

RESOLUTION NO. 2014-10

**RESOLUTION MEMORIALIZING PRELIMINARY MAJOR SUBDIVISION APPROVAL TO
CREATE FOUR LOTS OUT OF LANDS IDENTIFIED AS BLOCK 29 LOTS 28 AND 29;
BLOCK 29.01 LOT 3; AND BLOCK 32 LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9 ON THE TAX MAP OF
THE TOWNSHIP OF ELK**

application # SD-14-02

WHEREAS, Aura Development Group, LLC a limited liability company with address of 1010 Kings Highway South Building 1 Floor 1 Cherry Hill, NJ 08034 with the assistance of its attorney, David Oberlander, Esq. has made application for Preliminary major subdivision approval to create four lots out of lands identified as Block 29 Lots 28 and 29; Block 29.01 Lot 3 and Block 32 Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 on the tax map of the Township of Elk by taking these tracts referenced above consolidate them and then re-subdivide them into four lots; and

WHEREAS, The Planning/Zoning Board of the Township of Elk has met at public hearing on April 16, 2014 to review the application pursuant to the applicable rules of the Planning/Zoning Board and the applicable ordinances of the Township of Elk; and

WHEREAS, The owner of the lands, Orleans at Elk Township, LLC has consented to the application; and

WHEREAS, it appears that the Applicant has followed all procedures in making its application, and that the application, plans and all documents and material submitted therewith were reviewed by the Planning Board Planner, the Planning Board Engineer, the Planning Board Solicitor and Planning Board members, and were found to be complete and in conformity with all applicable laws and regulations; and the application was deemed complete by the Board at its meeting of April 16, 2014; and

WHEREAS, the Board considered the report of its Engineer, Mr. Stan Bitgood, PE dated March 12, 2014 attached hereto as Exhibit "A" and the report of its professional Planner, Ms. Leah Furey, P.P., A.I.C.P., of Bach Associates, PC dated March 19, 2014 attached hereto as Exhibit "B" and reviewed the conditions proposed in the report of the Board Professionals and discussed these conditions with the Applicant's representatives, the Planning Board Engineer and the Planning Board Solicitor; and

WHEREAS, The Board has received and considered the following items in support of this application:

- a) Application and supporting documents
- b) Subdivision Plans dated February 27, 2014
- c) Letter from Aura LLC dated February 28, 2014
- d) Interim Storm water Management report dated 10/24/2013
- e) Correspondence from the Elk Township Chief of Police dated March 18, 2014

WHEREAS, All reviews of this application are based upon the applicable Elk Township Ordinances. The application requires no additional variances; and

WHEREAS, the Board made the following findings and conclusions based upon the Applicant's testimony, representations and the application materials:

1. The application meets all of the submission requirements including the payment of all applicable

fees and proof that taxes are paid and current. As such the Board determined that the application was sufficiently complete to warrant proceeding on the merits.

2. The lands are zoned RE- Rural Environmental Residential and R-Rural Residential and are part of a general development plan approval granted by this Board in 2003 under the name "Latham Park". The tract at issue in this application consists of 276.57 acres and sits on the west side of Richwood –Aura Road. The parcel is being reconfigured for title and financing purposes and will not result in any changes to the construction proposed and the development approvals.

3. The proposal does not contemplate any new streets or physical improvements. The lots meet all of the requirements of the Township Ordinances with regards to lot size and area, frontage, lot width, and required building setbacks. The consolidation and re-subdivision would enlarge Block 32 lot 1 and would eliminate all the other lots within the tract and replace them with 4 new lots.

4. The subdivision will consist of consolidating these tracts and then creating the following four lots:
a. Proposed Lot 1 will consist of 170.87 acres and will be the remained of the Latham Park Project that is owned by Orleans of Elk Township LLC.

b. Proposed Lot 2 will consist of 24.464 acres and will be a parcel deeded to the Township of Elk (the anticipated future school site) as part of the Aura II development at the time of the first building permit is issued for Aura II.

c. Proposed lot 3 will consist of 36.99 acres and will be purchased from Orleans by the Applicant and made part of the Aura II Development north of the remainder of the Latham Park project.

d. Proposed lot 4 will consist of 44.252 acres and will be purchased by Aura Development Group and will also be incorporated into the Aura II development project directly south of the Aura I project.

5. The chief of police opined that he had no concern regarding the subdivision.

6. The Board Engineer requested some modifications to the subdivision plan and the applicant will revise the plans and resubmit to the Board engineer for his review and approval.

7. No construction will occur from the creation of these four lots. This subdivision is inextricably tied to the Aura II and Latham Park projects and is only being requested to enable Aura Development Group to acquire the portion of land now referred to as Aura II (169 lot portion of the Latham Park Project) and to transfer the land at the southern end of the tract to the Township of Elk.

8. The meeting was opened to the public and there was no public opposition to this application.

9. The Applicant shall pay all outstanding application, escrow and review fees associated with the subdivision application to the Township within 7 days of notice of amount due.

10. 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.

11. A current letter of interpretation will be required prior to the start of any regulated activity on the site, including any type of demolition or construction. The applicant is specifically advised that should the formal NJ DEP Delineation indicate that the lots do not meet the Township Standards, a building permit will not be issued.

NOW, THEREFORE, BE IT RESOLVED this 20th day of August, 2014, by the Elk Township Planning Board, in the County of Gloucester and State of New Jersey, that the Applicant is hereby granted Preliminary Major Subdivision Approval for the consolidation and re-division of these lands into 4 lots subject to the conditions set forth above.

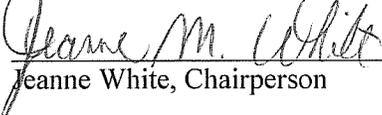
Voting in favor: Afflerbach, Hughes, McCreery, McKeever, Shoultz, Spring, White, Yenner, Rosado

Attest:



Anna Foley, Secretary

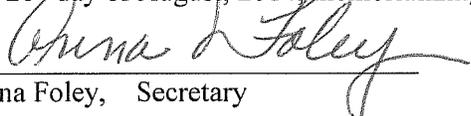
Elk Township Land Development Board



Jeanne White, Chairperson

Certification

The undersigned hereby certifies that the above is a true copy of a resolution adopted by said Board on the 20th day of August, 2014, memorializing its decision of April 16, 2014.



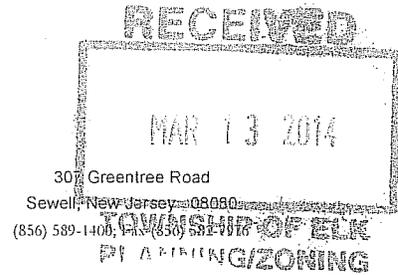
Anna Foley, Secretary



FEDERICI & AKIN, P.A.
CONSULTING ENGINEERS

Joseph P. Federici, Jr., P.E., P.P.
President
Douglas E. Akin, P.L.S., P.P.
Vice President
Bret T. Yates
Director of Marketing

FILE COPY



March 12, 2014
File# 14048

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

**Re: Aura LLC Plan of Minor Subdivision – App # SD-14-02
Block 29, Lots 28 & 29, Block 29.01 Lot 3, Block 32 Lots 1-9
Richwood Aura Road – Review 1**

Dear Chairman White and Members of the Board

I have received the following items for review of the application for Minor Subdivision approval:

Plan of Minor Subdivision by T.W.T. rev #2 2/6/14 signed R. McGuire	2/27/14
Letter by Aura LLC	2/28/14
Application by Aura Development LLC	3/3/14

Background:

The proposed subdivision is in part of an overall planned urban development area that received preliminary approval under the development name of Latham Park with various phases. The area is currently zoned R-R rural residential, but adjusted zoning bulk requirements were set for this development at Preliminary Subdivision approval.

This application does not propose any streets, or physical improvements. The application would enlarge Block 32 lot 1 and would eliminate all of the other the existing lots within the tract and replace them with 4 new lots. The proposed boundary of the northern most new lot (Block 29.01 lot 4 on the plan) would follow proposed lot lines running through Aura LLC's proposed Aura II

development and would cut through existing Block 29 lot 28. The remainder of the adjoining lot (Block 29.01 Lot 3 on the plan) would be enlarged to include the remainder of existing Block 29 Lot 29 and part of existing Block 29 lot 28. The southern boundary of this new lot would follow the southern perimeter of the proposed Aura II development. Existing Block 32 lot 1 would be expanded to include all of existing Block 32 lots 2, 3 and 4 and part of existing Block 32 lot 6. The southernmost new lot (Block 32 Lot 2 on the plan) would include the remainder of existing Block 32 lot 6 and all of existing Block 32 lots 7, 8 and 9. This 24.464 acre lot is created for dedication to the Township.

The following comments should be addressed before the application is considered complete and considered by the Board:

1. The title of the plan should be revised to read Major Subdivision.
2. The prior subdivision of Block 29 lot 24 was filed by plat but the block and lot numbers do not match the numbering required by the County Tax Assessor's office. As a result, the existing lot numbers indicated on the proposed plan as Block 29.01 lot 92 and Block 29.01 Lot 3 do not yet exist in tax records.
 - A. As per discussion with the Assistant County Tax Assessor, the filed plat should be corrected and re-filed, or corrected numbering of these lots should be requested and filed so that the title record of each lot is clearly documented and the numbering used in this and related subdivision development plans will match the title records and tax records.
3. The proposed northern most division line is shown without an overlay or background of the proposed Aura II subdivision layout. Therefore it is not feasible to check this complicated lot line to verify that it will not cut through proposed lots.
4. The applicant proposes that this subdivision will only be filed upon approval of the proposed Aura II subdivision. As such it has not been reviewed as a potential stand alone permanent subdivision. Although it includes a table of conformances, it must not be filed without the concurrent filing of approved plats for the Aura II subdivision and verification of consistency between the lot lines on both subdivisions.
 - A. A note should be added to the Municipal Clerk's Certification to ensure that this major subdivision is not approved for filing at the County Clerk, unless Final Subdivision approval has been granted to Aura II by the Planning/Zoning Board.

Recommendations:

The above items should be addressed prior to the Board considering this subdivision application.

Very truly yours,

Stan M. Bitgood

Stan M. Bitgood, P.E., C.M.E.

Email copies:

Joan Adams, Esq. Board Attorney

Anna Foley, Planning/Zoning Secretary

Leah Furey Bruder, P.P., Board Planner

Mike Canuso, Applicant

Edward Brady, P.E., T.W.T., Applicant's Engineer

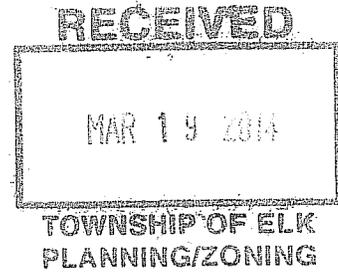
Richard McGuire, P.L.S., T.W.T. Applicant's Surveyor



FILE COPY

March 19, 2014

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



Attn: Anna Foley, Board Secretary

Re: Aura Development Group, LLC
Preliminary and Final Major Subdivision
Block 29, Lots 28 and 29. Block 29.01 Lot 3. Block 32, Lots 1 through 9,
Richwood-Aura Road (County Route 667)
RE Rural Environmental Zoning District
Elk Township SD-14-02
Bach Associates Proj. # ET2014-2

Dear Chairperson and Members of the Board;

We have received the application submitted by Aura Development Group, LLC for preliminary and final major subdivision at the above referenced site. This subdivision application is to re-divide the twelve (12) lots referenced above to create a total of four (4) lots. The overall tract involved contains 276.57 acres and constitutes the portion of the "Latham Park" project on the west side of Richwood Aura Road. The subdivision is being proposed for title and financing reasons, and will not result in any construction.

The application to create 4 lots from 12 is a Major Subdivision because it does not comply with the definition of "Minor Subdivision" in that it involves the creation or alteration of more than three lots and also involves a planned development. The applicant proposes to create four lots as follows:

- Proposed Lot 1 consisting of 170.87 acres will be the remainder of Latham Park (owned by Orleans).
- Proposed Lot 2 consisting of 24.464 acres will be deeded to the Township (the anticipated future school site) at the time of the first building permit issued for Aura II.
- Proposed Lot 3 consisting of 36.99 acres will be purchased by Aura Development Group and will be part of the Aura II Development north of the remainder Latham Park lot.
- Proposed Lot 4 consisting of 44.252 acres will be purchased by Aura Development Group and will be part of the Aura II development directly south of Aura I (the conversion project).

It is our understanding that lots 3 and 4 are being created for the purposes of financing. Though all four of the proposed lots will be compliant from a zoning stand point, the lot lines between lots 1, 3, and 4 are very irregular because they follow the lot and street lines that will be created by the amendment to preliminary major subdivision for Aura II (169 unit portion of Latham Park). The applicant has indicated that they will agree that no construction will occur from the creation of these four lots. This subdivision is inextricably tied to the Aura II and Latham Park subdivisions, and will enable Aura Development Group to acquire the portion of the land now

referred to as Aura II (169 lot portion of Latham Park) and to transfer the land at the southern end of the tract to the Township. As such, and assuming that the applicant agrees that the proposed subdivision will not result in any construction or improvements, we will defer to the Board's engineer to review the technical aspects of the proposed subdivision.

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

Very truly yours,
BACH Associates, PC



Leah Furey Bruder, PP, AICP

cc: Joan Adams, Esq.
Stan Bitgood, P.E.
Aura Development Group, LLC
Robert Swartz, Esq.
Edward P Brady, PE
Robert Bower, PP