

Borough of Chatham

Annual Report

2008

Zoning Board of Adjustment

January 29, 2009

Subject: 2008 Annual Report of the Chatham Borough Zoning Board of Adjustment

Board Organization

The annual organizational meeting was held on January 28, 2009. Following is a list of board members:

Patricia D'Ambrosio – Board Secretary
Peter Hoffman - Vice Chairperson
Frederick Infante
Helen Kecskemety
H.H. Montague - Planning Board Representative
Tayfun Selem
Walter Voytus - Chairperson
Herbert Ramo - 1st Alternate
Michael Cifelli - 2nd Alternate

The following officers were elected:

Chairperson – Walter Voytus
Vice Chairperson – Peter Hoffman
Board Secretary – Patricia D'Ambrosio *
Board Attorney - Alan Siegel, Esq. *
Recording Secretary - Ms. Elizabeth Holler*
Administrative Officer - Ms. Maria Maramonte*
* Appointed position

During the year we had a full board with the addition of three new members (Selem, Ramo, Cifelli)

Seventeen (17) applications were heard by the Zoning Board of Adjustment in 2008. A synopsis of these applications follows:

- Three (3) were commercial. Each involved use variances or clarification.

Noah's Bagels decision confirmed the permitted use, but clarified that no wholesale operation was permitted

Expansion of Garden Terrace's existing use was approved along with required bulk and set back variances

Expansion of Little Angel's School house from approved residential use (5 children or less) to commercial use (10-12 children) was denied.

- Fourteen (14) were residential
 - . One (1) was withdrawn (Pentony) after hearing board concerns

- . Nine (9)) were approved essentially as submitted (Behrmann, McFayden, Raunick, Vespasiano, Peters, Callahan, Giordano, Korkuch, Baldwin)
- . Two (2) received partial approvals (Maluga and Greenwood) permitting side yard variances but denying FAR variance requests)
- . Two (2) are still open (Hull and Estes)

Of the residential applications most involved multiple variances:

Eight (8) involved FAR, six(6) were approved and two (2) were denied;
 Five(5) involved Building Coverage;
 Three(3) involved lot coverage;
 Six (6) side yard setbacks were approved, one(1) withdrew
 Two (2) rear yard and two (2) front yard setbacks were approved

Activities:

There were twelve (12) regular scheduled meetings and one (1) special meeting to address case backlogs. Two closed sessions were required. One closed session related to the issue of the legal issues related to the lighting at Cougar Field. At this session the board approved the use of the attorneys representing the Borough and Planning Board. At the second closed session the Board reviewed the decision of the Superior Court of New Jersey reversing the Board's 2007 decision to deny a variance to Omnipoint Corporation for construction of a cell tower. Based on the review and discussion the Board decided not to appeal the decision.

All new Board members completed the state required training in zoning laws and procedures and were certified bringing the Board to 100% compliance.

Two cases during the year resulted in split decisions with part of the application being denied and part approved. While the decision in both cases precluded return by the applicants to the Board should new plans be deemed in compliance, but for the approved set back requests, the board decided to clarify its position on split decisions A revision to the Boards operating Guidelines indicates that the Board's intent is to vote on entire applications and any exception is solely the discretion of the Board.

Recommendations and 2009 Plans:

- The Board continues to have an interest in the activities of the Planning Board as evidenced by the effect of the side yard setback rule changes, and thanks H. H (Monte) Montague for his continued diligent work as Board liaison.
- The Chairman plans to recommend and approve continuing education/training opportunities for Board members to continue to upgrade overall board awareness of zoning issues.

Respectively submitted,

Chairman, Zoning Board of Adjustment

Copies: 20