

Elk Township Combined Planning and Zoning Board

Regular Business Meeting

March 16, 2016

Minutes

Call to Order: Board Secretary called the meeting to order at 7:30pm.

Roll Call:

Present: Phil Barbaro, Dave McCreery, Ed McKeever, Donna Nicholson,
Ed Poisker, Eugene Shoultz, Jeanne White, Frank Goss

Absent: Jay Hughes, Richard Schmidt, Deborah Penza

Open Public Meeting Act: was read by the Board Secretary

Flag Salute: Secretary led the flag salute.

Swear in Board Professionals: Board Solicitor

Approval of Minutes: None

Resolution(s):

Resolution 2016-08 – Corrective resolution to resolution #2016-07, adopted on 2/17/16, which is now void, memorializing approval of final major subdivision of lands identified as block 29 lots 24.01, 28 and 29 and block 32 lots 1-9, which project is known as Aura II, Sections 1A, 1B, 1C, 3A and 3B only, Application # SD-03-03 to Aura Investors, LLC.

Mrs. Nicholson moved to adopt resolution 2016-08. Seconded by Mr. McCreery.

Roll Call:

Voting in favor: Barbaro, McCreery, McKeever, Nicholson, Shoultz, White, Goss

Against: None Abstain: None 7-0-0

Resolution 2016-09 – granting a de minimis exception to the residential site improvement requirements, regarding a previously approved minor subdivision, so that utilities can be placed overhead instead of underground, regarding property located on Buck Road, block 72, lots 3 and 3.01, Application #AD-16-01, to Mr. Stephen Ranson.

Mrs. Nicholson moved to adopt resolution 2016-09. Seconded by Mr. McCreery.

Roll Call:

Voting in favor: McCreery, McKeever, Nicholson, Shoultz, White, Goss

Against: None Abstain: None 6-0-0

Resolution 2016-10 – confirming a legal interpretation as to the expiration date for a previously granted general development plan (“GDP”) to Silvergate Associates.

Mrs. Nicholson moved to adopt resolution 2016-10. Seconded by Mr. McCreery.

Roll Call:

Voting in favor: McCreery, McKeever, Nicholson, Shoultz, White, Goss

Against: None Abstain: None 6-0-0

IV. Old Business:

Application #ZB-15-09 - James Gaglianone. "D(1)" Use Variance & Site Plan waiver request to permit a change of use for three commercial tenants not permitted in the RE zone, Block 33, lot 12.01, 719 Whig Lane, to applicant James Gaglianone

This application was postponed from the February 17, 2016 hearing date.

Michael Lindner, attorney for the applicant, made the Board aware of a public notice error. One of the property owner's on the 200 foot list was not given notice of the hearing date. This error prevents the Board from proceeding with the public hearing portion of the application but the board can hear the "completeness" portion which are requests for waivers from certain items on the submission checklist.

Mr. Linder explained the application is to rent interior spaces only. There will be no site improvements made to the property.

Mr. Linder referred to Mr. Bach's review letter dated October 7, 2015.

Checklist items:

Item #1.b - copy of completed submission checklist

Complies. Mr. Linder submitted a copy at the meeting.

Item #8 – copies of applications & certificate of approvals from all required outside agencies.

Conditional waiver, granted for completeness purposes only.

Item #9 – requires a signed & sealed plan.

Conditional waiver, granted for completeness purposes only. If site improvements are required, then a site plan must be submitted.

Item #11 – requires the submission of a survey prepared or certified within the past year.

Conditional waiver granted, for completeness purposes only. It was suggested that a prior survey from 1995 or 1997 would be sufficient and Mr. Linder had a copy he could provide. The applicant agreed if it is determined that a site plan is needed, one will be provided.

Item #14 – Tax Certification

Will provide proof that taxes are paid current for the April hearing.

Item #35 – provide a schedule of mandated zoning district requirements (include building coverage, square footage, lot coverage, parking requirements, & number of employees.)

Will provide details through testimony and will also provide a more detailed drawing for the April hearing. Board Attorney also requested a written narrative be submitted. Mr. Bach added the board wants to see how the building & existing facilities compare to the existing zoning standards (doesn't have to be a sealed drawing). Applicant agreed.

Item #38 – Photographs of the Site

Complies, provided photographs at the meeting.

Item #40 – location & dimensions of existing structure

Can provide prior survey

Item #41 – location of existing wells & septic system

Can supply as a supplemental document

Item #43 – use of existing and proposed structures, including lighting, grading & signage for each building.

No signage is proposed.

**Mr. Bach recommended using the 1995 survey as a basis for delineation of the proposed uses (what's in the building and where are they located). Mrs. White ask the drawing also include modifications from 1995(deletions/modifications).*

Item #53 – structures of historic significance within 200 feet.
Waiver is recommended.

Item #55 – provide contours at 20 foot intervals on the tract & within 100 feet of the tract
Conditional waiver for completeness and will comply if a site plan is required.

Item #67 – requires that if on-site sewerage disposal is required, the results and location of all percolation tests and test borings must be provided.
Conditional waiver. Applicant agrees to provide the uses on the site, restrooms, and provide information on the existing septic system

Item #73 – requires applicant to submit a NJDEP LOI for wetlands or a statement/certification from an expert stating there are no wetlands on or in close proximity to the site.
For purposes of completeness, the applicant may provide a past LOI with the understanding it is only for this interior use. If the applicant is unable to provide the old LOI, they need to provide an LOI statement.

Item #77 – information on proposed signage, if applicable.
Waiver, applicant indicates there is no anticipated signage.

Mr. Lindner added in 2001 the board had granted a “D” variance for expansion of the facility with the condition of a site plan approval. The applicant never moved forward with the variance approval and therefore never completed the site plan application.

Further, the applicant has indicated that no site improvements are proposed with this application and requests a site plan waiver.

There was no one in the audience present to hear this application.

The application is still “incomplete.” The applicant must provide the missing items as discussed as well as provide proper notice to the entity not receiving the notice for this March 16th hearing date.

Board Attorney announced the public hearing will be continued on April 20, 2016.

V. New Business:

➤ Adoption of Housing Element of the Master Plan and Fair Share Plan, Steve Bach

Public Notice was made to adopt the Housing Element of the Master Plan and Fair Share Plan at tonight’s meeting.

In the interim, there was a mediation with the courts and amendments will be made to the current report. The court has ordered that we mediate with the Fair Share Housing Representatives opening communication between both entities and negotiating in good faith. The time to comply has been extended to the end of April and the Town still has temporary immunity.

Board Attorney announced to the public that this item will be tabled tonight and will be continued at the April 20, 2016 meeting, no other notice will be given.

Member Barbaro inquired about the employment and demographic characteristics on page 19. Mr. Bach explained the housing element, by statute, requires these demographic tables to be included. These demographics no longer drive our compliance obligation (as they used to). The obligation is now prescribed by the court. The court takes into consideration calculations from Fair Share Housing, (as what they believe is the correct number) and also calculations from E-consult (which is a report from a consortium that our town had participated in with other municipalities). More discussion followed.

➤ **Areas in need of redevelopment.**

Resolution-R-108-2015 “Area in Need of Development” from Township Committee requesting the planning Board undertake a preliminary investigation to determine whether certain properties within the Township of Elk would qualify to be determined as an “Area in Need of Redevelopment,” in accordance with NJSA 40A:12A-1 et. Seq., Steve Bach, Board Planner and

Resolution-R-43-2016 from Township Committee authorizing the planning board to conduct a preliminary investigation to determine whether certain lots in blocks (block 30, lot 21; block 52, lot 12.02 Qfarm; block 53, lot 1; block 55, lots 5 Qfarm, and 5.01 - 5.52; block 55.01, lots 1 Qfarm, and 2 - 7; block 55.02, lots 1 Qfarm, and 2 - 51; block 55.03, lots 1 Qfarm, and 2 - 18; block 55.04, lots 1 Qfarm, and 2 - 18; block 55.05, lots 1 Qfarm, and 2 - 17; block 56, lots 4 Qfarm, and 4, 11.02 and 12; block 62, lots 3.01 Qfarm and 3.02; block 63, lot 2.01 and 2.02 Qfarm; block 65, lots 4.02 Qfarm and 5 Qfarm; block 68, lot 7.02 Qfarm; block 170, lots 14 Qfarm and 18 Qfarm; block 171, lots 6 and 9; block 174, lot 1 Qfarm; and block 213, lot 3 and 3 Qfarm) qualifies as non-condemnation redevelopment area or an area in need of rehabilitation, Steve Bach, Board Planner

Mr. Bach explained both of the above mentioned resolutions from Township Committee are asking the Planning Board to undertake preliminary investigations to determine whether or not the identified areas in each resolution are in need of redevelopment in accordance with the local redevelopment and local housing laws.

Mr. Bach explained the process as outlined in his letter of November 18, 2016

Member Barbaro confirmed that this is a request from Township Committee and is not mandatory to complete.

Board Attorney, Dale Taylor, added a redevelopment zone can provide incentives to attract developers to the specific parcel(s), for both residential and commercial development, for example tax abatement programs or payment in lieu of taxes.

Mrs. White moved to authorize Bach & Associates to complete a determination of need study for an area of redevelopment per resolution R-108-2015. Seconded by Mrs. Nicholson

Roll Call:

Voting in favor: Barbaro, McCreery, McKeever, Nicholson, Shoultz, White, Goss

Against: None Abstain: None 7-0-0

Mr. Goss moved to authorize Bach & Associates to complete a determination of need study for an area of redevelopment per resolution Resolution-R-43-2016. Seconded by Mr. McCreery.

Roll Call:

Voting in favor: Barbaro, McCreery, McKeever, Nicholson, Shoultz, White, Goss

Against: None Abstain: None 7-0-0

General Public Portion

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

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

Wayne Swanson, Spruce Street

Regarding redevelopment resolution R-43-2016, Mr. Swanson asked the criteria used to complete the assessment. It was his understanding redevelopment was usually used for blighted areas. Do we know who the owners of the parcels are? Is grant money available for any redevelopment project(s)?

Mr. Bach responded that typically the criteria would include:

- Condition of property, appropriately utilized or underutilized
- State of deterioration
- Opportunity to be developed without the assistance of a need for an area in need of redevelopment
- Property location, property configuration
- Review NJ's smart growth area along with the town's zoning

For example, if a parcel is farmed, it is not only zoned for farming it has a zoning overlay to have other uses as part of the Master Plan (commercial use, residential use).

As for ownership, that will become a part of the study.

Mr. Taylor added, that all the parcels involved are in non-condemnation areas or in areas in need of rehabilitation. The study being completed has nothing to do with property ownership, it has to meet the statutory requirements.

The study will be on file, for review, 10 days prior to the public hearing date.

Availability of grant monies would be up to each individual developer. Mr. Taylor added this is usually for a developer to investigate for redevelopment opportunities.

Mr. Taylor clarified, redevelopment is not a re-zoning of property. The underlying zoning remains in effect. Redevelopment provides an overlay opportunity to redevelop a property in a certain way that will benefit the community or property owner. Overlay zoning provides flexibility without having to come before the planning board for a variance(s) and also provides flexibility of bulk standards most of the time. A redeveloper must be approved by Township Committee and there must be a developer's agreement.

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

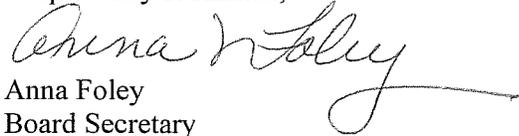
Correspondence: None

Adjournment:

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

Adjournment time: 8:52pm

Respectfully submitted,


Anna Foley
Board Secretary