

MINUTES - ZONING BOARD

August 13, 2018

The workshop portion of the meeting was called to order at 8:06 P.M. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

Ms. Daly
Ms. Drake

Alternates Present:

Ms. Hay

Alternates Absent:

Mr. Trelease

Also in attendance: Nicholas Giuditta, Esquire, Ron Johnson, Zoning Officer, Kathy Lenahan, Administrator/Scribe, Bill Masol, Engineer

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

1. **Application #ZBA -18-016
Fairview Manor LLC/Dreyer Farms
831 Springfield Avenue
Block 151, Lot 14, C-1 Zone**

Applicant is seeking preliminary and final site plan approval. The applicant is also applying for a pergola in the front of the farm stand building, storm water improvements (including a water quality treatment device and installing a 24" CMP slotted drain in the front of the property), paving the previously approved gravel parking lot, ADA aisle striping and signage, the addition of a gravel area and path to the existing buildings and greenhouses. The applicant is not applying for any variance relief.

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. Salomon and passed by unanimous voice vote.

**2. Application #ZBA-18-015
Five Aces Resources LLC & Jola Resources LLC
643 Raritan Road & McKinley Street
Block: 642 Lot 8, NC Zone
Block: 642 Lot 9, C-1 Zone**

Applicant is seeking preliminary and final minor site plan approval, and C-1, C-2 and D-3 variances to construct a two-story office building; including possible partial professional or medical offices, in the NC Zone. The property is in a split zone - NC and C-1. Offices are a conditional use in the NC zone and this application meets all the conditions. The proposal will exceed the maximum impervious coverage of 75% in the NC zone, while 82.2% is proposed. The existing coverage is 80%. The C-variances are required for parking and a waiver is requested for parking setbacks. (§255-26G(3)(a)). The parking is proposed behind the building, however being that the property is on a corner lot, the parking is located inside the required setback area of 15' for two streets, McKinley Street and Commerce Drive (the property is bordered by three streets). Therefore, a design waiver is required. The applicant is requesting a variance for 4 parking spaces for the flexibility of possibly placing a medical office use at some point in the future. The last variance requested is for side yard setback where 10.3' is proposed and 12' is required. (§255 Attachment 1, Schedule 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. Illing, seconded by Mr. Bovasso and passed by unanimous voice vote.

MINUTES:

Motion to adopt minutes of the July 9, 2018 meeting as amended, was made by Mr. Pistol and seconded by Ms. Hay and passed by unanimous voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:17 P.M.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on August 13, 2018 at 8:18 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 18-011 – Rescheduled to September 24, 2018**
Applicant: Carol Giamboi
21 Morse Street
Block: 462, Lot: 16, Zone R-3

Applicant is requesting a C-1 variance for a proposed 18' diameter pool and a 15' x 24' patio in the rear yard of property in excess of the lot coverage where 38% maximum is permitted and 48.26% is proposed (§255 Attachment 1, Schedule 1); and for a pool setback where 15' is required and 4.5' is proposed (§255.38B.2). The house is a pre-existing nonconforming owner occupied two-family.

2. **Application # ZBA 18-017**
Applicant: Matthew Kunsman
307 Stoughton Avenue
Block: 465 Lot: 3, Zone R-4
Applicant is requesting C-1 and C-2 variances to permit construction of a story/attic story on an existing split level home. The applicant proposes to improve and expand the attic space to increase square footage and volume (§255-35E (1) & (2)).

Matthew Kunsman appeared and was sworn in. Stated that he is the applicant. His home is a split level which he purchased last year and is looking to do some renovations. Requesting to increase the volume but not the footprint. Would like to have a master suite with a bathroom and walk in closet. Described Exhibit A-1 as an aerial photo of neighboring homes that have done similar additions. Described the architectural plan as A-3 Elevation Site Plan and described the existing conditions. He would like to expand the dormer to have an 8-foot ceiling height on the top floor. Requesting a variance since only 2 ½ stories are permitted in the zone and the ordinance states that his house is greater than 2 ½ stories starting with the garage floor.

Ron Johnson, Zoning Officer stated that Mr. Kunsman is asking for a volume variance. Based on the current ordinance, this is more stories then allowed. Stated he gets many requests for split levels that he has to turn down based on the definition of a "story".

Mr. Marotta stated that there should be a discussion at year end and possibly make a recommendation to the Township Committee requesting relief for this type of request.

Ron Reinertsen, 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.

Mr. Reinersten testified to the following:

This is a technical variance due to increasing the volume. It is a classic C-2 flexible variance. House was built in 1955 and the applicant would like to make it more usable and modern. It is in context with the neighborhood. The lot is oversized for what is permitted in the R-4 zone and it is a small increase in the overall area. Stated it is well designed and satisfies the positive criteria. Feels there is no negative criteria because there is no substantial detriment to the public good. The home conforms in every other way, and will not increase the impervious coverage.

Questions posed by the Board ascertained the following:

Only will dormer off top floor, not adding another floor. Overall height is not changing. Building height is increasing by a foot. Exterior finishes will match the existing finish on the home. There is only one floor below where applicant is expanding.

There were no further questions by the Board.

No one from the public spoke for or against this application.

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

3. DELIBERATION OF Application # ZBA 18-017

Applicant: Matthew Kunsman

307 Stoughton Avenue

Block: 465 Lot: 3, Zone R-4

Applicant is requesting C-1 and C-2 variances to permit construction of a story/attic story on an existing split level home. The applicant proposes to improve and expand the attic space to increase square footage and volume (§255-35E (1) & (2)).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Ordinance should be brought before the Township Committee to rectify for the future so that residents who want to improve their properties will not be held up by a technicality. Ordinance was probably put in for a colonial with two floors. Recommend to change ordinance. Applicant is proposing to do what several homes have already done. Not expanding the footprint and no increase in impervious coverage, but getting the space that they need. Glad to see people investing in their homes.

Motion to approve Application # ZBA-18-017 was made by Mr. Illing, seconded by Mr. Pistol with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Mr. Pistol, Mr. Bovasso, Mr. Salomon and Ms. Hay.

Mr. Kunsman asked if he would be able to submit for building permits while the resolution was being prepared.

Mr. Johnson stated he would need to speak to his superiors and see if that would be possible.

- 4. Application # ZBA-18-010**
Applicant: Victor Vinegra
545A Lexington Avenue
Block: 457, Lot: 9, Zone R-1
Applicant is requesting C-1 and C-2 variances to permit construction of a one-family house on a previous industrial site. Minimum front yard setback is 35 ft. where 25 ft. is proposed (§255-34, Attachment 1, Schedule 1) and minimum distance to a railroad is 100 ft. where 89 ft. is proposed. (§255-34, Attachment 1, Schedule 1).

Victor Vinegra appeared and was sworn in. He explained the application and stated he is the contract purchaser of the property. He will be testifying as contract purchaser, planner and engineer. Gave history of the site. Described sheet 1 of 3 which depicts the Reel Strong Heating Oil Company. A-1 is a Google Earth image of existing area. A-2 is a Google Earth image with a proposed residential home. Stated it is an odd configuration. Reel Strong is still on the property. Stated a machine shop was on the site, but only gravel on a concrete slab exists there now. Building was demo'd about a year and a half ago by existing owner. Does about the Reel Strong property and has an existing driveway easement. A subdivision was done by Michael Maris 15 plus years ago. The applicant's property has a right to the easement.

Property is zoned single family residential. Stated he ordered an environmental assessment. Did a Phase One and a Phase Two and both came back negative. Property is on a well and septic, does not have a sewer. Spoke to Reel Strong and does not have opposition. Spoke to Mr. Maris and he has agreed to allow applicant to connect to his lines for the utilities. Also wanted to widen the easement, but Reel Strong denied the applicant's request. Title work was done and both properties have the right to the 15-foot easement. Reel Strong does not use the driveway, they use Lexington Avenue. Applicant wants to move house closer to the property line and further from the railroad. Instead of a 35-foot front yard, requesting a 25-foot front yard. Would like to plant white pines & arborvitaes to block the railroad and along side yard to block views of Reel Strong.

Questions posed by the Board ascertained the following:

The home next to the applicant's property is 15 plus years old. Across the street are the rear yards of several homes. The driveway easement pre-existed Mr. Maris' home. The industrial site always had the easement. Applicant proposes to stay 50 feet away from oil tanks per the Fire Department's request. There is no smell of oil from the tanks. Mr. Maris also did environmental testing which also came back clean. Fire Department requested a dry line to be installed, but Mr. Vinegra is requesting to put in a sprinkler system throughout the whole house instead. Reel Strong has two driveways to allow fire apparatus to gain access. Mr. Maris maintains the easement at this time. Mr. Vinegra has drawn up an agreement for maintenance with Mr. Maris. There are 4 street lights on the easement. There will be fencing proposed on 3 sides. Proposing an 8-foot wood fence along the railroad and 8 foot along Reel Strong. Could also bring in fill and put in a berm with a 6-foot fence. Rail is a freight line. Board does not have jurisdiction to view agreements between private owners. Parcel has rights to the driveway, but trying to be a good neighbor.

Reel Strong owns land under driveway. Applicant would put a gate up with fence for access of deliveries and/or emergencies. DEP requirement has spill prevention plan and must have on site containment. Property is uphill from the oil tanks. Site is zoned R-1. Feels there is no detriment to master plan or zone. Stated that by having agreement with neighbor and it being a residential property, it would generate less traffic than industrial use.

There were no further questions by the Board.

Bill Masol, Township Engineer appeared and was sworn in. His questions ascertained the following with regard to his July 30th review letter:

Existing laterals within the access drive are adequate in size to handle the development.

There is no planned tree removal. Storm water calculations have been submitted and they indicate a decrease in impervious coverage. As a result, there would be no storm water management required. Intent would be to still put in 1 large seepage pit. Property is not in a flood hazard area.

Mr. Vinegra summarized the application. Stated that it is an industrial site and he would be responsible to clean it up and bring it to residential code. The two adjoining owners like the plan. Feels it is a nice compromise.

There was no one in the public to speak for or against this application.

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

4. **DELIBERATION OF Application # ZBA-18-010**
Applicant: Victor Vinegra,
545A Lexington Avenue
Block: 457, Lot: 9, Zone R-1
Applicant is requesting C-1 and C-2 variances to permit construction of a one-family house on a previous industrial site. Minimum front yard setback is 35 ft. where 25 ft. is proposed (§255-34, Attachment 1, Schedule 1) and minimum distance to a railroad is 100 ft. where 89 ft. is proposed. (§255-34, Attachment 1, Schedule 1).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Overall project does not seem oversized. Going from industrial to residential in a residential neighborhood seems to be where the site should be headed, however, concerned about the Fire Department's report. Sprinkler system and monitor system to a communications center should be installed in the house. Applicant was not able to get a 20 foot wide easement. If Fire Department knew that the house was to have a sprinkler system, might be ok with the proposal. Applicant stated he would be ok with doing the central station monitoring. Concerned about the oil tanks and trucks in the back. Should have a means of separation. It is an odd location. No detrimental use to area. Neighbor been there for 15 plus years. It is a solid application. Has cooperation of neighbors.

Motion to approve Application # ZBA-18-010 was made by Mr. Bovasso with the following conditions: house to have a full sprinkler system and central station monitoring, a 6-8-foot fence along Reel Strong, railroad and rear side. Possible berm on rear of property and Reel Strong side. One seepage pit and a full access gate on Reel Strong side of property, seconded by Mr. Illing with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Mr. Pistol, Mr. Bovasso, Mr. Salomon and Ms. Hay

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 9:52 P.M.

Jeffrey Pistol