

MINUTES - ZONING BOARD MEETING

February 22, 2016

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

ROLL CALL:

Members Present:

Mr. Marotta
Mr. Pistol
Mr. Bovasso
Mr. Higgins
Mr. Illing
Mr. Salomon

Members Absent:

Ms. Hay

Alternates Present:

Mr. Weisgerber
Ms. Dehnhard

Alternates Absent:

None

Also in attendance: Ruthanne Della Serra, Robert Hudak, Zoning Officer/ ACIP and David Weeks, Esquire.

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION

Application #ZBA-15-030:

Jennifer Soyka, Applicant

95 Cranford Avenue, Block 306, Lot 20, R-3 Zone

To permit construction of a dormer above the second floor resulting in expansion of the existing third floor space (§136-31E(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. Pistol and passed with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Pistol and Mr. Salomon.

Application #ZBA-15-033:

Richard Martinelli, Applicant

138 Mohawk Drive, Block 582, Lot 41, R-4 Zone

To permit construction of a patio 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. Solomon, seconded by Mr. Higgins and passed with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Pistol and Mr. Salomon.

Application #ZBA-15-036:

John Szeles, Applicant

509 Central Avenue, Block 229, Lot 3, R-4 Zone

To permit construction of a new garage with less than the minimum allowable combined side yard setback (§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. Higgins, seconded by Mr. Salomon and passed with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Pistol and Mr. Salomon.

MINUTES:

Motion to adopt the minutes of November 16, 2015 (as amended) was made by Mr. Bovasso, seconded by Mr. Pistol and passed by voice vote.

Motion to adopt the minutes of February 8, 2016 (as amended) was made by Mr. Pistol, seconded by Mr. Bovasso and passes by voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:13 P.M.

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on February 22 at 8:15 P.M. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Mr. Marotta 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. Marotta explained the protocol, purpose and procedure that will be followed during the hearing.

Mr. Pistol announced 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) would not be heard this evening and has been rescheduled to March 14, 2016.

Application #ZBA-15-029:

Cubessmart, LP, Applicant

601 South Avenue East, Block 537, Lot 1, C-2 Zone

To permit construction of a freestanding sign with the following variances: to exceed the maximum allowable sign area (§136-23.10(4)(f)(2); to exceed the maximum allowable height (§136-23.10(4)(f)(2); to allow sign to be internally illuminated (§136-23.10(4)(f)(2).

John Sullivan, Esquire, appeared on behalf of the applicant. Cubessmart is owner of a 5-acre site that is used for self-storage facility. Mr. Sullivan indicated the application is amended. He indicated that the applicant is here to seek relief to construct a freestanding sign at the western end of the property. Three variances are requested: sign area; height (amended application); and internally illuminated. Sign and site plans submitted with the application

Willie Harris, General Manager, appeared and was sworn in. He is the general manager of Cubessmart and relayed his duties at the operation. Cubessmart has owned the site since 1986. Proposing freestanding sign at western end of the site for visibility and to attract potential customers and add ambience to the site. Shocked to hear that people who live in Cranford did not know the facility existed. Sign plan submitted, single pole sign; bottom will be appropriately landscaped; sign area proposed is 3 X 10; includes Cubessmart logo and self-storage. Is in keeping with standard Cubessmart sign.

Exhibit A-1 consisting of two photos – depicts what the sign will be when installed, other shows location without superimposition of the sign. The lighting intensity will be in compliance with the sign next door and will not be any greater than that sign.

Questions posed by the Board ascertained the following:

Believes the photo is accurate at 10 feet. Sign will be 10 feet from the roadway and will be in compliance with requirements. Believes the sign is double sided. Occupancy rate is 94.3% as of this morning. Sign drastically exceeds the ordinance, for visibility as

entire building was not visible to customers. Sign will be illuminated from dawn to dusk. Hour of access are from 6:00 AM to 10:00 PM. Is aware a bus stop is located in the area. Vandalism is one reason for internal illumination as well as visibility. The current small signs will remain as they generate business. Trees will be trimmed to allow for visibility of the sign. Can review possibility of lowering the sign. Sign will not prevent access to the fire hydrant, was reviewed. Member commented that access is one reason to arise the height of the sign.

There were no further questions posed by the Board.

Mr. Marotta 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.

Roger DeNiscia, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert in the field of professional planning.

Mr. DeNiscia explained

Exhibit A-2 – Board of 5 photos (he took), inset aerial photo. Site is located at 601 South Avenue East. Site frontage shown on photo, building and landscaping in background. South Avenue is an important arterial road and conducts a large volume of traffic at times. Site is very extensive with 1,552 feet frontage, depth varies with average width of 134 feet. Developed for self-storage facility. And is composed of multiple buildings with all access from the interior. No windows or doors within the building. One point of access in the center of the site with gate activation with identification sign and primarily not visible to travelers as it is not perpendicular to the roadway. Front yard along South Avenue is landscaped (photos 5 and 2) with trees and abuts the railroad spur line (single track). Also abuts elevated Parkway. Considering size of the site, only frequented by general public the only deficiency is no visible signage from Centennial Avenue view point.

Applicant proposes to address this by installing a freestanding sign at westerly side with a setback of 10 feet. Sign face would be 30 square feet and raised the proposed height to 10 feet. Sign will include the name and nature of the business. Solid red background with white lettering. Internally illuminated and referred to studies on highway sign safety which indicate internally illuminated signs have advantages over externally lit signs. Read into the record and concludes internally lit is much safer. Need height as most cars are 4 to 5 feet in height and standard minimum height is 7 feet that can be seen above most vehicles. Both are safety factors and would apply to all roadways at all speeds. New Jersey does not have safety standards for signs, local ordinance controls. Third aspect is size and one reason is to accommodate the lettering to be seen from 300 - 500 feet and letter size should 12 to 15 inches and to make safe identification as

no perpendicular sign exists. In his opinion, proposed sign is consistent with sound planning principals and result in significant planning and zoning benefits. Site is in C-2 commercial zone district and sign standards are not applicable to this commercial zone. Ordinance states can have a façade sign of 1,000 square feet, while proposed is much less. C-2 allows for freestanding sign - one on lots of more than 300 feet of frontage, on a single street; if more than one business, can have one sign for each business, 50 feet apart. Ordinance does allow for more than one freestanding sign.

Variances requested:

Area: 30 square feet proposed, 12 permitted

Height: 10 feet proposed, 4 permitted

Internally lit where external is allowed.

Proposed sign is minimal and reasonable. Meets bulk variance and municipal land use benefits with no detriments. Site is very large, used as storage warehouse that is used entirely by the general public that requires suitable identification. Proposed will result in higher level of safe visibility. Proposal outweighs any substantial detriment of which there are none. Sign will not impact any sight lines of traffic.

Finale element in negative criteria goes to intent and purpose of zoning ordinance. Proposed is substantially less than what is allowed by ordinance. In his opinion, this application is far minimal than allowed.

Questions posed by the Board ascertained the following:

Placement of be sign – no warning of access/exists and while not at the driveway, believes more effective at the corner and while it would be beneficial to have another at the driveway, one is not proposed. Explained new apartments are about 300 to 500 feet away and while the sign will be visible, will not be impacted by light sign.

There were no further questions posed by the Board.

Mr. Marotta 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. Marotta 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-15-029

Application #ZBA-15-029:

Cubalmart, LP, Applicant

601 South Avenue East, Block 537, Lot 1, C-2 Zone

To permit construction of a freestanding sign with the following variances: to exceed the maximum allowable sign area (§136-23.10(4)(f)(2); to exceed the maximum allowable height (§136-23.10(4)(f)(2); to allow sign to be internally illuminated (§136-23.10(4)(f)(2).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Believes too big, too high and too bright. Applicant will work with zoning to ensure brightness is acceptable. If sign is lowered would not be as safe. Brightness would be LED but subtle. Does not want the roadway to look as if it is a highway, and site is not located in downtown Cranford, and that image was not wanted and is why it is not allowed. Train track is out of service. That part of South Avenue is commercial, not industrial. Most have low externally illuminated freestanding signs. Moving away from the industrial and is the point of placement. Believes proper sign would be in between what ordinance says and what is being proposed. Occupancy rate presently is at 94% and testified that small signs are generating business. If proposal was for a fully compliant façade sign of 20% of the building, would not have to appear before any Board. Applicant indicated he could look at lowering he sign.

Mr. Sullivan advised the applicant is aware of the concerns expressed, but is decision that cannot be made on the spot, would have to be further reviewed. And would request the application to be carried to next available meeting.

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).

Gary Jaffe, Applicant, appeared and were sworn in. He explained he is seeking relief as to lot coverage presently at 28% and need another 7% for 156 square foot addition that is needed to assist elder mother-in-law that cannot accommodate stairs. Addition will be handicapped accessible.

Questions posed by the Board ascertained the following:

Was an existing brick patio in location where the addition will be constructed. Materials will match main structure.

There were no further question from the Board.

Mr. Marotta 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. Marotta 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.

Application #ZBA-15-043:

Loretta 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].

Loretta Masterson, appeared and was sworn in. She explained is seeking to expand her kitchen by moving an interior wall 3 feet that will reduce the garage from 19.5 feet to 16.5 feet and will still accommodate their vehicles. House was built in 1950s and has not received any renovations since constructed. Previously made their bathroom larger, and is seeking to gain back that space by moving kitchen wall.

Questions posed by the Board ascertained the following:
Nothing will change from the outside, only an interior wall.

There were no further questions posed by the Board.

Mr. Marotta 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. Marotta 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.

Application #ZBA-15-038:

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).

Christine Bove, appeared and was sworn in. She explained they are seeking to expand the third floor by 4 feet, and adding roughly 84 square feet. Will be to the back of the house and not visible from the street. Large 1st floor with small 2nd and 3rd floors. Need extra space to accommodate their expanding family. Need dedicated work from home space, also father-in-law's illness requires them to be available to take him into their house when necessary. Does not appear like much of an increase, but allows them expansion of rooms. Does not wish to move to another home, would break their hearts to leave and would prefer expanding and keeping their home. Established roots here.

Believe doing this expansion would allow them to achieve this. Are some significantly expanded houses in their neighborhood.

Questions posed by the Board ascertained the following:

Will be complete expansion out the back of the house, and existing ridge will remain the same.

There were no further questions posed by the Board.

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

Mr. Marotta opened the application to the public for comments with the following appearing:

Nimesh Shah, appeared and was sworn in. Very nervous and has done a lot of work. Lives across the street, and does not appear that anything with change from his view of the applicants' home. Dormering the property and will be off the back of the house. In line with others that are in the neighborhood.

Paul Giannecchini, appeared and was sworn in. Lives on Greaves Place for 30 years, agrees will be very similar to others on the block. Here to support.

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

DELIBERATION of APPLICATION #ZBA-15-039

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).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Swapping impervious coverage of the patio for house, more useable family hardship.

Motion to approve Application # ZBA-15-039 was made by Mr. Illing, seconded by Mr. Bovasso with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Mr. Higgins, Mr. Illing, Mr. Pistol, Mr. Salomon and Mr. Weisgerber.

DELIBERATION of APPLICATION #ZBA-15-043

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].

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Normally concerned what taking utility out of the garage, passed property and has space in driveway to accommodate vehicles and next house is corner property with plenty of street parking. Good presentation – the kitchen is heart of the home.

Motion to approve Application # ZBA-15-043 was made by Mr. Pistol, seconded by Mr. Illing with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Mr. Higgins, Mr. Illing, Mr. Pistol, Mr. Salomon and Mr. Weisgerber.

DELIBERATION of APPLICATION #ZBA-15-038

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).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Well thought addition, not visible from the street, and not raising the roofline, gaining room by rear dormer.

Motion to approve Application # ZBA-15-038 was made by Mr. Bovasso, seconded by Mr. Higgins with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Mr. Higgins, Mr. Illing, Mr. Pistol, Mr. Salomon and Mr. Weisgerber.

PUBLIC PORTION:

None

CONCLUSION:

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There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 9:47 P.M.

Jeffrey Pitsol, Secretary