

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

December 18, 2013

Minutes

Call to Order: The Board Chairman called the meeting to order at 7:34pm.

Open Public Meeting Act: read by the Board Secretary

Roll Call:

Present: Mayor Phil Barbaro, Bill Carter David McCreery, Ed McKeever, Chuck Nicholson, Eugene Shoultz, Patrick Spring, Frank Goss

Also present: Joan Adams, Board Solicitor, Steven Bach, Board Planner, Corey Gaskill, Board Engineer

Absent: Jeanne White, Jay Hughes

Flag salute, lead by Chairman

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:

- **New board member:** Matt Afflerbach was sworn in by Mayor Barbaro.
- **Resolution:**
2013-19 – resolution granting minor subdivision approval of block 42, lot 7, 944 Elk Road to applicants, Gaetano Grasso and Angelina Grasso

Mrs. Adams made the board aware of a correction on bottom of page 1, replacing the word “the” with the word “to.”

Mr. Shoultz moved to adopt resolution 2013-19 with the correction, Seconded by Mr. Carter.

Roll Call:

In favor: McCreery, McKeever, Nicholson, Shoultz

Against: None Abstain: None 4-0-0'

Chairman Nicholson announced the board would go into closed executive session to discuss personnel matters for 2014 and that no action would be made, only general discussion.

- **Approval of minutes:**
 - **October 16, 2013**

Mr. Shoultz moved to approve the minutes of October 16, 2013, Seconded by Mr. McCreery.

Mayor Barbaro and Mr. Goss abstained. With all other members in favor, *the motion was carried.*

➤ **Old Business: None**

➤ **New Business:**

- Completeness Hearing, application # SD-13-04 Minor Subdivision, block 41, lot 14.02, 776 Elk Road, Applicant: Gary McCloskey

Applicant Gary McCloskey was present and was sworn in by solicitor, Joan Adams. Mrs. Adams explained the board would first determine if his application is complete and if it is, would then proceed with the public hearing. This application does not require any variances and no formal public notice is required. Mrs. Adams also swore in the Board's Planner, Steven Bach.

Mr. Bach explained that the property is located in the RE residential zoning district which permits agricultural uses, single family dwellings, public parks, playgrounds and accessory uses that are customarily incidental and subordinate to the primary use. The applicant proposes to subdivide the property to create an additional lot for agricultural use.

Mr. Bach reviewed planner's letter of November 25, 2013. The applicant is requesting the following waivers from the submission checklist:

Item #12: requires certification and monumentation as required per the Map Filing Law.

Mr. Bach explained it is required by the current Title Recordation Act and cannot be waived but may be a condition of any approval. Board Engineer, Corey Gaskill agreed.

Item #19 requires new lot numbers be submitted and approved by tax assessor.

Complied. Applicant will provide documentation.

Item #33: requires applicant to include a statement and demonstration of compliance with affordable housing requirements.

Waiver is recommended as no construction is proposed at this time.

Item #53: applicant to locate historic structures within 200 feet.

Waiver recommended. Applicant to testify he is not aware of any such structures.

Item #57: provide grading plan with existing and proposed spot elevations and in accordance with ordinance section 96-66M.

Waiver is recommended as no construction is proposed.

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

Waiver is recommended as no construction is proposed.

Item #59: submit location of soil borings to determine soil suitability.

Waiver is recommended as no construction is proposed.

Item #66: requires written commitment from the Elk Township MUA.

Waiver is recommended as no construction is proposed.

Item #67: submit percolation test if the site is served by septic.

Waiver is recommended as no construction is proposed.

Item #73: submit an LOI (Letter of Interpretation) from the NJDEP.

The applicant has not submitted this information nor requested a waiver.

The applicant agrees to comply as a condition of approval

Item #75: submission of a utility plan.
The applicant has not submitted this information nor requested a waiver but a
Waiver is recommended as no construction is proposed.

Board Engineer, Corey Gaskill referred to his review letter of December 5, 2013 and added the following two comments:

Item # 28: Date reference meridian and graphic scale.
Horizontal datum does not comply with the requirements of NJAC 13:40-5.1 et seq.
Waiver may be granted as a condition of approval.

Item #48: Distance along rights-of-way lines of existing streets to the nearest intersection with other streets.
Information not provided.
Waiver may be granted as a condition of approval.

Board member Frank Goss commented the township environmental commission has reviewed the application and has no comments/issues.

Mr. McCloskey stated he has revised plans that cover most of what is missing and will leave them with the secretary.

Mayor Barbaro moved to grant the waivers as discussed and to deem the application "Complete." Seconded by Mr. Carter

Roll Call:

Voting in favor: Barbaro, Carter, McCreery, McKeever, Nicholson, Shoultz, Spring, Afflerbach, Goss

Against: Abstain: 9-0-0

- **2) Public Hearing application # SD-13-04 Minor Subdivision, block 41, lot 14.02, 776 Elk Road, Applicant: Gary McCloskey**

Mr. McCloskey testified that he purchased the property one year ago for the purpose of his son to build a home on one lot and Mr. McCloskey on the front lot some time in the future.

Mr Bach commented that the proposed minor subdivision complies with the standards for the RE zone (all bulk standards have been met, no variances) and that the subdivision would not result in any physical changes to the existing conditions and had no planning objections. The site is currently vacant, with no structures or woodlands. The property is surrounded by other properties also in the RE Residential zoning district. The surrounding properties are agricultural and single family residential.

Board Engineer has meet with the applicant regarding general survey standards as required by the Title Recordation Act and the applicant has agreed to comply. Mr. McClosky has also received GCPB approval.

Mr. Carter moved to open to the public, seconded by Mr. Shoultz With all members in favor, the motion was carried. With no comment from the public, ***M. Shoultz moved to close to the public. Seconded by Mr. McCreery.*** With all members in favor, the motion was carried.

Mr. Spring moved to grant minor subdivision approval condition upon the testimony provided, the items outlined in the professional's letters of November 25, 2013 and December 5, 2013 and further condition upon all required outside agency approvals, seconded by Mr. Nicholson.

Roll Call:

Voting in favor: Barbaro, Carter, McCreery, McKeever, Nicholson, Shoultz, Spring, Afflerbach, Goss
Against: Abstain: 9-0-0 approved.

➤ **General Public Portion:**

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

➤ **Correspondence:**

Solicitor Adams made the Board aware of correspondence received concerning the Florence Application, a mother/daughter application for variance approval to construct a home. The correspondence was from the Estate of Mrs. Florence's husband advising that she opposed the application and took the position that the estate had an ownership interest in the property. Mrs. Adams responded on behalf of the Board that she has reviewed the deed and there is no ownership interest on the part of the Estate, that it was vested solely in Mrs. Florence.

At 8:02 pm Chairman Nicholson moved to go into closed executive session to discuss personnel matters and read into the record resolution #2013-20 entitled, *Resolution of the combined planning/zoning board establishing a closed session meeting pursuant to the New Jersey Statutes, revised, pertaining to the open public meetings act – discussion of personnel*, *Seconded by Mr. McCreery.*

Roll Call:

Voting in favor: Barbaro, Carter, McCreery, McKeever, Nicholson, Shoultz, Spring, Afflerbach, Goss
Against: Abstain: 9-0-0 approved.

The Board professionals were excused for the evening.

At 8:32pm, *Mr. Shoultz moved to come out of closed session, and return to open session, seconded by Mr. Carter. With all members in favor, the motion carried.*

➤ **Adjournment:**

Mr. Nicholson moved to adjourn, Seconded by Mr. McCreery.
With all members in favor, *the motion was carried.*

Adjournment time: 8:33 pm

Respectfully submitted,

Anna Foley
Board Secretary