

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JULY 7, 2025**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:38 P.M.

Adequate Notice of the meetings of the Planning Board 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 2025, and January 2026, was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy was filed with the Municipal Clerk, and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

Roll Call

Answering present to the roll call were Mr. Sullivan, Mrs. Ewald, Mr. Nikolopoulos, Mrs. Stillinger, Mrs. Chang and Mr. Miller.

Mr. Kahn arrived late.

Mr. Choi, Mr. Shehady and Mrs. Foran was absent.

Also present were Board Attorney Steve Warner, Board Engineer John Ruschke and Planner Joanna Slagle in place of Board Planner Frank Banisch.

Minutes

Mr. Miller moved to adopt the minutes of the June 2, 2025 meeting. Mrs. Ewald seconded the motion which carried unanimously.

Mr. Miller moved to adopt the minutes of the June 16, 2025 meeting. Mr. Nikolopoulos seconded the motion which carried unanimously.

Hearing

PBA-24-005 - Cedar Maple LLC, 23 Cedar Lane, Block: 56 Lot: 2

Mrs. Stone-Dougherty asked if those absent from the last hearing have certified that they listened to the recording and are eligible to vote. Mrs. Tsimboukis indicated that those members have submitted their certifications.

Mrs. Stone-Dougherty provided an overview of the testimony that will be offered at this hearing on behalf of the applicant.

Architect Hayk Ekshian was recalled to provide additional testimony. Mr. Ekshian presented Exhibit A-4, which was revised renderings of the proposed house for 23 Cedar Lane. The plans included floor plans and elevations. Mr. Ekshian said that concerns raised by neighbors at the last hearing were addressed, and he presented the changes that were made. He said that the changes will allow for more light and air for the neighboring house.

Mr. Sullivan opened the floor to the public to ask questions of Mr. Ekshian. Seeing none, the floor was closed to the public.

Engineer Joseph Bachi was recalled to provide additional testimony. Mr. Bachi presented revisions that were made to the proposed drainage system. He said that on proposed lot 2.01, the proposal has been updated to utilize a storm tank rather than drywells, and the location has been moved to the rear yard and would include an inlet.

Mr. Ruschke commented on the discharge of stormwater into the sanitary sewer system and said that needs to be fixed immediately. He also commented on the need for stormwater calculations to be corrected. Mr. Ruschke also said that soil conditions on the property allow the Township's code to be met.

Mr. Warner addressed Mr. Kahn's eligibility to vote on the application. Mrs. Stone-Dougherty said that the architect can be recalled to restate his testimony so that Mr. Kahn could become eligible.

Mr. Miller asked how deeply the soil percs. Mr. Bachi said that they did not hit groundwater when the 10-foot test pits were dug.

Mrs. Ewald asked about screening for the gutters. Mr. Bachi said the applicant will agree to install leaf guards. Mrs. Ewald asked for clarification about the drywells. Mr. Bachi said that there were originally two drywells for Maple which was replaced in the design for a storm tank, and there will be a drywell on the property facing Cedar. Mrs. Ewald allowed about planting of shrubs Mr. Bachi addressed measures to prevent runoff onto neighboring properties. Mr. Miller recommended that the installation of shrubs be a condition of approval.

Mrs. Chang asked about the design of the swales and where they will be located. Mr. Bachi said they do not have that level of detail. Mrs. Chang asked about the grading. Mr. Miller asked if the swales will disrupt the natural flow of the neighborhood. Mr. Ruschke said they will need to be sure the swales are designed properly. Mrs. Ewald asked if the swale can be designed so that it does not dump onto Maple. Mr. Ruschke said that when plans are reviewed, the Township avoids changing existing drainage patterns.

Mr. Sullivan opened the floor to the public.

1. Ana McCormack, 35 Maple Road, asked for a description of the mechanics of the infiltration system. Mr. Bachi said it is a plastic box, and he presented the engineering design. Mrs. McCormack asked if the trees that provide the natural water absorption would not be removed if the lot is not subdivided. Mr. Bachi said that is not necessarily

true depending on how the lot might be redeveloped. He also said that the project would be subject to engineering review before a CO is issued. Mrs. McCormack asked about oversight for maintenance of the system. Mr. Bachi said he testified on that at the prior hearing.

2. Sunil Raval, 23 Cedar Lane, said that the stormwater plan seems to be less definitive, and asked where the drywells will be. Mr. Bachi addressed the location of the one drywell on Cedar, and said that has not changed. Mr. Raval asked how the water is directed so the water goes into the drywell. Mr. Bachi said that the leaders drain directly into the drywell. He also said that his testimony on the drainage for Cedar has not changed since the last hearing. Mr. Raval asked how the water makes it to the drywell. Mr. Bachi said there will be multiple pipes from the downspouts.

Mrs. Chang asked for clarification of the elevation of the inlet on the Maple property relative to the house.

3. Hichame Khalfi, 26 Maple Road, asked about the potential stormwater impact on his house. Mr. Bachi said that the water runoff will be reduced, and the groundwater table would not affect neighboring properties.

Mrs. Ewald asked Mr. Ruschke if Mr. Bachi's response was accurate. Mr. Ruschke said that notwithstanding some updates needed to calculations, the response is accurate.

Mr. Nikolopoulos asked if there is any flat area on the Cedar Lane property for a deck. Mr. Bachi said they do not plan any such exterior improvements, and the property owner would need a zoning permit to add one later. Mr. Ruschke addressed the process for the variety of improvements that could be requested.

Mrs. Stillinger asked Mr. Khalfi asked what stormwater issues his property currently has. Mr. Khalfi was sworn in to give testimony. He described the flow of stormwater in the road outside his house.

A recess was taken at 9:01 PM.

The meeting was resumed at 9:13 PM.

Paul Grygiel, a professional planner representing the applicant, was sworn in to give testimony. He provided his qualifications and was accepted as an expert.

Mr. Grygiel presented the criteria under which the application could be granted. He described the unique features of the property, and described the neighborhood. Mr. Grygiel commented on the number of lots in the neighborhood that do not meet the minimum lot area requirements and lot width requirements. Mr. Grygiel discussed the variances requested for the proposed subdivided lots. He also addressed the C2 criteria and how it applies to this application. He also said that if this proposal is not accepted, the property will still be redeveloped in some way. Mr. Grygiel presented a map showing the location of all the non-compliant lots in the zone.

Mrs. Stillinger asked about the map used, and said that the map published by Morris County has different figures for lot area. Mr. Grygiel said that the lots are nonconforming based on how the Township measures lot area.

Mr. Grygiel further addressed the setbacks. He said he thinks the positive criteria is met, and he said that he believes that there would not be a substantial negative impact.

Mr. Warner asked how many of the lots in the R4 zone under 10,000 square feet would need the same deviation of the same magnitude or greater than that which is requested for proposed lot 2.02. Mr. Grygiel said he did not have an answer. He also said that he reviewed property record cards for the properties on Cedar Lane and all but two of the houses are wider than what is proposed for lot 2.02.

Mr. Warner asked if the goal of the zoning legislation was that oversized lots would remain oversized, and that nonconforming lots would be brought closer to being in conformity as a principle of planning. Mr. Grygiel said the Master Plan considers properties in need of redevelopment.

Mrs. Ewald asked Mr. Grygiel to summarize the benefits that he believes outweigh the detriments. Mr. Grygiel addressed the consistency of home sizes of the proposed lots rather than having a larger house on the existing lot. He also addressed consistency with the Master Plan, and said that he does not think there would be a negative impact on traffic or drainage. Mr. Grygiel also commented on the consistency of lot sizes. Mrs. Ewald said that she has not heard any testimony in which substantial benefits have been clearly stated.

Mr. Miller asked about the potential of building a house facing Maple on the existing lot, which would potentially not require any variances or board approval. Mr. Grygiel confirmed that board approval would not be required for the construction of a conforming structure. Mr. Miller said that granting the subdivision will give the Planning Board more control over what happens at the site.

Mr. Kahn asked about the number of lots in the zone. Mr. Grygiel said there are 101 lots in the zone. Mr. Kahn asked how many are below the 10,000 square foot minimum, and Mr. Grygiel said 61 are smaller. Mr. Kahn asked about taking a conforming lot and making it symmetrical with lots across the street, and if that has merit. Mr. Grygiel said it would be a better zoning alternative to subdivide the lot than expecting the lots across the street to become conforming.

Mrs. Ewald asked Mr. Warner if the question on benefits is relative to what is currently at the site or relative to what could be at the site under the current zoning. Mr. Warner said that is more of a planning question. Mrs. Slagle said that when the proofs are weighed, there is not a clear answer. She said that for the C2 criteria, the best planning outcome needs to be considered and the benefits need to substantially outweigh the detriments.

Mr. Miller commented on the considerations that were made when the neighborhood was initially zoned as R-4. Mrs. Slagle commented on the Master Plan reevaluation in 2007 as it

pertained to this zone. She also said that she is unable to comment on what was intended when the zoning was originally done.

Mrs. Stillinger said that a larger house could be built facing Maple and would not require as many variances. Mr. Grygiel said it might not require any variances. Mrs. Stillinger said that there is a neighboring house that is larger, and she said that contrasts with Mr. Grygiel's testimony that the two smaller houses would fit better in the neighborhood. Mr. Grygiel said that the larger house is in a different zone subject to different standards. Mrs. Stillinger commented on the subdivision of the Long Hill Country Club in the 1930s which created the lots in this zone. Mrs. Stone-Dougherty asked if Mrs. Stillinger was speaking from personal knowledge or reading from a public document. Mrs. Stillinger indicated it was personal knowledge.

Mr. Sullivan opened the floor to the public for questions and comments.

1. Sunil Raval, 23 Cedar Lane, was sworn in to give testimony. Mr. Raval asked if Mr. Grygiel is familiar with the Chatham Township Historical Society and that they have information about the Long Hill Estates. Mr. Grygiel said he is not familiar with the historical information they have. Mr. Raval asked if the nonconforming lots are grandfathered. Mr. Grygiel said that they exist and are considered preexisting nonconforming lots that predate the current zoning. Mr. Raval asked about the proposed new houses. He also asked if Mr. Grygiel knows if the garage is original or an add-on. Mr. Raval provided history of the use of the current subject lot as a landscaping business. Mr. Raval said that he would rather there be one conforming home on a single conforming lot rather than two homes on nonconforming lots. Mr. Grygiel said that the current lot is not conforming. He also said that there is case law that supports having nonconforming lots that are more in line with prevailing conditions in the area. Mr. Raval asked how many lots are under 10,000 square feet. Mr. Grygiel did not have that information. Mr. Raval asked why the carve outs on Cedar are in the carve out. Mr. Grygiel said that he would not speculate. Mr. Raval asked about the nonconforming lots. Mr. Grygiel said that 77 out of 100 in the zone do not conform. Mr. Raval asked if any were created due to a subdivision following the 1979 zoning law. Mr. Grygiel cited two such lots.
2. Ana McCormack, 35 Maple Road, was sworn in to give testimony. Asked the Board to deny the application because it undermines the Township's zoning regulations and Master Plan. She also said that the application would result in micro-lotting. Mrs. McCormack noted detriments to the neighborhood. Mrs. McCormack further said that the applicant has not articulated the benefits to the application. She submitted Exhibit O=1 which were photographs of the neighborhood.
3. John Fitzgerald, 40 Mountainview Road, said that Mountainview Road has changed since he moved in twenty years ago. He said he is concerned that this application will set a precedent.
4. Mr. Raval thanked the Board for hearing the neighbors. He also said that the neighbors do not oppose the building of one house on the current lot. Mr. Raval commented on the

R-4 zoning requirements. He also discussed the purpose of minimum lot sizes. Mr. Raval said that the current lot is not eligible for subdivision. He further addressed drainage and traffic concerns as raised by neighbors. Mr. Raval said that if the Township does not have the resources to monitor maintenance of the drywells, then the Planning Board should not approve the installation of drywells. He also addressed the Master Plan. He opined that new ratables will not cover the costs of additional pupils in the School District. Mr. Raval questioned the sufficiency of the notice of the hearings. Mrs. Stone-Dougherty indicated that proper notice was sent. Mr. Warner confirmed that the applicant submitted evidence of adequate notice and the requirements were satisfied. Mr. Raval said that the subdivision would not create a public good and would be contrary to the Master Plan. He asked that the Board deny the application.

Mr. Sullivan closed the floor to the public.

So that Mr. Kahn would be eligible to vote, Mr. Ekshian restated his earlier testimony. There was not any objection from the applicant or the objectors to allowing Mr. Kahn to vote.

Mrs. Stone-Dougherty gave a summation of the application. She noted that if the application is approved, it would not create a precedent. Mrs. Stone-Dougherty further reviewed the criteria that the Board should consider. She further addressed the benefits and said that they outweigh the detriments.

Mr. Warner reviewed the variances that are requested in the application.

Mrs. Ewald thanked everyone for their attendance and patience on this matter.

Mr. Sullivan also thanked the applicant for their efforts in trying to respond to the Board and the public.

Mrs. Stillinger noted that the participation of residents is critical.

Mr. Miller moved to grant the application. Mr. Kahn seconded the motion.

Roll Call: Mr. Sullivan, Nay; Mr. Kahn, Nay; Mr. Choi, Absent; Mr. Shehady, Absent; Mrs. Ewald, Nay; Mrs. Foran, Absent; Mr. Nikolopoulos, Nay; Mrs. Stillinger, Nay; Mrs. Chang, Nay; Mr. Miller, Aye.

The motion to grant the application failed 6 to 1.

Mrs. Ewald moved to deny the application. Mr. Kahn seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Kahn, Aye; Mr. Choi, Absent; Mr. Shehady, Absent; Mrs. Ewald, Aye; Mrs. Foran, Absent; Mr. Nikolopoulos, Aye; Mrs. Stillinger, Aye; Mrs. Chang, Aye; Mr. Miller, Nay.

The motion to deny the application passed 6 to 1.

Mr. Miller moved to adjourn at 11:39 PM. Mr. Sullivan seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary