

ORIGINAL

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AUG 02 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: 8/2/23
Application No.: ZBA-23-020

To Be Completed by Applicant

1. Subject Property

Location/Address: 410 Orchard Street Cranford NJ 07016
Tax Map: Block: 171, Lot(s): 1.04
Block: _____, Lot(s): _____
Dimensions: Frontage: 112' Depth: 147' Total Area: ~16,464
Zoning District: R-2

2. Applicant Information

Name: Peter + Leah Katz
Address: 410 Orchard Street Cranford NJ 07016
Phone: 917 561 7177 Email: PeterJKatz@gmail.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)
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
Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
Yes [attach copies]: X No: Stormwater - Not Available
Proposed use of the premises: Home

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: _____
Address: _____
City/State/ZIP: _____
Phone Number: _____
E-mail: _____

- 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: _____
Area of Expertise: _____
Address: _____
City/State/ZIP: _____
Phone Number: _____
E-mail: _____

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):

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

_____ (C1) "Hardship" Variance

X _____ (C2) "Flexible" Variance (benefits v. detriments) - *Waiver*

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]

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? N/A
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? N/A
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
_____	_____
_____	_____ See Attached _____
_____	_____
_____	_____

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:
_____	Name/Address _____
_____	_____
_____	Name/Address _____
_____	_____
_____	Name/Address _____
_____	_____
_____	_____

Certifications

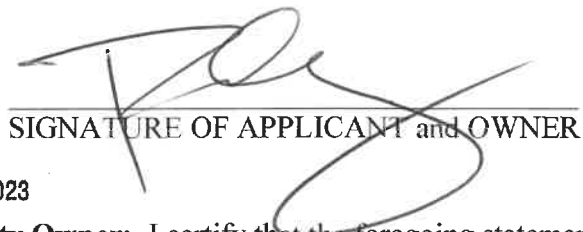
Complete #19 *or* #20 a and b as indicated:

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
25 day of July, 2023


NOTARY PUBLIC

ANNE F. MILLER
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES DECEMBER 23, 2023


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
25 day of July, 2023



NOTARY PUBLIC
ANNE F. MILLER
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES DECEMBER 23, 2023



SIGNATURE OF APPLICANT

Escrow Certification

21. Escrow Certification I (*please print name*) Peter Katz
understand that I have provided the non-refundable sum of \$ 1,500.00 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

8/2/23

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, Peter Katz of 410 Orchard Street
Name Address

am submitting an application to the

PLANNING BOARD ZONING BOARD OF ADJUSTMENT

for the development of Block 171 Lot 1.04 in Zone R-1

located at 410 Orchard Street Cranford NJ 07016
Address

The owner of record is Peter Katz of 410 Orchard Street
Name Address

I acquired interest in this property on 12/17/18 and request the Tax
Date

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

[Signature]
Applicant's Signature

7/13/23
Date

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]
Tax Collector's Signature

August 2, 2023
Date

**Tax Collector
Cranford Township
Union County**



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-23-020 Date received: 8/2/23

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: Peter + Leah Katz

Address: 410 Orchard Street Cranford NJ 07016

Phone: 917 561 7177 Email: PeterJKatz@gmail.com

2. Appeal information

Section(s) of Land Development Code	Requirement(s) set forth in the Land Development Code	Relief Requested
255-26(K)(2)	4' max height Up to 50% solid in front yard	6' max height 100% solid in front yard

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
255-26(K)(2)	4' max height Up to 50% solid in front yard	4.5' Height < 50% solid in front yard Permit # 2-19-003

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.

See Attached

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

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.

Homeowner's property (the "Property"), 410 Orchard Street (Block 171, Lot 1.04) is located on the corner of Orchard Street and West End Place and contains a single-family home that fronts to Orchard Street, which is the principal permitted use (Figure 1). As a corner lot the Property features two Front Yards, as defined in Part II, Chapter 255, Article I of the Township of Cranford regulations: one Front Yard along Orchard Street and a second Front Yard along West End Place. Per the Township of Cranford code Section 255-26K (2) (the "Section"), "on corner lots, fences over four feet in height shall be set back from any street right-of-way line a distance which is not less than the setback distance of the principal building on the lot."

Homeowners are seeking a variance from the Section requirements as the Property exhibits a unique physical characteristic, which is the presence of a stormwater drainage canal that runs through the parcel along West End Place (Figure 2). The presence of the drainage canal creates an undue hardship for the Homeowner to comply with the setback requirement for solid fencing over four feet, as described below. Homeowner notes that the drainage canal is a pre-existing condition and is not a self-created hardship.

As shown in Figure 2, the presence of the drainage canal precludes the Homeowner's ability to access the Rear Yard of the parcel via West End Place, and also restricts the Homeowner's use of the West End Place Front Yard. Given this unique characteristic, installing fencing along West End Place at the setback distance of the principal building on the lot, per the code requirements, would create a sliver of land outside the fencing that would be located between the drainage canal and the Rear Yard. This piece of land would be difficult to maintain and access, as two of the three access directions would be blocked, and the minimal size of the strip would limit any potential uses of the land. Ultimately, the existence of the canal creates a hardship for the Homeowner by greatly limiting feasible locations to locate a fence over four feet in height.

As such, the Homeowner requests the installation of fencing in the West End Place Front Yard be treated as a Rear Yard fence due to the unique characteristics of the property and seeks relief from the height and opacity requirements for fencing in a Front Yard (Figure 3). The Homeowner is requesting approval of a six-foot high and one hundred percent solid fence abutting the stormwater canal (location shown in Figure 4). Per the Section this type and height fencing is permitted by right in a Rear Yard.

Moreover, additional significant considerations for the requested relief are discussed below:

Justification for relief from Front Yard height requirement

The top of the stormwater drainage canal, which would serve as the base elevation of the proposed fencing, sits below street grade, creating a downward sloping condition running from both West End Place and the Homeowner's backyard (Figure 5). As indicated in Figure 5, the top of the canal sits approximately 23 inches below the elevation of West End Place. Given this sloping condition, the effective height of a four-foot fence would only be approximately two feet when standing on the street/curb. Based on this condition the effective height of a six-foot fence would be approximately four feet, which would roughly meet the requirement of the Section.

Justification for relief from Front Yard opacity requirement

The proposed fence would be set back approximately 26 feet from West End Place and approximately 82 feet from Orchard St (Figures 6 and 7). The proposed location of the fence is sufficiently offset from the property lines such that an increase in opacity would not impact sightlines for vehicles traveling in either direction on West End Place or Orchard St. Additionally, pre-existing visual shielding from landscaping and shrubbery along West End Place would limit the ability to see the proposed fence (Figure 8), and thus the increased opacity would not impact neighborhood character.

Final Considerations

Beyond the unique parcel characteristics described above, Homeowner believes that this request is further supported by the following important considerations:

- Overall, there is no discernible threat or impact to public good to the requested relief
- Proposed fence is not expected to negatively impact neighborhood character. Homeowner notes that many other corner properties throughout the Township have installed six-foot solid fencing in the same/similar location on their parcel with no known resident concerns or complaints on impact to character (Figure 9).
- Proposed fencing is to match type, style, and height of other backyard fencing on the parcel, as to maintain consistency and aesthetic character throughout the property, and therefore for the overall neighborhood.

Homeowner notes that set back measurements were obtained from Google Maps. Elevation differences were measured by homeowner using a self-leveling laser, as described in Figure 10. Homeowner notes they have professional experience determining elevations using the method described.

Hold Harmless And Indemnification Agreement

FORM 15/Updated 4/09

This agreement made this 25 day of July, 2023, witnesses:

WHEREAS, Peter Katz, 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 of Adjustment (Board) to inspect and walk the subject property known as 410 Orchard Street Block 171, Lot 104; and

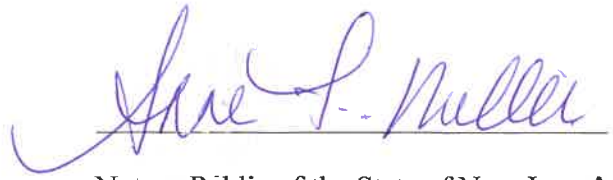
WHEREAS, the Zoning Board of Adjustment (Board) deems it advisable and fiscally prudent to obtain permission from the individual applicants for the members inspection of said property and to preclude claims for alleged damage in connection with the inspection;

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, Peter Katz, Applicant, shall indemnify and hold harmless the Zoning Board of Adjustment (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 25 day of July, 2023



Notary Public of the State of New Jersey
My Commission Expires on _____
ANNE F. MILLER
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES DECEMBER 23, 2023