

**MINUTES  
OF THE  
CRANBURY TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
CRANBURY, NEW JERSEY  
MIDDLESEX COUNTY**

**DECEMBER 7, 2022 MINUTES  
APPROVED JANUARY 4, 2023**

**TIME AND PLACE OF MEETING**

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held on December 7, 2022, 7:00 pm at Town Hall, 23A North Main Street, Meeting Room.

**CALL TO ORDER**

Ms. Meacock, ZBA Chairperson, called the meeting to order and presided over the meeting.

**STATEMENT OF ADEQUATE NOTICE**

Pursuant with the Sunshine Law adequate notice in accordance with the open public meeting act was provided on January 11, 2022 and updated on August 31, 2022 of this meeting's date, time and location. The agenda was mailed to the Cranbury Press and Trenton Times, posted on the Township bulletin board, mailed to those requesting personal notice and filed with the municipal clerk.

**MEMBERS IN ATTENDANCE**

- ☐ Joseph Buonavolonta
- ☒ Robert Diamond
- ☐ John Hoffman
- ☒ Richard Kallan
- ☒ David Nissen
- ☐ Steven Schwarz
- ☒ Frank McGovern (Alternate #1)
- ☒ Saras Kothari (Alternate #2)
- ☒ Merilee Meacock

## **PROFESSIONALS IN ATTENDANCE**

- ☒ Edwin Schmierer, Zoning Board of Adjustment Attorney
- ☒ Robin Tillou, Secretary
- ☐ David Hoder, Engineer
- ☐ Liz Leheny, Planner
- ☐ Andrew Feranda, Traffic Consultant

## **MINUTES**

Upon a motion made by Mr. Kallan and seconded by Mr. Kothari the minutes for November 2, 2022 were unanimously approved by those members eligible to vote on said date.

## **APPLICATIONS**

**ZBA363-22 Patricia Jaccoma**  
**175 N. Main Street, Block 25, Lot 17.01**  
**A100 Zone**  
**C(2) Variance – Riparian Zone Disturbance**

Representatives: Patricia Jaccoma, Owner and Applicant  
Phillip Michael Jaccoma, Owner's Son

Exhibits: **Exhibit A-1** – 10 Pages of Before and After Pictures of Cedar Brook and Surrounding Areas

Mr. Schmierer swore in Mr. and Mrs. Jaccoma.

Mr. Phillip Jaccoma introduced the application by advising the Board the violations issued by the Zoning Officer are the disturbances in the riparian zone adjacent to the water surfaces. This includes the trees, bushes, briars and everything in that area was removed. They were not aware they needed any approval and were not aware they were in a riparian zone. The trees removed were not removed from the root. The trees were cut. The body of water is Cedar Brook.

Exhibit A-1 was passed out to the members.

Mr. Phillip Jaccoma advised they had cut trees, overgrown bushes, and dead briars flat to the ground. The grass is growing now after it had been mowed. The intention was not to harm the land. The intention was to clean it up and help the brook. Dead trees were blocking the flow of the water and they were removed.

Chair Meacock asked if the Board Attorney could explain what they would be denying or

approving tonight for this application.

Mr. Schmierer explained the violation is adjacent to Cedar Brook. The violation from the Zoning Officer explains the applicant can go for a variance to the Zoning Board and see if the Board would grant the sections of the riparian rights to allow what was done. If the Board were to approve the variance you can do that with conditions or no conditions.

Mr. Phillip Jaccoma explained the widening of the driveway violation (#3) in the riparian zone is not impervious coverage as grass was taken out and rocks were put down to not have to clean the mud constantly.

Mr. Phillip Jaccoma stated the other violation for the two structures (tents) are temporary structures and can be removed upon request.

Ms. Patricia Jaccoma stated the pole barn was approved by the Zoning Officer and the construction official.

Mr. Schmierer advised of violation number 4, the chicken coop.

Mr. Phillip Jaccoma stated the chicken coop is not on their property.

Ms. Patricia Jaccoma stated the property with the chicken coop was taken by the Township from the previous owners.

Mr. Schmierer stated the applicants are asking for permission to allow the temporary structures. It seems the focus should be on the disturbance of the area next to the creek. Denial of the application means the applicant will have to replace everything that went down.

Chair Meacock suggested the applicant work with the Township's landscape architect as a condition.

Mr. Schmierer stated the violation of the tent structures are not permanent structures and the driveway is not impervious, so it seems the Board needs to advise of the removal and restoration of the trees and shrubbery.

Chair Meacock opened the meeting to the public.

Paul Mullen, Environmental Commission Chairperson, 102 N. Main Street, was present in the public.

Mr. Schmierer swore in Mr. Mullen.

Mr. Mullen referred to the E.C.'s review letter provided to the Board on 12-7-2022.

Mr. Mullen stated the applicant can cut the grass but cannot disturb any further. The riparian zone for Cranbury is 150 ft and the riparian zone for the State (NJDEP) is 50 ft. This started with the pole barn due to no new structures being allowed in the riparian zone. The only conclusion may be that the issuer of the permits (Zoning Officer at the time) was going by the 50 ft. State rule for the riparian zone. The pole barn should not have been approved to be built on the property where it is. Mr. Mullen suggested to give a retroactive variance for the pole barn but does not feel the Board should approve the riparian disturbance variance.

Mr. Kallan stated he had visited the property and walked around the property. The first thing that they realized was the impervious area was not increased. The problem was the area right around the riparian zone. The only issue is cleaning things up around the riparian zone. The Township has approved the pole barn and the Zoning Board should not touch that.

Mark Berkowsky, 167 N. Main Street, was present from the public.

Mr. Schmierer swore in Mr. Berkowsky.

Mr. Berkowsky stated being a neighbor, he originally wanted to come due to concerns of the disturbance in the riparian zone. His concern now is to get the disturbance remediated and have the landscaping planted back. He feels the variance should be granted with the condition to remediate.

Chair Meacock asked if the DEP regulates the 50 ft., and the Township then regulates the remaining 100 ft.

Mr. Mullen responded stating anything within 50 ft. must be approved both by the DEP and Cranbury Township and anything after the 50 ft., up to 150 ft., is in Cranbury's jurisdiction.

With no other public present to make a comment, Chair Meacock closed the public portion of this application.

Chair Meacock asked if there should be a deadline for the applicant to remediate.

Mr. Schmierer stated the professionals will handle the conditions and they can put in a deadline.

Mr. Schmierer advised of the conditions, including advising of the pole barn being approved by permits from the Township and the sheds being temporary. There will be a remediation plan with the landscape architect, EC and the Shade Tree Commission on what is being disturbed on

the land and it will state the granting of this variance is not to be a precedence of any further disturbance of the land and for anyone else relying on the facts of the case.

MOTION TO APPROVE WITH CONDITIONS SET FORTH: Mr. Diamond  
SECONDED: Mr. McGovern

ROLL CALL

AYES: Mr. Diamond, Mr. Kallan, Mr. Nissan, Mr. McGovern, Mr. Kothari and Ms. Meacock  
NAYS: None.  
ABSTAIN: None.

MOTION PASSED

**ZBA367-22 Vito and Wendy Ciania**  
**4 Wynnewood Drive, Block 23, Lot 124**  
**RLD-1 Zone**  
**Bulk Variance – Rear Yard Setback – Detached Garage & Patio**

Representative Present: Vito Ciania

Exhibits: **Exhibit A-1** – Landscape Plan

Mr. Schmierer swore in Mr. Ciania, applicant.

Mr. Ciania introduced the application by stating they are renovating their house that was built in 1967. They would like to convert their garage into a great room. They are also proposing a covered patio. The following are the corrections that need to be done to the application: there will be a tree removed to fulfill the detached garage and Exhibit A-1 shows the tree being removed. The tree in red is the current tree that will be removed, and they will be planting a minimum of four (4) trees and shrubs around it to enclose the space. The green in Exhibit A-1 shows the trees being planted. Another correction to the application is on page 5 of the form, the front offset states 76 ft. and it is actually 62 ft.

Mr. Ciania advised the variance they are seeking is the rear setback requires 40 ft. and they are proposing 32ft. The property on one depth is 177 ft. and the property depth on the other side is 138 ft. and makes an irregular shape and does not provide space for a useable patio. The proposed detached garage that will be in the setback will be a three (3) car garage to store kayaks, bikes etc. The patio cannot be put on the left side of the property due to the patio being very narrow, only 14 ft.

Mr. McGovern advised of an error on the affidavit of services from the tax assessor's office that

states the owner is ADJ Land Developers, LLC.

Mr. Ciancea will get that corrected and assured he is the owner of the property.

Mr. Kallan asked when putting up the garage, the option can be a pole building or footings.

Mr. Ciancea plans to do regular traditional foundation.

MOTION TO APPROVE: Mr. Diamond

SECONDED: Mr. Kothari

**ROLL CALL**

AYES: Mr. Diamond, Mr. Kallan, Mr. Nissan, Mr. McGovern, Mr. Kothari and Ms. Meacock

NAYS: None.

ABSTAIN: None.

MOTION PASSED

**CLOSED SESSION**

Mr. Nissen made a motion to move to closed session. Mr. Diamond seconded the motion. The Board unanimously agreed to move to closed session.

**ADJOURNMENT OF MEETING**

There being no further business, Mr. Nissan made a motion to adjourn, and Mr. Diamond seconded, the meeting was thereupon adjourned at 9:00 pm.

**CERTIFICATE OF SECRETARY**

I, the undersigned, do at this moment certify that I am duly elected and acting secretary of the Cranbury Township Zoning Board of Adjustment and, that the preceding minutes of the Zoning Board of Adjustment, held on December 7, 2022, consisting of six (6) pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name of said Zoning Board of Adjustment this January 5, 2023.

Robin Tillou  
Robin Tillou, Secretary