



UNLOCKING POTENTIAL
IN PLACES YOU LOVE

Development Review Committee Memorandum

Date: August 21, 2023
To: Cranford Development Review Committee
From: Greer Patras, AICP, PP, Township Planner
Applicant: Justin & Michele Radico
SUBJECT: ZBA-23-015
126 Thomas Street - Block 516, Lot 10.01
Bulk Variance Relief

The Township's DRC, established by §255-10 of the Township Code, serves to review all applications for development or requests for review presented to the Planning Board or Board of Adjustment. The DRC consists of applicable Township professionals who review applications for compliance with the technical standards set forth in Article IV – Development Requirements and Standards and other provisions of the Township's Land Development Ordinance. The DRC may make non-binding recommendations on the design and technical elements of any application however it is not the scope of the DRC to argue for or against the merits of any application to be heard by the Planning Board or Board of Adjustment. This memo serves to provide an overview of the project proposal and the items discussed at the DRC meeting.

I. APPLICATION INFORMATION

A. DRC Meeting Date: August 16, 2023

B. Attending Town Representatives:

1. Bryan Flynn – Tax Assessor
2. Ty Apgar – Township Engineer
3. Kathleen Nemeth – Zoning Officer
4. Frank Genova – Construction Code Official
5. Matthew Lubin – Cranford Fire Department
6. Kathy Lenahan – Board Administrator
7. Justin Cutroneo – Township Planner

C. Attending Applicant's Representatives:

1. Justin & Michele Radico – Applicant
2. Bruno – Applicant Landscape Architect

D. Documents Submitted:

1. **Township of Cranford - Development Application Package**, received June 29, 2023.
2. **Property Survey**, consisting of 1 sheet prepared by EKA Associates, P.A., dated September 25, 2020.

3. **Impervious Coverage Calculations on Property Survey**, consisting of 1 sheet, unsigned and undated.
4. **Proposed Plan on Property Survey**, consisting of 1 sheet, unsigned and undated.

II. SITE INFORMATION:

1. Block 516, Lot 10.01: 8,500 SF (0.20 acres)
2. Residential R-4 Zoning District
3. The Site contains a 1.5-story single-family dwelling with a shared asphalt driveway and detached garage. The Site also contains a front walkway and an enclosed porch and patio in the rear yard.
4. The Site fronts of Thomas Street, within a single-family residential neighborhood.

III. PROPOSAL:

A. Proposed Site Improvements:

1. Remove the existing steps and patio in the rear yard.
2. Construct a new 782 SF patio and steps in the rear yard.
3. Install new landscaping in the side and rear yards.

B. Bulk Variance Discussion:

1. Impervious Coverage (Section 255 Attachment 1):
 - Permitted: 40% (3,400 SF)
 - Existing: 38.5% (3,273 SF)
 - Proposed: 44.5% (3,783 SF)

Additional variances and waivers may be identified during professional reviews.

- C. At the hearing, the Applicant should be prepared to discuss with the Board the legal standard for "C" variance relief under N.J.S.A 40:55D-70.**

The Applicant must decide whether they seek a "c(1)" and/or "c(2)" variance, and then prove and the Board must find that the necessary criteria for the applicable variance, identified by the Municipal Land Use Law, has been satisfied.

It is our opinion that the Applicant would seek a c(2) variance, since the patio is to provide additional convenience for the Applicant, but this should be clarified by the Applicant.

The criteria for both types are as follows:

For a c(1) variance, the Applicant must prove hardship:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
- By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- By reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal

relating to such a property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship

- AND that such relief from the zoning ordinance will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

For a c(2) variance, the Applicant must prove:

- that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and
- that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria).

IV. DRC MEETING COMMENTS + NOTES:

A. The Applicant provided the following comments:

1. The Applicant proposes to renovate the rear steps and expand the rear patio which requires variance relief for impervious coverage.
2. The Applicant is not located in a flood zone and is proposing plantings along the rear and side property lines.

B. The DRC Committee provided the following comments and recommendations:

1. Per Ordinance Section 364-1.D, proposals increasing the amount of impervious coverage of between 300 SF and 1,000 SF are considered "minor developments" and requires stormwater management measures. This proposal increases by the impervious coverage by 510 SF, and therefore must comply.
2. The Applicant proposes green infrastructure to capture some of the stormwater runoff, however, it is difficult to quantify that the green infrastructure can comply with the stormwater management standards of Chapter 9 of NJ BMP manual. Therefore, a drywell is recommended for stormwater management. If the Applicant were to propose a drywell, revised plans and stormwater calculations should be provided at least two weeks before the hearing.
3. The Applicant should discuss if a smaller patio was considered in order to comply with the maximum permitted impervious coverage. The Applicant should discuss if there's any opportunity to remove any existing impervious coverage to help make up the difference of what is proposed.
4. The Applicant should discuss how the variance condition can be mitigated; stormwater management such as drywells or rain gardens, foundation plantings and other plantings including shade/street trees within the side and rear yards is recommended to soften the impact to the adjacent properties.
5. It is recommended that the Applicant present pictures to the Board to visually explain the proposal in context with the surrounding neighborhood.
6. We defer to the Board Attorney whether there is any additional noticing or coordination given the shared driveway and assumed cross-access easement that may exist between the properties.

7. Our review is of the limited scope of the proposed patio and not of the existing rear yard accessory structures. It is the responsibility of the Applicant to confirm all other improvements are legally existing/conforming. We defer this issue to the Zoning Officer.
8. Cranford Police Department was not able to attend the meeting due to a conflict but indicated to the Planning/Zoning Office that they had no concerns regarding the impact of the proposed adjustments to their property on traffic.
9. Should any of these improvements add value to the property, an added tax assessment may be imposed.
10. The Applicant will be scheduled for the October 23, 2023 virtual Zoning Board meeting, subject to all application filing and noticing requirements.

**Request for Recommendations
from Cranford Township Professionals**

TOWNSHIP OF CRANFORD – PLANNING & ZONING DEPARTMENT
8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 * Fax: (908) 276-7664



Application #: ZBA-23-015
Date Sent to Township Professionals: August 30, 2023
Date Due Back to Zoning Office: September 21, 2023

TO: Cranford Department of Traffic & Safety ✓ Cranford Fire Department
 Cranford Health Department Cranford Engineering Department
 Environmental Committee Historical Preservation Advisory Board
 Downtown Economic & Business Development Office

RE: 126 Thomas Street
 Block: 516 Lot: 10.01 R-4 Zone
 Application # ZBA-23-015
 Applicant: Justin & Michele Radico

Applicant is requesting a c(2) variance for the construction of a new 782 SF patio and steps in the rear yard.

Type of Variance	LDO Section	Requirement	Relief Requested
c(2)	§255-34 Attachment 1, Schedule 1.	Maximum allowed impervious coverage is 40%	Existing is 38.5% and proposed is 44.5%

Following pre-existing conditions:

Type of Variance	LDO Section	Requirement	Existing Conditions

PLEASE CHECK ONE:

XX No negative impacts are apparent from my review of this application as it affects my area of review.

_____ I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter:

Project Hours: _____ 1 _____

Signature:  _____ Date: 8/3/23 _____

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TO: Cranford Department of Traffic & Safety
Cranford Health Department ✓
Environmental Committee
Downtown Economic & Business Development Office

Cranford Fire Department
Cranford Engineering Department
Historical Preservation Advisory Board

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Project Hours: 10 mchs

Signature: *monika sharma* Date: 9/8/23

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I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter: See attached note

Project Hours: _____

Signature: *Ron Margulis* Date: December 29, 2023

To the Cranford Zoning Board:

Regarding the application for 126 Thomas Street, the Cranford Environmental Commission notes that the proposed redevelopment will add about 20% in impervious surface, resulting in a greater than allowed coverage.

We're also troubled by the suggestion that planting boxwoods, a Japanese maple and arborvitae constitute "natural green infrastructure" to address the increased run-off. Boxwoods and Japanese maples are nonnative plants notable for their shallow roots and will do almost nothing to mitigate the additional stormwater runoff.

This property is approximately a 1/4 mile from the river. Since it's likely that the Army Corp of Engineering (ACOE) project completion may be 10 years away, Cranford should not be approving any developments that increase impervious cover and have the potential to reduce the effectiveness of any executed ACOE effort.

Before any expanded impervious surface is considered, the owners need to come back with a plan to manage stormwater run-off, preferably through installation and maintenance of legitimate green infrastructure as defined by the DEP and set forth in the Rutgers Green Infrastructure Guidance manual

http://water.rutgers.edu/Green_Infrastructure_Guidance_Manual/2015-03-31_Manual.compressed.pdf

Additionally (or alternatively) maybe they can eliminate some existing impervious surfaces to counterbalance their proposed expansion of the patio. The 20%+ impervious surface increase in an area of town with a serious flooding problem must be closely examined for its storm water impact. As the proposed site plans appear to include limited remediation efforts to offset the potential stormwater increase, so the **Environmental Commission recommends the variance be denied.**

The Environmental Commission is happy to advise the applicant on possible alterations to the plan and/or remediation options. Please do not hesitate to contact the Environmental Commission with any questions or concerns.

Sincerely,

Ronald Margulis

Chair – Cranford Environmental Commission

ron@rampr.com



CRANFORD FIRE DEPARTMENT
BUREAU OF FIRE PREVENTION & RISK MANAGEMENT
7 SPRINGFIELD AVE, CRANFORD, NJ 07016
PHONE: (908)709-7360
FAX: (908) 276-6183
WWW.CRANFORDNJ.ORG

September 15, 2023

MEMORANDUM FOR: Township of Cranford – Planning and Zoning Department

FROM: B/C Matthew J. Lubin /s/
Fire Official

SUBJECT: Application ZBA-23-015
126 Thomas Street; Block 516 – Lot 10.01
Applicant: Justin and Michele Radico

The Cranford Fire Department has conducted a review of the subject application and supportive documents submitted for the above referenced application before the Zoning Board.

The applicant seeks relief for a proposed new patio and steps in the rear of the subject property.

There are no impacts or concerns apparent based on the Fire Department area of review of this application.

If you have any questions, please feel free to contact our office.

Memorandum

To: Kathy Lenahan, Land Use Administrator

From: Kevin Boyer, P.E., C.F.M.

Date: September 29, 2023

Subject: 126 Thomas Street
Block 516, Lot 10.01
ZBA-23-015
Proposed Patio
(C2) "Flexible" Variance

Project No.: CDZ0373A

Colliers Engineering & Design Inc. dba Maser Consulting has reviewed the application for the proposed construction of a rear patio expansion and new rear steps.

The following has been submitted by the Applicant for review:

- Plan of Survey, prepared by EKA Associates, P. A., dated 9/25/2020.
- Development Review Committee Memorandum dated August 21, 2023.
- Form 01/Board Application, dated 6/29/2023, Form 04/Appeal for Relief from Zoning Requirements, dated 6/29/2023.

The property is located in the Zone X (areas determined to be outside the 2% annual chance floodplain), as shown on the Flood Insurance Rate Map (FIRM) for the Township of Cranford, dated September 2006.

The site is not located in the NJDEP Flood Fringe Area, as shown on sheet 1 on the NJDEP Delineation of Floodway and Flood Hazard Area Plans, Township of Cranford, New Jersey.

The site is located in the "R-4" One-Family Detached Residential District. The property is currently improved with a one-and-one-half (1 ½) story brick dwelling, and detached masonry garage, a shared asphalt driveway, a front concrete walk, and a rear patio. The site is also improved with an enclosed porch attached to the rear of the existing structure.

The Applicant is proposing to demolish the existing rear patio and steps. The Applicant is proposing to construct a new expanded patio as well as new rear steps. The Applicant is also proposing to install new landscaping including boxwoods, green giants, and red maple trees, as well as a lawn area. The proposed improvements will increase the impervious coverage of the site by

approximately 572 SF. The Applicant's improvements to the property are required to comply with the Township's Stormwater Management Ordinance Section 364-3B, as the increase in impervious coverage exceeds the 300 SF threshold.

Based on a review of the above-referenced documents, our office offers the following comments:

1. The site drains from Thomas Street towards Centennial Avenue. The proposed improvements appear to exacerbate the existing runoff from the site. The Applicant shall provide testimony.
2. Based on Section 365-5.C, 572 SF of impervious coverage requires a minimum of 159 CF of stormwater storage. The Applicant is not proposing any stormwater management measures on the current site plan.
3. As discussed in the DRC meeting, the Applicant is proposing a mulch bed and additional landscaping as natural stormwater management measures. The Applicant shall quantify the proposed system and verify if it meets the Township's standards for stormwater storage.
4. The Applicant is required to submit a minor stormwater management plan, including proposed stormwater measures including calculations to verify the proposed measures are appropriately sized for the required volume. The minimum requirements of the stormwater management can be found in Section 364-3 of the Township Ordinance.
5. The site grading and drainage should not adversely affect or burden the adjacent property owners or pose a negative impact as set forth by Subsection 364-5E.(3).
6. The Applicant shall provide the Engineering department with the soil permeability testing results for review and approval prior to issuance of a building permit. The soil testing shall be signed and sealed by a New Jersey Licensed Engineer. The soil testing shall be done in accordance with Chapter 12 of New Jersey's Stormwater Best Management Practices Manual (NJSBMP). The Engineer shall also certify the stormwater management system will be located at least two feet (2') above the Seasonal High-Water Table (SHWT).
7. The Applicant shall not direct any stormwater towards adjoining properties. The site grading and drainage should not adversely affect or burden the adjacent property owners or pose a negative impact as set forth by Subsection 364-5E. (3).
8. All excavated material shall be removed from the site. No material is to be stored on Township property unless prior approval is obtained from the Township Engineer. Under no circumstances can the contractor place excavated material within Township property. Any soil disturbance shall be done as set forth by Subsection 351-1.
9. No changes in grading are permitted without the submission of a grading plan to the Engineering department for review and approval, as required by Ordinance 351-4. A Professional Engineer or Professional Land Surveyor must prepare any such grading plan.

10. The Applicant shall call to coordinate inspections with the Engineering Department 24-hours prior to start of construction as related to grading and drainage improvements on-site.
11. The Applicant shall be aware of their responsibility to repair any damage to improvements within the Township Right-of-Way, including but not limited to, sidewalk, driveway apron, curb, and asphalt pavement as required by Subsection 367-1.

Should you have any questions, please do not hesitate to contact our office.

cc: Mark Rothman, Esq., Zoning Board Attorney (markrothman@robbsinsandrobbsinsllp.com)
Greer Patras, Zoning Board Planner (g.patras@topology.is)
Justin & Michele Radico, Applicant (jradico3@gmail.com)

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HPAB

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Project Hours: _____

Signature:  Date: 9.19.23

ZBA-23-015

Received - August 30, 2023

Returned - September 21, 2023

Applicant - Justin & Michele Radico

Address - 126 Thomas Street

Block: 516, Lot: 10.01

Zone - R-4 (One Family Detached Residence District)

Constructed - 1944

This Cape Cod style house has a rear patio that is to be expanded by 782 square feet.

The maximum allowable impervious coverage is 40%

Proposed impervious coverage is 44.5%