

**Borough of Chatham, NJ  
Zoning Board of Adjustment  
2011 Annual Report**

**1. Organization:**

The annual Reorganization Meeting was originally scheduled to be held on January 26, 2011, but was postponed due to inclement weather. As a result, reorganization business was conducted at the February 23, 2011 regularly scheduled Board meeting.

At the end of 2010, Walter Voytus, the Board Chairman, resigned after seven (7) years of service to the Board. 1<sup>st</sup> Alternate Herbert Ramo was appointed to complete the remainder of Mr. Voytus' term. Mr. Voytus's resignation created a vacancy on the Board, which was filled when the Chatham Borough Council approved the appointment of Ms. Alida Kass as 2<sup>nd</sup> Alternate.

The following is a listing of board members who served during 2011:

Helen Kecskemety  
H.H. Montague — Representative to Planning Board  
Peter Hoffman  
Frederick Infante  
Michael Cifelli  
Tayfun Selen  
Herbert Ramo  
Douglas Herbert - 1st Alternate  
Alida Kass - 2nd Alternate

At the February 23, 2011 Reorganization Meeting, the following officers were elected:

Chairperson: Peter Hoffman  
Vice Chairperson: Michael Cifelli

At the meeting the following appointments were officially made:

Secretary: Helen Kecskemety  
Board Attorney: Alan Siegel, Esq.  
Recording Secretary: Elizabeth Holler

**2. Applications:** No applications were continued from 2010 into 2011.

Eighteen applications came before the Board during 2011. Of that number, the Board approved fourteen (14), three (3) were withdrawn, and one (1) was continued to the January 2012 meeting. No applications were denied in 2011.

Four (4) applications were commercial:

- Two (2) involving amended site plans were withdrawn (OmniPoint Communications and DeFalco's Instant Towing);
- One (1) was approved for a one-space parking variance (Dorsky Realty);
- One (1) was approved for a use variance (DeFalco's Instant Towing)

Fourteen (14) applications were residential:

- One (1) was withdrawn (Jupin/Comizzoli) after hearing board concerns;
- Eight (8) were approved as submitted (Young, Sterling, Kelley, Huth, Bary, Hilsenrath, Nelson, & Korkuch);
- Four (4) were approved with reduction modifications (Callen, Sweeney, Friedman, and Maloney)
- One (1) is still open (Chu/Wang)

Of the residential applications approved:

- Four (4) involved FAR;
- Seven (7) involved side yard setbacks;
- Four (4) involved rear yard setbacks;
- Five (5) involved building coverage;
- Three (3) involved lot coverage.

The number of cases approved during 2011 was 75% higher than the preceding year. There was a 63% increase in the total number of applications on the Board's agenda during 2011, reversing the decline experienced during 2010 relative to prior years.

### 3. Activities:

There were eleven (11) meetings held during the year as the January meeting was cancelled due to a snowstorm. No special sessions were held during 2011, although the Board met in closed session in January 2012 to discuss the selection of a Board attorney for 2012.

During the year the Board was kept informed about ongoing legal proceedings concerning the Tricare Treatment Services case currently in litigation.

During the year, the Board was kept abreast of Planning Board activities by Mr. Montague, including finalization of the new sign ordinance which eventually was approved by the Borough Council. The Board thanks Mr. Montague for his continued diligent work as Planning Board liaison.

In late 2011, the Board issued a Request for Proposals for the position of Board Attorney for 2012. A selection committee was appointed by Chairman Peter Hoffman, which committee reviewed proposals received from nine (9) applicants. The Board will complete the search process when it votes on the appointment of a Board Attorney at the January 25, 2012 Reorganization Meeting.

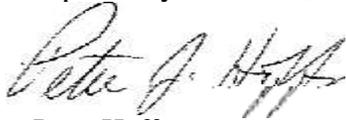
#### **4. Recommendations and 2012 Plans:**

The Board will continue to have an interest in the activities of the Planning Board as they relate to potential revisions to the Borough's land development ordinances. The significant number of applications involving side yard setbacks and FAR despite recent ordinance revisions intended to provide homeowners with additional relief continues to be a challenge for the Board in balancing the needs and desires of Borough residents against the letter and spirit of the zoning ordinances.

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

The Board is considering scheduling a special closed session sometime during 2012 to discuss strategy for dealing with applications which involve significant variances but where the applicants are not prepared or equipped to present proper planning testimony proving necessary positive and negative criteria. A recent trend on the part of applicants is to attempt to represent themselves before the Board under the impression that personal family circumstances or aesthetic considerations are sufficient justification for being granted relief from the requirements of the zoning ordinances. The Board needs to agree on an approach for addressing these situations at the outset of each hearing, or perhaps formulate a recommendation for enhancing the guidance received at the time a denial letter is issued by the Zoning Officer, so that the applicant is fully aware of the level of professional planning testimony that will be required should they decide to seek a variance.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Peter J. Hoffman".

Peter Hoffman  
Chairman, Zoning Board of Adjustment

Date: January 23, 2012