

## **MINUTES - ZONING BOARD REORGANIZATION**

March 14, 2016

The workshop portion of the meeting was called to order at 8:03 P.M. by Mr. Bovasso, Vice-Chairman.

### **ROLL CALL:**

#### **Members Present:**

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

#### **Members Absent:**

Mr. Marotta

#### **Alternates Present:**

Mr. Weisgerber

#### **Alternates Absent:**

Ms. Dehnhard

Also in attendance: Ruthanne Della Serra and David Weeks, Esquire.

### **COMMUNICATIONS:**

None

### **RESOLUTIONS OF MEMORIALIZATION**

#### **Application #ZBA-15-039:**

**Gary and Erika Jaffe, Applicants**

**7 Claremont Place, Block 266, Lot 5, R-4 Zone**

**To permit construction of an addition that will exceed the maximum allowable lot coverage (§136-30 Schedule 1, Attachment 1).**

The Resolution of Memorialization (attached and made part of these minutes) as amended was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Pistol, seconded by Mr. Higgins and passed with the following voting in favor of the motion: Mr. Bovasso, Mr. Higgins, Mr. Illing, Mr. Pistol, Mr. Salomon and Mr. Weisgerber.

**Application #ZBA-15-043:**

**Laura Masterson, Applicant**

**16 Arnet Place, Block 148, Lot 16, R-4 Zone**

**To permit kitchen expansion into the rear portion of an existing non-conforming attached garage that will result in less than the minimum required depth of a residential garage (§136-23.6(3)[2].**

The Resolution of Memorialization (attached and made part of these minutes) as amended was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Bovasso, seconded by Mr. Weisgerber and passed with the following voting in favor of the motion: Mr. Bovasso, Mr. Higgins, Mr. Illing, Mr. Pistol, Mr. Salomon and Mr. Weisgerber.

**Application #ZBA-15-038:**

**Justin and Christine Bove, Applicants**

**15 Greaves Place, Block 175, Lot 8.01, R-3 Zone**

**To permit expansion of the existing third floor which will exceed the maximum number of allowable stories (§136-30, Schedule 1, Attachment 1).**

The Resolution of Memorialization (attached and made part of these minutes) as amended was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Salomon, seconded by Mr. Illing and passed with the following voting in favor of the motion: Mr. Bovasso, Mr. Higgins, Mr. Illing, Mr. Pistol, Mr. Salomon and Mr. Weisgerber.

**MINUTES:**

Motion to adopt the minutes of December 7, 2015 (as amended) was made by Mr. Pistol, seconded by Mr. Higgins and passed by voice vote.

Motion to adopt the minutes of December 14, 2015 (as amended) was made by Mr. Illing, seconded by Ms. Hay and passes by voice vote.

Motion to adopt the minutes of February 22, 2016 (as amended) was made by Mr. Salomon, seconded by Mr. Weisgerber and passed by voice vote.

**OLD/NEW BUSINESS**

Reminder – joint meeting with the Planning Board on Wednesday, March 16, 2016.

The workshop portion of the meeting concluded at 8:16 P.M.

**PUBLIC MEETING:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Bovasso on March 14, 2016 at 8:20 P.M. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Mr. Bovasso 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. Bovasso explained the protocol, purpose and procedure that will be followed during the hearing.

**Application #ZBA-15-037:**

**Orlando Mendes, Applicant**

**610 Riverside Drive**

**Block 203, Lot 2, R-1 Zone**

**To permit construction of a new front porch with less than the minimum required front yard setback (§136-30 Schedule 1, Attachment 1)**

Orlando Mendes, appeared and was sworn in.

He stated he is seeking to construct a new front porch, on his house that was constructed in 1967 with irregular sized lot and sewer easement, across from the Rahway River. Porch exceeds permitted projection. Overall construction compliments the home and the neighborhood. Does not impair the intent of the Master Plan or the Zoning Plan.

There were no questions posed by the Board.

Mr. Bovasso 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.

Ron Meeks, Architect, appeared and was sworn in. Expert witness in the field of architecture.

He explained the new porch is a total of 295 square feet. Clarified questions as to site data plan that indicates the maximum is 25 square feet - 145 square foot portion is in front of the required setback not the total. Lot coverage changes and includes total roof coverage over impervious area. Even with addition will be approximately 1,000 square feet below the maximum allowable as well as below the building coverage. Agrees to comply with all recommendations made in Township Engineering report.

There were no questions posed by the Board.

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

**DELIBERATION of APPLICATION #ZBA-15-037**

**Application #ZBA-15-037:**

**Orlando Mendes, Applicant**

**610 Riverside Drive**

**Block 203, Lot 2, R-1 Zone**

**To permit construction of a new front porch with less than the minimum required front yard setback (§136-30 Schedule 1, Attachment 1)**

Mr. Bovasso reviewed the testimony.

Board comments consisted of the following:

Due to the fact the addition is still under maximum impervious surface allowed, projecting into the front yard will not make a difference. Front porch is in character with the neighborhood, makes a positive impact and also beneficial to the applicant. Environmental commission did question mitigating increase, still under the limit that requires mitigation. Is a raised surface that will allow ground water to flow.

Motion to approve Application # ZBA-15-037 was made by Mr. Illing, seconded by Mr. Pistol with the following voting in favor of the motion: Mr. Bovasso, Ms. Hay, Mr. Pistol, Mr. Higgins, Mr. Illing, Mr. Salomon and Mr. Weisgerber.

**Application #ZBA-15-041:**

**Charles and Rosemarie Macaluso, Applicants**

**219 Oak Lane**

**Block 243, Lot 10, R-3 Zone**

**To permit construction of a larger covered front porch with the following variances: to exceed the maximum encroachment into the front yard setback for steps (§136-31(D)(3) and to exceed the maximum encroachment into the front yard setback for new roof (§136-31(D)(6)**

Charles Macaluso, appeared and was sworn in.

He indicated they are seeking to construct a larger front porch on their house, built in 1958 but platform is 3 feet deep. Existing house setback is 23.3 feet and required is 25. Seeking to provide larger platform and new stairs plus a roof creating an open porch.

Similar to others in the area and provides safety when entering the front entrance. Will not impair the Master Plan or Zoning Plan.

Questions posed by the Board ascertained the following:

Is somewhat of a hardship as exists and is reason for seeking new porch with roof. Finishes will match and roof line will remain. Width of stairs will be widened.

There were no further questions posed by the Board.

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

**DELIBERATION of APPLICATION #ZBA-15-041**

**Application #ZBA-15-041:**

**Charles and Rosemarie Macaluso, Applicants**

**219 Oak Lane**

**Block 243, Lot 10, R-3 Zone**

**To permit construction of a larger covered front porch with the following variances: to exceed the maximum encroachment into the front yard setback for steps (§136-31(D)(3) and to exceed the maximum encroachment into the front yard setback for new roof (§136-31(D)(6)**

Mr. Bovasso reviewed the testimony.

Board comments consisted of the following:

Fits house well, all reasons stated agrees final result will be beneficial, good plan to enhance their home and is consistent with neighboring homes.

Motion to approve Application # ZBA-15-041 was made by Mr. Higgins, seconded by Mr. Pistol with the following voting in favor of the motion: Mr. Bovasso, Ms. Hay, Mr. Pistol, Mr. Higgins, Mr. Illing, Mr. Salomon and Mr. Weisgerber.

**Application #ZBA-15-044:**

**Kevin and Marlene Buckman, Applicants**

**24 Colby Lane**

**Block 126, Lot 5, R-2 Zone**

**To permit construction of an addition, covered porch and front steps with the following variances: to exceed the maximum allowable lot coverage (§136-30 Schedule 1, Attachment 1); less than the minimum required front yard setback**

**(§136-30 Schedule 1, Attachment 1); to exceed the maximum encroachment into the front yard setback for steps (§136-31(D)(3) and to exceed the maximum encroachment into the front yard setback for new roof (§136-31(D)(6)**

Kevin and Marlene Buckman, appeared and were sworn in. House built in 1959, second floor has an overhang. When stepping into entrance foyer, hit the front steps and wish to extend to allow for a more comfortable area. Wishes to add new porch and steps. Impervious surface exceeds maximum as exists, but is reducing and although variance remains and is seeking variance for the front porch.

There were no questions posed by the Board.

Mr. Bovasso 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.

David Bailey, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in the field of architecture.

He explained the addition will be in by the front area only, drawing #2 depicts the new additions, the portico and the front area. Entire bump out including steps is 7'10", front wall of the house is at the 32-foot average front yard setback. The portico part is 44 square feet, expansion of living space is 22 square feet approximately to align with the second floor overhang. Existing house is very cramped upon entering, with small kitchen, powder room and isolated living room, seeking to make a more desirable and open floor plan. Removing the existing powder room and archway to dining room creating an more open floor plan. The front porch extends 4 feet to the street. Existing photos depict current conditions, on corner lot and across the street is the community college.

Impervious is existing nonconforming, however proposal is slightly less by closing off the door and removing the walkway. Building coverage is compliant.

There were no questions posed by the Board.

Mr. Bovasso opened the application to the public for questions of the witness with the following appearing:

Brian Vandergheynst, on behalf of Community College – questioned actual reduction in impervious coverage – 4,747 down to 4,692 square feet. All preexisting predates as no change in conditions from what the architect observed. Member distributed section of submission showing that entire street was designed as testified to and predates ordinance.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

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

**DELIBERATION of APPLICATION #ZBA-15-044**

**Application #ZBA-15-044:**

**Kevin and Marlene Buckman, Applicants**

**24 Colby Lane**

**Block 126, Lot 5, R-2 Zone**

**To permit construction of a new garage, covered porch and front steps with the following variances: to exceed the maximum allowable lot coverage (§136-30 Schedule 1, Attachment 1); less than the minimum required front yard setback (§136-30 Schedule 1, Attachment 1); to exceed the maximum encroachment into the front yard setback for steps (§136-31(D)(3) and to exceed the maximum encroachment into the front yard setback for new roof (§136-31(D)(6)**

Mr. Bovasso reviewed the testimony.

Board comments consisted of the following:

Drove thru neighborhood and one house down had similar addition. Minor infringement into zoning requirements for maximum return.

Motion to approve Application # ZBA-15-044 was made by Mr. Salomon, seconded by Mr. Illing with the following voting in favor of the motion: Mr. Bovasso, Ms. Hay, Mr. Pistol, Mr. Higgins, Mr. Illing, Mr. Salomon and Mr. Weisgerber.

**Application #ZBA-15-045:**

**Paul Leibrock, Applicant**

**131 North Lehigh Avenue**

**Block 526, Lot 16, R-4 Zone**

**To permit construction of a new in-ground pool with less than the minimum required distance from the side lot lines (§136-34B(2)**

Paul and Laura Leibrock, appeared and were sworn in. They explained house was built in 1940 on ¼ acre. Seeking side yard from 15 to 10 for a safety issue, if complied would be at the door and wishes to keep the pool away. Do not want to block the door. Nothing on the side near neighbor's property, their garage is in the rear, will not pose a safety issue. Rear portion of their lot is the railroad, the neighbor's garage and shed are in the rear of the neighbor's property.

Questions posed by the Board ascertained the following:

Has two driveway's and one ends at the fence line. Potentially wish to extend the driveway on the right hand side to provide access to the garage. Considered moving the pool back, but there are power lines and the train, wanted to keep the pool as close as possible to keep an eye on their children and to get to the water in an expedient manner if emergency arose. Decent size lot just narrow. Pumps will be located on the left side and has a 6-foot vinyl fence. Impervious surface was not an issue when reviewed with Zoning Office as entire backyard is grass. From house to the water line is 10 feet, can possibly pushed back to 11 or 12 feet when he spoke to Zoning Officer. Confirmed 6-foot fence, not 4 as plans state. Will comply with all recommendations made by the Township Engineer.

There were no further questions posed by the Board.

Mr. Bovasso opened the application to the public for questions of the witness with the following appearing:

Brian Vandergheynst – clarified any new development over 300 square feet requires mitigation and not certain how a pool impacts. Mr. Weeks explained each application is reviewed by the Township Engineer who provides comments as to whether mitigation is necessary, in this case, there were no comments.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

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

**DELIBERATION of APPLICATION #ZBA-15-045**

**Application #ZBA-15-045:**

**Paul Leibrock, Applicant**

**131 North Lehigh Avenue**

**Block 526, Lot 16, R-4 Zone**

**To permit construction of a new in-ground pool with less than the minimum required distance from the side lot lines (§136-34B(2))**

Mr. Bovasso reviewed the testimony.

Board comments consisted of the following:

Nothing that is dramatically impactful, would like to see where neighbor's house lines up. In so far as pool itself, sees no problem. Saw property and buffer exists.



Motion to approve Application # ZBA-15-045 was made by Mr. Higgins, seconded by Mr. Salomon with the following voting in favor of the motion: Mr. Bovasso, Ms. Hay, Mr. Pistol, Mr. Higgins, Mr. Illing, Mr. Salomon and Mr. Weisgerber.

**Application #ZBA-15-042:**  
**Kate Friedman and Elio Mayo, Applicants**  
**35 Mansion Terrace**  
**Block 501, Lot 6, R-4 Zone**

**To permit construction of a patio with the following variances: to exceed the maximum allowable lot coverage (§136-30 Schedule 1, Attachment 1) and patio not permitted in the front yard (§136-31(A)(1))**

Kate Friedman and Elio Mayo, appeared and was sworn in. They explained seeking variances for patio that is constructed. House was built in 1920 before ordinance for lot coverage was established. Built a 10 X 12 patio in the rear yard. Just the house on the lot was over 40% lot coverage with patio is at 47.9% and since on a corner lot, have two front yards. Landscaping was installed when the patio was constructed. Was told by the contractor that a permit was not necessary, only became aware after the men were told to stop construction, which they continued until a fine was received. Immediately applied for the variance.

Questions posed by the Board ascertained the following:

Patio is 10 X 12 and changed out the concrete walkway to match the patio. Zoning Officer did not mention replacing the bushes with Arbor Vitae, but Mr. Mayo indicated he prefers the Arbor Vitae. Concrete walk was switched to pavers. Mason told them that water can still pass thru between the pavers as there is sand not mortar joints. No concrete pad underneath the pavers. Does not flood, did not own the property during Irene. Not certain if the lot will hold more landscaping – 6 arbor vitae with existing shrubs, with large forsythia from Mansion onto Pine. More arbor vitae would provide more privacy and create a natural fence. Patio was built on a slant and had a topography survey performed. Run off has not changed.

There were no further questions posed by the Board.

Mr. Bovasso 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. Bovasso opened the application to the public for questions of the witness with the following appearing:

Catherine Trully, appeared and was sworn in. Questioned water in the back yard, has no objections to the proposal. Her side yard (garage) faces their property. Patio has

been there since July and has had issues with water. Applicants have never seen any water in their rear yard. Believes her property is a bit higher than the applicants.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

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

**DELIBERATION of APPLICATION #ZBA-15-042**

**Application #ZBA-15-042:**

**Kate Friedman and Elio Mayo, Applicants**

**35 Mansion Terrace**

**Block 501, Lot 6, R-4 Zone**

**To permit construction of a patio with the following variances: to exceed the maximum allowable lot coverage (§136-30 Schedule 1, Attachment 1) and patio not permitted in the front yard (§136-31(A)(1))**

Mr. Bovasso reviewed the testimony.

Board comments consisted of the following:

Made a mistake and trusted their mason and is now rectify. 120 square feet extra in area that does not flood.

Motion to approve Application # ZBA-15-042 was made by Mr. Illing with the condition that applicants will install additional Arbor Vitae to continue buffering from sidewalk to the street and if not complied with already, will comply post-construction.

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

**PUBLIC PORTION:**

Brian Vanderghenst. One thing item the college is committed to is storm water control and everything they design is always committed to designing the most conservative trend. Community College is concerned about control and storm water management. Five applications approved with little pieces adding up (although nothing done to require mitigation). How many during the course of a year. Needs to have meeting with the Township Engineer as that is how he interpreted the ordinance. Mr. Weeks explained all experts have interpreted the ordinance in the manner of the Board, and one application tonight reduced the impervious surface, and another removed 125 square feet of concrete that was replaced by pavers. Although you may believe the Board is

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approving applicants without thought to storm water, note the Board is ultra conservative. Brian Vandergheynst wants to see the standards that the College complies with to all development. Review of applications and requirements discussed.

**CONCLUSION:**

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 9:32 P.M.

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Jeffrey Pitsol, Secretary