

MINUTES - ZONING BOARD

September 9, 2019

The workshop portion of the meeting was called to order at 7:33 p.m. by Mr. Marotta, Chair.

ROLL CALL:

Members Present:

Mr. Marotta
Ms. Daly
Mr. Bovasso
Ms. Drake
Mr. Salomon

Members Absent:

Mr. Aschenbach
Mr. Ashrafi

Alternates Present:

Mr. Quinn

Alternates Absent:

Ms. Hay

Also in attendance: Mark Rothman, Esquire, and Kathy Lenahan, Board Administrator

COMMUNICATIONS:

Mr. Marotta read a letter of resignation from Board member Mary Ann Hay. It is effective immediately. A motion to accept Ms. Hay's resignation was made by Mr. Bovasso, seconded by Ms. Daly and passed on unanimous voice vote.

MINUTES:

Motion to adopt minutes of the closed session July 8th meeting was made by Mr. Bovasso, seconded by Ms. Daly and passed by unanimous voice vote.

Motion to adopt minutes of the July 8th meeting, as amended, was made by Ms. Daly, seconded by Mr. Bovasso and passed by unanimous voice vote.

Motion to adopt minutes of the August 12th meeting was made by Ms. Daly, seconded by Mr. Bovasso and passed by unanimous voice vote.

OLD/NEW BUSINESS

A motion to go into closed session was made by Ms. Daly, seconded by Ms. Drake and passed by unanimous voice vote.

The workshop portion of the meeting concluded at 7:45 p.m.

PUBLIC PORTION:

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on September 9, 2019 at 7:48 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 19-003 – Continued from June 24, 2019**
Applicant: Alberto & Maria Chavez
34 Ann Street
Block: 528 Lot: 26, R-2 Zone

The applicant in this matter is seeking c(2) variances for a rear yard setback and impervious coverage for the installation of an in-ground pool. The minimum requirement for a rear yard setback is 15 feet where 10 feet is requested §255-38B(2) and the maximum permitted impervious coverage is 35% where 43.5% is requested §255-34 Attachment 1, Schedule 1.

Mr. Chavez appeared and was sworn in. Stated there was one revision made to the plan. Stated the pool coping and concrete around the pool will be replaced with an interlocking paver and would be on a sand subbase. Currently the plan adds 311 sq. ft. of impervious coverage, this will cut the impervious in half due to the nature of the pavers. He will also remove 445 sq. ft. of patio and replace with sod/grass. His calculations would reduce the lot coverage from 43.5% to 40.6%

Questions posed by the Board ascertained the following:

Jensen did not make any revisions to his plan. Would have been helpful to have documentation to review the calculations. The zoning officer was not notified of these changes. Applicant needs to provide certain criteria. Board needs information on the grading and run off. Updated survey is requested.

Mr. Rothman stated that calculations should be offered by an expert. Mr. Chavez is a fact witness not an expert witness. His testimony cannot be evaluated by the Board. Stated the applicant has not presented enough information for the Board to act. Stated there are other requirements (positive and negative criteria) and applicant might benefit from speaking with an attorney.

Mr. Marotta stated the Board needs to deal in facts, figures and expert testimony. Board needs to be specific on how they grant relief and will need a certified copy of engineer or pool company's drawing. Cannot rely on hearsay. Also suggested applicant see the zoning officer and show him his changes.

The Board requested all changes be submitted to the Zoning Office 10 days prior to the hearing.

Mr. Chavez requested an adjournment until November 25, 2019.

Adjournment was granted.

2. **Application #ZBA 19-009**
Applicant: Richard & Jessica Hernandez
34 Mendell Avenue
Block: 546 Lot 31, R-4 Zone

The applicant in this matter is seeking a c(2) variance for a rear yard setback for construction of a family room. Minimum requirement is 30ft for rear yard setback and 26ft is being proposed. §255-34 Attachment 1, Schedule 1.

Mr. Hernandez appeared and was sworn in.

Richard Pierce, appeared and was sworn in. Stated he is the applicant's architect and stated his qualifications. Described the application. The applicant would like to add an addition on the rear of the house. It is a split level home and the house has a small footprint. Applicant is looking to expand the kitchen and dining room and add a family room. Looking for relief on rear yard setback only from 30 feet to 26 feet. Applicant is under on lot coverage and impervious surface. A letter from Maser Consulting dated August 13th, stated they were over on lot coverage but that is incorrect. Mr. Pierce responded to Maser stating that part of the addition is being built over where the patio was so they are actually reducing the coverage by 83 sq. ft. for a total of 290 sq. ft. Since they are under 300 sq. ft. there is no storm water management required.

Questions posed by the Board ascertained the following:

None of the professionals from the Township had any comments on this application. The exterior finish of addition will match the existing structure. They are adding to the master bedroom out the back, which is as of right. There will be no deck off the family room. Stairs will be off the side. The existing patio will be reduced. The air condenser will be moved to the side yard. Expansion of the upper level is as of right. Home will be of same character, same finishes as others in the neighborhood. The neighbors behind the applicant have a solid vinyl fence.

Mr. Rothman asked about the positive and negative criteria and how it would impact the neighborhood. Asked if the applicant will comply with all conditions in the Maser engineering letter.

Mr. Pierce stated the positive criteria is that they are bringing the house to current standards. Will be similar to others in the neighborhood. Negative would only be the property behind the applicant's since the addition could be 3 or 4 feet closer to their home. Stated the applicant will comply with all conditions in the Maser engineering letter.

Mr. Hernandez summarized the application. Stated they have been thinking about doing this family room addition for over a year. Decided on a size that would be beneficial to the family. Would like to continue raising his family in Cranford.

There were no further questions by the Board.

Mr. Marotta asked if the Public had any questions or wished to speak for or against this application.

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

4. **DELIBERATION OF Application #ZBA 19-009**
Applicant: Richard & Jessica Hernandez
34 Mendell Avenue
Block: 546 Lot 31, R-4 Zone

The applicant in this matter is seeking a c(2) variance for a rear yard setback for construction of a family room. Minimum requirement is 30ft for rear yard setback and 26ft is being proposed. §255-34 Attachment 1 Schedule 1.

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

This is a 4-foot deviation. Conforming with other homes on the street. Not a detriment to the neighborhood. Difference between 26 and 30 feet is not drastic. Benefits to creating a family friend house. Familiar with the area. Good to see families improving their properties. Great neighborhood.

Motion to approve Application # ZBA-19-009 was made by Mr. Bovasso (with the condition of sheltering the AC condenser unit with shrubbery), seconded by Ms. Drake with the following voting in favor of the motion: Mr. Marotta, Ms. Daly, Mr. Bovasso, Ms. Drake, Mr. Salomon and Mr. Quinn

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 8:24 p.m.

Robert Bovasso, Secretary