

MINUTES - ZONING BOARD

December 10, 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. Pistol
Mr. Illing
Mr. Bovasso
Ms. Daly

Members Absent:

Ms. Drake
Mr. Salomon

Alternates Present:

Ms. Hay

Alternates Absent:

Mr. Trelease

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

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

1. **Application #ZBA-18-024
Gary & Teresa Palm
1052 Coolidge Street
Block: 132 Lot 5, R-2 Zone
Requesting a C(2) variance for an increase in impervious coverage
beyond the 35% maximum to 39.2% in the R-2 Zone.**

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. Pistol, seconded by Mr. Bovasso and passed by unanimous voice vote.

MINUTES:

Motion to adopt minutes of the November 19, 2018 of the closed session and regular meeting was made by Mr. Pistol and seconded by Mr. Illing and passed by unanimous voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:09 P.M.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on December 10, 2018 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-18-025**
322 Walnut LLC
322 Walnut Avenue
Block: 488, Lot: 15, Zone R-2

The applicant is requesting a subdivision and a D(1) use variance to subdivide a lot and construct a two-family home on one lot in a single family zoning district where two-family homes are not permitted §255-36.A(1).

John DeMassi, Esq. appeared and explained the application. The applicant is requesting a subdivision and would like to build a two family home next to the existing two family.

Anthony Gallerano appeared and was sworn in. His qualifications were presented to the Board and he was accepted as an expert witness in the field of planning and engineering.

Questions posed by Mr. DeMassi to Mr. Gallerano ascertained the following:

He prepared the site plan. Presently the lot is irregular in shape and contains 29,289 sq. ft. It is in the R-2 Zone. The minimum lot size required is 10,000 sq. ft. Described a colorized Exhibit marked A-1 with the two proposed lots and the existing Lot 14. Lot 15.02 has the existing two family and the proposed two family would be Lot 15.01. As part of this application they are requesting to change the lot lines with respect to Lot 14. There will be a transfer of 51.7 feet to Lot 14. This will make the lots a little more regular in shape. The property being transferred to Lot 14 will be toward the back. One of the strategies in the Master Plan is to prevent oversized homes. By making the lots smaller, it is in line with the Master Plan. There are some two families between Lincoln and the Temple. Stated the area has single family and some two families. Reviewed the Engineering Report and feels they can address all of the concerns of Mr. Masol. Will comply with the storm water ordinance. Will be providing pervious pavement and two underground detention systems. Stated they can reset the manhole or shift the driveway.

Questions by the Board ascertain the following:

Lot 15.02 will not have any changes. Lot 14 will only have an adjusted lot line. This will give Lot 14 a better yard area. Lot 14 is a single-family home and will have no changes. The 10,000 sq.

ft. minimum is for a single-family home. Fits in the neighborhood and does advance the Master Plan and the prevention of oversized homes. The proposed two-family house will be designed to look like a one family. The house is only 35 feet wide. The living space will be 3000 sq. ft. total. The concept drawing shows one entry but there maybe two doors, one into each unit. Each site will have a first floor and second floor.

Mr. DeMassi stated that when talking about a hardship, if it is with regard to the size and shape of lot, then he feels it is a hardship. Stated it is not economically feasible to put a one family home on the lot unless it is a McMansion. If a two family is built there, it is economically feasible. Also giving land to neighbor.

William Masol, Township Engineer appeared and was sworn in. Stated he performed a review dated 11/29/2017. Needs to have written documentation from the Tax Assessor that the block and lots have been approved. Discussed the town ordinance that recommends the driveways be 50 feet apart and it looks like they are about 42 ½ feet apart on the application. Applicant planning to construct a driveway over a storm sewer manhole, would like them to avoid doing that. Discussed the sanitary sewer lateral and the township code. Stated the conditions that were requested at the Planning Board hearing in January of this year with this application were permeable paver driveways and under ground drainage systems. Plans showed raising grade but does not find it necessary.

Mr. Gallerano stated they have no problem addressing the issues raised by Mr. Masol.

Mr. Johnson read §255-44.D(5) regarding garages and driveways.

Mr. Marotta asked if anyone in the Public had any questions for this witness, with no one appearing the matter was referred back to the Board.

Steve Needle appeared and was sworn in. Stated he is the owner of the property. Wants the property to have a nice house and a two-car garage. New homes are built with a garage on the side or in the front and most people want a two-car garage. Will have side by side townhomes with parking in the rear. Each unit will be about 1500 sq. ft. and will look like a single-family home. Stated it is a great street, but houses are selling in the \$400K - \$470K range, should be a more desirable neighborhood. Could have young couples or older people who are looking to downsize. Putting the garages in rear will be more desirable. A one family would not be economically feasible. Does not know if someone would buy a house on Walnut Avenue for \$800K.

Questions from the Board ascertain the following:

Properties on Wall Street and Cranford Terrace, which are large homes, have sold for \$800K. He will sell the condominium and they will be owner occupied.

There were no further questions by the Board

Mr. Marotta asked if anyone in the Public had any questions for this witness, the following appeared:

Margo Gray – 321 Walnut Avenue – Stated she moved to her house 14 years ago and talked about the history of Cranford and the homes. Feels 3 driveways is too much. Asked about her property value with multifamily housing. Lives directly across street. Stated traffic is terrible there. Asked if applicant is flexible with the design for a one or two family.

Mr. Needle stated that he worked with Tom Connolly, the historical architect, for the house at 322 Walnut Avenue to design a house to keep the character and make it appealing. Hopes it's an asset to the street. House that he is proposing will have some of the same architectural details of that home.

Mr. Johnson asked Mr. Needle what the total size of the units would be.

Mr. Needle stated that each unit will be approximately 1500 sq. ft. and will also each have a finished basement.

Board member asked about the garages and them being 50 feet apart.

Mr. Gallerano stated there is not enough frontage to put them 50 feet apart so they spaced them as far apart as they could at 42.5 feet.

Board member asked about ownership of the property.

Mr. Marotta asked if the Public had any questions or wished to speak for or against this application.

Justin Quinn – 316 Walnut Avenue appeared and was sworn in. Stated that he moved in 3 years ago. Supports the application. Feels it is a beautiful proposal. Stated Mr. Needle has been very flexible with them and others on Walnut Avenue. Feels residents' concerns has been addressed.

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

Mr. DeMassi summarized the application. Stated the applicant showed him the plans and he took a look at the area. The lot is huge, even with the proposal, there will still be two lots that exceed the minimums, also helping the next-door neighbor. House fits character of neighborhood. Giving the town close to conforming lot sizes. Will do the retention system requested by the Engineer. Will not look like a two family from the outside. Feels will upgrade the area. Stated there is a uniqueness to the property.

Mr. Giuditta reiterated what criteria the Board should look at for a D(1) variance. Stated that under the law, economics cannot be used to determine the variance. Described special reasons needed for a D(1) variance.

Mr. Johnson stated that a waiver was not applied for regarding the difference in the driveways. Ask applicant if they wanted to apply for that waiver, and if the application is approved, that it be added to the resolution.

2. DELIBERATION OF Application #ZBA-18-025

322 Walnut LLC

322 Walnut Avenue

Block: 488, Lot: 15, Zone R-2

The applicant is requesting a subdivision and a D(1) use variance to subdivide a lot and construct a two-family home on one lot in a single family zoning district where two-family homes are not permitted §255-36.A(1).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Having a hard time calling it a two family since the applicant will be selling the units. Property needs a minimum of 10,000 sq. ft. R-2 Zone may have some two families that have been grandfathered, but idea was to push the two families closer to the Downtown. R-2 Zones are larger zones on purpose. Feels you can accomplish the same thing with keeping it a one family. Higher standard for a D variance. Feels it does not warrant a two family. There are a couple of two families that are existing. Predominately a one family area. Applicant did nice job in design, but same design could be a one family house. In favor of applicant, design is beautiful. Walnut Avenue does have some two-family homes. Not a detriment to neighborhood. Opposed to application. Special reasons don't exist here.

Mr. DeMassi is requesting that they amend the application for a single-family home, and maintain the lot lines.

Mr. Giuditta stated that is a different application. Does not feel it could be amended.

Mr. DeMassi stated case law of *Razberry's Inc. v. Kingwood Tp.*, 250 N.J. Super. 324 (App. Div. 1991), that since it is an existing two family, it goes before the Board of Adjustment.

Mr. Marotta stated after consultation with counsel, the Board can grant an amended application for a subdivision with a single-family structure vs. a two family.

Motion to approve the amended Application # ZBA-18-025 was made by Mr. Illing, (complying with engineering comments and no waivers required for the driveway), seconded by Mr. Pistol with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Mr. Pistol, Mr. Bovasso Ms. Daly 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 9:49 P.M.

Robert Bovasso