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November 18, 2020
70573 00

Attn: Ms. Denise Schmied, Secretary
Southampton Township Zoning Board
5 Retreat Road
Southampton, NJ 08088-3591



Re: **Completeness Letter #2 -Application for Ordinance Interpretation and Use Variances**
Richards Mobile Home Court, LLC: 12 Richards Court (Interior Lot 774)
150 Route 530
Block 701, Lot 4.01

Dear Board Members,

We have reviewed an application for the development of the property referenced above, which included the following documents:

1. Cover Letters from Travis J. Richards, Esq. of the Law Offices Weishoff and Richards, LLC in Mount Holly, NJ dated November 13, 2020 and May 19, 2020;
2. Township Planning Board and Zoning Board Application Form, undated;
3. Trailer Park Utilities Layout plan prepared by John C. Miller PE of T.I.D.E.S. Co., Inc. in Lumberton, NJ dated 10/10/07 and last revised 5/13/20; and
4. Township Use Variance Checklist Form.

General Information

Applicant / Owner: Richards Mobile Home Court, LLC
150 Route 530
Southampton, NJ 08088

Applicant Attorney: Travis J. Richards, Esq.
Law Offices Weishoff and Richards, LLC
141 High Street
Mount Holly, NJ 08060

Applicant's Engineer: John C. Miller, PE
T.I.D.E.S., Co., Inc.
378 Main Street
Lumberton, NJ 08048

Development Proposal

The Applicant seeks a zoning permit that is necessary to receive construction permits to build a permanent foundation crawl space that would enable the Applicant to bring two manufactured housing unit segments onto Interior Lot 774 of a pre-existing, non-conforming mobile home park and then to assemble the two segments to construct one housing unit on a pre-existing, non-conforming mobile home lot. The mobile home park is a pre-existing, non-conforming use in the Pinelands Area's Agricultural Production (AP) district. The Applicant requests the following from the Zoning Board of Adjustment:

1. A "b" variance asking the Board to agree with the Applicant's interpretation of the Ordinance, which is that, because the replacement of one mobile home with another is a standard mobile home

business practice, this activity does not "expand a pre-existing, non-conforming use" and that, therefore, the Applicant should be granted a zoning permit.

2. A "d2" principal use variance to "expand a pre-existing, non-conforming use," in case the Board denies the above "b" variance.
3. A "d1" principal structure from §12-2.3 to permit the construction of a permanent crawlspace foundation because the Land Development Ordinance's definition of "mobile home" requires mobile homes to be installed without a permanent foundation..

Completeness Review

The following comments in bold italics [*thus*] are based upon our first completeness letter of August 12, 2020:

A. OPEN - Pinelands Certificate of Filing (C/F)

Certificates of Filing (C/Fs) are issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34 to indicate to municipal and county approval agencies that a complete application for development has been filed with the Commission and to enable Applicants to seek municipal or county approval for their proposed development.

The application did not include a C/F or documentation from the Commission that the proposed development is exempt from Commission review. For this reason, we recommend that the Zoning Officer find the application incomplete.

The Applicant has indicated that it does not require a C/F because an April 30, 2020 letter from the Commission indicated that replacement of one single-family home with another does not require a C/F. Our office believes that the application materials, including this letter, conflate several CMP regulations regarding replacement of and is not based on any evidence that we have been provided to substantiate the CMP criteria to waive a C/F.

To our knowledge, the CMP does not make any special provisions for "mobile homes" and "mobile home parks". The CMP defines a "mobile home" as a "single-family dwelling". The third paragraph of the Commission's letter indicates that a C/F would not be required "if the replacement occurred within five years of removal of the existing single-family dwelling (mobile home)". We believe that Interior Lot 774 may have been vacant for more than 5 years. If the Applicant can substantiate that the former mobile home on Lot 774 (aka 12 Richards Lane) was removed, destroyed, or demolished within the past 5 years, then we believe that the application would not require Pinelands Commission a C/F or approval. (See below.)

NJSA 7:50-4.1 Applicability

(a) For the purposes of this subchapter only, the following shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154:

1. **The improvement, expansion, or reconstruction within five years of destruction or demolition, of any single-family dwelling unit or appurtenance thereto;**

In addition, we believe that the application is not exempt because it also does not meet criterion 3 of the standards below for structures destroyed or demolished between 5 and 25 years ago. This is because all prior mobile homes on Interior Lot 774 were erected without a foundation and that, even if there were a "foundation," the proposed "double-wide" home would have a footprint twice as large as the prior mobile home. (See below.)

CMP NJSA 7:50-4.1 Applicability

(c) *The Commission shall determine that an application for the improvement or reconstruction of a single-family dwelling or appurtenance thereto five years or more after destruction or demolition of the single family dwelling is in conformance with this Plan, provided the applicant demonstrates that:*

1. *The improvement or reconstruction does not involve a historic resource designated by the Commission pursuant to N.J.A.C. 7:50-6.154; [The former mobile home was not a historic resource.]*
2. *The improvement or reconstruction is performed within 25 years of the destruction or demolition of a single-family dwelling unit or appurtenance thereto;*
3. *The foundation of the demolished or destroyed single family dwelling unit is intact, will be used for the development and will constitute the footprint of the improvement or reconstruction; and*
4. *The destroyed or demolished building was a single-family dwelling.*

As indicated in our previous letter, we would agree to waive the above C/F application submission requirement if the application materials were amended to include the following:

1. *Chronology of improvements and occupancy 12 Richards Court (Interior Lot 774) indicating:*
 - a. *The size and type of mobile home foundation constructed for the prior mobile home on Interior Lot 774 and the approximate dates when it was permitted and constructed;*
 - b. *The size and type of the prior mobile homes on Lot 12; and*
 - c. *How long Lot 12 has been vacant.*

This information will help the Board understand whether Lot 12 has been unoccupied for less than 25 years and whether it had an original foundation that will be re-used constitute the footprint of the proposed dwelling.

B. CLOSED- Provided - D Variance Checklist

The application did not include a completed checklist, nor did it request a waiver of any submission items. Checklist Item #4 requires a "Current Survey and/or Site Plan." The submitted engineering drawing is a schematic plan of the water and wastewater infrastructure for the 68-unit mobile home park and site manager's house and maintenance facilities, which has been annotated to show proposed home layouts. This document refers to a 7/21/07 survey prepared by Ralph S. Hartman, PLS.

C. OPEN - Current Survey or Site Plan

We reserve the right to further comments as additional information becomes available. 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

RRD / EF

ec: Richards Mobile Home Court, LLC, Applicant
via email rmhc.llc@gmail.com
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via email travis@wr.legal
John C. Miller, PE, Applicant's Engineer
via email jgment61203@comcast.net
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