

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
JANUARY 19, 2023**

Mr. Vivona called the Reorganization Meeting of the Zoning Board of Adjustment to order at 7:38 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 2022, and January, 2023 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. McHugh, Mr. Silva, Mr. Sood and Mr. O'Brien.

Mr. Fitt and Mr. Teotia were absent.

Also present were Board Attorney Amanda Wolfe, Planner Joanna Slagle in place of Board Planner Frank Banisch and Board Engineer John Ruschke.

Selection of Temporary Chairman

Mr. Vivona nominated Mr. McHugh as Temporary Chairman. Mr. Sood seconded the motion which carried unanimously.

Selection of Temporary Vice-Chairman

Mr. Vivona nominated Mr. Silva as the Temporary Vice Chairman. Mr. McHugh seconded the motion, which carried unanimously.

Selection of Chairman

Mr. McHugh nominated that Mr. Vivona serve as Chairman for 2023. Mr. O'Brien seconded the motion.

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

Selection of Vice-Chairman

Mr. McHugh nominated Mr. Borsinger for Vice Chair for 2023. Mr. Sood seconded the nomination.

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

Reorganization Resolutions

RESOLUTION BOA-23-0001

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ZONING BOARD OF ADJUSTMENT CONSULTING LEGAL SERVICES WITH AMANDA C. WOLFE, ESQ. OF POST POLAK, P.A. FOR 2023

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham has a need to acquire the legal services for the Chatham Township Zoning Board of Adjustment as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is from January 1, 2023 through December 31, 2023; and

WHEREAS, POST POLAK, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that POST POLAK, P.A. has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the POST POLAK, P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2023.

NOW THEREFORE, BE IT RESOLVED that subject to the Zoning Board of Adjustment's review and approval of the Contract for Professional Services to the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with Amanda C. Wolfe of POST POLAK, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with 40A: 11-5 (1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

RESOLUTION BOA 23-0002

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ZONING BOARD OF ADJUSTMENT ENGINEERING SERVICES WITH JOHN K. RUSCHKE, P.E. OF MOTT MACDONALD FOR 2023

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham has a need to acquire the engineering services for the Chatham Township Zoning Board of Adjustment as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is from January 1, 2023 through December 31, 2023 and,

WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald has not made any reportable contributions to a political

or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the Mott MacDonald from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2023; and

NOW THEREFORE, BE IT RESOLVED that subject to the Zoning Board of Adjustment review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with John K. Ruschke of Mott MacDonald as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with 40A: 11-5 (1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

RESOLUTION BOA 23-0003

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ZONING BOARD OF ADJUSTMENT PLANNING SERVICES WITH FRANK BANISCH OF BANISCH ASSOCIATES, INC., FOR A 2023

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham has a need to acquire the planning services for the Chatham Township Zoning Board of Adjustment as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is from January 1, 2023 through December 31, 2023 and,

WHEREAS, Frank Banisch of Banisch Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Frank Banisch of Banisch Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the Frank Banisch of Banisch Associates, Inc. from making any reportable contributions through the term of the contract; and,

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2023; and,

NOW THEREFORE, BE IT RESOLVED that subject to the Zoning Board of Adjustment review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with Frank Banisch of Banisch Associates, Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with 40A: 11-5 (1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and,

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and,

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

RESOLUTION BOA 23-004

**RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING KALI TSIMBOUKIS AS
BOARD MANAGER/SECRETARY FOR THE ZONING BOARD OF ADJUSTMENT FOR 2023**

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Kali Tsimboukis as Zoning Board Secretary for 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:
Kali Tsimboukis is hereby appointed as Board Manager/Secretary for the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, for the term commencing January 1, 2023 and terminating December 31, 2023.

The compensation to be paid to Kali Tsimboukis for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham;

This Resolution shall take effect upon adoption.

A certified copy of this Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

RESOLUTION BOA 23-0005

**RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS AND
FIXING CHARGES FOR NOTICES OF PUBLIC MEETINGS OF SAID ZONING BOARD OF
ADJUSTMENT DURING 2023**

WHEREAS, the "Open Public Meetings Act," R.S.10:4-6 and following, requires that notification be given of meetings of public bodies as therein defined and in the manner therein set forth.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

The Chatham Courier and the Morris County Daily Record are hereby designated for the calendar year 2023 as the two newspapers to receive notice of meetings of the Board of Adjustment as required by any and all sections of the Open Public Meetings Act, it appearing that these newspapers are most likely to inform the local public of such meetings.

The Chatham Courier and the Morris County Daily Record are hereby designated as the official newspapers of the Township in which to publish legal notices regarding matters and applications before the Zoning Board of Adjustment; The Township Committee having previously designated the Chatham Courier and the Morris County Daily Record as the Official Newspapers of the Township.

The Public place for the posting of notices of meetings of the Zoning Board of Adjustment for the calendar year 2023, and revisions thereof, shall be the bulletin board in the main hallway of the Municipal Building, 58 Meyersville Road, Chatham, New Jersey.

The sum of \$35.00 is hereby fixed as the fee to be paid by any person requesting that copies of any regular meeting schedule of the Zoning Board of Adjustment for the calendar year 2023, and revisions thereof, and notices of Board of Adjustment meetings during the calendar year 2023 not included in such schedule, or revisions thereof, be mailed to such persons as specified in R.S. 10:4-19, provided, however, that no charge shall be made to any news media requesting the mailing of notices to its business office.

This Resolution shall take effect upon adoption.

A certified copy of the Resolution shall be mailed by the Secretary of the Zoning Board to the Chatham Courier and the Morris County Daily Record, and a certified copy shall be filed with the Clerk of the Township of Chatham.

RESOLUTION BOA 23-006

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING GREGORY J.**

**LACONTE AS TRANSCRIBING SECRETARY FOR THE ZONING BOARD OF
ADJUSTMENT**

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Gregory J. LaConte as Transcribing Secretary to transcribe the minutes of the Board meetings for the period commencing January 1, 2023 and ending December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Gregory J. LaConte is hereby appointed as Transcribing Secretary to transcribe the minutes for the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing January 1, 2023 and terminating December 31, 2023, and

The compensation to be paid to Gregory J. LaConte for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham.

This Resolution shall take effect upon adoption, and

A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

RESOLUTION BOA 23-0007

**RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING A REGULAR MEETING
SCHEDULE FOR THE ZONING BOARD OF ADJUSTMENT DURING 2023 AND JANUARY,
2024**

WHEREAS, the “Open Public Meetings Act”, R.S.10:4-6 and following, requires that public bodies provide adequate notice of meetings.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

**IN ORDER TO COMPLY WITH THE EXECUTIVE ORDERS SIGNED BY THE
GOVERNOR, AND IN AN EFFORT TO FOLLOW BEST PRACTICES RECOMMENDED BY
THE CDC, THE MEETINGS WILL BE HELD VIRTUALLY**

Zoom access information for each meeting will be included on the meeting Agenda, which will be posted on the Township website at least 48 hours in advance of each meeting. Agendas will also be posted on the front door and the bulletin board in the main hallway of the Municipal Building. In the case of a special meeting, Zoom access information will also be included in the Open Public Meetings Act notice.

During the calendar year 2023 and January 2024, public meetings (work meetings, and regular meetings) will be held by Zoom, on the following dates and at the following times:

WORK MEETING		REGULAR MEETING	
(2nd Wednesday, 7:30 p.m.)		(3rd Thursday, 7:30 p.m.)	
2023	February 8	February 16	
	March 8	March 16	
	April 12	April 20	
	May 10	May 18	
	June 7	June 15	
	July 12	July 20	
	August 9	August 17	
	September 13	September 21	
	October 11	October 19	

	November 8	November 16
	December 13	December 21
2024	January 10	January 18

Formal action may be taken at either the work or regular meetings listed above during the calendar year 2023 and January 2024 additional public meetings will be held by the Board of Adjustment for purposes of site inspections at 9:00 a.m., prevailing time, starting at the Municipal Building, 58 Meyersville Road, Chatham, or such other location as announced by the Board, on the following dates:

SITE VISITS 9:00 A.M.

2023 First Saturday

February 4
 March 4
 April 1
 May 6
 June 3
 July 1
 August 5
 September 2
 October 7
 November 4
 December 2

2024 January 6

The Secretary of the Zoning Board of Adjustment shall cause this Resolution to be published in the Chatham Courier and the Morris County Daily Record, posted on the bulletin board in the main hallway of the Municipal Building, 58 Meyersville Road, Chatham Township, New Jersey, and a copy filed with the Township Clerk.

RESOLUTION 2023-008
RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING THE TOWNSHIP WEBSITE AS THE OFFICIAL ELECTRONIC MEDIUM FOR THE POSTING OF NOTICES OF THE TOWNSHIP

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Chatham in the County of Morris, New Jersey, that the Township website, <https://chathamtownship-nj.gov/> is hereby designated as the official electronic medium for public notices and other official documents.

Mr. Vivona said that professional services were handled through an RFQ process this year. He also gave a quick review of the resolutions.

Mr. O'Brien moved to adopt the resolutions. Mr. Silva seconded the motion.

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

Approval of Minutes

Mr. O'Brien moved to approve the minutes of the December 7, 2022 meeting. Mr. McHugh seconded the motion which carried unanimously.

Application Resolutions

Calendar BOA 22-013 Reza Sharif, 180 Southern Blvd. Block: 102.11 Lot 23,01

Ms. Wolfe provided an overview of the application and said that the applicant did not have any comments on the resolution.

Mr. O'Brien moved to adopt the resolution. Mr. Borsinger seconded the motion.

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

Calendar BOA 22-012 Christopher Costner, 35 Rose Terrace. Block: 93 Lot; 5.01

Ms. Wolfe provided an overview of the application.

Mr. McHugh moved to adopt the resolution. Mr. O'Brien seconded the motion.

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

Hearings

Calendar BOA 2022-011 Janice & Adam Smith 28 Mountainview Road. Block 51, Lot 1.03

Mr. Vivona provided an overview of the Zoning Board's hearing process and stated that the Site Visit will be on February 4th at 9:00 AM. He also described how site visits work.

Mr. and Mrs. Smith, as well as the Board professionals and the applicants' witness, were sworn in to give testimony.

Ms. Wolfe noted that confirmation will be needed for notice sent to one of the neighbors within 200 feet.

Mrs. Smith stated that the property has an existing railroad tie retaining wall. The wall is in poor shape and they want to replace it, as well as move a portion of the wall on the side of the property. Mrs. Smith also said that they want to install a fence, and the application includes screen trees. She noted that the variance requested is for the retaining wall.

Mr. Smith said that the genesis of the project stems from the removal of a tree in the back corner of the property that prevented the two sections of the wall from being connected. Mrs. Smith

said that the conditions inhibited the ability to repair the wall and exacerbated structural integrity issues.

Andrew Clarke, an engineer representing the applicant, provided his qualifications and was accepted as an expert.

Mr. Clarke said he reviewed the memo from Mr. Ruschke's office and there were not any items of concern to him. Mr. Clarke addressed the pre-existing non-conforming conditions related to setbacks. He also addressed lot coverage.

Mr. Vivona opened the floor for the public to ask questions. Seeing none, Mr. Vivona closed the floor.

Mr. Vivona reiterated that the Site Visit will be on February 4th. The hearing will be continued on February 16th.

Calendar BOA 22-019 Timothy & Tina Romano, 2 Overlook Road Block 122 Lot 1

Mr. Vivona noted that Mrs. Romano is a former BOA member, and only he and Mr. Borsinger served with her. There were no objections to Mr. Vivona and Mr. Borsinger participating in the hearing.

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

Brian Siegel, an architect representing the applicant, provided his qualifications and was accepted as an expert.

Mr. Romano provided an overview of the application. A front yard setback variance is requested.

Mr. Siegel presented the application drawings. He discussed the building height.

There was no public comment.

Mr. Vivona said the Site Visit will be on February 4th.

Calendar BOA 22-008 Amit Chainani 407 River Road Block 63 Lot 25

Mr. Vivona provided an overview of the Board's process.

Mr. Chainani thanked the Township staff for helping him through the process. He provided background on his family's move to Chatham and described the existing conditions. Mr. Chainani also provided an overview of the application. He said that a front setback variance is requested.

Mr. Vivona noted the project may be challenging and said the site visit will be important.

Mr. Borsinger asked about the height calculations. Mr. Ruschke said that the figures are based on how the Township requires the calculation be done. Mr. Borsinger warned that there is little room for error in the building, and if the house is too high then they may need to come back before the Board.

Ms. Wolfe inquired if Mr. Chainani would need to have an engineer testify. Mr. Chainani said he can hire an engineer if needed. He also noted that he prepared the architectural drawings, and he is a mechanical engineer by training. Mr. Vivona advised that Mr. Chainani have his bases covered.

Mr. Silva asked if a portion of the plans was done by a surveyor. Mr. Chainani said that the information for the existing conditions comes from a survey prepared by a surveyor, and the proposed conditions were prepared by himself. Mr. Silva asked if that is allowed. Mr. Ruschke said that at some point a lot grading plan will need to be submitted, and that will need to be submitted by an engineer.

Mr. Chainani noted that the house is currently vacant and unlivable. Mr. Vivona commented on the potential improvement to the neighborhood with this application. The Site Visit will be on February 4th at 10:00 AM and the next hearing will be on February 16th. Mr. Vivona asked that Mr. Chainani retain the requested professionals by the next hearing.

There was not any public comment.

Calendar BOA 22-0021 4 Robert Drive, LLC 4 Robert Drive, Block 102.01, Lot 4

Mr. Sood recused from this application.

James Foerst, an attorney representing the applicant, was present.

The applicant's professionals and the Board professionals were sworn in.

Andrew Clarke, an engineer representing the applicant, presented the lot grading plan. He also provided an overview of the application.

Mr. Vivona stated that the Site Visit will be on February 4th at 10:30 AM and the next hearing will be on February 16th.

Mr. Borsinger asked about the flow patterns of the runoff. Mr. Ruschke said they will be changed.

The floor was opened to the public.

1. Helene Flood, 218 Southern Boulevard, said that drainage would flow onto her property. Mr. Vivona said that the Board does site visits so they can see conditions like that. Mr. Clarke stated that any adverse conditions will be addressed. Mrs. Flood addressed drainage caused by Corpus Christi not cleaning the drainage ditch on their property. Mr. Clarke addressed the stormwater controls that are part of the permitting system, and said they protect neighboring properties.

Seeing no further public comment, Mr. Vivona closed the floor.

Calendar BOA 2022-018 Andrew Englander, 134 Candace Lane, Block 39 Lot 43

Tyler VanderValk, an engineer representing the applicant, was sworn in and had been previously qualified. Board professionals were also sworn in.

Mr. Vivona read into the record a site visit report that Mr. Teotia had prepared.

Mr. Vivona commented on the difficulty of the lot.

Mr. Englander commented on work done on a neighboring property involving a retaining wall.

Mr. VanderValk provided an overview of the photos and plans previously reviewed and submitted. He discussed the proposed retaining wall.

Mr. Vivona opened the floor to the public.

1. Lisa McHugh, a member of the Environmental Commission, was sworn in to give testimony. Mrs. McHugh described concerns shared by the Environmental Commission regarding drainage. Mr. Ruschke commented on the drainage swale. Mrs. McHugh asked that any removed trees be replaced by trees in kind, which would help with water absorption.

Seeing no further comment, Mr. Vivona closed the floor.

Mr. O'Brien moved to approve the application with the condition that two trees be replaced. Mr. Silva seconded the motion.

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

Calendar BOA 22-015 Ginny & Eric Dorflinger, 12 Lori Lane, Block 48.14 Lot 7

Ms. Wolfe noted that the applicants, their professionals and the Board professionals were previously sworn in.

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

Mr. Vivona said he does not have any issues with the application or the proposed drainage.

Mr. Dorflinger commented on the drainage system, and it empties into a storm drain.

Mrs. Boerner-Lay, the architect representing the applicant, commented on the shed being a preexisting nonconforming condition due to its location and size, but it is otherwise conforming. Mrs. Dorflinger said that their neighbor is ok with the shed remaining in the same location. Mr. Vivona recommended that a variance be added to the application for the shed so that it can be more easily replaced in the future if it is damaged.

There was discussion of having a new survey done to be sure that the building is the appropriate distance from the easement.

Mrs. McHugh gave comment from the Environmental Commission about bamboo on the back of the property. The applicant was advised to remediate the bamboo before it becomes a problem.

Ms. Silva asked about adding the shed as a variance. Ms. Wolfe said that the variance has been added. She also asked if there would be restriction on the size if replaced. Mr. Ruschke said that UCC and Zoning codes limit the size to 150 square feet.

Mr. O'Brien moved to approve the application with the condition that two trees be replaced. Mr. McHugh seconded the motion.

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

Mr. Vivona stated that there will be a resolution at the next meeting.

Other Business

Mrs. Tsimboukis noted that Mr. Utkan of 14 Chestnut has a complete application but was unable to attend a hearing at this meeting. She asked if a letter of extension to act is needed so the application can be heard in February. Ms. Wolfe said that such a letter should be obtained.

Mr. McHugh moved to adjourn at 9:33 PM. Mr. O'Brien seconded the motion, and the motion carried unanimously.

Gregory J. LaConte
Recording Secretary