

MINUTES - ZONING BOARD

February 25, 2019

The workshop portion of the meeting was called to order at 7:36 P.M. by Ms. Daly, Vice Chair.

ROLL CALL:

Members Present:

Ms. Daly
Mr. Bovasso
Mr. Ashrafi
Ms. Drake
Mr. Salomon

Members Absent:

Mr. Marotta
Mr. Aschenbach

Alternates Present:

Mr. Quinn

Alternates Absent:

Ms. Hay

Also in attendance: Nicholas Giuditta, Esquire, Kathy Lenahan, Administrator/Scribe

COMMUNICATIONS:

None

MINUTES:

Motion to adopt minutes of the January 28th Official Meeting was made by Mr. Ashrafi, seconded by Mr. Salomon and passed by unanimous voice vote.

RESOLUTION:

Motion to approve the amended resolution for 322 Walnut Avenue was made by Mr. Bovasso, seconded by Mr. Ashrafi and passed by unanimous voice vote.

Motion to approve the resolution for Maser Consultants as primary outside planner was made by Ms. Drake, seconded by Mr. Bovasso and passed by unanimous voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 7:41 P.M.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on February 25, 2019 at 7:45 P.M. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Ms. Lenahan 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. Ms. Daly explained the protocol, purpose and procedure that will be followed during the hearing.

1. **Application # ZBA 18-028**
Applicant: Cranford Dramatic Club
78 Winans Avenue
Block: 528 Lot: 36, Zone R-2

Applicant is requesting a waiver for a sign which exceeds 20 sq. feet on each wall. Applicant is proposing a 36 sq. ft. sign for one wall, where the maximum permitted is two walls with each wall not to exceed 20 sq. ft. or 2% of the wall whichever is less §255-26J.6c(2); and a waiver from the requirement to submit a property survey.

Maureen Monroe appeared and was sworn in. Stated she is on the Executive Board of the CDC. Also present was Edgar Hidalgo, Esq., attorney for the CDC. Ms. Monroe explained the application. The CDC is celebrating its 100th season and would like to install a new sign. The original application was denied due to the size of the sign. They have since gone through the process and are requesting a waiver for the new sign. Ms. Monroe presented Exhibit A-1 which is the existing sign on the theater and Exhibit A-2 (paper copy) which shows two different size signs. They are requesting the sign on left. The lighting that is shown on the diagram is not included in the application. The existing sign is in disrepair and has been in its current location for at least 20 years. Two years ago they adopted a new logo and are proposing a 72 inch sign.

Questions posed by the Board ascertained the following:

The overhead flood lights shown on the drawing are not part of the proposal. Sign is lit from existing lights that are on the overhang facing up. Sign is not backlit. There is no signage on the sides of the building. This is the only sign for the CDC. It is the same lighting that has existed on the building. Was not sure if it would be updated to LED lighting. The image on the right of Exhibit A-2 is 53 inches but the preference is for the 72 inch sign on the left.

There were no further questions by the Board

Ms. Daly asked if the Public had any questions or wished 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.

2. **DELIBERATION of Application # Application # ZBA 18-028**
Applicant: Cranford Dramatic Club
78 Winans Avenue
Block: 528 Lot: 36, Zone R-2

Applicant is requesting a waiver for a sign which exceeds 20 sq. feet on each wall. Applicant is proposing a 36 sq. ft. sign for one wall, where the maximum

permitted is two walls with each wall not to exceed 20 sq. ft. or 2% of the wall whichever is less §255-26J.6c(2); and a waiver from the requirement to submit a property survey.

Ms. Daly reviewed the testimony.

Board comments consisted of the following:

CDC is a gem. In a unique location. Not an illuminated sign. It is a large building. A hidden gem of Cranford. Does not impede on any residences, adds to the neighborhood.

Motion to approve Application # ZBA-18-028 was made by Ms. Drake, seconded by Mr. Salomon with the following voting in favor of the motion: Ms. Daly, Mr. Bovasso, Mr. Ashrafi, Ms. Drake, Mr. Salomon and Mr. Quinn

**3. Application # ZBA 18-027
Applicant: Daiane A Resende
832 Springfield Avenue
Block: 197 Lot: 13, Zone R-1**

Applicant is requesting a C(1) variance to permit an attic story over the existing bedroom space and to remove the garage and living room levels §255-35(2); and a variance to allow a substantial improvement (50% or more) of the existing structure where a substantial improvement is not permitted §255-36G(6)(c)(2); and a variance to increase the volume by 34% where a maximum of 25% is permitted §255-36G(6)(c)(3).

Asif Ahmed appeared and was sworn in. Discussed the application. Stated he has applied for two additional variances. The sidewalk has been removed from the plan and the impervious coverage has been reduce to less than 300 sq. ft. There is no need for a dry well. Stated the Zoning requirements are if you are under 300 sq. ft. you don't have an issue. If you are over 300 sq. ft. the engineer would help design the drainage system. Stated every time it rains it floods on his property. His house is now in a ditch. Feels the improvements to other homes in neighborhood have caused the flooding to his house. Looked at the NJ DEP rules and regulations and it states if you put a deed restriction on the home stating that you will not be using the garage or anything below flood level, you don't need an individual permit, you can get a permit by rule.

Mr. Giuditta stated it is not for the Board to determine if the applicant needs a permit from the NJ DEP. He would like to see something in writing that shows the NJ DEP does not require a permit. If there is an approval from the Board, it would be contingent upon something from the DEP stating a permit is not required.

Mr. Ahmed stated he has emailed with the NJ DEP project manager and the manager agrees that a permit is not needed. Stated it would be permit by rule.

Hayk Ekshian appeared and was sworn in. Stated he is the architect and that they prepared the design so that everything meets with the DEP. The flood vents will be put in during the construction drawing phase.

Questions posed by the Board ascertained the following:

The township engineer stated if it is less than 300 sq. ft. a drywell is not needed. Applicant will work with someone to figure out how to fix the flooding in his yard. Will also comply with the NJ DEP. The flood water from the backyard in the design is not worse than what it is currently there. Applicant will hire a civil engineer to design a dry well and submit with the construction drawings. Applicant will mitigate as much as possible. The home next to them that was lifted needed variances as well. They are abandoning the bottom story and putting the living space a level up and mitigating the water coming into the house. Applicant will comply with supplying certified plans, since they are required in order to get a permit by rule. Will also agree to comply with all the township engineer's comments in his review letters.

Daiane Resende appeared and was sworn in. Described the changes they are making to mitigate the flood risk. Stated that this hearing is about the improvements they are making to the house. Would like to make improvements to the drainage as well but their main concern is the house and the flood risk. The proposed changes are not making the flooding any worse. Asked that they focus on the main reason they started this project.

Mr. Ahmed stated they would put in a dry well if that is what the Board requests. Stated engineer told them to apply for the variance for the 50% improvement, even though it has not been determined yet if it will be over 50% of a substantial improvement. If the improvement is less than 50% there are 6 conditions to meet, if it over 50% improved there are 7 conditions, the seventh being the deed modification. The applicant stated they will comply with the deed modification. They only had two choices; lift the home or fill the basement and abandon the garage. There will be no access to home from that area, they will build up and it will still be less than the 32 foot height requirement. If they lift the home, they will be over the 32 foot height requirement. The house near them that was lifted did get a variance.

Board member asked if possible to raise house without going over the 25% in volume.

Mr. Ekshian stated if they were not adding the addition, they might be under that 25% volume.

Mr. Ahmed stated they keep getting letters that their flood insurance is going up. They are trying to mitigate the flood risk. Will be filling in the basement and putting vents all across. This is better from a flood control standpoint.

Ms. Drake stated she wished the Township Engineer was present to address the interpretation of the application.

Mr. Ahmed stated that at a meeting with the municipal engineer, the engineer stated the Board approval should be contingent upon getting an individual permit from the DEP. Started the process and found that he does not need a permit from the DEP, but he will get either an email or letter stating why they do not need a permit from NJ DEP.

Mr. Ahmed summarized the application by stating they are trying to make their home safe.

Ms. Daly asked if the Public had any questions or wished 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.

2. DELIBERATION OF Application # ZBA 18-027

**Applicant: Daiane A Resende
832 Springfield Avenue
Block: 197 Lot: 13, Zone R-1**

Applicant is requesting a C(1) variance to permit an attic story over the existing bedroom space and to remove the garage and living room levels §255-35(2); and a variance to allow a substantial improvement (50% or more) of the existing structure where a substantial improvement is not permitted §255-36G(6)(c)(2); and a variance to increase the volume by 34% where a maximum of 25% is permitted §255-36G(6)(c)(3).

Ms. Daly reviewed the testimony.

Board comments consisted of the following:

The substantial improvement is needed because of the extra work of raising of the home, it adds to the renovation cost. Sees it as a hardship. Commends applicant wanting to fix the situation. Undertaking a substantial investment. There are questions on the seepage pit/dry well and possible NJ DEP approval. The volume of the home is 34% because of the increase is unusable space. Unique issues with this property. The approval would be contingent on all the conditions.

Mr. Bovasso made a motion to approve application ZBA # 18-027 with the following conditions: The applicant must meet all the stipulations set by the township engineer with regard to flooding and seepage pit. Applicant must provide a letter from the NJ DEP to the appropriate township official that the plan meets with their approval either by permit or rule. The appropriate deed modification must be done, seconded by Ms. Drake with the following voting in favor of the application: Ms. Daly, Mr. Bovasso, Mr. Salomon, Ms. Drake, Mr. Ashrafi, and Mr. Quinn.

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 8:51 P.M.

Robert Bovasso, Secretary