

# Elk Township Planning and Zoning Board Meeting

## Regular Business Meeting

June 17, 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 (arrived at 7:37), Dave McCreery, James Rambo, Richard Schmidt, Eugene Shoultz, Christine Yenner, Jeanne White, Amber Gonzalez, Deborah Penza

Also present: John Eastlack, Esquire of Weir & Partners, LLC, Leah Bruder of Bach Associates, Board Planner, Stan Bitgood of Federici & Akin, Board Engineer

Absent: Ed McKeever, Terry Ratzell

**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:** May 20, 2015

*Mr. Shoultz moved to approve the minutes of May 20, 2015, Seconded by Ms. Yenner.*  
With all members in favor, *the motion was carried.*

- **Resolution(s):**  
2015-14 - Granting an Administrative Design Change to Resolution 2014-08, condition #16, to allow Aura I phase I Model Homes to open for sales prior to having water and sewer infrastructure and instead utilize a handicap accessible portable toilet and hand sanitizing station, to applicant Aura Development Group, LLC.

*Mr. Schmidt moved to adopt resolution 2015-14. Seconded by Mr. McCreery.*

**Roll Call:**

*Voting in favor: McCreery, Rambo, Schmidt, Shoultz, Yenner, White, Penza*  
*Against: None Abstain: None 7-0-0*

- **Old Business:** None

➤ **New Business:**

**Administrative Design Change Request 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, application #AD-15-06.**

Attorney Robert Swartz was present representing Canuso Communities Aura Development Group. The following representatives were sworn in and provided testimony:  
Michael Canuso, 1010 Kings Highway South, Cherry Hill, NJ  
Robert Bowers, 1010 Kings Highway South, Cherry Hill, NJ

Mr. Canuso explained their projects. Aura I consists of 174 single family dwellings which provides 44 affordable housing units in a cul-de-sac (town homes). Aura II consists of 169 single family dwellings and provides eight (8) affordable housing units. An amended preliminary approval to the Aura II plan moved the 8 units into the 44 unit cul-de-sac, creating an affordable housing section.

Within the Council on Affordable Housing (COAH) guidelines is a schedule that dictates the timing of when the affordable housing units are to be built based upon the construction of the market rate units. Currently there is one schedule in place for the 44 units in Aura I and a second schedule for Aura II.

The applicant requests to merge both sections into one comprehensive affordable housing schedule of 343 total market rate units providing 52 affordable units.

Mrs. Bruder's review letter of June 15, 2015 provided background on both Aura projects and how the number of affordable units were determined. Her letter also provided the following chart for the phasing of affordable units to be built:

Percentage of Market Rate Units Completed	Minimum Percentage of Low and Moderate Income Units Completed
25%	0
25% + unit	10%
50%	50%
75%	75%
90%	100%

She explained it makes sense to combine Aura I and Aura II as one overall development project. The phasing of the affordable units should be proportionate to the development overall. Allowing the phasing to apply collectively to Aura I and Aura II will enable the developer to initiate the development and gain some momentum with the market rate units before beginning construction of the affordable units.

From a planning standpoint Mrs. Bruder had no objections.

Board Engineer, Stan Bitgood, had no objections as long as there were no changes to the plats. Mr. Swartz confirmed there are no changes.

The Board Solicitor had no issues with the request being handled as an administrative change and that the request was not substantial.

Ms. Yenner confirmed the chart was how the applicant had to build the affordable units. Mrs. Bruder explained the chart represented the minimum amount and that the phasing ensures the units will get built. If the applicant chooses to, they can build the affordable units first.

Mr. Eastlack asked the ownership situation of Aura II. Mr. Swartz responded they have taken title to the Aura II section under a different entity name, Aura Investors, LLC.

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

Nick Casey, VP Development - Quaker Group (managing partner of Silvergate Associates)

Mr. Casey wanted to go on record that Silvergate Associates has an obligation to produce 192 affordable housing units within the Silvergate PUD (Planned Unit Development). He explained an application was submitted in January 2001 for the 192 units and the application has been pending as the Board asked to defer any action until a final determination was made as to Elk's Round III affordable housing requirements. Elk submitted a Round III Housing Element and Fair Share Plan to COAH (Council on Affordable Housing) in December 2008, but since that time there has been litigation and uncertainty as to the COAH requirements.

The Silvergate Project is part of the Township's Fair Share Compliance Plan, and he therefore believes that the overall Silvergate development is entitled to some preferential status as it will contribute to the satisfaction of the Township's affordable housing obligations. Mr. Casey indicated that he wants assurance that Silvergate's status as an inclusionary development is preserved as it is essential for Silvergate to use the inclusionary status for leverage in securing water and sewer for their properties.

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

*Mr. Hughes moved to permit the administrative change to allow a phasing plan for both Aura I and Aura II for a total of 343 units and that the phasing plan be adopted as set forth on page 2 of the Planner's letter of June 15, 2015. Seconded by Mr. Schmidt.*

**Roll Call:**

*Voting in favor: Hughes, McCreery, Rambo, Schmidt, Shoultz, White, Gonzalez, Penza*  
*Against: Yenner*                      *Abstain: None*                      *8-1-0`*

➤ **General Public Portion**

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

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

➤ **Correspondence:**

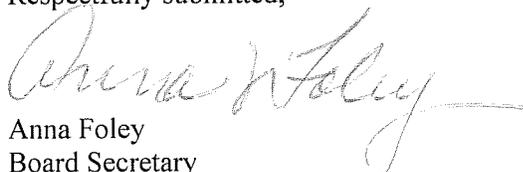
Regarding the Master Plan re-examination, Mrs. Bruder made the Board aware of a zoning change request she received from the neighbor of Mr. Plummer (discussed last month) and she will include this request as part of her Master Plan re-exam review. Mrs. Bruder hopes to have a "draft" plan ready for the July meeting.

➤ **Adjournment:**

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

Adjournment time: 8:04pm

Respectfully submitted,

  
Anna Foley  
Board Secretary