

NICOLE M. MAGDZIAK  
Attorney at Law

One Jefferson Road  
Parsippany, NJ 07054-2891  
T: (973) 966-8027 F: (973) 461-4608  
nmagdziak@daypitney.com

March 23, 2020

**VIA UPS**

Board of Adjustment Administrative Assistant  
Township of Chatham  
58 Meyersville Road  
Chatham, NJ 07928

Re: **John Galiher and Cindi Galiher (“Applicants”)  
Variance Application – Residential  
Block 38, Lot 42.04, 9 Sycamore Road, Chatham Township (“Property”)**

Dear Sir or Madam:

This firm represents Applicants in connection with their application for variance relief related to the existing pool patio to the rear of the single-family home at the above referenced Property. In support of this application, enclosed please find the following:

1. Eighteen (18) copies of the fully completed Zoning Board Application form, including Proposal and Checklists;
2. Eighteen (18) copies of prior resolution of approval, BOA 05-38-42.04, adopted on January 19, 2006;
3. Eighteen (18) copies of site photographs;
4. Eighteen (18) copies of a Natural Resource Inventory prepared by Yannaccone, Villa & Aldrich, LLC;
5. Eighteen (18) copies of Chatham Township Tax Map Sheet 27;
6. Eighteen (18) copies of variance plans prepared by Yannaccone, Villa & Aldrich, LLC;
7. Eighteen (18) copies of an as-built topography plan prepared by Murphy & Hollows dated January 22, 2010;

Board of Adjustment Administrative Assistant  
Township of Harding  
March 23, 2020  
Page 2

8. Eighteen (18) copies of the request for the Tax Assessor's certified 200 foot property owner list;
9. Eighteen (18) copies of the request for the Tax Collector's certification that all property taxes and assessments currently due have been paid;
10. Checks in the amount of \$200.00 in payment of the application fee and \$600.00 in payment of the escrow deposit; and
11. Applicants' W-9 Form.

Please schedule this matter for a public hearing on the next available hearing date. If you have any questions regarding this application, please do not hesitate to contact me.

Very truly yours,



Nicole M. Magdziak

Enclosures

cc. Applicants (via e-mail w/enc.)

Wells Fargo Bank, N.A.



One Jefferson Road  
Parsippany, NJ 07054-2891

Check No. 5201073

Date: March 19, 2020

552  
212

Pay: Six hundred and 00/100\*\*\*\*\* \$ \*\*\*\*600.00\*\*\*

*Thomas D Goldberg*

PAY TO THE ORDER OF: TOWNSHIP OF CHATHAM  
58 Meyersville Road  
Chatham, NJ 07928

Authorized Signature

Two signatures required if over \$10,000.00



⑈0005201073⑈ ⑈021200025⑈ 5469610207⑈

Payee: TOWNSHIP OF CHATHAM  
Vendor ID: 07005

Check No. 5201073  
Check Date: Mar 19/20

Memo:



Invoice #	Inv. Date	Invoice Narrative	Inv. Total
TOW03182020	03/18/20	Escrow deposit	\$600.00
Invoice Total:			\$600.00

Invoice #	Inv. Date	G/L Acct	Dept/Offc/PC/Empl	Client/Matter	Narrative	Amount	Inv. Total
TOW03182020	Mar 18/20		RELU/P/4606	794696.000000	VENDOR: TOWNSHIP OF CHATHAM; INVOICE#: TOW03182020; DATE: 3/18/2	\$600.00	\$600.00
Invoice Totals:						\$600.00	\$600.00

Request Number: 763899  
Check Date: 03-19-20

Check Number: 5201073

Payee: TOWNSHIP OF CHATHAM



# Township of Chatham

New Jersey 07928

## Planning/Zoning Board Application

Plan# \_\_\_\_\_

Escrow # \_\_\_\_\_

Applicant's Name John Galiher

Owner's Name Same as Applicant

Street 9 Sycamore Drive

Street \_\_\_\_\_

Town Chatham

Town \_\_\_\_\_

Telephone # (908) 338-2858

Telephone # ( ) \_\_\_\_\_

E-mail address: jgaliher@lineagelogistics.com

Status of Applicant if other than owner N/A - Applicant is the owner

Stockholders Name/Address/Tel# of Stockholders owning 10% or more of its stock (NJSA 40:55-48.1 et seq.)

[Attach additional sheets as may be necessary]

N/A - the Applicant is an individual

### LOCATION OF PROPERTY

Street Address: 9 Sycamore Drive Block: 38 Lot: 42.04 Zone: R-3

Attorney: Nicole Magdziak, Day Pitney, LLP Telephone: 973-966-8027

E-mail: nmagdziak@daypitney.com

Address: 1 Jefferson Road, Parsippany, NJ 07054 Cell: 201-247-6090 Fax: 973-461-4608

Architect: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Engineer: Ryan L. Smith, P.E., Yannaccone, Villa and Aldrich, LLC Telephone: 908-879-6646 x17

Address: 460 Main Street, P.O. Box 459, Chester, NJ 07930 Cell: 201-910-1713 Fax: 908-879-8591

List any other Expert(s) who will submit a report or who will testify for the Applicant:

[Attach additional sheets as may be necessary]

1. Name N/A

Field of Expertise \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Cell # \_\_\_\_\_ Fax # \_\_\_\_\_

2. Name \_\_\_\_\_

Field of Expertise \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Cell # \_\_\_\_\_ Fax # \_\_\_\_\_

**TYPE OF APPLICATION (circle)**

<u>Site Plan</u>	<u>Variences</u>	<u>Subdivisions</u>	<u>Other</u>
	"C" variance		
Preliminary	Appeals	Minor Subdivision	Development Permit
Final Site Plan	Use	Preliminary Major	Conceptual
Amended Preliminary	Interpretation	Final Major	Temp. Use
Amended Final	Hardship	Amended Preliminary	Waiver of Complete Site Plan
TCC	Conditional Use	Amended Final	

**DESCRIPTION OF PROPOSED/EXISTING BUILDINGS**

Size of Lot 1.608 acres Sq. Footage of Lot 70,037 s.f. Height of Building 32.51 feet  
 Size of Bldg. (st. level) Front 102 feet Depth 76 feet Sq. Ft. of Building 5,086 s.f.

Setback from front property line 54.2 feet Average setback of Bldgs. Within 200 ft. \_\_\_\_\_

<u>Zoning Requirements</u>	<u>Existing Conditions</u>	<u>Proposed Conditions</u>	<u>Utilities Available Y/N</u>
Frontage 60 feet	Frontage 83.2 feet	Frontage 83.2 feet	Municipal Water
Side Yards 15 feet	Side Yards 15 feet	Side Yards 15 feet	Sewers
Front Setback 50 feet	Front Setback 54.2 feet	Front Setback 54.2 feet	
Rear Setback 50 feet	Rear Setback 50.7 feet*	Rear Setback 50.7 feet*	Bd. Of Health Res.
			For Septic Approval

\* Note: bay window encroaches into rear yard, setback = 48.4 feet complies with Ordinance No. 30-96.14(e)

**REVIEW OF ZONING OFFICIAL**

Application is made for a variance to permit (describe) Encroachment of pool patio into rear yard setback; steep slopes disturbance

Which is contrary to the provisions of section(s) 13-1.5 and 30-96.24  
 Of the Ordinances of the Township of Chatham.

Date \_\_\_\_\_  
 Zoning Official \_\_\_\_\_

APPLICATION # \_\_\_\_\_

NAME OF APPLICATION Galiher Property

**ZONING TABLE**

Block 38 Lot 42.04  
 Zone District R-3

	Allowable/ Required Per Ordinance		Existing Condition		Proposed Condition		Pre-Existing Non Conforming	Variance Required
Minimum Lot Area	20,000	SF	N/A		N/A			
Total Lot Area	N/A		70,037	SF	70,037	SF		
Front Yard	50	Ft.	54.2	Ft.	54.2	Ft.		
Rear Yard	50	Ft.	50.7	Ft.	50.7	Ft.		
Side Yard	15	Ft.	15	Ft.	15	Ft.		
Combined Side Yards (1)		%		%		%		
Combined Side Yards (1)	87.6	Ft.	123.5	Ft.	123.5	Ft.		
Lot Width (at street line)	60	Ft.	83.2	Ft.	83.2	Ft.		
Lot Width (at setback line)	100	Ft.	158.05	Ft.	158.05	Ft.		
Lot Depth	175	Ft.	> 200	Ft.	> 200	Ft.		
Number of Stories	2.5							
Building Height	35	Ft.	32.51	Ft.	32.51	Ft.		
Principal Building Coverage	5602	SF	5086	SF	5806	SF		
Total Impervious Coverage	16,007	SF	10,375	SF	10,375	SF		
Other								
Pool Patio Setback*	20	Ft.	15.8	Ft.	15.8	Ft.		
Slope Disturbance**								

\* 17 feet per variance granted by the Board of Adjustment (05-38-42.04)  
 \*\* See plans for steep slopes disturbance tabulation

(1) If applicable

"Required" are the limits established in the Chatham Township's Zoning Ordinance

"Existing" are the current conditions.

"Proposed" are the conditions represented by this application

"Pre-Existing" should be checked if the "Existing" conditions would require a Variance

"Variance Required" should be checked if the "Proposed" conditions will require a Variance.

**The entire table should be completed and included with the Application.**

## SUMMARY OF ZONING REQUIREMENTS

Zone District	R-1	R-2	R-3	R-4	R-5
	Required Per Ordinance				
Minimum Lot Area	100,000 \$F	60,000 \$F	20,000 \$F	10,000 \$F	41,250 \$F
Total Lot Area	N/A	SF	SF	SF	SF
Front Yard	100 Ft.	75 Ft.	50 Ft.	25 Ft.	75 Ft.
Rear Yard	75 Ft.	75 Ft.	50 Ft.	45 Ft.	75 Ft.
Side Yard	35 Ft.	30 Ft.	15 Ft.	15 Ft.	25 Ft.
Combined Side Yards (%)	35 %	35 %	30 %	N/A %	35 %
Combined Side Yards (Ft.)	Ft.	Ft.	Ft.	Ft.	Ft.
Width (at street line) (See Note 1)	225 Ft.	160 Ft.	90 Ft.	75 Ft.	125 Ft.
Lot Width (at setback line)	250 Ft.	200 Ft.	100 Ft.	75 Ft.	150 Ft.
Lot Depth	175 Ft.	175 Ft.	175 Ft.	100 Ft.	175 Ft.
Number of Stories	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2
Building Height (See Note 2)	35 Ft.				
Principal Building Coverage	Note 3 SF				
Total Impervious Coverage	Note 4 SF				

Note 1: For Lot Width on a Cul-de-Sac, see Zoning Ordinance, Section 30-75.2, Schedule of Zoning Requirements

Note 2: Definition of Building Height: the vertical distance measured from the average ground elevation at any point within fifteen (15) feet of the foundation, i.e. the underlying base, substructure, or support of a building, to a horizontal plane projected from the highest point of the roof, using predevelopment grades if fill has been added and using post-development grades if soil has been removed.

Note 3: If Lot Area is less than 10,000 SF = 20% of Lot Area; if Lot Area is 10,000 SF or greater = 2,000 SF + 6% of Lot Area greater than 10,000 SF

Note 4: If Lot Area is less than 10,000 SF = 40% of Lot Area; if Lot Area is 10,000 SF to 40,000 SF = 4,000 SF + 20% of Lot Area greater than 10,000 SF; if Lot Area is 40,000 SF to 60,000 SF = 10,000 SF + 15% of Lot Area greater than 40,000 SF; if Lot Area is 60,000 SF to 80,000 SF = 13,000 SF + 10% of lot Area greater than 60,000 SF; if Lot Area is greater than 80,000 SF = 15,000 SF + 7.5% of Lot Area greater than 80,000 SF

This information is provided in an effort to simplify preparing an Application for the Zoning Board of Adjustment. The information contained in the Township's Ordinances is significantly more complex. However, for most Applications, the above information may be all that is required. It remains, however, the Applicant's responsibility to determine if the information provided is applicable for the proposed lot and improvement(s).

**REFUSAL OF PERMIT**

To \_\_\_\_\_ Date \_\_\_\_\_ From \_\_\_\_\_  
(Name of Applicant) (Zoning Official)

Your application for a permit to construct \_\_\_\_\_ on property located at \_\_\_\_\_ known as Block \_\_\_\_\_ Lot \_\_\_\_\_ on the Tax Map of the Township of Chatham is hereby denied for noncompliance with the provision(s) of section(s) \_\_\_\_\_ of the Township Zoning for the following reasons: \_\_\_\_\_

Information on procedures for an appeal of this decision to the Board of Adjustment/Planning Board can be obtained from the Board Manager (973-635-4600). The plans submitted are enclosed.

**PROOF OF TAXES / SEWER BILL PAYMENT**

A check of the records in the current tax duplicate reveals the following information:

Name John Galiher

Address 9 Sycamore Drive Block 38 Lot 42.04

1. Taxes for the \_\_\_\_\_ quarter of \_\_\_\_\_ are paid to date
2. Sewer charges for the \_\_\_\_\_ quarter of \_\_\_\_\_ are paid to date
3. Added assessments for the property were paid on \_\_\_\_\_

Signed \_\_\_\_\_, Tax Collector Date \_\_\_\_\_

**DEFINITIONS & REQUIREMENTS**

**Preliminary/Final Site Plan:** A site development plan shall be required for the construction of any building involving floor area of more than 100 square feet; construction of driveway or paving of two or more additional parking spaces and topography on the site with slopes exceeding 15%. The Board may waive any of the above requirements.

**Variance:** A departure from the terms of the Ordinance authorized by the appropriate municipal agency in accordance with N.J.S.A. 40:55D-1 et. seq.

**Minor Subdivision:** Any subdivision containing not more than three separate lots, tracts, parcels (including remainder) all of which front on an existing State, County, Municipal Street, not involving any new street or road nor extension of any existing street or municipal facilities.

**Preliminary/Final Major Subdivision:** Any subdivision not classified as a minor subdivision.

**Application Requirements:** Application shall be made in accordance with the provisions of the Land Use Ordinance of the Township of Chatham.

**Notice Requirements:** The Board shall fix a reasonable time for the hearing of the appeal, giving due notice thereof to the Applicant. Said Applicant shall thereupon at least ten (10) days prior to the time appointed for said hearing, give personal notice to all property owners within 200 feet of the property to be affected by said appeal. Such notice shall be given by sending written notice by Certified Mail to the last known address of the property owner(s) as shown by the most recent tax list of said municipality as prepared by the Municipal clerk or by handing a copy thereof to the said property owner(s). The applicant shall have published the notice of the Public Hearing in the official newspaper of the Township of Chatham at least ten (10) days before the date of the hearing by written notice.

**Form for Proof of Service:**

I certify that I have given written notice of application to all persons and entities entitled to same. A copy of the notice and a list of persons or entities is attached. Method of service Certified Mail \_\_\_\_\_ Personal Service \_\_\_\_\_

Date Served \_\_\_\_\_ Signature \_\_\_\_\_

Notice will be mailed and published at least 10 days prior to the scheduled board of adjustment hearing on this application. The affidavit of service will be provided after notice is served.

**AFFIRMATION OF OWNER AND APPLICANT**

The applicant affirms that they are willing and able, in the event of approval, to undertake and complete all improvements in accordance with the approved plans as required by the Board pursuant to the Land Use Ordinance. In addition, the applicant and owner affirms that they will not make changes to the approved plans unless approval had been granted by the Board to do so. The applicant and/or owner agrees to post a performance guarantee with the Township Clerk in a sufficient amount as determined by the Township Engineer to assure completion of all required improvements.

The **Owner(s)** consent to the application (signature) Nicole Magdziak Date 3/16/2020

Print name Nicole Magdziak  
Attorney for Owner/Applicant

(signature) \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_

**Applicant** (signature) Nicole Magdziak Date 3/16/2020

Print name Nicole Magdziak  
Attorney for Owner/Applicant

## PLANNING & ZONING CHECKLIST

	X	Items	Date Received
1	X	3 copies of completed application	
2	X	Name/Address of Applicant	
3	X	Name/Address of Owner/Attorney/Engineer/Architect	
4	X	Fed ID of Applicant <small>Provided on W-9 form.</small>	
5	N/A	If Corp. of Partnership, list of those holding more than 10%	
6	X	Number of witnesses and their expertise	
7	X	Statement as to any requirements for which waiver is sought	
8	X	Type of Application	
9	X	Description of Premises	
10	X	Zoning Requirements/Existing Zoning/Proposed Zoning	
11	N/A	Sewer/Water/Board of Health Resolution	
12	W	Review of Zoning Official	
13	W	Denial of Permit	
14	X	Proof of Taxes & Sewer Bill Payment	
15	X	Signature(s) of Applicant(s)	
16	X	Signature(s) of Owner(s)	
17	X	25 Sets of Plot Plans	
18	X	25 Sets of Maps (Subdivision, Site Plan, etc.)	
19	X	25 copies of all other documents	
20	N/A	2 copies of Morris County Planning Board Application	
21	N/A	2 sets of plans, maps for Morris Country Planning Board	
22	N/A	Morris County Planning Board fee, if applicable	
23	X	Application Fee	
24	X	Escrow fee	
25	X	List of Adjoining property owners	
26	X	Copy of Tax Map	
27	N/A	Bank signature card	

Item 11: the pool and patio do not require a sewer/water/board of health resolution

Item 12: the Applicant is aware of the variances required from a prior violation, as such, the Applicant did not first submit to the zoning official

Item 13: the Applicant is aware of the variances required from a prior violation, as such, the Applicant did not first submit to the zoning official

\* Checklist "A" General Requirements

- X   3 completed copies of appropriate application form(s).
- X   Certificate of Taxes paid.
- X   Receipt indicating fees paid.
- X   25 copies (blue on white) of plot plan, site plan, building or subdivision plan ( 24" x 36" folded engineering style).
- X   Affidavit of owner/applicant.
- N/A   One copy of the following:
  - N/A   a. Letter of interpretation from NJDEP (indicating the absence of freshwater wetlands, or indicating presence and verifying delineation of boundaries of freshwater wetlands, or
  - N/A   b. Letter of exemption from NJDEP certifying that proposed activity is exempt from Freshwater Wetlands Protection Act and regulations promulgated there under, or
  - N/A   c. Copy of any application made to NJDEP for any permit concerning a proposed regulated activity in or around freshwater wetlands.
- NOTE : The Planning Board may waive the above requirements where it can be established by applicant and verified by the board and its professionals that no wetlands exist on site or on contiguous property owned by applicant
- N/A   If a corporation or partnership, list names/addresses of all stockholders or individual partners owning at least 10% of stock of any class as required by N.J.S. 40:55D-48.1 et. Seq.
- X   Number of witnesses and their expertise, if any.
- X   Statement as to any requirements for which waiver is sought, together with a statement of reasons why waivers should be granted.

## FORM A: EXPLANATION OF APPLICATION FEES

APPLICATION TITLE GALLNER PROPERTY

I Nicole Magdziak, Attorney for Applicant HAVE REVIEWED TOWNSHIP OF CHATHAM ORDINANCE 30-17 FEES. I AM FAMILIAR WITH THE ORDINANCE AND UNDERSTAND THE FOLLOWING PROVISIONS OF ORDINANCE 30-17.

**30-17.1C Additional Escrow Funds Required.** Before an application requiring the deposit of escrow funds shall be deemed complete by the approving authority, the applicant shall post the required escrow amount with the Township Clerk in the form of cash, certified check or money order. Additional escrow funds may be required when the escrow has been depleted to twenty (20) percent of the original escrow amount. The Township Clerk shall promptly notify the appropriate Board when escrow funds have been depleted. Professional consultants and experts shall inform the approving authority as to the additional anticipated costs. The approving authority will in turn notify the applicant as the amount of additional escrow funds, which must be posted. No action shall be taken on the application until adequate additional funds have been deposited by the applicant with the Township Clerk.

### **30-173 Additional Fees to Be Paid by Applicants and Appellants.**

Situations may occur in which expenses necessary in processing applications for development or in action upon appeals are not otherwise provided for and covered by the fees set forth in the preceding articles of this chapter. Such expenses may involve extensive studies of applications and testimony by experts, consultants or other individuals including engineering, land use, planned and environmental consultants, or expenses incurred in connection with holding special meetings, including attorneys' fees. In event that any such situations occur, the Planning Board; Zoning Board of Adjustment or Township Committee, as the case may be, before rendering a decision, whether preliminary or final in nature, may require that the applicant or appellant pay such additional fees as may be required for reimbursement of such additional expenses not otherwise provide for by this chapter.

### **30-17.8 Payment of Fees**

- a. All fees required by this chapter shall be paid by check drawn to the order of the Township of Chatham. Any check for fees in excess of two hundred fifty (\$250.00) dollars shall be in the form of a certified or Bank Cashier's check. Except as otherwise provided, all fees shall be paid at the time of the filing of any application or appeal and shall be submitted with the application or appeal.
- b. All permits, determinations, resolutions, decisions or certificates of approval are subject to the payment of all fees provided for in this chapter, and no approvals shall be given or decisions rendered by the Planning Board, Zoning Board of Adjustment or Township Committee, as the case may be, until proof has been submitted that all requisite fees.

- c. In the event that an applicant shall fail to pay within thirty (30) days upon written notification by the Township Clerk, Any and all fees required by this chapter, the fees shall be charged against the property which is the subject of the application and the amount so charged shall become a lien and a tax upon the property and be added to and be part of the taxes next to be assessed and levied thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

30-17.9 **Other Fees.** The Payment of fee pursuant to the provisions of this chapter shall not relieve an applicant from the payment of any other fees required by *any* other chapter or provision thereof (Ord. No.. 2-79 § 311.8)

**Please Be Aware**

**IT IS POSSIBLE THAT WITH THE APPROVAL OF YOUR APPLICATION THE RESOLUTION OF APPROVAL WILL INCLUDE A CLAUSE THAT ALL FEES MUST BE PAID PRIOR TO ZONING APPROVAL.**

All questions regarding Ordinance 30-17 Fees have been answered to my satisfaction.

APPLICANT Nicole Magdziak DATE 3/16/2020

SIGNATURE Nicole Magdziak  
attorney for Applicant

I HAVE EXPLAINED ORDINANCE 30-17 TO THE APPLICANT AND HAVE ANSWERED ALL QUESTIONS ASKED.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**FORM B. TOWNSHIP OF CHATHAM**  
**TECHNICAL REVIEW ESCROW AGREEMENT**

The undersigned applicant hereby agrees that if the escrow amount submitted with this application is not sufficient to cover professional fees, he/she will provide additional funds *as* deemed necessary in accordance with sections 30-17 and 30-135 "Fees" of the Land Use Ordinance of the Township of Chatham.

In the event it is determined that additional funds are required, the Board Secretary shall notify the applicant. The applicant agrees to pay the additional fees within fourteen (14) days of said notice.

The applicant further agrees that if the additional fees are not paid within the time specified, all processing of the application will be terminated until the payment *is* made in full. In any event, no Certificate of Occupancy will be issued by the Construction Code Official until the applicant has paid sufficient escrow monies to cover all professional fees.

Upon completion of the project, any unused escrow fees plus any accrued interest due the applicant in accordance with MLUL 40:55-53.1 will be returned to the applicant.

I, the applicant, have read and understand the above agreement and hereby agree to the conditions.

SIGNATURE Nicole Magbziak DATE 3/16/2020  
Attorney for Applicant

Application Title GALINER PROPERTY

## PROPOSAL

John Galiher and Cindi Galiher (the "Applicants") are seeking bulk variance approval, as described below, relating to property located at 9 Sycamore Road, also referenced as Block 38, Lot 42.04 on the official tax map of the Township of Chatham (the "Property"). The Property consists of approximately 1.608 acres and is located in the R-3 One- Family Residential zoning district.

The Property currently contains a single family dwelling, driveway, pool, patios, and other related site improvements. The Applicants previously received approval from the Board of Adjustment by resolution dated January 19, 2006 (the "Resolution") to construct an in-ground swimming pool and associated patio in the rear yard of the Property. The Resolution permitted the in-ground pool patio to be located 17 feet from the rear lot line instead of the required 20 feet. The in-ground swimming pool and related patio was constructed in 2006. Based on the as-built survey prepared in 2010, the patio was actually constructed approximately 15.8 feet from the rear lot line instead of 17 feet. In constructing the swimming pool and related patio, a small area of steep slopes was also disturbed to stabilize the area adjacent to the swimming pool.

No new lot coverage or site disturbance is proposed as part of this application. The Applicants are requesting the following bulk variance relief from the Chatham Township Land Use Ordinance to permit the existing improvements and slope disturbance to remain in their current condition:

1. Variance to permit the rear yard setback of the pool patio to be 15.8 feet, where a minimum rear yard setback for pools (which includes the patio) of 20 feet is required and 17 feet was previously approved.
2. Variance to permit the following steep slope disturbance:
  - a. Disturbance of 21.5% of slopes in the 20-25% slope category, where the maximum permitted disturbance is 20%.
  - b. Disturbance of 54% of slopes in the greater than 25% slope category, where the maximum permitted disturbance is 0%.

Block 38, Lot 42.04

Adopted: January 19, 2006

**RESOLUTION**

Calendar No. BOA 05-38-42.04

**RESOLUTION  
OF APPROVAL  
OF****THE ZONING BOARD OF ADJUSTMENT  
OF THE TOWNSHIP OF CHATHAM,  
IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY  
REGARDING THE APPLICATION OF  
JOHN GALIHER  
FOR SWIMMING POOL AND PATIO  
REAR YARD SETBACK VARIANCES  
TO PERMIT THE CONSTRUCTION OF  
A PROPOSED INGROUND SWIMMING POOL AND PATIO  
AT 9 SYCAMORE DRIVE, CHATHAM TOWNSHIP**

---

WHEREAS, JOHN GALIHER (hereinafter the "Applicant") is one of the owners of certain premises located at 9 Sycamore Drive, Chatham Township, New Jersey and designated as Block 38, Lot 42.04 on the Official Tax Map of the Township of Chatham (hereinafter referred to as the "subject property"), and he has applied to the Zoning Board of Adjustment of the Township of Chatham (hereinafter the "Board") pursuant to the provisions of N.J.S.A. 40:55D-70(c) of the Municipal Land Use Law (MLUL) and Section 30-47.3 of the Land Development Regulations of the Township of Chatham (LDR) for the granting of variances from the requirements of Sections 30-75.2, 30-96.1, 30-96.11, 30-96.13.a.6. and the Schedule of Zoning Requirements of the LDR, and Section 13-1.5 of the Revised General Ordinances of the Township of Chatham to permit the construction of an in-ground swimming pool, patio and decking in the rear of his home at nine (9) Sycamore Drive, Chatham Township, that will result in a rear yard

setback of 17.0 feet to the proposed pool, in lieu of the requirement minimum rear yard setback of 20 feet established in Section 13-1.5 of the Township of Chatham Code, and that also will result in a rear yard setback of 17 feet to the proposed pool patio decking which will be immediately adjacent to the existing dwelling, instead of the minimum 35-foot rear yard setback that is required by Section 30-96.13.a.6. for a patio located within ten (10) feet from a principal structure; and

WHEREAS, the Applicant was represented by Barry A. Osmun, Esq., of the firm of Cuyler Burk, LLP, in connection with the subject application; and

WHEREAS, the Applicant's Attorney has served the required Notice of Public Hearing, has filed proof of service in accordance with the pertinent statutes, has given public notice of the application by publication in the official newspaper of the Township of Chatham, and he also has provided proof that no real property taxes and sewer charges are due and delinquent, and the matter having been heard by the Board at public hearings conducted on November 9, 2005, and on December 7, 2005; and

WHEREAS, the Zoning Board of Adjustment has examined, considered and placed on file with its records all the exhibits submitted by the Applicant, has further considered all of the testimony given by and on behalf of the Applicant and the additional exhibits received in evidence at the public hearings, as well as the August 24, 2005 Memorandum to the Board of Richard B. Schommer, Jr., P.E., P.P., the Board's Consulting Engineer, and the Board also conducted a site visit at the subject property on November 5, 2005, and the observations made at such visit have been summarized in writing in the Site Visit Memorandum prepared by Board Member Peter Pizzi and marked as Exhibit A-13 in Evidence; and

WHEREAS, the Zoning Board of Adjustment has made the following findings of fact:

1. The application is properly before this Board, which board has exclusive jurisdiction to conduct hearings on the application and to render a decision regarding the variance requests in accordance with the MLUL and the LDR.
2. The subject property is situated in the R-3 Residential Zone District and located at the end of the cul-de-sac on Sycamore Drive. The lot is an irregularly-shaped lot containing an existing two-story dwelling and has an area of 70,037 square feet, which is significantly greater than the 20,000 square foot minimum area required for the zone. The existing dwelling has conforming front yard, side yard and rear yard setbacks. However, a significant portion of the property, between three-quarters and seven-eighths thereof, is severely constrained by steep slopes and the construction limitations imposed by and upon such areas. On the east side of the property, a large portion of the side yard at that location falls within the steep slopes.
3. Due to its irregular shape, the property is much wider than it is deep. Although the existing dwelling has a conforming rear yard setback of 50.9 feet, the rear yard is the only feasible location for the construction of a swimming pool with surrounding decking and patio, because of the existence of the large area of steep slopes on the subject property. The exact dimensions of the lot, the building setbacks and the placement of the presently existing house are set forth on the Survey titled "Survey of Block 38, Lot 42.04, Township of Chatham, Morris County, New Jersey," consisting of Sheet 1 of 1, dated October 2, 2002 and having a latest revision date of December 9,

2004, prepared by Werner A. Mall, Professional Land Surveyor, of Keller & Kirkpatrick, Inc., Parsippany, New Jersey, and marked as Exhibit A-5 in Evidence.

4. The Applicant, who moved into the house upon the completion of construction in December, 2004, now proposes constructing an in-ground swimming pool in the rear of the existing single family dwelling on the subject property. The shape of the actual pool surface will have dimensions of 18 feet wide by 45 feet long, making its shape relatively narrow while being long enough for lap swimming. The pool surface, including the coping, will be located 20 feet from the rear property. However, the proposed patio and decking that will surround the swimming pool will have a rear yard setback of 17.0 feet, and therefore, the pool is considered to be located 17 feet from the rear property line. Section 13-1.5 of the Revised General Ordinances of the Township of Chatham requires a minimum side or rear yard setback of 20.0 feet for swimming pools. In addition, since the Applicant wants to install a patio connecting the existing house to the pool itself, and which will surround the pool, a variance from the requirements of Section 30-96.13.a.6. of the LDR also is required. This provision requires that a patio located less than ten (10) feet from a principal structure not be located closer than thirty-five (35) feet from the rear yard lot line. The rear portion of the proposed patio, on the far side of the swimming pool, also will have a setback of 17 feet to the rear yard lot line. The location of the proposed swimming pool, surrounding patio and related structures are set forth in the Pool Grading Plan titled "Pool Grading Plan for Block 38, Lot 42.04, Sycamore Hill at Chatham, #9 Sycamore Drive, Township of Chatham, Morris County, New Jersey," dated June 1, 2005, consisting of Sheet 1 of 1, prepared by Valerie A.

Hrabal, Professional Engineer, of Keller & Kirkpatrick, Inc., and marked as Exhibit A-6 in Evidence.

5. The Applicant desires to have the pool patio decking attached to the house in order to avoid having a hard-to-maintain area of vegetation between the patio and the house. Even if the patio is not immediately adjacent to the house, it still would be located within ten (10) feet of the house and a setback of at least thirty-five (35) feet from the rear property line would be required. However, the Applicant also has proposed installing the pool equipment in the basement of the dwelling, instead of at an outside location, so that there will be no visual or noise impact resulting from the equipment.

6. An existing stone wall having a height between 6.0 feet and 6.6 feet is located between the rear property line and the proposed patio and pool. Robert Pratt, Professional Engineer, Professional Engineer and Assistant Director of Engineering at Keller & Kirkpatrick, testified that, in accordance with the proposed grading plan, when the pool, patio and decking are constructed and graded in, the stone wall will have a height of less than 6.0 feet. He also stated that the land disturbance area for the proposed pool and patio will be about 2,800 square feet.

7. The following variances would be required and have been requested in connection with the construction of the proposed pool and installation of the associated pool equipment:

a. A variance from the requirements of Section 13-1.5 of the Revised General Ordinances of the Township of Chatham is being sought in order to have a rear yard setback to the proposed swimming pool, patio and decking of 17.0 feet instead of the minimum rear yard setback of 20.0 feet that is required for a swimming pool.

b. A variance from the requirements of Section 30-96.13.a.6 of the LDR also is being sought to permit a patio surrounding the proposed pool and located within 10 feet of the existing dwelling to be constructed that will have a rear yard setback of 17.0 feet, instead of the minimum rear yard setback of 35 feet that is mandated by said provision of the LDR.

8. Carl Lindbloom, Professional Planner, testified that a swimming pool is a permitted accessory use in all single-family residential zones in the Township of Chatham. He also stated that the shape of the property and the fact that much of the large parcel is located in steep slopes, along with the location of the existing home on the property, limited the location of the proposed swimming pool to the rear of the house. Because of the constraint between the house and the rear property line, and the narrowness of the subject property at that location, a hardship exists in developing the property to include the proposed pool, according to Mr. Lindbloom. The Board found that the Applicant had met his burden of proof as to the positive criteria, the showing of the elements of hardship, in connection with the variances requested.

9. Mr. Lindbloom also testified regarding the negative criteria to be demonstrated in connection with the variances requested. He stated that the existing stone retaining wall located between the rear property line of the subject property and the proposed swimming pool and patio would provide a visual and activity buffer for the benefit of the adjacent properties to the rear. Mr. Lindbloom further testified that the existing wall would provide an effective containment of activities normally associated with a swimming pool. There would be no poolside activity taking place between the wall and the adjacent properties, and, in his opinion, the wall buffer coupled with a pool

rear yard setback variance for a rear yard setback that is deficient by three (3) feet was far preferable to a design having a conforming, twenty (20) foot rear yard setback without the buffer wall. The area between the wall and the rear property line also includes plantings that would provide visual enhancement of the area and further screening of the pool area from the properties in the rear. Lot 32, located on Candace Lane and immediately to the rear of the subject property, contains an in-ground swimming pool and a pool equipment shed which are both located very close to the rear property line separating the two properties. Existing tall evergreens located on Lot 32 will effectively screen this property from the view of the Applicant's proposed swimming pool. In addition, as indicated, the Applicant proposed installing his pool equipment in the basement, where it will not be visible and will not be heard by any of the neighbors.

10. Mr. Kenneth Schindler, owner of Lot 33, which is commonly known as 21 Candace Lane, and only a small portion of which is located behind the subject property, appeared at the November 9, 2005 hearing on the subject application. He objected to the proposed swimming pool and patio surrounding it and stated that the stone retaining wall did not extend to the portion of his property to the rear of the subject property and that the existing plantings on the subject property near this location did not provide much screening. Mrs. Cindy Galiher, the Applicant's wife, testified that she could not see Mr. Schindler's house when standing at the location of the proposed swimming pool in the subject property. Mr. Bratt also stated that the proposed pool and pool patio deck would be located more than 35 feet from Mr. Schindler's property corner and that the variance relief being requested was related instead to the distance to the rear property line of another neighbor, the owners of Lot 32, who already has a swimming pool with a

nonconforming setback on their property. However, Mrs. Galiher and Mr. Schindler agreed to discuss a revised landscape plan in the area of the subject property adjacent to Mr. Schindler's property and Mr. Schindler also granted permission for entry onto his property for the purpose of measuring the distances between the proposed swimming pool or the patio surround from the closest part of his house.

11. At the December 7, 2005 hearing continuation, the Applicant introduced an exhibit titled "Neighborhood Key Plan, Block 38, Lot 42.04, Sycamore Hill at Chatham, dated November 11, 2005, consisting of Sheet 1 of 1, prepared by Robert E. Bratt, Professional Engineer, of Keller & Kirkpatrick, Inc., and marked as Exhibit A-19 in Evidence. This exhibit indicated that the closest part of the swimming pool surface would be located 158 feet from the closest portion of Mr. Schindler's house on Lot 33 and that the closest portion of the patio itself would be 128 feet from the closest portion of Mr. Schindler's house. In addition, Mr. John Galiher testified that the birches that had been planted previously in the area of the subject property near Lot 33 had been replaced with blue spruces, in order to provide a better, all-year screening feature at that location.

12. The Board specifically has determined that the proposed development shown on Exhibit A-6 in Evidence and the granting of the requested variances would not adversely impact the surrounding properties, would not result in a substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance of the Township of Chatham; and

WHEREAS, based upon the foregoing findings of fact and the reasons as drawn from the Application, the testimony, the site visit and the evidence submitted in connection with the Application and during the aforesaid public hearings, and pursuant to

the provisions of N.J.S.A. 40:55D-70(c) and Section 30-47.3 of the LDR, the Zoning Board of Adjustment concludes that it may properly grant the variance relief herein described and requested in the subject Application;

**NOW, THEREFORE, BE IT RESOLVED** that the Zoning Board of Adjustment of the Township of Chatham, under the authority of N.J.S.A. 40:55D-70(c) of the MLUL and Section 30-47.3 of the LDR, does hereby grant the variances from the requirements of Sections 30-75.2, 30-78.4, 30-96.1, 30-96.11, 30-96.13.a.6 and the Schedule of the Zoning Requirements of the LDR and the requirements of Section 13-1.5 of the Revised General Ordinances of the Township of Chatham, that are enumerated in Paragraph 7 of the Findings of Fact of this Resolution; and

**BE IT FURTHER RESOLVED** that the approval of the foregoing variances shall be subject to the following conditions:

1. The Applicant shall submit a Lot Grading Plan to the Township Engineer for his review and approval prior to the commencement of construction, or, if applicable, obtain a waiver of such requirement from the Township Construction Official.
2. The Applicant shall revise the Pool Grading Plan to show the principal building coverage and impervious coverage calculations and to provide that the grading of the area between the swimming pool and patio surround and the existing stone retaining wall will be such that the height of that wall will be less than six (6) feet after completion of grading.
3. The Applicant shall pay an escrow deposit in addition to the initial escrow

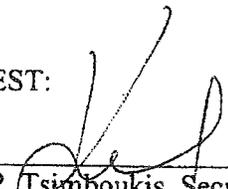
deposit, if required, to offset any Township professional costs for professional services rendered by the Board's Consulting Engineer and by the Board's Attorney in connection with the subject application, including, but not limited to, services rendered in reviewing the plans and lot grading plan, and for inspections and preparing the subject Resolution. Such additional escrow deposit, if required, shall be paid prior to the issuance of zoning and construction permits in connection with the subject application.

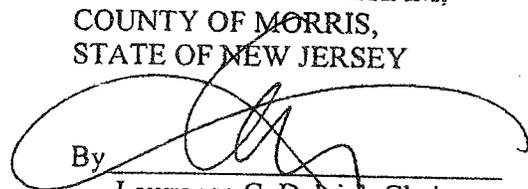
**BE IT FURTHER RESOLVED** that the granting of the variances herein described shall not be construed to obviate compliance with any other requirements of the Land Development Regulations, insofar as such requirements relate to any construction, or to any other requirements established elsewhere than in such ordinance.

This Resolution memorializes action taken by the Board at its December 7, 2005, public meeting in adopting a motion to approve the subject application for variance relief.

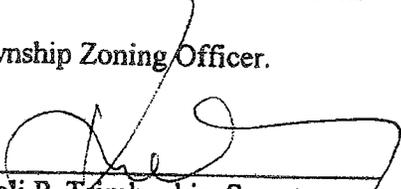
Dated: January 19, 2006

ZONING BOARD OF ADJUSTMENT,  
TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS,  
STATE OF NEW JERSEY

ATTEST:  
  
\_\_\_\_\_  
Kali P. Tsimboukis, Secretary

By   
\_\_\_\_\_  
Lawrence C. Dalziel, Chairman

I, Kali P. Tsimboukis, Secretary of the Zoning Board of Adjustment of the Township of Chatham, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true and complete copy of a Resolution adopted by said Board at a meeting duly held on January 19, 2006, and that copies of this Resolution have been forwarded to the Township Administrator and the Township Zoning Officer.



Kali P. Tsimboukis, Secretary  
Zoning Board of Adjustment  
of the Township of Chatham



9 Sycamore Dr









# **YANNACONE, VILLA & ALDRICH, LLC**

*Civil Engineers and Land Surveyors*



460 MAIN STREET, P.O. BOX 459  
CHESTER, NEW JERSEY 07930  
PHONE: 908-879-6646  
FAX: 908-879-8591

**Gregory E. Yannaccone, PE  
Christopher J. Aldrich, PLS  
Ryan Smith, PE, PLS, CME**

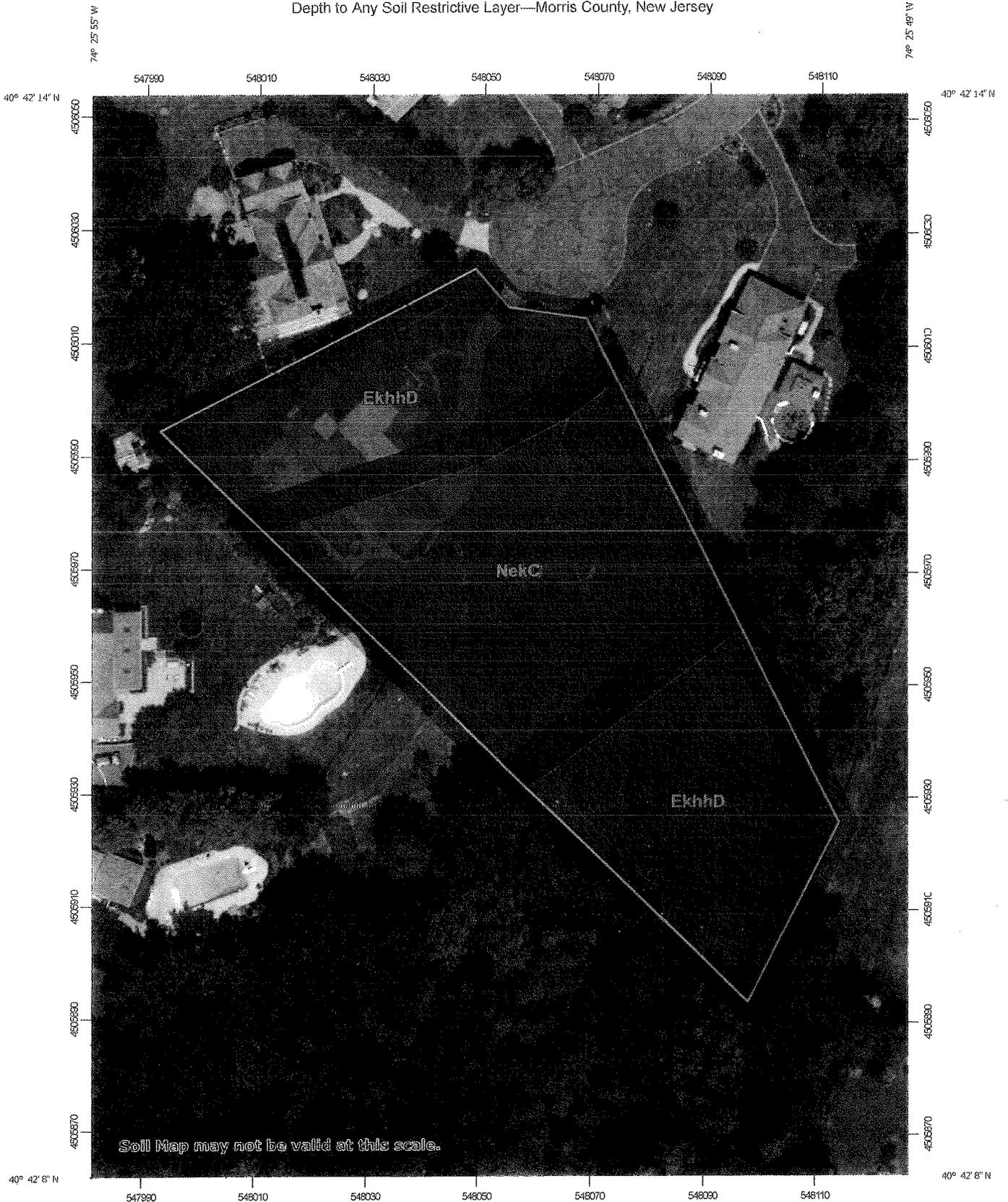
**David A. Smith, PE, CME  
Candice J. Davis, PE, CME  
Rudy L. Holzmann, PE, CME**

**Natural Resource Inventory  
For the  
Galiher Property  
9 Sycamore Drive  
Block 38, Lot 42.04  
Township of Chatham**

**WO # 219084.2**

**February 21, 2020**

Depth to Any Soil Restrictive Layer—Morris County, New Jersey



Soil Map may not be valid at this scale.

Map Scale: 1:936 if printed on A portrait (8.5" x 11") sheet  
0 10 20 40 60 Meters  
0 45 90 180 270 Feet  
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

## Depth to Any Soil Restrictive Layer

Map unit symbol	Map unit name	Rating (centimeters)	Acres in AOI	Percent of AOI
EkhhD	Ellington loamy substratum variant fine sandy loam, 15 to 25 percent slopes	>200	0.9	54.1%
NekC	Neshaminy gravelly silt loam, 6 to 12 percent slopes	>200	0.8	45.9%
<b>Totals for Area of Interest</b>			<b>1.7</b>	<b>100.0%</b>

### Description

A "restrictive layer" is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers.

This theme presents the depth to any type of restrictive layer that is described for each map unit. If more than one type of restrictive layer is described for an individual soil type, the depth to the shallowest one is presented. If no restrictive layer is described in a map unit, it is represented by the "> 200" depth class.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

### Rating Options

*Units of Measure:* centimeters

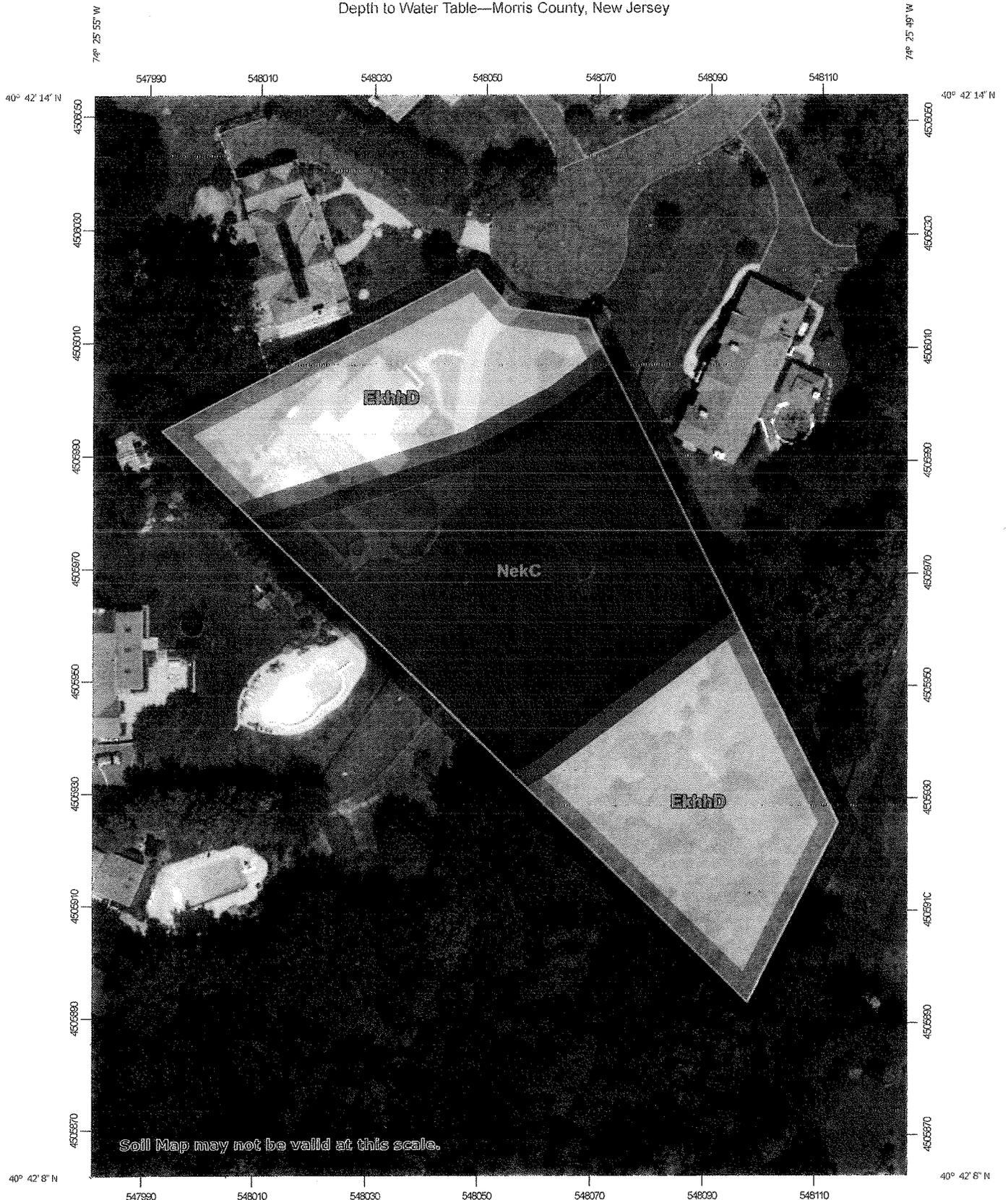
*Aggregation Method:* Dominant Component

*Component Percent Cutoff:* None Specified

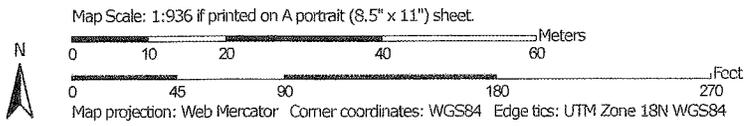
*Tie-break Rule:* Lower

*Interpret Nulls as Zero:* No

Depth to Water Table—Morris County, New Jersey



Soil Map may not be valid at this scale.



### MAP LEGEND

**Area of interest (AOI)**  
 Area of Interest (AOI)

**Soils**

**Soil Rating Polygons**

	0 - 25
	25 - 50
	50 - 100
	100 - 150
	150 - 200
	> 200
	Not rated or not available

**Soil Rating Lines**

	0 - 25
	25 - 50
	50 - 100
	100 - 150
	150 - 200
	> 200
	Not rated or not available

**Soil Rating Points**

	0 - 25
	25 - 50
	50 - 100
	100 - 150
	150 - 200
	> 200

**Water Features**  
 Not rated or not available  
 Streams and Canals

**Transportation**  
 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

**Background**  
 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morris County, New Jersey  
 Survey Area Data: Version 14, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 26, 2019—Jul 31, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Depth to Water Table

Map unit symbol	Map unit name	Rating (centimeters)	Acres in AOI	Percent of AOI
Ekhhd	Ellington loamy substratum variant fine sandy loam, 15 to 25 percent slopes	61	0.9	54.1%
NekC	Neshaminy gravelly silt loam, 6 to 12 percent slopes	>200	0.8	45.9%
<b>Totals for Area of Interest</b>			<b>1.7</b>	<b>100.0%</b>

### Description

"Water table" refers to a saturated zone in the soil. It occurs during specified months. Estimates of the upper limit are based mainly on observations of the water table at selected sites and on evidence of a saturated zone, namely grayish colors (redoximorphic features) in the soil. A saturated zone that lasts for less than a month is not considered a water table.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

### Rating Options

*Units of Measure:* centimeters

*Aggregation Method:* Dominant Component

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Lower

*Interpret Nulls as Zero:* No

*Beginning Month:* January

*Ending Month:* December

## Physical Soil Properties

This table shows estimates of some physical characteristics and features that affect soil behavior. These estimates are given for the layers of each soil in the survey area. The estimates are based on field observations and on test data for these and similar soils.

*Depth* to the upper and lower boundaries of each layer is indicated.

Particle size is the effective diameter of a soil particle as measured by sedimentation, sieving, or micrometric methods. Particle sizes are expressed as classes with specific effective diameter class limits. The broad classes are sand, silt, and clay, ranging from the larger to the smaller.

*Sand* as a soil separate consists of mineral soil particles that are 0.05 millimeter to 2 millimeters in diameter. In this table, the estimated sand content of each soil layer is given as a percentage, by weight, of the soil material that is less than 2 millimeters in diameter.

*Silt* as a soil separate consists of mineral soil particles that are 0.002 to 0.05 millimeter in diameter. In this table, the estimated silt content of each soil layer is given as a percentage, by weight, of the soil material that is less than 2 millimeters in diameter.

*Clay* as a soil separate consists of mineral soil particles that are less than 0.002 millimeter in diameter. In this table, the estimated clay content of each soil layer is given as a percentage, by weight, of the soil material that is less than 2 millimeters in diameter.

The content of sand, silt, and clay affects the physical behavior of a soil. Particle size is important for engineering and agronomic interpretations, for determination of soil hydrologic qualities, and for soil classification.

The amount and kind of clay affect the fertility and physical condition of the soil and the ability of the soil to adsorb cations and to retain moisture. They influence shrink-swell potential, saturated hydraulic conductivity ( $K_{sat}$ ), plasticity, the ease of soil dispersion, and other soil properties. The amount and kind of clay in a soil also affect tillage and earthmoving operations.

*Moist bulk density* is the weight of soil (oven-dry) per unit volume. Volume is measured when the soil is at field moisture capacity, that is, the moisture content at 1/3- or 1/10-bar (33kPa or 10kPa) moisture tension. Weight is determined after the soil is dried at 105 degrees C. In the table, the estimated moist bulk density of each soil horizon is expressed in grams per cubic centimeter of soil material that is less than 2 millimeters in diameter. Bulk density data are used to compute linear extensibility, shrink-swell potential, available water capacity, total pore space, and other soil properties. The moist bulk density of a soil indicates the pore space available for water and roots. Depending on soil texture, a bulk density of more than 1.4 can restrict water storage and root penetration. Moist bulk density is influenced by texture, kind of clay, content of organic matter, and soil structure.

*Saturated hydraulic conductivity (Ksat)* refers to the ease with which pores in a saturated soil transmit water. The estimates in the table are expressed in terms of micrometers per second. They are based on soil characteristics observed in the field, particularly structure, porosity, and texture. Saturated hydraulic conductivity (Ksat) is considered in the design of soil drainage systems and septic tank absorption fields.

*Available water capacity* refers to the quantity of water that the soil is capable of storing for use by plants. The capacity for water storage is given in inches of water per inch of soil for each soil layer. The capacity varies, depending on soil properties that affect retention of water. The most important properties are the content of organic matter, soil texture, bulk density, and soil structure. Available water capacity is an important factor in the choice of plants or crops to be grown and in the design and management of irrigation systems. Available water capacity is not an estimate of the quantity of water actually available to plants at any given time.

*Linear extensibility* refers to the change in length of an unconfined clod as moisture content is decreased from a moist to a dry state. It is an expression of the volume change between the water content of the clod at 1/3- or 1/10-bar tension (33kPa or 10kPa tension) and oven dryness. The volume change is reported in the table as percent change for the whole soil. The amount and type of clay minerals in the soil influence volume change.

Linear extensibility is used to determine the shrink-swell potential of soils. The shrink-swell potential is low if the soil has a linear extensibility of less than 3 percent; moderate if 3 to 6 percent; high if 6 to 9 percent; and very high if more than 9 percent. If the linear extensibility is more than 3, shrinking and swelling can cause damage to buildings, roads, and other structures and to plant roots. Special design commonly is needed.

*Organic matter* is the plant and animal residue in the soil at various stages of decomposition. In this table, the estimated content of organic matter is expressed as a percentage, by weight, of the soil material that is less than 2 millimeters in diameter. The content of organic matter in a soil can be maintained by returning crop residue to the soil.

Organic matter has a positive effect on available water capacity, water infiltration, soil organism activity, and tilth. It is a source of nitrogen and other nutrients for crops and soil organisms.

*Erosion factors* are shown in the table as the K factor (Kw and Kf) and the T factor. Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and Ksat. Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

*Erosion factor Kw* indicates the erodibility of the whole soil. The estimates are modified by the presence of rock fragments.

*Erosion factor Kf* indicates the erodibility of the fine-earth fraction, or the material less than 2 millimeters in size.

*Erosion factor T* is an estimate of the maximum average annual rate of soil erosion by wind and/or water that can occur without affecting crop productivity over a sustained period. The rate is in tons per acre per year.

*Wind erodibility groups* are made up of soils that have similar properties affecting their susceptibility to wind erosion in cultivated areas. The soils assigned to group 1 are the most susceptible to wind erosion, and those assigned to group 8 are the least susceptible. The groups are described in the "National Soil Survey Handbook."

*Wind erodibility index* is a numerical value indicating the susceptibility of soil to wind erosion, or the tons per acre per year that can be expected to be lost to wind erosion. There is a close correlation between wind erosion and the texture of the surface layer, the size and durability of surface clods, rock fragments, organic matter, and a calcareous reaction. Soil moisture and frozen soil layers also influence wind erosion.

Reference:

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. (<http://soils.usda.gov>)

## Report—Physical Soil Properties

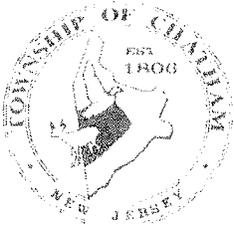
Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

Physical Soil Properties--Morris County, New Jersey														
Map symbol and soil name	Depth	Sand	Silt	Clay	Moist bulk density	Saturated hydraulic conductivity	Available water capacity	Linear extensibility	Organic matter	Erosion factors			Wind erodibility group	Wind erodibility index
										Kw	Kf	T		
	<i>In</i>	<i>Pct</i>	<i>Pct</i>	<i>Pct</i>	<i>g/cc</i>	<i>micro m/sec</i>	<i>In/In</i>	<i>Pct</i>	<i>Pct</i>					
EkhhD— Ellington loamy substratum variant fine sandy loam, 15 to 25 percent slopes														
Ellington, loamy subsoil	0-10	-64-	-27-	5-10- 15	1.10-1.20 -1.30	4.23-9.17-14.11	0.14-0.16-0. 18	0.0- 1.5- 2.9	2.0- 3.0- 4.0	.24	.24	5	3	86
	10-20	-63-	-26-	5-12- 18	1.20-1.30 -1.40	4.23-9.17-14.11	0.13-0.16-0. 18	0.0- 1.5- 2.9	0.5- 0.8- 1.0	.37	.37			
	20-40	-63-	-25-	5-12- 18	1.20-1.30 -1.40	1.41-2.82-4.23	0.12-0.14-0. 16	0.0- 1.5- 2.9	0.0- 0.3- 0.5	.55	.55			
	40-60	-35-	-34-	27-31- 35	1.35-1.40 -1.45	1.41-2.82-4.23	0.10-0.13-0. 16	3.0- 4.5- 5.9	0.0- 0.0- 0.0	.20	.32			

Physical Soil Properties--Morris County, New Jersey														
Map symbol and soil name	Depth	Sand	Silt	Clay	Moist bulk density	Saturated hydraulic conductivity	Available water capacity	Linear extensibility	Organic matter	Erosion factors			Wind erodibility group	Wind erodibility index
										Kw	Kf	T		
	<i>In</i>	<i>Pct</i>	<i>Pct</i>	<i>Pct</i>	<i>g/cc</i>	<i>micro m/sec</i>	<i>In/In</i>	<i>Pct</i>	<i>Pct</i>					
NekC— Neshaminy gravelly silt loam, 6 to 12 percent slopes														
Neshaminy	0-8	-29-	-53-	10-18- 25	1.20-1.30 -1.40	4.23-9.17-14.11	0.16-0.18-0. 20	0.0- 1.5- 2.9	2.0- 3.0- 4.0	.24	.37	5	6	48
	8-11	-35-	-33-	28-32- 35	1.30-1.40 -1.50	1.41-2.82-4.23	0.14-0.16-0. 18	3.0- 4.5- 5.9	0.0- 0.3- 0.5	.17	.32			
	11-23	-35-	-33-	28-32- 35	1.30-1.40 -1.50	1.41-2.82-4.23	0.14-0.16-0. 18	3.0- 4.5- 5.9	0.0- 0.3- 0.5	.17	.32			
	23-39	-35-	-33-	28-32- 35	1.30-1.40 -1.50	1.41-2.82-4.23	0.14-0.16-0. 18	3.0- 4.5- 5.9	0.0- 0.3- 0.5	.17	.32			
	39-54	-35-	-33-	28-32- 35	1.30-1.40 -1.50	1.41-2.82-4.23	0.14-0.16-0. 18	3.0- 4.5- 5.9	0.0- 0.0- 0.0	.17	.32			
	54-60	-67-	-19-	10-14- 18	1.40-1.50 -1.60	14.11-28.23-42. 34	0.10-0.12-0. 14	0.0- 1.5- 2.9	0.0- 0.0- 0.0	.10	.24			

### Data Source Information

Soil Survey Area: Morris County, New Jersey  
 Survey Area Data: Version 14, Sep 16, 2019



## TOWNSHIP OF CHATHAM

58 Meyersville Road  
Chatham, New Jersey 07928  
(973) 635-4600  
Fax (973) 636-2644  
[www.chathamtownship.nj.gov](http://www.chathamtownship.nj.gov)

March 16, 2020

Nicole M. Magdziak  
Day Pitney  
1 Jefferson Road  
Parsippany, NJ 07054-2891

Dear Mrs. Magdziak,

As per your request, attached is a certified list of property owners within 200 feet of Block 38 Lot 42.04 located in the Township of Chatham.

Please let me know if you have any questions.

Sincerely,



Gregory J. LaConte  
Township Clerk

Enclosures

**LIST OF PROPERTY OWNERS TO BE SERVED NOTICE  
TOWNSHIP OF CHATHAM**

Following is a list of property owners within 200 feet of Block 38, Lot 42.04 as designated on the Tax Map of the Township of Chatham.

Block \_\_\_\_ Lot \_\_\_\_ Owner/Address \_\_\_\_\_ / \_\_\_\_\_  
(See attached printout)

In accordance with State law, you must also notify the following utility companies within the Township of Chatham:

JCP&L Co. Real Estate Department  
300 Madison Avenue  
Morristown, NJ 07962

New Jersey-American Water Co., Attn: Paul Hartelius  
167 J.F. Kennedy Parkway, Short Hills, NJ 07078

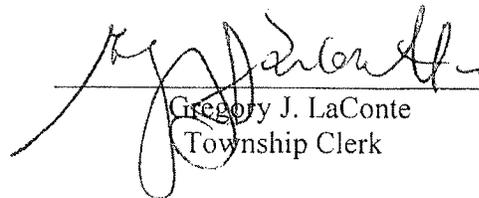
Public Service Electric & Gas Company  
Manager - Corporate Properties  
80 Park Plaza, T6B, Newark, NJ 07102

Texas Eastern Transmission Corp.  
5400 Westheimer Ct., Suite 692, Houston, TX 77056

Transcontinental Gas Pipeline Corp.  
P.O. Box 1396, Houston, TX 77252

Comcast of Central New Jersey II, LLC  
100 Randolph Road, Somerset, NJ 08873

I hereby certify that the foregoing is the list of the names and addresses of the property owners within 200 feet of the extremities of Block 38, Lot 42.04 as delineated in the Tax Map of the Township of Chatham, as of March 16, 2020.

  
\_\_\_\_\_  
Gregory J. LaConte  
Township Clerk

NOTE : Applicant must also give public notice by publication in the official newspaper of Chatham Township at least ten (10) days prior to the date of the hearing. The Morris County Planning Board must also be notified of the application if the property is adjacent to a County road, adjoins County land, or is situated within 200 feet of any Township boundary. Furthermore, the Clerk of any other municipality within 200 feet of the applicant's property must be notified. Notice must also be given to the Director of the Division of State and Regional Planning in the Department of Community Affairs of any hearing on an application for development of property which exceeds 150 acres or dwelling units. Notices of hearing must be given in accordance with N.J.S.A. 40:55D-12.



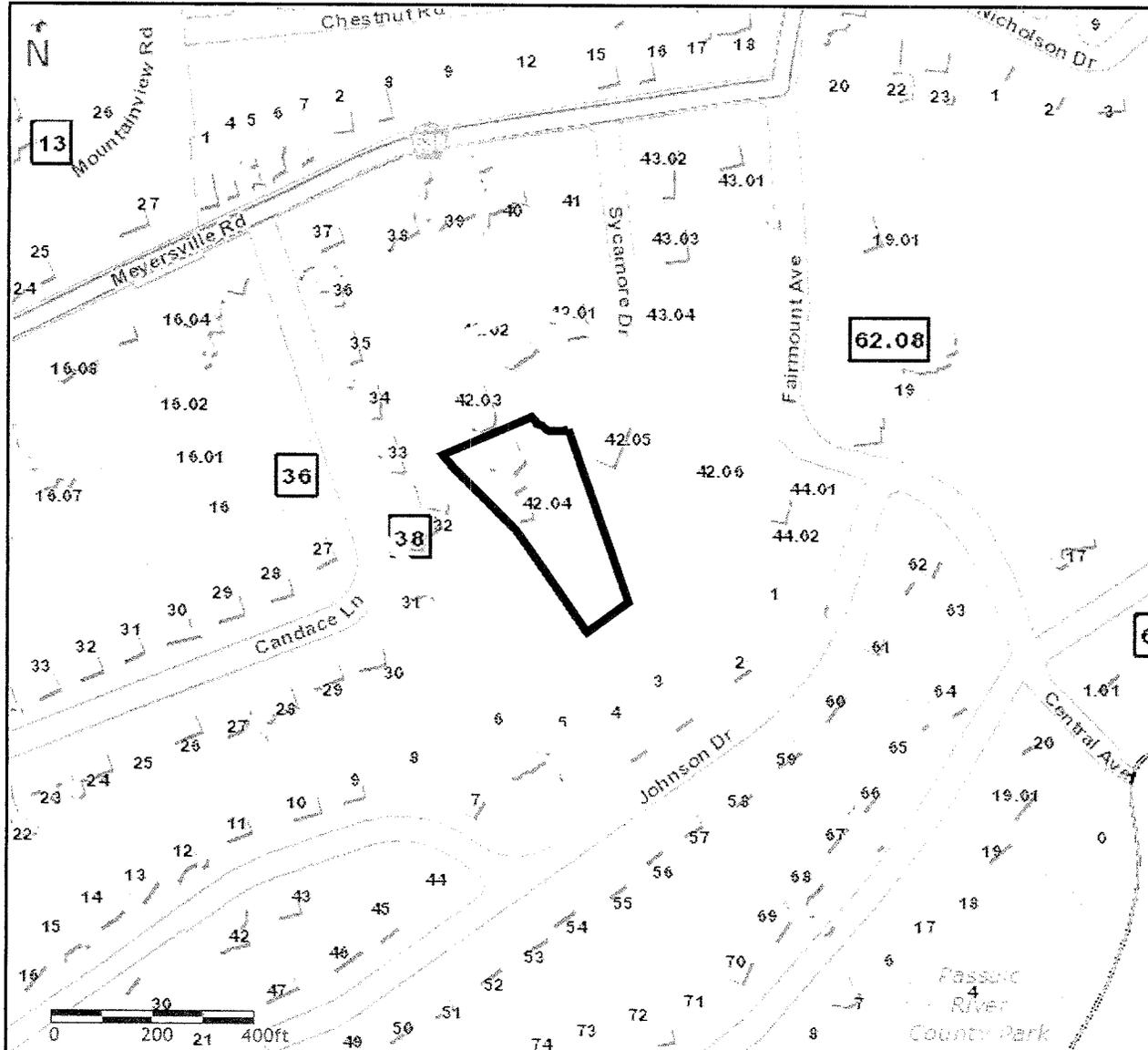
Township of Chatham, County of Morris, State of New Jersey

Certified List of Property Owners Within 200 Feet

This table is a listing of adjoining features within 200 feet of  
Block 38, Lot 42.04

Block & Lot	Property Location	Owners Name	Mailing Address
38_1	12 JOHNSON DR	SERBAN, AUDREY M	12 JOHNSON DR CHATHAM, NJ 07928
38_2	20 JOHNSON DR	YUKNIEWICZ, WALTER S JR&NORA E	20 JOHNSON DR CHATHAM, NJ 07928
38_3	28 JOHNSON DR	MILICH, VINCENT & LEANN D TAVTIGIAN	28 JOHNSON DR CHATHAM, NJ 07928
38_31	29 CANDACE LN	D ONOFRIO, MICHAEL & MARGHERITA	29 CANDACE LN CHATHAM, NJ 07928
38_32	27 CANDACE LN	FARRELL, MARGARET M	27 CANDACE LN CHATHAM, NJ 07928
38_33	21 CANDACE LN	BURGO, SCOTT & ERIN	21 CANDACE LN CHATHAM, NJ 07928
38_34	17 CANDACE LN	JOSEPH, WETTENY & MARCELYN	17 CANDACE LN CHATHAM, NJ 07928
38_35	11 CANDACE LN	DAVIES, WINDSOR RUSSELL & ALEXIS L	11 CANDACE LN CHATHAM, NJ 07928
38_4	32 JOHNSON DR	ZIEGLER, CYNTHIA	32 JOHNSON DR CHATHAM, NJ 07928
38_42.01	6 SYCAMORE DR	ROBERTS, JOHN & KYLE	6 SYCAMORE DR CHATHAM, NJ 07928
38_42.02	8 SYCAMORE DR	KLOSS, THOMAS & RACHADA	8 SYCAMORE DR CHATHAM, NJ 07928
38_42.03	10 SYCAMORE DR	NIKOLOPOULOS, NICK/EUGENIA	10 SYCAMORE DR CHATHAM, NJ 07928
38_42.04	9 SYCAMORE DR	GALIHER, JOHN & CINDI	9 SYCAMORE DR CHATHAM, NJ 07928
38_42.05	7 SYCAMORE DR	ALVARES, MONTAE	7 SYCAMORE DR CHATHAM, NJ 07928
38_42.06	792 FAIRMOUNT AVE	RENTAS, NICHOLAS J	792 FAIRMOUNT AVE CHATHAM, NJ 07928

38_43.04	5 SYCAMORE DR	GARINO, JENNIFER ANN	5 SYCAMORE DR CHATHAM, NJ 07928
38_5	36 JOHNSON DR	JIA, SHUHUI	36 JOHNSON DR CHATHAM, NJ 07928
38_6	40 JOHNSON DR	PUGLIESE, PETER & GLORIA A	40 JOHNSON DR CHATHAM, NJ 07928



Morris County Board of Taxation  
 COUNTY OF MORRIS, NEW JERSEY  
 P.O. Box 900, Morristown NJ, 07963-0900  
 \*Maximum of 500 records available on report

Projection: State Plane (FIPS 2900)  
 Datum: NAD83  
 Units: Feet



The maps and data available for access at this website is provided "as-is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for, or the appropriateness for use, rests solely on the user accessing this information. The County of Morris makes no warranties, express or implied, as to the use of the maps and the data available for access at this website. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction, and revision. The maps and associated data at this website do not represent a survey. In no event shall the County of Morris or its officers or employees assume any liability for the accuracy of the data delineated on any map. In no event shall the County of Morris or its officers or employees be liable for any damages arising in any way out of the use of this information.

NICOLE M. MAGDZIAK  
Attorney at Law

One Jefferson Road  
Parsippany, NJ 07054-2891  
T: (973) 966-8027 F: (973) 461-4608  
nmagdziak@daypitney.com

March 9, 2020

VIA EMAIL ([arusso@chathamtownship.org](mailto:arusso@chathamtownship.org))  
AND REGULAR MAIL

Ms. Antonia Russo  
Tax Collector  
Township of Chatham  
58 Meyersville Road  
Chatham, NJ 07928

**Re: Request for Tax Certifications  
Block 38, Lot 42.04 – 9 Sycamore Drive  
Chatham Township, New Jersey**

Dear Ms. Russo:

Please provide me with a certification that all real estate tax payments are current on the above property. Please send me this confirmation by email, returning the hard copy by regular mail in the enclosed return envelope. My email address is [nmagdziak@daypitney.com](mailto:nmagdziak@daypitney.com).

Thank you for your assistance.

Very truly yours,



Nicole M. Magdziak

NMM:jl  
Enclosure