.

6. Licensed professionals representing the Applicant before the Board (if any):

A. Attorney's Name: NONE
Address: _____
City/State/ZIP: _____
Phone Number: _____
E-mail: _____

B. Planner's Name: NONE
Address: _____
City/State/ZIP: _____
Phone Number: _____
E-mail: _____

C. Engineer's Name: NONE
Address: _____
City/State/ZIP: _____
Phone Number: _____
E-mail: _____

D. List any other Expert who will submit a report or will testify for the Applicant:
[Attach Additional sheets as may be necessary.]

Name: JOHN DiFABIO, CRANFORD PLUMBING, HEATING + COOLING
Area of Expertise: COMPANY PRESIDENT
Address: 350 WILLOW AVE
City/State/ZIP: GARWOOD, NJ 07027
Phone Number: (908) 272-4641
E-mail: SERVICE@CRANFORDPLUMBING.COM

7. **Application Type**

A. SUBDIVISION

N/A Minor Subdivision Approval
N/A Subdivision Approval [Preliminary]
N/A Subdivision Approval [Final]

B. SITE PLAN

N/A Minor Site Plan Approval
N/A Preliminary Site Plan Approval [Phases (if applicable)]
N/A Final Site Plan Approval [Phases (if applicable)]
N/A Amendment or Revision to an Approved Site Plan
N/A Request for waiver from Site Plan review and approval

Reason requesting waiver of site plan approval (use additional pages if necessary):

N/A

C. INFORMAL REVIEW: N/A Subdivision N/A Site Plan

D. CONDITIONAL USE APPROVAL per N.J.S.A. 40:55D-67

E. DIRECT ISSUANCE OF A PERMIT: N/A

N/A N.J.S.A. 40:55D-34 (permit building or structure in the bed of a mapped Street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32)
N/A N.J.S.A. 40:55D-36 (permit building or structure not related to an official suitably improved street pursuant to N.J.S.A. 40:55D-35).

F. VARIANCES PURSUANT TO N.J.S.A. 40:55D-70.C

- X (C1) "Hardship" Variance
 (C2) "Flexible" Variance (benefits v. detriments)

G. VARIANCES PURSUANT TO N.J.S.A. 40:55D-70.D

- N/A
- (D1) A use or principal structure in a district restricted against such use or principal structure
 (D2) An expansion of a nonconforming use
 (D3) Deviation from a specification or standard pursuant to Section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use
 (D4) An increase in the permitted floor area ratio as defined in Section 3.1 of P.L. 1975, c.291 (C.40:55D-4)
 (D5) An increase in the permitted density as defined in Section 3.1 of P.L. 1975, c.291 (C.40:55D-4) except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision.
 (D6) A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

H. APPEAL/INTERPRETATION PURSUANT TO N.J.S.A. 40:55D-70, (a) & (b):

- N/A (a) Appeal to Board of Adjustment of Order, Requirement, Decision or Refusal by an administrative officer based on or made in the enforcement of the zoning ordinance.
 (b) Request for Interpretation of the zoning map or ordinance or for Decisions upon other special questions upon which the Board of Adjustment is authorized to pass by any zoning or offered map or ordinance.

8. **Explain in detail** the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises: [attach additional pages if needed]

SEE ATTACHED DOCUMENT TITLE:
BOARD APPLICATION, FORM 1, SECTION 8:
EXPLANATION IN DETAIL.

9. Is a public water line available? YES
10. Is public sanitary sewer available? YES
11. Does the application propose a well and septic system? NO
12. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? NO
13. Are any off-tract improvements required or proposed? NO
14. Is the subdivision to be filed by Deed or Plat? N/A
15. What form of security does the applicant propose to provide as performance and maintenance guarantees? NONE

16. Other approvals which may be required and date plans submitted:

Yes _____ No Date Plans Submitted _____

- _____ Any Utilities Authority
- _____ County Health Department
- _____ County Planning Board
- _____ County Soil Conservation District
- _____ NJ Dept. of Environmental Protection
- _____ Sewer Extension Permit
- _____ Sanitary Sewer Connection Permit
- _____ Stream Encroachment Permit
- _____ Waterfront Development Permit
- _____ Wetlands Permit
- _____ NJ Department of Transportation
- _____ Public Service Electric & Gas Company
- _____ Other _____

17. List of maps, reports and other materials accompanying the application (attach additional pages as required for complete listing.)

Quantity	Description of Item
<u>1</u>	<u>LETTER FROM CRAUFORD PLUMBING, HEATING + COOLING</u>
<u>1</u>	<u>EXPLANATION IN DETAIL FOR SECTION 2, FORM 1</u>
<u>3</u>	<u>PICTURES OF AIR CONDITIONING CONDENSER LOCATION</u>
<u>1</u>	<u>WAIVER REQUEST</u>

18. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals.

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Reports Requested:

Send reports to:

NONE

Name/Address _____

Name/Address _____

Name/Address _____

Certifications

Complete #19 *or* #20 a and b as indicated:

19. Applicant is Property Owner: I certify that I am the Owner of the property which is the subject of this application, for which I am also the Applicant, and that the foregoing statements and the materials submitted are true. As such, I further certify that I am authorized to sign this application, and that I agree to be bound by the application and the decision. [If the Owner who is also the Applicant is a corporation this must be signed by an authorized corporate officer. If the Owner who is also the Applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
3 day of MAY, 2023


NOTARY PUBLIC


SIGNATURE OF APPLICANT and OWNER

20. a) Applicant Who is Not the Property Owner: I certify that the foregoing statements and materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. [If the Applicant is a corporation this must be signed by an authorized corporate officer. If the Applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
____ day of _____, 20____

NOTARY PUBLIC

SIGNATURE OF APPLICANT

b) Owner Who is Not the Applicant: I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the Applicant. [If the Owner is a corporation this must be signed by an authorized corporate officer. If the Owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
____ day of _____, 20____

NOTARY PUBLIC

SIGNATURE OF OWNER

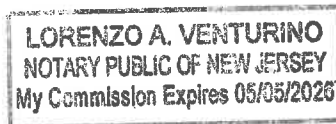
Checklist Certification

21. To be completed by the applicant: I certify that all of the required checklist items and any waiver requests (which includes a listing of each waiver requested and a statement of arguments in support of granting each waiver requested) have been provided as part of this application. I understand that a determination of completeness is not a determination of approval and that the Board of jurisdiction has the right to request additional information. [If the Applicant is a corporation this must be signed by an authorized corporate officer. If the Applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
3 day of MAY, 20 23


NOTARY PUBLIC


SIGNATURE OF APPLICANT



Escrow Certification

21. Escrow Certification I (*please print name*) _____ understand that I have provided the non-refundable sum of \$ _____ to be deposited in a Township of Cranford escrow account. In accordance with the Ordinances of the Township of Cranford, I further understand that the escrow account is established to cover the cost of professional services including but not limited to engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned upon my written request to the Zoning Department for same. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

SIGNATURE OF APPLICANT

DATE

TAX STATEMENT

22. Applicant is to complete and sign form, and bring it to the Cranford Township Tax Collector for signature. If you would like the signed form returned to you by mail, please provide a self-addressed, stamped envelope for same. One copy of the signed Tax Statement should be included in each of the eighteen completed sets of Form 01.

I, DAVID BERKOWITZ of 16 WADE AVENUE
Name Address

am submitting an application to the

- PLANNING BOARD ZONING BOARD OF ADJUSTMENT

for the development of Block 320 Lot 42 in Zone R-4

located at 16 WADE AVE, CRANFORD, NJ 07016
Address

The owner of record is DAVID + DENISE BERKOWITZ of 16 WADE AVE
Name Address

I acquired interest in this property on 7 JULY 1994 and request the Tax
Date

Collector to determine whether or not there are any delinquent taxes or other assessments due.

David Berkowitz
Applicant's Signature

2 MAY 2023
Date

TO BE COMPLETED BY TAX COLLECTOR

- All taxes due have been paid.
- All assessments due have been paid.
- I verify that this information accurately reflects municipal tax records.* The following are delinquent and past due:



[Signature]
Tax Collector
Cranford Township
Union County
Tax Collector's Signature



5-2-2023
Date

David and Denise Berkowitz
16 Wade Avenue
Cranford, NJ 07016

Title: Board Application, Form 1, Section 8: Explanation in Detail

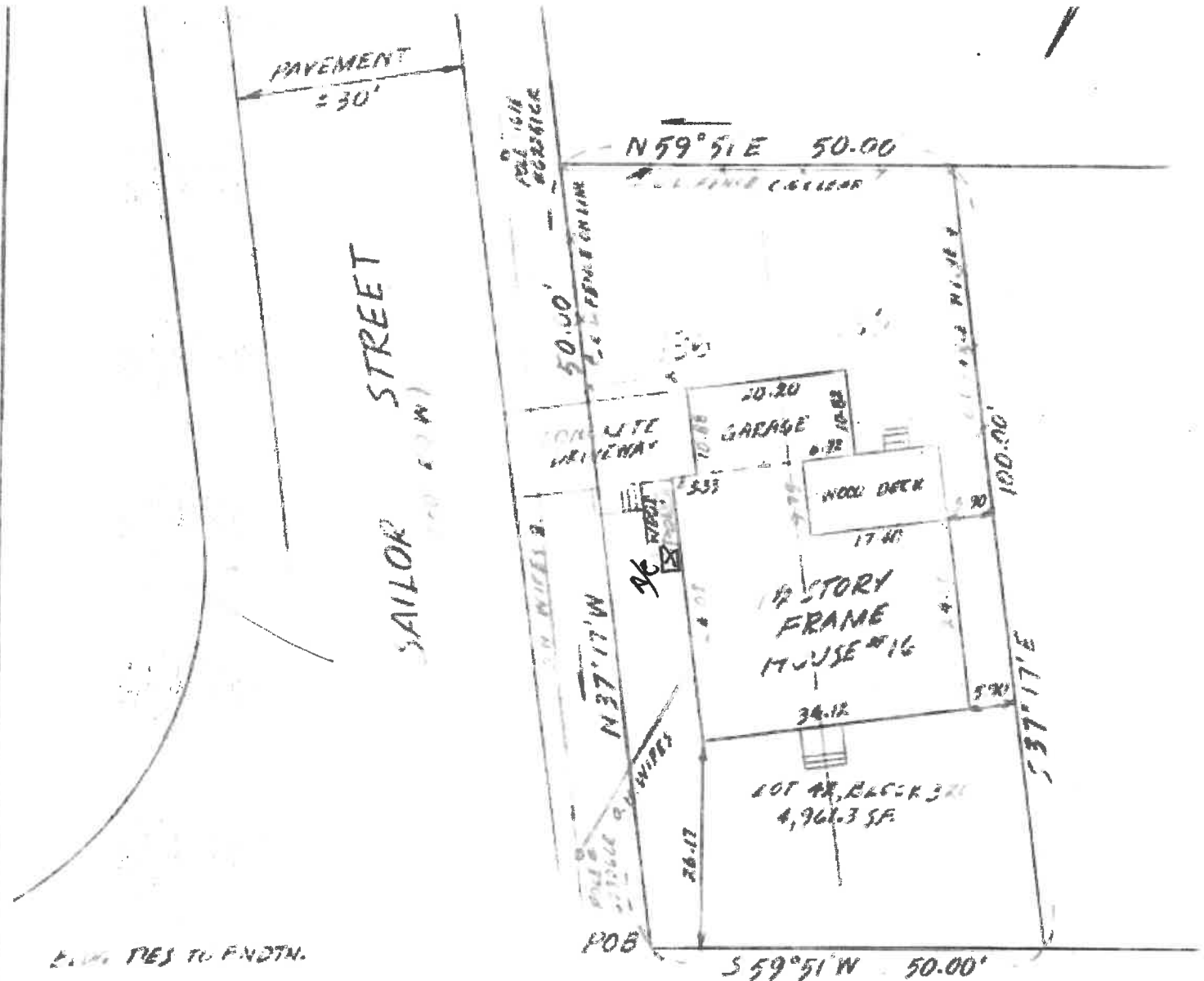
The reasons for this hardship variance application are as follows.

We have been putting multiple air conditioning window units in our residence for over 30 years. As summers grow increasingly hotter, for longer periods of time and as we age it is more difficult to install and remove these units every year. In addition, with the awareness of the inefficiency of individual window units the decision was made to invest in permanent Fujitsu mini-split air conditioners. These units are highly efficient and will eliminate us having to install individual window units each summer.

Due to site restrictions and manufacturer installation requirements the air conditioning condenser unit was placed on our "yard, street side" which is considered a "front yard" for a corner lot (Cranford Code, Section 255-1). The only viable location deemed acceptable by Cranford Code, Section 255-35 D. (4) would be on the far end of the home's attached garage. However, installation of the condenser unit in this location would exceed the air conditioners manufacturers restrictions as noted in the Cranford Plumbing, Heating & Cooling letter attached.

For these reasons we are applying for this hardship variance.

The air conditioner compressor unit is surrounded by shrubs which, as they mature, will hide it from view from all directions.



PLUMB LINES TO FOUNDATION

PROPERTY CORNERS NOT SET AS PER INSTRUMENTAL AGREEMENT

WADE AVENUE

PAVEMENT

CERTIFIED TO

- VESTED TITLE INCORPORATED
- FIDELITY PUBLIC NATIONAL TITLE INSURANCE COMPANY
- TANE GRINL "ESG"
- LIVIA AND DENISE BEAROWITZ M/M
- COUNTRYWIDE MORTGAGE CORPORATION
- AND OTHER PARTIES AS THEIR INTEREST MAY APPEAR

THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

SURVEY OF LOT 47, BLOCK 370
TAX MAP
TOWNSHIP OF GRANFORD
UNION COUNTY NEW JERSEY

Robert C. Butynnes
ROBERT C. BUTYNES, P.E., L.S.
PROFESSIONAL ENGINEER AND LAND SURVEYOR
NEW JERSEY LIC. NO. CE 16974

12 HERMANN ST W. CARTERET, NJ 07008
TELEPHONE 908 541-8991

DATE 6/20/94 SCALE 1" = 20' JOB NO 94101

CRANFORD

PLUMBING, HEATING & COOLING, L.L.C.

350 Willow Avenue
Garwood, NJ 07027
(908) 272-4641

Service@Cranfordplumbing.com

Lic. # 12046

May 2, 2023

Justification for Locating Air-Conditioning Condenser Unit at 16 Wade Ave

To Whom It May Concern;

A Fujitsu Mini-Split air-conditioning system was installed by Cranford Plumbing, Heating & Cooling LLC at the home located at 16 Wade Avenue, Cranford, NJ. The air-conditioning condenser unit was located next to the home in the side yard adjacent to Sailor Street. Following is the determining conditions for selecting the location of the air-conditioning condenser to support justification for a "Hardship" Variance Application.

The Township of Cranford Code, Part11, Section 255-35 D. (4) states air-conditioning equipment may only be placed in a side or rear yard. The section further states the equipment must be placed "so long as the furthest extending side is not less than five feet from the property line." In addition, Section 255-1 Purposes; Definitions provides this definition: "YARD, STREET SIDE: On a corner lot, the front yard which the face of a principal building does not front upon." – In other words, the yard, street side is also considered a front yard.

Applying the referenced section of the Code and dealing with other site limitations around the home, the only location the condenser unit could be located was on the south facing wall of the attached garage. However, this location would have necessitated increasing the length of refrigerant supply and return pipe by 152 feet for a total piping length of 264 feet to all four evaporator units; as installed the total piping length is 112 feet. The longest length to an evaporator would be 89 feet. Reference the chart below:

Evaporator Location		Condenser Location Piping Length (feet)	
Circuit	Circuit Name	As Installed	Relocate to Garage Wall
A	Living Room	18	89
B	Basement	17	82
C	Bedroom 1	30.5	51.5
D	Bedroom 2	47	42
Total Length:		112.5	264.5

The Fujitsu Outdoor Unit Installation manual (part no. 9380545422-01) paragraph 2.5.3., Limitation of Refrigerant Piping Length specifies the total maximum length of all piping to be 262 feet and a maximum length for each indoor unit at 82 feet. In order to be compliant with the Fujitsu installation requirements the condenser unit needed to be installed adjacent to the home. The home has two side yards, the yard, street side already discussed and a yard between the neighbors (14 Wade Avenue) home. There is only 5.9 feet from the home on 16 Wade Avenue to the adjacent 14 Wade Avenue property line.

The yard, street side was selected for the location of the air-conditioning condenser unit for five reasons:

1. To comply with piping length restrictions previously discussed
2. To minimize the total length of piping required to enhance operating efficiency of the air-conditioning system
3. Have maximum set-back from the property line available
4. Enhanced air circulation available in the yard, street side
5. South facing wall of garage location would void manufactures warranty

Please feel free to contact me if you require any clarification.

Thank You,



John DiFabio
President

Date: 2 May 2023

To: Township of Cranford
Planning and Zoning Department
8 Springfield Avenue
Cranford, NJ 07016

From: David & Denise Berkowitz
16 Wade Avenue
Cranford, NJ 07016

Subject: Waiver Request, Checklist 1, Item 3.

In accordance with the Township of Cranford Planning and Zoning Department Form 00/Application Instructions a waiver is requested for the requirements of Checklist 1, Item 3, for an original copy of the property survey to be included with the Board Application for a Hardship Variance. We have only one copy of the original property survey completed by Robert C. Butynes, P.E., L.S, dated 20 June 1994 and desire to keep possession of it. The original will be hand-carried and provided for review to the Planning and Zoning Department.

Thank you.

A handwritten signature in black ink, appearing to read "David Berkowitz", with a stylized flourish at the end.

David Berkowitz
Property Owner

Form 04/Appeal for Relief from Zoning Requirements
NOTE: For "C" Variances and Design Waivers Only



TOWNSHIP OF CRANFORD - ZONING DEPARTMENT

8 Springfield Avenue - Cranford, NJ 07016
 Phone: (908) 709-7216 • Fax: (908) 276-7664

Form Updated 8-12

To be completed by Township Staff Only

Application No.: ZBA-23-012 Date received: 5/3/23

Appeal is hereby made by the applicant pursuant to NJSA 40:55D-70(c) of the New Jersey Municipal Land Use Law, for permission to vary from the requirements set forth in the Land Development Code of the Township of Cranford as follows:

1. Applicant information

Name: DAVID AND DENISE BERKOWITZ

Address: 16 WADE AVE, CRANFORD, NJ 07016

Phone: (908) 370-5359 Email: SONOF44@AOL.COM

2. Appeal information

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Relief Requested
255-35 D. (4)	AIR CONDITIONING EQUIPMENT MAY ONLY BE LOCATED WITHIN ANY SIDE OR REAR YARD.	ALLOW AIR CONDITIONING EQUIPMENT TO BE LOCATED IN CORNER LOT SIDE YARD, STREET SIDE.

3. Please list all pre-existing non conforming conditions

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Existing Conditions

4. Arguments submitted in support of the requested relief.

On a separate sheet of paper, for each variance requested, explain fully how the physical characteristics of the property in question prevents compliance with the strict application of the code requirements creating an undue hardship for the applicant.

5. Public Hearing Notification Information

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the Board Administrator in the Planning and Zoning Department at least four (4) business days prior to the date of the hearing.

Please circle responses:

1. Is the subject property located within two hundred feet (200') of any municipal boundary?

YES NO If yes, Municipal Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1)

2. Is the subject property adjacent to an existing or proposed county road or adjoining other County Land?

YES NO If yes, County Planning Board shall be notified of hearing by applicant. (Note 1).

3. Is the subject property adjacent to a State highway?

YES NO If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2).

4. Is the subject property greater than one hundred fifty (150) acres or involve more than 500 dwelling units?

YES NO If yes, applicant shall notify the Director of New Jersey State Planning Commission of the hearing. Notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk. (Note 3).

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED WITHIN TWO HUNDRED FEET (200') IN ALL DIRECTIONS OF THE PROPERTY IN QUESTION AND OTHERS AS REQUIRED.

6. Disclosure Information

Is applicant and/or owner a corporation, Limited Liability Company or partnership and does the application involve variances to construct a multiple dwelling of twenty-five (25) or more family units or approval of a site to be used for commercial purposes?

YES NO If yes, submit disclosure of all stockholders holding ten percent (10%) or greater interest in the partnership pursuant to N.J.S.A. 40:55D-48.1 et.seq. (see Form 01)

NOTES:

“1” Union County Planning Board
Attn: Union County Department of Engineering and Planning
Union County Administration Building, Elizabethtown Plaza
Elizabeth, New Jersey 07207

“2” New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625

“3” New Jersey Business Action Center
Office for Planning Advocacy
State Planning Commission
Department of State
P.O. Box 820
Trenton, New Jersey 08625-0820

Hold Harmless And Indemnification Agreement

FORM 15/Updated 4/09

This agreement made this 3 day of MAY, 2023, witnesses:

WHEREAS, DAVID BERKOWITZ, Applicant, has submitted an application to the ZONING (Board) of the Township of Cranford with said application designated as Application No. _____; and

WHEREAS, it may be necessary for the members of the ZONING (Board) to inspect and walk the subject property known as 16 WADE AVENUE Block 320, Lot 42; and

WHEREAS, the ZONING (Board) deems it advisable and fiscally prudent to obtain permission from the individual applicants for the members inspection of said property and to preclude claims for alleged damage in connection with the inspection;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual promises and covenants made by and between the parties, and is hereby agreed as follows:

I, DAVID BERKOWITZ, Applicant, shall indemnify and hold harmless the ZONING (Board) with regard to claims for damages associated with the inspection and shall preclude claims for alleged damage in connection with the inspection and give my permission for members of said Board to walk the property listed above.



Signature of Applicant

Sworn and subscribed to before me
this 3 day of MAY, 2023



Notary Public of the State of New Jersey
My Commission Expires on _____

