



**Township of Chatham**  
**PLANNING BOARD MEMORANDUM**

To **Kevin Sullivan, Chairman, and Planning Board Members**

From John Ruschke, P.E., Township Engineer

Date March 5, 2024

Project # 507100719-023

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CC Kali Tsimboukis, Planning Board Manager  
Frank Banisch, P.P., Planning Board Planner  
Steven K. Warner, Esq., Planning Board Attorney  
Mariya Mayovska & Vasyl Dmytryshyn, Applicants/Owners  
Frederick C. Meola, P.E., P.L.S., FC Meola LLC

Subject **Block 54, Lot 16**  
**5 Mountainview Road**  
**Application No.: PB 22-009**  
**Proposed Minor Subdivision with Variances**  
**4<sup>th</sup> Completeness/Technical Review**

In reply to our prior completeness review memorandum dated October 3, 2023, and on behalf of the Township of Chatham (Township) Planning Board (Board), Mott MacDonald has received and reviewed the following additional/revised documentation which has been submitted in support of the above referenced application for Minor Subdivision with Variances:

- Revised 24" x 36" Subdivision Plan prepared by Frederick C. Meola, P.E., P.L.S., of FC Meola LLC, dated December 1, 2019, last revised December 25, 2023, consisting of two sheets
- Onsite Wetlands Presence/Absence Assessment dated November 6, 2023, prepared by PK Environmental
- Soil Permeability Class Rating test results
- Cover letter dated January 18, 2024, prepared by Rosemary Stone-Dougherty, Esq.

**SCOPE**

The subject property is an existing 0.73-acre single family residential property known as Block 54, Lot 16, located on the west side of Fairmount Avenue with frontage on both Mountainview Road and Chestnut Road. The property is located within the R-3 Single-Family Residence District zone and contains an existing 1.5-story dwelling with rear paver patio and paved driveway access from Mountainview Road. The parcel slopes moderately away from Fairmount Avenue toward neighboring Lots 10.10 and 10.20 to the west.

The subject application has been submitted for subdivision of Lot 16 into two proposed single-family residential lots; Proposed Lot 16.01 (containing existing onsite dwelling and associated improvements) and Proposed Lot 16.02 (proposed building lot). The layout of Proposed Lot

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16.02 includes driveway access from Chestnut Road, with the house facing Chestnut Road. Drywell systems are proposed on each lot for mitigation of stormwater runoff impacts.

**VARIANCES – R-3 RESIDENCE ZONE**

The following variances have been requested by the Applicant:

1. Minimum Lot Area (Proposed Lot 16.01); 25,000 square feet required, 17,094 square feet proposed - Section 30-75.2
2. Minimum Lot Area (Proposed Lot 16.02); 25,000 square feet required, 12,821 square feet proposed - Section 30-75.2
3. Minimum Lot Width at Street Line (Proposed Lot 16.02, facing Fairmount Avenue); 112.5 feet required, 103.85 feet proposed - Section 30-75.2
4. Minimum Lot Width at Street Line (Proposed Lot 16.02, facing Chestnut Road); 112.5 feet required, 110.60 feet proposed - Section 30-75.2
5. Minimum Lot Width at Setback Line (Proposed Lot 16.01, facing Fairmount Avenue); 125 feet required, 113.76 feet proposed - Section 30-75.2
6. Minimum Lot Width at Setback Line (Proposed Lot 16.02, facing Fairmount Avenue); 125 feet required, 106.96 feet proposed - Section 30-75.2
7. Minimum Front Yard Setback Distance to Principal Structure (Proposed Lot 16.01, facing Fairmount Avenue); 50 feet required, 27.5 feet existing, 19.5 feet proposed - Section 30-75.2
8. Minimum Front Yard Setback Distance to Principal Structure (Proposed Lot 16.01, facing Mountainview Road); 50 feet required, 33.2 feet existing/proposed - Section 30-75.2
9. Minimum Front Yard Setback Distance to Principal Structure (Proposed Lot 16.02, facing Fairmount Avenue); 50 feet required, 43.5 feet proposed - Section 30-75.2
10. Minimum Front Yard Setback Distance to Principal Structure (Proposed Lot 16.02, facing Chestnut Road); 50 feet required, 30.0 feet proposed - Section 30-75.2
11. Minimum Rear Yard Setback Distance to Principal Structure (Proposed Lot 16.02, to common lot line with Proposed Lot 16.01); 50 feet required, 40.1 feet proposed - Section 30-75.2
12. Minimum Side Yard Setback Distance to Accessory Structure (existing paver patio, Proposed Lot 16.01); 15 feet required, 11.8 feet proposed – Section 30-96.13.a.5

**DESIGN WAIVERS**

The following design waivers have been requested by the Applicant for the proposed lots:

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1. Minimum Lot Depth (Proposed Lot 16.01); 175 feet required, 107.0 feet proposed - Section 30-64.1.d.1
2. Minimum Lot Depth (Proposed Lot 16.02); 175 feet required, approximately 100 feet proposed (corrected from plan) - Section 30-64.1.d.1
3. Minimum usable lot area (Proposed Lot 16.01); 7,000 square feet required, approximately 2,167 square feet proposed - Section 30-64.1.d.6
4. Minimum usable lot area (Proposed Lot 16.02); 7,000 square feet required, 158 square feet proposed - Section 30-64.1.d.6

### **COMPLETENESS**

We have reviewed the application for completeness in accordance with Checklists “A” and “B” of the Revised General Ordinances. Waivers have been requested (formally or by omission) for the following completeness items required for Minor Subdivision applications:

1. Letter of exemption from NJDEP certifying that the proposed activity is exempt from Freshwater Wetlands Protection Act and regulations promulgated thereunder
2. Environmental Impact Statement (EIS) in accordance with subsection 30-67 of the Township Code
3. Metes and Bounds description of parcel in question based upon current land survey
4. Topography within 200 feet of site (partial waiver - onsite topography provided)
5. Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements

Given that a wetlands assessment has been provided by the Applicant’s Professionals, and that the plan is prepared by a licensed surveyor/engineer, Mott MacDonald takes no exception to the Board granting completeness waivers for the above items, with the condition that an EIS be provided at a future date if required by the Board. Therefore, the application has been deemed **COMPLETE**.

### **TECHNICAL REVIEW**

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

1. Subdivision approval (if granted by the Board) should be conditioned upon the Applicant installing a concrete sidewalk within the Fairmount Avenue Right-of-Way from Mountainview Road to Chestnut Road, designed in accordance with NJDOT and RSIS requirements.

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2. Prior to any land disturbance (if subdivision approval is granted by the Board), individual lot grading plan applications are to be provided to the Township Construction Office for the proposed lots. The Soil Erosion and Sediment Control Plan provided on the revised plans indicates that greater than 5,000 square feet of disturbance is proposed; as such, a supplemental Stormwater Management Plan should be provided with Lot Grading Plan submittals for verification that stormwater management facilities are provided as required for compliance with Section 30-83.2.b of the Township Code (Stormwater Management Design Standards for Protection of Great Swamp Overlay District). Additional facilities (than shown on the current subdivision plans) may be required.
3. An application for Soil Erosion and Sediment Control (SESC) Certification from the Township of Chatham should be provided for the proposed subdivision (one application for land disturbance on both lots combined), if approved.
4. Per Township Code Section 30-62.7, at a minimum, two corners of the proposed plan or plat shall have horizontal coordinates and vertical values shown, based upon municipal monumentation. Municipal monumentation is based upon horizontal coordinates of the New Jersey System of Plane Coordinates (NJSPC NAD, 83) and vertical values of the North American Vertical Datum (NAVD, 88). If municipal monumentation is not available, other monumentation having values of these datums can be used. The plan or plat shall be prepared in an electronic format having horizontal and vertical values as outlined above suitable for import of the drawing files into the Township of Chatham GIS and the Morris County GIS systems.
5. The need for proposed grading on Lot 16.01 (containing existing improvements) should be clarified.
6. An application for Sanitary Sewer Connection should be submitted for the proposed dwelling on Proposed Lot 16.02.
7. Morris County Planning Board approval is to be obtained.
8. Our review of the building height calculations for the proposed dwelling on Lot 16.02 has revealed an average grade elevation of approximately 329.1', resulting in a building height of 35 feet (equal to maximum permitted by Township Code). The calculations should be corrected to include just two points for determination of average grade per Code Section 30-6 upon submission of a lot grading plan (if subdivision approval is granted by the Board).

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