

**Borough of Chatham, NJ
Zoning Board of Adjustment
2013 Annual Report
January 27, 2014**

1. Organization:

The annual Reorganization Meeting was held on January 23, 2013. The following is a listing of board members serving during 2013:

Helen Kecskemety
H.H. Montague (Liaison to Planning Board)
Peter Hoffman
Frederick Infante
Michael Cifelli
Douglas Herbert
Alida Kass
Jean Eudes Haeringer- 1st Alternate
Patrick Tobia - 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 November 2013, Alida Kass resigned from the Board following her election to a vacant seat on the Chatham Borough Council. Ms. Kass's resignation created a vacancy on the Board for the remainder of 2013. At its Reorganization Meeting on January 6, 2014, the Borough Council appointed Jean Eudes Haeringer to complete Ms. Kass's term as a regular member of the Board, and Patrick Tobia was in turn appointed 1st Alternate. The Borough Council also appointed Jonathan Richardson as 2nd Alternate. Mr. Richardson will begin his service to the Board at the January 29, 2014 Reorganization Meeting. Finally, at year-end Helen Kecskemety was re-appointed by the Borough Council to another four-year term ending in December 2017.

2. Applications:

No applications were continued from 2012 into 2013.

During 2013, 22 applications came before the Board, an increase of 69% over the 13 applications the Board considered during 2012. Of that number, the Board approved 21 (an increase of 91% over the 11 approved in 2012), one was withdrawn, and none were carried to the January 2014 meeting. No applications were denied in 2013.

As stated above, the Board saw a significant increase in activity compared to 2012, dramatically reversing the trend of lighter than normal caseloads experienced since the 2008 financial crisis. As a basis for comparison, in 2010, only 8 applications in total were heard by the Board. Last year, only 13 applications were considered. Whether the light caseloads in these years was due to ongoing economic uncertainties or to the liberalization of FAR and side yard setback requirements by the Borough Council, thus triggering fewer variances, was unclear.

However, during 2013 there was a noticeable surge in applications for much-needed renovations of older, functionally obsolete homes on smaller lots, thus triggering more bulk and FAR variances than had been the case in recent years. Side yard setback variances were the most common type of relief sought, as many of the renovations involved homes on narrow lots with existing frontage non-conformities. This created difficulties when homeowners attempted to move forward with even modest updates to their homes.

All but three applications involved variance relief requested by owners of residential properties. The three non-residential applications considered by the Board involved Preliminary and Final Site Plan approvals for commercial or multifamily residential properties as follows:

1. Hamilton Apartments, 534 Main Street: applicant requested expansion of its existing parking lot in order to improve traffic flow and cure existing fire code violations. The Board granted parking and other variances as part of the site plan approval. 19 parking spaces were "banked", i.e. the applicant received approval to currently construct 70 spaces in accordance with zoning requirement, and then build the other 19 when and if needed.
2. Shell gasoline station owned by Bednar Management, LLC, 111 Main Street: located in the Historic District, the applicant requested permission to construct a canopy over the gas pumps, which violated the front yard setback and lighting requirements of the zoning ordinances. The Board approved the application after careful consideration of Historic Preservation Commission comments.
3. New York SMSA LP, d/b/a Verizon Wireless, 249-253 Main Street: This application involved a request for a D(1) use variance so applicant could install, maintain, and operate rooftop cellular antennas on buildings located in the B-4 Central Business District. The application was approved after applicant clearly demonstrated a gap in service coverage and agreed to comply with Historic Preservation Commission concerns.

Nineteen (19) applications involved variance relief requested for single family residential properties:

- One application (Kania, 201 Washington Avenue) was withdrawn after hearing Board concerns.
- One application (Sheldon, 59 Hedges Avenue) was approved with reduction modifications after hearing Board concerns.
- Seventeen (17) were approved as submitted (Steigerwauld, Kelley [Summit Ave.], Distinguished Homes/Dimitrios Angelis, Hobbis, Shushansky, Battiato, Bell, Finazzo, Laedwig, Conti, Borough of Chatham [57 Watchung], Pollack, Walter, Bruno, Kelley [Kings Road], Hannon, and Farinacci).

- One application (Borough of Chatham, 57 Watchung Avenue) involved granting of a front yard setback variance for a conceptual site plan intended for a vacant piece of land to be auctioned off by the Borough for development.

Of the residential applications approved:

- Eight (8) involved FAR;
- Eleven (11) involved side yard setbacks (either right, left, or both);
- Six (6) involved front yard setbacks;
- Two (2) involved a rear yard set back;
- Ten (10) involved building coverage;
- Six (6) involved lot coverage (including one in-ground swimming pool).

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 consideration of a 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.

Late in 2013 a meeting was held with the Zoning Officer to express concerns about adherence to the application checklist with respect to the need for updated surveys, existing proposed elevations, and existing and proposed dimensions on all architectural drawings. During the year there were two applications in which the Board and the applicants had to determine at the hearing whether the applications actually involved third story variances. In one case the Board determined that the home did indeed include a third story, and modifications contemplated therein triggered a previously undetected variance. Subsequent discussions with the Zoning Officer were aimed at the need to bring special attention to the many older homes in town with grandfathered third stories.

4. Recommendations and 2013 Plans:

Last year I recommended that the Planning Board and Borough Council in 2013 consider liberalizing the Borough's zoning ordinances to allow for exceptions from front yard setback requirements for front porch and portico additions/modifications, under the belief that they are inherently beneficial from safety, aesthetic and historic preservation perspectives. The Board greatly appreciates that during 2013, such liberalization with respect to exempting porticos from certain setback and building coverage requirements was enacted, as this will save applicants the time and expense necessary to make the case for variance relief that was generally always granted.

Another provision of the zoning ordinances which would benefit from review and modification is that dealing with front yard setback requirements for corner lots. Many corner lots in the

Borough are quite narrow, making it virtually impossible for homeowners to make any improvements to their homes without triggering front yard setback violations and the need to apply for relief. As an illustration I point to the Bell application (77 Summit Avenue), where the Board granted a C1 hardship variance to the applicant so they could construct a small bathroom on the first floor of an old home. The variance was granted due to exceptional narrowness of corner lot, making it impossible to comply with zoning ordinance (in order for them to comply they would have to have a house that is approximately 8 feet wide). I would respectfully ask the Planning Board to consider amending the LDO to amend the setback requirements for small corner lots which cannot comply with a 30 foot front yard setback requirement.

The Board will continue to monitor trends which become apparent in variance applications to determine if additional modifications to the Borough's Land Development Ordinances becomes 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,

A handwritten signature in cursive script, reading "Peter J. Hoffman", followed by a horizontal line extending to the right.

Peter J. Hoffman
Chairman, Zoning Board of Adjustment