



Mr. Japco, Washington Architecture (sworn) said he was familiar with the plans submitted. Sheet one of six shows elevations etc. He describe materials to be used noting that they would be in keeping with the community. Sheet four of six show the entry level. Sheet 3 of 6 shows bedroom, family room, small study and a bath. The next level down (sheet number 2) shows crawl space and height will be limited so there will be no habitable area. It will be approx. 6 ft. and used for storage.

Mr. Vivona suggested it was something that could be a condition in the resolution. He asked if there was any egress from that space. Mr. Japco said no.

Mr. Japco, skipping down to sheet 5 of 6 shows a side elevation (right to left side). It shows a simple colonial design stepping down the hillside. The right side elevation shows the roof pitches, again, not a high roof pitch (7 on 12 which would go to 9/10 on 12). Because of the height we are keeping it down. The final sheet shows the rear elevation – two decks off the rear of the building. The lower level would be designed to meet the deck addition. We wanted to make sure it was not beneath the definition of a palatable level of grade. This does not become a story and stands as a 2.5 story building.

Mr. DeAngelis asked if there were any questions from the Board.

Mr. Borsinger asked about the determination of heights from the top of the ridge line to the base of the non-habitable cellar.

Mr. Japco said he did not have a total but have the individual which we could add up – total being 35 ft. deep.

Mr. Vivona asked if that was from the rear of the house – co said it was from the rear of the house at the lower level.

Mr. Vivona – 35, 8

Mr. Japco confirmed.

Mr. Vivona asked if they were seeking a height variance as well.

Mr. Japco said they were. The application shows the averages. What you asked was the floor level not the average grade.

Mrs. Romano asked what the height was of the other homes in the area and side of that street.

Mr. Japco said they were all generally compatible. One is actually a little higher.

The other houses are a bit larger than this one. This house is approximately 3759 sf.

Mrs. Romano asked if looking at it from the street it is one floor but then there is another floor.

Mr. Japco said it had a rear extension.

Mrs. Romano asked what the "X's" are. (Sheet 6)

Mr. Japco said it was actually exposed and were cross spacing for the deck.

Mr. Borsinger asked how the slope of this in the back compares with the other lots.

Mr. Japco said they were very similar.

Mr. Vivona referred to the street level as the living space and the lower level as basement.

Mr. Japco said the street level is living space as well as a master suite and the lower level is a big family room/bedrooms. The kitchen is on the street level behind the garage. There is also a storage area under the garage.

Mr. Vivona asked as the garage is on the top will it similar to the house that is being constructed now.

Mr. Japco - he believed so.

Mr. Vivona asked what the retaining walls would be made of. He was advised the Engineer would address that.

Mr. Vivona asked if there were any further questions of this witness from the Board. None Heard. He asked if Mr. Ruschke had any comments.

Mr. Ruschke noted that the cellar did not meet the definition of storing as per code. The local zoning requirement means that not more than fifty percent of the foundation is to be exposed.

Mr. Japco said there were several criteria. One is that you have to have not more than fifty percent of the permitted area exposed to grade; not more than twelve feet for the floor to the grade at any point. Obviously we won't hit that. The whole front area and the sides are below grade. The only thing exposed in that area is in front.

Mr. Vivona opened up the question to the audience/public.

Mr. Thomas Murphy, Engineer, previously sworn proceeded to give testimony on this application.

Mr. Murphy –The major problem with this project was the height of the building and the amount of disturbance of the steep slopes. We are disturbing greater than what is allowed. We show the height calculations as 38.5 ft. There is 15 ft. off the front at the highest existing/proposed grade at the lowest of those two and 15 ft. off the rear which is going down that steep slope. The steep slope triggers the height. As you go down that slope your height requirements are difficult to maintain. As you can see as the architect described the house is modest in size as far as the height. It is a one story home. Since the site inspection a few weeks ago we have done soil logs, perc tests in the area of storm water system which we sent to Mr. Ruschke. We have changed our strategy from what was to something less intense.

Some of the other ones were variances but they were also – because of the footings to get the driveway up to the elevation of the garage a wall is needed on the east side of the property. The terraced wall actually triggers the fact that are actually installing with the height being more than the four feet. Similar to what was granted on the other application. The actual amount of permanent disturbance is 3,206 sf. What really triggers the variance is the steep slope of 25 percent or greater which is the majority of area behind the house. The retaining wall which is less than 20 feet from the dwelling, some up to the dwelling, also requires a variance. The wall setback from the property line, here again, has to do with the height of the grading required to get the garage in the front. On slopes 15-20 there is zero, 20-25 ft. we are allowed 1000 and we have 400+- so we are under that, the steeper slope is greater than 25. A change in grade has to do with the tiered wall (ea. 4 ft. high). We have a french drain in front of the garage door so the water runs down and is located just a couple of feet from the building and may need a variance.

Mr. Shaw asked what the condition was on the various lots requiring the frontage to be set at 28 ft. need a variance although my drainage designs pick up that water.

Mr. Murphy said there was a resolution for all those lots...

Mr. Shaw asked if it was not considered a building shelf set back 28 ft. The Board established lots which have variance conditions. So we should put in the record the sight conditions along those lots which were approved with what we think was a shelf...

Mr. Murphy described the various conditions. The shelf is not wide enough to support the normal width of a house/driveway. It drops off.

Mr. Vivona asked if it was set back approximately 28 ft.

Mr. Murphy said yes.

Mr. Shaw asked if the reason it was calculated in the rear is because it is a narrow shelf that you can build on.

Mr. Murphy agreed. (49.34 this time)

Mr. DeAngelis had a few more questions regarding previous testimony/qualifications. He asked, in Mr. Murphy's opinion, was there adequate reasons for the board to grant the variances as requested.

Mr. Murphy – yes. The topography of the site didn't have the steep lot dimensions. The house height has been minimized as much as we can but you still have the issue of measuring the grade to the foundation which is way down and pushes the elevation well below the house which figures in the height variance. From the road it does not appear as high.

Mr. DeAngelis asked if he had submitted a soil log to Mr. Ruschke.

Mr. Murphy said he had. The soil logs went to sandy loam, to shale, and I testified to the perk test before. It meets all the requirements. Percolation doesn't work into the design but shows that it will drain within 72 hours. Previously drainage reports and calculation had been submitted as requested.

Mr. DeAngelis said one of the things that were of concern was the sequence of the construction.

Mr. Murphy said he had submitted a plan for Mr. Ruschke's comments/suggestions.

Mr. DeAngelis asked if the design for the sequence of construction had been revised.

Mr. Murphy said it was revised after the last meeting. It was suggested that we have a definitive sequence so we could call the contractor. That seems to be where the problem is. It is important that the contractor be at this meeting so he knows what rules to follow.

Mr. Vivona asked who was going to monitor the sequence.

Mr. Murphy thought it would be someone from the Township. He would not be in the picture at this point so he thought another surveyor doing that. He would monitor. If something was not correct he (Mr. Murphy) would get involved.

Mr. DeAngelis said that Mr. Ruschke had submitted two reports (1/13/2015, revised 3/5/2015) and asked Mr. Murphy if he had addressed these.

Mr. Murphy said the one final change suggested by Mr. Ruschke as a condition of approval the has been done.

Mr. DeAngelis asked if Mr. Murphy had any objection to any of the items he noted as condition of approval or that the applicant could not comply with.

Mr. Murphy said not that he recalled. He then outlined how the plans would proceed.

Mr. Vivona asked how far down they went for the soil samples.

Mr. Murphy – 10 ft.

Mr. Vivona noted that the house currently being constructed had issues because they didn't dig a core.

Mr. Murphy said the area down below is all natural grade. The only things unnatural are some rocks that have over time fallen down the slope.

Mr. Vivona questioned the fencing. Do you have the retaining walls on the side by the garage that is over 4 ft. tall – correct?

Mr. Murphy agreed.

Mr. Vivona asked what would stop people from falling off. Is there a fence in the plan?

Mr. Murphy thought that a fence/screen is required. Some people may do a vegetative screen or perhaps a fence.

Mr. Vivona questioned the retaining wall that was built slopes off more on the garage side. The wall is massive and pretty much an eye sore. Is there any thought going into what will soften the look of that?

Mr. Murphy thought it could be landscaped and at the bottom between the wall and the property line you could also landscape.

Mr. Shaw asked if there was any landscaping Mr. Murphy could propose to address the issue.

Mr. Murphy thought some type of evergreen.

Mr. Shaw asked if there was a sheet which depicts the retaining walls.

Mr. Murphy – No. He said he could do a cross section through which addresses it. He would have to revise the plans.

Mr. Vivona said he definitely would like to see something that tries to hide the walls to make them blend in better. Each house teaches us something new. It is hard to envision so we are trying to make sure that everything gets done and the neighbors' have something nice to look at. No giant walls. We know it is a difficult lot but we are trying to make it as appealing to the neighbors as possible. He suggested ivy which could climb walls where evergreens just grow bigger but in time the lower branches will fall off and there is the wall again.

Mr. Vivona then asked if there was a list of conditions.

Mr. Ruschke said there were several. Construction details; pre-construction meeting; referring to past construction there were issues of violations/problems and lessons have been learned. Primary issues on both those locations were steep slope disturbances. The last application we incorporated a significant amount of cautions and Mr. Murphy has incorporated them in his application such as installing super silt fences in three locations; installing snow-fencing at all the approved limits of disturbance; adding bi-weekly inspections by the engineering office for an on-going check on the site; putting signs up indicating "Keep Out" – "Steep Slope Area" as a warning for anyone to go in there. Maybe they should be bi-lingual. That may be the next issue to become a problem. We do have a lot of precautions being implemented. Again, it comes down to following what is proposed/planned/necessary. The one issue here is the construction and I am sure that I can work that out with the applicant to fine tune it a bit. He thought one that he thinks might be incorporated into the resolution is the pre-construction meetings. He felt that this type of meeting would be most effective if it was before the building permit is issued. This way there is something they have to get before they actually can go forward. So, if I add that before the building permit is issued we could meet with the contractors/excavators and after the meeting have them install the precautionary and soil erosion setting the soil erosion fencing, signs. After all is done then go for the building permits. I then know that if the site is secure before construction of the house the site is protected. That is something I feel, the miscommunication; they risk not getting their building permit right away. This may be a key plan in making sure the site stays in compliance/conformance. We have received some complaints on the house currently being constructed; the height of the retaining walls and what is proposed is very similar. Not sure exactly what the solution would be because they are working in a very severe site. Retaining walls are a necessity. How to mitigate those – if the sites were being done at the same time I think retaining walls from house to house, tiered vs creating these little voids/wedges may be more effective. Perhaps creating an easement along the

sideline so in the future the introduction of the walls are better accommodating in construction and may be a way to mitigate future homes being constructed with the house. The property that are subject to the grades after the proposed, after the houses are constructed, have a grade better with each other vs trying to make each individual lot work.

Mr. Vivona thought that was more master plan. He asked if one side of this house had an existing developed house and the other side is vacant.

Both sides are vacant.

Mr. Vivona asked if it was then conceivable to incorporate something in the future.

Mr. Ruschke a ten foot easement for future consideration for grading on the two properties. It would open the door for the next builder to come in and work out something to address the grades. It's going to very hard to see this house with high walls next to each other. The really need to work out a maintenance agreement between the two when crossing the property line. It's been done before.

Mr. Vivona noted the two houses on Ormont.

Mr. Ruschke said they had blended both grades together and it works much better than if they had tried to separate those two.

Mr. Vivona said the problem we had last time was that there were all these rules, everything was lined up and then they switched contractors.

Mr. Ruschke thought that was a matter of the preconstruction meeting. We can certainly make it as a condition of approval. That would something that I would have to decide at the preconstruction meeting. I could ask if they were the people that would follow through and also make sure to speak to whoever the subs were. We have to make sure that the owner is present at all of the meetings because if the right people aren't at the meeting I will reschedule it. At the last one I painstakingly over the phone, discussed the sequence of the construction with the contractor and felt very comfortable. Weeks going forward they changed the excavator and with whom I had no communication with and he just went and did what he wanted.

Mr. Vivona thought there should be a condition that if any new contractor is brought in they must notify Mr. Ruschke.

Mr. Ruschke thought they should make it mandatory that these are all the developers and contractors that are related to soil/material excavation must be

present at the pre-construction meeting and any changes with their contracts should be communicated with the Township.

Mr. Vivona thought the phasing in for the building permit is a great idea. This way we know everything is done before the permit is issued. If something is not right during an inspection what are our options. Is it an Immediate Stop Order?

Mr. Ruschke said it depended on how significant the issue is. If its minor and the developer is working with me then I usually work with him to remedy the situation.

Mr. Vivona pointed out that this board is not picking on anyone. We have been twice burned and are trying to make it work. It is not so much us – it's the neighbors

Mr. Shaw asked if Mr. Ruschke would be comfortable creating a plan for the retaining walls.

Mr. Ruschke agreed.

Mr. Shaw said there was also a comment from the Environmental Commission requesting that there be an environmental conservation easement proposed.

Mr. Ruschke said it was proposed on the Plat. It is consistent with what was approved by the Board previously.

Mr. Vivona referred to the trees on the lot and noted there was very little tree removal as the lot is basically barren. The ones closest to the street are limbless or dead

Mr. Murphy said there were a couple trees as you go down to the detention system that we show as being removed. I have not proposed any replacement as we felt by doing so could cause more disturbances.

Mr. Borsinger asked if there was ground cover over the retention basin.

Mr. Murphy - yes. We dig the trench and the system itself is 5-6 ft. wide. The water is stored in what appears like a crate so there is not a lot of stone/gravel.

He noted that the other two lots store in the old standard methods. The scour hole is to prevent discharge to erode the area.

Mr. Borsinger asked if any of the lots have problems on the down slope with excess drainage.

Mr. Murphy said the problem they were having is that there is a storm sewer easement that runs back there with a couple of yard drains along that easement but they are covered with grass, sticks etc. so the water doesn't flow to them as they should.

Mr. Borsinger asked if there was actually a pipe back there. There is a metal grate that looks like it is 40 ft. down.

Mr. Borsinger asked if it would make sense to put the overflow in there.

Mr. Murphy said there would be a lot of disturbance to get to that grade. If it was closer and we didn't have to disturb more slopes then I might consider that. Here, as I have said, is an all year flow.

Mr. Vivona asked if there were grates in the swale right now for drainage.

Mr. Murphy said there were.

Mr. Shaw asked if the Township cleaned these swales.

Mr. Murphy thought so.

Mr. Vivona asked who they could contact to make sure they are being cleaned. He was advised that the DPW would know.

Mr. Ruschke thought that any homeowners could be encouraged to keep leaves, etc. away from the basins.

Mr. Shaw pointed out one of the other issues that have occurred was attaining the necessary authorization from the other property owners whose property has to be crossed for access. He asked if access had been attained from all other property owners.

Mr. DeAngelis said it had.

Mr. Vivona noted that this was the source of the first problem.

Mr. Vivona asked Mr. Murphy about the drainage system being proposed. He asked if it was new technology.

Mr. Murphy said he has used this system before and he liked it.

Mr. Shaw said they had another application on 43 Susan Drive (lot 15). He was not sure if they were contract purchasers or if they bought the property.

Mr. Vivona asked for further question of Mr. Murphy from the Board. None Heard. Questions from the Audience.

Mr. Workman - 19 Susan Drive asked Mr. Murphy if he had designed the house.

Mr. Murphy said he did not design the house but had done the grading plan.

No other questions for Mr. Murphy.

#### Comments from the Public

Mr. Workman - 19 Susan Drive said he has lived there for 7-8 years ago. The houses that have been approved have really changed the character of that street for the worst.

Mr. Vivona said that the Board knew that the lots were difficult and that we are trying to make changes that are necessary to keep it reasonable. Being there is no land available in Chatham people are forced to buy less than desirable properties and forces design characteristics that may not appeal to everyone. Unfortunately, it is the nature of the beast. We have these hearings in order to come up with common interests and goals. We try to make everyone happy. Each one of these difficult properties shows us something new and we try to enforce to the next one. We learned about the drainage problems, effects on neighbors and we are learning about design of retaining walls which look like a good idea but wind up being difficult in some fashion. To abate that we are trying to enforce landscape plans etc. We are trying to watch out for the neighbors as well. The only way we can do it is by input from neighbors and we try to take all steps necessary to do the correct thing. I think for the most part it works out. Seeing it on paper and then in real life sometimes doesn't look the same. When that happens we try to make the right moves to have it not happen again. Hopefully we can make it look decent. Each house has gotten better. Actually we refuse to grant variances and refused the building of one home because it didn't fit within the neighborhood. We try to make the process work. That's all we can do. Each house will be better. If there are issues with the current one we can address them through our channels.

Mrs. Romano said he was a bit confused. He asked if they were going to put restrictions for retaining walls between the lots.

Mr. Shaw felt that was something that should be addressed particularly since there is another property now in front of the Board which could have his plans modified into incorporating more common retaining walls. He asked if the applicant had any objection to having that kind of condition.

Mr. Vivona said what they would like to do is to allow the builders to join the retaining wall area instead of having your house and its own little lot with no sides, the next house with its own little block with no sides, the next house with their own little block with no side and now you have a valley in between the two, then municipal property.

Mr. Shaw interrupted Mr. Vivona and stated that the problem is where it would be put in the approval process. We don't want this applicant to come back.

Mr. Ruschke said he was thinking the same thing.

Mr. Shaw said it would change the contours of all of the retaining walls to make that type of change. He was not saying it was a bad idea but he would like to see what can be done to avoid this applicant having to come back.

Mr. Shaw said they should include something in the Resolution where no additional variance relief would be required to implement tying into other properties.

Ms. Romano questioned the placement of the retaining wall if it's along the property line.

Mr. Ruschke said it may be built before the next one gets approved so that means when the person comes in to develop that next lot this will be on the books regarding an easement and then not necessary of having them go back to the Board for the developer who will be building on the new vacant lot and connecting to that wall. It would not be the burden of the applicant. They will work with the adjoining property owner and come to an agreement. It is out there for something they can pursue. From the road you won't see a valley but will see a black area between the two properties.

Ms. Romano commented on the visual of the wall.

Mr. Vivona said they were not saying it has to be done but that it is granted in case the applicant wants it done. We could then suggest that it be done.

Mr. Ruschke said it just sets the stage for them to work with the next property owner.

Mr. Vivona said they had a list of requirements.

Mr. Shaw said in terms of conditions there is an extensive list which is attached to Mr. Ruschke's memo, Key additions and other additions that were discussed:

- Sequencing of Constructions Schedule which Mr. Ruschke will be signing off.
- Various Plan Notes which have to be added

- Landscaping Plan to be submitted for approval by the Township Engineer
- Soften the appearance of the existing retaining walls being proposed
- Pre-construction meeting which will be required prior to the issuance of a building permit
- Installation of all storm water control and conservation measures necessary prior to a building permit being issued
- Easement granted to provide for a future interconnection of the retaining walls with adjoining property together with a requirement that in the event that there is to be a shared retaining wall there would be a maintenance agreement between the parties which we would not have to approve but it would have to be filed
- In terms of the pre-construction meeting he would indicate all the people, owner and subs present. In the event that there is any change in the contractor there is to be prior notification to the Township Engineer
- The be a condition that the cellar would not be used for habitable purposes

What Mr. Shaw indicated could all be conditions of approval.

Mr. Vivona asked if someone wanted to move favorable on that they would do so by noting that they would include all the conditions discussed.

Mr. Borsinger moved that we accept the zoning variance subject to the conditions noted Mr. Shaw. Mrs. Romano seconded

Roll Call – Mr. Weston, Mrs. Romano, Mr. Borsinger, Mr. Vivona - all in favor

Mr. Shaw said the Resolution Memorializing this will be at the next meeting (June 18<sup>th</sup>)

**Mrs. Katye Stanzak**  
6 Country Club Drive  
Block: 102.03 Lot: 3

**Calendar BOA 14-14-102.03-3**

**Mr. Richard Garver**, Licensed Architect

Applicant was advised that one member had not called in to advise us that she would not be here. As of now there are only 3 eligible votes.

He advised the applicant that as they needed a quorum that they should carry this application to the next scheduled meeting. Carried to the June 18<sup>th</sup> meeting with no further legal notices.

**Golden River Homes, Llc**  
11 Sunset Drive  
Block: 61 Lot: 16

**Calendar BOA 14-61-16**

As there are not enough voting members applicant requests to be carried to the next scheduled meeting.

Mr. Mills (opposing attorney) said that the June date might be a problem for him and if needed, asked the applicant to carry to the July 23<sup>rd</sup> meeting date. Meeting date yet to be determined but will be carried with no further legal notice.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Mary Ann Fasano".

Mary Ann Fasano  
Transcribing Secretary