

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

March 18, 2015

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: Jay Hughes, Dave McCreery, James Rambo, Richard Schmidt, Eugene Shoultz, Jeanne White, Christine Yenner, Amber Gonzales

Also present: John Eastlack, Jr., Board Solicitor, Leah Bruder of Bach Associates, Board Planner, Jon Bryson of Federici & Akin, Board Engineer

Absent: Ed McKeever, Terry Ratzell, Deborah Penza

Flag Salute, led by Chairperson

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. *An individual's comment will be limited in time to five (5) minutes during these general public comment sessions in order to give as many members of the public as are present, time to speak.*

General Business:

➤ **Approval of Minutes:**

1) February 18, 2015

2) *Mr. Shoultz moved to approve the minutes of February 18, 2015, Seconded by Mr. McCreery.*
With all members in favor, *the motion was carried.*

➤ **Resolution(s):**

2015-11 - granting minor subdivision, lot line adjustment and variances for block 46 lot 7 commonly known as 610 Monroeville Road, to Karen Roberts, the Executrix of the Estate of Malcolm and Margaret Roberts.

Board Attorney, Mr. Eastlack made the board aware of some typographical errors in the resolution that were corrected, numbering changes and also a deletion requested by the applicant in paragraph #1, deleting a portion of a sentence *"and lot 1 in block 47 across Dutch Row Road in Elk."* Mr. Eastlack agreed to the deletion. Additionally, Paragraph #17 required a significant wording change concerning the septic system and he read the change.

Mr. Shoultz moved to adopt resolution 2015-11 with the changes. Seconded by Mr. Rambo.

Roll Call:

Voting in favor: *Hughes, McCreery Schmidt, Shoultz, White, Gonzales*

Against: *None* **Abstain:** *None* **6-0-0`**

➤ **Old Business:** None

➤ **New Business:**

Board Solicitor swore in the following individuals:

Leah Bruder, Board Planner was sworn in for the year.

Jon Bryson, PE, Federici and Akin (Mr. Bryson was filling in for Mr. Bitgood)

1) **Concept Review Plan, Silvergate Phases V & VI, Application #CO-14-07**

Robert Baronawsky, Esquire, with the firm of Hyland Levine from Marlton, NJ, was present and represented the applicant.

The following individuals were sworn in:

Nick Casey, VP Development, Quaker Group, Silvergate Associates, 1103 Laurel Oak Road, Voorhees, NJ

Rick Clemson, PE, JSA (James Sasso Associates, Inc.), 471, S. Route 73, Hammonton, NJ

Mr. Casey provided background on the project known as Silvergate. Referring to multiple display boards, Mr. Casey gave an overview of the entire project consisting of 7 phases. The General Development Plan (GDP) for the overall Silvergate PUD (Planned Unit Development) was approved in 1996. The GDP resolution provided that the approval would expire in 16 years, no later than May 16, 2012 and established deadlines for the filing of development applications for the various phases. In 2011 Silvergate received an extension of the vested rights through May 16, 2016 (the full 20 years allowed by Municipal Land Use Law). All applications, including preliminary and final subdivision and site plans, must be filed by the May 16, 2016 deadline. Mr. Casey read the various approvals received that began back in 1996.

Using multiple display boards of the various phases, Mr. Casey explained each phase within Silvergate, the water and sewer lines and the pump station. Mr. Casey explained the current concept plan for phases 5&6. The plan proposes 146 single family units, 176 townhomes and 110 duplex units for a total 432 residential units (town homes are proposed as 3 stories, under the 35 foot height maximum). The concept plan proposes 187 fewer units than what was originally approved as part of the GDP (The GDP anticipated 226 townhouses for phase 5; and 127 single family homes and 266 duplex units for phase 6, for a total of 619 residential units).

Mr. Casey explained the reduction of 187 units (619 to 432), are based on changes in the regulatory environment. For example more land is now required for storm water management. It also reflects changes in market attitudes towards the design of the homes. Mrs. Bruder confirmed with Mr. Casey that the 187 units will not be added anywhere else. Mrs. Bruder explained COAH (affordable housing units) and how the reduction of units would affect Silvergate's contribution - that it would be proportionately reduced. Mrs. Bruder added, originally the townhomes were two story with no open space. The concept plan with 3 story units now provide open space which she was in favor of.

Rick Clemson, PE provided the following testimony referring to a display board: The property that comprises phases 5 & 6 includes a tract of land to the West of Fairview Avenue of 156 acres which is actively farmed and approximately 12 acres to the East of Fairview Avenue (lots 9 & 16). The site is located in the MD Zone (Moderate Density). Phase 5 consists of 176 Townhouses. There is also a commercial set aside known as Phase 5 Town Center area. Phase 6 includes the single family homes and twin homes. Sidewalks are proposed on one side of the minor collector road. Board Planner has recommended sidewalk on both sides of residential access streets to create a "walkable" community". The applicant was receptive to the recommendation.

The town homes in phase 5 will have individual driveways and garages. The applicant had also provided an alternate townhome plan without driveways or garages. Mr. Clemson provided photos of various styles of 3 story townhomes in the area to give the board of idea of the different styles available. The townhomes will not be more than 35 feet in height. Townhouse setbacks – Township ordinance requires that townhouse buildings have a front yard setback of 35 feet when parking is on the lot, which has been provided. An alternate plan is to provide a 25 foot front yard setback creating a larger back yard area if the board prefers. Referring to the display board, Mr. Clemson pointed out the various open space

areas, storm water basins and a future commercial component. Single family homes will offer 3-4 bedrooms and the Twin homes and Townhomes will offer 2-3 bedrooms. .

Mr. Baronawsky asked the board for feedback. The Board was in favor of sidewalk on both sides of the street and spreading COAH out into different areas and that the commercial area will remain as designated commercial use.

Mr. Casey confirmed the commercial area will be dedicated for commercial use, however they could not commit to when it would be built. Applicant agrees to sidewalk on both sides in the residential area if the board wishes. Applicant agrees to work with the Board planner on the open spaces areas for walkways, paths, etc. They also agree to work with the Board Engineer to open up some areas in the cul-de-sacs allowing for snow removal per the engineer's request, as well as providing traffic calming devices along the residential corridor.

Mrs. Bruder was in favor of endorsing the 3 story townhomes as they are more valuable. School bus and fire equipment access and equipment was discussed. Mr. Hughes commented he was in favor of the commercial being built simultaneously with the housing. Board members were in favor of having a larger backyard for the townhomes. An offsite parking area is also proposed throughout the site. The applicant confirmed there will be an HOA to take care of the open space areas. Parking will be permitted on one side of the street.

1) "Completeness Hearing" –

RES-NJ One, LLC, Completeness Hearing for Amended Preliminary & Final Subdivision with variances, Application #SD-8-16, Block 214.01, lot 29, Daisy Avenue

Alan Ettenson, Esquire, Taenzer, Ettenson, Stockton & Aberant, PC, Moorestown, NJ
Attorney for applicant explained the project consists of 15 lots and one retention basin. Preliminary approval was granted in 2010 by resolution 2010-14. The former applicant did not follow through with final approval. This application is for amended preliminary and final approval by a different owner. Jay Polin is present and is a representative of the current owner, RES-NJ One, LLC.

The following individuals were sworn in:

Jay Polin Asset Manager, testifying on behalf of RES-NJ One, LLC, Miami, FL
Wade Marlin, Project Manager - Long Engineering, under the direction of Bill Toms, PE, 2030 N. Black Horse Pike, Williamstown, NJ

The applicant isn't changing anything, same number of lots & basin. The only reliefs requested are for 1) sewer hookup, required by ordinance but not available in the Township and 2) relief from agricultural buffer requirement on two lots – lots 29.16 & 29.01. Township agricultural buffer ordinance requires a 100 foot buffer from farms in addition to the required 30 foot yard setback. The applicant is requesting relief from the full 100 ft. as the farm is across the street. They will provide a 50 foot front yard setback.

Mrs. Bruder referred to her review letter of March 10, 2015 for completeness

Item # 8 requires copies of applications to and certification of approvals from all outside agencies with jurisdiction.
Condition of any approval granted

Item #23 requires a phasing and construction plan.
Applicant agreed it will be constructed in one phase.

Item #36 requires copies of any protective covenants, easements and restrictions of record be provided, including title policy.
Condition of any approval granted, waiver for completeness purposes. The applicant agreed to forward a copy of the corrected deed to the board Solicitor.

Item #37 requires drafts of proposed protective covenants, deed restrictions or easements for review.
Condition of any approval granted, waiver for completeness purposes.

Item #38 photographs of the site.
Photos were provided and labeled as A-1 through A-6 (2 aerials and 4 site photos)

Item #65 requires preliminary plans and profiles of utilities be provided.
Waiver is recommended & Board Engineer agreed.

Item #68 requires floor plan and front elevation of all proposed principal buildings and any elevations in public view.
Waiver is recommended for completeness purposes, and can be described during testimony.

Item #84 requires a list of all items not installed or completed to be covered by a performance guarantee, with quantities and costs.
Condition of any approval granted, waiver for completeness purposes.

Board Planner recommended the application be deemed complete as discussed. Board Engineer had no other comments regarding completeness.

Mr. Shultz moved to grant the waivers as discussed and to deem the application “complete”.
Seconded by Mr. McCreery.

Roll Call:

Voting in favor: Hughes, McCreery, Rambo, Schmidt, Shultz, Yenner, White, Gonzalez
Against: Abstain: 8-0-0

2) “Public Hearing” –

RES-NJ One, LLC, Completeness Hearing for Amended Preliminary & Final Subdivision with variances, Application #SD-8-16, Block 214.01, lot 29, Daisy Avenue

Mr. Polin gave a brief overview of the project. The project consists of 15 building lots for single family homes and 1 basin lot. The lot sizes are approximately a 25,000 square feet. The homes will be similar in style to the adjacent development, “Still Run” (2 story and ranch style homes).

Wade Marlin, responding to planner’s comment on buffers, vegetation, landscaping, stated they intend to minimize the clearing of the lots- not all the way to the buffers, but rather only where the homes will be built and not to clear in the buffer area. The rear of the properties will be kept wooded as much as possible. Street trees will be provided as required. There is no additional proposed landscaping for each lot. This would be a decision for the lot owner. Board Engineer’s review letter requested revised landscaping around the basin to maintain a clear 10 foot wide crest for basin maintenance. Also at the end of the cul-de-sac some shrubs and trees are to be removed (minimum 20 ft. wide) to allow an area for snow discharge and that perimeter trees be moved further back. Applicant agreed to work with the Board’s professionals to comply with their recommendations. Board Planner agreed and added she would like some kind of basin landscaping, as it’s more attractive and adds value to the development. Mrs. Bruder suggested a note could be added to the plan stating “typical planting plan with minimum sizes.” Substitutions could be made by the homeowner. Applicant agreed. Chairwoman White was in favor of a minimal landscaping requirement. Mr. Eastlack added it should be stated in the HOA documents as well. Minimum tree caliper of trees to be saved by the board in 2010 are identified on the plans and tree protection fencing around the drip line of the trees will be added (septic systems are located in the front yards and wells are in the back).

Mr. Marlin added there is no development sign proposed now or in the future.
Concerning buffers, Mr. Eastlack added a condition in the resolution of any approval will include when the farm ceases to be farmland assessed, the rear yard buffer will be reduced to 50 ft. (westerly side). This condition is also to be noted on the plat.

A variance is requested from the ordinance requiring sanitary hook-up, as currently this is not available in the Township. Soils- Mrs. Bruder commented that the applicant had submitted a chemical analysis of soil, which concludes that the eleven soil samples taken do not exceed the Residential Direct Contact Soil Cleanup Criteria.

Referring to the comments in the Board Engineer's letter of March 12, 2015. Legal descriptions for easements and conservation areas have been provided to the board solicitor for review and approval.

Applicant commented on item number 20b improvements along Daisy Avenue — The work includes road widening up to Webster Drive, installation of storm sewer, curbs-north side, and curbs & sidewalks along the roadway.

Mr. Hughes asked if they were widening from Cedar Bridge to Webster. Applicant responded they were not. Mr. Eastlack commented that the applicant is not required to improve that portion of Daisy as it is off site.

Board Engineer, Jon Bryson, referred to the engineering review letter. Landscaping & Lighting section- Mr. Bryson stated he has spoken to Mr. Marlin concerning some changes to the details with respect to the Cobra Head fixtures and that new LED fixtures with flush heads are to be shown on the plan. Landscaping at end of cul-de-sac- Mr. Bryson agrees that this could all be coordinated with the board planner and engineer. Grading and Drainage- The following items need to be provided: impervious coverage calculations and drainage report need to be revised (see item numbers 9a, 10, 11, 12). The maintenance manual for the basin & stormwater structures need to be forwarded to the Board Engineer & Board Attorney for review (item 15a). Emergency overflow calculations & receiving slopes downstream from the structures & basins (item 16), Spot elevations, (item 18), Stations & offsets to be added to each benchmark monument (item 20) Grading & stormwater management plans revised to address potential siltation of the basin during construction (item 22). Roadway Plans: Plan and profile sheets to be revised per item 1a through 11. Utilities: water main on Alminda Court (item 3a) and item 4 (labeled as 2 in the letter) depth of storm pipe.

The balance of the report deals with construction details. Mr. Bryson added he had a conference call with the applicant, and they have agreed to all the conditions outlined in the review letter dated March 12, 2015.

Mr. Eastlack added, in regard to the retention basin, that a width break should be set for the plantings or fencing. How will the basin be accessed? Referring to plan Mr. Marlin pointed out the proposed driveway with an 8 foot gate. These issues can be worked out with the Board Planner. The board wants to make sure there is enough room for snow removal, school buses, etc. Planner agreed and asked the Board Engineer be included. In addition, the Board Solicitor requested the resolution include a time period for the Solicitor and Board Engineer to receive and review the HOA documents. It was agreed the HOA documents would be received no later than when the plats are filed.

Mrs. White asked the Board Engineer if the dry hydrant submission was acceptable. Letter from Chief County Fire Marshal, Edward J. Johnson, indicated the proposed dry hydrant system was sufficient for firefighting.

Mr. Hughes moved to open to the public, Seconded by Ms. Yenner.

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

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

Mr. Hughes asked who the principals of RES-One NJ were.

Mr. Polin responded that the parent company is Rialto Capital, Miami, FL, which is a subsidiary of Lennar Homes (largest home builder in the country). Stuart Miller is the owner of Lennar Homes.

Mrs. Bruder added that normally she reviews her letter, but in this case the applicant has addressed almost everything in her letter and that the applicant has agreed to everything.

Mrs. Bruder wanted to review the two variance requests, public sewer and agricultural buffers for front yard lots 29.01 and 29.16. The agricultural buffer ordinance requires a 100 foot buffer from the property that's farmed. In this case, the farm is across the street. So it's only 50 feet on to the actual property. The agricultural buffer is supposed to be cumulative with the front yard setback. The purpose of the agricultural buffer is to protect the farm from nuisance complaints from the neighbors of dust, noise, pesticides etc. In this case because the farm is separated by a street and they will maintain a 50 foot setback from the street, she is in the opinion that the variance is acceptable from a planning

standpoint, and is only for those two corner lots on the Daisy Avenue side. This will enable the applicant to develop the lot in one phase rather than waiting until the adjacent lot ceases to be farmed, and then build on those two lots. Further, by granting this variance she did not believe there would be any detriment on the two corner lots. In addition, any lots with the agricultural buffer are required by ordinance to include a deed disclosure about the adjacent farm. Board Planner had no objection to granting both amended preliminary and final approval. Mr. Eastlack agreed.

Mr. Hughes was not in favor of granting final at this time. Mr. Shoultz was in favor of granting final approval.

Mr. McCreery moved to grant amended preliminary and final major subdivision with variances (to permit well & septic and to reduce the agricultural buffer for corner lots 29.01 & 29.16 on the Daisy Avenue side) for RES-NJ, LLC, condition upon all the affirmative representations made by the applicant, testimony provided, and all recommendations made by the Board's Professionals in their review letters of March 10, 2015 & March 12, 2015 and agreed to by the applicant, and further condition upon all required outside agency approvals and all the conditions as recited by the Board Solicitor. Seconded by Mr. Shoultz.

Roll Call:

Voting in favor: Hughes, McCreery, Rambo, Schmidt, Shoultz, White, Gonzalez
Against: Yenner Abstain: 7-1-0 Approved

➤ **General Public Portion**

Mr. Hughes 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. Shoultz moved to close the general public portion, seconded by Ms. Yenner.*
With all members in favor, *the motion was carried.*

➤ **Correspondence:** none

➤ **Adjournment:**

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

Adjournment time: 10:49pm

Respectfully submitted,



Anna Foley
Board Secretary