

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
APRIL 20, 2023**

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:35 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. Fitt, Mr. McHugh, Mr. Silva, Mr. Teotia and Mr. O'Brien.

Mr. Sood and Ms. Sood 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. O'Brien moved to approve the minutes of the March 16, 2023 meeting. Mr. Borsinger seconded the motion which carried unanimously.

Resolutions

Calendar BOA -23-003 Walter Pahl, 53 Dellwood Ave., Block: 77 Lot: 2.02.

Mr. Pahl gave background on the application and that the prior resolution had expired. Mr. Vivona said that the variance usually stays with the property and he was unaware that the resolutions could expire. Mr. Pahl read the applicable language from the original resolution.

Mr. Vivona said he does not have any problem with granting an extension to the prior approval. Ms. Wolfe said that a resolution was drafted to grant an extra year for construction to commence. She also noted that construction does not need to be completed, it just needs to have some meaningful commencement. Ms. Tsimboukis said that upon passage of the extension resolution, the applicant can apply for the permit to begin work.

Mr. Fitt moved to adopt the resolution. Mr. Silva seconded the motion.

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

Calendar BOA-23-001 NY SMSA Limited d/b/a Verizon Wireless, 405 Southern Blvd.

Block: 48.16 Lot: 117.27

Ms. Wolfe provided background on the resolution.

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

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

Hearings

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

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

Mr. Vivona said that the proposed deck will extend beyond the existing patio, and it was suggested that the patio be extended. Mr. Vivona asked if a variance is necessary for that and if there would be any impervious coverage problems. Mr. Ruschke said it should not need a variance, however the resolution can be written to provide that the impervious coverage shall not exceed 4,277 square feet. The amount of impervious coverage was discussed.

Mr. Vivona opened the floor for the public to ask questions.
Seeing none, Mr. Vivona closed the floor to the public.

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

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

Mr. Vivona said that the applicant can submit for the permits once the resolution is signed. The permit application will be subject to the review of the Construction Official.

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

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

Mr. Vivona said that the rear fence is not on the property line, which makes the back yard look smaller than it really is. Mr. Vivona asked if there are any concerns about the drainage system. Mr. Ruschke said that there will need to be a lot grading plan.

Mr. McHugh asked for comment about any plantings that will be outside the fence. Mr. Jang said that the back neighbor has already planted several trees. Mr. Hajjar said that trees could not be planted on the subject property because of the distance between the fence and the property line.

Mr. Vivona said that a fence around the mechanicals is recommended to protect from animals. He also noted that there have been instances of pools being built in the wrong spot, and the contractor should ensure that this pool is properly located.

Mr. Vivona opened the floor for the public to ask questions.

1. Lisa McHugh, a member of the Environmental Commission, was sworn in to give comment. Mrs. McHugh stated that the backyard is pretty stark and she recommended planting of native species. Mr. Vivona said that is a recommendation and not a condition.

Seeing no further comment, Mr. Vivona closed the floor.

Mr. O'Brien moved to approve the application. Mr. Fitt seconded the application.

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

Mr. Vivona said that the permit applications can be submitted once the resolution is signed, and permits will be available after review of the Construction Official.

Ms. Wolfe noted that a resolution is available. Mr. O'Brien clarified that his motion was to approve both the application and the resolution.

Mr. Fitt moved to adjourn at 8:15 PM. Mr. Teotia seconded the motion, and the motion carried unanimously.

Gregory J. LaConte
Recording Secretary