

MINUTES – ZONING BOARD – JUNE 28, 2021

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, June 28, 2021 at 7:30 p.m. was conducted virtually in order to avoid potential impacts from Covid-19.

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.

The workshop portion of the meeting was called to order at 7:33 p.m. by Ms. Daly, Chair.

ROLL CALL:

Members Present:

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

Members Absent:

Mr. Salomon

Alternates Present:

Mr. Rees

Alternates Absent:

Ms. Oliver

Also in attendance: for Mark Rothman, Esq., Kathy Lenahan, Board Administrator, Jacqueline Dirmann, Board Engineer

COMMUNICATIONS:

None

MINUTES:

Motion to adopt minutes from the May 10, 2021 meeting was made by Mr. Aschenbach, seconded by Mr. Marotta and passed on unanimous voice vote.

RESOLUTIONS:

1. Application # ZBA-20-007
Applicant: South Avenue Dental Group
104 South Avenue East
Block: 478 Lot: 1.02, D-C Zone

Applicant is requesting a c(2) variance and a d(3) conditional use variance. Offices are only permitted on the first floor in an existing space measuring less than 1,000 sq. ft. in a building

without storefront-type windows and is required to have off-street parking; the applicant will occupy 2,699 sq. ft on the first floor with storefront-type windows and provide no off-street parking §255-39B(18)(b) & (d). A minimum of 18 off-street parking spots are required and zero (0) is proposed §255-44A.

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

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Lucas, Mr. Quinn, Mr. Rees

Opposed: None

OLD/NEW BUSINESS

The workshop portion of the meeting concluded at 7:42 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on June 28, 2021 at 7:45 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-21-007
Christopher & Caroline Colyer
227 Arbor Street
Block: 248 Lot: 16, R-4 Zone

Applicant is requesting a c(2) variance for the construction of a proposed addition of a front porch. Minimum front yard setback required is 25 feet where 25.5 is existing and 21.87 feet is proposed §255-34 Attachment 1, Schedule 1.

Christopher Colyer appeared and was sworn in. Stated he will be the only witness. He has lived in this house for 11 years and has made many improvements to the house over the years. The front steps are in disrepair and face parallel to the street. To fix the stairs requires digging, so they decided to also add a roofed front porch to extend the living space and bring value to the neighborhood. It is the last house on Arbor Street on a dead end. Without getting the variance, there would not be enough space even for a chair, so they are requesting a variance for the front yard setback. There are two existing nonconforming issues: one is the side yard setback and the other is the impervious coverage. He will reduce the impervious coverage by removing the sidewalk along the back of house, this will increase the soil coverage.

Questions from Mr. Rothman for Mr. Colyer ascertained the following:

Existing impervious is 3717 sq. ft. and proposed is 3580 sq. ft. The reduction of impervious is related to the removal of the sidewalk and will replace with grass.

Questions from Board to Mr. Colyer ascertained the following:

The porch will remain open. Benefit of outdoor space and social aspect is a benefit to the community. Also adds to the character of the town.

Ms. Dirmann stated she focused on stormwater, and it is not in the flood plain. There is a decrease in impervious coverage, and it does not trigger a stormwater management requirement.

There were no questions or comments from the members of the Public.

2. DELIBERATION of Application # ZBA-21-007
Christopher & Caroline Colyer
227 Arbor Street
Block: 248 Lot: 16, R-4 Zone

Applicant is requesting a c(2) variance for the construction of a proposed addition of a front porch. Minimum front yard setback required is 25 feet where 25.5 is existing and 21.87 feet is proposed §255-34 Attachment 1, Schedule 1.

Board comments consisted of the following:

Applicant has made a commitment to reduce the impervious coverage. In favor of the application.

A motion to approve the application with the condition that the porch remains open and the removal of the pathway, was made by Mr. Marotta, seconded by Mr. Aschenbach and passed on roll call vote.

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Ashrafi, Mr. Lucas, Mr. Quinn, Mr. Rees

Opposed: None

3. Application #ZBA 21-002
Manuel Perez
8 Georgia Street
Block: 456 Lot: 13, R-1 Zone

Applicant is requesting a c(2) variance for construction of an in-ground pool and associated patio space. Maximum impervious coverage is 35% (4,725 SF) where 36.8% is preexisting nonconforming (4,967 SF) and proposed is 45.5% (6,136 SF), an 8.7% proposed increase of nonconforming coverage §255-34 Attachment 1, Schedule 1.

Manuel Perez appeared and was sworn in. Stated his engineer will also be testifying. He has lived here for 14 years with his family. Requesting to have a pool installed and he believes it will add value to the house.

Questions for Mr. Perez from the Board ascertained the following:

The benefit to the community is that it adds value to the house. Also, will help with the drainage for their neighbors. There will be adult supervision and the whole backyard is fenced in and the gate will be spring loaded. They also have cameras for the backyard.

There were no questions from any members of the Public.

Lawrence Murphy appeared and was sworn in. Reviewed his qualifications and was accepted as an expert in Civil Engineering.

Mr. Murphy reviewed the design. Stated there was an addition with a patio installed in 2014. He was asked to design a pool and patio for the applicant. Design is for an in-ground pool of 601 sq. ft. with 550 sq. ft. of concrete and also a stormwater management system. Pool and pool equipment all comply with the setback requirements. Applicant requires a variance for impervious coverage. 45.5% is requested with 35% being allowed. Based on review letters and DRC letter, they are revising the application to change the drywell to a small bioretention basin along the rear and side property line. They will change the concrete to permeable pavers to reduce the stormwater impact. Reviewed the letter from Colliers and stated they will comply with all the comments, for comment #6 with regard to the 2014 increase in impervious coverage, they will provide stormwater management and for comment #9, they are relocating the stormwater management facility to go around the downstream. There is an existing 6-foot solid PVC fence for screening the improvements from the adjacent properties. Does not believe there will be a negative impact from the visual aesthetics or stormwater management.

Questions from the Board for Mr. Murphy ascertain the following:

Bioretention facility will be placed on the right side near the shed. There will be a maintenance plan for the facility according to a DEP schedule. Based on the town's Ordinance §365, a drywell does not meet the requirements so they are modifying their plan to comply with the Town's ordinance. The bioretention design will be reviewed by the Township Engineer for compliance and the best management practices of the DEP. A handbook is given to the applicant on how to handle the bioretention facility. Roof drains go to the street. The stormwater management facility will also collect from the neighboring property. This area is not in the flood plain. This system will also improve the property next to it.

There were no questions from the Public for Mr. Murphy.

Jacqueline Dirmann, Board Engineer appeared and was sworn in. Her credentials were presented to the Board.

Ms. Dirmann reviewed her letter of May 3rd and Ordinance §365. Stated the Township's ordinance is more stringent than the State's. Anything over 1000 square feet of impervious coverage is considered a major development. Original application from 2014 did not include the patio, and now there is a patio. Stated applicant will now comply with the stormwater management for that improvement. Discussed a requirement that a deed notice on the property must be recorded once the stormwater system is designed. Also, maintenance records of the bioretention facility are required to be sent to the Township Engineer by March 1st every year.

Questions from the Board to Ms. Dirmann ascertained the following:

Applicant needs to do soil testing. Has seen bioretention systems designed and installed, but it needs to be maintained to be successful. The maintenance report is filed with the Township Engineer. Ms. Dirmann has not designed a bioretention system, but there are State regulations that must be followed. The applicant could add additional stormwater measures if he does not meet the requirements with just one system. This is a significant increase.

Mr. Murphy reviewed the requirements and other options to compensate for the stormwater management.

Board asked a follow up question about reasonable additional storage.

Mr. Murphy stated some towns request that anything over 35%, the applicant provide 10% for incremental increase.

Mr. Dirmann stated with permeable pavers you get 20% for impervious, and a pool gets 4 inches of credit for a stormwater system.

Ms. Dirmann asked Mr. Murphy if the backyard has enough space for the bioretention system.

Mr. Murphy stated he can design a stormwater management system that works and is compliant with Township's ordinance. A drainage report will need to be done, which will be reviewed by the Township Engineer and it will comply or changes will need to be made.

Mr. Rothman asked about the credit for the permeable pavers.

Mr. Murphy stated taking credit for the pavers would reduce the impervious coverage below what the Board would approve. They would comply with Colliers' review letter items 1 & 2. The ordinance that requires compliance with the stormwater management and permeable pavers being used around the pool, would reduce the impervious coverage. There would be a reduction of 91 sq. feet associated with a 20% credit for permeable pavers. Reducing applicant's request from 6,136 sq. ft. to 6045 sq. ft.

There were no questions or comments from members of the Public.

4. DELIBERATION of Application #ZBA 21-002
Manuel Perez
8 Georgia Street
Block: 456 Lot: 13, R-1 Zone

Applicant is requesting a c(2) variance for construction of an in-ground pool and associated patio space. Maximum impervious coverage is 35% (4,725 SF) where 36.8% is preexisting nonconforming (4,967 SF) and proposed is 45.5% (6,136 SF), an 8.7% proposed increase of nonconforming coverage §255-34 Attachment 1, Schedule 1.

Board comments consisted of the following:

Plan makes sense. Confident the homeowners will follow the plan. With concessions by the applicant and his engineer, along with the oversight of the Town's engineer, thinks the project will be done properly. Feels the homeowner will maintain the system. Will improve some of the drains in the neighborhood. Like to see system designed to capture more than the minimum required.

Mr. Rothman stated the applicant is going to consider the 45.5% impervious coverage and still include the permeable pavers.

Mr. Murphy agreed to that statement.

A motion to approve the application with the conditions of the Township Engineer's letter of May 3rd, as well as installation of pervious pavers as part of revised plans which the applicant will submit, along with a maintenance plan provided and recorded, was made by Mr. Marotta, seconded by Mr. Aschenbach and passed on roll call vote.

Affirmative: Ms. Daly, Mr. Marotta, Mr. Aschenbach, Mr. Ashrafi, Mr. Lucas, Mr. Quinn, Mr. Rees

Opposed: None

PUBLIC COMMENT:
None

Ms. Lenahan stated the next meeting will be July 12th.

CONCULSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 9:04 p.m.

Daniel Aschenbach, Secretary