

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF CHATHAM  
JUNE 11, 2025**

Mr. Vivona called the Work Meeting of the Zoning Board of Adjustment to order at 7:32 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. Vivona, Mr. Borsinger, Mr. Huke, Mr. Bhatia and Mr. Somaiya.

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

Mr. Borsinger and Mr. Somaiya participated via Zoom.

Also present was Board Attorney Amanda Wolfe.

**Approval of Minutes**

Mr. Borsinger moved to approve the minutes of the May 7, 2025 meeting. Mr. Huke seconded the motion which carried unanimously.

**Discussion**

**Rules and Procedure of the Zoning Board**

Ms. Wolfe presented a refresher course on Zoning and Planning. She provided an overview of Master Plans. Ms. Wolfe also explained the powers of the Board of Adjustment. Circumstances under which variances can be granted was reviewed, and Ms. Wolfe went over the types of relief that can be granted. Ms. Wolfe also reviewed the types of applications heard by the Zoning Board and which kinds of applications go before the Planning Board. Ms. Wolfe also reviewed with the Board those circumstances in which they can deny an application. It was noted that if the Board does not think a witness is credible, they need to explain why the witness is not deemed credible. The making of modifications to an applicant's proposal was discussed. Ms. Wolfe said that suggestions and recommendations can be made. Mr. Borsinger asked when something such as planting of trees as a sound barrier can be mandated. Ms. Wolfe said that there needs to be a reasonable nexus to what is trying to be mitigated, the Board can make requirements. She also said it is a lot easier to make requirements when the applicant agrees to

the condition. Ms. Wolfe discussed site visits. She further discussed circumstances in which extensions of approval can be granted. Enforcement of ordinances and conditions of approval was also discussed. Ms. Wolfe said that the Board cannot enforce ordinances, however, they may report violations to the Zoning Officer. Conflicts of interest were also reviewed, and members can discuss potential conflicts with the Board Attorney. Ms. Wolfe provided warnings about use of social media and the conflicts of interest that can create. The Board was advised to avoid discussing applications outside of official meetings. Ms. Wolfe provided an overview of recent legislation overhauling the Affordable Housing obligation process. She also provided an overview of the Township's steps to remain in compliance with Court mandates for the Fourth Round. Ms. Wolfe provided some items to consider when an application has an affordable housing component. Ms. Wolfe also went over the circumstances which would require a Board member to recuse themselves from a hearing, and she encouraged Board members to reach out to her to discuss potential recusals.

Mr. Vivona asked about circumstances in which a Board member was applying for a variance. Ms. Wolfe said that Board members still have property owner rights, and she recommended that they work with an attorney in the application process. The application would still be before the Zoning Board due to jurisdictional issues.

Ms. Wolfe said that Board members should not Reply All to emails sent to the whole Board, as it can create violations of the Open Public Meetings Act.

Lot mergers and subdivisions were discussed. Having an engineer and planner present to advise the Board was also discussed.

Mr. Borsinger moved to adjourn at 9:10 PM. Mr. Vivona seconded the motion which carried unanimously.

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Gregory J. LaConte  
Recording Secretary