

MINUTES - ZONING BOARD REORGANIZATION

February 8, 2016

The workshop portion of the meeting was called to order at 8:04 P.M. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

None

Alternates Present:

Mr. Weisgerber

Alternates Absent:

Ms. Dehnhard

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

SWEARING IN OF MEMBERS

David Salomon, Member was sworn in for an unexpired term ending December 31, 2016 by Mr. Weeks.

James C. Weisgerber, was sworn in as Alternate No. 1 member for an unexpired term ending December 31, 2016 by Mr. Weeks.

COMMUNICATIONS:

1. Email received from John Mallon resigning from the Cranford Zoning Board of Adjustment effective immediately due to his appointment to the Township Committee.
2. Email from Robert Hudak re: joint session of the Boards on a Wednesday Planning Board meeting with date to be set.

RESOLUTIONS OF MEMORIALIZATION

None

MINUTES:

Motion to adopt the reorganization minutes of January 11, 2016 (as amended) was made by Ms. Hay, seconded by Mr. Pistol 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 8 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. Marotta announced 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) would not be heard this evening and has been rescheduled to February 22, 2016. Re-notice is not required.

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)).

Jennifer Soyka, Applicant, appeared and was sworn in. She explained she is seeking to construct a dormer to expand the third floor space not increasing the square footage only the volume, basically hits head on the roof, no plans to finish, current priority is to finish the sunroom. Will install any egress windows necessary for safety.

Questions posed by the Board ascertained the following:

Finish of dormer will match the remainder of the house, dormer will match the front entrance of the house and other renovation will follow the roofline. No change to lot coverage or building coverage. Memo from Fire Department addressing the windows, was reviewed and small windows on the side that are original to home and not safe, planning and agrees to install egress windows that resemble usual home windows. This will be part of building plan review and permit process. Photos in application are not of neighboring properties, but from round the town and are similar to her home, one is around the corner, some on Holly.

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-15-033:
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).**

Mark Dugan, Esquire, appeared on behalf of the applicant. He presented an overview of the project. Both applicant and builder are present for purposes of explaining history circumstances leading to the application. Anthony Gallerano of Harbor Consultants will testify for planning purposes.

Richard Martinelli, Applicant, appeared and were sworn in. He explained background of project. Resided in Cranford for 8 years. Loved the back yard that backs up to County Property, new construction house. After living there for a year, wished to create an outdoor space in area where there is a dramatic slope from the house to the rear property line. Hired a contractor to build a patio. On last day of the project, someone reported the project which resulted in finding he was in violation of an ordinance. He had no idea that this was even an ordinance as hired a contractor to perform the work. In limbo for past 8 months, dramatic slope to rear yard and cannot even place table and chairs on property.

Questions posed by the Board ascertained the following:

Patio is about 99% complete, when notified of violation, immediately came to Zoning Office to correct the situation. Property does not flood, paver patio that contractor will

explain further.

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.

Anthony Gallerano, Harbor Consultants appeared and was sworn in. His credentials presented to the board and he was accepted as an expert witness in the field of engineering and planning.

He explained applicant contacted him after notification of the violation, surveyed the property, submitted the Plot Plan, existing conditions including patio as constructed together with plan to address storm water component. Colorized version of Plot Plan was marked as Exhibit A-1. Property slopes from house to rear property line approximately 3 to 4 foot drop off. Purpose was to create level useable space, small retaining wall constructed at end of the patio for change in grade. Two variances required. One for impervious surface where a maximum is 40% is permitted, while proposed 48.5%. Other is for side yard setback proposed on left side 1.1 and requirement is 5 feet. Solid fence encloses the yard. If under 1,000 square feet of impervious surface increase must store onsite, if over must comply with 100-year storm requirements. Project has 560 square foot net increase. To mitigate, a collection system is proposed that will collect and store the runoff, then permeates into the ground. Overflow addressed. All runoff to rear of the property. No visibility from any adjoining property. From impact standpoint, there is none to adjacent properties.

In receipt of engineering letter and will comply to all requirements.

Questions posed by the Board ascertained the following:

Pavers explained – treated as impervious but in reality is some permeability. Some of the mitigation work has been constructed with small discrepancy in calculations as to amount of pipe and if necessary, will add. A perimeter drain has been installed and will catch the run off. Discussed setback prior to construction, was an existing patio, sidewalk on the property, and applicant wished to keep grassy area. No concern with sidewalk being so close to the property line. Not certain of material of previous patio, however current project is larger. From patio to grade is about 2 feet and retaining wall extends up, is a keystone wall (gravity wall) that locks together, no railing.

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.

Felix Lettini, builder, appeared and was sworn in to answer questions posed by the Board:

Former patio was a paver patio. Does a lot of patio installations not in Cranford and this municipality is only location that requires zoning approval.

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. Dugan presented his summation.

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

Dennis Devine, appeared and was sworn in. He is a neighbor of the applicant. He stated he is closest to the fence line, and has not experienced any adverse affects since the project began. Believes positive.

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

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).

John Szeles, appeared and was sworn in. He explained he is local builder and very familiar with building codes in town. Previous garage was detached and could not be rebuilt in same location, seeking to re-construct as an attached garage which poses the least amount of impact. Side yard proposed of 7 feet, however combined setback will be short as 15 feet required, the left side has 3 feet as exists when built, combined proposed setback will be 10.

Questions posed by the Board ascertained the following:

Previous garage was detached and towards the rear of the property, driveway was 110 feet long from apron of the curb all the way to rear of the property. Will be removing all the old asphalt when the garage becomes attached. To conform to 7-foot rule, garage

will be 12 feet with 19 feet on that side of the home. Will also be expanding the bedroom over the garage. Fire Department's report dated January 29, 2016 due to proximity to neighbor's property and should comply with State law as to building materials, Mr. Hudak explained will be required go through the permit process and will be reviewed for fire compliance and all building code as discussed with the Fire Department. Outside of Board's jurisdiction as State Law.

No drive-thru, changed the plan to 12 feet wide (not 14), there will be exit door but not garage door. Over the garage will be a bedroom 12 X 15 feet and balance will be possibly "man room". All properties were set to the left and trying to keep side yard setback of 7.5 between property lines. No trees in between.

Engineering letter – requested if old driveway was to be removed, confirmed. 12 X 30 garage. Dining room was previous expansion that was in line to house and met combined, but now here for other side and seeking to make more symmetrical.

Mr. Hudak clarified extension into the side yard will be 12 feet, with side yard remaining of 7.5 that is more than the required 7 feet. On left side is 1.8 feet and in line for existing – required combined setback is 15 feet proposing 9.3 feet.

About 3-4 properties have detached garages with 2 – 3 that are attached. Reviewed replacing the garage in rear space but would result in more variances being required and was located on concrete pad in middle of the property.

There were no further questions posed by the Board.

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

Terry Schultz – asked clarification the Board with regard to the combined side yard setback is presently exists is 21 feet, township requires 7 feet for each side and side affected exceeds at 7.5 as proposed. Concerned if variance is granted would that create a precedence. Mr. Marotta explained each case would stand on its own merit, and would have to appear before the Board for approval. Does not create automatic approval. When plans were reviewed initially was 14 feet, architectural plans show 12 foot, survey showed 14 foot.

Marion Kelley – asked if any environmental issues such as water flooding been reviewed. Has concerns with trees being removed. Is there any oversight to know if there are any issues. Historic Preservation Board has created a report as well as the Environmental Committee with no issues. Also by removing the existing driveway will improve the impervious surface, grass will replace where the old garage. Testified that

no tree will be removed as no tree exists in the driveway. Applicant confirmed no tree is being removed. Impervious surface is being decreased by approximately 500 square feet. Explained applicant will comply with engineering report and removing the old driveway is making better ad will not be removing trees.

No one else appeared 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:

Marc Kelley, appeared and was sworn in. Received notice and is aware garages come down, but believes notice does not address two-story structure that is being constructed. Mr. Weeks explained notice requirements. Notice does site the ordinance, which gives substantial conformance to the requirements, some notices are more detailed. Would it have been better, possibly, but the notice does in fact meet the legal requirement. Before the notice goes out is it review by Zoning Officer? Not required to be reviewed. Mr. Weeks did not believe the present notice is deceptive as it indicates application is available for review.

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

DELIBERATION of APPLICATION #ZBA-15-030

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)).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Does not impact the neighborhood and will comply with the Fire Department's request.

Motion to approve Application # ZBA-15-030 was made by Mr. Bovasso, seconded by Mr. Pistol with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing Y, Mr. Pistol and Mr. Salomon.

DELIBERATION of APPLICATION #ZBA-15-033

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).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Unfortunate, but does not believe applicant intended to violate ordinance. Had mixed feelings but neither the neighbor nor environmental Committee had negative comments.

Motion to approve Application # ZBA-15-033 was made Ms. Hay with the condition that the applicant comply with recommendations contained in Engineering Report. The motion was seconded by Mr. Illing with the following voting in favor of the motion: Mr Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Pistol and Mr. Salomon.

DELIBERATION of APPLICATION #ZBA-15-036

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).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Reducing impervious surface is always beneficial and creating a garage with least amount of impact.

Motion to approve Application # ZBA-15-036 was made by Mr. Salomon, seconded by Mr. Bovasso with the following voting in favor of the motion: Mr Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Pistol and Mr. Salomon.

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 9:30 P.M.

Jeffrey Pitsol, Secretary