

RESOLUTION NO. 2015-15

RESOLUTION OF THE ELK TOWNSHIP PLANNING BOARD GRANTING AN ADMINISTRATIVE DESIGN CHANGE TO THE APPROVALS FOR THE DEVELOPMENT OF PROPERTY KNOWN AS BLOCK 29, LOTS 16, 17, 17.02, 20, 24 AND BLOCK 29, LOTS 24.01, 28, 29 AND BLOCK 32, LOTS 1 AND 4 LOCATED ON RICHWOOD-AURA ROAD IN THE TOWNSHIP OF ELK

WHEREAS, Aura Development Group, LLC, a limited liability company with an address of 1010 Kings Highway, Building 1, Floor 1, Cherry Hill, New Jersey 08034, has made application for an administrative change to the preliminary and final major subdivision approval of lands identified as Block 29, Lots 16, 17, 17.02, 20, 24 (known as Aura I); and Block 29, Lots 24.01, 28 and 29 and Block 32, Lots 1 and 4 (known as Aura II), located on Richwood-Aura Road in the Township of Elk, County of Gloucester, State of New Jersey for the purpose of modifying the phasing schedule for affordable housing set aside units; and

WHEREAS, the Applicant is the owner of the land and is represented by its attorney, Robert Swartz, Esquire of the same business address as the Applicant; and

WHEREAS, the Aura I properties had received approval from the Elk Township Planning Board to convert an approved development from age-restricted to non-age restricted in accordance with N.J.S.A. 45:22A-46.3, et seq., which among other requirements, required a twenty percent (20%) affordable housing set aside. The Aura I site, consisting of one hundred and seventy- four (174) lots therefore required forty-four (44) affordable housing units; and

WHEREAS, the development known as Aura II comprised of one hundred and sixty-nine (169) single family lots with eight (8) affordable townhomes; and

WHEREAS, the Applicant desires to have an administrative design change to permit the phasing schedule of affordable housing units to be completed based upon the completion percentage of market rate units to apply to both the Aura I and Aura II developments; and

WHEREAS, the prior approvals granted to the Applicant as to these properties will otherwise remain the same and in full force and effect; and

WHEREAS, the Applicant has submitted to the Board and its professionals certain documents which have been relied upon by the Board and its professionals which consist of the following:

1. A letter submitted by the Applicant dated June 4, 2015.

WHEREAS, the Applicant has been granted submission waivers by the Board and has been deemed complete on June 17, 2015; and

WHEREAS, the Board has received a report from its Professional Planner, Ms. Leah Furey Bruder, PP, AICP of the firm of Bach Associates, PC, dated June 15, 2015, and the Applicant's representatives have testified as to their agreement with comments as set forth in said report which are incorporated herein by reference as if fully set forth herein; and

WHEREAS, after carefully considering the evidence presented by the Applicant in support of its application, at a public meeting that was held on June 17, 2015 which was open to the public for comments, the Board has made the following findings of fact and conclusions:

1. The subject property is located on Richwood-Aura Road. The Applicant seeks an administrative change to major subdivision approvals for a property known as Block 29, Lots 16, 17, 17.02, 20, 24 (known as Aura I), on the official tax map of the Township of Elk; and, Block 29, Lots 24.01, 28 and 29 and Block 32, Lots 1 and 4 (known as Aura II) on the official tax map of the Township of Elk for an amended phasing plan to permit the phasing schedule set forth below to apply to both the Aura I and Aura II developments:

Percentage of Market Rate Units Completed	Minimum Percentage of Low and Moderate Income Units Completed
25%	0
25% + 1 unit	10%
50%	50%
75%	75%
90%	100%

2. The Applicant presented testimony as to the request for the administrative design change so as to coordinate the phasing plan with both Aura I and Aura II. Said testimony was presented by Michael Canuso, representative of the Applicant, as well as Robert Bower, PP.

3. The Board Planner, Leah Furey Bruder, PP, AICP, of Bach Associates PC, testified as to the appropriateness of the Applicant's request and recommended to the Board the administrative design change requested by the Applicant, since the phasing of affordable units should be proportionate to the development overall.

WHEREAS, the Planning Board, after carefully considering the evidence presented in support of the application and after the meeting was opened to the public, has come to the following conclusions:

1. The application was deemed complete by the Board on June 17, 2015.
2. The Applicant has satisfied all the requirements imposed upon it by the Planning Board and/or in accordance with the Ordinance except for any conditions as may be herein contained.
3. It is understood and concluded that the Board has given approval to the Applicant's request for an administrative design change as presented at the June 17, 2015 hearing.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Elk on this 17th day of June, 2015, that this Board hereby GRANTS to the Applicant an administrative design change to the preliminary and final major subdivision approval for properties located on Richwood-Aura Road known as Block 29, Lots 16, 17, 17.02, 20, 24 (known as Aura I); and, Block 29, Lots 24.01, 28 and 29 and Block 32, Lots 1 and 4 (known as Aura II) on the official tax maps of the Township of Elk, subject to the following conditions:

1. Subject to all prior Resolutions approving the preliminary and final major subdivision approvals for the developments known as Aura Phase I and Aura Phase II. Remaining in full force and effect except as modified by this Resolution.
2. Subject to the comments contained in a report dated June 15, 2015, of the Board Planner Leah Furey Bruder, PP, AICP of Bach Associates, PC.
3. Subject to the condition that the Applicant submit an amendment to its plan indicating that the phasing plan as set forth in this Resolution is applicable to Aura Phase I and Aura Phase II.
4. Subject to the condition that all review fees must be paid by the Applicant so as to perfect this administrative design change approval.

BE IT FURTHER RESOLVED, that this Resolution will be published within ten (10) days of the date of the adoption of this Resolution in the South Jersey Times, which is designated as the official newspaper of publication of the Township of Elk Planning Board.

ROLL CALL VOTE

THOSE IN FAVOR: 8

THOSE OPPOSED: 1

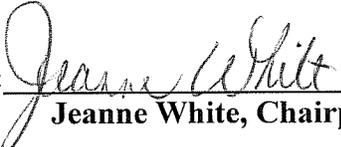
THOSE ABSTAINING: 0

Adopted at a regular meeting of the Planning Board of the Township of Elk held on July 15, 2015.

ATTEST

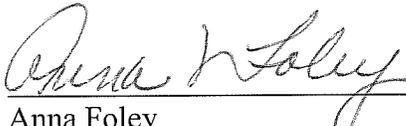
ELK TOWNSHIP PLANNING BOARD

By: 
Anna Foley, Secretary

By: 
Jeanne White, Chairperson

Certification

The undersigned, Secretary of the Planning Board of Elk Township, hereby certifies that the above is a true copy of the Resolution adopted by said Board on the 15th day of July 2015, its decision of June 17, 2015.


Anna Foley



June 15, 2015

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

Attn: Anna Foley, Board Secretary

Re: Aura Development Group, LLC
Aura Phase I and Aura Phase II
Request for Administrative Change to Major Subdivision Approvals
Block 29, Lots 16, 17, 17.02, 20, 24 (Aura I)
Block 29, Lots 24.01, 28 and 29. Block 32, Lots 1 and 4 (Aura II)
Richwood-Aura Road
RE Rural Environmental Zoning District
Bach Associates Proj. # ET2015-

Dear Chairwoman and Members of the Board;

We have received the June 4, 2015 letter submitted by Aura Development Group, LLC requesting an administrative change to the approvals for the "Aura I" and "Aura II" subdivisions. The applicant would like to merge the affordable housing requirements for the two projects, so that the construction of the on-site affordable units may be phased in as part of the overall development, rather than separately as part of Aura I and then Aura II. The issue is explained in more detail below, but from a planning standpoint we do not have any objection to the proposed phasing of the affordable units.

We offer the following information for the Board's consideration:

1. **Aura I.** The project known as Aura I has evolved from its initial approval as a 318 unit age-restricted residential community (in 2004) known as "The Grande at Elk" to a 218 unit non-age-restricted inclusionary development known as Aura I. In March 2011 the applicant received approval to convert the approved development from age-restricted to a non-restricted development in accordance with N.J.S.A. 45:22A-46.3 through 46.16 (known as the "Conversion Law"). Among other requirements, the Conversion Law required a 20% affordable housing set aside on-site, so Aura I now consists of 174 lots for single family homes and 44 affordable townhomes. The affordable units will be part of Elk's Fair Share Plan and will be credited accordingly.
2. **Aura II.** Aura II consists of a portion of the overall development that was initially approved in 2005 as "Latham Park", which included a total of 646 residential lots. Aura II comprises 169 lots for single family homes, and 8 affordable townhomes that would be constructed in the same location as the 44 affordable townhomes associated with Aura I. In order to integrate the 169 lot portion of Aura II (plus the 8 affordable units) with the 218 units proposed for Aura I, the applicant made some modifications to the original Latham Park subdivision design in 2014. The changes included altering some residential lot sizes, altering the roadways, and altering the type and location of open space and recreation facilities; all aimed at integrating Aura I and Aura II into a cohesive

and interconnected development.

3. **Affordable Units.** All of the affordable units must be restricted and governed in accordance with the Council on Affordable Housing's (COAH) rules and the Uniform Housing Affordability Controls. The Conversion Law provided that in order to construct the affordable units as attached housing, to meet accessibility requirements, or provide them as rental units, the affordable units may be constructed in one section of the development with a separate management entity, if such a management entity is required due to the nature of the development. The 44 units associated with Aura I and the 8 units associated with Aura II are proposed in one area of the project (proposed lot 6 in Block 29.01 consisting of 6.68 acres).
4. **Phasing of Affordable Units.** COAH's rules provide that the affordable units in an inclusionary development must be constructed proportionate to the construction of the market rate units as set forth in the table below. The applicant is requesting that this phasing be applied to the Aura project overall (343 market rate and 52 affordable) rather than separately to Aura I (174 market rate and 44 affordable) and Aura II (169 market rate and 8 affordable).

Percentage of Market Rate Units Completed	Minimum Percentage of Low and Moderate Income Units Completed
25%	0
25% +1 unit	10%
50%	50%
75%	75%
90%	100%

From a planning standpoint it makes sense to treat Aura I and Aura II as one overall development project. As such, it follows that the phasing of the affordable units should be proportionate to the development overall. Allowing the phasing to apply collectively to aura I and Aura II will enable the developer to initiate the development and gain some momentum with the market rate units before initiating construction of affordable units.

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: John Eastlack, Esq.
Stan Bitgood, P.E.
Michael Canuso, Aura Development Group, LLC
Robert Bower, PP