

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

April 16, 2014

Minutes

Call to Order: Board Chair called the meeting to order at 7:39pm.

Open Public Meeting Act: read by Board Secretary

Roll Call:

Present: Matt Afflerbach, Jay Hughes, Dave McCreery, Ed McKeever, Eugene Shoultz, Patrick Spring, Jeanne White, Christine Yenner, Gus Rosado

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

Absent: Bill Carter, Frank Goss

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

General Business:

- **Approval of minutes:**
 - **March 19, 2014**

Mr. Shoultz moved to approve the minutes of March 19, 2014, Seconded by Mr. McCreery.

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

- **Resolution(s): None**
- **Old Business:**

Application #SD-03-03, *Public Hearing*, Aura II, Amended Preliminary Major Subdivision, block 29, lots 24.01, 28 and 29; block 31, lots 2.02, 5.01, 7 and 22; block 32, lots 1-9; block 58, lot 1, to applicant Aura Development Group, LLC. (Hearing continued from March 19, 2014)

Previously sworn were:

John Canuso, Aura Development Group, 1010 Kings Highway, South, Cherry Hill, NJ
Robert Bower, Aura Development Group, 1010 Kings Highway, South Chery Hill, NJ
Edward Brady, PE, TWT (Taylor Wiseman Taylor), 124 Gaither Drive, Mt. Laurel, NJ

Applicant's attorney, David Oberlander explained since last month's meeting that the applicant has been working with the Board's Engineer. A revised plan has been submitted to address some open items with the most significant item being stormwater. Mr. Bitgood's review letter of April 10, 2014 indicates he is not in favor of the stormwater changes proposed (insertion of perforated pipes).

The applicant has an alternate proposal which is 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. This solution will require approvals from DEP and U.S. Fish and Wildlife Service.

Mr. Bitgood reviewed the following items of his April 10, 2014 review letter:

Item #2 A- Plat requirements. a detailed review of the plat will be done prior to final approval
Applicant agreed.

Item #3. Stormwater System Design: Already discussed.
The concept discussed has potential. If any recharge is incorporated, the groundwater calculations will have to be approved.
Applicant agrees if there is a percolation system needed.

Item #5 Ground water recharge.
Board Engineer agreed not necessary at this stage. However it will be necessary if the alternate solution is not approved by DEP and Fish & Wildlife. In which case the applicant will have to return to the board.

Chairwoman White clarified that the Board Engineer was fine with the alternate stormwater proposal. If the alternate proposal is not approved by DEP & Fish/Wildlife, then the applicant must return to the board. Mr. Bitgood confirmed he would be reviewing the entire system to ensure it complies with township ordinances and that it does not create a health and safety problem.

Mr. John Canuso commented this same system has been approved, designed, and installed in a neighboring project.

Chairperson White confirmed that at this juncture we have a verbal proposal that Mr. Bitgood is willing to support until we find out if it is approved, and if not, the applicant will return to revisit the matter. Everyone was in agreement.

Mr. Oberlander commented if they do have to return to the board, they would still have their vested rights from the preliminary approval.

Grading.

Additional grading has been provided at each cul-se-sac. The board may want to consider sidewalk & curbs at the end of the cul de sac at final design.

Labeling

Contour Labeling has been improved and is clearer.

Bench marks.

Applicant has agreed to provide 2 to 4 more bench marks on each sheet at time of final.

Roadway layout

No specific traffic calming measures are shown on plans.

The applicant provided a mid-block crosswalk handout that was marked as an exhibit and labeled A-4.

The applicant also agrees to add all-way stops and will work with the Board Engineer.

Mr. Bitgood commented the applicant's mid-block proposal addresses his concerns.

Mrs. Bruder agreed the stop signs would be beneficial and recommended the crosswalks be stamped asphalt instead of painted.

Applicant agreed.

Phasing Plan.

Anticipated traffic and emergency access needs of the phases being constructed.

The applicant agrees to add notes to the plans prior to final approval requiring 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 are to be provided.

Lighting.

The applicant proposes the lighting to be consistent with the lights in Aura I. Board Engineer agrees but defers to Planner. Mr. Bower commented they have been in contact with Atlantic Electric and they do not offer Aluminum Light poles which is what the board preferred. The two options are round wood or fiberglass. An Atlantic Electric sketch handout was distributed and marked as exhibit as A-5.

Mrs. Bruder prepared a letter dated April 14, 2014 as follow up.

She made the board aware of a mistake for item number 6, Lighting, and agreed the fiberglass would be best. She had no additional comments.

Board member Yenner wanted more information about item number 9 in Mrs. Bruder letter, Roadway realignment. A realignment of Aura Road & Clems Run was proposed in the vicinity of the existing Aura School and the land to be dedicated was a condition of the Latham Park subdivision approval.

Mr. Canuso responded they were before the board two years ago and requested the planning board to eliminate this roadway realignment from the approval. The Board directed them to meet with the school board, as it was not a Planning Board requirement, but the school board's request. They had also met with the County, and they said it was not a County requirement. They met with the school board again, and the school was not sure if they would expand the existing school or not. At a second meeting with the school board, they knew they would not expand the school but would build a new school on the dedicated 20 acres and they had no objection to the elimination of that road alignment. The road alignment is not connected with this application but they will continue to work with the school board in an effort to help resolve the problem of water and sewer to the school.

Ms. Yenner also asked for further explanation regarding the basin infiltration system and Mr. Brady gave further details. The infiltration is required by the DEP for developments because the amount of water that leaves the site has to equal what it is in a post development situation and that infiltration makes up the difference in the impervious areas that are on the site. The tests on the site were already submitted and accepted by the DEP and the previous board engineer. The letter submitted April 4, 2014 by Underwood Associate's was a summary report referencing the new areas added but would be eliminated with the alternate proposal.

Mayor Spring moved to open to the public, seconded by Ms. Yenner. With all members in favor, the motion was carried.

The following were sworn in for public comment:

Nicholas Sansone of Naulty, Scaricamazza & McDevitt, LLC, Rt. 73, Marlton, NJ

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.

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' bankruptcy settlement agreement. Further Mr. Casey requested the Planning Board withhold any action until this litigation is settled.

Mrs. Adams commented that neither the Planning Board nor the Board solicitor has been involved in any litigation that has been going on therefore it would be inappropriate for her to comment. Her legal advice is that the Board is not permitted to suspend or defer their action based on a litigation occurring outside the scope of this hearing that does not directly involve the planning board.

Mrs. Adams would not object if the board chose to include a condition of amended preliminary approval that says to the extent there is any ongoing litigation or development agreement that directly impacts the water or sewer supply for this project would have to be part & parcel of any review at the time of final approval.

She would defer any further comment until she has had an opportunity to review these developers' agreements to see to what extent, if any, it has any application to this project. It is possible this may simply be an ongoing financial dispute between three independent entities that will need to be resolved amongst themselves with the courts and not something that necessarily impacts upon the actions of the Board. She did not feel this could impact their decision.

Scott Leslie, 805 Clems Run

Regarding top soil removal and flooding onto his property, he wanted to update the board that he has meet with Glenn McDonald, an Orleans representative, and they have agreed to construct a berm behind his property protecting him from water intrusion.

Glenn McDonald, Director of Lands, Orleans, 3333 Street Road, Bensalem, PA

Mr. McDonald clarified it is a temporary berm on the Orleans property that 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.

Mayor Spring moved to close to the public, seconded by Mr. McCreery. With all members in favor, the motion was carried.

Mr. Hughes asked for clarification as to whether or not the applicant has received Gloucester County Planning Board approval. Mr. Canuso stated they have not submitted to the county yet.

Mr. Oberlander commented the applicant's alternate proposal, to satisfy the stormwater issue, requires outside agency approvals from DEP and Fish & Wildlife for the connecting pipe. If they are unable to secure those approvals, they will return to the board.

Mrs. White moved to grant Amended Preliminary Major Subdivision approval for Aura II with all the conditions as discussed and the testimony provided, seconded by Mr. Hughes.

Roll Call:

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

Against: ***Abstain:*** ***9-0-0***

• **New Business:**

Application #SD-14-02, *Completeness & Public Hearing* – Aura II, Preliminary & Final Major Subdivision (4 lots), block 29, lots 24.01, 28, 29, block 32, lots 1-9, to applicant Aura Development Group, LLC.

Bob Bower was sworn in and gave the following testimony: The application is to re-divide twelve lots of a planned development into a total of 4 lots. No construction will occur from the creation of these four lots.

Ms. Bruder referred to her letter of March 19, 2014 that outlined the four lots:

Proposed lot 1 (170.87) will be the remainder of Latham Park owned by Orleans.

Proposed lot 2 (24.464) will be deeded to the Township (anticipated future school site) at the time of first building permit issued for Aura II.

Proposed lot 3 (36.99 acres) will be purchased by Aura Development Group and will be part of the Aura II and

Proposed lot 4 (44.252 acres) will be purchased by Aura Development Group and will be part of the Aura II development

Lots 3 and 4 are being created for the purpose of title and financing reasons.

Ms. Bruder commented that most of the items on the submission checklist, for major subdivision, are not necessary for this application and recommends granting waivers. The checklist items that are required are for the items needed to ensure the subdivision can be filed properly and she deferred these items to the board engineer. From a planning standpoint, she had no objections.

Board Engineer provided a letter dated March 12, 2014 regarding completeness items. The applicant agreed to comply with the 4 items outlined in his letter (correct title block, revise lot numbering as approved by county tax assessor, provide an overlay exhibit of northern most division line prior to final, and add note to plan that this plan cannot be filed unless final subdivision approval has been granted to Aura II by planning board).

The board professionals had no other comments relating to completeness and no technical objections.

Mayor Spring moved to open to the public, seconded by Ms. Yenner.

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

For the record this application was carried from the March 20th meeting and was publically announced at that meeting for tonight's hearing therefore no additional notice was required for this hearing.

Mr. Shoultz moved to deem the application complete and to approve the subdivision condition upon the professional's letters and the testimony provided. Seconded by Mr. Hughes.

Roll Call:

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

Against: *Abstain:* **9-0-0**

Also noted for the record, Mr. Rosado was absent from the March meeting but had listened to the March 20th recording and had completed the certification.

- **General Public Portion**

Mr. Hughes moved to open the general public portion, seconded by Mr. McCreery.

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

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

- **Correspondence:** None

- **Adjournment:**

Mr. Shoultz moved to adjourn, Seconded by Mr. McCreery.

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

Adjournment time: 9:17pm

Respectfully submitted,



Anna Foley
Board Secretary