

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
MAY 7, 2025**

Mr. Borsinger called the Work 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 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. Borsinger, Mr. Fitt, Mr. Huke and Mr. Somaiya. Mrs. Chang arrived late.

Mr. Vivona, Mr. Silva, Mr. Bhatia, and were absent.

Mr. Borsinger participated via Zoom.

Also present were Board Attorney Amanda Wolfe, Board Planner Frank Banisch and Engineer Erica Vigliorolo in place of Board Engineer John Ruschke.

Approval of Minutes

Mr. Fitt moved to approve the minutes of the March 20, 2025 meeting. Mr. Somaiya seconded the motion which carried unanimously.

Resolutions

BOA-2025-017 - Calendar BOA-24-013 – 355 Green Village Road, Block: 48.17 Lot: 137

Ms. Wolfe provided an overview of the resolution. She noted the conditions for approval.

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

Roll Call: Mr. Vivona, Absent; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. Huke, Abstain; Mr. Bhatia, Absent; Mrs. Chang, Absent; Mr. Somaiya, Not Voting.

BOA-2025-016 - Calendar BOA 24-007 494 Southern Blvd. Block: 128 Lot: 6.

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

Mr. Borsinger asked about maintenance of the wetlands. Ms. Wolfe said that she confirmed the lawn can be mowed. Ms. Wolfe asked if anything can be planted in the wetlands. Ms. Vigliorolo said that typically additional planting cannot be done in wetlands areas. There was discussion of adding an additional condition about complying with all NJDEP regulations.

Ms. Vigliorolo noted that mowing is allowed in the wetlands transition areas.

Mr. Fitt moved to adopt the resolution as amended. Mr. Somaiya seconded the motion

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

Hearings

Calendar: BOA-25-006 Kalpesh Shah, 616 River Road, Block: 62 Lot: 54.03 AND Calendar: BOA-25-007 Nitin Shah, 614 River Road, Block: 62 Lot: 54.04

Ms. Wolfe said that she reviewed the notice for this hearing, and the Board has jurisdiction to proceed.

Mr. Borsinger stated that the Site Visit will be held on June 7th at 9:00 AM. The hearing will continue on June 19th.

The applicant and their witnesses, as well as the Board professionals, were sworn in to give testimony.

Erica Edwards, an attorney representing the applicant, said that there are technically two related applications. She provided an overview of the application.

Paul Ercolano, an engineer representing the applicant, provided his qualifications and was accepted as an expert witness.

Mrs. Edwards gave an overview of landscape work done on steep slopes on the properties, and said that variance relief is requested for maximum area of disturbance of steep slopes greater than 25%, and maximum area of disturbance of steep slopes in the 20% to 25% range. The steep slopes in question are on the rear of the properties.

Mr. Borsinger asked if the applicant has reviewed the tree ordinance and if the standards of the tree ordinance will be met. Mr. Ercolano said that tree replacement will be done as necessary. He asked if there is a certain number of trees that need to be planted. Mr. Borsinger said it is based on density and the trees need to be of a certain caliper.

Mrs. Edwards asked if the applicant's professionals should be at the Site Visit. Mr. Borsinger said it would be helpful to have them there. Mrs. Edwards asked if the whole Board would

attend. Mr. Borsinger said it would be whoever is available, and sometimes Board professionals attend as well. He said that additional questions may be asked at the continuation of the hearing.

Mrs. Edwards said that work was performed on the property by a contractor without permits, and the work performed has resulted in a need for variance relief.

Mr. Nitin Shah described the tree removal which was performed.

Mrs. Chang asked if it is clearly designated where the trees were removed. Mr. Shah said that he will show the Board where the trees were removed during the Site Visit. Mr. Ercolano said that the survey for the property was performed after the trees were removed, and only aerial imagery can be used to present where the trees were. He said he does not have such imagery in the plan, but that can be added.

Mr. Borsinger asked about a shed that needs to be removed. Mr. Ercolano said the shed was built in 1998, and he needs to check the code to see what needs to be done. Mr. Borsinger said the engineering memo says it needs to be moved to a conforming location. Mr. Ercolano said he has not reviewed the shed in detail. Mr. Borsinger said that it should be determined prior to the Site Visit to where the shed will be relocated. Ms. Vigliorolo said that it needs to be placed in a conforming location. Mr. Fitt said that if it is not moved, a variance request will need to be added to the application.

Mr. Borsinger asked about off-site tree mitigation with the approval of the neighboring property owners. Mr. Ercolano noted the area of disturbance which encroaches on an adjacent property. Mr. Borsinger asked about a fill area to be removed. Mr. Ercolano agreed that will be shown during the Site Visit.

Mr. Borsinger announced that the Site Visit will be on June 7th at 9:00 AM. Mr. Ercolano said that he will not be available that day. Mrs. Edwards said she will be available to attend.

Ms. Wolfe said that the continuation of the hearing will be on June 19th.

Calendar BOA 23-007 Revived Residences, LLC, 1 Lake Road, Block: 130 Lot: 13.01

Roy Kurnos, attorney representing the applicant, was present at the meeting.

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

Mr. Borsinger asked to hear from the applicant how they plan to address stormwater matters. Mr. Fantina addressed the stormwater drainage on the subject property and how conditions will be improved. Mr. Fantina further addressed the review letter from Mr. Ruschke's office. Ms. Vigliorolo said that the proposal would help the drainage situation.

Mr. Borsinger asked about stormwater being drained into Sunset Lake and if there are any restrictions from the DEP. Mr. Fantina said that DEP permits will be required for the project,

however there are not any restrictions on the drainage. Ms. Wolfe said that she is not aware of any restrictions either.

Mr. Fantina further addressed the drainage issues and the concerns of the neighbors. He also addressed the runoff calculations.

Mr. Borsinger opened the floor to the public for questions on the application.

1. Antonio Matos, 1A Lake Road, asked if the proposed deck can be lowered closer to ground level. Mr. Fantina said that the deck will be addressed.
2. Lana O'Neill, 5 Lake Road, addressed how far the deck will extend. She asked about the grading and if it will be raised. Mrs. O'Neill further asked if there will be windows on that side of the property.

Mr. Fantina addressed how the property will be graded, and said it would not be toward the O'Neill's property. He also said the architect can testify about the windows.

Seeing no further comment, Mr. Borsinger closed the floor to the public.

Karl Nichol, an architect representing the applicant, was sworn in to give testimony. Mr. Nichol provided his qualifications and was accepted as an expert witness.

Exhibit A-1 was entered into the record, which was architectural plans. Mr. Nichols presented the architectural plans. He also commented on the possibility of lowering the deck. Mr. Nichols commented on the proposed windows.

Mrs. Chang asked if there was consideration to the kitchen design, and if it can be altered to reduce impervious coverage. Mr. Nichol said that most people want bigger kitchens than what is proposed.

The deck was further discussed. Mr. Somaiya asked about potentially having a patio instead of a deck.

Mr. Borsinger opened the floor to the public.

1. Lana O'Neill, 5 Lake Road, asked about the proposed location of windows. Mr. Nichol described the window locations and showed them on the plans. He noted that as per code there needs to be a minimum number of windows.

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

Mr. Borsinger asked if an ordinance could be drafted to require that the applicant adhere to anything required by the Township Engineer. Ms. Wolfe said that could be a condition of approval.

Kira Syvertsen was sworn in to give testimony. She described her experiences in the development of homes.

Mr. Borsinger asked if Ms. Syvertsen had experience working on lots as small as the subject property. She said she did, however they were not complete rebuilds. Ms. Syvertsen also said she has not built a house near a pond or a lake.

Mr. Borsinger asked that there be a condition of approval that the stormwater mitigation be subject to the approval of the Township Engineer and that the deck be lowered and be smaller. Mr. Fantina said that the deck will not stick out as far.

Mrs. Chang asked that they revisit the floorplan, particularly in relation to the kitchen.

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

No motion having been made, Ms. Wolfe asked the applicant if they want to revisit the application.

Mr. Kurnos said that the applicant would like to meet with their architect. The hearing was carried to June 19th, and the applicant agreed to an extension to act.

Mr. Fitt moved to adjourn at 9:25 PM. Mr. Somaiya seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary