

## **MINUTES - ZONING BOARD**

December 4, 2017

The workshop portion of the meeting was called to order at 8:03 p.m. by Mr. Marotta, Chairman.

### **ROLL CALL:**

#### **Members Present:**

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

#### **Members Absent:**

Mr. Higgins  
Ms. Drake

#### **Alternates Present:**

Mr. Trelease

#### **Alternates Absent:**

Ms. Dehnhard

Also in attendance: Nicholas Giuditta, Esquire, Ron Johnson, Zoning Officer, Kathy Lenahan, Administrator/Scribe, David Atkinson, Neglia Engineering

### **COMMUNICATIONS:**

September/October 2017 Edition of The New Jersey Planner distributed to Board members.

#### **1. RESOLUTIONS OF MEMORIALIZATION:**

**Application #ZBA-17-023:**

**Conrad and Tricia Brink, Applicant**

**14 West Holly Street**

**Block: 176 Lot: 12 Zone: R-3**

**To permit construction of a two-story rear addition with the following variance: to exceed maximum allowable lot coverage (§136-31A(7)); and the following pre-existing conditions: exceeds the maximum allowable lot coverage (§136-31A(7)).**

The Resolution of Memorialization (attached and made part of these minutes) was reviewed by the Board. After discussion, a motion to approve the resolution was made by Ms. Hay, seconded by Mr. Pistol and passed on unanimous voice vote.

## **2. RESOLUTIONS OF MEMORIALIZATION:**

**Application #ZBA-17-019:**

**10-12 Commerce, LLC, Applicant**

**10-12 Commerce Drive**

**Block: 636 Lot: 3 Zone: C-1**

**To permit a change in use to permit use and occupancy of a day school on the first and second floor for a private therapeutic school in a zone where not permitted. No changes to the property are anticipated other than interior.**

The Resolution of Memorialization (attached and made part of these minutes) was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Bovasso, seconded by Mr. Pistol and passed on unanimous voice vote.

## **MINUTES:**

Motion to adopt minutes of November 20, 2017 was made by Mr. Bovasso seconded by Mr. Trelease and passed on unanimous voice vote.

## **OLD/NEW BUSINESS**

Mr. Marotta stated that the date for the 2018 Reorganization Meeting would be announced at the December 11<sup>th</sup> meeting.

The workshop portion of the meeting concluded at 8:07 p.m.

## **PUBLIC MEETING:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on December 4, 2017 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.

**1. Application #ZBA-17-022:**

**Marc and Melissa Ricci, Applicants**

**30 Columbia Avenue**

**Block: 236 Lot: 12 Zone: R-4**

**To permit construction to increase the size of an existing dormer and to mirror said dormer on opposite side with the following variances: to exceed maximum allowable Floor Area (§136-31E.(1) & (2); and the following pre-existing conditions: less than the minimum required front yard setback (§136-30 Attachment 1, Schedule 1); less than the minimum required lot area (§136-30 Attachment 1, Schedule 1); less than the minimum required lot width (§136-30 Attachment 1, Schedule 1); and exceeds the maximum allowable impervious surface (§136-30 Attachment 1, Schedule 1).**

Mr. & Mrs. Ricci appeared and were sworn in.

Ron Meeks, appeared on behalf of the applicant. He was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of architecture. He explained the application.

House was built in 1928. It is in a single-family zone and not in a flood zone. Described the criteria of the application. Presented a site plan & site data which was marked Exhibit A-1. Described the second floor of property where there are three bedrooms, but the right rear room is only 87 feet. A new corridor is planned to the existing attic stairs. Homeowners would like to use attic space as living space. Would like to increase the size of existing dormer to make attic more symmetrical. The new dormer would blend with the architecture of the house and is similar to other homes in Cranford. Height of house will not change and will bring house into compliance with life, safety & energy codes. No negative impact to the neighborhood.

Questions posed by the Board ascertained the following:

Finishes for outside of structure will be carried from the first and second floors to attic dormer. There are only four homes on the block. Homeowner is not aware of any other homes on block that have done a dormer expansion.

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

Mr. Marotta asked if anyone from the public would like to speak either in favor or against the application. The following appeared:

Steve Andelfinger – 31 Columbia Avenue appeared and was sworn in. Testified to the following:

He is the neighbor across the street. Feels it will look aesthetically pleasing. Is in favor of application.

There were no further questions by the Board.

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

**1. Deliberation of Application #ZBA-17-022:**

**Marc and Melissa Ricci, Applicants**

**30 Columbia Avenue**

**Block: 236 Lot: 12 Zone: R-4**

**To permit construction to increase the size of an existing dormer and to mirror said dormer on opposite side with the following variances: to exceed maximum allowable Floor Area (§136-31E.(1) & (2); and the following pre-existing conditions: less than the minimum required front yard setback (§136-30 Attachment 1, Schedule 1); less than the minimum required lot area (§136-30 Attachment 1, Schedule 1); less than the minimum required lot width (§136-30 Attachment 1, Schedule 1); and exceeds the maximum allowable impervious surface (§136-30 Attachment 1, Schedule 1).**

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

There is no detriment to the neighborhood. Good job explaining application. Tastefully done. House will be more functional. Better use of space. Nice to see homeowners investing in the community.

Motion to approve Application # ZBA-17-022 was made by Mr. Bovasso seconded by Mr. Illing with the following voting in favor of the motion: Mr. Marotta, Mr. Pistol, Ms. Hay, and Mr. Trelease.

**2. Application #ZBA-17-027:**

**DePala Realty Co., Inc., Applicant**

**206 North Avenue West**

**Block: 176, Lot: 21 Zone: ORC**

**The applicant is seeking waiver from site plan approval to convert first floor space from business use to residential use which is not permitted in the ORC zone (D-1 variance) with the following pre-existing conditions: less than the minimum required lot area; less than the minimum required lot width; less than the minimum required front yard setback; less than the minimum required side setback (§136-30, Attachment 1, Schedule 1).**

Joseph Triarsi, Esquire, appeared on behalf of the applicant. He explained the application.

Building was a farm store with apartment upstairs. Farm store is closed but apartment upstairs still exists. Applicant would like to convert the first floor to a two-bedroom apartment. Zone does not permit two-bedroom apartments on first floor. This zone requires 15,000 square foot lots and this lot is a little over 5,000 square feet. The surrounding properties are similar uses on similar size lots. Most properties in area are well below the zoning standards. The conversion to a two-bedroom is consistent with zoning in the area.

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

He testified to the following through questions posed by Mr. Triari:

Project is to convert ground floor to residential unit. First and second floors share same footprint. Presently first floor has a large open area, utility, bathroom and storage area. Proposal is to convert to a two-bedroom, two-bath open floor plan with living room, family room, kitchen and entry foyer. Ground floor will have an open porch. Porch is to be constructed either of masonry or wood frame. No basement under porch. Purpose of porch is to bring scale down of building. Materials will be matched to siding details, add decorative dormers and structural columns decorative in nature. Marked exhibit A-1 which is P-1 and A-2 is elevation. Family member lives upstairs. Owner of property wants to live on ground floor.

Questions posed by the Board ascertained the following:

Porch will protrude out into the existing parking lot approximately seven feet.

There will also be landscaping, and finishes will match existing building.

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

Ed Dec appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of engineering and planning.

He testified to the following through questions posed by Mr. Triari:

He was commissioned to prepare a site plan for the applicant. Presented exhibit marked A-3 which was two sheets. Sheet one is the existing structure and sheet two is the proposed structure. Site is triangular with no real rear yard. It is on the corner of North Avenue West and Orchard Street. The budding property is a multi-use property. Property was King Farms and has 6 parking stalls. It is zoned in the ORC – office, residential character. Described the setbacks and bulk requirements of which none are met. Presently four parking spots are 9 feet wide and 20 feet long, two spots are 9 feet wide and 24 feet long.

Proposed site will have same ingress and egress. Proposal will eliminate one parking spot, required to have 4 they will have 5.

Landscaping will be low lying evergreen shrubbery. Will not increase the impervious surface. Runoff will be directed as it is currently.

Questions posed by the Board ascertained the following:

Site line turning right going west onto North Avenue will not be blocked by any landscaping. Shrubby will be maintained 2-3 feet high. Proposed parking will be black asphalt. Seems to still have commercial look to parking area. Possibly a different material to make more residential looking. There will still be two curb cuts. Gives more flexibility exiting the site. Two curb cuts keep commercial feel. No defined walkway, could use pavers to create a walkway to soften look. Mixture of pavers and blacktop. Lighting will be street lighting and no parking lot lighting. There will be lights on porch. From a traffic perspective, two driveways are safer. Would require a no left turn onto North Avenue if application is approved. On rear of property asphalt and fence will be removed, and landscaped.

David Atkinson, Neglia Engineering posed questions and ascertained the following:

Triangular piece of property on the westerly side will be used for trash receptacle. Trash will be taken to curb. Fencing will be new and will be approximately four feet. Impervious coverage is reduced by landscaping coverage. Maximum building coverage will increase if considering the porch.

Peter Steck, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of planning.

He testified to the following through questions posed by Mr. Triarsi:

Walked site and neighborhood. Took photos, looked at zoning ordinance, and Master Plan and discussed application with the other professionals. Described exhibit A-4 which is four pages dated December 2, 2017. The applicant's building is triangular and unique. Described the North Ave West corridor. Property was a gas station before becoming King Farms. Footprint has stayed the same. 2009 Master Plan removed the building from the B-1 zone and rezoned to ORC zone. Is in the Special Improvement District (SID). Pre-existing two-family homes are allowed in the zone. Expanding footprint with a porch but does not increase floor ratio. Will soften building's architecture by adding porch and windows. Greenery in the rear. Area is more commercial when you go to the east and more residential when you go to west. Going down Orchard Street is all residential.

Discussed the negative criteria and the uniqueness of the site. Stated a number of special reasons in MLUL in order to grant approval. No detriment to the public good, to zone plan or zoning ordinance.

Questions posed by the Board ascertained the following

The areas were zoned ORC to start the transition from residential to office. Want to move to an office aspect rather than residential aspect. One of last properties in the SID. SID wants commercial not residential on first floor. Space has been vacant for about a year and applicant has not been able to rent it.

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

Debra DeCotiis appeared and was sworn in. Stated she is the co-owner of property. Owns other properties in Cranford Downtown. Lifelong resident of Cranford. Has spoken to commercial realtors about renting the space. Was told it would be better to sell then to lease. Would get more interest if they were to sell, but they do not want to sell building. She and her husband will live in the apartment.

Mr. Marotta asked if anyone from the public would like to speak either in favor or against the application. The following appeared:

Mark Spencer – Forest Avenue appeared and was sworn in. Stated he owns 115 North Avenue West. Purchased 3 ½ years ago. Feels people are investing money in their properties. Thinks it is good for town that people have an interest in North Avenue West. Applicants keep their other buildings impeccable. In favor of approval of application.

Mr. Triarsi summation:

The Board all know the subject property. It is not suitable for retail. Size and shape not suitable for commercial of any type. It is a strange building, in a strange location. Will be low intensity use with adequate parking, will make look more residential. Properties are looking better, zoning does not fit the site. It is a good use. Asks Board to approve application.

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

**2. Deliberation of Application #ZBA-17-027:**

**DePala Realty Co., Inc., Applicant**

**206 North Avenue West**

**Block: 176, Lot: 21 Zone: ORC**

**The applicant is seeking waiver from site plan approval to convert first floor space from business use to residential use which is not permitted in the ORC zone (D-1 variance) with the following pre-existing conditions: less than the minimum required lot area; less than the minimum required lot width; less than the minimum required front yard setback; less than the minimum required side setback (§136-30, Attachment 1, Schedule 1).**

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Property is zoned ORC – office, residential character, but property is unique, very small, prominent location. If approved will have less intense use than having a store or office on first floor. Less pressure on parking and traffic situation. Unique hardship of the property. Based on shape of lot, limited uses for property. Challenging site, especially with the traffic. Family is invested in the town. Owners living in property so property will be maintained. Positive for the neighborhood.

Motion to approve Application # ZBA-17-027 was made by Mr. Pistol, (with the following conditions: landscaping not to interfere with site line on North/Orchard, some type of walkway treatment other than blacktop up to door, no left turn onto North Avenue, remove pavement in rear of structure and fence, no lighting in parking area, fence height will be what ordinance allows), seconded by Mr. Bovasso with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Ms. Hay and Mr. Trelease



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**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 9:38 p.m.

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Jeffrey Pistol, Secretary