

# Elk Township Combined Planning and Zoning Board

## Regular Business Meeting

May 18, 2016

### Minutes

➤ **Call to Order:** Board Secretary called the meeting to order at 7:30pm.

➤ **Roll Call:**

**Present:** Jay Hughes, Ed McKeever, Donna Nicholson,  
Ed Poisker, Eugene Shoultz, Jeanne White, Frank Goss

**Absent:** Phil Barbaro, Richard Schmidt, David McCreery, Deborah Penza

➤ **Open Public Meeting Act:** was read by the Board Secretary

➤ **Flag Salute:** Secretary led the flag salute.

➤ **Swear in Board Professionals:** Board Solicitor

➤ **Approval of Minutes:**

1) **April, 20, 2016**

*Mr. Shoultz moved to approve the minutes of April 20, 2016, Seconded by Mr. Goss.*  
With all other members in favor, *the motion was carried.*

➤ **Resolution(s):**

**2016-12** – granting “Completeness” of an application for Preliminary Major Subdivision review, phases 5 and 6, from Silvergate Associates, regarding property located on Buck Road, Clayton-Aura Road, Fairview Road and being further shown as block 65, lots 4.02 & 5, block 170, lots 14 & 18, block, 171, lot 9, on the tax maps of the Township of Elk, Application No.: SD-16-02

*Mrs. Nicholson moved to adopt resolution 2016-12. Seconded by Mr. Poisker.*

**Roll Call:**

**Voting in favor:** *Nicholson, Poisker, Shoultz, White, Goss*

**Against:** *None*

**Abstain:**

*5-0-0*

➤ **Old Business:** None

➤ **New Business:** **Redevelopment**

The Board had authorized and directed its planning consultant, Candace A. Kanaplue, AICP/PP, of Bach Associates, to conduct a preliminary investigation to determine whether the above mentioned study area, or any part thereof, meets the requirements of the Redevelopment Law and should be designated as an area in need of redevelopment. The

report outlines the criteria (on page 8) that must be met in order to be designated as an “Area in need of Redevelopment” in accordance with NJSA 40A: 12A-5.

The Board received the Planner’s report dated May 2016, which included a map showing the boundaries of the area(s) being considered for redevelopment and the location of the individual parcels, along with the investigation study and findings of the Board Planner. In compliance with State statute, proper public notice was completed and the investigation report was made available to the public 10 days prior to the public hearing date of May 18, 2016.

➤ ***Redevelopment Study, Area I:***

***Block 29, Lots 13.01, 13.02, 13.03, 14, 24.01, 25, 26, 28 and 29; Block 31, Lots 1, 2.01, 2.02, 3, 4, 5.01, 5.02, 6, 6.01, 7 and 22; Block 32, Lots 1-12, 14, 15, 16.01 and 16.02; Block 33 Lot 12.01; Block 34, Lots 1.03, 3, 4, and 6-9 and Block 58, Lots 1 and 2. The study area is generally bounded by State Route 55 to the East, Whig Lane (CR 619) to the South and runs along Clems Run (CR 623) and Aura Road (CR 667). Redevelopment Area Study Resolution 2016-13***

This study area consists of parcels located predominantly to the west of Route 55, within various zoning districts along Aura Road, Whig Lane, Clems Run and Maple Avenue. The properties are a mix of commercial, residential, agricultural and woodlands, public property and vacant. The study area is within the C-1, RE and R zoning districts. Surrounding zoning includes, RE and R districts. Most surrounding uses are residential or agricultural in nature.

Mrs. Kanaplue explained a power point presentation of the investigation report. She clarified that the current zoning designation of a parcel will not change. Redevelopment will provide an overlay of additional uses, without applying for a variance, thereby expanding the potential of a property by providing an opportunity to develop an area that doesn’t meet the current zoning. The Township will not make use of “eminent domain” on any properties as part of Redevelopment. This is a non-condemnation Plan.

Board discussion followed.

***Mr. Hughes moved to open to the public, seconded by Mr. Shoultz. With all members in favor the motion was carried.***

Jim Gaglianone, owner of block 33, lot 12.01, inquired about zone changes and was in favor of a Commercial zoning designation for his parcel.

Connie Nicholson, resident, block 34, lot 9 asked when the Redevelopment Plan would be completed and would the land owners receive notice again.

Mrs. Kanaplue replied the Redevelopment Plan would most likely be completed by the fall and another public hearing would be held- check with the planning office or on line for Board agenda topics.

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

**Mrs. White moved to recommend to the Governing body by resolution 2016-13, that the areas discussed be considered and designated as an area in need of redevelopment and authorize preparation of a Redevelopment Plan. Seconded by Mrs. Nicholson.**

**Roll Call:**

**Voting in favor: Hughes, Poisker, Shoultz, White, Goss**

**Against: None Abstain: Nicholson 5-0-1**

Mrs. Kanaplue continued with her presentation for the following area:

➤ **Redevelopment Study, Area II:**

**Block 30, Lot 21; Block 52, Lot 12.02 QFARM; Block 53, Lot 1; Block 55, Lots 5 QFARM, and 5.01 - 5.52; Block 55.01, Lots 1 QFARM, and 2 - 7; Block 55.02, Lots 1 QFARM, and 2 - 51; Block 55.03, Lots 1 QFARM, and 2 - 18; Block 55.04, Lots 1 QFARM, and 2 - 18; Block 55.05, Lots 1 QFARM, and 2 - 17; Block 56, Lots 4 QFARM, and 4, 11.02 and 12; Block 62, Lots 3.01 QFARM and 3.02; Block 63, Lots 2.01 and 2.02 QFARM; Block 65, Lots 4.02 QFARM and 5 QFARM; Block 68, Lot 7.02 QFARM; Block 170, Lots 14 QFARM and 18 QFARM; Block 171, Lots 6 and 9; Block 174, Lot 1 QFARM; and Block 213, Lots 3 and 3 QFARM. This study area is predominantly on the Eastern side of State Route 55, in the Northern portion of the Township. Redevelopment Area Study Resolution 2016-14**

Mrs. Kanaplue explained this study area consists of separate and groups of parcels located predominantly to the east of Route 55 along Buck Road and Aura Road. The properties are predominantly made up of woodlands, farm fields and vacant land areas. The study areas are in the M-1, MD, C-1, C-2 and R zoning districts, with a PUD (Planned Unit Development) Overlay within the MD zoning districts. Surrounding uses include MD, C-1 and C-2, RE and R districts. Most uses are residential or agricultural in nature, with some commercial.

The overall study area is part of a GDP (General Development Plan) and had been delayed due to factors outside the applicant's control. It is recommended that all the parcels included in this redevelopment area be designated an area in need of redevelopment under criteria "c," "e." The report outlines the criteria that must be met in order to be designated as an "Area in need of Redevelopment" in accordance with NJSA 40A: 12A-5 on page 8 of the study.

Mr. Hughes inquired if a piece of property, that was part of this GDP, was ever deeded over to the Township (for school use). Board Attorney Dale Taylor and audience member Nick Casey

(Silvergate Associates) confirmed the transfer had been completed. It was determined this municipal parcel should have been included in the study and will be added (block 62/3.03).

***Mrs. Nicholson moved to open to the public, seconded by Mr. Shoultz.*** With all members in favor ***the motion was carried.***

Nick Casey, VP Development Quakergroup-managing partner of Silvergate, 1101 Laurel Oaks Rd, Voorhees, NJ

Mr. Casey is also a professional planner and is familiar with redevelopment law. As part of Mrs. Kanaplue's presentation she indicated the parcels mentioned meet the statutory redevelopment criteria of items "c" and "e" of the law. The law says you have to meet one of the eight criteria to be designated as an area in need of redevelopment. In regard to Silvergate, Mr. Casey felt portions of Silvergate properties also met the criteria of items "a," "b," & "d." Silvergate phase 1 properties include Block 56 lots 4, 11.02, & 12 -was formally a camp (commercial use). There are remains of buildings on the site that are in a state of disrepair. Silvergate phase 4 and phase 2- block 63, lot 2.01, 2.02 and block 68 lot 7.02 - were former orchards and are obsolete. Under designation of criteria "e," the biggest hardship are the issues relating to public water and sewer which is a need for any type of redevelopment to occur. Mr. Casey has been in contact with the Board Planner relaying these specifics to her but wanted to place this information on the record as well.

Wayne Swanson, 517 Spruce Street.

Asked if the Township owned parcel located on Buck Rd & Stanger Avenue could still be included in the study. Mr. Taylor replied Township Committee could add it as an addendum. Mrs. Kanaplue confirmed the parcel was block 62, lot 3.03 and this parcel can be added to the study and will be included in the redevelopment resolution this evening. The Board members were all in agreement.

***Mrs. White moved to close to the public, seconded by Mr. Hughes.*** With all members in favor ***the motion was carried.***

***Mrs. White moved to recommend to the Governing body by resolution 2016-14, that the areas discussed be considered and designated as an area in need of redevelopment with the addition of block 62 lot 3.03 and to authorize preparation of a Redevelopment Plan.***  
***Seconded by Mr. Goss.***

***Roll Call:***

***Voting in favor: Hughes, Nicholson, Poisker, Shoultz, White, Goss***

***Against: None***

***Abstain:***

***6-0-0***

➤ ***Ordinance Amendment Review-C1 Commercial Zone***

The Board received an ordinance referral from the Governing Body to amend the zoning code of chapter 96 - Commercial-Neighborhood District (C-1) to include the following two additional uses:

1) Restaurants with or without liquor licenses and taverns, 2) retail package liquor stores.

*Mr. Hughes moved to recommend adoption by Township Committee, by resolution 2016-15, of the ordinance amendment to Chapter 96 - Commercial-Neighborhood District (C-1) to include the additional uses: 1) Restaurants with or without liquor licenses and taverns, 2) retail package liquor stores and that the change is consistent with the Master Plan. Seconded by Mrs. Nicholson.*

**Roll Call:**

*Voting in favor: Hughes, Nicholson, Poisker, Shoultz, White, Goss*

*Against: None Abstain: 6-0-1*

➤ **General Public Portion**

*Mr. Hughes moved to open to the general public portion, seconded by Mr. Nicholson.*

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

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

➤ **Correspondence:**

Chairwomen White made the Board aware of two members that have resigned, Mr. McCreery and Mrs. Penza and the Board thanked them for their service to the community.

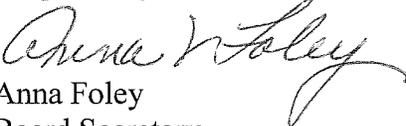
**Adjournment:**

*Mr. Shoultz moved to adjourn, Seconded by Mr. Goss.*

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

Adjournment time: 9:10pm

Respectfully submitted,

  
Anna Foley  
Board Secretary