

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

Mr. Vivona called the Work 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 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. Fitt, Mr. McHugh, Mr. Sylva, Mr. Silva and Mr. Sood.

Mr. Weston and Mr. Forno were absent.

Also present were Engineer Samantha Anello in place of Board Engineer John Ruschke and Board Attorney Amanda Wolfe.

Resolutions

**RESOLUTION BOA 22-013
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 VENTURA, MIESOWITZ,
KEOUGH & WARNER FOR 2022**

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 February 17, 2022 through December 31, 2022 and,

WHEREAS, **VENTURA, MIESOWITZ, KEOUGH & WARNER** has completed and submitted a Business Entity Disclosure Certification which certifies that **VENTURA, MIESOWITZ, KEOUGH & WARNER** 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 **VENTURA, MIESOWITZ, KEOUGH & WARNER** 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 2022; and

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 **VENTURA, MIESOWITZ, KEOUGH & WARNER** 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.

Mr. Vivona discussed the RFQ and interview process. He noted that Mr. Carlson had not responded to the RFQ. Mr. Vivona stated that the recommendation is to appoint Amanda Wolfe as the Board Attorney, and noted that she has also worked with the Planning Board.

Ms. Wolfe said that she was recently made a partner at her firm, and she also works closely with Planning Board Attorney Steve Warner.

Mr. Fitt moved to adopt Resolution 22-013. Mr. Borsinger seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Weston, Absent; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. McHugh, Aye; Mr. Silva, Aye; Mr. Forno, Absent; Mr. Sylva, Aye; Mr. Sood, Aye.

RESOLUTION BOA 22-0014

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 2022 AND JANUARY, 2023

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 2022 and January 2023, public meetings (work meetings, and regular meetings) will be held by the Zoning Board of Adjustment at the Municipal Building, 58 Meyersville Road, Chatham Township, on the following dates and at the following times:

	Meeting (2nd Wednesday, 7:30 pm)	Regular Meeting (3rd Thursday, 7:30 pm)
2022	February 9 March 9 April 13 May 11 June 8 July 13 August 10 September 7 October 12 November 9 December 7	February 17 March 17 April 21 May 19 June 16 July 21 August 18 September 15 October 20 November 17 December 15
2023	January 11	January 19

Formal action may be taken at either the work or regular meetings listed above during the calendar year 2022 and January 2023 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
(1st Saturday)**

2022	February 5 March 5 April 2 May 7 June 4 July 2 August 6 September 3 October 1 November 5 December 3
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2023 January 7

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.

The Board discussed keeping meetings on Zoom until June. Mr. Vivona addressed the need for paper copies of applications rather than electronic copies.

Mr. McHugh moved to adopt Resolution 22-014. Mr. Silva seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Weston, Absent; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. McHugh, Aye; Mr. Silva, Aye; Mr. Forno, Absent; Mr. Sylva, Aye; Mr. Sood, Aye.

Discussion

2021 Annual Report

Mr. Vivona stated that copies of the Annual Report were distributed for review, and the final report will be presented to the Planning Board. Mr. Vivona asked if there are any additional concerns that the Board of Adjustment members want brought up in the report.

Mr. McHugh noted that an issue has risen during 2021 of home offices, and questions have come up if they should be attached or unattached to homes. Concerns have also come up of unattached home offices potentially being converted into apartments. Mr. McHugh asked if there is any direction that the Planning Board has for recommendations on that matter. Mr. Vivona said that he is not sure the Planning Board is aware of the issue. Ms. Wolfe asked what concerns or recommendations the Board of Adjustment has on this matter. Mr. Vivona said the concern is regarding what people may want to build, and if home offices would be allowed to be built larger than what is normally allowed. He also stated the concern of the home offices being converted to apartments. A specific example was given of a garage having a home office added for which a height variance was requested, and attention was paid to not having certain utilities added so that conversion to an apartment would not be possible. Ms. Wolfe suggested that deed restrictions could be used as a preventative measure. Mr. Silva said that it may be possible to allow for a half bath. Mr. Vivona said that a lack of plumbing helps prevent conversion of pool houses into living space.

Ms. Wolfe asked if there have been any requests for signage or additional parking for home offices. Mr. Vivona said that there have not been requests for signs or parking. He said that each request has had different concerns such as height or setbacks.

Ms. Wolfe asked if there are any additional concerns. Mr. Borsinger asked about floor area ratios and noted he has received complaints about modest homes being replaced with monstrosities. Mr. Vivona suggested that Mr. Banisch could give some input on floor area ratios. Ms. Wolfe suggested that floor area ratio ordinances from other municipalities be reviewed so that the Board could provide suggested language for the Township to consider.

Mr. Borsinger asked who monitors sewer capacity as new homes are built. Mr. Vivona said that Mr. Ruschke could comment on that question.

Mr. Vivona noted that most of the commercial applications are for signage, and there are not presently any concerns about the regulations.

Mrs. Tsimboukis noted that there will be a resolution on the next agenda to approve the Annual Report.

Mr. Fitt moved to adjourn at 8:00 PM. Mr. Borsinger seconded the motion, and the motion carried unanimously.

Gregory J. LaConte
Recording Secretary