

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
DECEMBER 19, 2024**

Mr. Vivona called the Regular 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 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.

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Borsinger, Mr. Fitt and Mr. Huke. Mr. Silva arrived a couple minutes late.

Mr. Sood, Mr. O'Brien and Mr. Bhatia were absent.

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

Minutes

Mr. Borsinger moved to approve the minutes of the October 17, 2024 and November 13, 2024 meeting minutes. Mr. Fitt seconded the motion which carried unanimously.

Resolution:

2024-022-Calendar BOA Gina & Brian Fox, 731 Fairmount Avenue, Block: 61 Lot: 4.01

Ms. Wolfe provided an overview of the application. She said that the Board can adopt the resolution to memorialize the approval of the application.

Mr. Fitt moved to adopt the resolution. Mr. Borsinger seconded the motion.

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

Hearings

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

Ms. Wolfe stated for the record that she reviewed the notice for this hearing, and the Board has jurisdiction to hear the application.

Vasyl Dmytryshyn, David Fantina and the Board professionals were sworn in to give testimony. David Fantina, the applicant's engineer, provided his qualifications and was accepted as an expert.

Mr. Vivona provided an overview of the Board's process and said that the Site Visit will be conducted on January 4th at 9:00 AM.

Mr. Fantina provided an overview of the application. He said that the applicant and his wife live on the property. The plan is to demolish the existing home and build a new home that will be conforming to the zoning regulations. A variance is needed because the applicant wants to live in the existing home while the new home is being built. Mr. Fantina confirmed that mark-outs will be done for the Site Visit.

Mr. Vivona asked if there is a proposed timeline for the new construction. Mr. Fantina said there is a detailed sequencing of the construction.

Mr. Borsinger asked if there are any issues concerning staging the construction of the new home. Mr. Fantina said that the applicant believes the plan will work. Mr. Ruschke said that there was a similar project in the past.

Mr. Silva asked which direction the new house would be facing. Mr. Fantina said it will face toward Mountainview.

The hearing will be continued at the January 22, 2025 meeting.

The site visit was rescheduled to January 11th

The continuation of the hearing was rescheduled to January 16, 2025 meeting.

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

Ms. Wolfe stated for the record that she reviewed the notice for this hearing, and the Board has jurisdiction to hear the application.

Tim Maloney was sworn in to give testimony.

Mr. Vivona provided an overview of the Board's process and stated that the Site Visit will be scheduled for January 11th at 9:30 AM. He said that the area in question should be marked out.

Mr. Maloney said that he is seeking to construct a screened porch on the back of his house. An outdoor cooking area is also sought. Mr. Maloney said that he has a special needs daughter, and they believe that the items requested will help with her conditions. A variance for impervious

coverage is needed for the work to be done. Mr. Maloney provided further information on the options that were considered. He noted the setback limits for the proposed deck and conditions that impact the setback.

Mr. Vivona noted that the lot is slightly undersized.

Mr. Ruschke commented on the lot grading and drainage in regard to the deck.

Mr. Vivona asked if the pool will be inground cement. Mr. Maloney said that it would. Mr. Vivona said that a survey and a site plan will be needed so the contractor will know exactly where the pool is approved to be located. Mr. Ruschke noted that the applicant's engineer or surveyor will need to lay out the limits so that the contractor does not create any violations.

Mr. Banisch said that his interpretation of the setback for the deck is that because it will not have a roof, it will not need to meet the building setback. Mr. Vivona said that a variance would then not be needed for the deck as the required setback would be 15 feet, not 50 feet.

Mr. Ruschke said that there will need to be a lot grading plan for the repair to a retaining wall.

Mr. Borsinger asked about the purpose of expanding the driveway. Mr. Maloney said that it is hard to get cars out of the garage.

Mr. Vivona recommended that the architect and the landscaper attend the next hearing, and that the pool installer attend as well if a contractor has been chosen.

Pool construction was further discussed. Mr. Vivona noted that the pool walkway counts toward the setback.

Mr. Vivona reiterated that the site visit will be on January 11th and the next hearing will be on January 22nd.

The continuation of the hearing was rescheduled to January 16, 2025 meeting.

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

Mr. Fantina presented changes to the plans based on concerns raised by the Board at the last hearing on this application. He explained that the Applicant was no longer proposing a two-family dwelling, but rather a one-family dwelling. The changes affect the driveway and impervious coverage. Setbacks were discussed.

Mr. Siegel commented on the amount of impervious coverage on the revised plans. He also presented the architectural designs.

Mr. Vivona expressed his appreciation for the revisions to the plans, and he said the proposed plans look nice.

Mr. Borsinger asked about the sidewalk. Mr. Ruschke said they would need a permit if changes are made to the sidewalk. Sidewalk details were further discussed. The Applicant stipulated to installing a sidewalk.

Mr. Fantina noted that all requisite DEP approvals have been obtained.

Mr. Banisch said that there should be an acknowledgement that any relief granted relates to the unique circumstances of the lot as described at the last hearing on this application.

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

The sidewalk conditions will be included.

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, Aye; Mr. Sood, Absent, Mr. Huke, Aye; Mr. O'Brien, Absent; Mr. Bhatia, Absent.

2025 Meeting Dates

No conflicts were noted in the proposed meeting dates for 2025.

Mr. Borsinger moved to approve the proposed meeting dates. Mr. Fitt seconded the motion which carried unanimously.

Mr. Fitt moved to adjourn at 8:28 PM. Mr. Vivona seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary