

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
AUGUST 20, 2026**

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:30 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. Bhatia, Mr. Neibert and Mrs. Max.

Mr. Huke, Mr. Silva, Mrs. Chang and Mr. Somaiya were absent.

Mr. Vivona, Mr. Bhatia and Mrs. Max participated via Zoom.

Also present was Board Attorney Amanda Wolfe, Board Planner Frank Banisch and Erica Vigliorolo Moran filling in for Board Engineer John Ruschke. Mr. Banisch attended via Zoom.

Minutes

Mr. Borsinger moved to approve the minutes of the July 16, 2026 meeting. Mrs. Max seconded the motion which carried unanimously.

Resolutions:

Res 26-024 Calendar BOA-26-004 James & Melody Cooke, 739 Fairmount Ave Block 61 Lot 4.

Ms. Wolfe provided an overview of the application.

Mr. Borsinger moved to adopt the resolution. Mr. Neibert seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Silva; Absent; Mr. Huke, Absent; Mr. Bhatia, Not Eligible; Mrs. Chang, Absent; Mr. Somaiya, Absent; Mrs. Max, Not Eligible; Mr. Neibert, Aye.

Res.26-025 Calendar BOA-26-006 Kevin Vee, 21 Peppermill Road, Block: 48.06 Lot:19.

Ms. Wolfe provided an overview of the application.

Mr. Borsinger moved to adopt the resolution. Mr. Neibert seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Aye; Mr. Silva; Absent; Mr. Huke, Absent; Mr. Bhatia, Not Eligible; Mrs. Chang, Absent; Mr. Somaiya, Absent; Mrs. Max, Not Eligible; Mr. Neibert, Aye.

Hearings

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

Mr. Neibert read the Site Visit Report into the record.

Mr. Vivona commented on the absence of shade in the backyard, and said that the proposed pavilion is the only shade that the backyard will have. Mr. Borsinger said that a retractable awning could also be an option. Mr. Robinson said they looked into that option, and a pavilion could be closer to the pool.

Mr. Vivona commented on concerns about lighting and the sound system that were discussed at the Site Visit. He also said that drainage has been addressed.

Mr. Borsinger asked if a tree permit is required. Mr. Vivona said it would not hurt for the applicant to have a permit. Mrs. Moran said that a permit is required, however it is an acceptable reason for tree removal if the tree is dead or dying.

Mr. Vivona opened the floor to the public. Seeing no comments, the floor was closed.

Mr. Neibert expressed concern about the pavilion. He said the Board should consider adhering to the Township Code concerning impervious coverage.

Mr. Banisch said that the applicant's burden is to explain why a larger pavilion is necessary. He said that he is not sure the Board has heard a justification for that yet. Ms. Wolfe also said that technical planning testimony has not been given. She said that it is up to the applicant if they want to have the Board move forward with a vote on the application as proposed, or they can return at a later meeting and possibly consider a smaller pavilion. Mr. Vivona said they could return with a planner to plead their case. Ms. Wolfe said they could proceed with just the pool aspect. The number of votes needed for the application to pass was discussed.

Alex Mann, a project manager representing the applicant, said that the drainage calculations were done based on the proposed pavilion. He also addressed the limitations on the usefulness of a smaller pavilion.

Mr. Neibert said that he has used umbrellas in his backyard for shade.

Ms. Wolfe offered Mr. Robinson the option of requesting a vote or carrying the hearing to the next meeting.

Mr. Robinson said that a family member has had health issues, which is why they want a pavilion rather than using umbrellas. Mr. Vivona said that the application requests that rules be changed, and the pavilion is about double what is allowed. He suggested that the hearing be carried so that planning testimony can be presented.

Ms. Wolfe said that the next meeting is on September 17th. The hearing will be carried to that meeting without further notice.

Mr. Banisch asked if the applicant was hoping to have the pool installed for this season. He said the stormwater calculations would be sufficient for that aspect. Mr. Mann addressed the retaining walls designed around the proposed pavilion.

Calendar BOA 26-009 Tom & Susan Fuller, 769 Shunpike Road, Block: 144 Lot: 20

Jerry Bruno, the applicant's architect, asked where the Board would like to begin. Mr. Vivona provided an overview of the process.

Mrs. Max read the Site Visit Report into the record.

Mr. Bruno addressed the applicant's response to the engineering comments. He said that a swale was added to the Site Plan, and JCP&L marked the power lines. Mr. Bruno also said that the water line has been addressed, and the proper size will be on the drawings. Mr. Bruno said that the engineer was contacted about the septic system, and they indicated that the tank is sufficiently sized for this application but will be reviewed to make sure it is in working order. Mr. Bruno addressed the need to expand the septic field. He also discussed the conservation easement markers and the riparian zones.

Mr. Vivona said that as long as the engineering comments have been addressed and the applicant agrees to the conditions, the Board will be satisfied with that response.

Mr. Banisch said that the site is unique in the Township, and could have many more dwelling units. He said that adapting the barn is worthy of consideration, and he thought there would have been more for the applicant to prove for the application.

Mr. Vivona said that the architectural testimony was very well done.

Mrs. Moran said that they are able to work with the applicant regarding utility upgrades or the septic system. She also commented on the pool house coverage. Mr. Bruno said that he dropped off updated copies of the site plan that corrects the pool house coverage.

Mr. Borsinger noted that the variance stays with the property, and noted the condition that the accessory structure be lived in by a family member of the owner. Ms. Wolfe said that can be accomplished through a deed restriction. The applicants agreed to the condition.

Mr. Vivona opened the floor to public comment. Seeing none, the floor was closed.

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

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

Mr. Vivona said that the resolution will be entertained at the next meeting.

Calendar BOA-26-005 Pellegrino Mariconda, 15 Linden Lane, Block: 96 Lot: 1.

The applicant was not present. The hearing was carried to the September 17th meeting without additional notice.

Mr. Borsinger moved to adjourn at 8:20 PM. Mr. Vivona seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary