

STAFF REPORT COMMENTS

Address: 206 Oak Ridge Avenue

Application: ZB-22-2146– (c) – variance for steep slope to install pool

	<u>No Comments</u>	<u>Report Attached</u>	<u>Not Submitted</u>	<u>No Objections</u>	<u>Not Required</u>
Christa Anderson, Zoning Officer		✓			
Eric Evers, Director/Fire Chief		✓			
Steven Zagorski, Police Chief					
Engineering Division		✓			
Ralph Maritato, Construction Official		✓			
John Linson, City Forester		✓			
Board of Health	✓				
Historic Preservation Commission			✓		
City Planner-Burgis (if required)					✓
Environmental Commission (if required)			✓		

Sent to applicant / attorney on: _____

(circle one)

Due Back: _____

COMMUNITY SERVICES

TO : Zoning Board members
FROM : Christa Anderson, Zoning Officer *CA*
DATE : September 6, 2022
SUBJECT : Zoning Board application #ZB-22-2146
206 Oak Ridge Avenue; Robert Mitchell
Steep slope variance to regrade the rear yard, install a pool and patios
COPY TO: File

The application is filed as a direct application having no prior zoning review. The applicant proposes to regrade the rear yard in order to install an inground pool with patios and to reconfigure the existing patio nearest the house. The applicant has provided an existing conditions topographic survey prepared by Wayne F. Holman, PLS, of Apgar Associates dated September 29, 2021, and 8 sheets of grading and landscaping plans prepared by John Olivo, LLA, of Bosenberg Landscape Architecture dated April 19, 2022. Based on the requirements of the Schedule of Space Regulations for the R-15 Zone wherein the property is located, I have confirmed that all requirements of the Schedule of Space Regulations are conforming.

It appears that the reconfigured "patio" nearest to the house is more than 1 foot above grade at points around the perimeter which makes the raised patio a deck by definition. Nevertheless, the proposed building coverage is conforming.

I concur that a variance is required only for steep slope disturbance. The applicant is strongly urged to provide an exhibit showing the steep slope areas with the proposed work superimposed over the steep slopes for ease of understanding.

The applicant should provide testimony as to the proposed gate opening in the pool fence closest to the rear property line. The gate is not permitted to swing out over the property line into the adjacent property to the rear. It would appear that usage of the gate will necessitate trespassing onto the neighbor's property.

The applicant is reminded that the ordinance requires pool equipment to be provided with "Constructed enclosures composed of solid fencing and/or walls shall provide year-round screening of all mechanical and pool equipment within six (6) feet of the equipment" per Section 9.9.P.6. The required enclosure is not shown on the plans but will be required should the application be approved.

The applicant has not provided a lighting plan by which to verify that contemplated landscape or other site lighting will conform.

Should the application be approved, the applicant is hereby noticed to read the Zoning Board resolution of approval making note of all conditions to be met. It is the applicant's responsibility to take action necessary to meet the stated conditions prior to submitting a construction or grading permit application. Failure on the part of the applicant in meeting all of the memorialized conditions of approval will unnecessarily delay approval of the construction permit and/or grading permit applications.

Copy To:	
<input type="checkbox"/> PL/Zoning Chm./Atty.	<input type="checkbox"/> Applicant
<input type="checkbox"/> Boards Members	<input type="checkbox"/> Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer
 Eric Evers, Director/Fire Chief
 Andrew Bartolotti, Police Chief
 Engineering Division
 Burgis Associates (if applicable)

Ralph Maritato, Construction Official
 John Linson, City Forester
 Health Department
 Tom Conway, Chair, HPC
 Environmental Commission (if applicable)

FROM: Chris Nicola, Land Use Assistant, DCS

DATE: August 19, 2022

LOCATION: 206 Oak Ridge Avenue **BLOCK:** 4803 **LOT:** 2

APPLICATION: Robert Mitchell **FILE NO.:** ZB-22-2146

PROJECT: (c) – variances for steep slope

Attached is a copy of the plans and application for the subject property. Please review this proposal and return a copy of this memo with your comments prior to the date indicated below.

Attach additional pages or reports, if necessary.

Please respond by: **September 9, 2022** (Please email cnicola@cityofsummit.org if you are unable to meet this date.)

COMMENTS:

Build to code _____

Eric P. Evers

Fire Chief

August 24, 2022

DO NOT WRITE BELOW THIS LINE, PLEASE

____ Zoning; ____ Fire; ____ Police; ____ Engineer; ____ Construction Official; Forestry; ____ Board of Health; ____ HPC

Copy To:

⊖ PL/Zoning Chm./Atty. ⊖ Applicant
⊖ Boards Members ⊖ Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer
Eric Evers, Director/Fire Chief
Steven Zagorski, Police Chief
Engineering Division
Burgis Associates (if applicable)

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COMMENTS: No Objections

Sgt Charles Daly Traffic Sergeant 8/22/22
(NAME) PRINT PLEASE (PRINT TITLE) (DATE)

Memorandum

To: Zoning Board

From: Christopher L. Dour, P.E., P.P.

Date: September 14, 2022

Subject: 206 Oak Ridge Avenue
Block 4803, Lot 2
Summit, Union County, NJ

Summit No.: ZB-22-2146

We have reviewed the application and associated submissions prepared by Nicole Magdziak, Esq. of Day Pitney, LLP for Robert Mitchell, Applicant, for the subject property as referenced below:

- a. Attorney Cover Letter- Application Submission, consisting of two (2) pages, prepared by Nicole M. Magdziak of Day Pitney, LLP, signed, dated June 8, 2022;
- b. Application Checklist-Bulk Variance dated 6/8/2020;
- c. Application for Development-Worksheet, signed, dated 6/8/2020;
- d. Application to Zoning Board of Adjustment w/Proposal-Bulk Variance Approval, dated June 8, 2022;
- e. Tax Payment Status Certification dated March 18, 2022;
- f. Application for a Certified List of Property Owners dated 3/31/22;
- g. Location and Topographic Survey of Lot 2 Block 4803, 206 Oak Ridge Avenue, City of Summit, Union County, New Jersey", prepared by Wayne F. Holman, PLS of Apgar Associates, signed, dated September 29, 2021; and
- h. Landscape Architectural Plan entitled, "Variance Plan for the Mitchell Residence, 206 Oak Ridge Avenue, Summit, New Jersey, Union County, Block 4803 – Lot 2", consisting of eight (8) sheets, prepared by John A. Olivo, LA of Bosenberg Landscape Architecture, signed, dated April 19, 2022 with Sheets L101 and L-103 certified by Paul D. Fox, PE of Apgar Associates for "Stormwater Calculations and Steep Slope Analysis Only".

Based on our review of the above-referenced documents, this office offers the following comments:

1. The 25,018-square foot (0.57-acre) property is located on the south side of Oak Ridge Drive approximately 270-feet east of the intersection with Surrey Road.
2. The property is located in the R-15 Zone, with properties to the north, east and west in the same Zone. To the south is Union County Park Commission in the R-43 zone.
3. The property is rectangular in shape with approximately 120-feet of frontage along Oak Ridge Avenue, an average depth of 198-feet and a rear width of approximately 133-feet.
4. The Applicant has submitted an existing conditions plan based on a survey conducted on September 29, 2021. The property is improved with a one-story single-family home, slate patios, paved drive, walkways, and related site improvements. The Applicant shall provide confirmation in testimony that there has not been changes since the last survey,
5. Based on the existing conditions plan provided by the Applicant, there are steps and curbs that encroach into surrounding properties. Sheet L-100 of the Landscape Plans notes that these encroachments will be removed. However, Sheet L-101 notes a stone wall encroaching onto adjacent Lot 1, and the Applicant shall provide testimony.
6. The demolition, tree removal/preservation plan (Sheet L-100) shows part of the encroaching steps to be removed which lead to property of the Union County Park Commission. We request further information regarding the partial removal of the steps, and if there has been coordination with the Union County Park Commission.
7. The Applicant has submitted a separate Grading Plan on Sheet L-101. The property slopes down from the northerly property line (along Oak Ridge Avenue) to the southerly property line abutting the Union County Park Commission and from approximate elevations ranging from 400-feet to 370-feet. There are steep slopes noted on the plans on the southeast of the property primarily behind the residence.
8. On the grading plan, boulder retaining walls are proposed along the rear of the property in close proximity to the existing eight-inch sewer line. The sewer line is shown as ending without any connections to manholes toward the west property line. The proposed boulder wall has an embedment of approximately 10-inches. However, if there is an existing easement, then the wall will encroach horizontally into the easement. Therefore, the Applicant shall provide information regarding existing easements for the sewer line, the full location of the sewer line and all manholes and cleanouts. Stormwater pipes are noted crossing in close proximity to the sewer cleanout.
9. The Applicant notes, along the east (left) property line, that they are proposing a retaining wall "to slope with grade" but provides no top or bottom of wall elevations, or the distance from the property line. The retaining wall will be required to be setback from the property line to avoid any encroachment onto neighboring properties. The Applicant shall also revise the plans prior to final submission to the City and provide top and bottom of wall elevations. The Applicant shall provide testimony.

10. The Applicant is requesting a variance for steep slopes disturbance related to the installation of a pool and related patios, outdoor kitchen, fire pit, boulder retaining wall, and other related site improvements to the rear of the house. On Sheet L-103, Steep Slope Analysis/Stormwater Calculations, the Applicant notes a Steep Slope Disturbance of 3,771-square feet for slopes greater or equal to 15%, where the permitted area of steep slope disturbance is 1,000-square feet per the Ordinance. The Applicant shall provide confirmation in testimony that the proposed finished grades shall not exceed a slope of 3H:1V.
11. The Applicant notes a gate along the rear property line and shall provide testimony.
12. The Applicant is proposing to install drywells, trench drains, and related stormwater improvements to address stormwater runoff from the proposed improvements. The Applicant shall confirm in testimony.
 - The Applicant has proposed the installation of four (4) catch basins and a trench drain along the seat wall and HDPE pipes upstream of the proposed boulder walls in the rear yard that directs stormwater to an 8-foot diameter by 8-foot-deep drywell set in a 15-foot square by 15-foot-deep excavation proposed to be located in the rear yard along the easterly property line. The Applicant has provided the necessary calculations and noted that the drywell manhole will extend to grade and is lockable. The drywell shall be located a minimum of 10-feet from the property line.
 - The stormwater along the areas along the easterly and southerly property lines is not shown to be captured with the proposed drywell. The Applicant shall provide testimony regarding how the stormwater from these areas can be captured onsite, since the proposed slopes within these areas appear to be steeper than the existing.
 - The Applicant shall also provide testimony on the location of the outfalls for the drains behind the proposed retaining walls.
 - Soils testing, results and a recommendation shall be forwarded to the City for review and approval.
13. The Applicant is proposing no change to the existing Building Coverage, where the maximum permitted in the R-15 Zone is 18-percent. The Applicant to add the building coverage percentages to the zoning information table on Sheet L-001.
14. The Applicant is proposing to increase the existing Impervious Coverage 2,372-square feet from 6,175-square feet (24.7-percent) to 8,547-square feet (34.0-percent), where the maximum permitted in the R-15 Zone is 35-percent.
15. The Applicant notes, at time of the bid submission, that they will supply topsoil source and sample of topsoil, and we take no exception. The Applicant also notes that all other excess excavation material is to be removed from the site.

16. The Applicant has noted the location of the existing AC units, pool equipment and generator. All mechanical equipment shall comply with the Ordinance for setbacks and screening.
17. The Applicant notes a Limit of Disturbance of 9,223-square feet or 37-percent of the property.
18. The Applicant has provided an Erosion Sediment Control Details with notes for all measures to be in place for the entire duration of construction.
19. The Applicant has noted that they are proposing to remove seven (7) trees on the Demolition and Tree Removal Plan, Sheet L-100. The Applicant has provided a Landscape Plan and Planting Details. We defer to the City Forester for review and approval of the proposed improvements.
20. The Applicant shall properly remove all construction and demolition (C&D) debris per the Ordinance requirements.
21. The Applicant shall be aware of their responsibility to repair any damage to improvements within the City right-of-way including, but not limited to, curb and asphalt caused by construction activities associated with the installation of the improvements on the subject lot.
22. The Applicant shall remove all excavated and excess soil from the site and shall not use excess soils elsewhere on site.
23. The Applicant shall be aware that if stormwater runoff drainage problems occur on their property and/or neighboring properties because of the construction of the proposed improvements, it is the Applicant's responsibility to remedy that drainage issue.
24. As a condition of approval, signed digital plans shall be transferred to the City of Summit for use in updating the GIS database for the property. Coordination with the City's Engineering Department shall be the responsibility of the Applicant after the application is approved by the City and prior to the issuance of a Certificate of Occupancy.

The referenced application and plans provided, satisfy the engineering requirements for this variance application. **Should the Board approve the project, the approval may be subject to the issuance of a grading permit (Chapter 35, Article 15) and any required Board conditions.** The Applicant shall verify the need for a grading permit with the City which will not be issued until all conditions of the resolution of approval are satisfied.

If you have any questions or require anything further, please contact me.

CLD/lb

Copy To:		
⊖	PL/Zoning Chm./Atty.	⊖ Applicant
⊖	Boards Members	⊖ Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer
Eric Evers, Director/Fire Chief
Steven Zagorski, Police Chief
Engineering Division
Burgis Associates (if applicable)

Ralph Maritato, Construction Official
John Linson, City Forester
Health Department
Tom Conway, Chair, HPC
Environmental Commission (if Applicable)

FROM: Chris Nicola, Land Use Assistant, DCS

DATE: August 19, 2022

LOCATION: 206 Oak Ridge Avenue **BLOCK:** 4803 **LOT:** 2

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by:

COMMENTS: _____

Pool compliant fence and gates are required. Gates must be self-latching, self-closing and must swing out. Plans shall show all details for inground pool type and barrier requirements.

Ralph Maritato *Construction official.* *8/22/22*

(NAME) PRINT PLEASE (PRINT TITLE) (DATE)

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⊖	Boards Members	⊖	Applicant's Atty.

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COMMENTS: *No objection, but a suggestion that the applicant contract with a NJ Licensed Tree Expert to oversee the preservation of trees for the duration of the project.*

John Linson *Forester* *8/25/22*
(NAME) PRINT PLEASE (PRINT TITLE) (DATE)

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by:

COMMENTS: no comments

George Kardias HEHS 8/22/22
(NAME) PRINT PLEASE (PRINT TITLE) (DATE)