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December 12, 2023

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

RE: 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 11/28/23**
9. Architectural Drawings for Kenigel Residence, 3 Orchard Terr, prepared by Feldman & Feldman Architects, **revised 11/21/23.**
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~~ **(revised to 5,462)** 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. It was 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:

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 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.

The applicant has requested this as a condition of approval.

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.

It is recommended that the applicant provide a deed restriction as a condition of approval.

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.

The applicant has agreed to provide.

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.

This office agrees with the applicants proposed trench drain. The applicant is proposing to connect the trench drain to the existing inlet on Old Orchard. The applicant shall provide information on the type of inlet. (I.E. Type A Inlet, Type B Inlet) Applicant may need to retrofit the inlet to a stormwater compliant inlet as per Section 297, Article II, Private Storm Drain Inlet Retrofitting.

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.

The applicant has requested a waiver.

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.

Provided that Old Orchard Terrace is a private road, this comment no longer applies.

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.

The applicant has revised the architectural plans to remove the FAR variance request. This comment no longer applies.

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 left for informational purposes.

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

Comment satisfied.

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

The applicant has stated that they have a letter of acceptance from the Health Department. Letter shall be provided upon receipt of Lot Grading Application.

Comment 17. **Comment has been removed as the applicant has satisfied the requirements of comment 17.**



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Comment 18. Any approval would be subject to all necessary permits required.
Comment left for informational purposes.

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 left for informational purposes.

Comment 20. This office finds that Old Orchard Terrace is an existing dead-end street and that it appears to **serve Lot 118 & Lot 119**. 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.

Additionally, applicant shall provide a shared service agreement for the shared driveway identified as Old Orchard Terrace.

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

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