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DEPARTMENT OF PUBLIC WORKS  
10 COMMERCE COURT  
VERONA, NEW JERSEY 07044

March 21, 2022

Township of Verona Zoning/Engineering Dept.  
10 Commerce Court  
Verona, NJ 07044

**Re: Minor Subdivision Review**

**Owner:** Mitchell MacGregor Contracting, LLC  
120 Walnut Street  
Montclair, NJ 07044  
**Applicant:** Mitchell MacGregor Contracting, LLC  
120 Walnut Street  
Montclair, NJ 07044  
**Property:** 10 Parkhurst Place  
Lot 42 Block 1604  
**Zone:** R-70 (Low Density)

**Submittals:**

This office is in receipt of the following applications, drawings, reports, specifications which were submitted by the owner/applicant for review and consideration.

- Survey Map of Property Entitled "Topographic Survey & Minor Subdivision of 17-19 Parkhurst Place, Existing Lot 42 in Block 1604, Proposed Lots 42.01 & 42.02 in Block 1604 on Tax Maps of Township of Verona, Essex County, New Jersey". Prepared by Pronesti Surveying, Inc. Dated 01/26/2022

**Zoning Request:**

Based upon the documents submitted and reviewed we understand the owner/applicant is seeking approval from the Township of Verona Planning Board to subdivide the existing property commonly known as 17-19 Parkhurst Place, Lot 42 Block 1604 which is shown to have an existing lot area of 10,814 square feet or 0.24 ± acres and to create two (2) separate lots which are shown on the minor subdivision map as proposed Lot 42.01 having a lot area of 5,407 square feet or 0.12 ± acres and proposed lot 42.02 having the remainder which is 5,407 square feet or 0.12 ± acres.

The owner/applicant has not included any individual site plan, grading plan, utility plan, soil erosion sediment control plan or landscape plan at this time for the potential newly created lot. The submittal of these plans to the Township Engineer should be a requirement of any condition(s) of approval by the Board should the newly created lot (42.01) ever be developed in the future.

**Existing Conditions:**

The existing property (Lot 42) currently has an existing 1 to 2½ story dwelling (1,000 ± sq.ft.) which is shown to remain should the subdivision be approved. There is an existing small non-conforming shed located at the easterly most corner of the lot as well. There is also an asphalt driveway which is located near the middle of the property.

The entire property slopes generally from the North to the South. Approximately 75% of the lot is sloped at roughly 4.5%, the site then levels off for the next 60 feet at roughly 0.5%. A majority of the overall property is open lawn area.

There are a number of trees on scattered throughout the property, none of which are shown to be removed as part of the subdivision request. The property is serviced by all public utilities which are available the new lot can connect to the same utilities should the subdivision be approved.

The property is situate within the R-70 zone and is therefore included in the Township of Verona’s Steep Slope Ordinance §150-23. Future development must adhere to those regulations and be part of any conditions of the Boards approval.

This office has examined the site by using the topographic survey that was submitted and LiDAR mapping which is available and found that the project area could qualify as a “De Minimis Disturbance” and therefore could be exempted from the requirements of the steep slope ordinance. We should note however, that this exemption would be rescinded if the proposed plans were to be modified to reflect revised site conditions which established grades other than what is currently proposed. It would then be the applicant’s responsibility at that time to first establish, then submit a plan to this office for approval, prior to any continuance of work at the site.

**Existing Zoning:**

Based upon the area, yard and bulk regulations for the R-70 Zone §150-17.2 the dwelling does not currently meet the following setbacks, which therefore make the principal structure an existing non-conforming structure,

**Site Data:**

	Bulk Schedule §150-17.2				Compliance		
Zone R-70	Code	Lot 42	Prop. Lot 42.01	Prop. Lot 42.02	Lot 42	Prop. Lot 42.01	Prop. Lot 42.02
Lot Size (Sq.Ft.)	8,500	10,814	5,407	5,407	Yes	No	No
Lot Width (Ft.)	70	108.14	54.07	54.07	Yes	No	No
Front Yard Setback (Ft.)	30	14.00	30.00	14.00	Exist. NonComply	Yes	Exist. NonComply
Side Yard Setback One (Ft.)	8	1.90	8.00	7.50	Exist. NonComply	Yes	Exist. NonComply
Side Yard Setback Both (Ft.)	18	75.30	18.00	21.20	Yes	Yes	Yes
Side Yard Setback Both (Ft.) % of Lot Width	25	69.60	25.00	39.20	Yes	Yes	Yes
Rear Yard Setback (Ft.)	30	45.50	30.00	45.50	Yes	Yes	Yes
Building Height (Story/Ft.)	2.5/30	2.5/27.1	2.5/30	2.5/27.1	Yes	Yes	Yes
Lot Coverage (% Building)	20	10.10	20.00	20.20	Yes	Yes	No
Improved Lot Coverage (% All)	35	16.60	35.00	30.10	Yes	Yes	Yes
Floor Area Ratio (%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Accessory Structure &amp; Use</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Proposed</b>	<b>Existing</b>	<b>Prop. Lot 9.01</b>	<b>Prop. Lot 9.02</b>
Side Yard Setback One (Ft.)	8	4.9	N/A	4.9	Exist. NonComply	N/A	Exist. NonComply
Rear Yard Setback (Ft.)	10	7.9	N/A	7.9	Exist. NonComply	N/A	Exist. NonComply
Min. Distance between Accessory and Principal Use (Ft.)	10	>10	N/A	>10	Yes	N/A	Yes
Max. aggregate area covered by Accessory Structure in the Yard it is located in. (%)	15	<15	N/A	<15	Yes	N/A	Yes
Maximum Height (Stories/Feet)	1½ / 15	1½ / 15	1½ / 15	1½ / 15	Yes	N/A	Yes

Therefore in order for the subdivision to be approved the following variances shall be required:

**VARIANCES REQUIRED per N.J.S.A. 40:55D-70 (C)**

- §150-7.2 D. 1 – Lots 42.01 and 42.02 do not meet the minimum required lot area.
- §150-7.2 D. 2 – Lots 42.01 and 42.02 do not meet the minimum required lot width.
- §150-7.2 D. 4 – Lot 42.02 will exceed the maximum allowable for lot coverage.

- Address additional variances as may be deemed necessary by the Planning Board.
- Address any comments as per the Township Engineer. (If any)
- Address any comments as per the Township Building Department. (If any)

## Engineering – Zoning Comments:

1. As of March 3rd 2021 the Township has adopted a new stormwater ordinance in compliance with new NJDEP requirements. The new ordinance requires that all permit requests that seek to add 400 square feet or more of impervious coverage must comply with these new regulations. Since the eventual development of the new lot 42.01 shall exceed that amount of new impervious coverage a condition of any approval granted by the Board should require that any future development of Proposed Lot 42.01 shall be required to submit a Site Plan/Grading and Drainage Plan along with stormwater calculations to the Township Engineer for approval. This plan must show the mitigation for all stormwater runoff in accordance with the Townships Stormwater Ordinance §455 of the Municipal Code. I would strongly suggest that if the Board does grant the approval of the variances that stormwater mitigation should be a condition of the approval for the Proposed Lot 42.02, since this lot will exceed the maximum allowable for coverage if the applicants request is approved.
2. The applicant's design engineer must submit all soils data (Test Pits) including USDA soils classification, soils permeability (K Value) as well as sizing calculations for the chosen stormwater system. The engineering/zoning office strongly recommends the use of **GREEN INFRASTRUCTURE** for management of stormwater runoff derived from the additional impervious areas.
3. The applicant's design engineer that designs the said stormwater mitigation system must inspect the excavation, construction and final grades of the entire system.
4. The applicant's design engineer must submit a letter to the Township engineer that said system was installed in accordance with the design which was submitted. This letter must be signed and sealed by a professional engineer that is licensed in the State of NJ.
5. The applicant must submit an foundation location survey and final as-built survey for the Proposed Lot 42.01 that accurately shows any and all the improvements which constructed as part of the Site Plan.
6. The applicant's plans do not show or locate any existing individual trees on the property. The Township of Verona has a comprehensive **Tree Protection, Removal and Replacement Ordinance**, Section 493 of the Municipal Code. A condition of any Board approval should require that a tree protection, removal and replacement plan be filed and approved by the appropriate land use board prior to the cutting, pruning and removal of **any and all** trees on the property and prior to the commencement of any and all work on site.
7. If the existing (natural) grade on/within either of the proposed lots is to be raised or lowered by more than 6 inches then the applicants engineer or contractor must submit to the engineer/zoning office a letter which indicates where the fill material is coming from and a letter that certifies that it is "clean fill". Recycled aggregate(s), construction debris and organic material(s) of any kind are not permitted as fill.
8. Any and all fill material placed should comply with all State of NJ Soil Erosion and Sediment Control Standards and that of the Hudson Essex Passaic Soil Conservation Districts (HEPSCD) regulations for soil compaction in regards to land grading and top soil.
9. All areas within the Township are very sensitive to storm water runoff, land disturbance and increases in impervious coverages. A condition of the Boards approval should include that any potential development of the lot(s) require a Letter of No Interest or "Exemption" from the Soil Conservation District, by submitting a "Request for Determination of Non-Applicability" to the Hudson Essex Passaic Soil Conservation District. Please provide a copy of that determination to the township engineer's office once it is obtained. If the Soil Erosion District has determined that the site does not fall under their jurisdiction the Township of Verona shall require that the owner/applicant install and maintain proper soil erosion measures as outlined under the State of New Jersey "Standards for Soil Erosion and Sediment Control in New Jersey" 7th edition revised through July 2017. A complete soil erosion and sediment control plan that also includes both temporary and final soil stabilization must be submitted to the engineer for review and approval prior to receiving a building permit.

10. The applicant must comply with the requirements of the Affordable Housing Development Fee Ordinance (if applicable).
11. The applicant shall be responsible for all water and sewer tie in fees.
12. The Township Tax Assessor's office shall assign official lot numbers and street addresses upon approval.
13. N.J.S. 40:55D-47, provides that approval of a minor subdivision shall expire 190 days from the date of adoption of the resolution of municipal approval, unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S. 46:23-9.9 et seq.), now the Recordation Act, Maps (N.J.S. 46:26B-1 et seq.), or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. It is further required that the deed shall be signed by the chairman and secretary of the planning board (or the zoning board of adjustment if the subdivision is approved by that board under its ancillary powers). N.J.S. 40:55D-47(f) and (g) provides when extensions of time may or must be granted.

Please feel free to contact this office should you have any questions,

Respectfully Submitted,

*Michael C. DeCarlo*

Michael C. DeCarlo  
Engineering Manager – Zoning Official