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September 6, 2024

22204 01

Re: Narozanick Minor Subdivision
77, 79 and 80 Hopewell Road
Block 55, Lots 3, 3.17 and 3.18
Minor Subdivision
Application #Z24-14

Ms. Jennifer Newton, Administrative Officer
Evesham Township Zoning Board
984 Tuckerton Road
Marlton, NJ 08053

Dear Ms. Newton,

A Land Development application has been received for the above-referenced applicant. It is the applicant's intent to subdivide (lot line adjustment) Lots 3, 3.17 and 3.18. This is a resubmission of a previously memorialized resolution (#ZB-18-36) which was never perfected.

Proposed Lot 3.19 will contain 8.51 acres. Access to Hopewell Road is via an existing ingress/egress easement. Proposed Lot 3.20 contains 40.78 acres. Access to this lot is also via an existing ingress/egress easement. Finally, proposed Lot 3.21 contains 37.40 acres and is to be deed restricted from any further development. The property is located within the RD-2 zoning district and is surrounded by similar structures and uses. The property is located within the Pinelands. A Pinelands of Filing has been provided.

Lost Lake is located on the property. In addition, the property is encumbered by wetlands, deed restricted open space, an easement for the right and privilege for the maintenance of the lake and dam. There is an existing ingress/egress easement along with a 25 FT wide ingress/egress easement for the benefit of Block 5502, Lot 1.06, located in Medford Township.

The applicant is proposing no site improvements as part of this minor subdivision (lot line adjustment).

The following information has been submitted in support of the application:

1. Land Development Application and checklists, received June 3, 2024.
2. Pinelands Certification of Filing, Application #1996-1467.006, dated February 28, 2024.
3. Minor Subdivision Lot Line Adjustment Plan, prepared by James Sassano Associates, Inc., dated February 10, 2023, revised to May 1, 2024.
4. Power of Attorney, dated September 16, 2022.

General Information

Owner (Lot 3.18): William Narozanick
P.O. Box 2505,
Vincentown, NJ 08088
[REDACTED].com

Owner (Lots 3/3.17) George Van Istendal
79 Hopewell Road
Marlton, NJ 08053

Land Surveyor: James A. Sassano, P.L.S.
41 S. Rt. 73 Suite 201,
Hammononton, NJ 08037

Subdivision Checklist Waivers

1. A submission checklist has been provided. The applicant is requesting the following submission waivers as no changes are proposed to the site (no construction, clearing, disturbance, etc.):
 - a. Environmental Assessment Report
 - b. Environmental Impact Report and Cultural Resources Study
 - c. Traffic Impact Study
 - d. Metes & Bounds Description
 - e. Location of Specimen Trees
 - f. Wetlands Delineation
 - g. Soils Information
 - h. Spot Elevation at property corners

It is recommended that the submission waivers be granted with the exception of the Metes and Bounds Description. Should the Board act favorably, it is recommended that as a condition of approval copies of the metes and bounds be provided to the Board Professionals for review.

Zoning

The subject properties are in the RD-2 (Rural Development 2), Pinelands zoning district. Single-family detached dwellings are permitted, provided that clustering of the permitted dwelling shall be required in accordance with §160-19D whenever two or more units are proposed as part of a residential development.

No construction is proposed.

Variances

1. The applicant is seeking a variance from §160-29A, Multiple uses and buildings. This section states that no lot shall have thereon more than one freestanding residential building or more than one permitted or conditional residential use. The subdivision places 2 residential dwellings on both Lots 3.19 and 3.20. It is noted that despite the multiple dwellings on each lot, the lot area density requirement of 4 acres per residential lot has been met. A (d) variance will be required.

The Applicant has the burden of proof to present “positive” and “negative” criteria to justify the variance. The Applicant should provide testimony indicating that there are “special reasons” to grant the requested relief;

- a) The site is particularly suited to the proposed use OR would be zoned into inutility without the variance;
- b) 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;
- c) The variance can be granted without substantial detriment to the public good; and
- d) The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

2. The applicant is seeking a variance from §160-12, Access from Lots. This section requires that all lots for single-family detached houses be contiguous for a distance of at least 25 FT to an improved public street. Proposed Lots 3.19 and 3.20 do not have access to an improved public street. There is an access easement to Lots 3.19 and 3.20 from Lot 3.21. A variance will be required.
3. The applicant has noted that existing conditions exist from §160-58.E(1) (§160, Attachment 5), which states the following:
 - a. The minimum front yard setback is 75 FT. Proposed Lot 3.19 has a front yard setback of 35. FT and proposed Lot 3.20 has a front yard setback of 66.9 FT. This is an existing non-conforming condition.
 - b. The minimum rear yard setback is 50 FT. Proposed Lot 3.19 contains 2 residential dwellings. One of the residential dwellings is 33.4 FT from the rear yard; the second is 34.9 FT. This is an existing non-conforming condition.

The Applicant has the burden of proof to justify the variance, by testimony or other means, 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.”

For c(2) variances the Applicant must demonstrate that:

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

Subdivision Comments

The subdivision comments are subdivided into sections associated with Township requirements, Administrative Code and Recordation Law.

4. TOWNSHIP APPLICATION

- 1) *“Lot and block numbers, as designated by the governing body.”* The applicant should provide testimony regarding whether the lot and block numbers have been assigned by the Township. A note should be provided on the plan.
- 2) *“Certification by an engineer or surveyor as to the accuracy of the details on the plat”* A Surveyor’s Certification should be added to the plans.
- 3) All missing property corners should be set.

5. ADMINISTRATIVE CODE

- 1) *“North arrow, identifying the horizontal datum of the survey (for example, NAD27, NAD83, magnetic, deed book and page, etc.) and scale”.* The horizontal datum should be identified.
- 2) The point of beginning should be noted for each new lot and easements.

- 3) *“In all instances, including where deeds are used to record minor subdivisions and/or where an existing plat or plan of survey is used, only the licensee who prepared the boundary map on which the subdivision is based may provide the certification on the subdivision plat that the boundary survey is accurate and was prepared under his or her supervision, as required by the Recordation Act, N.J.S.A. 46:26A, 26B, and 26C, and in accordance with N.J.A.C. 13:40-9, Responsible Charge of Engineering or Land Surveying Work.”* Provide certification that the boundary as shown is accurate and that corners shown have been found or set.
6. RECORDATION LAW
- 1) *The reference meridian used for bearings on the map shall be shown graphically. The coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the plat.* Indicate the coordinate base with the north arrow.
 - 2) Curve data shall include the radius, delta angle, length of arc, chord distance and chord bearing. Non-tangent curves and non-radial lines shall be labeled.
 - 3) The prior resolution indicates that the plan is to be filed. If this is the case, all requirements of the recordation law should be met, including all certifications.

General Comments

7. A certificate of Filing from the Pinelands should be provided.
8. A Pinelands “No Call UP” letter should be provided prior to signature of plans.
9. On Sheet 1 there is a note for a line that runs along the westerly line of Van-Dal Lake that states “Field Delineated Wetlands Line (see note 4).” Note 4 does not explain the wetlands line.
10. Detail #1 on Sheet 4 shows a misclosure. Please provide closure reports where possible for all lots and easements.
11. There is a proposed 40 FT wide access easement to lot 3.19 and 3.20 being created with this subdivision. Testimony should be provided if this easement will be exclusive to lots 3.19 and 3.20 as noted or will other lots have the right to use this easement.
12. Wetlands buffers should be identified. It is noted that a 300 FT buffer from a wetland line on proposed Lot 3.21 extends toward Slab Branch Court with a 2nd note extending into Block 5502, Lot 1.14 in Medford Township. No other buffer line is identified.
13. The plans should identify any riparian buffers existing for the creek crossing the parcels.
14. All legal descriptions should be provided to the Board professionals for review. Should the Board act favorably on this application, this should be a condition of approval.
15. The December 17, 2018 resolution by the ETZBA and its conditions of approval should be noted on the plan.
16. A condition of the December 17, 2018 approval is that due to the complexity of the lot line adjustments and easements, the maps shall be filed. The maps do not comply with the Recordation Law. Note 5 indicates that the submission will be filed by deed; in addition, the list of submission waivers also indicates that the minor subdivision will be filed by deed. Testimony should be provided.

Should you have any questions regarding this report, please do not hesitate to contact the undersigned.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rakesh R. Darji". The signature is fluid and cursive, with the first name "Rakesh" being the most prominent part.

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

RRD/mbs

Cc: Kevin Rijs, Director of Community Development
Matther Wieliczko, Esq., Board Solicitor
Michelle Taylor, Board Planner
Behram Turan, PE, LSRP, Board Environmental Consultant
William Narozanick, Applicant
James Sassano, Applicant's Engineer