

September 11, 2023 Revised September 12, 2023

Ms. Amanda Kisty, Board Secretary  
Manchester Township Planning Board  
1 Colonial Drive  
Manchester, NJ 08759

Re: Manchester Township Planning Board Application No. **PB-2023-12**  
Applicant: US Home, LLC  
Application: Minor Subdivision  
Zone: WTB-1, & WTO-P, WTRC  
Block(s)/Lot(s): 109/14.01, 14.02, 15.01  
Site Address: Lacey Road & Cherry Street  
Manchester Township, Ocean County, New Jersey  
*Technical Review Letter #1*  
Morgan Engineering, LLC - Project No. MTPB23-019

Dear Ms. Kisty:

Enclosed please find below a completeness & technical review for the above referenced application.

**A. COMPLETENESS**

The following documents were reviewed in support of this report:

1. Application for Development Before Zoning Board of Adjustment and Planning Board, 245 Attachment 7, Appendix 7;
2. Application Checklist and Documents Required to be Submitted, 245 Attachment 3, Appendix 3;
3. Checklist Waiver Request letter dated August 22, 2023;
4. Affidavit of Ownership, signed 8/15/2023;
5. Proof of taxes Paid, dated 8/17/2023
6. NJ Pinelands Certificate of Filing, dated 7/1/2022;
7. Outside Agencies Approval and Witness List, dated 8/22/2023;
8. Proof of Application Fee & Escrow Fee, dated 8/15/2023;
9. Survey entitled, "Boundary & Topographic Survey, Cherry Street & Lacey Road, Lots 14.01, 14.02, & 15.01 ~ Block 109, Tax Map Sheet No. 25, Situated in Manchester Township, Ocean County, New Jersey" signed by William Schemel, PLS, dated 10/1/21;
10. Subdivision Plat entitled, "Minor Subdivision, Lots 14.01, 14.02, & 15.01 ~ Block 109, Tax Map Sheet No. 25, Situated in Manchester Township, Ocean County, New Jersey" signed by William Schemel, PLS, dated 03/07/2022, last revised 08/03/2023;

***Completeness Waivers***

The following submission waivers are required:

1. (B.13) Plans to scale of not less than 1 inch = 50 feet. ***Applicant states this is for clarity of entire site.***
2. (B.35) Topographical features of subject property. ***Applicant states no disturbance, not applicable.***
3. (B.36) Boundary, limit, nature and extent of wooded areas. ***Applicant states no disturbance, not applicable.***

***We take no exception to the waivers requested or required, which have been outlined within this letter.***

The above referenced Application has been reviewed for administrative completeness in accordance with Township Ordinances and the Municipal Land Use Regulations and has been found to be **COMPLETE**.

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**B. SUMMARY**

The subject property is located along the south-western corner of the intersection of Lacey Road (County Route 530) and Cherry Street (Ocean County Road).

The overall parcels (lots 14.01, 14.02, & 15.01) contain an area of 1,636,961 square feet (37.579 acres), and is currently vacant, wooded, and contains wetlands along the center of the property. The existing land generally slopes towards the center of the property towards the lower-lying wetlands.

**Existing Lot 14.01:** 587,341 SF (13.483 Acres) Existing lot is vacant/wooded.

**Existing Lot 14.02:** 303,797 SF (6.974 Acres) Existing lot is vacant/wooded.

**Existing Lot 15.01:** 745,823 SF (17.122 Acres) Existing lot is vacant/wooded.

The Applicant is seeking Minor Subdivision approval to subdivide the existing three (3) lots into four (4) proposed lots. More specifically, three (3) SFD residential lots are proposed over 1 acre in size each along Cherry Street, and the remainder of the property is to be consolidated and purchased by the County of Ocean through the 'Ocean County Natural Lands Trust Fund'.



Image 1: Google Earth Image, subject property outlined in RED.

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**C. ZONING**

The subject property consisted of (3) lots and spans (3) different zoning districts, the WTB-1, & WTO-P, and WTRC.

Lot 14.01 is mostly in the WTRC zone, with the top portion in the WTO-P zone.

Lot 14.02 is located within the WTB-1 zone.

Lot 15.01 is located within the WTO-P zone.

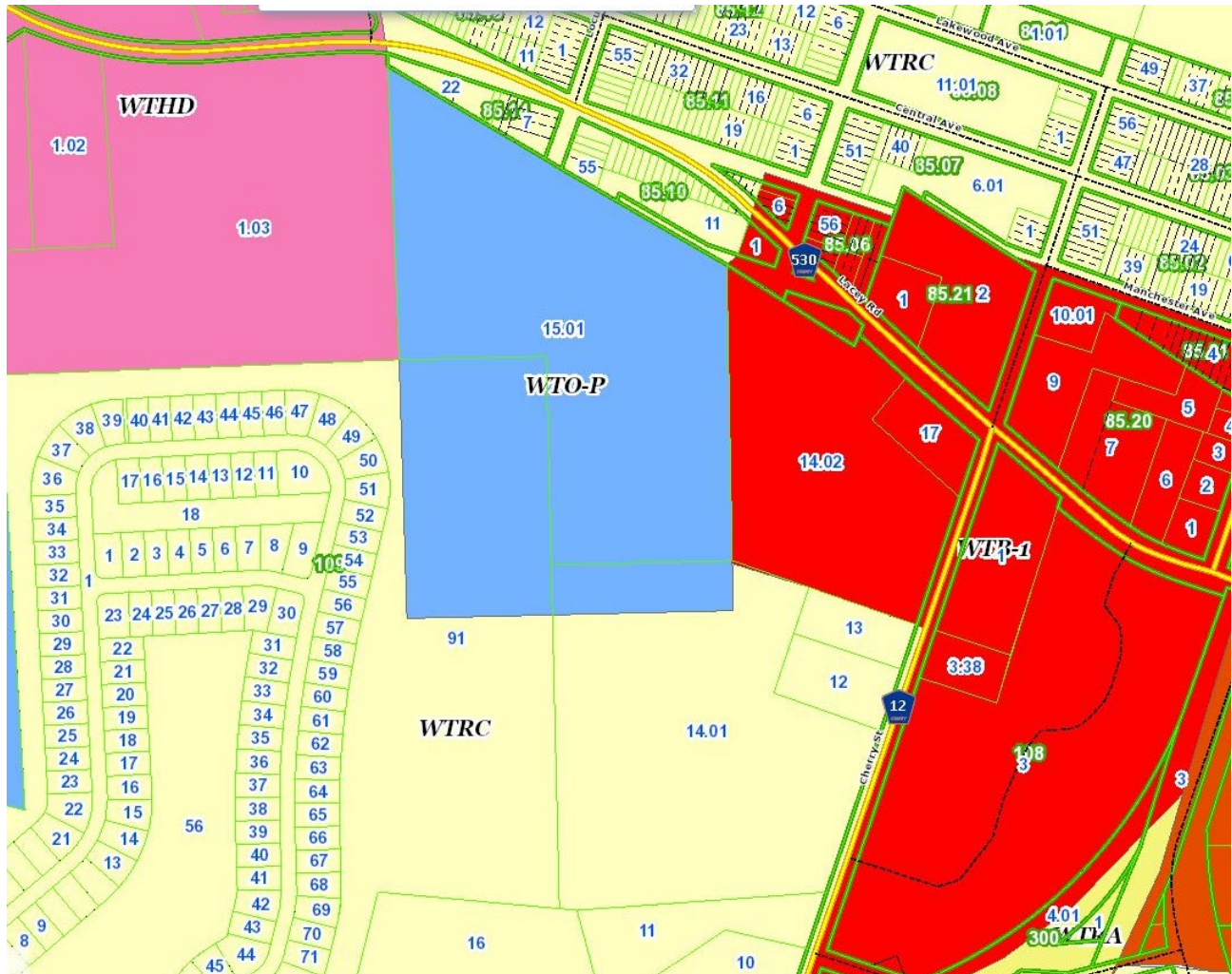


Image 2: Excerpt of Subject Lots with Zoning District Overlays.

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1. The subject property is in multiple zoning districts.
  - a. The proposed residential lots are located within the WTRC Zone, where the proposed residential use is a permitted use.
  - b. The proposed remainder of the subdivision of Open Space is within the WTB-1, & WTO-P, and WTRC zones.
2. **Proposed Lot 14.03:** 'Open Space' use proposed and permitted within the WTB-1, & WTO-P, and WTRC zones, total area is 10.417 acres, frontage on both Lacey Road and Cherry Street
3. **Proposed Lot 14.04:** 'SFD Residential' use proposed and permitted with the WTRC Zone, total area is 1.001 acres, frontage on Cherry Street, requires variance for lot frontage
4. **Proposed Lot 14.05:** 'SFD Residential' use proposed and permitted with the WTRC Zone, total area is 1.033 acres
5. **Proposed Lot 14.06:** 'SFD Residential' use proposed and permitted with the WTRC Zone, total area is 1.033 acres

#### RELIEF REQUIRED

##### Existing Non-Conforming Condition(s)

1. none

##### Variance(s)

###### Proposed Lot 14.04

1. **Minimum Lot Frontage:** where 137 feet is proposed and 150 feet is required  
*Any other variances as may be required or identified during the board hearing.*

##### Waiver(s)

1. The applicant has requested waivers for the installation of curb and sidewalk along the street frontages. This office takes no exception to this request as there are presently no curbs or sidewalks within the vicinity of these properties.

#### D. SURVEY COMMENTS

1. General Comments for Subdivisions
  - a. Would the proposed subdivision create any undersized lots?  
*We note that the proposed lot 14.04 is proposed with less frontage than is required, and the proposed SFD Residential Lots will be located between existing SFD.*
  - b. Would the proposed subdivision require any variances?  
*We note that variance is required in association with the land, and no structures are proposed at this time.*
  - c. Do all proposed lots have access to public right of way?  
*Yes, we note that both lots proposed will be adjacent right of way.*
  - d. Do all proposed lots have access to public utilities?  
*Yes, it appears utilities can be provided to this application.*

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e. Are there any existing homes included with the subdivision?

***No, there are no existing homes included within the subdivision.***

f. Survey Monuments

***We recommend monuments/property corners be set prior to the map being submitted for filing in accordance with the subdivision map.***

g. Map Filing Law (Title Recordation Act)

- i. Monuments required where property lines meet right-of-way. **Addressed**
- ii. Certification based on survey by PLS. **Addressed**
- iii. Northings/Easting at minimum three property corners. **Addressed**
- iv. Certification of Owner's Consent. **Addressed**
- v. Dimension Labels for all setbacks **Addressed**
- vi. Zoning District noted/shown on plan. **Addressed**
- vii. Based on recent survey per Township Code. **Addressed.**
- viii. Closure Calculations. **Required to be submitted and reviewed by this office, can be completed under resolution compliance.**
- ix. Will-serve letters. **Required to be submitted and reviewed by this office, can be completed under resolution compliance.**
- x. Minor Subdivision shall be filed by map in accordance with the time limits specified in the NJ M.L.U.L. 40:55D-47d specifically (190) days from the date on which the resolution of Municipal Approval was adopted by the Planning Board.
- xi. Extension - Should the Applicant be unable to file the map before the deadline, pursuant to N.J.S.A. 40:55D-47(f) and 40:55D-47(g) the Board may grant either an extension to the 190-day filing period or a one-year extension to the minor subdivision approval.

## **E. ENGINEERING COMMENTS**

1. Applicant shall provide testimony on the accuracy & completeness of the survey provided.
2. Stormwater –
  - a. There is no proposed grading associated with this subdivision. The proposed SFD Residential lots will go through grading plan review by Township Engineer.
3. Plan Comments:
  - a. We note that the applicant has provided a signature block for the Board Engineer/Chair/Secretary for signature during the resolution compliance stage.
  - b. Revise plan to remove all notes and zoning information for Ground Signs.
  - c. Wetlands are on site, updated Letter of Interpretation from NJDEP is required. Note that it appears wetlands buffer areas extend into the residential lots.
  - d. Applicant to provide testimony if the proposed residential lots are in the flood hazard zone.
  - e. The building envelopes are incorrectly shown on the subdivision plan and must be revised. Dimension labels must also be provided to the proposed building envelopes.

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## F. PLANNING COMMENTS

### BULK VARIANCE TESTIMONY

#### 1. Positive Criteria:

Applicant shall provide testimony demonstrating the positive criteria c(1) and/or c(2). **N.J.S.A. 40:55d-70(c)**

**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, 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;*

**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 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; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection and provided that no variance from those departures enumerated in subsection d. of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use, in conjunction with which the planning board.*

#### 2. Negative Criteria:

*No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted **without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.***

- i. Applicant must provide testimony acceptable to the Board.
- ii. Applicant to provide testimony on the reason/need for the variances being requested.
- iii. Applicant to provide testimony on the effects of the proposed application on neighboring properties.
- iv. Applicant to provide testimony on how the proposed improvements fit in with the character of the neighborhood.

## G. CONDITIONS OF APPROVAL

In the event the Board approves the subject application any approval should be conditioned upon the following:

1. Compliance with any all items noted within this report unless specifically noted in the resolution of approval.
2. Compliance with any/all representations made by the Applicant during the course of the board hearing.
3. Any and all conditions specifically desired by the board.
4. Payment of any/all escrow fees.

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5. Prior to a building permit being issued, proof of the following outside agency approvals, as applicable:

- i. Manchester Township Department of Utilities
- ii. Manchester Township Fire Official
- iii. Ocean County Planning Board
- iv. Ocean County Board of Health
- v. Ocean County Soil Conservation
- vi. NJDOT
- vii. NJ Pinelands Commission
- viii. NJDEP CAFRA

6. Posting of performance guarantees, restoration guarantees, and inspection escrow as required by Municipal Ordinance and MLUL.

We reserve the right to request additional information, and/or plans should additional variances or concerns be indicated during the public hearing. Should you have any questions or require anything additional, please do not hesitate to contact my office.

Respectfully submitted,

For: **Frank Sadeghi, P.E., C.M.E.**  
Morgan Engineering, LLC  
Manchester Township Planning Board Engineer



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By: **MARK J. ROHMEYER, P.E., P.P., C.M.E.**

FS/MJR

CC: Pasquale Popolizio, Township Zoning Board Official  
Joseph D. Coronato, Jr., Esq., Planning Board Attorney  
Gary T. Sylvester, CPWM, Twp. Director of Inspections & Land Use  
Us Home, LLC (Applicant/Owner)  
2465 Kuser Road, Floor 3, Hamilton, NJ 08690  
Jason Tuvel, Esq. (Applicant's Attorney)  
Prime & Tuvel, 14000 Horizon Way, Suite 325, Mount Laurel, NJ 08054  
Brian Murphy, PE (Applicant's Engineer)  
FWH Associates, P.A., 1856 Rt. 9, Toms River, NJ 08755