

August 8, 2025

Lisa Smith, Secretary
Mendham Borough Joint Land Use Board
2 West Main Street
Mendham, New Jersey 07945

Re: Forenza Subdivision Variance Application
Block 2301, Lot 3
375 Cherry Lane
Project No. 25MDP112

Dear Lisa:

The above referenced application requests subdivision approval to create an additional building lot out of lot 3 in block 2301 along Cherry Lane. The proposal includes retaining the existing dwelling and using a common driveway for access. The lot currently being subdivided is the remainder tract for a subdivision that was approved in 1982. The following documents have been submitted in support of the application:

1. Land Use Board Application, dated June 23, 2025, prepared by Nicole Magdziak, Esq.
2. Checklist and addendum, dated March 5, 2025, prepared by Ryan L. Smith, PE, PLS
3. Site inspection form, dated June 23, 2025, prepared by Nicole Magdziak, Esq.
4. Certificate of paid taxes, dated May 29, 2025
5. Certified property owners list
6. Morris County Planning Board exemption, dated June 25, 2025
7. Planning Board resolution, dated March 8, 1982
8. Subdivision Plans, consisting of seven sheets dated June 6, 2025, prepared by Ryan L. Smith, PE, PLS

A. Completeness Review – A review of the above documents results in the following comments relative to the completeness of the application:

1. Checklist Item 30 – Landscape plan – This office has no objection to the requested waiver.
2. Checklist Item 36 – Deed descriptions – This office has no objection to the requested waivers. These would be appropriately submitted as a condition of any approval by the Board.
3. Checklist Item 52 – NJDEP Letter of Interpretation – The applicant has requested a waiver of the submission of a letter of interpretation from the DEP at this time. The LOI has been requested and this office has no objection to a waiver for completeness.
4. Checklist Item 53 – Soil testing – The applicant has requested a waiver for the approval by the Board of Health. The review is pending. This office has no objection to a waiver for completeness.

Subject to the submission of an updated tax certificate and the granting of the waivers above, the application may be deemed complete.



B. Technical Review

1. The plan shows a 2 story carriage house on the lot. Is this a residential use? If so, a D variance may be required for the intensification of the non-conforming use.
2. The property is encumbered by NJDEP regulated wetlands, transition areas, flood hazard areas and riparian buffers. The wetlands and transition area limits should be confirmed by the LOI application to the NJDEP. The riparian buffer is established based on 300' from the top of bank. The DEP regulated flood hazard area is contained well within these other regulated areas and no disturbance of regulated areas is proposed. Given the vertical separation between the stream and the limits of the other regulated areas, it is the opinion of this office that no delineation of the flood hazard area is required at this time.
3. The plan shows an existing conservation easement. The deed for this easement should be provided. If there is no separate deed, it is recommended that the conservation easement be included in the deeds for the new lots and the restrictions spelled out in that document.
4. Additional clarity is required with respect to the existing and proposed impervious cover on the lots. The existing lot is noted to have 47,218 sf of coverage and the remainder lot after subdivision will have 42,984 sf showing a reduction of 4,234 sf. A portion of the driveway will be on new lot 3.03, however that appears to be about 2,600 sf. Where is the additional reduction in impervious surface? If the lot coverage is decreased by the 1,634 square feet, that will require additional disturbance which would approach the one acre threshold for major development. If it is not removed, it appears the overall increase in impervious cover will exceed $\frac{1}{4}$ acre which exceeds the major development threshold.
5. The plan shows a prototypical development of the new lot. The limit of disturbance and impervious surface is very close to the thresholds of a major development. It does not seem reasonable that the actual development of the lot will be able to stay below these limits. The plan should have very clear notations on the cover sheet and sheets 3 to 6 that there are limits beyond which the project is a major development. This should also be reflected in any deed of subdivision and the approval resolution. The final figures for the limits will be determined once additional information requested above is provided.
6. As part of a lot grading permit for the development of the new parcel, a stormwater design will be required.
7. A common driveway easement is required and should be reviewed and approved by the Board Attorney.
8. Metes and bounds descriptions/closure calculations for all lots and easements must be submitted for review and approval.

I trust the above comments are useful to the Board in its consideration of the application.

Very truly yours,

Paul W. Ferriero, PE, CME
Borough Engineer

cc: Board members
Thomas Germinario, Esq.
Jessica Caldwell, PP/AICP