

ORIGINAL

RECEIVED

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

JAN 12 2023

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: 01/12/23

Application No.: ZBA-23-001

To Be Completed by Applicant

1. Subject Property

Location/Address: 322 MANOR AVE
Tax Map: Block: 235, Lot(s): 14
Block: , Lot(s):
Dimensions: Frontage: 50' Depth: 100' Total Area: 5000 s.f.
Zoning District: R-4

2. Applicant Information

Name: Frank Litterio
Address: 420 Manor Ave Cranford
Phone: 908-499-4400 Email: FLITTERIO@MSN.COM

Applicant is a: Corporation Partnership Individual X
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)

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

Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**5. Property Information:**

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

**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: GARY S GOODMAN  
Address: 23 North Ave. East  
City/State/ZIP: CRANFORD NJ 07016  
Phone Number: 908-272-6900  
E-mail: goodmanlaw23@outlook.com

B. Planner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/ZIP: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_

C. Engineer's Name: \_\_\_\_\_  
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: Michael P. Keating AIA  
Area of Expertise: Architecture  
Address: 66 Gaywood Ave.  
City/State/ZIP: Colonia NJ 07067  
Phone Number: 908-418-2148  
E-mail: Mikeating1128@icloud.com

**7. Application Type**

A. SUBDIVISION

- Minor Subdivision Approval  
 Subdivision Approval [Preliminary]  
 Subdivision Approval [Final]

B. SITE PLAN

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

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

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C. INFORMAL REVIEW:  Subdivision  Site Plan

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

E. DIRECT ISSUANCE OF A PERMIT:

- 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.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

X (C2) "Flexible" Variance (benefits v. detriments)

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

\_\_\_\_\_ (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):

\_\_\_\_\_ (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*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Explanation for Variances

Section 255-34. Schedule one of the ordinance allows a maximum building coverage of 30%. The existing building coverage is 34.2%/1709 square feet. The proposed cantilever increases the building coverage by 30 square feet. Imposes an increase to the existing nonconforming coverage to 34.8%/1739 square feet.

The 30 feet in question will partially be remedied by removing basement cellar doors from the backyard. That would decrease building coverage by 20 feet by only 10 feet over. Please note it's not direct ground cover, it's on the 2<sup>nd</sup> floor.

Section 255-34, schedule one allows a maximum story height of 2.5 stories. The existing structure is 2.5 stories. The proposed expansion of existing half story addit created a third story and exceeds the maximum allowed story height.

This ordinance was intended to either keep the height of the structure from exceeding the maximum height allowed or have the view from the street look the same as the rest of the neighborhood. Since the structure is below the maximum height of 32 feet and the basement is the same or lower than the neighboring homes it will look like the prevailing homes.

Section 255-35D(3) allows that if there is an existing nonconforming front yard setback uncovered steps may be reconstructed in the existing location and footprint. Although the proposed front steps decreased the encroachment into the front yard setback the steps are proposed in a different location and encroach more than five feet into the required setback.

Applicant's proposal reduces the front steps and walk from 95 s.f. to 42 s.f.

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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? No
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>18</u>	<u>Architectural Plans</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:

All

Send reports to:

Name/Address

GARY S GOODMAN  
23 North Ave E. Cranford

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  
28 day of December, 20 22

\_\_\_\_\_  
NOTARY PUBLIC

Gary S. Goodman, Esq.  
Attorney at Law  
The State of New Jersey

\_\_\_\_\_  
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  
28 day of December, 2022

NOTARY PUBLIC

Gary S. Goodman, Esq.  
Attorney at Law  
The State of New Jersey

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

12/28/2022

**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, Gary S. Goodman of 23 North Ave East  
Name attorney for applicant Address Cranford NJ 07016

am submitting an application to the

PLANNING BOARD  ZONING BOARD OF ADJUSTMENT

for the development of Block 235 Lot 14 in Zone R-4

located at 322 Manor Ave  
Address

The owner of record is Frank Litterio of 420 Manor Ave.  
Name Address

I acquired interest in this property on 2022 and request the Tax  
Date



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

[Signature] 11/11/2023  
Applicant's Signature Date  
Gary S. Goodman Esq  
Attorney for Applicant

**TO BE COMPLETED BY TAX COLLECTOR**

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

[Signature] 01-11-2023  
Tax Collector Cranford Township Tax Collector's Signature Date



# 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-23-001 Date received: 01/12/23

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: Frank Litterio

Address: 420 Main Ave Cranford

Phone: 908-499-4400 Email: Flitterio@msn.com

### 2. Appeal information

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Relief Requested
§ 255-34	Maximum Story height of 2 1/2 stories	3 stories
§ 255-34	Maximum Building Coverage 30%	34.2% being increased to 34.8%

**3. Please list all pre-existing non conforming conditions**

(see Attached)

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Existing Conditions
§ 255-34	Maximum Building Coverage ↳ 30%	34.2%
	Minimum lot area 5000 sf.	5,000 sf.
	Minimum lot width 60'	50'
	Minimum front setback 25'	15.29'
	Maximum lot coverage 40%	57.22%

**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).

A

# ZONE R-4: ONE FAMILY DETACHED RESIDENCE DISTRICT

	<u>ALLOWABLE/ REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED</u>
MIN. LOT AREA:	6,000 SF (MIN)	5,000 SF	-	EXISTING NON CONFORMING
MIN. LOT WIDTH:	60 FT (MIN)	50 FT	-	EXISTING NON CONFORMING
MIN. LOT DEPTH:	100 FT (MIN)	100.0 FT	-	NO
MIN. FRONT SETBACK:	25 FT (MIN)	15.29 FT	15.29 FT	EXISTING NON CONFORMING
MIN. REAR SETBACK:	30 FT (MIN) (SEE NOTE F)	40.21 FT	38.25 FT	NO
MIN. SIDE SETBACKS: TOTAL (BOTH) RIGHT SIDE: LEFT SIDE:	15 FT (MIN) (30% WIDTH) 7 FT (MIN) (10% WIDTH OR 7 FT) 8 FT (MIN) (15 FT- 7 FT)	21.37 FT 10.48 FT 10.63 FT	- - -	NO NO NO
MAX. LOT COVERAGE: (IMPERVIOUS SURFACES)	40% (MAX) 2,000 SQ.FT.	57.22% 2,861 SQ.FT.	56.84% 2,842 SQ.FT.	EXISTING NON CONFORMING
MAX. BUILDING COVERAGE:	30% (MAX) 1,500 SQ.FT.	34.25% 1,709 SQ.FT.	-	EXISTING NON CONFORMING
MAX. BUILDING HEIGHT:	32.00 FT (MAX)	22.79 FT	31.25 FT	NO
MAX. 1ST FLOOR HEIGHT FROM GROUND:	3.5 FT (MAX)	4.55 FT (HIGHEST) 4.33 FT (AVERAGE)	-	EXISTING NON CONFORMING
MAX. BUILDING STORIES:	<u>2.5 STORIES (MAX)</u>	<u>2.5 STORIES</u>	<u>3.0 STORIES</u>	<u>YES</u>
ACCESSORY BUILDING MAX. BUILDING HEIGHT: MAX. BUILDING STORIES: MIN. SIDE SETBACK: MIN. REAR SETBACK:	16 FT (MAX) 1 (MAX) 10 FT (MIN) 10 FT (MIN)	13 FT 2.45 FT 1.77 FT	- - -	NO NO EXISTING NON CONFORMING EXISTING NON CONFORMING

FOOTNOTE 1:

SCHEDULE 1 - NOTE F:

30% OF THE FIRST 100 FT OF LOT DEPTH; 45% OF THE NEXT 50 FT OF LOT DEPTH; 65% OF THE NEXT 50 FT OF LOT DEPTH; 80% OF THE BALANCE OF THE

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? **No**

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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, witnesses:

**WHEREAS,** Frank Litterio, Applicant, has submitted an application to the Zoning Board of Adjustment (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 \_\_\_\_\_ Block 235, Lot 14; 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;

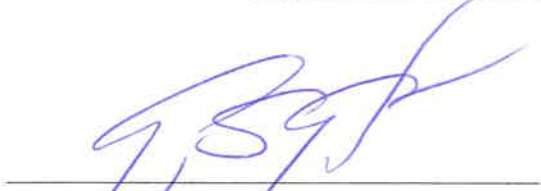
**NOW, THEREFORE, BE IT RESOLVED,** in consideration of the mutual promises and covenants made by and between the parties, and is hereby agreed as follows:

I, Frank Litterio, 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 28 day of December, 2022



Notary Public of the State of New Jersey  
My Commission Expires on \_\_\_\_\_

**Gary S. Goodman, Esq.**  
Attorney at Law  
The State of New Jersey