

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
JANUARY 16, 2025**

Ms. Wolfe called the Reorganization Meeting of the Zoning Board of Adjustment to order at 7:45 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 2024 and January 2025 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.

Oaths of Office

Gregory Borsinger was sworn in as a regular member of the Zoning Board of Adjustment. The oath was administered by Board Attorney Amanda Wolfe.

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Borsinger, Mr. Silva, Mr. Huke and Mr. Bhatia.

Mr. Fitt was absent.

Also present were Board Attorney Amanda Wolfe, Board Planner Frank Banisch and Board Engineer John Ruschke.

Selection of Chairman

Ms. Wolfe opened the floor for nominations for the role of Chairman.

Mr. Borsinger nominated Tony Vivona to serve as Chairman for the year 2025. Mr. Silva seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Absent; Mr. Silva, Aye; Mr. Huke, Aye; Mr. Bhatia, Aye.

Selection of Vice-Chairmen

Mr. Vivona opened the floor for nominations for the role of Vice-Chairman.

Mr. Silva nominated Greg Borsinger as Vice-Chairman. Mr. Huke seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Absent; Mr. Silva, Aye; Mr. Huke, Aye; Mr. Bhatia, Aye.

Reorganization Resolutions

RESOLUTION BOA-2025-001

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR ZONING BOARD OF ADJUSTMENT CONSULTING LEGAL SERVICES WITH AMANDA C. WOLFE, ESQ. OF DEMPSEY, DEMPSEY & SHEENAN FOR 2025

WHEREAS an RFQ for Municipal Legal Services was issued on October 31 2024; and

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham has a need to acquire the Legal Services for the Chatham Township Zoning Board of Adjustment as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, proposals were received and publicly opened on Tuesday, December 3, 2024 at 12:00 PM, prevailing time; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year, and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2025; and

NOW THEREFORE, BE IT RESOLVED that the Township of Chatham hereby appoints Amanda C. Wolfe of Dempsey, Dempsey & Sheenan, as Zoning Board Attorney and authorizes the Mayor and Clerk to enter a contract with Dempsey, Dempsey & Sheenan as described herein; and

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham.

RESOLUTION BOA-2025-002

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ZONING BOARD OF ADJUSTMENT ENGINEERING SERVICES WITH JOHN K. RUSCHKE, P.E. OF MOTT MACDONALD FOR 2025

WHEREAS an RFQ for Municipal Legal Services was issued on October 31 2024; and

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham has a need to acquire the Engineering Services for the Chatham Township Zoning Board of Adjustment as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, proposals were received and publicly opened on Tuesday, December 3, 2024 at 12:00 PM, prevailing time; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year, and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2025; and

NOW THEREFORE, BE IT RESOLVED that the Township of Chatham hereby appoints John K. Ruschke of Mott MacDonald as Zoning Board Engineer and authorizes the Mayor and Clerk to enter a contract with Mott MacDonald as described herein; and

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham.

RESOLUTION BOA-2025-003

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR ZONING BOARD OF ADJUSTMENT PLANNING SERVICES WITH FRANK BANISCH OF BANISCH ASSOCIATES, INC., FOR A 2025

WHEREAS an RFQ for Municipal Legal Services was issued on October 31 2024; and

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham has a need to acquire the planning services for the Chatham Township Zoning Board of Adjustment as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, proposals were received and publicly opened on Tuesday, December 3, 2024 at 12:00 PM, prevailing time; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year, and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2025; and,

NOW THEREFORE, BE IT RESOLVED, that the Township of Chatham hereby appoints Frank Banisch of Banisch Associates, Inc., as Zoning Board Planner and authorizes the Mayor and Clerk to enter a contract with Banisch Associates, Inc., as described herein, and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with 40A: 11-5 (1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and,

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham.

RESOLUTION BOA-2025-004

RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING KALI TSIMBOUKIS AS BOARD MANAGER/SECRETARY FOR THE ZONING BOARD OF ADJUSTMENT FOR THE YEAR 2025

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Kali Tsimboukis as Zoning Board Secretary for 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. Kali Tsimboukis is hereby appointed as Board Manager/Secretary for the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, for the term of one year.
2. The compensation to be paid to Kali Tsimboukis for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham;
3. This Resolution shall take effect upon adoption.
4. A certified copy of this Resolution shall be forwarded by the Secretary of the Board with the Township Committee.

RESOLUTION BOA-2025-005

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING GREGORY J. LACONTE AS TRANSCRIBING SECRETARY FOR THE ZONING BOARD OF ADJUSTMENT

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Gregory J. LaConte as Transcribing Secretary of the Board meetings for the period commencing January 1, 2025, and ending December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. Gregory J. LaConte is hereby appointed as Transcribing Secretary for the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, for a term of one year.
2. The compensation to be paid to Gregory J. LaConte for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham.
3. This Resolution shall take effect upon adoption, and
4. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

RESOLUTION BOA-2025-006

RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS AND FIXING CHARGES FOR NOTICES OF PUBLIC MEETINGS OF SAID ZONING BOARD OF ADJUSTMENT DURING 2025

WHEREAS, the "Open Public Meetings Act," R.S.10:4-6 and following, requires that notification be given of meetings of public bodies as therein defined and in the manner therein set forth.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The Chatham Courier and the Morris County Daily Record are hereby designated for the calendar year 2025 as the two newspapers to receive notice of meetings of the Board of Adjustment as required by any and all sections of the Open Public Meetings Act, it is appearing that these newspapers are most likely to inform the local public of such meetings.
2. The Chatham Courier and the Morris County Daily Record are hereby designated as the official newspapers of the Township in which to publish legal notices regarding matters and applications before the Zoning Board of Adjustment; The Township Committee having previously designated the Chatham Courier and the Morris County Daily Record as the Official Newspapers of the Township.
3. The Public place for the posting of notices of meetings of the Zoning Board of Adjustment for the calendar year 2025, and revisions thereof, shall be the bulletin board in the main hallway of the Municipal Building, 58 Meyersville Road, Chatham, New Jersey.
4. The sum of \$35.00 is hereby fixed as the fee to be paid by any person requesting that copies of any regular meeting schedule of the Zoning Board of Adjustment for the calendar year 2025, and revisions thereof, and notices of Board of Adjustment meetings during the calendar year 2025 not included in such schedule, or revisions thereof, be mailed to such persons as specified in R.S. 10:4-19, provided, however, that no charge shall be made to any news media requesting the mailing of notices to its business office.
5. This Resolution shall take effect upon adoption.

6. A certified copy of the Resolution shall be mailed by the Secretary of the Zoning Board to the Chatham Courier and the Morris County Daily Record, and a certified copy shall be filed with the Clerk of the Township of Chatham.

RESOLUTION BOA-2025-007

**RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING A REGULAR MEETING
SCHEDULE FOR THE ZONING BOARD OF ADJUSTMENT DURING 2025 AND JANUARY
2026**

WHEREAS, the “Open Public Meetings Act”, R.S.10:4-6 and following, requires that public bodies provide adequate notice of meetings.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. During the calendar year 2025, and January 2026 public meetings (work meetings and regular meetings), will be held by the Zoning Board of Adjustment at the Municipal Building, 58 Meyersville Road, Chatham Township, on the following dates and at the following times:

	WORK MEETING (2nd Wednesday, 7:30 p.m.)	REGULAR MEETING (3rd Thursday, 7:30 p.m.)
2025	February 12 March 12 April 9 May 7 June 11 July 9 August 13 September 10 October 8 November 12 December 10	February 20 March 20 April 17 May 15 June 19 July 17 August 21 September 18 October 16 November 20 December 18
2026	January 14	January 22

2. Formal action may be taken at either the work or regular meetings listed above during the calendar year 2025 and January 2026, additional public meetings will be held by the Zoning Board of Adjustment for purposes of site inspections at 9:00 am prevailing time, starting at the Municipal Building, 58 Meyersville Road, Chatham, or such other locations as announced by the Board, on the following dates:

**SITE VISITS
(1st Saturday 9:00 am)**

2025	February 1 March 1 April 5 May 3 June 7 July 5 August 2 September 6 October 4
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November 1
December 6

2026

January 3

3. The Secretary of the Zoning Board of Adjustment shall cause this Resolution to be published in the Chatham Courier and the Morris County Daily Record, a copy filed with the Township Clerk, and a copy posted on the bulletin board in the main hallway and on the front door of the Municipal Building, and mailed to any person requesting notice of meetings to N.J.S.A. 10:4-19 who has paid the required fee thereof.

RESOLUTION BOA-2025-008

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING THE TOWNSHIP WEBSITE AS THE OFFICIAL ELECTRONIC MEDIUM FOR THE POSTING OF NOTICES OF THE TOWNSHIP

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Chatham in the County of Morris, New Jersey, that the Township website, <https://chathamtownship-nj.gov/> is hereby designated as the official electronic medium for public notices and other official documents.

Ms. Wolfe said the above resolutions are standard resolutions adopted by the Zoning Board annually.

Mr. Huke moved to adopt the resolutions. Mr. Borsinger seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Absent; Mr. Silva, Aye; Mr. Huke, Aye; Mr. Bhatia, Aye.

Minutes

Mr. Huke moved to approve the minutes of the December 19, 2024 meeting. Mr. Silva seconded the motion which carried unanimously.

Resolutions

2025-009 - Calendar BOA 24-001 Saverio Allocca, 498 Southern Blvd., Block: 128 Lot: 5.

Ms. Wolfe provided background information on the application. She also commented on conditions set by the approval.

Mr. Huke moved to adopt Resolution 2025-009. Mr. Bhatia seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Absent; Mr. Silva, Aye; Mr. Huke, Aye; Mr. Bhatia, Aye.

Hearings

Calendar BOA-24-011 Jessica Yankelunas & Jordan McIntyre, 103 Long View Avenue, Block: 33 Lot: 14.

Jordan McIntyre and Jessica Yankelunas, the applicants, and their professional, Jeff Hostler, were sworn in to give testimony.

Mr. Hostler noted that he is the permit manager for CLC Landscape Design.

Mr. Vivona described the Zoning Board's process, and said that the site visit will be on February 1st at 9:00 AM.

Mr. McIntyre described the backyard on his property and said that it is unusable. He said that the proposed project is for one level with a pool and a patio, and another level with a sports court. A variance will be needed for impervious coverage. Mr. McIntyre said that there would not be any drainage detriment, and he also said that there would not be any lighting. Mr. McIntyre further said that the project would benefit the welfare of the community as other children in the neighborhood may be able to use their facilities. He also addressed the variance request for the location of pool equipment, and said that the proposed location was changed at the request of their neighbors. Mr. McIntyre explained that there are easements on the property that impact the proposed location of the sports court, which is why a variance is requested. Mr. Vivona noted that it would be a hardship variance for the location of the sports court.

Mr. Hostler presented plans for the retaining walls.

Mr. Vivona opened the floor to the public.

1. Bob Wislocky, 3 Jodi Lane, was sworn in to give testimony. Mr. Wislocky gave background on water drainage from High Gate, and said that dry wells were used. He also said that the drainage was designed to use a drainage basin on the other side of the street so the water would not flow downhill toward Jodi Lane. He asked if the applicant's plans account for the swales that were used in the drainage system. Mr. Wislocky also said he wants to be sure that this project is engineered correctly for drainage.

Ms. Yankelunas said that drainage is something that they take seriously, and they are considering the matters that Mr. Wislocky is concerned about. Mr. Hostler commented on the collection of water under the sports court.

2. David Rahni, 5 Jodi Lane, was sworn in to give testimony. He said that his house gets a lot of water when it rains. Mr. Rahni said he is concerned that the present system is not

being properly maintained, and he is concerned that construction can cause an increase in runoff.

3. Sal Davide, 7 Jodi Lane, was sworn in to give testimony. He said that when High Gate was developed, assurances were provided about water runoff. Mr. Davide said that the runoff system has not worked, and he is therefore opposed to this project. He noted that he understands the desire for a pool and play area for the applicant's children. Mr. Davide recommended having the drainage systems connected rather than using drywells. He also cited particular drainage problems on his property.

Ms. Yankelunas thanked Mr. Davide for sharing the information about drainage, and said this is the first she is learning of the problems on Mr. Davide's property. Mr. McIntyre said that there was frustration from the neighbors with the original development.

Mr. Davide said that a bad situation was inherited, and he wants to be sure that a bad situation does not get worse. Ms. Yankelunas noted that they have also taken action against the original developer.

Mr. Vivona asked Mr. Ruschke if inspections of the drainage can be conducted. Mr. Ruschke said that inspections can be conducted to make sure that the drainage is not blocked. Mr. Vivona asked whose responsibility it would be if catch basins are clogged. Mr. Ruschke said it would be the homeowner's responsibility. He also noted there is a neighboring house that predates the High Gate development, and water drains uncontrolled from that property.

4. Mr. Wislocky asked if a solution would be to divert water to a drywell. Mr. Ruschke described how the system already diverts water to the drainage basin.

Mr. Vivona said that there still needs to be engineering review for this project. He noted that the testimony this evening helps, and the drainage problems will be investigated. Mr. Vivona said that the next hearing will be February 20th.

Calendar BOA 24-009 Timothy & Alexis Maloney, 10 Rolling Hill Drive, Block: 102.02 Lot: 27

Mr. Hostler was sworn in to give testimony.

Mr. Huke read the Site Visit Report into the record.

Mr. Vivona asked about the permeability of the wooded deck. Mr. Ruschke said that if the deck allows water to pass through, it does not count toward the impermeability calculation.

Mr. Maloney said that the driveway expansion is included on the plans submitted.

Mr. Vivona said that overall the project is a good one.

Mr. Ruschke said that a lot grading plan needs to be submitted, and most of the comments in his memo will be resolved through the lot grading review.

Mr. Banisch addressed the accessory structure vs. principle structure interpretation. He said that the principle structure is the one that has a roof. He said that there is a 15 foot side yard setback for an accessory structure, and he said that there is not a variance needed for the setback for the deck from the rear property line. The sunroom also meets the setback.

Mr. Hostler addressed the proposed use of native plants.

Mr. Huke made a motion to approve the application. Mr. Silva seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Absent; Mr. Silva, Aye; Mr. Huke, Aye; Mr. Bhatia, Aye.

Mr. Vivona said that the applicant will need to comply with the engineering reports and lot grading requirements.

Calendar BOA 24-010 Vasyl Dmytryshyn, 5 Mountainview Road, Block:54 Lot: 16.

Mariya Mayovska was sworn in to give testimony.

Mr. Vivona read the site plan report into the record.

Mr. Vivona said that the stormwater management for two homes was the only pressing issue on the property. Mr. Ruschke said that a lot grading plan will need to be submitted to account for two homes on the property. A final lot grading plan will be submitted at a later time for just the new house that will be built.

Mr. Vivona said that the proposed new house will be an improvement.

Ms. Wolfe said that the applicant is requesting that if new oak saplings cannot be planted to replace the old ones, that other native species be utilized.

Mr. Borsinger asked if a timeframe would be imposed on the construction so that it does not drag on. Mr. Banisch said that it would be a good idea to have a relationship between the removal of the old house and the CO for the new house. Ms. Wolfe said that as long as the applicant commences construction within a year, the Board cannot impose an end date for construction, however the Board can do something akin to what Mr. Banisch has suggested. Mr. Ruschke said that the applicant can volunteer to have the work done in a two-year period. Mr. Silva noted that a TCO can be issued so the applicant could move things into the new home while the old home is still on the property.

Mr. Huke moved to approve the application subject to the conditions discussed. Mr. Borsinger seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Absent; Mr. Silva, Aye; Mr. Huke, Aye; Mr. Bhatia, Aye.

Mr. Huke moved to adjourn at 9:00 PM. Mr. Vivona seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary