

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
MAY 13, 2026

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 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, Mr. Somaiya and Mr. Neibert.

Mr. Silva, Mrs. Chang and Mrs. Max were absent.

Mr. Borsinger, Mr. Somaiya, Mr. Bhatia and Mr. Neibert participated remotely via Zoom.

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

Minutes

Mr. Borsinger moved to approve the April 23, 2026 minutes as distributed. Mr. Neibert seconded the motion which carried unanimously.

Resolutions

Resolution: 2026-016 Calendar BOA-25-025 Gregory Dunn, 3 Warwick Road, Block: 122 Lot: 8

Ms. Wolfe provided an overview of the resolution. She said that the application was for a rear deck and a pergola. Ms. Wolfe additionally said that questions pertaining to impervious coverage had been addressed and the resolution was approved by the applicant's attorney. She further said the resolution is an accurate reflection of what was discussed at the hearing.

Mr. Borsinger moved to adopt Resolution 2026-016. Mr. Bhatia seconded the motion.

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

Resolution: 2026-017 Cale Calendar BOA-26-002 Chatham Wine & Liquor LLC, 650 Shunpike Road, Block: 135 Lot: 22.

Ms. Wolfe provided an overview of the resolution. She said that the applicant's attorney did not provide comments, and the resolution can be amended if comments come later.

Mr. Neibert moved to adopt Resolution 2026-017. Mr. Borsinger seconded the motion.

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

Resolution: 2026-018 Calendar BOA 25-026 Andrew H. & Marisa Didrikson, 177 Noe Avenue, Block: 124 Lot: 8

Ms. Wolfe noted a change to the draft resolution.

Mr. Borsinger moved to adopt Resolution 2026-018. Mr. Bhatia seconded the motion.

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

Hearings

Calendar BOA-26-008, 494 Southern Blvd., LLC, 494 Southern Blvd., Block: 128 Lot 6.

David Brady, an attorney representing the applicant, stated that approval was received for the house last May, and it was stipulated that the sidewalk would be extended along the entire front of the property. A DEP application had to be submitted for the sidewalk extension, which involves a review for Threatened & Endangered Species. Mr. Brady said that since the DEP permit is still under review, his client is requesting an extension from the Board of Adjustment.

Mr. Huke moved to extend the approval for one year. Mr. Neibert seconded the motion.

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

Mr. Huke moved to adopt Resolution 2026-019. Mr. Neibert seconded the motion.

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

Mr. Vivona asked what the next steps are after DEP approvals are obtained. Ms. Wolfe said that the approval will need to be submitted to the Township so that work can proceed. Mr. Brady said that the property will likely be sold to a developer once all approvals are in place.

Calendar BOA-26-007, Chinyan Chokshi, 82 Sunset Drive, Block: 62 Lot: 49.

Ms. Wolfe said that this property had retaining walls built without approvals. The resolution for approval had a condition that if work was not completed by November, they would need to come back before the Board for an extension. Ms. Wolfe said that she spoke with Dan Honoshowsky from Mr. Ruschke's office, and the applicant has been making progress. Ms. Wolfe asked Mr. Ruschke for his input. Mr. Ruschke said he was waiting to hear the testimony why an extension should be entertained, and that enforcement action could be taken if the Board does not think that an extension should be granted.

Mr. Chokshi, the applicant, was sworn in to give testimony. Mr. Ruschke and Mr. Banisch were also sworn in to give testimony.

Mr. Chokshi said that the permits were received with the condition that work be complete by November 1st. He also said that additional permits were needed, and the zoning permit was not issued until October 24th leaving only one week for the project to be completed. Mr. Chokshi said that on December 5th, inspections were performed. He said that they wanted to continue the work but could not due to harsh winter conditions, and the approvals have since lapsed.

Mr. Ruschke asked if a stop work order had been issued. Mr. Chokshi said that he had not received a stop work order, and reiterated that the zoning permit was not issued until October 24th. He also said that the work was not started because a field inspection was requested for the silt fence. Mr. Chokshi also commented on the timing of issuance of UCC permits. He said that he was advised by the Zoning Officer that work cannot begin due to the expiration of the approval.

Mr. Ruschke asked when Mr. Chokshi proposes to complete the work. Mr. Chokshi said he is ready to do the work, and is endeavoring to satisfy the paperwork needed by Mr. Daniels' office. He asked for an extension to July 31st so that he can get approvals from the Construction Department and get the work done. Mr. Chokshi said he needs to reapply for a zoning permit, and still needs to apply for UCC permits.

Mr. Ruschke advised that July 31st be a drop dead date, and that enforcement action be taken if the project is not complete by then. He also challenged the representation that the process has been held up by the Construction Official.

Mr. Ruschke noted that he has not received any complaints from neighbors about drainage issues, and recommended that the Board move forward with the extension.

Mr. Borsinger asked about the duration of the extension. Ms. Wolfe said that a resolution has not been drafted yet. She also addressed the potential need for notice. Mr. Ruschke suggested

that a resolution be considered with the July 31st deadline, and that memorialization be waived so that the Construction Officer can do what he needs to do. Mr. Banisch opined that July 31st may be optimistic, and Mr. Ruschke said that he would prefer to see the work done even sooner.

Mr. Huke moved to extend the approval to July 31st. Mr. Somaiya seconded the motion,

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

Ms. Wolfe said that she can have a resolution ready for the next meeting if needed.

Calendar BOA-26-001 (January 22, 2026) Daniel Lewis, 106 Van Houton Ave., Block: 62.03 Lot: 21

Daniel Lewis, the applicant, was sworn in to give testimony. Mr. Lewis stated that his application is for a backyard renovation. He stated that a variance is requested because his property has limitations due to three large easements that limit where backyard improvements can be located. He also said that slope limitations impact what can be done. Mr. Lewis commented on a proposed retaining wall.

Mr. Vivona commented on the Board's process. He also stated that the site visit will be scheduled for June 6th at 9:00 AM and will continue the hearing at the following meeting.

Mr. Vivona asked if a resolution could be ready for the next meeting. Ms. Wolfe said that she would need to hear the engineering testimony first. A determination was made to have the engineering testimony at this meeting, with the applicant's engineer to be on hand at the next meeting due to an issue with one neighbor having not received notice.

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

Mr. Gdanski said that his client is seeking to install a modest sized pool in the backyard. Due to the easements, the only available area has slopes that would require installation of a retaining wall which would result in disturbance to the sloped area. Mr. Gdanski noted that the sloped area has likely been disturbed before. He addressed the proposed drainage controls. Mr. Gdanski listed the variances that are requested. The proposal includes a fire pit, a spa and a shed.

Mr. Ruschke recommended that the Fire Official be asked to comment on the fire pit proposal.

Mr. Vivona opened the floor for the public to comment.

1. James Connelly, 93 Van Houton Avenue, was sworn in to give testimony. Mr. Connelly expressed his support for the application, and noted that he lives diagonally across from the subject property. Mr. Connelly noted that the applicants are very involved in the neighborhood and the community.
2. Mike Schriever, a pool designer representing the applicant, was sworn in to give testimony. He provided his qualifications and was accepted as an expert. Mr. Schriever addressed the difficulties of installing pool on the property.

Mr. Borsinger said that there have been issues in the past with pool companies digging in the wrong place and asked if surveying is done before work begins. Mr. Schriever said they do have a survey done so that the correct location can be staked out.

3. Michael McCarthy, 92 Ormont Road, was sworn in to give testimony. Mr. McCarthy vouched for the character of the applicant.

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

Mr. Borsinger asked about the proposed removal of a 36-inch tree. Mr. Lewis said that only way for the excavator to access the property, the tree would need to be removed. Mr. Borsinger reminded the applicant that there is a tree protection ordinance and the requisite permits would be needed.

Mr. Gdanski said that a new stormwater report was submitted in February. Mr. Vivona asked that the property be marked out for the site visit.

Mr. Gdanski asked for confirmation that the items to be staked out for the site visit are the pool, the walls, the shed, and the fire pit. Mr. Vivona confirmed that is correct, and that the site visit will be on June 6th at 9:00 AM.

Mr. Banisch asked that there be submission of manufacturer information from the applicant regarding the clearance of the fire pit from any combustible surface.

Discussion

2025 Annual Report

Ms. Wolfe said hat the draft report was distributed, and the number of applications was consistent with the prior year. She said that the only discussion item would be

recommendations. Ms. Wolfe said there is a lot of outcry about AI data centers and asked if the Board wants to recommend that the Planning Board address the concept.

Mr. Vivona said that the main recommendation would be an update on signage requirements.

Mr. Huke asked about situations where applicants appear before the Board and do not return for follow-up hearings. Ms. Wolfe asked if violations are issued. Mr. Ruschke said he will look into a particular instance that had come up. Ms. Wolfe said that stale applications can be dismissed for failure to prosecute, and that violations can be issued.

Mr. Vivona asked about a property between Sunset and Fairmount. Drainage for the site was discussed.

Ms. Wolfe said that the accessory structure bill has moved forward but has not been approved yet and may receive pushback. She also said that data centers and ICE detention centers are hot topics in land use however she does not anticipate those topics coming up in Chatham Township.

Ms. Wolfe opened the floor to the public.

1. Dot Stillinger, Noe Avenue and a member of the Planning Board, asked about massing in the R4 zone. Ms. Wolfe said that the Board of Adjustment previously recommended that the Planning Board review that topic. Mrs. Stillinger asked to receive a copy of the prior report.

Seeing no further public comment, the floor was closed.

Mr. Huke moved to adjourn at 8:50 PM. Mr. Vivona seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary