

# Elk Township Planning and Zoning Board Meeting

## Regular Business Meeting

November 12, 2014 at 7pm

(\*meeting rescheduled from November 19<sup>th</sup> at 7:30 pm)

### Minutes

**Call to Order:** Board Chair called the meeting to order at 7:14pm.

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

**Roll Call:**

**Present:** Matt Afflerbach, Jay Hughes, Dave McCreery, Ed McKeever, Eugene Shoultz, Mayor Spring, Jeanne White, Christine Yenner, Frank Goss (arrived at 7:16pm)

Also present: Joan Adams, Board Solicitor, Leah Bruder of Bach Associates, Board Planner, Stan Bitgood of Federici & Akin, Board Engineer

Absent: Rambo, Carter

**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:**

➤ **Resolution(s):**

**2014-15:** granting minor site plan and submission waivers to permit the construction of a small solar energy system on property located at 894 Hardingville Road, block 39, lot10, to applicant Michael Boone.

*Mr. Shoultz moved to adopt resolution 2014-15, Seconded by Mr. Hughes.*

**Roll Call:**

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

*Against: None      Abstain: None      8-0-0`*

➤ **Approval of Minutes, October 15, 2014**

*Mr. Shoultz moved to approve the minutes of October 15, 2014, Seconded by Ms. Yenner.*

**Roll Call:**

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

*Against:      Abstain:      6-0-0*

➤ **Old Business:** None

➤ **New Business:**

**Master Plan Re-examination work session.**

Two main topics for the re-exam are the Lake Gilman neighborhood and Elk's commercial zones.

**Lake Gilman Community.**

Mrs. Bruder provided a memorandum dated November 6, 2014 and referred to a display board of the area. Overview- Lake Gilman neighborhood is located in the RE (Rural Environmental) residential zone. The Lake community predates the RE zone and therefore does not meet the area and yard requirements as outlined in the zoning regulations, ordinance section 96-7. The minimum residential lot size in the RE zone is 80,000 sq ft. Residents of the Lake have concerns about the zoning as their lots will always be "non-conforming" in area, setbacks and other requirements, creating a hardship for the residents. Therefore, anytime an improvement is contemplated, such as an addition, deck, accessory structure, etc., a variance would be required.

There have been ongoing conversations with the community about non-conformance of the existing residential lots with the current zoning requirements and the maintenance and replacement of individual septic systems and a long term solution to the ongoing septic issues for the community. Lake Gilman has initiated an effort to develop a community wide solution by creating a Real Estate Development Committee to address current and potential future septic issues. As of 2011, the Committee had met with a septic design engineer but the cost was prohibitive.

The Township is not in a position to help with the septic concerns, as Gloucester County Health department has jurisdiction over all septic systems and wells, however, the Township can help with the zoning to make it more consistent with what already exists. Harrison Township has similar zoning for the portion located in their township.

Mrs. Bruder's memo provided a table of current RE zone requirements along with some actual conditions for some existing lake lots. She also provided some recommended changes. In addition, Mrs. Bruder has forwarded the memo to Lake Gilman Owners for their review and comment.

Board Attorney added, current NJ law states it is illegal to have shared a septic. Therefore to sell a house, it must have an upgraded septic system (cesspools are not permitted). The laws change all the time.

Discussion followed about some possible conditions, a grandfather clause, and the private roadway.

**Commercial Zones.**

Two maps were provided, one with Preserved Farmland (more than 3300 acres are preserved- a lot of it is along County Route 77) with zoning and one with Zoning along residential areas where neighborhood commercial uses are conditionally permitted (permitted as long as it meets all the conditions or else a 'use' variance (D-3) is required). These permitted conditional uses are not shown on the zoning map.

Commercial along County Route 77 is minimal due to the preserved farmland and the approval for a Church that has not yet been built.

Mrs. Bruder referred to a display board and reviewed her letter dated November 10, 2014 outlining the three commercial zoning districts and the three residential zones in the Township that permit commercial zoning in specific locations.

C-1 Neighborhood Commercial zone- smaller scale, meant to serve people who live in the general vicinity.

C-2 Highway Commercial Zone- broader array, larger intense commercial use.

M-1 Light Manufacturing Zone.

MD Residential Zone, conditionally permits retail, service and office uses as permitted in the C1 zone.

LD Residential Zone conditionally permits retail, service, and office uses as permitted in the C1 zone and when fronting on a State Highway, Rt. 77.

R Rural Residential Zone conditionally permits retail, service, and office uses as permitted in the C1 zone and when the property fronts on a State Highway, Rt. 77

Committee initiated this reexamination to consider the possibility of additional commercial zoning along Buck Road and Route 77 so as to provide the opportunity for additional commercial development in the Township.

Mrs. Bruder outlines in her letter some other areas for consideration and also suggested creating a zoning overlay map. Additional discussion followed.

*Ms. Yenner moved to open to the public, seconded by Mr. McCreery*  
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 Mr. McCreery.* With all members in favor, *the motion was carried.*

The board unanimously agreed to authorize Mrs. Bruder to provide a draft Master Plan Re-examination report for a public hearing.

- **General Public Portion**

*Ms. Yenner 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 Mr. McCreery.*  
With all members in favor, *the motion was carried.*

- **Correspondence:**

The Board received a resignation letter from member Bill Carter.

*Ms Yenner moved to regrettably accept the resignation of member Bill Carter, seconded by Mr. McCreery.* With all members in favor, *the motion was carried.*

A subcommittee was formed to review the resumes received for 2015 planning board professionals. The subcommittee will provide recommendations to the board at December's meeting. The committee included, Ms. Yenner, Chairwomen White and Mr. McKeever.

**Adjournment:**

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

Adjournment time: 8:58pm

Respectfully submitted,



Anna Foley  
Board Secretary