

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

To **Kali Tsimboukis, Board of Adjustment Manager**

From John Ruschke, P.E., Township Engineer

Date June 7, 2024

Project # 507109975-003

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CC Chatham Township Board of Adjustment  
Amanda C. Wolfe, Esq., Board of Adjustment Attorney  
Frank Banisch, Board of Adjustment Planner

Subject **Block 48, Lot 65.01**  
**34 Maple Road**  
**Appl. No.: BOA-24-003**  
**Interpretation/'C' Variance Application – Completeness/Technical Review**

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

- 24" x 36" set of architectural drawings entitled "Luke & Valerie Donato, 34 Maple Road – Chatham Twp., Block 48, Lot 65.01, R-3 Zone", prepared by Mendham Design Architects, dated April 8, 2024, consisting of five sheets, with site plan provided on Sheet A-1 of the drawing set

**SCOPE**

The subject property is a 19,175-square foot single-family residential lot with frontage on the northern side of the cul-de-sac located on the southwestern end of Maple Road in the R-3 Residential District. Per mapping available online from NJDEP, the subject property is likely encumbered by wetlands transition areas associated with a large freshwater wetland area located to the immediate rear of the property and on neighboring Block 14, Lot 62 to the west, as well as a 300-foot riparian buffer area from a Tributary of Black Brook located on Block 14, Lot 64.01. The subject property contains a 1,833-square foot dwelling, with front paver walkway connected to a paved driveway from Maple Road, and a rear deck, rear paver patio and in-ground swimming pool in the rear yard.

The Applicant proposes a second story addition with building height not to exceed the maximum allowable height of thirty-five (35') feet permissible by Township Code. The dwelling is constructed at an existing, non-conforming front yard setback distance from Maple Road, and a portion of said addition is proposed at a distance of eight inches closer to Maple Road than the existing, non-conforming second story at the location of the proposed addition; however, the existing second story to remain above the garage is closer to Maple Road than the proposed second story addition. The subject application has been submitted for interpretation of Township Code Section 30-96.7, Improvements and Alterations to Certain Existing Dwellings, by the Board, as the proposed addition may or may not be approvable under this Section based

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on the Board's interpretation, and has been denied by the Township Zoning Officer. Section 30-96.7 states the following:

*“Additions extending above the first floor of the dwelling shall meet all yard setback requirements for the zone in which the dwelling is located, unless the existing upper floor extends into a required front, side or rear yard, in which case the addition may not encroach any further than the existing upper floor.”*

If it is determined by the Board that the proposed addition is not approvable, the Applicant requests variance relief for proposed Front Yard Setback Distance to the proposed second story addition. The site also contains other pre-existing non-conforming conditions as noted below.

**VARIANCES – R-3 Residence District**

The Applicant is requesting the following variance for the proposed improvements, if required:

1. Minimum Front Yard Setback to Principal Structure (second story addition); 50 feet required, 39.5 feet existing (second floor above garage), 43.17 feet existing (second floor above main living space of dwelling), 42.5 feet proposed (proposed second floor addition above main living space of dwelling) - Section 30-75.2

The subject property includes the following pre-existing, non-conforming variances. The Applicant should verify the pre-existing, non-conforming status of Variances 2-4:

2. Minimum Side Yard Setback Distance to Private Swimming Pool; 13 feet required, approximately 10 feet existing – Section 13-1.5
3. Minimum Side Yard Setback Distance to Accessory Structure (existing brick paver patio); 15 feet required, approximately 4 feet existing – Section 30-96.13.a.5
4. Minimum Side Yard Setback Distance to Accessory Structure (existing shed); 15 feet required, 2.7 feet existing – Section 30-96.13.a.5
5. Minimum Lot Area; 20,000 square feet required, 19,175 square feet existing – Section 30-75.2
6. Minimum Front Yard Setback to Principal Structure (first story); 50 feet required, 39.5 feet existing - Section 30-75.2

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7. Minimum Combined Side Yard Setback Distance to Principal Structure; 39.12 feet (30%) required, 34.1 feet (26.2%) existing – Section 30-75.2
8. Maximum Width of Dwelling in R-3 Zone Facing Public Right-of-Way; 75 feet required, 82.17 feet existing – Section 30-96.27

### **COMPLETENESS**

Mott MacDonald has reviewed the application for completeness in accordance with Checklists ‘A’ and ‘B’ of the Revised General Ordinances. The Applicant has requested waivers from the following items for completeness:

1. Letter of exemption from NJDEP certifying that proposed activity is exempt from Freshwater Wetlands Protections Act and regulations promulgated thereunder
2. Topography of site and within 200 feet
3. Natural Resource Inventory

Given the scope of the proposed project, Mott MacDonald takes no exception to the grant of waivers for completeness purposes. Therefore, the application has been deemed **COMPLETE**.

### **TECHNICAL REVIEW**

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

1. If the proposed improvements include land disturbance of a critical area (freshwater wetlands transition area), Board approval (if granted) should be conditioned upon submittal of a lot grading plan. If no land disturbance is proposed, we take no exception to the Township Construction Official issuing a lot grading waiver for the subject addition, at his discretion.

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