



MEMORANDUM

**To: Chairman and Members of the
West Orange Planning Board**

**From: John J. Hess, PE, PP, CME
Planning Board Engineer**

Date: January 30, 2023

**Re: Application No. PB-22-08
William Cummings
Preliminary & Final Major Subdivision
with "C" Variances - Review #2
2 & 10 Ridge Road
Block 80.03, Lots 10 & 21
Our File: VWRP0080.01**

**CC: Paul Grygiel, AICP, PP - Township Planning Director
Leonard Lepore, PE - Township Engineer
Diana McGovern, Esq. - Planning Board Attorney
William Cummings - Applicant
Lisa A. John-Basta, Esq. - Applicant's Attorney
Robert Freud, PE - Applicant's Engineer**

Our office has received for review the following documents which were submitted in support of the above referenced application for Minor Subdivision approval with "C" Variance:

- A set of Preliminary and Final Subdivision plans (14 sheets) prepared by Robert P. Freud, PE with Dynamic Engineering of Lake Como, New Jersey and bearing a latest revision date of January 13, 2023.
- A print of an unsigned Final Subdivision Plan (1 sheet) prepared by Craig Black, PE, PLS and James A. Conway, Jr., PLS with Dynamic Survey, LLC of Newtown, Pennsylvania dated September 29, 2022.
- A Stormwater Management, Groundwater Recharge and Water Quality Analysis report prepared by Robert P. Freud, PE, PP and bearing a latest revision date of January 2023.
- A Stormwater Management Operation and Maintenance Manual prepared by Robert P. Freud, PE, PP dated January 2023.
- A Report of Preliminary Geotechnical and Stormwater Basin Area Investigation prepared by Patrick Granitzki, PE and Francis Van Cleve, PE with Dynamic Earth of Chester, New Jersey dated June 8, 2022.
- An Environmental Impact Statement prepared by Robert P. Freud, PE, PP and bearing a latest revision date of January 2023.



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- A Planning Report prepared by Robert P. Freud, PE, PP and bearing a latest revision date of January 18, 2023.
- A Preliminary List of Variances & Waivers dated January 2023.
- An Exposed Rock Face Review letter prepared by Patrick J. Granitzki, PE and Janitha Batagoda, Ph.D. dated December 12, 2022.
- A copy of a January 19, 2023 letter from Robert P. Freud, PE, PP and Ryan Ward, PE, PMP to the Township of West Orange Planning Board which addresses the comments in our September 27, 2022 review memorandum and the Planning Director's review memorandum dated August 29, 2022

In addition to the above, our office previously received the following information as part of the original submission for this application:

- A print of an ALTA/NSPS Land Title Survey (1 sheet) prepared by James A. Conway, Jr., PLS with Dynamic Survey, LLC of Lake Como, New Jersey dated May 11, 2022.
- A Traffic Impact and Parking Assessment prepared by Justin Taylor, PE, PTOE, LEED AP and Nick Verderese, PE, PTOE with Dynamic Traffic of Lake Como, New Jersey dated August 5, 2022.
- A Stormwater Management, Groundwater Recharge and Water Quality Analysis report prepared by Robert P. Freud, PE, PP dated August 22. Included with the report is a set of Drainage Area Maps (2 sheets) dated July 27, 2022.
- A completed Application Form.
- A completed Application for Tree Removal and Replacement dated August 15, 2022.
- A completed Site Plan/Subdivision Checklist.
- A Preliminary List of Required Regulatory Approvals dated August 2022.
- A Buffer Report which lists the owners of property within 200 Feet of lots 10 & 21, block 80.03 from the Office of the Tax Collector dated August 3, 2022.
- A copy of a Verification of Taxes & Sewer Charges Paid for Block 80.03, Lot 10 dated August 17, 2022.
- A copy of a Verification of Taxes & Sewer Charges Paid for Block 80.03, Lot 21 dated August 17, 2022.

We have reviewed the information submitted in support of this application and offer the following comments:



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A. PROJECT DESCRIPTION

The property in question is an irregularly shaped tract which is located on the southeast corner of the intersection of Ridge Road and Mount Pleasant Avenue. It is located in the R-1 Residential District and has an area of 552,878 sf or approximately 12.69 acres. The property is currently vacant with the exception of remnants of prior development such as a brick path, rock walls and drainage improvements. We note that Ridge Road is a 30 ft wide private drive. In addition, areas of steep slope, including a rock cliff face, exist along portions of the site.

The Applicant is seeking Preliminary & Final Major Subdivision approval to subdivide the property into four (4) new lots. The new lots will have areas which vary from 2.28 acres to 3.89 acres. The proposed homes will be located toward the middle of the property with driveways having lengths of approximately 250 ft to 350 ft providing access to Ridge Road. In addition, a bioretention basin is proposed on each lot between Ridge Road and the dwelling to mitigate the stormwater impacts from the development of the lot.

B. WAIVERS AND/OR EXCEPTIONS FROM THE RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS)

This application is subject to the requirements of the Residential Site Improvement Standards (RSIS) adopted as N.J.A.C 5:21-1, et seq.

1. The Applicant has not requested any *de minimis* exceptions from the RSIS.
2. The Applicant has not requested any waivers from the RSIS.

C. DESIGN COMMENTS

1. Based on our review, we find that the following item from the Township's Site Plan/Subdivision Checklist and Land Use Regulations must be addressed:
 - a) As required by §25-51.16 of the Land Use Regulations, the Applicant shall complete a Sustainability Checklist form as a completeness item.
2. The Applicant has requested the following waivers:
 - a) Item #43 – New block and lot numbers confirmed with local assessor or municipal designee.
 - b) Item #44 – Lighting plan & details.
 - c) Item #52 – Plans and legal documents for compliance with West Orange COAH Ordinances.
 - d) From the submission of a Tree Expert's Report as required by §25-27.5 of the Land Use Regulations.



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- e) From the submission of a Planting Plan & Schedule as required by §25-51.5.r of the Land Use Regulations.
 - f) From the submission of a detailed geotechnical analysis as required by §25-28.7.b of the Land Use Regulations.
3. The Final Subdivision Plan must be revised to address the following items:
- a) The Final Subdivision Plan must be signed by the licensed land surveyor preparing same.
 - b) The coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the plan.
 - c) The record holder of title certification shows that William Cummings is the Owner/Applicant. However, General Note #1 shows that William Cummings is the Applicant and Mountain Resources Corp. is the Owner. This discrepancy must be resolved.
 - d) The plan shows a tree clearing line which does not agree with the information shown on the Preliminary and Final Subdivision plans. This discrepancy must be resolved.
 - e) The plan shows a "possible deed gore" near the southeast corner of proposed lot 3. The impacts of the possible deed gore on the proposed subdivision must be clarified.
 - f) The Final Subdivision Plan shows two (2) sets of bearings and distances for the various courses along the outbound of the tract. The Applicant should clarify the source of the differing information and which bearings and distances are correct.
 - g) As required by the Map Filing Law, monuments must be set at each intersection of the outside boundary of the whole tract with the right-of-way line of any side of an existing street. In addition, monuments must be set at intermediate points in the sidelines of a street where the street deviates deflects from a straight line or the line of sight is obscured by a summit or other obstructions.
 - h) As required by the Map Filing Law, the plan must include a certificate by the Planning Board Secretary stating that the proper authority has approved the map, that the map complies with the provisions of the Map Filing Law and the date by which the map is required to be filed by the applicable law.
 - i) The error of closure must be noted on the plan.
 - j) All non-radial lot lines shall be labeled.
 - k) The proposed street address for each new lot must be shown on the plan.



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- l) The Applicant must demonstrate that the proposed block and lot numbers and street addresses have been approved by the Tax Assessor.
4. It states on the plans that Ridge Road is a 30 ft wide private drive. Therefore, the Applicant should address the Board regarding the ownership of Ridge Road. In addition, the Applicant must demonstrate that they have the right to use Ridge Road to access the proposed subdivision. In their January 19, 2023 letter, Messrs. Freud and Ward state that Deed Book 103, Page 431 from 1944 provides for equal access to the owners of the land to the 30 ft wide right-of-way. A copy of this deed must be submitted to the Planning Board and our office.
5. It shows on the Final Subdivision Plan that 15 ft of the 30 ft wide private drive is located on the property in question. Therefore, the front property line is also the centerline of the 30 ft wide private drive. It shows on the Final Subdivision Plan that the 40 ft front setback line on each proposed lot is measured from the front property line. As a result, the actual front setback will be only 25 ft from the edge of the 30 ft wide private drive.
6. It shows on the Final Subdivision Plan that an existing 25 ft wide roadway easement extends to the west of the property line along Ridge Road. This roadway easement is different from the 30 ft wide private drive. Therefore, a copy of the 25 ft wide roadway easement should be submitted to the Planning Board and our office.
7. As required by §25-27.8.g, to the greatest extent possible, for each tree removed having a DBH of four inches to no more than six inches the Applicant shall plant a major or minor tree. In addition, to the greatest extent possible, for each tree removed having a DBH of more than six inches the Applicant shall plant a major tree. The Applicant should address the Board regarding their plans to comply with this requirement.
8. The plans show that the proposed homes will now be located towards the center of the site. Our office is concerned with locating the proposed homes towards the middle of the site. It is our recommendation that the homes be located closer to Ridge Road and the easterly portion of the site be deed restricted to prevent future development which could adversely impact the steep slope areas.
9. The proposed project will result in the disturbance of more than 1 acre of land. As a result, the project is classified as a Major Development which requires that the project be designed to meet the stormwater runoff quality, quantity and groundwater recharge standards using green infrastructure. We note that the property in question is located in an Urban Redevelopment Area. As a result, the groundwater recharge standards do not apply.
10. The Stormwater Management, Groundwater Recharge and Water Quality Analysis does not include the referenced Drainage Area Maps. Therefore, our office is unable to perform a detailed review of the latest stormwater report.



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11. The Applicant proposes to install a bioretention basin on each lot to mitigate the stormwater impacts from the proposed development. The bioretention basins are designed with underdrains. The runoff entering the bioretention basins will infiltrate through the soil bed to the underdrain system and will be discharged at a controlled rate through an outlet control structure. It shows on sheet 7 that the discharge from each basin will be piped towards the rear of the site. The flow from the basins on new lots 1, 2 & 3 will discharge to an existing 15" x 15" culvert. The combined flow will then overland flow towards a steep slope on the easterly side of the property where it will discharge towards Mount Pleasant Avenue. The Applicant must demonstrate that this flow will not have any deleterious effects on the steep slope area.
12. The discharge from the basin on lot 4 will discharge to the northeast towards a rock retaining wall adjacent to Mount Pleasant Avenue. The Applicant must demonstrate that this flow will not have any deleterious effects on the slope or the rock retaining wall.
13. Sheet 10 includes a profile of the storm sewer from Storm MH #32 to the proposed FES. The plans must be revised to include profiles of the pipes from the proposed Outlet Control Structures at Basins A, B & C to the storm sewer and from Basin D to the FES.
14. Section B of the Stormwater Management Operation and Maintenance Manual must be revised to show that the Municipal Engineer is Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS.
15. The Stormwater Management Operation and Maintenance Manual and any future revisions must be recorded upon the deed of record for each property on which the maintenance described in the plan must be undertaken. Prior to recording, the form of the deed must be approved by the Planning Board Attorney and our office.
16. The Applicant should address the Board regarding their plans to install sidewalks along the frontage of the new lots to provide pedestrian access to Mount Pleasant Avenue.
17. The plans should be revised to install a stop sign, stop bar and crosswalk on Ridge Road at the intersection with Mount Pleasant Avenue.

The Applicant is hereby advised that any revised plans or other documents submitted to the Board should be accompanied by a cover letter which addresses each of the comments in this review letter and also details any other changes that have been made to the plans as these may not be readily apparent.