

1/13/20

TOWNSHIP OF MULLICA
PLANNING BOARD APPLICATION

To be completed by applicant.

1. SUBJECT PROPERTY

Location: 5162 REDDING AVE
Tax Map Page 111 Block 11109 Lot(s) 2 (FORMERLY 213)
Page _____ Block _____ Lot(s) _____
Dimensions Frontage 631 Depth 345+ Total Area 5.2 AC ± 4.7 AC ROW
Zoning District FAR

2. APPLICANT

Name STEPHAN GROSS
Address PO BOX 308, COLOGNE NJ 08213
Telephone Number 965-4918

Applicant is a Corporation ☐ Partnership ☐ Individual ☒

3. DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed.

[Attach pages as necessary to fully comply.]

Name	Address	Interest
Name	Address	Interest
Name	Address	Interest
Name	Address	Interest
Name	Address	Interest

4. If Owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name STEPHAN & MARTHA GROSS
Address PO BOX 308 COLOGNE NJ 08213
Telephone Number 965-4918

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
Yes [attach copies] _____ No X Proposed X

Note: All deed restrictions, covenants, easements, association bylaws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present use of the premises: VACANT

6. Applicant's Attorney THOMAS H. DUNCAN ESQ
Address 1 N. NEW YORK ROAD
SMITHVILLE NJ 08205

Telephone Number 609-513-3616
FAX Number TOM H DAREY @ COMCAST.NET

7. Applicant's Engineer NA
Address _____
Telephone Number _____
FAX Number _____

8. Applicant's Planning Consultant TOM H DAREY AS PP
Address _____
Telephone Number _____
FAX Number _____

9. Applicant's Traffic Engineer NA
Address _____
Telephone Number _____
FAX Number _____

10. List any other Expert who will submit a report or who will testify for the Applicant: [Attach additional sheets as may be necessary] NA

Name _____
Field of Expertise _____
Address _____
Telephone Number _____
FAX Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:
_____ Minor Subdivision Approval
_____ Subdivision Approval [Preliminary]
_____ Subdivision Approval [Final]
Number of lots to be created _____ Number of proposed dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:
_____ Minor Site Plan Approval
_____ Preliminary Site Plan Approval [Phases if applicable _____]
_____ Final Site Plan Approval [Phases if applicable _____]
_____ Amendment or Revision to an Approved Site Plan
Area to be disturbed (square feet) _____
Total number of proposed dwelling units _____
Request for Waiver from Site Plan Review and Approval _____
Reason for request: _____

_____ Informal Review
_____ Appeal decision of an Administrative Officer [N.J.S. 40:55D-70a]
_____ Map or Ordinance Interpretation of Special Question [N.J.S. 40:55D-70b]
_____ Variance Relief (hardship) [N.J.S. 40:55D-70c(1)]
_____ Variance Relief (substantial benefit) [N.J.S. 40:55D-70c(2)]
_____ Variance Relief (use) [N.J.S. 40:55D-70d]

_____ Conditional Use Approval [N.J.S. 40:55D-67]
_____ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S. 40:55D-34]
_____ Direct issuance of a permit for a lot lacking street frontage [N.J.S. 40:55D-35]
_____ Density Transfer

12. Section(s) of Ordinance from which a variance is requested: SEE STATEMENT OF THE APPLICATION

13. Waivers Requested of Development Standards and/or Submission Requirements: [attach additional pages as needed]

SEE STATEMENT OF THE APPLICATION

14. Attach a copy of the Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing.

An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises:

[Attach pages as needed]

SEE STATEMENT OF THE APPLICATION

16. Is a public water line available? no

17. Is public sanitary sewer available? no

18. Does the application propose a well and septic system? yes

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? YES

20. Are any off-tract improvements required or proposed? no

21. Is the subdivision to be filed by Deed or Plat? NA

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? NA

23. Other approvals which may be required and date plans submitted:

	Date Plans	
	Yes	No
Atlantic County Health Department	☒	☐
Atlantic County Planning Board	☒	☐

Cape/Atlantic Soil Conservation District
NJ Department of Environmental Protection
Sewer Extension Permit
Sanitary Sewer Connection Permit
Stream Encroachment Permit
Waterfront Development Permit
Wetlands Permit
Tidal Wetlands Permit
Potable Water Construction Permit
Other _____
NJ Department of Transportation
Atlantic City Electric & South Jersey Gas Company

24. Certification from the Tax Collector that all taxes due on the subject property have been paid.

25. List of Maps, Reports and any and all information required by Schedule A, B and C for the type of application(s) involved. (Attach additional pages as required for complete listing.

Quantity	Description of Item
15	APPLICATIONS & SUPPORTING DOCUMENTS
15	PROP. DEVELOPMENT PLANS

26. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals:
Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicant's Professional	Reports Requested
Engineer	
Attorney	ALL

CERTIFICATIONS

27. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. [If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
30th day of January, 20 20

Kelly L McLaughlin
NOTARY PUBLIC

KELLY L MCLAUGHLIN
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2370927

MY COMMISSION EXPIRES MARCH 12, 2023

SIGNATURE OF APPLICANT

Anthony J. Gross
Stephen J. Gross

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.
[If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
30th day of January, 20 20

Heely & McLaughlin
NOTARY PUBLIC

[Signature]
SIGNATURE OF APPLICANT
Attorney for Stephen Gross

29. I understand that the sum of \$ _____ has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Township of Mullica, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

1/13/20
Date

[Signature]
SIGNATURE OF OWNER
Attorney for Stephen Gross

Mullica Township Professional Staff

Engineering & Planning

Jason T. Sciallo, PE, PP
Sciullo Engineering Services, LLC
9615 Ventnor Avenue, Suite 3
Margate, NJ 08402

Planning Board Attorney

Timothy Maguire, Solicitor 609-641-1166
200 Jackson Avenue
Northfield, NJ 08225
magmaglaw@aol.com

Planning Board Secretary

Kimberly Johnson, 609-561-7070
Post Office Box 317
Elwood, NJ 08217
kjohnson@mullicatownship.org

Category	Application Fees	Escrow Fees
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
(609) 894 7300
www.nj.gov/pinelands



SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

April 29, 2019

Stephen A. Gross (via email)
P.O. Box 308
Cologne, NJ 08203

Re: Application # 1990-0597.001
Block 11109, Lots 2 & 3
Block 11110, Lots 2 & 3
Mullica Township

Dear Mr. Gross:

Pursuant to N.J.A.C. 7:50-4.34 of the Pinelands Comprehensive Management Plan, the completion of this application has resulted in the issuance of the enclosed *Inconsistent Certificate of Filing*. The reason(s) for the inconsistency is explained on Page 3 and must be resolved.

The Inconsistent Certificate of Filing is not an approval. It is the document necessary to allow any municipal or county agency to review and act on the proposed development application. All municipal and county permits and approvals granted for the proposed development are subject to review by the Pinelands Commission. **No permit or approval shall take effect and no development may occur until the Commission issues a letter indicating that the municipal or county permit or approval may take effect.**

Upon receipt of any municipal or county permit or approval, please submit a copy to the Commission's office with the additional items listed on the enclosed *Local Agency Approval Submission Checklist*.

If you have any questions, please contact Branwen Ellis of our staff.

Sincerely,

for Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Inconsistent Certificate of Filing
Local Agency Approval Submission Checklist

c: Secretary, Mullica Township Planning Board (via email)
Mullica Township Construction Code Official (via email)
Mullica Township Environmental Commission (via email)

Atlantic County Department of Regional Planning and Development (via email)
Atlantic County Division of Public Health (via email)
Thomas H. Darcy, Esq. (via email)



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

INCONSISTENT CERTIFICATE OF FILING

Application #: 1990-0597.001

Applicant: Stephen A. Gross

Municipality: Mullica Township

Block 11109, Lots 2 & 3; Block 11110, Lots 2 & 3

Forest Area, FAR Zoning District: 7.8 acres

Proposed Development

Single family dwelling

Plan(s) Subject of Certificate of Filing

Plot Plan, consisting of 2 sheets, prepared by Thomas H. Darcy, P.L.S. and dated as follows:

Sheets 1 & 2, dated 1/3/2019, last revised 2/5/2019

for Charles M. Horner, P.P.
Director of Regulatory Programs

April 29, 2019

Date

Please see the additional pages for more information and conditions

BACKGROUND

Existing development:

- ♦ Vacant land

Relevant Information:

- ♦ The proposed dwelling will be serviced by an onsite septic system.
- ♦ There are wetlands located on the parcel.

CONDITIONS

1. Prior to Commission issuance of a letter advising that any municipal or county approvals or permits can take effect, a copy of a recorded deed (or stamped, receipted deed filed for recordation) consolidating Block 11109, Lots 2 & 3 and Block 11110, Lots 2 & 3 into one lot must be submitted to the Pinelands Commission.
2. Each septic system shall be located where the seasonal high water table is at least five feet below the natural ground surface.
3. Each septic system shall be located at least 300 feet from wetlands. All other development, including clearing and land disturbance, shall be located at least 275 feet from wetlands.
4. Item(s) on the attached *Inconsistencies* document must be resolved prior to Commission issuance of a letter indicating that any municipal or county approval or permit can take effect.

NEXT STEPS

- ♦ This Certificate of Filing is not an approval.
- ♦ Submit a copy of this Certificate of Filing to all county and municipal agencies that are required to review and act on your application (municipal planning board, building department, county health department, etc.).
- ♦ Send a copy of all approvals/permits that are issued by the county or municipality to the Pinelands Commission for review. Please use the attached *Local Agency Approval Submission Checklist* to make sure you are submitting all required documentation related to the approval/permit.
- ♦ No local approval/permit takes effect and no development can occur until the Pinelands Commission has reviewed the approval. When we complete our review, we will issue you a letter stating that the approval/permit can take effect.

INCONSISTENCIES:

This application as currently proposed is inconsistent with the following standard(s) of the Mullica Township certified land use ordinance and the Pinelands Comprehensive Management Plan (CMP):

1. Permitted use and minimum lot size requirements in a Forest Management Area (N.J.A.C. 7:50-5.23(a))

The parcel is located in Mullica Township's FAR zoning district. Single family dwellings are permitted in the FAR zoning district on lots containing at least twenty-five contiguous acres or on lots containing at least 3.2 acres provided the applicant qualifies for a dwelling in accordance with the cultural housing provision.

The applicant has not demonstrated that the proposed dwelling will be located on a twenty-five acre contiguous parcel or that he qualifies to develop a dwelling in accordance with the cultural housing provision of the Mullica Township land use ordinance and the CMP.

Commission receipt of any county or municipal approval or permit for the development as currently proposed will likely result in the scheduling of a Commission staff public hearing to review the issues raised by the above-referenced inconsistencies.

INCONSISTENT

From: "AppInfo, PC" <AppInfo@pinelands.nj.gov>
Subject: **Pinelands Application #1990-0597.001, Stephen A. Gross**
Date: January 27, 2020 5:12:50 PM EST
To: "tomhdarcy@comcast.net" <tomhdarcy@comcast.net>

Tom:

The draft deed of consolidation and cultural housing affidavit for Mr. Gross are acceptable.

Please submit a copy of the recorded deed of consolidation (or stamped, receipted deed filed for recordation) to the Commission prior to Mr. Gross applying for septic and construction permits.

V/r,

Branwen Ellis
Pinelands Commission
PO BOX 359
New Lisbon, NJ 08064
609-894-7300

CONFIDENTIALITY NOTICE:

The information contained in this communication from the Pinelands Commission is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Pinelands Commission at 609-894-7300 to arrange for the return of this information.

County of Atlantic
State of New Jersey

Affidavit

CULTURAL HOUSING PROVISION ELIGIBILITY AFFIDAVIT
Pinelands Application 1990-0597.001

The following sworn statements are intended to document that I meet the requirements of the MULLICA Township Land Management Code under Chapter 144-123-DD(3) for Cultural Housing and the Pinelands CMP.

I, Stephen A. Gross, hereby swear that:

1. I have owned Block 11109 lots 2 and 3 (5.4 acres including the area to the centerline; 4.75+ acres excluding the area to the centerline) in Mullica Township continuously since February 7. 1979;
2. The proposed dwelling will be my principal place of residence;
3. I have not developed a dwelling under the cultural housing provision within the past 5 years;
4. I have resided in the Pinelands for 36+ years from 1982 to 2019 at Block 396 lot 2 on 122 N. Leipzig Avenue, Galloway Township, Atlantic County, New Jersey, 08215.
5. I have resided in the Pinelands for at least 20 years as described above.

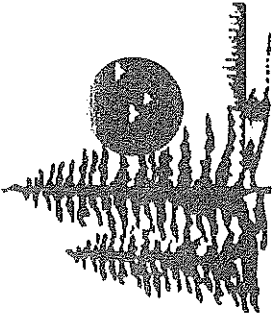


Stephen A. Gross

Sworn before me this 21st day of December, 2019



Thomas H. Darcy Esquire
Attorney at Law in New Jersey



The Township of Mullica

PO Box 317

Elwood, New Jersey 08217

Phone (609) 561-7070 • Fax (609) 561-3031

www.mullicatownship.org

JANUARY 13, 2020

Date Requested-01-09-2020

200' FOOT PROPERTY OWNERS LISTING

I hereby certify that the following is an accurate and complete list of properties within 200 feet of BLOCK-11109 LOT-2, as shown on SHEET #111 of the current tax map of the TOWNSHIP OF MULLICA, and that the names and addresses of the assessed owners as indicated have been obtained from the current tax duplicate of the TOWNSHIP OF MULLICA.

Notice must be given to all property owners within 200 feet of the subject property pursuant to the requirements of N.J.S.A. 40:55d-12.

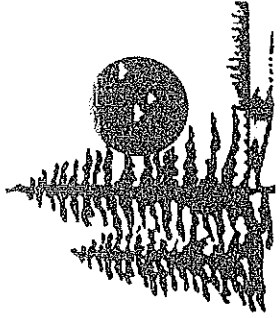
Gerard P. Mead, CTA
Tax Assessor
Township of Mullica

NOTE: In addition to the attached, please notify the following:

CONNECTIV REAL ESTATE DEPT.
5100 HARDING HIGHWAY, SUITE #399
MAYS LANDING, NJ 08330-9902

PUBLIC SERVICE ELECTRIC AND GAS CO.
MANAGER - CORPORATE PROPERTIES
80 PARK PLAZA, T6B
NEWARK, NEW JERSEY 07102

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS	
11108 3	5103 READING AVENUE	1	FISHER JOHN & JOAN C/O WEISBECKER 24 GRANT STREET LONG BRANCH, N J 07740	
11108 4	5135 READING AVENUE	15C	TOWNSHIP OF MULLICA P.O. BOX 317 ELWOOD, NJ 08217	
11108 5	5141 READING AVENUE	2	CRANE, MICHAEL D & PEEKE ELIZABETH 5141 READING AVENUE EGG HARBOR CITY, NJ 08215	
11108 6	5151 READING AVENUE	2	FENNELL, VALERIE & THOMAS 5151 READING AVENUE EGG HARBOR CITY, NJ 08215	
11108 7	5155 READING AVENUE	1	BRADLEY, SCOTT F. P.O. BOX 522 MAYS LANDING, NJ 08330	
11108 8	5163 READING AVENUE	2	BARBERA, JOSEPH 5022 INDIAN CABIN ROAD EGG HARBOR CITY, NJ 08215	
11109 1	5100 READING AVENUE	1	RUSH, DANA 7393 GRAND NAVARRE BLVD. NAVARRE BEACH, FL 32566	
11109 3	5162 READING AVENUE	1	GROSS, STEPHEN P O BOX 308 COLOGNE, N J 08213	
11110 1	5100 FRAZIER AVENUE	1	RUSH, DANA 7393 GRAND NAVARRE BLVD. NAVARRE BEACH, FL 32566	
11110 2	5156 FRAZIER AVENUE	1	GROSS, STEPHEN A & MARTHA I P O BOX 308 COLOGNE, NJ 08213	
11110 3	5162 FRAZIER AVENUE	1	GROSS, STEPHEN A & MARTHA I P O BOX 308 COLOGNE, NJ 08213	
11118 1.02	271 SIXTH AVENUE 1.01	1	CARLAMERE, FRANK 15 MASON DRIVE BERLIN, NJ 08009	
11119 1	5200 READING AVENUE	2	LASHLEY, CLIFTON 5200 READING AVENUE EGG HARBOR CITY, NJ 08215	
11120 1	5200 FRAZIER AVENUE	15C	TOWNSHIP OF MULLICA P.O. BOX 317 ELWOOD, NJ 08217	



The Township of Mullica

PO Box 317

Elwood, New Jersey 08217

Phone (609) 561-7070 • Fax (609) 561-3031

www.mullicatownship.org

JANUARY 13, 2020

Date Requested-01-09-2020

200' FOOT PROPERTY OWNERS LISTING

I hereby certify that the following is an accurate and complete list of properties within 200 feet of BLOCK-11109 LOT-3, as shown on SHEET-#111 of the current tax map of the TOWNSHIP OF MULLICA, and that the names and addresses of the assessed owners as indicated have been obtained from the current tax duplicate of the TOWNSHIP OF MULLICA.

Notice must be given to all property owners within 200 feet of the subject property pursuant to the requirements of N.J.S.A. 40:55d-12.

Gerard P. Mead, CTA

Tax Assessor

Township of Mullica

NOTE: In addition to the attached, please notify the following:

CONNECTIV REAL ESTATE DEPT.
5100 HARDING HIGHWAY, SUITE #399
MAYS LANDING, NJ 08330-9902

PUBLIC SERVICE ELECTRIC AND GAS CO.
MANAGER - CORPORATE PROPERTIES
80 PARK PLAZA, T6B
NEWARK, NEW JERSEY 07102

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS
11108 6	5151 READING AVENUE	2	FENNELI, VALERIE & THOMAS 5151 READING AVENUE EGG HARBOR CITY, NJ 08215
11108 7	5155 READING AVENUE	1	BRADLEY, SCOTT F. P.O. BOX 522 MAYS LANDING, NJ 08330
11108 8	5163 READING AVENUE	2	BARBERA, JOSEPH 5022 INDIAN CABIN ROAD EGG HARBOR CITY, NJ 08215
11109 2	5142 READING AVENUE	1	GROSS, STEPHEN A & MARTHA I P O BOX 308 COLOGNE, NJ 08213
11110 1	5100 FRAZIER AVENUE	1	RUSH, DANA 7393 GRAND NAVARRE BLVD. NAVARRE BEACH, FL 32566
11110 2	5156 FRAZIER AVENUE	1	GROSS, STEPHEN A & MARTHA I P O BOX 308 COLOGNE, NJ 08213
11110 3	5162 FRAZIER AVENUE	1	GROSS, STEPHEN A & MARTHA I P O BOX 308 COLOGNE, NJ 08213
11118 1.02	271 SIXTH AVENUE 1.01	1	CARLAMERE, FRANK 15 MASON DRIVE BERLIN, NJ 08009
11119 1	5200 READING AVENUE	2	LASHLEY, CLIFTON 5200 READING AVENUE EGG HARBOR CITY, NJ 08215
11120 1	5200 FRAZIER AVENUE	15C	TOWNSHIP OF MULLICA P.O. BOX 317 ELWOOD, NJ 08217

1/13/20

THOMAS H. DARCY, ESQUIRE
Attorney-at-Law
1 N. New York Road
Galloway, New Jersey, 08205
609-652-1198
tomhdarcy@comcast.net

PROFESSIONAL LAND SURVEYOR
PROFESSIONAL PLANNER

STATEMENT OF THE APPLICATION

1. EXISTING CONDITIONS

Stephen Gross, the Applicant, is the owner of lots 2 and 3 in Block 11109, located at 5142 and 5126 Reading Avenue. These (2) lots are being consolidated into one lot as required by the Pinelands Commission. The Tax Assessor has assigned a new lot number of 2 in Block 11109 with a street address of 5126 Reading Avenue.

This property is located in the FAR zoning district. The property is currently vacant woods.

Consolidated lot 2 has a total area of 5.4+ acres including all centerline areas; a net area of 4.7+ acres excluding all right of way; and 5.2+ acres with 10% of right of way areas as permitted by Code.

Consolidated lot 2 is a "corner lot." Reading Avenue is a paved Township street; this street frontage is the longer frontage, and is a secondary frontage requiring a 65 ft front yard setback. Sixth Avenue is a dedicated, but unimproved, Township paper street, and has the shorter frontage, and is the primary frontage requiring a 200 ft front yard setback. Frazier Avenue is a dedicated, but unimproved, Township paper streets, with a 65 ft front yard setback requirement.

There are fresh water wetlands and wetlands buffers on the property. The wetlands line has been verified by the Pinelands Commission. A 275 ft wetlands buffer is required for all development and land disturbance. A 300 ft wetlands buffer is required for any septic system.

A soil test performed by Junetta N. Dix shows that the Seasonal High Water Table on part of the property is greater than 5 ft, which is acceptable for an on-site septic system.

2. PROPOSED CONDITIONS

The Applicant is proposing (1) single family dwelling on

consolidated lot 2. The development of a single family dwelling under the Cultural Housing provisions is permitted on a minimum of 3.2 acres in the FAR zone pursuant to Chapter 144-123DD(3) of the MT Code. The Pinelands Commission has determined that the Applicant, Stephen Gross, personally qualifies under the Cultural Housing standards, and that consolidated lot 2 also qualifies under those standards. The Applicant has signed an Affidavit demonstrating such compliance.

The Applicant has received an "Inconsistent" Certificate of Filing from the Pinelands Commission under Application 1990-0597.001 with (3) conditions.

1. Consolidate lots 2 and 3 in Block 11109 into one lot (lots 2 and 3 in Block 11110 are no longer included in the application because consolidated lot 2 in Block 11109 will meet the minimum 3.2 acre requirement for Cultural Housing. The Applicant will comply with this Condition.

2. The septic system shall be located where the SHWT is at least 5 ft. The Applicant will comply with this Condition.

3. Each septic system must be located 300 ft from wetlands. All other development, including clearing and land disturbance, shall be located at least 275 ft from wetlands. The Applicant will comply with this Condition.

3. Approvals.

2.1. The Applicant is requesting an Approval from the Planning Board to permit Stephen Gross to develop a single family dwelling on consolidated lot 2 in Block 11109 under the Cultural Housing provisions of Chapter 144-123DD(3) et seq. with a 300 ft wetlands buffer to any septic system, and a 275 ft buffer to all other development, including clearing and land disturbance.

4. "70c" Bulk Variance

1. A bulk variance for a front yard setback of 25 ft from Sixth Avenue, where 200 ft is required.

2. Any other variances, interpretations, design waivers, or approvals that the Board deems necessary in order to approve the Application.

LEGAL ARGUMENT ON POSITIVE CRITERIA

1.1. The (c) 1 hardship standard.

In seeking a "70(c)1" variance for a frontyard setback reduction from 200 ft to 25 ft, the Applicant is required to meet certain statutory burdens of proof pursuant to NJSA 40:55D-70(c)1 et seq., commonly referred to as the positive and negative criteria. Commons v. Westwood 81 N.J. 597, 604, 605 (1980); Chirichello v. Zoning Board of Adj. Monmouth Beach 78 N.J. 544 (1979).

The positive criteria is defined by one section of the statute as follows:

c. (1) Where: (a) by reason of 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, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, [the board of adjustment shall have the power to] grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship. (Emphasis added). N.J.S.A 40:55D-70-(c)1.

N.J.S.A. 40:55-D-70 c(1)-(a) or (b) or (c)¹ describes the alternative grounds on which a bulk variance can be granted, setting forth three categories of proof that can individually or collectively satisfy the statutory criteria.

(b) exceptional topographic conditions or physical features uniquely affecting the property. The New Jersey Pinelands Commission has verified that the property is

¹ The statute, through the word "or" allows an applicant to seek relief based on any one of these two sections and not necessarily both. The applicant provided expert testimony on all 3 sections.

affected by fresh water wetlands and required a 300 ft wetlands buffer to the septic system, and a 275 ft buffer to all other development. These required buffers represent exceptional topographic and physical features of the property that preclude compliance with a 200 ft setback from Sixth Avenue.

(c). exceptional and extraordinary situation uniquely affecting a specific piece of property.

There is an exceptional and extraordinary situation that uniquely affects this property. The ordinance requires both a 200 ft building setback from Sixth Avenue and a 300/275 ft buffer from freshwater wetlands. It is impossible to satisfy both requirements. The Property is located in a FAR zone, which is specially zoned for residential uses on 3.2 acre lots that qualify under the Cultural Housing provisions. There is also an existing residence on the Southeast side of Sixth Avenue, which precludes purchasing an additional vacant land to remove or mitigate the need for the front yard setback variance.

The above facts in relation to the statutory standards creates a "hardship" on the applicant and satisfy the statutory requirements of N.J.S.A. 40:55D-70(c)¹ to prove an undue hardship.

1.2. The (c)2 standard.

The positive criteria is also defined by another section of the statute as follows² :

c. (2) Where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance

²² The statute allows an applicant to seek relief based on either the (c) 1 or the (c)2 sections and not necessarily both. The applicant provided expert testimony on both sections.

requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act. N.J.S.A 40:55D-70-(c)2.

In Kaufmann v. Planning Bd. for Warren Township, 110 N.J. 551, 563 (1988), the Court articulated the standard to be applied in analyzing compliance with the statute:

"We think that because of its lesser moment, the variance need not be so closely confined to the general welfare. Rather, it may take its meaning as well from other specific purposes of zoning as set forth in the MLUL."

"The grant of approval must actually benefit the community in that it represents a better alternative for the property. The zoning of a c(2) case, then, will be not on the characteristics of the land that, in the light of current zoning requirements, create a "hardship" on the owner warranting a relaxation of standards, but on the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community." Id @ 563.

Benefits

In the instant case, there are (6) six purposes of the Municipal Land Use Law would be advanced by the granting of the variance in connection with the entire development.

NJSA 40:55D-2(a) is the first purpose advanced which is to "promote public health and general welfare." The Application is preserving the wetlands and wetlands buffers on this site and constructing a permitted use, a single family dwelling in an approved single family dwelling zone.

NJSA 40:55D-2(c) is the second purpose advanced which is to "provide adequate light, air and open space." The proposed wetlands and wetlands buffer restrictions will provide adequate light, air and open space. The proposed development would also protect natural wildlife habitat in the wetlands

and the wetlands buffers.

NJSA 40:55D-2(e) is the third purpose advanced which is to "promote the establishment of appropriate population densities and concentrations..." This application complies with the density requirements of the FAR zone under the Cultural Housing standards. NJSA 40:55D-2(g) is the fourth purpose advanced which is to "provide sufficient space and appropriate locations for a variety of uses..." This application provides an opportunity to advance two categories of development, which is residential and preservation of open space areas.

NJSA 40:55D-2(i) is the fifth purpose advanced which is to "promote a desirable visual environment through creative development techniques and good civic design and arrangements" The Application proposing a creative design technique to meet both the overall density requirements of the FARR zone and the need for preservation of open space.

NJSA 40:55D-2(j) is the sixth purpose advanced which is to "promote conservation of open space and natural resources" The proposed restrictions on wetland and wetlands buffer areas will conserve open space and natural resources.

Based upon the above, there is "sufficient factual evidence to satisfy the positive criteria..." under the (c) 2 standard.

Furthermore, in Kaufmann, the Court provided examples of when a (c)2 variance would be beneficial to the community in relation to an environmental condition. In Kaufmann, the Court opined that N.J.S.A. 40:55D-2j intends the prevention of "degradation of the environment through improper use of land." Id. @ 563. The Court stated that "a property crossed

by a stream might call for an adjustment of side or front yards (emphasis added) to better protect the stream bed, or to protect a "stand of trees" or natural resources." Id. @ 563.

In the instant case, there are wetlands and wetlands buffers that exist on-site and the requirement of the 300/275 ft buffers is to protect them. These wetlands and wetlands buffer are significant natural resources that both Pinelands and Mullica Township have passed regulations to protect. See N.J.A.C. 7:50-6.6 (development prohibited in wetlands and wetlands buffers); See N.J.A.C. 7:50-6.27 (development prohibited in the vicinity of threatened or endangered plants). See N.J.A.C. 7:50-6.33 (protection of threatened or endangered wildlife required). See Mullica Township Developmental Ordinance Chapter 144-111 (no development in wetlands or 300 ft wetlands buffers).

Just as in Kaufmann, where the Court opined that protection of natural resources can be a justification to satisfy the positive criteria for a (c)2 variance, this Application is preserving the wetlands and wetlands buffer on this site" by the reduction in the front yard setback. Most significantly, the Court in Kaufmann was speaking of general natural resources, not those that are actually protected by state and municipal regulations as is this particular case.

NEGATIVE CRITERIA

Even if an applicant for a "C" variance satisfies the positive criteria, the statute also requires that the applicant satisfy his burden of prove on the negative criteria. The negative criteria is defined by statute as follows:

No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. N.J.S.A 40:55D-70-et seq.

1.1. First Prong of the Negative Criteria - Public Good.

No variance may be granted unless such variance will not be a substantial detriment to the public good. N.J.S.A. 40:55D-70 et seq. In this respect, the statutory focus is on the effect of granting the variance on the surrounding properties and the character of the neighborhood. Chirichello v. Zoning Board of Adj. Monmouth Park, 78 N.J 544, 552 (1979).

In the instant case, the character of the neighborhood will not be substantially impaired by the granting of a 25 ft front yard setback variance to Sixth Avenue.

Sixth Avenue is a "paper street" and there it is very unlikely that it will ever be improved as a public right of way given the zoning requirements and the wetlands and wetlands buffer restrictions in this area.

Therefore, the dedicated Sixth Avenue right of way will function as a "side yard" rather than a "front yard" so that the 25 ft setback is appropriate in these circumstances.

1.2. Second Prong of the Negative Criteria - Zone Plan

No variance may be granted unless such variance will not

substantially impair the intent and purpose of the zone plan and zoning ordinance. N.J.S.A. 40:55D-70 et seq.

In Chirichello, the Court set forth standards by which to measure whether substantial impairment would occur as a result of the granting of a C variance.

In reversing the Board's denial of the variances, the Court found that the "proposed use of the property as a one-family home is precisely the use required by the zoning ordinance" and that "its proposed setting among three other homes ...with no greater (frontages) are some indicia that the zone plan and zoning ordinances may not have been substantially impaired by granting the variance." Id. at 559.

Similarly, in the instant case, the proposed use of the Property is residential, exactly what is permitted in the FAR zoning district under the Cultural Housing Provisions. The development proposed by the Applicant also would conform with all other bulk requirements, except for the front yard setback.

Also, the relief being sought is significantly less than the relief sought in Chirichello. In Chirichello, the applicant required an "area variance" and a "frontage variance." However, in the instant case, the Property complies with the area and frontage requirements for the FAR zone. Therefore, this Application has significantly less potential detrimental effects because the Property has conforming lot area, which relates to public health and safety.

(See Commons at 609 citing Home Builders League of South Jersey, Inc. v. Berlin Tp. 81 N.J. 127, 139, 142 (1979) that "we have recognized that minimum lot size may be closely

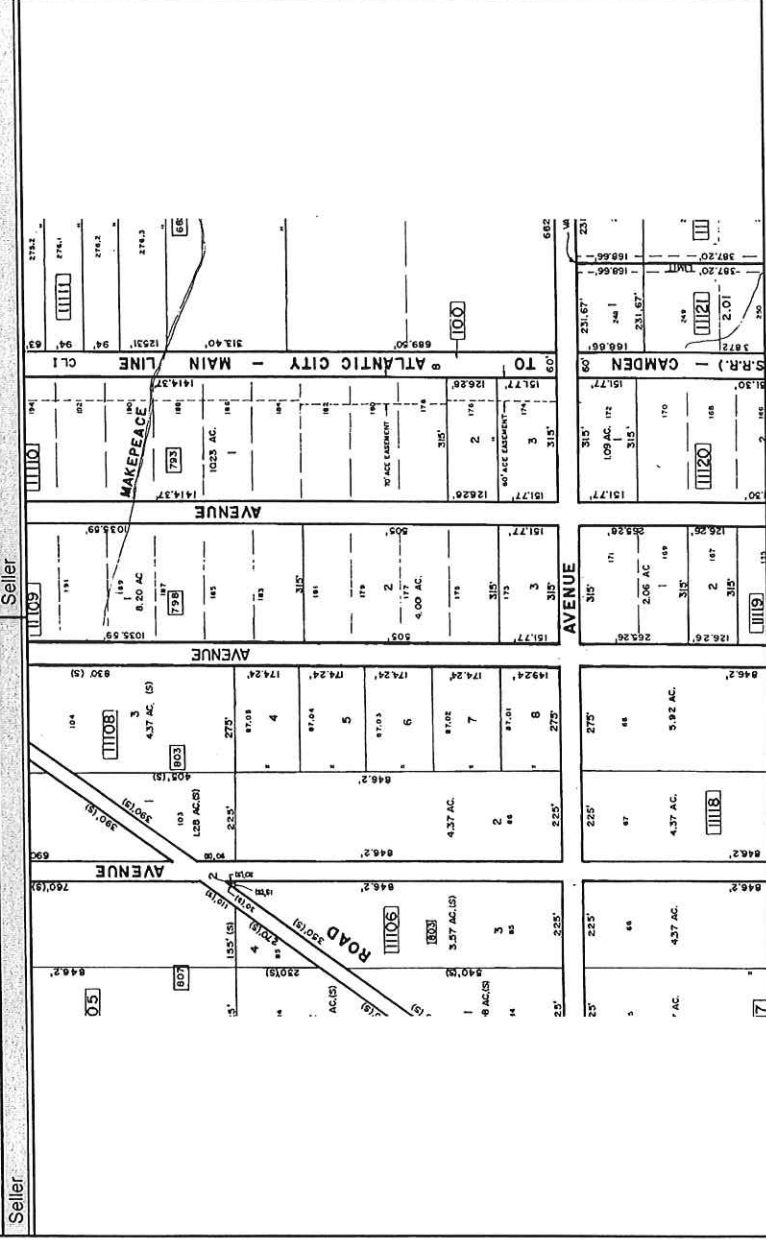
related to the goals of public health and safety"; See also Purposes of Municipal Land Use Law in N.J.S.A. 40:55D-2(a)..."to promote...public health (and) safety" and N.J.S.A. 40:55D-2(e)..."to promote the establishment of appropriate population densities"; See also Mullica Township Land Development Ordinance , Section 102 Purposes A and E for similar zoning goals.

Thus, if the zone plan and zoning ordinance was not found to be sufficiently impaired in Chirichello to sustain the denial of 2 variances (one for lot area which implicates public health and safety; and a second for lot width which also functions as a limitation on the number of potential building lots in a particular zone), certainly the zone plan and zoning ordinance could not be substantially impaired by the Application's single variance request for a frontyard setback, which practically functions as a sideyard.

1/13/22

Property Location 5162 READING AVENUE, Egg Harbor City 08215-4412 117 (Mullica Township), Block: 11109, Lot: 3 (Old Block: 798, Old Lot: 173)	
Property Information	
Class: 1 - Vacant Land	Assessment Data
Additional Lots:	Total Value: \$2,200.00
Bld Description:	Land Value: \$2,200.00
Land Description: 1.0975 ACRE	Improvement Value: \$0.00
Acreage: 1.0975	% Improvement: 0.0
Square Footage: 0	Special Tax Codes:
Zoning: FAR, Usage:	Deductions: Senior() Veteran() Widow() Surv. Spouse() Disabled()
Year Constructed: 0	Exemption: 0
# Dwellings: 1	Exemption statute:
Use Code: 0	2016 Rate: 4.417; 2016 Ratio: 57.7%; 2016 Taxes: \$97.17
Census Tract: 107	2017 Rate: 4.694; 2017 Ratio: 60.67%; 2017 Taxes: \$103.26
	2018 Rate: N/A; 2018 Ratio: 64.01%; 2018 Taxes: \$0.00
Sale Data	
Current Owner	Date: 07/26/1991
GROSS, STEPHEN	Price: \$2,000.00
P O BOX 308	Ratio: 1.1%
Cologne, NJ 08213-0308	Deed Book: 05256
Previous Owner:	Deed Page: 00335
Latest Sales Detail	
Recorded:	Sales Price:
Sales Date:	Sales Ratio:
Deed Book:	Use Code:
Deed Page:	Not Usable:
Buyer	Buyer
GROSS, STEPHEN	
P O BOX 308	
Cologne, NJ 08213-0308	
Seller	
GROSS, STEPHEN	
P O BOX 308	
Cologne, NJ 08213-0308	
Map	

Property Location		5142 READING AVENUE Egg Harbor City 08215-4412 117 (Mullica Township), Block: 11109, Lot: 2 (Old Block: 798, Old Lot: 175)	
Property Information	Assessment Data		
Class: Class: 1 - Vacant Land	Total Value: \$10,300.00		
Additional Lots:	Land Value: \$10,300.00		
Bid Description:	Improvement Value: \$0.00		
Land Description: 3.650 ACRES	% Improvement: 0.0		
Acreage: 3.65	Special Tax Codes:		
Square Footage: 0	Deductions: Senior() Veteran() Widow() Surv. Spouse() Disabled()		
Zoning: FAR, Usage:	Exemption: 0		
Year Constructed: 0	Exemption statute:		
Use Code: 0	2016 Rate: 4.417; 2016 Ratio: 57.7%; 2016 Taxes: \$454.95		
# Dwellings: 1	2017 Rate: 4.594; 2017 Ratio: 60.67%; 2017 Taxes: \$483.48		
Census Tract: 107	2018 Rate: N/A; 2018 Ratio: 64.01%; 2018 Taxes: \$0.00		
Current Owner	Sale Data		
GROSS, STEPHEN A & MARTHA I	Date: 03/02/1979		
P O BOX 308	Price: \$16,000.00		
Cologne, NJ 08213-0308	Ratio: 0.64%		
Previous Owner:	Deed Book: 03321		
	Deed Page: 00233		
Latest Sales Detail			
Recorded:	Recorded:	Sales Price:	Sales Price:
Sales Date:	Sales Date:	Sales Ratio:	Sales Ratio:
Deed Book:	Deed Book:	Use Code:	Use Code:
Deed Page:	Deed Page:	Not Usable:	Not Usable:
Buyer	Buyer		
GROSS, STEPHEN A & MARTHA I			
P O BOX 308			
Cologne, NJ 08213-0308			



THOMAS H. DARCY, ESQUIRE
Attorney-at-Law
1 N. New York Road
Smithville, NJ 08205
609-652-1198
609-513-3616
tomhdarcy@comcast.net

PROFESSIONAL LAND SURVEYOR
PROFESSIONAL PLANNER

06-24-2019

Branwen Ellis, Environmental Specialist
New Jersey Pinelands Commission
PO BOX 359
New Lisbon NJ 08064

Re: Application 1990-0597.001
Block 11109 lots 2 and 3
Block 11110 lots 2 and 3
5162 Reading Avenue
Mullica Township

Dear Branwen,

I represent Stephen A. Gross and Martha I. Gross, the applicant, and current owners of the above captioned property. We are in receipt of the Inconsistent Certificate of Filing dated April 29, 2019. The COF states that "Permitted use and minimum lot size requirements in a Forest Management Area (NJAC 7:50-5.23(a)" allow development of lots of at least 3.2 acres provided the applicant qualifies for a dwelling in accordance with the appraisal provisions. The following legal arguments intend to demonstrate that my clients', or a member of their immediate family, would qualify based on their continuous ownership of the property since February 7, 1979.

My clients Deed for the property is dated February 26, 1979 and was recorded on March 2, 1979. However, my clients became the legal and beneficial "owners" of this property by virtue of an Contract of Sale that was executed on December 15, 1978.

Courts in the State of New Jersey have consistently held that a Contract of Sale operates as a equitable conversion of the title to the realty.

"It is the settled doctrine of our courts of equity that, under a contract for the sale of lands, the vendee in contemplation of equity becomes the real

owner...."

Coolidge & Sickler, Inc. v. Regn. 7 N.J. 93 (1951)

"Under the familiar doctrine that equity considers as done that which was agreed to be done, a contract for the sale of land operates as an equitable conversion. The vendee takes an equitable title, and his interest under the contract becomes reality...

Conversely, the vendor's interest constitutes personalty..."

Galliechio v. Jarzla 18 NJ Super 206 (1952).

"The conversion takes place at the time of the execution of the contract, even though the purchaser does not take possession or pay the purchase price... Ibid.

Given the above, my clients became the equitable owners of this property on December 15, 19178 well before the February 7, 19179 cut-off date for cultural housing.

The Pinelands Comprehensive Management Plan also recognizes this doctrine of equitable conversion in the definitional section of NJAC 7:50-2.11 et seq.

"Developer mean the legal or equitable owner or owners of a lot or of any lands proposed to be included in a development including the holder of an option or contract to purchase, or other person having enforceable propriety interest in such land."

In sum, a reasonable reading of New Jersey case law and the Pinelands CMP would support a finding that my clients were the "owners" of the subject property prior to February 7, 1979, and that they have been in continuous ownership thereafter.

It is also reasonable to suggest that a narrow and constricted interpretation of the above information is not warranted in this case. It is highly unlikely that there is anyone else who is similarly situated and could produce a Contract of Sale that is 40 years old. Therefore, the chances of setting a precedent that could become inconsistent with public policy is extremely low.

My clients respectfully request that the Commission accept the above facts and law and confirm that my clients qualify under the cultural housing provisions for this property with regard to the February 7, 1979 cut-off date,

but subject to producing the required Affidavits
demonstrating compliance with the other necessary criteria.

Best Regards,

Thomas H. Darcy

Thomas H. Darcy, Esquire

cc Stephen and Martha Gross

From: "AppInfo, PC" <AppInfo@pinelands.nj.gov>
Subject: **Pinelands Application #1990-0597.001, Stephen A. Gross**
Date: December 11, 2019 5:21:17 PM EST
To: "tomhdarcy@comcast.net" <tomhdarcy@comcast.net>
1 Attachment, 692 KB

Tom:

Sorry for the extended delay on this. Condition # 1 of the CF (attached) requires the applicant to consolidate Block 11109, Lots 2 & 3 into and Block 11110, Lots 2 & 3 into one lot. The applicant still preserves his cultural housing qualification as the parcel will be consolidated (perhaps to be known as Block 11109, Lot 2), and one house will be built on the overall parcel consistent with the wetlands protection standards. Prior to obtaining any local permits or approvals, please submit a recorded copy of the consolidation deed and a completed cultural housing affidavit to the Commission.

V/r,

Branwen Ellis

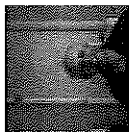
Pinelands Commission
PO BOX 359
New Lisbon, NJ 08064
609-894-7300

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InconCEb119....pdf (692 KB)



From: TOM DARCY <tomhdarcy@comcast.net>
Subject: **Re: [EXTERNAL] Fwd: Application 1990-0597.001**
Date: November 4, 2019 2:58:20 PM EST
To: "Ellis, Branwen" <Branwen.Ellis@pinelands.nj.gov>
Cc: "Kelly McLaughlin (momdogmc@yahoo.com)" <momdogmc@yahoo.com>

Thanks Branwen
I should have checked in sooner.... NP
Tom

On Nov 4, 2019, at 2:55 PM, Ellis, Branwen wrote:

Tom:

I'm glad you checked in with me. I am so very sorry, I missed your 18July2019 e-mail to me on this file. Now that I am aware, I will need to dig into this ownership complication and hope for the best.

I'll try to get an answer for this one quickly.

Best,

Branwen L. Ellis
Environmental Specialist
NJ Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
609-894-7300 (phone)
609-894-7331 (fax)

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From: TOM DARCY [mailto:tomhdarcy@comcast.net]
Sent: Monday, November 04, 2019 2:27 PM
To: Ellis, Branwen
Cc: Kelly McLaughlin (momdogmc@yahoo.com)
Subject: [EXTERNAL] Fwd: Application 1990-0597.001

Hi Branwen
Just checking on this one...
Tom

Begin forwarded message:

From: TOM DARCY <tomhdarcy@comcast.net>
Date: July 18, 2019 11:22:12 AM EDT
To: Branwen Ellis <Branwen.Ellis@pinelands.nj.gov>
Cc: "Kelly McLaughlin (momdogmc@yahoo.com)" <momdogmc@yahoo.com>
Subject: **Application 1990-0597.001**

Hi Branwen

A complication has come up about the Cultural Housing issue we discussed on the above application Steve did purchase lot 2 in Block 11119 back in 1979 as we discussed. However, he purchased adjoining lot 3 in Block 11119 from Mullica Township in 1991. Lot 3 is where the dwelling has to be constructed because of the wetlands buffers.

Lot 2 alone has 4.0+ acres, which he owned prior to 1979, and exceeds the minimum 3.2 acre requirement. Can we tack onto lot 2 the additional 1.4+ acres for lot 3 by a Consolidation Deed and still preserve his Cultural Housing qualification?

Sorry about this. I did not notice this before

Tom

Thomas H. Darcy, Esquire
Attorney-at-law
Professional Land Surveyor
Professional Planner
1 N. New York Road
Suite 43
Galloway, NJ 08205
609-513-3616 cell
609-652-1198 office

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Thomas H. Darcy, Esquire
Attorney-at-law

JUNETTA N. DIX CONSULTING, INC.
213 E. SEAVIEW AVENUE
LINWOOD, NJ 08221
609.927.5580
junettanowell@comcast.net

SOIL BORING LOG #1

Block 11109, Lots 2 and 3; Mullica Township; Atlantic County
Excavated by 4" diameter hand auger on September 17, 2018 in approximate area of
proposed septic disposal be

DEPTH (INCHES)	SOIL DESCRIPTION
0 – 6"	10YR 4/2 Dark grayish brown medium loam; 0% coarse material; angular blocky; friable; many roots.
6 – 36"	10YR 6/6 Brownish yellow sandy clay; 20% gravel and 2% cobbles; subangular blocky; firm in place.
36 – 42"	10YR 6/6 Brownish yellow sandy clay; 0% coarse material; angular blocky; friable.
42 – 60"	10 YR 6/6 Brownish yellow medium sand; 0% coarse material content; angular blocky; friable.

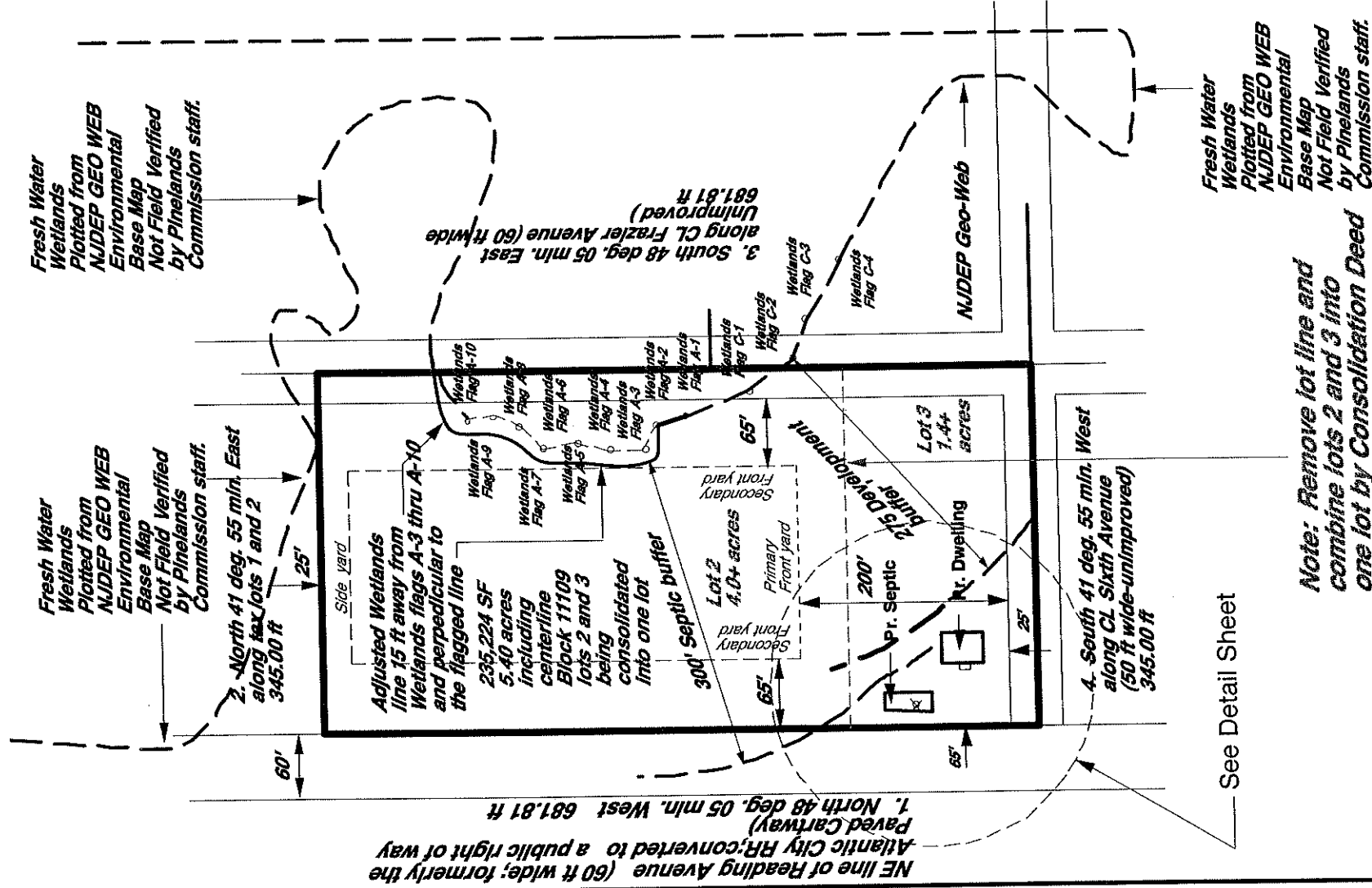
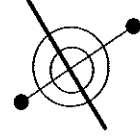
Soil Sample* Depth: N/A
Restrictive Horizon: 6 – 42"

Depth to estimated SHWT: > 60"
Depth to groundwater: > 60"

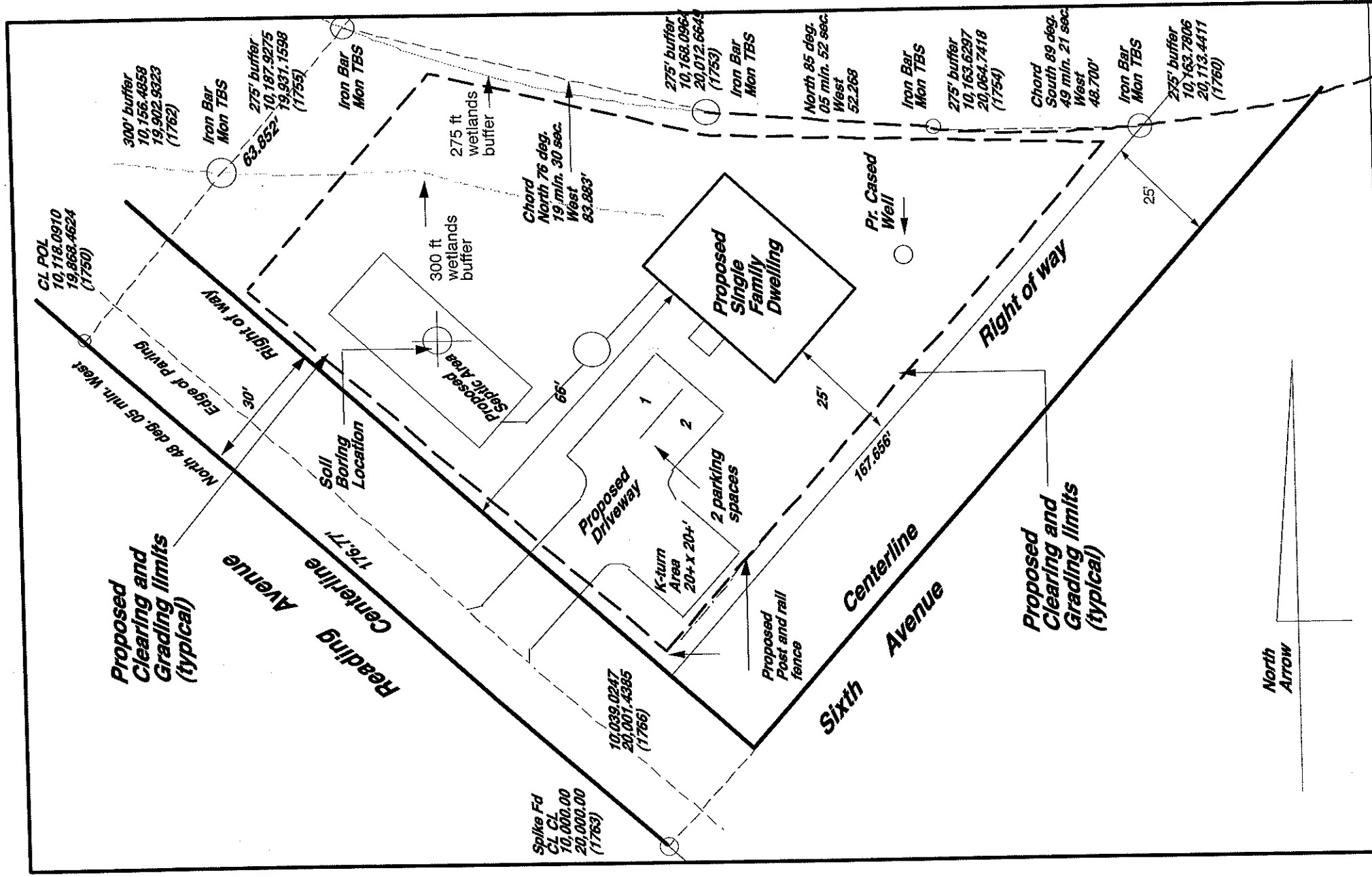
Junetta Dix / 9/17/18

This document is an instrument of professional service, is the property of Junetta N. Dix Consulting, Inc. (JNDI) and shall not be used in whole or in part for any other project without the written consent of JNDI. This soil boring/pit log has been completed to assess the probable soil conditions, which may be found in the immediate vicinity of the specific boring location. JNDI does not guarantee that all soils on this specific site will be similar in texture, structure, or other physical properties. Seasonal high water table determinations and hydrologically restrictive horizons are estimated only and can vary across a site. Some borings/pits may be subject to regulatory agency review. JNDI does not guarantee that unwitnessed borings/pits will be acceptable to the applicable regulatory agency. However, all borings and test pits will be completed in a professional manner utilizing currently acceptable standards.

Note: No Development, Including clearing and land disturbance is permitted in wetlands or wetlands buffers



Proposed Plot Plan for Pinelands Application-Cultural Housing		Sheet 1
Thomas H. Darcy	Professional Land Surveyor NJ License 23925	Thomas H. Darcy
Block 11109 Lot 2 (formerly lots 2 and 3)		5162 Reading Avenue
Municipality: Mullica Township		Atlantic County, New Jersey
Scale: 1"=150'	Drawn by Darcy	Date 02-13-2020
Thomas H. Darcy Assoc. P.A. 1 N. New York Road, Smithville, NJ 08205		Revised
		609-652-1198



ZONING SCHEDULE

FAR Forest Area Residential District Chapter 144-136A-13	Principal Uses	Permitted or Required	Block 11109 lot 2 (formerly 2 and 3)			5162 Reading Avenue	Note 2
			Existing	Status	Proposed	Status	
	SF Dwelling		Vacant	Conforms	SF Dwelling	Conforms	
Lot Size	3-2 Ac Min		5.2+ ac CL 4.7+ac ROW	Conforms	5.2+ ac CL 4.7+ac ROW	Conforms	Note 1
Lot Width	125'		656.81'	Conforms	656.81'	Conforms	
Frontage	Paved		656.81'	Conforms	656.81'	Conforms	
Principal Setbacks	Front	65' Reading Avenue Longer Frontage	NA'	NA'	65'	Conforms	Note 3
	Side	200' Sixth Avenue Shorter Frontage	NA'	NA'	25'	DNC	
	Rear	25'	NA'	NA'	>25'	Conforms	
Accessory Setbacks	Front	50'	NA'	NA'	NA'	NA'	Note 6
	Side	200'	NA'	NA'	NA'	NA'	
	Rear	25'	NA'	NA'	NA'	NA'	
Building Coverage	10%/4000SF		NA'	NA'	NA'	NA'	
Impervious Coverage	25%/10000SF		NA'	NA'	<4000SF	Conforms	Note 4
Principal Height	35' maximum		NA'	NA'	<10000SF	Conforms	Note 5
Off Street Parking	2 per dwlg.		NA'	NA'	<35'	Conforms	
Accessory Building Height	35' or < dwelling		NA'	NA'	2 per dwlg.	Conforms	
Accessory Building Size	850 SF Maximum		NA'	NA'	NA'	NA'	

Note # 1 : Under the Cultural Housing Provisions in Chapter 144-123DD(3), a 3.2 acre parcel is permitted. Consolidated lot 2 contains 227,584 SF or 5.2+ acres with 10% credit for areas within the right of way. 315' x 656.81' = 206,895 + (10% of 206,895) = 227,584SF or 5.2+ acres.

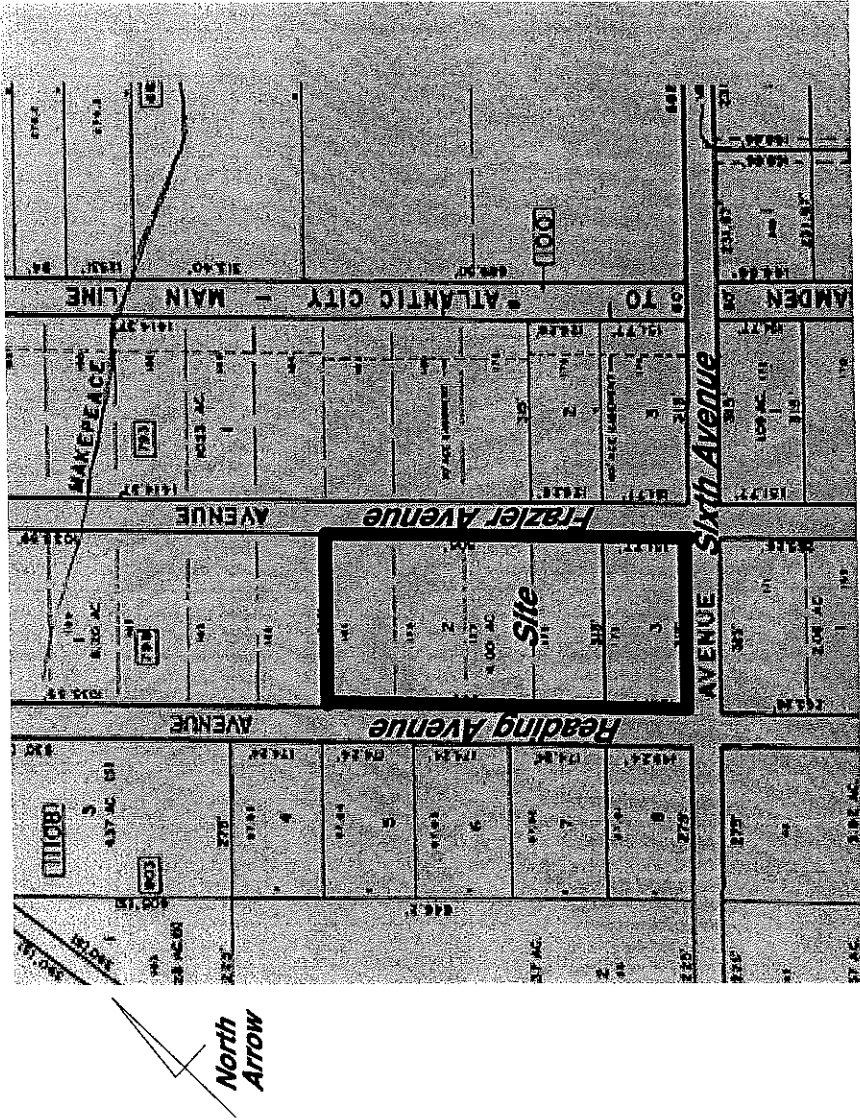
Note # 2 : Existing lots 2 and 3 are being combined into one lot, known as lot 2.

Note # 3 : On a corner lot, Chapter 144-123-F allows the second front yard to be reduced from 200 ft to 65 ft. The second front yard shall be the longer of the two frontages.

Note # 4 : Maximum Building Coverage is 4000SF or 1.7+%

Note # 5 : Maximum Impervious Coverage is 10,000SF or 4.4%.

Note # 6 : Consolidated lot 2 is a corner lot with (3) frontages and (1) sideyard. There is no rear yard.



Thomas H. Darcy

Professional Land Surveyor NJ License 23925

Thomas H. Darcy

Atlantic County, New Jersey

Block 11109

Lot 2 (formerly 2 and 3)

5162 Reading Avenue

Municipality: Township of Mullica

Atlantic County, New Jersey

Scale: None

Drawn by DARC Y

Date 02-13-2020

Revised

Thomas H. Darcy Assoc. P.A.

1 N. New York Road, Smithville, NJ 08205

609-652-1198