



Berkeley Heights Environmental Commission
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MEMO

November 30, 2020

TO: Zoning Board of Adjustment

Subject: 129 Hamilton Ave., Block 1106 , Lot 8.02, R-15 Zone

Findings of Fact:

- Applicant proposes to construct an in-ground swimming pool with patio.
- Groundwater recharge is between 6 and more than 12 inches a year.
- Slope is between 3 and 8 percent.
- The rear of the property is in a riparian zone, and the pool may encroach on this zone.
- The property is in a 150-foot buffer to a wetland, a 50-foot buffer to a wetland and is apparently wetland at the rear of the property.
- Coverage for existing accessory items appear to be 11.14%, which exceeds the maximum of 10%.
- Proposed coverage for accessory items is 18.08%.
- Total existing and proposed building coverage is 11.88%, which is below the maximum allowed of 15%.
- Total existing impervious coverage is 23.02%, which is below the maximum of 25%.
- Total proposed impervious coverage is 29.96%, which is above the maximum of 25%.
- The area near the pool appears to be wooded.
- General Construction and Design & Grounds and Landscaping Considerations are included.
- DEP has adopted groundbreaking green-infrastructure rules to reduce pollution and flooding from stormwater runoff.
- Applications requesting variances are also requesting increases in impervious surface that exceed the maximum allowed. Unless efforts are made to retain stormwater runoff on properties, stormwater runoff can lead to increased flooding downhill.

Recommendations:

- In light of the possible encroachment on a riparian zone and the apparent wetland status and the total proposed impervious coverage, the Commission recommends that the application be denied.
- If the Zoning Board decides to approve the application, the Commission recommends the applicant obtain a Letter of Interpretation in compliance with N.J.A.C. 7:7A FRESHWATER WETLANDS PROTECTION ACT RULES.
- If the State of NJ approves the application, the Zoning Board should require that the applicant retain stormwater runoff on the property with green infrastructure. Disconnect any downspouts or sump pumps from the street and connect them to rain gardens or vegetative swales. Information on rain gardens can be found at http://water.rutgers.edu/Rain_Gardens/RGWebsite/rginfo.html.
- If any trees greater than 8"DBH are to be removed, the applicant shall apply for a permit.

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