

RESOLUTION NO. 2013-19

**RESOLUTION OF THE ELK TOWNSHIP PLANNING BOARD GRANTING MINOR
SUBDIVISION APPROVAL**

WHEREAS, GAETANO GRASSO and ANGELINA GRASSO, with address of 944 Elk Road, Monroeville, NJ 08343, are the owners of Block 42 Lot 7 in the Township of Elk, and have filed an application with the Elk Township Planning Board for Minor Subdivision approval to create one new residential lot; and

WHEREAS, the Applicant proposes to subdivide the Property which is 55.43 acres in area to create one lot which will have 27.37 acres in area, and a remainder lot which will have 28.06 acres in area; and

WHEREAS, the Applicant has presented a Minor Subdivision Plan dated August 6, 2013 signed and sealed by Bruce A. Ewing of Ewing Associates Land Surveyors to the Board and his sworn testimony in support of this application; and

WHEREAS, the Applicant has complied with all of the requirements to bring this application before the Board; and

WHEREAS, the Board also received the report of its Professional Planner, Leah Furey, PP, AICP dated October 4, 2013 attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth herein and the comments of its Engineer, Cory Gaskill, PE; and

WHEREAS, after carefully considering the evidence presented by the Applicant in support of his application, the testimony of the Board's professionals and the public comments, the Board has made the following findings of fact, and conclusions of law:

1. The application meets all of the submission requirements including the payment of all applicable fees and proof that taxes are paid and current. As such the Board determined that the application was sufficiently complete the warrant proceeding on the merits.

2. The application meets the definition of a minor subdivision in that the Applicant has testified that there have been no subdivisions from this tract within the last five years nor to the best of the Applicant's knowledge does this parcel originate from a parcel subdivided subsequent to 1956.

3. The property is zoned RE Rural Environmental Residential and the two proposed lots meet all of the requirements of the Township Ordinances with regards to lot size and area, frontage, lot width, and required building setbacks.

4. The Applicant does not propose any change in use for the Property.

5. The property to be subdivided fronts upon Elk Road also known as County Route 538. County approval of this subdivision will be required. The driveway access to the County roadway will be controlled by the Gloucester County Planning and Highway departments.

6. The County is requiring an increased right of way to be dedicated to the County for purposes of road widening, and the location of a proposed driveway. The Applicant testified they do not intend to install a driveway but will depict one on the plans. The subdivision plans shall be revised and the deeds must contain reference to this road easement.

7. The Applicant testified that there are no wetlands or other environmental constraints which affect the site. The Applicant also submitted a letter from their surveyor attesting to the absence of fresh water wetlands. The Applicant is advised that the approval of this lot does not guarantee that the lots will be developable or that freshwater wetlands or other environmental constraints will not apply to the land.

8. The area is not currently serviced by public water or public sewer as a result the new lots, when developed, will be improved with well and septic system.

9. The meeting was opened to the public and there was no public opposition to this application.

10. The subdivision plans shall be revised to meet the requirements of the title recordation act.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Elk that it approves the minor subdivision subject to the following conditions:

A. The Applicant shall pay all outstanding application, escrow and review fees associated with the subdivision application to the Township.

B. The subdivision shall be perfected by the filing of deeds, which are in full conformity with this approval granted by the Planning/Zoning Board of Elk Township. The deeds shall be filed within 190 days of the Resolution approving the minor subdivision and shall be signed by the Chairman and Secretary of the Planning Board of the Township of Elk. The deeds shall contain the following sentence: “We, the undersigned Chairperson and Secretary of the Elk Township Planning Board, hereby certify pursuant to N.J.S. 40:55D-47 that subdivision application for the within parcel of land was approved by the Elk Township Planning Board on October 16, 2013, and memorialized by Resolution No. (Insert number) dated (Insert date).”

C. The Applicant must receive the approval of the Gloucester County Planning Board and all interested state, county and municipal agencies, and said approvals must be final and non-appealable and proof of same must be provided to the Planning Board prior to the signature of the deeds perfecting this minor subdivision.

D. Prior to signature, the subdivision deeds shall be submitted to the Solicitor of the Planning Board for her review and approval as to form and the legal descriptions for all lots shall be submitted to the Planning Board Engineer for his review and approval.

E. The Applicant must confirm that the new lot numbers for the parcels have been accepted and approved by the Township Tax Assessor and depict these numbers upon the subdivision plan.

F. A letter of interpretation will be required prior to the start of any regulated activity on the site, including any type of demolition or construction. The applicant is specifically advised that should the formal NJ DEP Delineation indicate that the lots do not meet the Township Standards, a building permit will not issue.

G. The subdivision plans shall be revised to meet the requirements of the Title Recordation Act. The subdivision deeds shall reference the road widening right of way required by the County.

This resolution embodies the action taken by the Elk Township Planning Board at its regular meeting on October 16, 2013.

Voting in favor: McCreery, McKeever, Nicholson, Shoultz, White, Sammons, Hughes

**ELK TOWNSHIP COMBINED PLANNING &
ZONING BOARD**

By: *Chuck Nicholson* 12/18/13
Chuck Nicholson, Chairman

ATTEST:

By: *Anna J. Foley*
Anna Foley, Secretary

Certification

The undersigned, Secretary of the Planning Board of Elk Township, hereby certifies that the above is a true copy of a resolution adopted by said Board on the 18th day of December, 2013, its decision of October 16, 2013.

Anna J. Foley
Anna Foley, Secretary

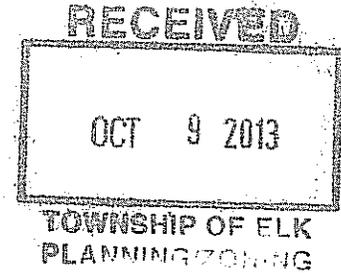


October 4, 2013

Elk Township Planning/Zoning Board
680 Whig Lane
Monroeville, NJ 08343

Attn: Anna Foley, Board Secretary

Re: Gaetano & Angelina Grasso
Block 42, Lot 7
Elk Road (County Route 538)
Minor Subdivision; RE Rural Environmental Residential District
Elk Township Application SD-13-03
Bach Associates Proj. # ET2013-3



Dear Chairman and Members of the Board:

We have reviewed the application and supporting documents submitted by Gaetano and Angelina Grasso for a minor subdivision of Block 42 Lot 7 on the south side of Elk Road. The property is located east of Railroad Avenue and west of the intersection with Buck Road. The applicant proposes to subdivide the 55.43 acre lot to create two lots, one consisting of 27.37 acres and one consisting of the remaining 28.06 acres. The property is currently in agricultural use (and farmland assessed), and the applicant indicates that after the subdivision, the lots will remain in agricultural production.

The property is located within the RE Rural Environmental Residential zoning district. The site currently contains farmland and is partially wooded. Two garage structures utilized for farming purposes are located on the property and will remain on Lot 7. The property is surrounded by other properties also in the Rural Environmental Residential zoning district. The surrounding properties are agricultural and single family residential.

The applicant proposes to subdivide the property to create one additional lot for agricultural use. The proposal does not require variances however the applicant is requesting several submission waivers due to the nature of the application.

We have received the following materials in support of this application:

1. Land Development Application for Minor Subdivision (received by Elk Twp September 11, 2013), Escrow Agreement, Affidavit of Ownership, Disclosure Statement, certified list of property owners within 200 feet.
2. Completed Land Development Checklist, not dated.
3. Proposed Minor Subdivision Plan, prepared by Bruce Ewing, PLS of Ewing Associates, dated August 6, 2013.
4. Application to Gloucester County Planning Board, dated September 11, 2013.

5. Boundary Description for proposed lots 7 and 7.01, prepared by Ewing Associates, dated August 6, 2013.
6. Letter from Bruce A. Ewing, LS certifying that there are no wetlands on the subject property, dated August 6, 2013.
7. Certification from tax collector stating taxes are current, dated September 5, 2013.
8. Six site photographs.

Completeness

The application is presently incomplete. However, the applicant has requested the necessary waivers. The application may be scheduled for a completeness hearing. If the application is deemed complete by the Board, the applicant may proceed with the minor subdivision application.

- **#12** requires certification and monumentation required by Map Filing Law. *The applicant requests a waiver from this requirement, stating that filing by deed is applicable and appropriate for this type of application. We defer to the Township Solicitor for recommendation .*
- **#19** requires that the new lot number be submitted and approved by the tax assessor. *The applicant must comply. This may be provided as a condition of approval.*
- **#33** requires the applicant to include a statement and demonstration of compliance with affordable housing requirements. *The applicant requests a waiver from this requirement, indicating that the proposed minor subdivision does not include improvements of any kind. Due to the nature of this application, we recommend the waiver.*
- **#36** requires that the applicant provide a copy of any protective covenants, easements, or restrictions of record and the title policy. *The applicant requests a waiver, stating that no protective covenants, easements or restrictions of record and that no title policy exists for the property. The current owners have owned the property since 1974. We defer to the Township Solicitor for recommendation regarding this waiver request.*
- **#49** requires the applicant to provide the location of all existing tree masses, indicating general sizes and species. *The applicant requests a waiver from this requirement because no alterations to the site or tree removal are proposed. We recommend this waiver due to the nature of the application.*
- **#55** requires the applicant to provide contours on the plan. *The applicant requests a waiver due to the nature of this application. We recommend the waiver, as no improvements are proposed.*
- **#57** requires a grading plan showing existing and proposed spot elevations and in accordance with section 96-66M. *The applicant is not proposing construction at this time. A waiver is recommended, however the applicant should be aware that a grading plan will need to be submitted for review prior to the issuance of any building permits.*

- **#58** requires a soil erosion and sediment control plan. *The applicant requests a waiver from this requirement. We recommend this waiver due to the nature of the application.*
- **#59** requires the applicant to submit the location of soil borings to determine soil suitability. *The applicant requests a waiver. We recommend this waiver due to the nature of the application.*
- **#66** requires a written commitment from the Elk Township MUA. *The applicant requests a waiver. We recommend this waiver due to the nature of the application.*
- **#67** requires the applicant to submit all the results of the percolation test if the site is served by septic. *The applicant requests a waiver. We recommend this waiver due to the nature of the application.*
- **#73** requires the applicant to submit an LOI from the NJDEP. *The applicant has a requested a waiver. In lieu of the wetland delineation and Letter of Interpretation, the applicant's surveyor has submitted a letter certifying there are no wetlands on the property. If there were any wetlands on the site, it appears that they would be at the rear of the property within the wooded area, and would not be impacted by this application. The waiver is recommended given the nature of the application.*
- **#75** requires the applicant to submit a Utility Plan. *The applicant requests a waiver. We recommend this waiver due to the nature of the application. The applicant should be aware that utility information will need to be provided prior to the issuance of any building permits in the future.*

RE Zone Bulk Standards

The property is within the RE Rural Environmental Zoning District which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use on site. The proposal is in compliance with all RE Zone Section 96-71. Bulk and Area Standards.

The following comments are provided for the Applicant's and the Board's consideration:

1. **Overall.** The proposed minor subdivision complies with the standards for the RE zone, and the minor subdivision will not result in any physical changes to the existing conditions. Assuming that the applicant is able to respond to any concerns raised by the Planning Board and the Board's other professionals, the minor subdivision is recommended.

Please call with any questions. We reserve the option to make additional comments as more information becomes available.

Very truly yours,
BACH Associates, PC


Leah Furey Bruder, PP, AICP

Cc: Joan Adams, Esq
Corey Gaskill, PE
Gaetano & Angelina Grasso, applicant
Bruce Ewing, PLS