

RESOLUTION 2015-08

RESOLUTION MEMORIALIZING FINAL MAJOR SUBDIVISION APPROVAL FOR A FOUR LOT SUBDIVISION OF LANDS IDENTIFIED AS BLOCK 29 LOTS 28 AND 29; BLOCK 29.01 LOT 3; AND BLOCK 32 LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9 ON THE TAX MAP OF THE TOWNSHIP OF ELK GRANTED AND MEMORIALIZED UNDER RESOLUTION 2014-10 WHICH PROJECT IS PART OF AURA PHASE II

WHEREAS, Aura Development Group, LLC a limited liability company with address of 1010 Kings Highway South Building 1 Floor 1 Cherry Hill, NJ 08034 with the assistance of its attorney, Robert Swartz, Esq. has made application for Final Major subdivision approval of a consolidation and re-subdivision into 4 lots of lands identified as Block 29 Lots 28 and 29; Block 29.01 Lot 3 and Block 32 Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 on the tax map of the Township of Elk; and

WHEREAS, The Planning/Zoning Board of the Township of Elk has met at public hearing on December 17, 2014 to review the application pursuant to the applicable rules of the Planning/Zoning Board and the applicable ordinances of the Township of Elk; and

WHEREAS, The owner of the lands, Orleans, Inc., has consented to the application and a representative was present at the public hearing and addressed the Board; and

WHEREAS, it appears that the Applicant has followed all procedures in making its application, and that the application, plans and all documents and material submitted therewith were reviewed by Planning Board Engineer, the Planning Board Solicitor and Planning Board members, and were found to be complete and in conformity with all applicable laws and regulations; and the application was deemed complete by the Board at its meeting of December 17, 2014; and

WHEREAS, the Board considered the report of its Engineer, Mr. Stan Bitgood, PE dated December 9, 2014 attached hereto as Exhibit "A" and reviewed the conditions proposed in the report of the Board's Professional and discussed these conditions with the Applicant's representatives, the Planning Board Engineer and the Planning Board Solicitor; and

WHEREAS, The Board has received and considered the following items in support of this application:

- ◇ Cover letter from Aura Development Group, LLC Dated October 31, 2014
- ◇ Plan of Major Subdivision Revised October 14, 2014
- ◇ Letter of Applicant dated November 18, 2014

WHEREAS, All reviews of this application are based upon the applicable Elk Township Ordinances. The application requires no additional variances; and

WHEREAS, the Board made the following findings and conclusions based upon the Applicant's testimony, representations and the application materials:

1. The lands are zoned RE- Rural Environmental Residential and R-Rural Residential and are part of a general development plan approval granted by this Board in 2003 under the name "Latham Park". The tract at issue in this application consists of 276.57 acres and sits on the west side of Richwood – Aura Road. The project is planned in multiple phases.

2. The project has been the subject of previous reviews by the Planning Board memorialized by resolutions 2003-27; 2006-24; 2005-29; 2014-09; and 2014-10.
3. The subject property at the northwesterly corner of Richwood – Aura Road (County Route 667) and Whig Lane (CR 619), with primary frontage along Richwood Aura Road. Portions of the property also front along Whig Lane and Ewan – Glassboro Road (CR 623). Except for Block 32, Lot 7 the project site is situated entirely within the RE Rural Environmental Residential zoning district. Block 32 Lot 7 is presently designated C-1, Neighborhood Commercial district.
4. The Applicant is seeking final major subdivision approval of a previously granted major subdivision for a four lot subdivision of the parcel memorialized under resolution number 2014-10, adopted on August 20, 2014.
5. The subdivision will consist of consolidating these tracts and then creating the following four lots:
 - a. Proposed Lot 1 will consist of 170.87 acres and will be the remained of the Latham Park Project that is owned by Orleans of Elk Township LLC.
 - b. Proposed Lot 2 will consist of 24.464 acres and will be a parcel deeded to the Township of Elk (the anticipated future school site) as part of the Aura II development at the time of the first building permit is issued for Aura II.
 - c. Proposed lot 3 will consist of 36.99 acres and will be purchased from Orleans by the Applicant and made part of the Aura II Development north of the remainder of the Latham Park project.
 - d. Proposed lot 4 will consist of 44.252 acres and will be purchased by Aura Development Group and will also be incorporated into the Aura II development project directly south of the Aura I project.
6. No construction will occur from the creation of these four lots. This subdivision is inextricably tied to the Aura II and Latham Park projects and is only being requested to enable Aura Development Group to acquire the portion of land now referred to as Aura II (169 lot portion of the Latham Park Project) and to transfer the land at the southern end of the tract to the Township of Elk.
7. This plan must be revised to correct the Municipal Clerk's Certification as required.
8. The plan denotes generally which lot lines are proposed and which are to be eliminated. However, filing the plan would also result in an adjustment to the block limit lines, since part of the subject property lies within Block 29 and part is within Block 32. As such, the plan should be revised to indicate which block limit lines are to be eliminated and where the new block limit lines are proposed.
9. All of the conditions set forth in the Resolution Memorializing the Preliminary Major Subdivision shall be complied with prior the final signatures of the Township officials on the plans.
10. The Applicant presented the testimony of a representative of Orleans who confirmed their commitment to comply with all of the conditions of the previous approvals.
11. The Board opened this matter to the public for comment. No member of the public rose to address the Board.
12. All rights-of-way, areas of restriction and easements shall be defined by legal descriptions which description shall be set forth in the deed dedicating the easement, right-of-way or area of restriction

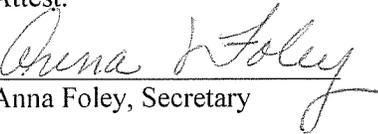
and these deeds shall be filed upon the land records of the County. All information to support legal descriptions is to be shown on Plan of Lots. The legal descriptions shall be submitted to the Planning Board Engineer for his review and approval and the form of deed shall be submitted to the Township Solicitor for his review and approval prior to the signing of the final plats.

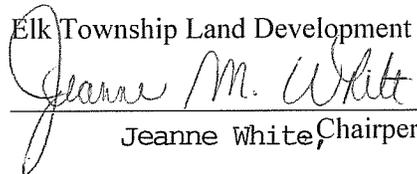
13. The Applicant must contact the Planning Board office to settle any outstanding review escrow accounts prior to the signing of the final plat. The Applicant must pay any and all required fees that are due or may become due to the Township within ten (10) days notice thereof, including but not limited to settlement of any outstanding review escrow accounts.
14. The Applicant must comply with all representations made, either personally or through any representative, during the course of its application to the Board, and in all plans, documents or other materials filed or presented with the application and must satisfy all of the above conditions prior to the signing of the deeds for this specific subdivision.
15. This plan may be subject to the review and approval of all other governmental entities or agencies with jurisdiction over this development. Evidence of these approvals must be submitted to the Township Planning Department and this office prior to the final signature of plans. All approvals must not be subject to appeal. This includes but is not limited to the Gloucester County Planning Board.
16. Under no circumstances shall any soil or earth be sold or otherwise removed from the site unless application is made and approval granted by the Township of Elk. Topsoil moved during construction shall be redistributed so as to provide at least 4 inches of cover to all areas of the subdivision. The plans shall contain a note to this effect.
17. All wetland and wetland buffer restrictions (if any) are to be recorded upon the land records of the County in the form of deed restrictions defined by legal descriptions. All information to support legal descriptions is to be shown on Plan of Lots. The Deeds of Restriction shall be filed prior to the filing of the plats. The legal descriptions shall be submitted to the Planning Board Engineer for his review and the deeds shall be submitted to the Solicitor of the Planning Board for her review as to form prior to the signing of the final plats.
18. The Applicant and owner are reminded that site safety is their responsibility. The cover sheet of the plans must state that “The owner, or his representative, is to designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21 (e) of the N.J. Uniform Construction Code and CFR 1926.32 (f) (OSHA Competent Person)”.
19. This approval shall expire and be void ab initio, if the Final Plats and all other documents required by this approval to be recorded are not filed upon the land records of the County within 95 days of the date the Township Officials have signed the plats.
20. A current letter of interpretation will be required prior to the start of any regulated activity on the site, including any type of demolition or construction. The Applicant is specifically advised that should the formal NJ DEP Delineation indicate that the lots do not meet the Township Standards, a building permit will not issue.

NOW, THEREFORE, BE IT RESOLVED this 21st day of January, 2015, by the Elk Township Planning/Zoning Board, in the County of Gloucester and State of New Jersey, that the Applicant is hereby granted Final Major Subdivision Approval for the four lot subdivision granted under Resolution 2014-10 subject to terms and conditions outlined herein.

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

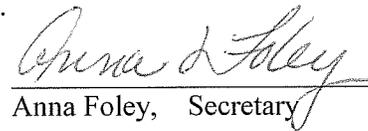
Attest:


Anna Foley, Secretary

Elk Township Land Development Board

Jeanne White, Chairperson

Certification

The undersigned hereby certifies that the above is a true copy of a resolution adopted by said Board on the 21st day of January, 2015, its decision of December 17, 2014.


Anna Foley, Secretary



**FEDERICI & AKIN, P.A.
CONSULTING ENGINEERS**

“Exhibit A”

Joseph P. Federici, Jr. P.E., P.P.
President
Douglas E. Akin, P.L.S., P.P.
Vice President

307 Greentree Road
Sewell, New Jersey 08080
856-589-1400
Fax 856-582-7976

Bret T. Yates
Director of Marketing

December 9, 2014
File No. 14048

Township of Elk
Planning/Zoning Board
680 Whig Lane Road
Monroeville, New Jersey 08343

**RE: Aura Development Group, LLC
Block 29; Lots 24.01, 28, & 29
Block 32; Lots 1, 2, 3, 4, 5, 6, 7, 8, & 9
Richwood – Aura Road (CR 667) & Whig Lane (CR 619)
Application for Final Major Subdivision Approval**

Dear Chairman White and Members of the Board:

We received the following items submitted in support of an application for final major subdivision approval with respect to the above-referenced property.

- ◇ Cover letter from Aura Development Group, LLC
- ◇ Plan of Major Subdivision

Dated October 31, 2014
Revised October 14, 2014

Introduction

The subject property at the northwesterly corner of Richwood – Aura Road (County Route 667) and Whig Lane (CR 619), with primary frontage along Richwood Aura Road. Portions of the property also front along Whig Lane and Ewan – Glassboro Road (CR 623). The site occupies a total land area of 276.576 acres and except for Block 32, Lot 7 is situated entirely within the RE Rural Environmental Residential zoning district. Lot 7 is presently designated C-1, Neighborhood Commercial district.

The applicant is seeking final major subdivision approval to consolidate the above-referenced lots and re-subdivide to create a total of four (4) new lots. No construction will occur from the creation of these four lots.

The Board granted preliminary major subdivision approval for this application on April 16, 2014, as memorialized in Resolution Number 2014-10, adopted on August 20, 2014. The approval was conditioned upon the applicant satisfying the comments in our review letter dated March 12, 2014.

Our comments pertaining to the current submission below. The comments as enumerated correspond to the numbered comments in our March 12th letter.

Completeness

This submission is in effect an extension of the previously submitted application, in which the applicant originally requested preliminary and final approval. The application was deemed complete, J:\14\14048 ET Aura-Latham Presub\14048 Review final 1.120914.docx



as noted in the aforementioned approval resolution for preliminary approval only. Accordingly, no submission items other than the Plan of Major Subdivision would be required.

Review Comments

1. **Satisfied:** The plan was revised to be entitled "Plan of Major Subdivision," as appropriate.
2. **Satisfied:** The plan has been revised to show the block and lot numbers that are reflected on the current tax records.
3. **Satisfied:** An overlay plan was previously provided to enable verification that the northernmost subdivision line (to create Block 29, Lot 24.03) is consistent with the proposed Aura II residential subdivision layout.
4. **Open:** This comment required a note to be added to the Municipal Clerk's Certification to ensure that this major subdivision is not approved for filing at the County Clerk's office unless final subdivision approval has been granted to Aura II by the Planning/Zoning Board. However, the Municipal Clerk's Certification remains unchanged from the plan originally submitted.
5. **New Comment:** The note for plan Revision No. 5 indicates a lot line distance was revised between existing Block 29 Lot 24.01 and existing Block 32 Lot 1. The reason for that revision was not specified and is unclear. In addition, closure calculations performed on the original plan by this office indicated that no revisions were warranted. The applicant should address this issue.
6. **New Comment:** The plan denotes generally which lot lines are proposed and which are to be eliminated. However, filing the plan would also result in an adjustment to the block limit lines, since part of the subject property lies within Block 29 and part is within Block 32. As such, the plan should be revised to indicate which block limit lines are to be eliminated and where the new block limit lines are proposed.

If you have any questions regarding this application, please feel free to contact this office at your convenience.

Very truly yours,

FEDERICI & AKIN, P.A.

James A. Spratt, P.E., C.M.E.
Board Engineer

JAS/

E-mail copies:

Joan Adams, Esq.; Board Solicitor
Anna Foley, Planning/Zoning Secretary
Leah Furey Bruder, P.P.; Board Planner
John Canuso, Sr.; Applicant
Edward Brady, P.E.; Applicant's Engineer