

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
FEBRUARY 22, 2024

Mr. Vivona called the Regular 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 2024, and January, 2025 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. Sood, and Mr. O'Brien.

Mr. Silva, Mr. Huke, 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 Engineer John Ruschke.

Resolutions

Resolution # BOA-2024-12 - Calendar BOA 23-010 Ivan Levytsky, 32 Mountainview Rd, Block: 51 Lot: 4

Ms. Wolfe gave an overview of the application.

Mr. Borsinger moved to adopt Resolution BOA-2024-009. Mr. O'Brien seconded the motion.

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

Minutes

Mr. O'Brien moved to approve the minutes of the January 10, 2024 meeting. Mr. Sood seconded the motion which carried unanimously.

Hearings

Calendar BOA 23-014 Mikhail Ioffe, 15 Rockledge Trail, Block: 62.02 Lot: 1

Ms. Wolfe stated that the notice was properly provided by the applicant and the Board has jurisdiction to hear this application.

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

Christine Miseo, an architect for the applicant, provided her qualifications and was accepted as an expert.

Mr. Vivona provided an overview of the Zoning Board's hearing process. He said that the Site Visit will be on March 2, 2024, at 9:00 AM.

Mr. Ioffe provided an overview of the application.

Mrs. Miseo addressed the requested front setback and rear yard setback variances that are requested. She noted that the application purposes the expansion of a pre-existing nonconforming use with the addition of living space in the attic. A building coverage variance is also sought.

Mr. Ruschke noted a discrepancy that he cited in his memorandum on this project. Mrs. Miseo said that she will update the drawings for the next hearing. She also addressed the height of a retaining wall.

Mr. Vivona said that the next hearing will be held at the March 21st meeting and reiterated that the Site Visit will be on March 2nd.

Calendar BOA 23-002 NNG Real Property I LLC, LLC, 39 Susan Drive, Block: 20 Lot: 16

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

Mrs. Slagle was sworn in to give testimony.

Samantha Alfonso, an attorney representing the applicant, was present at the meeting. Mrs. Alfonso presented a rendering of the proposed structure. She also addressed the setbacks.

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

Exhibit A-1 was entered into the record.

Mr. Kahn addressed the proposed height of the structure. He also addressed the height of the retaining walls.

Mr. Ruschke addressed the interpretation of the height calculation, and discussed how height is supposed to be calculated. Mrs. Alfonso said that Mr. Ruschke's height calculations will be used, and D-variance will be requested. Ms. Wolfe said that a vote will have to wait until a super majority is available at a meeting.

Mr. Kahn addressed the drywell systems that are proposed. The installation of the sewer connection was discussed.

Mrs. Alfonso suggested that there be a preconstruction meeting as a condition of approval and said that inspections can be pre-scheduled.

Mr. Borsinger asked if specific numbers will be provided for the variances requested. Mr. Kahn confirmed that they will.

Mr. Vivona asked about the fill content. Mr. Ruschke said that the applicant will have to demonstrate to the Construction Official that the foundation will be in native soils.

Ayman Sedra, an architect representing the applicant, provided his qualifications and was accepted as an expert witness.

Mr. Sedra presented the front elevations of the proposed house. He also presented the floor plans and the left side elevation. The number of stories that the house will be considered to have was discussed, and Mr. Sedra said calculations will be done again.

Mr. Vivona said that the hearing will be continued at the March 21st meeting.

Calendar BOA 23-013 Imran & Zeenat Chowdhury, 93 Sunset Drive, Block: 62.09 Lot: 13

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

Nicole Magdziak, and attorney representing the applicant, provided an overview of the application. The existing house is proposed to be demolished, and a new home will be built that will bring a current violation into compliance.

Mrs. Slagle was sworn in to give testimony.

Gregory Ralph, an architect representing the applicant, was sworn in to give testimony. He provided his qualifications and was accepted as an expert.

Mr. Ralph provided an overview of the proposed house. He presented the proposed floorplans. Mr. Ralph also addressed the height calculation for the proposed house. The colonial aesthetic was noted.

Mr. Smith, the applicant's engineer, gave further testimony. He said that the need for variances is rooted in fill that was placed on the property from a prior owner. Mr. Smith said that the lot will be graded in such a way that it will be a two-story house. He further addressed grading done by the prior property owner that created a violation, and that violation will be rectified.

Mr. Smith addressed the comments in Mr. Ruschke's memorandum. Mrs. Magdziak asked about the alternative design as it relates to the mitigation of the prior violation. Mr. Smith said that some additional disturbance is needed to mitigate the excess fill from the prior owner.

Drainage was also discussed. Mr. Smith noted a review letter from the Environmental Commission, and he said native plantings will be used to stabilize steep slopes.

Mr. Borsinger moved to accept the application with the condition regarding replacement trees. Ms. Wolfe noted that the applicant stipulated the conditions in Mr. Ruschke's memo. Mr. O'Brien seconded the motion.

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

Mr. Vivona said that the resolution will be read into the record at the March 21st meeting.

Other Business

Mr. Vivona explained that applications needing a D Variance require a super majority of the Board.

Mr. Sood moved to adjourn at 9:40 PM. Mr. O'Brien seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary