

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
JULY 10, 2024

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 2024, and January, 2025 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. Fitt, Mr. Sood and Mr. Huke.

Mr. O'Brien and Mr. Silva were absent.

Also present were Board Planner Frank Banisch and Board Attorney Amanda C. Wolfe.

Minutes

Mr. Fitt moved to approve the minutes of the June 20, 2024 meeting. Mr. Huke seconded the motion which carried unanimously.

Resolutions

Resolution BOA-2024-017 Calendar BOA 24-005 Birdsall, 12 Jay Road, Block: 48.14 Lot: 113.13

Ms. Wolfe said that the applicant is requesting a two-year extension of an expired variance approval due to challenges faced during the COVID-19 pandemic.

Mr. Birdsall said that when they went to pull permits, the variance had expired. They have a contractor lined up.

Mr. Huke moved to extend the variance and memorialize Resolution BOA-2024-017. Mr. Fitt seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. Silva, Absent; Mr. Sood, Aye, Mr. Huke, Aye; Mr. O'Brien, Absent.

Resolution 24-017: Calendar BOA 24-002 Patrick Hamer, 75 Ormont Road, Block: 32 Lot: 14

Ms. Wolfe provided an overview of the application. She said that there were some engineering conditions, and the resolution was reviewed by Mr. Ruschke.

Mr. Borsinger moved to adopt Resolution 24-017. Mr. Fitt seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. Silva, Absent; Mr. Sood, Aye, Mr. Huke, Aye; Mr. O'Brien, Absent.

Hearings

Calendar BOA 24-003 (April 29, 2024) Donato 34 Maple Street, Block: 48 Lot:65.01

Ms. Wolfe stated that she reviewed the notice for this hearing, and the Board has jurisdiction to hear the application.

The applicants, their professionals and the Board's professionals were sworn in to give testimony.

Luke Donato, the applicant, provided an overview of the application. He said that due to a having a newborn son, they want to connect the top floor of the house. A variance is required to achieve what they want to do architecturally.

Mr. Vivona provided an overview of the Board's process. He described what will be needed at the Site Visit. On July 18th, the Board will deliberate on the application.

Daniel Encin, an architect representing the applicants, provided his qualifications and was accepted as an expert.

Mr. Encin said that there is not any soil disturbance or expansion of footprint on the first floor. Two portions of the second floor would be extended upward and connected. Mr. Encin noted there will not be any increase in impervious coverage. He presented the existing and proposed floor plans for the second floor.

Mr. Encin described the front yard setbacks, and noted some existing non-conformities. He said that a variance is needed for the second floor to be closer to the front property line than it is currently. The drainage system was discussed.

Mr. Banisch said this is a minor application that does not need to be overthought. He also noted the preexisting nonconforming setback, and asked if the second floor would come out as far, goes further or falls short. Mr. Vivona said the proposed second floor does not come out as far as the first floor.

Mr. Vivona said that the Site Visit is on July 13th, and they should be able to conclude the application on July 18th.

Mr. Borsinger said the house appears to have had an addition over the garage, and he wants to be sure it was permitted properly. Mr. Encin said that there is not any exterior access to the second floor.

Mr. Vivona opined that the project will improve the visual of the home. He also asked if the portico is recessed. Mr. Encin said that the existing front door is recessed, and the proposed second floor is set back from the door. Mr. Vivona asked if the second story is one level or if there is a step down from one section to another. Mr. Encin said there are risers on the second floor and discussed the proposed layout for the second floor.

Mr. Vivona reiterated that the Site Visit will be on the 13th and the next hearing will be on the 18th.

Mr. Fitt moved to adjourn at 8:15 PM. Mr. Vivona seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary