

**Borough of Chatham, NJ
Zoning Board of Adjustment
2012 Annual Report
January 23, 2013**

1. Organization:

The annual Reorganization Meeting was held on January 25, 2012. The following is a listing of board members serving during 2012:

Helen Kecskemety
H.H. Montague (Liaison to Planning Board)
Peter Hoffman
Frederick Infante
Michael Cifelli
Tayfun Selen
Herbert Ramo
Douglas Herbert - 1st Alternate
Alida Kass - 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

In July 2012, Tayfun Selen resigned from the Board due to his relocation out of Chatham Borough. Mr. Selen's resignation created a vacancy on the Board. The Borough Council appointed Douglas Herbert to complete Mr. Selen's term as a regular member of the Board, and Alida Kass was in turn appointed 1st Alternate. The 2nd Alternate position remained vacant for the balance of the year.

In December 2012, Herbert Ramo's term expired, and he announced that he would not accept reappointment. The Board thanks Mr. Ramo for his years of service to the residents of Chatham Borough. Mr. Ramo's departure created another vacancy on the Board. At the 2013 Reorganization meeting, the Borough Council appointed Alida Kass as a regular member of the Board, and also appointed Jean-Eudes Haeringer as 1st Alternate and Patrick Tobia as 2nd Alternate. Mr. Haeringer and Mr. Tobia will begin their service to the Board at the January 23, 2013 Reorganization Meeting.

2. Applications:

One application (Chu/Wang – 47 Tallmadge) was continued from 2011 into 2012.

Thirteen applications came before the Board during 2012. Of that number, the Board approved eleven (11), two (2) were withdrawn, and none were carried to the January 2013 meeting. No applications were denied in 2012.

Three (3) applications involved Preliminary and Final Site Plan Approval for commercial or multifamily residential properties:

- Investors Bank's (169 Main Street) application was bifurcated into two separate applications. The Board first approved the Bank's application to put a rear addition on the building and relocate the ATM to the location of the current drive through window. The Board granted parking and other variances related to the application.
- At a subsequent meeting the Board granted a signage variance for the Banks' internally illuminated monument sign (conditioned on the re-design of the sign to Board specifications) and externally illuminated wall sign. The Board also approved a lighting waiver for the new ATM area so the applicant could comply with minimum NJ State regulations regarding illumination of ATMs.
- The Board granted parking and other variances as part of site plan approval requested by Jefferson Apartments (575 Main Street), which requested expansion of its existing parking lot by 22 spaces in order to cure existing fire code violations caused by residents' parking illegally on an easement which serves as an entry point into the complex's parking lot.

Ten (10) applications were residential:

- Two (2) were withdrawn. The first (Morgan, 5 Mercer Ave.) withdrew after hearing Board concerns. The other (Brown/Freidenfelds, 44 Red Rd.) withdrew due to a job relocation and sale of their Chatham home.
- Seven (7) were approved as submitted (Tango, Chan, O'Keefe, Feeman, Maksimow, Eigen, Cormier).
- One (1) was approved with reduction modifications (Chu/Wang).

Of the residential applications approved:

- Four (4) involved FAR;
- Four (4) involved side yard set backs;
- One (1) involved a rear yard set back;
- Four (4) involved building coverage;
- None (0) involved lot coverage.

The number of cases heard during the year was 27% lower than in 2011. The number of cases approved was 7% lower than the preceding year. After a one-year uptick in volume during 2011, 2012 reverted back to a drop in overall applications heard as was the trend in 2010. Whether the decrease was due to ongoing economic uncertainties or to the recent liberalization of FAR and side yard setback requirements triggering fewer variances is unclear.

3. Activities:

There were twelve (12) meetings held during the year. No special sessions were held during 2012. However, after issuing a Request for Proposal for the position of Board Attorney in late 2011, the Board met in closed session in January 2012 to interview candidates and discuss the qualifications of each. At the January 25, 2012 Reorganization Meeting, Patrick Dwyer, Esq. was formally approved as the new Board Attorney. The Board thanked Alan Siegel for his many years of dedicated service to the Zoning Board of Adjustment.

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

In July, the Board discussed pending legislation before the NJ State Legislature which would exempt all colleges, including private colleges, from local zoning ordinances, thereby giving colleges carte-blanche to pursue construction projects without regard for the desires of local municipalities. The Board approved a Resolution drafted by Mr. Dwyer urging State lawmakers to defeat the legislation; the Resolution was distributed to appropriate governmental entities and legislators in Trenton.

During the year, the Board was kept abreast of Planning Board activities by Mr. Montague, including the Chatham Gateway/Kinder Care application, development of a new Application Checklist, and other changes to the Borough's Land Development Ordinances. The Board once again thanks Mr. Montague for his continued diligent work as Planning Board liaison.

In October, the Board also heard a presentation from Vincent Loughlin, Esq., Dr. Susan Blickstein, and Mr. Robert Brightly, P.E., on the new Application Checklist.

4. Recommendations and 2013 Plans:

All four of the front yard setback variances granted by the Board in 2012 involved the addition of porticos over existing steps that already intrude into the front yard setback, or restoration of a porch to original specifications on a historic home. I recommend that the Planning Board in 2013 consider liberalizing the Borough's zoning ordinances to allow for exceptions from front yard setback requirements for additions of these types, under the belief that porticos and porches are inherently beneficial from safety, aesthetic, and historic preservation perspectives. Providing automatic relief to residents in this area should be considered in an effort to save them from expending the time and considerable expense necessary to make the case for variance relief that is almost always ultimately granted.

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

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Chairman, Zoning Board of Adjustment