

Elk Township Combined Planning and Zoning Board

Regular Business Meeting

July 20, 2016

Minutes

- **Call to Order:** Vice Chairman called the meeting to order at 7:30pm.
- **Roll Call:**
 - Present:** Robert Clark, Jay Hughes, Ed McKeever, Donna Nicholson, Ed Poisker, Richard Schmidt, Eugene Shoultz, Jeanne White (arrived at 8:32), Frank Goss, Wayne Swanson
 - Absent:** Phil Barbaro
- **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:**
 - **June 15, 2016**

Mr. Shoultz moved to approve the minutes of June 15, 2016, Seconded by Mr. McKeever.
Mayor Poisker abstained. With all other members in favor, *the motion was carried.*

- **Resolution(s):**
2016-16- Granting a "C.2" bulk variance from front yard setback requirement for a front porch to NVR, INC., D/B/A Ryan Homes, regarding property located at 409 Crispin Way, block 29.03, lot 15, Application no.: ZB-16-05

Mr. Schmidt moved to approve resolution 2016-16, Seconded by Mr. Shoultz.

Roll Call:

Voting in favor: *Clark, Hughes, McKeever, Nicholson, Schmidt, Shoultz, White, Swanson*
Against: *None* **Abstain:** *8-0-0*

- **Postponement Announcement(s):**

The Board Solicitor announced the following postponements:

- 1) James Gaglianone, use variance, postponed to August 17, 2016 - *new public will be provided.*
- 2) Kevin Eaise, use variance, postponed to August 17, 2016 - *there will not be new public notice provided.*

- **Old Business:** None

- **New Business:**

Completeness hearing:

Thomas Rosa, minor subdivision with bulk variance(s), block 162, lots 6 & 7 (460 & 440 West Blvd), Application #SD-16-04-

The applicant was represented by attorney Tara Vargo.
Applicant Thomas Rosa, 1239 Little Mill Road, Franklinville, NJ was sworn in.

Both lots are vacant land located in the MD (Moderate Density) Residential zoning district. The application is for a minor subdivision (lot line adjustment) to modify an existing property line to redistribute a portion of Lot 6 to Lot 7 and will requires bulk variances for minimum lot size. No new lots are being created.

Board Planner reviewed the completeness items outlined in her letter of May 3, 2016, page 2:

Item #8 outside agency approvals

Waiver for completeness purposes. The applicant agreed to comply.

Item #19 approved block & lot numbers from the County tax assessor.

Waiver for completeness purposes. The applicant agreed to comply.

Item # 33 requires statement demonstrating compliance with affordable housing requirements.

Waiver is recommended as no new dwellings are proposed.

Item #36 copy of protective covenants, easements, deed restrictions and Title Policy.

Owner's Policy of Title Insurance was submitted. Mrs. Vargo stated there were no restrictions found within the title report.

Item #41 location of all existing wells and septic systems, distances between them and on adjacent properties.

Conditional Waiver is recommended for completeness purposes. The Applicant agreed to comply.

Item #43 requires grade elevations for all structures.

Conditional Waiver is recommended for completeness purposes as no construction is proposed at this time. The Applicant agreed to comply.

Item #49 provide location of all existing tree masses, indicating general sizes and species.

Conditional Waiver is recommended for completeness purposes as no construction is proposed at this time. The Applicant agreed to comply.

Item #50 provide a tree protection plan.

Waiver is recommended for completeness purposes as no construction is proposed at this time. The Applicant agreed to comply.

Item #57 provide a grading plan.

Waiver is recommended for completeness purposes as no construction is proposed at this time. The Applicant agreed to comply.

Item #58 provide a soil erosion and sediment control plan.

Waiver is recommended for completeness purposes as no construction is proposed at this time. The Applicant agreed to comply.

Item #59 requires soil borings to determine soil suitability.

Waiver is recommended for completeness purposes as no construction is proposed at this time. The Applicant agreed to comply.

Item #66 requires a written commitment from the MUA of sufficient sewer and water service capacity. Ms. Vargo stated there is no public sewer or water systems service on the Subject Property.

Waiver is recommended.

Item #67 Soil boring and percolation data for on-site sewage disposal.
Waiver is recommended for completeness purposes. The Applicant agreed to comply.

Item #73 Letter of Interpretation (LOI) or other indicating compliance with NJDEP Wetlands.
Conditional Waiver is recommended for completeness purposes. The Applicant agreed to comply.

Item #75 requires the Applicant to submit a Utility Plan.
Ms. Vargo stated that a private water well and septic system would service the Subject Property.
Conditional Waiver is recommended for completeness purposes until the time of plot plan review. The Applicant agreed to comply.

Item #83 requires existing and proposed curb openings.
Waiver is recommended for completeness purposes as no construction is proposed at this time. The Applicant agreed to comply.

Board Engineer, Stan Bitgood, had no additional completeness items from his letter also dated May 3, 2016.

Mrs. White moved to grant the waivers discussed with the understanding that some items are a condition of any approval granted and will have to be provided and to deem the application complete. Seconded by Mr. Shoultz

Roll Call:

Voting in favor: Clark, Hughes, McKeever, Nicholson, Poisker, Schmidt, Shoultz, White, Goss
Against: None Abstain: 9-0-0

Public Hearing:

Thomas Rosa, minor subdivision with bulk variance(s), block 162, lots 6 & 7 (460 & 440 West Blvd), Application #SD-16-04-

The Subject Property is located in the Lawns section at the west side of West Boulevard, between Second and Third Avenues. Both existing lots are adjacent to the undeveloped lot 5 immediately west of lots 6 & 7. Both lots have frontage on two streets although Second Avenue is an unimproved "paper" street. Third Avenue and West Boulevard consist of paved asphalt, without curbs, sidewalks, drainage improvements, or underground utilities.

Mrs. Vargo referred to a display board which outlined the existing two lots. Lot 6 is presently a conforming lot. Lot 7 is currently undersized and is irregularly shaped. The applicant did try to purchase additional property from surrounding lot owners but was unsuccessful. The applicant proposes to relocate the existing property line redistributing a portion of Lot 6 to Lot 7, creating two undersized lots, but the increase to lot 7 would now be less nonconforming creating two viable building lots. Mrs. Vargo explained the applicant has a hardship due to the unique configuration of lot 7 and the inability to purchase additional property or to sell his lot 7 to the neighbor on lot 5. The applicant's buy/sell letter dated March 9, 2016 was marked as exhibit, A-1.

Chairwoman White asked if Mr. Rosa considered removing the boundary line creating one lot. Mrs. Vargo responded that is a possibility but their proposal blends in better with the existing character of the neighborhood. To the applicant's knowledge, there have not been houses on either of these lots. Mr. Rosa acquired the parcels in August of 2015 with the intention of building two homes that would fit into the neighborhood.

Chairwoman White commented she didn't believe this was a hardship situation, but rather the subdivision appears to be proposed for the financial gain of the applicant. She was in favor of making one large lot rather than two nonconforming lots.

Member Hughes had a concern if there would be enough room for septic, wells and homes on the two lots. Further, Mr. Hughes agreed this was not a hardship situation but rather the applicant trying to maximize on his investment.

Mrs. Vargo responded that the building envelope was shown on the larger lot and that the surrounding lots are vacant so they would not be restricted with separation distances of neighboring wells and septic.

Member Nicholson commented that the applicant's lack of investigation as to the permitted building lot size before buying the lots, is not a hardship situation.

Mrs. White added the lot size requirement in this zone is 25,000 sq ft. and the applicant is proposing to make one of the lots 13, 945 sq ft. (lot 7) which is a huge amount under the required minimum.

Member Shultz was in favor of the two lots merging into one large lot.

Member Swanson did not believe this was a hardship situation.

Mrs. Kanaplue did not have any other comments to review from her letter of May 3, 2016.

Mr. Bitgood referred to his letter also dated May 3, 2016.

Mr. Bitgood stated that should the board grant approval, the following items would be conditions of any approval granted:

- A. Provide a copy of the Plan of the "Lawns" subdivision map.
- B. Plan to show at least two found corners and/or monuments, and the source or basis for the validity of the found control points.
- C. Plan to show the lot addresses as well as the block and lot numbers.
- D. Curbs & Sidewalks: This Application does not include curbs or sidewalks. A waiver seems appropriate for construction of these items. However, the width of West Boulevard is not adequate for future sidewalks to be constructed within the Right of Way. The Applicant should agree to dedicate a 5 ft. wide street & pedestrian easement along the frontage of West Boulevard and the two intersections.
Applicant agreed to comply if approved
- E. Utilities: Sanitary Sewer and water mains do not exist within 200 feet of the site. The Applicant shall request sewer service from New Jersey American Water Co. A copy of NJAW's response to said request shall be provided to the Board Engineer. If NJAW cannot provide service prior to applying for building permits, the lot owners shall obtain approval for on-site sewerage disposal systems from Gloucester County Health Department. Note that if and when public sewers are constructed within 200 feet of any part of these lots, the owners will be required to connect to the public sewer system within 90 days of notice from the Township for the Utility Co. *Applicant agreed to comply if approved.*
- F. Lot grading: No grading is shown on the plan of subdivision. While this is normally required for all subdivisions, the Board's Engineer does not object to deferring this until Individual Lot Grading Plans are submitted for review prior to building permit applications. Lot grading plans shall show grading within the lots, and within adjacent lots and the adjacent rights of way, extending not less than 50 feet from the tract, and clearly showing the existing drainage areas that drain into these lots. The Applicant is advised, and it shall be a condition of approval, that the adjacent rights of way drain into this site. The existing runoff shall not be obstructed or increased by any improvements on these lots. Low areas within the lots

shall be preserved and enlarged, as the Township Engineer may require, to ensure that runoff from the rights of way and/or the lots, is not redirected to other areas.
Applicant agreed to comply.

G. Homes are to front on West Boulevard.

Mr. Bitgood had no other comments.

Mr. Swanson asked if the applicant could return if his application is denied. Mr. Taylor responded that the applicant could return if the application submitted a substantially different plan.

Mr. Hughes moved to open to the public, seconded by Mrs. Nicholson. With all members in favor the motion was carried.

With no comment from the public, ***Mr. Shoultz moved to close to the public. Seconded by Mr. Hughes. With all members in favor, the motion was carried.***

Mrs. Nicholson moved to deny minor subdivision with bulk variances for block 162, lots 6 & 7, Seconded by Mayor Poisker.

Roll Call:

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

Against: None Abstain: 9-0-0 denied

➤ Master Plan Re-exam

Municipal Planner, Candace Kanaplue, reviewed the Master Plan Re-examination report using a power point presentation. The town's last Master Plan reexam was completed in 2009. This Master Plan reexam focused on a few specific issues such as the potential to increase commercial development along Route 77 (Bridgeton Pike) and Route 553 (Buck Rd) as well as a few other specific planning uses and concerns for Lake Gilman Community issues due to small lot sizes and the need for updated septic systems.

1. Lake Gilman. The Lake community predates the RE zone and therefore does not meet the area and yard requirements as outlined in current zoning regulations, ordinance section 96-7. Residents of the Lake community will always be "non-conforming" in area, setbacks and other requirements, creating a hardship for the residents. A zoning overlay (bulk requirements) for this particular community has been created and is specifically outlined in the report.
2. Commercial Zoning. Providing zoning for commercial development will provide opportunity, but doesn't guarantee commercial development. Some specific areas investigated include:
 - a. Block 5, lot 11.01, 11.02 zone change request. These lots are currently zoned C-1, however both are narrow lots for commercial uses. The owners of these lots have specifically requested to be turned to residential zoning. The lots are recommended to be returned to their LD residential zoning status, however they will remain in the overly commercial district to retain the opportunity for commercial development in the right conditions as they are located along Route 77.
 - b. Route 77 and Buck Road. Create a zoning overlay that encompasses the lands along these roadways that are realistically developable (excludes preserved farm lands). The designated area should be added to the zoning map in or to more clearly communicate commercial options. Included within this overlay will be the permitted uses within the C-1 and C-2

districts in addition to adding to already permitted uses: Restaurants (without drive-through), fitness centers, medical offices, furniture stores, child development/day care centers, private education such as tutoring, martial arts, dance studio, liquor stores, bar and taprooms.

- c. C-2 Highway Commercial. Add retail and service uses to C-2 list of permitted uses to clarify that they are permitted (super market, convenience store, barbershop/salon, coffee shop). Auto showrooms are permitted, clarify that this means that new car dealerships are permitted. Address fast food/drive-through restaurants, consider adding this as a condition use in the C-2 Highway commercial district.
- d. Gloucester County owned block 172, lot 4. Consider whether this parcel should be changed from C-2 zone as 44 acres of the lot are permanently farmland preserved and 55 acres are owned by the County. The zoning of the preserved portion could be changed to RE zone to be consistent with adjacent land and the non-preserved portion could remain as C-2 zone.

Mr. Swanson inquired about the MD zone lot sizes and if this is the time to decrease the lot size to 20,000 square feet.

Mr. Taylor responded that the Board could incorporate the MD zone lot size recommendation into the Master plan Reexam. The actual zone change has to be completed by Township Committee. When the plan is done and submitted to Twp Committee, they can make the changes they feel are necessary to conform to the Master Plan. The Planning Board is the planning agency for the governing body and the actual zone changes are completed by Township Committee.

Mrs. Nicholson agreed if there are numerous lots in the MD zone that are in this size range then this recommendation should be included. Mrs. Kanaplue agreed and will research it further.

Mr. Taylor added if this master plan is adopted then it would be subject to this amendment recommendation which would be incorporated into this master plan reexam draft.

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

Kathy Haynicz, 1091 Elk Road,

Mrs. Haynicz inquired about the locations of commercial uses on Buck Road and what was happening with water and sewer?

Mrs. Kanaplue referred to the map pointed out the specific areas included. Basically the intersections of 538, Aura Road and Buck Road. The existing zoning will stay, an overlay map will include additional permitted uses, such as commercial providing more options. Currently there is no water and sewer in the area and that would be up to the property owners.

Belinda Paganafanador, asked the planner to point out the M1 zone on the zoning map which would permit tattoo parlors, adult book stores, what street was this on, and what is the benefit of permitting these uses.

The planner identified the location on Jacob Harris Lane. The benefit of identifying a permitted location protects the municipality from litigation. The Board Solicitor added that the Supreme Court says you cannot restrict these uses within the community but you can find the most appropriate location for them.

Mrs. Paganafanador inquired about the details of an affordable housing plan. Does it include section 8 housing? How will these homes be managed?

Board Planner responded that affordable housing is not a component of the master plan, but is a requirement that municipalities must comply with. Board Solicitor added residential developments plan ahead of time to include a certain number of their units to provide for low and moderate income families. This does not involve section 8 housing, welfare housing, or public assistance housing. It's for people with lower than normal income. It's to help people that have jobs but don't make a lot of money. Management of any units would be for rental properties. This town is pro-active and has been working

hard with the advocates of the State to meet our Affordable Housing obligations and at the same time looking out for the best interests of existing residents.

How many acres are in permanent farmland preservation?

Planner didn't have the exact amount of acreage available but made Mrs. Paganafanador aware that the town does have a Farmland Preservation Plan in place.

How is the Master Plan being evaluated in relation to preserving wetlands and recreation areas? What percentage of wetlands does our town have compared to other towns?

Wetlands are governed by the State and developers have to meet State requirements. Also there are different levels (classifications) of wetlands. Board member Goss, also an Environmental Commission member, commented there are approximately 2500 acres of preserved farmland. He didn't know the amount of wetlands but commented there is a lot and almost every property has some attachment to it. The Planner added this is a re-exam, not the entire master plan and it doesn't touch on farmlands or wetlands. Older masterplans include those components.

Lastly what types of commercial will be permitted?

Board Planner responded that there are a few different commercial districts- C-1, C2, M1 and now we are proposing a neighborhood overlay. Each of the permitted uses in these zones can be found on line in the code book (Township's website, under e-code). For example, C-1 would include restaurants, retail stores and liquor stores to name a few. M1 would include industrial uses.

Robert Gaines, 912 Franklinville Rd., South Harrison.

Asked when the Master Plan reexam would be adopted? He owns a lot on Rt 77 that he would like to build a house on for his son. His lot is one that will be have a zone change to permit residential (block 5, 11.02)

Board Solicitor explained, the plan could be adopted tonight, then it's referred to Twp Committee. It could take two to three months.

Nick Casey, VP of Development for the Quaker Group- Silvergate.

Mr. Casey referred to the C-2 zone near the route 55 interchange-three lots referred to as the Regional Commercial Center. Its intended that these lots will be developed in their entirety. The lot in the back was zoned industrial at the time of Silvergate's GDP approval but currently it is zoned residential. The Board may want to consider changing it to C-2 to make it consistent with the other lots in that area. The zone doesn't matter to Silvergate because their development rights are protected under their GDP approval. Mr. Casey didn't have the block and lot number but he would get it to the planner for her follow up.

Board Planner would review the recommendation.

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

Mr. Hughes moved to adopt the Masterplan Reexam with amendments as discussed, seconded by Mrs. White.

Roll Call:

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

Against: None Abstain: 9-0-0

- **Silvergate Phases 5 & 6, “Public Hearing” - Preliminary Major Subdivision with bulk variance(s) Block 65/4.02, 5; 170/14, 18; 171/6, 9, frontage on Buck Rd, Whig Lane (f/k/a Clayton-Aura Rd) and Fairview Rd. Application # SD-16-02**

Attorney, Emily Givens, Maley & Associates, 1150 Haddon Avenue, Collingswood, representing Silvergate Associates.

Public notice has been completed and the application was deemed complete in April of 2016 with the resolution memorialized in May, 2016.

Nick Casey of Silvergate Associates and Rick Clemson, PE, CME of Sassano Associates would be providing testimony and were sworn in.

Mr. Taylor read the following review letters that would become part of the record:

Steve Bach, Planner, review letter dated March 31, 2016, Rick Clemson response letter dated April 18, 2016, Stan Bitgood, Board Engineer, letter of June 13, 2016, Rick Clemson response letter dated July 11, 2016, in addition to all the other submissions made by the applicant.

Applicant’s attorney, Emily Givens, explained this application fell within the Silvergate PUD (Planned Unit Development) that is part of a General Development Plan approval in May of 1996. This application encompasses a major subdivision for phases 5 and 6 consisting of 5 lots totaling 170.01 acres with road frontage on Buck Road, Whig Lane (formerly Clayton Aura Rd) and Fairview Road. The subdivision will create 388 residential building lots, 2 commercial lots and 15 open space lots. The total residential units proposed is 483 with the following breakdown: 145 single family homes, 172 townhomes, 70 duplex/twin homes and 96 affordable apartment units. Variances are requested for front yard setbacks for duplex/twin units and townhouse units for 25 feet where 30 feet is required and a variance for on-lot swales. The plans propose on-lot swales with centerline grades of 1.5% where 2% is required and swale grades on the open space lots of 1% where 2% is required. Building height variance is not required.

Nick Casey gave a brief overview of the project and would generally be responding to the review letters issued by the Board’s professionals. Revisions to this plan have been made based on these reviews.

Silvergate history:

The Silvergate PUD (Planned Unit Development) encompasses approximately 660 acres in various phases. Mr. Casey reviewed the previously approved phases, both preliminary and final approvals, that the Board had already granted, and the remaining phases after the present Application is acted upon by the Board, that will need to be submitted. Mr. Casey testified that the overall development of the Subject Property, once all phases have been approved, will generate approximately 1,000 residential units of which approximately 192 will be affordable housing units.

In 2011, Silvergate applied to the Planning Board for an extension of the vested rights through May 16, 2016 (the full 20 years allowed by Municipal Land Use Law). Silvergate provided information to confirm that the project had been delayed in large part due to factors outside their 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, Silvergate requested a legal interpretation as to its GDP expiration date by the Planning Board. At the hearing, it was concluded that the correct expiration date is June 17, 2020 (Resolution 2016-10). By which time applications must be submitted for preliminary approval for the remaining phases which are phases 4, 5, 6 and the regional commercial center.

Mr. Casey provided testimony as to the overall plan of subdivision for phases 5 & 6, proposed roadways, detention and retention basins, roadways, and other physical features of the proposed subdivision. Further, Block 171, Lot 6 has been eliminated from the application as there is no intended use for the one acre lot at this time.

Below is an excerpt from the resolution of preliminary approval of the Board's Professionals' review letters and the applicant's response/comments:

“Letter of March 31, 2016 from the Board's Professional Planner, Candice Kanaplue, PP, AICP, Bach Associates, PC, and the June 13, 2016 letter from Board's engineer, Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., were both reviewed with the Board and the Applicant as are set forth immediately below. The information in italics below represent the comments of the Board's professionals as to their respective letters, and the responses in bold as to each letter are based on Mr. Clemson's letter of April 18, 2016 to the Board as to the Bach Associates review letter of March 31, 2016, and Mr. Clemson's letter of July 11, 2016 to the Board as to Federici and Akin's review letter of June 13, 2016, all of which had been entered into the record as evidence, as well as testimony given by Mr. Clemson during the hearing on the Application as to said review letters.

1. Residential Unit Mix.

- a. The General Development Plan anticipated 226 townhouses for Phase 5 (plus 284,150 square feet of commercial space); and 127 single family and 266 duplex/twin units for Phase 6, for a total of 619 residential units. The Site Plans propose 145 single family units, 172 townhouse units, 70 duplex/twin units and 96 affordable apartment housing units for a total of 483 residential units. The current concept proposes 136 fewer units than were approved as part of the GDP. It appears that the applicant has provided some affordable townhomes in Phase V in order to spread the required affordable units throughout the overall development and to have a variety of affordable housing options rather than having all of the required affordable units together in Phase IV. This idea was discussed and recommended by the Planning Board's Affordable Housing sub-committee in November 2011.***

The Residential mix is in conformance with the conceptual plan discussed with the Land Use Board on March 18, 2015. It incorporates 96 affordable housing units in response to the recommendations of the Planning Board's Affordable Housing subcommittee, and is shown to consist of townhouses and stacked flats.

- 2. Recreation. The PUD ordinance places high priority on the inclusion open space and recreation as part of the overall design of the development. There are interconnected open spaces shown throughout the proposed development of Phases 5 and 6, totaling more than 36 acres. The plans do not show any active recreation facilities. The Applicant should provide an overview of the recreation and open spaces proposed throughout the PUD. When earlier residential phases were approved there was discussion about the need for recreation facilities to serve the residents of the development (and the Township overall).***

The Applicant has discussed several alternatives for recreation with Bach Associates; including expansion of the path system, tot lots/playgrounds, multi-purpose areas and payment in lieu of recreation. Several areas were identified as suitable for such facilities which will be discussed with the Land Use Board through the review process.

- 3. Commercial Development. The plans show an area for future commercial development along Buck Road and with access along proposed Road A. There are two (2) commercial lots proposed, totaling 10.98 acres. The General Development Plan approval provided that there would be 284,150 square feet (6.52 acres) of commercial space in Phase 5. The Phase 5 commercial space is divided between the Buck Road frontage shown as part of this Application, and the "regional commercial" area in the vicinity of the Route 55 interchange (Phase 7). This Application is proposing 46,650 square feet of commercial space on this portion of Phase 5.**

The overall General Development Plan shows two (2) areas designated as Phase 5; one which is part of this Application and the other which is considered the "Regional Commercial Center" which also includes Phase 7. The current Application includes two (2) commercial sites which total 10.98 acres on which a total of 46,650 square feet of commercial space is illustrated. To avoid further confusion, we intend to refer to the "Regional Commercial Center" all as Phase 7.

4. Buffers / Open Space

- a. The required 50' buffer is shown along the entire perimeter of the development and between the proposed commercial parcel fronting Buck Road and the residential portion of the development.**

Mr. Clemson acknowledged the same.

- b. Landscape buffers shall be shown along the entirety any street that is the rear yard of any proposed dwelling.**

The Applicant has met with Bach Associates to discuss the comments regarding the Buffers and Open Space and will present a revised Landscape Plan during the review process to the Land Use Board. Revisions will include adding additional landscaping along the entirety of any street that is the rear yard of any proposed dwelling.

- c. Per §96-88.C(2), Consideration to provide that open space within PUDs shall be planned and designed to achieve adequate recreation areas for the needs of the development residents and owners. No recreational facilities are shown on the plans. The applicant shall be prepared to discuss the reason that no active recreational areas are being proposed as part of the development. Because of the size of the development we recommend on-site active recreational facilities be added throughout the phases of the development.**

Mr. Clemson acknowledged the same.

5. Landscaping / Lighting

- a. *The proposed residential lighting is of a cobra head design. The Board's Planner recommends a more ornamental/decorative light be used within the proposed residential communities.***

The Applicant reviewed the comments regarding the installation of ornamental/decorative lights throughout the development and it was determined that it would require substantially more lights to be installed to provide adequate street lighting and the ongoing operation and maintenance would substantially increase the annual street lighting costs to the Township. An alternative was discussed with the Planner to install the ornamental/decorative lights at the entrances from Buck Road, Aura Clayton Road and Fairview Road.

- b. *The Board's Planner recommends that street lights be placed at a maximum of 300' intervals.***

The Applicant's Engineer will work with the Board's Planner to develop a safe, yet cost efficient street lighting design/layout.

- c. *The proposed Amur Maple and Hedge Maple are invasive plants and are not recommended for use in the Northeastern United States. A replacement for these trees shall be provided.***

The Amur and Hedge Maples will be replaced with non-invasive species.

- d. *The outline of the proposed basins shall be shown on the Landscape Plans. Landscaping shall be provided around the perimeter of all stormwater basins.***

The proposed basin grading will be more clearly shown on the Landscaping Plans in order to illustrate the perimeter of the basins.

- e. *Additional landscaping shall be provided around the entirety of the proposed trash enclosures that service the proposed commercial parcels.***

Additional landscaping will be provided as requested. A sketch of the proposed enhancement was presented to the Board's Planner by the Applicant's engineer on April 13, 2016.

- f. *The limit of tree clearing shall be shown on the Landscape Plans.***

The limit of clearing will be more clearly illustrated on the Landscaping Plans.

- g. *Three (3) varieties of trees shall be proposed along all streets.***

Three varieties of trees will be proposed along all streets, alternating species along each street.

- h. Per §96-88.E(4)h, There shall be a minimum of three (3) deciduous shade trees, not including street trees, per lot for all residential sections of the PUD where the site is devoid of trees. Additional trees shall be proposed for each dwelling lot.*

It was determined that Section 96-88.E(4)k does not apply since the site is not devoid of trees; substantial areas of existing trees will remain; and the landscape plan, with the revisions discussed will meet the purpose and intent of the landscape requirements.

- i. Per §96-88.E(2)k, The front and rear of each building (townhouse) and open space areas shall be landscaped. The Board's Planner recommends additional landscaping in the rear of the townhouse units.*

Additional landscaping will be provided, as requested.

- j. No shade trees shall be planted in conflict with any storm, sanitary, or water pipes.*

Mr. Clemson acknowledged the same.

- k. The following changes shall be made to the Deciduous Tree Detail per §96-88.N:*

- 1. The minimum size of stakes shall be two (2") inches by three (3") inches.*
- 2. The guying cable shall be 12 gauge.*
- 3. A three inch (3") saucer shall be constructed around the planting area.*
- 4. The ball shall sit on compacted soil.*
- 5. The diameter of the hole shall be two (2') feet larger than the diameter of the ball.*
- 6. The note "guy trees 3" cal. & over" shall be revised to "guy all proposed street trees".*

The landscape details will be revised to conform to ordinance standards.

6. Parking

- a. The Applicant is providing parking in accordance with the Township Ordinance.*

Mr. Clemson acknowledged the same.

- b. On-street parking is proposed in the townhouse area of the development. As the proposed cartway width is 28', our office recommends that on-street parking be limited to straight sections of roadway and refrain from being located along any curve or radius.***

Parking will be permitted on only one side of the Residential Access Streets (all streets except for Road "A"); parking will not be permitted along either side of Road "A". Within the townhouse areas, parking will also be prohibited along any street frontage opposite a bank of perpendicular parking spaces. Within the single family and twin home sections, parking will be prohibited along the interior side of any curve with a centerline radius less than 150 feet. Restricted parking areas will be appropriately signed.

7. Signage

Development signs shall be shown on the plans. The Applicant should consider the requirements of section 96-60 regarding the placement of development identification signs, as it does not appear that the PUD ordinance addresses signs.

Location for development signs will be shown. The Applicant requests that details of the signs be deferred until Final Major Subdivision approval is applied for.

8. General

- a. In previous applications, Silvergate Phase V and VI included Block 171, Lot 6. It appears that Lot 6 is no longer a part of this application. However, Lot 6 is still highlighted on all site maps and the Major Subdivision Plan. Clarification shall be made and plans revised to reflect the lots included in the Phase V and VI Major Subdivision application.***

Block 171, Lot 6 has been eliminated from the Application.

- b. Per §96-88.E(2)n, Conceptual architectural review by the approving authority is required before preliminary approval. The Applicant shall provide architectural plans of the proposed townhouses for review and discussion by the Board. The plans shall be provided to assure that the architectural type and style is compatible with neighboring uses.***

The Applicant requests to defer architectural plans until Final Major Subdivision approval is applied for.

- c. The Applicant shall address the collection and storage of trash for the residential portion of the development.***

Public roadside trash collection is intended.

d. Per §96-88.E(2)o, Pedestrian access shall be provided to the rear of all (townhouse) units.

Pedestrian access shall be illustrated to the rear of all townhouse units.

e. A north arrow shall be provided on the Major Subdivision Plan (S0601).

A north arrow will be added to Sheet S0601.

f. The proposed street names shall be shown on all of the plans for reference, in particular Landscape Plans.

Proposed Street Identification will be more clearly labeled on the Landscaping Plans. The Applicant requests that actual Street Names be deferred until Final.

The Board accepted as “fact” the assessments put forth by it’s Planner, and the responses given by the Applicant’s engineer, as are set forth above.

8. The Board reviewed the June 13, 2016 Letter from its Engineer, Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., to the Board regarding the Application as follows:

1. Bulk requirements: The plans include a table of bulk requirements which is satisfactory. The subdivision includes a mix of townhomes, affordable housing, detached single family homes, and duplex homes and a commercial area along Buck Road.

Bulk variances are proposed for the front yard setbacks for the townhouses and twin units.

2. Plat Requirements: Preliminary Plats are not included. The plans do make clear the intended layout and lot sizes. Final plan submission will require plats matching the proposed sequence of development that conform to the Map Filing Law and conditions of preliminary approval. The plats should be completed to include all information required for map filing, horizontal control points, outbound information, and all easements including those that will be necessary for construction and maintenance of the stormwater systems and access routes.

Mr. Clemson agreed to comply.

3. Roadway Layout. The roadway network is fit to the various wetlands areas and frontage on the bounding streets. A large radius curved street, Road A, cuts through the site from Whig Lane to Buck Road. Commercial pad sites are shown along Buck Road on each side of Road A.

A. The number of intersections along the main road is excessive, particularly since there are so many T intersections. Within the main curve

intersections should be aligned to reduce the number of T intersections and to create at least 2 and preferably 3 - 4way stop controlled intersections. This is critical to controlling speeds and improving pedestrian safety of residents moving through the development to and from the various open spaces and recreation areas.

Revisions have been made to reduce the number of T intersections along Road A. Road C has been reconfigured to align with Road B and a 4-way stop has been created.

- B. Road D intersects Road A near one of the curves on the inside. As sight distance will be problematic particularly to the left toward Buck Road, consideration should be given to relocating this intersection. Clear sight triangles should be shown. This will likely affect the locations and extent of some of the landscape berms.***

Road D has been reconfigured to eliminate the T intersection with Road A closest to Buck Road. The reconfiguration of Road D will have only minor, if any, impacts to the landscape berms.

- C. Roads M, N, and O should be reconfigured to create a 4 way stop controlled intersection and at most one T intersection with Road A. Ideally, the distances between Whig lane and the first intersection, would be similar to the distance between it and the next one.***

Road M has been eliminated. Road K (now identified as Road I) has been extended to Road A, thereby creating a 4-way intersection with Road O (now identified as Road L). Road N (now identified as Road K) has been changed to a cul-de-sac, eliminating the intersection with Road A.

- D. Road F should not have access to Road A.***

Road F and Road G have been realigned to create a loop road, eliminating the intersection of Road F with Road A. Road F is now identified as Road E.

- 4. Lot shapes and orientation. No flag lots are proposed. All lots are proposed to conform to the PUD and applicable zoning requirements. Generally all corner lots will have their driveways on the side of the dwelling furthest from the intersections. A few lots will have to be flipped when final plans are submitted.***

In connection with the realignment of streets above, driveways have been oriented to the side furthest from the intersections.

- 5. Cul-de-sacs. The project will have a number of cul-de-sacs. In all cases, room shall be provided for snow plowing typically at the end generally opposite the inbound roadway. These areas shall be kept clear of fire hydrants, street lights, shade trees and other interferences.***

Fire hydrants, street lights, shade trees and other interferences will be moved away from snow storage areas at the end of the cul-de-sacs.

6. ***Commercial areas. The two commercial sites are well laid out. Their entrances are set back from Buck road appropriately.***

Mr. Clemson acknowledged the same.

7. ***Pedestrian Access. The plans include a few separate recreation areas that are partially connected to the street sidewalks and other open spaces. For example, along Road Q near Road R, the access to the open space in lot 14 is midblock on road N. Moving lot 290 and possibly 291 toward road R, would align the path with a street intersection.***

Pedestrian Paths have been have been realigned, and lots shifted where necessary to provide connections to sidewalks at intersections. The narrow strips of open space behind Lots 294 thru 298, Lots 369 thru 372 and Lots 387 thru 385, which provide little functional area and are not intended for pedestrian connections, have been eliminated and the rear lots have been extended to provide greater depth for the single family homes.

E. Mr. Bitgood deferred to the Board's Planner regarding the adequacy of the open spaces, their locations, amenities, and landscaping.

8. ***Parking. The plans show adequate parking compliance with R.S.I.S. However, it is recommended that prior to final plans, the parking within the cul-de-sacs, be revised to ensure that access to the basins, for snow plowing, and utility easements is provided and coordinated with utilities, parking and landscaping. No parking areas should be clearly shown.***

Access to the basins has been shown on the plans. Areas for snow storage on the cul-de-sacs will be noted. No parking areas will be clearly indicated along these areas of the cul-de-sac and along the inside of the curves along the residential streets.

9. ***Grading. The plans include overall grading sheets and grading details for the intersections. Throughout the subdivision, roadway grades are minimums and grass swale grades are less than desirable. Roadway profile slopes should be at least 0.6% with at least 1% in cul-de-sacs. When road slopes are less than 0.75%, concrete gutters are necessary for the paver to pave to.***

Revisions will be made to the grading plans; details for concrete gutters will be provided with locations noted where street slopes are less than 0.75%.

A. (This may be moot if Road C is relocated as recommended.)

B. Additional inlets are needed on cul-de-sacs and other roadways to reduce excessive lengths of flow travel paths. Where these flow paths are 1% in

the roadways and 2% in the swales, initial flow paths of 300 feet are generally acceptable. With slopes less than these, 200 feet to 300 feet should be designed.

Additional inlets will be added to reduce the flow paths where slopes are less than 1% in the roadways and 2% in the swales.

- C. At all dwellings and buildings, spot shots should be provided at all corners and at 10 feet off set showing 5% or 6 inches fall within the 10 feet nearest the buildings.***

All proposed lot grading has been designed so that there is a 6-inch drop at a point 10 feet away from each building. Additional spot elevations will be provided to demonstrate that this requirement has been met.

- D. Grading within basins should be adjusted to eliminate long narrow deep benches, e.g in basin 4 along Road L. These will be hard to maintain, potential debris catchers, and hiding places for riff-raff.***

Road L (now identified as Road J) has been shortened and Basin 4 reconfigured to eliminate the long, narrow, deep bench.

- E. Grading details for handicap ramps shall show ½" slope on the concrete flush curb and 15:1 to 12:1 slope within the ramp adjacent to the curb. Landing shall not be adjacent to any curbs. Landings shall be at the top of ramps not less than 4 feet in length, with additional ramps from the landing up to full sidewalk elevation.***

The details for the handicapped ramps will be revised to conform. One solution has been illustrated at the intersection of Roads I and J. All relevant plans within the set will be revised to reflect ramps that are satisfactory to your Engineer.

- F. High Point Lines should be shown within cul-de-sacs and parking lots to prevent level areas when these are constructed.***

Mr. Clemson testified that the Applicant will comply.

- G. Along Road J, rear lot line high points should be moved to reduce swale lengths that cross from one lot to another.***

Mr. Clemson testified that the Applicant will comply.

- H. The high point in open space between Road H and I should be moved and/or raised to reduce flow paths and swale direction changes.***

Mr. Clemson testified that the Applicant will comply.

- I. Berms along Fairview should be adjusted to provide a sidewalk and a connecting path at the north end of the affordable section with Road I.***

The berms will be adjusted and a pedestrian path has been added to connect the sidewalk within the affordable housing area to align with a crosswalk at the intersection of Fairview and Road I (now identified as Road G).

- J. All basins should be graded so that a basin access is clearly provided.***

Mr. Clemson testified that the Applicant will comply.

- K. The "emergency" spillway between the existing low area and Basin 2 should be lowered by 6 inches to improve freeboard to the dwellings adjacent to it.***

Mr. Clemson testified that the Applicant will comply.

- L. All grading plans should show the soil boring locations, numbers, and the seasonal high water table elevation for each.***

Mr. Clemson testified that the Applicant will comply.

- M. All buildable lots shall show top of block and basement floor elevations. Many do already.***

Mr. Clemson testified that the Applicant will comply.

- 10. Utilities. The plans show complete onsite water and sewer systems and details. These plans and details shall be subject to review and approval by N.J. American Water Company as well as the Planning Board. The water system is appropriately looped between Buck Road, Whig Lane, and Fairview, and within the site. Valves are shown on each leg of all main Tees which will facilitate maintenance and repairs.***

Mr. Clemson agreed to comply.

- A. Testimony shall be provided regarding the availability of water supply and sewer capacity, and the status of any contracts, or agreements with NJAW.***

Mr. Casey testified that NJAW is the franchise holder for water and sewer, and NJDEP has approved a Map Amendment to the GCUA Sewer Service Area to include all of the Silvergate PUD properties. GCUA has indicated that sewer allocations will be approved on a first come, first serve basis. The GCUA Wastewater Treatment Plant has been re-rated, which now provides adequate sewerage treatment capacity available for the intended development within the foreseeable future. The GCUA Wastewater Management Plan also provides expansion of the sewerage treatment

capacity in the future. Mr. Casey further testified that Silvergate has paid its pro-rata share of the cost to extend the NJAW water main to Elk Township, and had been paying its pro-rata share of the annual water reserve fee to reserve water supply for its intended development.

B. The utilities plans show weirs at each basin outlet structure that are not shown on the details or listed in the hydraulic calculations.

Mr. Clemson testified that the plans will be updated to eliminate inconsistencies.

C. Hydrants should be moved closer to intersections typically within 10 to 20 feet of the cross walk or end of curb radii where vehicles should not be parked regardless.

Mr. Clemson testified that the Applicant will comply.

11. Landscaping. Landscape and Lighting plans are included. Mr. Bitgood defers to the Boards Planner for comments except the following:

A. Shade tree easements should be provided along all frontages immediately behind the utility easement strip. Shade tree easement should include access across the utility easement.

Mr. Clemson testified that the Applicant will comply. A 10' wide shade/street tree easement will be provided parallel and concentric to all roadway frontages. This easement will overlap a 5' wide utility easement. Similar to what was approved for the Aura Subdivision, the Shade Tree Easement can be setup as a self-extinguishing easement.

B. Evergreens are recommended in buffer areas and around basins as they tend to contribute less to degradation of the basin water quality and sand bottoms.

The Applicant will review this issue with the Board's Planner to develop acceptable adjustments.

12. Fencing. Fencing is not shown. The Board's Engineer recommends that the Applicant discuss this with the Board and reach a consensus regarding the approach that should be taken regarding fencing along the rear yards and side yards. The HOA documents and covenants should be very clear prior to final approval. Fences should be allowed and provided along the rear of lots abutting basins.

The details, design standards and restrictions for fences will be clearly detailed in the HOA documents, with a consensus reached with the Board prior to final approval.

13. Stormwater Management. *The project requires stormwater management measures as a major project. The applicant has submitted complete hydrologic and hydraulic calculations, along with a basin maintenance plan, non-structural strategies checklist, and documentation of water quality and ground water recharge. The calculations and documents are generally satisfactory. All of the foregoing shall be updated and submitted with the application for final subdivision approval.*

Mr. Clemson agreed to comply.

A. *Due to the relatively mild slopes within the site, the engineer has routed basin 1 into and through 2 and 3 into and through 4. This is fine although I have discussed with Mr. Clemson and Mr. Casey that the plan should be revised in so far as practical to reduce the pipe length between basin 3 and 4 and hopefully to reduce the pipe size and depths as well.*

The primary reason for the connection of stormwater basins 3 and 4 was to eliminate the need for separate stormwater outfalls for these facilities. The Applicant's Engineer will revise the plans such that basins 3 and 4 will no longer be connected. This will reduce pipe lengths, sizes and depths.

14. Sections and Sequence. *The plans include a section plan but do not include sequence. Testimony should be provided regarding the proposed sequence and schedule of construction.*

Testimony on the sequence of anticipated development was given to the Board."

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

With all members in favor, the motion was carried.

Excerpt from resolution 2016-18:

- a. Wendy Postosky, 659 Fairview Rd, was concerned with the wildlife in the area being affected by the proposed development, the need and cost for new schools, whether or not tax abatements were going to be offered to the developer, lighting, additional traffic that the development would cause, the fact that the proposed development detracts from the farming characteristics of Elk Township, as well as her concern for the affordable housing that would be a part of the development.*
- b. Jim Wickersty, 295 Clayton Drive, testified that he was concerned with water runoff into Silver Lake, as well as the impact of water runoff on other areas as a result of the proposed development.*
- c. Rae Walzer, 431 Whig Lane, was concerned with the availability of sewer and water to handle the proposed development, the environmental impact that the proposed development would have on the area and the Township as a whole, where the schools would be located to handle the students that would be generated by the development, additional traffic in the area, the affordable housing units, the impact on township roads, and the proposed stormwater basins.*
- d. Edena Walden, Woolwich Twp but owns property in Elk Twp, asked questions about the time frame to begin building the proposed development, the walkways, the open*

space, and other components of the development, lighting, and the average cost of homes to be offered for sale in the development.

- e. Belinda Paganafanador, 469 Whig Lane, asked questions regarding recreational plans for the proposed development, whether the overall development would be spread out in phases, her concern that the developer had not properly taking care of the existing property that they own prior to development of the same, the availability of public transportation, and her concern that the proposed development would destroy the small town feeling that currently existed in Elk Township.*
- f. Dan Marchetti, 451 Whig Lane, was concerned with water runoff and existing ditches in the area of the proposed development, and requested that the Applicant consider cleaning the existing ditch and/or piping all or a portion of the ditch.*
- g. Bill Jeffers, 504 Fairview Road, was concerned with traffic, the impact on the area based on the number of houses that were proposed, and the cost of schools resulting from the proposed development.*
- h. Paul Malloy, 465 Whig Lane and Chris DeMaio, 463 Whig Lane, were very concerned with the water runoff that would occur as a result of the proposed development, given their experiences in the area.*
- i. Brian Brown, 530 Fairview Road, was also concerned with water runoff and the high water tables in the area.*
- j. Matt McCaughin, 455 Whig Lane, questioned whether or not residents within 200 feet of the proposed sewer line extension would have to tie-in to the same. The Board responded in the affirmative.”*

Regarding the concern of providing a school, Board Attorney Dale Taylor commented that the courts have held that “exactments” are illegal (in order to get an approval, you have to give something in return, for example: built schools, recreation centers). The theory is that when homes are built, tax revenue is generated to the municipality. People have to have a place to live. You can’t penalize people, you have to provide schools, police protection, trash collection, etc. The applicant has donated land to the municipality.

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

Referring to the project display board, Mr. Swanson inquired about getting water from the basins into the wetlands and he is concerned with the amount of water and the amount of time it would take for the basin to drain. Mr. Clemson, PE, responded it would be piped. The applicant is subject to the current storm water management rules in place and explained how the basin system(s) work. Board Engineer was comfortable with the stormwater designs & calculations submitted.

Mrs. Nicholson inquired about updated FEMA maps. Mr. Bitgood responded they are not included in these plans and that the Elk maps haven’t changed.

Mrs. Nicholson also inquired if underground systems were considered- Mr. Clemson responded “no”, there are usually problems with them and that they are used more for urban center locations where ground is limited.

Mr. Bitgood added that the HOA’s are responsible to provide an annual storm water certification to the State for their basins.

Mrs. Nicholson moved to grant preliminary major subdivision for phases 5 & 6 condition upon the items outlined in the board's professionals' review letters, the applicant's testimony and all required outside agency approvals. Seconded by Mr. Goss.

Roll Call:

Voting in favor: Clark, Hughes, McKeever, Nicholson, Poisker, Schmidt, Shoultz, White, Goss
Against: None Abstain: 9-0-0 approved

➤ **General Public Portion**

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

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

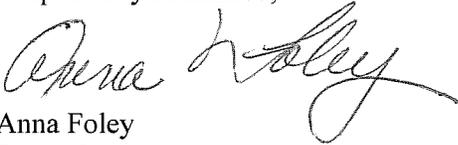
➤ **Correspondence:** None

Adjournment:

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

Adjournment time: 11:31pm

Respectfully submitted,


Anna Foley
Board Secretary