

MINUTES - ZONING BOARD

December 14, 2015

The workshop portion of the meeting was called to order at 8:03 P.M. by Mr. Marotta

RESOLUTIONS OF MEMORIALIZATION

Application #ZBA-15-019:

Divyajay Management, LLC, Applicant

478 South Avenue East, Block 508, Lot 7, R-4 Zone

To permit construction of a day care center in a zone where not permitted with the following variances: R-4 zones does not permit daycare center uses (§136-32A(1) and NJSA 40:55D-70(1); less than the minimum required rear yard setback for the principal structure (§136-30 Sch. 1 Attachment 1 (rear yard setback); less than the minimum required side yard setback for the principal building (§136-30 Sch. 1 Attachment 1 (side yard setback); less than the minimum required combined side yard setback for the principal building (§136-30 Sch. 1 Attachment 1 (combined side yard setback); to exceed the maximum permitted lot coverage in the R-4 zone (§136-30 Sch. 1 Attachment 1 (lot coverage); to exceed the maximum permitted building coverage in the R-4 zone (§136-30 Sch. 1 Attachment 1 (building coverage); awnings proposed where not permitted in the zone (§136-23.12); freestanding sign proposed where not permitted in the zone (§136-23.10(6)); less than the required distance for the driveways for other uses than one- and two-family homes to a side or rear property line or the closest right-of-way line of an intersecting street (§136-23.6(1)(d)); no loading zone provided (§136-23.6(12)(a)); and no bicycle rack provided (§136-23.6(13)(a))

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 Ms. Hay and passed with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Pistol, Mr. Higgins, Mr. Illing and Mr. Mallon.

COMMUNICATIONS:

1. September/October 2015 edition of the New Jersey Planner was distributed.

MINUTES:

All outstanding minutes were carried to reorganization meeting.

OLD/NEW BUSINESS:

Reorganization meeting set for January 11, 2015.

The workshop portion of the meeting concluded at 8:10 P.M.

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on December 14, 2015 at 8:15 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.

ROLL CALL:

Members Present:

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

Members Absent:

None

Alternates Present:

Mr. Salomon

Alternates Absent:

None

Also present: David Weeks, Esquire and Ruthanne Della Serra, Administrator.

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

1. Application #ZBA-15-028:

Lazaro Pla, Applicant

318 High Street, Block 498, Lot 10, R-4 Zone

To permit re-construction of a non-conforming garage with the following variances: less than the minimum required distance to a side lot line (§136-34A(2)); to exceed the maximum allowable lot coverage (§136-30 Sch. 1 Attachment 1); and to exceed the maximum allowable height for an accessory structure (§136-30 Sch. 1 Attachment 1).

Mr. Salomon recused himself as he received notice of the application as within 200 feet.

Lazaro Pla, Applicant, appeared and was sworn in. He explained they are seeking to reconstruct a non-conforming garage.

Richard Pierce, Architect, Appeared and was sworn. His credentials were presented to the Board and he was accepted as an expert witness in the field of architecture. Mr. Pla has an existing one and half one-car garage and he is proposing to enlarge same. Currently he is just over the allowable lot coverage. Proposed on existing location, maximum height of 16 feet for storage in loft area which is at the ridge with dormers added. Maximum height will be 16 feet to match old the garage, and in compliance. Issue is with small area defined as a "floor". Constructed of concrete block. Existing garage is in poor structural condition. Enlarging approximately 9 feet and results in slightly over maximum and impervious surface of 43.2% to allow for two car garage. New design will allow for two SUVs and provide small space for storage.

Questions posed by the Board ascertained the following:

Set back on rear and side will remain as existing and are pre-existing conditions as well as the height. Slightly over the 20% allowable building coverage. Mr. Hudak advised is now at 30%. Will be concrete block with siding and will match the house. Purchased house 3 years ago and slowly improving condition of house. Loft at ridge will be 5.11 height and cannot be converted to living space as not heated, only for storage and to be able to have easy access. Has flooding issue on High Street and does not wish to store belongings in the basement. Did not move the garage forward as would have to shift the entire garage, and would eliminate yard area, as well as tight access into the garage.

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.

2. Application #ZBA 15-034:

Kevin Niemsyk and Rachel Capece, Applicants

820 Springfield Avenue, Block: 197 Lot: 7 Zone: R-4

To permit construction of a new garage with the following variances: to exceed the maximum allowable lot coverage (§136-30, Schedule 1, Attachment 1); to exceed the maximum allowable height for a accessory structure (§136-30, Schedule 1, Attachment 1); and less than the minimum required side yard setback for an accessory structure (§136-30, Schedule 1, Attachment 1).

Mr. Salomon returned to participate in remaining applications.

Kevin Niemsyk, Applicant, appeared and were sworn in. They explained they are seeking to construct a new garage. Will be removing old and replacing with new structure. Currently in the flood zone and increase in height to 18 feet will allow complete storage in the new garage.

Arthur Henn, architect, appeared and was sworn in. His credentials presented to the board and he was accepted as an expert witness in the field of architecture

Photo packet of 4 photos (two on each sheet) of the site with existing garage. Three variances for height, coverage and distance from side yard. Primary reason for the height variance is due to being in the flood zone and attempting to gain more space. Full staircase to storage area, plan shows pull down, maximum height will be 6.5 feet. New garage will comply with required depth, proposed will be 5 feet smaller than existing. Storage shed will be removed. Making one efficient structure rather than two. Garage will be narrower and slightly deeper, creating more space between the home and garage. Proposed garage will be 3 feet from property line. The driveway square footage will reduce the impervious surface and considered an improvement. Lot is undersized.

Will match existing house in materials. Can see ridge line is sagging with bottom rotting out, had discussion on repairing but has reached end of its useful life.

Questions posed by the Board ascertained the following:

There will no heat. Exterior finishes will match the home. Not reducing size of the driveway will be reduced a bit but very minimal, wanted to maximize the off street parking since on Springfield Avenue and reason for leaving where presently located. 99 square foot reduction in impervious surface.

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 the no one appearing and this portion of the hearing was closed with the matter referred back to the Board.

**3. Application #ZBA-15-035:
National Christmas Products, LLC, Applicant
2 Commerce Drive, Block 635, Lot 2.02, C-1 Zone
To permit construction of a new ground-mounted generator in the front yard
which is not permitted (§136-31D)**

Russel Finestein, Esquire, appeared on behalf of the applicant. He explained the applicant is seeking to place a new ground mounted generator in the front yard. Variance needed under both C-1 and C-2 standard, on a corner lot, multi tenanted building, offices on the front and rear towards the Garden State Parkway no space available. Photos that were part of the package. Fenced in area will house the generator and has been there for some time. Series of photos depicting what happens on the site, and shows the fenced in area. Generator is 33 X 77 and 25 inches high and will not be visible from the side or the street.

Joseph Puleo, National Tree Company, appeared and was sworn in.

Questions posed by the Board ascertained the following:

Generator will only be used during power outages, back up only. Gas run and will have no impact on the environment. Specs have that it can be run by either natural or gasoline. We have natural gas. There will be a run cycle once a week for 15 minutes and can be set for any day or time during the week and are very quiet. Unit is located next to one loading dock that is not used regularly.

Report not received from the Traffic and Safety, Mr. Hudak explained no issue perceived as were in attendance at the DRC meeting and did not express any concerns.

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 the no one appearing and this portion of the hearing was closed with the matter referred back to the Board.

RESIDENTIAL DELIBERATIONS BEFORE COMMERCIAL

DELIBERATION of APPLICATION #ZBA-15-028

Application #ZBA-15-028:

Lazaro Pla, Applicant

318 High Street, Block 498, Lot 10, R-4 Zone

To permit re-construction of a non-conforming garage with the following variances: less than the minimum required distance to a side lot line (§136-34A(2); to exceed the maximum allowable lot coverage (§136-30 Sch. 1 Attachment 1); and to exceed the maximum allowable height for an accessory structure (§136-30 Sch. 1 Attachment 1).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:
Pre-existing condition as to setback and height. Overall improvement to the property.

Motion to approve Application # ZBA-15-028 was made by Mr. Bovasso, seconded by Ms. Hay with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Mallon and Mr. Pistol.

DELIBERATION of APPLICATION #ZBA-15-034

Application #ZBA 15-034:

Kevin Niemsyk and Rachel Capece, Applicants

820 Springfield Avenue, Block: 197 Lot: 7 Zone: R-4

To permit construction of a new garage with the following variances: to exceed the maximum allowable lot coverage (§136-30, Schedule 1, Attachment 1); to exceed the maximum allowable height for a accessory structure (§136-30, Schedule 1, Attachment 1); and less than the minimum required side yard setback for an accessory structure (§136-30, Schedule 1, Attachment 1).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:
Replacing current structure and applicant has made effort to reduce the impervious surface. Good application. Nice to see homeowners investing in their property especially in a flood area.

Motion to approve Application # ZBA-15-028 was made by Mr. Mallon, seconded by Mr. Illing with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Mallon and Mr. Pistol.

DELIBERATION of APPLICATION #ZBA-15-035

Application #ZBA-15-035:

National Christmas Products, LLC, Applicant

2 Commerce Drive, Block 635, Lot 2.02, C-1 Zone

To permit construction of a new ground-mounted generator in the front yard which is not permitted (§136-31D)

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:
Near the loading dock, in industrial park.

Motion to approve Application # ZBA-15-035 was made by Mr. Illing, seconded by Mr. Higgins with the following voting in favor of the motion: Mr. Marotta, Mr. Bovasso, Ms. Hay, Mr. Higgins, Mr. Illing, Mr. Mallon and Mr. Pistol.

PUBLIC PORTION:

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None

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 8:47 P.M.

Jeffrey Pistol, Secretary