

MINUTES – ZONING BOARD – SEPTEMBER 13, 2021

The Cranford Zoning Board of Adjustment meeting scheduled for Monday, September 13, 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 7:31 p.m. by Mr. Marotta, Vice-Chair.

ROLL CALL:

Members Present:

Mr. Marotta
Mr. Ashrafi
Mr. Lucas
Mr. Quinn
Mr. Salomon

Members Absent:

Mr. Aschenbach
Ms. Daly

Alternates Present:

Ms. Oliver
Mr. Rees

Alternates Absent:

None

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

COMMUNICATIONS:

None

RESOLUTION:

Application # ZBA-21-005
Applicant: Robert and Shannon Nixon
7 Harold Johnson Place
Block: 582 Lot:4, R-4 Zone

The applicant is requesting two c(2) variances for the proposed construction of a front porch. A c(2) variance for a front yard setback where 25 ft. is required, ~24.5 ft. exists and 18.48 ft. is proposed §255-34. As well as, a c(2) variance for an uncovered steps setback where 5 feet is the maximum projection into a required front yard and 8.77 feet is proposed (2.25 feet beyond proposed front porch) §255-35D(3).

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

Affirmative: Mr. Ashrafi, Mr. Quinn, Mr. Salomon, Mr. Rees

Opposed: None

MINUTES:

Motion to adopt minutes from the August 9, 2021 meeting was made by Mr. Quinn, seconded by Mr. Lucas and passed on unanimous voice vote.

OLD/NEW BUSINESS:

None

The workshop portion of the meeting concluded at 7:37 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on September 13, 2021 at 7:45 p.m. via Google Meet. Mr. Marotta 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.

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

1. Application #ZBA 21-008
Emilio DiFabio
127 Bryant Street
Block: 562 Lots: 1.01 & 3
Block: 563 Lot: 2

Applicant is requesting Minor Subdivision approval for the construction of two (2) two family structures in the R-3 single family detached residence district, a c(1) hardship variance(s) for Minimum Distance from Principal Building to a Railroad or Garden State Parkway where 100 feet is required and 48 feet is proposed §255-34, Attachment 1, Schedule 1, and a d(1) use variance(s) §255-36A.

Gary Goodman, Esq. appeared and explained the application. Stated the applicant is requesting approval for a subdivision and a use variance. Stated he views this as a bifurcated application since the applicant is not yet ready to present what is going to be built. Requesting that the Board grant the use of a two-family the R-3 zone and would come back to the Board to present what the two - two families would look like. Reviewed the witnesses for the evening.

Emilio DiFabio appeared and was sworn in.

Questions from Mr. Goodman to Mr. DiFabio ascertained the following:

Purchased a two-family house on 127 Bryant Avenue in 2014. Demolished the structure due to its poor condition in 2016. Stated he paid sewer bills showing it was a two family. Purchased 1 Dietz Street, which was a paper street from the Township, and the lot behind it in 2016. At this time, there are three separate lots and he pays three separate tax bills.

There were no questions from the Board members for Mr. DiFabio.

Mr. Marotta asked if members of the Public had questions for Mr. DiFabio. The following appeared:

Tyler Zarrelli – 119 Dietz Street - Asked Mr. DiFabio why were two families not living there.

Mr. DiFabio stated he does not know what the previous owner did. The second floor was in poor shape, how long it was that way, he does not know. It was intentionally built as a two-family and his sewer bill shows it was a two-family; they paid a double sewer bill.

Diego Ramos – 615 Hory Street - Asked what records show that this house was a two-family.

Mr. DiFabio stated he does not know what is on record before he purchased the home. Sewer bill shows it was a two-family.

Joanne Ryan - 706 Hory Street - Asked about a kitchen on second floor and it being a two-family house. Asked if there were separate sewer lines.

Mr. DiFabio stated he bought a structure and paid a double sewer bill for a two-family structure. It was one sewer bill with two sewer charges.

Gina Chaves – 210 Dietz Street – Asked about the deed to property.

Mr. Goodman stated a deed would not reflect the type of house purchased, only the block, lot, address and metes and bounds description. The fact that it was a two family has no bearing, it would have been a pre-existing non-conforming use.

Mr. Rothman stated the application is for two - two-family structures and the prior use is not relevant. The applicant is not continuing the two-family use; it is to create two structures that were not there before and are not permitted in the zone.

Andrew Feniak – 726 Midvale Place appeared. He owns the property at 119 Dietz Street. Asked about removal of an oil tank and the certification.

Mr. DiFabio stated the oil tank was in the basement, it was removed and he has the certification.

Tom Price – 612 Hory Street appeared. Asked about a record for a one family.

Mr. Marotta stated the Board looks at the Zoning for the area and whatever was there is not a consideration.

Ed Dec appeared and was sworn in. Presented his qualifications and was accepted as an expert in the field of Engineering.

Mr. Dec reviewed the application. Presented the Subdivision Cover Sheet and Sheet Two which has a map of the before and after configuration of the vacation of Dietz Street. Presently, Lot 2 is 31 feet and Lot 3 is 105 feet. The existing property with all three lots is 20,406 sq. ft. Proposing to subdivide to 10,192 and 10,211 sq. ft. They have all the necessary bulks requirement; looking for a zoning variance for a two family for each lot and for the rear setback line of 48 feet. Garden State Parkway (GSP) runs on NW side of property. Both lots have adequate side setbacks. The building envelope is 40 feet wide and has frontage of 68 feet for both lots. He believes the GSP separation distance from right away line to pavement line is 50 feet.

Reviewed the Colliers Engineering letter dated September 9th. Discussed item #4 regarding the Drainage Reports and the lot numbers. Stated the reports are for the two, ten and 100-year storms. The current rates are a little different and they could revise the reports, but the numbers are not significant. The runoff is addressed; this is considered a major project and they have to design the site for water quality and quantity. Proposing perforated pipes, encased in a stone pit. It would recharge water back into the ground. There would also be outlet structures in the rear yards. The site slopes from left to right and runs along the embankment of the GSP. The plan has contours that create swells to rear of the property. Stated that Item #5 proposes a retaining wall on Lot 3.01 and detention basins in the rear yards. Other items that could be in the rear could be patios and decks, maybe a pool. They would meet all conditions set forth in the review letter.

There were no questions from the Board members for Mr. Dec.

Questions from Ms. Patas, Board Planner, for Mr. Dec ascertained the following:
Issues that were in the report have to do with size, location and type of building. Stated they can meet all the side yard, rear yard (except for the 48 ft requested,) and front yard setbacks and coverages required in that zone.

Ms. Patras stated that the plans provided have some discrepancies and that the applicant is seeking a d"1" use variance which is the highest standard. Reviewed the Planning Report and the information that is still needed from the applicant.

Mr. Dec reviewed the deed descriptions for Lot 1 on Block 563 and Lot 4.01.

Ms. Patras recommend that the plans match the information found and to clarify the items in her review letter.

Mr. Dec reviewed the items on Page 5 of Ms. Patras' Planning Report. Stated there will be two 3-bedroom units in each structure, which require two parking spaces per unit. There will be one space in a garage and one space directly behind it for each unit. Believes there will be adequate off-street parking. The stone pit will be an underground detention system. Decks and patios would be closer to house and not over the detention basin. Backyard would be usable for passive recreation.

Mr. Goodman stated their intention was to bifurcate this application. Asked if they have provided enough information to consider the subdivision portion and would then come back for the "d" variance with answers to some of the Planner's questions.

Discussion was held regarding the applicant proceeding or requesting an adjournment. The applicant requested a short recess.

After a short recess, Mr. Goodman asked if the applicant provided enough information, and that they would like to take a vote on the subdivision and would re-notice for a site plan and use variance.

Further discussion was held regarding the applicant moving forward or adjourning.

Mr. Goodman requested an adjournment.

Mr. Marotta asked if the Board would consider granting an adjournment.

Ms. Dirmann asked for clarification if this would be a bifurcated application.

Mr. Goodman stated it would not be a bifurcated application.

Board granted the applicant the requested adjournment.

Applicant will be back before the Board on November 8, 2021.

Mr. Goodman stated they will re-notice and will be requesting the subdivision, site plan and use variance.

PUBLIC PORTION:

Lisa Ramos – 615 Hory Street asked a general question about owning a property along the GSP and building a home.

Mr. Rothman stated if the property owner conforms to the zoning, they do not need variance relief from the Board.

CONCLUSION:

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 9:32 p.m.

Daniel Aschenbach, Secretary