



TOWNSHIP OF WEST ORANGE DEPARTMENT OF ENGINEERING

25 LAKESIDE AVENUE, WEST ORANGE, N.J. 07052

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MEMORANDUM

TO: ZONING BOARD MEMBERS

FROM: ZAYIBETH CARBALLO, P.E., P.L.S., P.P, CME, CFM
DIRECTOR/MUNICIPAL ENGINEER

WALT KIPP NJ LICENSED TREE EXPERT #544
TOWNSHIP FORESTER

DATE: November 12, 2024

SUBJECT: ZB-24-02/NWAIWU PROPERTIES, LLC
"C VARIANCE FOR CONSTRUCTION OF NEW HOUSE"
691 EAGLE ROCK AVENUE (R-6)
BLOCK 177.08, LOT 21

We are in receipt of the following information pertaining to the above-referenced application:

- A. Plans entitled, "691 Eagle Rock Avenue, West Orange, New Jersey, Proposed New One Family". The plans prepared by Evans Architect AIA (Matthew G. Evans, AIA,, PP) are dated December 18, 2023 with latest revision date of November 4, 2024;
- B. Plan entitled, "Boundary and Topographic Survey, prepared for Block 177.08-Lot 21, 691 Eagle Rock Avenue, situated in Township of West Orange, Essex County, New Jersey. The survey prepared by American Layout (Anthony Maltese, P.E, P.L.S.) is dated October 27, 2023 with latest revision date of October 25, 2024.;
- C. Report entitled, "Stormwater Maintenance Manual for Block 177.08, Lot 21, 691 Eagle Rock Avenue, West Orange, New Jersey. Ther report is prepared by Evans Architect AIA (Matthew G. Evans, AIA, PP) is dated November 8, 2024; and
- D. Township's Board Application and associated documents.

I. INTRODUCTION

The subject site is located along the Northeasterly side of Eagle Rock Avenue and located within the Township's Residential (R-6) Zone District on a ±0.143 Acres lot. The site is currently vacant with trees and brush.

The Applicant is seeking relief for conflicts with section 25-7.1 of the Township's land use regulations for minimum lot width of 50 feet when 60 feet is required.

II. ZONING

This proposal does not meet the requirements noted above, the Applicant must seek relief from the Board pursuant to the Municipal Land Use Law under N.J.S.A. 40-55D-70c.

"C" or "Hardship" Variance

In judging an application by the C(1) criteria, the core question presented to the Board is whether there has been a showing of (1) peculiar and exceptional practical difficulties to, or (2) exceptional and undue hardship upon, the applicant arising out of (a) the exceptional narrowness, shallowness or shape of the subject property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting the subject property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting the subject property or the structures lawfully existing thereon. In all cases the alleged hardship must relate to a specific piece of property

III. TREE REMOVAL

- 3.1. Tree removal plan needs to be provided for the trees that will need removal due to the construction of the single-family dwelling;
 - *Addressed. Plans have been revised to eliminate tree removal.*
- 3.2. Tree protection plan needs to be provided for adjacent trees that might belong to neighboring properties and might impacted by construction;
 - *Addressed. Plans have been revised to provide tree protection plan.*
- 3.3. A tree protection fence needs to be installed out to the dripline of the tree to protect root system during construction;
 - *Addressed. Plans have been revised to provide tree protection plan and detail.*
- 3.4. Tree replacement plan needs to be provided;
 - *Not applicable since plans have been revised to eliminate tree removal.*
- 3.5. Letter by a Certified Tree Expert needs to be submitted stating the reasons for the tree(s) removal.
 - *Not applicable since plans have been revised to eliminate tree removal.*
- 3.6. Testimony should be provided indicating how the existing trees will be saved considering the proposed grading alterations.

- *Applicant's professional provided testimony at the last board meeting.*
- 3.7. Additional testimony should be provided indicating how the existing trees will be saved considering that the proposed gas connection is in closed proximity of the two trees.
- *Applicant's professional provided testimony at the last board meeting.*

IV. PROPOSED SINGLE FAMILY DWELLING

- 4.1. Provide steep slopes calculations confirming that disturbance is within the 0 to 10% slope range that allows 100% disturbance. Refer to section 25-28 of the Township's ordinance;
 - *Addressed. Plan S-1 shows slope calculations as required for the site.*
- 4.2. Provide soil movement calculations for the proposed improvements within the limit of disturbance;
 - *Plan S-2 provides calculations for soil removal showing that it exceeds 300 CY; therefore, a soil removal permit is required.*
- 4.3. A Soil erosion and sediment control plan with details needs to be provided and show the area of disturbance;
 - *Addressed. Plan S-2 provides a soil erosion and sediment control plan including area of disturbance.*
- 4.4. Prior to commencing construction activities, soil erosion and sediment control measures must be in place and maintain until the disturbed ground is permanently stabilized;
- 4.5. The project proposes to increase impervious coverage and a stormwater management system (in the form of one seepage pit with an open grate is illustrated on the Site Plan. Applicant's professional must provide calculations demonstrating that the seepage pit has been adequately sized to accommodate runoff from the tributary drainage area;
 - *Addressed. Plan S-1 drywell(s) calculations have been revised and used a minimum Tc of 10 minutes. Drywells shown on the proposed utility plan should show the limit of the 2 ft. of clean stone around the concrete tanks.*
- 4.6. In order to confirm that the seepage pit will drain within 72 hours, adequate soil permeability results documenting the depth to the seasonal high groundwater table (SHGW), certified soil log(s) or percolation test(s) at the location of the drywells need to be provided. Should test results be unfavorable, Applicant's Professional will need to provide an alternative means to address and manage stormwater;
- 4.7. The Site Plan show the seepage pit with an open grate allowing runoff to flow into the street. The seepage pit should have a solid cover to prevent pollutants in

stormwater runoff seeping into the ground. Seepage pit is not to be connected to non- rooftop sources of runoff;

- *Addressed. Plan S-1 has been revised to show a solid cover and collecting roof areas.*

4.8. It is recommended that a seepage pit overflow pipe be provided and be connected to Eagle Rock Avenue drainage system which is located approximately 50 feet from the overflow pipe. This will prevent runoff into the roadway which might cause freezing and ponding conditions during the winter months and rain events throughout the year;

- *Partially Addressed. Plan S-1 has been revised to show the inspection ports and the grate and invert elevation for the existing inlet at Eagle Rock Avenue. However, the invert elevation of 477.48 needs to be revised since the top of the structure's elevation is 453.48. The length and slope for the overflow pipe connecting to existing inlet at Eagle Rock Avenue needs to be provided.*

4.9. The Applicant's professional is responsible for ensuring the effectiveness of proposed seepage pit and provide sufficient regular oversight during its construction;

4.10. A Certification stating that the seepage pit was constructed according to the design is to be submitted by the Applicant's professional;

4.11. The Applicant/Owner will be responsible for ensuring that the seepage pit is regularly and effectively maintained without negative impacts to neighboring properties;

4.12. The following additional information should be provided in the stormwater maintenance manual:

- Name and phone number of the person(s) responsible for maintenance
- Map to scale showing the location of the drywells
- Maintenance for drywells structural components should include at least annual inspection for cracking, subsidence, and erosion
- Maintenance for components that could clog the drywells should be included
- Replacement of damaged components
- Additional maintenance guidance is available at [NJDEP New Jersey Department of Environmental Protection](https://www.nj.gov/dep/stormwater/):

<https://www.nj.gov/dep/stormwater/>

- *Partially Addressed. Maintenance Manual has been submitted. However, pages 8-19 refer to a CDS water quality unit that is not shown on the plans. Applicant's Engineer to provide testimony and clarification.*

4.13. All details showing paving sections should consistently reference current NJDOT Hot Mix Asphalts.

- *Addressed. Asphalt Pavement Detail for private streets and parking areas has been revised to reference current NJDOT HMA and it in agreement with the Pipe Installation and Pavement Restoration detail.*
- 4.14. Testimony should be provided regarding HVAC, generator and other Mechanical equipment.
 - *Applicant's professional provided testimony at the last board meeting.*
- 4.15. The proposed Site Plan shows two arrows for vehicles maneuvering. However, vehicle turning templates should be provided showing the various vehicle movements with turning radii and space available to make a turn.
 - *Partially addressed. Turning template for vehicle's movement is shown on the plan without turning radii.*
- 4.16. It is recommended that a sight triangle be provided to ensure that the driveway intersection with Eagle Rock Avenue has an unobstructed view for vehicles and pedestrians as requested at August meeting.
 - *Partially addressed. The front of the vehicle exiting the driveway should be at a minimum of 10 feet behind the curb line. Applicant's professional needs to provide clarification that at the intersection of the driveway there is no hedge planting, fence, wall or any obstruction higher than 30 inches to motorist's line of sight.*
- 4.17. It is assumed the Applicant/Owner will own and be responsible for on-site water and sewer improvements. This should be confirmed.

V. PERMITS

- 4.1. Should the Board approve this application:
 - 4.1.1. Certification from the Hudson-Essex-Passaic Soil Conservation District will be required if more than 500 sf of disturbance will occur.
 - 4.1.2. Soil removal permit will be required if more than 300 CY of soil will need to be moved.
 - 4.1.3. A street opening permit for work within the ROW will need to obtain from County.
 - 4.1.4. A sewer permit and fee application will need to be obtained from the Engineering Department.
 - 4.1.5. A tree removal application and permit will be required from the Township Forester.

4.1.6. We recommend an “As-Built Topographic Plan” be submitted prior to the issuance of a certificate of occupancy.

Please contact us should you have any questions.