

Township of Chatham
BOARD OF ADJUSTMENT MEMORANDUM

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

From John Ruschke, P.E., Township Engineer

Date April 29, 2024

Project # 507100727-070

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CC Chatham Township Board of Adjustment
Amanda Wolfe, Esq., Board of Adjustment Attorney
Frank Banisch, Board of Adjustment Planner
Patrick Hamer, Applicant/Owner
Charles J. Witczak, III, P.E., Witczak Engineering, Inc.

Subject **Block 32, Lot 14**
75 Ormont Road
Appl. No.: BOA-24-002
Variance Application – Completeness Review

On behalf of the Chatham Township Board of Adjustment (Board), Mott MacDonald has received and reviewed the following documents, provided in support of the above referenced variance application:

- 24” x 36” engineering drawings entitled “Variance Application Plan prepared for 75 Ormont Road, Block 32, Lot 14, Township of Chatham, Morris County, New Jersey”, prepared by Charles J. Witczak, III, P.E., of Witczak Engineering, Inc., dated February 19, 2024, consisting of four sheets
- Zoning Board Application Forms/Checklists
- Application for Soil Erosion and Sediment Control Certification dated April 11, 2024
- 200-Foot Property Owner’s List
- Photographic Representation of Subject Property

SCOPE

The subject property is a 1.16-acre single family residential lot located on the northwest side of Ormont Road in the R-3 Residential District. The site is encumbered by steep slopes, with the rear, undeveloped portion of the property being a wooded area. The subject property received lot grading approval on November 3, 2020, for site redevelopment associated with renovation/addition to a pre-existing one-story dwelling onsite; the property now contains a 2-story frame dwelling. The recently constructed site redevelopment also included an expanded paved driveway, tiered retaining walls in the front yard and a rear patio. Variance relief was granted to the developer by Resolution of the Chatham Township Zoning Board of Adjustment adopted July 21, 2022, for excess steep slope disturbance that had occurred in both the front yard and rear yard during site redevelopment activities.

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The current property owner seeks Variance relief for additional steep slope disturbance in the area behind the home for the purpose of improving drainage away from the house and patio, while creating a more usable rear yard area. Site work included as part of the subject application includes construction of a structural retaining wall with steps, removal of twelve (12) trees, resetting the existing rear yard patio and grading the area between the house and retaining wall for improved drainage. The limit of disturbance behind the house is proposed to expand approximately 25-30 feet further from the home than the limit of disturbance associated with the prior steep slope variance approval for the subject property.

VARIANCES – R-3 Residence District

The Applicant has requested the following variances for the proposed improvements:

1. Maximum Allowable Disturbance of Steep Slopes steeper than 25%; 500 square feet allowed; 1,037 square feet previously disturbed/approved (front and rear yards combined), 4,413 square feet proposed (rear yard only) - Section 30-96.24.g.1

The following variance was previously approved by the Board:

2. Maximum Allowable Disturbance of Steep Slopes from 20-25%; 1,356 square feet allowed, 1,586 square feet previously disturbed/approved - Section 30-96.24.g.2

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:

1. Metes and Bounds description of parcel in question based upon current land survey
2. Natural Resource Inventory – Items b-e

The following additional completeness items were also not provided, and have been considered to be additional requested waivers for completeness:

3. Letter of exemption from NJDEP certifying that proposed activity is exempt from Freshwater Wetlands Protections Act and regulations promulgated thereunder
4. Topography of site and within 200 feet thereof (Partial Waiver, partial onsite topography provided only)
5. Documentation verifying that there are no deed restrictions or protective covenants applying to the subject property

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Given the location of the subject property and nature of the subject application, and that a property survey has previously been provided to the Township, Mott MacDonald takes no exception to the above waiver requests. Therefore, the application has been deemed **COMPLETE**.

TECHNICAL REVIEW

Our review of the subject application has revealed the following technical review comments, which should be considered by the Board as conditions of approval (if granted):

1. A lot grading plan application should be submitted in accordance with Township Code Section 30-96.20. The lot grading application should include signed/sealed structural wall details and stability calculations. Given the proposed grading above the wall, the wall design should include protective measures at the base of wall to prevent erosion due to stormwater runoff.
2. The proposed improvements will result in slight increases in runoff due to the minor increase in impervious coverage (from wall/steps) and removal of 12 trees. At a minimum for mitigation of runoff impacts, infiltration trenches (or similar, but separate from existing roof drywell system) should be provided at the downstream limits of disturbance. Wall drains (if proposed) should discharge to the infiltration trenches to in order to prevent diversion of groundwater to the surface. Details for infiltration trenches should be provided on the required lot grading plan.
3. Prior to any land disturbance, the proposed limit of disturbance line should be staked out in the field by a licensed land surveyor. Proposed 'super' silt fence should be installed at the downslope limit of disturbance and regular silt fence should be installed at the upslope limit of disturbance for protection of the disturbance area from concentrated runoff flows and prevention of erosion/sediment loss from the site during construction.
4. Given the proposed clearing, replacement trees/shrubs behind the proposed retaining wall along the common lot line with neighboring Lot 25 should be considered by the Board for screening purposes.
5. The portion of the existing split rail fence encroaching onto neighboring Lot 25 should be relocated as necessary to remove the encroachment.

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