

April 15, 2020

Nancy DeFalco, Administrative Officer
Planning Board
Manalapan Township
120 Route 522
Manalapan, NJ 07726

Re: Galloping Hills at Manalapan, LLC
45 Smithburg Road
Block 84.02, Lot 3.02
Preliminary & Final Major Subdivision
Our File: MNPB19-22

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for preliminary and final major subdivision approval for the above referenced project. The following documents were reviewed:

- Township of Manalapan Land Development Application and Checklist submitted March 11, 2019.
- Freshwater Wetlands Letter of Interpretation (LOI) Line Verification Request, prepared by Kyle Weise of Trident Environmental, dated March 5, 2019.
- Submittal Letter prepared by John P. Vincenti, PE, PP, CME of JV Engineering, dated March 8, 2019.
- Stormwater Management Report for Galloping Hills at Manalapan, prepared by John P. Vincenti, PE, PP, CME, of JV Engineering, dated February 2019, revised October 25, 2019.
- Operation and Maintenance Manual for Stormwater Management Facilities for Galloping Hills at Manalapan, prepared by John P. Vincenti, PE, PP, CME, of JV Engineering, dated February 2019.

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- Environmental Impact Statement for Galloping Hills at Manalapan, prepared by Kyle Weise, of Trident Environmental, dated March 5, 2019.
- Preliminary and Final Major Subdivision Plan for Galloping Hills at Manalapan, consisting of twelve (12) sheets, prepared by John P. Vincenti, of JV Engineering, dated February 25, 2019, last revised October 15, 2019.
- Resubmittal Letter prepared by John P. Vincenti, PE, PP, CME of JV Engineering, dated October 31, 2019.
- Letter from Peter S. Wersinger, III, Senior Vice President and General Council, Galloping Hills at Manalapan, LLC, dated December 16, 2019.
- Phase 1 Environmental Site Assessment, prepared by Melick- Tully and Associates, PC, dated February 17, 2016.
- Limited Site Investigation Report, prepared by Melick-Tully and Associates, PC, dated April 5, 2016.

The following report represents our professional evaluation of the above-referenced project from the perspective of land use planning and zoning. It emphasizes the effect of the project on surrounding land uses, the identification of required variances from the Township of Manalapan Development Regulations, and factors to consider when determining whether the Applicant has met the required proofs for attaining variances under the Municipal Land Use Law.

A. Site Characteristics and Project Description

The subject application consists of 19.43 acres on Smithburg Road in the **R-R Rural Residential Zone District**. The subject property was previously used a nursely and currently consists of wooded, undeveloped, land. The property is bounded to the south and east by the Manalapan Brook. Areas in the southern and eastern portion of the site are located within the 100-year FEMA Special Flood Hazard Area. A tributary swale exists in the northern portion of the site. Surrounding uses include vacant land to the east, a Quick Check Convenience store and gas station to the south, the Charleston Springs Golf Course across Smithburg Road to the west, and a single-family residential development to the north.

The applicant is proposing to subdivide the property into five (5) residential lots with associated site improvements, stormwater infrastructure, and a new cul-de-sac road with access to Smithburg Road. Single family detached dwellings are a permitted use in the zone district.

B. Variances and Waivers

1. **The applicant should update the site plan to include a table of all relevant bulk conditions for each of the proposed five (5) lots.**

2. The bulk standards of the R-R Rural Residential Zone District as compared to the identified conditions of the proposed lots are as follows:

Standard	R-R Zone District	Proposed Lot 3.05	Proposed Lot 3.06	Proposed Lot 3.07	Proposed Lot 3.08	Proposed Lot 3.09
Min. Lot Area	80,000 s.f.	119,677.6 s.f.	92,254.4 s.f.	334,841.6 s.f.	113,453.3 s.f.	137,549 s.f.
Min. Lot Frontage	200 ft.	200 ft.	148.81 ft.*		148.81 ft.*	200 ft.
Min. Lot Frontage -Route 527	200 ft.	~ 510 ft.	NA	NA	NA	~570 ft.
Min. Lot Depth	250 ft.	~ 230 ft.*	>250 ft.		>250 ft.	~ 230 ft.*
Min. Front Yard	100 ft.					
Min. Interior Side Yard Setback	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Min. Street Side Yard Setback	90 ft.	90 ft.	NA	NA	NA	90 ft.
Min. Rear Yard Setback	50 ft.	50 ft.	50 ft.			
Max. Building Coverage	7.5%					
Max. Building Height	35 ft.					
Max. Habitable Floor Area Ratio	0.75					
Min. Improvable Area	20,000 s.f.	21,689.8 s.f.	24,213.1 s.f.	30,208.9 s.f.	36,517.7 s.f.	25,725.3 s.f.
Min. Improvable Diameter	100 ft.			100 ft.		

3. Proposed Lots 3.06 and 3.08 have a proposed lot frontage of 148.81 ft., whereas 200 ft. is required in the zone district. **A variance is needed.**

4. Proposed Lot 3.07 will **require a variance** for lot frontage.

5. Proposed Lots 3.05 and 3.09 have lot depths of approximately 230 ft., whereas 250 ft. are required. **A variance is needed.**

6. As per §95-2.4, the definition of improvable area is: The area of a lot for the placement of principal buildings, off-street parking lots, and off-street loading areas which is located within the envelope delineated by the required yards, or buffers of the zone district and which is not encroached upon by any of the following features:
 - a. An existing or proposed public right-of-way.
 - b. An area classified as a floodway by the New Jersey Department of Environmental Protection or as an area of special flood hazard or floodway pursuant to § 113-4, Definitions, of Chapter 113, Flood Damage Prevention, of the Township Code.
 - c. *Wetlands or any required wetlands transition area pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.), except where construction, fill, or disturbance has been authorized pursuant to the Freshwater Wetlands Act.* (emphasis added)
 - d. Slope areas where the inclination of the land's surface from the horizontal is 15% or greater for a ten-foot interval.
 - e. Stream corridors.

The improvable areas of the proposed lots as depicted on the subdivision plan appear to include areas of wetlands. The calculated improvable area of each proposed lot should be updated as to remove any areas of wetlands. Variances may be required.

7. As per §95-7.44.A, the top of the excavation or the toe of the outside slope of a detention basin shall be set back at least 25 feet from adjoining residential or nonresidential properties, whereas the top of the basin excavation is set back less than 25 ft. from the lot line with proposed lot 3.08. **A variance is needed.**
8. As per §95-7.44.B, the top of the excavation or the toe of the outside slope of a detention basin shall be setback at least 40 ft. from the adjoining right-of-way line, whereas the top of the basin excavation is set back less than 40 ft. from the proposed Galloping Court ROW. **A variance is needed.**
9. As per §95-8.3.C(2), proposed grades shall not alter the natural contour of the land by more than 3 ft., whereas the grading alterations proposed on lots 3.07, 3.08, and 3.09 are greater than 3 ft. **A waiver is needed.**
10. As per §95-9.2.A(6), sidewalks shall be provided parallel to the street and within the right-of-way on both sides of all streets throughout site development. Sidewalks are proposed along one (1) sidewalk of Galloping Hills Court and no sidewalk is proposed along Smithburg Road. **A waiver is required.**

C. Variance Proofs

A number of “c” variances are required. There are two types of c variances with different required proofs.

1. Boards may grant a **c(1) variance** upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
2. Boards may grant a **c(2) variance** based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
3. C variances must also show consistency with the negative criteria as well.

D. Other Comments

1. We recommend the applicant install fencing along the perimeter of the conservation easement to ensure future property owners maintain the area in its natural state.
2. The plans indicate areas of the existing nursery vegetation to remain. Will these areas include a restrictive covenant, or will future property owners have the ability to remove them?
3. The applicant should provide testimony as to the appearance of the proposed new homes and compliance with all relevant sections of the Township’s ordinance.
4. The proposed drainage basin is proposed to be located on Lot 3.07 and to be dedicated to the Township. We recommend that the stormwater management basin be located on a separately platted lot.
5. The lighting plan should be revised to provide a data summary chart and to illustrate compliance with all relevant sections of the Township’s ordinance.
6. The applicant should provide testimony as to the proposed new roadway. Will it be privately owned and maintained? If it is intended to be dedicated to the Township, is the Township interested in

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accepting it? The proposed roadway does not appear to comply with the Residential Site Improvement Standards (RSIS) for residential access or rural residential street type designations.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.

A handwritten signature in black ink, appearing to read "Jennifer C. Beahm". The signature is fluid and cursive, with a large initial "J" and "C".

Jennifer C. Beahm, P.P.
Board Planner

JCB: clb

cc: Brian Boccanfuso, P.E., Board Engineer
Ron Cucchiaro, Esq., Board Attorney
Lisa Nosseir, Board Secretary
Galloping Hills at Manalapan, LLC, Applicant (aalfonso@prcgroup.com)
John Vincenti, Applicant's Engineer (jvengineering@aol.com)
The PRC Group, Applicant's Attorney (pwrsinger@prcgroup.com)