

MINUTES - ZONING BOARD

June 19, 2017

The workshop portion of the meeting was called to order at 8:02 P.M. by Mr. Illing, Vice-Chairman.

ROLL CALL:

Members Present:

Mr. Illing
Mr. Pistol
Mr. Bovasso
Ms. Hay
Ms. Higgins

Members Absent:

Mr. Marotta
Ms. Drake

Alternates Present:

Mr. Trelease

Alternates Absent:

Ms. Dehnhard

Also in attendance: Nicholas Giuditta, Esquire, Ron Johnson, Zoning Officer, Ruthanne Della Serra, Interim Administrator/Scribe and Madeline Colandro, Interim Assistant.

COMMUNICATIONS:

1. Letter from Gary Goodman, Esquire dated June 19, 20117 requesting adjournment for Application #ZBA-17-0006: Emanuel Nimrud, Applicant , 496 Centennial Avenue, Block: 594 Lot: 8 Zone: R-5 to July 10, 2017.

RESOLUTIONS OF MEMORIALIZATION

APPLICATION #ZBA-17-002

**Daryl and Brielle Boffard, Applicant
109, 111, 113 & 115 Walnut Avenue,
Block 478, Lots 10, 11, 12 & 13, Zone D-B**

Intrepretation and site plan approval to permit construction of a three-story mixed-use development of residential apartments and restaurant with the following variances: less than the minimum allowable front yard setbacks (§136-30, Attachment 1, Schedule 1, Bulk requirements for properties in the D-B District); to exceed the maximum allowable impervious surface (§136-

30, Attachment 1, Schedule 1, Bulk requirements for properties in the D-B District); less than the minimum required on-site parking spaces provided (§136-39(A)2); less than the minimum required parking spaces required for restaurant use (§136-39(A)1); and no loading or unloading zone provided (§136-23.7(12)).

The Resolution of Memorialization (attached and made part of these minutes) denying objector's requests was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Bovasso, seconded by Mr. Higgins and passed with the following voting in favor of the motion: Mr. Illing, Mr. Bovasso, Ms. Hay, Mr. Higgins and Mr. Trelease.

MINUTES:

Motion to adopt the minutes of May 8, 2017 was made by Mr. Higgins, seconded by Mr. Bovasso and passed on unanimous voice vote.

OLD/NEW BUSINESS

Motion to adopt a Resolution of Memorialization appointing Neglia Engineering as outside planner and Maser Consulting as alternate outside planner was made by the Mr. Higgins, seconded by Mr. Bovasso and passed with the following voting in favor of the motion: Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Hay, Mr. Higgins and Mr. Trelease.

Motion to adopt a Resolution of Memorialization appointing Maser Consulting as outside engineer and Neglia Consulting as alternate outside engineer was made by Mr. Higgins, seconded by Mr. Bovasso and passed with the following voting in favor of the motion: Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Hay, Mr. Higgins, and Mr. Trelease.

The workshop portion of the meeting concluded at 8 20 PM.

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Illing on June 12, 2017 at 8:25 P.M. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Mr. Pistol announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader or Star Ledger has been notified and the agenda posted in the municipal building as required.

Mr. Illing explained the protocol, purpose and procedure that will be followed during the hearing.

Mr. Illing announced that Application #ZBA-17-0006: Emanuel Nimrud, Applicant, 496 Centennial Avenue, Block: 594 Lot: 8 Zone: R-5, Site Plan approval to permit construction of a four residential apartments with the following variances: to exceed the maximum allowable density; less than the minimum front yard setback (§136-30, Attachment 1, Schedule 1); less than the minimum side yard setback (§136-30, Attachment 1, Schedule 1); less than the minimum required distance from a residential zone for parking (§136-30, Attachment 1, Schedule 1); and no loading or unloading zone (§136-23.7(12) and the following pre-existing conditions: less than the minimum required lot area (§136-30, Attachment 1, Schedule 1) and less than the minimum required lot width (§136-30, Attachment 1, Schedule 1) would not be heard this evening and is being carried to July 10, 2017 no further notice is required.

1. Application #ZBA-17-011

R. David Korngruen, Applicant

532 Lexington Avenue

Block 458, Lot 8, Zone 5-3

To permit replacement of an existing fence with the following variances: to exceed maximum allowable height for a fence in the front yard (136-30, Attachment 1, Schedule 1; to exceed the maximum allowable openness for a fence (136-23.12)

R. David Korngruen, appeared and was sworn in, he explained he is seeking to replace the existing fence that will exceed the maximum allowable height and openness for a fence. Referring to photo (exhibit A-1) depicting the fence exceeds the allowable height as existing. The first panel is only 4 feet and as he lives at a corner lot has two front yards with height limitations. All professional reports have no comments. Proposal is for a 6-foot fence to the rear property line.

Questions posed by the Board ascertained the following:

Confirmed bushes will be removed. May have landscaping around wood (stained red cedar appearance) fence. Current fence is falling apart. The shrubs will be along Chester Lang. No fence exists where hedges are located. The setback is possibly (roots) 4 to 6 inches from the side walk. There is no green space between the sidewalk and fence. Fence will be located exactly where the shrubs are now. Has not determined whether he will replace shrubs. No one from the public is in attendance. Shadow box fence type structure to soften (photo marked Exhibit A-2) and depicts potential style of fence distributed to the board and confirming the fence will not be a solid white fence, although he has not determined fence material/style yet. If price is too expensive, will replace the shrubs.

Street appeal is important to him. Will do everything to compliment the area with only 6 inches between the fence and sidewalk, is difficult to plant landscaping. Wishes a 6-

foot fence for privacy. His first choice is the shadow box style. It was explained for the benefit of the applicant, that the board needs to know the details of the fence being proposed in order to consider the application. Will agree to construct a shadow box fence or replace shrubs. Discussion explaining the zoning ordinance to applicant. Corner lot with 2 front yards. Board believed the fence is too close to the sidewalk. Slab in the photo appears to be at least a foot from the sidewalk. Applicant did not think landscaping is necessary and if was to soften the look, would not be able to locate the fence a foot from the sidewalk.

There were no further questions by the Board.

Mr. Illing opened the application to the public for questions of the witness with no one appearing and this portion of the hearing was closed with the matter referred back to the Board.

Mr. Korngruen presented his summation and stated he would like to improve the street appeal on his property; has always took pride in what he does and will not install a white fence.

DELIBERATION OF APPLICATION #ZBA-17-011

Application #ZBA-17-011

R. David Korngruen, Applicant

532 Lexington Avenue

Block 458, Lot 8, Zone 5-3

To permit replacement of an existing fence with the following variances: to exceed maximum allowable height for a fence in the front yard (136-30, Attachment 1, Schedule 1; to exceed the maximum allowable openness for a fence (136-23.12)

Mr. Illing reviewed the testimony.

Board comments consisted of the following:

Believes style/materials need to be shadow box. Would like the fence to be further back from the property line, if possible. Would like to see more shrubbery and frankly, don't know what we are approving. More softening requires more than 6 inches from sidewalk. Typically, a plan is submitted showing the fence details. Referring to survey submitted, appears corner fence is more than 6 inches from sidewalk. Having trouble with the application as unaware of exact fence location and details. Great concern with only 6 inches from the sidewalk. Any solid fence needs to be softened. Never approved fence without landscaping on a corner lot. Mr. Giuditta explained to the applicant he may wish to consider withdrawing the current application and returning before the Board

at a future time once dimensions plans and details are submitted. If denied tonight, the applicant cannot come back without substantial changes to the proposal (res judicata).

Applicant advised was unaware such a plan was needed and will not withdraw the application. Applicant agreed to replace to the rear property line only with 6-foot high shadow box. Discussion by board as to first panel that needs to be 4-foot high and 50% open. Mr. Giuditta explained need to have complete understanding of what is proposed. Clarify replacing the existing fence in the backyard and on Chester Lange 1 panel.

Motion to approve Application # ZBA-17-0007 was made by with Mr. Bovasso the following conditions:

1. Materials will be shadow box type fence stained red cedar tone;
2. Replace only existing 4-foot fence along rear and back property line;
3. Fence will not run along Chester Lang.

The motion was seconded by Mr. Higgins the following voting in favor of the motion: Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Hay, Mr. Higgins and Mr. Trelease.

PUBLIC PORTION:

None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 9:22 P.M.

Jeffrey Pistol, Secretary