

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
JUNE 10, 2026

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:40 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 and Mr. Neibert.

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

Also present was Board Attorney Amanda Wolfe and Erica Vigliorolo Moran filling in for Board Engineer John Ruschke.

Of note, Zoom was not available. The Board Secretary agreed to post a notice on the municipal website advising that any members of the public that could not attend the June 10, 2026 hearing should attend the hearing on July 16, 2026 to ask questions and provide comments.

Minutes

Mr. Borsinger moved to approve the minutes of the May 21, 2026 meeting. Mr. Huke seconded the motion which carried unanimously.

Resolutions

Amended Resolution: BOA-2026-015 – Adam Stepan, 868 River Road

Ms. Wolfe said that the resolution is being amended to have the correct new street address for the new house that will be built.

Mr. Borsinger moved to adopt Resolution 2026--015. Mr. Neibert seconded the motion.

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

Hearings

Calendar BOA-26-004 James & Melody Cooke, 739 Fairmount Ave. Block: 61 Lot: 4

Angelique Koutsalvas, an attorney representing the applicant, provided an overview of the application.

Harrison Barany, an engineer representing the applicant, was sworn in to give testimony. Mr. Barany provided his qualifications and was accepted as an expert witness.

Mr. Barany provided an overview of the project. He described the current conditions. He also described the proposed changes to the property. Mr. Barany noted that some retaining walls are proposed to be removed, and some steep slope disturbance variances are requested. He also said that there is a proposed patio expansion and the addition of kitchen space to the house. The driveway is also proposed to be expanded, and some retaining walls will be added. Mr. Barany addressed compliance with the impervious coverage ordinance and use of drywells for stormwater management. A front walkway will be improved, and a new walkway will be added leading to the rear of the house. Mr. Barany said that a variance is requested for lot coverage due to the patio and the expansion of the driveway. The steep slope disturbance variance is due to the amount to be disturbed. Mr. Barany noted the need for a variance for a deer fence around the perimeter of the property in the right-of-way, and that variance can be removed if the fence is pulled back. Mr. Barany said a variance is requested for the grading around the foundation in the rear of the home, and he noted the stormwater measures that will be installed as part of that variance. Mr. Barany addressed the proposed landscaping for buffering and screening. Two trees are proposed for removal, and Mr. Barany said they will comply with the tree ordinance. Mr. Barany addressed a comment in Mr. Ruschke's memo about setbacks. He noted that it is an irregularly shaped lot, and the Board Planner will need to address whether certain setbacks should be considered side yard or rear yard setbacks. Mr. Barany also addressed a proposed shed.

Mr. Neibert asked about the proposed plantings and if the applicant has considered using native species. Mr. Barany said that the landscape architect can consider that.

Mr. Vivona asked about the size of the trees being removed. Mr. Barany said that there are a 20-inch tree and a 40-inch tree. He said the 40-inch tree is being removed because of the placement of the retaining wall and grading, which may damage the root system. The 20-inch tree is in the place of one of the retaining walls, and may also have the root system damaged. Mr. Barany addressed drainage from the retaining walls.

Mr. Vivona said the site visit will be on July 11th, and asked that the areas be marked out. The continuation of the hearing will be at the July 16th meeting.

Calendar BOA-26-006 Kevin Vee, 21 Peppermill Road, Block: 48.06 Lot:19.

Kevin Vee and Irene Tan, the applicants and their witnesses were sworn in to give testimony.

Marvin Clawson, an architect representing the applicant, and Rich Keller, an engineer and planner representing the applicant, were present.

Mr. Vivona provided an overview of the Board's hearing process. He noted the site visit will be on July 11th at 9:30 AM.

Mr. Yee said that their application is for modest extension of their basement and first floor levels for better living space and to entertain neighbors and friends. Mr. Yee noted that they frequently have their parents visit, and they want to add an additional bedroom as a guest room.

Mrs. Tan spoke about hosting playdates for their children, and said they want to have more gathering space in their house.

Mr. Clawson provided his qualifications and was accepted as an expert witness. Mr. Keller also provided his qualifications and was accepted as an expert witness.

Mr. Keller addressed the grading near the retaining walls. Mr. Keller addressed the improvement to the aesthetics, and he said that the hardship is created by the existing lot. He also addressed the proposed stormwater management, and said they will comply with the comments in Mr. Ruschke's memo.

Mr. Borsinger asked how the house came to be three stories. Mr. Keller said that it appears that the definitions in the ordinance appear to have changed rather than the conditions of the house, which resulted in a change in how the house was considered.

Ms. Vigliorolo asked that the applicant make sure that the grading slopes away from the grading and check the scale to make sure it is 10 feet away from the building.

Mr. Vivona asked that the site be staked out for the site visit.

Calendar BOA-26-003 Terrence & Megan Robinson, 36 Rolling Hill Dr., Block: 102.04 Lot: 72.

Mr. Vivona provided an overview of the Board's hearing process. He noted the site visit will be on July 11th at 10:00 AM.

Megan & Terry Robinson, the applicants, and Alex Mann, the project manager, were sworn in to give testimony.

Mr. Mann said their goal is to create a safe, usable outdoor area on their property. He said that a variance is needed for lot coverage. Mr. Mann described the proposed improvements and noted the landscaping buffers.

Mr. Vivona said that there have been many instances of pools being installed in an incorrect location, and he advised that a surveyor stake things out so that the pool measurements are correct.

Mr. Neibert asked if native plantings have been considered. Mr. Mann said that the landscape plan was designed by a licensed landscape architect, and some native plants will be included. He said that they will follow any Township requirements. Mr. Vivona said that the Environmental Commission recommends they include as many native plants as possible.

Mr. Vivona asked about tree removal. Mr. Robinson said that two trees need to be removed. Mr. Mann said that one of the trees is dying, and they will get the necessary permits.

Mr. Vivona said that the continuation of the hearing will be on July 16th.

Calendar BOA-26-001 Daniel Lewis, 106 Van Houton Ave. Res.BOA-2026-024 Block:62.03 Lot: 21.

Mr. Vivona read the Site Visit Report into the record. Mr. Vivona also addressed the constraints on the property that limit where Mr. Lewis can have a pool installed, which include multiple easements, steep slopes and a drainage swale. He also said that the drainage system proposed is oversized to capture any runoff from the project, and noted the screening that provides privacy to the property. Mr. Vivona also noted that there is a dying tree that is in the way of the construction, and the construction might further damage the root system. The fire pit was also discussed.

The location of the shed was discussed. As the shed is being moved from its current location, a variance is needed. It was noted that the shed cannot be moved further back due to easements.

A variance for the retaining walls was discussed. Mrs. Vigliorolo Moran said that the note should be that the space in between the tiered walls should be 1.5 times the wall height. She also said that the conditions can be worded to allow some wiggle room for field changes.

Mr. Vivona recommended that Mr. Lewis keep an eye on the hose for the fire pit, as wildlife sometimes chews on hoses. Ms. Wolfe read aloud the language for the condition in the resolution for the location of the fire pit. Mrs. Tsimboukis said that the Fire Prevention Official and Zoning Officer can provide input on the requirements for the location. Mrs. Vigliorolo Moran said that the fire code would govern the location regardless if the fire pit is portable. The fire pit itself will be left as portable.

Mr. Vivona reiterated the need to make sure the pool is installed in the correct location. Mr. Lewis said that he and his contractor will have the surveyor properly mark out the construction location.

Mr. Neibert moved to approve the application. Mr. Huke seconded the motion.

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

Ms. Wolfe provided a review of the conditions in the memorialization resolution.

Mr. Neibert moved to adopt Resolution BOA2 026-024. Mr. Borsinger seconded the motion.

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

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

Gregory J. LaConte
Recording Secretary