

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
FEBRUARY 16, 2023**

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:31 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. Borsinger, Mr. McHugh, Mr. Sood and Mr. Teotia. Mr. Fitt arrived late.

Mr. Silva and Mr. O'Brien were absent.

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

Approval of Minutes

Mr. Borsinger moved to approve the minutes of the January 19, 2022 meeting. Mr. McHugh seconded the motion which carried unanimously.

Application Resolutions

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

Ms. Wolfe provided an overview of the resolution. She noted that the applicant did not have an attorney, therefore there was not a review by applicant's counsel.

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

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

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

Ms. Wolfe stated that there was a special condition pertaining to bamboo.

Mr. McHugh moved to approve the resolution. Mr. Sood seconded the motion.

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

Extension Request

Calendar BOA 22-020 Utkan Emre, 14 Chestnut Road, Bloack: 54 Lot: 14.

Mrs. Tsimboukis stated that the applicant will re-notice. The request to extend the hearing was granted.

Hearings

Calendar BOA-23-001 NY SMSA Limited d/b/a Verizon Wireless, 405 Southern Blvd.
Block: 48.16 Lot: 117.27

Frank Ferraro, an attorney representing the applicant, was present and gave an overview of the application. He stated that an existing telecommunications facility will be modified, and new antennas will be added. Mr. Ferraro further described the equipment that will be installed. An emissions study was performed, and the site will comply with federal regulations. There will not be any increase in noise.

Peter Smith, an engineer representing the applicant, was sworn in to give testimony. Mr. Smith provided his qualifications and was accepted as an expert.

Mr. Vivona asked about three new antennas being installed. Mr. Smith confirmed that there will be three new coax cables and two hybrid cables. Mr. Vivona said the Board likes to make sure new equipment is as innocuous as possible.

Mr. Borsinger suggested that the cables be the same color as what is there now. Upon review of the plans, Mr. Smith confirmed that there will not be any new coax cable.

Mr. Vivona asked if the upgrades are part of the 5G upgrade. Mr. Ferraro said that this application does include the 5G upgrade.

Mr. Vivona opened the floor to the public. There were no questions.

Mr. McHugh moved to approve the application. Mr. Borsinger seconded the application.

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

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

Ms. Wolfe stated that an issue with the notice was cured.

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

Mr. Vivona said the application is straightforward, and his only concern is the small steep slope in the back corner. He said he hopes the applicant has spoken to the builder about putting something there that will be mutually beneficial.

Mrs. Smith said the builder has been open to ideas but was concerned how a wall would set him back with selling the house and wondered if he would need a variance. Mr. Vivona said he would not need a variance. Mr. Ruschke said there would be no issue if it is a landscaping wall. Mr. Vivona said that the Board's suggestion is not a demand.

Mr. Borsinger asked if a prohibition on the slope would be in the lot grading plan. Mr. Clarke said that the neighboring property appears too steep.

Mr. Vivona opened the floor to the public.
Seeing no public comment or questions, Mr. Vivona closed the floor.

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

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

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

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

Mr. Siegel, an architect representing the applicant, provided an overview of the application.

Mr. Vivona asked if the extra driveway space was factored into the lot coverage calculation. Mr. Sigel said that it was. He also confirmed that the front fence is a preexisting condition.

Mrs. Slagle said that the addition is deminimis. Mr. Ruschke said he also had no comments.

There were not any questions from the public.

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

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

Mr. Vivona said that a resolution will be on the next meeting's agenda.

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

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

Mr. Vivona said that the variances for the back and side yard are for preexisting, nonconforming conditions. He also said that the maximum height is 35 feet and he addressed how height is calculated.

Will McMullen, an engineer representing the applicant, was sworn in to give testimony. He provided his qualifications and was accepted as an expert.

Mr. McMullen provided his review of the plans drafted by Mr. Chainani. He noted the raising of the grade near the garage.

Mr. Vivona commented on the property. He asked about the bump out in the back and if it will encroach on wetlands. Mr. Chainani said that an environmental consultant was engaged, and their assessment was included in the application. The wetlands are at least 25 feet from the extension.

Mr. Ruschke said that the minor grading issues will be resolved as part of the lot grading process. He also agreed with the solution for the exposed basement.

Mr. Borsinger asked if the wetlands could be used for a staging area. Mr. Ruschke confirmed that it could not be used as such. Mr. Vivona said wetlands are usually taped off to avoid disturbance.

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

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

Mr. Vivona said that a resolution will be on the next meeting's agenda.

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

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

Mr. Clarke addressed a drainage pipe, and more investigation needs to be done to find the terminus of the pipe. He also said that there were not any observable outflows in the section where a hose was able to be run.

Mr. Vivona said that a neighbor's concerns were satisfied regarding the drainage path.

Mr. Vivona opined that the application is a good project, and there is screening at the site.

Mr. Borsinger asked if any trees will be removed. Mr. Clarke said that there will not be any trees removed. Mr. Caprarola commented on the comprehensive screening at the site.

There were not any questions from the public.

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

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

Mr. Vivona said that a resolution will be on the next meeting's agenda.

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