

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
MAY 12, 2021**

Mr. Vivona called the Work Meeting of the Zoning Board of Adjustment to order at 7:30pm.

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 2021 and January 2022 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. Weston, Mr. Borsinger, Mr. Fitt, Mr. McHugh, Mr. Silva, and Ms. Chang.

Also present were Attorney Brent Saferstein in place of Board Attorney Scott Carlson, Board Planner Frank Banisch, Engineer Kevin Nollstadt in place of Board Engineer John Ruschke.

Announcements

Mr. Vivona announced that Mr. Newman resigned due to work conflicts. He also announced that Mr. Williams resigned as he is moving out of town.

Approval of Minutes

Mr. Fitt made a motion to approve the minutes from the January 8, 2020, January 16, 2020, February 12, 2020, February 20, 2020 and April 8, 2020 Zoning Board meetings. Mr. Borsinger seconded the motion, which carried unanimously.

Resolutions

**RESOLUTION BOA 21-0012
RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING KALI
TSIMBOUKIS AS BOARD SECRETARY FOR THE ZONING BOARD OF
ADJUSTMENT FOR 2021**

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Kali Tsimboukis as Zoning Board Secretary for 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. Kali Tsimboukis is hereby appointed as Board Secretary for the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, for the term commencing March 25, 2021 and terminating December 31, 2021.
2. The compensation to be paid to Kali Tsimboukis for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham;
3. This Resolution shall take effect upon adoption.
4. A certified copy of this Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

Mr. Vivona moved to adopt Resolution BOA 21-0012. Mr. Weston seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Weston, Aye; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. McHugh, Aye; Mr. Silva, Aye; Ms. Chang Aye.

RESOLUTION BOA 21-0015
RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP
OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING
GREGORY J. LACONTE AS TRANSCRIBING SECRETARY FOR THE ZONING
BOARD OF ADJUSTMENT

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Gregory J. LaConte as Transcribing Secretary to transcribe the minutes of the Board meetings for the period commencing May 12, 2021 and ending December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. Gregory J. LaConte is hereby appointed as Transcribing Secretary to transcribe the minutes for the Zoning Board of Adjustment of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing May 12, 2021 and terminating December 31, 2021.
2. The compensation to be paid to Gregory J. LaConte for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham.
3. This Resolution shall take effect upon adoption.
4. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

Mr. McHugh moved to adopt Resolution BOA 21-0015. Mr. Fitt seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Weston, Aye; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. McHugh, Aye; Mr. Silva, Aye; Ms. Chang Aye.

Requests to be Withdrawn

Mr. Vivona announced that requests to be withdrawn have been received for the following applications:

1. Calendar ZBA-20-009 (June 15, 2020) Michael Gonnella, 60 Linden Lane, Block: 102.08 Lot: 31 Escrow #72869
2. Calendar BOA 19-62.03-11(February 5, 2019) Harpal Singh/Sukhmani Dhanoa, 543 Fairmount Avenue, Block: 62.03 Lot: 11 Escrow #72281
3. Calendar ZBA-20-001 (January 10, 2020) Bryan Harper, 11 Hilltop Terrace, Block: 69 Lot: 2 Escrow #72661

Mr. Banisch said that the process for a withdrawal is for it to be announced at a Board meeting. The consensus of the Board was to grant the withdrawals.

Hearings

Calendar ZBA-20-010 Mark & Nicole Lois, 15 Gates Avenue Block:108 Lot: 30 Administrative Transfer to Planning Board

Mr. Vivona said that the application is for a subdivision and should be submitted to the Planning Board rather than the Board of Adjustment.

Rosemary Stone-Dougherty, the attorney for the applicant, stated that the application was originally submitted to the Planning Board, however a former Board Manager erroneously had it sent to the Zoning Board of Adjustment instead over the objection of counsel. Mrs. Stone-Dougherty said that she has spoken with both Board counsels, and the Planning Board will hear the application on June 21st with no further notice required.

Calendar ZBA-20-016 Kevin & Kerry Marchetti, 22 Dale Drive, Block: 102.10 Lot: 12 Requesting Variance for Impervious Coverage & Pool Equipment Setback

Mr. McHugh read into the record the site visit report for the application.

Mr. Marchetti said that a revised drawing for the pool equipment was submitted.

Mr. Vivona said that the request in the application is de minimis. He also said the equipment will be next to an existing generator and will not be obtrusive. Mr. Vivona suggested fencing to

keep out animals. He also said that the only tree to be removed is half-dead, and additional landscape screening will be planted. Mr. Vivona also said that the retaining wall is on line.

Mr. Nollstadt said that all the stormwater concerns were addressed. He said that there were some other items in the review, including construction detail.

Mr. Banisch asked if the applicant would consent to the additional items in the Engineer's Report. Mrs. Marchetti said that they will comply with Mr. Ruschke's completeness review memo dated February 3, 2021.

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

Mr. Borsinger moved to approve the application as amended. Mr. Fitt seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Weston, Aye; Mr. Borsinger, Aye; Mr. Fitt, Aye; Mr. McHugh, Aye; Mr. Silva, Aye; Ms. Chang.

Mr. Vivona said that the resolution will be available for the next meeting. Mr. Marchetti asked if he needs to attend that meeting. Mr. Banisch suggested he attend just to be sure the resolution is adopted, and he will not need to have his professionals attend.

Mr. Banisch thanked Mrs. Tsimboukis for being at the meeting.

Mr. Fitt moved to adjourn at 8:00 PM. Mr. Weston seconded the motion, and the motion carried unanimously.

Gregory J. LaConte
Recording Secretary