

## **MINUTES - ZONING BOARD**

September 17, 2018

The workshop portion of the meeting was called to order at 8:09 P.M. by Mr. Marotta, Chairman.

### **ROLL CALL:**

#### **Members Present:**

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

#### **Members Absent:**

Mr. Bovasso  
Ms. Drake

#### **Alternates Present:**

None

#### **Alternates Absent:**

Ms. Hay  
Mr. Trelease

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

### **COMMUNICATIONS:**

None

### **RESOLUTIONS OF MEMORIALIZATION:**

1. **Application # ZBA 18-017**  
**Applicant: Matthew Kunsman**  
**307 Stoughton Avenue**  
**Block: 465 Lot: 3, Zone R-4**  
**Applicant is requesting C-1 and C-2 variances to permit construction of a story/attic story on an existing split level home. The applicant proposes to improve and expand the attic space to increase square footage and volume (§255-35E (1) & (2)).**

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

2. **Application # ZBA-18-010**  
**Applicant: Victor Vinegra**  
**545A Lexington Avenue**  
**Block: 457, Lot: 9, Zone R-1**  
**Applicant is requesting C-1 and C-2 variances to permit construction of a one-family house on a previous industrial site. Minimum front yard setback is 35 ft. where 25 ft. is proposed (§255-34, Attachment 1, Schedule 1) and minimum distance to a railroad is 100 ft. where 89 ft. 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. Salomon, seconded by Mr. Pistol and passed by unanimous voice vote.

**MINUTES:**

Motion to adopt minutes of the August 13, 2018 meeting, as amended, was made by Mr. Pistol and seconded by Mr. Illing and passed by unanimous voice vote.

**OLD/NEW BUSINESS**

None

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

**PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on September 17, 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-18-006 – WITHDRAWN BY APPLICANT**  
**Applicant: Eastman Properties, LLC**  
**106 Eastman Street**  
**Block: 187, Lot: 2, Zone D-B**  
**The applicant in this matter is requesting a C(2) variance and a D(3) or D(5) variance for residential density. Applicant is seeking to construct a 3-story building containing first floor commercial space and four (4) apartments on the two upper floors.**

2. **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**

Brendan & Jessica Freely along with Rich Pierce, Architect, appeared and were sworn in. Mr. Pierce stated that he did not believe the applicant needed the coverage variance, that his numbers were incorrect. Described the application. Stated house is setback almost 30 feet and applicants do not have much of a side or rear yard. They have an open deck that they would like to put a roof on and screen in. There is Cranford Township property behind them. They are situated up against the woods, which are dense and wet and they do experience a lot of bugs on their property.

Mrs. Freely stated that the bugs in the backyard are the primary reason they want to screen in the deck.

Ron Johnson, Zoning Officer stated that they can amend the application for the rear yard setback and eliminate the building coverage variance.

Questions posed by the Board ascertained the following:  
Applicants will repair the existing deck. There will be no plumbing, only electrical for some lights.

No one from the public spoke for or against this application.

3. **DELIBERATION OF 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**

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Applicant's property is setback 30 feet which causes a hardship in the rear yard. Knows problems with mosquitos. Screening deck makes it safer with young children.

Motion to approve Application # ZBA-18-020 was made by Mr. Illing, seconded by Mr. Salomon with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Mr. Pistol, Mr. Salomon and Ms. Daly.

**4. Application # ZBA-18-008**  
**Applicant: Destiny Living Ministries**  
**570 South Avenue East**  
**Block: 534, Lot: 1, Zone C-2**

**The applicant proposes to operate a house of worship on the subject site where a house of worship is not permitted. Applicant is seeking a D(1) variance §255-36.D(1). No C variance relief is being requested. The subject property is a rental space in the Cranford Business Park, which is a two-story office building with 70,000 SF and 385 off-street parking spaces. The property is located within the C-2 Zone which does not permit houses of worship. The Cranford parking schedule requires houses of worship to supply 1 parking space per 3 seats or 1 parking space per 72" of pew length. The house of worship is proposing 10 pews totaling 1,152", which would result in 16 parking spaces required. The office sections would demand 4 parking spaces, which would total 20 parking spaces. The previous office uses demanded 20 parking spaces, so there is no increase in parking demand.**

Thomas Dooley, Esq. appeared on behalf of the applicant. He explained the application. Stated that this is an inherently beneficial use.

Alexander Trezza, appeared and was sworn in.

He testified to the following through questions posed by Mr. Dooley:

He is the manager of the subject property, Cranford Business Park. Stated that the Business Park has agreed to lease the space to the applicant. He has no concerns with the tenant. The 2014 site plan remains the same.

Reverend Brian Taylor appeared and was sworn in.

He testified to the following through questions posed by Mr. Dooley:

He is the pastor of the Church and they have 20 to 30 members. Hours of services are between 10:30 am and 1:00 pm on Sundays. They also do premarital counseling on Wednesdays at 9:00 pm and Bible Study on Wednesdays between 7:30-9:00 pm.

Questions from the Board ascertained the following:

Primarily looking at three days a week to be using the facility.

Denise Wilson appeared and was sworn in. Her credentials were presented to the Board and she was accepted as an expert witness in the field of architecture.

She testified to the following through questions posed by Mr. Dooley:  
Stated she prepared the floor plan for the applicant and submitted plan as Exhibit A-1. The square footage is 2690.32. Ms. Wilson allocated 16 parking spaces based on 1,152" and the office space allocated 4 parking spaces - 1 parking space for every 250 feet.

Questions posed by the Board ascertained the following:  
Parking spaces are not assigned. There are more than sufficient parking spaces. Most of the offices in the Business Park are closed on Sundays. The square footage of the office space is 801.5. The kitchenette/food pantry will not have cooking facilities. It will only be used for refreshments. Food pantry is for non-perishable items.

Robert Hudak appeared and was sworn in. His credentials were presented to the Board and he was accepted as an expert witness in the field of planning.

He testified to the following through questions posed by Mr. Dooley:  
He has seen the recertified site plan from 2014. (Entered as Exhibit A-2). He has also reviewed the architectural plan. Went over his report and described the positive/negative criteria. Stated there will be no changes to exterior of the building or parking requirements and feels site plan waiver should be granted.

There was no additional testimony.

No one from the public spoke for or against this application.

**5. DELIBERATION OF Application # ZBA-18-008**  
**Applicant: Destiny Living Ministries**  
**570 South Avenue East**  
**Block: 534, Lot: 1, Zone C-2**

**The applicant proposes to operate a house of worship on the subject site where a house of worship is not permitted. Applicant is seeking a D(1) variance §255-36.D(1). No C variance relief is being requested. The subject property is a rental space in the Cranford Business Park, which is a two-story office building with 70,000 SF and 385 off-street parking spaces. The property is located within the C-2 Zone which does not permit houses of worship. The Cranford parking schedule requires houses of worship to supply 1 parking space per 3 seats or 1 parking space per 72" of pew length. The house of worship is proposing 10 pews totaling 1,152", which would result in 16 parking spaces required. The office sections would demand 4 parking spaces, which would total 20 parking spaces. The previous office uses demanded 20 parking spaces, so there is no increase in parking demand.**

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Is an inherently beneficial use with no negative impact to the community. Area can accommodate the use. Adequate parking. No alterations on exterior. Is an appropriate use and good for community. Benefit to the community and no impact on traffic. Food pantry is an added benefit to the community. Great application. Welcome the ministry to the new location.

Motion to approve Application # ZBA-18-008 was made by Ms. Daly, seconded by Mr. Pistol with the following voting in favor of the motion: Mr. Marotta, Mr. Illing, Mr. Pistol, Mr. Salomon and Ms. Daly.

**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 8:46 P.M.

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Jeffrey Pistol