

MINUTES - ZONING BOARD

May 14, 2018

The workshop portion of the meeting was called to order at 8:10 P.M. by Mr. Marotta, Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

Mr. Salomon

Alternates Present:

None

Alternates Absent:

Ms. Hay
Mr. Trelease

Also in attendance: Nicholas Giuditta, Esquire, and Kathy Lenahan, Administrator/Scribe

Ron Johnson, Zoning Officer was absent

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

1. **Application # ZBA 18-003**
 Applicant/Owner Emanuel Nimrud
 496 Centennial Avenue
 Block 594 Lot 8 Zone: NC

The applicant is proposing 4 residential apartments and one retail space for a new mixed-use building with 11 parking spaces. The applicant is seeking preliminary and final site plan approval and requires several C(2) variances and a D(3) and D(5) variances, along with design waivers. The applicant needs the following C(2) variances: Minimum side yard (12'/24' required; 3'/18' proposed); Parking (25' from residential zone required; 5'8" requested);

Loading Zone (required, none requested). In support of the applicant's D-5 variance for density, he is seeking 4 apartments where residential apartments are a conditional use, and where the lot size permits only 3.646. Pre-existing non-conforming conditions include lot area and lot width. The applicant is also seeking a D(3) variance for not meeting one condition, which is density (up to 20 dwelling units permitted per acre).

The Resolution of Memorialization (attached and made part of these minutes), was reviewed by the Board. After discussion, a motion to approve the resolution, as amended, was made by Mr. Pistol, seconded by Mr. Bovasso and passed by unanimous voice vote.

**2. Application # ZBA – 18-001
Applicant: Gregory & Nadia Rubert
119 Oak Lane**

Block: 238, Lot: 19, Zone R-4

The applicant in this matter is requesting a C(1) variance to permit construction of a mudroom and replace the existing side entrance with a covered landing and stairs. This creates a need for side yard variance as the stairs and landing will be 3.3 Ft from property line, whereas 7 Ft side yard is required.

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 Mr. Bovasso and passed by unanimous voice vote.

MINUTES

Motion to adopt minutes of the April 23, 2018 meeting was made by Mr. Pistol and seconded by Ms. Daly and passed by unanimous voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:13 P.M.

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on May 14, 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 – 18-004
Applicant: Charles & Susan Shaw
27 Windsor Place
Block: 252, Lot: 10, Zone R-3
The applicant in this matter is seeking relief for a rear yard setback.
Requirement is 30 feet for a rear yard setback where 27 feet exists
(§255-34, Attachment 1, Schedule 1).**

Richard J. Pierce 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 explained the application. The applicants would like to put a one room addition in the rear of the existing house which is a split level. Stated they are looking to add a dining room to house and are asking for a 3-foot setback encroachment. All other coverages are as of right. Room will be off back of the house. Passed out aerial photos marked Exhibit A-1 which included a copy of the survey with existing conditions, photo of house to left of their house and photo of houses in the row. Stated that they are under a 300-foot addition so not looking at any storm water management issues, it is under on impervious surface and lot coverage.

Charles Shaw appeared and was sworn in. Susan Shaw appeared and was sworn in.

Questions posed by the Board ascertained the following:

Some of the concrete patio will be removed for the stairs. They will not be installing new siding on entire house, but will be adding siding for addition similar to what exists and installing a new roof.

There were no further questions by the Board.

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

Mr. Pierce summarized the application. Stated that without the variance they would not be able to build a room that is usable.

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

- 2. Application # ZBA-18-005**
Applicant: Jason & Courtney Irwin
7 Shawnee Road
Block: 114, Lot: 5, Zone R-2
The applicant in this matter is seeking relief for a rear yard setback.
Requirement is 30 feet for a rear yard setback where 18'4' is
proposed (§255-34, Attachment 1, Schedule 1).

Thomas Does 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.

Jason Irwin appeared and was sworn in.

Mr. Does explained the application. Project is a one-story family room addition off rear of the house. The setback will be 18'4" with the addition. Explained the photos, which are drawings of the existing conditions of the home, along with the proposed addition. Existing house is a small split level. Rear left corner is where work will be done. They are bumping out 20 feet in the rear of house and 2 ½ feet to side yard. Family room addition is in the back and the side yard will be bumped out so the present kitchen will become an eat in kitchen. Also building a small patio and a wood stoop from family room to the yard. Stated they are complying with building and impervious coverage. Only applying for rear yard setback. New addition is being built over a full basement. Will have a Gable roof. Showed photos of rear yard with landscaped screening. Stated there is no detriment to the neighbors. Stated the zoning hardship is that the property is undersized. It is required to be 10,000 sq. ft and the Irwin's are at 5,800 sq. Property is narrow for the zone.

Mr. Irwin stated that he and his wife moved to Cranford in 2010 and now have 3 children. His oldest child who is 5 years old has cerebral palsy. He sometimes uses mobility devices and feels the new floor plan will give him increased independence and will give his son access to staying on the main level throughout the entire day.

Questions from the Board ascertained the following:

House is setback 35 feet from the front so there is a 10-foot disadvantage to start with. They are putting the addition on the back because there was a little more room in the rear yard.

There were no further questions by the Board.

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

Robert Lopera – 9 Shawnee Road appeared and was sworn in. Stated that he has lived next to Mr. Irwin for 8 years. Stated he has no problem with what is going to be built. There is a lot of shrubbery and would not be able to see the addition. He is in favor of the application.

Jerry Grillo – 4 Seneca Road appeared and was sworn in. Stated he lives directly behind this house. House has a lot of trees and great coverage. Has no problem with addition. In favor of addition and application.

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

- 3. Deliberation of Application # ZBA – 18-004**
Applicant: Charles & Susan Shaw
27 Windsor Place
Block: 252, Lot: 10, Zone R-3
The applicant in this matter is seeking relief for a rear yard setback.
Requirement is 30 feet for a rear yard setback where 27 feet exists
(§255-34, Attachment 1, Schedule 1).

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Fits within the neighbor. It is a minor request. Appreciate when neighbors come forward to improve their property because it improves the town. Consistent with what the neighbors have. Upgrades will help the neighborhood.

Motion to approve Application # ZBA-18-004 was made by Mr. Illing seconded by Ms. Drake with the following voting in favor of the motion: Mr. Marotta, Mr. Pistol, Mr. Illing, Mr. Bovasso, and Ms. Drake. Ms. Daly recused herself.

- 4. Deliberation of Application # ZBA-18-005**
Applicant: Jason & Courtney Irwin
7 Shawnee Road
Block: 114, Lot: 5, Zone R-2
The applicant in this matter is seeking relief for a rear yard setback.
Requirement is 30 feet for a rear yard setback where 18'4' is
proposed (§255-34, Attachment 1, Schedule

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Hardship is due to the placement of existing house. Neighbors stated house has plenty of shrubbery. Undersized lot with narrow lot placement. This makes the house workable. Gives oldest son ability to stay in home and neighborhood.

Motion to approve Application # ZBA-18-005 was made by Mr. Bovasso seconded by Mr. Illing. with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Daly and Ms. Drake.

PUBLIC PORTION:

Monica Shimkus – 105 Miln Street – Had some questions regarding the property at 106 Eastman Street. Knows the building well. Stated that the former landlord worked very hard maintaining the building. Described the features of the building. Feels it is a beautiful piece of architecture. Mr. Giuditta stated that the application will be heard next Monday. Mr. Marotta described the process of how a zoning application and a hearing works. Ms. Shimkus asked about the zoning of the building and also about the tenants that currently live there.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 8:50 P.M.

Jeffrey Pistol, Secretary