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May 3, 2021
70586 00

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

Attn: Ms. Denise Schmied, Secretary

Re: **526 Ridge Road: Chapin**
Block 802, Lot 9.02
Southampton, NJ
Bulk Variances for a detached Pole Barn

Dear Board Members,

We have reviewed the application for bulk variances for the property referenced above, including the following documents:

1. Application Cover Letter prepared by Abraham D. and Cynthia M. Chapin dated 3/19/21;
2. Planning Board and Zoning Board Application dated 3/20/21;
3. Plan of Survey, prepared by Tim J. Maser, PLS dated 5/08/20;
4. Southampton Township Denial of Permit Letter dated 3/03/21;
5. Southampton Township Planning Board Resolution 2002.08P approving subdivision to create Lot 9.02;
6. Burlington County Dept. of Health Letter dated 2/10/21 indicating no changes to existing septic system required;
7. Free Standing Building Proposal Letter dated 12/27/19 with pole barn specifications and a perspective rendering;
8. Photographs of existing garage; and
9. Aerial photograph of property (Google Maps 2021).

General Information

Applicant/Owner: Abraham D. and Cynthia M. Chapin
526 Ridge Road
Southampton, NJ 08088

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

Completeness

The application did not submit a completed Bulk Variance Checklist form. The application did include a current survey, a written request for the requested relief, a descriptive construction proposal, and a sample perspective photographic showing the front gable-end façade and side elevation, but no architectural drawings of the floorplan or elevations.

As indicated by Ms. Schmied's 3/03/21 zoning permit denial letter, the Ordinance indicates that the proposed demolition of the parcel's accessory structure does not require a Certificate of Filing (C/F).

We would recommend that the Board find the application COMPLETE and ready for its review and consideration if the Applicant can provide testimony indicating that the Applicant’s property tax payments for this parcel are current.

Zoning Requirements: Pinelands Agricultural Production (AP) District

Use Requirements:

The proposed detached garage is a permitted accessory use in this agricultural district. The application indicates that the proposed 3,000 SF garage will provide private personal storage of 5 classic collector vehicles, a riding lawn mower tractor, another unspecified Kubota tractor, 4 personal water craft jet-skis, 1 motor cycle, and various equipment, furniture, and materials.

The Zoning Officer’s 3/03/21 zoning permit denial letter indicated that the proposed garage was in violation of § 12-4.1.c, which requires garages in residential districts to be no more than 1,260 SF in area. Because the parcel is located in an agricultural zone, and not a residential zone, no variance is required for the proposed garage’s size or the number of vehicles stored within.

Area and Bulk Requirements: Agricultural Production (AP) Pinelands District

The last column in the following table indicates how the proposed garage conforms to the area and bulk requirements in the AP zone. The new garage will have 2 vehicular doors, despite the perspective rendering showing just one door. Also, the required yard setbacks are measured from the edge of the 12” side roof overhang and not the building footprint shown on the survey.

	Required	Existing	Proposed	Status
Lot				
Min. Lot Area (Acres)	3.2	0.458	0.458	PE
Min. Lot Frontage (Feet)	250	71	113.34	PE
Max. Total Clearing and Disturbance (Percent)	15	100	100	PE
Max. Total Impervious Coverage (Percent)	10	30	46	V
Accessory Structure (Proposed Garage)				
Min. Side Yard Setback (Feet)	6	11.5	5.5*	V
Min. Rear Yard Setback (Feet)	25	21.5	25.5	C

PE = Pre=Existing condition not affected by proposed development and not requiring a variance;
C = Conforming; V = Variance required; and * = Applicant sketch indicates the proposed rear addition eaves will extend 0.5’ (6”) from building foundation, which is setback 6’ from the side yard.

Variances:

The table above indicates that:

1. **A bulk variance is required for increasing the existing impervious coverage to 46%; and**
2. **A plan revision to relocate the proposed garage footprint 6” to the south OR a c(2) bulk variance is required for being 6” over the minimum side yard setback.**

Bulk Variance Proofs

The proposed development will require two (2) bulk variances. The Applicant must provide testimony to justify the requested variances by using either the c(1) or c(2) proofs. For c(1) variances the Applicant must 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.”

OR

For c(2) variances the Applicant must demonstrate:

- a. That the purposes of the MLUL would be advanced by a deviation from strict application of the zoning requirement;
- b. That the variance can be granted without substantial detriment to the public good;
- c. That the benefits of the deviation would substantially outweigh the detriment; and
- d. That the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

General Comments

3. The Applicant should provide testimony indicating:
 - a. Whether the garage will have electrical, plumbing, or other utility services;
 - b. The locations and types of any proposed exterior lighting for the garage’s vehicular and pedestrian doors and provisions to ensure there will be no glare to adjacent properties; and
 - c. That no commercial business activity will be associated with the proposed garage. **If there will be any business activity will occur there, then a use variance will be required.**

The Applicant has the burden of proof to present “positive” and “negative” criteria to justify any use variance, as indicated below:

1. There are “special reasons” to grant the requested relief (e.g., is it “inherently beneficial”);
 2. The site is particularly suited to the proposed use OR would be zoned into inutility without the variance;
 3. The proposed will advance the purposes of the Municipal Land Use Law (MLUL) and Township’s Master Plan & Land Development Ordinance;
 4. The variance can be granted without substantial detriment to the public good; and
 5. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances.
4. The plan should be revised to indicate the locations of the relocated 3-space parking area, the extended driveway, the 2-vehicular garage doors, 1 pedestrian door and paved entry pad.
 5. The Applicant should provide testimony indicating the status of any existing or proposed cross-access easement with adjacent Lot 9.01 and how the proposed garage enlargement might adversely affect such easement.
 6. The Applicant should provide testimony regarding whether the proposed garage will enclose all its other vehicles, such as boat trailers or recreational vehicles, and other large object or materials currently stored outside.
 7. The survey plan did not provide any information about existing and proposed grading around the proposed garage to ensure that there will be no adverse stormwater runoff onto adjacent properties. Given the proximity of the proposed garage to neighboring properties, the Applicant should provide testimony about this concern. We recommend that any Board approval be condition of the Board Engineer’s approval of a grading plan for the proposed development.

Administrative

8. 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.

Permits and Approvals

9. 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. Southampton Township Construction Office
 - b. Any and all others that may be required

We reserve the opportunity 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

cc: Abraham D. and Cynthia M. Chapin, Applicant via email mystic06@comcast.net
Thomas Coleman, Esq., Zoning Board Attorney tomecoleman@rclawnj.com