

**Township of Chatham**  
**BOARD OF ADJUSTMENT MEMORANDUM**

To **Kathleen DeRosa, Board of Adjustment Manager**

From John Ruschke, P.E., Township Engineer

Date May 4, 2020

Project # 507100727-042

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CC Chatham Township Board of Adjustment  
Scott Carlson, Esq., Board of Adjustment Attorney  
Frank Banisch, P.P., Board of Adjustment Planner  
Ryan L. Smith, P.E., P.L.S., Yannaccone Villa & Aldrich, LLC  
John & Cindi Galiher, Applicants

Subject **Block 38, Lot 42.04**  
**9 Sycamore Drive**  
**ZBA-20-006**  
**'C' Variance Application Review**

Mott MacDonald has received the above referenced variance application. The application includes the following materials:

- 24" x 36" set of engineering drawings entitled "Galiher Property Variance Plan, 9 Sycamore Drive, Lot 42.04, Block 38, Township of Chatham, Morris County, New Jersey, Zone R-3" prepared by Ryan L. Smith, P.E., P.L.S. of Yannaccone Villa & Aldrich, LLC, dated February 20, 2020, consisting of two sheets
- 24" x 36" plan entitled "As-Built Topography Plan for Lot 42.04, Block 38, 9 Sycamore Drive, Township of Chatham, Morris County, New Jersey", prepared by William G. Hollows, P.E., P.L.S. of Murphy & Hollows Associates Inc., dated January 22, 2010
- Report entitled "Natural Resource Inventory for the Galiher Property, 9 Sycamore Drive, Lot 42.04, Block 38, Township of Chatham", prepared by Yannaccone Villa & Aldrich, LLC, dated February 21, 2020
- 200-foot property owner list
- Copy of Tax Map Sheet No. 27 containing subject property
- Photographs of the subject property
- Application forms and checklists

**SCOPE**

The subject property is an existing single-family residential lot located on the southern tip of the cul-de-sac at the end of Sycamore Drive within the R-3 Residential District Zone. Variance approval was previously granted to permit the construction of an inground swimming pool and patio at the subject property by Resolution of the Township Zoning Board of Adjustment (Board) adopted January 19, 2006. Subsequent inspection of the pool/patio construction conducted by this office on September 25, 2008 revealed inconsistencies with the Board-

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approved plans. During a later inspection conducted at neighboring 7 Sycamore Drive on December 2, 2008 unapproved tree removal and steep slope disturbances were observed on the subject property in a separate area of the lot from the pool/patio area. A Notice of Violation was issued to the Applicant on December 3, 2008 for conducting this work without an approved lot grading plan. Following receipt of the above referenced as-built plan (dated January 22, 2010, re-submitted as part of this application), a second Notice of Violation was issued to the Applicant on February 23, 2010 for steep slope disturbance in excess of that permitted by Township Code Section 30-96.24 and non-conformance to private swimming pool setback variance previously granted by the Board revealed on the as-built plan.

The subject application has been submitted for ex-post-facto variance approval of non-conforming private swimming pool setback and steep slope disturbance which resulted in the above-mentioned violations. No site work is proposed as part of this application.

#### **VARIANCES – R-3 Residence District**

The following variances have been requested by the Applicant:

1. Maximum disturbance of slopes greater than twenty-five (25%) percent; 500 square feet required, 0 square feet approved, 4,183 square feet disturbed (Section 30-96.24.g.1).
2. Maximum disturbance of slopes between twenty (20%) percent and twenty-five (25%) percent; 2,372 square feet required, 0 square feet approved, 2,550 square feet disturbed (Section 30-96.24.g.2).
3. Minimum setback distance from private swimming pool (patio) to rear lot line; 20 feet required, 17 feet permitted by prior Variance approval, 15.8 feet constructed (Section 13-1.5).

#### **COMPLETENESS**

We have reviewed the application for completeness in accordance with Checklists “A” and “B” of the Revised General Ordinances. Checklist ‘B’ was not provided with the application. Our review has revealed that the following completeness items have not been provided/addressed; we have therefore considered these items as requested waivers by the Applicant:

1. Letter of exemption from NJDEP certifying that proposed activity is exempt from Freshwater Wetlands Protection Act and regulations promulgated there under
2. Metes and Bounds description of parcel in Question based upon current land survey
3. Written verification that there are no protective covenants or deed restrictions applying to property in question

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4. Topography of site and within 200 feet thereof (partial waiver, site topography provided)

Given the nature of the subject application, Mott MacDonald takes no exception to the grant of waivers for these items for completeness purposes. However, the Board reserves the right to request any of the above items during the hearing process. Therefore, the application has been deemed **COMPLETE**.

#### **TECHNICAL REVIEW**

Our review of the subject application has revealed the following technical review items:

1. The discharge location of stormwater drains/piping installed around the perimeter of the swimming pool should be clarified on the plans.
2. Verification should be provided that all outdoor lighting on the subject property has been installed in conformance to Section 30-96.22.a.
3. Two generators have been installed on the north side of the dwelling, which were not present on the 2010 as-built plans. No permits were issued by the Construction office for said generators. The Applicant should coordinate with the Construction office regarding permitting/inspection of the generators.
4. The number of trees removed in the unpermitted steep slope disturbance area in the time between Board approval and the present should be quantified. The Applicant should coordinate with the Construction office regarding outstanding tree removal permits. It appears that trees removed are interior to the property, and that the property exceeds the required tree density; however, we defer to the Board regarding the potential need for replacement trees onsite.
5. The Applicant should provide testimony to confirm that the following conditions of prior Board approval have been satisfied:
  - o Pool equipment is installed inside the basement of the onsite dwelling.
  - o Blue spruce trees have been planted to provide screening to Lot 33.

Should you have any questions regarding this memo, please do not hesitate to contact us.