

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

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:40 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. Sood and Mr. O'Brien.

Mr. Fitt, Mr. McHugh, Mr. Silva and Mr. Teotia 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 February 16, 2023 and March 8, 2023 meetings. Mr. Sood seconded the motion which carried unanimously.

Application Resolutions

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

The resolution was carried to the next meeting.

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

Ms. Wolfe provided background information on the application. She said the only unique condition was that the applicant will work with the adjacent property owner regarding the slope from the retaining wall.

Mr. O'Brien moved to adopt the resolution. Mr. Sood seconded the motion.

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

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

Ms. Wolfe provided background and went over the conditions of approval.

Mr. O'Brien moved to adopt the resolution. Mr. Sood seconded the motion.

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

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

Ms. Wolfe said this was an application for an expansion of an existing dwelling that had a significantly dilapidated deck, and she noted the height concern.

Mr. O'Brien moved to adopt the resolution. Mr. Sood seconded the motion.

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

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

Ms. Wolfe noted the landscaping and retaining walls in the application.

Mr. Borsinger moved to adopt the resolution. Mr. O'Brien seconded the motion.

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

Approval of Annual Report

Mr. O'Brien moved to adopt the resolution. Mr. Sood seconded the motion.

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

Hearings

Calendar BOA 22-020 Utkan Emre, 14 Chestnut Rd, Block: 54 Lot: 14

Utkan Emre, the applicant, was sworn in to give testimony. Mr. Emre said that he is applying to put a deck on his home. There is currently a walk-in basement with a patio, and the deck will be at the same level as the first floor.

Mr. Vivona provided an overview of the application process. He stated that the Site Visit will be on April 1st at 9:00 AM. Mr. Emre said he will mark out where the deck will be. Mr. Vivona said that the deliberations will be held at the April 20th meeting.

Calendar BOA- 22-022 King Jang, 8 Warwick Road, Block:121 Lot: 4

Ms. Wolfe said that she reviewed the notice and it was satisfactory.

Mr. Vivona gave a summary of the Board's procedure and stated that the Site Visit will be on April 1st at 9:30 AM.

The applicants and witnesses were sworn in to give testimony and provided the spelling of their names.

Antoine Hajjar, an engineer and planner representing the applicant, said that the Zoning Officer's Determination is being appealed, and he addressed the property dimensions and setbacks. Mr. Vivona said that is why site visits are performed. Ms. Wolfe clarified that two variances may not be needed, and the applicant is appealing the Zoning Officer's interpretation of an ordinance. Mr. Hajjar noted that the appeal affects two of the four variances.

Mr. Hajjar addressed the variance for the patio and the pool equipment. He also addressed the lot coverage variance that is being requested, and confirmed that the lot is undersized. It was noted that the size of the lot causes the hardship, and the driveway adds a lot to the impervious coverage.

Mr. Hajjar asked if the next hearing could be at the first meeting in April rather than the second.

King Jang, the applicant, introduced himself to the Board. Mr. Jang said that the application was supposed to be on an agenda last month but was delayed. He asked for any flexibility to have then next hearing as soon as possible. Mr. Vivona said that there is a work meeting scheduled for April. He said that if there is a quorum for that meeting, and if all looks good following the site visit, the hearing can be at that meeting. He noted that if the application is approved, the resolution would usually not be read into the record until the following month. Mr. Vivona addressed the possibility of having a resolution prepared for the work meeting.

Mr. Hajjar addressed the applicant's acceptance of the first four of the Board Engineer's conditions of approval. He addressed the possibility of accepting the fifth condition. Mr. Ruschke noted the safety issue of putting a grate over a drywell.

Mr. Vivona said that the Site Visit will be at 9:30 AM on April 1st.

Mr. Hajjar provided his justification why he does not believe the setback requires a variance. Mr. Ruschke cited the ordinance and explained his interpretation of how the setback should be measured. He also stated that the dimensions were not shown on the plans and said that the surveyor should provide the dimensions. Mr. Ruschke asked that the line be added to the drawing and submitted with the appropriate seal. Mr. Jang said that the proof needed for the variance will be provided even if it winds up not being needed.

Mr. Borsinger stated that sometimes pools get built a foot over from where they are supposed to be, and he stressed that the proposed pool in this application should be built in the correct spot. Mr. Vivona said that in this case, a matter of inches could affect the variance.

Mr. Hajjar asked if the dimensions should be struck at the patio or the pool. Mr. Ruschke said that usually the patio is considered as part of the pool area. Mr. Hajjar said he will draw dimensions from both.

Mr. Vivona moved to adjourn at 8:40 PM. Mr. Borsinger seconded the motion, and the motion carried unanimously.

Gregory J. LaConte
Recording Secretary