



43 Newburgh Road, Suite 100  
Hackettstown, New Jersey 07840  
T: 908.850.0977  
F: 732.312.9801  
fpaengineers.com

May 18, 2023

Ms. Beth Foley  
Planning Board Secretary  
**MENDHAM TOWNSHIP PLANNING BOARD**  
2 West Main Street  
Brookside, NJ 07926

Re: **Application # PB 22-XX**  
**Optimum Development (“Applicant”)**  
**Technical Review #1**  
Block 116, Lot 47  
239 Mountainside Drive  
Township of Mendham, Morris County  
*FPA Job Number: 13311.073*

Dear Ms. Foley:

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

1. Letter of Transmittal prepared by Certified Engineering of NJ dated August 13, 2022,
2. Application for Development, dated July 20, 2022,
3. Application Checklist, dated July 20, 2022
4. Certification of Taxes Paid, prepared by Mendham Township, dated July 20,2022
5. Affidavit of Applicant and Affidavit of Ownership, sided July 20, 2022
6. Certified List of Property Owners (200’), prepared by Mendham Township, dated July 18, 2022.
7. Preliminary Minor Subdivision Plan Forrest View Estates, prepared by Certified Engineering of NJ, consisting of 9 sheets, dated February 2023.

The subject application is seeking Minor Subdivision for the creation and development for two (2) proposed lots on the existing Lot 47, Block 116, also known as 239 Mountainside Road, which consists of 7.40 acres. The lot is located within the R-3 Zone. The applicant is proposing the following:

<b>Proposed Lot</b>	<b>Acreage</b>
1.01	3.61
1.02	3.74
ROW Dedication	0.148



Based upon review of the submitted documents, we offer the following comments for the Board's consideration regarding application:

### **Design Standard Relief**

Comment 1. Definition – Corner Lot – A lot at the junction of and having frontage on two or more intersecting streets. Proposed Lot 1.01 is therefore defined as a corner lot. Applicant shall revise the front yard setback line to 60 feet on Homan Lane. The board shall be made aware that this revision will indicate that this will create a variance regarding the BEC (Building Envelope Circle, Min 150') and increase the variance intensity for the LGC (Lot Geometry Circle) which is a minimum of 315.5 feet, whereas 250 feet is shown.

Comment 2. In accordance with LDO: Subdivision Plat and Site Plan Details, Section 16-8.1.a.1.(g)12. – This section of the Land Development Ordinance (LDO) requires existing or proposed private streets be labeled "NOT DEDICATED TO PUBLIC USE". Homan Lane should be labeled as private.

Comment 3. In accordance with LDO: Lots, Section 16-10.6.b. This section of the LDO states that, where practical, the side lot line shall be at right angles to straight streets. See Section 21.4.8.a.2. for further comment. (Comment 8) Applicant shall provide testimony as to the practicality to provide a right angle for the lot line that separates Lot 1.01 and Lot 1.02. The board should consider whether it is practical to provide the lot line at a right angle or a waiver is required.

Comment 4. In accordance with LDO: Driveways for Lots Developed by Subdivision Section, 16-10.7.c.: "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." It is recommended that a note be provided on the plans regarding drainage and shall be addressed as part of a Lot Grading application.

Comment 5. In accordance with LDO: Driveways for Lots Developed by Subdivision Section, Section 16-10.7.e. – This section of the LDO regulates Driveway for subdivisions and site plans. It states that driveways for corner lots shall be located at least one hundred twenty-five (125') feet from the centerline of the road intersection. The Driveway for Lot 1.01 is located approximately one hundred seven (107') feet away from Homan Lane. A variance is required.

Comment 6. In accordance with the LDO: Section 16-10.8.f. Protection of Critical Areas, "Conservation Easements in favor of the Township may be required as a condition of approval of a subdivision to protect natural resources of special character or environmentally sensitive areas. These areas may include, but not limited to wetland and wetland transition area, streams and stream corridor, and steep slopes." The Board may wish to consider requiring conservation easements on the lots is questions based on their environmental critical features, in particular the steep slopes located in rear of the lots.

Comment 6a. Should the board require a Conservation Easement, per Section 16-10.14a, "All boundaries of conservation easements shall be delineated with a sufficient number of permanent markers to clearly identify the boundaries of the easement. All such markers shall be in accordance with the Mendham Township Detail G-10." Applicant shall provide a detail should the board consider requiring a conservation easement. These markers shall be installed prior to the commencement of any onsite construction.



## Zoning Regulations

Comment 7. In accordance with the LDO: Lot Geometry, Section 21-4.8 – This section of the LDO sets standards for Lot Geometry. Each lot shall be a geometry, size and shape so that a Lot Geometry Circle (LGC). In accordance with the Schedule of Requirements, the R-3 zone has an LGC of 250 feet. However, since both lots front more than one street, the schedule requires that the LGC increase by 25%. Therefore the lots required a LGC of 312.5 feet, whereas 250 feet are proposed. Applicant shall seek a variance.

Comment 8. In accordance with the LDO: Lot Geometry, 21.4.8.a.2 -“All lot lines , hereinafter established, which intersect a public or private street shall be perpendicular, or radial to the sideline of such street for a minimum of distance equal to the radius of the LGC, measured from the intersection. “The new lot line, with a description of N27°53’37”W, 226.5’ shall be revised to be perpendicular to Mountainside Road for a minimum of 250 feet. A waiver is required.

## General Comments

Comment 9. There is an existing barn and residential house on the existing lot. It is recommended that the board require the applicant to remove the existing buildings prior to any filing for a Lot Grading Application for Lot 1.01.

Comment 10. It is recommend as part of the approval, that prior to the issuance of a construction permit or demolition permit, the applicant shall apply for a Lot Grading Permit and an appropriate notation be placed upon the final plat to be filed on this application.

Comment 11. Applicant shall revise the title of the plans by removing “Preliminary” from “Preliminary Minor Subdivision Plat” from Sheet 2.

Comment 12. It is recommended as part of the approval, that all lots to be created shall not be further subdivided and an appropriate notation be placed upon the final plat to be filed on this application.

Comment 13. Applicant shall submit all deed restriction and easements to the township Attorney and Township Engineer’s office for review.

Comment 14. Applicant shall provide north arrows on all sheets as applicable.

Comment 15. The final numbering of the Lots must comply with the New Jersey standards for subdivision plats. The Tax Assessor has the final determination of the assigned numbers. It is recommended that the Applicant address this as part of any condition of approval.

Comment 16. A tree removal permit will be required prior to any tree removal. Tree removal is not part of this application.



Comment 17. Applicant shall provide a sight triangle on the west side of Homan Lane to demonstrate there is adequate sight distance through Lot 1.01.

Comment 18. Applicant shall address the available sight distance from the proposed driveways.

Comment 19. It is anticipated that the individual home stormwater management design will be addressed during the lot grading process, therefore no technical stormwater comments have been made.

Comment 20. Should the applicant be approved, the final subdivisions plans, conveyances, easements, and deed restrictions shall be sent to the Township Attorney and Township Engineer's office for review.

Comment 21. The survey appears to have is missing the existing driveway easement for Lot 48 on sheet 3 of 9. Applicant shall revise.

We reserve the right to provide further technical review of the project based upon any discussion items that come up during the hearing.

Sincerely,  
**FRENCH & PARRELLO ASSOCIATES**

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  
Planning Board Engineer  
Denis.Keenan@fpaengineers.com

cc: Anthony Mortezaei, PE ([pashaconstructioncorp@gmail.com](mailto:pashaconstructioncorp@gmail.com)) ([amortezaei@optimumdev.org](mailto:amortezaei@optimumdev.org))