

# Elk Township Planning and Zoning Board Meeting

## Regular Business Meeting

February 19, 2014

### Minutes

**Call to Order:** Board Chair called the meeting to order at 7:34pm.

**Open Public Meeting Act:** read by Board Secretary

**Roll Call:**

**Present:** Matt Afflerbach, Bill Carter, Jay Hughes, Dave McCreery, Eugene Shoultz, Patrick Spring, Jeanne White, Christine Yenner, Frank Goss

Also present: Joan Adams, Board Solicitor, Steven Bach, Board Planner, Stan Bitgood Board Engineer

Absent: Ed McKeever, Gus Rosado

**Flag salute,** lead by Chairman

**Announcements:**

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.

**General Business:**

➤ **Approval of minutes:**

- **December 18, 2013**

*Mr. Shoultz moved to approve the minutes of December 18, 2013, Seconded by Mr. Carter.*

Mrs. White, Mr. Hughes and Ms. Yenner abstained. With all other members in favor, *the motion was carried.*

- **January 15, 2014**

*Mr. Shoultz moved to approve the minutes of January 15, 2014, Seconded by Mr. Goss.*

Mr. McCreery abstained. With all other members in favor, *the motion was carried.*

➤ **Old Business: None**

➤ **New Business:**

- Completeness Hearing, Aura I Community Signage w/variances, Block 29, lot 24 Richwood-Aura Rd., application #SP-14-01, to Aura Development Group, LLC, Administrative Change for town homes roadway and Phasing Plan.

Mr. Bach reviewed the “completeness” portion of review letter dated February 11, 2014 prepared by board planner, Leah Bruder. The applicant requests the following waivers from the application checklist:

Item 8: submit copies of all applications to and certifications of all outside agency approvals. The applicant has indicated that this item is not applicable.  
*Waiver is recommended.*

Item 11: requires the source and date of a current or recertified survey (within the last year). The applicant has agreed to testify that no alterations have been made to the property since the survey was prepared.  
*Waiver is recommended.*

Item 38: requires the applicant to submit site photographs.  
*Waiver is recommended given the nature of this application.*

Planner recommends the Board grant waivers for checklist items 8, 11 & 38 and to deem the application complete. Board Engineer, Stan Bitgood, agreed with the Planner and had no additional comments.

***Mr. Carter moved to grant waivers for submission checklist items 8, 11 & 38 based on the recommendations by Board Planner and Engineer. Seconded by Mr. Goss.***

***Roll Call:***

***Voting in favor: Afflerbach, Carter, Hughes, McCreery, Shoultz, Spring, White, Yenner, Goss***

***Against: Abstain: 9-0-0***

***Mrs. White moved to deem the application "Complete." Seconded by Mr. Carter.***

***Roll Call:***

***Voting in favor: Afflerbach, Carter, Hughes, McCreery, Shoultz, Spring, White, Yenner, Goss***

***Against: Abstain: 9-0-0***

- Public Hearing, Aura I Community Signage w/variances, Block 29, lot 24 Richwood-Aura Rd., application #SP-14-01, with Administrative Change Request – Town Home Section roadway change from private to public and Phasing Plan submission to applicant, Aura Development Group, LLC.

Solicitor confirmed with Board Secretary that proper formal public notice had been completed by the applicant and the board had jurisdiction to proceed. Board Engineer, Stan Bitgood, was given Oath of Office by board solicitor for the 2014 year.

Michael Canuso, representing Aura Group Development, explained their submission applications:

- 1) Administrative change to the affordable housing section to change the Town house roadway from private to public.
- 2) Administrative change to allow the community to be built in phases
- 3) Signage variances for Community Identification and two directional signs
- 4) Minor Subdivision to Edward Haynicz.

A condition of Aura Group Development's approval included the requirement to complete a subdivision which dedicated a 25 foot section of ground to a neighboring property owned by Edward Haynicz. Mr. Canuso explained the property in question was purchased from Orleans Home Builders. Orleans completed a minor subdivision in September of 2013 and dedicated the ground by easement to Mr. Haynicz. Aura Development Group is requesting an administrative change to formally complete the subdivision deeding the ground to Mr. Haynicz rather than by an easement.

Solicitor Adams explained this subdivision was discussed at length during Aura Development's 2011 hearing and was a part of their approval. No new lot is being created; the land will be absorbed into Mr. Haynicz's property (lot 25). Mrs. Adams had no objection. Public notice is not required.

Robert Swartz, attorney for Aura Development Group was present. The following entities of Aura Development Group, LLC were sworn in:

Michael Canuso, Aura Development Group, 1010 Kings Highway, South, Cherry Hill, NJ  
John Canuso, Aura Development Group, 1010 Kings Highway, South, Cherry Hill, NJ  
Rosie Wolk, PE, Consulting Engineers Services, 645 Berlin-Cross Keys Road, Sicklerville, NJ  
Henry Haley, PE, PP, Consulting Engineers Services, 645 Berlin-Cross Keys Road, Sicklerville, NJ

Mike Canuso gave the following brief overview: The project received preliminary subdivision approval in October of 2004 as an active adult community consisting of 318 lots and Final approval in August of 2006. In March of 2011, the project was converted from active adult community to market rate (family) housing under the conversion law (NJ Statute 45:22A-46-3). A condition of the conversion law is that twenty percent (20%) of the residential units must be affordable housing units. The Applicant proposes 44 affordable town house units that will be built by Gloucester County Habitat for Humanity.

**1) Town Homes Roadway change from private to public**

The applicant is requesting an administrative change. Applicant's engineer, Henry Haley explained the roadway is not being reconfigured. The request is to make the road a municipal roadway system instead of a private road system. Home owners association will be responsible for all the open space areas and the trash receptacle area. The units do not have garages. Perpendicular parking is provided with on street parking spaces. These parking spaces are located within the roadway. Mr. Bach added that should the board grant the change, the applicant will still need approval from the Township accepting dedication of the roadway and cul de sac. There are also approximately 151 parking spaces in the parking area. Mrs. Adams confirmed all the other roadways within the project are public roadways. She added it is the spirit and intent of the Affordable Housing law that these units be integrated into the rest of the project. Mr. Bach added it would be a financial burden on an affordable housing HOA to maintain this amount of roadway defeating the purpose of Affordable Housing law. The single family homes section will have a separate HOA, however the townhomes will have access to all the amenities and open space areas within the community.

Member Hughes inquired about emergency vehicles access. Mr. Haley responded that the roadway is standard size and that the cul de sac is larger than required by RSIS and can accommodate emergency vehicles.

Mr. Bach had no other comments or planning objections for the roadway change with the understanding Township committee still has to approve the roadway and cul de sac dedication, and whether or not they want to accept the perpendicular parking spots and other parking areas. The Applicant is advised if the Township will not accept the roadways as configured as public roadways they must return to the Board. Sidewalks are included within the right of way but are maintained by the homeowner or the HOA. Mr. Bitgood recommended a parking restriction within the cul de sac during snow season.

Madam Chair opened to the public. We no comment from the public, Madam Chair closed to the public.

***Mr. Carter moved the Town House roadway request from private to public is not a substantial change. Seconded by Mr. Hughes.***

***Roll Call:***

***Voting in favor: Afflerbach, Carter, Hughes, McCreery, Shoultz, Spring, White, Yenner, Goss***

***Against:***

***Abstain:***

***9-0-0***

*Madam Chair moved to grant the administrative change as requested condition upon approval from Township Committee of roadway dedication and further condition upon a parking restriction within the cul-de-sac for snow. Seconded by Mr. Shoultz.*

**Roll Call:**

*Voting in favor: Afflerbach, Carter, Hughes, McCreery, Shoultz, Spring, White, Yenner, Goss*

*Against: Abstain: 9-0-0*

**2) Phasing Plan Schedule**

The applicant is requesting to phase the Aura I Community. Mr. Bach had no planning objection to the phasing plan submitted. Referring to page 4 of planner’s review letter dated February 11, 2014. State Statue NJAC 5:97-6.4 requires the phasing of the affordable units as follows:

Percentage of Market Rate Units completed	Minimum Percentage of Low and Moderate income units completed
25%	0
25% + 1 unit	10%
50%	50%
75%	75%
90%	100%

The applicant agreed as this is the law. Mr. Canuso added they are proposing 14 phases of the project. 3 Phases for the affordable units and 11 phases for single family.

Mr. Bitgood, Board Engineer, referred to his review letter of February 11, 2014.

Mr .Bitgood confirmed with the applicant that the pump station would be installed first prior to obtaining building permits. The pump station is located in section I. The applicant agreed to add description notes to the plan of what is being built in each phase and that the plans will be revised to show all the construction details with the phasing.

NJ American is controlling the water and sewer for this project. The applicant proposes 5 model homes. And that no building permits will be pulled for residential dwellings until water and sewer is installed and operational. The applicant agrees that the C.O. on the model units will be restrained if there is no water and sewer available.

Referring to a display board, Mr. Haley explained the water source system as requested by Mr. Bitgood. The water will be supplied by NJ American and will tie into the Glassboro water system as an emergency backup. The balance of Mr. Bitgood’s letter pertained to storm drainage & basins. The applicant had no objection to working with the board engineer to satisfy the items outlined in his letter. Mr. Haley clarified that Basin A includes a system of basins, A1 & A2, which flow into each other. All the basins are within System A and will be built simultaneously.

Mr. John Canuso summarized each phase has to be included in the storm water management system. All the initial infrastructure will be built simultaneously with the first five phases- the offsite work, the water vault system, pump station, basins, county road work, soil conservation, etc.

The applicant agreed temporary turn around areas will be addressed with the board engineer (getting feedback from township emergency management) to avoid dead end roads and to accommodate emergency vehicles.

Madam Chair opened to the public. With no comment from the public, Madam Chair closed to the public.

*Madam Chair moved to approve the administrative change to allow for phasing of the development as proposed, subject to the recommendations of the board professionals and specific agreements of the applicant placed on the record, conditioned upon all the initial infrastructure being built simultaneously with the first five phases, applicant agrees to satisfy all the board engineers comments, plans to be revised to show all the construction details with the phasing to be submitted for review and approval by the board professionals, pump station to be built in phase I, 5 model units, no building permits pulled for the residential dwellings until water and sewer is up and operational, applicant agrees that the CO on the model units will be restrained if there is no water and sewer available, temporary turnarounds will be designed to accommodate emergency vehicles, all basins within basin A will be built simultaneously and that the Board Engineer will review the grading sections as designed, so if any sections are not built, there will not be a stormwater issue left by the unconstructed portion of the project. Seconded by Mr. Shoultz.*

**Roll Call:**

*Voting in favor: Afflerbach, Carter, Hughes, McCreery, Shoultz, Spring, White, Yenner, Goss*

*Against: Abstain: 9-0-0*

**3) Community Signage w/variances**

The applicant is proposing 3 signs.

The applicant referred to a Sign Location Exhibit that was marked as applicants #1 (a small color handout was passed out to the board). The ID sign (24' x 4'-6", labeled letter "E") will be located in the entrance island and will be double sided. "Aura" is the master plan name of the community and "The Orchards" is a subsection of the Aura Community. The materials of the sign are still being worked out with the sign company (slate or polyurethane with gold leaf lettering)

A second color handout was marked as applicants #2 and passed out to the board members. This hand out Depicts 2 temporary signs that will be up for as long as the model homes are open. The 5x10 builder directional sign (labeled letter "F") is located on Richwood Aura Road. This sign indicates who the builders are within the community and that the entrance is coming up. The smaller 3x6 sign (labeled letter "G") is located on the entrance island behind the site ID sign and is more of a directional sign of where the model homes are located. The back of this sign will say "thanks for visiting."

Board engineer commented that the development ID sign would be included in the bond, but not the 2 temporary signs. HOA would be responsible for island maintenance and permanent ID sign.

Mr. Bach referred to planning review letter of February 11, 2014. The following variances are required for signs: maximum area, height, set back, maximum number permitted (2 are temporary) and sign in right-of-way. Applicant stated the main sign would be lit by spot lights and agreed the lights would be canned. After testimony and review of the exhibits, Board planner had no objection to the variances. Board member Goss confirmed with the applicant that the ID sign would not be used for any other advertising. Board Engineer recommended the applicant work with him on the adjustment of tree locations during construction should any trees interfere with any sight distances. Applicant agreed to coordinate any of the plantings with the board engineer and planner. Applicant also agreed to provide sight details of the lighting to the engineer. The remaining comments in the Board Engineer's letter of February 11, 2014 pertain to the Sales Trailer signage. The Sales trailer site plan application has be tabled at this time.

Board member Carter commented on the sign and landscaping presented and that the design was the best ever presented to the board. Mr. Carter encouraged the sign material to be of the slate with gold leaf lettering, and the applicant agreed.

Madam Chair opened to the public. With no comment from the public, Madam Chair closed to the public.

*Mr. Carter moved to grant the signage variances requested: greater square footage than permitted by ordinance, slightly higher in height than permitted by ordinance, sign placement to be less than 10 feet within the right-of-way, number of signs are greater than what is permitted by ordinance even though two are temporary signs and condition upon all the items outlined in the professionals' letters and testimony provided by the applicant. Seconded by Mr. Goss.*

**Roll Call:**

*Voting in favor: Afflerbach, Carter, Hughes, McCreery, Shoultz, Spring, White, Yenner, Goss*

*Against: Abstain: 9-0-0*

#### **4) Minor Subdivision**

Mr. Canuso explained as part of his approval (March 2011) he agreed to grant an area of 25 feet in width, to Mr. Hayniz's lot (lot 25) to accommodate an existing driveway.

Mrs. Adams explained this was an unusual circumstance in that this subdivision was approved back in 2011 as being a dedication to Mr. Ed Haynicz. This is a small parcel of land which is not creating any new lots which is going to be subsumed and consolidated into Mr. Ed Haynicz's property and that the Board consider granting the minor subdivision as public notice is not required.

Madam Chair opened to the public. With no comment from the public, Madam Chair closed to the public.

*Mr. Goss moved to grant the minor subdivision, Seconded by Mr. Hughes.*

**Roll Call:**

*Voting in favor: Afflerbach, Carter, Hughes, McCreery, Shoultz, Spring, White, Yenner, Goss*

*Against: Abstain: 9-0-0*

#### **General Public Portion:**

*Mr. Shoultz moved to open the general public portion, seconded by Mr. McCreery.*

With all members in favor, *the motion was carried.*

With no comment from the public, *Mr. Carter moved to close the general public portion, seconded by Mr. Shoultz.* With all members in favor, *the motion was carried.*

➤ **Correspondence:**

Secretary provided an annual report of resolutions granted in 2013. The board will review variances granted, primarily “use” variances, and determine if our master plan and zoning ordinances need to be adjusted. A copy of the report will be forwarded to Township Committee.

*Mr. Hughes moved to forward the resolution report to Township Committee. Seconded by Mr. Carter. With all members in favor, the motion was carried.*

**Adjournment:**

*Madam Chair moved to adjourn, Seconded by Mr. McCreery. With all members in favor, the motion was carried.*

Adjournment time: 9:12pm

Respectfully submitted,



Anna Foley  
Board Secretary