

RESOLUTION NO 2014-09

RESOLUTION MEMORIALIZING APPROVAL OF AMENDED PRELIMINARY MAJOR SUBDIVISION OF LANDS IDENTIFIED AS BLOCK 29 LOTS 28 AND 29; BLOCK 29.01 LOT 3; BLOCK 31 LOTS 2.02, 5.01, 7 AND 22; BLOCK 32 LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9 AND BLOCK 58 LOT 1 ON THE TAX MAP OF THE TOWNSHIP OF ELK WHICH PROJECT SHALL BE KNOWN AS AURA II

application # SD-03-03

WHEREAS, Aura Development Group, LLC a limited liability company with address of 1010 Kings Highway South Building 1 Floor 1 Cherry Hill, NJ 08034 with the assistance of its attorney, David Oberlander, Esq. has made application for an amended preliminary major subdivision approval of lands identified as Block 29 Lots 28 and 29; Block 29.01 Lot 3; Block 31 Lots 2.02, 5.01, 7 and 22; Block 32 Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 and Block 58 Lot 1 on the tax map of the Township of Elk to permit modifications to the overall plan for development of this project previously known in part as Latham Park; and

WHEREAS, The owner of the land, Orleans at Elk Township, LLC has consented to this application; and

WHEREAS, The Planning/Zoning Board of the Township of Elk has met at public hearing on March 19, 2014 and April 16, 2014 to review the application pursuant to the applicable rules of the Planning/Zoning Board and the applicable ordinances of the Township of Elk; and

WHEREAS, The original project received a Conditional Use approval and Use variance approval along with a General Development Plan (GDP) approval on December 18, 2003 memorialized by resolution number 2003-37 dated February 19, 2004. The GDP was amended by the Board on May 19, 2005 memorialized by resolution number 2005-24 dated July 21, 2005. Preliminary Subdivision approval was granted on June 16, 2005 memorialized by resolution number 2005-29 dated September 15, 2005; and

WHEREAS, it appears that the Applicant has followed all procedures in making its application, and that the application, plans and all documents and material submitted therewith were reviewed by the Planning Board Planner, the Planning Board Engineer, the Planning Board Solicitor and Planning Board members, and were found to be complete and in conformity with all applicable laws and regulations; and the application was deemed complete by the Board at its meeting of March 19, 2014; and

WHEREAS, the Board considered the report of its Professional Engineer, Mr. Stan Bitgood, PE dated April 10, 2014 attached hereto as Exhibit "A" and the report of its professional Planner, Ms. Leah Furey, P.P., A.I.C.P., of Bach Associates, PC dated April 14, 2014 attached hereto as Exhibit "B" and reviewed the conditions proposed in the report of the Board Professionals and discussed these conditions with the Applicant's representatives, and the Planning Board Professionals; and

WHEREAS, The Board has received and considered the following items in support of this application:

- a) Land Development Application dated January 17, 2014, Affidavit of Applicant, Affidavit of Ownership, Escrow Agreement, Disclosure Statement.
- b) Application Overview for "Aura Phase II and Latham Park" (Attachment #1) prepared by Aura Development Group, LLC and dated January 16, 2014.

- c) Land Development Checklist.
- d) Aura Phase II Amended Preliminary Subdivision Plans consisting of 37 sheets prepared by Edward P. Brady, PE of Taylor Wiseman and & Taylor dated September 20, 2013 and revised through October 22, 2013.
- e) Report of the Elk Township Chief of Police dated February 4, 2014.
- f) Stormwater Management Report for Drainage Area #1 and for Detention Basin #2A
- g) Recommended guidelines for Stormwater management facilities maintenance and repair schedule
- h) Soil percolation report by Underwood Engineering dated June 16, 2004
- i) Taylor Weiss Taylor letter to Stan Bitgood, Federici & Akin, dated April 4, 2014
- j) Pond Pump out calculations by TWT dated March 27, 2014
- k) Xylem Godwin Flygt letter to Mr. Wingate of Taylor Weiss Taylor dated April 14, 2014
- l) Fabco Stormsack sediment control sheet 2
- m) Redacted copy of an Agreement between Orleans at Elk Township LLC and Canuso at Latham LLC for the purchase of the 169 building lots; and an agreement assigning the Canuso at Latham, LLC agreement to Aura Development Group, LLC.
- n) Copies of NJDEP approvals, including: Wetlands LOI dated May 17, 2005, Stream Encroachment Permit dated February 28, 2006, Freshwater Wetlands General Permits dated March 8, 2007, Wetlands LOI Reissuance dated May 5, 2008.
- o) A-1 colorized version of the Plan of the Latham Park Subdivision
- p) A-2 colorized version of the Plan of the section of the subdivision being amended known as Aura II
- q) A-3 colorized map of Aura I and Aura II integrating recreation facilities and open space
- r) A-4 mid block crosswalk and traffic calming measures
- s) A-5 Atlantic City Electric fiberglass light poles
- t) New Phasing Plan

WHEREAS, All reviews of this application are based upon the applicable Elk Township Ordinances. The application requires no additional variances; and

WHEREAS, the Board made the following findings and conclusions based upon the Applicant's testimony, representations and the application materials:

1. The lands are zoned RE- Rural Environmental Residential and R-Rural Residential and are part of a general development plan approval granted by this Board in 2003 under the name "Latham Park". The Latham Park project consists of 442 acres on both sides of Richwood –Aura Road and included a total of 646 residential dwelling units. The property is currently farmed and the Aura II portion of the development has frontage and access from Richwood-Aura Road.
2. Aura Development Group proposes to purchase a portion of the Latham Park subdivision consisting of 169 building lots on 81.242 acres (the number of lots for which there is sewer capacity available at this time). To do so, the Applicant must separate the 81.242 acre portion of the development from "Latham Park". The 169 units will be known as Aura II. The applicant intends to develop Aura II in coordination with the approved "Aura I" development to the north.
3. The Applicant seeks subdivision approval to separate the former "Latham Park" development into two separate subdivisions – the 81.242 acres containing 169 units on the west side of Richwood Aura Road, to be known as "Aura II", and the remainder of the land area and residential lots on both the east and west sides of Richwood-Aura Road would remain as "Latham Park". The new 81.242 acre parcel would cover the geographic area of Latham Park that was previously proposed as Phases 8A, 9A, 10, 11, 12, and parts of Phases 2A, 2B, and 13. The Applicant has submitted a revised phasing plan which shows phasing for the Aura II project and the remainder of the project which will continue to be known as Latham Park.
4. The Applicant also seeks approval for changes to the interior roadway system and the size and configuration of some residential lots to accommodate changes needed to connect Aura II to Aura I to the north. Some changes to the utility systems are also sought. The Applicant is not seeking any new variances as part of this application.
5. The size of some of the residential lots have been reduced from +/- 13,000 square feet to +/- 9,750 square feet in order to accommodate the proposed roadway connections to Aura I and to create a network of open space areas that will connect with the open spaces proposed at Aura I. The Board Planner testified that from a planning standpoint, the proposed revisions are desirable, as the interconnected street and walkway system and the shared amenities will enable the integration of the two approved developments.
6. The Board finds that combining the two developments may enable the developer to create a more unified character for the community, provide a wider variety of amenities to serve the development, and increase opportunities for interaction among residents of the developments.
7. The prior approval required a recreation contribution of \$2,000 per unit, with a maximum of \$600 credit to be applied for facilities such as pedestrian walkways and benches that would be provided on site. For the 169 units currently proposed by Aura Development Group, the total recreation contribution is \$338,000 ($\2000×169). The Applicant will finalize the proposed recreational amenities that will be constructed on site to qualify for the credit prior to the final subdivision approval. This would be a credit of \$101,400 ($\600×169), so the contribution to the Township's recreation fund will be \$236,600. This breakdown was designed to ensure that there are amenities provided on site that will be used and maintained by the residents of the development, as well as a contribution to the Township in recognition of the added demand for municipal recreation facilities and programs that will result from the development when it is occupied.
8. The Applicant is proposing that this project be interconnected with an adjacent project known as Aura I. The two projects will effectively be one development with one Homeowners Association and the recreation improvements will be a part of the overall recreation package.

9. There are three open space lots within Aura II that will form part of the open space network. The Applicant shall revise the plans to connect the pedestrian pathways and associated improvements of the two projects and that the open space areas include these pathways and associated improvements and that the design connect these areas with the large open space lot within Aura I, which will be improved with a playground, community garden, and playing field.

10. The Applicant shall provide additional recreation facilities on the 1.38 acre open space lot in Aura II. The details of the additional recreational amenities must be reviewed and approved by the Board prior to the final approval.

11. At the time the Latham Park subdivision was approved the affordable housing obligation for the development was 5% or 32 units. The proportionate share for the 169 units at Aura II is eight (8) affordable housing units. The affordable housing units must be developed proportionate to the market rate units in accordance with the phasing requirements of N.J.A.C.5:97-6.4. They may be included in the Town home project which is part of the design for Aura I. Details of the location and construction of these affordable units must be reviewed and approved by the Board at the time of final approval.

12. The Landscape Plan has been altered to reflect the aesthetic the Applicant proposes to cultivate and to recognize the interconnection between this subdivision (Aura II) and Aura I (the conversion project). The buffer plantings that had been proposed between “The Grande at Elk” (now Aura I) and “Latham Park” on the north side of Latham Park have been eliminated since the developments will now be one, and since Aura I is no longer age-restricted.

13. The buffer plantings around lots 25 and 26 on Richwood-Aura Road, which contain existing single family dwellings, have been reduced such that buffer plantings are only proposed in the back (west) sides of these lots. The applicant agreed to add buffer to the south side of lot 25 and the north side of lot 26 to define the edge of the property and break up the view.

14. The relocation of three residential lots that had been located between the entrance from Richwood Aura Road and the first parallel residential street has created a more open entry to the community, and the opportunity to landscape the entryway to create a sense of arrival and to reflect the local character. The Board approves the design modification to include shrubs planted in a curved crop formation, a grove of cherry trees, and a wildflower meadow on each side of the entrance drive enclosed by a 3 foot split rail fence.

15. The size of the ornamental trees shall be 7’ to 8’ at the time of planting and that the street trees along Richwood Aura Road and along Twin Oak Lane (a total of 23 trees) be increased to 3” to 3 ½ “ caliper. The remainder of the street trees throughout the development may be 2 ½” caliper.

16. The Applicant shall provide a typical plan showing options for how individual residential lots may be landscaped prior to final approval.

17. The Board shall retain jurisdiction to review and approve the landscape plans for this project at the time of final approval.

18. The Applicant has not proposed any site identification signs at this time. If desired, the size, design and construction shall be approved by the Board. Any site identification sign shall require easements so that the signs may be maintained by the Homeowners Association.

19. The Applicant proposes metal halide street lights on 25 foot high wood laminated poles and to make all of the street lights match throughout Aura I and Aura II. The Latham Park plan previously included

decorative residential street lights along the entrance drives. The Applicant shall revise the plans to include fiberglass poles. The applicant will review the potential to include decorative lighting for the recreation areas and will provide a plan for review at the time a final subdivision application is filed. The Board will retain jurisdiction over this issue.

20. A complete stormwater system is proposed that includes two basins both of which are normally wet basins that will hold stormwater and attenuate runoff. Basin 1A, along the west side of the site, will receive some flow directly from the adjacent lots and streets, and will receive a portion of the flow from two infiltration basins in series. As wet basins require circulation and aeration in order to prevent stagnation, the plans include aeration pumps in each basin. Such a system can be permitted under the current stormwater management rules.

21. The Board Engineer raised concerns regarding the functionality of the storm water design. This area is environmentally sensitive and has seasonal high ground water and flooding impacting issues, the roadways and adjacent lots. The Board Engineer expressed concern regarding the functionality of the storm water design. In particular, he opined that because the inverts of the many of the pipes which serve the basins are below the weir elevation, water will substantially fill the pipes and will remain in the pipes permanently. The storm system must be designed such that the forebay weir and normal water surface elevation are below the invert of the piping within the streets. Otherwise, the system will stagnate and will not achieve the required flushing velocity to avoid sediment buildup within the pipes and inlet structures. This stagnant water poses a health and safety issue for the residents of this community and the public. In addition mosquito control may become a significant problem. The Fabco Storm sack system proposed by the Applicant is not approved by NJDEP for permanent storm filtering.

22. The Applicant has proposed to tie into the stormwater in Aura I (originally known as Camelot-The Grand at Elk). The new basin in Aura II can be tied into Aura I in a way that will allow the Applicant to sink the basin 3-4 feet and dry out the pipes in question. The Board Engineer feels this solution has potential and if there is a percolation system can work. The ground water calculations must be improved and the proposal will require approvals from DEP and U.S. Fish and Wildlife Service. This shall be reviewed at the time of final approval. If the approvals are not forthcoming the Applicant will be required to apply for amended approval to address the storm water design issues.

23. The Applicant has proposed a ground water well near the basin that would be used to refill the basin as needed and a pump outlet near the basin which is 1200 plus gpm in size. The Homeowner's Association shall be responsible for the cost of operating and maintain the well and the pump system and for the containment and clean up of any fuel spills, accidents or monitoring of the pumps. This obligation shall be included in the Homeowner's association documents and as a point of sale disclosure in each contract.

24. The method to drain the basins must be shown on the revised plans and must be reviewed and approved by the Board Engineer.

25. The infiltration system must be inspected and recertified each year by a licensed Professional Engineer. The Homeowner's association will be responsible for the maintenance of these systems.

26. The Board Engineer noted grading issues at Pembroke Road, Sweet Briar Drive and adjacent to the lot line with the Latham Park development. The Applicant will address the Engineer's concerns regarding these areas and all of the grading plan comments set forth in his report dated April 10, 2014 and revise the plans to his satisfaction prior to the time of final approval.

27. The Applicant shall revise the plans to show sidewalk & curbs at the end of the cul de sac.

28. The plans shall be revised to employ traffic calming measures and cross walks with stamped asphalt to demarcate the crosswalk. The Applicant shall also include all way stop signs. These designs shall be reviewed and approved by the Board professionals. The Applicant shall install signage to further identify the location of the crosswalk, which will be shown on the final subdivision plans and reviewed by the Board professionals at that time.

29. The plans shall be revised to show the access points for each basin to facilitate maintenance. The access shall be improved to support the weight of the maintenance vehicle and the plans shall be revised to depict these details. An access easement shall be dedicated to the Homeowner's Association (if the access is on private property) and to the Township.

30. The storm water management basin maintenance plan shall be submitted prior to the time of final.

31. The Applicant must produce proof that the NJ DEP permits are still viable and have not expired.

32. Construction traffic shall be diverted to access the site via a temporary construction access to Aura Road and shall be prohibited from using any other roadways within Aura I. Appropriate temporary signage shall be erected to implement these restrictions. A note shall be added to the plans.

33. The GDP, Amended GDP and Subdivision approvals required a public dedication of 57.75 acres to the Township of Elk. This application includes the approximately 24.464 acres at the intersection of Whig Lane, Richwood-Aura Road and Ewan-Aura Road (Clems Run) that must be dedicated to the Township. This dedication must occur no later than when the first building permit is applied for any home. The Applicant anticipates this dedication will occur within one year.

34. As part of the original approval, the project included a realignment of County Route 623 (Ewan-Aura Road/Clems Run) in the vicinity of the existing Aura school and the land to be dedicated. The roadway realignment requires the acquisition of private land in order to vacate a portion County Route 623 where it now separates the existing school site from the land to be dedicated, and the creation of a new intersection with Whig Lane to the west of the existing school. The Applicant has indicated that the roadway realignment would be disproportionately expensive relative to the 169 lots that Aura Development Group currently proposes to develop, and they believe that the realignment may be unnecessary depending on how the School Board opts to use the 24.46 acres to be dedicated. The Applicant is in discussions with the School Board at this time. As of this moment the Applicant remains required to complete the road reconfiguration, but the matter may be revisited at the time of final approval.

35. The Board opened this matter to the public for comment.

a) Nicholas Sansone of Naulty, Scaricamazza & McDevitt, LLC, Rt. 73, Marlton, NJ rose to address the Board. Mr. Sansone is an attorney representing the interests of Silvergate Associates. Mr. Sansone made the Board aware of an ongoing litigation concerning water and sanitary sewer infrastructure agreements between Canuso Entities, Orleans and Silvergate Associates.

b) Nicholas Casey, VP of Development for Quakergroup (a managing general partner for Silvergate Associates) gave an overview of the Silvergate project, the Developers agreement that was created at the request of Elk's MUA and Orleans's bankruptcy settlement agreement. Mr. Casey appealed to the Board to deny the application and prevent this development of what was part of the Latham Park

project. He testified that Silvergate had invested millions of dollars into their project and they objected to this construction moving forward without an agreement between the private development interests as to a sharing of the cost of the public water connections and the sewer service. He testified to private agreements between Orleans and Silvergate which he felt were not being honored and addressed litigation between the interests which is ongoing. The Board solicitor opined that this was a private dispute among competing private development interests. The Township was not a party to this litigation and the Planning Board's obligation to proceed to hear and decide the application for development could not be stayed without a court order.

c) Mr. Scott Leslie appeared and questioned the movement of top soil and various water and drainage issues. He testified that there was flooding on his property. Orleans has agreed to install a berm directly behind his property to mitigate the sheet flow onto his property and deflect the water until the final grading is complete. This is a separate agreement between Orleans and Mr. Leslie and is not a condition of this approval.

d) Glenn McDonald, Director of Lands, Orleans, 3333 Street Road, Bensalem, PA appeared and testified that the temporary berm on the Orleans property will be constructed within a month's time to deflect any drainage on to Mr. Leslie's property until final grading and Engineering has been completed in the Aura II project.

e) James Gaglianone, owner of adjacent warehouse appeared and testified that he is one of the private land owners who own property impacted by the road reconfiguration. He has never been contacted by the Applicant or Orleans to discuss a purchase of property and no offer has been made. He is also concerned with the water flowing into a ditch on his property and increased storm flow from this development.

36. Except as otherwise agreed to at the public hearing, Applicant has agreed to comply with the requirements set forth in the review letter of the Planning Board Engineer and Planner and to modify the plans as outlined in the review letters.

37. The Board retains jurisdiction to amend this approval to address any submissions which have been deferred by the Applicant and the Board to the time of final approval.

38. All rights-of-way, areas of restriction and easements shall be defined by legal descriptions which description shall be set forth in the deed dedicating the easement, right-of-way or area of restriction and these deeds shall be filed upon the land records of the County. All information to support legal descriptions is to be shown on Plan of Lots. The legal descriptions shall be submitted to the Planning Board Engineer for his review and approval and the form of deed shall be submitted to the Township Solicitor for his review and approval prior to the signing of the final plats.

39. The Applicant must contact the Planning Board office to settle any outstanding review escrow accounts prior to the signing of the final plat. The Applicant must pay any and all required fees that are due or may become due to the Township within ten (10) days notice thereof, including but not limited to settlement of any outstanding review escrow accounts.

40. The Applicant must comply with all representations made, either personally or through any representative, during the course of its application to the Board, and in all plans, documents or other materials filed or presented with the application and must satisfy all of the above conditions prior to the signing of the deeds for this specific subdivision.

41. To the extent that the plans submitted by the Applicant do not conform to the conditions of this approval, the Plans must be modified to reflect these conditions.
42. This plan may be subject to the review and approval of all other governmental entities or agencies with jurisdiction over this development. Evidence of these approvals must be submitted to the Township Planning Department and this office prior to the final signature of plans.
43. The Applicant agrees that the maintenance of all drainage facilities which are located upon private lots shall not be the responsibility of the Township of Elk but shall be individually maintained by the Homeowner's Association and the homeowners upon whose property the drainage facilities are situated. The Applicant shall disclose this obligation in all contracts for the sale of the lots.
44. The obligation of basin maintenance and the budget for same shall be set forth as a line item in the Homeowners Association Declaration of Covenants and Restrictions. The Applicant shall also include a disclosure of this maintenance responsibility and the cost in a point of sale disclosure to all future purchasers of lots in this phase of the development. This disclosure shall be contained in all contracts to purchase these lots.
45. All basin lots are to be dedicated to the Homeowners Association by deed in fee simple. The legal descriptions for these lots are to be submitted to the Planning Board Engineer for his review and approval and the deeds are to be submitted to the Planning Board Solicitor for her review as to form prior to the signing of the final plats. All information to support the legal descriptions is to be shown on Plan of Lots. The Deed of conveyance shall contain a maintenance schedule for the detention basin, which has been approved by the Planning Board Engineer.
46. Under no circumstances shall any soil or earth be sold or otherwise removed from the site unless application is made and approval granted by the Township of Elk. Topsoil moved during construction shall be redistributed so as to provide at least 4 inches of cover to all areas of the subdivision. The plans shall contain a note to this effect.
47. In accordance with N.J.A.C. 5:21-4.12 of the New Jersey Residential Site Improvement Standards, all electric, telephone, television, and other communication facilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way. These are to be within the right-of-way due to a lack of proposed easements.
48. All wetland and wetland buffer restrictions (if any) are to be recorded upon the land records of the County in the form of deed restrictions. If the NJ DEP is requiring the recordation of these restrictions the form and substance of the DEP approved recordation will satisfy this condition. Copies must be submitted to the Board prior to the time the final plans are signed. All information regarding these restrictions must be depicted upon the Plan of Lots. The Deeds of Restriction shall be filed prior to the filing of the plats.
49. The Applicant and owner are reminded that site safety is their responsibility. The cover sheet of the plans must state that "The owner, or his representative, is to designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21 (e) of the N.J. Uniform Construction Code and CFR 1926.32 (f) (OSHA Competent Person)".
50. As a condition of approval the Applicant will be required to post a performance guarantee and a maintenance guarantee with the Township to secure the completion of site improvements in an amount to be determined pursuant to *N.J.S.A. 40:55D-53* based on a cost estimate prepared or approved by the Township Engineer. At least ten (10%) percent of the performance guarantee amount must be paid in cash or certified

check if required by Ordinance at the time the guarantee is posted. The Applicant has testified that all public improvements planned for the development shall be completed and fully installed within two years of the date the final plats are signed on a section by section basis. The form of the guarantees shall set forth this completion date for the construction of the improvements. The guarantee shall insure the maintenance of all guaranteed improvements for a period of two (2) years following the date the last of the guaranteed improvements are accepted or approved by the Township. The form of the guarantees must be submitted to the Township Solicitor for review and approval before it can be posted with the Township. The guarantee shall be posted prior to the time when the Chairman and the Secretary of the Board affix their signature to the final subdivision plats or prior to the commencement of construction of any improvement or infrastructure which ever event occurs first in time.

51. The inspection escrow must be posted prior to the start of any construction activity on the site.

52. The Applicant has represented that a Homeowners Association will be formed which will be responsible for the maintenance and repair of the common areas and drainage systems and basins, tree lines, detention basins and fencing, center island maintenance and such other responsibility as may be set forth herein. The Homeowners Association declaration and bylaws shall include the requirements for maintenance and such other matters. Any easements required for the maintenance obligations of the Homeowners Association shall run to the benefit of the Homeowner Association and must provide that should the Homeowner Association disband or become defunct, the obligation of maintenance for the improvement shall fall upon the individual property owners within the development. The Deeds of easement must be submitted to the Planning/Zoning Board Engineer and the Solicitor of the Planning/Zoning Board for their review and approval prior to the signing of the plans.

53. The Homeowners Association documents shall be submitted to the Solicitor of the Planning/Zoning Board for her review and approval prior to the signing of the final plats. The Applicant shall include in its Homeowners Association documents a listing of all easements and restrictions and the lots affected by same.

54. The Applicant shall submit copies of the certificate of incorporation of the Homeowners Association to the Planning/Zoning Board prior to the signing of the final plats.

55. The Applicant has agreed that the Homeowners Association shall provide for a formula to permit the individual lot owners to have control of the Association no later than the date when 75 percent of the lots have been sold to individual homeowners.

56. The Homeowners Association must be responsible to insure the common areas and facilities and the Homeowners Association declaration shall specifically refer to this obligation.

57. The Applicant shall establish a Homeowners Association budget for the maintenance and future repair and replacement of the common facilities, insurance and other obligations of the homeowners association and the Homeowners Association declaration shall set forth this budgetary item.

58. The Homeowners Association declaration shall contain the text of the point of sale disclosures required by this approval.

59. Homeowners Association documents must state that they may not be amended to remove the obligations of maintenance, which rest with the Homeowners Association or the individual lot owners

60. The Applicant shall include in all contracts for the sale of lots disclosures of the easements and restrictions applicable to the development, the recycling requirements of the Township of Elk, the

detention basin maintenance requirements, the homeowners association and its specific responsibilities, the wetlands and wetland buffer restrictions, the landscape easements and the location and existence of the emergency access easement, if any. The text of this point of sale disclosures shall be approved by the Solicitor of the Planning/Zoning Board prior to the signing of the final plats.

61. The Developer must file "As Built Plans with Elk Township and submit a copy of same to the Planning/Zoning Board Engineer for his review and approval. No performance guarantee shall be released until the "as built" plans are filed.

62. Prior to the grant of final approval by the Board, the developer shall file a written request with the Township Clerk requesting the Township of Elk to enforce the provisions of Title 39 of the New Jersey Revised Statutes on all streets, roads and drive isles within the project which are open to or used by the public. The provisions of Title 39 shall be made applicable to said streets, roads and drive isles at the discretion of the Township and with the approval of the Commissioner of Transportation of New Jersey.

63. If required by the Township the roadways shall be dedicated to the Township by deed. The form of the deed shall be reviewed and approved by the Township Solicitor.

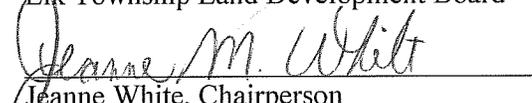
NOW, THEREFORE, BE IT RESOLVED this 20th day of August, 2014, by the Elk Township Planning/Zoning Board, in the County of Gloucester and State of New Jersey, that the Applicant is hereby granted Amended Preliminary Major Subdivision Approval for the project to be known as Aura II, subject to terms and conditions outlined herein.

Voting in favor: Afflerbach, Hughes, McCreery, McKeever, Shoultz, Spring, White, Yenner, Rosado

Attest:

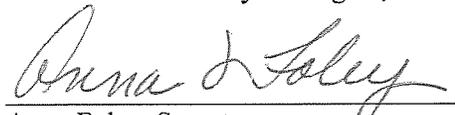

Anna Foley, Secretary

Elk Township Land Development Board


Jeanne White, Chairperson

Certification

The undersigned hereby certifies that the above is a true copy of a resolution adopted by said Board on the 20th day of August, 2014, memorializing its decision of April 16, 2014.


Anna Foley, Secretary

THE COPY



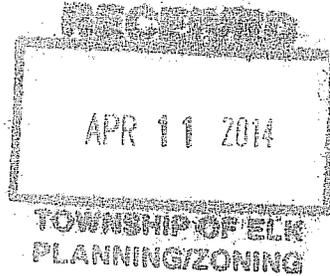
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April 10, 2014
File# 14024

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

Re: **Aura LLC Phase II, Final Subdivision Review 3**
Block 29, Lots 29, 24.01, 28 & 29, Block 31, Lots 2.02 5.01, 7 & 22,
Block 32, Lots 1-9, & Block 58 Lot 1, Richwood Aura Road

Dear Chairman White and Members of the Board

I have received the following items for review of the application for Amended Preliminary and Final Subdivision approval:

- Subdivision Plans sheets 1-32, by T.W.T. 3/7/14
- Sheets 3,7,8,11,14,21,23,&33 revised #3, 4/3/14
- Stormwater Management Report, Drainage Area 1, Aura Phase II, by TWT 3/6/14
- Stormwater Management Report, Temp Drainage Pond 2A, Aura Phase II 3/6/13
- Recommended Guidelines for Stormwater Management Facilities Maintenance
And Repair Schedule, Aura Phase II, Facilities 1 & 2 by TWT 3/6/14
- Soil Percolation report by Underwood Engineering, 6/16/04
- Soil Test pit classifications by Underwood Engineering pages 1-13 marked Smith Tract,
3/20/03 and pgs 58-66, marked with same UE job number, undated.
- Underwood Engineering letter to Mr. Canuso, 4/4/14
- TWT letter to Stan Bitgood, Federici & Akin, P.A. 4/4/14
- Fabco StormSack Sediment Control sheet 2 Undated
- Pond Pump out calculations by TWT 3/27/14
- Xylem Godwin Flygt letter to Mr. Wingate, TWT 4/4/14

Background:

The proposed subdivision is in part of an overall planned urban development area that received preliminary approval under the development name of Latham Park with various phases. The area is currently zoned R-R rural residential, but adjusted zoning bulk requirements were set for this development at Preliminary Subdivision approval. The proposed street system will connect to the proposed streets within Aura Phase 1. The applicant has also submitted a proposed phasing plan to facilitate their anticipated construction sequence and financing.

The plans show a number of proposed streets connecting with future streets within the remainder of the Latham Park area. In addition, an offsite stormwater management system is proposed within the remainder of Latham Park.

At the March Planning Board meeting, the Board directed that the application be tabled and that the Applicant address stormwater issues with the Planning Board Engineer.

Technical Review Comments: My prior review letters dated February 14, 2014 and March 18th, apply.

1. Bulk requirements: The plans include a table of bulk requirements which is satisfactory.
2. Plat Requirements: A preliminary Plat is included with the plans.
 - A. *The preliminary plat has been updated to show proposed monuments and road centerline geometry. Detailed review of the plat will be done prior to final approval.*
 - B. *Right of Way and subdivision monuments must be shown.*
 - 1) *The applicant requests that monuments and all map filing information be added to the plat as each section is filed. I recommend that proposed monuments be shown on the plans prior to final approval, and also on the plats to be filed. All plats should be completed and ready for filing prior to final approval.*
3. Stormwater System Design: A complete stormwater system is proposed that includes two basins both of which are normally wet basins that will hold stormwater and attenuate runoff. Basin 1A, along the west side of the site, will receive some flow directly from the adjacent lots and streets, and will receive a portion of the flow from two infiltration basins in series. As wet basins require circulation and aeration in order to prevent stagnation, the plans include aeration pumps in each basin. Such a system can be permitted under the current stormwater management rules.
 - A. The normal water surface elevation within the basins is well above the invert of the contributing storm pipes within the streets. Each basin forebay has been revised so

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the weir is level with the normal water surface. Upstream pipes will still fill up without flow into the basin until the forebay is filled and sufficient hydraulic gradient exists to push water through the pipes and over the weir.

- 1) *Prior Comment: The storm system must be designed such that the forebay weir and normal water surface elevation are below the invert of the piping within the streets. Otherwise, the system will stagnate and will not achieve the required flushing velocity to avoid sediment buildup within the pipes and inlet structures. In addition mosquito control may become a significant problem.*
 - (a) The plans have been revised to provide ground water recharge directly from the storm pipe system near the point where the piping discharges into the basin forebay. Calculations have been submitted that demonstrate that the volume stored in the pipes and inlets will drain into the underlying soils within 72 hours following a storm event. The calculations use values of percolation taken from the referenced soils report. This is similar to what is required for ground water recharge system under NJDEP rules.
 - (b) *Prior comment: The referenced soils report qualifies the recommended percolation values and states that “..the estimated average seasonal high water table may fluctuate significantly.” And ...”there is a significant probability that the required total infiltration within 72 hours may not be met and the potential for health safety issue could arise.”. The report also states in the Findings section...”The recharge zone for the basins must be analyzed by a hydrologist to ascertain the total global allowable infiltration recharge capacity. Other factors such as groundwater, perched water tables, restrictive soil horizons, global groundwater effects, and native soil densities must be addressed for the design of the basins and infiltration areas.”*
 - (i) The letter by Underwood engineering, dated 4/4/14, provides estimated infiltration rates in support of the percolation system design. Unfortunately, the report concludes with the statement: “ There will be adequate storage capacity in the infiltration areas during the summer months when ground water is at its seasonal average low, which if properly maintained, will preclude standing water to develop; preventing stagnation and the proliferation of mosquitoes.”
 1. The above letter report is not satisfactory as it does not address the function of the system during wet weather, or seasonal high ground water, periods nor the potential for long term ground water levels to change.
 2. *NJDEP Best Management Practices also requires that 80% of the total*

suspended solids be removed prior to runoff entering a groundwater recharge system. The applicant proposed to remove sediments by use of a Fabco StormSack system in the inflow pipe. These systems are not approved by NJDEP for permanent storm filtering, although they are often used during construction to meet Soil Conservation Standards. As the intent of the recharge system is to protect the health safety and welfare of the public by preventing stagnation and mosquitoes, the 80% removal rate should be met with proven methods.

3. Stormsack systems require removal and replacement of the sack from time to time. The sack can hold up to 1100 lbs of sediment & debris. This would require a crane, or a special davit hoist, or special construction equipment to handle each time the filter needs replacing. It is not clear how often this might be.
4. If all components are installed and maintained in perfect condition, and the subgrade soils are kept from silting up or inundating with higher ground water levels, the proposed infiltration system could in theory drain the storm system between most storms. However, sooner than later, the perforated pipe trenches will clog and will fail to recharge at an acceptable rate. (NJDEP and Soil Conservation require that infiltration basins be designed assuming the recharge fails). When the system fails, total replacement of the perforated pipe trenches would be required during which the storm pipes will not be drained and may not be filtered. Provisions must be made to address the failure of the groundwater recharge systems.
5. Prior comment: I agree that a more thorough investigation and analysis of both local and tract wide groundwater recharge potential is needed for the basins. It is equally if not more important for any percolation pipe or trench system.

- (c) The invert of the pipe recharge system is slightly higher than the invert of the pipe leading to the basin forebay. The revised plans show perforated bottoms at multiple inlets which again in a perfectly maintained system could drain the lower portion of the storm system. My comments in 4 above apply to the inlet bottoms as well.
- (d) Prior comment, still applicable: While the calculations work in theory, they are based on preliminary percolation data, not a thorough groundwater hydrology analysis, and they do not account for the recurring costs that will be required to keep the perforated pipe trenches free of silt and debris build up. The draft Stormwater Maintenance Manual and NJDEP rules for required

recharge systems, would require frequent inspections of these perforated pipe systems and cleaning frequently to remove silt and sediment from within the system. No provisions have been made for removal of the silt and sediment from the perforated pipes, or from the stone volume around the perforated pipes. It is likely that these infiltration systems will function as designed only for a very short period and will fail due to excessive silt buildup within the stone around the perforated pipes.

- (e) Prior comment: No calculations have been submitted to demonstrate how well the wet basin will remain full. The calculations for the recharge pipe trenches indicates that the total stored volume within the pipes is 27,249 cubic feet, or 0.625 acre feet. This volume, repeatedly, would not be available for maintaining the basin at its normal pool level. Particularly during a dry period, when occasional small storm events occur, the basin may lose substantial volume to evaporation.
 - (i) *The applicant proposes a groundwater well near the basin that would be used to refill the basin as needed. Note the maximum rate without special permitting from NJDEP would be 0.3 acre feet per day. The capital and lifecycle costs of the well and the operating costs would add to the burden on the HOA.*
 - (ii) *The plans have been revised to include a pump out inlet near the basin outlet structure. Calculations have been submitted demonstrating that the basin could be pumped out with a rental pump in a few days. It should be understood that such a system would require that the HOA accept responsibility for renting, delivering and operation of the pumps, as well as for containment and clean up of any fuel spills accidents, and of monitoring the operation of the pumps during the work. HOAs typically do not have to deal with pumps of this size, (1200 plus gpm) and would likely require assistance to contract for such services.*
- (f) Infiltration systems typically require inspection and recertification on an annual basis by a licensed Professional Engineer.
 - (i) *Prior comment remains applicable: Devices and details of how such an inspection can be feasibly accomplished are needed. (Inspection of the filter bags on the inflow piping would not be sufficient)*
- (g) The HOA will have first responsibility for maintaining these infiltration systems, along with many other items. The Township could have to pick up these duties if the HOA fails to do so effectively.

- (i) Prior comment: Documentation should be submitted regarding the costs of the above items and upon approval those costs should be made part of the stormwater management plan and HOA budget.

In view of the foregoing drainage piping, percolation, cost, siltation, and evaporation problems, I can not recommend that the Township accept this design as final.

1. Grading Plans: The plans include an overall grading plan as well as sheets that show grading within portions at 1 inch = 50 ft scale. Proposed lot grading and road profile grading are generally acceptable.
 - A. Grading at each of the two temporary cul-de-sac's has been revised to show mild slopes to drain away from the pavement. An offsite swale cut has been added at station 10+00 of the future Sweetbriar Drive. This will help prevent excessive ponding at the rear of lots 9 – 17 on Buttonwood Road.
 - 1) *Prior to final approval, the following grading issues should be addressed:*
 - (a) *At Pembroke Road, the centerline grade should be held at not less than 1% through the cul-de-sac to the temporary curb line. (The vertical curb within this area should not be constructed until the road is extended into Latham. Cross slopes within the cul-de-sac should be called out to avoid longitudinal gutter slopes less than 0.6%.*
 - (b) *At Sweet Briar Drive, drainage should be provided for the cul-de-sac since it is well down slope from the roadway crest. Again, the profile and cross slopes should be adjusted to provide positive 0.6% or greater gutter slopes. 8" curb pieces should be used at any inlets within the cul-de-sac to improve drainage in areas where snow plows will likely increase the need for it.*
 - (c) *The plans have been revised to provide temporary grading of the cul-de-sac. They do not show curb or sidewalk around the end. This should be addressed prior to final approval.*
 - B. *Grading adjacent to the future Latham Park development should be adjusted to ensure positive drainage either into the new Aura Phase II or, if the runoff is from off site within Latham Park, back into Latham Park's existing natural storm runoff system.*
 - 1) Grading adjacent to Sweet Briar Drive has been revised to prevent excessive ponding.
 - C. *Grading along phase lines should be shown with separate phase plans and should include measures to avoid trapping runoff behind dwellings and to avoid excessive*

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concentrations of runoff between dwellings in the areas of future roadways.

- 1) *The applicant proposes to provide details prior to final approval. Temporary grading has been shown to address the boundary issue.*
- D. *Labeling of existing and proposed contours should be of a different style and additional labels should be provided to assist in readability.*
 - 1) *The revised plans show improved contour labeling which is satisfactory.*
- E. *The contour labeling was improved as requested.*
- F. *All grading plans should include 2 to 4 bench mark points within the site area shown on the plans. Datum values of the bench marks must be shown and in the same datum as the plans.*
 - 1) *The applicant proposes to show bench marks at time of Final for each section.*
2. Roadway layout: The proposed roadways are laid out with long straight parallel runs with curves only where needed to follow the boundary of the site. While this is efficient for maximizing the number of lots, it is problematic for traffic and pedestrian safety.
 - A. *Prior comment remains applicable: Traffic calming should be incorporated into the roadway layout and intersection designs. Round-a-bouts, curb bulb outs, and stop controls should be considered and included before consideration of speed humps or other less effective speed controls.*
 - 1) *The revised plans include mid-block cross walks and a number of stop controlled intersections as a means of complying with the prior comment. Mid block cross walks are not as safe as corner crossings. None of the intersections have been revised to incorporate physical calming measures as suggested. Stop controls, if approved as all-way stop controls can be somewhat helpful, but partial way stop intersections will increase accident potential and will not reduce speeds on through streets.*
 - (a) *The plans should be revised to relocate the open space lots to corner lots where possible, so that paths within the open spaces can meander to the corner crossings with stop controls.*
 - (b) *Any mid block crossings that the Board may accept, should have curb bulbouts on both sides of the street, together with additional storm water inlets as needed. Raised "speed table" type cross walks and solar pedestrian beacons should also be considered for mid block crossings.*

- (c) The applicant should provide all way stop control intersections, or revise the geometry to encourage slow residential safe speeds throughout. Suitable justification for all way stop controls, pursuant to the M.U.T.C.D. and New Jersey rules should be submitted for the Township to consider.
- B. *Details of signage, striping, and crosswalks should be provided. We defer review of these details until other items are addressed.*
- C. *The plans have been revised to show centerline geometry. Detailed geometry can be shown prior to final subdivision approval.*
3. Pedestrian Crosswalks. Curb ramps have been revised to better comply with the ADA.
- (a) Plans have been revised to show standard curb ramps. Plans should be revised to eliminate mid block crossings. Physical traffic, and perhaps active, traffic calming should be required if the Board elects to permit mid block crossings.
4. Stormwater Management Reports. The stormwater management reports were prepared using standard NRCS method and address water quality and storm runoff attenuation. The methods used are typically considered satisfactory and are acceptable for complying with the Township Code and NJDEP rules. Each report includes an exhibit showing the areas included in the analysis. Outlet structures are modeled appropriately.
- A. Upon solution of the above mentioned pipe flooding & recharge issues, the drainage calculations should be revised and finalized to reflect the final design of the system.
- 1) *The report for area 2A adequately addresses the existing flows and tail water effects at this culvert point. A copy of NJDEP's letter authorizing temporary construction and used of this basin and the outfall has been submitted.*
- (a) Confirmation from NJDEP should be obtained that indicates that the basin 2A can remain as permanent in the event that Latham or other development in the area are not approved or constructed.
- B. *Boring locations should be shown for each of the proposed basins and infiltration basins.*
- 1) *Test pit locations have been added to the revised plans. Final plans should show required test pits within each recharge area to confirm actual recharge rates. A note should be added to the plans to require increases in infiltration areas or other changes as needed to achieve design recharge rates, subject to the approval of the Township Engineer.*

- C. *Maintenance access should be shown in each basin. With final plans, a proposed stormwater management basin maintenance plan and cost estimate for same should be submitted. Means to drain the basin should also be shown.*
- 1) *A maintenance plan has been submitted. Review of the maintenance plan has not been completed and would be deferred until other issues addressed and costs are updated to include the final basin & piping details.*
 - 2) *Means to drain the basin has been shown as an added basin structure and an improved basin access driveway leading to the structure. The intent of which is to allow access with a temporary pump to the structure so dewatering by pumping into the discharge pipe could be accomplished.*
 - (a) *The plans have been revised to show the pump out structure on the roadway side of the discharge pipe as requested. Calculations have been submitted demonstrating that the basin could be pumped out with a rental pump in a few days. It should be understood that such a system would require that the HOA accept responsibility for renting, delivering and operation of the pumps, as well as for containment and clean up of any fuel spills accidents, and of monitoring the operation of the pumps during the work. HOAs typically do not have to deal with pumps of this size, (1200 plus gpm) and would likely require assistance to contract for such services.*
5. Phasing Plans: The proposed phasing includes the main entrance to Aura-Richwood Road within phase 2A which is to be the 3rd phase constructed. It appears that phases 1A, 1B, and 1C, totaling approximately 60 dwellings would access only through Aura Phase I until phase 2A is substantially completed.
- A. *Prior comment: The applicant should address the anticipated traffic and emergency access needs of the phases being constructed prior to the main bifurcated entrance.*
- 1) *The applicant should agree to add notes to the plans prior to final approval, that will require all construction traffic of any type, to access this subdivision via a temporary construction access to Aura Road, and to be prohibited from using any roads within Aura I. Appropriate temporary signage to implement such restrictions would be required.*
- B. *A construction entrance has been added for each phase.*
- 1) *A shaded area has been added to indicate a section of roadway that is to be constructed with section 1C to form a loop during that phase.*
6. Signage. Details are provided for some traffic control and road name signs.

- A. *Final plans should include both development signs and temporary sales signs as well. Application should be made to the County for an advance warning sign with road name plaque facing each direction on Aura Richwood Road.*
 - B. *Temporary signage should be called out and detailed as appropriate, to indicate the no outlet streets that will not connect until future subdivisions are constructed.*
 - C. *Regulatory speed and intersection warning signs should be called out where appropriate. Final plan submission should include proposed ordinances to implement regulations on speed, all-way stop controls, and parking as appropriate.*
7. Lighting: The plans show proposed street lighting. The plans do not show lighting at recreation areas. It is understood that the applicant desires to make all street lights and poles within Aura I and Aura II match. Testimony should be heard on the pros & cons of this.
- A. Final plans should include transformer locations and conduit layouts.
 - B. Plans were revised to show illumination levels at cross walks. Other lighting comments have been addressed.
8. *Landscaping. Shade trees are shown throughout the roadway system, and shrubs and trees are shown where buffers are needed. Detailed landscaping review will be deferred until final plans and other items are addressed.*

Recommendations:

The underlined items should be addressed prior to approval of the amended subdivision request.

Certainly phasing of the development should be feasible with careful consideration of the various grading, circulation and constructability issues. Bonding for certain stormwater components would not be reduced until all phases are constructed and stable.

Traffic calming measures are needed and should be required as a condition of amended preliminary subdivision approval, or at least as a commitment to be incorporated prior to final subdivision review.

While I remain unconvinced that the current grading and stormwater system design can be effective for an H.O.A. or Township to operate and maintain, it is possible that the design could be revised prior to final subdivision review without requiring changes in the horizontal layout of the lots or streets. Therefore, I would have no objection to the Board determining that amended preliminary subdivision approval can be granted with the conditions that the grading and stormwater system be revised as needed to demonstrate the following to the satisfaction of the Township Engineer:

1. Adequate and reliable means of draining of most of the stormwater pipes between storms, and
2. Reasonable and cost effective means of maintaining the proper function of the stormwater system be submitted prior to final subdivision approval.
3. Provisions to address failure of the recharge components must be provided.
4. A reliable, permitted, and cost effective means of replenishing the basin between storms.

Very truly yours,

Stan M. Bitgood

Stan M. Bitgood, P.E., C.M.E.

Copies:

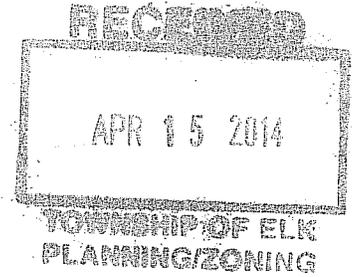
Joan Adams, Esq. Board Attorney
Anna Foley, Planning/Zoning Secretary
Lea Furey Bruder, Board Planner
Mike Canuso, Applicant
Edward Brady, P.E., T.W.T., Applicant's Engineer



April 14, 2014

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

FILE COPY



Attn: Anna Foley, Board Secretary

Re: Aura Development Group, LLC
Amendment to Preliminary Subdivision Approval
Block 29, Lots 28 and 29. Block 29.01 Lot 3. Block 31 Lots 2.02, 5.01, 7, and 22. Block
32, Lots 1 – 9, Block 58, Lot 1
Richwood-Aura Road
RE Rural Environmental Zoning District
Elk Township SD-03-03
Bach Associates Proj. # ET2013-4

Dear Chairperson and Members of the Board;

We have received the application submitted by Aura Development Group, LLC for amended preliminary major subdivision at the above referenced site. Following the Planning Board's hearing on March 19, 2014 the applicant has submitted additional information and some revised plan sheets in response to the discussion and recommendations by the Board's professionals.

The application is to modify the preliminary subdivision for the proposed residential development known as "Latham Park", which was approved by the Planning Board in 2005. The overall Latham Park subdivision encompassed a 442 acre area on both sides of Richwood – Aura Road and included a total of 646 residential dwelling units. Aura Development Group proposes to purchase a portion of the Latham Park subdivision consisting of 169 building lots on 81.242 acres (the number of lots for which there is sewer capacity available at this time). The applicant proposes to separate the 81.242 acre portion of the development from "Latham Park" and to make it part of the "Aura" development to the north. The 169 units will be known as Aura II. In order to integrate Aura II with the 218 units proposed for Aura I (the "conversion" project), the applicant proposes some modifications to the Latham Park subdivision design.

This application seeks to separate the former "Latham Park" development into two separate subdivisions – the 81.242 acres containing 169 units on the west side of Richwood Aura Road would become "Aura II", and the remainder of the land area and residential lots on both the east and west sides of Richwood-Aura Road would remain as "Latham Park". The new "Aura II" would cover the geographic area of Latham Park that was previously proposed as Phases 8A, 9A, 10, 11, 12, and parts of Phases 2A, 2B, and 13. The applicant also seeks approval for changes to the roadway system and the size and configuration of some residential lots to accommodate changes needed to connect Aura II to Aura I to the north. Some changes to the utility systems are also needed. The applicant is not seeking any new variances as part of this application.

The property is currently farmed and the overall Latham Park tract has frontage on Richwood-Aura Road (C.R. 667), Ewan-Aura Road (C.R. 623), Whig Lane (County Route 619), and State

Highway Route 55. The Aura II portion of the development has frontage and access from Richwood-Aura Road. The site is within the RE Rural Environmental Residential district and the R Rural Residential district and has been designed in accordance with the Planned Unit Development standards.

Completeness of the application is addressed in our March 3, 2014 review letter. The purpose of this letter is to address planning related comments and recommendations. This letter is an update to our March 10, 2014 letter. We defer to the Board's engineer to comment on stormwater and utilities.

Submission Items

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

1. Land Development Application dated January 17, 2014, Affidavit of Applicant, Affidavit of Ownership, Escrow Agreement, Disclosure Statement.
2. Application Overview for "Aura Phase II and Latham Park" (Attachment #1) prepared by Aura Development Group, LLC and dated January 16, 2014.
3. Land Development Checklist.
4. Aura Phase II Amended Preliminary Subdivision Plans consisting of 37 sheets prepared by Edward P. Brady, PE of Taylor Wisemand & Taylor dated September 20, 2013 and revised through October 22, 2013. Sheets 3, 7, 8, 11,14, 21, 21A, 23, and 33 are revised through April 3, 2014.
5. Report of the Elk Township Chief of Police dated February 4, 2014.
6. Stormwater Report prepared by Underwood Engineering dated April 4, 2014.
7. Fabco Stormsack Sediment Control details.

It is our understanding that the following items have also been submitted to the Township, though we have not received them:

8. Stormwater Management Report for Drainage Area #1 and for Detention Basin #2A
9. Redacted copy of an Agreement between Orleans at Elk Township LLC and Canuso at Latham LLC for the purchase of the 169 building lots; and an agreement assigning the Canuso at Latham , LLC agreement to Aura Development Group, LLC.
10. Copies of NJDEP approvals, including: Wetlands LOI dated May 17, 2005, Stream Encroachment Permit dated February 28, 2006, Freshwater Wetlands General Permits dated March 8, 2007, Wetlands LOI Reissuance dated May 5, 2008.

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

1. **Subdivision Configuration.** The size of some of the residential lots in the Aura II portion of the development have been reduced from +/- 13,000 square feet to +/- 9,750 square feet in order to accommodate the proposed roadway connections to Aura I and to create a network of open space areas that will connect with the open spaces proposed at Aura I. From a planning standpoint, the proposed revisions are desirable, as the interconnected street and walkway system and the shared amenities will enable the integration of the two approved developments. Combining the two developments may enable the developer to create a more unified character for the community, provide a wider variety of amenities to serve the development, and may increase opportunities for interaction among residents of the developments.
2. **Recreation.** The former applicant (Orleans) for the Latham Park development agreed to a \$2,000 per unit recreation contribution, with a maximum of \$600 credit to be applied for facilities such as pedestrian walkways and benches that would be provided on site. The credit calculation is to be completed and submitted prior to final subdivision approval. For the 169 units currently proposed by Aura Development Group, the total recreation contribution is \$338,000 (\$2000 x 169). The applicant proposes to provide some recreation amenities on site. The maximum credit will be \$101,400 (\$600 x 169), so the minimum contribution to the Township's recreation fund will be \$236,600. This breakdown will ensure that there are amenities provided on site that will be used and maintained by the residents of the development, as well as a contribution to the Township in recognition of the added demand for municipal recreation facilities and programs that will result from the development when it is occupied.

We have met with the applicant to discuss the potential on site recreation improvements. Since Aura I (the conversion project) and Aura II will effectively be one development with one Homeowners Association, the recreation improvements will be a part of the overall recreation package. There are three open space lots within Aura II that will form part of the open space network. It is recommended that pedestrian pathways and associated improvements be made to these lots, connecting them to the large open space lot within Aura I, which will be improved with a playground, community garden, and playing field. Additional recreation facilities should be programmed for the 1.38 acre open space lot in Aura II. The details must be worked out prior to final approval. Input from the planning board is welcome as to the type of recreation amenities that may be appropriate for the site.

3. **Affordable Housing.** At the time the Latham Park subdivision was approved the affordable housing obligation for the development was 5% or 32 units; which was intended to be a cash contribution to fund a Regional Contribution Agreement (RCA with Bridgeton. RCAs were permitted at the time, but are no longer allowed. In 2008 and 2009 there had been some discussion with Orleans about increasing the affordable housing set aside in order to assist the Township in meeting its fair share obligations, however an agreement had not been reached (in order to provide more affordable units, Orleans proposed to increase the number of market rate units). The future of the COAH rules remains uncertain and the Court has ordered COAH to produce new third round rules, however at this time we do not know what Elk's future obligations will be. Therefore, at this time the 32 unit obligation still applies to the overall Latham Park

subdivision. The proportionate share for the 169 units at Aura II is eight (8) affordable housing units. The applicant has worked with the Township to develop a plan to provide the eight units on the Aura I site. This is preferred over the cash contribution because it takes the burden of administering the funds off of the Township.

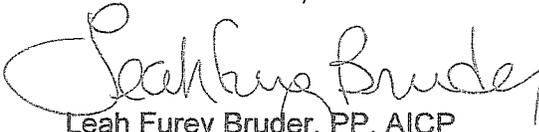
The applicant has confirmed that the units will be added to the townhouse portion of Aura I. The applicant's commitment to provide the additional 8 units will be a part of the Aura II preliminary subdivision approval. A detailed compliance plan showing the total 52 townhouse units may be provided prior to final approval. The affordable housing units must be developed proportionate to the market rate units in accordance with the phasing requirements of N.J.A.C.5:97-6.4.

4. **Landscape Plan.** The Landscape Plan has been altered to reflect the development character that the applicant proposes to cultivate and to recognize the interconnection between this subdivision (Aura II) and Aura I (the conversion project).
 - a. The buffer plantings that had been proposed between "The Grande at Elk" (now Aura I) and "Latham Park" on the north side of Latham Park have been eliminated since the developments will now be one, and since Aura I is no longer age-restricted.
 - b. The buffer plantings around lots 25 and 26 on Richwood-Aura Road, which contain existing single family dwellings, have been reduced such that buffer plantings are only proposed in the back (west) sides of these lots. *The applicant explained their reasoning for the reduced buffer plantings (two previously proposed residential lots in the area were moved), but agreed to provide some buffer along the south side of lot 25 and the north side of lot 26 to define the edge of the property and break up the view.*
 - c. The relocation of three residential lots that had been located between the entrance from Richwood Aura Road and the first parallel residential street has created a more open entry to the community, and the opportunity to landscape the entryway to create a sense of arrival and to reflect the local character. The applicant proposes shrubs planted in a curved crop formation, a grove of cherry trees, and a wildflower meadow on each side of the entrance drive enclosed by a 3 foot split rail fence.
 - i. It is recommended that the size of the ornamental trees be increased to 8' to 10' at the time of planting. *The applicant requested that they be permitted to use the 6 to 8' trees for consistency.*
 - ii. It is recommended that the street trees along Richwood Aura Road and along Twin Oak Lane (a total of 23 trees) be increased to 3" to 3 ½ " caliper. The remainder of the street trees throughout the development may be 2 ½" caliper. *The applicant agreed.*
 - iii. The applicant should describe the desired appearance of the wildflower meadow, how many months it will bloom, and how it will appear in winter. *The applicant indicated that due to maintenance concerns they may replace this area with grass.*

5. **Signs.** The applicant has not proposed any site identification signs at this time. Review of signage may be deferred to final subdivision review. It is recommended that sign locations be identified so that landscaping and signage may be coordinated. Any signs that will be located within the median of the entrance drive will require easements so that the signs may be maintained by the Homeowners Association.
6. **Lighting.** The applicant proposes metal halide street lights on 25 foot high wood laminated poles. The Latham Park plan previously included decorative residential street lights along the entrance drives. The applicant should explain why these were eliminated from the plan. *The applicant agreed that the poles will be metal instead of wood as requested by the Board. The applicant will internally discuss the decorative lighting and report back to the Board at the time of final review.*
7. **School Site.** The applicant proposes to dedicate a 24.464 acre lot at the intersection of Whig Lane, Richwood-Aura Road and Ewan-Aura Road (Clems Run) to the Township to meet the future expansion needs of the school district. The applicant should indicate the proposed timing of the dedication of this land. *The applicant indicated that they land will be dedicated to the Township at the time the first building permit is issued. It is anticipated that this will be within one year.*
8. **Phasing.** Sheet 7 of the plan set showed proposed phasing (sections) for the 169 lot portion of the development that Aura Development Group plans to purchase and develop in the near future, but did not show phasing for the remainder of the "Latham Park" development. The phasing proposed for Aura II alters the phasing that was proposed as part of Latham Park (and was part of the approval). Areas that were previously shown as all or parts of sections 2A, 2B, 8A, 9A, 10, 11, 12, and 13 will now be 1A, 1B, 1C, 2A, 2B, 3A, 3B. We recommended that the phasing for the remainder of Latham Park be revised so there is one consistent phasing plan (even though it will likely change again at some time in the future). *The applicant has provided a revised sheet 7 showing phasing for the entire Aura II and Latham Park developments.*
9. **Roadway Realignment.** A realignment of County Route 623 (Ewan-Aura Road/Clems Run) was proposed in the vicinity of the existing Aura school and the land to be dedicated, and was a condition of the Latham Park subdivision approval. It is our understanding that the condition was required by the Township, but not by Gloucester County. The roadway realignment would require acquisition of private land in order to vacate a portion County Route 623 where it now separates the existing school site from the land to be dedicated, and the creation of a new intersection with Whig Lane to the west of the existing school. This requirement was not entirely fleshed out at the time of Latham Park's preliminary approval. The applicant has indicated that the roadway realignment would be disproportionately expensive relative to the 169 lots that Aura Development Group currently proposes to develop, and they believe that the realignment may be unnecessary depending on how the School Board opts to use the 24.46 acres to be dedicated. The applicant should indicate their intentions with regard to this condition.

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

Very truly yours,
BACH Associates, PC


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