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MEMORANDUM

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

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

Date: *December 11, 2024*

Re: *Application No. ZB-23-11 (Amended)
Jose De Oliveira
Bulk Variance - Review #2
31 Bradford Avenue
Block 55.06, Lot 1.01
Our File: VWRZ0055.01*

CC: *George Wheatle Williams, PP - Zoning Board Planner
Zayibeth Carballo, PE, PLS, PP - Municipal Engineer
Steven K. Warner, Esq. - Zoning Board Attorney
Jose De Oliveira - Applicant
Joseph P. Dell'Italia, Esq. - Applicant's Attorney
Mirza Baig, PE - Applicant's Engineer
Daniel E. Parker, PLS - Applicant's Surveyor*

Our office has received for review the following documents which were submitted in support of the above referenced application for Preliminary & Final Site Plan approval with 'C' and 'D' Variances:

- A set of plans (3 sheets) entitled "Block Retaining Wall with Geogrid" prepared by Mirza K. Baig, PE with KSI Engineering, PC of Jersey City, New Jersey and bearing a latest revision date of April 24, 2024.

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

- A print of a Survey of Property (1 sheet) prepared by Daniel E. Parker, PLS with Parker Engineering & Surveying PC of Somerville, New Jersey dated April 19, 2023.
- A completed Application Form.
- A statement entitled "Proposal" which describes the work that is proposed, the reasons for the proposed work and the variance that is required for the proposed work.

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NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

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- A statement entitled "Reasons for Relief" which sets forth the reasons why the requested variance should be granted.
- A copy of an executed Retaining Wall Easement between Joel Thomas Newman and Ashley Newman (Grantor) and Jose Marcos De Oliveira and Jennifer De Oliveira (Grantee).
- A description of a 1.50 foot Easement on Tax Lot 2.01 Block 55.06 to Benefit Tax Lot 1.01 Block 55.06 prepared by Daniel E. Parker, PLS dated April 4, 2024.
- A Verification of Taxes & Sewer Charges Paid from the Office of the Tax Collector dated September 3, 2024 which states that the taxes on Block 55.06, Lot 1.01 are paid until July 31, 2024 and the 2024 sewer charges are paid in full.
- A Verification of Taxes & Sewer Charges Paid from the Office of the Tax Collector dated September 3, 2024 which states that the taxes on Block 55.06, Lot 2.01 are paid until August 1, 2024 and the 2024 sewer charges are paid in full.
- A Buffer Report which lists the owners of property within 200 ft of Block 55.06, Lot 1.01 prepared by the Office of the Assessor dated August 30, 2024.
- A copy of a June 7, 2024 letter from Mirza K. Baig, PE with KSI Engineering, PC to Mr. Jose M. De Oliveira which addresses the existing grading of the site.
- A set of 8 photographs which show views of the side and rear yards post retaining wall installation.
- A set of 9 photographs which show the pre-construction and post-construction conditions of the property.
- A copy of West Orange Zoning Board of Adjustment Resolution for Case Number ZB-23-11 which was adopted on August 15, 2024. This resolution dismissed the prior application of Jose De Oliveira without prejudice.

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 nearly rectangular tract located on the northeast corner of the intersection of Northfield Avenue and Bradford Terrace. It has an area of 10,995.93 sf or approximately 0.252 acres and is located in the R-5 Zoning District. The property in question is currently occupied by a 2-story single family residential dwelling. Retaining walls currently exist on the northerly and easterly sides of the property.

It is our understanding that the Applicant recently replaced the existing retaining walls on the northerly and easterly sides of the property. The Applicant is now seeking variance approval to allow the new retaining walls, which exceed 6 ft in height, to remain.



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B. DESIGN COMMENTS

1. It remains for sheet C01 of the plans to be revised to show the proposed setbacks from the retaining walls to the property lines.
2. It shows on sheet C01 that the lower southeast retaining wall encroaches onto adjoining lot 2.01, block 55.06 by 8 inches.. The applicant has submitted a copy of an executed Retaining Wall Easement which permits the existing encroachment to remain. The Applicant should address the Board regarding their plans to record this easement in the Essex County Clerk's office.
3. Section 25-8.4 of the Township Code stipulates that solid walls not higher than 6 ft are permitted in the rear yard and on the side property line up to the rear line of the Applicant's house. We note that the maximum height of the northeast retaining wall will be 11'-0".
4. It shows on sheet C-01 that an upper retaining wall and a lower retaining wall are proposed along the common property line with adjoining lot 2.01. The upper wall will be setback approximately 4 ft from the lower wall. The lower wall will vary in height from 4'-7" to 6'-3" while the upper wall will vary in height from 0' to 6'-9".
5. It shows on the Northeast Wall Elevation on sheet C-01 that the northeast retaining wall will have a maximum height of approximately 11'. We note that the Property Survey shows that the existing wall had a maximum height of 9'-6". Therefore, the Applicant should address the Board to clarify why the new wall is higher than the existing wall.
6. Construction Note #1 on sheet C-02 lists the soil parameters that were used in the design of the retaining walls. The Applicant should address the Board to clarify if a geotechnical investigation was performed to verify the soil parameters shown on the plan.
7. Construction Note #5 states that weep holes have been provided for drainage. The Applicant must demonstrate to the Board that the drainage discharge will not negatively impact the adjoining properties.
8. Construction Note #10 states that a qualified engineer or technician shall supervise the wall construction to verify field and site soil conditions. The Applicant should address the Board to clarify if this occurred when the walls were constructed.
9. Construction Note #12 states that the site grading re-routes surface water around and away from the wall. Therefore, the Applicant should clarify how the site was graded when the walls were constructed.
10. The Northeast Wall Elevation on sheet C-01 shows that a wood batten fence is proposed along the top of the wall. The Applicant should address the Board to confirm that the batten fence has been installed. In addition, the Applicant should address the Board regarding the need to install a safety fence along both the lower level and the upper level of the southeast retaining wall.



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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.