

***RESOLUTION NO. 2013-10**

**RESOLUTION OF THE ELK TOWNSHIP PLANNING BOARD GRANTING MINOR
SUBDIVISION AND VARIANCE FOR DIMINISHED FRONT YARD FOR PROPERTY
COMMONLY KNOWN AS 121 BUCK ROAD, BLOCK 72 LOT 3**

WHEREAS, Stephen Ranson, with address of 783 Royal Avenue Franklinville, NJ is the owner of lands identified as Block 72, Lot 3 and has made application for Minor Subdivision to permit the creation of one additional residential lot and for a dimensional variance for a pre-existing nonconforming front yard of only 24.4 feet where 30 feet are required; and

WHEREAS, Mr. Ranson is represented by Gary Thompson, Esq; and

WHEREAS, the Applicant has submitted the following for review by the Board and its professionals:

- Land Development Application for Minor Subdivision;
- Escrow Agreement;
- Affidavit of Applicant and Ownership;
- Certification of Real Estate Taxes;
- Land development checklist
- Proposed Minor Subdivision Plan for 121 Buck Road Block 72 Lot 3 prepared by Robert J. Monson, PLS dated May 3, 2012 last revised November 6, 2012;
- Legal description for the area in roadway lot 3 prepared by Robert J. Monson, PLS and dated June 12, 2012;
- Legal description for lot 3 and new lot 3.01 prepared by Robert J. Monson, PLS and dated June 12, 2012;
- Two site photographs
- New Jersey title insurance binder
- Wetlands site assessment letter report by A. Michael Fernandez dated July 24, 2012;
- Soil Evaluation by Tedesco Engineering dated July 24, 2012
- Statement of requested waivers;
- App-1 Aerial Photo of site

WHEREAS, the Applicant has been granted submission waivers by the Board and the application has been deemed complete; and

WHEREAS, the Board has received the report of its Professional Planner, Mrs. Leah Furey Bruder, PP, AICP dated December 4, 2012 and the report of its Professional Engineer, Mr. Cory Gaskill, PE dated December 6, 2012 attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, The Board met at public hearing on December 19, 2012 to consider the evidence presented; and

WHEREAS, after carefully considering the evidence presented by the Applicant in support of his application, the testimony of the Board's professionals and the public comments, the Board has made the following findings of fact, and conclusions of law:

1. Block 72 Lot 3 is located within the MD zone. The property to be subdivided fronts upon Buck

Road, also known as County Route 553, as a result, County approval of this subdivision will be required.

2. The application is for a minor subdivision to create one new residential building lot and one remainder lot. Lot 3 is currently improved with a single family home and is 1.43 acres in size. The new lot will be .752 acres and the remainder lot will be .678 acres in size. These lots will conform to the requirements for lot area set forth in the Township Code.
3. The application meets the definition of a minor subdivision in that the Applicant has testified that there have been no subdivisions from this tract within the last five years nor to the best of the Applicant's knowledge does this parcel originate from a parcel subdivided subsequent to 1956.
4. The residence built on Lot 3 is only 24.4 feet from the right of way as opposed to 30 feet as required by ordinance. This pre-existing nonconformity is not being affected or exacerbated by the reduction in lot size as a result of the subdivision. The Applicant testified that this front yard setback has existed for many years, and it would be cost prohibitive to move the existing structure to achieve compliance with the current ordinances. The Board Planner testified that in her opinion there was no public safety concern raised by the reduced front yard setback. The Planning Board determined that under these facts, the condition will not substantially impair the intent of the Master Plan or zoning plan.
5. The Applicant testified that there are no wetlands or other environmental constraints which affect the site.
6. The meeting was opened to the public and there was no public opposition to this application.
7. The Applicant shall pay all outstanding application, escrow and review fees associated with the subdivision application to the Township.
8. The subdivision shall be perfected by the filing of either a plat in conformity with this approval and the provisions of the "Map Filing Law," P.L.1960, c.141 (C.46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision. Prior to signature of the plat or the subdivision deeds The applicant shall submit to the Solicitor of the Planning Board for her review and approval as to form and the legal descriptions for all lots shall be submitted to the Planning Board Engineer for his review and approval. The deeds or plat shall be filed within 190 days of the Resolution approving the minor subdivision and shall be signed by the Chairman and Secretary of the Planning Board of the Township of Elk. The deeds or plat shall contain the following sentence: "We, the undersigned Chairperson and Secretary of the Elk Township Planning Board, hereby certify pursuant to N.J.S. 40:55D-47 that subdivision application for the within parcel of land was approved by the Elk Township Planning Board on December 19, 2012, and memorialized by Resolution No. (Insert number) dated (Insert date)."
9. The Applicant must receive the approval of the Gloucester County Planning Board and all interested state, county and municipal agencies, and said approvals must be final and non-appealable and proof of same must be provided to the Planning Board prior to the signature of the deeds perfecting this minor subdivision.
10. The Applicant shall revise the plans and submissions to comply with its affirmative representations at the public hearing and completeness hearing on this matter and the items outlined in the reports of the Board professionals attached hereto.
11. The Applicant acknowledged his obligation to comply with the payment of the mandatory development fee (1.5% of the equalized assessed value) which will be required to be paid 50% at the time the building permit is issued and 50% at the time a certificate of occupancy is issued.

12. The applicant agreed to include within the subdivision deeds a conservation easement/restriction which will require the preservation of the vegetated buffer including the trees around the perimeter of the site. Pursuant to ordinance this buffer must be 50 feet in width. The lot currently has a vegetated buffer of varying width. The Board has granted the applicant a dimensional exception to the buffer requirement to allow it to utilize the existing vegetated buffer as depicted on the plan preserving the 50 foot width where possible and granting a specific dimensional deviation of the width of the buffer in the area between the septic field and lot 2.02 where the buffer may be reduced to a width of 10 feet. The easement should include the following language:

Pursuant to the subdivision approval granted by the Elk Township Planning Board, the owner shall maintain the trees and vegetated buffer located upon Blocks 72 Lots 3 and proposed lot 3.01. The existing trees and other vegetation along the perimeter of these individual lots shall not be removed or altered and must be retained for their natural lives and the buffer replanted when necessary. The individual lot owners are responsible for maintaining these vegetated buffers. The Owners of these lots shall take no direct or indirect action to alter, remove or intentionally harm the trees and other vegetation in these tree lines and the vegetated buffer shall not be destroyed by spraying, cutting, severe trimming, or other means of destruction. Only trees or other vegetation dying of natural causes may be removed. Hedgerows shall not be altered in any fashion to change or modify the purpose for which they were originally intended as a barrier.

13. The Applicant acknowledged that at the time the building permit is applied for an individual lot grading plan will be required for the review and approval of the Township engineer.

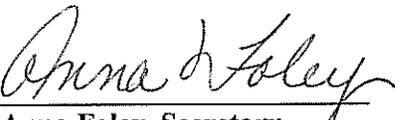
14. The subdivision deeds shall contain a disclosure of the obligation that when sidewalks are installed on either side of the lot, the individual lot owners will have the affirmative obligation to install a sidewalk across the frontage of their lot within 60 days.

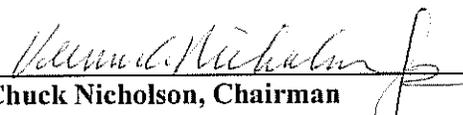
NOW, THEREFORE, be it resolved by the Planning Board of the Township of Elk that the application for minor subdivision of Block 72 Lot 3, and bulk variance is **GRANTED** subject to the conditions outlined above.

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

ATTEST

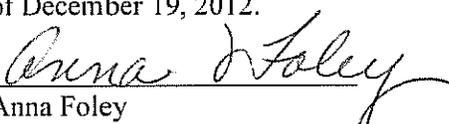
ELK TOWNSHIP PLANNING BOARD

By: 
Anna Foley, Secretary

By: 
Chuck Nicholson, Chairman

Certification

The undersigned, Secretary of the Planning Board of Elk Township, hereby certifies that the above is a true copy of a resolution adopted by said Board on the 20th day of February, 2013, its decision of December 19, 2012.


Anna Foley



CONSULTING ENGINEERS
LAND SURVEYORS • ENGINEERS

Exhibit "A"

Corporate Office
629 Shiloh Pike • Bridgeton • New Jersey • 08302
Phone: 856-451-2990 • Fax: 856-455-9702
www.fralinger.com

RECEIVED FILE COPY

DEC 10 2012
TOWNSHIP OF ELK
CONSTRUCTION OFFICE

Civil Engineering
Land Use Planning & Design
Site Engineering
Traffic Engineering
Land Surveying
Municipal Engineering
Soils Investigation
Traffic Impact Studies
NJDOT Permitting
Phase I Environmental Studies
Permeability Testing
Septic System Design
Wetlands Delineation
Global Positioning Surveying (GPS)
Geographic Information Systems (GIS)
Planning/Zoning Board Representation

Reply to: Bridgeton Salem or Mays Landing

Albert A. Fralinger, Jr., PE, PLS & PP
J. Michael Fralinger, Sr. (1957-2009)
Charles M. Fralinger, PLS
Carl R. Gaskill, PE, PLS, PP & CME
Stephen J. Nardelli, PE, PP, CME & CPWM
Barry S. Jones, PLS & PP
Guy M. DeFabrites, PLS & PP
Stephen P. McKeich, PLS
Scott A. Adams, PLS
William J. Olbrich, PLS
Matthew Baldino, PE, CME
Robert A. Mulford, III, PE, CME
Corey R. Gaskill, PE, CME
J. Michael Fralinger, Jr., PE, CME

December 6, 2012

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

c/o Anna Foley, Board Secretary

Re: Minor Subdivision Plan for Stephen Ranson
Block 72, Lot 3
Elk Township, Gloucester County, NJ
Application No. ZB-12-07
Our Comm. No. 27338.00 – Completeness Review #2

Dear Chairman and Members of the Board:

I have reviewed the following documents submitted in support of the above referenced application for minor subdivision. The property is known as Block 72, Lot 3. The site is located in the "MD" Moderate Density Zoning District.

1. Elk Township Combined Planning and Zoning Board Land Development Application – Minor Subdivision (Application No. ZB-12-07), Escrow Agreement, Disclosure Statement, Affidavit of Applicant, Affidavit of Ownership, and Elk Township Land Development Checklist, dated 09/12/12.
2. Variance Request, Statement of Requested Waivers.
3. Site Photos.
4. Confirmation indicating real estate taxes are current for Block 72 Lot 3, dated 09/18/12.
5. Gloucester County Planning Board Subdivision Application, dated 6/7/12.
6. Soils Evaluation performed by Tedesco Engineering LLC, dated 7/24/12.

7. Wetlands Site Assessment for Proposed Lot 3.01, performed by Tedesco Engineering LLC, dated 7/24/12.
8. Legal Descriptions for Remainder Lot 3, Proposed Lot 3.01, and Portion of Existing Lot 3 within Roadway, prepared by Robert J. Monson, PLS, last revised 06/12/12.
9. Title Insurance Policy Schedules A, B, C & Survey Endorsement.
10. Letter to the Board from Gary Thompson, Esq., dated 11/28/12.
11. Minor Subdivision Plan for Block 72 Lot 3 in Elk Township, prepared by Robert J. Monson, PLS, last revised 11/06/12.

The following comments are offered regarding the completeness of the proposed minor subdivision:

Project Description:

This is an application by Stephen Ranson for a minor subdivision of Block 72 Lot 3.

Zoning Requirements:

The site is located within the MD, Moderate Density Zoning District. The proposed subdivision meets the district standards except for a pre-existing front yard setback of 24.4' on Remainder Lot 3. The zone district requires a minimum front yard setback of 30'. **Variance requested.**

Checklist Items:

All required checklist information has been submitted with the exception of the following:

Item #8: Copies of applications to and certification of approvals from all outside agencies with jurisdiction over the proposal.

Gloucester County Health Department septic system approval will be required in the event that proposed Lot 3.01 is developed. Any approval should be conditioned on copies of the septic application/approval be submitted before building permits are issued.

Item #12: Certification and monumentation required by Map Filling Law.

The Municipal Engineer Certification required per N.J.S.A. 46:26B-2.b.14 is labeled for the Planning Board Engineer's signature instead of the Municipal Engineer's signature. Recommend this revision be made a condition of approval.

Item #19: Proposed street names and new block/lot numbers approved by the tax assessor.

Waiver requested to allow for tax assessor's approval of the new lot number to be made a condition of approval. No Technical Objection.

Item #33: Statement and demonstration of compliance with affordable housing requirements as applicable including §70-4.

Defer to Board Planner.

Item #49: The location of all existing trees or tree masses, indicating general sizes and species of trees in accordance with Township Ordinances.

Defer to Board Planner.

Item #50: Tree Protection Plan, limits of clearing in accordance with Township Ordinances.

Defer to Board Planner.

Item #53: Any structures of historic significance on or within two hundred (200) feet of the tract, and a statement of the impact of the development on the historic structure.

Defer to Board Planner.

Item #55: Contours at 20 foot intervals for the entire tract and within 100 feet (USGS Topographic maps are sufficient) and conformance with the grading plan requirements in section 96-66M prior to the issuance of any building permits.

Waiver requested. No Technical objection provided that the submission of an Individual Lot Grading Plan prior to issuance of a building permit is a condition of any approval.

Item #57: A grading plan showing existing and proposed spot elevations, based upon the datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners gutters and other pertinent locations sufficient to assure that the project will not have an adverse affect on the existing drainage pattern (96-66M).

Waiver requested. No technical objection provided that the submission of an Individual Lot Grading Plan prior to issuance of a building permit is a condition of any approval.

Item #58: Soil Erosion and Sediment Control Plan consistent with the requirements of the soil conservation district.

Waiver requested. No technical objection.

Item #59: Location of Soil Borings to determine soil suitability and indication of whether topsoil will be transported to the site and/or removed and transported outside the municipal boundary.

Waiver requested. No technical objection

Item #66: A written commitment from the Elk Township Municipal Utilities Authority of sufficient capacity to provide sewer and water service for the project when completed (if within sewer service area).

Waiver requested. No technical objection.

Item #67: If on-site sewerage disposal is required (septic system), the results and location of all percolation tests and test borings.

Waiver requested. No technical objection.

Item #75: Utilities. Preliminary plans and profiles of proposed scale not more than one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically showing connections to existing and proposed utility systems. Include design calculations.

Waiver requested. No technical objection.

Item #83: Existing and proposed curb openings, with width at curb line and property line.

Waiver requested. No technical objection.

General Comments/Concerns:

1. The Applicant should comply with all the comments of the Board Planner's review.

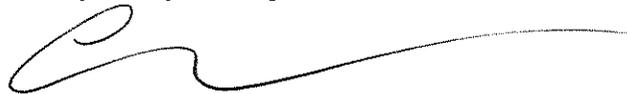
Miscellaneous:

1. The following agency approvals are required for this application:
 - a. Gloucester County Planning Board.
 - b. Gloucester County Health Department (well and septic systems).
 - c. Any and all agencies having jurisdiction.

Should you have any questions, please feel free to give me a call.

Very truly yours,

Fralinger Engineering PA



Corey Ronald Gaskill, PE & CME

- cc: Joan Adams, Esq.
Leah Furey Bruder, PP, AICP
Robert J. Monson, PLS, Applicants Surveyor
Gary D. Thompson, Esq., Applicants Attorney
Stephen Ranson, Owner/Applicant



December 4, 2012

FILE COPY

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

RECEIVED

DEC 10 2012

TOWNSHIP OF ELK
CONSTRUCTION OFFICE

Attn: Anna Foley, Secretary

Re: Stephen Ranson
Minor Subdivision and bulk variance
Block 72, Lot 3
121 Buck Rd
MD Moderate Density Residential District
Elk Township SD-12-07
Bach Associates Proj. # ET2012-7

Dear Chairman and Members of the Board:

We have received the application, revised minor subdivision plan, and supplemental documents submitted by Stephen Ranson in support of an application for a minor subdivision at the above referenced site. The subject property consists of one residential lot, and the applicant proposes to subdivide the property so that there will be a total of two (2) residential lots. The 1.43 acre property, known as lot 3 in block 72 currently contains a one story dwelling and is located on the east side of Buck Road near the northern tip of the Township.

The property is located within the MD Moderate Density Residential District (section 96-68), which permits single family dwellings on lots a minimum of 25,000 square feet. The property is surrounded by other parcels in the MD zoning district, and the surrounding land uses are residential and agricultural in nature, with the exception of a store to the north, located on Block 2.02 (in the MD zoning district).

Submission Items

The applicant has submitted the following items in support of this application:

1. Application for Preliminary Minor Subdivision to the Combined Planning and Zoning Board dated September 12, 2012 (SD-12-07), Escrow Agreement, Affidavit of Applicant & Ownership, Disclosure statement, Tax certification dated September 18, 2012 indicating that taxes are current.
2. Land Development Checklist.
3. Proposed Minor Subdivision Plan for 121 Buck Road, Block 72, Lot 3 in Elk Township consisting of 1 sheet prepared by Robert J. Monson, PLS dated May 3, 2012, last revised November 6, 2012.
4. Legal Boundary Description for Area in Roadway Lot 3 by Robert J. Monson dated June 12, 2012.

5. Legal Descriptions for Lot 3 and 3.01 Block 72 by Robert J. Monson, dated June 12, 2012.
6. Email with two site photographs, dated June 20, 2012.
7. New Jersey Title Insurance description.
8. Wetland Site Assessment letter report by A. Michael Fernandez, dated July 24, 2012.
9. Soil Evaluation prepared by Tedesco Engineering and dated July 24 2012.
10. Statement of Requested Waivers.
11. Letter to the Elk Township Land Use Board from Gary Thompson, Esq dated November 28, 2012.

Completeness

The applicant has submitted the Land Development Checklist. The applicant has requested several waivers, since no construction or disturbance is proposed at this time. **The application is presently incomplete. It is recommended that the applicant provide information for any items recommended by the Board's engineer prior to the completeness hearing.**

- **#8** requires copies of applications for approval from outside agencies. *The applicant has submitted the Gloucester County Planning Board application. It is recommended that any approval granted by the Board be conditioned upon approval of both the Gloucester County Planning Board (as a condition of minor subdivision) and Gloucester County Health Department (as a condition prior to building permit for proposed lot 3.01). The waiver is recommended with these conditions.*
- **#19** requires proposed street names and new block/lot numbers approved by the tax assessor. *The applicant states that no new streets are being proposed and asks that the approval of the new lot 3.01 be made a condition of approval. We recommend this waiver.*
- **#33** requires a statement demonstrating compliance with affordable housing requirements. *At the hearing the applicant should acknowledge the mandatory development fee requirements (1.5% of equalized assessed value), which will be required at the time of building permit (50%) and Certificate of Occupancy(50%), to assist the Township in meeting its affordable housing obligations. A waiver is not required if the fee is acknowledged.*
- **#49 and #50** requires that the location of existing trees and tree masses with sizes and species be shown along with a Tree Protection Plan. *The applicant has shown the proposed limits of clearing. A waiver from identifying all individual trees is recommended, conditioned upon the applicant's agreement to retain trees around the perimeter of the site as a buffer as shown on the plan.*
- **#53** requires that the applicant identify structures of historic significance within 200 feet of the property. *The waiver is recommended.*

- #55 requires contours at 20 foot intervals for the entire tract within 100 feet. *The applicant has requested a waiver and indicates that an individual grading plan for proposed lot 3.01 will be provided as a condition of approval prior to building permit application. We defer to the Board Engineer for recommendation regarding this waiver.*
- #57 requires a grading plan. *The applicant indicates this is not applicable since no construction or disturbance is proposed at this time and states that a conforming grading plan will be submitted prior to permit application. We defer to the Board Engineer for recommendation.*
- #58 requires a soil erosion and sediment control plan. *The applicant requests a waiver since no construction is proposed at this time. The applicant states that a plan will be submitted at the time of permit application. We defer to the Board Engineer for recommendation.*
- #66 requires written commitment from the Elk Township MUA. *A waiver is requested since proposed Lot 3.01 is not within the sewer service area. We defer to the Board Engineer for recommendation.*
- #75 requires the applicant to submit a Utility Plan. *The applicant requests a waiver because no construction is proposed at this time. We defer to the Board's engineer to recommend for or against this waiver.*
- #83 requires the applicant to provide curb opening details. *The applicant requests a waiver, stating that if curbing is required for proposed lot 3.01, the curb opening will comply with the Township Ordinance. We defer to the Board's engineer to recommend for or against this waiver.*

MD Zone Requirements and Bulk Standards

The property is within the MD Moderate Density Residential Zoning District (section 96-68) which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use on site. The proposed minor subdivision complies with all of the area and bulk requirements, with the exception of an existing condition on Lot 3, where the existing dwelling has a front yard setback of 24.4 feet where a minimum front yard of 30 feet is required.

"C" Bulk Standards

For the Board's information, the table below shows the variances required for the existing condition front yard encroachment. The remaining aspects of the proposed subdivision are compliant.

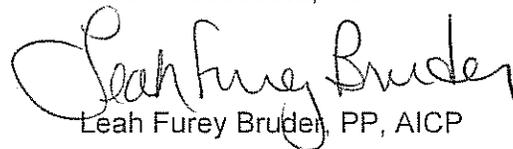
Section	Required	Proposed	Compliance
96-68D(3)(a) Front yard	30 feet	24.4 feet	Variance Required, existing condition

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

1. **Sidewalks.** The applicant should be prepared to address the need for sidewalks in the area.
2. **Location.** We recommend the applicant bring a printed aerial photograph for the Board to review at the hearing.
3. **Buffers.** The applicant is required to comply with Section 96-47. A 50 foot buffer is required between residential and retail (Between proposed lot 3.01 and adjacent lot 2.02). The applicant should address this requirement.
4. **Limits of Clearing.** The applicant has identified the proposed limits of clearing on the plan. Given the shape of proposed lot 3.01 it appears that the most practical location for a septic field will be on the north side of the lot within the buffer to lot 2.02. It is recommended that a minimum of 10 feet be retained as a buffer between the septic field and lot 2.02, and that the wooded area at the rear of the proposed lot be retained as shown.
5. Assuming that the applicant is able provide the required checklist items and respond to the items in this letter as well as any issues raised by the Board's engineer and the Planning Board members, we do not have any significant planning concerns related to this application, as the proposal will comply with the zoning requirements (with the exception of one existing condition).

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

Very truly yours,
BACH Associates, PC


Leah Furey Bruder, PP, AICP

cc: Joan Adams, Esq.
Corey Gaskill, P.E., CME
Elk Environmental Commission
Stephen Ranson, applicant
Robert Monson, PLS
Gary Thompspn, Esq