

# Elk Township Planning and Zoning Board Meeting

## Regular Business Meeting

July 15, 2015

### Minutes

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

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

**Roll Call:**

**Present:** Jay Hughes, Dave McCreery, Ed McKeeever, James Rambo, Terry Ratzell, Richard Schmidt, Eugene Shoultz, Jeanne White, Amber Gonzalez, Deborah Penza

Also present: Seth C. Hasbrouck, Esquire, July Interim Solicitor, Leah Bruder of Bach Associates, Board Planner, Stan Bitgood of Federici & Akin, Board Engineer

Absent: Christine Yenner

**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:** June 17, 2015

*Mr Shoultz moved to approve the minutes of June 17, 2015, Seconded by Mr. Hughes.*  
With all members in favor, *the motion was carried.*

- **Resolution(s):**

**2015-15** – granting an administrative design change to the approvals for the development of Aura I, block 29, lots 16, 17, 17.02, 20 & 24 and Aura II block 29, lots 24.01, 28, 29, block 32 lots 1, 4 to merge the affordable housing requirements for both projects into one comprehensive schedule, to applicant, Aura Development Group, LLC

*Mr. Hughes moved to adopt resolution 2015-15. Seconded by Mr. McCreery.*

**Roll Call:**

*Voting in favor: Hughes, McCreery, Rambo, Schmidt, Shoultz, White, Gonzalez, Penza*  
*Against: None Abstain: None 8-0-0*

**2015-16** – a resolution of the Elk Township Combined Planning/Zoning Board authorizing Seth C. Hasbrouck, Esquire to provide professional services as Interim Solicitor

*Mr. Hughes moved to adopt resolution 2015-16. Seconded by Mr. McCreery.*

*Roll Call:*

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

*Against: None            Abstain: None            9-0-0*

➤ **Old Business:** None

➤ **New Business:**

**1) Completeness hearing: Smith Orchards, LLP, Block 67, lots 23, 25, 26, Union Street, Minor Subdivision & Special Question (or Use Variance) Application #ZB-15-05**

William Ziegler, Esquire, Woodbury, NJ, was present representing Smith Orchards, LLP.  
The following representatives were sworn in and provided testimony:

James Clancy, PE, 601 Asbury Avenue, National Park  
Steve Smith, 212 Fishpond Rd., Sewell

Board Secretary confirmed proper public notice had been completed.

Mr. Ziegler explained the Applicant had acquired the parcels (block 67, lots 23, 25, 26) over a period of time. Lot 26 had a house on it that was built in 1930 and was demolished in 2007. Lot 25 had a dilapidated house on it that was demolished due to a fire in 2009. Lot 23 contains an existing single family dwelling.

The lots have been reconfigured to reduce existing nonconforming conditions. Each lot will be over 6 acres in size and will almost fully conform to current zoning regulations. The Applicant proposes to construct one single family home on lot 26 and on lot 25 in the future.

Mr. Bitgood reviewed his letter dated June 9, 2015 regarding the following “completeness” items (the Planner’s letter of June 24th included the same items):

Item 8- copies of applications to outside agencies.  
*Complied.*

Item 20- 200 foot list.  
*Complied*

Item 29 - Environmental Impact Statement.  
*Wavier is recommended,* provided the applicant supplies acceptable testimony confirming all prior/existing uses have not included activities that would potentially contaminate the soils or ground water resources.  
*The applicant testified and provided Gloucester County documentation that was labeled as “Applicants #1,” that the cesspool on lot 26 had been properly removed. Wells were installed by South Jersey Gas on lots 25 and 26.*  
Lot 23 has an existing house on it with people living in it.

Item 33- applicant to include a statement & demonstration of compliance with Affordable Housing Requirements.  
*Applicant agrees to comply.*

Item 38-Photographs.  
*Complied.* Photos of the property were presented at the hearing and labeled as an exhibit, “Applicants #2.”

Item 45- Parking calculation.

*Board Engineer had no objection to a waiver.*

Item 47- Landscape Plan

*Board Engineer had no objection to a waiver.*

Item 49- Location of trees.

*Board Engineer had no objection to a waiver.*

Item 50 – Tree protection Plan

*Board Engineer had no objection to a waiver.*

Items 55, 57, 58- Contours and Grading Plan & Location of soil borings & Soil movement information.

*Board Engineer had no objection to a waiver for completeness as an individual lot grading plan & Soil Conservation approval is required prior to obtaining a construction permit.*

Item 60- Stream & floodplain information.

*Board Engineer had no objection to a waiver for completeness purposes.*

Item 64 Storm drainage plans & calculation.

*Board Engineer had no objection to a waiver for completeness*

Item 66 -Commitment from MUA

*Board Engineer had no objection to a waiver for completeness*

Item 67- Boring information for septic system.

*Board Engineer had no objection to a waiver for completeness*

Item 68 -Floor plan & front elevation

*Board Engineer had no objection to a waiver for completeness*

Item 69-Gross floor area, ratio, & allocation

*Board Engineer had no objection to a waiver for completeness*

Item 70-Lighting Plan

*Board Engineer had no objection to a waiver for completeness*

Item 71-Solid Waste enclosure details

*Board Engineer had no objection to a waiver for completeness*

Item 73-Wetlands LOI/Permit/Documentation.

*Complied. A copy of the LOI was submitted for the file record and labeled as “applicants #3”*

Item 74-Stormwater management

*Board Engineer had no objection to a waiver for completeness*

Item 75-Utilities

*Board Engineer had no objection to a waiver for completeness*

Item 81-Traffic Control Plan

*Board Engineer had no objection to a waiver for completeness*

Mr. Bitgood added, that the submitted plan references a plan of survey with a different date than the submitted plan. A signed & sealed copy of the plan of survey should be provided. Mr. Clancy, applicant’s Engineer, disagreed that it was a requirement.

The Board Engineer and the Applicant's engineer will research to clarify the issue.

*Ms. Ratzell moved to grant the waivers as discussed and to deem the application "complete." Seconded by Mr. Mr. McCreery.*

*Roll Call:*

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

*Against: Abstain: 7-0-0`*

**2) Public Hearing: Smith Orchards, LLP, Block 67, lots 23, 25, 26, Union Street, Minor Subdivision & Special Question (or Use Variance) Application #ZB-15-05**

Mr. Ziegler explained he first wanted to focus on the pre-existing non-conforming request. That the residential structures existed and have since been removed but that the applicant has not abandoned the right to continue non-conforming residential uses. If the request is granted, one house would be permitted on each lot and therefore no need for a "use" variance. In addition, a subdivision/lot line adjustment is proposed to shift the lot line between existing lots 23 & 25 in order to make each lot 6 plus acres. No new lots will be created. The lots are located in the M-1 Light Manufacturing Zone, not permitting residential uses, which is the reason for the Certification request.

Pre-existing homes:

Referring to photos, Mr. Steve Smith provided the following testimony:

His son currently lives in the house on lot 23. Lot 26 is presently vacant land and his son would like to build a new house on it. Mr. Smith purchased the lot in 2006 and later removed the existing house, which was built in 1930, as it was in dilapidated condition. A Gloucester County tax record was submitted as an exhibit and marked as "applicant #4" indicating the year built and that the home existed on the lot at the time of purchase in 2006. Lot 25- when Mr. Smith purchased the property, it was his intention to continue to use the parcel as a residential lot. There was a house on it which was removed due to a fire. Board member Hughes confirmed the applicant's testimony to prior existing homes on those lots.

Board Planner, Leah Bruder, commented that prior to the 1999 Master Plan Revision, the subject properties were located within the RE (Rural Environmental) zone which permits residential homes. The 1999 Master Plan changed the zone of these properties from RE to M-1, Light Manufacturing District.

*Mr. Hughes moved to open to the public, seconded by Mr. Shoultz.*

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

The following individuals were sworn in:

Al Crittenden, 241 Union Street

Mr. Crittenden inquired about the cesspool and the well on lot 26.

Mr. Ziegler confirmed the cesspool had been abandoned, filled in and inspected by Gloucester County Health Department. A new septic system will be installed and has been approved by Gloucester County Health Department. The applicant will use the existing well on the lot that was installed by the S.J. Gas Company.

Mr. Crittenden asked if he could get a copy of the approved septic plan. The applicant agreed.

Karen Crittenden, 241 Union Street.

Mrs. Crittenden asked for clarification of where the house would be located on lot 26. Referring to the plan, Mr. Ziegler pointed out the proposed location and also where the new septic system would be.

Lorraine Townsend, 239 Union Street.

Ms. Townsend also asked to see the plan and the location of the proposed house.

*Mr. Shoultz moved to close to the public, seconded by Mr. Hughes.*  
With all members in favor, *the motion was carried.*

*Mr. Shoultz moved to grant Certification of a Pre-existing Non-conforming Use. Seconded by Mr. Hughes*

**Roll Call:**

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

*Against: Abstain: None 7-0-0`*

**Minor Subdivision with variances:**

Applicant's engineer, James Clancy, provided testimony  
The application is to reconfigure Lots 23 and 25 so that each will be greater than 6 acres in size.

Lot 23 is currently 11.552 acres an improved with a two story frame dwelling and various outbuildings.  
Following the subdivision, Lot 23 will be reduced from 11.552 acres to 8.289 acres and its frontage will be reduced from 284.54 feet to 229.54 feet.

Lot 25 is currently 2.85 acres in size. Following the subdivision, it will be 6.110 acres in size and its frontage will increase from 130 feet to 180 feet (200 feet is required by ordinance). Testimony was already provided that the property was formerly improved with an old dilapidated residential structure that was removed for safety purposes due to a fire. The applicant testified that he intends to build a single family dwelling on the property.

Lot 26 is currently owned by David and Desiree Smith. The property was originally improved with a residential structure that was removed due to its dilapidated condition. The property currently has 6.166 acres and will not be altered. The applicant intends to construct a new single-family dwelling within all current setbacks and utilize the balance of the property for agricultural purposes.

Board Planner and Engineer had no other comments.

*Ms. Ratzell moved to grant minor subdivision with variances conditioned upon the items outlined in the professionals' review letters and further condition upon all required outside agency approvals. Seconded by Mr. Hughes.*

**Roll Call:**

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

*Against: Abstain: None 7-0-0`*

➤ **General Public Portion**

*Mr. Shoultz moved to open the general public portion, seconded by Ms. Ratzell.*  
With all members in favor, *the motion was carried.*

Douglas Dixon, 241 Stanger Avenue

Mr. Dixon had a question concerning a driveway for a new home he is building. Board Engineer asked Mr. Dixon to contact him directly to discuss.

Frank Goss, Environmental Commission Representative, 131 Railroad Avenue.

Mr. Goss asked if it was possible to receive an extra set of any application the board receives. He wasn't aware of the Smith application. Mr. Goss will be attending the Planning Board meetings until an Environmental Commission member is appointed to the Board (in January), which is a requirement. In the meantime Mr. Bitgood will keep Mr. Goss apprised of any environmental concerns.

Board Secretary added that the Environmental Commission did review the application and had sent an email indicting they had no concerns and that usually extras plans are not available.

*Ms. Ratzell moved to close the general public portion, seconded by Mr. Shoultz. With all members in favor, the motion was carried.*

**Correspondence:**

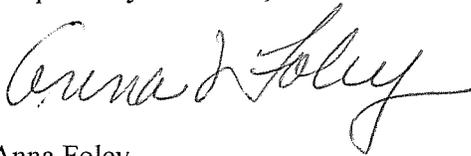
Regarding COAH (Council on Affordable Housing), the Board Planner made the Board aware of municipalities filing in the Superior Court of NJ, a declaratory judgement action & motion for immunity from builder's remedy litigation. She is working with the Township Solicitor to get the proper documents filed by the July 8<sup>th</sup> deadline.

➤ **Adjournment:**

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

Adjournment time: 8:34pm

Respectfully submitted,

A handwritten signature in cursive script that reads "Anna Foley". The signature is written in black ink and is positioned above the typed name and title.

Anna Foley  
Board Secretary