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Open Space & Stewardship
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MEMORANDUM

To: Zoning Board
From: Lauren A. Wasilauski, Open Space & Stewardship Director
Date: February 14, 2024
Re: BA-03-23: Kharrubi
Block 24001 Lot 37 (8 Route 518)
Bulk Variance

This office has reviewed the following materials and offers the comments below:

- Bulk Variance plan set, prepared by Bayer-Risse Engineering, Inc., last revised 12/1/2023 (10 sheets)
- Architectural Plans, prepared by Steven Considine, dated 7/18/2022 (14 sheets)
- Application package, date stamped 1/10/2024
- Letter from Evan Stampoulos, Montgomery Township REHS, dated 11/17/2023, 1 sheet
- Letter from Theodore Bayer, dated 12/1/2023, 2 sheets

A. Application overview

1. The Applicant proposes to develop the unimproved vacant property referenced above with a single-family dwelling.
 - a. The square footage of the proposed dwelling is not consistent in the application materials.
 - i. App. cover sheet: 1,179 SF (gross sq. footage of prop. bldg.)
 - ii. Bayer-Risse project desc.: 1,789 SF (footprint)
3,360 SF (floor area)
 - b. The Applicant has clarified via email of 2/14/2024 that the correct footprint is 1,789 Sf and gross floor area is 3,360SF.
 - c. The Applicant's professionals should revise any future plan sets submitted for conformance to ensure that all materials are consistent.
2. The property totals approximately 0.224 acres, located in the R-5 zoning district.

- a. There is discrepancy in the application materials regarding the lot size, and the Applicant's professionals should revise any future plan sets submitted for conformance to be consistent:
 - i. Application package cover sheet: 0.226 acres
 - ii. Zoning chart on sheet 3 of plan set: 0.272 acres
 - iii. Lot labels on sheets 3 & 4: 0.224 acres (net)
 - b. The Applicant has clarified that the correct acreage is 0.224 acres.
3. The Applicant is requesting variances for:
- a. Area and yard requirements: 0.224 acres where 5 acres are required
 - b. Lot width: 80.72' where 300' minimum is required
 - c. Lot frontage: 80.72' where 300' minimum is required
 - d. Lot depth: 176.54' where 500' minimum is required
 - e. Lot coverage: 29.12% where 15% maximum is permitted
 - f. Building coverage: 15.13% where 8% is permitted
 - g. Principal building front yard setback: 27.0' where 75' minimum is required
 - h. Principal building side yard setback: 11.0' where 75' minimum is required
 - i. Principal building rear yard setback: 80.5' where 100' minimum is required
 - j. Fence height limit: 6 feet requested where a maximum of 4 feet is permitted

B. Sidewalks and Pedestrian Circulation

1. Sidewalks are required on all public streets per Code Section 16-5.14C, with the exception of properties located in the MR zoning district:

“Except for all local, rural collector and scenic collector roads in the MR District, sidewalks shall be provided along all existing streets upon which all residential and nonresidential developments abut, unless specifically waived in certain locations by the reviewing municipal agency based upon good cause shown by the applicant, such as, but not limited to, the existence or proposal of alternate linkages for pedestrian movement and/or where other improvements are proposed to better facilitate the movement of people between the development and adjacent lands;”
2. The Applicant does not appear to propose a sidewalk along their frontage of Route 518.

C. Tree Planting and Landscaping

1. Tree Removal: Based upon aerial imagery obtained from NearMap, the Applicant cleared the lot of mature trees sometime between March 2021 and June 2021 – see image progression below from NearMap.

- a. The Applicant should provide testimony regarding the number and size of trees that were removed and the purpose of this clearing.



Figure 1: September 19, 2020 aerial image from NearMap showing mature trees on the subject property



Figure 2: March 15, 2021 aerial image from NearMap showing mature trees on the subject property

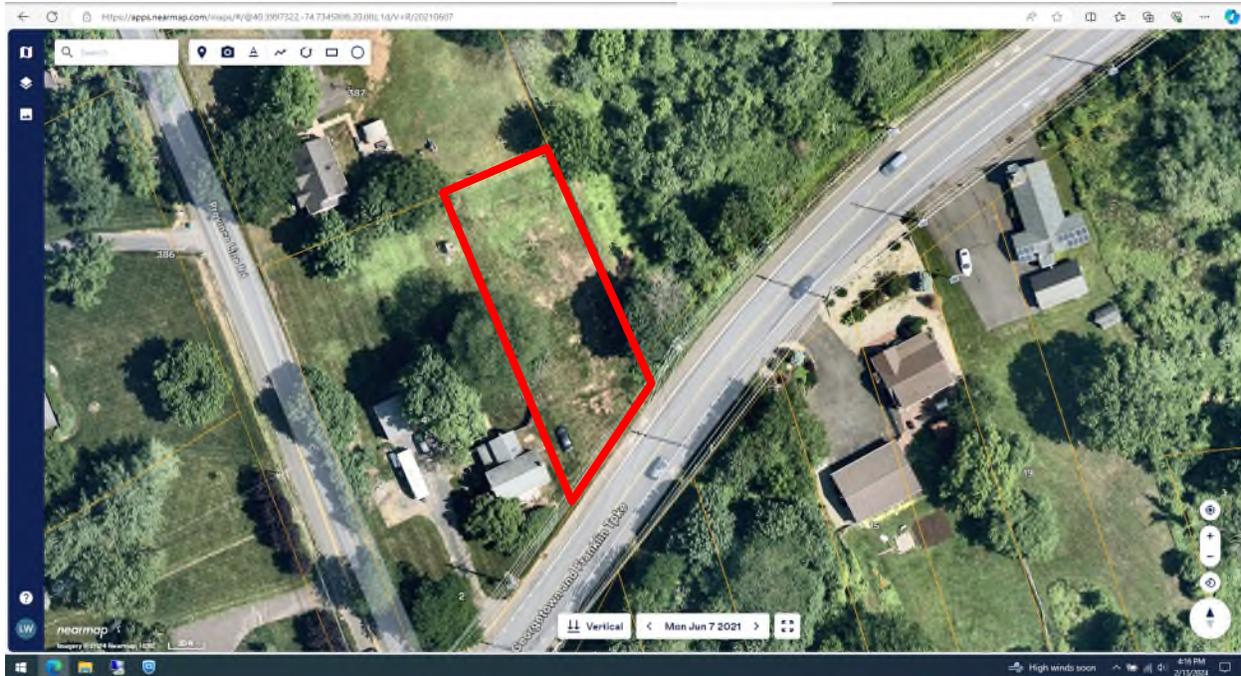


Figure 3: June 7, 2021 aerial image from NearMap showing a cleared lot

2. Shade Trees: 14 trees per acre are required for residential and non-residential development per Township Code Section 16-5.6d.3. Any trees proposed to meet the buffering and street tree requirements (described below) do not count toward meeting the shade tree requirement.
 - a. Based on the total area of 0.224 acres, the Applicant is required to plant four (4) trees.
 - b. The Applicant proposes to plant four (4) *Acer rubrum* ‘Red Sunset’.
 - c. The Applicant is seeking a waiver from this requirement to calculate based on area of disturbance, rather than gross tract area.
 - d. The Applicant also proposes to plant *Euonymus alatus* ‘compacta’ as a shrub. This plant is not a native species (as is required by Code Section 16-5.6.d.5), but is also invasive. This plant should be removed from the plans and substituted for a native species.
3. Street trees are required along all streets at 50’ intervals (Township Code Section 16-5.6.d.15). Based upon the lot frontage of 80.72’, two (2) street trees are required. Future plan sets should be revised to include these trees.
4. Landscape buffer screening is required by Code Section 16-5.6d.13.
 - a. Given the Applicant’s requested variances for side yard and rear yard setback, buffer screening should be provided to shield those adjacent neighbors.

5. Native plant species are required by Township Code Section 16-5.6.d.5. This office defers species review to the Board Landscape Architect.
6. All plant materials must include a two (2) year guarantee as required by Township Code Section 16-5.6.d.10:

“All plant material shall be guaranteed for at least two (2) years from the date of landscape inspection for approval and any plant material that does not survive within that time period or is in poor condition based upon the opinion of the Township Landscape Architect shall be replaced by plant material of the same size and species at the expense of the developer.”

7. The Applicant should add deer protection to the tree and shrub protection details on sheet C-706. The Open Space Committee and Shade Tree Committee have the best outcomes when using 4’ high weld wire fencing and wooden stakes around each plant.

D. Lot Coverage / Impervious Coverage

1. The Applicant proposes lot coverage of 29.12% where a maximum of 15% is permitted.
2. This office does not support the requested variance. This office would be interested to see a development proposal for the property that would comply with the lot coverage regulations.
3. Montgomery increasingly faces flooding during storm events, and the Applicant is proposing an exceedance of the allowable lot coverage which will only exacerbate the problem.
 - a. This office defers review of the proposed stormwater management facilities to the Board Engineer to determine their adequacy, and whether they comply with State and local requirements.
4. The Applicant should consider additional tree planting to mitigate for the lot coverage variance requested, as well as to mitigate the loss of the mature trees that were removed. Mature trees are estimated to store between 4,000 to 10,000 gallons of stormwater per year. The four replacement trees proposed by the Applicant will take decades to reach this same potential.

E. Lighting

1. Any exterior lighting should be minimized. If lighting is proposed, it should be directed downward and shielded to the greatest extent possible to minimize spillover into surrounding areas.



2. Any exterior lighting should use a color temperature no greater than 3000K, but preferably no greater than 2700K.
3. The impacts of too much light at night (particularly “blue” or short wavelength lighting) have been documented to negatively impact human health, as well as wildlife and insects.
 - ii. Princeton University’s Office of Sustainability recently released a short documentary detailing these negative impacts:
<https://www.youtube.com/watch?v=FW0WZX75Nmo>