



**Planning Questions**

**for**

**Residential and Commercial  
Construction Projects**

Chatham Township Planning Board  
Chatham Township Zoning Board of Adjustment  
Chatham Township Environmental Commission  
Chatham Township Land Use Office  
May 15, 2008



## TOWNSHIP OF CHATHAM

Municipal Building  
58 Meyersville Road  
Chatham, New Jersey 07928  
973-635-4600

May 15, 2008

Whether your construction project is big or small, this booklet will help you to identify issues that are likely to apply to your project.

It has been our experience that projects and applications for permit progress more smoothly when these issues have been carefully considered during planning and **before** completing an application for permit. Likewise, *fully addressing* any of these applicable issues in the initial application results in a more expeditious and cost effective project.

When applications come before Chatham Township's Planning Board, Zoning Board of Adjustment, and Environmental Commission, we review these proposals for their impacts on flooding and **stormwater runoff**, **steep slopes** and **wetlands**, water and air quality, plant and animal habitat, and open space needs.

There are now strict statewide regulations that govern stormwater runoff (snow and rain water), steep slopes, and other environmental resources. Chatham Township has adopted some additional regulations beyond these to better protect all our Township residents, and our resources. Information about our Township construction and building laws and regulations, steep slope ordinances, stormwater management, site preparation, permits, grading, tree protection, etc., is available online. Enforcement and violations information is online as well. You and your engineer/architect can review all at [www.Chatham-Township.org](http://www.Chatham-Township.org) (see Ordinances/Codes; Construction & Building; etc.).

In addition, to better help you with your project, we have prepared this booklet. Please read through the entire booklet to identify issues that are likely to apply to your project. This will help you to work with your design engineer or planner to make sure that your application contains all of the necessary details. You can then share with the Board what steps you have taken to address the issues that apply to your project. As a result of this effort, your project and/or your application hearing processes will be more expeditious, efficient, and cost-effective.

Should you have any questions after having read this booklet, please do not hesitate to contact us.

*Chatham Township Planning Board, Zoning Board of Adjustment, Environmental Commission, and Land Use Office*

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**If any of these nine topics apply to your construction project, then you may expect Board Members to ask you these and similar questions.**

## **1. WATER**

### **1a) Will your project increase impervious surfaces that lead to stormwater runoff?**

New Jersey has strict statewide regulations that govern **stormwater runoff** (snow and rain water) and Chatham Township has also adopted related **steep slope** regulations to better protect our Township residents, our resources, and the sensitive environmental features of the Great Swamp and the Passaic River. Stormwater management will be one of the most carefully scrutinized aspects of your project, and careful planning can reduce your construction costs and enhance the aesthetics of your property.

Please review the applicable Chatham Township laws and regulations ([www.ChathamTownship.org](http://www.ChathamTownship.org) “ordinances/codes”) especially regarding **site preparation, steep slopes, stormwater management, grading**, etc. Information is also found in Chatham Township’s Master Plan and on the “Construction and Building” web page at [www.ChathamTownship.org](http://www.ChathamTownship.org).

The essential element of the newer regulations is that almost all of the snow and rain water from rooftops, driveways, and other impervious surfaces must be recharged into the groundwater *on your property*. Groundwater recharge occurs when you direct snow or rainwater into groundwater aquifers—one source of our drinking water.

Ground water is normally recharged naturally by snow or rain falling directly on vegetated area, but when we pave over ground, or cut down many trees, or remove much vegetation, then water runs off the property and the water may never reach the aquifer. The state required “groundwater recharge” method represents a major shift from the old-style methods of collecting the runoff into underground pipes and sending it directly into nearby streams. This change not only helps to protect our streams and preserve our water quality and supply, it can also make your property more attractive.

## **Here are some efficient and compliant “stormwater management” methods:**

**infiltrator or dry well: The runoff from rooftops** is clean water and represents a valuable resource if it can be recharged into your groundwater. Ask your engineer/landscape architect to consider using an infiltrator. Another “recharging” option is the dry well. It is an underground structure that collects the water and permits rainwater to gradually seep into the ground on your property.

**rain garden:** Better still, **rooftop runoff** can be incorporated directly into your landscaping plan by directing your rooftop runoff into a special rain garden or attractive rain barrels placed at roof gutter downspouts. A rain garden is simply a specially prepared landscaping bed that has a bottom layer of course stone that is covered by permeable soil and mulch with attractive plants, shrubs, grasses, and where appropriate, trees. The combination of recharge into the groundwater and use of the water by the plants will effectively handle the rooftop runoff in a very natural way. More ideas can be found at [www.raingardennetwork.com](http://www.raingardennetwork.com).

**porous bed: The stormwater runoff from patios, walkways, and most driveways** can also be handled in simple and attractive ways. Board Members will be expecting Applicants/Homeowners to consider better alternatives to pouring a bed of concrete, asphalt, or some other impervious surface for patios, walkways, and driveways. A much better alternative is to construct the surface in a manner that permits rainwater to filter through it. This can be accomplished by excavating the area to be covered, then placing a sub-layer of course stone, followed by a layer of landscaping cloth, then a layer of sand into which attractive bricks or paving stones are set. (Consider “dry laid pavers” or “grass pavers.” For information on grass pavers go to [www.pavesearch.com/grass-pavers-install-2htm](http://www.pavesearch.com/grass-pavers-install-2htm).) Much of the rainwater will then filter down through this type of porous bed and into the ground. When impervious hardscaping must be built, Board Members will be looking to see that Applicants/Homeowners minimize impervious areas or consider separating those impervious areas with grass or garden, so that snow or rain runoff has a chance to soak in.

**driveway swales:** Sometimes special consideration must be given to the area immediately outside the garage. If vehicles will be sitting in this area for long periods of time, or if the area is likely to be used for lawnmower maintenance, or if salt is likely to be applied frequently to the driveway, then a driveway swale may be needed. Some engineers and planners prefer to construct a driveway with an impervious surface and then direct the runoff into a specially constructed swale alongside the driveway. This swale can be planted with attractive shrubs and grasses that are tolerant to salt and actually help to remove salt and other chemicals from the runoff.

For more information on these and other efficient and compliant methods, contact the ANJEC Resource Center at (973) 539-7547 or [www.anjec.org](http://www.anjec.org). ANJEC can also provide you information on ways to prevent harmful chemicals from going into your groundwater or getting into our storm drains or into our nearby surface waters such as our streams and rivers.

Note: Appropriate soil conditions are necessary for some of these methods. ANJEC can help you with soil information or go to <http://soils.usda.gov/>.

**1b) Is there a stream, spring, or wetlands on or near your property? Is your property within a Flood Hazard Zone?**  
(See also DEEDED RESTRICTIONS/CONSERVATION EASEMENTS section.)

If you are not sure, contact your attorney and also check out maps and information at NJDEP i-MapNJ.<sup>1</sup>

New Jersey has strict regulations that govern disturbance in or near these types of areas listed above. You may need to obtain a special permit from the New Jersey Department of Environmental Protection (NJDEP) which can take several months and there may be limitations on the placement of structures that you plan to build. The Federal Emergency Management Administration (FEMA) may require special insurance for Flood Hazard Zones. Discuss these matters carefully with your engineer or planner and consider consulting with a professional Environmental Engineer who can provide some preliminary guidance to help you determine if it is advisable to hire a professional to submit materials to the NJDEP.

**1c): Will your project entail acquisition of water from a well, or from surface waters?**

In most instances homeowners will not be drawing drinking water from surface waters (streams, lakes, rivers), but you may need to install a well. Check with your engineer or planner to make sure that you comply with state and local regulations for the installation of the well. Choose the site carefully to minimize land disturbance and minimize risk of contamination from sources such as septic systems. Chatham Township and other local Environmental Commissions have worked with the Passaic River Coalition to develop a Well Head Protection Program that may be useful in guiding your plans. For more information, call the Coalition at (908) 222-0315 or visit: [www.passaicriver.org](http://www.passaicriver.org).

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1. The "i-Map" is an interactive environmental mapping tool that allows you to access map data--GIS (Geographic Information Systems) Data-- over the Internet with no additional software needed ( [www.state.nj.us/dep/gis/depsplash.htm](http://www.state.nj.us/dep/gis/depsplash.htm) or call 609-984-2243). For the NJ Geological Survey, go to [www.state.nj.us/dep/njgs](http://www.state.nj.us/dep/njgs) . Note: any wetland boundaries shown on these maps are approximate and should be used only as a guideline. For information on determining whether, or where, there are wetlands located on a property and the resource value classification of a wetland, go to [www.nj.gov/dep/landuse/fww.html](http://www.nj.gov/dep/landuse/fww.html) ; information about applying for a letter of interpretation under the freshwater wetlands rules, N.J.A.C. 7:7A-3 is also available at this site.

## **2. DEEDED RESTRICTIONS/CONSERVATION EASEMENTS**

**Are there any deed restrictions? Are there any wetlands, open space / scenic easements, or conservation easements, etc. on your property?**

This can be an important issue that should be discussed with your attorney, design engineer and architect to make certain that any and all restrictions on land use are known in advance of your project. For example, most Conservation Easements restrict the placement of any structure and restrict also any mowing, planting, landscaping, or removal of vegetation. A deed restriction stays with the land, so even if it were incurred by a previous owner you are still obligated to abide by the conditions set forth in the restriction. Check with your attorney, the County's Deed Registrar, and the Chatham Township list of Conservation Easement Properties.

**Establish Your Own Deeded Restriction:** If you have special features on your land such as mature forests, steep slopes, and scenic vistas, then you may want to consider protecting these valuable natural resources in perpetuity by establishing your own deeded conservation easement. In addition to protecting valuable natural resources for future generations, you may also be able to realize tax benefits.

Chatham Township has an information brochure on Conservation Easements (Chatham Township Open Space Committee at [www.ChathamTownship.org](http://www.ChathamTownship.org) or call 973-635-4600). For a CD about Conservation Easements and further information, contact the ANJEC Resource Center 973-539-7547 or [www.anjec.org](http://www.anjec.org).

## **3. LAND**

**Are there any unusual features about your property such as steep slopes, bedrock, or shallow water table?**

When these complicating geological features exist, Board Members will expect most Applicants/Homeowners to work *with* the land rather than trying to overpower the land with special engineering and will expect that you have worked closely with your engineer or planner to find the best locations for your house, driveway, or other aspects of your project. Be sure to review Chatham Township's steep slope laws and regulations, and other natural resource protection requirements, and see

also WATER section of this booklet. In general, Board Members will be looking for ways to minimize disturbance of the land. The ANJEC Resource Center (973-539-7547 or [www.anjec.org](http://www.anjec.org)) has information on construction and landscaping methods that help property owners to work *with* unusual or challenging land features.

## **4. PLANTS, TREES, and ANIMALS**

**Are there any rare or unusual plants or wildlife on or near your property? Are there any mature trees and / or special habitats?**

### **4a) Habitats**

One of the most common and most harmful practices during construction/renovations is the destruction of natural habitat during **grading**. If you are building on a natural, wooded lot, you should work carefully with your architect, engineer or landscaper to retain as much of the natural habitat as possible. When a home is carefully placed within the natural terrain it takes on a mature appearance within a couple of years; by contrast, homes that are built on clear-cut lots with landscaping added on often take two or three decades to have a mature appearance.

It is especially important, and often a legal requirement, to protect special habitat. The Boards routinely seek alternatives to any plan that may result in the destruction of a large quantity of trees, or of the destruction of mature trees.

Be sure to check Chatham Township's current laws and regulations regarding trees, tree removal permits, etc. ([www.ChathamTownship.org](http://www.ChathamTownship.org)).

If you are fortunate enough to have the opportunity to place a home within a mature, natural environment, consultation with an arborist or wildlife biologist can be an excellent investment—it will enhance both the aesthetic value and the market value of your home.

### **4b) Native species: Will your project include the planting of new trees and shrubs?**

When replacing or adding new trees and shrubs, these should be carefully chosen. In New Jersey, deer damage is a major problem and you may save thousands of dollars by selecting plants that are not

prone to destruction by deer. Another consideration is that plants that are not native to the natural environment (“invasives”) in New Jersey can sometimes become problematic because they can spread and crowd out other plants. A list of plants that are native to New Jersey and classified on the basis of their preferred habitat and resistance to damage by deer is available at <http://www.longhillnj.org/boards/envirodocs/nativespecies.html>. A list of plants and trees to avoid (“invasives”) is available at [www.ChathamTownship.org](http://www.ChathamTownship.org) (webpage for the Environmental Commission).

**Financial and technical assistance:** The New Jersey Landowner Incentive Program (LIP) is one partnership that can provide private landowners interested in conserving habitats and / or protecting threatened and endangered species on their property, with financial and technical assistance. Contact NJ’s Division of Fish, Game, and Wildlife RE: LIP (Kim Korth at [Kim.Korth@dep.state.nj.us](mailto:Kim.Korth@dep.state.nj.us) or call (609) 292-9400).

## **5. HAZARDOUS MATERIALS/MANDATORY RECYCLABLES**

### **5a) What is the history of your property?**

Was it used for farming; are there any storage tanks; are there any special materials stored in sheds or basements?

If your property was previously used for farming there may be hazardous material residues in the soil such as chlordane (agriculture) or arsenic (orchards). Are there underground fuel storage tanks? Have they been removed? Have any leaks been dealt with by the proper authorities? The fines and cleanup costs for a leaking underground tank tend to run in the hundreds of thousands of dollars. For information about tanks, please check the Uniform Construction Code (UCC) Bulletins 95-1B, 95-1C, and 95-1D and please contact the Chatham Township Construction/Building Sub Code Official (973-635-3201). Managing hazardous material cleanup before the start of your project can save expensive disturbance to newly constructed landscaping and structures.

### **5b) Will your project involve the storage, application, or disposal of any hazardous or toxic substances?**

What “mandatory recyclables” are expected to be generated by your construction/renovation project? Information about concrete recycling, mandatory refrigerant recycling for air conditioners and refrigerators,

cardboard box recycling, unpainted wood and metals disposition, and hazardous materials disposition (paints, asbestos, etc.) is available at [www.MCMUA.com](http://www.MCMUA.com). Review also with your design engineer or planner, the Morris County and Chatham Township laws and regulations regarding mandatory recycling and hazardous materials disposal requirements. In addition, contact our Recycling Coordinator at [www.ChathamTownship.org](http://www.ChathamTownship.org) or call (973) 635-4600 and let the Coordinator know that you need recycling information regarding your construction project.

### 5c) Design planning

Design garage and storage areas away from locations where spills might lead directly to our waterways or wellheads, or flow into our storm drains that lead to our streams, rivers and drinking water supply. See also WATER section in this booklet.

## 6. INFRASTRUCTURE

**Will your project cause any increase in vehicular or pedestrian traffic? Will you be constructing a long driveway or extending a roadway?**

These considerations are more commonly involved with commercial operations, but sometimes a residential project requires the construction of either a long driveway or a private roadway. If your project requires this type of construction, then work with your engineer to use low impact design that will reduce stormwater runoff and cause minimal damage to the environment. See also WATER section in this booklet.

## 7. DEMAND FOR SERVICES

**Will your project entail extension of any existing utilities?**

If your project involves the extension of utilities such as electricity, public water supply, or public sewers, discuss this carefully with your engineer to minimize disturbance of your landscape, the wetlands, and other valuable natural resources. Also contact the local utility companies for further information. ANJEC ([www.ANJEC.org](http://www.ANJEC.org)) can also assist you with ideas for minimizing land disturbance.

## **8. SCENIC IMPACT**

**Will your project block any views from neighboring properties? Will your project be significantly larger or taller than neighboring properties?**

Your lot layout should be done with careful consideration of the impact on neighboring properties. The future value of your home depends in part on the appearance of the entire neighborhood. Your home will be most valuable if it is a good fit within the neighborhood. You can contact the Chatham Township Planning and Zoning Boards at [www.chathamtownship.org/planmail.html](http://www.chathamtownship.org/planmail.html) for assistance.

## **9. SOCIOCULTURAL IMPACT**

**Are there any known historical or archeological sites or structures older than 50 years on your property?**

If your property has any historic or archeological features, you may be under some legal obligation to protect them. Even if there is no legal obligation, your property value may be enhanced if you preserve these features and incorporate them into your project. Check with your attorney. The Historical Society of the Township of Chatham can be reached at 24 Southern Blvd., Chatham Township or call 973-635-4600.

This booklet is available on-line at  
[www.ChathamTownship.org](http://www.ChathamTownship.org)  
on the following webpages:

Chatham Township Planning Board  
Chatham Township Zoning Board of Adjustment  
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