

Elk Township Combined Planning and Zoning Board

Regular Business Meeting

April 20, 2016

Minutes

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

Roll Call:

Present: Phil Barbaro, Ed McKeever, Donna Nicholson,
Ed Poisker, Eugene Shoultz, Richard Schmidt, Jeanne White, Frank Goss
Absent: Jay Hughes, 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) February 17, 2016

Mrs. Nicholson moved to approve the minutes of February 17, 2016, Seconded by Mr. Goss.
With all other members in favor, *the motion was carried.*

2) March 16, 2016

Mr. Shoultz moved to approve the minutes of March 16, 2016, Seconded by Mr. Barbaro.
With all other members in favor, *the motion was carried.*

Resolution(s): None

Old Business:

Application #ZB-15-09 - James Gaglianone. "D(1)" Use Variance & Site Plan waiver request to permit a change of use for three commercial tenants not permitted in the RE zone, Block 33, lot 12.01, 719 Whig Lane, to applicant James Gaglianone

The application is postponed. Attorney Michael Lindner has provided correspondence stating he is in the process of closing his law practice. Mr. Lindner requested a postponement of the matter to May 18, 2016 in order to allow his client time to obtain new counsel. New public notice will be required.

New Business:

Application # -SD-16-02 - Silvergate, Phases 5 & 6, "Completeness" hearing for Preliminary Major Subdivision of GDP (General Development Plan) Block 65/4.02, 5; 170/14, 18; 171/9, frontage on Buck Rd, Whig Lane (f/k/a Clayton-Aura Rd) and Fairview Rd.

The applicant was represented by Emily Givens, Maley & Associates. The following individuals were sworn in:

Rick Clemson, PE, JSA (James Sassano Engineering Associates), Hammonton, NJ

Nicholas Casey, PP, fact witness and representative of the owners – Silvergate Associates, Voorhees, NJ

Board Attorney, Dale Taylor, explained this evening's application is for "completeness" only. The following documents were entered into the record:

Bach Associates review letter of March 31, 2016

JSA response letter of April 18, 2016.

Background:

[Silvergate Planned Unit Development (PUD) began in mid-1980 coincident with construction of Route 55. The General Development Plan (GDP) for the overall Silvergate PUD was ultimately approved by the Elk Township Planning Board on April 18, 1996 and consisted of seven (7) phases. The GDP resolution provided that the approval would expire in 16 years, no later than May 16, 2012, and established deadlines for the filing of development applications for the various phases of the development. In 2011 the Applicant applied to the Planning Board for an extension of the vested rights through May 16, 2016 (the maximum period of 20 years allowed by Municipal Land Use Law). The Applicant provided information to confirm that the project has been delayed in large part due to factors outside the Applicant's control including the stagnant economy, issues with the water and sewer allocations, outside agency approvals, and related litigation. The GDP was extended through May 16, 2016. On February 17, 2016, the Applicant requested a legal interpretation as to its GDP expiration date, which request was heard by the Board. At the hearing, it was concluded that the correct expiration date is June 17, 2020 (Resolution 2016-10).]

Nick Casey provided the following brief overview of phases 5 & 6:

Phases 5 & 6 consists of five (5) lots totaling 170.1 acres with frontages along Buck Road, Clayton-Aura Road, and Fairview Road.

The subdivision will create 388 residential building lots, 2 commercial lots with 46,650 sf of commercial building, and 15 open space lots. The proposal includes 145 single family homes, 172 townhomes, 70 duplex/twin homes and 96 affordable apartment units.

Mr. Casey also provided information on a litigation matter concerning the infrastructure for water and sewer in reference to an existing multi-party developer's agreement.

Mrs. White confirmed that this project is dependent upon resolution of the litigation.

Mr. Bach referred to his review letter of March 31, 2016. Mr. Bach added that he is satisfied with the applicant's response letter of April 18, 2016 from JSA and had no objection to granting the waivers requested and deeming the application complete.

Board Engineer, Stan Bitgood responded to the following items:

Checklist item #31 -requires a Traffic Impact Study. The Applicant requests a waiver as one was provided as part of the PUD Approval. The Board's Planner deferred to the Planning Board Engineer for Waiver recommendation.

Mr. Bitgood recommended that the Applicant provide an updated Traffic Impact Report (brief submission).

The applicant agreed to provide an update at time of preliminary Application submission.

Checklist item #41 -requires the location of all existing wells and septic systems and distances between them, and on adjacent properties where required by the Board. The Applicant requests a waiver as public water and sewer will service the site. The Board's Planner deferred to the Planning Board Engineer for Waiver recommendation.

The development of Phases 5 & 6 will be served by Public Water and Sewer, and therefore will not have any impact on any existing wells or septic systems located near the property. Further discussion followed. Mr. Bitgood will prepare his review letter.

The Applicant agreed to provide an update at the time of preliminary application submission.

Mrs. Nicholson moved to grant the waivers requested as outlined in Bach's letter of March 31, 2016, and to deem the application "Complete." Seconded by Mr. Goss.

Roll Call:

Voting in favor: Barbaro, McKeever, Nicholson, Poisker, Shoultz, Schmidt, White, Goss

Against: None Abstain: None 8-0-0

➤ **Adoption of Housing Element of the Master Plan and Fair Share Plan, Steve Bach**

Adoption of Housing Element of the Master Plan and Fair Share Plan was carried from the March 16th meeting and revisions had been made to the plan.

Mr. Bach explained that the Township has complied with a court order to mediate with the Fair Share Housing Representatives and that amendments have been made to the plan. Elk Township has been proactive, in terms of Round I and Round II certifications, and has listed very specific, reasonable projects in the plan that will allow the town to meet its affordable housing obligations. Mr Bach reviewed pages 25, 27 and 29 of the report. If the report is approved by the court, it is valid for 10 years.

Mrs. Nicholson moved to open to the public, seconded by Mr. Barbaro.

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

With no comment from the public, *Mr. Schmidt moved to close to the public, seconded by Mr. Shoultz.*

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

Mr. Schmidt moved to adopt the Amended Housing Element of the Master Plan and Fair Share Plan dated April 13, 2016 by resolution 2016-11, Seconded Mr. Schmidt.

Roll Call:

Voting in favor: Barbaro, McKeever, Nicholson, Poisker, Shoultz, Schmidt, White, Goss

Against: None Abstain: None 8-0-0

Mr Schmidt moved to adopt and memorialize Resolution 2016-11, a Resolution of the Planning Board of the Township of Elk, County of Gloucester, State of New Jersey, Adopting an Amended Housing Element and Fair Share Plan of the Township's Master Plan, Seconded by Mrs. Nicholson.

Roll Call:

Voting in favor: Barbaro, McKeever, Nicholson, Poisker, Shoultz, Schmidt, White, Goss

Against: None Abstain: None 8-0-0

➤ **Areas in need of redevelopment, Township Committee Resolution No 61-2016**

Mr. Bach explained Resolution no. 61-2016, is a resolution Amending Township Committee's Redevelopment Resolution R-108-2015 that the investigation include additional properties to determine whether certain lots in Blocks 29, 31, 32, 33, 34 and 58 qualify as an Area in need of Non-Condensation Redevelopment.

The Board had no objection to the additional properties being included in the study.

General Public Portion

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Mrs. White moved to open the general public portion, seconded by Mr. Goss.
With all members in favor, *the motion was carried.*

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

Correspondence: None,

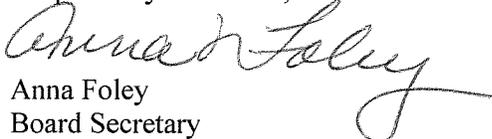
Mayor Poisker made the Board aware of a conference he attended with Elk's Economic Development Committee in Mt Laurel; "30 Mayors, 30 Developers." The event was an information exchange intended to promote each town in an effort to attract businesses. It was helpful to see how other towns were marketing themselves.

Adjournment:

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

Adjournment time: 8:24pm

Respectfully submitted,


Anna Foley
Board Secretary