

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
OCTOBER 17, 2024

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:32 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.

Oath of Office

Paresh Bhatia was sworn in as a member of the Zoning Board. The oath was administered by Ms. Wolfe.

Roll Call

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

Mr. Silva and Mr. O'Brien were absent.

Also present were Board Attorney Amanda C. Wolfe and Board Engineer John Ruschke.

Minutes

Mr. Borsinger moved to approve the minutes of the September 19, 2024 meeting. Mr. Fitt seconded the motion which carried unanimously.

Hearings

Calendar BOA 24-006 Gina & Brian Fox, 731 Fairmount Avenue, Block:61 Lot:4.01

Ms. Wolfe said that she reviewed the notice for this hearing. As the notice was sufficient, the Board has jurisdiction to hear this application.

The Board professionals, the applicant and the applicant's professionals were sworn in to give testimony.

Rob Forbes, the applicant's architect, provided his qualifications and was accepted as an expert.

Mr. Vivona provided an overview of the Board's hearing process.

Mr. Fox described the background on the proposed project to create a patio, outdoor kitchen and retaining walls. Mr. Vivona asked if the work described by Mr. Fox was permitted. Mr. Fox said he thinks it was. Mr. Forbes described the variances that are requested.

Mr. Vivona said that the Site Visit will be scheduled for November 2nd. The next meeting will be on November 13th.

Calendar BOA 24-004 Mr. & Mrs. Kelly, 37 Rose Terrace, Block: 92 Lot: 8.

Mr. Ruschke was sworn in to give testimony.

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

Lighting at the property was discussed. The need for vegetative screening was also discussed.

Mr. Ruschke said that the Township code requires that residential lighting not be visible from neighboring properties. He also said a lot grading plan is needed.

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

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. Silva, Absent; Mr. Sood, Aye, Mr. Huke, Aye; Mr. O'Brien, Absent; Mr. Bhatia, Aye.

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

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

Mr. Ruschke was sworn in to give testimony.

Bria Siegel, an architect representing the applicant, was sworn in to give testimony. He provided his qualifications and was accepted as an expert.

Mr. Siegel described the goal of the application. He also described the proposed two-family house. Mr. Siegel presented proposed architectural drawings. Mr. Siegel described the conditions on the property.

Mr. Fantina said that the proposal will fit in with the neighborhood and will likely be a rental property.

Peter Allocca, the applicant's son, was sworn in to give testimony. He addressed the lack of flooding on the property. He also said his parents would plan to occupy one of the units. Mr. Ruschke commented on the stormwater recharge requirements and the measures that would need to be taken to address stormwater. Mr. Fantina further discussed the stormwater measures. He also described the current drainage at the site.

Ms. Wolfe said that there are special reasons required for granting a D variance. There are three types of special reasons: 1) the use is inherently beneficial, 2) the Applicant faces undue hardship and/or 3) the use is particularly suited for the property. According to the testimony, the project seems to be particularly suited to the site. Ms. Wolfe said that the applicant needs to reconcile why a two-family home was omitted from the zoning ordinance and will need to testify why a variance is warranted. Ms. Wolfe said that the negative criteria will also need to be addressed by the applicant.

Mr. Fantina addressed the lack of a negative impact or detriment on neighboring properties. He also said that it is unlikely anyone would want the property as a location for a dream single-family home, and he said it is more likely future owners will have it as a rental property.

Mr. Borsinger addressed the challenges of having a two-family home at the site. Mr. Siegel addressed the front portico. Mr. Vivona noted that the property is surrounded by rental properties and commercial properties. Mr. Borsinger asked if any thought had been given to acquiring the adjacent property and having one larger structure rather than two smaller structures.

Mr. Sood asked why the house is under such disrepair. Mr. Allocca said that the renter pays on time. Mr. Sood addressed the inability to discriminate against a qualified renter.

Mr. Ruschke suggested that additional planning testimony be presented by the applicant before the Board makes any determinations. Mr. Fantina requested that a recess be granted. Mr. Huke noted he would be more comfortable with a single-family home at the site.

Mr. Fitt asked if there are any other two-family homes in the Township. Mr. Ruschke said he is not aware of any.

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

Gregory J. LaConte
Recording Secretary