

**Elk Township Planning and Zoning Board Meeting  
February 17, 2010**

**Minutes**

**Call to Order:** The Board Chairman called the meeting to order at 7:38 pm.

**Roll Call:**

**Present:** Mr. Carter, Mr. Goss, Mr. McCreery, Mayor Barbaro, Mr. Shoultz, Mr. Swanson, Mr. Yovnelo, Mr. Pearson (arrived at 9pm)

**Absent:** Mr. Nicholson, Mrs. White

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

**Announcements:**

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00pm, except for individuals wishing to speak during the general public session.

**Postponements:**

Barry Lozuke, attorney for Richard & Cindy Hartline, requested their Zoning Board application be postponed to the March 17<sup>th</sup> meeting as only 5 eligible members were present to hear their application. The Chairman formally announced the new time, date, place of the hearing and that no other formal notice would be given to the public.

- **Approval of minutes: January 20, 2010, Reorganization minutes & January 20, 2010 Regular Business.**

*Mr. Shoultz moved to approve both sets of minutes dated January 20, 2010. Seconded by Mr. McCreery. With all other members in favor, the motion was carried.*

**Completeness Hearing:**

T.L.T., LLC, Waiver requests for Use variance and Minor Site Plan, Block 11, Lot 5 Route 77 & Lincoln Road.

Michael Borelli, Esquire, 40 N. Woodbury-Glassboro Road, Pitman, NJ

Mrs. Bruder referred to her letter dated January 20, 2010 for completeness.

Item #8 – copies of applications to outside agencies. Applicant proposes to provide the information as a condition of approval.

Item #29 – Environmental Impact Statement. The applicant has indicated the disturbance is limited and they do not propose to remove any trees. It is a minor site plan. The planner recommends an abbreviated or modified EIS be provided. The applicant agreed.

Item # 38 – submit photographs of the site. Applicant will provide.

Item #47 – landscape and buffer plan. applicant requests a partial waiver for the signature by a landscape architect (the plan will be signed by the engineer). Mrs. Bruder recommended the waiver. Mrs. Bruder added some other elements of the ordinance are missing - does not show the required buffers from

residential uses and required agricultural buffers. The applicant will comply and make the corrections to the plan.

Item #50 – tree protection. The applicant has indicated there are no existing trees within the proposed area of disturbance. Planner recommends granting a waiver.

Item #68 – to provide architectural elevations and floor plans. Applicant agrees to provide prior to public hearing.

Engineer Carl Gaskill referred to his letter of February 2, 2010:

Item #17 - provide key map at appropriate scale with a north arrow showing location of the site and its relationship to surrounding areas, existing street location, municipal and zone boundaries. Also show contiguous tracts in which the applicant has any direct interest.

The applicant agrees to correct

Item # 20 – names of all property owners within 200 feet. Ownership of block 15, lots 1 & 2 are missing. Applicant agreed to correct

Item #28 – Date reference meridian and graphic scale. Information is missing from sheets 3 through 6- Applicant agree to provide.

Item #39 – two different acreage are shown. Applicant agrees to correct.

Item #42 – show all structures and wooded areas within 200 feet of property line. Applicant agrees to provide.

Item #44 – Loading/Unloading area. Applicant agrees to clearly delineate loading /unloading areas for the warehouse.

Item #57 – Grading plan- a few elevations are missing. The applicant agreed to provide.

Item #64 – Drainage facilities. Mr. Gaskill asked the applicant to refer to his letter under “general comments” and to contact him with questions.

Item #67 – GC Health Department for onsite sewer and water. Provide a copy of the application to the engineer.

The applicant will provide the missing items as discussed along with revised plans by the February 24<sup>th</sup> deadline to be heard at the March 17<sup>th</sup> meeting.

***Chairman Yovnello moved to grant waivers for the following submission checklist items: item #8 outside agency approvals and item #50 tree protection plan.” Secoded by Mr. Carter.***

***Roll Call:***

***In favor: Carter, Goss, McCreery, Shoultz, Yovnello.***

***Against: None Abstain: None 5-0-0`***

***Mr. Yovnello moved to deem the application “incomplete,” Secoded by Mr. Carter.***

***Roll Call:***

***In favor: Carter, Goss, McCreery, Shoultz, Yovnello.***

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

As a courtesy, the board agreed the completeness determination could be made by the Board’s professionals upon their review of revised plans and the submission of supplemental documents.

## **Old Business:**

### **Elk Land & Development Corporation, Preliminary Major Subdivision,** Block 214.01, lot 29, Daisy Avenue (Continued from December 16, 2009)

David Anderson, Esquire, representing the applicant.

Louis Riiff, 22 Wilson Avenue, Blackwood, NJ  
Wade Marlin, Long Engineering, 2030 N. Blackhorse Pike, Williamstown, NJ  
Sandford Mersky, PE, PP, South Jersey Engineers, LLC 479 Centennial Blvd., Voorhees, NJ 08043  
Russell Schivler, PE, Long Engineering, 2030 N. Blackhorse Pike, Williamstown, NJ

Board Planner, Leah Furey Bruder, did not prepare a new review letter as there were no open planning issues. The only issue she was concerned with was pesticide testing. Since the January 20<sup>th</sup> meeting the applicant had submitted pesticide test results and the pesticide levels did not exceed the DEP's levels for remediation. All other planning items have been sufficiently addressed.

Carl Gaskill referred to his review letter dated February 8, 2010. Mr. Gaskill had met with the applicant's professionals and had addressed the majority of outstanding items; the following are the remaining open items for discussion:

Comment #2-4:

The Police Chief and Public Works Superintendent had no objections or comments. The Fire Official submitted a review letter dated Feb. 8 2010. The applicant agreed to relocate the fire hydrant per the Fire Officials request, item #5. The other items have already been addressed/corrected. The cul de sac size, as discussed at prior meetings, can only be enlarged if a request is made, along with submission of required documentation, to the DCA (Department of Community Affairs) stating that a particular piece of fire equipment requires a larger turning radius. The request would be considered township wide, not just for this applicant.

Comment #8 (submission checklist item #67) submission of percolation test information for each soil test boring.

Sandy Mersky of South Jersey Engineers testified that the terminology and the percolation tests for septic system suitability is out dated and was removed in 1990 when the septic code was rewritten. Mr. Mersky explained the current method used. Mr. Mersky had also submitted documentation of his findings dated January 19, 2010 along with the submission of soil logs for every lot. He further testified there is no need for any mound systems. Also regarding the water table, there is no need for any restrictions against basements.

Lighting: The applicant proposed 6 generic style street lights. It was determined that 2 street lights are required for safety. One in the cul-de-sac turnaround and one at the intersection.

Stormwater Management:

Mr. Gaskill confirmed the cost estimate submitted included the fees for inspections in the basin maintenance plan and be part of the HOA documents.

Comment #55 & 58 - Time of Concentrations calculations for the pre-and post-developed areas should be provided in the stormwater management report. Also to provide additional narratives and/or calculations demonstrating compliance with NJAC 5:21-75, 5:21-7.6 and 5:21-7.7.

Mr. Gaskill commented that the Time of Concentration calculations have been provided, however the hydrology information for Post-drainage area 4+5 should be recalculated using a Time of Concentration of 13.3 minutes to agree with the submitted time of concentration worksheet. The applicant's engineer agreed to review and submit recalculations to Mr. Gaskill's to his satisfaction as a condition of approval.

Grading Plan. to be provided as a condition of final approval and prior to the issuance of a building permits.

Miscellaneous:

Comment #75 - Outside agency approvals – the last county approval was dated 10/28/08. The applicant must provide proof that the county has received the revised plan under review now (last revised 1/8/10). Applicant agreed. Various other outside agency approvals need to be provided, if required.

Comment #76- Protected trees. The trees located on lots 29.05, 29.04, 29.03 and 29.13 to be protected appear to be in conflict with proposed house construction. Mrs. Bruder stated these trees were added at her request. The houses proposed are not the absolute location. When they apply for individual grading plan for each lot, if they cannot save those trees identified, they have to come back before the board because this is a condition of the approval. Applicant agreed.

Comment #78- mounding analysis at the board's request. The applicant's professional, Sandy Mersky, provided testimony rather than the analysis. Mr. Mersky testified all individual septic systems are subject to Gloucester County approval. He explained the site has been examined for ISDS (individual sewage disposal systems), soil profile pits were performed and all appear to have soil and water tables necessary to support an ISDS. Percolation testing within native soil is not required as septic system designs will all be based upon the K4 permeability of imported fill. All septic system disposal fields are anticipated to be "in-ground". Mr. Mersky will provide a clean worksheet that shows the locations of the test pits for reference purposes. The worksheet will be labeled as applicants #4 for the file record. There are no concerns with the water table. The existing seasonal high ground water is approximately 7 feet below the basin floor and 9 feet below the emergency overflow of the proposed basin. The proposed houses will be 7 feet above the seasonal high water table. Mr. Mersky further explained the soil types and the rate at which water would pass through the soils per hour.

Mrs. Bruder referred to a review letter submitted the Elk Twp. Environmental Commission dated January 19, 2010 and their recommendation to utilize a forebay or another measure to reduce sediments and runoff velocities entering infiltration basins. Mr. Toms responded that the stormwater collection system has inlets, which have very small opening in the curve piece which in itself keep the trash out of the stormwater collection piping and basin. The system meets the requirements. The applicant is not proposing any pretreatment measures. In addition, wiring fencing will be added to the basin fence to out debris. There were no other items.

Mrs. Adams reviewed the following required notifications that the applicant has agreed to, to potential new home buyers:

- 1) deed restriction is imposed on the front lot until the agricultural buffer is eliminated, the lot is not to be used as a residential home site but rather as open space.
- 2) Plan to be revised to show with a note indicating said restriction.
- 3) POS disclosure Notify buyers there will be no school bus pickup on street, Alminda
- 4) POS disclosure & in HOA doc's the development is next to a major highway (Route 55) and what it is like to live next to a major highway.
- 5) Conservation easement to preserve those areas of vegetation and trees that they have previously testified to preserve.

For the record, Mrs. Adams has provided Mr. Anderson with a list of the standard conditions of approval that attach to a major subdivision approval. Mr. Anderson confirmed he had received them and a copy was submitted to the secretary and labeled as "Board 1" for the file record.

She added the terms in the HOA documents are a condition of final approval and subject to her review and approval before any final plats can be signed and released. Mr. Gaskill would review and approve all legal descriptions.

***Mr. Goss made a motion to open to the public, seconded by Mr. Swanson.*** With all members in favor, ***the motion was carried.***

With no comment from the public, ***Mr. Goss made a motion to close to the public, seconded by Mr. Yovnello.*** With all members in favor, ***the motion was carried.***

*Chairman Yovnello moved to grant Preliminary Major subdivision condition upon all the items outlined in the professionals review letters, all outside agency approvals including the most recent revised plan to be submitted to GCPB for approval, to revise the plan with the notation to protect onsite trees, a notation that the front lot is to be open space until the agricultural buffer is removed, the applicant will comply with all the representations they have made before the board at this hearing and all prior hearings along with the standard conditions of preliminary approval. Additionally, the board grants a variance from ordinance section 96-68A- to provide a public wastewater system. Seconded by Mr. McCreery.*

**Roll Call:**

*In favor: Barbaro, Goss, McCreery Swanson, Yovnello.*

*Against: None      Abstain: None      5-0-0`*

➤ ***New Business:***

Mrs. Bruder made the Board aware of Executive Order #12, signed by the Governor on February 9<sup>th</sup>, which places a freeze on COAH for 90 days while a new task force is formed to study the problems with the COAH legislation.

Solar Farms-Mrs. Adams made the Board aware that legislation was passed on January 16, 2010, allowing solar farms to qualify as an agricultural use. Gloucester County will enforce township ordinances that are in place for solar farms. Mrs. Bruder added that as part of the township's master plan recommendations, the town will be adopting renewable energy standards and the township solicitor is in the process of crafting the ordinance.

➤ ***General Public Portion***

*Mr. Swanson moved to open to the public, Seconded by Mr. Pearson. With all members in favor, the motion was carried.*

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

➤ ***Adjournment:***

*Mrs. White moved to adjourn, Seconded by Mr. Nicholson. With all members in favor, the motion was carried.*

Adjournment time 9:38 pm

Respectfully submitted,

Anna Foley  
Board Secretary