

Township of Chatham
BOARD OF ADJUSTMENT MEMORANDUM

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

From John Ruschke, P.E., Township Engineer

Date July 25, 2024

Project # 507109975-001

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CC Chatham Township Board of Adjustment
Amanda Wolfe, Esq., Board of Adjustment Attorney
Frank Banisch, Board of Adjustment Planner
Saverio Allocca, Applicant/Owner
David E. Fantina, P.E.

Subject **Block 128, Lot 5**
498 Southern Boulevard
Appl. No.: BOA-24-001
‘C’ and ‘D’ Use Variance Application
2nd Completeness Review

On behalf of the Chatham Township Board of Adjustment (Board), Mott MacDonald has received the following additional/revised documents, prepared in support of the above referenced variance application:

- Revised 24” x 36” set of engineering drawings prepared by David E. Fantina, P.E., dated October 6, 2023, last revised July 9, 2024, consisting of three (3) sheets
- Copy of Deed of subject property
- Copy of Application to NJDEP for Special Activity Waiver for Redevelopment and Freshwater Wetlands General Permit No. 8, prepared by John Peel, P.P., of PK Environmental, with Compliance Report dated March 6, 2024

Documents previously submitted include:

- Township of Chatham Planning/Zoning Board Application, submitted March 8, 2024
- 24” x 36” set of architectural drawings entitled “Allocca New Two-Family Residence, 498 Southern Boulevard, Chatham Township, NJ 07928”, prepared by Brian Siegel Architects, dated March 15, 2023, last revised October 10, 2023, consisting of three (3) sheets

SCOPE

The subject property is an existing single-family residential lot with non-conforming lot area and width located on the east side of Southern Boulevard within the PI-1 Professional and Institutional District Zone. The property is developed with a 2.5-story, single family dwelling with gravel driveway access to/from Southern Boulevard, and is encumbered by freshwater

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wetlands located in the rear portion of the lot. The Applicant is proposing the construction of a two-family dwelling with rear deck and front porch. The proposed development includes paved driveway access from Southern Boulevard and a rear parking area (four parking stalls proposed).

VARIANCES – PI-1 Professional & Industrial District

The following variances are requested by the Applicant for the proposed improvements:

1. Use Variance for Proposed Two-Family Residential Use in PI Zone - Sections 30-81.1 & 30-96.9
2. Minimum Front Yard Setback to Principal Structure (Covered Porch); 75 feet required, 3.8 feet existing, 6.6 feet proposed - Section 30-75.2
3. Minimum (North) Side Yard Setback to Principal Structure; 50 feet required, 14.85 feet existing, 5.25 feet proposed (deck) - Section 30-75.2
4. Minimum (South) Side Yard Setback to Principal Structure; 50 feet required, 18.58 feet existing, 14.0 feet proposed - Section 30-75.2
5. Maximum Area of Portico within Front Yard; 54 square feet required, 68 square feet existing, 58 square feet proposed- Section 30-96.14.e
6. Maximum Lot Coverage, Buildings; 15% required, 11.48% existing, 17.49% proposed – Section 30-75.2
7. Maximum Lot Coverage, Buildings and Impervious Surfaces; 40% required, 39.78% existing, 50.94% proposed – Section 30-75.2
8. Proposed change in existing grade which raises the elevation of the lot within five feet of a property line (south lot line); Not permitted per Section 30-96.26.a

The subject property includes the following pre-existing, non-conforming variances:

9. Minimum Lot Area; 217,800 square feet required, 6,488 square feet existing - Section 30-75.2
10. Minimum Lot Width at Street Line; 360 feet required, 78.26 feet existing – Section 30-75.2
11. Minimum Lot Width at Setback Line; 360 feet required, 42.86 feet existing – Section 30-75.2

DESIGN WAIVERS

1. The Applicant is requesting a design waiver from the requirements of Township Code Section 30-83.2, Protection of Great Swamp Watershed Overlay District, due to the observed presence of high groundwater onsite. Per 30-83.2.b.2(b), if infiltration on site for the design storm is not practicable (for example based on soil permeability

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constraints, topography or groundwater level considerations), an applicant shall provide off-site mitigation subject to the approval of the Planning Board/Zoning Board prior to project commencement. Options for mitigation are as follows:

- (1) Funding specific projects recommended in watershed based stormwater management plans.
 - (2) Funding stormwater related studies or regional stormwater management plans approved by the Township Committee in an amount equivalent to a construction cost estimate of a suitable infiltration system sized for the proposed development submitted and prepared by the applicant's professional engineer and approved by the Township Engineer and local approving authority. This requirement shall be applied equally to all applications for development and redevelopment within the Great Swamp Watershed portion of Chatham Township.
2. Outdoor lighting associated with the proposed onsite parking lot is not proposed as required per Township Code Section 30-64.2.g.4

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 the following waivers for completeness (either formally or by omission):

1. Metes and Bounds description of parcel in question based upon current land survey
2. Environmental Impact Statement
3. Natural resource inventory information including, but not limited to:
 - b. Soil depth to restrictive layers of soil
 - c. Soil depth to bedrock
 - d. Permeability of soil by layers
 - e. Limitation for foundation
 - k. Erosion hazard
4. Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements

Given the requested design waiver/observed groundwater conditions, Mott MacDonald takes no exception to the requested completeness waivers. Therefore, the application has been deemed **COMPLETE**. Please note that the Board reserves the right to request any of the above information during the hearing process.

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TECHNICAL REVIEW

Mott MacDonald has the following technical review comments, for consideration by the Board as conditions of variance approval (if granted):

1. Per Township Code Section 30-83.2.b.2(c)(1), the site shall be designed to the extent practicable so that there is no calculated or anticipated increase from predevelopment to post-development conditions in conventional pollutant loads (such as total suspended solids, nitrogen and phosphates.) to the receiving watercourse due to stormwater runoff. The Applicant's Engineer should consider current BMP's (e.g., those presented in the DEP BMP Manual) for applicability to the project in order to achieve the goal of no net increase in stormwater pollutant loads. The applicant must provide justification where implementation of the proposed plan is not predicted to achieve compliance with the goal of no net increase in stormwater pollutant loads.
2. The Applicant has applied to NJDEP for permitting associated with the proposed redevelopment of a freshwater wetlands transition area. The plans should be revised as necessary to address any/all conditions of NJDEP approval (if granted).
3. Per Township Code Section 30-64.2.h, all parking areas shall provide for adequate ingress and egress and safe and convenient traffic circulation. The Applicant's Engineer should provide exhibits/testimony to demonstrate that the parking area access drive is of sufficient width to permit safe access to parking spaces and safe traffic movement, and that sufficient area to backup and turnaround prior to exiting the site is provided when all parking spaces are full.
4. We defer to the Board regarding the need for landscaping around the perimeter of the parking lot per Township Code Section 30-63.3.h. In addition, the Board may require a Conservation Easement for protection of onsite wetlands per 30-64.2.n.
5. Prior to any land disturbance, an application for Soil Erosion and Sediment Control (SESC) Certification should be submitted and obtained from the Township.

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