

*TOWNSHIP OF CHATHAM ZONING
REGULAR MEETING MINUTES*

*BOARD OF ADJUSTMENT
MARCH 15, 2018*

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:30pm with the reading of the Open Public Meetings Act.

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Weston, Mr. Williams, Mr. Styple, Mr. Borsinger, and Mr. Hyland. Mr. Newman arrived at 7:35pm. Ms. Labadie and Mr. Fitt were absent.

Approval of Minutes

Mr. Williams made a motion to approve the minutes from the February 15, 2018 meeting. Mr. Weston seconded the motion. All board members were in favor of the motion.

Memorialization

Michael Meaney

36 Dellwood Avenue
Block: 78 Lot: 19.04

Calendar BOA 17-78-19.04

A motion was made by Mr. Williams to adopt the Resolution as submitted, seconded by Mr. Styple.
Roll Call: Mr. Vivona, Mr. Weston, Mr. Williams, Mr. Styple, and Mr. Hyland. All in favor.

Mads & Sari Jepsen

446 Green Village Road
Block: 144 Lot: 50

Calendar BOA 16-144-50

A motion was made by Mr. Williams to adopt the Resolution as submitted, seconded by Mr. Weston.
Roll Call: Mr. Vivona, Mr. Weston, Mr. Williams, Mr. Styple, and Mr. Hyland. All in favor.

Hearings

Mark & Jill Novara

2 Robert Drive
Block: 102.01 Lot: 3

Calendar BOA 18-102.01-3

Mr. Foerst, attorney for the applicant, stated that this application requests 3 variances, 2 for steep slope and 1 for retaining wall.

Mr. Gazzale, engineer for the applicant, stated that this property is in the R-3 zone and is approximately 120 feet wide and 230 feet deep. The original house has been removed and the lot is currently vacant. Mr. Gazzale stated that this application proposes a rear entrance / driveway which is common on Robert Drive. The turn-around space needed causes steep slope disturbance. The application proposes tree replacement but this was also required by the Township Engineer.

Mr. Ruschke stated that the Road opening for the driveway could not be granted by the Zoning Board. An appeal would need to be filed with the Township Engineer and the Township Committee. This could be a condition of approval if other variances were granted.

Mr. Gazzale stated that this proposed home had a patio and retaining wall with height from ½ foot to 4 feet. Mr. Gazzale raised questions regarding this retaining wall and the requirement for it to be connected to the foundation of the house.

Site visit was scheduled for April 7, 2018 at 9:00am.

Golden River Homes

Calendar BOA 17-61-16

11 Sunset Drive
Block: 61 Lot: 16

Mr. Malman, attorney for the applicant, stated that a prior application by this applicant was denied by the Zoning Board of Adjustment. This property is located in the R-3 zone and is currently a vacant lot. Mr. Malman stated that this property slopes from front to back and is the last undeveloped lot in this area. Mr. Malman stated that this application is significantly different than the first application.

The Site Visit report from February 3, 2018 was read into the record by Mr. Borsinger.

Mr. Hollows, Engineer for the applicant, stated that this property was in the R-3 zone and was approximately 123 feet wide and 179 feet deep. It is approximately 300 feet from the intersection of Sunset Drive and Nicholson Road.

Mr. Hollows explained that the whole building envelope is in the steep slope area and that it was impossible to build anything on this lot without disturbing steep slope. Mr. Hollows stated that all setbacks match the R-3 requirements. Mr. Hollows explained that it is a 2 ½ story, garage under style home, with a deck and patio in the rear of the home. Four drywells are proposed for drainage and the roof leaders and the driveway will drain into the drywells. A retaining wall is proposed on the south side of the property which will be 4 to 5 feet high.

Mr. Hollows suggested moving the garage back 2 feet allowing the retaining wall to be moved 2 feet also which would eliminate a variance previously needed for distance to the structure. The retaining wall will be tied into the foundation. The retaining wall in the southwest corner of the house will require a variance for height.

Mr. Hollows testified that the 4 drywells will be placed in the back right corner and will be pressure released. There will be no steep slope disturbance with the installation of the drywells and all calculations comply with the requirements for a 2, 10 and 100 year storm.

Mr. Hollows addressed the Landscaping Plan proposed. The trees on the westerly property line will be maintained and additional trees will be added on the north and south side. Existing trees will be protected with fencing and structural fill.

Proposed phasing by Mr. Hollows included first working on access-driveway and stabilize, then install the drywells and stabilize, and finally work on the construction of the house.

Mr. Hollows stated that a 50 foot conservation easement has been requested. Mr. Hollows explained that the applicant cannot provide 50 feet because this would interfere with the drywell system. He suggested that the applicant could provide a 25 foot easement behind the drywells but would request the right for plantings and a fence.

Mr. Hollows detailed the proposed and allowed steep slope disturbance and stated that the disturbance has been lowered from the previous application.

Mr. Vivona reviewed the information for the drywells proposed and stated that the proposed home is now smaller than the previous application and that there would be less runoff with less coverage.

Mr. Hyland questioned the maintenance of the drywell pressure release emitter. Mr. Hollows stated that the emitter is at ground level which is easy to inspect and replace if necessary.

The meeting was opened to the public and Mr. Simon, objector attorney for neighboring property owners Foley (749 Fairmount Ave.) and Haslip (5 Sunset Dr.) addressed the applicant's engineer.

Mr. Simon advised the Board that the same applicant can only re-submit if the application is a substantial change in the plan or the surrounding neighborhood.

Mr. Simon stated that he believes this application does not meet the criteria of substantial change.

Mr. Simon confirmed that the retaining walls are on the left side and also the exact location as in the initial application. Mr. Hollows agreed.

Mr. Simon stated that there is less building coverage than the initial application. Mr. Hollows agreed and stated that this application proposes a smaller house.

Mr. Simon asked Mr. Hollows to compare steep slope disturbance this proposal vs. the initial proposal. Mr. Hollows stated that steep slope disturbance was approximately 900 sq. feet less than the initial application.

Mr. Simon stated that the difference in the limit of disturbance between the first and second application was about 500 sq. feet less.

Mr. Simon referred to an aerial photograph taken 4/20/15 and stated that neighboring Lots 15 and 17 which are abutting applicant's property and Lots 9, 10 and 11 which are across the street from the applicant's property all required steep slope disturbance. Mr. Simon asked if a comparison of the floor area ratio between lots had been done. Mr. Hollows stated that a comparison for floor area ratio had not been done.

Mr. Simon questioned whether the applicant considered moving the house closer to Sunset and further from the steep slope areas and questioned the 2 ½ story structure count and what was included. Mr. Hollows suggested that Mr. Simon ask the architect.

Mr. Simon stated that the proposed home has the driveway on the right side of the property and asked if the applicant considered a driveway on the left side. Mr. Hollows stated that the driveway was proposed on the right side of property due to lower grading.

Mr. Simon questioned whether or not the applicant considered a detached garage. Mr. Hollows stated that Mr. Simon should re-direct his question to the architect.

Mr. Simon questioned the storm water management proposed. The drywells proposed are now 7 feet deep instead of initial application proposal of 8 feet depth. Mr. Hollows stated that an additional 1 foot

of stone was added to the base of the drywells. Mr. Simon questioned if a geotechnical test was done for rock in the soil.

Mr. Hollows stated that a soil log for perc test was done with the previous application in 4/2015. Mr. Simon asked if Mr. Hollows had seen letter from Princeton Hydro dated 12/23/15 and if any additional testing was done after reviewing the letter.

Mr. Hollows stated that the soil log was within acceptable limits and all Chatham Township requirements had been met so no additional tests were performed. Mr. Simon further questioned perc location and perc rates. Mr. Hollows stated that good results were received from the perc test and no further follow up was done or required.

Mr. Simon questioned how often dry wells need to be inspected. Mr. Hollows stated that he didn't believe that Chatham Township had guidelines and that manufacturing guidelines should be followed.

Mr. Simon questioned whose responsibility it was to maintain the drywells. Mr. Hollows stated that it was the homeowner's responsibility to maintain the drywell system. Mr. Simon stated that if this drywell system failed then this homeowner will not have a problem, but other lots will have a problem. Mr. Hollows stated that he is not aware of a drywell system failure in his 30 years of experience.

Mr. Simons questioned access to the drywells in the event of a failure. He believes that access will be limited after the retaining walls are built. Mr. Hollows stated that there is 8 feet to property line on the other side of the property and smaller equipment could access. Also could ask for neighbor access if needed. Mr. Simon stated his concern that if the drywell failed there would not be access to fix.

Mr. Hyland suggested possible access from the rear of the property and proposed conservation easement with access from neighbors who could be affected by a problem with the drywell.

Mr. Simon asked if Mr. Hollows was aware of the flooding of basements of neighbors in the area. Mr. Hollows stated that he was not aware of basement flooding in the area.

Mr. Simon asked if the applicant had considered spreading out the drywells so not all of the water is going toward the neighbors in the rear corner. Mr. Hollows stated that they had considered moving some of the drywells to the front of the house but the front property had higher ground. Mr. Simon asked if the front property could be re-graded for the drywells. Mr. Hollows stated that this was possible.

Mr. Simon questioned the landscaping for this application compared to the first application and stated that he believed that there were fewer plantings proposed. Mr. Hollows stated that the applicant was trying to save all trees around the perimeter but he could not answer to the number of plantings without checking the prior application.

Mr. Simon questioned Mr. Hollows regarding trees on the neighboring property and stated that these trees could be affected by the disturbance near the property line. Mr. Hollows stated that very little grading was being done by the property line and that structural fill was being proposed behind the wall to protect the trees.

Mr. Malman, applicant's attorney, questioned Mr. Hollows regarding his experience in designing drywell systems for the last 20 to 30 years. Mr. Hollows believes that the drywell system proposed meets the

requirements. He may look to move some of the drywells to a different location on the property.

Mr. Malman questioned Mr. Hollows regarding the 12 foot depth of the perc test done. Mr. Hollows stated that this is a standard depth and that with satisfactory results he felt that there is no other testing needed.

Mr. Simon asked if anything can be done to move the house or the retaining wall to eliminate grading near the property line. Mr. Hollows stated that he might be able to move 1 to 2 feet maximum but not more. Mr. Simon stated that this could help with the tree roots which may be located in this area.

Mr. Hyland asked Mr. Ruschke, Township Engineer, to comment on the drywell system and the perc test. Mr. Ruschke stated that it may be feasible to move some of the drywells to the front of the property. He stated that some additional testing may be required or they can test the drywells once they are installed.

This application will be continued at the April 19, 2018 meeting.

Jasmine & Alok Sood

3 Robert Drive
Block: 102.11 Lot: 32

Calendar BOA 17-102.11-32

Site Visit Report was read into the record by Mr. Williams.

The applicant has agreed to move the shed and lower the wall to 4 feet to conform.

Mr. Vivona questioned the applicant about the proposed removal of a large tree.

Mr. Forbes, architect for the applicant, stated that the branches of the tree would be in the proposed rear addition and that this tree cannot be saved.

Mr. Vivona asked if there would be any additional landscaping.

Mr. Sood stated that they would be adding landscaping to the rear of the property because they backup to the school.

Mr. Ruschke stated that the applicant will need Lot Grading approval before building permits would be issued. He stated that the allowable building coverage of 2,781 feet was very close to the proposed coverage of 2,743 and he sees this as a risk.

Mr. Williams made a motion to approve the variances as requested. Mr. Newman seconded the motion. All board members were in favor of the motion.

Bushell / Solfaro

Club / River Rd.
Block: 15 Lot: 7

Calendar BOA 16-15-7

Site Visit Report was read into the record by Mr. Hyland.

Ms. Solfaro, applicant, stated that several trees were damaged in the last storm.

Mr. Borsinger stated that this property appears to be clear cut and he doesn't believe that any more trees should be removed.

Mr. Fantina, engineer for the applicant, stated that some of the remaining trees are damaged.

Mr. Borsinger and Mr. Williams asked that the trees be evaluated by a professional. They would like to save any tree possible.

Mr. Vivona state that he spoke to Chestnut Tree, the applicant's tree removal company, and they stated that they were instructed and paid to remove the trees in question. Mr. Vivona stated that they need to save the trees on the slopes and that the applicant's must follow the rules of approval detailed in the Resolution.

Ms. Solfaro stated that they would be adding healthy trees. Ms. Solfaro stated that they will abide by all conditions given in the approval including trees by the neighboring property.

Mr. Fantina stated that there are a number of trees in the front yard in question and applicants can submit photos for review if necessary.

Mr. Vivona stated that the applicant is requesting an additional removal of 6 trees with the revised plan in addition to the trees that were removed without approval. Mr. Vivona requested that there be a condition of approval for a landscape plan with details including choice of tree, at least balled 2 ½ caliber and location of the replacement trees.

The landscape plan should be submitted for review by April 9th, 10 days prior to next meeting.

With no other business before the Zoning Board of Adjustment, Mr. Williams moved to adjourn the meeting, Mr. Newman seconded the motion, and it carried unanimously.

Meg Smith
Zoning Board Secretary