

MINUTES - ZONING BOARD

October 15, 2018

The workshop portion of the meeting was called to order at 8:05 P.M. by Mr. Illing, Vice -Chairman.

ROLL CALL:

Members Present:

Mr. Illing
Mr. Pistol
Ms. Daly
Mr. Salomon

Members Absent:

Mr. Marotta
Mr. Bovasso
Ms. Drake

Alternates Present:

Ms. Hay
Mr. Trelease

Alternates Absent:

None

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

COMMUNICATIONS

None

RESOLUTIONS OF MEMORIALIZATION

1. **Application # ZBA-18-020**
Applicant: Brendan & Jessica Freely
110 Herning Avenue
Block: 210, Lot: 6, Zone R-4
The Applicant in this matter is requesting a C(1) variance to permit addition of roof and screened in enclosures to existing non-conforming wood deck. Required rear yard setback is a minimum of 28'3" where 16'11" is proposed. §255-34 Attachment 1, Schedule 1. Required maximum building coverage is 30% where 36.35% 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 Mr. Salomon and passed by unanimous voice vote.

2. **Application # ZBA 18-011**
Applicant: Carol Giamboi
21 Morse Street
Block: 462, Lot: 16, Zone R-3
Applicant is requesting a C-1 variance for a proposed 18' diameter pool and a 15' x 24' patio in the rear yard of property in excess of the lot coverage where 38% maximum is permitted and 48.26% is proposed (§255 Attachment 1, Schedule 1); and for a pool setback where 15' is required and 4.5' is proposed (§255.38B.2). The house is a pre-existing nonconforming owner occupied two-family.

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.

3. **Application # ZBA-18-012**
Applicant: Patrick & Kristin Goldate
399 Prospect Avenue
Block: 276, Lot: 5, Zone R-1
Applicant is requesting a C-2 variance to permit construction of a two-story addition to the rear and side of the existing structure. The applicant is seeking relief for the rear setback and lot coverage. The required rear yard setback is 30' where 23.5' is proposed §255-34 Attachment 1, Schedule 1 and the impervious lot coverage maximum is 35% where 50% 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, as amended, was made by Mr. Pistol, seconded by Ms. Daly and passed by unanimous voice vote.

4. **Application # ZBA-18-021**
Applicant: Bernadette Murphy
27 Wall Street
Block: 596, Lot: 7, Zone R-4
Applicant is requesting two C-1 variances to permit a second floor addition, nonconforming to front and side yard setbacks. Required front yard setback is a minimum of 25' where 12.39' is proposed §255-34 Attachment 1, Schedule 1 and the required side yard setback is a minimum of 7' where 5.86' is proposed. §255-34 Attachment 1, Schedule.

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. Salomon and passed by unanimous voice vote.

MINUTES

Motion to adopt minutes of the September 24, 2018 meeting, as amended, was made by Mr. Pistol, seconded by Ms. Daly and passed by unanimous voice vote.

OLD/NEW BUSINESS

None

The workshop portion of the meeting concluded at 8:12 P.M.

PUBLIC MEETING:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Illing on October 15, 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 explained the protocol, purpose and procedure that will be followed during the hearing.

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.

John Hartmann, appeared and was sworn in. He explained the application.

Stated they would like to do a small addition; the property is an odd sized lot because it is on a curve. Property has a swimming pool so cannot go backwards, also has a large side yard. Would like to extend out and create a stacked living room/dining room. Presented a series of pictures showing the existing dwelling on left and proposed construction on the right. Stated they are keeping with same feel for the Cape Cod.

Questions posed by the Board ascertained the following:

A stacked living room/dining room is one open space with two uses. He is only requesting a variance for a tiny piece on the corner of lot which is 1 foot-1.44 inches. Stated he will comply with the Township Engineer's report.

Mr. Illing asked if anyone in the public would like to speak for or against this application.

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

Mr. Hartmann summarized the application stating it will be keeping with the neighborhood flavor and it is a hardship due to the configuration of the lot.

2. DELIBERATION OF 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.

Mr. Illing reviewed the testimony.

Board comments consisted of the following:

Unusual piece of property on an unusual street. Will be an improvement to the neighborhood. Applicant agreed to comply with the Engineering report. This is a hardship because of the way property is set up. It is a de minimis request. No negative impact.

Motion to approve Application # ZBA-18-019 was made by Mr. Salomon and seconded by Ms. Daly, with the following voting in favor of the motion: Mr. Illing, Mr. Pistol, Ms. Daly, Mr. Salomon, Mr. Trelease and Ms. Hay.

Mr. Illing stated the next Zoning Board meeting scheduled for October 22, 2018 has been canceled due to lack of applications.

3. 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.

Richard Pierce appeared and was sworn in. He explained the application.

Stated he is the architect for the applicant. The applicant has a small split level and looking to add a level over the living area. Stated these types of jobs are fairly common on splits in Cranford. Applicant was denied because Zoning Officer stated they were adding a third floor and the zoning ordinance limits houses to 2.5 floors. Presented pictures of the split and where they would like to put the addition. Stated they would be adding to the lower half of the right side. Had discussions with Ron Johnson, Zoning Officer, who deemed the house an existing two story so adding another level would make it three stories. Stated that splits are not defined in any of the zoning ordinances

in Cranford. Went over the definition of a “story” and an “attic” in Cranford’s zoning ordinance. Stated that splits were always looked at as on each side. Stated garage level would be considered a floor and the area above that would be considered a floor and then you would have the attic above that. On the other side would be basement below, which does not count as a story, and a full first floor. Stated there is no reason they cannot add another story to that side of house. Requested looking back at the definition of a story. Introduced a letter from Bob Hudak, the previous Zoning Officer, indicating why these types of additions have been approved in the past. Also compared some of the other towns and their definitions of a story. Stated the survey calls the house a 1.5 story framed dwelling. Stated there are dozens upon dozens of houses with these additions already in Cranford.

Mr. Johnson stated he was not counting the garage as a story, counting the living level and bedroom level as a story.

Mr. Guiditta asked Mr. Pierce if he has done jobs similar to this one by way of a permit and not a variance.

Mr. Pierce stated yes he has.

Questions posed by the Board ascertained the following:

Wants to expand the area above the living room. A split level is not defined in the ordinance. Cox Book states the Board of Adjustment has to determine in its opinion, what the ordinance says and how it would apply to this situation. Board must interpret the ordinance as best as they can. Not creating a definition of a story. Applicant feels the bedroom area is a half story. Mr. Johnson did not agree with the bedroom area being a half story. Feels it is both a story and attic story. However, ordinance is not clear. Split level is unique style. Not exceeding the height limit. Township needs to clarify the way the ordinance is written. This style home is all over Cranford. May have four or five levels, but that is not four or five stories. Makes sense to look at side by side. Stated once done, it will be a 2.5 story house.

Mr. Giuditta stated he would need to speak with the Zoning Officer regarding other denials or pending applications similar to this one.

Mr. Illing asked if there was anyone in the public who would like to speak for or against this application.

Emanuel Nimrud – 12 Hickory Street appeared and was sworn in. Stated he is a builder in town and has the same problem as the applicant. Stated he wanted to add a dormer, but cannot, based on what the ordinance says as of today. Stated there are several issues. One is that at the time these houses were built, these ordinances did not exist. Second, the garage floor is an issue and should not be counted as a floor since half of it is below the first floor. Stated there are many houses like this in town and several of these requests were approved on a case by case basis.

Mr. Johnson stated one of the key issues before the Board tonight is the attic story and half story definitions. Feels they should be reversed. Discussed the bulk requirements. Stated if definitions were reversed they would make more sense.

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

3. DELIBERATION OF 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.

Mr. Illing reviewed the testimony.

Board comments consisted of the following:

Board requests sending a letter to the Township Committee requesting them to redefine the definitions. Board is consistently reviewing the ordinances and making sure the terminology is clearly defined.

Mr. Johnson requested clarification of the definition of a story.

Board agreed a story would be defined as vertically stacked or one on top of the other.

Motion to approve the applicant's interruption of the zoning ordinance and direct the issuance of a permit for Application # ZBA-18-022, was made by Ms. Daly and seconded by Mr. Pistol, with the following voting in favor of the motion: Mr. Illing, Mr. Pistol, Ms. Daly, Mr. Salomon, Mr. Trelease and Ms. Hay.

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 9:05 P.M.

Jeffrey Pistol