

MINUTES - ZONING BOARD

June 11, 2018

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

ROLL CALL:

Members Present:

Mr. Marotta
Mr. Pistol
Mr. Illing
Ms. Daly
Ms. Drake
Mr. Salomon

Members Absent:

Mr. Bovasso

Alternates Present:

Mr. Trelease

Alternates Absent:

Ms. Hay

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

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

None

MINUTES:

Motion to adopt minutes of the May 21, 2018 meeting was made by Mr. Pistol and seconded by Mr. Salomon and passed by unanimous voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:04 P.M.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on June 11, 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-18-007**
 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 in the R-2 Zone to 45.2% and a pool
 setback of 10' to the side property line, where 15' is required

Gary Palm appeared and was sworn in. He explained the application. His house was built in 1949 and he has invested heavily in his home. Showed photos of front and rear of home. He would like to install a pool and showed photos of proposed style of pool. Stated that pool would be to the left of the birdbath on photos. There would be a 3 foot walkway and remaining area to the left side of pool would be water over flow area. Stated he has approached all his neighbors and shared the plans with them. Believes all questions were answered and has a letter of agreement from the neighbors. Believes he has complied with all rules and regulations. Stated lot sizes in Cranford are small and the placement of the pool is to keep the widest area available for their enjoyment.

Questions posed by the Board ascertained the following:

Mr. Palm will comply with all recommendations made by the Township Engineer including the storm water retention. Increase in impervious coverage is 762 square feet. He will be putting in side gates, one on each side of the property and the equipment will be put to the side of the house. If he was to install the pool as required, it would put it directly in the middle of the yard, dividing the yard with the pool and two small sections on either side. The shed on the property is 2 feet from the sideline and is not on a permanent foundation. Not removing existing impervious area. Concrete patio will remain and be extended.

Mr. Masol appeared and was sworn in, stated that Mr. Palm's engineer revised his plans based on his recommendations in his letter dated May 22, 2018. His second letter of June 2, 2018 indicated that they have complied with everything but one item with regard to the type of system being installed.

Mr. Marotta asked if anyone would like to speak for or against this application, hearing none this portion of the hearing was closed with the matter referred back to the Board.

2. **DELIBERATION OF Application #ZBA-18-007**
 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 in the R-2 Zone to 45.2% and a pool
 setback of 10' to the side property line, where 15' is required

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Does not believe this is a hardship. It is a good size yard and does not feel relief is needed. It is a 60 foot-wide property and there is enough room to accommodate a pool. Bird feeder could be moved. This is a typical property in Cranford. If Township Engineer felt there was a unique reason to put pool in that location due to storm water runoff, that might be a reason for variance, but in the absence of that, does not feel should grant variance. Feels there are two parts to this application, the set back and the impervious surface. This is not a hardship variance. Does not feel that the benefits outweigh the detriments. Does not see it as necessary and does not fit the criteria for the variance.

Mr. Palm stated if you look at the pool design, it divides the yard into 3 sections and would end up with 2 very small land areas on either side of the pool. Stated it reduces area for kids to play in and need to take in consideration that design of pool would put it right in middle of yard. Feels much more appealing in a landscaping view putting all to one side.

Mr. Masol stated that he has no information to indicate any reason exists to put pool more to one side then another.

Motion to deny Application # ZBA-18-007 was made by Ms. Daly seconded by Mr. Pistol with the following voting in favor of the motion to deny the application: Mr. Marotta, Mr. Illing Mr. Pistol, Ms. Daly, Ms. Drake, Mr. Salomon and Mr. Trelease.

3. **Application # ZBA-18-006**
Applicant: Eastman Properties, LLC
106 Eastman Street
Block: 187, Lot: 2, D-B Zone
The applicant in this matter is requesting a C(2) variance and a D(3) or D(5) variance for residential density. Applicant is seeking to construct a 3-story building containing first floor commercial space and four (4) apartments on the two upper floors.

Joseph Triarsi, Esq. appeared on behalf of the applicant. He explained the application. Stated this is a mixed-use development requiring a D variance. Described the background of the application. Stated they received reports from the various departments and most departments had no objections. There was a report from the Township Engineer and the DMC. Both had a number of comments. Stated that the Township Engineer reported that off-street parking was required, but their analysis did not feel off-street parking was required. Also stated that Maser, the Township Planner, did not feel the commercial uses in the building required off-street parking. So, there is a difference of opinion as to whether or not off-street parking is required. Mr. Triarsi stated that he spoke to Mr. Johnson, Zoning Officer, and felt it was best to get an interpretation from the Board as to whether off-street parking is required. Stated that if they do need off-street parking, then the ordinance for shared parking would be applicable. If a variance is necessary, they will amend the application. Stated it is a small application, it is a 60-foot lot.

Stated that with the current ordinance, they can only put 3.3 apartment units on the building. The commercial piece is a permitted use. In order to increase the density they need a D variance.

Stated the requirements for the D variance based on the Planner's report.

Mr. Johnson read from ordinance section §255-44 for off-street parking. Stated that in this zone, off-street parking for the commercial use is required.

Mr. Giuditta agreed with Mr. Johnson's interpretation.

Mr. Pistol stated that the property is in the downtown business district and feels it requires off-street parking since not in the downtown core. Stated it is not adjacent to a municipal parking lot and is the intention of the Master Plan and zoning ordinance to require off-street parking.

A motion to amend the application for off-street parking was made by roll call vote: those voting in favor were: Mr. Marotta, Mr. Pistol, Mr. Illing, Ms. Daly, Ms. Drake, Mr. Salomon and Mr. Trelease.

Andrew Podberezniak, appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of architecture.

He testified to the following through questions posed by Mr. Triarsi:

He was commissioned to design a building at 106 Eastman Street. He examined the property which is 60 x 120, 7,155 square feet. There is an existing house on the property. Described a drawing marked as Exhibit A-1. Stated it is a three story building with commercial space on bottom and apartments above. Second and third floors have two apartments each. Stated it is a permitted use in this zone. It is a conditional use and meets conditions except for gross density.

Described next sheet in drawings which is the layout of the commercial and apartment sections of the building. One space is 712 sq. feet and one is 825 sq. ft. Entrance has an overhang. The apartments on second floor are mirror images of each other. Each unit has 2-bedroom, 2 bath all ADA accessible. Third floor is exactly the same as the second floor. Allowed to build 3 stories in the zone. Described the finishes of the building. Stated that they will comply with 75% requirement for stone/brick façade on the front and 25% of stone/brick for side and rear elevations. Will have Gable roof and decorative peaks and dormer. Windows are double hung.

Stated they put parking in the front instead of in the rear so they did not lose commercial space. Feels it is safer in the front. Parking in rear would be too small and inefficient. Better design in front of building for parking.

Questions from the Board ascertained the following:

Usually the calculation is units or square footage not acreage to determine how many units. Not saying that the statute is not correct. The building would not be symmetrical if there were only three apartments. Decision was made to put four apartments and request the variance. One of the conditions is that they cannot have 3 bedrooms per the Township ordinance. If you turn the building sideways you still need a driveway which would take three quarters of first floor. The size of the upper floors is 49 x 49 and first floor is 49 x 42. They will comply with the percentages of brick and/or stone for the building. They are talking about seven parking spots, all in the front and one is handicapped accessible. There are no present plans for the commercial spaces.

Mr. Triarsi asked if this is an appropriate site for this type of use.

Mr. Podberezniak stated he feels this is an appropriate use for the site. If they only built three apartments, then the third floor could have 3 or 4 bedrooms. Large enough for a family to move in.

Mr. Marotta asked if anyone from the public had questions for this witness the following appeared:

Ann Steinbach – 1 Hamilton Avenue

Asked about storage for the apartments and the commercial use. Asked about sliding doors on back of building and how far are they from the property line and about bike racks.

Mr. Podberezniak stated that they are providing adequate storage and there is no basement. They are 5 feet from property line. Stated the only access to the commercial is from the front and they are asking for a waiver for the bike racks.

Mr. Johnson asked about the materials the building will be made out of.

Mr. Podberezniak stated they will comply with the code of 75% brick/stone and rest will be high end cedar shake siding, maintenance free.

Gabe Bailer - 323 Walnut Avenue - Stated he is there representing the DMC. Asked if the building could be designed with the parking and driveway in the rear of building. Asked if you removed a commercial space would that reduce the overall parking on site. Asked about the colors for the building.

Mr. Podberezniak stated you would destroy the commercial space on the first floor putting parking in the rear and you would still need the same amount of parking spaces. Brownish colors may be used on the building.

Mr. Triarsi stated that they did receive a letter from the DMC and responded they would meet with the DMC if the application was approved. Stated the DMC does not have jurisdiction over the application.

Mr. Bailer stated that all properties in the Downtown Zone have an impact on the Downtown.

Mr. Pistol stated that the DMC provides advice to the Board and they may take into consideration when hearing an application.

Rita LaBrutto – 104 Arlington Road – Asked if the property meets the guidelines of the SID.

Mr. Triarsi stated it is not in the SID.

Edward Dec appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of Engineering.

He testified to the following through questions posed by Mr. Triarsi:

Stated he performed a survey and worked with owner and architect to design the site. Also meet with township officials at DRC and a subsequent meeting with the Township Engineer. Described Exhibit A-2 which is the site plan. Described page one as the cover sheet and stated it has the names of the residents within 200 feet, the zoning map, zoning chart and general notes.

Described the zoning requirements on the zoning chart and whether or not they comply.

Stated they are requesting a variance for density. They are allowed to have 3.82 apartment units without a variance, they are requesting 4 apartments. Stated lot is 60 feet and ordinance requires them to be 20 feet from residential zone, which would leave 40 feet for the building. If they put driveway and parking in back, there would not be enough for commercial space on bottom floor.

Discussed the parking. Stated they originally thought they only needed parking for residential, which would be six stalls. However, the Township Engineer said they need a total of 12 parking stalls. They have eight, seven are on-site, and one stall on the street. They are four short. Feels shared parking is applicable. Described the different design waivers they are requesting.

Described sheet two from Exhibit A-2 which is the existing condition plan. There is an existing dwelling with a garage and residential use above it. There is also a driveway with a patio. Site is 60 x 120. Driveway is approximately 20 feet at widest point and is level grade. Stated the plan is to remove the buildings and all structures and impervious coverage. Property is surrounded on three sides by commercial/retail and other side is a church.

Described sheet three which is the site plan. Shows dimensions of building, driveway and parking. Stated he would prefer a 22-foot driveway instead of a 24-foot. One parking stall meets requirements of parallel parking. Parking set back is 5 feet. Stated they did consider putting building forward and parking in the back, but there are several reasons why it would not be feasible and also was not a desirable look for the Downtown area. Stated garbage will be picked up by a private hauler and described the storm water management system.

Described sheet four which is the lighting. Lighting will be LED and landscaping will be low lying types of plants.

Described sheet five which is a detail sheet. Shows double line stripping.

Mr. Triarsi asked Mr. Dec about Township Engineer's updated letter of May 7th. Stated he reviewed the letter and will comply with Township Engineer's requests. Stated project will have no adverse effect on the drainage at site.

Mr. Johnson described the ordinance for shared parking and its uses. Stated it must be within 800 feet of the use. Described daytime and nighttime uses stated in the ordinance.

Questions posed by the Board ascertained the following:

Shared parking would have to be addressed if the commercial use was a restaurant. Would need a stipulation not to use as a restaurant. Might benefit adjacent buildings if shared parking was used. Restaurants are not considered daytime uses. 22 foot vs. 24 foot driveway is an acceptable isle width. Landscaping would be on right side. Handicapped walking path is accessible by walking through the parking lot. If a food service were to go in the building, a dumpster would be needed. There will be seven waste garbage receptacles. Applicant would work with town and private hauler. Proposing two lights, one in front of building and the other in parking area, both facing each other. Will be using LED lights that can be adjusted. Will try to use all existing connections (gas, sanitary sewer, water, etc.) Electric will be new service. There are three apartments there now.

Mr. Triari stated they would be willing to include a stipulation not to have a restaurant at the site.

Mr. Marotta asked if there were questions from the public for this witness, the following appeared:

Frank Krauss - 20 Pittsfield Street - Asked if this application requires a special variance for parking in front of stores. Are there any other stores that have parking in the front. Stated there are four variances in DMC report and six in the Engineer's report. Asked what will the uses be for the commercial space and what are the sizes of the parking spots. Where will the employees park.

Mr. Trisari said they are asking for a variance for parking and they do not know what will be in the commercial spaces.

Mr. Marotta stated the application is being amended and applicant is now asking for a parking variance. Also stated commercial space will not be a restaurant or entertainment facility.

Mr. Dec stated that the parking spaces are standard 9 x 18. Stated employees will have to park on the street. Also stated there is possibility of shared parking.

Ann Steinbach – 1 Hamilton – Asked about the nursery school next door and deliveries to the site. Asked about storage for retail.

Mr. Dec stated it would be more like a Federal Express/UPS truck for deliveries. Use would not be a van unloading on the street.

Mr. Triarsi stated only an open area right now, since they do not know who will occupy the space.

Dan McCloskey – 28 Holly Street – Asked about square footage of parking lot vs. square footage of residence. Is majority for parking. Does plan take into consideration the old trees on the property. Asked about setbacks for post office and church.

Mr. Dec stated that the area of parking surface is larger than the footprint of building. Stated trees in parking and building area will be removed. Trees to right of property line will stay.

Rita LaBrutto – 104 Arlington Road

Asked about the Master Plan and if the application complies to anything at all in that zone.

Asked if it is 2 “D” variances and 3 “C” variances. Asked about Master Plan and image of Downtown in relation to parking and location. Asked about Master Plan and desire to put parking in the back of the buildings. Asked about screening and the parking. Asked about shared parking with this application.

Mr. Dec stated it complies with the allowed use, all storm water controls, traffic design, and lighting. Stated that most parking lots do not provide direct access to pedestrians from the street to the buildings. Stated he was not aware of the Master Plan requiring parking in the back. Stated you could screen parking stalls 2, 3, and 4.

Mr. Triari stated the Board could act by requiring the execution of agreement as a condition of approval regarding shared parking.

Mr. Johnson stated that the applicant would have to provide a feasibility study for shared parking from a licensed engineer.

Gabe Bailer – 323 Walnut Avenue – Representing the DMC – Asked about parking in the back and minimizing the footprint of first floor. Asked about minimizing the commercial space and having less parking stalls. Discussed the cantilever style for the building. Asked about the visual of having parking in the front of a building.

Mr. Dec stated that they would need to reduce the commercial space approximately 1000 sq. ft. to eliminate four parking stalls. Stated the cantilever style would look more like a modern office building.

Dan Bloch, Maser Consulting – Asked about the tree replacement plan and the 10% landscaping for parking area. Also asked if they considered putting parking in the back and accessing through a neighboring property.

Mr. Dec stated they would be complying with the tree replacement plan and with the 10% landscaping requirement. Stated they did not consider accessing the building through a neighboring property.

Monica Shimkus – 105 Miln Street – Lives next door to property and stated there are 25 mature trees on the property. Asked what they can do to remedy that since there is wildlife in trees. Asked about the four way stop and the traffic in the Downtown.

Mr. Dec stated that the trees by parking lot and building will need to be removed. Believes there is a method to replace them by donation or planting somewhere else. Stated some people might be using the train to get to the site.

Mr. Johnson stated there are about seven uses in the Zone that have a higher requirement for parking. Most were 1 space for 200 sq. ft.

Mr. Masol, Township Engineer – Asked if there are any free-standing/wall mounted signs proposed at the site. Also asked about the trees for the site.

Mr. Dec stated no signs are proposed at this time. Stated the trees are missing from the plan, but he can submit to Mr. Masol along with a tree replacement plan.

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

Mr. Triari described the standards that the Board needs to apply when deciding this application and referenced *Coventry Case, 138 N.J. 285*.

The Board and the applicant agreed to a continuation of the application on September 17, 2018.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 11:21 P.M.

Jeffrey Pistol, Secretary