

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
DECEMBER 10, 2025**

Mr. Vivona called the Work Meeting of the Zoning Board of Adjustment to order at 7:44 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. Huke and Mrs. Max. Mr. Bhatia arrived a few minutes late.

Mr. Borsinger, Mr. Bhatia and Mrs. Max participated via Zoom.

Mr. Fitt, Mr. Somaiya, Mr. Silva 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. Borsinger moved to approve the minutes of the November 12, 2025 meeting. Mrs. Max seconded the motion which carried unanimously.

Resolutions

BOA-2025-024 Calendar BOA-25-015 Lisa Carbone, 50 Rose Terrace Drive, Block 95, Lot 3

Ms. Wolfe provided an overview of the resolution.

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

Roll Call: Mr. Vivona, Aye; Mr. Huke, Aye.

Resolution BOA-2025-025 Calendar BOA-25-018 Mads & Sari Jepsen, 330 Green Village Road, Block 144, Lot 39.05

Ms. Wolfe provided an overview of the resolution and the conditions of approval.

As the only eligible member present, Mr. Vivona moved and seconded to adopt the resolution.

Roll Call: Mr. Vivona, Aye.

Resolution BOA-2025-026 Calendar BOA-25-017 Damir Valjevac, 131 Candace Lane, Block 38, Lot 11

Ms. Wolfe provided an overview of the application and the conditions of approval.

As the only eligible member present, Mr. Vivona moved and seconded to adopt the resolution.

Roll Call: Mr. Vivona, Aye.

Resolution BOA-2025-027-Calendar BOA-25-19 Sean Hannon & Jenny Hsieh, 43 Westminster Road, Block:48.07 Lot: 21

Ms. Wolfe gave an overview of the resolution.

As the only eligible member present, Mr. Vivona moved and seconded to adopt the resolution.

Roll Call: Mr. Vivona, Aye.

Hearings

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

Robin Wayman was present to give testimony.

Mrs. Max read the Site Visit Report into the record.

Mr. Vivona commented that at the Site Visit the Board saw that the property owners had tried to bring things into compliance. He also said he has no objection to the approval of the application.

Mr. Vivona opened the floor to the public for comments and questions. Seeing none, Mr. Vivona closed the floor.

Mr. Huke moved to approve the application. Mrs. Max seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Absent; Mr. Huke, Aye; Mr. Silva; Absent; Mrs. Chang, Absent; Mr. Bhatia, Aye; Mr. Somaia, Absent; Mrs. Max, Aye.
Ms. Wolfe provided an overview of the resolution. She noted the 45-day appeal period.

Mr. Huke moved to adopt the resolution. Mrs. Max seconded the motion.

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

Calendar: BOA 25-012 PB Real Estate Investors, LLC, 765 Fairmount Ave, Block 62.08 Lot 20

Angelique Koutsavlis, an attorney representing the applicant, provided an overview of the application. She said that the subject property currently has a vacant commercial structure, and there is also a utility structure with accessory improvements. The application is to subdivide the property to build single-family residences on each lot. The variances requested are for D(1), D(3) and C variance relief.

Tomas Matias, an engineer representing the applicant, was sworn in to give testimony. He provided his qualifications and was accepted as an expert. Mr. Banisch and Mr. Ruschke were also sworn in.

Mr. Vivona provided an overview of the Board of Adjustment's procedures for site visits, noting that the site visit for this application will be on January 3rd¹ at 9:00 AM.

Mr. Matias provided background on the property. He also said that the application is to subdivide the property and develop two single-family homes. Mr. Matias gave background on the utility building. He said that the applicant intends to comply with the bulk standards with the exception of having one home within 30 feet of the utility building. He addressed driveway access, which was reviewed by the County, and the applicant will work with Mr. Ruschke regarding access.

Mr. Vivona asked about the C variance. Mr. Matias said that it relates to having two principal structures on the one property.

Mr. Matias presented the proposed site plan. He also noted the use of the utility building, which is used by Verizon.

Mr. Borsinger asked if road opening permits will be needed from Morris County. Mr. Matias said that applications for those permits will be submitted. Mr. Borsinger noted the volume of traffic at the intersection during rush hour.

Mr. Matias said that the site plan has conceptual building plans to show that a building could be built on the subdivided lots. He said that there may be some tree removal, but the intent would be to limit tree removal and steep slope disturbance.

¹ The Board later corrected this announcement to note that the Site Visit would actually take place on January 10, 2026.

Mr. Vivona said that before the conceptual house designs are presented, the site visit should be held.

Mr. Borsinger asked if the operator of the utility building has been notified of the application. Mr. Matias said that Verizon had been notified and they consent to the modification of the easement.

Mr. Ruschke said he will provide his testimony after the site visit.

Mr. Vivona opened the floor to the public.

1. Stacey Ewald, Nicholson Drive, asked if the County approval would include sidewalks. Mr. Matias said the proposal is to include sidewalks meeting Morris County standards.
2. Allison Bobby, Sycamore Drive, asked if the D(1) variance is needed because the applicant proposes two homes on a property that used to have one structure. Mr. Matias said that the variance is needed because the utility building counts as a principal building. Mrs. Bobby asked if there need to be two homes built. Mr. Matias said that the subdivision would meet bulk standards. Mrs. Bobby was sworn in to give testimony, and expressed concern about an increase in density at a busy intersection. Ms. Wolfe said that the subdivided lots as proposed would conform to lot area. Mr. Matias addressed a design waiver for usable area. Mr. Vivona said that the public can attend the site visit.

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

Ms. Wolfe said the hearing will be carried to the January 22nd meeting.

The date of the site visit was discussed. Mr. LaConte said that the site visit will need to follow the Township Committee's reorganization once board appointments and reappointments have been made. It was announced that the site visit will be on January 10th at 9:00 AM.

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

Mr. Buchholz addressed changes made to the proposed building height which was lowered by 3-5/8 inches. He also said that the proposed max building coverage was reduced to eliminate one of the requested variances. Mr. Buchholz also said that the portico projection was reduced to 6 feet to eliminate another variance. He also said that the setbacks were adjusted, and although variances are still requested, the encroachment will be less. Mr. Buchholz also said that renderings will be presented by their engineer.

Kiersten Osterkorn, an engineer representing the applicant, addressed the requested variances. She also addressed the proposed landscaping. Mrs. Osterkorn addressed Mr. Ruschke's comment about the pitch of the proposed home, and a variance will be requested due to topographic conditions. The height of a retaining wall was addressed. Mrs. Osterkorn addressed the remainder of the comments in Mr. Ruschke's memorandum. She further addressed steep slopes, soil erosion sediment control and road opening permits. Drainage was also addressed.

Mr. Ruschke said that any other concerns he has are not substantial and can be addressed during the lot grading permitting process.

Mr. Vivona opened the floor to the public. Seeing no comments or questions, Mr. Vivona closed the floor.

Mr. Vivona said that he is pleased with the updates made to the application.

Ms. Wolfe noted that the applicant will need to comply with the memoranda from the Board professionals. Mr. Buchholz addressed some corrections that need to be made to Mr. Banisch's latest memorandum.

Ms. Wolfe reviewed the conditions of approval. Mrs. Osterkorn commented on potential updates to the landscaping plan.

Mr. Huke moved to approve the application. Mrs. Max seconded the motion.

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

Ms. Wolfe said she will try to have the resolution ready for the next meeting.

Calendar: BOA-25-009 Bhee Properties, LLC, 695 Fairmount Avenue &
Calendar: BOA-25-010 Bhee Properties, LLC, 697 Fairmount Avenue

Ms. Wolfe said she reviewed the notices for both applications and both were sufficient. The Zoning Board has jurisdiction to hear the applications.

Rob Simon, an attorney representing the applicants, was present. Mr. Simon asked that both applications be heard concurrently, and he said that his witnesses will testify on both applications. Mr. Simon provided background on the property. He also gave an overview of the application and said that this application seeks driveway access from Sunset Drive. Mr. Simon provided an overview of the height variances that are requested.

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

Robert Moschello, an engineer representing the applicant, was sworn in to give testimony. He provided his qualifications and was accepted as an expert witness.

Mr. Moschello entered Exhibit A-1 into the record, which is a neighborhood aerial photo. Mr. Moschello provided information on the character of the neighborhood.

Exhibit A-2 was entered into the record, which was also an aerial photo. This exhibit was a closer view of the subject property. Mr. Moschello noted the current lot coverage.

Exhibit A-3 was entered into the record, which addressed environmental constraints. Mr. Moschello addressed the slopes on the property.

Exhibit A-4 was entered into the record, which was an on-site rendering. Mr. Moschello said that this exhibit includes utilities for the proposed lots. He also said that having the driveway access from Sunset would allow the future residents to utilize a quieter neighborhood roadway. He also noted the drainage and stormwater management plan. Mr. Moschello addressed lot coverage. Steep slope disturbance was also addressed, and variances are requested.

Exhibit A-5 was entered into the record, which was a steep slope disturbance exhibit. Mr. Moschello addressed the proposed disturbance limits and related variances. A grading change variance is requested.

Exhibit A-6 was entered into the record, which was the building elevation for lot 10.01. Mr. Moschello said that this exhibit addresses the height variance request for the lot. He described the proposed height of the house and explained the need for a variance.

Exhibit A-7 was entered into the record, which was the elevation for lot 10.02. Mr. Moschello addressed the proposed building height and variance request.

Mr. Moschello said that if the variances are granted, individual lot grading applications will be submitted for each lot, as well as an application for a soil control sediment erosion permit. Road opening permits will also be sought from the County and the Township. He also addressed the comments in Mr. Ruschke's memorandum.

Mr. Moschello commented on the proposed location of the houses. He noted that having the homes face Fairmount would result in additional impervious coverage.

Mr. Borsinger asked if the construction would appear a similar height to lot 12. Mr. Moschello said he will have to check on that. Mr. Borsinger asked about the stormwater tie-in to the system on Fairmount. Mr. Moschello said that was previously approved, and it would only be for overflow from the detention basins.

Mr. Vivona opened the floor to the public.

1. Stacey Ewald, Nicholson Drive, asked about the height of the attic. Mr. Moschello said it would be 6 to 7 feet high. Mrs. Ewald asked if the basement would have 8-foot or 9-foot ceilings. Mr. Moschello said about 8.5 to 9 feet. Mrs. Ewald said that the height variance would not be needed if the height of the basement and the attic were reduced. Mr. Moschello said that the 35-foot maximum would still be exceeded. Otherwise the aesthetic would be affected. Mrs. Ewald asked about removal and replacement of trees. Mr. Moschello said that there would be evergreen screening on Fairmount Ave. Mrs. Ewald asked how many oaks are being removed. Mr. Moschello commented on the plantings that will be made. Mrs. Ewald asked if in-kind replacements could be required. Mr. Moschello commented on the size of replacement trees, and said they are typical planting heights. Mrs. Ewald asked about stormwater management in the front of the property. Mr. Moschello described the system that will be in the front yard.

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

Mr. Banisch commented on the steepness of the driveways to Sunset, and said that the proposal is a better arrangement than having the driveways on Fairmount.

Donna Holmqvist, a planner representing the applicant, was sworn in. She provided her qualifications and was accepted as an expert witness.

Mrs. Holmqvist entered Exhibit A-8 into the record, which was an aerial location of the subject property. Mrs. Holmqvist presented the exhibit, and commented on the slopes on the property. Mrs. Holmqvist also commented on traffic in the neighborhood. She further commented on e-commerce and delivery trucks on Fairmount Ave, and said having the houses face Sunset would have less impact from deliveries. Mrs. Holmqvist further commented on the goals of the Township's Master Plan as they relate to the application. She further commented on the height of the proposed houses, and said that they will not have a detrimental visual to the neighboring houses. She also addressed the remaining variances, and said that having the homes face Sunset are a better alternative. She further said that there will not be substantial detriment to the public good, and no substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

Mr. Vivona commented on the height of the attic. He asked about the slope of the front yard, and if they plan to leave it more natural or have a lawn. Mr. Moschello said that the intent is to leave some areas more natural, however a future homeowner may do something else. He showed in an exhibit that the disturbed areas will have a lawn. Mr. Vivona asked if the applicant would consider native species for tree plantings. Mr. Simon said that a revised landscaping plan can be submitted subject to Mr. Ruschke's approval.

Mr. Vivona opened the floor to the public.

1. Stacey Ewald, Nicholson Drive, asked about construction access and if it will be from Fairmount or Sunset. Mr. Moschello said that he will coordinate access with Mr. Ruschke's office. He anticipates they will begin access from Fairmount from the existing driveway for the stormwater management work, and eventually the access will be from Sunset once the rear of the property is stabilized. Mrs. Ewald asked what sort of site protections will be in place. Mr. Moschello described the soil erosion measures and silt fencing, which will be reviewed with Mr. Ruschke and the Construction Department. He noted that the demolition of the existing home will be the first work performed.

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

Mr. Ruschke said that remaining technical issues in his report will need to be addressed.

Mr. Banisch said that the application turned out well.

As the applications require at least 5 members in favor in order to pass, Mr. Simon requested a straw poll before a formal vote.

Mr. Vivona noted that lowering the basements would not lower the houses enough to remove the variances, and the roofs cannot be lowered without using a flat roof. He also said that once trees grow, the view from Fairmount would be normalized.

Mrs. Max asked about the landscape plan. Mr. Simon said they will work with Mr. Ruschke's office to try to preserve trees.

Mr. Huke moved to approve the application for 695 Fairmount Ave. Mr. Borsinger seconded the motion.

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

Mr. Huke moved to approve the application for 697 Fairmount Ave. Mr. Borsinger seconded the motion.

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

Discussion – 2026 Meeting Dates

The proposed 2026 meeting dates were reviewed by the Board. Mr. LaConte said that formal approval will be by resolution at the Reorganization Meeting.

Ms. Wolfe asked if the Board will have any new members joining in 2026. Mr. LaConte said that the Mayor received a list of those board members whose terms are expiring, and any appointments or reappointments will be made at the Township Committee's reorganization meeting.

Mr. Vivona said that some board members have issues with Wednesday meetings. Mr. LaConte said that at some point the Board of Adjustment can consider having work meetings on a night other than Wednesday.

Mr. Vivona said he would like for Board members to make more of an effort to attend the site visits.

Mr. Huke moved to adjourn at 10:18 PM. Mr. Borsinger seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary