

MINUTES - ZONING BOARD

February 26, 2018

The workshop portion of the meeting was called to order at 8:03 P.M. by Mr. Illing, Vice-Chairman.

ROLL CALL:

Members Present:

Mr. Illing
Ms. Daly
Ms. Drake

Members Absent:

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

Alternates Present:

Ms. Hay

Alternates Absent:

Mr. Trelease

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

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

1. **Application #ZBA 17-029**
Jose Parada
196 Locust Drive, Block: 247, Lot: 5, Zone R-4
To permit expansion of a pre-existing slate patio. Raising the current lot coverage above the 40% limit required in the R-4 Zone (§136-30 Schedule 1, Attachment 1).
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. Daly, seconded by Ms. Drake and passed with the following voting in favor of the motion: Mr. Illing, Ms. Daly, and Ms. Drake

2. Application #ZBA 17-028

Don Kuczera

1 Roger Avenue, Block: 437, Lot: 21, Zone R-4

To permit construction of a rear yard deck with the following variance: less than the minimum required rear yard encroachment (maximum 25%) (§136-34F).

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. Daly, seconded by Ms. Drake and passed with the following voting in favor of the motion: Mr. Illing, Ms. Daly and Ms. Drake.

MINUTES:

Minutes of the February 12, 2018 meeting were carried to the meeting of March 12, 2018.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:05 P.M.

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Illing on February 26, 2018 at 8:15 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.

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

Mr. Illing stated that since there only four board members in attendance, the "D" variances will need to be carried to the meeting of March 26, 2018.

- 1. Application No. ZBA-17-025 – Carried to March 26th**
Applicant: Florin Traistaru
115 Miln Street, Block 187, Lot 13, Commercial D-B Zone
Requesting a use variance to convert a principal permitted use space (retail) to a dentist office (conditional use) on the first floor in a zone where not permitted (§136-30).
- 2. Application # ZBA-17-030 – Carried to March 26th**
Applicant: Community Access Unlimited, Inc,
70 Myrtle Street, Block: 634, Lot: 1.01 Zone C-2

Preliminary and final site plan approval for amendment to prior site plan approval (July 13, 2015) regarding use of administrative office space, expand on-site training and educational services that will exceed the maximum allowable lot coverage (§136-30, Attachment 1, Schedule 1); and with the following previously approved variances: to exceed maximum allowable lot coverage (§136-30, Attachment 1, Schedule 1); generator located in the front yard (§136-31D(4)); less than the minimum required parking aisle width (§136-23.6) and the following pre-existing conditions: less than the minimum required setback to the GSP (§136-30, Attachment 1, Schedule 1); less than the minimum required front yard setback (§136-30, Attachment 1, Schedule 1).

3. Application # ZBA-17-026

Jose Riera

16 Madison Avenue, Block, 309, Lot 5, R-1 Zone

To permit expansion of an existing garage to accommodate storage of six (6) fully restored vintage vehicles with roofline modified to match the principal structure with the following variances: to exceed the maximum allowable height for an accessory structure (§136-30 Schedule 1 Attachment 1) and less than the minimum required side yard setback for an accessory structure (§136-34 A(2)).

Mr. Riera appeared and was sworn in. He explained his application. He is requesting to expand his two-car detached garage toward the front of his driveway to house a collection of fully restored vehicles. He will be expanding the length not the width of garage, making it taller. He stated he will be changing the gable roof to a gambrel roof matching the existing house on his property.

Mr. Thomas Connolly appeared and was sworn in. He stated he is from Connolly & Hickey Architects. His credentials were presented to the Board and he was accepted as an expert witness in the field of Architecture. Mr. Connolly stated that the existing house was built in 1882. It was built by Frank T. Lent for John W. Banker, Esq. who was a mayor in Cranford. Mr. Lent published a book in 1894 and a rendering of the home at 16 Madison Avenue was included in that book. He stated that they used the existing architecture of the house to come up with the design for the garage. It is colonial revival house, which was popular in the 1890's to 1940's. Mr. Connolly discussed the features of the house. Stated they would like to use the English gambrel style roof for the garage which allows for extra space in the attic to allow for car lifts. Stated that the current garage exceeds the requirement. It is already 17 feet where the allowable is 16 feet. They are requesting to go to 21 ½ feet. Also requesting a variance to add space to the front of the existing garage. Side yard setback on northeast corner of proposed garage will be two feet nine and three-quarter inches where five feet is required.

Questions posed by the Board ascertained the following:

The garage will be 27 square feet over the side yard setback. The Township Engineer did not have any comment on the footings. The Historical Preservation Advisory Board did have comments about the footings. The finish on the garage will match the main house. Behind the garage is the back of the neighbor's property. The existing garage will be taken down and they will try and use the existing footings. The vehicles are taken out approximately once or twice a week. Restoration work is not done on Mr. Riera's property.

Mr. Riera made the following comments:

He has a collection of fully restored vehicles. The garage design was done with the idea of enhancing his home while keeping the historic integrity. He just moved back to Cranford with his family. Both he and his wife were born and raised in Cranford. He has been in law enforcement for the last 22 years. He is invested in this town. Stated he bought his dream home. His hobby is collecting fully restored vehicles. Stated that he wants it on the record, that one of his neighbors was approached by one of the Board members. He is aware that the situation was addressed and hopes the matter is handled with the utmost transparency and in the correct manner.

There were no further questions by the Board.

Mr. Illing opened the application to the public for questions of the witness, no one appeared.

Mr. Illing opened the application to anyone in the public who would like to speak either for or against the application. The following appearing:

Annette Diamantopoulos appeared and was sworn in. She lives at 15 Madison Avenue. Ms. Diamantopoulos stated she is Mr. Riera's neighbor and is there to support his endeavor. She also has a restored home. She stated she loves the community and is happy to see the beauty and history of the community being enhanced.

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

4. **Application # ZBA-17-032**
Joseph & Jeanine Alesi
11 Hawthorne Street, Block: 500, Lot: 16, Zone R-4
Requesting a C-1 variance to permit existing shed to remain in
current location. Shed is 32 inches from rear property line.
Requirement is 3 feet. Shed is also 6 inches from side property line.
Requirement is 5 feet.

Mr. Alesi appeared and was sworn in. He explained his application. He is requesting to keep his shed in its current location where it has been for the last 13 years. Stated that all the requests for recommendations from the Township professionals came back stating no negative impacts. The shed had been there for the last 13 years with same neighbors and there have been no issues. Stated that he has five photos showing the placement of the shed. Photos marked into evidence as A 1 through 5. Described the photos. Stated that none of the neighbors have had any issue with the shed. Stated that he feels nothing is gained by moving the shed five feet in from the side neighbor and another four inches from the other neighbor.

Questions posed by the Board ascertained the following:
The applicant placed the shed there after they moved in. The applicant moved in to town in 2003 and shed was put in in 2005. Went to the Zoning office when they were going to install the shed and was told to place it six inches from each property line. Similar to a fence. There were no issues from either neighbor.

There were no further questions by the Board.

Mr. Illing opened the application to the public for questions of the witness, with no one appearing the matter was referred back to the Board.

Mr. Alesi made the following comments:
He and his wife love the town, love the house. They put the shed in because they have a small garage. There have been no issues with any neighbors for the last 13 years. Would like to keep it where it is. Stated that his driveway meets all requirements from the town.

Mr Illing opened the application to the public who would like to speak either for or against the application. The following appeared:

Anne Zacharda appeared and was sworn in. She lives at 9 Hawthorne Street, the property that is next door. Stated that she read through the application and that no permit was put in for the shed. Feels there is no physical reason the shed could not have complied with code. Also discussed the placement of the applicant's fence. Stated that the fence was put in about two years ago. The fence is attached to the shed. Feels the variance should not be granted. Stated the owner has no view or access to the back side of the shed for maintenance. Looks like fence is not complete. Stated that she has photos. Photos were marked into evidence as Exhibits O 1 through 5. Discussed the photos. Stated that the view that she has is not what was shown in the applicant's photos.

Questions from Board ascertained the following:

Permit for fence did not indicate that there was a shed on the property.

Sandra Devaney appeared and was sworn in. She lives at 36 Hawthorn Street. Stated that this past year she filed a permit to put in a patio. Also wanted to do alterations to her driveway. Spoke to Mr. Johnson about the driveway at 11 Hawthorn Street and found there was not a permit for the driveway. Feels there are multiple incidents with this applicant. Asked Ms. Daly if she knows the applicant and if that is a personal conflict with her being on the Board.

Mr. Giuditta, Esq. stated just simply knowing an applicant does not constitute a conflict. If it is a relative or if Board member lives within the 200-foot radius, that could be considered a conflict.

Andrew Zacharda appeared and was sworn in. He lives at 9 Hawthorn Street. Asked the Board which section of the Code the applicant was applying under. Also asked what is the purpose of the setback requirement for a shed. Questioned what is the hardship and why it cannot be removed and placed where it should be.

Mr. Johnson stated it is §136-34-A2. Stated that the setback requirement is to give an open space buffer.

Mr. Giuditta stated that the applicant is applying under the C-1 variance.

Mr. Alesi made the following comments:

Feels that there are false statements being made. Stated he has a permit for everything that was done in the house. Discussed the cyclone fence which belongs to the neighbors. Again, stated that no negative impacts were seen by the Township professionals. Also stated the shed has been there for 13 years with no issues.

Mrs. Alesi appeared and was sworn in.

Stated there was one point she wanted to address. Stated that whatever was put on the permit for the fence was adhered to and complied with when fence was put up.

Ms. Zacharda asked Mr. Johnson if there was an application on file for the applicant's shed. Also asked if there was a permit on file for the driveway when it went in and was there a permit on file for when the patio went in. Also asked if the shed appeared on the application for the fence.

Mr. Johnson stated that there was not an application on file for the shed, driveway, or patio before this application was filed. There were violations issued for driveway and shed.

Mr. Alesi stated that when they bought the house the driveway was the way it was. It was brought to the Zoning Officer's attention and they proved it was done in 2008. The laws changed in 2014 and the driveway is the way that the town wants it. Same with the fence, it is where the town wants it. As far as the shed, they put the shed where they thought it should be. Neighbors have not had an issue with it in 13 years.

Mr. Giuditta stated that under the law, it is the job of the Zoning Board to decide whether the applicant moving the shed would cause a hardship (not a financial hardship). Stated that under a C-1 variance, if the applicant is required to move the shed into compliance, does that cause an exceptional and impractical hardship.

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

1. Deliberation of Application # ZBA-17-026

Jose Riera

16 Madison Avenue, Block, 309, Lot 5, R-1 Zone

To permit expansion of an existing garage to accommodate storage of six (6) fully restored vintage vehicles with roofline modified to match the principal structure with the following variances: to exceed the maximum allowable height for an accessory structure (§136-30 Schedule 1 Attachment 1) and less than the minimum required side yard setback for an accessory structure (§136-34 A(2)).

Mr. Illing reviewed the testimony.

Board comments consisted of the following:

Applaud the owner and the architect for the design of garage having the same historic character as the home. Good investment with the property. Neighbors were in favor. Sight lines will not be dramatically changed.

Motion to approve Application # ZBA-17-026 was made by Ms. Hay seconded by Ms. Drake with the following voting in favor of the motion: Mr. Illing, Ms. Daly, Ms. Drake and Ms. Hay

2. Deliberation of Application # ZBA-17-032

Joseph & Jeanine Alesi

11 Hawthorne Street, Block: 500, Lot: 16, Zone R-4

Requesting a C-1 variance to permit existing shed to remain in current location. Shed is 32 inches from rear property line. Requirement is 3 feet. Shed is also 6 inches from side property line. Requirement is 5 feet.

Mr. Illing reviewed the testimony.

Board comments consisted of the following:

A C-1 variance cannot be a financial hardship. Applicant has not shown a hardship. Not in favor of application. Unfortunately, there is no documentation that shows the applicant did what he was told to do. Does not meet code. Need to take immediate neighbors interests into consideration. If a hardship is primarily financial, it cannot be considered. No backup to the discussions had by the Zoning Officer at the time. Should be moved to be in compliance. Where shed is now, applicant cannot do proper maintenance.

Motion to deny Application # ZBA-17-032 was made by Ms. Daly seconded by Ms. Drake with the following voting in favor of the motion: Mr. Illing, Ms. Daly, Ms. Drake, and Ms. Hay

PUBLIC PORTION:

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 9:26 P.M.

Jeffrey Pistol, Secretary