

**MINUTES – ZONING BOARD – APRIL 26, 2021**

**The Cranford Zoning Board of Adjustment meeting scheduled for Monday, April 26, 2021 at 7:30 p.m. was conducted virtually in order to avoid potential impacts from Covid-19.**

This meeting is in compliance with the “Open Public Meetings Act” as adequate notice of this meeting has been provided to the Westfield Leader and the Star Ledger with the agenda specifying the time, place and matters to be heard having been posted on a bulletin Board in the Town Hall reserved for such announcements and the filing of said agenda with the Township Clerk of Cranford. Formal action may be taken at this meeting.

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

**ROLL CALL:**

**Members Present:**

Ms. Daly  
Mr. Marotta  
Mr. Ashrafi  
Mr. Lucas  
Mr. Quinn  
Mr. Salomon

**Members Absent:**

Mr. Aschenbach

**Alternates Present:**

Ms. Oliver  
Mr. Rees

**Alternates Absent:**

None

Also in attendance: for Mark Rothman, Esq., and Kathy Lenahan, Board Administrator, Carl O'Brien, Township Engineer

**COMMUNICATIONS:**

None

**MINUTES:**

Motion to adopt minutes from the March 22, 2021 meeting was made by Mr. Marotta, seconded by Mr. Salomon and passed on unanimous voice vote.

**RESOLUTIONS:**

None

**OLD/NEW BUSINESS**

The workshop portion of the meeting concluded at 7:37 p.m.

**PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Ms. Daly on April 26, 2021 at 7:45 p.m. via Google Meet. Ms. Daly announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader and the Star Ledger have been notified and the agenda posted in the municipal building as required.

Ms. Daly explained the protocol, purpose and procedure that will be followed during the hearing.

1. Application # ZBA 20-008  
Thomas & Jenny Ramos  
27 Carolina Street  
Block: 455 Lot: 4 R-1 Zone

The applicant is requesting two c(2) variances for the proposed construction of a new front porch and entryway to an existing single-family structure. A c(2) variance is requested for a front yard setback where 35 ft. is required, 30.3 ft. exists and 26.3 ft. is proposed §255-34, Attachment 1, Schedule 1. As well as, a c(2) variance for maximum area of a roof with unenclosed sides over an entrance platform which projects into the required or existing nonconforming setback where 25 sq. ft. is permitted and 140 sq. ft. is proposed. §255-35D(6).

Rich Pierce, Architect appeared and was sworn in. His qualifications were presented to the Board and he was accepted as an expert in Architecture. Reviewed the application. Stated the applicant has a small house but a large lot in the R-1 Zone. Existing front is non-confirming and front door does not face the street. Applicant would like to make the house more attractive and would like to have a front porch. Proposing to come out 4 feet so the widest portion would be 8.5 feet and will also have steps in center to front of the house. The rear yard is 134 feet, but front yard is only 30 feet. Trying to make their house look better for themselves and the community.

Questions from the Board to Mr. Pierce ascertained the following:

Will be built with wood framing. Sees no issue with the drainage. Yard slopes to the street and it is well under 300 feet, so no stormwater is required. There will be stairs and railings to Code. It will have an asphalt single roof with 3-foot railings and columns. Front door will face the street and there is no second door to the deck. Porch will widen to the right. The V1 drawing presented in the application is what they will be building.

Ms. Daly asked if any members of the Public had questions for Mr. Pierce, no one appeared.

Thomas Ramos appeared and was sworn in. Stated he moved to Cranford about nine years ago. The home is in need of improvements and lacks curb appeal. Wants to raise his children in Cranford. Has made some exterior improvements and now looking to add a front porch. Requesting the variances to update the curb appeal and connect with their neighbors. Feels home is out of character with others in the neighborhood. Steps and entry are limited due to the setback requirements. To address this and add curb appeal, proposing to relocate the front door and add a front porch. Feels this is the best solution overall and will increase homes' value and other properties in neighborhood would also benefit. Feels this deviation is in harmony with general purpose of the MLUL.

The Board had no questions for Mr. Ramos.

Ms. Daly asked if any members of the Public had questions for Mr. Ramos, no one appeared.

2. **DELIBERATION** of Application # ZBA 20-008  
Thomas & Jenny Ramos  
27 Carolina Street  
Block: 455 Lot: 4 R-1 Zone

The applicant is requesting two c(2) variances for the proposed construction of a new front porch and entryway to an existing single-family structure. A c(2) variance is requested for a front yard setback where 35 ft. is required, 30.3 ft. exists and 26.3 ft. is proposed §255-34, Attachment 1, Schedule 1. As well as, a c(2) variance for maximum area of a roof with unenclosed sides over an entrance platform which projects into the required or existing nonconforming setback where 25 sq. ft. is permitted and 140 sq. ft. is proposed. §255-35D(6).

Board Comments consisted of the following:

Welcome addition to the home and the neighborhood. Porch is 8 feet - just enough for chairs and a table. Changing position of the door will make house look more attractive. Committed to leaving it open. Great addition to the street. Fits with everything around it. Cannot think of any detriments.

A motion to approve the application was made by Mr. Marotta, seconded by Mr. Quinn, with the condition that the porch remain open, and was passed on roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Ashrafi, Mr. Lucas, Mr. Quinn, Mr. Salomon, Ms. Oliver

Opposed: None

3. Application # ZBA 21-001  
Richard & Antonia Cleaveland  
25 Dartmouth Road  
Block: 130 Lot: 31 R-3 Zone

The applicant is appealing the Zoning Officer's determination that decks attached to the principal structure are to count towards the maximum building coverage permitted by ordinance §255-38A(5).

Should the request for the appeal be denied, the applicant is requesting a c(2) variance. The maximum permitted square footage is 2,100 (28% of the total lot area) where 1,929 sq. ft. (25.7%) exists and 2,239 sq. ft. (29.85%) is proposed §255-34 Attachment 1, Schedule 1.

Mr. Rothman stated Mr. Bottcher, the Zoning Officer, cannot be in attendance tonight. If the applicant wants to proceed with the variance relief, they can do that, it will not prejudice him from asking for the appeal.

Mr. Cleaveland stated he would like to move forward with the variance relief.

Mr. Cleaveland was sworn in. Stated they have lived here since 2005. Reason for deck is to provide a safe outdoor space where they can gather and social distance. Reviewed the process for the application.

Originally the deck was denied due to excess building coverage since it was being counted with the shed and the house as an accessory structure. He stated the positives and negatives of approving the variance and feels the positives outweigh the detriments. This will encourage a safe environment. Many neighbors have decks and it will increase the value of the house and the neighborhood. Stated they would be compliant with the setbacks since the deck will not be over the building coverage threshold. Deck will allow water to flow to ground and there is a drainage pipe in back of property. Other properties will not be adversely affected.

Questions from the Board for Mr. Cleavland ascertained the following:

Surface underneath deck will be soil and there will be eight pillars. The deck will be 15 x 14 and will be in excess of 300 square feet as shown on the drawings. The benefit of the deck is enhancing the value of house which helps the tax base for the Town. Providing for an outdoor space, allows for safe interaction and mental well-being, so friends can get together in a safe manner. The deck will be within the allowable permitted for rear and side setbacks. The Zoning Officer denied the application based on the shed, deck and house being over on maximum building coverage for a lot in his zone. Has not considered using rock under the deck. The shed is on cinder blocks. Garage is underneath the second level of the home.

Mr. Rothman asked Mr. Cleavland about the size of the shed.

Mr. Cleavland stated the shed is 8 x 8 and stores a lawn mower and tools. There is dirt underneath the shed.

Ms. Daly asked if the Public had any questions for Mr. Cleavland, no one appeared.

Ms. Daly asked if the Public had any comments about the application, the following appeared:

Rich Pierce – 9 Stratford Terrace appeared and was sworn in. Stated he has similar projects that have been denied because a deck is now being considered as an accessory structure and counted toward lot coverage. Stated this has not been the way in the past; feels there is no clear definition of decks being considered accessory structures. Asked when the zoning was changed and is questioning why a deck is considered building coverage.

4. **DELIBERATION** Application # ZBA 21-001  
Richard & Antonia Cleaveland  
25 Dartmouth Road  
Block: 130 Lot: 31 R-3 Zone

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Should the request for the appeal be denied, the applicant is requesting a c(2) variance. The maximum permitted square footage is 2,100 (28% of the total lot area) where 1,929 sq. ft. (25.7%) exists and 2,239 sq. ft. (29.85%) is proposed §255-34 Attachment 1, Schedule 1.

Board comments consist of the following:

Never before counted decks as part of the structure, especially when soil or gravel underneath the deck. Not a large deck. No issues with neighboring properties lines. Owner stated deck would remain open underneath. Material will drain water. Benefits outweigh the detriments. Water issues are minimized by soil under deck. Concerned about the definition moving forward. Did not see any negative comments from the Town's professionals. Percentage over is relatively minor.

Discussion was held regarding the size of the deck and could the applicant reduce the deck coverage. Deck is over by 64 sq. ft; it is 15 x 14 which equals 210 square feet.

Mr. Cleavland stated the original deck was smaller, he amended the application and the deck proposed is 310 sq. ft. The only requirement that the deck will not meet is the building coverage requirement, which was the reason for the appeal. Feels that when reading the Code, a deck is not a building. The deck is 14 x 8 x 15 x 7 and a small area behind the house is also deck. Total is 310 sq. ft. If it was a perfect square, there would be 10 x 6 feet of dead space. Wanted deck to flow better and to have a grill in that area. Steps were included in the 310 sq. ft calculation.

A motion was made by Mr. Ashrafi to approve the application, seconded by Mr. Marotta and passed on roll call vote:

Affirmative: Ms. Daly, Mr. Marotta, Mr. Ashrafi, Mr. Lucas, Mr. Quinn, Mr. Salomon  
Ms. Oliver

Opposed: None

**PUBLIC PORTION:**

Rich Pierce stated he is glad Mr. Cleavland's application was approved. Feels decks are a good thing.

**CONCLUSION:**

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passes. The meeting concluded at 8:52 p.m.

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Daniel Aschenbach, Secretary