



700 Grand Avenue, Unit 5A
Hackettstown, New Jersey 07840
T: 908.850.0977
F: 732.312.9801
fpaengineers.com

October 4, 2023

Ms. Wendy Parrinello
Board of Adjustment Secretary
MENDHAM TOWNSHIP BOARD OF ADJUSTMENT
2 West Main Street
Brookside, NJ 07926

RE: Completeness and Preliminary Technical Review
3 Old Orchard Terrace, Application 8-23
Block 127, Lot 119
Township of Mendham, Morris County
FPA No. 13311.151

Dear Ms. Parrinello:

As requested, our office has completed a review of the documents related to the above-listed application. The following documents were reviewed:

1. Application Checklist for Kenigel/ Zarou Residential Construction, dated July 24, 2023.
2. Form 1: Application for Development with a date filed of July 28, 2023,
3. Form 2: Certification of Taxes Paid, dated June 6, 2023(expired August 10, 2023)
4. Form 4: Affidavit of Applicant, notarized July 18, 2023,
5. Certified List of Property Owners (200') prepared by Mendham Township, dated May 18, 2023.
6. Form 10: Floor Area Ratio (FAR) Calculation, dated July 18, 2023,
7. Project Proposal, consisting of 2 pages, undated.
8. Kenigel/ Zarou Project prepared by Yannaccone Villa & Aldrich, LLC, consisting of 4 sheets, dated June, 16, 2023. **Revised 9/19/23**
9. Architectural Drawings for Kenigel Residence, 3 Orchard Terr, prepared by Feldman & Feldman Architects
10. Deed information regarding wetlands
11. Freshwater Wetlands Letter of Interpretation: Line Verification Letter from NJDEP, dated April 4, 2022.

General Application Summary

The subject application is seeking approval for a proposed 2-story, 5,789 square-foot residential building, pool, patio, chain link fence, driveway, septic system, and other site related improvements on Block 127, Lot 119. The parcel consists of 1.68 Acre in the R-3 Zone. The site is currently unimproved.

The parcel has received previous approval from the Board of Adjustment in a resolution dated December 14, 2000. The board had determined that a variance could be granted due to the existing undersized lot contains an existing residence in poor condition and the construction of a new home would conform to the required setbacks. The found that the neighboring lots are undersized to a greater degree than the applicant's property. The construction of said

new home would be located such that the immediate distance from the closest dwellings will be increased while preserving adequate separation from other adjoining and nearby homes.

A review of the application and attached checklist indicates the applicant is requesting a Bulk 'c' variance, 40:55D-70(c) for lot area and Bulk 'd' variance, 40:55D-70(d)(4) for FAR. We have reviewed the submitted documents for compliance with the checklist requirements for a Bulk C and D Variance. Based upon review of the submitted documents, we offer the following comments for the Board's consideration regarding application completeness:

Completeness review:

Checklist Item 7 – Title block placed in the lower right corner of each sheet containing all information drawn in a format shown in Appendix 2.

Applicant has title block place in the righthand side of the plans. We take no exception to granting a waiver.

Checklist Item 60 – Verification of denial by the Zoning Officer or Construction Official of the intended use, occupancy and/or construction.

The applicant stated that they understand a variance relief is required and requests a waiver from having to seek a zoning denial. We take no exception to granting a waiver.

Completeness Summary and Conclusion

We have reviewed the submitted documents for compliance with the checklist requirements for a Variance Application. At this time, it is our recommendation that the application be deemed **COMPLETE** subject to the Board granting the above listed waivers.

Preliminary Technical Comments

The following preliminary technical comments of the application are provided. We reserve the right to provide further technical review of the project based upon any discussion items that come up during the hearing.

Comment 1. The applicant should provide testimony as to the location and configuration of the property.

Comment 2. Applicant shall provide soil log information for proposed dry well location. This office is concerned as to the elevation of the seasonal high ground water table.

Comment 3. The applicant is proposing a limit of disturbance of 42,636 square feet which is 924 square feet short of being considered a Major Development. It is noted that the septic reserve area is outside of the limit. Should the applicant's proposed septic area fail, any work done to the reserve area would subject the site to a Stormwater Major Development and would require the applicant to retroactively comply with the stormwater regulations. The applicant may wish to consider designing the current improvement as a major development to avoid these concerns.

Comment 4. It is recommended that the board require the applicant to install a construction fence at the limit of disturbance to prevent any creeping of a limit of disturbance.

Comment 5. The applicant is proposing a 10,869 square feet of new impervious area, which is 21 square feet short of being considered a Major Development. This office is concerned that any proposed outside improvements such as a shed, addition to the patio or driveway modification may trigger Major Development. It is recommended that the site be deed restricted from additional impervious until stormwater report is submitted to support any additional area is stormwater compliant and an as-built be submitted prior to issuance of a CO.

Comment 6. The limit of what appears to be a parking area to the north of the building are different on sheet 2 and sheet 3. Applicant shall confirm correct limits.

Comment 7. It is recommended that the retaining wall for the driveway be included on sheet 3.

Comment 8. It is recommended that a manhole access into the drywell be installed for the drywells which receive surface runoff for general maintenance and inspection.

Comment 9. In accordance with Section 16-10.7.c. of the LDO, "All driveways shall be constructed in such a manner that the driveways will not interfere with the drainage along the existing pavement or travel way. Runoff from a driveway shall not discharge on the traveled way." A waiver is required.

Comment 10. In accordance with Section 16-10.7.d. of the LDO, "All driveways shall meet the abutting roadway at a horizontal angle of not less than sixty (60) degrees." A waiver is required.

Comment 11. In accordance with § 16-10.7.h, where a driveway is at a higher elevation than the street and where the driveway exceeds eight percent (8%) at any point within one hundred feet of the public right-of-way, (this office measure 12% within the first 100 feet) the following requirements shall be met:

- A. The driveway shall be paved in accordance with subsection 16-10.7i – 4" Type 5, Class A Quarry Process and 2" of Mix I-5 .
- B. Driveway pavement shall extend from the right-of-way line to a point at which the grade is less than eight percent (8%) or for a distance of one hundred (100) feet, whichever is the lesser distance.
- C. Applicant shall confirm the material of the driveway.

Comment 12. In accordance with § 16-10.13(a) Steep Slope Disturbance Limits states "The overall extent of regrading and/or stripping of native or existing vegetation on steep slopes on any tract of land which is the subject of an application for subdivision or site plan approval shall be limited by the following standards:"

Slope	Maximum Portion of Tract	Proposed
<10%	Any area necessary	55.8%
10%-15%	25% of slope area	58.4% *
>15% - 25%	15% of slope area	60.4%*
>25%	5% of slope area	69.6%*

*Waiver is required

The applicant has identified that they are seeking a waiver for steep slopes.

Comment 13. In accordance with Section 21-2.2, under the Schedule of Requirements, the Total Permitted Floor Area is equal to 2,600 square feet plus 1,700 square feet multiplied by the acreage of the lot. This parcel permits 2,600 sq ft+ (1,700sq ft* 1.684 acres) = 5462.8 square feet of floor area. The applicant is proposing 5,789 square feet, which is 326.2 square feet more than permitted. A variance is required.

Comment 14. In accordance with Section 21-2.2, under the Schedule of Requirements, the minimum lot size is 3 acres where the existing lot size is 1.684 acres. This may be considered an existing non-conforming lot.

Comment 15. Plans should be revised to clarify the driveway pavement surfaces.

Comment 16. Applicant shall provide a letter of acceptance from the Health Department upon submission of a Lot Grading Permit.

Comment 17. The following note should be added to the plan:

- a. Deviations from the plan must be approved by the Township Engineer in writing prior to the change. Any deviations without prior approval will render the permit null and void.
- b. Any damage to the public road shall be repaired by the contractor at the direction of the Township Engineer.
- c. Any soil to be exported shall be deposited in a location outside of Mendham Township unless a grading permit is approved from the receiving site prior to movement. All soil shall be transported and disposed of in accordance with all state and federal requirements. Any soil to be imported shall be certified clean, and documentation shall be submitted to the Township Engineer prior to import.
- d. There will be no burying of stumps, construction debris, or garbage on site. All waste material shall be disposed of in accordance with all applicable laws.
- e. The contractor shall notify the Township Engineer for the following inspections 72 hours in advance:
 - Silt fence installation prior to soil disturbance,
 - Construction fence installation (if applicable)
 - Drywell excavation prior to installation of materials,
 - Drywell tank, stone, and leader drain piping prior to backfilling,
 - Prior to removal of soil erosion and sediment control measures,
 - Pipe connection into the inlet
 - Other inspections which may be specified at the time of construction.

Comment 18. Any approval would be subject to all necessary permits required.



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Comment 19. The applicant shall comply with the requirements of the State, Soil Conservation District, or any other agency having jurisdiction over this application. Including but not limited to:

1. Morris County Soil Conservation District.
2. Mendham Health Departments
3. Mendham Tree Preservation and Landscape Committee

Comment 20. This office finds that Old Orchard Terrace is an existing dead-end street and that it appears to serve solely the subject lot. The subject property is over 200 feet from Old Orchard Road and as such, a cul-de-sac is not required as it is less than 300 feet. We defer to the fire official as to whether a vehicle turn around should be required for the roadway.

Respectfully Submitted,
FRENCH & PARRELLO ASSOCIATES, P.A.

A handwritten signature in blue ink, appearing to read 'Denis F. Keenan', is written over a light blue horizontal line.

Denis F. Keenan, PE CME CFM
Board Engineer
Denis.Keenan@fpaengineers.com