

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

April 15, 2015

Minutes

Call to Order: Board Chair called the meeting to order at 7:33pm.

Open Public Meeting Act: read by Board Secretary

Roll Call:

Present: Ed McKeever, James, Rambo, Terry Ratzell, Richard Schmidt, Eugene Shoultz, Christine Yenner, Jeanne White, Deborah Penza

Also present: John Eastlack, Board Solicitor, Leah Bruder of Bach Associates, Board Planner, Stan Bitgood of Federici & Akin, Board Engineer

Absent: Jay Hughes, David McCreery, Amber Gonzales

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:** March 18, 2015

Mr. Shoultz moved to approve the minutes of March 18, 2015, Seconded by Ms. Yenner.
With all members in favor, *the motion was carried.*

- **Resolution(s):**
2015-12 - granting amended preliminary and final major subdivision approval with variances for a property located on Daisy Avenue known as block 214.01, lot 29 in the Township of Elk, County of Gloucester, State of New Jersey to applicant, Res-NJ One, LLC

Board Attorney, Mr. Eastlack commented a copy of the resolution was sent to the applicant's attorney and he has not received any comment back.

Mr. Schmidt moved to adopt resolution 2015-12. Seconded by Mr. McCreery.

Roll Call:

Voting in favor: Rambo, Schmidt, Shoultz, White, Penza

Against: None **Abstain:** None **5-0-0`**

➤ **Old Business:** None

➤ **New Business:**

1) **“Completeness Hearing” – Minor Subdivision with variances, block 23, lot 23 and block 23, lot 1 to applicant Barry Widrick and Lake Gilman Owners, Inc.**

Attorney Dale Taylor, 95 North Main Street, Mullica Hill, NJ represented Mr. Widrick.

The purpose of the application is to increase the size of Mr. Widrick’s lot by 1676 sq ft, lot 23, off of lot 1, owned by Lake Gilman Owners Inc. The additional land will provide sufficient space for the installation of a new septic system. No other construction is proposed.

Mrs. Bruder referred to her review letter of March 3, 2015 for completeness.

Item #8 requires copies of applications to and certifications from all outside agencies.

Waiver is recommended for the purposes of completeness, but will be a condition of any approval granted.

Item # 11 requires the source and date of current property survey prepared by a licensed NJ land Surveyor. The applicant has provided a survey for lot 23 but not for the entirety of lot 1, as this would be exorbitantly expensive relative to this project.

Waiver is recommended since the area impacted is shown. Board Engineer agreed.

Item #34 requires the names and widths of all abutting streets.

Waiver is recommend. Board Engineer agreed.

Item #38 requires the applicant to submit photographs of the site.

Complied. Three 8x10 black & white photos were submitted.

Item #42 requires structures and wooded areas within 200 feet to be located on the plan.

Waiver is recommended and Board Engineer agreed. (The applicant was made aware that this information will be required for septic approval by the Gloucester County Health Department.)

Item #43 requires the applicant to provide the existing and proposed use of all buildings and structures.

Waiver is recommended given the nature of this application.

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

Complies. Information was provided on March 9, 2015.

Item #50 requires a tree protection Plan.

Applicant agreed to provide tree protection fencing around the area to be disturbed for the construction of the septic system.

Item #53 requires the applicant indicate any historic structures located within 200 feet of the property.

Waiver is recommended given the nature of this application.

Item #55 requires the applicant to indicate contours at 20ft intervals and conformance with the grading plan requirements prior to building permit issuance.

Waiver is recommended, Board Engineer agreed.

Item #57 requires a grading plan.

Waiver is recommended, Board Engineer agreed.

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

Waiver is recommended, Board Engineer agreed.

Item #73 requires the applicant to submit an LOI (Letter of Interpretation) from NJDEP

Waiver is recommended given the nature of this application. This waiver does not relieve the applicant of any obligation to obtain a wetlands delineation should it be necessary.

Item #75 requires the applicant to submit a Utility Plan.

Waiver is recommended.

Mr. Bitgood referred to his letter of February 25, 2015 and indicated the Board Planner had covered all his concerns regarding completeness. Mr. Bitgood added that a final as-built must be provided along with confirmation of all required outside agency approvals.

***Mr. Shoultz moved to grant the waivers as discussed and deem the application "Complete." Seconded by Ms. Yenner.
Roll Call:***

Voting in favor: McKeever, Rambo, Ratzell, Schmidt, Shoultz, Yenner, White, Penza

Against: Abstain: 8-0-0

2) "Public Hearing" – Minor Subdivision with variances, block 23, lot 23 and block 23, lot 1 to applicant Barry Widrick and Lake Gilman Owners, Inc.

Barry Widrick, 26 Cherry Run Road, was sworn in.

Mr. Taylor explained Mr. Widrick is in the process of selling the property and the updated septic system is required for the sale. Lake Gilman Owners is selling 1676 sq ft to Mr. Widrick which will be merged into his lot. Referring to a display board, Mr. Taylor explained the location of the system. The subdivision would be recorded by deed.

Mr. Hughes moved to open to the public, Seconded by Mr. Shoultz.

With all members in favor, the motion was carried.

Addressing the positive and negative criteria, Mr. Taylor explained the variances being requested are all preexisting conditions. The variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinances. Installation of the septic system will improve the health, safety and welfare and benefit the community. There is no negative impact to the surrounding neighbors.

Mr. Eastlack confirmed there are no restrictions on lot 1 that would prohibit the minor subdivision. The applicant also agreed to revise the plan with setback lines.

Board Engineer, Stan Bitgood, referred to his letter February 25, 2015;

Setbacks. The applicant agrees to revise the plan with setback lines. He added that the enlarged lot, lot number 23, will still not conform but the lot size and dimensions will be consistent with other lots in the neighborhood.

If approved, the subdivision will be filed by deed within 190 days. Additional monuments are not required as they have been provided on the revised plan.

Applicant agrees to provide an as-built plan and survey of topography upon completion and stabilization of the disturbances.

Ms. Yenner moved to open to the public, Seconded by Ms. Ratzell.

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

With no comment from the public, *Ms. Ratzell moved to close to the public, Seconded by Mr. Shoultz.*

Ms. Ratzell moved to approve the application for minor subdivision with variances, condition upon all the affirmative representations made by the applicant, testimony provided, and all recommendations made by the Board's Professionals and agreed to by the applicant, and further condition upon all required outside agency approvals. Seconded by Ms. Yenner.

Roll Call:

Voting in favor: *McKeever, Rambo, Ratzell, Schmidt, Shoultz, Yenner, White, Penza*

Against: *Abstain: 8-0-0 Approved*

➤ **General Public Portion**

Mr. Shoultz moved to open the general public portion, seconded by Ms. Ratzell.

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

Ashley Foster, 209 Daisy Avenue.

Mrs. Foster addressed the Board with a concern of a home being built on small lot behind her home. She had a petition signed by the surrounding neighbors objecting to any construction on this lot. Further, before she purchased her home in 2010, she had checked with the zoning officer and was told this parcel was not a buildable lot. At the time, the lot was for sale.

Board Solicitor explained, the board could not accept the petition. When there is an objection to any particular pending application, it cannot be done by the presentation of a petition because the people that signed the petition were not present to be put under oath to testify either "for" or "against" the application, which is done during the public hearing portion of applications.

Mrs. Foster explained the application for this particular lot took place in 2006 and had a concern of how a well and septic would be approved for this lot.

Board Planner explained they are not sure which specific property she is referring to, but that all well and septic approvals are granted by the Gloucester County Department of Health. The Planning Board has no jurisdiction.

In regard to zoning, if the lot is undersized and it has already received variances and meets the conditions of the approval, then they can move forward with grading and building permits.

Mr. Eastlack stated he had been asked to look into this specific approval granted back in 2006 to determine whether or not the approval was still valid under the Permit Extension Act. From his research, the permit extension act which has been signed and extended by the various governors, this particular approval is extended until June of 2016. He only researched the permit extension act and how it applied to this particular approval.

Chairperson White directed the Board Attorney to get the facts, to investigate further. Mr. Eastlack will have this completed by the next board meeting which is on May 20, 2015. Mr. Eastlack added, if the builder has valid unappealable approvals, there is not an application that can be made to this Planning Board or the Township Committee.

Gina Foster, co-signer of the property at 209 Daisy Avenue.

Is frustrated that the zoning officer gave incorrect information on more than one occasion and wanted to be directed to his supervisor/boss. She is also concerned that a home built on this lot would decrease property values.

Mr. Eastlack answered that Township Committee is the supervisor/boss of all township employees. There is no singular person.

Mr. Eastlack clarified for Ms. Yenner that the developer, under the permit extension act, would need to obtain a building permit by June 2016.

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

➤ **Correspondence:**

Mrs. Bruder disturbed a Master Plan Reexamination Memo for the board to review for the next meeting.

Mr. Eastlack made the Board aware that he will be sending Daniel Ryback in his place for the May 20th meeting.

➤ **Adjournment:**

Ms. Ratzell moved to adjourn, Seconded by Mr. McKeever. With all members in favor, the motion was carried.

Adjournment time: 8:28pm

Respectfully submitted,



Anna Foley
Board Secretary