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MEMORANDUM

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

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

Date: November 29, 2023

**Re: Application No. PB 23-11
Tompkins Realty LLC
Minor Subdivision with "C" Variances - Review #1
34 Tompkins Street
Block 7, Lot 12.02
Our File: VWRP0007.01**

**CC: Paul Grygiel, AICP, PP - Township Planner
Leonard Lepore, PE - Township Engineer
Geniece Gary-Adams - Zoning Official
Diana McGovern, Esq. - Planning Board Attorney
Tompkins Realty LLC - Applicant
Richard S. Schkolnick, Esq. - Applicant's Attorney
David J. Von Steenburg, PLS - Applicant's Surveyor
Frank D. Mileto, RA, PP - Applicant's Architect
Lisa Phillips, PP - Applicant's Planner**

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" Variances:

- A print of a Minor Subdivision plan (1 sheet) prepared by David J. Von Steenburg, PLS with Morgan Engineering Associates & Surveying of Toms River, New Jersey dated August 28, 2023.
- A print of an architectural plan (1 sheet) prepared by Frank D. Mileto, RA, PP of Long Valley, New Jersey dated May 9, 2023.
- A print of a Survey of Property (1 sheet) prepared by David J. Von Steenburg, PLS dated December 8, 2021.
- A Planner's Report prepared by Lisa Phillips, PP dated October 13, 2023.
- An October 13, 2023 letter from Richard S. Schkolnick, Esq. to the West Orange Planning Board which describes the proposed application, sets forth the pre-existing conditions at the site and lists the variances that are requested by the Applicant.
- A completed Application Form dated October 7, 2023.
- A completed Site Plan / Subdivision Checklist.



Chairman and Members of the West Orange Township Planning Board
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- A Sustainability Checklist Form.
- A Verification of Taxes & Sewer Charges Paid from the Office of the Tax Collector dated September 5, 2023 which states that the taxes are paid until the 3rd Quarter of 2023 and the 2023 sewer charges are paid in full.
- A copy of a List of Owners within 200 Feet of lot 12.02, block 7 from the Office of the Tax Collector dated September 28, 2023.

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

A. PROJECT DESCRIPTION

The property in question is a rectangular thru lot which fronts on the easterly side of Tompkins Street and the westerly side of Stockman Street. It is located in the R-M Residential Zone and has an area of 4,098 sf (0.094 acres). The property is currently occupied by a 2½ story two-family dwelling and a detached garage. We note that the existing garage is proposed to be removed

The Applicant is seeking Minor Subdivision approval with "C" variances to permit the property to be subdivided into two (2) new lots. New lot 12.02-A will have an area of 2,584 sf (0.059 acres) and will contain the existing 2½ story two-family dwelling while new lot 12.02-B will have an area of 1,514 sf (0.035 acres). The Applicant proposes to construct a 3-story two-family dwelling on new lot 12.02-B. Each unit will have 2 bedrooms and 1½ baths with parking for 2 vehicles in a garage on the ground level. The Applicant also proposed to construct a 19 ft x 18 ft paver parking area in front of the existing dwelling on new lot 12.02-A.

B. VARIANCES AND/OR WAIVERS FROM LOCAL ORDINANCES

1. Please refer to the report from the Township Planner, Paul Grygiel, PP, for a discussion on the required variances for this application:
2. Based on our review, we find that the following items from the Township's Site Plan/Subdivision Checklist must be addressed:
 - a) Item #14 – *Affidavit of ownership.*
 - b) Item #23 – *List of required regulatory approvals or permits.*
 - c) Item #35 – *Drainage Calculations (if deemed necessary by Planning Board).*
 - d) Item #36 – *Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric & cable TV.*
3. The Applicant has requested the following waivers:
 - a) Item #4 – *A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500'.*



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- b) Item #20 – *Copy and/or delineation of any existing or proposed deed restrictions or covenants.*
- c) Item #25 – *Requested or obtained design waivers or exceptions.*
- d) Item #38 – *Soil Erosion and Sediment Control Plan* (We note that this is not required for a minor subdivision application).
- e) Item #39 – *Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations* (We note that this is not required for a minor subdivision application).
- f) Item #44 – *Lighting plan & details* (We note that this is not required for a minor subdivision).
- g) Item #45 – *Landscape plan and details prepared by a professional landscape architect* (We note that this is not required for a minor subdivision application).
- h) Item #46 – *Solid waste management plan* (We note that this is not required for a minor subdivision application).
- i) Item #47 – *Site identification signs, traffic control signs and directional signs* (We note that this is not required for a minor subdivision application).
- j) Item #48 – *Sight triangles.*
- k) Item #49 – *Vehicular and pedestrian circulation patterns* (We note that this is not required for a minor subdivision application).
- l) Item #52 – *Plans and legal documents for compliance with West Orange COAH Ordinances.*

C. DESIGN COMMENTS AND PLAT DETAILS

1. The Applicant should address the Board regarding whether this subdivision will be perfected by filing of the plat or by deed. We have performed our review based on the assumption that this subdivision will be perfected by filing of the plat..
2. As stipulated in the Municipal Land Use Law, the approval of this minor subdivision will expire 190 days after the date that the resolution of municipal approval is adopted unless within such period a minor subdivision plat or deed has been filed with the county recording officer, the municipal engineer and the municipal tax assessor.
3. The plan must be revised to show the name and address of the Applicant.
4. The Minor Subdivision plan must be revised to include a parking requirements table to demonstrate that the proposed parking for each dwelling complies with the requirements in the Residential Site Improvement Standards (RSIS).



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5. The coordinate base for the coordinate values shown on the plan, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the plan.
6. It shows on the plan that the Applicant proposes a side yard setback of 0.7 ft on the southerly side of the new dwelling on proposed lot 12.02-B and 2.3 ft on the northerly side. In addition, shrubs are proposed along the northerly side of the new dwelling. Our office is concerned regarding the ability for emergency personnel to access the rear of the new dwelling in case of a fire. The Applicant must demonstrate that the Fire Company is satisfied with the limited access that is proposed to the rear of the new dwelling.
7. It shows on the Zoning Requirements table on the plan that the new dwelling on proposed lot 12.02-B will comply with the maximum building height of 2½ stories. However, the architectural plan shows that the new dwelling will be 3 stories high. This discrepancy must be resolved.
8. It states on the plan that the existing dwelling is a single-family unit whereas it states in the Planner's Report prepared by Lisa Phillips, PP that the existing dwelling is a two-family unit. This discrepancy must be resolved.
9. It shows on the plan that the new dwelling on proposed lot 12.02-B will be 27.09 ft wide whereas it shows on the architectural plan that the building will be 27'-3" wide. This discrepancy must be resolved.
10. The Secretary's certification on the plan must be revised to add a statement that the proper authority has approved the map and the map complies with the provisions of the Map Filing Law.
11. Note #1 on the plan states that "This map is not a survey". The Applicant should clarify the intent of this statement as The Surveyor's Certification on the plan states that the plan is a survey.
12. The proposed street address for new lot 12.02-B must be shown on the plan.
13. Details of the following proposed improvements must be submitted to the Board:
 - a) Paver parking area.
 - b) Depressed concrete curb and apron.
 - c) Pavement restoration.
 - d) Landscaping.

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.