

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
FEBRUARY 19, 2026

Mr. Vivona called the Reorganization Meeting of the Zoning Board of Adjustment to order at 7:36 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 2026 and January 2027 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, Mr. Bhatia, Mrs. Chang Mr. Neibert, Mr. Somaiya and Mrs. Max.

Mr. Silva was absent.

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

Minutes

Mr. Huke moved to approve the minutes of the January 22, 2026 meeting. Mrs. Borsinger seconded the motion which carried unanimously with abstentions from those Board members who were not present at that meeting.

Resolutions

Res 2026-013 Calendar BOA 25-012 PB Real Estate Investors, LLC, 765 Fairmount Ave, Block 62.08, Lot 20

Ms. Wolfe provided background on the resolution. She said that the applicant's professionals also reviewed the resolution and had no objections.

Mr. Borsinger asked about liability related to having a house by the utility building. Ms. Wolfe said she will speak with the applicant's attorney. Mr. Ruschke said that correspondence was sent by the Construction Official regarding violations related to the utility building.

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

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Silva; Absent; Mr. Huke, Aye; Mr. Bhatia, Aye; Mr. Neibert, Aye.

Hearings

Calendar BOA-25-025 Gregory Dunn, 3 Warwick Road, Block 122, Lot 8

Ms. Wolfe said that the notice was sufficient and the Board as jurisdiction to hear this application.

Attorney Rosemary Stone-Dougherty was present to represent the applicant. Mrs. Stone-Dougherty provided an overview of the application. She further said that the site will be properly staked out for the Site Visit.

Mr. Vivona announced that the Site Visit will be held on March 7, 2026 at 9:00 AM.

Philip Daniele, the applicant's engineer, was sworn in to give testimony. He provided his qualifications and was accepted as an expert witness. The Board professionals were also sworn in.

Mr. Daniele listed the following variances which will be sought:

1. Minimum Lot Area
2. Maximum Building Coverage
3. Maximum Lot Coverage
4. Minimum rear- and side-yard setbacks
5. Minimum Lot Width
6. Minimum Lot Width Setback
7. Minimum Side Setback for Swimming Pool
8. Minimum Setback from Accessory Structure
9. Minimum Setback from Accessory Structure to Another Structure

Mrs. Stone-Dougherty said that some of the items listed are pre-existing nonconformities.

Mr. Daniele presented the submitted plans for the rear improvements.

Mrs. Stone-Dougherty said that the improvements will all be in the rear yard and outside the view of the neighbors. They improvements will also be behind the structure. Some walkways will be removed, and a fence will be adjusted which will clean up some encroachments.

Mr. Vivona asked about the storm retention. Mr. Daniele said that the current retention is in the area where the pool is proposed to be, and will be moved. Mr. Borsinger asked about Mr. Ruschke's technical review and if a dry well will need to be installed. Mr. Ruschke said that if the applicant will impact the existing drywell, it will need to be moved.

Gregory Dunn, the applicant, was sworn in to give testimony. Mr. Dunn confirmed that the reason for the improvements is to have additional outdoor living space for his family. He also said that his neighbors are pleased that they will have additional privacy.

Mr. Vivona warned that pool companies are unable to read maps and surveys. He cautioned Mr. Dunn to make sure that the hole for the pool is dug in the correct location, otherwise an additional variance will be needed.

Calendar BOA-25-024 Kevin Fenstemaker & Brianna Baily, 27 Runnymede Road, Block 48.03
Lot: 17

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

Mr. Fenstemaker presented the proposed plans. He said the house is a split-level ranch.

Exhibit A-1 was entered into the record, which was photographs of the exterior of the house.

Mr. Fenstemaker described the existing conditions of the home.

Mr. Vivona addressed the need for the exposed basement to be less than 50%.

Mr. Fenstemaker confirmed that the portico will have gutters. Mr. Ruschke confirmed he has no issues with the calculations.

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

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

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

Mr. Borsinger moved to adjourn at 8:15 PM. Mr. Vivona seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary