

MULLICA TOWNSHIP PLANNING BOARD

AGENDA

November 4, 2020

7:30 PM

CALL TO ORDER

FLAG SALUTE

PUBLIC MEETINGS ACT ANNOUNCEMENT

ROLL CALL: Mr. Cfitelli, Mr. Fognano, Mt. Graviin, Ms. Hanselmann, Ms. Mazarella, Mr. Merlino, Mr. Seney, Mayor Silva, Ms. Nevius (Alt #1), Mr. Braun (Alt. #2), Mt. Falciano (Alt. #3), Mr. Kennedy (Alt. #4), Mr. Muller

APPROVAL OF MINUTES: October 7, 2020

APPROVAL OF RESOLUTIONS: A. Resolution #7-2020 / Cultural Housing & Variance / Block 11109, Lot 2

B. Resolution #8-2020 / Street Vacation / Columbia Road Between Reading Avenue & White Horse Pike

CORRESPONDENCE:

APPLICATIONS: A. Arthur Hartwell 111 / Variance / Block 10810, Lot 15

OLD BUSINESS:

NEW BUSINESS:

PUBLIC DISCUSSION

ADJOURN

NOVEMBER Correspondence

From: Pinelands Commission; Jennifer & Gary Etherington, Block 1603, Lot 6, demolition permit can take effect. To: Variety Farms, Block 4902, Lots 6, 8 & 28, submit local approvals; To: Elwood DG, LLC, Block 3407, Lot 1, construction can take effect; septic approval subject to public hearing on May 4, 2021. Bills submitted: Maguire, Gross application \$14.00; Elkins application \$70.00.

RESOLUTION MEMORIALIZING THE GRANT OF A CVARIANCE FOR FRONT VARD SETBACK FROM READING AVENUE TO ALLOW THE CONSTRUCTION OF A SINGLE FAMILY HOME AT PROPERTY WITH A COMMON ADDRESS OF 5126 READING AVENUE AND LISTED AS BLOCK 11109, LOT 2 ON THE TAX MAP OF THE TOWNSHIP OF MULLICA.

WHEREAS, an application was filed by Stephen Gross seeking approval to construct a single family home at 5126 Reading Avenue; and

WHEREAS, said property is listed on the official tax map of the Township of Mullica as Lot 2 in Block 1 1109 (formerly Lots 2 and 3 in block I1 109); and

WHEREAS, the applicant would need a front yard setback from 6<sup>th</sup> Avenue where 200 feet is required and 25 feet from the right of way was proposed in order to construct said home;  
and

WHEREAS, the application consisted of the formal application and all documents submitted during the presentation; and

WHEREAS, testimony was presented on behalf of the applicant by Thomas H. Darcy, Professional Land Surveyor; and

WHEREAS, the Mullica Township Planning Board having duly considered the evidence presented at a meeting held via video conference on Wednesday, October 7, 2020, made the following specific findings of fact:

- A. The board determined it was appropriate to hold the meeting via video conference as the country and the State of New Jersey was in the midst of the Covid-19 pandemic  
and social distancing requirements were in effect. The applicant had no objection to the meeting being held via video conference,
- B. The above recitals are incorporated into this section of the resolution as iffully set fòrth at length herein.
- C. The board unanimously deemed the application complete.

- D. The property is located on the northerly side of Reading Avenue immediately west of 6<sup>th</sup> Avenue. The property has 681.81 feet of frontage along Reading Avenue from the center line of 6<sup>th</sup> Avenue and extends 345 feet along the center line of 6<sup>th</sup> Avenue to the center line of Fraizer Avenue. Both 6<sup>th</sup> Avenue and Frazier Avenue are unimproved paper streets. The site contains a fresh water wetlands area and buffers of 275 feet to development and 300 feet to the proposed septic system are required.
- E. The applicant is proposing to construct a single family dwelling, on-site parking and a septic system with cased well.
- F, The proposal to construct the single family properw is being made pursuant to the cultural housing requirements set forth in the township's developmental ordinance.
- G In order to comply with said cultural housing requirements, a residential dwelling must be on a lot with a minimum size of 3.2 acres and must be the principal residence of the property owner or a member of the immediate family of the propefty owner.
- H. The applicant is prohibited from having developed a dwelling unit under the cultural housing provisions within the previous five years and the parcel of land wherein the dwelling is to be located must be in continuous ownership ofthe person whose principal residence the dwelling will be, or a member of that person's immediate family, since February 7, 1979.
- I. The person who will make the dwelling unit their principal residence must have resided in the Pinelands for at least five years and that person or one or more persons of that person's immediate family must have resided in the Pinelands for a total of at least 20 different years,
- J. The board found that lots 2 and 3 were consolidated as required by the Pinelands Commission and that the new address of the property will be changed from 5126 Reading Avenue to 5142 Reading Avenue.
- K. The property is located in the FAR zone which requires 25 acre parcels, However, the subject property conforms with the cultural housing provision of lot size of 32 acres for any lot where a single family home would be constructed.

- L. The certificate of filing required, and the board made a condition of approval, that the septic system at the property must be located in an area where the water table is at least 5 feet and must be located 300 feet from the delineated wetlands area.
- M. The board made a condition of approval that any other structures must be located at least 275 feet from the wetlands area,
- N. The scenic corridor requirements of the township developmental ordinance require all buildings to be set back at least 200 feet from the center line of the conidor. The subject property is in the scenic corridor.
- O. The scenic corridor requirements also state that if a 200 foot setback is constrained by environmental or other physical considerations, such as wetlands, the building shall be set back as close to 200 feet as practical.
- P. The board agreed with the determination of the Pinelands staff, that the property was purchased in March of 1979. However, since the contract of sale was entered into in December of 1978, the applicant had met the requirement of being the owner of the property prior to February 7, 1979. This was due to the fact that the owner had constructive ownership of Lot 3 as of the date of the signing of the agreement of sale. The applicant purchased Lot 2 in 1991. Since Lot 2 and Lot 3 have been consolidated, the Pinelands staff made a determination, which the board agreed with, that the applicant would not lose his rights under the cultural housing requirements if the lots were consolidated.
- Q. The board found that due to the configuration of this lot, and the wetlands contained on the same, a C-1 hardship variance was appropriate concerning the front yard setback from Reading Avenue
- R. The board determined that a neighboring property has a similar setback as was being proposed by the applicant and therefore granting the variance would not impede the neighborhood zone or scheme,
- S. Single family homes are permitted in the zone pursuant to the cultural housing requirement.
- T. The board made a condition of approval that the applicant must comply with any and all parking requirements as part of constmction on the propetty.

- U. The board made a requirement of any approval that a 6 foot tall solid fence be constructed and maintained along the neighboring property owned by Clifton Lashley.
- V. The board made a condition of approval that the applicant must comply with the landscaping requirements of the township developmental ordinance including placing landscaping along the front of the property adjacent to Clifton Lashley's property.
- W. The board made a condition of approval that the applicant must obtain any and all other approvals of bodies with jurisdiction concerning the subject property.
- X. The board made a condition of approval that the applicant will conform with any and all requirements set forth in the report of Deborah Wahl, Board Engineer dated February 26, 2020.
- Y. The applicant agreed to comply with any recommendations of board professionals if issues arise during construction at the subject property.
- Z. The applicant is required to submit a formal grading plan as part of the septic design.
- AA. The board made a condition of the application that the applicant will notify Mr. Lashley at least six months prior to the start of any development.
- BB. The board determined that it had proper jurisdiction pursuant to the Municipal Land Use Law of the State of New Jersey with respect to the relief being requested by the applicant.
- CC. The board determined that all notice requirements regarding the application were met.

PUBLIC PORTION:

Two members of the public spoke concerning this application. Mr. Clifton Lashley is the next door neighbor. He indicated that he is against the project. He indicates his property sits approximately 15 feet from the proposed development and was surprised that the applicant could construct a property on the site and maintain compliance with wetland requirements, Mr. Lashley referred to the subject property as a "swamp".

Didi McKnight also spoke concerning the application. She asked general questions concerning how the application would affect her property which she described as Lot I and Lot 10 in Block 11 109

Therefore, a motion was made to grant the C-Variance for front yard setback from Reading Avenue where 200 feet is required and 25 feet was proposed. The motion was conditioned upon all] of the requirements as set forth in this resolution, Said motion being made and conditioned as set forth herein, the following board members voted in the affirmative: Gravlin, Mazzarella, Meriino, Seney, Mayor Silva, Nevius, Braun, Feliciano, Muller.

The following board member voted against the motion: Fognano.

NOW, THEREFORE, BE IT RESOLVED that the C-Variance for front yard setback to allow the construction of a single family home has been granted and is hereby memorialized; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the applicants, the municipal clerk and the construction office of the Township of Mullica; and

BE IT FURTHER RESOLVED that notification of the approval memorialized herein shall be published in an official newspaper of the Township of Mullica by the board secretary within ten (10) days of the passage of this resolution; and

BE IT FURTHER RESOLVED that if any misrepresentations were made in the application or presentation to the board, this resolution shall become void ab initio and of no effect and the approval granted herein shall be negated.

Dated.

\_\_\_\_\_  
CHARLES MULLER Chairman

RESOLUTION OF THE MULLICA TOWNSHIP PLANNING BOARD # - 2020

RESOLUTION SUPPORTING VACATING COLUMBIA ROAD BETWEEN READING AVENUE AND THE WHITE HORSE PIKE.

WHEREAS, the Commissioner of the New Jersey Department of Transportation initiated a review of the highway-rail at grade crossing of Columbia Road with New Jersey Transit's Atlantic City line; and

WHEREAS, said grade crossing was located on Columbia Road within the Township of Mullica, County of Atlantic and State of New Jersey; and

WHEREAS members of the New Jersey Department of Transportation, New Jersey Transit Comoration and the Township of Mullica met to discuss the Columbia Road at grade crossing; and

WHEREAS, after such meetings, the consensus was to eliminate the highway-rail at grade crossing located on Columbia Road; and

WHEREAS, as part of the process, the governing body of the Township of Mullica moved before the Mullica Township Planning Board seeking authorization of the vacating of Columbia Road; and

WHEREAS, the board considered testimony of township engineer, Deborah Wahl; and WHEREAS, the application consisted of the formal application packet and all documents submitted by the applicant.

**PUBLIC PORTION:**

No member of the public spoke in favor or in opposition of this application.

BE IT FURTHER RESOLVED that to the extent this notification must be published in an official newspaper of the Township of Mullica, the same shall be published by the board secretary within ten (10) days of passage; and

BE IT FURTHER RESOLVED that if any misrepresentations were made in the application or presentation to the board, this resolution shall become void ab initio and of no effect and the approval granted herein shall be negated.

Dated:

\_\_\_\_\_  
CHARLES MULLER, Chairman

# TOWNSHIP OF MULLICA PLANNING BOARD APPLICATION

To be completed by applicant.

Tax ID Number: <u>4762 READING AVE</u> Map Page <u>108</u> Block <u>10810</u> Lot(s) <u>15</u> Page _____ Block _____ Lot(s) _____ Dimensions Frontage <u>51</u> Depth _____ Total Area _____ District <u>Elwood Village</u>	1. SUBJECT PROPERTY Location: Map Page Dimensions Zoning District
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APPLICANT  
ARTHUR HARTWELL III  
 Address 4762 READING AVE. EGG HARBOR CITY, N.J. 08215  
 Phone Number 609-839-2431 Applicant

is a Corporation  Partnership  Individual

2. APPLICANT

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

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
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

4. If \_\_\_\_\_ Owner is other than the  
 Name N/A

applicant, provide the following information on the Owner(s):

Owner's Name \_\_\_\_\_



Address

Telephone Number \_\_\_\_\_

5. PROPERTY INFORMATION:

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

Note: All deed restrictions, covenants, easements, association bylaws, existing and proposed must be submitted for review and must be written In easil understandable En lish in order to bea roved.

Present use of the premises: f ?ES-ÛDEÖÚ: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Applicant's Attorney N/A \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

FAX Number \_\_\_\_\_

Applicant's Engineer N/A \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ FAX

Number \_\_\_\_\_

8. Applicant's Planning Consultant N/A \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

FAX Number \_\_\_\_\_

9. Applicant's Traffic Engineer N/A \_\_\_\_\_

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]

Name \_\_\_\_\_

Field of Expertise \_\_\_\_\_

Address \_\_\_\_\_

Telephone Numbet \_\_\_\_\_

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 N/A Number of proposed dwelling units \_\_\_\_\_  
 (including remainder lot)(if applicable)

**SITE PLAN:**

- Minor Site Plan Approval
- Preliminary Site Plan Approval [Phases if applicable \_\_\_\_\_] 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-

- Variance Relief (substantial benefit) [N.J.S. 40:55D-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 variance is requested:

-las (2) & (5)

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

N/A

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~~ DETACHED GARAGE FOR PURPOSE OF [Attach pages as needed]

HOUSING CAMPER AND TRL Ck< -re, 4c-Tö2

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? NO

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

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

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

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

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

	Submitted	Date	Yes	No
Atlantic County Health Department	_____	<u>X</u>	_____	_____
Atlantic County Planning Board	_____	<u>X</u>	_____	_____
Cape/Atlantic Soil Conservation District	_____	<u>X</u>	_____	_____
NJ Department of Environmental Protection	_____	<u>X</u>	_____	_____
Sewer Extension Permit	_____	<u>X</u>	_____	_____
Sanitary Sewer Connection Permit	_____	<u>X</u>	_____	_____
Stream Encroachment Permit	_____	<u>X</u>	_____	_____
Waterfront Development Permit	_____	<u>X</u>	_____	_____
Wetlands Permit Tidal	_____	<u>X</u>	_____	_____
Wetlands Permit	_____	<u>X</u>	_____	_____
Potable Water Construction Permit	_____	<u>X</u>	_____	_____
Other _____ NJ	_____	<u>X</u>	_____	_____
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

Taxes current 10.16.20

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	Application & Survey

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 Of whether all reports should be submitted to the professional listed.

Applicant's

Professional	Reports Requested
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READING (50') AVE.

N 48° 02' 37" W 151.77'

N 41° 57' E

REBAR SET

74.74'

ONE STORY BRICK & FRAME DWELLING

20.91'

BLOCK

REBAR SET

25.54'

21.92'

BEG. PT.

S 41° 57' W

23 RD

(50)

DECLARE TO:

ARTHUR HARTWELL, III

CONGRESS TITLE DIVISION

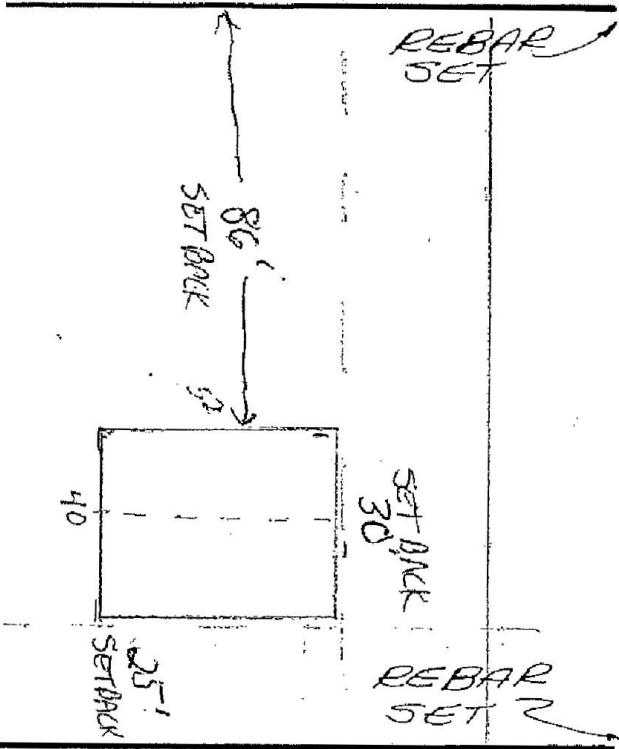
518 MORTGAGE CORP.  
ITS SUCCESSORS AND/OR ASSIGNS

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matter is of the date

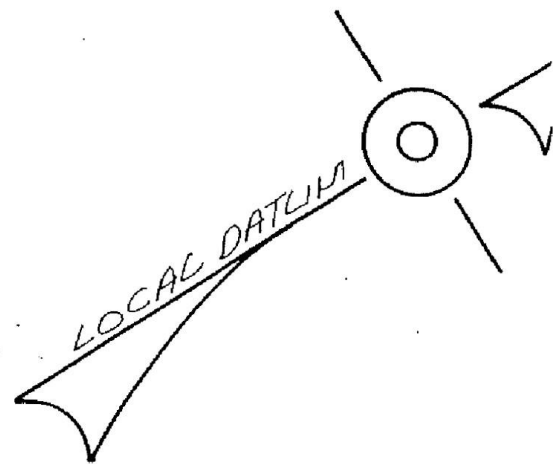
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fences or other perm

DATE  
STEP 1

48.53'



598°05'E 151.77'  
 FRAZIER (60') ST.



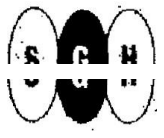
48.55'  
 AVE.

... other t y ia\erest".  
 or making this Survey, I hereby certify  
 ments, if any, that may be located below  
 urface of the land and not visible) as an  
 tle to insure the Title to the lands and  
 ossibility is limited in the current  
 ty.  
 re used as a basis for construction of  
 are.

*[Handwritten signature]*

SURVEY OF PREMISES  
 SITUATE  
 MULLICA TOWNSHIP

ATLANTIC COUNTY NEW JERSEY BLOCK ZQ9fO LOT

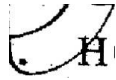


STEPHEN GO HOFFMANN, P.L.

LAND SURVEYOR

5915 MULBERRY DRIVE  
 MAYS LANDING, N.J. 08330

609 5634



OFFMANN

REGISTERED  
NO. 37190

DRAWN BY:  
CHECKED BY

- S.G.H.  
W.H.

SCALE :

1" = 40'

PROJECT NO . 2E 35