

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
JUNE 15, 2023**

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 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. McHugh, and Mr. Sood. Ms. Sood arrived late.

Mr. O'Brien Mr. Fitt, Mr. Silva and Mr. Teotia were absent.

Also present were Board Attorney Amanda Wolfe, Board Engineer John, Ruschke, Board Planner Frank Banisch and Board Manager Kali Tsimboukis.

Approval of Minutes

Mr. Borsinger moved to approve the minutes of the May 18, 2023 meeting. Mr. McHugh seconded the motion which carried unanimously.

Calendar BOA 22-017 Melissa Jansson-Ryan, 11 Jay Road, Block 108 lot 113.07

Ms. Wolfe stated that she reviewed the notice for this hearing and the Board has jurisdiction to proceed.

Melissa and Marcus Ryan were sworn in to give testimony.

Mr. Vivona provided an overview of the Board's hearing process. He stated that the Site Visit will be held on July 1st.

Mrs. Ryan described the project in the application.

Mr. Vivona noted that the front yard setback is a preexisting nonconforming condition. He asked about drainage issues. Mrs. Ryan addressed drainage issues on her property and in the neighborhood.

Mr. Ruschke said that a lot grading plan will be needed due to the amount of disturbance. He also noted the drainage issues and advised the applicant to speak with their engineer to be sure that all the requirements can be met.

Mr. Borsinger asked about measures to prevent drainage issues similar to a neighboring property. Mr. Ruschke said that the applicant will need to conform to the code for lot grading, and will need to return to the Board if the code cannot be met.

Robert Ryan, the applicant's father, was sworn in to give testimony. Mr. Ryan thanked the Board for how an adjoining property was handled. He also addressed drainage issues in the neighborhood, and said he was unsure if a lot grading plan would be required by the Board. Mr. Ruschke said that a lot grading plan is required by code, and a variance would be needed to waive that requirement. Mr. Ryan said that an engineer has not been engaged yet to draft the lot grading plan, and they were going to see after the Site Visit if one was needed. Mr. Ruschke said that it would be unusual for the lot grading plan to be waived for this type of project.

Mr. Vivona opened the floor for public comment.

1. Joe McManus, 9 Gates Avenue, was sworn in to give testimony. Mr. McManus said that his property was negatively impacted from drainage following construction at 9 Jay Road. He said that he would like to attend the Site Visit, however July 1st is a holiday weekend. Rescheduling the site visit was discussed. Consensus was to schedule a site visit for June 24th.
2. Joseph McShane, 11 Gates Avenue, said that he shares Mr. McManus's concerns about drainage. He said that drainage in the neighborhood is horrible.

Mr. Vivona said that there will be inspections, and there were unexpected issues with a prior project in the neighborhood. He noted that the applicant has been advised of what issues need to be addressed, and the Board is trying to be considerate of the neighborhood concerns.

3. Robert Befumo, 9 Jay Road, was sworn in to give testimony. Mr. Befumo said that he bought his house after it was constructed. He also said that there are other drainage issues in the neighborhood than just his property. Mr. Befumo also expressed concern about the side yard setback, and there could be the impression that homes are very close together.

Mr. Vivona said that site visits are conducted so that the Board can get an actual visual rather than just a drawing. He also noted that the builder of Mr. Befumo's home fixed the issues that arose once they were aware of them.

Seeing no further comment, the public hearing was closed.

Mr. Ryan thanked the Board for how the circumstances at 9 Jay Road were handled. He also commented on the location of the garage in the plans.

Calendar BOA 22-009 Elmekki, 36 Woodlawn Drive, Block 52 Lot 7

Mr. Borsinger was recused from this hearing. Ms. Sood joined the meeting.

Mr. Vivona said that a redesign was submitted for this application.

Mr. Elmekki said that the redesign has a lower height and only two stories.

Mr. Ruschke said that there is still a request for a side yard setback variance, a rear yard setback to the proposed deck, and a maximum allowable principal structure coverage variance.

Mr. Banisch said that it might be worthwhile to have another site visit so that the Board can understand the revised plans. Mr. Vivona suggested that this application be included in the site visit notice for June 24th.

Mr. Elmekki asked if there are any other issues that could be addressed at this meeting. Ms. Wolfe said that the Board will want to hear from Mr. Elmekki's professionals. Mr. Ruschke said that planning testimony in particular should be given as to why the variances are needed.

The floor was opened to the public.

Seeing no public comment, the floor was closed to the public.

Mr. McHugh moved to adjourn at 8:39 PM. Mr. Vivona seconded the motion, and the motion carried unanimously.

Gregory J. LaConte
Recording Secretary