

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
MARCH 9, 2022**

Mr. Vivona called the Work Meeting of the Zoning Board of Adjustment to order at 7:31 PM.

Adequate Notice of the meetings of the Zoning Board of Adjustment of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2022, and January, 2023 was published in the Chatham Courier and the Morris County Daily Record, a copy filed with the Municipal Clerk and a copy placed on the bulletin board in the main hallway of the Municipal Building.

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Weston, Mr. Borsinger, Mr. McHugh, Mr. Sylva, Mr. Silva and Mr. Sood.

Mr. Fitt and Mr. Forno were absent.

Also present were Planner Joanna Slagle and Board Attorney Amanda Wolfe.

Annual Report

Mr. Vivona stated that a draft Annual Report has been prepared to be presented to the Planning Board. He reviewed the number and types of variance applications heard by the Board in 2021.

Mr. Vivona said he received a letter from a resident on Falmouth Road about a house that was built 25 feet closer to the front property line than any other house on the street. Mr. Vivona said that although the house did not require any variances, it disrupted the integrity of the neighborhood and does not fit in the character. He said that the Zoning Board should recommend to the Planning Board to make changes to prevent that kind of situation. Ms. Wolfe said she spoke with Mr. Banisch, and he was unsure why the R-4 Zone was omitted from Section 30-96.27 of the Township Code Book. She also said that the setbacks could be increased.

Mr. Borsinger suggested that Floor Area Ratios could also be introduced. He also addressed the housing stock in the Township, stating that there should still be affordable capes remaining rather than only having high-end McMansions.

Mr. Weston said that zoning laws usually consider the highest and best use of a property, which is often understood as the highest dollar value of the property. Mr. Borsinger said it is the builders who benefit from redevelopment rather than people who sell properties to builders.

Mr. McHugh asked what the reaction of the Planning Board has been in the past when Floor Area Ratios have been suggested. Mr. Vivona said that he has been thanked for volunteering his time.

Mr. Vivona addressed the affordability of homes in Chatham Township, and said young families often move to Chatham Township for the School District and want to be able to afford a home without having to qualify for Affordable Housing.

Mrs. Slagle noted that the Planning Board will be working on a new Master Plan, and this may be a good time to address Floor Area Ratios. She also said that regulations could be introduced for setback matching.

Mr. Weston stated that most applications are for additions to existing homes rather than new construction, as it can be easier to conform to zoning regulations with building of new homes.

The Board discussed homes that have been built at angles not parallel to the road.

Mr. Vivona addressed corner lots that are redeveloped with a former side yard functioning as a backyard. Mrs. Slagle said that there could potentially be an ordinance to require use of existing frontage during redevelopment.

Mr. Vivona said that following the COVID-19 pandemic, it is likely that many people will continue to work from home. Ms. Wolfe said that there are some regulations regarding home offices. Whether or not a home office should remain required to be on the first floor was discussed. Mr. Vivona said that the regulations should be revisited to make sure they are reasonable.

Mr. Weston asked about illegal apartment conversion and if there are rules on the matter. Mr. Sood asked if such apartments would be built to the same safety standards as the rest of a house. He also said that people could build home offices that wind up being used for other purposes. Mr. Silva suggested that affidavits be signed by applicants that they will not use a home office for other purposes. Mrs. Slagle noted that installation of plumbing would require permits.

Mr. Borsinger asked if there is a means to prevent people from having multiple staff members attend meetings on a regular basis at a home office. Ms. Wolfe said it might be difficult to regulate who is allowed to congregate in a private home.

Mr. Vivona expressed concern about having a blanket permission for home offices. Mr. Silva asked if there are regulations about having accessory structures heated or cooled. Ms. Wolfe read aloud the regulation that aside from electricity and water, accessory structures shall not have any utilities, and water closets are prohibited. Mr. Vivona noted that there cannot be a sanitary sewer utility line for accessory structures. Height issues for accessory structures was also discussed.

Mr. Vivona said that internet should be allowable for an accessory structure. Ms. Wolfe said that normally people would have a wireless router in their house. Mr. Silva said that some people might want to run a CAT-5 line to an accessory structure for a more stable connection.

Mr. Vivona said that the Board used to receive full paper copies of applications. He stated that the Township Committee decided to reduce the number of paper copies, and it has been

insufficient for Board purposes. Mr. Vivona said the Board should recommend that the requirements go back to the way they were. Ms. Wolfe asked about Board member preference for the size of plans. Mr. Vivona said he personally prefers the full size.

Ms. Wolfe addressed the need for bylaws. Mr. Vivona said that he read through the Planning Board's bylaws, and the Zoning Board follows a similar process. Mr. Vivona asked about having meetings by Zoom when circumstances prevent holding meetings in person. Ms. Wolfe said that meetings would need to be renoticed if there is a change in venue. She also suggested that meetings be either in person or by Zoom, but not by both at the same time.

Mr. McHugh moved to adjourn at 8:45 PM. Mr. Borsinger seconded the motion, and the motion carried unanimously.

Gregory J. LaConte
Recording Secretary