

**RESOLUTION NO. 2013-09**

**RESOLUTION OF THE ELK TOWNSHIP PLANNING/ZONING BOARD GRANTING MINOR SUBDIVISION  
APPROVAL FOR BLOCK 171 LOTS 21 & 23 IN ELK TOWNSHIP AND  
BLOCK 1901 LOTS 9 & 10 IN CLAYTON BOROUGH**

**WHEREAS**, Frank McDonnell with address of 511 Fairview Road, Elk Township is the owner of lands which are divided by a municipal boundary lines and which is identified as Block 171 Lot 21 on the tax map of Elk Township and Block 1901 Lot 9 on the tax map of the Borough of Clayton; and

**WHEREAS**, Walter Carroll, with address of 503 Fairview Road, Glassboro, NJ, the owner of land identified as Block 171 Lot 23 on the tax map of the Township of Elk and Block 1901 Lot 10 in the Borough of Clayton has consented to this application; and

**WHEREAS**, Mr. McDonnell has filed an application with the Elk Township Planning/Zoning Board for Minor Subdivision approval to subdivide a parcel from lands owned by Mr. Carroll and to consolidate this parcel with his lot; and

**WHEREAS**, The Board has received the following items for consideration as part of this application:

1. Application for Preliminary Minor Subdivision/Lot line adjustment to the Combined Planning and Zoning Board dated August 22, 2012
2. Escrow Agreement, Affidavit of Applicant & Ownership, Disclosure statement, Tax certification dated August 22, 2012 indicating that taxes are current on Lot 21 but delinquent on Lot 23.
3. Proposed Lot Line Adjustment Plan for Block 171, Lots 21 and 23 and Block 1901, lots 9 and 10 in Elk Township and Clayton Borough consisting of 1 sheet prepared by Bruce A. Ewing, PLS dated August 7, 2012.
4. Legal Boundary Description for Lots 21 and 23 by Ewing Associates dated August 7, 2012.
5. App-1 Site photos
6. Report of the Board Engineer dated September 19, 2012
7. Report of the Board Planner dated September 6, 2012
8. Resolution 11-12 of the Planning Board of the Borough of Clayton

**WHEREAS**, the Applicant has complied with all of the requirements to bring this application before the Board; and

**WHEREAS**, the Board also received the report of its Professional Planner, Leah Furey Bruder, PP, AICP dated September 6, 2012 and the report of its engineer, Mr. Corey Gaskill, PE., dated September 19, 2012 attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth herein; and

**WHEREAS**, The application was granted submission waivers and now meets all of the submission requirements including the payment of all applicable fees and proof that taxes are paid and

current. As such the Board determined that the application was sufficiently complete the warrant proceeding on the merits.

**WHEREAS**, after carefully considering the evidence presented by the Applicant in support of his application, the testimony of the Board's professionals and the public comments, the Board has made the following findings of fact, and conclusions of law:

1. The subject property includes two adjacent residential lots, and the applicant proposes to shift lot lines, so that there will be a total of two (2) modified residential lots. The properties are located on County Route 637 (Fairview Road) and are divided by the municipal Boundary with Clayton Borough, so that the front of the lots and the improvements on the lots are in Elk Township and the rears of the lots are in Clayton (with separate lots -Block 1901 lots 9 and 10). Lot 21 in Elk currently contains a 1 story dwelling and garage and is 1.69 acres in an "L" shape configuration and lot 23 currently contains a 2.5 story dwelling and is approximately 5.68 acres.

2. The property is located within the MD Moderate Density Residential District (section 96-68), which permits single family dwellings on lots a minimum of 25,000 square feet. The property is surrounded by other parcels in the MD zoning district and the surrounding land uses are residential in nature. The rear portions of the lots within Clayton Borough are wooded and bound to the east by the Conrail railroad right-of-way.

3. The proposed minor subdivision complies with all of the area and bulk requirements, and the lot line adjustment will eliminate a variance condition for the garage setback on lot 21.

4. The parcel to be carved off of Mr. Carroll's land is approximately 63,977.03 square feet from the Elk Township lot and approximately 29,317 square feet from the lot in Clayton. After the subdivision, Mr. Carroll's lot will continue to be a conforming lot according the zoning standards of the Elk Township Code.

5. The Elk Township Code defines a minor subdivision as one that does not involve the creation or alteration of more than 2 lots in addition to any retained portion of the original lot. The proposal includes a lot line adjustment to alter two existing lots. No new lots are being created. The application meets the definition of a minor subdivision.

6. The Applicant has agreed to adjust the setbacks on the plan to eliminate the need for a variance. A revised plan shall be submitted to the Board engineer for his review and approval.

7. The Applicant does not propose any change in use for the Property.

8. Because the property to be subdivided fronts upon Fairview Road also known as County Route 637, County approval of this subdivision will be required.

9. The Applicant testified that there are no wetlands or other environmental constraints which affect the site. The Applicant is advised that the approval of this lot does not guarantee that the lots will be developable or that freshwater wetlands or other environmental constraints will not apply to the land.

10. The meeting was opened to the public and there was no public opposition to this application.

11. The Board granted a waiver of the obligation to install sidewalks.

**NOW, THEREFORE,** be it resolved by the Planning Board of the Township of Elk that it approves the minor subdivision subject to the following conditions:

A. The Applicant shall pay all outstanding application, escrow and review fees associated with the subdivision application to the Township.

B. The subdivision shall be perfected by the filing of deeds, which are in full conformity with this approval granted by the Planning/Zoning Board of Elk Township. The deeds shall be filed within 190 days of the Resolution approving the minor subdivision and shall be signed by the Chairman and Secretary of the Planning Board of the Township of Elk. The deeds shall contain the following sentence: "We, the undersigned Chairperson and Secretary of the Elk Township Planning Board, hereby certify pursuant to N.J.S. 40:55D-47 that subdivision application for the within parcel of land was approved by the Elk Township Planning Board on November 14, 2012, and memorialized by Resolution No. (Insert number) dated (Insert date)."

C. The Applicant must receive the approval of the Gloucester County Planning Board and all interested state, county and municipal agencies, and said approvals must be final and non-appealable and

proof of same must be provided to the Planning Board prior to the signature of the deeds perfecting this minor subdivision.

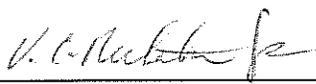
D. Prior to signature, the subdivision deeds shall be submitted to the Solicitor of the Planning Board for her review and approval as to form and the legal descriptions for all lots shall be submitted to the Planning Board Engineer for his review and approval.

E. The Applicant must comply with the conditions set forth in the reports of the Board's Professionals and the affirmative representations made at the time of the public hearing as well as the conditions set forth herein.

Voting in favor: Barbaro, Carter Nicholson, Shoultz, Swanson, White, Goss

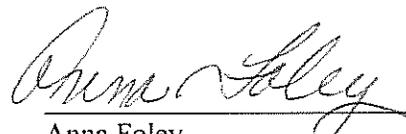
**ELK TOWNSHIP PLANNING/ ZONING BOARD**

ATTEST:  
By:   
Anna Foley, Secretary

By:  1/16/13  
Chuck Nicholson, Chairman

Certification

The undersigned, Secretary of the Planning Board of Elk Township, hereby certifies that the above is a true copy of a resolution adopted by said Board on the 16<sup>th</sup> day of January, 2013, its decision of November 14, 2012.

  
Anna Foley



CONSULTING ENGINEERS • PLANNERS  
LAND SURVEYORS • ENVIRONMENTAL SERVICES

Corporate Office:

629 Shiloh Pike • Bridgeton • New Jersey • 08302

Phone: 856-451-2990 • Fax: 856-455-9702

www.fralinger.com

Reply to:  Bridgeton  Salem or  Mays Landing

Albert A. Fralinger, Jr., PE, PLS & PP  
J. Michael Fralinger, Sr. (1957-2009)  
Charles M. Fralinger, PLS  
Carl R. Gaskill, PE, PLS, PP & CME  
Stephen J. Nardelli, PE, PP, CME & CPWM  
Barry S. Jones, PLS & PP  
Guy M. DeFabrites, PLS & PP  
Stephen P. McKeich, PLS  
Scott A. Adams, PLS  
William J. Olbrich, PLS  
Matthew Baldino, PE, CME  
Robert A. Mulford, III, PE, CME  
Corey R. Gaskill, PE  
J. Michael Fralinger, Jr., PE

September 19, 2012

Civil Engineering  
Land Use Planning & Design  
Site Engineering  
Traffic Engineering  
Land Surveying  
Municipal Engineering  
Soils Investigation  
Traffic Impact Studies  
NJDOT Permitting  
Phase I Environmental Studies  
Permeability Testing  
Septic System Design  
Wetlands Delineation  
Global Positioning Surveying (GPS)  
Geographic Information Systems (GIS)  
Planning/Zoning Board Representation

Township of Elk Planning/Zoning Board  
667 Whig Lane Road  
Monroeville, NJ 08343

c/o Anna Foley, Board Secretary

Re: Minor Subdivision Plan for Frank McDonnell  
Block 171, Lots 21 & 23  
Elk Township, Gloucester County, NJ  
Application No. SD-12-05  
Our Comm. No. 27313.00 – **Completeness Review #1**

Dear Chairman and Members of the Board:

I have reviewed the following documents submitted in support of the above referenced application for minor subdivision. The property is known as Block 171, Lots 21 & 23. The site is located in the "MD" Moderate Density Zoning District.

1. Elk Township Combined Planning and Zoning Board Land Development Application – Minor Subdivision (Application No. SD-12-05), Escrow Agreement, Disclosure Statement, Affidavit of Applicant, Affidavit of Ownership, and Elk Township Land Development Checklist, dated 08/22/12.
2. Confirmation indicating real estate taxes are current for Block 171 Lot 21, dated 08/22/12.
3. Confirmation indicating real estate taxes are delinquent for Block 171 Lot 23, dated 08/22/12.
4. Boundary Descriptions for Proposed Lot 21, and Proposed Lot 23, prepared by Ewing Associates, dated 08/07/12.
5. Planner's review letter to the Board from Leah Furey Bruder, PP, AICP, of Bach Associates, PC, dated 09/06/12.

Branch Office: 5439 Harding Highway • PO Box 88  
Mays Landing • New Jersey • 08330  
Phone: 609-625-5159 Fax: 856-455-9702

Branch Office: 115 Fifth Street • Salem • NJ • 08079  
Phone: 856-935-0688 • Fax: 856-935-2608

6. Proposed Lot Line Adjustment Plan for Block 171 Lots 21 & 23 in Elk Township and Block 1901 Lots 9 & 10 in Clayton Borough, prepared by Ewing Associates, dated 08/07/12.

The following comments are offered regarding the completeness of the proposed minor subdivision:

**Project Description:**

This is an application by Frank McDonnell for a minor subdivision of Block 171 Lots 21 & 23.

**Zoning Requirements:**

The site is located within the MD, Moderate Density Zoning District. The proposed subdivision meets the district standards except for a pre-existing side yard setback of 13.57' as opposed to the 15' side yard shown on the plans. The zone district requires a minimum side yard setback of 10' and an aggregate side yard setback of 25'.

**Checklist Items:**

All required checklist information has been submitted with the exception of the following:

- Item #8: Copies of applications to and certification of approvals from all outside agencies with jurisdiction over the proposal.

**Applicant indicates that Gloucester County Planning Board approval is required, however, a copy of such application has not been provided and should be submitted.**

**The proposed minor subdivision includes a portion of land within Clayton Borough. Copy of subdivision application made to Clayton Borough has not been provided and should be submitted.**

- Item #11: Source and date of current or re-certified property survey prepared and sealed by a registered NJ Land surveyor (prepared or certified within the last 1 year).

**The north arrow provided lists "Deed Reference" as the horizontal datum. The deed book and page of the Deed Reference must be provided on the plan. N.J.A.C. 13:40-5.1(f)3**

**The point(s) of beginning is not shown and must be provided on the plan. N.J.A.C. 13:40-5.1(f)4**

- Item #12: Certification and monumentation required by Map Filing Law.

**Certification in compliance with N.J.S.A 46:26B-2.b.(12) must be provided by the Land Surveyor.**

**Certification for the Municipal Engineer to sign in compliance with N.J.S.A 46:26B-2.b.(14) must be provided.**

Item #14: Certification from the tax collector that all taxes are paid to date.

**Certifications indicate that the taxes for Lot 21 are current and that the taxes for Lot 23 are delinquent.**

Item #20: The names of all property owners within 200 feet, as disclosed by the most recent tax records.

**The applicant must submit verification from the tax assessor disclosing that the property owner's list shown on the plans concurs with the most recent tax records.**

Item #21: A statement as to any application requirements for which waiver is sought, together with a statement of reasons why waivers should be granted.

**Waiver statement not provided.**

Item #25: Plans shall be prepared at a minimum scale of one (1) inch equals fifty (50) feet. If the entire plan does not fit on one sheet, an overall plan with entire tract on one sheet shall be included at a smaller scale (1"=100' or 200').

**Plan has a scale of 1"=80'. No technical objection.**

Item #36: Copy of any protective covenants, easement and restrictions of record. Include current Title Policy.

**Title policies for the properties in question have not been provided.**

Item #38: Photographs of the site taken from the opposite side of the street and to show any unusual physical aspects of the site. And for a variance, any other vantage that would be instructive.

**Defer to Board Planner.**

Item #41: Location of existing wells and septic systems and distances between them, and on adjacent properties where required by the Board.

**Location of septic on Lot 23 has not been provided. Applicant indicates that the new common lot line will not impact the septic systems.**

Item #55: Contours at 20 foot intervals for the entire tract and within 100 feet (USGS Topographic maps are sufficient) and conformance with the grading plan requirements in section 96-66M prior to the issuance of any building permits.

**Waiver required. No Technical objection.**

Item #57: A grading plan showing existing and proposed spot elevations, based upon the datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners gutters and other pertinent locations

sufficient to assure that the project will not have an adverse affect on the existing drainage pattern (96-66M).

**Waiver required. No Technical objection.**

Item #58: Soil Erosion and Sediment Control Plan consistent with the requirements of the soil conservation district.

**Waiver required. No Technical objection.**

Item #59 Location of Soil Borings to determine soil suitability and indication of whether topsoil will be transported to the site and/or removed and transported outside the municipal boundary.

**Waiver required. No technical objection.**

Item #67: If on-site sewerage disposal is required (septic system), the results and location of all percolation tests and test borings.

**Waiver required. No technical objection.**

Item #73: A letter of interpretation from the New Jersey Department of Environmental Protection either verifying the locations of the freshwater wetlands boundary and transition areas on the subject property, or determining and certifying that the proposal is exempt from the provisions of the Fresh Water Wetlands Protection Act, or confirming the absence of freshwater wetlands or freshwater wetlands transition areas on the subject property. Wetlands line and buffer must be shown on plans. The requirement may be waived if the site is clearly uplands and applicant submits a signed statement by a New Jersey licensed engineer or land surveyor that:

(a) He has personally visited the subject property and conducted a site investigation as necessary to determine that there are no freshwater wetlands or transition areas on the subject property.

(b) He has examined the subject property on a nation wetlands inventory map.

(c) He has reviewed the soils on the subject property as set fourth in the Gloucester County Soil Survey Map as issued by the United States Department of Agriculture.

(d) He has certified that there are no freshwater wetlands or freshwater wetland transition areas on the subject property.

**LOI should be provided or signed statement, in compliance with the stipulations listed, should be provided on the plans in order to waive the LOI requirement.**

Item #75: Utilities. Preliminary plans and profiles of proposed scale not more than one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically showing connections to existing and proposed utility systems. Include design calculations.

**Waiver required. No technical objection.**

Item #83: Existing and proposed curb openings, with width at curb line and property line.

Existing driveway for Lot 23 is not shown.

General Comments/Concerns:

1. The Applicant should comply with all the comments of the Board Planner's review letter dated 09/06/12.
2. Proposed new property line is not parallel with either of the existing side property lines for the lots involved in this subdivision. Applicant may wish to consider adjusting the new property line so that it runs parallel to one of the existing side property lines.
3. Both proposed lots straddle the municipal boundary line between Elk Township and Clayton Borough. Recommend that any approval by the Board be conditioned upon the project receiving subdivision approval from Clayton Borough.

Miscellaneous:

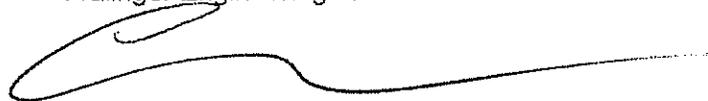
1. The following agency approvals are required for this application:
  - a. Gloucester County Planning Board.
  - b. Clayton Borough Planning Board.
  - c. NJDEP Letter of Interpretation, if applicable.
  - d. Any and all agencies having jurisdiction.

The above items must be addressed prior to the completeness hearing.

Should you have any questions, please feel free to give me a call.

Very truly yours,

Fralinger Engineering PA



Corey Ronald Gaskill, PE & CME

cc: Joan Adams, Esq.  
Leah Furey Bruder, PP, AICP  
Bruce Ewing, PLS, Ewing Associates  
Frank McDonnell, Applicant  
Walter & Elizabeth Carroll, Property Owner



September 6, 2012

Elk Township Planning/Zoning Board  
667 Whig Lane Road  
Monroeville, NJ 08343

Attn: Anna Foley, Secretary

Re: Frank McDonnell  
Minor Subdivision/Lot line adjustment  
Block 171, Lots 21 & 23  
511 Fairview Road  
MD Moderate Density Residential District  
Elk Township SD-12-05  
Bach Associates Proj. # ET2012-5

Dear Chairman and Members of the Board:

We have received the application, minor subdivision/lot line adjustment plan, and supplemental documents submitted by Frank McDonnell in support of an application at the above referenced site. The subject property includes two adjacent residential lots, and the applicant proposes to shift lot lines, so that there will be a total of two (2) modified residential lots. The properties are located on County Route 637 (Fairview Road) and are divided by the municipal Boundary with Clayton Borough, so that the front of the lots and the improvements on the lots are in Elk Township and the rears of the lots are in Clayton (with separate lots - Block 1901 lots 9 and 10). Lot 21 in Elk currently contains a 1 story dwelling and garage and is 1.69 acres in an "L" shape configuration and lot 23 currently contains a 2.5 story dwelling and is approximately 5.68 acres.

The property is located within the MD Moderate Density Residential District (section 96-68), which permits single family dwellings on lots a minimum of 25,000 square feet. The property is surrounded by other parcels in the MD zoning district and the surrounding land uses are residential in nature. The rear portions of the lots within Clayton Borough are wooded and bound to the east by the Conrail railroad right-of-way.

**Submission Items**

The applicant has submitted the following items in support of this application:

1. Application for Preliminary Minor Subdivision/Lot line adjustment to the Combined Planning and Zoning Board dated August 22, 2012 (SD-12-05), Escrow Agreement, Affidavit of Applicant & Ownership, Disclosure statement, Tax certification dated August 22, 2012 indicating that taxes are current on Lot 21 but delinquent on Lot 23.
2. Land Development Checklist.
3. Proposed Lot Line Adjustment Plan for Block 171, Lots 21 and 23 and Block 1901, lots 9 and 10 in Elk Township and Clayton Borough consisting of 1 sheet prepared by Bruce A. Ewing, PLS dated August 7, 2012.

4. Legal Boundary Description for Lots 21 and 23 by Ewing Associates dated August 7, 2012.

#### **Completeness**

The applicant has submitted the Land Development Checklist. The applicant has indicated that several minor subdivision checklist items are not applicable, since no construction or disturbance is proposed. **The application is presently incomplete. It is recommended that the applicant provide information for items 8 14, 36, and 38 and any items recommended by the Board's engineer prior to the completeness hearing.**

- **#8** requires copies of applications for approval from outside agencies. *The applicant indicates on the checklist this has been submitted, and on the application has checked the Gloucester County Planning Board, however no such application has been provided with the Planning Board Application and should be submitted.*
- **#12** requires certification and monumentation required by the Map Filing Law. *The applicant indicates this is not applicable. We defer to the Board Engineer regarding the recommendation of this waiver.*
- **#14** requires certifications from the tax collector that all taxes are paid to date. *Certifications have been supplied, however the tax collector the taxes for Lot 23 are delinquent. Taxes must be paid prior to the hearing.*
- **#21** requires a waiver statement. *The applicant marked "not applicable" on the checklist, however it appears that waivers are requested. The applicant should be prepared to provide justification for requested waivers.*
- **#36** requires a current title policy. *The applicant has not submitted this and indicates that it is not applicable. A waiver should be requested or the title report should be submitted prior to the hearing.*
- **#38** requires photographs of the site. *These have not been supplied. A waiver should be requested or the photographs should be submitted prior to the hearing. We do not recommend a waiver form this requirement.*
- **#55** requires contours at 20 foot intervals for the entire tract within 100 feet. *The applicant has suggested this is not applicable since no construction is proposed. We defer to the Board Engineer for recommendation regarding this waiver.*
- **#57** requires a grading plan. *The applicant indicates this is not applicable since no construction or disturbance is proposed. We defer to the Board Engineer for recommendation.*
- **#58** requires a soil erosion and sediment control plan. *The applicant requests a waiver since no construction is proposed at this time. We defer to the Board Engineer for recommendation.*



- **#67** requires results and locations of percolation tests. *The applicant requests a waiver since no construction is proposed. We defer to the Board Engineer for recommendation.*
- **#73** requires an LOI from the DEP or a signed statement from the engineer. *This should be provided or a waiver requested. Due to the nature of this application, we recommend a waiver.*
- **#75** requires the applicant to submit a Utility Plan. *The applicant should request a waiver. We defer to the Board's engineer to recommend for or against this waiver.*
- **#83** requires the applicant to provide curb opening details. *The applicant should request a waiver. We defer to the Board's engineer to recommend for or against this waiver.*

#### **MD Zone Requirements and Bulk Standards**

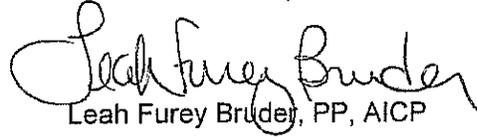
The property is within the MD Moderate Density Residential Zoning District (section 96-68) which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use on site. The proposed minor subdivision complies with all of the area and bulk requirements, and will eliminate a variance condition for the garage setback on lot 21.

#### **The following comments are provided for the applicant's and the Board's consideration:**

1. **Minor Subdivision.** The Elk Township Code defines a minor subdivision as one that does not involve the creation or alteration of more than 2 lots in addition to any retained portion of the original lot. The proposal includes a lot line adjustment to alter two existing lots. No new lots are being created.
2. **Other Approvals.** Both lots 21 and 23 are split by the Clayton Borough line, at the rear of the properties. Any approval granted through Elk Township Planning Board should be made contingent on approval from Clayton Borough. The applicant should submit a resolution from Clayton if it is received.
3. **Sidewalks.** The applicant should be prepared to address the need for sidewalks in the area.
4. **Location.** We recommend the applicant bring a printed aerial photograph for the Board to review at the hearing, in addition to the required site photographs.
5. Assuming that the applicant is able provide the required checklist items and respond to the items in this letter as well as any issues raised by the Board's engineer and the Planning Board members, we do not have any significant planning concerns related to this application, as the proposal will comply with the zoning requirements.

We reserve the option to make additional comments as more information becomes available. Please call with any questions.

Very truly yours,  
BACH Associates, PC

  
Leah Furey Bruder, PP, AICP

cc: Joan Adams, Esq.  
Corey Gaskill, P.E., CME  
Elk Environmental Commission  
Frank McDonnell, applicant  
Walter and Elizabeth Carroll, property owner  
Bruce Ewing, PLS, applicant's surveyor





November 5, 2012

Elk Township Planning/Zoning Board  
667 Whig Lane Road  
Monroeville, NJ 08343

Attn: Anna Foley, Secretary

Re: Frank McDonnell  
Minor Subdivision/Lot line adjustment  
Block 171, Lots 21 & 23  
511 Fairview Road  
MD Moderate Density Residential District  
Elk Township SD-12-05  
Bach Associates Proj. # ET2012-5

Dear Chairman and Members of the Board:

We have received the application, revised minor subdivision/lot line adjustment plan, and supplemental documents submitted by Frank McDonnell in support of an application at the above referenced site. Since receiving our initial review letter the applicant has submitted a revised plan and additional information. This letter should supersede our September 6, 2012 review letter.

The subject property includes two adjacent residential lots, and the applicant proposes to shift lot lines, so that there will be a total of two (2) modified residential lots. The properties are located on County Route 637 (Fairview Road) and are divided by the municipal Boundary with Clayton Borough, so that the front of the lots and the improvements on the lots are in Elk Township and the rear of the lots are in Clayton (with separate lots - Block 1901 lots 9 and 10). Lot 21 in Elk currently contains a 1 story dwelling and garage and is 1.69 acres in an "L" shape configuration, and lot 23 currently contains a 2.5 story dwelling and is approximately 5.68 acres.

The property is located within the MD Moderate Density Residential District (section 96-68), which permits single family dwellings on lots a minimum of 25,000 square feet. The property is surrounded by other parcels in the MD zoning district and the surrounding land uses are residential in nature. The rear portions of the lots within Clayton Borough are wooded and bound to the east by the Conrail railroad right-of-way.

**Submission Items**

The applicant has submitted the following items in support of this application:

1. Application for Preliminary Minor Subdivision/Lot line adjustment to the Combined Planning and Zoning Board dated August 22, 2012 (SD-12-05), Escrow Agreement, Affidavit of Applicant & Ownership, Disclosure statement, Tax certification dated August 22, 2012 indicating that taxes are current on Lot 21, Tax certification dated October 12, 2012 indicating that taxes are current on Lot 23.
2. Land Development Checklist.

3. Proposed Lot Line Adjustment Plan for Block 171, Lots 21 and 23 and Block 1901, lots 9 and 10 in Elk Township and Clayton Borough consisting of 1 sheet prepared by Bruce A. Ewing, PLS dated August 7, 2012.
4. Legal Boundary Description for Lots 21 and 23 by Ewing Associates dated August 7, 2012.
5. Copy of Application to the Gloucester County Planning Board.
6. Seven (7) photographs of the site (black and white copies).
7. Title Insurance Commitment for Block 171 Lot 21 (511 Fairview Road).
8. Copy of Resolution of Approval for minor subdivision in Clayton Borough.

#### **Completeness**

The applicant has submitted the Land Development Checklist. The applicant has requested waivers from several minor subdivision checklist items, since no construction or disturbance is proposed. **The application is presently incomplete, but waivers have been requested by the applicant for outstanding items.** It is recommended that the application be scheduled for a completeness hearing, and if the application is deemed complete the applicant may proceed with the minor subdivision hearing at the same meeting.

- **#12** requires certification and monumentation required by the Map Filing Law. *The applicant indicates this is not applicable. We defer to the Board Engineer regarding the recommendation of this waiver.*
- **#21** requires a waiver statement. *The applicant marked "not applicable" on the checklist, however it appears that waivers are requested. The applicant should be prepared to provide justification for requested waivers.*
- **#36** requires a current title policy. *The applicant has submitted the title commitment for lot 21. The applicant should provide the title policy for lots 21 and 23, or request a waiver. We defer to the Board's solicitor to recommend for or against this waiver.*
- **#55** requires contours at 20 foot intervals for the entire tract within 100 feet. *The applicant has suggested this is not applicable since no construction is proposed. We defer to the Board Engineer for recommendation regarding this waiver.*
- **#57** requires a grading plan. *The applicant indicates this is not applicable since no construction or disturbance is proposed. We defer to the Board Engineer for recommendation.*
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- **#73** requires an LOI from the DEP or a signed statement from the engineer. *This should be provided or a waiver requested. Due to the nature of this application, we recommend a waiver.*
- **#75** requires the applicant to submit a Utility Plan. *The applicant should request a waiver. We defer to the Board's engineer to recommend for or against this waiver.*
- **#83** requires the applicant to provide curb opening details. *The applicant should request a waiver. We defer to the Board's engineer to recommend for or against this waiver.*

#### **MD Zone Requirements and Bulk Standards**

The property is within the MD Moderate Density Residential Zoning District (section 96-68) which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use on site. The proposed minor subdivision complies with all of the area and bulk requirements, and will eliminate a variance condition for the garage setback on lot 21.

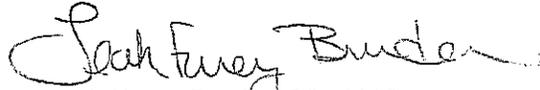
#### **The following comments are provided for the applicant's and the Board's consideration:**

1. **Minor Subdivision.** The Elk Township Code defines a minor subdivision as one that does not involve the creation or alteration of more than 2 lots in addition to any retained portion of the original lot. The proposal includes a lot line adjustment to alter two existing lots. No new lots are being created.
2. **Sidewalks.** The applicant should be prepared to address the need for sidewalks in the area.
3. **Location.** We recommend the applicant bring a printed aerial photograph of the site to the hearing in addition to the required site photographs (color copies) in order to orient the Board to the site.
4. **County Approval.** The applicant has submitted a copy of the application to the Gloucester County Planning Board. The applicant should confirm that the application has been submitted to the County. Any approval of the Elk Land Use Board will be conditioned upon approval of Gloucester County.
5. Assuming that the applicant is able provide the required checklist items and respond to the items in this letter as well as any issues raised by the Board's engineer and the Planning Board members, we do not have any significant planning concerns related to this application, as the proposal will comply with the zoning requirements.

We reserve the option to make additional comments as more information becomes available. Please call with any questions.



Very truly yours,  
BACH Associates, PC

  
Leah Furey Bruder, PP, AICP

cc: Joan Adams, Esq.  
Corey Gaskill, P.E., CME  
Elk Environmental Commission  
Frank McDonnell, applicant  
Walter and Elizabeth Carroll, property owner  
Bruce Ewing, PLS, applicant's surveyor