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December 1, 2022
70618 00

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

Re: **Application Review: Bulk Variance**
22-24016-1: Black inground pool
39 Falcon Drive
Block 2401.06, Lot 1

Dear Board Members,

We have received an application to construct an inground swimming pool, install a 4'-tall safety fence, and recognize 2 pre-existing sheds on this existing 0.76-acre parcel in the Rural Development – Pinelands (RD) Zone. The existing dwelling was erected in 1980, pre-dating the Pinelands Comprehensive Management Plan (CMP), which is why the existing dwelling and the existing lot have several pre-existing, non-conforming conditions under the current zoning ordinance. We offer the following comments:

General Information

Owner / Applicant: Adam and Jennifer Black
39 Flacon Drive
Southampton, NJ 08088

Applicant's Engineer: James E. Maccariella, Jr., PE
38 Country Squire Lane
Marlton, NJ 08053

Submitted Materials

The application included the following documents:

1. Southampton Township Planning Board & Zoning Board Application Form.
2. Application Cover Letter prepared by Adam and Jennifer Black, undated.
3. Pool Grading Plan, prepared by James E. Maccariella Jr., PE of Marlton, NJ dated 09/16/22, based on the Plan of Survey Lot 1, Block 2401.06 prepared by Tim J. Maser, PLS of Vincentown, NJ, dated 05/25/99 and topography by Darren Leeper, PLS on 09/12/22.
4. Catalogue cut sheets from proposed pool and fencing.
5. Letter of No Interest prepared by Robin Sutton of the Burlington County Health Department dated 10/26/22.

Completeness Review

The Applicant has submitted the required information for this application. We recommend that the Board find the application COMPLETE for its review and consideration of approval.

Zoning Requirements: Rural Development – Pinelands (RD) Zone

Use Requirements:

1. Inground swimming pools are a permitted use in this zone.

Dimensional Requirements: The last column in the following table indicates how the proposed development, i.e., the proposed inground pool and the two existing sheds, on this corner lot conforms to the area and bulk requirements in this zone. The figures below for this corner lot assume that the rear yard abuts Lot 45 and that the side yard abuts Lot 2. They also include an additional approximately 2,500 SF paved parking area and an additional 550 SF of disturbance around the pool decking not included in the submitted plan.

The Applicant should provide testimony regarding the estimated ages for the 2 existing sheds, which may have been constructed before the current minimum accessory structure setback requirements were established.

	Required	Existing	Proposed	Status
Lot				
Min. Lot Area (AC)	3.2	0.76	0.76	PE
Min. Lot Frontage (FT)	250	245.71	245.71	PE
Max. Lot Clearing/Disturbance (%)	15	28	33	V
Max. Total Impervious Coverage (%)	10	28	31	V
Accessory Structure[^] (Pool)				
Min. Front Yard Setback: Falcon (FT)	100	n/a	163	C
Min. Front Yard Setback: Other (FT)	100	n/a	73.7	V
Min. Rear Yard Setback: (FT)	25	n/a	95.16	C
Min. Side Yard Setback: (FT)	6	n/a	20	C
Accessory Structure* (~125 SF Shed)				
Min. Front Yard Setback: Falcon (FT)	100	223	223	C
Min. Front Yard Setback: Other (FT)	100	5	5	V
Min. Rear Yard Setback: (FT)	25	14	14	V
Min. Side Yard Setback: (Feet)	6	117	117	C
Accessory Structure* (~385 SF Shed)				
Min. Front Yard Setback: Falcon (FT)	100	208	208	C
Min. Front Yard Setback: Other (FT)	100	71	71	V
Min. Rear Yard Setback: (FT)	25	17	17	V
Min. Side Yard Setback: (FT)	6	26	26	V

[^] Setbacks measured from edge of concrete decking;

* Setbacks measured from the foundation;

PE = Pre-Existing non-conforming condition that will not be affected by the proposed development;
C = Conforming; and V = Variance required.

2. **The proposed development requires several c(1) bulk variance for exceeding the maximum permitted lot clearing and disturbance (§ 19-2.6.c.1.(f)) and maximum impervious coverage (§ 19-2.6.c.1.(g)), as well as for minimum front, rear, and side yard setbacks for accessory structures (§ 12-4.1b).**

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.”

General Comments

3. Because the proposed development appears to comprise less than 1 acre of additional soil disturbance and less than 0.25 acres of impervious surfaces, it is not a “major development” requiring adherence to NJDEP’s stormwater management rules.
4. The Applicant should provide testimony indicating whether the proposed development will:
 - a. Disturb or damage the existing private well and sanitary septic system; and
 - b. Involve the installation of any outdoor lighting that would adversely affect adjacent properties
5. The Applicant’s pool grading plan indicates that stormwater runoff from the proposed pool and concrete decking should not have any adverse impact on neighboring properties.

Permits and Approvals

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. Southampton Township Construction Office
 - b. 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

39 Falcon Drive_ERI Review Letter_12.01.22

cc: Adam Black, Owner/Applicant via email akumaltime@gmail.com
Thomas Coleman, Esq., Zoning Board Attorney tomcoleman@rclawnj.com

