

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

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:36 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 2023, and January, 2024 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. Sood, Mr. O'Brien and Mrs. Sood.

Mr. Fitt and Mr. Silva arrived late.

Mr. Borsinger, Mr. McHugh and Mr. Teotia were absent.

Also present were Board Attorney Amanda Wolfe, Board Engineer John Ruschke, Board Planner Frank Banisch and Board Manager Kali Tsimboukis.

Approval of Minutes

Mr. O'Brien moved to approve the minutes of the September 21, 2023 meetings. Mr. Sood seconded the motion which carried unanimously.

Hearings

Calendar BOA 23-008 Mr. Lechner, 6 Crestwood Drive, Block 74 Lot 4

Scott and Mineli Lechner, the applicants, were sworn in to give testimony. Their architect, Ezio Columbro, was also sworn in.

Mr. Lechner provided an overview of the application. He stated that there is a deep slope on the property, and there are steps in the retaining wall. Mr. Lechner said that per the Township's ordinances, the steps need to be added together which results in the need for a height variance for what was built. Mr. Lechner noted that neighbors have been supportive of what has been built.

Mr. Vivona asked how the non-conformity was discovered. Mr. Lechner said that it was discovered during the last walk-through inspection.

Mr. Columbro provided his qualifications and was accepted as an expert. Mr. Columbro reviewed with the Board the plans that were submitted. He noted that the retaining walls were very closely integrated into the foundation wall of the structure, and it had not occurred to him

that there would be zoning implications. Mr. Columbro stated that a portion of the wall was extended to accommodate French doors, which shortened the lower terrace level planting bed. This change did not comport with the proportional standard's outlined in the Township's ordinance. Mr. Columbro said that the situation can be remedied by taking the lower wall and pushing it further out but that would preclude planting of sizeable plants.

Mr. Vivona observed that pushing the wall out would hinder sight when backing out of the garage. He also said that the same type of stone is used for the foundation and the wall.

Mr. Sood asked if the spirit of the pertinent is regarding aesthetic or structural issues. Mr. Columbro opined that it is for aesthetic reasons. Mr. Sood opined that the site looks great aesthetically. Mr. Columbro noted that there are not any structural issues.

Mr. Vivona said that each step in the wall is within the height limits. Mr. Columbro said that each one is under the 6-foot limit. He also commented on the plantings in the beds so that there will be privacy from the road.

Mr. Vivona said that the applicant has been thorough, and noted that neighbors are not impacted by the work that was done.

Mr. Vivona opened the floor to the public.

1. Stewart Carr, 3 Crestwood Drive, said that his house is diagonally across from the Lechner's property. He spoke in favor of the project. Mr. Carr asked about a reference in a memo about having a surveyor on site, and asked if there is documentation of proper installation of the crossbeam. Mr. Columbro said that a surveyor was on site and the information was provided to Mr. Ruschke's office. Mr. Carr asked about an architect's certification about the construction of the wall, and if the error was on the part of the architect or the Township. Mr. Columbro said that the construction documents were resubmitted. Mr. Lechner said that a mistake was made, however the walls were built in sound manner and there is adequate drainage. He further said that they are trying to work with the Township. Mr. Carr asked if there is more drainage into the culvert after the construction. Mr. Lechner said that his property gets a lot of water from the rear of the property, and it drains into the cistern. He also said that the water is being managed better than it was two years ago.

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

Mr. Vivona said that the Site Visit will be on November 4th at 9:00 AM.

Calendar BOA 23-012 Hickory Donuts, LLC, 641 Shunpike Road, Block: 48.23 Lot: 126.04

Ms. Wolfe noted that she reviewed the notice and the Board has jurisdiction to hear the application.

Steven Azzolini, the attorney representing the applicant, provided an overview of the application. He said that as part of the recent renovation, Dunkin' wants his applicant to update the sign to an internally illuminated sign consistent with branding. Mr. Azzolini described the location in the

mall of the store. He also said that the Township ordinance does not allow either an illuminated sign or a sign on a façade that does not contain an entrance to the business. Mr. Azzolini also noted that for the outdoor seating, there needs to be a variance as the outdoor seating does not have the required four feet for an outdoor walkway.

Mr. Vivona said that the Site Visit will be on November 4th at 9:30 AM.

Calendar BOA 23-005 Joseph Brucchieri, 66 Rolling Hill Drive, Block: 102.06 Lot: 23.

Mr. Fitt was recused from this hearing.

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

Mr. Vivona said that the application is straightforward and the addition cannot be seen from the street or the neighbors' houses. Mr. Vivona asked if the existing drainage system can handle any potential new impact. Mr. Forbes said that engineering records have not yet been pulled, however they will work with Mr. Ruschke's office to make sure the system can handle the drainage.

Mr. Banisch said that the addition is in an appropriate location where there is not any new impervious coverage.

Mr. O'Brien moved to approve the application. Mr. Sood seconded the motion.

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

Calendar BOA 23-006 Mr. & Mrs. Reilly 56 Dale Drive Block 102.06 Lot 26

Mr. Vivona read into the record the Site Visit Report that had been prepared by Mrs. Sood.

Mr. Vivona stated that the issue in this application is an impervious coverage overage. He also commented on the pergola.

Mr. Brady commented on the distance of the pool from the sideline is 18 feet when 20 is required, and the footing of the wall in the pergola is only 13 feet.

Mr. Vivona asked about the turf around the pool and how it relates to the impervious coverage. Mr. Brady said his understanding is that the turf was not included in the calculation.

Mrs. Reilly commented on the construction that was done, and she said she did not anticipate having to take out a section of the driveway.

Mr. Vivona commented on the impacts of the application.

Mr. Brady said that Mr. Ruschke had requested the functioning of the drywell verified, and there is no objection to seeking that verification. The report will be submitted to Mr. Ruschke's office.

Mr. Fitt moved to approve the application with the condition that the verification report be sent to Mr. Ruschke. Mr. O'Brien seconded the motion.

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

Mrs. Tsimboukis asked if she could also get a copy of the report. Mr. Brady said he would CC her when he sends it to Mr. Ruschke.

Calendar BOA 23-009 Mr. & Mrs. Steiner; 99 Treadwell Ave Block 143 Lot 1.05

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

Mrs. Siegel, the architect representing the applicant, said that the existing garage is 500 feet to the adjacent house, and it will be 488 feet away. Neighbors will not be impacted. Mr. Vivona asked if there were ever variances for the original construction. Mrs. Siegel said that an OPRA request did not find any documents showing a variances or a survey. Mr. Vivona asked said that it is unlikely that the addition will be noticed after it is complete. He also commented on the placement of the generator.

Mr. Ruschke said that there were comments in his memo that need to be addressed. Mrs. Siegel said that the updates were submitted to the Construction Office.

Mr. Fitt moved to approve the application. Mr. O'Brien seconded the motion.

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

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

Mr. Vivona noted that in January the meetings will be in person, and Mr. LaConte will see if there can be a hybrid option. Next month's meeting will be on November 8th and the site visits will be on November 4th.

Mr. Vivona moved to adjourn at 9:00 PM. Mr. O'Brien seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary