

Township of Chatham
BOARD OF ADJUSTMENT MEMORANDUM

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

From John Ruschke, P.E., Township Engineer

Date December 14, 2023

Project # 507100727-100

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CC Chatham Township Board of Adjustment
Amanda Wolfe, Esq., Board of Adjustment Attorney
Frank Banisch, P.P., Board of Adjustment Planner
Imran & Zeenat Chowdhury, Applicants/Owners
Ryan L. Smith, PE, PLS, Yannaccone, Villa & Aldrich, LLC

Subject **Block 62.09, Lot 13**
93 Sunset Drive
Appl. No.: BOA-23-013
‘C’ Variance Application – Completeness Review

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

- 24” x 36” set of engineering drawings entitled “Chowdhury Property, 93 Sunset Drive, Lot Development Plan & Steep Slopes Variance Plan, Lot 13 ~ Block 62.09, Township of Chatham, Morris County, New Jersey”, prepared by Ryan L. Smith, PE, PLS, of Yannaccone, Villa & Aldrich, LLC, dated July 7, 2023, consisting of five sheets
- 24” x 36” set of architectural drawings entitled “Mr. & Mrs. Chowdhury, New Construction, 93 Sunset Drive, Chatham Township, New Jersey”, prepared by Gregory Ralph, RA, of GRA, dated July 31, 2023, consisting of eight sheets
- Stormwater Management Report prepared by Rudy L. Holzmann, PE, of Yannaccone, Villa & Aldrich, LLC, dated July 7, 2023

SCOPE

The subject property is an existing developed residential lot located on the northern side of Sunset Drive within the R-3 Residential District Zone. The property is currently developed with a single-family dwelling with rear patio area and attached rear entry garage accessed by an existing asphalt driveway to/from Sunset Drive. The property is encumbered by severely sloping ground in the front and rear yards and includes a wooded/brush area in the northerly (back) portion of the rear yard. The approximate center of the rear yard is traversed by an existing sanitary sewer easement.

A Notice of Violation was issued to the previous property owner on October 15, 2018 for placement of a substantial amount of fill in the rear yard including construction of a stone retaining wall along the west side lot line without lot grading approval. A corrective grading

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plan was subsequently submitted and approved on August 26, 2019. Said lot grading application was never closed out with the Township; per email correspondence from the Township Construction Official received on June 16, 2023, the prior owner intended to pass the responsibility to complete the lot grading application to the next owner. By recent site inspection and review of the current site topography provided on the submitted engineering plans, we have determined that the condition of prior lot grading approval to remove all fill placed within five feet of the east and west side lines in the rear yard has not been complied with.

The current Owner/Applicant is proposing to demolish the existing dwelling and construct a new single-family dwelling with front driveway access and enlarged rear patio. Steep slope variances are being requested for the proposed site redevelopment.

VARIANCES – R-3 Residence District

The Applicant is requesting the following variances for the proposed improvements:

1. Maximum Area of Disturbance of Steep Slopes Greater than 25%; 500 square feet required, 2,016 square feet proposed - Section 30-96.24
2. Maximum Area of Disturbance of Steep Slopes from 20-25%; 1,000 square feet required, 1,038 square feet proposed - Section 30-96.24

Our review of the subject application has revealed that the following additional variances are also necessary for the proposed improvements:

3. Proposed Grading includes change in existing grade that raises the elevation of the lot within five feet of the west property line; not permitted as under Section 30-96.20.g.2
4. Proposed Grading includes change in existing grade that raises the elevation of the lot within five feet of the east property line; not permitted as under Section 30-96.20.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 is requesting the following waivers for completeness (formally or by omission):

1. Letter of exemption from NJDEP certifying that proposed activity is exempt from Freshwater Wetlands Protections Act and regulations promulgated thereunder
2. Metes and bounds description of parcel in question based upon current land survey
3. Topography of site and within 200 feet thereof - Partial Waiver
4. A copy of any protective covenant or deed restriction applying to property in question

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Given the location of the subject property, we take no exception to the Board granting waivers for the above items, with the condition that the Applicant provides testimony to verify that there are no protective covenants or deed restrictions applying to the subject property. Therefore, the application has been deemed **COMPLETE**.

TECHNICAL REVIEW

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

1. A calculation should be provided on the plan to verify that the proposed grading around the perimeter of the dwelling will not result in the basement being a third story, as defined by Township Code. The grading around the dwelling should be revised if necessary for compliance.
2. Comparison of the subject plans to the prior approved lot grading plan has revealed that Tree Nos. 1-4 in the front yard have been removed. Additional tree replacement should be provided per Township Code Section 22.
3. Given the prior placement of fill within its dripline, the health of Tree No. 7 should be examined by a licensed tree expert, and remediation provided if recommended.
4. Proposed grading in the west portion of the front yard should be adjusted to provide positive slope away from the foundation for a minimum distance of ten feet, per Code Section 30-96.20.g.4.
5. Proposed grading should be revised such that runoff from the swale along the west side lot line is not discharged onto neighboring Lot 14 in a concentrated manner. Consideration should be given to collecting this runoff to the drywell system.
6. The overall stormwater management design includes collection of rear patio runoff to the drywell system. The grading/drainage plan Sheet No. 2 should be revised to include the proposed patio drain shown on the details on Sheet No. 5 of the plans.
7. Given the proposed location of the drywells with respect to steep slopes, the Applicant's Engineer should verify through provision of a mounding analysis in accordance with NJDEP's Stormwater Best Management Practices (BMP) manual that infiltrated stormwater will not break out onto the surface downslope of the system. All stormwater infiltrated by the drywells must recharge the groundwater table, per 30-96.20.g.10.
8. Given the location of the sanitary sewer easement, the drywell system should be relocated to the south of the easement to avoid installation of storm sewer piping through the Township easement. A drywell overflow grate or similar should be provided in lieu of overflow piping through said easement.
9. The stormwater management report should be revised to address the following:

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- a. The composite curve number calculation and resulting hydrograph for existing conditions should be revised to account for disturbance of woods/brush area in the northern portion of the rear yard.
 - b. Given that greater than 1,000 square feet of steep slope disturbance is proposed and per 30-96.20.g.10, additional calculations should be provided to either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the two-year storm is infiltrated.
10. Given the proposed amount of steep slope disturbance, a detailed sequencing plan for limiting the amount of steep slope disturbance at one time should be provided per Township Code Section 30-96.20.c.4(t)(3).
11. Per Township Code Section 30-96.20.c.4(t)(7), the plans should be revised such that all silt fence shall be "super" silt fence as defined in standards for SESC in New Jersey as promulgated by the NJDA State Soil Conservation Committee.

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