

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
MARCH 21, 2024

Mr. Vivona called the Regular 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 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. Silva, Mr. Huke and Mr. O'Brien.

Mr. Fitt, Mr. Sood and Mr. Teotia were absent.

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

Minutes

Mr. O'Brien moved to approve the minutes of the February 22, 2024 meeting. Mr. Borsinger seconded the motion which carried unanimously.

Resolutions

Res-24-013 – Calendar BOA 23-013 Imran & Zeenat Chowdhury, 93 Sunset Drive, Block: 62.09 Lot: 13.

Ms. Wolfe provided an overview of the resolution.

Mr. Borsinger said that the zoning variance was brought up originally in 2018. Ms. Wolfe said that the plan was initially submitted in 2019 but Covid delayed things and the owner sold the property.

Ms. Anello described the extensions that were granted to address the violation.

Mr. O'Brien moved to adopt Res-24-013. Mr. Silva seconded the motion.

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

Hearings

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

Samantha Alfonso, an attorney representing the applicant, requested an adjournment. She said that the applicant should have planning testimony at the April 18th meeting.

Ms. Wolfe stated that no further notification is required to carry the hearing to the next meeting.

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

Ms. Anello was sworn in to give testimony.

Mr. O'Brien read the Site Visit Report into the record.

Mrs. Miseo addressed an error in the building coverage that was found by the Board Engineer's office. She said that the main variance is for building coverage. The variance is being requested as a hardship. Mrs. Miseo said that there is a preexisting nonconformity. She said she does not believe that a variance is needed for the retaining wall along the garage. However the technical review memo addressed the top and bottom elevation of the wall, and the 2.8 foot elevation is higher than the 2.2 foot maximum.

Mr. Vivona addressed the preexisting nonconformity, and said that the variance will make the condition legal.

Mrs. Miseo addressed the dormers in the rear of the house, and said that a variance is needed for the expansion of a nonconforming use.

Mr. Vivona said that the application is straightforward. Mr. Banisch also said that the application is straightforward.

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

Mr. O'Brien moved to approve the application. Mr. Huke seconded the motion.

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

Mr. Vivona said that the resolution will be voted upon at the April 18th meeting.

Discussion – 2023 Annual Report

Mr. Vivona said that the 2023 Annual Report is straightforward as there were not any challenging cases.

Ms. Wolfe noted that there were several applications that dealt with walls, and noted some D Variances that were granted. Mr. Vivona said that the walls that are approved usually turn out

nice. Mrs. Anello said that retaining walls are usually on properties with steep slopes, and are used to minimize the slope disturbance.

Mr. Vivona said that the Board would like to see Corner Lots, Front & Side Yard Setbacks and Floor Area Ratio addressed.

Mr. Borsinger spoke about the size of new homes on small lots, particularly on Woodlawn Drive. Mr. Vivona said that the large homes built on smaller homes hurts the value of the older homes, and creates a buyer's market for builders.

Mr. Vivona said that his recent reports have contained the same recommendations, and the Township Committee has not addressed them. Mr. Banisch said that under the Statue, the Board's Annual Report should cite the variances granted, and should make recommendations on zoning ordinance amendments. He noted that the Township Committee and the Planning Board have the responsibility to craft ordinances. Mr. Banisch further noted that when there are Floor Area Ratio ordinances, the proofs for a variance become difficult because it becomes a use type variance. He also said that many existing buildings could be rendered nonconforming. Mr. Banisch further said that few municipalities have used an FAR approach successfully. He suggested that the recommendation be that the Township Committee and Planning Board consider the situation of smaller homes being overwhelmed by larger homes so that a comprehensive response can be sought. Mr. Vivona said that setbacks in the R4 Zone could also be considered to address the problem.

Mr. Vivona noted that a new sign for Dunkin was approved, and asked if the Board should recommend that sign regulations be loosened. He cited examples of complaints that stores could not be found due to insufficient signage. Mr. Banisch said that nationally recognized logos allow for immediate recognition of businesses, and allowing the signage helps businesses stay in business.

Mr. Huke asked about slope disturbance, and if there's a history of allowances for such disturbance. Mr. Vivona said that typically what is allowed is less disturbance than there could have been. He also said that sometimes there are permits for disturbance that will be restored at the end of the project. Examples of land disturbance were discussed. Mrs. Anello noted efforts to make sure that clearcutting does not occur on steep slopes, and to ensure that slopes are stabilized. A particular violation was discussed.

Ms. Wolfe said that she would update the Annul Report with the Board's suggestions and will distribute the updated draft.

Mr. Borsinger moved to adjourn at 8:25 PM. Mr. O'Brien seconded the motion which carried unanimously.

Gregory J. LaConte
Recording Secretary