

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting December 16, 2015

Minutes

Call to Order: Board Chair called the meeting to order at 7:31pm.

Open Public Meeting Act: read by Board Secretary

Roll Call:

Present: Jay Hughes, Dave McCreery, Ed McKeever, James Rambo, Terry Ratzell, Richard Schmidt, Eugene Shoultz, Christine Yenner (arrived at 7:35pm), Jeanne White, Amber Gonzalez, Debra Penza

Also present: John C. Eastlack, Esquire, Board Solicitor, Stuart Platt, Conflict Solicitor, Steven Bach of Bach Associates, Board Planner, Stan Bitgood, Board Engineer

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:

Approval of Minutes: None

Resolution(s):

2015-24 - Certifying a pre-existing non-conforming use for a duplex consisting of one residential unit on the first floor and a second residential unit on the second floor for a property located at 223 Buck Road, block 115, lot 2 to applicants, Eugene Shoultz and Verbena Percy

Ms. Ratzell moved to adopt resolution 2015-24. Seconded by Mr. McCreery

Roll Call:

Voting in favor: Hughes, McCreery, Ratzell, Schmidt, White, Penza

Against: None Abstain: None 6-0-0

2015-25 - granting minor subdivision approval with waivers and variances, block 41, lot 12, located on Elk Road, to applicant Peter Tilden.

Ms. Ratzell moved to adopt resolution 2015-25. Seconded by Mr. Shoultz

Roll Call:

Voting in favor: Hughes, McCreery, Ratzell, Schmidt, Shoultz, Yenner, White, Penza

Against: None Abstain: None 8-0-0

2015-26 - granting a minor subdivision approval and variances for the properties located on Whig Lane, block 19, lots 9, 10, 11 and 12, to applicants N. George Lucas and M. Louise Lucas

Ms. Ratzell moved to adopt resolution 2015-26. Seconded by Mr. Shoultz.

Roll Call:

Voting in favor: Hughes, McCreery, Ratzell, Schmidt, Shoultz, Yenner, White, Penza

Against: None Abstain: None 8-0-0

IV. Old Business: None

V. New Business:

1. **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 Board received a request to postpone this application as the applicant was not able to meet the newspaper advertisement deadline. Board Solicitor announced the application would be postponed to the February 17, 2016 at 7:30pm as no business will be heard at the reorganization meeting of January 20, 2016.

2. **Completeness Hearing - Final Major Subdivision Aura II**, *Sections 1A, 1B, 1C, 3A & 3B, block 29, lots 24.01, 28, 29, block 32, lots 1-9, Aura Road, to applicant Aura Investors, LLC. (Application #SD-03-03)

Board Solicitor John Eastlack has a conflict with the applicant, therefore conflict Solicitor, Stuart Platt will cover this application and the remainder of the meeting.

Chairwoman White moved to take a brief recess at 7:40pm seconded by Ms. Yenner as Mr. Platt was delayed in traffic. With all members in favor, the motion was carried.

Chairwoman White moved to reconvene at 7:42pm, seconded by Mr Hughes. With all members in favor, the motion was carried.

The following witnesses were sworn in:

Robert Swartz, Legal Counsel for Aura Investors, LLC, 1010Kings Highway, Cherry Hill, NJ
Michael Canuso, Aura Investors, LLC, 1010 Kings Highway, Cherry Hill, NJ
Bob Bower, 1010 Kings Highway, Cherry Hill, NJ
Ed Brady, PE, Taylor, Wiseman, Taylor, 124 Gaither Drive, Mt. Laurel, NJ

The applicant requested three submission waivers in their letter of October 19, 2015. Board Planner, Steve Bach, had conferred with the Board's Engineer and they agreed the following submission items need to be considered for completeness:

Item #32 – copy of requests to Township Committee for any required ordinances related to the proposal.
Waiver for completeness purposes is recommended, a condition of any approval granted

Item #37 – drafts of proposed protective covenants, deed restrictions or easements.
Waiver for completeness purposes is recommended, a condition of any approval granted

Item #79 – Municipal developer agreement.
Waiver for completeness purposes is recommended, a condition of any approval granted

Mr. Bach confirmed with the applicant and Mr. Bitgood they are relying on previously submitted architectural materials from preliminary approval.

The Board Planner, Board Engineer and Board Solicitor had no objections to granting the above mentioned waivers for the purposes of completeness and to deem the application complete.

Mr. Shoultz moved to grant the submission waivers as noted and deem the application complete. Seconded by Mr. McCreery.

Roll Call:

Voting in favor: Hughes, McCreery, McKeever, Rambo, Ratzell, Schmidt, Shoultz, Yenner, White

Against: None Abstain: None 9-0-0

3. **Public Hearing - Final Major Subdivision Aura II**, *Sections 1A, 1B, 1C, 3A & 3B, block 29, lots 24.01,28, 29, block 32, lots 1-9, Aura Road, to applicant Aura Investors, LLC. (Application #SD-03-03)

Mr. Bitgood, Board Engineer, referred to his letter of December 14, 2015.

Color rendering of final subdivision plan, 1 sheet- dated 12/16/15, was marked as exhibit "A-1." The stormwater management issues that were previously a concern have been resolved.

Applicant wishes to defer approval of sections 2A & 2B (white sections on the exhibit)

A Boulevard entrance from Aura Road was originally proposed for Aura II. The amended plan instead now shows an emergency access easement. A traffic report has been submitted indicating Aura I, can handle the traffic from Aura II and Mr. Bitgood is in agreement. Mr. Canuso explained further and referred to the roadway location on the display board.

The applicant agreed to notify all current lot owners and all prospective buyers of the connected roadways and of the elimination of the previously proposed access roadway and that all traffic from Aura II will drive through Aura I. The HOA documents will be revised notating this change.

Sections 2A and 2B have been deferred. These sections include all the stormwater and grading issues which will also be deferred and have not been reviewed at this time.

Mr. Bitgood continued review of his December 14, 2015 letter, Page 3 and commented on the following items:

Item #1 – Bulk requirements

The table provided is satisfactory. The cover sheet has been amended.

Item #2 – Plat requirements

The filed plats of block/lot numbers and road names – there is an error in Aura I and the applicant agreed to make the correction(s).

- A. Block limits and lot numbering may need to change to facilitate preparation of the tax maps
Applicant agrees
- B. Legal description with metes & bounds shall be submitted for review
Applicant agrees as a condition of approval
- C. Dedication of open spaces- can be included on the phasing plan
Applicant agrees as a condition of approval

Item #3 – stormwater system design- already covered. The pipe recharge system has been eliminated.

Item #4 – Plan comments:

- A. Zoning map has been corrected.
- B. Cover sheet & road names- exterior road names have been corrected.
- C. Sheet 5: The open space plan has been revised to include lots that connect the open spaces with the recreation areas. Future open space lots will be required in section 2B and within Latham to connect open spaces to the school.
 - 1) School circulation plan.
An extension of a path to the school - to be deferred to a future section of development.
 - 2) Emergency access
Emergency access has been shown to Clems Run. This will also be used as a Construction access for Aura I. A temporary 6 ft vinyl privacy fence at the back of the property line & up the side will be installed only during construction. Landscaping will be deferred.
- D. Sheet 7 Add timing durations to phases
- E. Sheet 8, item #5 Grading plans and /or details shall be provided to address the grading along the perimeter of sections adjacent to future sections not yet bonded.
Areas where roadway is intended to connect to a future section- temporary grading will be needed to allow construction. The applicant agreed to work with the board engineer with the grading to prevent water & ponding.
- F. Sheet 10, Buffering.
The applicant agrees to pull contours back for buffer plantings along the south edge against the basin lots
- I. Sheets 14-16.
Show section boundaries on these sheets. *Applicant agrees.*
- J. Pedestrian Crosswalks.
 - a. *Applicant agrees to the following traffic calming measures:
Santa Rosa drive and Calvary Drive will have curb bulb outs with cross walks.
Forelle Drive will have an asphalt speed table.
Board Planner had no objection to asphalt.
The applicant agrees to provide the advance signage for the bump outs.*

Applicant requests the traffic calming measures be installed after construction so they won't be damaged by heavy equipment vehicles.

The recreational path, landscaping and traffic calming measures to be installed after section 1A, 1B & 1C. *Applicant agreed.*

b. plans to be revised to correct the cross walk detail, that all the cross walks will be asphalt excepts for the ones previously discussed.

Applicant agreed

c. the details will also show stop lines, stop markings, and stop signs at all intersections, all ways.

Applicant agreed

d. at the entrance to the development, a speed limit sign of 25 mph should be added with a supplemental plaque indicating all streets ahead.

Applicant agreed.

5. Landscaping- already discussed.

6. Profiles- already discussed.

7. Corner lot driveways would be moved to the far side of the dwelling from the intersections.

Applicant agrees.

8. Forelle Drive, lot 1, should have the driveway toward station 30+00.

Applicant agrees.

Mr. Bitgood suggested the board receive an updated schedule, cost estimate, and status of discussions with the School Board. Mr. Bower commented the anticipated increase of children for both Aura I & Aura II: 125 students for the elementary school and 125 for the high school. Board member Hughes (also a school board member) commented it has been at least a year since they all had met and 2 years since there has been a meeting with the full Board of Education. At their last discussion, it was left that when water and sewer became available and/or when the school board advised there were pressures due to the residential development. The applicant is open to meeting with them but it has been difficult to get a meeting scheduled.

Mr. Bitgood added some other conditions of approval will include the following:

1) Minor plan revisions will be required.

Applicant agreed.

2) Provisions of Title 39 shall be made applicable to all streets, roads, and drive isles at the discretion of the Township and with the approval of Transportation of NJ.

Applicant agreed.

3) Individual lot grading plans are required.

Applicant agreed

4) Amended HOA (Home Owner's Association) documents to be submitted

Applicant agreed

5) Copies of POS (Point of Sale) disclosures and exhibits to be used in sales offices

Applicant agreed and every sales office will have the revised exhibits.

6) Updated stormwater maintenance budget shall be submitted.
Applicant agreed.

7) Proposed time of construction for each phase and for completion shall be provided.
Applicant agreed at 50 percent.

8) Provide copies of all outside agency approvals.
Applicant agreed.

9) Submission of performance guarantees and inspection escrows prior to signatures and filing of the Plan of lots.
Applicant agreed.

10) Payment of all review escrow fees.
Applicant agreed.

Mr. Bach, Board Planner, referred to his review letter of December 9, 2015 - most items have been addressed and added the following:

Decorative crosswalks – all the intersections that are four-way, will be a four way stop. Three-way intersections will be a three way stop. Recommended two way striping, board engineer agreed (originally stamped concrete was approved but in this case, the decorative stamping would be distracting).
Applicant agreed.

Landscaping along Aura Road, applicant has already agreed to provide. The applicant has added buffer plantings to the south side of lot 25 and the north side of lot 26 (existing homes on Aura Road) to define the edge of the property and to break up the view.

The applicant has agreed to all other submissions.

Period of approval:

The applicant requests that the time period for the final subdivision be granted for five years rather than 2 years from the resolution date of adoption of final approval (the board may extend the period of protection for extension of one year, with not more than 3 extensions). The board was not inclined to grant the additional 3 years of extension time.

Due to the nature of the size of this project, the applicant agreed to return to the board at the appropriate time (after 2 years) to request any extensions of time.

Recreation:

The applicant is providing active recreation (exercise stations along the pathway systems). The applicant has provided the appropriate documentation that meets the standards (dollar values) that were originally considered and approved under the preliminary approval. Mr. Bach was in favor of the proposed exercise stations. Mr. Canuso added the community garden is being well received by the current residents in Aura I.

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

With no comment from the public, ***Ms. Ratzell moved to close to the public, seconded by Ms. Yenner.***
With all members in favor, ***the motion was carried.***

Ms. Ratzell moved to approve Aura II, final major subdivision for sections 1A, 1B, 1C, 3A & 3B (169 units, SFD) conditioned upon all the items outlined in the board's professionals' review letters of December 9, 2015 and December 14, 2015, testimony provided, all prior conditions of approval and further condition upon all required outside agency approvals. Seconded by Mrs. White.

Roll Call:

Voting in favor: Hughes, McCreery, McKeever, Rambo, Ratzell, Schmidt, Shoultz, White

Against: Yenner Abstain: None 8-1-0

General Public Portion

Ms. Yenner moved to open the general public portion, seconded by Mr. Hughes.

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

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

Correspondence:

Chairwoman White distributed a correspondence prepared by the Board Solicitor, John Eastlack, dated December 15, 2015 responding to a letter of December 14, 2015 received from attorney Emily Givens, of Maley & Associates, relating to Silvergate's request for an Administrative Correction, General Development Plan - Term of Approval.

Madam Chair also distributed a list of professionals that applied for the year 2016. A subcommittee that included Jeanne White, Jay Huges and Crissy Yenner had met earlier in December to review the resumes received & prepared a memo with their 2016 recommendations. The subcommittee encouraged all board members to review the resumes received prior to the reorganization meeting on January 20, 2016.

Board member Yenner (Mayor's Designee) made the board aware that she would be replaced next year and that she enjoyed her time serving with everyone.

Adjournment:

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

Adjournment time: 9:07pm

Respectfully submitted,



Anna Foley
Board Secretary