

TOWN OF CHATHAM, ZONING IMPLEMENTATION COMMITTEE
MINUTES OF THE JANUARY 21, 2015 MEETING

The meeting was called to order at 6:40 pm. Those present were Don Hegeman, Bob Walker, Aven Kerr, Donna Staron, Walt Simonsmeier and Tal Rapplelea.

The minutes of the December 3, 2014 and December 17, 2014 meetings were approved on a motion by Don Hegeman, seconded by Jeff Lick and carried unanimously. Because he spoke first, Jeff Lick was appointed as ad hoc chair. ☺

The Committee asked that Town ZEO/CEO Walt Simonsmeier attend this meeting to assist with the review of the Administrative/Enforcement sections of the Code. Mr. Simonsmeier commended the Committee on its work and recommended that it take extra care when reviewing the Definitions, since they are the starting point for all else in the zoning law. An in-depth discussion ensued regarding the procedure by which enforcement proceedings are originated, processed and commenced.

The Committee then agreed to modify §180-52 (B) to entitle it as Zoning Permits, eliminate the B.(1) through (4) and (C). These subsections are to be replaced with the following language “Prior to conducting any use on any property, the owner of such property shall seek the review and issuance of the appropriate zoning permit for permitted uses or referral of the matter to the appropriate Board for review, by the Zoning Enforcement Officer.”

Upon the recommendation of the ZEO, §§180-53 Matter Accompanying Application Permits and 180-54 Schedule of Fees shall remain unchanged. Additionally since §180-55 reflects the current state law procedure, that section shall also remain unchanged.

A further detailed discussion followed concerning §180-56 Penalties. Subsection B. thereof shall read as follows: “Punishment. A violation of any of the provisions of this chapter by an owner, tenant or resident of land and/or a builder or contractor shall constitute a violation punishable either:

- (1) By the imposition of civil penalty by the ZEO in the amount of \$350 without the need of adjudication by a Court;
- (2) By a fine of not less than \$350 or more than \$500 following conviction of a first offense;
- (3) By a fine of not less than \$500 or more than \$750 following conviction of a second offense within 5 years of the first offense;
- (4) By a fine of not less than \$750 or more than \$1,000 following conviction of a third offense and each and every offense thereafter within 5 years of the first offense. “

Jail time was explicitly removed. The Committee agreed to keep the Exhibit A: Lot Measurements drawing/related written description/formulae to determine setbacks, yards, etc.

At the last meeting, the ZIC requested input from the ZBA and Planning Board regarding the creation of By-Laws for those Boards. Based upon the excellent level of participation of the members of those Boards and there never being a need for alternates, both Boards recommended against such By-Laws. The ZIC accepted that recommendation.

On a motion by Donna Staron and seconded by all the meeting was adjourned at 7:55. The next meeting is scheduled for February 4, 2015 at Chatham Town Hall at 6:30pm.