

BOA

MENDHAM TOWNSHIP BOARD OF ADJUSTMENT
MEMORANDUM

- TO: Environmental Commission Township Planner
 Fire Official Township Environmentalist
 Historic Preservation Committee Fire Chief
 Tree Protection Committee Building Dept.

Re: Case # 8-23 Block/Lot 127/119
Application received: July 28, 2023
Applicant: Kenigal / Zarw
Property: 3 Old Orchard Terrace

This matter is being reviewed for completeness by the Township Engineer.

TYPE OF DOCUMENTATION/PLANS ATTACHED TO THIS REVIEW SHEET:

1. Application
2. Engineering (site) drawings
3. Architectural plans
4. Other

I have reviewed the referericed application and:

1. I have no comments: _____
2. I submit the following comments:

Please see the attached.

Signature: Janet De Meo Date: 9/1/2023

PLEASE RETURN TO THE BOA SECRETARY AT YOUR EARLIEST
CONVENIENCE

Mendham Township Environmental Commission

Response to Application BOA #8-23

3 Old Orchard Terrace

Upon discussion among our members, we have the following comments about this property.

- The previous variances in 2000 and 1989 were granted to allow building a house on an undersized lot. Their inclusion in this application is irrelevant as it is unrelated to the current requests for steep slope and FAR variances.

- The proposed disturbance of the steep slope area as provided on the plans are:

Category	Proposed Disturbance	Maximum Allowed
10-15%	58.4%	25%
15-25%	60.4%	15%
>25%	69.6%	5%

- Each of the Areas of Proposed Disturbance significantly exceed the Maximum Allowed. The steepest slopes >25% are the most egregious offenders of the legal limitations, being almost **14** times the allowable disturbance.
- The 15-25% Category is also exceeded by more than **4** times the Maximum Allowed and the 10-15% Category is exceeded by more than **2.3** times the Maximum Allowed.
- The NJDEP Letter of Interpretation dated April 4, 2022 identifies wetlands and wetlands transition areas along two sides of the property. These were identified as priority wetlands because they drain to the Passaic River Basin. With the additional restriction of those areas, the usable lot size is reduced an additional percentage in an already undersized lot.
- Although the property was overgrown and unsafe to walk through, Google maps shows a large pond on an adjoining lot(s), most likely Lot 114 and possibly Lot

113. This pond would most likely be affected by any development especially because of the disturbance of steep slopes and the amount of proposed impervious coverage.

- The FAR variance request exceeds the allowance by about 6%. However, the proposed lot coverage is egregiously excessive at 10,869 sq. ft. These impermeable surfaces are comprised of the dwelling, driveway, rear patio, walk, steps, pool, front walk, AC, generator, and utility pads. And the undersized lot is further reduced by the wetlands and wetland transition areas.
- Steep slope regulations are in place for a reason. Storm water runoff is an increasingly growing issue and priority, and development exacerbates it. Impermeable surfaces, including home and driveway footprints but also grass, instead of natural cover, increases runoff, and here it would do so on slopes, aggravating soil erosion and soil loss. There would be less absorption and recharge of underground water for wells, in effect creating a “drought” for wells while simultaneously increasing surface runoff.
- The description for Item 35 on the Planning Board/Board of Adjustment Application Checklist states, “Environmental Impact Study as required by Chapter XVII of the Land Use Ordinance.” However, NA was checked by the applicant. For all the reasons mentioned above, it appears imperative that an EIS should be mandatory with this application.
- The Environmental Commission does not support this application as presented.

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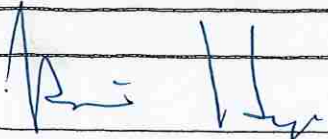
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Tree Committee requests that trees to be removed be marked, followed by a visit by tree committee + possible request that a landscape plan be submitted for approval.

Brian Hays, chairman

Signature:  Date: 8.4.2023

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Fire Marshal

I have reviewed the referenced application and:

1. I have no comments: _____
2. I submit the following comments: _____

Fire Hydrant shall be within 400 ft of
Property line Per NJ RSTIS

Wendy Parrinello

From: Melissa S <melissasaharko@gmail.com>
Sent: Thursday, August 10, 2023 6:29 PM
To: Wendy Parrinello
Subject: Re: BOA Application for Bulk/Use Variance - 3 Old Orchard Terrace

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Wendy,

The HPC has no comment.

Thanks,
Melissa

On Tue, Aug 1, 2023 at 9:37 AM Wendy Parrinello <wparrinello@mendhamtownship.org> wrote:

Good Morning,

Please be advised that an application for a Bulk Variance and Use Variance has been submitted to the Board of Adjustment – 3 Old Orchard Terrace, Block 127 Lot 119. I have put the application/plans in your mailbox. Kindly return your comments to me as soon as possible and feel free to reach out with any questions.

Thank you,

Wendy

Wendy Parrinello

Department of Health & Board of Adustment

Communications

Township of Mendham

P.O. Box 520

2 West Main Street

