

## **MINUTES - ZONING BOARD**

June 24, 2019

The workshop portion of the meeting was called to order at 7:35 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  
Ms. Hay

#### **Alternates Absent:**

None

Also in attendance: Mark Rothman, Esquire, Jason Bottcher, Zoning Officer, Kathy Lenahan, Board Administrator

### **COMMUNICATIONS:**

The March/April Issue of "The Planner" was handed out to the Board members.

### **MINUTES:**

Motion to adopt minutes of the April 22nd meeting was made by Mr. Bovasso, seconded by Ms. Drake passed by unanimous voice vote.

### **OLD/NEW BUSINESS**

None

### **PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on June 24, 2019 at 7:50 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 19-003 - Postponed from March 25, 2019**  
**Applicant: Alberto & Maria Chavez**  
**34 Ann Street**  
**Block: 528 Lot: 26, R-2 Zone**

**The applicant in this matter is seeking c(2) variances for a rear yard setback and impervious coverage for the installation of an in-ground pool. The minimum requirement for a rear yard setback is 15 feet where 10 feet is requested §255-38B(2) and the maximum permitted impervious coverage is 35% where 43.5% is requested §255-34 Attachment 1, Schedule 1.**

Alberto Chavez appeared and was sworn in. He explained the application. Stated he moved to Cranford in 2008. He is looking to put a pool in his yard and is asking for relief for the rear yard setback and the impervious coverage due to the size of the pool. Stated the pool would be safer being further away from the home. Uses a side entrance to get into the house. Lives in a ranch and is worried about a child jumping off the house into the pool. Addressed the storm water management. Stated he is installing two seepage pits, one on each side of the pool. He has spoken with the Township Engineer who has stated that is sufficient.

Questions posed by the Board ascertained the following:

If he puts the pool closer to the house, he would not need a variance. Concerned with safety. Shed is no longer there and has no plans for a new shed. This application has not changed from the original application. He spoke to the Township Engineer to get clarification on their notes and there were no revisions needed. Has read the Township Engineer's review and will comply with all the items in the review letter. Stated a percolation test will be done when they begin digging. The seepage pits are 6x6 wide and 3 feet with clean stone and a drainage cover. He will comply with any recommendations necessary at the time of the permits. The patio will be small brick pavers with sand in between. They have not experienced any water issues during any storms. Applicant noted that another application similar to his that was given approval. Was uncomfortable with the pool close to the patio and the eating area. Applicant is not sure if the pool company accounted for the shed in the calculations. Stated there is also a small walkway 3 x 7 that will become grass. He has researched pervious pavers and is open to using them if it is within the budget. The design will have a tree row with 10 to 15 arborvitae and a mulch bed. Does have a neighbor in the back.

Board member is concerned with the impervious coverage requested. Asked the applicant if there was anything that could be done to decrease the amount of impervious coverage.

Mr. Rothman asked if the applicant will be calling any witnesses. Reviewed the variance and relief requirements.

Mr. Chavez stated based on the distance to the other homes, he believes there is enough distance. He does not have any witnesses or other professionals to testify.

Mr. Bottcher explained the use of pervious pavers. Stated various municipalities calculate them based on the materials used. Stated pools also count as storm water storage.

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

No one appeared.

Mr. Chavez summarized his application. Stated he loves the town and is hoping to provide an environment similar to how he grew up for his children. Appreciates the Boards' consideration of the application.

There were no further questions by the Board.

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 19-003 - Postponed from March 25, 2019**  
**Applicant: Alberto & Maria Chavez**  
**34 Ann Street**  
**Block: 528 Lot: 26, R-2 Zone**

**The applicant in this matter is seeking c(2) variances for a rear yard setback and impervious coverage for the installation of an in-ground pool. The minimum requirement for a rear yard setback is 15 feet where 10 feet is requested §255-38B(2) and the maximum permitted impervious coverage is 35% where 43.5% is requested §255-34 Attachment 1, Schedule 1.**

Ms. Daly reviewed the testimony.

Board comments consisted of the following:

Thinks the design is beautiful but feels there are issues with the application and not comfortable approving. The applicant has agreed to do the seepage pits and will comply with all the Township Engineer's requests. There is no history of flooding on the property. In favor of the application. There are no special circumstances or unique issues for granting this application. Does not feel there is a safety issue to move it back 15 feet. Applicant can possibly adjourn and improve upon the application and address some of the Board's concerns.

A motion to deny Application # ZBA-19-003 was made by Ms. Drake.

A motion to approve Application #ZBA-19-003 was made by Mr. Bovasso, seconded by Mr. Ashrafi.

There was further discussion as to whether or not this application was a hardship and about pervious pavers being used for the patio.

Mr. Rothman clarified that it is not a hardship application. Stated hardships are unique to the property.

Mr. Chavez stated he will request an adjournment with a date certain to September 9<sup>th</sup>.

**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 8:32 p.m.

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Robert Bovasso, Secretary