

MINUTES - ZONING BOARD

November 19, 2018

The workshop portion of the meeting was called to order at 8:00 P.M. by Mr. Illing, Vice-Chairman.

ROLL CALL:

Members Present:

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

Members Absent:

Mr. Marotta

Alternates Present:

Ms. Hay

Alternates Absent:

Mr. Trelease

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

COMMUNICATIONS:

None

RESOLUTIONS OF MEMORIALIZATION:

1. **Application No. ZBA-18-019**
Applicant: John Hartmann
21 Omaha Drive
Block 580 Lot 14, R-4 Zone
Applicant is requesting a C-1 variance to permit construction of a stacked dining/living room addition where the corner of the new first floor addition extends into the front yard setback by 1'-1.44" along the setback curve on the northeast corner of the front yard. The required front yard setback is 25 feet where 23.88 feet is proposed.
§255-34 Attachment 1, Schedule 1.

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 Mr. Pistol, seconded by Ms. Daly and passed by unanimous voice vote.

2. **Application No. ZBA-18-022**
Applicant: David & Kristine Harris
79 Spruce Street
Block 158 Lot 2, R-4 Zone
Applicant is requesting an interpretation and appeal of the zoning officer's decision.

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 Mr. Pistol, seconded by Ms. Daly and passed by unanimous voice vote.

MINUTES:

Motion to adopt minutes of the October 15, 2018 meeting, as amended, 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 8:08 P.M.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Illing on November 19, 2018 at 8:15 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.

Mr. Illing announced the meeting scheduled for November 26, 2018 has been cancelled due to lack of applications.

Mr. Illing explained the protocol, purpose and procedure that will be followed during the hearing.

1. **Application #ZBA-18-024**
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 to 39.2% in the R-2 Zone.

Mr. Palm appeared and was sworn in. He explained the application. Stated he was before this Board a few months ago. Read the addendum that was included in the packet with his application. Explained all the revisions he has made so there are no negative impacts to his property, the Township or to his neighbors.

Described the storm water management system he is providing. Also stated that his property is not located in a flood zone.

Applicant presented a drawing highlighted in yellow indicating where the storm water retention system will be along with the walkway. Highlighted in red is the concrete patio he is removing and also highlighted in yellow is the 4-foot fence on either side of the property. Described the photo marked Exhibit A-1 as the backyard of his property with a shed. Exhibit A-2 is a photo showing another angle of his backyard and Exhibit A-3 is the diagram (described above), that was in the package, (page 2 of 4 in the grading plan). Feels he has addressed all the Board's concerns, including the impervious coverage from his prior application.

Questions posed by the Board ascertained the following:

The pool is not close enough to the house for anyone to be able to jump off the roof into the pool. The cross hatches on diagram were done by the applicant. There is an existing pump system that discharges to the curb, and the applicant maintains the pump.

There were no further questions by the Board.

Mr. Illing asked if the Public had any questions for this witness, the following appeared:

Lorraine Ohngemach – 731 Gallows Hill Road – Stated her concern is water. Asked about the water retention system and the clay soil. Asked about water going into the ground and also where the dirt from the hole for the pool will go.

Mr. Palm stated there are two water retention systems. One is the gravel pit around the pool and the other is the free board area of the swimming pool. Stated the pool will also capture the water that would be displaced. The dirt will be used for grading and the rest will be removed.

Stated he takes pride in his property and would not want to destroy his or his neighbor's property.

Mr. Illing asked if anyone in the Public would like to speak for or against this application. The following appeared:

Michael Bange - 1059 Coolidge Street - appeared and was sworn in. Stated he lives across the street from Mr. Palm and that he takes very good care of his property and supports his application.

Virginia Garcia – 1049 Coolidge Street, Westfield - appeared and was sworn in. Stated she is also a neighbor of Mr. Palm's and Mr. Palm maintains his property and totally supports his application.

Matthew Hull – 1048 Coolidge Street – appeared and was sworn in. Stated he is Mr. Palm's neighbor and is aware of how much time and effort he has put into redoing the plans so that they are compliant. Fully supports the application.

Mr. Palm summarized his application. Thanked the Board for hearing his case and hopes he has addressed all of the Board's concerns.

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-18-024
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 to 39.2% in the R-2 Zone.**

Mr. Illing reviewed the testimony.

Board comments consisted of the following:

Applicant has modified the application. No longer needs variances. Pool has no impact on minimum setbacks. Town Engineer is satisfied with the storm water management. Glad the Board's concerns were addressed. Glad to see neighbors come out. Well done. Maximum coverage requested is *de minimus*. Great to see how the process can work. Appreciate applicant being diligent.

Motion to approve Application # ZBA-18-024 was made by Mr. Pistol, seconded by Ms. Drake with the following voting in favor of the motion: Mr. Illing, Mr. Pistol, Mr. Bovasso, Ms. Daly, Ms. Drake, Mr. Salomon and Ms. Hay.

PUBLIC PORTION:

Barry O'Donovan – 710 Orange Avenue appeared and was sworn in. Stated he is the owner of Kilkenny House at 112 South Avenue East. Stated that on May 8, 2017 he appeared before this Board and under oath stated he was moving the Kilkenny House to Walnut Avenue. Stated he believed he was moving and did that in good faith. He thought he had an agreement with Dr. Boffard. In February he was given a contract with a new company. The agreement did not go through and he will not be moving and the parking will not be moving. He apologized to the Board and the Town. Stated that he believes the applicant on Walnut Avenue will try and get an "R" liquor license which is something new with the State of New Jersey. Stated with an "R" license you don't buy a license, it will be an annual payment. Feels it is a dangerous precedent. Thanked the Board for their time.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 8:46 P.M.

Jeffrey Pistol, Secretary