

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

**MARCH 2, 2022 MINUTES
APPROVED APRIL 6, 2022**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held via Zoom <https://us06web.zoom.us/j/89352721724> Webinar ID: 893 5272 1724 on March 2, 2022, at 7:00 p.m.

CALL TO ORDER

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

STATEMENT OF ADEQUATE NOTICE

Adequate notice as well as electronic notice of this meeting was provided in accordance with the requirements of the Open Public Meetings Act and the regulations governing remote public meetings. The notice included the time, date and location of the meeting and clear and concise instructions for accessing the meeting. A copy of the agenda for this meeting was made available to the public for download on the Township's website, and all documents and other materials pertaining to any applications listed on the agenda were posted electronically and made available for download at least forty-eight hours prior to the meeting.

All participants in this meeting are required to keep their microphones muted until recognized or directed otherwise. The Board will engage the Zoom "mute" function until the time for public comment is reached.

Members of the public who wish to make a comment are required to use the "Raise Hand" feature in Zoom, or, if participating by telephone, by pressing *9. Once recognized by the chair, the participant will be able to unmute his or her microphone and offer a comment. Interested parties wishing to ask a question or make a comment during a public hearing on an application will be sworn in and asked to provide their name and address before proceeding. The Board Chair or his designee will manage the order of the comments.

MEMBERS IN ATTENDANCE

- ☒ Joseph Buonavolonta
- ☒ Sean Deverin
- ☒ Robert Diamond
- ☐ John Hoffman

- ☐ David Nissen
- ☐ Neal Wagman
- ☐ Frank McGovern (Alternate #1)
- ☒ Richard Kallan (Alternate #2)
- ☒ Merilee Meacock

PROFESSIONALS IN ATTENDANCE

- ☒ Robert Davidow, Zoning Board of Adjustment Attorney
- ☒ Robin Tillou, Secretary
- ☒ David Hoder, Engineer
- ☒ Elizabeth Leheny, Planner

MINUTES

Upon a motion made and seconded the minutes for February 2, 2022 were unanimously approved by those members eligible to vote on said dates.

APPLICATION

ZBA349-21 Robert Allen
60 Maplewood Avenue
Block 33, Lot 5 – V/HR Zone
Subdivision - (d)2 and Bulk Variance

REPRESENTATIVES: Lionel Frank, Szaferman, Lakind, P.C., Attorney for Applicant
Thomas Harris, Jr, Professional Land Surveyor
Bill Gittings, Gittings Associates, Architect
James Kyle, Kyle McManus Associates, Professional Planner
Robert Allen, Owner

Mr. Davidow announced the notice is adequate, and this Board has jurisdiction over this application.

Mr. Davidow advised the applicant there are five ZBA members present, and it takes five affirmative votes to approve a (d) variance. Mr. Frank proceeded with the application for tonight's hearing knowing that information.

Exhibits: A-1 – 2/4/2022 - Plan of Survey and Minor Subdivision
A-2 – Context and Preliminary Concept Design
A-3 – Aerial Photo and Lot Characteristics – February 2022

Mr. Davidow swore in the Board Professionals.

Mr. Davidow swore in Mr. Harris.

Mr. Harris stated he has been a licensed professional land surveyor in NJ for 32 years.

Mr. Harris stated the lot size is 30,631 sq. ft. with one main building and a couple of out buildings. The subdivision will divide the lot in half. The proposed lots will be 15,315 sq. ft. and 15,316 sq. ft. The lot width is 86.18 ft. and 86.1 ft. which is less than what is required. A relocation of the existing driveway with a new parking area is proposed. We addressed the issues brought up by David Hoder with the notes and the concern of run off on the corner of the proposed parking area. There is a swale and a small drywell to take care of the runoff.

The proposed driveway and garage are approximate right now and for planning purposes. The garage is in the rear of the property and an additional parking area is in front of the garage for the proposed lot. The front of the properties are 15.7 ft. setback line for the existing structure and the proposed structure has a 15 ft. setback line.

Mr. Frank stated the placement of the new structure will be consistent with the footprint of the existing homes in the area. The lot width is off approximately 15 ft.

Mr. Kallan asked what the correct frontage is due to receiving different numbers on the documents that were received.

Mr. Frank stated Exhibit A-1 has the correct frontage numbers.

Mr. Kallan stated the aerial photograph has an error in it.

Mr. Frank stated the next witness will explain the aerial photo.

Mr. Hoder stated the comments have to do with the survey and the map of the subdivision. Mr. Harris had revised the drawing. We may want to refine the stormwater recharge and it would be helpful if there is, anyway, we can lessen the amount of stone or bring it away from the property line. There is a little bit of a curb toward Half Acre Road and then it stops. There is curb within an inlet on the other side. If the Board decides to approve this there should be more curb in the front of the property with aprons.

Mr. Deverin asked if there was an updated version that adheres to the planner's report for the zoning table and the setbacks within 200 ft. to demonstrate compliance of the proposed dwelling.

Mr. Frank stated there is not an updated version of it, but we will address the concerns raised in the Planner's report at that time.

Mr. Deverin asked if the driveway shows the existing or what is proposed.

Mr. Frank stated it is indicating what is proposed.

Mr. Deverin asked if the driveway and parking area is for commercial or residential purposes.

Mr. Harris stated it is for planning only at this point and to show we will meet the parking requirements.

Mr. Deverin asked if there is a variance required for the proposed lot's setback.

Mr. Harris stated the parking area overlaps it. The existing parking itself is 5 ft. in that corner.

Mr. Deverin asked if it is then designed for both commercial and residential vehicles.

Mr. Hoder stated the application is for residential use only. It should be a 6 ft. stone driveway and that is it. Take out the topsoil and put the driveway in.

Mr. Davidow swore in Mr. Allen.

Mr. Allen stated the property has always been residential. There are two studio apartments which are single occupancy. There is one bedroom and then a two bedroom that he lives in. There has never been more than six at a time.

Mr. Deverin stated he observed a heavy tonnage dump truck, four to six pallets of cement blocks, a backhoe, a trailer with equipment that is covered and gas containers and would like to know what they are used for.

Mr. Allen stated that is for personal use. It must have commercial plates on it due to the registration state laws, but it is his personal use. Whether it be for stone into the driveway or for cleanup. The backhoe has a York rake on it with a front-end loader which is used for clearing snow and for straightening the driveway. It is maintenance. The masonry pallets are for pavers which he was intending to use but will wait for approval of the proposed home. The trailer has a 1930 pickup truck on it which he will be restoring.

Mr. Davidow stated the vehicles being on the property is not an issue for the Board.

Chair Meacock opened the public forum.

Leigh Zink, 56 Maplewood Avenue, asked how far off the side property line to the proposed house will be set.

Mr. Harris stated it will be no closer than what is required which is 12 ft.

Mr. Davidow swore in Mr. Gittings.

Mr. Gittings stated he had done a preliminary design as a test to show the lot size is appropriate for the size of the home proposed. The view from the street on Exhibit A-3 shows the house fits and it looks as if there is something missing on the lot. We looked at the setback to the street we are proposing to line up the front porch with Mr. Allen's existing house which is 15.7 ft. back which is the average of the houses 200 ft. to the north and 200 ft. to the south. The proposed home will have a front porch and be a two-story gabled roof with a cross gable in the back. The existing trees are highlighted in green in the exhibit. The second floor is the Master Bedroom, two normal sized bedrooms and a fourth smaller bedroom with two bathrooms.

Ms. Leheny asked if the average setback calculation was done within 200 ft of the proposal.

Mr. Gittings stated he did dimensions from the sidewalk of the homes, and he produced approximately 15.75.

Ms. Leheny asked if the three to the south and the three to the north were the 200 ft. radius.

Mr. Gittings stated the three to the north are 180 ft. and these are the only three residential to the north once the property is subdivided.

Ms. Leheny asked what the one that was not included would be for the average setback calculation.

Mr. Gittings stated it would be less than the 15.75 because those houses are closer.

Mr. Davidow swore in Mr. Kyle, Professional Planner.

Mr. Kyle has been a licensed planner since 2001 and appeared in over 240 Board hearings including in Cranbury.

Mr. Kyle stated this d(2) variance is unique. A case called Razberry's, Inc. v. Kingwood Township PB where there was a single-family dwelling in a commercial zone that the applicant was subdividing to convey land to an adjacent property and the court determined if there is a non-conforming use on a property it is protected under the MLUL. In 40:55D-68, it states "any nonconforming use or structure existing at the time of the passage of an ordinance may be

continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.” The subdivision changed the section of “upon the lot” and will need a d(2) variance.

Mr. Kyle stated there are three positive criteria which are: 40:55D-2 a., i. and m. in the MLUL. The grant of this variance will promote the creation of the single-family lot and for the multifamily dwelling to remain on this lot that is twice the required size for the V/HR district. This makes more efficient use of the vacant portion of the lot and the two lots are conforming as to the area of the zone, only the lot width requires a bulk variance. The single-family dwelling will reinforce the street scape and is more consistent with the pattern that exists for the rest of the block. This is consistent with the Master Plan objective which is “to encourage development patterns that reflect the characteristics of Cranbury Village.” The general welfare is promoted with the multifamily due to providing the rental apartment options. The negative criteria are there is no substantial detriment to the public good, that refers to specifically any impact on adjacent properties. The grant of the variance will not cause substantial detriment to the intent purpose of the zoning plan. The subdivision and the resulting pattern are consistent with that which exists on Maplewood Avenue. They are seeking lot width bulk variances for both lots, 100 ft. is required, and we are proposing 86.18 ft. for both. A c(2) grant is “the purposes of the MLUL are promoted and the benefits of granting the relief outweigh any detriments”. The purposes are for 40:55D-2 a. and i. The grant of the variance permits creation of a development pattern that is consistent with what currently exists. We are open to any suggestion for the setback if the average is 15.6 and not 15.75, we will be flexible where the single-family dwelling will be located.

Mr. Deverin stated the non-conformity will not be increased by this application but reducing the size increases the intensification.

Mr. Kyle stated yes.

Mr. Hoder stated there is a section for outdoor storage in residential zones in the ordinance 150-36.

Ms. Leheny stated the commercial vehicles should be screened and the Board should collaborate with the applicant to get them screened.

Mr. Allen stated he would be amenable to screening. He may not keep that truck, but if he does, the garage proposed on the new lot would be where he would park the truck. He agreed to take the Kubota (which will be on the trailer) and the dump truck and put them within the garage so they would not be visible from the street. Mr. Allen stated he is not opposed to cleaning up the property and screening accordingly.

There was a lengthy conversation regarding the commercial vehicles on the property.

Ms. Leheny asked if the Historic Preservation Commission has reviewed this application.

Mr. Gittings stated no.

Mr. Davidow explained what is being voted on is the subdivision for the d(2) variance and the variance for the lot width.

Mr. Hoder explained the conditions will be to move the stone spaces away from the back, minimize the amount of stone to reduce the impervious coverage, show a driveway design to show a detail of the amount of stone and the thickness, screen any outdoor commercial vehicles or store it within the garage and putting in curb in the front property.

Chairperson Meacock opened the meeting to the public.

Mr. Michael Kaiser, N. Main Street, treasurer for the Cranbury Housing Associates (CHA), adjacent property owner directly southeast of the property. Mr. Kaiser stated Mr. Allen has been a model neighbor and no other neighbors have any negative things to say about Mr. Allen and are in favor of this application and to develop the property. CHA does not need any further buffering on his property, and we do not have any objections to this application.

With no further public comment, Chairperson Meacock closed the public forum.

Mr. Allen stated the frame shed screens the stone parking lot. There can be additional screening if the Board determines so.

Mr. Frank agreed on behalf of the applicant that the conditions set forth will be met and the Township Engineer will make sure the conditions are met.

Mr. Buonavolonta motioned to approve the application with the conditions set forth. Mr. Kallan seconded the motion.

ROLL CALL

AYES: Mr. Buonavolonta, Mr. Deverin, Mr. Diamond, Mr. Kallan and Ms. Meacock

NAYS: None.

ABSTAIN: None.

MOTION APPROVED

ADJOURNMENT OF MEETING

There being no further business, on motion duly made and seconded, 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 preceding minutes of the Zoning Board of Adjustment, held on March 2, 2022, consisting of eight 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 April 7, 2022.

Robin Tillou
Robin Tillou, Secretary