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MEMORANDUM

To: Zoning Board
From: Lauren A. Wasilauski, Open Space & Stewardship Director
Date: February 22, 2024
Re: BA-09-23: George Thomas
Block 30001 Lot 16.13 (26 Blue Heron Way, Skillman)
Bulk Variance

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

- Variance Plan, prepared by Van Cleef Engineering Associates, LLC, last revised 1/29/2024 (1 sheet)
- Plan of survey, prepared by JT Surveying, LLC, dated 5/23/2023 (1 sheet)
- Architectural plan, prepared by Kevin C. Roy, dated 2/27/2023 (1 sheet)
- Application package, date stamped 2/2/2024
- Stormwater Management Facility Soil Testing Results Narrative, prepared by Van Cleef Engineering Associates, LLC, dated 11/16/2023 (5 pages)

A. Application overview

1. The Applicant proposes to add a 72SF kitchen addition to an existing single-family dwelling at 26 Blue Heron Way.
2. The property totals approximately 1.000 acres, located in the R-5 zoning district, but subject to the R-1 requirements per the zoning chart on the Variance Plan.
3. The Applicant is requesting variances for:
 - a. Lot coverage: 27.2% where 15% maximum is permitted
 - b. This office does not support the requested variance.

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. There is existing sidewalk along the Applicant’s property frontage. The Applicant should be aware that if the sidewalk is damaged during the course of construction, it should be repaired to the satisfaction of the Township Engineer or their designee, per Code Section 11-5.2.c.3.

C. Tree Planting and Landscaping

1. Tree Removal: It does not appear that the Applicant proposes any tree removal.
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 1.000 acres, the Applicant is required to plant fourteen (14) trees.
 - b. The Applicant does not appear to propose any tree planting and no additional variances or waivers are requested in the application package.
 - c. Given the Applicant’s request for a lot coverage variance far in exceedance of the maximum permitted, the Applicant should plant trees as mitigation for the lot coverage variance, if granted.
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 150.00, three (3) street trees are required. The existing street trees shown on the NearMap image of September 17, 2023 appear to fulfill this requirement.
4. Landscape buffer screening is required by Code Section 16-5.6d.13.
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 for any proposed plantings. 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 27.2% 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 Township's lot coverage regulations.
 - a. If the Applicant feels it's imperative to add the kitchen addition, some of the existing impervious coverage should be removed.
 - b. Pervious brick pavers could be utilized instead of the existing brick pavers.
 - c. The existing driveway area could be reduced or changed to pervious asphalt.
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. The Applicant proposes no stormwater management facilities as mitigation for the lot coverage exceedance.
 - b. The application package states that the property in its existing condition (already exceeding the lot coverage maximum) has existed without change for years and has no “reported adverse impacts to neighbors or the community.”
 - c. The Stormwater Management Facility narrative details that two soil logs failed infiltration testing for permeability and shallow depth to groundwater. This inability for stormwater to permeate into the ground onsite is further proof that mitigation is needed onsite, as the stormwater will run off in the property's existing condition, and even more so with a higher percentage of impervious cover.

- d. “We all live downstream” is a common slogan in the environmental community used to raise awareness that your actions impact others, and likewise that the actions of others can impact you and your property.
4. The Applicant should consider installing rain barrels on their downspouts and use the water for their landscaping.
5. The Applicant should consider tree planting to mitigate for the lot coverage variance requested. Mature trees are estimated to store between 4,000 to 10,000 gallons of stormwater per year. Any replacement trees proposed by the Applicant will take decades to reach this potential, but would allow for some stormwater to be absorbed onsite.
 - a. A minimum of two (2) trees should be planted, but more is recommended.

The Applicant exceeds the allowable lot coverage by 5,298SF.

$43,560\text{SF} \times 15\% = 6,534\text{SF}$ permitted

$11,832\text{SF (proposed)} - 6,534\text{SF (permitted)} = 5,298\text{SF (exceedance)}$

$5,298\text{SF} \times 14 \text{ trees/acre} = 1.7 \text{ trees} = 2 \text{ trees (rounded)}$

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>