

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
NOVEMBER 12, 2025**

Mr. Vivona called the Work Meeting of the Zoning Board of Adjustment to order at 7:34 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. Fitt, Mr. Huke, Mr. Somaiya, Mr. Silva and Mrs. Max.

Mr. Borsinger, Mr. Bhatia, and Mrs. Chang were absent.

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

Approval of Minutes

Mr. Fitt moved to approve the minutes of the October 16, 2025 meeting. Mr. Huke seconded the motion which carried unanimously.

Resolution

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

Ms. Wolfe gave an overview of the resolution.

Mr. Huke moved to adopt the resolution. Mr. Silva seconded the motion.

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

Hearings

Calendar BOA-25-022 Brad & Robin Wayman, 4 Robert Drive, Block 102.11, Lot 4

Brad and Robin Wayman were sworn in to give testimony.

Mr. Vivona provided an overview of the Board of Adjustment's hearing process. He announced that the site visit will be held on December 6th at 9:00 AM.

Mrs. Wayman said that a hardship variance is sought for their pool equipment. She said that they are unable to meet the setback requirements. Mrs. Wayman also addressed the slopes and retaining walls on the property which create the hardship. She further addressed steps that have been taken to comply with the Township's regulations.

Mrs. Wayman said she has a letter of support from a neighbor. Ms. Wolfe said that such letters cannot be submitted to the record, as any testimony needs to be subject to cross examination.

Alok Sood, 3 Robert Drive, was sworn in to give testimony. Mr. Sood said that the Wayman's property has severe steep slopes. He described work they have done on their property. He spoke in favor of the application and said it would have minimal impact.

Mr. Vivona said that the continuation of the hearing will be on December 10th. He said that there may be a possibility to have an early draft of a resolution.

Mr. Ruschke said that he does not have any issues with this application.

Mr. Fitt asked if there is a different setback for pool equipment than for air conditioners. Mr. Ruschke said that there is a different setback. Mr. Wayman said that his understanding is that the relevant setback that applies is the setback for pools and auxiliary equipment.

Mr. Vivona reiterated that the site visit will be on December 6th at 9:00 AM.

Calendar BOA-25-015 Lisa Carbone, 50 Rose Terrace Drive, Block, 95 Lot 3

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

Mr. Ruschke confirmed that he does not have any issues with the patio remaining as-is.

Ms. Wolfe said that there were conditions of approval in Mr. Ruschke's memorandum. Mr. Ruschke said that they were regarding shielding of the lights. The applicant stipulated to the condition regarding light screening.

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

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

Mr. Vivona said that the resolution will be considered at the December 10th meeting.

Calendar BOA -25-018 Mads & Sari Jepsen, 330 Green Village Road, Block 144, Lot 39.05

Mr. Huke read the site visit report into the record.

Mrs. Magdziak said that the application is an appeal from the denial of a zoning permit. She provided a summary of the proposed work to be performed. Mrs. Magdziak stressed that the proposed improvements to the garage area would not be a secondary residential unit.

Mr. Huke offered his opinion that the improvements are too close to being a residential unit. Mr. Silva said that based on his background doing UCC work, he does not think that it would qualify as an additional residential unit. Mr. Vivona said that his concerns have been satisfied.

Mr. Fitt asked if the question is whether or not the improvements would be considered an accessory unit. Ms. Wolfe confirmed that is the question, and the Zoning Officer denied the permit application based on what the improvements might become.

Ms. Wolfe cited the conditions of approval.

Mr. Silva said that he thinks the deed restriction is an excessive condition. Mr. Fitt expressed his concern that future owners would not know what was agreed to unless there was something that went along with the property.

Mr. Fitt moved to reverse the Zoning Officer's decision. Mr. Somaiya seconded the motion.

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

Mr. Vivona said that the resolution will be read into the record on December 10th.

Calendar BOA-25-017 Damir Valjevac, 131 Candace Lane, Block: 38 Lot: 11

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

Mr. Vivona said that the proposed finished project is not as dramatic as the ten-fold increase. Mr. Vivona asked if the height of the retaining wall has been addressed, and Mr. Egarian said it was.

Mr. Egarian also said that tree removal was discussed with his client, and a report from an arborist was submitted. Ms. Wolfe said that the report will be entered as Exhibit A-1. Mr. Egarian reviewed the report with the Board, noting that some trees proposed for removal are dead. Mr. Vivona said that replacement trees need to be substantial enough to hold back soil from erosion. He also addressed impervious coverage. Mr. Valjevac also addressed the tree removal.

Ms. Wolfe noted the requests from the Environmental Commission about the trees.

Lisa McHugh, a member of the Environmental Commission, was sworn in to give testimony. She noted two trees to be removed, and said that the others could be saved.

Mr. Vivona said that he would like to see as many trees as possible saved, but at least some will be replaced. Mr. Egarian said an expert will be present during to construction to help save any trees that can be saved.

Mr. Fitt moved to approve the application subject to a second opinion on the tree removal. Mr. Somaiya seconded the motion.

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

Mr. Vivona said that the resolution will be read into the record on December 10th.

Calendar BOA-25-19 Sean Hannon & Jenny Hsieh, 43 Westminster Road, Block 48.07, Lot 21

Mrs. Magdziak was present to represent the applicant.

Jacqueline Shaeffer, a landscape design architect, was sworn in to give testimony. Ms. Shaeffer provided her qualifications and was accepted as an expert.

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

Mrs. Magdziak reviewed the variances requested. She said that due to the screening, there will not be any substantial detriment.

Exhibit A-1 was entered into the record, which was a depiction of the pergola. Ms. Shaeffer presented the depictions in the exhibit.

Mr. Vivona addressed the retaining walls. He also said that the variances are not a huge inconvenience to the neighbors. Mr. Vivona said that he is comfortable with the project so long as Mr. Ruschke's conditions are met. Mr. Ruschke said he does not anticipate any issues with compliance.

Mr. Vivona opened the floor to the public, and there was not any public comment.

Mr. Huke moved to approve the application subject to the comments in Mr. Ruschke's memo. Mr. Fitt seconded the motion.

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

Mr. Vivona said that the resolution will be read into the record on December 10th.

Calendar BOA-24-012 Chatham Day School, Inc, 700 Shunpike Road, Block 135, Lot 1 & 9

Diane McGovern, an attorney representing the applicant, said that a landscape plan has been submitted and will be presented to the Board. She requested that the applicant be able to implement the plan in phases if the application is approved.

Paul Siomas, an architect and landscape architect, was sworn in to give testimony. He provided his qualifications and was accepted as an expert.

Mr. Siomas presented the landscape plan, which was entered as Exhibit A-7. A satellite view of the site was included. He addressed tree removal and drainage. He also said that plantings will be made to screen the property and control drainage. Mr. Siomas noted the native species that are proposed to be planted.

Mr. Vivona thanked Mr. Siomas for the presentation. He noted the efforts that Chatham Day School makes to be a good neighbor. Mr. Vivona also said that he does not object to the two-phase process for the landscape plan.

Mrs. McGovern said that the height of the fence was left open, and the zoning regulations have a 6-foot maximum. She requested that the Board allow the fence to be 12-feet high as an additional protection to neighbors. Mrs. McGovern noted that the legal notice for the hearing allowed for any such variances as may be required. Mr. Vivona asked if it would be a chain link fence. Mrs. McGovern confirmed that it would be chain link, with landscaping growing around it.

Mr. Silva asked about having a safety net. Mr. Vivona said that wildlife is more likely to get caught in a net than in a fence.

Brian McIntyre, the attorney for the Rose Valle Association, said that they agree with the request for a 12-foot fence.

Ms. Wolfe reviewed the conditions of approval.

Mr. Vivona opened the floor to the public. Seeing no comment, Mr. Vivona closed the floor.

Mr. Silva moved to approve the application with the stipulated conditions. Mr. Somaiya seconded the motion.

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

Mr. Vivona said that the resolution will be read into the record on December 10th.

Mr. Silva moved to adjourn at 9:30 PM. Mr. Vivona seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary