

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

**MINUTES FEBRUARY 12, 2020
APPROVED ON MAY 6, 2020**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held at the Cranbury Township Old School Building, Town Hall, 23-A North Main Street, Cranbury, New Jersey, Middlesex County on February 12, 2020, at 7:00 p.m.

CALL TO ORDER

Merilee Meacock, Chairman of the Cranbury Township Zoning Board of Adjustment, called the meeting to order.

STATEMENT OF ADEQUATE NOTICE

Under the Sunshine Law, adequate notice by the Open Public Meeting Act was provided of this meeting's date, time, place and agenda were mailed to the news media, posted on the Township bulletin board, mailed to those personal requesting notice, and filed with the Municipal Clerk.

MEMBERS IN ATTENDANCE

Joe Buonavolonta
Sean Deverin
Robert Diamond
John Hoffman
David Nissen – Absent
Fran McGovern
Neil Wagman
Richard Kallan
Merilee Meacock

PROFESSIONALS IN ATTENDANCE

Andrew Feranda, Traffic Consultant

David Hoder, Board Engineer

☒ Trishka Cecil, Esquire, Board Attorney – Anthony _____ in place of Ms. Cecil

☒ Josette C. Kratz, Secretary

☒ Richard Preiss, Township Planner

APPLICATIONS

ZBA327-19 Silverman
 Block 26.01, Lot 28, Zone RLD-1
 144 North Main Street
 Bulk Variance - Rear Setback

REPRESENTATIVES: Elizabeth & Steve Silverman, Owner/Applicant

Notice was in order and board had jurisdiction to hear the application. Applicants were sworn.

Ms. Silverman explained that they proposed to install an ‘endless’ pool, 10’ x 16’ and needed a rear setback variance. When property was subdivided in the 80’s it left their property truncated in the rear yard. Behind their house is a berm, which is covered with trees and bushes, and in appearance it looks as if their yard goes to the top of the berm, but contrary to appearances their property line is five feet toward their house from the base of the berm. Their driveway comes up from the south side of the house and across the rear yard to the garage on the north side leaving them with little rear yard. The only other place they could place it would be up against the house, however an 80 year old tree which installation would endanger the tree. The family behind them, the only one affected has received a letter and welcomed their input and have not heard from them.

EXHIBIT A-1 Group of photographs of the property

Mr. Deverin asked about the location of the pool, variance. Ms. Silverman stated as close as they could to the property line; stated 1-ft to get as close as possible. They would discuss with the landscaper and Endless Pool Company and work out the best place. Mr. Deverin asked about the statement that the location at 1 or 2-ft from the property has the appearance of to be 40-ft because of the odd shape of the lot.

Mr. Wagman asked if the board was responsible for questioning the security around the pool. Ms. Silverman stated that these pools have an electric cover that can be walked on, any other jurisdictions have not required fences.

Mr. Deverin stated that, since he researched for himself, those covers are in lieu of a fence.

There were no members of the public who wished to speak.

Mr. McGovern made a motion. Mr. Hoffman seconded.

ROLL CALL

AYES: Mr. Buonavolonta, Mr. Deverin, Mr. Diamond, Mr. Hoffman, Mr. McGovern,
Mr. Wagman, Ms. Meacock

NAYS: None

ABSTAIN: None

ABSENT: Mr. Nissen

MOTION PASSED

ZBA328-19 Deverin
Block 23, Lot 33, Zone V/HR
11 Prospect Street
Bulk Variance – Side yard setback

REPRESENTATIVES: Sean & Kathryn Deverin, Owner/Applicant

Notice requirements have been met and the board had jurisdiction to hear the matter.
Applicant's were sworn.

Applicant seeking a variance for a shed for sideyard setback as 3-ft off property line, pool filter location (actual pool has been approved by Jeff Graydon, Zoning officer) and fence exceeding 25-ft for 6-ft in height, solid and placement of said fence.

Mr. Deverin explained what the overall siteplan layout was and was an exact copy of Figure 1. Photos were Figure 5.

After much discussion from the neighbor (Kevin Golisano, sworn), who requested landscaping for Section A of the fence to screen the fence from his property and he, Mr. Golisano has no way to screen on his side.

Ms. Meacock asked Mr. Deverin about alternatives and Mr. Deverin explained that from their kitchen which looks right into Mr. Golisano's property and the fence allows them to not have the view of their property, trash, recycling, and construction equipment.

Mr. Golisano felt a buffer was necessary and made argument for his case, however Ms. Meacock felt there was no adequate room to provide a buffer, lot is only 60-ft wide with a driveway. She mentioned to Mr. Golisano that there was more a possibility for the Golisano's to screen and their own property.

Mr. Wagman clarified that the fence would not be beyond the front of the house. Mr. Deverin stated no it would not go beyond the front of the house.

There was much discussion regarding the arborvitea and maintaining it as screen. Ms. Meacock felt it was a hardship and tight, landscaping does not work, none of the strategies work, and she felt the only solution was this fence and especially because it was behind the front of the building line. She felt if the neighbors were concerned with the look and feel of it she felt the applicant would be willing to let them plant ivy or whatever on the adjacent property owner's side.

Ms. Meacock closed the public.

Mr. Deverin stated concerns with ivy or any other type of plant that could erode the fence. Their experience with ivy is it is hard to control. Perhaps a light flowering vine, but nothing that would take over and cause fence replacement after a few years.

Mr. Kallan agreed.

Ms. Meacock summarized, stated she appreciated all the planning that went into the rear yard and collaboration with the neighbors around the views and shed location, which she felt there were no issues with. The fence by the driveway in front, she said the applicant is looking for a height variance as the first 25-ft, solid. She felt because of the configuration, width of the driveway and the garage being setback from the house is causing the hardship. She felt the fence, being behind the house makes this more approvable. The applicant's view is a large driveway and garage in neighbor's yard, and would not impact. She felt landscaping would not work within this area, feeling that 30" would not be enough. There was no agreement on buffer.

Mr. Kallan made the motion to approve the application. Mr. Hoffman seconded the motion.

ROLL CALL

AYES: Mr. Buonavolonta, Mr. Diamond, Mr. Hoffman, Mr. Kallan, Mr. McGovern, Mr. Wagman, Ms. Meacock

NAYS: None
ABSTAIN: Mr. Deverin
ABSENT: Mr. Nissen

MOTION PASSED

ADJOURNMENT OF MEETING

There being no further business, on motion duly made, seconded, and carried, the meeting was thereupon adjourned.

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 other minutes of the Zoning Board of Adjustment, held on February 12, 2020, consisting of five (5) pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name to said Planning Board this May 6, 2020.

Josette C. Kratz, Secretary

/jck