

**Borough of Chatham, NJ
Zoning Board of Adjustment
2014 Annual Report
February 27, 2015**

1. Organization:

The annual Reorganization Meeting was held on January 29, 2014. The following is a listing of board members who served during 2014:

Helen Kecskemety
H.H. Montague (Liaison to Planning Board)
Peter Hoffman
Frederick Infante
Michael Cifelli
Douglas Herbert
Jean Eudes Haeringer
Patrick Tobia - 1st Alternate
John Richardson - 2nd Alternate

At the Reorganization Meeting, the following officers were elected:

Chairman: Peter Hoffman
Vice Chairman: Michael Cifelli

At the meeting the following appointments were officially made:

Secretary: Helen Kecskemety
Board Attorney: Patrick Dwyer, Esq.
Recording Secretary: Elizabeth Holler

At its Reorganization Meeting on January 6, 2014, the Borough Council appointed Jean Eudes Haeringer, previously 1st Alternate, to complete the term of Alida Kass, who had resigned from the Board upon her election to the Borough Council. Patrick Tobia was in turn appointed 1st Alternate. The Borough Council appointed Jonathan Richardson as 2nd Alternate, and reappointed Helen Kecskemety to another 4-year term ending in December 2017. Mr. Richardson began his service to the Zoning Board at its January 29 Reorganization Meeting.

2. Applications:

No applications were continued from 2013 into 2014.

During 2014, 24 variance applications came before the Board, and increase of 2 applications (9%) over the 22 applications the Board considered during 2013. This slight increase represents a leveling off from the large 69% growth in applications realized during 2013. Of the 24 applications heard, the Board approved all 24 (an increase of 14.3% over the 21 approved in 2013). Unlike in prior years, no applications were withdrawn. No applications were carried to the January 2015 meeting.

The 24 applications approved included 60 individual variances, a 33% increase over the 45 individual variances approved during 2013. Whether the increase is due to residents' desire to pursue more aggressive renovations to their homes against the backdrop of an improving economy and Chatham Borough's continuing desirability as a residential community, or just mere coincidence is difficult to determine; however it is clear the Zoning Board continues to see an increase in the number of total variances per application.

For the first time in several years, the Board was not asked to consider any site plans for commercial or residential properties.

One use variance application (Commerce Street Associates), was carried for several months as the Borough Council considered the zoning overlay for the gateway "M" districts. Once the zoning changes were approved, that application was withdrawn in January 2015.

Also brought before the board during 2014 was an appeal of the Borough Zoning Officer's decision to grant a permit for the installation of a natural gas-powered generator in the side yard of a residential property on Chestnut Street. After listening to detailed professional land use law, planning, engineering, and fire safety testimony, the Board in the end decided to uphold the Zoning Officers determination that permit was properly issued. This appeal, however, brought focus to deficiencies in the Borough's Land Development Ordinances with respect to the rules and regulations regarding the installation of generators, HVACs and other stationary outdoor mechanical appliances. As a result, following the Zoning Board's decision, the Planning Board began an examination of the Borough's LDO with the aim of developing ordinance revisions which establish guidelines for the installation of generators and HVAC systems.

All 2014 applications involved variance relief requested by owners of residential properties. The trend noticed during 2013, whereby homeowners sought variances in order to pursue much-needed renovations of older, functionally obsolete homes on smaller lots, continued. These applications involved more bulk and FAR variances than had been the case before 2013. Side yard setback, FAR, and Building Coverage variances were the most common type of relief sought, as many of the renovations involved homes on non-conforming (small or narrow) lots. In many instances, variances were triggered when homeowners attempted to move forward with even modest updates to their homes.

Of the 24 applications considered and approved:

- No applications were withdrawn.
- Four applications (Roskell, 16 Essex, Mahoney, 28 Burgess, Kivler, 44 Fuller, and Wetzell, 13 N. Summit) were approved with material reduction modifications after hearing Board concerns.
- Twenty (20) were approved as submitted (Marshall, Armstrong, Schuck, Sibilia, Phadnis, DeCesare, Tarasca, Rockman, Young, Saluti, Zagonas, Handerhahn, Grabowski, Grady, Howden, Pezzutto, Dziepak, Purcell/Appicelli, Menza/Beissel Homes, and DeMakos)
- One application (Mensa & Beissel Homes, Inc., 4 Cherry Lane) involved an infill developer demolishing and replacing an outmoded home with multiple pre-existing non-conformities with a new home more in compliance with the Borough's zoning regulations (side yard violation eliminated and front yard violation significantly reduced).

- One application (Zagonas, 8 Second Street), involved the granting of a hardship variance for the restoration of a 19th century home on an irregular-shaped lot; the home will be converted from a 2-family to 1-family dwelling and will have a garage added on the South Passaic Ave. side. The property was also a corner lot that could not comply with the Borough's current two front yard setback requirements.

Of the residential applications approved:

- 16 involved FAR (100% increase over the 8 seen in 2013);
- 14 involved Building Coverage (40% increase);
- 15 involved side yard setbacks (either right, left, or both, a 36% increase);
- 23 involved lot coverage (including one in-ground swimming pool, flat from 2013);
- 6 involved front yard setbacks (flat from 2013);
- 3 involved a rear yard set back (50% increase);

3. Activities:

There were twelve (12) meetings held during the year. No special sessions were held.

During the year the Board was kept informed about ongoing developments concerning the Tricare Treatment Services litigation.

During the year, the Board was kept abreast of Planning Board activities by Mr. Montague, including progress with respect to the zoning overlay plan for the M-zones in the River Road/Watchung Avenue section of the Borough. The Board once again thanks Mr. Montague for his continued diligent work as Planning Board liaison.

In October, Chairman Peter Hoffman gave a Zoning Board Update presentation to the Planning Board. The presentation was aimed at describing trends seen by the Zoning Board with respect to the number and types of variance applications being heard. The presentation also addressed recommendations for targeted liberalization of zoning ordinances aimed at striking a balance between encouraging homeowners to invest capital in upgrading their homes without violating the spirit of the Borough's Master Plan. Mr. Hoffman gave an updated version of the same presentation to the Borough Council in January 2015.

4. Recommendations and 2015 Plans:

Many of the recommendations in the above-referenced presentations echoed recommendations made in prior-years' Annual Reports, including the suggestion that zoning ordinances be liberalized to allow for exceptions from front yard setback and FAR requirements for front porch and portico additions, to provide relief from setback requirements for corner lots, and to reconsider the applicability of FAR to detached structures such as garages. As the Planning Board and Council move forward with consideration of these recommendations, the Zoning Board looks forward to providing ongoing feedback and support with respect to advising on new trends that may become apparent in variance applications to determine whether additional modifications to the Borough's Land Development Ordinances are necessary.

State-mandated municipal land use law planning/zoning training will need to be completed for the new Board members who have not yet completed the required course.

Respectively submitted,

Peter J. Hoffman

Peter J. Hoffman
Chairman, Zoning Board of Adjustment

Zoning End of the Year Report

2014

CCO, Violation and Application Plan Review Totals

	2012	2013	2014
CCOS	91	224	170
VIOLATIONS	2	96	39
APP/PLN REV	151	263	191

2013 to 2014 Percent Increase or Decrease:

	2013	2014	Inc/Dec
CCOs	224	170	-24.10%
Violations	96	39	-59.40%
App. Review	263	191	-27.40%

