

Zoning Board of Adjustment

The Zoning Board of Adjustment reviews applications which propose to utilize property in a manner not consistent with municipal zoning laws. They review applications for variances which are, essentially, non-permitted uses and the Board of Adjustment is empowered to grant exceptions to the zoning ordinances in cases where the literal and rigid interpretation and enforcement of the zoning laws would result in a hardship or injustice. These "non-permitted uses" are based upon the zoning ordinances established by the Township in accordance with the goals stated in the Cranford's Master Plan. It is the Board's chief goal to set forth safety and welfare of the community with the objective of conserving the value of property and encouraging the most appropriate use of land throughout the Township. A simple definition would be the Board "adjusts zoning" for specific applications, circumstances and pieces of property. Buildings, structures and businesses of various types are limited to specific zones. These zones are regulated with respect to category, nature and extent of use, along with specific plot sizes, required building setbacks, lot coverage and other regulations.

Because zoning variances may infringe on the rights of neighbors, an applicant is not entitled to a variance. An applicant must meet specific criteria contained in State Laws (Municipal Land Use Laws) by satisfying specific legal standards of proof. This burden of proof is placed upon the applicant to demonstrate the requested relief is justified without impinging upon the rights of neighbors. Some items to consider when requesting a variance are special reasons, benefits, negative criteria, and hardship. Zoning laws require that notice be served on all property owners within 200' of the applicant's and must be either hand delivered or sent by Certified Mail. The law also requires this notice be published in a local newspaper. These forms of notification alert neighbors that a variance is being requested and advises them of the fact that all interested citizens will be assured an opportunity to witness the presentation of the application and be heard at the regular meeting.

A Board of Adjustment meeting is a formal meeting where action is taken. Applicants and witnesses are sworn and the meeting is recorded. Minutes are taken and summarized by the Board of Adjustment Administrator and posted on the website (www.Cranford.com). Individuals have a choice of either presenting their own application before the Board or being represented by an attorney. All limited liability companies and/or corporations MUST be represented by an attorney.

The Zoning Board is a quasi-judicial body, and its procedures are similar to those used in a courtroom. The Chairperson conducts the meeting as a judge might and the Board is comparable to a jury that votes to make a final decision. All members of the Zoning Board of Adjustment are resident volunteers. They are appointed by the Township Committee and serve in the public interest without compensation. They are assisted in their deliberations by an attorney and the Township Professionals, whose opinions are considered by the Board in its deliberations. Board members are required to complete a state-mandated training course, which is also available to the public. Each year, Board

members file financial disclosure statements required by the New Jersey Ethics Law with the Municipal Clerk.

Resident Information for Attending/Participating in a Zoning Board of Adjustment Meeting

This bulletin outlines, in summary fashion, the procedures which New Jersey Municipal Land Use Law (MLUL) requires the Zoning Board of Adjustment to follow. Only Zoning Boards of Adjustment (not elected governing bodies such as a Township Committee) are charged by law with reviewing and determining all types of variances including use variances known as “d” variances as set forth in the New Jersey Municipal Land Use Law, NJSA, 40:55D-1 et seq. Approvals or denials of applications may be legally challenged (for instance, in New Jersey Superior Court). Therefore, it is very important that the process laid out in the MLUL be closely followed.

Agendas

An agenda is available before all meetings. It is posted in Municipal Building on the bulletin board at least 48 hours before the meeting and can also be found on Township of Cranford website (Go to www.cranford.com– click on Government, Zoning & Planning Office, Zoning Board Meeting Minutes & Agendas, Agendas are listed in the left hand column and minutes in the right hand column by date order).

General Procedures

When the Chairperson calls an application, the applicant will come forward, often represented by an attorney, (if applicant is a corporation, they must be represented by an attorney) and will introduce himself/herself. The applicant/attorney will give an overview of the proposal and call their first witness. All witnesses will state their name and occupation, be sworn in, and present their credentials to the Board. They will then give testimony as directed by the applicant’s attorney. Expert witnesses only testify in their field of expertise. At the completion of each witness’s testimony the Board and then the public can ask questions of the witness related to their testimony. This process is repeated for each witness. At the end of the applicant’s presentations and before the Board votes on the application, there is a time for members of the public to comment.

Testimony

The Board is compelled to act on an application based upon “findings of fact” and the “proofs according to law” that are presented during the public hearing.

1. Anyone wishing to speak or testify at a hearing must appear in person to allow all parties their right to cross-examination. All speakers must identify themselves.
2. The Board, its staff, and the public, have the right to cross-examine witnesses.
3. Petitions are not admissible into evidence but can be read into the record as an individual’s statement.

4. Letters, with the exception of certain reports of public entities, are only admissible if the author is present to be cross-examined.
5. The applicant also has the right to cross-examine any members of the public who speak, either for or against the application. Statements from the public should be supportable and not hearsay, such as petitions and wishes.
6. Attorneys representing opposing parties shall identify themselves, their firms and their clients. Please note – any objector(s) who are represented by an attorney at a hearing may present testimony, however, all questions and/or comments shall be through their attorney.

Public Questions

After the Board and its professional staff have completed asking questions of a witness the Chairperson will open the meeting to the public, limited at this time to questions only, and only of that witness.

1. This is a time for questions only and not for comments.
2. If you have a question, please raise your hand. When the Chairperson acknowledges you, come to the microphone.
3. If the person(s) from the public are represented by an attorney, they must speak through the attorney.
4. State your name (please also spell your name) and address for the record and direct your questions to the witness.
5. When the public has had adequate opportunity for questions, the applicant/attorney will then call the next witness and the above procedures will be repeated. When all witnesses have been presented and the testimony is complete, the Board and its staff will ask any final questions.

Public Comments

Before the Board takes action on the application or closes the applicant's presentation, the Chairperson will open the meeting to the public.

1. This is the time to comment on the proposal, request some special consideration or ask any final questions.
2. Raise your hand and wait to be recognized by the Chairperson to speak. This will probably be your last opportunity to speak on this application before the Board takes a vote. When called, please come to the microphone.
3. State your name (please also spell your name) and address for the record. The Board attorney will swear you in. You are now considered a witness. After you make your comments, the applicant, their professionals, the Board and its professionals have the right to ask you questions (i.e., cross-examine you).
4. Comments called out from the audience will not be considered part of the record.

Deliberations

After all applications on the agenda have presented their application, the Chairperson will close that portion of the meeting and proceed to deliberations portion of the

hearing. There is no further public questions or comments permitted during deliberations.

1. The Board will discuss the merits of the application.
2. A motion will be made to either approve or deny the application and may include conditions the applicant is required to satisfy during the permitting process.
3. The motion will be seconded with additional discussion by the Board if necessary.
4. A vote will be taken of the Board with the results announced.
5. The deliberation process will continue for each applicant heard at the meeting.

The Chairperson has the right to close the public portion of a hearing if he/she feels that the audience is unruly or is making comments that are not relevant to the application. The Chairperson also has the right to have any member of the audience removed from the hearing room for unruly display of meeting decorum.

The meeting is recorded using an audio system. However, the applicant may also choose to hire a court reporting service at his or her personal expense. Minutes will be prepared and summarized by the Board's Administrator.

Hearings that are not completed at one meeting may be further considered at future meetings. The Chairperson will verbally announce that an application is carried to a future meeting. To confirm a continuation or rescheduling, call the Zoning & Planning Office at 908-709-7216, weekdays from 9:00 a.m. to 4:00 p.m.

Meeting Minutes

Meeting minutes are posted on www.Cranford.com (following the procedure listed above) after the Zoning Board approves and adopts them, usually at the following month's meeting.