

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
JULY 9, 2025**

Mr. Vivona called the Work 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 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.

Oath of Office

Connie Max was sworn in as alternate member of the Zoning Board. The oath was administered by Ms. Wolfe.

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Huke, Mrs. Chang, Mr. Somaiya and Mrs. Max.

Mr. Borsinger, Mr. Fitt, Mr. Silva and Mr. Bhatia were absent.

Mr. Somaiya participated via Zoom.

Also present were Board Attorney Amanda Wolfe and Board Engineer John Ruschke.

Approval of Minutes

Mr. Huke moved to approve the minutes of the June 26, 2025 meeting. Mrs. Chang seconded the motion which carried unanimously.

Hearings

Calendar: BOA-25-009 Bhee Properties, LLC, 695 Fairmount Avenue, Block: 61 Lot: 10.02 & Calendar: BOA-25-010 Bhee Properties, LLC, 695 Fairmount Avenue, Block: 61 Lot: 10.01

These two hearings were carried without additional notice to the September 18, 2025 meeting.

Calendar: BOA-25-011 Chintan Chokshi, 82 Sunset Drive, Block: 62 Lot: 49

Evan Pickus, an attorney representing the applicant, provided an overview of the application. He reviews the variances that are requested.

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

Mr. Vivona provided an overview of the Zoning Board's process, and said that the Site Visit will be on July 12th. The continuation of the hearing will be on July 17th.

Mr. Scott said that the applicant is requesting steep slope variances. He said that there was some land disturbance that was related to tree removal. There had been a permit for the tree removal, however there was not a lot disturbance permit. Changing the area from being wooded to lawn increased water runoff. Mr. Scott said that the application is for seepage pits for stormwater management purposes.

Mr. Scott said that there are also variances requested for work that was performed related to a patio and some retaining walls. Mr. Scott described the retaining walls.

Mr. Vivona asked why the work was done without permits. Mr. Pickus said the property owners were unaware they needed permits and the contractor did not inform them. He said that they are trying now to correct the matter.

Mr. Ruschke said there are deficiencies in the stormwater calculations and analysis, and he advised that the applicant should address those issues as soon as possible. Mr. Scott said he can develop an updated design and work on some clarifications, and he is unsure the soil testing can be performed by the 17th. Mr. Ruschke said that they should not wait until the end of the hearing to start bringing the site into compliance. Mr. Ruschke said that delays in mitigating stormwater has a negative impact on neighboring properties.

Calendar BOA-25-016 Adrian & Nicki Bati, 17 Lenape Trail, Block: 85 Lot: 20

Brian Siegel, an architect representing the applicant, was sworn in to give testimony. Mr. Siegel provided his qualifications and was accepted as an expert. Mr. Ruschke was also sworn in.

Mr. Vivona provided an overview of the Zoning Board's process, and said that the Site Visit will be on July 12th. The continuation of the hearing will be on July 17th.

Mr. Siegel said that the applicant is seeking a certificate of nonconformity for a preexisting height issue. A permitting process started in March for site improvements and Mr. Siegel described the project.

Ms. Wolfe asked for clarification that the certificate is requested for a house built in 2006. She said usually such certificates are issued for conditions that predate the zoning ordinance. Ms. Wolfe said that a height variance would be more appropriate. Mr. Siegel said that they will apply for whatever will advance his client's application. Ms. Wolfe said they would need to re-notice for the September hearing. Mr. Ruschke said that they can likely waive the site visit as the variance is not related to any of the proposed site improvements. He noted that the Board

can see the existing height through a Google maps street view. Mr. Ruschke also said that the height nonconformity is created by the slope of the property.

Mr. Siegel advised that he would renotice for a date in September.

Calendar BOA-25-002 Stephen & Mariah Cassilo, 9 Daniel Street, Block: 133

Mariah Cassilo, the applicant, and Douglas Miller, an architect representing the applicant, were sworn in to give testimony. Mr. Ruschke was also sworn in. Mr. Miller provided his qualifications and was accepted as an expert.

Mr. Vivona provided an overview of the Zoning Board's process, and said that the Site Visit will be on July 12th at 9:30 AM.

Mr. Miller provided an overview of the application. He said that C variances are requested for front yard setback and rear yard setback. Mr. Miller said that the C-1 and C-2 criteria can be argued. He presented the proposed floor plans for the house.

Exhibit A-1 was entered into the record, which was photographs of the existing conditions at the site and the neighborhood.

Mr. Miller said that the grating of the variance would be a benefit rather than a detriment.

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.

Karl Nichol, an architect representing the applicant, was recalled to give additional testimony. Mr. Nichol presented changes that were made to the plans. He said that the applicant proposes to add a second floor and a habitable attic. Mr. Nichol described the reduction in size of some aspects of the house. He also said that two proposed windows were removed.

Mr. Vivona said that an excellent job was done addressing concerns raised by neighbors. He also said that it is a difficult lot due to lot size.

Mr. Ruschke expressed his concern over the applicant's representation that they fall under a permit by rule by the DEP to extend a pipe into the lake. He asked for submission of a letter of verification from the DEP. Mr. Ruschke also noted that the lake is owned by an association and their consent should be submitted. The approval can include those as conditions.

Mark Gimigliano, an engineer representing the applicant, was recalled to give additional testimony. He said that a flood hazard area general permit no. 11 from the DEP. Mr. Gimigliano said that will be applied for at the same time as the wetlands permits. Mr. Gimigliano further commented on seeking permission from the association for the pipe. He further addressed how the proposed pipes function as part of the stormwater management system. Mr. Gimigliano noted that calculations were submitted to Mr. Ruschke's office.

Mr. Vivona asked if the drainage measures will help the subject property. Mr. Gimigliano said they would help the subject property and the neighboring properties. Mr. Vivona commented on drainage in the neighborhood.

Mr. Huke asked about the roof leader overflow. Mr. Gimigliano said that the rood leaders at the front of the house will tie into the detention basin, and there will be a roof leader overflow at one of the downspouts that will overflow to a splash pad. Any runoff will be directed to the lake.

Mrs. Chang asked about a compliance and noncompliance chart for setbacks. Mr. Gimigliano said the information is on the revised plans.

Mr. Huke moved to approve the application subject to the conditions from Mr. Ruschke's office. Mr. Somaiya seconded the motion.

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

Mr. Vivona said the resolution will be considered at the next meeting.

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

Gregory J. LaConte
Recording Secretary