

October 7, 2021

Nancy DeFalco, Administrative Officer
Zoning Board of Adjustment
Manalapan Township
120 Route 522
Manalapan, NJ 07726

**Re: Hidden Hills Country Estates
101 & 107 Taylor Mills Road
Block 19, Lots 28, 28Q, 30, 30Q, and portion of 39.01
Preliminary and Final Major Subdivision
Second Planning Review
Our File: MNPB 20-06**

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. We have provided ***new comments in bold and italicized text*** and ~~struck out~~ comments that are no longer relevant. The following documents were reviewed:

- Township of Manalapan Land Development Application and Checklist, received May 3, 2021.
- Traffic Impact Study for Hidden Hills Country Estates, prepared by McDonough & Rea Associates (MRA), dated February 23, 2021.
- Preliminary and Final Major Subdivision Plan for Hidden Hills Country Estates, consisting of 19 sheets, prepared by Daniel W. Caruso, P.E. of DW Caruso, Inc., dated January 25, 2021.
- Checklist Waiver Request received May 3, 2021.
- ***Re-Zone – 3 Acre Minimum Yield Plan consisting of one (1) sheet, prepared by Daniel W. Caruso, P.E. of DW Caruso, Inc., dated January 25, 2021, last revised July 9, 2021.***
- ***Development Plan consisting of one (1) sheet, prepared by Daniel W. Caruso, P.E. of DW Caruso, Inc., dated January 25, 2021.***
- ***Steep Slope Critical Areas Plan consisting of one (1) sheet, prepared by Daniel W. Caruso, P.E. of DW Caruso, Inc., dated January 25, 2021, last revised July 9, 2021.***

- *Submission Letter from C. Justin McCarthy, Esq., of Giordano, Halleran & Ciesla, PC, dated September 9, 2021.*
- *Attachment D – Major Development Stormwater Summary*
- *Resubmission Letter from Daniel W. Caruso, PE, of DW Caruso, Inc, dated September 8, 2021.*
- *Proposed 9 Lot Major Subdivision, consisting of 21 sheets, prepared by Daniel W> Caruso, PE, of DW Caruso, Inc., dated last revised August 26, 2021.*
- *Submission Letter from C. Justin McCarthy, Esq., of Giordano, Halleran, & Ciesla, dated July 12, 2021.*
- *Architectural Elevation, consisting of one (1) sheet, prepared by Keith Mazurek, AIA, dated June 30, 2021.*

1. Site Characteristics and Project Description

The subject property consists of Block 19, Lots 28, 30, and a portion of 39.01, totaling approximately 33 acres in size. The property is located south of Taylors Mills Road between Rockingham Court to the west and Blair Lane to the east in the RE Residential Environmental Zone District. The site currently consists of active farmland with associated residences. Residential uses surround the property in the R-40/20 Zone east of the property, in the RE Zone south and west of the property, and in the R-20 and R-40-20 Zones north of the property.

The applicant is proposing to subdivide three (3) existing lots into ~~ten (10)~~ **nine (9)** single family residential lots varying from 1.5 acres to 12.467 acres in size with a minimum of three (3) parking spaces per lot. Proposed site improvements include landscaping, lighting, and signage.

2. Consistency with the Zone Plan

The site is located in the **RE Residential Environmental Zone District**. The purpose of the RE Zone is to better respond to the intent and purpose of the Master Plan for the protection of the environment and the conservation of open space through the design of residential clusters whose overall intensity does not exceed the intensity of a permitted conventional development. Permitted uses within the RE Environmental Zone District include single-family detached dwellings, community residences for the developmentally disabled, single family detached residential clusters, municipal facilities operated by Manalapan Township, volunteer fire houses, first aid stations, Township parks, playgrounds, and swimming areas, and farms stands. The applicant is proposing to subdivide three (3) existing lots into ten (10) single family residential lots, which is a permitted use in the zone district.

3. Lot Size Averaging

Lot size averaging is permitted in the RE Zone District in a major subdivision of a contiguous tract of land that is 15 acres or greater in area. In particular, the conservation zoning goals and objectives included in the

Master Plan, and the goal of maintaining large, contiguous open areas, may be better addressed if some modification of the minimum lot size requirement is allowed, provided the overall intensity of permitted development is no greater than the maximum number of lots that would result from a conforming conventional development. Within the RE District, the approving authority may approve the varying of lot areas and dimensions, and yards and setbacks otherwise required by the development regulations of the zone district in such a way that the average lot areas and dimensions, yards and setbacks within the subdivision conform to the conventional norms of the RE Zone District as established in the Schedule of Area, Yard and Building Requirements, except that the minimum lot area required shall be 1 acre with an average lot size of 3 acres, and further provided that no dimension, yard, setback, or other dimensional requirement shall be less than the minimum requirements of the R-40 Residential Zone District. The proposed subdivision meets all the bulk requirements for a lot size averaging major subdivision as set forth in §95-5.4L.

4. Bulk Requirements

The maximum permitted height in the RE Residential Zone District is 35 feet, whereas the applicant is proposing a height of 39'11" for the proposed single family dwellings, requiring d(6) variances.

5. Steep Slopes

A. As per §95-8.3B(6)(a), on steep slopes of 10% but less than 15% not more than 40% of the total area in this slope category may be disturbed or used for construction purposes, whereas the applicant is proposing to disturb ~~60.9%~~ 27.97% of slopes in this category. ~~A waiver is needed.~~ *The percentage of steep slopes in this category to be disturbed is now within the allowable limits.*

B. As per §95-8.3B(6)(b), on steep slopes of 15% but less than 20% not more than 10% of the total area in this slope category may be disturbed or used for construction purposes, whereas the applicant is proposing to disturb ~~62.86%~~ 58.51% of slopes in this category. **A waiver is needed.**

6. Required Proofs

A. *D(6) Height Variance. The application requires a d(6) use variance to permit a height of a principal structure which exceeds by 10 ft. or 10% the maximum height permitted in the district for a principal structure.*

1) *To meet the positive criteria for a d(6) variance, the applicant should prove the particular suitability of the site in accommodating the use, despite the increase in height by over 10% of what is permitted in the zone district.*

2) *The negative criteria should focus on the impact of the deviation. The applicant must present evidence that the negative impacts of non-compliance with the permitted height can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.*

B. Design Waiver Relief

The Board has the power to grant design waivers as “exceptions” from the requirements of the Township’s Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of the peculiar conditions pertaining to the land in question.

7. Additional Comments

- ~~A. Given the fact this is a fully conforming subdivision, we question the jurisdiction of the Zoning Board in hearing this matter.~~
- B. We defer to the Board Engineer on all matters relating to the proposed utility easements and stormwater management.
- C. The Zoning District specified in the application is RE Rural Environmental, whereas the name of the Zone per the zoning ordinance and zoning map is RE Residential Environmental. The applicant should update this in the site plan.
- ~~D. No North Arrows are provided on the submitted plans. The Applicant should update this in the site plan.~~
- E. The applicant should provide testimony as to the responsible party for the maintenance of the stormwater basin to be located on Lot 5 and how the proposed basin may impact the desirability of the lot for purchase.*

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.


Jennifer C. Beahm, P.P.
Board Planner

JCB:ir:clb
cc: Brian Boccanfuso, P.E., Board Engineer
John Miller, Esq., Board Attorney
Janice Moench, Board Secretary
John A. Giunco, Esq., Applicant’s Attorney
Daniel Caruso, P.E., Applicant’s Engineer