

MINUTES –2024 ZONING BOARD REORGANIZATION – JANUARY 8, 2024

The Reorganization Meeting was called to order at 7:41 p.m. by Ms. Daly, (2023 Chair) and was conducted virtually.

This meeting is in compliance with the “Open Public Meetings Act” as adequate notice of this meeting has been provided to the Westfield Leader and the Star Ledger with the Agenda specifying the time, place and matters to be heard having been posted on a bulletin board in the Town Hall reserved for such announcements and the filing of said Agenda with the Township Clerk of Cranford. Formal action may be taken at this meeting.

ROLL CALL:

Members Present:

Ms. Daly
Mr. Marotta
Mr. Aschenbach
Mr. Cukierski
Mr. Lucas
Mr. Quinn

Members Absent:

Mr. Rees

Alternates Present:

Ms. Oliver
Ms. Vidwans

Alternates Absent:

None

Also present:

Thomas Jardim, Esq., Kathy Lenahan, Board Administrator, Kevin Boyer Board Engineer (2023)

APPOINTMENT OF BOARD ATTORNEY

Thomas Jardim, Esq. was appointed Zoning Board Attorney for the year 2024 by Mr. Marotta, seconded by Mr. Aschenbach and passed on unanimous voice vote.

SWEARING IN OF NEW MEMBERS

Justin Quinn was sworn in for a term ending December 31, 2027, by Mr. Jardim.

Sanjeevanee Vidwans was sworn in for a term ending December 31, 2025, by Mr. Jardim.

ELECTION OF OFFICERS

Christine Daly was nominated as Chair by Mr. Lucas, seconded by Mr. Aschenbach and passed on unanimous voice vote.

Ronald Marotta was nominated as Vice-Chair by Mr. Aschenbach, seconded by Mr. Lucas and passed on unanimous voice vote.

Kent Lucas was nominated as Secretary by Mr. Marotta, seconded by Mr. Cukierski and passed on unanimous voice vote.

Dan Aschenbach was nominated as Alternate Secretary by Mr. Marotta, seconded by Mr. Lucas and passed on unanimous voice vote.

APPOINTMENT OF BOARD ADMINISTRATOR

A motion to appoint Kathy Lenahan as Board Administrator, was made by Mr. Marotta, seconded by Mr. Lucas and passed on unanimous voice vote.

APPOINTMENT OF ENGINEER

A motion to appoint Colliers Engineering (Kevin Boyer), as Board Engineer was made by Mr. Marotta, seconded by Mr. Quinn and passed on unanimous voice vote.

APPOINTMENT OF PLANNING CONSULTANT

A motion to appoint Topology Inc., as primary Board Planner, was made by Mr. Quinn, seconded by Mr. Cukierski and passed on unanimous voice vote.

A motion to appoint Harbor Consultants as secondary Board Planner, on an as needed basis, was made by Mr. Lucas, seconded by Mr. Marotta and passed on unanimous voice vote.

DESIGNATION OF OFFICIAL NEWSPAPER

A motion to designate the Westfield Leader and the Star Ledger as the Board's official newspapers was made by Mr. Marotta, seconded by Mr. Aschenbach and passed on unanimous voice vote.

ADOPTION OF THE 2024 RULES AND REGULATIONS

A motion to adopt the 2024 Rules and Regulations was made by Mr. Marotta, seconded by Mr. Quinn and passed on unanimous voice vote.

COMMUNICATIONS:

A letter was read into the record by Ms. Lenahan, from Mark Rothman. Mr. Rothman stated he would no longer be able to represent the Zoning Board of Adjustment, due to his appointment as the Municipal Judge for Cranford.

MINUTES:

A motion to adopt the minutes of November 6, 2023, was made by Mr. Quinn, seconded by Mr. Marotta and passed on unanimous voice vote.

A motion to adopt the **closed session** minutes of November 27, 2023, was made by Mr. Lucas, seconded by Mr. Marotta and passed on unanimous voice vote.

RESOLUTION OF MEMORIALIZATION:

Application #ZBA 23-020
Peter & Leah Katz
410 Orchard Street
Block: 171 Lot: 1.04, R-1 Zone

The applicant is requesting a design waiver to install a 6' tall solid fence along the stormwater drainage canal within the West End Place front yard. Maximum fence height permitted is 4' tall, where existing is 4' and proposed is 6'. Maximum fence transparency permitted is 50% solid, where existing is 50% solid and proposed is 100% solid. Minimum required fence front yard setback is 35' where proposed is 26.5' §255-26.K(2).

The Resolution of Memorialization was reviewed by the Board. After discussion, a motion to approve the resolution was made by Mr. Quinn, seconded by Mr. Marotta and passed on roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Cukierski, Mr. Lucas, Mr. Quinn, Ms. Oliver

Opposed: None

OLD BUSINESS and NEW BUSINESS:

Ms. Daly stated that the Board needed to discuss when they would be going back to in-person meetings. Discussion was held. The Board decided on March 25, 2024, as the first in-person Zoning Board meeting.

A motion that March 25, 2024, would be the date the Board would go back to in-person meetings, was made by Mr. Quinn, seconded by Mr. Aschenbach and voted on roll call:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Cukierski, Mr. Lucas, Mr. Quinn, Ms. Oliver

Opposed: None

The Workshop was adjourned at 8:24 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Zoning Board of Adjustment was called to order by Ms. Daly on January 8, 2024, at 8:24 p.m. via Google Meet. Ms. Daly announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader and the Star Ledger have 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 23-019
Lauren King & Sean Swift
101 Herning Avenue
Block: 208 Lot: 14, R-4 Zone

The applicant is requesting a c(2) variance for the construction of a side entrance with a small platform and steps to the house. Minimum required front yard setback (prevailing) – Herning Avenue is 29.6', where existing is 29.8' and proposed is 25.3'. Minimum required front yard setback (prevailing) – Summit Road is 29.6', where existing is 30' and proposed is 25'. Minimum required side yard setback is 7', where existing is 6.7' and proposed is 3.3'. §255-34 Attachment 1. Required off-street parking is 2 parking spaces, where existing is 2 parking spaces and proposed is 1 parking space §255-44 B. A design waiver for driveway paving where the requirement is to pave from the driveway apron to the front building setback line, existing is paved to the front building setback line and proposed is gravel to the front building setback line. §255-26.G(8)(h).

Lauren King and Sean Swift appeared and were sworn in. Ms. King stated they are doing this project to add more space, since having their three boys. They love their home and neighborhood. They are also correcting some of the issues from prior renovations. The environmental issues are very important to them. All the designs were done with the town's goals in mind. They are reducing the impervious coverage and are asking for minor changes that they believe match the character of their street. Reviewed the changes that they are seeking. Presented a slide show, marked as Exhibit A-1, which included pictures of their home and the property. Discussed modifying their existing front door and enclosing the area. Reviewed the side yard setback, which would lead to a mudroom. There is a portion of unusable driveway that they are requesting to rip up and replace with grass and plants. They are requesting to use gravel for the driveway. They can fit both their cars in the remaining portion of the driveway.

Questions from the Board for these witnesses ascertained the following:

There would be about three feet seven inches of clearance for the stairs to the property line. The air conditioning units were moved to the rear of the house. The side yard setback is already smaller than it should be and asking for a set of stairs to be able to enter the mudroom. They will be complying with the Fire Department's report. There are no trees being removed. The rain garden will be located next to the current garage and will be designed based on the NJ DEP manual.

Questions from Mr. Boyer, Board Engineer, ascertained the following:

Reviewed items in his report. Three parking spaces are required, but there is an exception based on the fact that the spaces behind the house are not accessible; believes it is an acceptable exception. They take no exception to the proposed rain garden; there are certain standards for construction. He is not opposed to gravel driveways.

Ms. Daly asked if anyone from the Public had questions for these witnesses, no one appeared.

Mr. Jardim asked the applicants about the Topology Report and would they comply with the required comments.

The applicants stated they would revise the plans to show where the parking would be. Would also show the dimensions for the driveway parking area. Asked about the material for the gravel driveway. Will also show the garage as an accessory structure instead of as a garage. The steps will now go down from the existing pathway on the front lawn and will be indicated on the new plans.

Ms. King stated they are choosing gravel for its cost effectiveness and its ability to absorb more rainwater than blacktop.

Mr. Jardim reviewed the standards for a c(2) variance for the Board and the applicants.

Ms. King stated they are removing driveway surface in a town that floods, and is unusable. They feel removing that surface is better for their own home and for their neighbors. They did everything with their neighbors in mind and the Master Plan. They have followed all the rules, so that they do the renovation which matches the character of the street and the town and can still reduce their impervious coverage.

2. DELIBERATION OF Application #ZBA 23-019
Lauren King & Sean Swift
101 Herning Avenue
Block: 208 Lot: 14, R-4 Zone

The applicant is requesting a c(2) variance for the construction of a side entrance with a small platform and steps to the house. Minimum required front yard setback (prevailing) – Herning Avenue is 29.6', where existing is 29.8' and proposed is 25.3'. Minimum required front yard setback (prevailing) – Summit Road is 29.6', where existing is 30' and proposed is 25'. Minimum required side yard setback is 7', where existing is 6.7' and proposed is 3.3'. §255-34 Attachment 1. Required off-street parking is 2 parking spaces, where existing is 2 parking spaces and proposed is 1 parking space §255-44 B. A design waiver for driveway paving where the requirement is to pave from the driveway apron to the front building setback line, existing is paved to the front building setback line and proposed is gravel to the front building setback line. §255-26.G(8)(h).

Board's comments consisted of the following:

Applicant has done a lot to improve the circumstances on the property. No trees will be taken down, along with adding a rain garden. Promoting environmental ways of mitigating any adverse effects. Commend the applicants for their commitment to reducing the impervious coverage and feels the benefits outweigh anything negative. Applicants have enthusiasm for protecting the environment. Benefits outweigh the detriments.

A motion to approve the application was made by Mr. Marotta, seconded by Mr. Lucas and passed on roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Cukierski, Mr. Lucas, Mr. Quinn, Ms. Oliver

Opposed: None

3. Application #ZBA 23-015
Justin & Michele Radico
126 Thomas Street
Block: 516 Lot: 10.01 R-4 Zone

Applicant is requesting a c(2) variance for the construction of a new 782 SF patio and steps in the rear yard. Maximum allowed impervious coverage is 40% where existing is 38.5% and proposed is 44.5% §255-34, Attachment 1, Schedule 1.

Justin and Michele Radico appeared and were sworn in. Presented pictures of the property which were marked as Exhibit A-1. Mr. Radico stated they have a large blank slate backyard which was a selling point for them buying the property. They have a shared driveway and a patio area in their backyard. They are proposing to install new rear steps and expand the patio for more function. They would be increasing their impervious coverage by 382 square feet. Discussed the survey they presented with the project outlined. There will be plantings on side of the house. They will install 12 Green Giants in the back of the property for water runoff. Also, they will install a 100-gallon drywell. Stated that the shared driveway and back portion of the driveway makes up 74% of their impervious coverage. The shared portion is 36% and the detached garage is 5.1% of the impervious coverage. Their location is not in a flood zone and they are at the highest point in Cranford. Proposing a drywell, so there will not be a negative impact on their neighbors. The drywell will be 6x8x4. They are complying with the ordinance for being five feet away from the property line.

Questions from the Board for this witness ascertained the following:

The existing patio does not work for the size of their family. The 40% does not offer much of an increase. It is hard to open their back door and be on the same plane. It is not conducive with children and car seats. Requesting to widen the stairs and make them deeper to be able to stand on the top step. The material is traditional pavers. They did not consider a deck. They can only park their car in the back lot, and cannot open a car door when parking in the shared driveway. They can look into removing some of the space where the trash cans are. The installation of a drywell would be helpful also to their neighbors on both sides and in the back. The yard drains to the back towards Centennial. Adding plants will benefit the green infrastructure.

Questions from Mr. Boyer, Board Engineer, ascertained the following:

The seepage pit is less than what is required. They are providing 63 cubic feet and would need to provide 159 cubic feet.

Ms. Daly asked if anyone from the Public had questions for this witness, no one appeared.

Mr. Jardim asked the applicants what size the area would be, if they removed some of the shared driveway.

Bruno Ferreira appeared and was sworn in. Stated they did not measure that area, but it would be easy to do.

Mr. Radico stated he could measure it and get back to the Board. Could be about five feet.

Ms. Daly asked if any members of the Public wanted to make a comment on the application, no one appeared.

Mr. Radico stated if the Board requested that they make that space pervious, then that is what they will do. They only need about 200 feet of pervious, after installing the drywell.

Board member asked if there was a way to get down to the 40% by make the patio smaller or getting rid of some of the impervious coverage.

Mr. Boyer stated the drywell is undersized and would need to be increased. If the patio is reduced, it might meet the requirement for the proposed drywell. The size of the patio would dictate the size of the seepage pit. The drywell is required by ordinance. Based on 572 square feet of new impervious coverage, they would need 159 cubic feet of drywell. If they were to reduce the impervious coverage somewhere and reduce the net increase, the requirement for the drywell would decrease.

Follow up questions from the Board to Mr. Radico ascertained the following:

They would try to do both the reduction of impervious and provide an increase in the size of the well. They have impervious coverage with their current patio. They have a big backyard and the proposed patio will only take up a quarter of their backyard. They would like to keep it the size they are proposing, and would find other pervious surface elsewhere, or adjust the well.

4. DELIBERATION OF Application #ZBA 23-015
Justin & Michele Radico
126 Thomas Street
Block: 516 Lot: 10.01 R-4 Zone

Applicant is requesting a c(2) variance for the construction of a new 782 SF patio and steps in the rear yard. Maximum allowed impervious coverage is 40% where existing is 38.5% and proposed is 44.5% §255-34, Attachment 1, Schedule 1.

Comments from the Board consisted of:

The drywell is related to the increase in square footage by more than 300 square feet. That is a local ordinance, specific to Cranford. Applicant has consented to do a number of things to meet the concern.

Does not think it meets the legal standard. Likes the applicant's flexibility. There is no flooding in the area. It would match the neighboring properties. The drainage is based off a net increase of impervious coverage. Applicant could ask to have the application tabled and work with the Board engineer. They would need to reduce the patio 212 square feet to get the patio to 42%. Even though they are not in a flood zone, the water heads down hill to the Rahway River. There are other options. They could make the patio smaller, or build a deck. They could go above for the stormwater management.

Several Board members stated they would like to see the details of the revisions (square footage, pervious surface, drywell size).

Discussion was held as to what the options were for the applicant.

Mr. Radico stated they would like to table the application.

A motion was made by Mr. Lucas, seconded by Mr. Marotta, to table the application until February 12, 2024 and was passed on voice vote with all in favor, except for Mr. Aschenbach, who voted nay.

The application will be adjourned till February 12, 2024. The meeting will begin at 7:30 pm and be virtual. Revised plans for this application must be submitted 10 days prior to the hearing.

The next meeting is scheduled for January 22, 2024, at 7:30 p.m. and will be virtual.

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 10:12 p.m.

Kent Lucas, Secretary