

September 1, 2026
Via email

Township of Verona
600 Bloomfield Ave
Verona, NJ 07044

**RE: JMF Properties
Proposed Multi-Family Residential Redevelopment
251 Grove Avenue
Block 1204, Lot 12
Township of Verona
Essex County, NJ
DEC# 0922 25-03663**

To whom it may concern,

Our office is in receipt of the Review Memo prepared by Boswell Engineering dated August 26, 2026, and has had the opportunity to review the comments provided. On behalf of Applicant, JMF Properties, we respectfully submit the following comments outlining the items we believe warrant further consideration and discussion with respect to their applicability to the proposed project.

REAL Rule Applicability (Comments 49 and 54)

- Comment 49: On the NJDEP's REAL Rule website (dep.nj.gov/njreal), the NJDEP offers guidance that "on June 1, 2026, the Department proposed to extend the legacy period for one year, or until July 20, 2027. The Department anticipates taking action on that rule proposal, subject to consideration of all public comments, in late summer, 2026. Until that time, the Department will continue to apply the legacy provisions in the REAL rule to review eligible applications received on or after the initial legacy period end-date of July 20, 2026."

Further, the NJDEP has issued a guidance document titled *Guide for Determining Which Rule Version Applies to Your Project*. The Stormwater Management Rules section of this document states, "pursuant to the SWM rules at N.J.A.C. 7:8-1.6(b), applications submitted to the Department... that are complete for review by July 20, 2027, can be reviewed under the stormwater rules in place immediately prior to January 20, 2026."

Since these legacy provisions are provided within N.J.A.C. 7:8 and supplemental technical guidance documents from the NJDEP, it is our professional opinion that the application should be reviewed in accordance with the version of N.J.A.C. 7:8 last amended July 17, 2023, the version of the rules in effect immediately prior to January 20, 2026.

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- Comment 54: As explained above in response to Comment 49, this project should be reviewed in accordance with the version of N.J.A.C. 7:8 last amended July 17, 2023. Per 7:8-5.5(a) in the 2023 version of N.J.A.C. 7:8, the stormwater runoff quality standards are applicable when a major development results in an increase of one-quarter acre or more of regulated motor vehicle surface. This redevelopment does not propose an increase of one-quarter acre or more of regulated motor vehicle surface, and therefore the water quality requirements should not be applicable.

Runoff Curve Number for Redevelopment Projects (Comment 52)

- The municipal definition of “redevelopment” mimics N.J.A.C. 7:8-5.7(a)2, which states, “for the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition.” This section of N.J.A.C. 7:8 continues to grant the design engineer the ability to use a curve number for an existing condition if it is verified that the hydrologic condition has existed on the site for at least five years without interruption prior to the time of application. Despite containing almost identical terminology to the municipal definition of “redevelopment” the NJDEP has reviewed and approved the modelling of the existing conditions for the site as impervious compacted gravel with a curve number of 98, as evidenced by their issuance of a Flood Hazard Area Individual Permit dated August 5, 2026.

Further, the site currently exists in a “developed” condition, not a “predeveloped” condition. Per historic aerial imagery, the site was developed between 1931 and 1954, meaning it has been existing in its “developed” state for over 70 years. For redevelopment projects, this distinction between the existing site being “developed” versus “predeveloped” is important when utilizing N.J.A.C. 7:8-5.6(b)2 to comply with stormwater runoff quantity requirements. When utilizing this method, the allowable flows for the site are determined to be the lesser of two calculations. The first is simply the existing “developed” flows on-site, which includes accounting for any existing basins. The second calculation is modelling the “pre-developed” conditions of the site as an entirely wooded area, and then applying the 50-, 25-, and 20-percent flow rate reductions to the 2-, 10-, and 100-year storms respectively.

However, since the site has been designed to comply with the stormwater runoff quantity requirements via “curve-under-curve” approach outlined in N.J.A.C. 7:8-5.6(b)1, based on the land cover conditions that have existed on-site for at least the past 5 years uninterrupted, modelling the predeveloped conditions should not be necessary for this application.

Green Infrastructure (Comment 55)

- As explained above in response to Comment 54, the stormwater runoff quality standards are not applicable to this project. The stormwater runoff quantity standards are satisfied without the use of BMPs due to the proposed reduction in impervious coverage, as verified by the NJDEP via their August 5, 2026 Flood Hazard Area Individual Permit approval. The purpose of the proposed bioretention basin is to manage the retention storm in accordance with Municipal Code Section 150-25.4 S(2). The proposed bioretention basin

has been designed in accordance with BMP Chapter 10.1: Bioretention Systems (large-scale).

Large-Scale Basin (Comment 56)

- The proposed bioretention basin utilized to accommodate the retention storm is a large-scale bioretention basin, which does not possess a maximum contributory drainage area per BMP Chapter 10.1. Per Chapter 10.1, large-scale bioretention basins are permitted to be utilized for compliance with stormwater runoff quantity standards.

Infiltration Testing (Comment 57)

- The requirement for the minimum design permeability rate of 0.5 inches/hour is included within the *Small-Scale Bioretention Systems Designed to Infiltrate into the Subsoil* section of BMP Chapter 9.7. The proposed bioretention system is designed with underdrains, not to infiltrate into the subsoil. Therefore, soil permeability testing is not required for the proposed bioretention basin.

The Applicant agrees to provide soil testing to demonstrate that the proposed bioretention basin satisfies the required seasonal high groundwater table separation criteria. However, the Applicant respectfully requests that this testing be permitted outside of the wet season to avoid delaying the review and approval process until January at the earliest.

It should be noted that two previously completed soil test pits in the vicinity of the proposed basin either did not identify groundwater, or encountered groundwater at approximately Elevation 310. The proposed basin bottom is currently designed at Elevation 320, providing approximately ten (10) feet of separation from the highest observed groundwater elevation. Therefore, we do not anticipate any difficulty in demonstrating compliance with the applicable groundwater separation requirements.

Groundwater Mounding (Comment 58)

- As explained above in response to Comment 57, the proposed bioretention basin is designed with underdrains, and is not designed to infiltrate. Therefore, a groundwater mounding analysis should not be required.

We appreciate the Township's consideration of these comments in preparation for the upcoming Site Plan Review Meeting scheduled for September 9th. Should you have any questions or require additional information please do not hesitate to contact our office.

Sincerely,

Dynamic Engineering Consultants, PC

Daniel T. Sehna, PE

Tom M. Trotto, PE, CME