

March 02, 2023

Janice Talley, PP, AICP  
Director of Planning and Community Development  
Township of Montclair  
205 Claremont Avenue  
Montclair, New Jersey 07042

**Re: 509 Park Street  
PB Application No. 2833  
Block 2710, Lot 29  
Subdivision and Conceptual New House Site Plan  
Boswell Project No. MTES-160  
Petry Project No. 22-219**

Dear Ms. Talley,

Pursuant to your memorandum dated February 7, 2023, a memorandum from Boswell Engineering dated February 8, 2023, and a review letter from Boswell Engineering dated February 3, 2023, we have revised our plans. Below is a detailed response letter addressing each comment individually.

**Planning Review Comments**

1) The application is incomplete. The following information must be provided:

A. Pursuant to **Montclair Code §202-29.1G**, the application must include an ALTA/ACSM survey.

**PETRY RESPONSE:** We have included an ALTA survey of the property.  
Please see enclosed.

B. Pursuant to **Montclair Code §202-29.1H**, the application must include photos of the building and property.

**PETRY RESPONSE:** We have included a photo log of the existing property, house, and garage. Please see enclosed.

C. Pursuant to **Montclair Code §202-29.2D(24)**, the application must show the name, quantity, location, size as to caliper and height of existing and proposed trees, shrubs, and all plant materials.

**PETRY RESPONSE:** The survey provided included the caliber of all existing trees on-site that are greater than 6” in diameter. Since this application only includes the conceptual development of each lot, no landscape plans have been designed. A landscape plan will be provided if this application is approved when each of the proposed homes are built. This landscape plan will include all of the required information outlined above.

D. Pursuant to **Montclair Code §202-29.2E**, the following additional information must be provided since the application requires demolition of the detached garage:

- a) Complete photographic record of all exterior elevations, interior spaces, and details of all existing structures and any adjacent properties pertinent to the history of the structure or surrounding neighborhood.

**PETRY RESPONSE:** We have included all of the required photos in the photo log mentioned above and contained within the “Application for total demolition of Historic Structure” (See enclosed).

- b) Statement of the need/purposes for the proposed total demolition.

**PETRY RESPONSE:** A statement of the need/purpose for the proposed total demolition of the detached garage is contained within the “Application for total demolition of Historic Structure” (See enclosed).

- c) In any instance where there is a claim of no other alternative to total demolition, the applicant shall provide written documentation of good faith attempts to sell the building at a reasonable and comparable amount or to offer it without charge to purchasers willing to move the building to another location and preserve, rehabilitate, relocate, or restore the building. A reasonable and comparable sales price shall be indicated by providing evidence such as recent appraisals, comparable values of properties similar to the building proposed to be totally demolished or other evidence the Historic Preservation Commission deems acceptable.

**PETRY RESPONSE:** A statement relating to the claim of no other alternative to total demolition of the detached garage is contained within the “Application for total demolition of Historic Structure” (See enclosed).

- d) Written and pictorial record of the building’s history and architectural features for archival purposes, including, without limitation, the dates of original construction of the building or structure to be totally demolished, original documents, maps, drawings, and photographs; the square footage or dimensions of the building or structure to be totally demolished; a brief description of the materials, configuration and use of the existing building or structure; significant events and occupants



associated with the history of the building or property; architectural features; and a description of the building through photographs, plans, and maps.

**PETRY RESPONSE:** A written and pictorial record of the detached garage's history and architectural feature is contained within the "Application for total demolition of Historic Structure" (See enclosed).

- e) Archaeological study of the property before and/or during total demolition if the property falls within the area demonstrated to have a medium or high probability to contain archaeological resources.

**PETRY RESPONSE:** A waiver from performing an archeological study is being requested as the existing garage does not reside in a historic district it is believed to not contain any archeological significance.

- f) Preservation or salvage of architectural elements and photographic documentation. The Department of Planning and Community Development will provide applicants with local service directories of centers.

**PETRY RESPONSE:** A written response can be found within the "Application for total demolition of Historic Structure" (See enclosed).

- 2) **Montclair Code §301-17A** requires that sidewalks be provided in all subdivisions. The Planning Board may determine that there should be sidewalks on only one side of the street if there are other subdivisions in the neighborhood where there are sidewalks on only one side of the street, or no sidewalks and it would be unreasonable to require a sidewalk on more than one side of the street or any sidewalk.

**PETRY RESPONSE:** The applicant is not proposing any new streets or sidewalks along the frontage of the proposed properties. It should be noted that there is an existing sidewalk along the opposite side of Park Street. The closest sidewalk on the eastern side of Park Street is approximately 200 feet to the south and 500 feet to the north. If a sidewalk was constructed along this side of the street, it would not be connected to any other sidewalks.

- 3) The applicant should include an inventory of all existing trees on the property and identify all trees which are to be removed with the subdivision. If approved, the applicant must receive a tree removal permit pursuant to **Montclair Code §324-3** prior to removing any trees.

**PETRY RESPONSE:** The survey provided shows all trees larger than 6" in diameter. We are not proposing to remove any trees as a part of the subdivision



itself. When the individual lots are developed, landscape plans will need to be provided showing the trees to be removed and replacement trees as necessary. Notes to this effect have been added to the Title Sheet.

- 4) If approved, the applicant must pay a development fee equal to 1.5% of the equalized assessed value of the new residential homes pursuant to **Montclair Code §202-42**.

**PETRY RESPONSE:** The applicant understands that this would be a condition of approval.

### **Engineering Review Comments**

#### ***Soil Movement – Conceptual Design***

- 5) The final engineered design for the subdivided lots would require an estimated total quantity of soil excavation and fill with support calculations. All excess excavation would need to be removed from the site. Any fill brought onto the site would need to be certified as clean in compliance with NJDEP standards. The truck routes would be recommended to be submitted to the Police Department for acceptance.

**PETRY RESPONSE:** A note to this effect has been added to the Title Sheet.

- 6) Soil Erosion & Sediment Control plans and details will need to be provided for the future development of Lots 29.01 and 29.03. The lot development will require Hudson, Essex, Passaic (HEPSCD) Soil Conservation District Certification.

**PETRY RESPONSE:** The applicant understands that prior to the lots being developed a SESC Plan would need to be approved by HEPSCD. This plan will include the necessary details for silt fence and other measures. A note indicating this approval is required has been added to the Title Sheet.

- 7) Prior to any site development of Lots 29.01 and 29.03, silt fencing must be properly installed, embedded into the soil 6 inches and maintained throughout construction. For the disturbance within the steep slope areas, super silt fence may prove warranted along the east rear portion of the subdivided parcels.

**PETRY RESPONSE:** All proposed SESC measures will be approved by HEPSCD as required before construction can begin on the subject property.



- 8) During construction of Lots 29.01 and 29.03, any soil tracked onto the street will be required to be immediately removed.

The Applicant is reminded the Township will not tolerate any offsite silt and soil tracking. Any breach of silt controls would result in an immediate Stop Work Order being issued until all soil erosion controls are repaired and replaced.

**PETRY RESPONSE:** A note to this effect has been added to the Title Sheet.

- 9) Applicable to the future development of Lots 29.01 and 29.03, any roadway, curbing, or storm Inlets along the property frontage damaged due to construction activities will be required to be repaired by the applicant to the satisfaction of the Township's Construction and Engineering Departments.

**PETRY RESPONSE:** A note to this effect has been added to the Title Sheet.

### ***Tree Removal / Preservation – Conceptual Design***

- 10) The future development of Lots 29.01 and 29.03 would require existing tree information, tree removal information, and tree replanting information. This would include Lot 29.02 for the required retaining wall construction.

Native tree replanting, soil stabilization of steep slopes, and landscaping improvements would need to be addressed for all three (3) parcels.

The tree to be removed within the Park Street Right-of-Way for the driveway for Lot 29.03 would need to be identified and compensated for. The final location and width of the new driveways shall be re-evaluated to minimize tree loss.

**PETRY RESPONSE:** The applicant understands and is willing to accept this as a condition of approval. A note to this effect has been added to the Title Sheet.

### ***Steep Slopes***

- 11) With the development plans for Lots 29.01 and 29.03, the Applicant would be subject to addressing compliance to steep slope Sections 294-5.B, D & H, and 294-6.C through J. We note that the limit of disturbance, as required by Section 294-5B should include the disturbance within Lot 29.02.



**PETRY RESPONSE:** While the property is not located within the Steep Slopes Section of Montclair, the property does contain slopes over 10% and as such contains steep slopes. When each lot is developed, the required information will be included on the plans. Testimony will be provided regarding sections 294-6 C through J.

***Stormwater Management – Conceptual Design***

- 12) The site design for proposed Lots 29.0 and 29.03 is noted as conceptual. The engineer has provided drainage calculations utilizing this conceptual development of each of the two parcels.

The stormwater improvements are calculated from the impervious coverage increase only for Lots 29.01 and 29.03. We would recommend the calculations include the entire impervious coverage and not just the increase of impervious since these are new lots, new homes.

Additionally, Lot 29.02 shall be included in stormwater management improvements since the lot area decrease results in an impervious coverage increase.

The disturbance areas for the entire parcel as a whole and for the lots individually shall be provided to confirm the classification of the development as minor or major.

Stormwater Report and drainage design review comments will be forwarded under separate cover.

**PETRY RESPONSE:** We agree that the proposed subdivision will meet the requirements of a Major Development. When the individual lots are developed, it will be necessary to prepare an accompanying Stormwater Report. Montclair Stormwater Ordinance, which was recently adopted, allows for existing impervious surfaces to be applied to the existing conditions. The fact that a new home is proposed is irrelevant in the ordinance.

- 13) The future property owners for each lot will be responsible for maintenance of the stormwater management facilities. The stormwater systems are recommended to be inspected at least twice annually, as well as, after every rainfall event greater than 2 inches.

**PETRY RESPONSE:** A note to this effect has been added to the Title Sheet.

- 14) During future development of these lots, no runoff from these properties shall adversely affect any adjacent property both during and subsequent to construction. In the event a drainage problem persists, the applicant will be responsible to remedy the matter at his/her own cost.



**PETRY RESPONSE:** A note to this effect has been added to the Title Sheet.

- 15) Surface stormwater runoff control shall be revisited for conceptual Lots 29.01 & 29.03 to include swales within the side yards to maintain runoff on the subject property and away from building foundations.

**PETRY RESPONSE:** The plans have been revised to show the requested swales.

### ***Site Plans – Conceptual Design***

- 16) The fully engineered site designs for Lots 29.01 & 29.03 will require the minimum setbacks proposed, accurate to the tenth, to all structures, driveway, deck, etc.

The applicant should summarize the dimensions of each of the proposed lots. The minimum conforming setbacks between homes should be highlighted, especially the separation distance between the existing home on adjacent lot 30 and the north side building setback on proposed Lot 29.01.

**PETRY RESPONSE:** The minimum setbacks the proposed homes are shown on the Conceptual Grading Plot Plans to the tenth of a foot. The proximity of the adjacent house on the lot to the north will be addressed in testimony. The existing offsets to the adjacent home on the lot to the north is included in the survey data provided.

- 17) The applicant shall summarize the maximum allowable roof ridge calculation and supporting information from the average of the lowest existing or proposed building perimeter grade at 10 foot intervals utilized to define the building height and confirm compliance.

**PETRY RESPONSE:** This information has been included on the Conceptual Grading Plot Plan. These calculations will need to be recalculated when the individual lots are developed.

- 18) All walls within a fully engineered site design, exceeding four (4') feet will require stability calculations and construction details. Post construction certification will be required for all walls four (4') feet and higher.

**PETRY RESPONSE:** A note to this effect has been added to the Title Sheet.

- 19) Fall protection for new walls throughout the site would need to be addressed.



**PETRY RESPONSE:** A note to this effect has been added to the Title Sheet.

- 20) The fully engineered site plan design would be requested to contain the mapped location for air conditioning units, any generator etc. Additionally, the applicant should present conceptual development including rear pools and associated patios and pool equipment.

**PETRY RESPONSE:** The conceptual plans have been revised to include AC pads. At this time no generators or pools are proposed. The plans include a proposed deck for each of the houses. No patios are proposed. It should be noted that these plans are only for conceptual purposes. When the individual homes are developed, they will need to be constructed to meet the Township Ordinances.

- 21) The proposal for any sump pumps within the final design would need to be addressed.

**PETRY RESPONSE:** Sump pumps if required would be designed as a part of construction documents for the proposed homes.

- 22) Driveway width, slope and sight distance information for the proposed driveway would need to be addressed.

**PETRY RESPONSE:** The grading for the conceptual driveway have been designed to have less than a 10% grade for the first 20' back from the ROW as required by Montclair Ordinance. The plans have been revised to include the width of the driveway and the sight triangles.

- 23) All utilities servicing the new house would need to be addressed on the fully engineered site plan for Lots 29.01 and 29.03.

**PETRY RESPONSE:** A note to this effect has been added to the Title Sheet.

- 24) The existing lot contains fencing encroachments onto the neighboring property to the south, lot 28. The stone wall along the frontage is located within the Park Street Right of Way. Lot 28's shed encroaches onto this property (proposed Lot 29.03). These encroachments need to be resolved. The applicant shall address same in testimony and on the plans.

Additionally the plans need to address the modifications required for' the front stone wall to accommodate the driveways for Lots 29.01 and 29.03.

**PETRY RESPONSE:** The chainlink fence does encroach onto the adjacent property. The applicant will work with the owners of Lot 28 to relocated the shed so that it is not longer on the subject property. Finally, the applicant intends on





keepin the existing stone wall along the frontage of the property. Where new driveways will be constructed the walls will be removed accordingly.

- 25) The applicant shall summarize the front setback analysis and provide separation distances between the homes on the streetscape elevation plan.

**PETRY RESPONSE:** The streetscape plan has been revised to include the requested information.

- 26) The applicant shall confirm if the proposed new home provided for the new lots is the actual architectural home that is proposed to be constructed, if the subdivision is approved.

**PETRY RESPONSE:** The conceptual home is just that, conceptual. The actual size, shape, and style may vary as construction documents are developed. The purpose of the plan, as required by your ordinance, is to show that the lots can be reasonably developed within the confines of the standards.

- 27) The applicant shall clarify which lot is represented on the elevation drawings, particularly due to the topographic conditions which vary for Lots 29.01 and 29.03.

**PETRY RESPONSE:** The elevations have been revised to show the topographic conditions for each lot. The grade along the house on Lot 29.01 is shown as a solid line and Lot 29.03 is shown as a dashed line.

- 28) The applicant shall address the lack of windows on the provided west elevation.

**PETRY RESPONSE:** The architectural plans have been revised to include additional windows on the western elevation.

### ***Minor Subdivision***

- 29) The Tax Assessor would need to confirm the proposed lot numbers and addresses for the subdivided lots.

**PETRY RESPONSE:** The applicant will coordinate the lot numbers with the Tax Assessor as a condition of final approval. A note to this effect has been added to the Title Sheet.

- 30) Our Survey Department has reviewed the Minor Subdivision Plan. Attached please find their comments.

**PETRY RESPONSE:** See reponses below.



31) The applicant shall list all outside agency approvals required for this subdivision.

**PETRY RESPONSE:** This list has been added to the Title Sheet.

### **Survey Department Comments**

1. Proposed lot numbering shall be obtained/confirmed by the Township of Montclair Tax Assessor.

**PETRY RESPONSE:** The applicant will coordinate the lot numbers with the Tax Assessor as a condition of final approval. A note to this effect has been added to the Title Sheet.

2. If the map is to be filed with the County of Essex it must meet the requirements of the New Title Recordation Law, with respect to minor subdivisions. If this is not the intent, then deeds need to be provided to this office for review.

**PETRY RESPONSE:** Statement, no response is required.

3. The New Jersey County and Regional Planning Enabling Act (40:27-6.2) provides for County review of ALL subdivisions of land within the county as does the Essex County Subdivision Review Resolution (Section II.A.1). All subdivisions that affect county roads or drainage facilities and/or are classified major subdivisions must be submitted to the Department of Planning and Economic Development, Division of Development Review for review and approval.

**PETRY RESPONSE:** We agree that subdivision approval by Essex County is required. This has been added to the list of required approvals in the Title Sheet.

### **Stormwater Management Review**

1. As per N.J.A.C. 7:8-1.2, "Development means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the municipal Land Use Law, N.J.S.A. 40:55D-1 et seq." A disturbance is "the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation." As per Section 295-2 in the Township



Ordinance, a Major Development is any development that results in “The disturbance of 1/2 acre or more of land since February 2, 2004;”.

The parcel (Lot 29) is 1.532 acres. In the proposed condition, this lot will be subdivided into three (3) lots. The existing improvements will remain on Proposed Lot 29.02, and new homes are proposed on Lots 29.01 and 29.03. Lots 29.01 and 29.03 have an area totaling 0.767 acres. Based on the infrared imagery, it appears that there have been lot improvements since 2002.

Therefore, based on the disturbance the application is considered a major development, and the applicant is required to provide all required documentation in accordance with the Township Ordinance, Stormwater Management Regulations (N.J.A.C. 7:8), and all applicable design and modeling standards specified within the New Jersey Stormwater Best Management Practices Manual. Please be advised this includes all required geotechnical testing specified within Chapter 12 of the BMP Manual.

**PETRY RESPONSE:** After reviewing the provided aerials we disagree with the assertion that the subject property has had improvements since 2002. However, we agree that the proposed development would be considered a Major Development. The drainage for the proposed lots will be designed accordingly. A note to this effect has been placed on the Title Sheet.

2. The applicant should submit a Stormwater Management Report and Stormwater Maintenance Manual, which is signed and sealed by a licensed New Jersey professional engineer.

**PETRY RESPONSE:** The proposed grading plot plan is conceptual in nature. We have added a note to the Title Sheet stating that these will be required when each of these lots is ultimately developed.

We trust that we have provided sufficient information for your continued review. Should you have any questions or concerns, please feel free to contact us.

Very truly yours,  
PETRY ENGINEERING, LLC

J. Michael Petry, PE, PP, AIA

