Borough of Chatham, NJ
Zoning Board of Adjustment
2015 Annual Report

1. Organization:

The annual Reorganization Meeting was held on January 28, 2015. The following is a listing of board members who served during 2015:

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 5, 2015, the Borough Council re-appointed Douglas Herbert to a new 4-year term expiring at the end of 2018. The Council also re-appointed John Richardson as 2nd Alternate to a 2-year term concluding at the end of 2016. There were no other changes to the membership of the Board during the year,

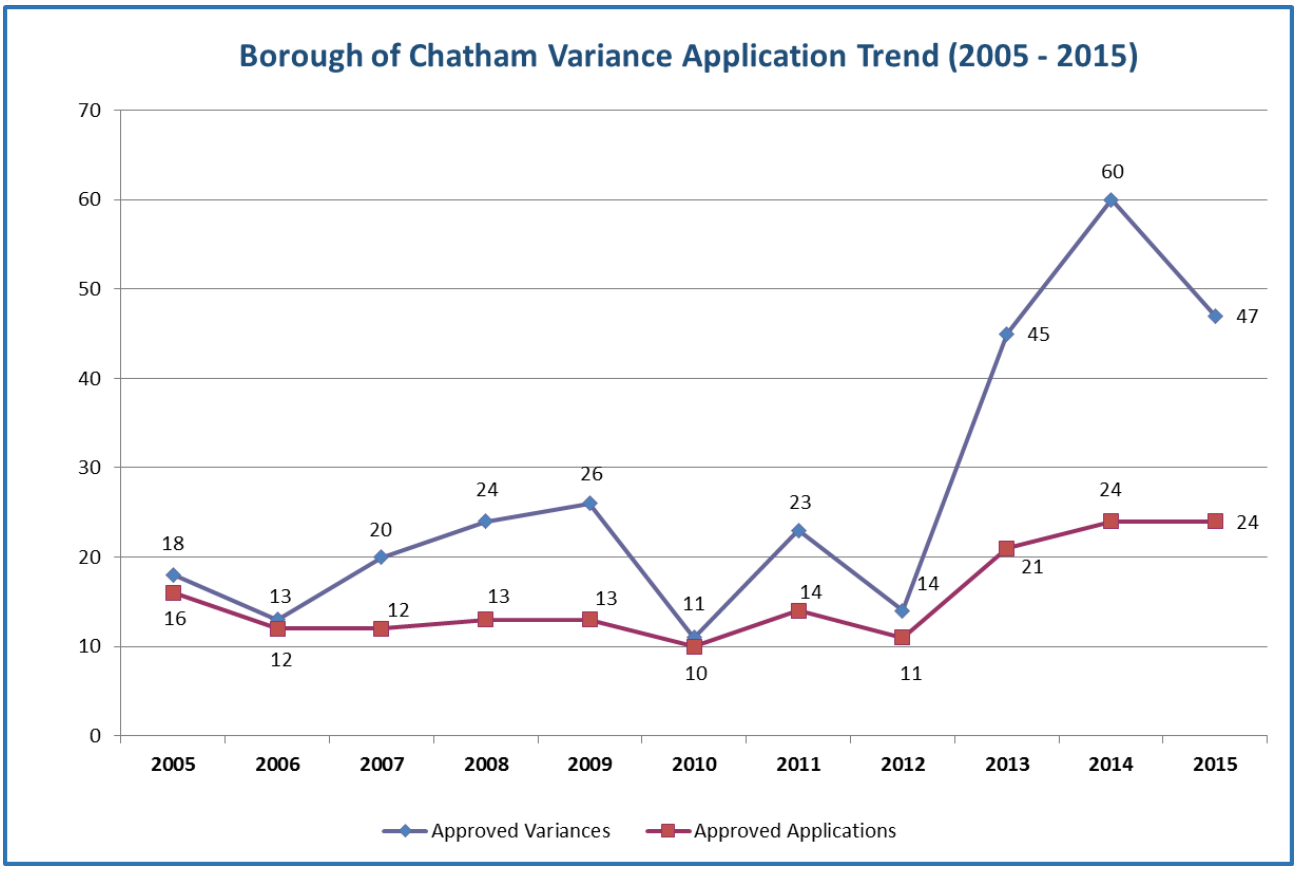
2. Applications:

One application (Greenwald) was continued from 2014 into 2015.

During 2015, 26 variance applications came before the Board, an increase of 2 applications (8%) over the 24 applications the Board considered during 2014. This slight increase, similar to 2014's 9% increase, represents a leveling off from the large 69% growth in applications realized during 2013. Of the 26 applications heard, the Board approved 24, representing no increase over the 24 applications approved in 2014. One residential application (Barnes) was withdrawn after hearing Board concerns about the magnitude of the variances requested without corresponding testimony that satisfied the positive and negative proofs required by the MLUL. Another residential application (Greenwald) was brought to a vote but denied for the same reason.

No applications which were started during 2015 were left unfinished and carried to the January 2016 meeting.

The 24 applications approved included 47 individual variances, a considerable 22% decrease over the 60 individual variances approved during 2013. Contributing to this drop was a 37.5% decrease in the number of FAR variances requested, due in part to the Borough Council's adoption of more liberal FAR regulations at the end of September. Several applications heard at the very end of the year which would have previously been issued denial letters due to FAR concerns instead had only bulk variances to be considered by the Board. Also, unlike in 2014 when all applications heard were for residential renovations, three applications during 2015 dealt with commercial site plan reviews, use variances, or zoning interpretations and therefore had neither FAR nor bulk variance relief requested.



Overall, however, at 26 total applications considered, the Zoning Board continues to handle a high volume and very steady stream of applications compared to the annual average of 12 applications heard between 2006 and 2012. The spike in the number of applications which began in 2013 continued unabated through 2015. As reported last year, this may be due to residents' desire to stay in Chatham Borough and pursue more aggressive renovations to their homes against the backdrop of an improving economy, as well as the Borough's continuing desirability as a residential community due to strong schools and convenient access to New York City.

The Board considered three non-residential applications during the year:

1. Preliminary and final site plan approval was granted, along with the necessary use variance to allow parking as a principal use at the subject site, for Willow Grove Paving/Bank of America.
2. A conditional use variance along with other ancillary bulk variance were granted for T-Mobile Northeast to allow it to re-install cell antennas and related ground equipment and screening on a new tower in the PSEG right of way near Brooklake Road, in the same location such equipment had previously existed on an older, recently demolished tower.
3. In an application from the Twin Elephant Brewing Company, the Board was requested to interpret the zoning regulations in the recently re-zoned Gateway area (M-District), to determine if brewing beer was consistent with the definition of light manufacturing. The Board, in a 6-1 vote, determined that the proposed use was in fact consistent with what was contemplated by zoning regulations in that district.

The remaining 23 applications involved variance relief requested by owners of residential properties. The trend apparent since 2013, whereby homeowners are seeking variances in order to pursue much-needed renovations of older, functionally obsolete homes on smaller, frequently narrow lots, continued. Side yard setback, FAR, and Building Coverage variances were the most comment type of relief sought, as many of the renovations involved homes on non-conforming lots or corner lots with front yard setback requirements that are impossible to comply with. In many instances, variances were triggered when homeowners attempted to move forward with even modest updates to their homes. Unlike in previous years, none of the approved applications involved the homeowners scaling back proposed modifications to satisfy Board concerns; the applications were for the most part reasonable in scope and involved hardships common with renovating small, older homes in need of updating.

Of the 23 residential applications considered:

- One application (Barnes) was withdrawn after hearing Board concerns about the magnitude of the variances requested and the absence of convincing testimony justifying the variances.
- One application (Greenwald) involving significant variances was denied on the basis of testimony that failed to satisfy the positive and negative proofs required by the MLUL
- Twenty (20) were approved as submitted (REO Development, Luzi, Jadro, Garrett, Rubacky, Kaplus, Roberston, Maksimczyk, Driscoll, Schindler, Florentino, Wrynn, Mitzak, Callahan, Quinn, Newman, Ulla, Kristoff, Nyilas, and Desmarais)
- One application (Olsen) involved replacement of an old, inaccessible garage on an irregular lot triggering complex set back issues. The Board worked with the applicant to design a better, more functionally reasonable solution, even though it triggered more severe setback variances.
- One application (REO Development LLC/50 Washington Ave.) involved an infill developer demolishing and replacing an outmoded, structurally deficient home on a very undersized lot with a brand new home which required 3 variances. The Board felt the benefit of adding new housing stock to the community outweighed any variance concerns.

Of the residential applications approved:

- 10 involved FAR (37.5% decrease over the 16 seen in 2014);

- 11 involved Building Coverage (21.4% decrease);
- 11 involved side yard setbacks (either right, left, or both, a 27% decrease);
- 4 involved lot coverage (33% decrease from 6 in 2014);
- 4 involved front yard setbacks (33% decrease);
- 3 involved a rear yard setback (a 67% increase);

3. Activities:

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

In January 2015, Chairman Peter Hoffman gave a Zoning Board Update presentation to the Borough Council (after providing the Planning Board with the same update in October 2014). 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. The Planning Board and Borough Council acted quickly on the recommendations, with many incorporated into revised land development ordinances adopted in September.

During the year, the Board was kept abreast of Planning Board activities by Mr. Montague, including the review and drafting of zoning ordinance amendments impacting porches, porticos, an FAR allowances. The Board once again thanks Mr. Montague for his continued diligent work as Planning Board liaison.

4. Recommendations and 2016 Plans:

Many of the recommendations made in the above-referenced presentation, which were enacted into law during 2015, echoed recommendations made in prior-years' Annual Reports. Sincere appreciation is owed to the Planning Board and Borough Council for moving forward quickly with respect to considering and adopting many of the recommendations made. In the year ahead, the Zoning Board will monitor the impact of the new regulations involving FAR, porches, porticos, detached garages, etc. on variance applications, and determine whether there are new trends becoming apparent which may require additional modifications to the Borough's Land Development Ordinances. It will also be interesting to see if there is a reduction in the number of applications requesting FAR relief, or if the standard for obtaining FAR relief becomes more stringent in light of the new more liberal regulations.

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

Respectively submitted,

Peter J. Hoffman

Peter J. Hoffman
2015 Chairman, Zoning Board of Adjustment
January 22, 2016