

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

Mr. Vivona called the Work Meeting of the Zoning Board of Adjustment to order at 7:35 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 2025 and January, 2026 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. Borsinger, Mr. Fitt, Mr. Huke, Mr. Bhatia and Mr. Silva.

Mr. Somaiya, Mrs. Chang and Mrs. Max were absent.

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

Approval of Minutes

Mr. Huke moved to approve the minutes of the October 8, 2025 meeting. Mr. Fitt seconded the motion which carried unanimously.

Hearings

Calendar BOA-25-016 Adrian & Nicki Batu, 17 Lenape Trail, Block 85, Lot 20.

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

Brien Siegel, the architect representing the applicant, was present. He said that there is a preexisting, nonconforming condition that the applicant is not seeking to change. Mr. Batu said that the latest renovation was done before he bought the property.

Mr. Banisch said that the current owners are making up for mistakes made by a prior owner. He also said that he does not think the Board would make them adjust the roof height. Mr. Banisch also said that while the Board would not normally consider the conditions as a hardship, they can given the circumstances.

Mr. Borsinger asked when height is measured during construction. Mr. Ruschke said that first a foundation location survey is performed, and they check the architectural plans to make sure a

height violation will not be created. He said the ridgeline survey is performed after construction. Mr. Ruschke agreed with Mr. Banisch's statement that a mistake was made fifteen years ago and the Township did not catch the height violation at the time.

Mr. Huke moved to approve the application. Mr. Fitt seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. Huke, Aye; Mr. Silva, Aye; Mrs. Chang, Absent; Mr. Bhatia, Aye; Mr. Somaiya, Absent; Mrs. Max, Absent.

Calendar BOA-25-003 Julie & Michael Murphy, 31 Ormont Road, Block 9, Lot 8.

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

Mr. Fitt read a letter from the Environmental Commission into the record.

Kiersten Osterkorn, an engineer representing the applicant, was sworn in to give testimony. Ms. Osterkorn provided her qualifications and was accepted as an expert witness.

Corey Buchholz, the applicant's architect who was sworn in previously, was also present.

Ms. Osterkorn said she reviewed the memo from Mr. Ruschke, and groundwater calculations are being addressed. She also addressed tree removal. A new line of buffer trees has been proposed. Ms. Osterkorn described the existing conditions on the property. She also discussed a requested building coverage variance. Ms. Osterkorn presented the planned improvements to the property.

Mr. Banisch said that the proposed house is the wrong house for the lot, which can only be built with a variance. He noted the slopes on the lot, and said the Board needs to think twice before approving anything.

Mr. Vivona addressed prior flooding that occurred in a neighboring house during a nearby construction project. He said that tree removal during the project will negatively impact drainage. Ms. Osterkorn said that the trees in question do not need to come down for construction. She also said that Mr. Buchholz will address the design of the house, and she spoke about the de minimis nature of the requested variances.

Mr. Buchholz presented the architectural plans for the house. He noted the need for a building coverage area variance.

Mr. Banisch said that he is having a hard time understanding why so many variances are needed for so small an area. He also said that it is not the Board's job to make the proposed house fit the area, but to make sure that the house that gets built actually fits the area.

Ms. Osterkorn discussed adjustments that can be made to the plans.

Mr. Borsinger asked if there is a different analysis for drywells when there are steep slopes versus a flat lot. Mr. Ruschke said that there is not a difference for the drywell itself, and the

sequence of construction is reviewed as part of the soil erosion sediment control compliance process.

Ms. Osterkorn asked about having an overflow pipe to the inlet at the intersection. Mr. Ruschke said the Township generally does not want private drainage into municipal systems.

Mr. Buchholz said that the applicant will pull in the west side of the building in order to remove the building coverage variance. The setback variances are still requested.

Mr. Banisch held to his position that the proposed house is a bad fit for the area because of the elevation of the landscape.

Ms. Osterkorn addressed measures that would be taken to protect the remaining trees.

Julie Murphy was sworn in to give testimony. She explained why they made the roof as high as possible.

Mr. Ruschke commented on the measurement of height once a house is nearing completion.

Mr. Vivona opened the floor to the public.

1. Lisa McHugh, Environmental Commission, commented on the trees on the property. She said they cannot be easily replaced, and suggested that some of the more mature trees remain. Mrs. McHugh recommended that an arborist be consulted.
2. Andrew Harper, 27 Ormont Road, was sworn in to give testimony. He said that he spoke with the applicants this week, and they are willing to work with them regarding the trees.

Seeing no further comment, Mr. Vivona closed the floor.

The continuation of the hearing will be on December 10th.

Calendar BOA-25-009 Bhee Properties, LLC, 695 Fairmount Avenue, Block 61, Lot 10.02 & Calendar BOA-25-010 Bhee Properties, LLC, 697 Fairmount Avenue, Block 61, Lot 10.01

Ms. Wolfe said that these hearings were going to be carried to the December 10th meeting, and asked if the Board wants them to re-notice since it has been over six months. Mr. Banisch recommended that the hearing be re-noticed.

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

Gregory J. LaConte
Recording Secretary