

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

MEMORANDUM

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

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

Date: June 11, 2024

**Re: Application No. PB-24-12
Estate of Rita Berman
Minor Subdivision - Review #1
17 Fairway Avenue
Block 179.03, Lot 9
Our File: 115.WRP0179.V02**

**CC: Geniece Gary-Adams – Zoning Official
Zayibeth Carballo, PE, PLS, PP – Municipal Engineer
Diana McGovern, Esq. – Planning Board Attorney
George Wheatle Williams, PP – Planning Board Planner
Estate of Rita Berman - Applicant
Alan G. Trembulak, Esq. – Applicant's Attorney
Richard J. Hingos, Jr., PLS – Applicant's Surveyor
John McDonough, 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:

- A print of a Minor Subdivision Map (1 sheet) prepared by Richard J. Hingos, Jr., PLS with Richard J. Hingos, Inc. of Upper Montclair, New Jersey and bearing a latest revision date of March 4, 2024.
- A completed Application Form dated April 30, 2024.
- An undated Proposal prepared by the Montclair Real Estate Law Group which describes the proposed application and sets forth the reasons why the requested relief should be granted.
- A Verification of Taxes & Sewer Charges Paid from the Office of the Tax Collector dated May 15, 2024, which states that the taxes on Lot 9, Block 179.03 are paid until June 31, 2024 and the 2023 sewer charges are paid in full.
- A Buffer Report from the Office of the West Orange Assessor dated April 8, 2024 which lists the owners of properties within 200 ft of Block 179.03, Lot 9.
- A Buffer Report from the Office of the Verona Assessor dated which lists the owners of properties within 200 ft of Block 179.03, Lot 9 in West Orange.



Chairman and Members of the West Orange Township Planning Board
Re: Estate of Rita Berman (PB-24-12)
Minor Subdivision – Review #1

June 11, 2024
Our File No. 115.WRP0179.V02
Page 2

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 tract located on the northeast corner of the intersection of Fairway Avenue and Barbara Avenue. It is located in the R-6 Zoning District and has an area of 15,939.99 sf or approximately 0.366 acres. The property is currently occupied by a 1½ story brick and frame dwelling with a concrete patio at the rear of the dwelling. The existing dwelling fronts on Fairway Avenue.

The Applicant is seeking Minor Subdivision approval to permit the property to be subdivided into two (2) new lots. New lot 9.01 will be a corner lot having an area of 9,459.88 sf and will contain the existing dwelling. We note that the applicant proposes to remove the existing concrete patio at the rear of the dwelling. In addition, new lot 9.02 will have an area of 6,480.11 sf and will be vacant.

B. DESIGN COMMENTS

1. Based on our review, we find that the following items from the Township's Site Plan/Subdivision Checklist must be addressed:
 - a) Item #11 – *Date of current property survey.*
 - b) Item #14 – *Affidavit of Ownership.*
 - c) Items #20 – *Copy and/or delineation of any existing or proposed deed restrictions or covenants.*
 - d) Item #23 – *List of required regulatory approvals or permits.*
 - e) Item #43 – *New block and lot numbers confirmed with local assessor or municipal designee.*
 - f) Item #52 – *Plans and legal documents for compliance with West Orange COAH Ordinances.*
2. As stipulated in Section 25-51.3 of the Land Use Regulations, the following items must be addressed:
 - a) All zoning boundaries within 200 ft of the site must be shown on the plan.
 - b) The tax map sheet number and filed map data, if applicable, must be shown on the plan.
 - c) Sewage disposal information for all proposed lots must be provided.
 - d) All existing structures and wooded areas within the subject property and within 200 ft of same must be shown.



Chairman and Members of the West Orange Township Planning Board
Re: Estate of Rita Berman (PB-24-12)
Minor Subdivision – Review #1

June 11, 2024
Our File No. 115.WRP0179.V02
Page 3

- e) All roadways within 500 ft of the subject property must be shown including the right-of-way limits as well as the approximate pavement locations.
 - f) All waterways within 500 ft of the subject property must be shown including the location, size and direction of flow.
 - g) The location of all easements, within the subject property and within 100 ft of same, must be shown.
3. A copy of the Survey upon which the Minor Subdivision Map is based must be submitted to the Planning Board.
 4. The Applicant should address the Board to clarify whether the minor subdivision will be perfected by the filing of the Minor Subdivision Map or by deed. We have performed our review based on the assumption that the subdivision will be perfected by filing of the Minor Subdivision Map.
 5. It shows on the Minor Subdivision Map that the existing concrete patio at the rear of the dwelling is to be removed. We note that the patio must be removed prior to the subdivision being perfected.
 6. The Minor Subdivision Plan shows an existing chain link fence which will be located on new lot 9.02. The Applicant should address the Board to clarify if the existing chain link fence will be removed.
 7. The Minor Subdivision Map must be revised to list the names and addresses of the property owner and the Applicant
 8. The Minor Subdivision Map must be revised to indicate date of the survey upon which it is based and the name of the surveyor preparing same.
 9. The Minor Subdivision Map must be revised to include a surveyor's certification that the map meets the minimum survey detail requirements of the State Board of Professional Engineers and Land Surveyors, the map has been prepared under the surveyor's supervision, the map complies with the requirements of the map filing law and the outbound corner markers have been found or set.
 10. The Minor Subdivision Map must include a Municipal Engineer's certification which states "I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of the Recordation Act, resolution of approval and applicable municipal ordinances and requirements".
 11. The Minor Subdivision Map must include a Planning Board Secretary's certification which states that the proper authority has approved the map, the map complies with the provisions of the Recordation Act and sets forth the date by which the map is required to be filed.



Chairman and Members of the West Orange Township Planning Board
Re: Estate of Rita Berman (PB-24-12)
Minor Subdivision – Review #1

June 11, 2024
Our File No. 115.WRP0179.V02
Page 4

12. The Minor Subdivision Map must include a property owner's certification which states that they approve the filing of the map. In addition, a line for the signature of a notary public must be added beneath the property owner's signature line.
13. A Point of Beginning must be shown on the Minor Subdivision Map.
14. The error of closure must be shown on the Minor Subdivision Map.
15. The proposed lot numbers must be approved by the Tax Assessor. In addition, the proposed street addresses must be approved by the Tax Assessor and shown on the Minor Subdivision Map.
16. The coordinate values for a minimum of three (3) corners distributed around the tract must be shown on the Minor Subdivision Map. Additionally, the coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the map.
17. As stipulated in the map filing law a monument must be set at each intersection of an outside boundary of a newly created lot or lots with the right of way line of any side of an existing street. Therefore, the Minor Subdivision Map must be revised to show that a monument will be installed at the intersection of the proposed line between new lots 9.01 and 9.02 and the right-of-way line of Barbara Avenue.
18. If the required monuments are not set prior to the plan being recorded, then a Municipal Clerk's certification must be added to the Minor Subdivision Map which states "The monuments shown on this map shall be set within the time limit provided in the 'Municipal Land Use Law', P.L. 1975, c.291 (C.40:55D-1 et seq.) or local ordinance. I certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments as designated and shown on this map".
19. It states on the Minor Subdivision Map that the 200' Radius and Area Map is drawn at a scale of 1" = 100' which is incorrect. Based on our review, we find that it has been drawn at a scale of 1" = 200'. This discrepancy must be resolved.
20. A note should be added to the Minor Subdivision Map stating that the runoff from the future dwelling on lot 9.02 will not be directed onto any neighboring properties as stipulated in Section 25-8.16 of the Land Use Regulations.
21. The Applicant should address the Board regarding the required outside agency approvals for the project. In addition, copies of all required outside agency approvals shall be forwarded to the Planning Board and our office upon receipt.

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.