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March 16, 2022
70584 00

Southampton Township Planning Board
5 Retreat Road
Southampton, NJ 08088-3591

Attn: Ms. Michele Gittinger, Secretary
Southampton Township Planning Board

Re: **Application Review: Minor Subdivision**
306 Eayrestown Road: Caruso
Block 1801, Lot 13
Township No: 22-180113

Dear Board Members:

We have reviewed an application for approval of a Minor Subdivision for the property referenced above from one 29.404-acre parcel with an existing dwelling at the corner of Eayrestown and New Freedom roads into three a total of four residential parcels. One of the new parcels will front on New Freedom Road, while two of the additional parcels will front on Eayrestown Road. One of the proposed Eayrestown Road parcels (Lot 13.06) requires a bulk variance for not meeting the required 100' minimum lot frontage requirement.

The application included the following documents:

1. Planning Board & Zoning Board application form, but no completed application checklists;
2. Plan of Survey / Minor Subdivision prepared by Tim J. Maser, PLS of Maser Surveying, LLC in Southampton, NJ, dated 07/04/21 and last revised 01/01/22;
3. NJDEP Freshwater Wetlands Letter of Interpretation: Line Verification (LOI) letter prepared by Mark C. Davis dated 01/05/21; and
4. Burlington County Department of Health Septic System logs.

General Information

Applicant / Owner: Paul D. Caruso
306 Eayrestown Road
Southampton, NJ 08088

Applicant's Attorney: Charles Gavin Oppermann, Esq.
CGO Law, PC
142 Crescent Hollow
Sewell, NJ 08080

Applicant's Land Surveyor: Tim J. Maser, PLS
Maser Surveying LLC
416 New Road
Southampton, NJ 08088

Completeness Review

The Applicant did not include a completed Submission Checklist with this Minor Subdivision application. Below are the **OUTSTANDING** items required by the submission checklist which:

- 14. The name of all adjacent property owners within 200 feet as they appear on the most recent tax list prepared by the Tax Assessor.
- 16. Certification by a professional engineer that the proposed lot(s) can adequately accommodate a septic system and a copy of any written review or report by the County Board of Health and the standards for High Quality Groundwater in Ordinance #2003-2.
- 18. Minor subdivision or site plan of any corner lot shall provide a sight triangle easement.
- 19. Any deed descriptions including metes and bounds, easements, covenants, restrictions, roadways and sight triangle dedication must be shown.

Based on the deficiencies noted above, our office recommends that the application be deemed incomplete at this time.

We have, however, reviewed the items submitted and offer the below comments which the applicant is advised to consider and address in future submissions for this application.

Zoning Review: Rural Residential (RR) District – Non-Serviced Residential

Use Regulations: The proposed 4 single-family detached dwellings on the existing 29.404-acre parcel have a density of 7.35 units per acres, which complies with the minimum 2.00 units per acre density requirement in this district.

Development Standards: The table below shows the zone’s minimum required dimensions and provides two columns for each proposed lot. The left-hand column indicates the proposed dimension and the right-hand column indicates whether the proposed lot meets ordinance requirements.

Note: Proposed remainder Lot 13.04 is an existing corner parcel with two front yards and an existing dwelling. Its Eayrestown Road frontage will maintain a 128.6’ front yard setback; however, the New Freedom Road frontage, which has an existing 85.9’ front yard setback, will be reduced to 77.4’ by the proposed 8.5’-wide Township ROW dedication. The ROW width will increase from 33’ (2 rods) to 41.5’ and eventually to 49.5’ (3 rods) if a congruent 8.5’ is dedicated from Block 1802, Lot 1.

Dimension	Required	13.03		13.04		13.05		13.06	
Min. Lot Area (Acres)	2	5.74	C	3.00	C	13.48	C	6.99	C
Min. Lot Frontage (FT)	100	700.12	C	360	C	215.13	C	100	C
Max. Principal Bldg Coverage. (%)	10	TBD	-	1.84	C	TBD	-	TBD	-
Max. Accessory Bldg Coverage (%)	1.5	TBD	-	1.14	C	TBD	-	TBD	-
Max. Impervious Coverage (%)	20	TBD	-	6.16	C	TBD	-	TBD	-
Min. Yard Setbacks (FT)									
Front	100	100	C	77.4	V	100	C	100	C
Rear	50	50	C	191.5	C	50	C	50	C
Side One / Both	30 / 60	30 / 60	C	215.6	C	30 / 60	C	30 / 60	C

C = Complies; V = Variance required; TBD = To Be Determined when developed.

VariANCES:**1. The table above indicates that bulk variances are required:**

- a. From § 19-3.9.d.3 for not meeting the minimum required 100' front yard setback. We note that this is an existing non-conforming condition. However, due to the fact that the property is being subdivided the applicant must seek a variance for this nonconformity.

Bulk Variance Proofs

The Applicant must provide testimony to justify the requested c(1) variance to demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship” upon the Applicant arising out of:

- a. The exceptional narrowness, shallowness, or shape of a specific piece of property, or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.”

General Comments

2. The Applicant should provide testimony indicating whether the minor subdivision and associated ROW dedication and corner sight triangle easement are to be recorded by plat or deed.
3. The block and lot numbers for the proposed lots shall be reviewed and approved by the Township Tax Assessor.
4. As a Right to Farm municipality, §12-3.9.d.18 requires that “any development of 25 acres or more, which is immediately adjacent to an active agricultural operation, shall include a buffer area along the common property line, which shall consist of the requirement in §12-5.2. This buffer shall be included on the building lots.” The attached map shows that Proposed Lots 13.05 and 13.06 are immediately adjacent to an active farm operation on Lot 11.03. It also indicates that the required agricultural buffer is within a large forested freshwater wetlands area where existing State regulations prohibit future development. For this reason, we recommend that the Board waive this buffer area requirement.
5. The locations of the proposed potable wells and on-site sewage disposal systems shall be indicated and clearly labeled on the subdivision plan.
6. Test pit logs have been provided in the application. The location and elevation of the test pits shall be indicated on the proposed subdivision plan.
7. Driveways and driveway aprons in compliance with township standards shall be depicted on the subdivision plans and appropriate details provided.
8. Based on the proposed improvements it appears that the project may be regarded as a Major Project for stormwater management purposes. The area of disturbance, area of regulated impervious coverage and area of regulated motor vehicle surface shall be quantified and depicted on the subdivision plans to verify applicability of NJAC 7:8 and the township stormwater ordinance.
9. It is understood that the proposed dwellings are speculative and, as such, are only graphically depicted as rectangles. However, The applicant should provide a conceptual grading plan to determine the area of disturbance necessary to determine applicability of NJAC 7:8 as noted above.
10. The Applicant should provide a closure report for each lot.

11. Metes and bounds legal descriptions for the tract should be provided to our office for review.
12. In accordance with the 2012 Title Recordation Law 46:26A-1 et seq., the project must comply with Section 13:40-5.1 & 46:26B-3 "Monumentation". The Plan shall clearly show all monumentation required, including monuments found, monuments set, and monuments to be set. The following should be shown on the plan:
 1. Monumentation at each intersection of the outside boundary of the whole tract with the right-of-way,
 2. Monumentation of proposed roads, particularly in the right-of-way curves and in the road intersections, and
 3. Property corner markers, found, set or to be set, and the relation of existing markers to the property corner or, if appropriate, to the boundary lines.
13. All permanent easements shall be shown and dimensioned.
14. Name, width, and location of existing and proposed easements, rights-of-way, deed restrictions or covenants with reference source shall be included. The plan should note if none exists.
15. The Plan should include the Municipal Clerk's certification.

Administrative Comments

16. We reserve the opportunity to provide further comment based on any additional information provided by the Applicant, as well as other comments from the Board and its other professionals.
17. All future re-submissions of the plans shall clearly indicate a revision date and be accompanied with a point-by-point response letter to the comments of the Board's professional staff.
18. Any approval is subject to applicant obtaining all required permits and approvals, including the following, and satisfying the review letters of the Board's professionals.
 - a. Township Police, Fire, and Construction Code Officials, and
 - b. Any and all others that may be required.

Should you or the applicant have any questions, please feel free to contact the undersigned.

Sincerely yours,



Rakesh R. Darji, PE, CME, PP
Zoning Board Engineer



Edward Fox, AICP, PP
Zoning Board Planner

RRK / EF

cc: Paul D. Caruso, Applicant / Owner via email pauld.caruso@yahoo.com
Charles Gavin Oppermann, Esq., Applicant Attorney via email cgolaw@gmail.com
Peter C. Lange, Esq. Planning Board Attorney via email plange@langelaw.biz
Tim J. Maser, PLS, Applicant's Surveyor, via email masersurveying@aol.com \$



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Block 1801, Lot 13
Southampton Township, NJ

