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GARY S GOODMAN
Member NJ & TX Bars

Via E-Mail Only

December 19, 2022

Ms. Kathleen Nemeth
Zoning Board of Adjustment
Land Use Administrator, Board Secretary
Township of Cranford
Municipal Building
8 Springfield Avenue
Cranford, New Jersey 07016

Re: Carwen Management LLC – ZBA 22-009
113 North Avenue West, Cranford, New Jersey 07016
Block 183, Lot 6, D-B Zone
Preliminary and Final Minor Site Plan Application with two C2 Variances,
D3 Variance and D5 Variance

Dear Ms. Nemeth:

Enclosed find Form 05 – Use Variance application. There are two D-Variances:

1. §255-3913(22)(g) allows a gross density not to exceed ten (10) units per acre. Applicant seeks four (4) units. Lot dimensions 9250/42560 equals .2124 x 10 = 2 units which are permitted (D-5).
2. §255-39B(18)(b) Square footage of office limited to 1000 sq. ft. Applicant proposes 2,287.

Also find argument in support of D-5 variance.

Very truly yours,


Gary S. Goodman

GSG/llm
Enclosures

Form 05/Use Variance Application

TOWNSHIP OF CRANFORD

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.: _____ Date received: _____

Request is hereby made pursuant to Section 40:55D-70(d) of the New Jersey Municipal Land Use Law to the Board for permission to permit as a use in D-B Zone which is specifically prohibited by the Municipal Land Use Ordinance of the Township of Cranford.

1. Arguments must be submitted in support of the requested "Use Variance."

On a separate sheet, describe reasons why the requested use variance should be granted by the Board.

2. 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/Zoning Department at least four (4) business days prior to the date of the hearing.

Please circle responses:

- a) Is the subject property located within two hundred feet (200') of any municipal boundary? If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1) YES NO
- b) 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)
- c) 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, Form No. 13)
- d) 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.

3. 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.

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
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625

- "3" New Jersey State Planning Commission
150 West State Street
P.O. Box 204
Trenton, New Jersey 08625

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

- _____ (C1) "Hardship" Variance
- _____ (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]

New Construction with 4 residential
units and one commercial unit
used by applicant.

Argument in Support of D5 Density Variance

The site can support four (4) residential units and reflects the highest and best use given that this is new construction and not a renovation. The use reflects the need for more modestly priced housing in walking distance to mass transportation.