

Christopher J. Noll, PE, CME, PP
President & CEO

Barbara J. Fegley, AICP, PP
Sec./Treas. & Sr. Vice President

William H. Kirchner, PE, CME, N-2
Vice President



**ENVIRONMENTAL
RESOLUTIONS, INC.**

Engineers • Planners • Scientists • Surveyors

Rakesh R. Darji, PE, PP, CME, CFM, Vice President

Harry R. Fox, NICET III, CPSI

G. Jeffrey Hanson, PE, CME

Joseph R. Hirsh, PE, CME, CPWM

C. Jeremy Noll, PE, CME, CPWM

Joseph P. Orsino, Jr. CET

Marc H. Selover, LSRP, FG

Benjamin R. Weller, PE, CME, CPWM, S-3, C-3

August 1, 2022
70560 01

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

Attn: Ms. Maryalice Brown, Secretary
Southampton Township Zoning Board

Re: **d(2) Use Variance for Second Primary Dwelling**
1861 Route 206: Western Atlanta Ventures, LLC (Ying)
Block 2203, Lot 23
Township No.: 22-2203-23

Dear Board Members,

We have reviewed an application for a d(2) Use Variance for the property referenced above. The Applicant proposes to convert a vacant single-family dwelling with a barber shop to a 7-bedroom, single-family detached dwelling and to add a second 2-bedroom, single-family detached residence by converting an existing detached garage building. The Applicant does not propose any additions to these structures or to existing pavement and gravel surfaces but will abandon the existing individual septic system and will construct a new system to handle both residences on this 1.08-acre parcel.

General Information

Applicant/Owner: Western Atlanta Ventures, LLC
8 South Main Street, Suite 431
Marlboro, NJ 07746

Applicant's Attorney: Robert E. Kingsbury, Esq.
D-205 Jackson Commons
Medford, NJ 08055

Applicant's Engineer: Sanford S. Mersky, PE, PP
South Jersey Engineers
PO Box 1406
Voorhees, NJ 08043

Applicant's Planner: Thomas J. Scangarello, PP
PO Box 60
Moorestown, NJ 08057

Submission Materials

The application included the following documents:

1. Application Cover Letter prepared by Robert E. Kingsbury, Esq. of Medford, NJ dated May 19, 2022.

2. Planning Board & Zoning Board application form and Bulk Variance Application Checklist, dated 04/14/22;
3. Site Plan for Individual Sewage Disposal System, prepared but not signed, sealed, or dimensioned) by Sanford S. Mersky, PE of South Jersey Engineers in Voorhees, NJ dated 04.01.22

Completeness Review

Although the submitted site plan was not dimensioned, signed, or sealed by a licensed professional, the Applicant is not proposing any above-ground structural or pavement additions. **Therefore, we would recommend that the Board find the application COMPLETE and ready for its review and consideration.**

Zoning Review: Highway Commercial (HC) Zone

Use Requirements: The first single-family detached dwelling is a pre-existing, non-conforming use in this zone that does not require a use or bulk variance. **The addition of any additional dwellings on the property will require a d(2) use variance for the proposed expansion of the pre-existing, non-conforming use.**

The Applicant has the burden of proof to present “positive” and “negative” criteria to justify the required variance. The Applicant should provide testimony indicating that:

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 NJ Municipal Land Use Law (NJSA 40:55D-2) and the Township’s Master Plan and Zoning 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 ordinance.

Dimensional Requirements: The last column in the following table indicates how the proposed development conforms to the area and bulk requirements in this zone. (Estimated measurements from building foundation shown on plan and not from roof eaves or attached decks, as required by the Ordinance.)

	Required	Proposed	Status
Lot			
Min. Lot Area (Acres)	2	1.08	PE
Min. Lot Frontage (Feet)	200	154.10	PE
Principal Structure			
Min. Front Yard Setback (FT)	150	160	C
Min. Rear Yard Setback (FT)	40	80	C
Min. Side One / Both Yard Setback* (FT)	20/100	10/95	PE/PE

C = Conforming; and PE = Pre-Existing, non-conforming condition.

§ 12-5.14b indicates that the “minimum distance from any component of the septic system to a property line or, where applicable, centerline of public right-of-way shall be 50 feet. The replacement of an existing malfunctioning septic system is exempt from this setback standard.” The plan shows the abandonment of the existing septic system, but it did not indicate whether that system was malfunctioning. The plan also shows the new system to be 10’ from the property line instead of the required 50’. The Applicant should provide testimony regarding the functionality of the current septic system for the current use and why the proposed system is sited 10’ from the property line. **A design waiver may be required.**

General Comments

1. The Applicant should provide testimony regarding:
 - a. The Applicant's plan indicates "very wet, swampy area" along the highway frontage. The Applicant's Engineer should provide testimony regarding the presence or absence of freshwater wetlands at this location and on any other portions of this property. An NJDEP freshwater wetlands letter of interpretation (LOI) may be required.
 - b. The existing conditions of all paved and gravel surfaces on the property and whether the Applicant will need to repair / reconstruct them.
 - c. The exact number of proposed units and bedrooms for each dwelling, the number of required off-street parking spaces for each dwelling, and whether the existing off-street parking can accommodate that RSIS requirement.
 - d. Noting that the NRCS soil survey indicates that the proposed septic system is within a Galloway sand (GahB) with a general 1.5'-3.5' depth to seasonal highwater table, whether the Applicant has conducted any soil testing indicating what type of proposed septic system would be required for this proposed development.
 - e. The general slope and drainage patterns around the existing primary structures, as well as the existing / proposed downspout locations to ensure that stormwater runoff from the proposed development would not adversely impact neighboring properties.
 - f. The location of existing electric utility service lines and whether the existing and proposed lines would be placed underground, as required by the Ordinance. And
 - g. The general locations of the existing / proposed exterior lighting to ensure that it will not adversely impact neighboring properties.
2. The Applicant should provide a copy of the existing 14' rear easement on adjacent Lot 22 and testify whether the existing easement would permit the proposed change of use and the anticipated increased vehicular traffic demand on that easement.
3. We recommend that any Board approval be conditioned on the Board Engineer's approval of a vehicular circulation and grading plan for the proposed development.

Administrative Comments

4. 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.
5. 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.
6. 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. Burlington County Department of Health (proposed well and septic system),
 - b. Township Police, Fire, and Construction Code Officials, and
 - c. 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

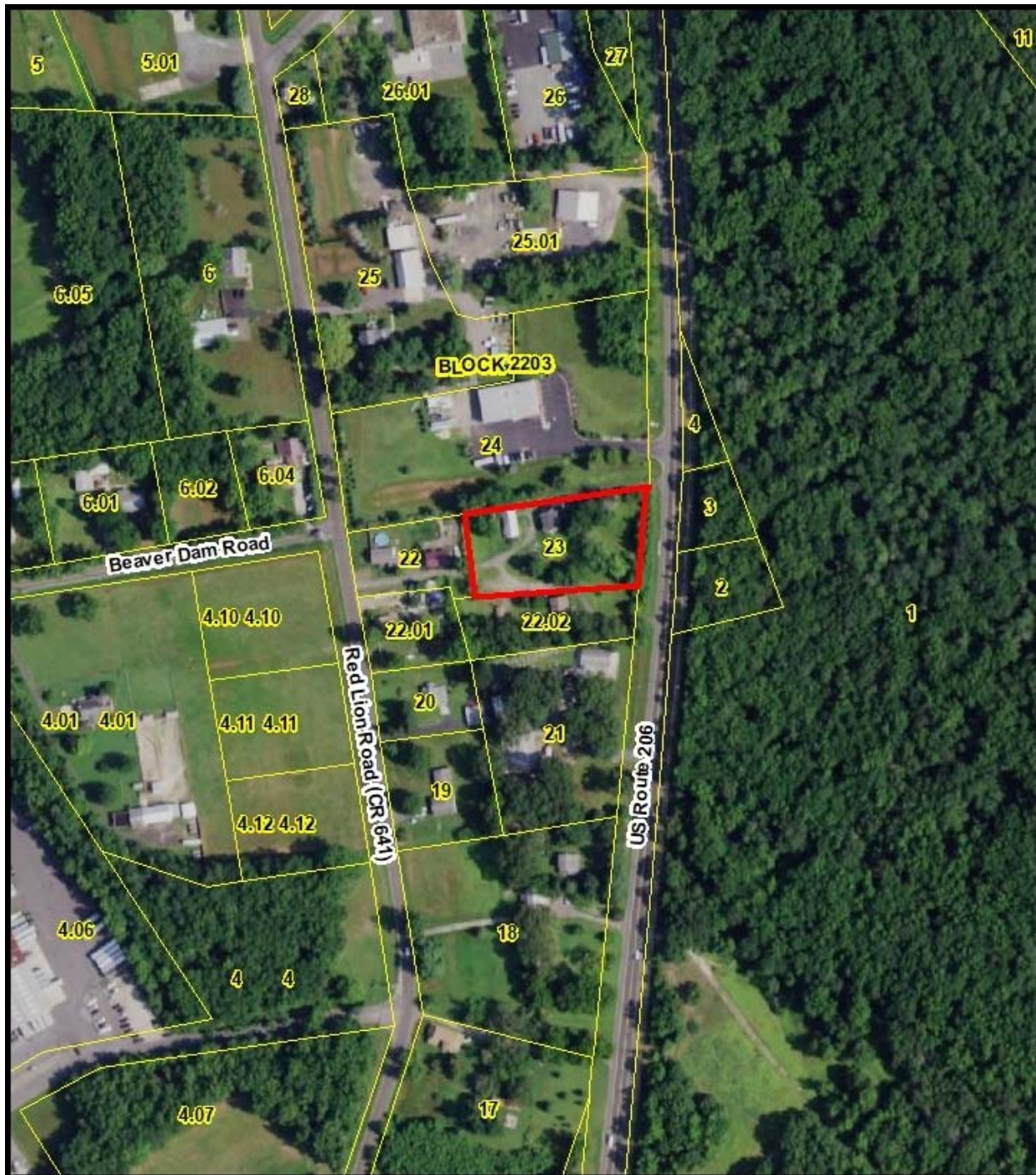


Edward Fox, AICP, PP
Zoning Board Planner

RRD/EF

cc: Western Atlanta Ventures, LLC, Applicant/Owner via email yingjq@gamil.com
Robert E. Kingsbury, Esq., Applicant's Attorney via email rekingsbury@kingsburylaw.net
Sanford S. Mersky, PE, Applicant's Engineer via email info@septics.com
Thomas J. Scangarello, PP, Applicant's Planner via email tjsa.mail@comcast.net
Thomas Coleman, Esq., Zoning Board Attorney, via email tomecoleman@rclawnj.com

g:\70500 - southampton\70560 01 - 1861 route 206\1861 route 206_eri review letter_08.01.22.docx



**1861 US Route 206
Block 2203, Lot 23
Southampton Township, NJ**

