

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF CHATHAM  
NOVEMBER 9, 2022**

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 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. Fitt, Mr. McHugh, Mr. Silva, Mr. Teotia and Mr. O'Brien.

Mr. Sood arrived late.

Mr. Borsinger was absent.

Also present were Board Attorney Amanda Wolfe, Township Planner Frank Banisch and Engineer Dan Honoshowsky in place of Board Engineer John Ruschke.

**Oath of Office**

Mr. Teotia and Mr. O'Brien were sworn in as members of the Zoning Board of Adjustment. The oath was administered by Ms. Wolfe.

Ms. Wolfe and Mrs. Tsimboukis addressed the need for new members to attend State Training.

**Approval of Minutes**

Mr. Fitt moved to approve the minutes of the August 8, 2022 and September 7, 2022 meetings. Mr. McHugh seconded the motion which carried unanimously.

**Resolutions**

Resolution #BOA 22-0026: Calendar BOA 22-007 Mr. & Mrs. Gustafson, 2 Aberdeen Road.  
Block: 117 Lot: 15

Mr. McHugh moved to adopt the resolution. Mr. Silva seconded the motion.

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

Resolution #BOA 22-0027: Calendar BOA-22-003 Mr. Jake Vachal, 26 Scenery Hill Drive. Block: 102.04 Lot:23

Mr. Silva moved to adopt the resolution. Mr. McHugh seconded the motion.

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

**Request to be Withdrawn Calendar BOA 21-016 25 Garden Street, Block: 109 Lot: 29**

The resolution will be considered at the next meeting.

### **Hearings**

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

Ms. Wolfe addressed the notice for this hearing, and additional notice may need to be sent out after a review is conducted.

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

Mr. Vivona stated that the site visit will be on December 3<sup>rd</sup> at 9:30 AM. He asked that the area needing the variance be marked out.

Mr. Costner provided an overview of the application. He explained that the variance for the retaining wall is requested to avoid removing trees. Mr. Costner also said that the builder from whom he bought the house is responsible for the non-conformity.

Cathy Mueller, an engineer representing the applicant, provided her qualifications and was accepted as an expert. Mrs. Mueller said that her firm was involved in the subdivision in 2015. The Township Engineer had identified several issues when a final CO was sought, most of which were addressed at the time. Mrs. Mueller described the existing retaining wall, the pertinent regulations, and the three variances requested.

Mr. Vivona said that the second hearing will be scheduled for December 7<sup>th</sup>.

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

Mr. Vivona described the Zoning Board's hearing process. He stated that the site visit will be on December 3<sup>rd</sup> at 9:00 AM. He asked that the area for the variance be marked out.

Mr. Sharif gave an overview of the application. Mr. and Mrs. Sharif were both sworn in to give testimony.

Calendar BOA-22-009 Mr. Elmekki, 36 Woodlawn Drive, Block 52, Lot 7.

The applicant, applicant's professionals and Board professionals were sworn in to give testimony.

Mr. Vivona described the Board application process.

Mr. Elmekki gave an overview of the application.

Mr. Vivona said that the Site Visit will be on December 3<sup>rd</sup> at 10:00 AM and asked for the variance to be marked out.

Mr. Ruschke referred to his report on the application and addressed the variances.

#### Calendar BOA-22-005 Mr. & Mrs. Boyd 51 Meadowbrook Road Block 93 Lot 3

Mr. Vivona gave a summary of the site visit.

Timothy Klesse, the architect representing the applicant, provided an overview of the application.

Mr. Klesse presented pictures of the site to explain the proposed addition and renovations. He noted the proposed additional building coverage and lot coverage. Mr. Klesse also presented an aerial photo of the neighborhood, as well as an engineering drawing of the site.

Mr. Vivona commented on the application and said that the request is modest and reasonable. He also said that the existing retaining wall is remaining in place.

Mr. McHugh asked if there is concern about infiltration of stormwater into the garage. Mr. Boyd said that they will work with their contractor on that issue. Mr. Vivona asked about proposed drainage. Mr. Boyd said he spoke with his neighbor about an apron drain. Mr. Vivona suggested considering a trough drain.

Mr. Fitt moved to approve the application. Mr. McHugh seconded the motion.

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

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

Mr. and Mrs. Boyd said that they would like to begin construction as soon as possible. Mr. Vivona indicated that the Building Department can process permit applications before the resolution is adopted.

#### **Other Business**

Mr. Vivona asked about having meetings resume being held in person. Mr. Banisch suggested considering hybrid meetings. Mr. McHugh said he would be ok with either zoom or in person.

Mr. Teotia asked if video evidence of attendance is needed. Ms. Wolfe said it depends on the discussion.

The consensus of the Board was to try hybrid meetings.

Mr. Fitt moved to adjourn at 9:02 PM. Mr. Vivona seconded the motion, and the motion carried unanimously.

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Gregory J. LaConte  
Recording Secretary