

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
JULY 17, 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.

Roll Call

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

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

Mr. Vivona and Mrs. Max participated via Zoom.

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

Approval of Minutes

Mr. Borsinger moved to approve the minutes of the July 9, 2025 meeting. Mrs. Max seconded the motion which carried unanimously.

Resolutions

Calendar BOA 23-007 Revived Residences, LLC, 1 Lake Road, Block: 130 Lot: 13. 01

Ms. Wolfe provided an overview of the application. She also noted the conditions of approval.

Mr. Borsinger asked about the potential remedy if the applicant cannot get DEP approval to discharge stormwater runoff directly into Sunset Lake. Mr. Vivona said that they would stop the pipe at the end of the property line and run a riprap to make sure the water flows to the lake. Mr. Ruschke confirmed he would be ok with that measure if needed. He also said that if the conditions of approval cannot be met, the applicant would need to come back before the Board.

Mr. Huke moved to adopt the resolution. Mr. Somaiya seconded the motion.

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

Hearings

Calendar: BOA 25-013 Adam Stepan, 85 Meyersville Road, Block: 36 Lot: 13

Mr. Vivona stated that this hearing is being carried to the September 18th meeting, with no further notice to the public, because the applicant needs to provide notice to Morris County.

Calendar BOA-24-012 Chatham Day School, INC, 700 Shunpike Road, Block: 135 Lot: 1 & 9

Diana McGovern, an attorney representing the applicant, was present at the meeting.

Mr. Vivona provided an overview of the Board of Adjustment's hearing process. He said that the applicant should provide an overview of the application at this meeting, and the hearing will continue at the September 18th meeting.

Sam McNulty, an attorney representing the Rose Valle Condominium Association, said that his client is objecting to the application. He challenged the notice of the hearing. Mrs. McGovern said that notice was provided based on the list received from the Township, as required under the MLUL. Mrs. McGovern also said that Mr. McNulty's client has all the information that is available to others who received the notice, and as the next meeting is not until September they can catch up on any additional information. Ms. Wolfe said that the applicant has a right to rely on the certified list of property owners within 200 feet. Mr. McNulty said that if there is not any testimony at this meeting and his client receives notice, the matter may be cured. Mrs. McGovern said that she does not plan to have any professionals testify at this meeting, and was planning to give an overview. She also said that she will send a notice to Mr. McNulty's client.

Mrs. McGovern provided an overview of the application. She gave a description of Chatham Day School, and noted that the school is not seeking to increase their enrollment. Mrs. McGovern described the existing field on the property, and discussed the usage of the field. Mrs. McGovern described the proposed turf field, and said that the usage would remain the same as the current usage. There are not any plans to install lighting at the field. Mrs. McGovern said that the variances include retaining walls. She said that a D3 variance is requested due to maximum impervious coverage - side yard accessory structure. A variance is also needed for maximum allowable impervious coverage, minimum setback distance from a residential district maximum height of structural retaining wall, and maximum area of disturbance of steep slopes. Mrs. McGovern said that there is a preexisting variance for minimum number of off-street parking, and she said that this project will not require any additional parking. There is also a preexisting variance for minimum setback distance between buildings, and Mrs. McGovern said that the buildings are not being changed in this project.

Mr. Somaiya asked about the age breakdown of the student body. Mrs. McGovern said she will have that testimony available at the September 18th meeting.

Mr. Vivona asked if a grass field would be ok once the field is leveled. Mrs. McGovern said that overuse of the field is part of the issue.

Mr. Huke said there is a lot of property on the northwest side, and asked if they will offer testimony why the field will not be located there. Mrs. McGovern said that will be addressed.

Mr. Vivona opened the floor to the public.

1. Michael Miller, an attorney representing a Rose Valle resident, asked if the engineer can include detail to show where the field will be relative to neighboring homes. He also noted the presence of a conservation easement. Mrs. McGovern said that her engineer will present an aerial view of the area. Mr. Miller asked that the information be shown on the plans. Mr. Miller addressed tree removal and asked that it be delineated on the plans as it will affect water runoff.

Mrs. McGovern said those issues will be addressed in September.

2. Claire Whitcomb, 12 Fairwood Road (Madison), asked on behalf of the Madison Environmental Commission what materials will be used. She noted that the area is an aquifer recharge area.

Mr. Vivona asked about tree removal. Mrs. McGovern said that a ribbon can be tied around the tree slated for removal. Mr. Vivona asked that everything else be marked out for the site visit.

Mr. Vivona closed the floor to the public.

Mrs. McGovern said her engineer will be at the site visit. Mr. Vivona said that the site visit is a visual inspection at which testimony is not presented. He announced that the site visit will be on September 6 at 9:00 AM.

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

Mr. Huke read the site visit report into the record.

Mr. Vivona commented on the nature of the application, and said that the concern about windows has been addressed. He also asked Mr. Ruschke to comment on drainage concerns. Mr. Ruschke was sworn in to give testimony, and said that there are not any drainage concerns.

Mr. Banisch said that he does not have any concerns.

Mr. Vivona said it is a small house that is proposed for expansion, and he said that the expansion is not overwhelming.

Mr. Borsinger asked if the applicant considered purchasing the adjacent vacant lot. Mrs. Cassilo said that it is her understanding that the vacant lot is not zoned residential, and it would not help them avoid the variances requested. Mr. Borsinger said if the lot is developed, the homes would be very close together.

Mr. Vivona asked about the front yard setback and the portico. Mr. Miller said that the portico encroaches on the front yard setback.

Mr. Vivona said that overall this is a good project, and he likes seeing families remain in a neighborhood. He also said that the project is in keeping with the character of the neighborhood.

Mr. Borsinger expressed concern about a future owner of Lot 3 seeking variances to build a house, and he recommended that the Cassilo's consider buying the adjacent lot.

Mrs. Max moved to approve the application. Mr. Somaiya seconded the motion.

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

Mr. Vivona said that the resolution will be read into the record at the next meeting.

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

Mrs. Max read the site visit report into the record.

Mr. Vivona asked if it is the responsibility of the property owner or their contractor to submit permit applications. Ms. Wolfe said that it is likely that the homeowner got the permit. Mr. Scott said that the contractor was Sinche.

Mr. Vivona said that the Board is trying to correct everything that went wrong with the work done at the property. He said that the contractor should have known that a permit was needed for the work that was performed. Mr. Vivona said that the contractor could be liable for the work performed without a permit, and the property is also liable. Mr. Vivona also said he knows that the owner of the property wants to correct the matter.

Mr. Vivona asked if the matter can be rectified with some additional engineering. Mr. Ruschke said that it is a difficult application because the work has been done, and the application is also a remedial matter. Mr. Ruschke said that a deadline should be imposed, and some engineering concerns need to be addressed.

Mr. Pickus, an attorney representing the applicant, was present. Bill Scott, the engineer representing the applicant, was also present.

Mr. Pickus said that his client did not know that they needed the permits for their project.

Mr. Vivona said that an application where the work has already been done is the worst kind of application. He also said that he thinks more work needs to be done to satisfy Mr. Ruschke's concerns.

Mr. Banisch addressed the concerns that have been raised. He also asked if the Board would want to see some of the incomplete measures removed.

Mr. Scott addressed the retaining walls. Mr. Borsinger commented that the applicant will need to comply with the tree removal ordinance.

Mr. Scott noted that they will plan to install a fence as well.

Mr. Vivona asked if a vote can be taken before more information is received, and he expressed concern about delaying action. Mr. Ruschke asked about including engineering conditions if there is a vote at this meeting. Ms. Wolfe said that a vote could include the conditions in Mr. Ruschke's memo. Mr. Ruschke said he would be comfortable with that assuming that the Board would be comfortable as well. Ms. Wolfe asked if it would help Mr. Ruschke if the matter were kept open. Mr. Ruschke said that if action is taken, it would be easier to have deadlines, and any violations could more readily go before municipal court. Mr. Pickus agreed with Mr. Ruschke.

Mr. Borsinger asked that compliance with the tree ordinance be included as a condition.

Mrs. Max asked about the plan to remove a cinderblock for the nonconforming retaining walls, and how that would be managed. Mr. Scott said they would either regrade the bottom of the wall or remove a block from the top of the wall. He also said that an additional stair may need to be installed and some additional plantings to be made to account for the difference in elevation.

Mr. Vivona said he wants to be sure that the timing of things is not messed up, and said that if there is a vote tonight, the resolution would be in September. He asked how they could get the permits if the resolution is not until September. Mr. Ruschke said that the Board can waive the memorialization of the approval so that permits can be sought sooner. He also said that there will need to be deadlines for approval of engineering plans and for completion of the work. Mr. Ruschke recommended that the applicant have 30 days for approval of engineering plans, and that a deadline of October 1st be set for completion of the project. Mr. Pickus said that they could probably meet a November 1st deadline. Mr. Ruschke expressed concern about missing planting season.

Ms. Wolfe said that when the resolution is drafted, she will circulate it for review before formal action is taken in September. She also said the applicant can start working with Mr. Ruschke once approval is granted.

Mr. Vivona said he wants to be sure that neighbors are protected. He also reviewed the conditions that will be set for approval.

Mr. Somaiya moved to approve the application. Mr. Borsinger seconded the motion.

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

Mrs. Borsinger moved to adjourn at 9:00 PM. Mr. Vivona seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary