

**RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF
ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER,
STATE OF NEW JERSEY, GRANTING PRELIMINARY AND FINAL MAJOR
SITE PLAN APPROVAL TO EWAN 77, LLC., 4150 ROUTE 42,
TURNERSVILLE, NJ REGARDING PROPERTY LOCATED AT 412 EWAN
ROAD, AND BEING FURTHER SHOWN AS BLOCK 6, LOT 1 ON THE TAX
MAPS OF THE TOWNSHIP OF ELK, APPLICATION NO.: SP-16-07**

WHEREAS, Application No.: SP-16-07 (the "Application") was submitted before the Combined Planning/Zoning Board Adjustment of the Township of Elk, County of Gloucester, State of New Jersey (the "Board") by Ewan 77, LLC, 4150 Route 42, Turnersville, NJ, (the "Applicant") for preliminary and final major site plan approval regarding property located at 412 Ewan Road, (the "Subject Property") and being further shown as Block 6, Lot 1 on the Tax Maps of the Township of Elk (the "Township"); and

WHEREAS, the Applicant did appear at a meeting and public hearing held by the Board on the Application on October 19, 2016, at 7:30 P.M., time prevailing, at which time were the following present on behalf of the Applicant: Dr. Joseph DelGiorno, on behalf of Ewan 77, LLC; David Kreck, P.E., The Pettit Group, LLC, 497 Center Road, Sewell, NJ 08080, (the Applicant's professional engineer); and Christopher Wisniewski, Esquire, Lauletta Birnbaum, 591 Mantua Boulevard, Suite 200, Sewell, NJ 08080, (the Applicant's Attorney); and

WHEREAS, Mr. Kreck, having not appeared in front of the Board for some time, provided on the record his background, experience, and licensing, at which time it was stipulated on the record, by the Board, that for the purposes of the Application, Mr. Kreck was indeed a licensed professional engineer in the State of New Jersey and was qualified to testify as an expert in the field of engineering on behalf of the Applicant for the purposes of the Application, after which were Mr. Kreck and Dr. DelGiorno sworn and provided testimony on the Application;

NOW, THEREFORE, BE IT RESOLVED by the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, as follows:

FINDINGS OF FACT

1. The Application was deemed to be complete, subject to the Board acting on the request of the Applicant for waivers from certain submission requirements. As such, the Board had jurisdiction to act on the Application.

2. Steven M. Bach, P.E., R.A., P.P., C.M.E., Bach Associates, PC, 304 White Horse Pike, Haddon Heights, NJ 08035, the Board's professional planner, and Stan Bitgood, P.E., C.M.E., Federici and Akin, 307 Greentree Road, Sewell, N.J. 08080, the Board's professional engineer, were both sworn as to any testimony that they would give on behalf of the Board as to the Application.

3. The Applicant submitted and the Board entered into the record the following:

A. Application, Application Fee, Escrow Agreement, Escrow Deposit, Certification of Taxes Paid on the Subject Property, Certified List of Property Owners within 200 ft. of the Subject Property, Notice of Public Hearing, Affidavit of Service, Affidavit of Publication, and Disclosure Statement.

B. Preliminary and Final Major Site Plan Approval Submissions:

<u>Sheet</u>	<u>Title</u>	<u>Date</u>	<u>Revised</u>
1	Cover Sheet & Index of Drawings, The Pettit Group, LLC (TPG)	5-19-16	10-07-16
2	Demolition Plan	5-19-16	10-07-16
3	Site Plan	5-19-16	10-07-16
4	Grading & Utility Plan	5-19-16	10-07-16
5	Landscape & Lighting Plan	5-19-16	10-07-16
6	SESC Plan	5-19-16	10-07-16
7	SESC Notes & Details	5-19-16	10-07-16
8	Construction Details	5-19-16	10-07-16
9	Construction Details	5-19-16	10-07-16
10	Construction Details	5-19-16	10-07-16
A-1	Schematic Floor Plan by John Hubart, AIA	5-11-16	
	Alta Title Report by Chicago Title Insurance Co.	1-10-08	
	Stormwater Management Compliance Report, by TPG	5-19-16	10-07-16

Stormwater Management Plan, by TPG	5-16-16	10-07-16
County Planning Board Application	6-17-16	
NJPDES Stormwater Checklist	6-17-16	
Soil Erosion Application	6-17-16	
Wetlands Certification Letter by John M. Pettit, P.E, P.P., C.M.E.	10-7-16	
Transmittal & Comment Response Letter, John M. Pettit, P.E., P.P. C.M.E	10-07-16	
Letter & Stormwater Easement Amendment Draft, Christopher Wisniewski, Esq.	10-11-16	

C. Letter dated August 4, 2016 from Steven M. Bach, P.E., R.A., P.P., C.M.E., Bach Associates, PC, the Board's Professional Planner, to the Board, regarding Mr. Bach's review of the Application.

D. Letters dated August 18, 2016 and October 13, 2016 from Stan Bitgood, P.E., C.M.E., the Board's Professional Engineer, regarding Mr. Bitgood's review of the Application.

E. Letter dated October 11, 2016 from Christopher Wisniewski, Esquire, to the Board regarding his comments with respect to the Application.

F. Letter undated, but received by the Board on October 11, 2016, from Brian W. Cleary, PE, of the Pettit Group, LLC, the Applicant's Professional Engineer, regarding his review of the Board Engineer's letter dated August 18, 2016 which was subsequently updated by way of Mr. Bitgood's letter of October 13, 2016.

G. Deed of Easement (Access to Service Basin Area) from Ewan 77, LLC, to the Township of Elk, dated March 6, 2008 as recorded on the County Records of Gloucester in Deed Book 4507, page 234.

H. Resolution No. 2007-47, a Resolution of the Combined Planning/Zoning Board of the Township of Elk Memorializing the Approval of a Use Variance, Design Waivers and Preliminary and Final Site Plan to Permit Block 6 Lots 1,2 and 3 located upon Route 77 to be developed as a general office building consistent with the office uses permitted in the C-1 Commercial Zone, Adopted December 19, 2007.

I. Resolution 2009-14, a Resolution of the Combined Planning/Zoning Board of Elk Township, to Memorialize the Amendment of Preliminary and Final Site Plan Approval for Block 6 Lot 1 located upon Route 77 to permit design modifications, Adopted March 18, 2009.

J. 12 5"x7" color photographs of the Subject Property submitted by the Applicant.

K. Letter dated September 27, 2016 to the Board from Edward J. Johnson, Chief County Fire Marshal, County of Gloucester regarding his review of the Applicant's plan.

L. Letter dated September 23, 2016 from Charles DeFalco, Chief of Police of Elk Township, to the Board, regarding his review of the Applicant's plans.

M. Memorandum to the Board dated October 12, 2016 from the Elk Township Environmental Commission, regarding their review of the Application.

4. Mr. Wisniewski, on behalf of the Applicant, provided background information on the Application and, in particular, he reviewed prior resolutions 2007-47, and 2009-14.

5. The Applicant requested waivers for the following submission checklist items:

- A. Item 29, Environmental Impact Statement.
- B. Item 30, Phase 1 Environmental Assessment Report.
- C. Item 31, Traffic Impact Report.
- D. Item 33, Affordable Housing Compliance Statement.
- E. Item 42, Structures and Wooded areas within 200 feet.
- F. Item 63, Road cross sections.
- G. Item 65, Preliminary Utility Plans.
- H. Item 67, Soil test results for sewage system.
- I. Item 75, Utility Plans.

The Board's Engineer had no objection to waiving all except the items 65, 67 and 75, which can be a condition-subsequent if the Application is approved.

J. Item 72, Copies of Permits issued by NJDOT. (A permit will be required for the stormwater outfall system). The Board's engineer recommended that submission of same be a condition-subsequent based on approval of the Application.

K. Item 77, Proposed Signage. The revised plans do not show

signage. The Applicant proposes to discuss this with the Board. The Board's engineer and the Board's Planner recommended a temporary waiver of this submission requirement, for completeness purposes only, after which a sign proposal will be submitted to the Board's professionals for review and comment.

- L. Item 33, Affordable Housing Compliance. The Board's engineer stated that the Applicant will have to comply with the Township's Affordable Housing Ordinance, even though the Applicant's attorney questioned the language in the ordinance. The Applicant would have a right of appeal as set forth in the ordinance.
- M. Item 63, Cross Sections and Center-Line profiles, the Board's engineer recommended a waiver for completeness only, but that this submission would be a condition subsequent if the Application is approved.

6. **WHEREUPON**, a motion was made by Board Member White, which was seconded by Board Member Nicholson, to grant the above referenced submission waivers, subject to the representations made by the Applicant and the Applicant's Professionals, some of the waivers being granted on a conditional basis as set forth above by the Board's professionals, with the following Board members voted in favor of the motion to grant the submission waivers: Poisker, Clark, Nicholson, Shoultz, White, Schmidt, McKeever, Alternate Member #1 Goss, and Alternate Member #2 Swanson. There were no votes in the negative and no abstentions or recusals. The following Board members were absent: Hughes, and Barbaro. The Board, having granted the above referenced waivers from submission requirements, the Application was deemed to be complete, and the hearing on the Application proceeded.

7. The Subject Property consists of 3.30 acres of land with an existing 6,250 s.f. medical office building that will remain. The Application is for preliminary and final major site plan approval to add an additional medical office building and associated parking and related improvements to the site. The Subject Property has frontage on Ewan Road and Mullica Hill-Bridgeton Road (N.J.S.H. Route 77). Access to the site is currently from Ewan Road and the Applicant proposes a future access from Mullica Hill-Bridgeton Road in addition to the current Ewan Road access.

8. The Subject Property is located within the C-1 Commercial Neighborhood zoning district and is surrounded on the North by C-1 Commercial and the West, South and East by the LD Low Density Residential zoning district. A variance was previously granted in 2007 (Resolution 2007-47) to permit the C-1 use in the LD zone, as the building was previously in both a C-1 and LD Zone District. Since that

time Lot 3 has been consolidated and rezoned to the C-1 Commercial Neighborhood zone.

9. Adjacent developed properties are residential. Adjacent undeveloped properties are wooded, and/or farms. There are no existing water or sanitary sewer utilities within or adjacent to the tract. The site is not within the Elk Township Waste Water Management Area served by G.C.U.A. The site predominantly drains toward the southwest and Route 77. The Board previously granted site plan approval and a use variance for the existing parking lots, stormwater system, and conversion of the existing building to medical offices by Resolution 2007-47 which was later amended by Resolution 2009-14.

10. As previously set forth above, the Subject Property is within the C-1 Commercial Neighborhood District which permits professional office uses. Bulk standards are provided below:

Section	Required	Existing	Proposed	Compliance
96-76C(1) Minimum Lot size	30,000 sf	143,633 sf	143,633 sf	Complies
96-76C(2) Minimum Lot Frontage	150'	371.84'	371.84'	Complies
96-76C(3) Minimum Lot Depth	150'	432.9'	432.9'	Complies
96-76C(4) Max. Bldg. Cover	20%	2.75%	10.01%	Complies
96-76C(5)b.1 Front Yard Setback (Corner Lot)	50'	95.86'	50'	Complies
96-76C(5)b.2 Min Side Street Side Yard - Corner Lot	50'	193.36'	53.9'	Complies
96-76C(5)b.3 Min Interior Side Yard Corner Lot	30'	85.54'	85.54'	Complies
96-76C(5)b.4 Rear Yard Setback Corner Lot	50'	122.36'	122.36'	Complies
96-76C(6)a Max Bldg. Height	35'	<35'	<35'	Complies
96-76C(6)a Min Buffer to Residential	50'	55.54'	55.54'	Complies

11. Mr. Kreck, on behalf of the Applicant, entered two exhibits into the records as follows:

- a. Exhibit A-1 Aerial photograph of the Subject Property and the surrounding properties
- b. Exhibit A-2 Same Aerial Photograph of the Subject Property and surrounding properties, on which was an overlay of the proposed Site Plan
- c. Exhibit A-3 Colored rendering of a representation of the proposed front building elevation

12. Mr. Kreck testified as to the Application, and the fact that the Applicant was proposing a separate access and egress to the Subject Property via Route 77, once a N.J.D.O.T. permit is issued. Accordingly, Mr. Kreck was requesting a general approval of the proposed access/egress, with a specific approval to be requested from the Board's Engineer once N.J.D.O.T. issues a permit, after which the plans can be finalized as to the now proposed access/egress lane.

13. Mr. Kreck provided testimony regarding the site plan, the proposed buildings, parking areas, connection between buildings, trash enclosure areas, and access roads to the Subject Property. Mr. Kreck testified that regarding the septic system and well on the Subject Property, these would both be upgraded and any changes would be provided to the Board's Engineer for his review and approval, subject to the County approvals that are also required. In addition, all other conditional submission waivers that had been granted by the Board will be submitted to the Board's Professional Planner and to the Board's Professional Engineer for their review and approval. Mr. Kreck testified that he and the Applicant will work with the Board's professionals as to all outstanding issues that needed to be addressed to finalize the site plan. Mr. Kreck also addressed landscaping issues, buffering requirements, and the proposed water basin on the Subject Property. The issue of grades was referenced and Mr. Kreck testified that it would not be possible to have a handicap walkway between buildings because of the nature of the grade. However, Mr. Kreck testified that each building would have its own parking area for which handicap parking would be provided. Mr. Kreck testified that he would work with the Board's Engineer and Planner to address all such issues as the final details are worked out for an approved final site plan.

14. Dr. DelGiorno, testified that at the present time that his office was located in a converted home and that he was in the medical field of Pediatrics. Dr. DelGiorno referenced prior occupants of the facility, and indicated that Salem Hospital currently also operated at the facility, as well as Rowan University which has an OBGYN practice. Dr. DelGiorno provided background information as to his need to expand because his medical practice was growing and could not be accommodated by the existing facility. Dr. DelGiorno believed that the expansion

plans as provided on the site plan, would bring a very suitable and modern medical facility to Elk Township.

15. Mr. Bach, reviewed with the Board and the Applicant his letter of August 4, 2016 as follows:

Landscape and Buffering:

1. The 2009 Master Plan changed the zoning of Lot 3 to C-1 Neighborhood Commercial. The plans shall be revised to eliminate the reference to the LD zoning district as it no longer applies. As the LD zoning district no longer applies to this site, the 35' wide buffer per §96-69.C(6)a shall also be removed from the plans. The Applicant agreed to comply.
2. The Applicant's professional shall investigate alternate design methods for the proposed basin to lessen the impact of the basin on the required 50' buffer. It shall be noted that the buffer width is in addition to any yard requirement per §96-47. It shall also be noted that a variance or waiver may be required if any portion of the basin is located within the required 50' buffer as no structure shall be located within any buffer per §96-50(A)1. The Applicant requested a waiver to allow for the basin to be located within the 50 ft. buffer. In light of the site's topography, the Board's Planner had no objection.
3. Landscaping shall be provided along the entirety of the proposed basin. After deliberation and in response to concerns from the adjacent resident (during the public portion set forth hereinafter), it was decided that the entirety of the proposed basin did not need to be landscaped. In lieu thereof, the basin must maintain landscaping across the street frontage and must be completely screened from the adjacent property (Lot #4) through the installation of a double row of evergreens that shall supplement the existing landscaping and extend along the entire southerly property line, subject to the Board Planner's approval.
4. The 50' wide residential buffer shall be heavily landscaped with appropriate buffering landscape material in the area adjacent to the proposed basin. The final landscape design must be reviewed and approved by Mr. Bach's office. The landscaping for the 50' buffer shall be provided along the property line. The Applicant agreed to comply.
5. The plans shall include low growing landscaping around the base of all pole mounted or monument signs. The Applicant agreed to comply.
6. Street trees shall be provided along Ewan Road and Mullica Hill Bridgeton Road per §96-50(D). The Applicant agreed to comply.

16. The following additional comments are provided for the Board's consideration:

1. A waiver from sidewalk along streets was granted during site plan review for the existing medical office building to allow sidewalk to be delayed until adjoining sidewalk is constructed. Given the addition of a 10,568 s.f. medical office building the site will now be more of a medical complex. The Board's Planner recommended a sidewalk be installed along Ewan Road as part of this Application and sidewalk be installed along Mullica Hill Road if and when the future access drive to Mullica Hill Road is installed. Mr. Kreck testified that there were no sidewalks or curbs along Route 77 anywhere close to the Subject Property. Mr. Kreck agreed that the Applicant would grant a sidewalk easement to the benefit of the Township as a condition of approval, in the event that sidewalks are ever installed in the future by the Township along Rt. 77 on the Subject Property.
2. The Applicant shall provide testimony regarding the architectural character of the proposed building. Mr. Bach recommended that the proposed building be designed to have a residential appearance that is consistent with the existing medical office building currently at the site. The Schematic Floor Plan and elevation provided propose corrugated metal siding and aluminum storefront framing and glazing which would appear to be inconsistent with the residential character of the site and existing building. Dr. DelGiorno testified that the proposed design of the building was more in keeping with a medical facility, which is more appropriate than a residence given C-1 Commercial zone designation, but that the building would be effectively screened from adjacent residential properties.
3. As the proposed basin is much larger and deeper than the existing basin, Mr. Bach recommended consideration of a fence around the top of the basin. Mr. Bach deferred to the Board's engineer for comment. If it is determined that a fence is required, Mr. Bach recommended that a fence of rural character, such as a 4' high split rail fence with black welded wire fabric, be added in addition to required landscaping.
4. The Applicant shall provide testimony regarding any existing or proposed signage for the site and shall conform to the requirements in §96-60 of the Elk Township Land Development Ordinance. Review of any proposed additional signage may be deferred to final site plan review. Mr. Kreck testified that there was no signage proposed at this time. It was anticipated that the Applicant would comply with the signage provisions in the Township's ordinance as to the C-1 Zone Standards. If the Applicant decided that additional signage was needed, the Applicant would file a separate application for a sign variance at that time.

17. Mr. Bitgood, reviewed his letter of October 13, 2016 with the Board and the Applicant as follows:

Technical Review

The plans are generally clear and complete and organized.

1. Bulk requirements: The plans include a table of bulk requirements which is satisfactory. No bulk variances are proposed.
2. Plan Requirements: Additional information should be shown regarding existing and proposed signage. The Applicant proposes none. 911 signs and building address indications would be needed regardless. The Applicant agreed to comply.
3. Driveways. The proposed relocation of the driveway location on Ewan Road is acceptable. The plans have been revised to show pavement restoration and the details should show full depth pavement restoration with hot sealed saw cut joints.
4. Landscaping. A Landscaping and Lighting Plan is included. Note 16 has been added to sheet 5. It should be noted that 9 trees, 8 of which are 12" or larger, are called out as to be relocated if possible. If relocation is practical, proposed locations should be shown on the plan. If not, mitigation for the loss should be considered. It is recommended that, however this is resolved, that the plan note be revised to state the final condition imposed by the approval. Clarity will be needed for bonding, construction, and inspections. The Applicant agreed to revise the plans accordingly.
 - A. Shrubs should be added along the curb line across the "future driveway". In lieu thereof, the Applicant proposed to install a split rail fence across the future driveway. The Board's engineer had no objection.
5. Lighting. The proposed box fixture site lighting poles and luminaires conform to the ordinance. The lighting plan shows adequate lighting within the proposed parking lot and walks except along the walkway at the south side of the building and the driveway entrance at Ewing Road.
 - A. Fixture A-1 has been moved toward Ewing road to increase the illumination of the entrance.
 - B. Wall pack/soffit lighting along the south wall was changed to increase the lighting to between 0.5 and 1.0 ft candle.
 - 1) The hours of illumination and after hours security lighting should be addressed. Mr. Kreck testified that the Plans will be amended to

note the same.

6. Parking. The plans show 76 proposed parking spaces where our ordinance requires 68. HC striping should be shown adjacent to the HC space in front of the existing building. The Applicant agreed to comply.
7. Handicap Parking. Four new handicap parking spaces are proposed along the front of the building. The details conform to requirements.
8. Pedestrian Access. The plans show new walks along the building fronts and 13 spaces between the buildings. While presumably not intended, some visitors or employees will undoubtedly have to walk between the two buildings. The plan should address this.
 - A. The walk should be extended to the curb nose at the south east corner of the building. The walk should also be extended toward the drive aisle at the north end of the 13 spaces and along the proposed 3 spaces where timber rail is shown. The rail should be set back from the curb.

Mr. Kreck testified that a pedestrian connection will be provided between the two buildings. However, the pedestrian connection cannot be ADA accessible, given the grade that exists. Furthermore, the pedestrian connection will result in the loss of one parking space, thus yielding a total of seventy-five (75) parking spaces. In response, the Board's Engineer requested that special signage be provided to alert handicapped patrons that there is no ADA accessible path between the two buildings. The Applicant agreed to comply and will work with the Board's engineer on the details of such signage.

- B. Plan view and Grading Details 1 and 2 have been revised to provide for the required 1 foot extension of handrails. The extensions are shown. Clear width has not been reduced to less than 3.5 feet.

The extension of handrails was agreed to by the Applicant.

9. Grading. A grading plan and details are included in the plans.
 - A. At least two on-site bench marks should be shown and called out on the plan. The Applicant agreed to comply.
 - B. The curb reveal has been reduced to provide a clear overflow path for runoff that could be trapped at yard inlet 1. A 3 ft length of flush curb is called out on the Site Plan.
 - C. Grading detail 1 should be revised to provide walkway and landing cross slopes of between 1% and 2% (1:48). Slopes adjacent to it have been revised with landscape walls to keep slopes to 3:1 or less. The

Applicant agreed to comply.

- D. The contours along the connecting walk with steps have been adjusted to fit with adjustments for the handrail extensions.
- E. A nearly level area of 12 to 18 inches wide should be provided along the base of the retaining wall. If not feasible, detailed stability calculations should be submitted for review. The Applicant agreed to comply.
- F. For ease of maintenance and safety of those performing the maintenance, a nearly level bench should be provided around the top or partway up the side of the basin. The trash enclosure should be moved at least 6 foot from the top of slope.
 - 1) The corner of the trash enclosure will be on over 3 feet of fill at the top of a 12ft high 3:1 slope. If it cannot be moved away from the edge, the detail must be revised to show the actual cross section, existing and proposed, with footings extended below existing grades, and to require testing of the subgrade prior to placement of the footings.
 - 2) If it is not moved, maintenance crews will create ruts in the slope near the enclosure that will then erode. Stabilization fabric or other should be shown to prevent erosion and undermining of the enclosure.

Mr. Kreck agreed to revise the plans accordingly.

- G. Basin contours and the limit of the emergency spillway have been revised to keep disturbances at least 5 feet from adjacent property lines.
 - H. The grading plan has been revised to provide a 2 foot minimum width border area, with a slope less than 10%, as recommended along the future curb line at the top of the basin.
 - I. A note should be added regarding partial/temporary basin excavation that should be used to minimize silt clogging of the bottom during construction. Note 16 has been added to sheet 4. However by itself Mr. Bitgood did not think that this is adequate to ensure that the contractor will conduct the work in a sequence that actually ensures that the basin functions during and after construction. The Applicant agreed to comply.
10. Utilities. The plans have been revised to show existing piping as well as the well and septic field, a concrete lid, and other items that may be part of the utilities.

- A. A copy of the County Health permit for modification of, and/or connection to, the existing septic system should be provided prior to approval. All required piping, tanks, pump chambers, and power and control conduits for the system must be shown. The Applicant agreed to comply.
11. Fencing. Split rail fencing has been added to the basin. A detail has been added to sheet 9 as well. Consideration should be given to placing the fencing around the top of the basin instead of in the middle of the 3:1 side slope. While the detail calls for 40 inch embedment of the posts, which will help stabilize the posts on the slope, it is likely that the fence will tend to roll down hill and that mowing near it on the high side will be difficult. Mr. Kreck testified that the Applicant and the Applicant's engineer will work with the Board's Engineer and Planner to address this issue.
12. Stormwater Management. The project requires and includes stormwater management measures as a major project. The applicant has submitted complete hydrologic and hydraulic calculations, along with a basin maintenance plan, and documentation of water quality and ground water recharge. The calculations and documents are satisfactory. All of the foregoing shall be updated and submitted to reflect any significant changes and conditions of approval that may apply.
- A. The grading plan shall be revised to show NJ State Plane coordinates for at least two permanent markers and the coordinates for the basin outfall structure. The Applicant agreed to comply.
 - B. The grading plan shall be revised to show an appropriate conversion value between the local elevation datum and NAD 83. Mr. Kreck testified that the Applicant has complied, by providing vertical datum set to NAVD '88.
 - C. A note #16 has been added to sheet 4, alerting the contractor to the requirement that the basin must function as designed, including both attenuation and recharge, during construction as well as at completion.
 - D. The Stormwater Management Plan has been revised to include a Low Impact Development Checklist which addresses the use of non-structural strategies. Our ordinance requires submission of the stormwater management checklist required by ordinance section 86-2C. The Applicant agreed to comply.
 - E. A basin cross section was included in the plans. Soil boring and test pit cross sections have been added on new sheet 10.
 - F. The existing basin maintenance easement must be updated to reflect the proposed basin and site plans. A draft of an amendment to the existing easement has been submitted. The amendment is

satisfactory. The amendment should be approved by the Board Solicitor. The Applicant agreed to comply.

- G. A copy of an approved N.J.D.O.T. Access and/or Occupancy Permit shall be provided prior to acceptance of the performance guarantee and commencement of construction. The Applicant agreed to comply.
- H. The Stormwater Maintenance Plan has been revised to require submission of the certification and a copy of the inspection log, inspection reports, and documentation of any maintenance cleaning and repairs, on or before January 31 of each year.

13. Sequence. The plans include an estimated schedule and duration of construction on sheet 7.

14. Discussion took place by and between the Board and the Applicant regarding the need to remove trees on the property. The Applicant agreed that any trees that had to be removed due to construction of site improvements would be compensated for on a tree for tree basis elsewhere on the site.

15. The hearing on the Application was opened to the public, at which time the following member of the public was sworn and provided testimony on the Application: Vincent Siderio, 347 Route 77, was a resident neighbor next to the Subject Property. Mr. Siderio testified that he wanted the new facility to have a residential look so that it would blend into the surrounding residences. Mr. Siderio also testified that he questioned a lot of the development, and was very concerned about the increase in construction that would take place. Mr. Siderio questioned whether the new facility, and the fact that there would be two buildings on the Subject Property, would be kept all as medical offices or whether they would be rented as for non-medical uses. Dr. DelGiorno testified that it was his intention to keep all of the facilities for medical uses. Mr. Siderio submitted to the Board seven colored photographs of the Subject Property which were entered into evidence as Exhibit O-1. Mr. Siderio testified that over the past year there was bags of trash that were stored in uncovered cans, and he was concerned that some of the trash might contain medical waste. Mr. Siderio indicated that there were bags of dirty diapers that were blown from the trash bin area to the rest of the Subject Property which was unsightly and remained there for some time. Mr. Siderio testified that there were tree limbs that were dead and hanging and had not been properly removed, that there were dead trees on the Subject Property as well as weeds that were not pulled and removed, drainage rocks that were filled with weeds, bushes that were not maintained and a generally unkempt facility. Mr. Siderio testified that he was concerned that the site plan provided larger parking lots that could be seen from his property line, and the general lack of maintenance throughout the entire Subject Property in the past. In response, Dr. DelGiorno testified that he wished that Mr. Siderio would have come to him first to speak with him about his concerns. Dr. DelGiorno testified that he will advise his landscaper to take care of the Subject

Property and address Mr. Siderio's issues. Dr. DelGiorno also indicated he will extend the landscaping and agree to have a landscape buffer along the proposed basin between the Subject Property and Mr. Siderio's property to help shield the additional improvements from view of Mr. Siderio's property. There being no further members of the public wishing to testify, the public portion of the hearing on the Application was closed.

CONCLUSIONS

The Board concluded that the proposed preliminary and final major site plan should be approved, subject to the changes, amendments, and updates that the Applicant and the Applicant's professionals will have to comply with, as being within the intent and in the best interests of the zone district, and the development of the Subject Property, notwithstanding the tree conservation restrictions of Resolutions No. 2007-47, but subject to Condition # 11 as is further set forth herein. The Board notes that there are no bulk or use variances that are required and that the proposed improvements meet the zone code of the Township of Elk. The Board understands that there are no signs proposed at this time, but that if the Applicant wished to have signs that were not permitted, or are beyond the scope of the current permitted signs in the C-1 zone district, the Applicant would have to return to the Board and seek variance relief. The Board concluded that the proposed relocation of the driveway location on Ewan Road is appropriate. The Board also concludes that the proposed landscaping is appropriate, subject to the enhanced landscaping along the property line with Mr. Siderio's property, and the additional landscaping as agreed to by the Applicant and proposed by the Board's Planner. The Board concludes that the site plan provides for adequate lighting where needed, and that the Applicant will propose sufficient hours of lighting in after hours for security lighting that will be reviewed by the Board's Planner and Engineer for further approval. The Board notes and concludes that the proposed parking is sufficient in so far as seventy-six (76) proposed parking spaces are on the site plan, since revised to seventy-five (75) to allow for a pedestrian connection between the two buildings, where the township ordinance requires only sixty-eight. The Board concludes that the issue of a walkway between the proposed buildings should be further addressed by the Applicant's Engineer, and submitted to the Board's Engineer and Planner for review and approval. The Applicant has requested a design waiver for providing sidewalks along the frontage of the Subject Property at Route 77 insofar as there are no sidewalks or curbs along Route 77 within the immediate area of the Subject Property. However, the Applicant agreed to provide a sidewalk easement to the Township should the Township ever wish to construct sidewalks in that area. The Board also concluded that with regard to grading, utilities, stormwater management, and other issues regarding the plan, that the proposals set forth by the Applicant are either approved and acceptable, or the Applicant has agreed to make amendments and changes and submit them to the Board's professionals for final review and approval, as a result of the approval granted by the Board.

CONDITIONS

1. The Board presumes that the Applicant's Application, all maps, Exhibits, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for relief. In the event that it appears to the Board, on reasonable grounds, that the Application, exhibits, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied on by the Board as they bear on facts that were essential in the granting of the relief requested by the Applicant, the Board may rescind its approval and rehear the Application, either upon the request or application of an interested party, or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

2. At any time after the adoption of this resolution of memorialization, should a party on interest appeal to the Board for an order vacating or modifying any term or conditions as set forth herein, upon the proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the fact(s) at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems to be appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action, as appropriate.

3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12.c., and publication of the notice of public hearing in this matter in accordance with law.

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

5. The Applicant must obtain all approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to

finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Attorney, Engineer and Planner.

6. The Applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on this Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or constructions or other activity commencing on the approved project, or any certificate of occupancy being issued.

7. The Applicant must obtain any and all other construction or municipal permits, inspections, etc., required with respect to the relief as granted herein.

8. The Applicant must comply with all of the representations, agreements, and conditions as are set forth above in findings of fact.

9. The Applicant is to make changes to the site plan that has been submitted, pursuant to the agreements and acknowledgements made by the Applicant for review and approval by the Board's Professional Engineer and Planner, as a condition of the approval granted herein.

10. The Applicant must obtain an escrow account with the Township in order to make sure that all escrows have been paid before any construction permits will be granted.

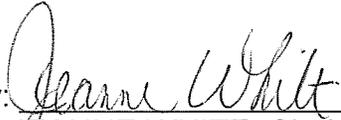
11. The Applicant shall be bound by all terms and conditions that are set forth in prior resolutions No. 2007-47 and No. 2009-14, that are not otherwise inconsistent with the relief being granted herein. Specifically, partial relief is granted from the deed restriction relating to the removal of a wooded area on the Subject Property, to the extent that some trees are to be removed consistent with the Applicant's Existing Conditions and Demolition Plan (page 2 of 9) and Site Plan (page 3 of 9) of the Applicant's Preliminary/Final Major Site Plan dated 5/19/14, prepared by the Pettit Group, LLC, and signed and sealed by John M. Pettit, P.E./, P.P., C.M.E. Should there be any inconsistencies between said prior resolutions and the relief being granted herein, then the relief being granted herein, along with all associated conditions, determinations and agreements, shall apply.

WHEREUPON, a motion was made by Board member Poisker, which was seconded by Board member Schmidt, to grant preliminary and final major site plan approval to the Applicant, subject to the conditions, stipulations,

understandings, and agreements, as are further set forth under Findings of Fact above, with the following Board members voting in favor of the motion to grant approval: Poisker, Clark, Nicholson, Shoultz, White, Schmidt, McKeever, Goss (Alternate # 1), and Swanson (Alternate # 2). There were no votes in the negative, and no abstentions or recusals. The following Board members were absent: Hughes, and Barbaro.

THIS RESOLUTION WAS ADOPTED by the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, on November 16, 2016 as a memorialization of the approval granted by the Board at the Board's regular meeting and public hearing held on October 19, 2016.

**COMBINED PLANNING/ZONING
BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF ELK**

By: 
JEANNE WHITE, Chairperson

ATTEST:

By: 
ANNA FOLEY, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regularly scheduled meeting of the Elk Township Combined Planning/Zoning Board of Adjustment, County of Gloucester, State of New Jersey held on the 16th day of November 2016 at the Township Municipal Building, 680 Whig Lane, Monroeville, N.J. 08343 at 7:30 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's meeting and public hearing held on October 19, 2016 on the above cited Application.


ANNA FOLEY, Secretary



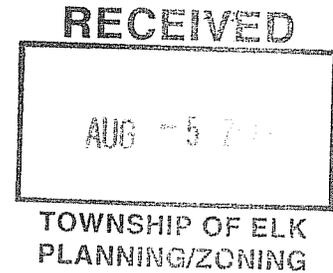
August 4, 2016

FILE COPY

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

Attn: Anna Foley, Board Secretary

Re: Medical Office Building
Ewan 77, LLC
412 Ewan Road
Block 6, Lot 1
Preliminary and Final Site Plan
C-1 Commercial Neighborhood and LD Low Density Residential
Elk Township Application SP-16-07
Bach Associates No. ET2016-8



Dear Chairwoman and Members of the Board:

We have received the application and supporting documents submitted by Ewan 77, LLC for preliminary and final site plan review for the above referenced site. The property consists of 3.30 acres of land with an existing 6,250 sf medical office building that will remain. The application is for preliminary and final site plan approval to add an additional medical office building and associated parking and related improvements to the site. The property has frontage on Ewan Road and Mullica Hill Bridgeton Road (NJSH Route 77). Access to the site is currently from Ewan Road and the applicant proposed a future access from Mullica Hill Bridgeton Road.

The property is located within the C-1 Commercial Neighborhood zoning district and is surrounded on the North by C-1 Commercial and the West, South and East by the LD Low Density Residential zoning district. A variance was previously granted in 2007 (Resolution 2007-47) to permit the C-1 use in the LD zone. Since that time Lot 3 has been rezoned to the C-1 Commercial Neighborhood zone.

We have received the following materials in support of this application:

1. Land Development Application for Preliminary and Final Site Plan Review (received by Elk Twp. June 24, 2016), Escrow Agreement dated June 17, 2016, Affidavit of Applicant and Ownership, Tax Certification, disclosure statement.
2. Elk Township Land Development Checklist (received by Elk Twp. June 24, 2016).
3. Drawings entitled "Medical Office Building, Preliminary & Final Site Plan, Block 6, Lots 1-3, Plate 1, Township of Elk, Gloucester County, New Jersey", prepared by The Pettit Group, LLC:

<u>Sheet</u>	<u>Title</u>	<u>Date/Last Revision</u>
1	Cover Sheet & Index of Drawings	5-19-16, none
2	Demolition Plan	5-19-16, none
3	Site Plan	5-19-16, none
4	Grading & Utility Plan	5-19-16, none
5	Landscape & Lighting Plan	5-19-16, none
6	SESC Plan	5-19-16, none
7	SESC Notes & Details	5-19-16, none
8	Construction Details	5-19-16, none
9	Construction Details	5-19-16, none

Completeness

The applicant has submitted the land development checklist and has requested a number of submission waivers as outlined below. **The application is incomplete.** Most of the waivers are recommended or may be provided as a condition of approval.

- **#29** requires an Environmental Impact Statement as per §96-44. *Our office has no objection to this waiver.*
- **#30** requires Phase I Environmental Assessment report conforming to current ASTM standards in accordance with §62A. *Our office has no objection to this waiver.*
- **#31** requires Traffic Impact Study prepared, signed and sealed by a licensed professional engineer in NJ. *Our office defers opinion of this requirement to the Board Engineer.*
- **#33** requires statement demonstrating compliance with affordable housing requirements as applicable including section 70-4. *The applicant must comply.*
- **#42** requires structures and wooded areas within 200 feet of the property be shown on the plans. *Our office does not recommend this waiver. The required information shall be shown on the plans. A waiver is recommended for completeness only.*
- **#63** requires cross sections and center-line profiles of all existing or proposed streets or water courses within dimension at 50 foot intervals. *Our office defers to the Board Engineer.*

- **#65** requires preliminary plans and profiles of proposed utility layouts and connection to existing or proposed utility systems and water and sewer facilities. *A waiver is recommended for completeness only.*
- **#67** requires if on-site sewage disposal is required (septic system), the results and location of all percolation tests and test borings. *A waiver is recommended for completeness only.*
- **#75** requires preliminary plans and profiles showing connections to existing and proposed utility systems. *A waiver is recommended for completeness only.*

C-1 Commercial Neighborhood Zone Bulk Standards

The property is within the C-1 Commercial Neighborhood District which permits professional office uses. Bulk standards are provided below.

Section	Required	Existing	Proposed	Compliance
96-76C(1) Minimum Lot size	30,000 sf	143,633 sf	143,633 sf	Complies
96-76C(2) Minimum Lot Frontage	150'	371.84'	371.84'	Complies
96-76C(3) Minimum Lot Depth	150'	432.9'	432.9'	Complies
96-76C(4) Max. Bldg. Cover	20%	2.75%	10.01%	Complies
96-76C(5)b.1 Front Yard Setback (Corner Lot)	50'	95.86'	50'	Complies
96-76C(5)b.2 Min Side Street Side Yard - Corner Lot	50'	193.36'	53.9'	Complies
96-76C(5)b.3 Min Interior Side Yard Corner Lot	30'	85.54'	85.54'	Complies
96-76C(5)b.4 Rear Yard Setback Corner Lot	50'	122.36'	122.36'	Complies
96-76C(6)a Max Bldg. Height	35'	<35'	<35'	Complies
96-76C(6)a Min Buffer to Residential	50'	55.54'	55.54'	Complies

Landscape and Buffering:

1. The 2009 Master Plan changed the zoning of Lot 3 to C-1 Neighborhood Commercial. The plans shall be revised to eliminate the reference to the LD zoning district as it no longer applies. As the LD zoning district no longer applies to this site, the 35' wide buffer per §96-69.C(6)a shall also be removed from the plans.
2. The applicant's professional shall investigate alternate design methods for the proposed basin to lessen the impact of the basin on the required 50' buffer. It shall be noted that the buffer width is in addition to any yard requirement per §96-47. It shall also be noted that a variance or waiver may be required if any portion of the basin is located within the required 50' buffer as no structure shall be located within any buffer per §96-50(A)1.
3. Landscaping shall be provided along the entirety of the proposed basin.
4. The 50' wide residential buffer shall be heavily landscaped with appropriate buffering landscape material in the area adjacent to the proposed basin. The final landscape design must be reviewed and approved by our office. The landscaping for the 50' buffer shall be provided along the property line.
5. The plans shall include low growing landscaping around the base of all pole mounted or monument signs.
6. Street trees shall be provided along Ewan Road and Mullica Hill Bridgeton Road per §96-50(D).

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

1. A waiver from sidewalk along streets was granted during site plan review for the existing medical office building to allow sidewalk to be delayed until adjoining sidewalk is constructed. Given the addition of a 10,568 sf medical office building the site will now be more of a medical complex. Our office recommends sidewalk be installed along Ewan Road as part of this application and sidewalk be installed along Mullica Hill Road if and when the future access drive to Mullica Hill Road is installed.
2. The applicant shall provide testimony regarding the architectural character of the proposed building. Our office recommends the proposed building be designed to have a residential appearance that is consistent with the existing medical office building currently at the site. The Schematic Floor Plan and elevation provided propose corrugated metal siding and aluminum storefront framing and glazing which would appear to be inconsistent with the residential character of the site and existing building.

3. As the proposed basin is much larger and deeper than the existing basin, our office recommends consideration of a fence around the top of the basin. We defer to the board engineer for comment. If it is determined that a fence is required, we recommend a fence of rural character such as a 4' high split rail fence with black welded wire fabric in addition to required landscaping.
4. The applicant shall provide testimony regarding any existing or proposed signage for the site and shall conform to the requirements in §96-60 of the Elk Township Land Development Ordinance. Review of any proposed additional signage may be deferred to final site plan review.

Any approvals by the Board should be conditioned upon the applicant addressing the above outstanding items. We reserve the option to make additional comments as more information becomes available. If there are any questions or if any additional information is required please contact this office.

Very truly yours,
BACH ASSOCIATES, PC



Steven M. Bach, PE, RA, PP, CME
President



Candace Kanaplue, PP, AICP
Associate

cc: Dale Taylor, Esq
Steven M. Bach, RA, PE, PP, CME
Ewan 77, LLC, applicant
Christopher Wisniewski, Esq., applicant's attorney
John M. Pettit, PE, PP, CME, applicant's engineer

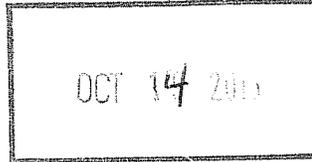


Joseph P. Federici, Jr., P.E., P.P.
President
Douglas E. Akin, P.L.S., P.P.
Vice President

Bret T. Yates
Director of Marketing

307 Greentree Road
Sewell, New Jersey 08080
(856) 589-1400; Fax (856) 582-7976

RECEIVED



October 13, 2016
File No. 16113

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

TOWNSHIP OF ELK
PLANNING/ZONING

Re: Ewan 77, LLC - SD 16-07
Block 6, Lot 1 – 412 Ewan Road
Preliminary and Final Site Plan
My Review No. 1 dated August 18, 2016
Review No. 2

Dear Chairwoman White & Members of the Board:

We received the following items in support of the referenced application for Preliminary and Final Major Site Plan Approval:

<u>Sheet</u>	<u>Title</u>	<u>Date</u>	<u>Revised</u>
1	Cover Sheet & Index of Drawings, by The Pettit Group, LLC (TPG)	5-19-16	10-0716
2	Demolition Plan	5-19-16	10-0716
3	Site Plan	5-19-16	10-0716
4	Grading & Utility Plan	5-19-16	10-0716
5	Landscape & Lighting Plan	5-19-16	10-0716
6	SESC Plan	5-19-16	10-0716
7	SESC Notes & Details	5-19-16	10-0716
8	Construction Details	5-19-16	10-0716
9	Construction Details	5-19-16	10-0716
10	Construction Details	5-19-16	10-0716
A-1	Schematic Floor Plan by John Hubart, AIA	5-11-16	
	Application #SD-16-07 with checklist and addendum	6/24/16	
	Alta Title Report by Chicago Title Insurance Co.	1/10/08	
	Stormwater Management Compliance Report, by TPG	5/19/16	10-0716
	Stormwater Management Plan, by TPG	5/16/16	10-0716
	County Planning Board Application	6/17/16	
	NJPDES Stormwater Checklist	6/17/16	
	Soil Erosion Application	6/17/16	
	Wetlands Certification Letter by John M. Pettit, P.E., P.P., C.M.E.	10-7-16	
	Transmittal & Comment Response Letter by John M. Pettit, P.E., P.P. C.M.E.	10-07-16	
	Letter and Stormwater Easement Amendment Draft by Christopher Wisniewski, Esq.	10-11-16	

Location:

The subject property is located in the Commercial C-1 zone, at the intersection of Ewan Road with State Route 77. The applicant proposes to construct a second medical office building on the site, with associated improvements to parking, stormwater system, lighting, landscaping, and

grading. A future access is shown in the frontage on Route 77. The existing access on Ewan Road will be relocated.

Adjacent developed properties are residential. Adjacent undeveloped properties are wooded, and/or farms.

There are no existing water or sanitary sewer utilities within or adjacent to the tract. The site is not within the Elk Township Waste Water Management Area served by G.C.U.A.

The site predominantly drains toward the southwest toward Route 77.

Prior Approvals:

The Board previously granted site plan approval and a use variance for the existing parking lots, stormwater system, and conversion of the existing building to medical offices by resolution 2001-14 which was later amended by resolution 2009-14.

Completeness Review

The applicant requests waivers for the following checklist items:

- A. Item 29, Environmental Impact Statement.
- B. Item 30, Phase I Environmental Assessment Report.
- C. Item 31, Traffic Impact Report.
- D. Item 33, Affordable Housing Compliance Statement.
- E. Item 42, Structures and Wooded areas within 200 feet.
- F. Item 63, Road cross sections.
- G. Item 65, Preliminary Utility Plans.
- H. Item 67, Soil test results for sewage system.
- I. Item 75, Utility Plans.

I have no objection to waiving all except the items 65, 67 and 75 which can be a condition of approval.

In addition, the applicant indicated N/A for the following items, which should be required prior to the application being deemed complete:

- J. Item 37, drafts of protective covenants, deeds and easements. I received a draft of the amendment to the basin easement which is acceptable.
- K. Item 72, Copies of Permits issued by NJDOT. (A permit will be required for the stormwater outfall system). Can be a condition of approval.
- L. Item 73, Wetlands L.O.I. or certification. Mr. Pettit's letter of October 7.

2016, in which he certified that there are no wetlands on the site, is acceptable.

M. Item 77, Proposed Signage. The revised plans do not show signage. The applicant proposes to discuss this with the Board.

Technical Review

The plans are generally clear and complete and organized.

1. Bulk requirements: The plans include a table of bulk requirements which is satisfactory. No bulk variances are proposed.
2. Plan Requirements: Additional information should be shown regarding existing and proposed signage. The applicant proposes none. 911 signs and building address indications would be needed regardless.
3. Driveways. The proposed relocation of the driveway location on Ewan Road is acceptable. The plans have been revised to show pavement restoration and the details should show full depth pavement restoration with hot sealed saw cut joints.
4. Landscaping. A Landscaping and Lighting Plan is included. Note 16 has been added to sheet 5. I defer to the Boards Planner for comments. It should be noted that 9 trees, 8 of which are 12" or larger, are called out as to be relocated if possible. If relocation is practical, proposed locations should be shown on the plan. If not, mitigation for the loss should be considered. It is recommended that however this is resolved, that the plan note be revised to state the final condition imposed by the approval. Clarity will be needed for bonding, construction, and inspections.
 - A. Shrubs should be added along the curb line across the "future driveway".
5. Lighting. The proposed box fixture site lighting poles and luminaires conform to the ordinance. The lighting plan shows adequate lighting within the proposed parking lot and walks except along the walkway at the south side of the building and the driveway entrance at Ewing Road.
 - A. Fixture A-1 has been moved toward Ewing road to increase the illumination of the entrance.
 - B. Wall pack/soffit lighting along the south wall was changed to increase the lighting to between 0.5 and 1.0 ft candle.
 - 1) The hours of illumination and after hours security lighting should be addressed.
6. Parking. The plans show 76 proposed parking spaces where our ordinance requires 68. HC striping should be shown adjacent to the HC space in front of the existing building.
7. Handicap Parking. Four new handicap parking spaces are proposed along the front of the building. The details conform to requirements.
8. Pedestrian Access. The plans show new walks along the building fronts and 13 spaces

between the buildings. While presumably not intended, some visitors or employees will undoubtedly have to walk between the two buildings. The plan should address this.

- A. The walk should be extended to the curb nose at the south east corner of the building. The walk should also be extended toward the drive aisle at the north end of the 13 spaces and along the proposed 3 spaces where timber rail is shown. The rail should be set back from the curb. The applicant intends to discuss this at the hearing.
 - B. Plan view and Grading Details 1 and 2 have been revised to provide for the required 1 foot extension of handrails. The extensions are shown. Clear width has not been reduced to less than 3.5 feet.
9. Grading. A grading plan and details are included in the plans.
- A. At least two on-site bench marks should be shown and called out on the plan.
 - B. The curb reveal has been reduced to provide a clear overflow path for runoff that could be trapped at yard inlet 1. A 3 ft length of flush curb is called out on the Site Plan.
 - C. Grading detail 1 should be revised to provide walkway and landing cross slopes of between 1% and 2% (1:48). Slopes adjacent to it have been revised with landscape walls to keep slopes to 3:1 or less.
 - D. The contours along the connecting walk with steps have been adjusted to fit with adjustments for the handrail extensions.
 - E. A nearly level area of 12 to 18 inches wide should be provided along the base of the retaining wall. If not feasible, detailed stability calculations should be submitted for review.
 - F. For ease of maintenance and safety of those performing the maintenance, a nearly level bench should be provided around the top or partway up the side of the basin. The trash enclosure should be moved at least 6 foot from the top of slope.
 - 1) The corner of the trash enclosure will be on over 3 feet of fill at the top of a 12ft high 3:1 slope. If it can not be moved away from the edge, the detail must be revised to show the actual cross section, existing and proposed, with footings extended below existing grades, and to require testing of the subgrade prior to placement of the footings.
 - 2) If it is not moved, maintenance crews will create ruts in the slope near the enclosure that will then erode. Stabilization fabric or other should be shown to prevent erosion and undermining of the enclosure.
 - G. Basin contours and the limit of the emergency spillway have been revised to keep disturbances at least 5 feet from adjacent property lines.
 - H. The grading plan has been revised to provide a 2 foot minimum width border area, with a slope less than 10%, as recommended along the future curb line at the top of the basin.

- I. A note should be added regarding partial/temporary basin excavation that should be used to minimize silt clogging of the bottom during construction. Note 16 has been added to sheet 4. However by itself I do not think this is adequate to ensure that the contractor will conduct the work in a sequence that actually ensures that the basin functions during and after construction.
10. Utilities. The plans have been revised to show existing piping as well as the well and septic field, a concrete lid, and other items that may be part of the utilities.
- A. A copy of the County Health permit for modification of, and/or connection to, the existing septic system should be provided prior to approval. All required piping, tanks, pump chambers, and power and control conduits for the system must be shown.
11. Fencing. Split rail fencing has been added to the basin. A detail has been added to sheet 9 as well. Consideration should be given to placing the fencing around the top of the basin instead of in the middle of the 3:1 side slope. While the detail calls for 40 inch embedment of the posts, which will help stabilize the posts on the slope, it is likely that the fence will tend to roll down hill and that mowing near it on the high side will be difficult.
12. Stormwater Management. The project requires and includes stormwater management measures as a major project. The applicant has submitted complete hydrologic and hydraulic calculations, along with a basin maintenance plan, and documentation of water quality and ground water recharge. The calculations and documents are satisfactory. All of the foregoing shall be updated and submitted to reflect any significant changes and conditions of approval that may apply.
- A. The grading plan shall be revised to show NJ State Plane coordinates for at least two permanent markers and the coordinates for the basin outfall structure.
- B. The grading plan shall be revised to show an appropriate conversion value between the local elevation datum and NAD 83.
- C. A note #16 has been added to sheet 4, alerting the contractor to the requirement that the basin must function as designed, including both attenuation and recharge, during construction as well as at completion.
- D. The Stormwater Management Plan has been revised to include a Low Impact Development Checklist which addresses the use of non-structural strategies. Our ordinance requires submission of the stormwater management checklist required by ordinance section 86-2C.
- E. A basin cross section was included in the plans. Soil boring and test pit cross sections have been added on new sheet 10.
- F. The existing basin maintenance easement must be updated to reflect the proposed basin and site plans. A draft of an amendment to the existing easement has been submitted. The amendment is satisfactory. The amendment should be approved by the Board Solicitor.

- G. A copy of an approved NJDOT Access and/or Occupancy Permit shall be provided prior to acceptance of the performance guarantee and commencement of construction.
- H. The Stormwater Maintenance Plan has been revised to require submission of the certification and a copy of the inspection log, inspection reports, and documentation of any maintenance cleaning and repairs, on or before January 31 of each year.
13. Sequence. The plans include an estimated schedule and duration of construction on sheet 7.

Recommendation

Underlined items M., 2, 4, 5.B.1. and 8.A. should be addressed prior to the Board approving a resolution granting Preliminary and Final Site Plan Approval.

Other underlined items should be made conditions of approval that must be addressed prior to any site disturbances or construction.

If approved, the applicant shall provide a performance guarantee, maintenance guarantee and inspection escrow to Elk Township in accordance with the Municipal Land Use Law.

If you have any questions, please contact this office at your convenience.

Very truly yours,
FEDERICI & AKIN, P.A.

Stan M. Bitgood

Stan M. Bitgood, P.E., C.M.E.
Planning/Zoning Board Engineer

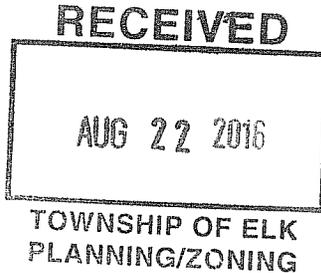
ec: Dale Taylor, Esq.; Board Solicitor
Steve Bach, Board Planner
Candace Kanaplue, Board Planner
Ewan 77, LLC, Applicant
John Pettit, P.E., P.P., C.M.E., Applicants' Engineer
Christopher Wisniewski, Esq., Applicants' Attorney

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August 18, 2016
File No. 16113

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

**Re: Ewan 77, LLC - SD 16-07
Block 6, Lot 1, 2 & 3 – 412 Ewan Road
Preliminary and Final Site Plan
Review No. 1**

Dear Chairwoman White & Members of the Board:

We received the following items in support of the referenced application for Preliminary and Final Major Site Plan Approval:

<u>Sheet</u>	<u>Title</u>	<u>Date</u>
1	Cover Sheet & Index of Drawings, by The Pettit Group, LLC (TPG)	5-19-16
2	Demolition Plan	5-19-16
3	Site Plan	5-19-16
4	Grading & Utility Plan	5-19-16
5	Landscape & Lighting Plan	5-19-16
6	SESC Plan	5-19-16
7	SESC Notes & Details	5-19-16
8	Construction Details	5-19-16
9	Construction Details	5-19-16
A-1	Schematic Floor Plan by John Hubart, AIA	5-11-16
	Application #SD-16-07 with checklist and addendum	6/24/16
	Alta Title Report by Chicago Title Insurance Co.	1/10/08
	Stormwater Management Compliance Report, by TPG	5/19/16
	Stormwater Management Plan, by TPG	5/16/16
	County Planning Board Application	6/17/16
	NJPDES Stormwater Checklist	6/17/16
	Soil Erosion Application	6/17/16

Location:

The subject property is located in the Commercial C-1 and LD zones, at the intersection of Ewan Road with State Route 77. The applicant proposes to construct a second medical office building on the site, with associated improvements to parking, stormwater system, lighting, landscaping, and grading. A future access is shown in the frontage on Route 77. The existing access on Ewan Road will be relocated.

Adjacent developed properties are residential. Adjacent undeveloped properties are wooded, and/or farms.

There are no existing water or sanitary sewer utilities within or adjacent to the tract. The site is not within the Elk Township Waste Water Management Area served by G.C.U.A.

The site predominantly drains toward the southwest toward Route 77.

Prior Approvals:

The Board previously granted site plan approval and a use variance for the existing parking lots, stormwater system, and conversion of the existing building to medical offices by resolution 2001-14 which was later amended by resolution 2009-14.

Completeness Review

The applicant requests waivers for the following checklist items:

- A. Item 29, Environmental Impact Statement.
- B. Item 30, Phase 1 Environmental Assessment Report.
- C. Item 31, Traffic Impact Report.
- D. Item 33, Affordable Housing Compliance Statement.
- E. Item 42, Structures and Wooded areas within 200 feet.
- F. Item 63, Road cross sections.
- G. Item 65, Preliminary Utility Plans.
- H. Item 67, Soil test results for sewage system.
- I. Item 75, Utility Plans.

I have no objection to waiving all except the items 65, 67 and 68 which can be a condition of approval.

In addition, the applicant indicated N/A for the following items, which I believe should be required prior to the application being deemed complete:

- J. Item 37, drafts of protective covenants, deeds and easements. (Basin easement must be updated. Lots should be consolidated and may have been by the County.)
- K. Item 72, Copies of Permits issued by NJDOT. (A permit will be required for the stormwater outfall system)
- L. Item 73, Wetlands L.O.I. or certification. (While the site is clearly an upland parcel, our code requires a certification letter from a P.E. or P.L.S.)
- M. Item 77, Proposed Signage.

Technical Review

The plans are generally clear and complete and organized.

1. Bulk requirements: The plans include a table of bulk requirements which is satisfactory. No bulk variances are proposed.
2. Plan Requirements: Additional information should be shown regarding existing utilities on site, and the proposed signage.
3. Driveways. The proposed relocation of the driveway location on Ewan Road is acceptable. The limit of pavement and restoration should be extended into Ewan Road 1 foot in front of the curb. The detail should show full depth pavement restoration with hot sealed saw cut joints.
4. Landscaping. A Landscaping and Lighting Plan is included. I defer to the Boards Planner for comments. It should be noted that 9 trees, 8 of which are 12” or larger, are called out as to be relocated if possible. If relocation is practical, proposed locations should be shown on the plan. If not, mitigation for the loss should be considered.
5. Lighting. The proposed box fixture site lighting poles and luminaires conform to the ordinance. The lighting plan shows adequate lighting within the proposed parking lot and walks except along the walkway at the south side of the building and the driveway entrance at Ewing Road.
 - A. Fixture A-1 should be revised or moved toward Ewing road to increase the illumination of the entrance.
 - B. Wall pack/soffit lighting or other changes, e.g. moving C-1 and C-2 toward the building, should be made to increase the lighting to between 0.5 and 1.0 along the south wall of the building.
 - 1) The hours of illumination and after hours security lighting should be addressed.
6. Parking. The plans show adequate parking compliance with our ordinance. The table should be revised to show the actual number of spaces proposed is 77 where 68 are required.
7. Handicap Parking. Four new handicap parking spaces are proposed along the front of the building. The details conform to requirements.
8. Pedestrian Access. The plans show new walks along the building fronts and 13 spaces between the buildings. While presumably not intended, some visitors or employees will undoubtedly have to walk between the two buildings. The plan should address this.
 - A. The walk should be extended to the curb nose at the south east corner of the building. The walk should also be extended toward the drive aisle at the north end of the 13 spaces and along the proposed 3 spaces where timber rail is shown. The rail should be set back from the curb.
 - B. Plan view and Grading Details 1 and 2 should be revised to provide for the required 1 foot extension of handrails. The extensions should not reduce clear width of the approach walkways.
9. Grading. A grading plan and details are included in the plans.

- A. At least two on-site bench marks should be shown and called out on the plan.
 - B. A clear overflow path for runoff that could be trapped at yard inlet 1 is needed. The top of curb adjacent to the bottom of the entrance driveway should be lowered to provide freeboard between it and the finished floor elevation. A small concrete apron might be useful to prevent landscape growth from obstructing this overtime.
 - C. Grading detail 1 should be revised to provide walkway and landing cross slopes of between 1% and 2% (1:48). Slopes adjacent to it should be 3:1 or less.
 - D. Contours along the connecting walk with steps should be adjusted to fit with adjustments for the handrail extensions.
 - E. A nearly level area of 12 to 18 inches wide should be provided along the base of the retaining wall. If not feasible, detailed stability calculations should be submitted for review.
 - F. A nearly level bench should be provided around the top of the basin. The trash enclosure should be moved at least 6 foot from the top of slope.
 - G. No proposed grading or disturbances are permitted within 5 feet of property lines. Basin contours and the limit of the emergency spillway should be revised accordingly. A written agreement (easement) from the adjacent owner can be accepted in lieu of changes.
 - H. A 2 foot minimum width border area, with a slope less than 10%, is recommended along the future curb line, particularly along the top of the basin.
 - I. A note should be added regarding partial/temporary basin excavation that should be used to minimize silt clogging of the bottom during construction. The soil erosion and sediment control plan should detail the sequence of construction.
10. Utilities. The plans show an existing well and septic field, a concrete lid, and other items that may be part of the utilities. The plan should show all piping and electrical lines that are part of the sanitary sewage system and those of the water system.
- A. A copy of the County Health permit for modification of, and/or connection to, the existing septic system should be provided prior to approval. All required piping, tanks, pump chambers, and power and control conduits for the system must be shown.
11. Fencing. Fencing is not shown. Consideration should be given to fencing around the basin, or at least part of it. Particularly near the trash enclosure and the property line.
12. Stormwater Management. The project requires and includes stormwater management measures as a major project. The applicant has submitted complete hydrologic and hydraulic calculations, along with a basin maintenance plan, and documentation of water quality and ground water recharge. The calculations and documents are satisfactory. All of the foregoing shall be updated and submitted to reflect any significant changes and conditions of approval that may apply.
- A. The grading plan shall be revised to show NJ State Plane coordinates for at least two permanent markers and the coordinates for the basin outfall structure.
 - B. The grading plan shall be revised to show an appropriate conversion value between the local

elevation datum and NAD 83.

- C. A note should be added to the grading plan alerting the contractor to the requirement that the basin must function as designed, including both attenuation and recharge, during construction as well as at completion.
- D. The applicant shall address the required use of non-structural strategies as a pre-requisite to structural strategies and shall submit the stormwater management checklist required by ordinance section 86-2C. Any checklist items that are not feasible, must be justified by a detailed rationale narrative and supporting documentation.
- E. A basin cross section should be added to the plans together with the soil boring and test pit cross section.
- F. The existing basin maintenance easement must be updated to reflect the proposed basin and site plans.
- G. A copy of an approved NJDOT Access and/or Occupancy Permit shall be provided prior to acceptance of the performance guarantee and commencement of construction.
- H. The Stormwater Maintenance Plan shall be revised to require submission of the certification and a copy of the inspection log, inspection reports, and documentation of any maintenance cleaning and repairs, on or before January 31 of each year.

13. Sequence. The plans should include an estimated schedule and duration of construction.

Recommendation

The plans should be revised to address the underlined comments.

If approved, the applicant shall provide a performance guarantee, maintenance guarantee and inspection escrow to Elk Township in accordance with the Municipal Land Use Law.

If you have any questions, please contact this office at your convenience.

Very truly yours,
FEDERICI & AKIN, P.A.

Stan M. Bitgood

Stan M. Bitgood, P.E., C.M.E.
Planning/Zoning Board Engineer

ec: Dale Taylor, Esq.; Board Solicitor
Steve Bach, Board Planner
Candace Kanaplue, Board Planner
Ewan 77, LLC, Applicant
John Pettit, P.E., P.P., C.M.E., Applicants' Engineer
Christopher Wisniewski, Esq., Applicants' Attorney

***Resolution No. 2007 47**

A RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF THE TOWNSHIP OF ELK MEMORIALIZING THE APPROVAL OF A USE VARIANCE, DESIGN WAIVERS AND PRELIMINARY AND FINAL SITE PLAN TO PERMIT BLOCK 6 LOTS 1, 2 AND 3 LOCATED UPON ROUTE 77 TO BE DEVELOPED AS A GENERAL OFFICE BUILDING CONSISTENT WITH THE OFFICE USES PERMITTED IN THE C-1 COMMERCIAL ZONE

WHEREAS, Ewan, 77 LLC, a New Jersey Limited Liability company with offices at 4150 Route 42 Turnersville, NJ 08012 has made application for a use variance, certain design waivers and preliminary and final site plan approval to permit the residential dwelling existing upon Block 6 Lots 1, 2 and 3 to be used as a general office building consistent with the office uses permitted in the C-1 Commercial zone; and

WHEREAS, The owner of the property The Estate of Clara M. Kates, by Clara Furman, Executrix has consented to this application; and

WHEREAS, the property in question is currently divided by a zone boundary with one half of the property zoned C-1 Commercial and one half zoned LD, Low Density Residential. At the time of the public hearing on this matter the LD Low density Residential district does not permit a structure to be used in a commercial fashion; and

WHEREAS, the property has not been the subject of a prior use variance application; and

WHEREAS, The Applicant has submitted the following documents for consideration by the Planning Board:

Sheet no.	Title of document	Date	Last revised
1	Cover sheet	07-02-07	10-2-2007
2	Site Plan	07-02-07	10-2-2007
3	Grading and Soil Erosion Plan	07-02-07	10-2-2007
4	Landscape and Lighting plan	07-02-07	10-2-2007
5	Landscape and lighting details	07-02-07	11-07-07
6	Site details	07-02-07	10-2-2007
7	Soil erosion and sediment control details	07-02-07	
1 of 1	Plan of topographical survey	05-03-06	8-13-07
	Environmental impact statement	June 07	
	Drainage calculations	07-02-07	9-14-07
	Schematic Architectural floor plan	02-05-07	
	Elk twp environmental commission report	09-12-07	
	Elk Twp Police Department report	10-02-07	
App-1	Colored rendering of the site plan		
App-2	Aerial photograph of the site		

WHEREAS, Ronald Curcio, PE., of Adams Rehmann and Heggan Associates, Inc., prepared, signed and sealed the plans; and

WHEREAS, the architectural floor plan was prepared by PZ Architects, LLC; and

WHEREAS, the Environmental Impact Statement was prepared by Adams Rehman and Heggan Associated Inc. and is dated June 2007; and

WHEREAS, The Board has received the report of its professional Engineer, Mr. Brian Mitchell, PE, dated August 8, 2007 and of it Planner, Leah Furey, PP dated October 8, 2007. Both reports are attached hereto and incorporated herein by reference as exhibit "A".

WHEREAS, The Applicant, its professionals and the Board's professionals presented testimony and evidence before the Board at its regular public meeting on November 28, 2007; and

WHEREAS, The Applicant was granted a waiver from submission requirement number 61 (maintenance schedule for the utilities) on the land development check list and was deemed complete for public hearing; and

WHEREAS, the Board of Adjustment after consideration of the application, the evidence, the testimony and the representations of the Applicant and the public comment, or lack thereof, makes the following factual findings:

1. The Applicant is the contract purchaser of the subject properties which are comprised of three tax lots and which combined consist of 3.28 +/- acres. The property was the residence of the former owner, Clara M. Kates, who is now deceased. The Applicant testified that it will consolidate the lots into one tax lot. A deed of consolidation will be filed upon the land records of the County of Gloucester and a copy of the recorded document shall be submitted to the Township for its files.

2. The Applicant proposes to convert the dwelling into a general office building to permit a maximum of 3 office uses. The primary tenant will be a pediatric practice and the building may in the future be utilized solely for this practice or the Owner may rent space to other compatible office uses. The C-1 commercial district permits general office uses but the LD district does not. The building is built in such a way that it straddles the zone boundary:

3. The property has frontage on US State Highway Route 77 (aka Bridgeton Pike) and on Ewan Road. The lot is currently surrounded by residential uses. There is a lightly wooded area at the northern corner which the Applicant testified will be preserved. The Applicant will prepare a restrictive covenant to preserve this wooded area which will be filed upon the land records of the County. The form of the restriction shall be submitted to the Board Solicitor for her review and approval prior to the time the final

site plans are signed by the Township. The Applicant testified that it will keep the residential appearance of the building.

4. The Applicant requested the following design waivers:

a. A waiver from the requirement of additional street trees in the buffer along route 77. The Applicant testified that they would comply with the Board Planner's suggestion of low plantings in this street scape buffer.

b. A waiver from the requirement for an external trash enclosure. The Applicant testified that all trash and recycling will be stored inside the building. A private cleaning company will remove the trash on a weekly basis. The medical sharps will be removed as needed by a medical waste disposal company. There is no other type of medical waste generated on the site. The Board found that they were not satisfied with this testimony based on the lack of concrete information about the additional commercial uses in the future. The Applicant agreed to revise the plans to depict a proposed trash enclosed area for future development. The Applicant agreed that should the volume of trash increase or should the Township Zoning Officer require the construction of the trash enclosure, the trash enclosure will be built. The owner at the time must satisfy all Township ordinances applicable at the time the enclosure is built. This obligation shall be set forth in a recorded instrument. Either the deed which conveys this property or one document which sets forth all of the restrictions which must be recorded upon the land records as part of this approval. This includes but is not limited to: the obligation to build the trash enclosure in the future, the tree conservation area, the basin maintenance requirements, the Township access easement for storm water control and the landscape buffer requirements.

c. A waiver from the requirement that the basin be fenced. The Applicant testified that the basin was designed to be a topographic feature and would represent a gentle grade with a very shallow area for the retention of water. The Applicant testified that the depth of the water that would be in the low area at the most would be two feet. The slope will be a 10 to 1 slope. The Applicant further testified that any standing water would infiltrate within a maximum of 16 hours.

d. A waiver from the requirement of sidewalk installed along all road frontages. The Applicant offered to record a deed restriction that would bind any owner of the property to install the sidewalks at such time as the adjacent properties were improved with sidewalks.

e. A design waiver from Ordinance section 96-51(j) which requires that all light poles located within parking lots be protected with concrete bases or 4 foot tall bollards.

f. A design waiver from ordinance section 96-47 and 96-50(A)(1) to allow the existing encroachment into the required fifty foot perimeter buffer by the existing porch and sidewalk.

g. A design waiver to permit site access off of Ewan Road instead of Route 77

5. The Board professionals testified in support of the requested design waivers and the Board found that these waivers were appropriate under these specific circumstances, provided that the conditions set forth above and generally within this approval are met. The design waivers were granted.

6. The Applicant testified that the site was designed with 30 parking spaces which are 9 feet by 18 feet in dimension. The Board Engineer opined that this design meets the requirements of section 96-54 of the ordinance for this type of usage.

7. The Applicant testified that this type of use on average will generate 15 peak hour trips. The office use is a less intensive use than those retail uses permitted in the C-1 zone. The practice will begin slowly open only half a day five days a week but intends to expand to full days. They anticipate one doctor on site and two staff persons. The deliveries are by box van type trucks. The Board professionals opined that based upon this testimony, the parking on site was adequate. It was explained to the Applicant that the ordinance requires that each new use submit information to the Township to assess the additional impact of the new use. At such a time the adequacy of the parking would be reevaluated.

8. The Plans shall be revised to show the needed tree or limb clearing within the sight triangles. The Applicant represented that it would comply with all requirements for clear sight distances for roadways of this nature and speed limits.

9. The Applicant's Planner, Mr. Terrence Combs PP, testified in support of the Applicant's request for a use variance. He testified that one of the goals of the Municipal Land Use Law was to promote the efficient use of the lands in the Township and the conversion of the vacant structure to an office use is a less expensive alternative that demolition and building anew and is a much more environmentally friendly alternative to the construction of new commercial square footage.

10. The Planner engaged by the Board testified that as a result of the 2004 Master Plan amendments it was the intention of the Township to promote small scale commercial and professional development in this area of the Township. There was an ordinance before Township committee at the time of the public hearing which will permit this use in the LD zone and would have made this use variance unnecessary. The Planner testified that this proposed use is consistent with the Master Plan and is respectful of the surrounding residential properties.

11. Board finds that the use promotes the purposes of the zone and is in keeping with the character of the area. The Board finds that as a result, this site is uniquely suited for this use. The Board finds that the variance would not substantially impact upon the municipal facilities and services, and the use as proposed is not an

intensive commercial use but is in fact a less intensive use than the commercial uses permitted in the C-1 zone and consistent with the changes for this district as contemplated by the most recent Master Plan revisions. As such, the Board finds that the use will not impair the intent and purpose of the zone plan for this area or the zoning ordinances. The Board finds that on balance, the proposed use would not pose a substantial detriment to the public welfare. The Board voted to grant the use variance based upon the representations of the Applicant at the public hearing it is a specific condition of this approval that the use must be operated in a manner consistent with the affirmative representations and testimony given by the Applicant at the hearing on this matter.

12. The Applicant has agreed to revise the design plans so that they incorporate a turn around and no parking agreed which is hatched with pavement stripping to insure that no parking will occur in this area.

13. The Applicant will revise the drainage and grading plans to include and comply with all of the recommendations of the Board Engineer in his letter of August 8, 2007.

14. The Applicant agreed to prepare an easement to the benefit of the Township of Elk to permit the Township employees to access the basin site and perform emergency maintenance if needed. The area of this easement shall be describe by legal description and the form of the easement shall be submitted to the Board solicitor and the Board Engineer for review and approval as to form. The Applicant shall record this easement upon the land records of the County prior to the time the final plans are signed and submit a copy of the recorded easement document to the Township for its files.

15. The Applicant shall revise the design plans to address the comments in the report of the Board Engineer dated August 8, 2007, including but not limited to a specific indication where the entrances for all three offices will be located and the dividing line for the first floor suites and all of the revisions set forth under the general comments section of the report of the Board Engineer.

16. The Applicant shall revise the stormwater management design and information to comply with the comments of the Board Engineer as set forth in his report dated August 8, 2007. All such revisions must be to the satisfaction and meet with the approval of the Board Engineer.

17. The Applicant shall revise the landscaping plans to satisfy the comments of the Board Planner in her report dated October 8, 2007, including but not limited to the addition of a 35 foot planted buffer between the nonresidential and residential uses. The plans currently depict a 50 foot planted buffer strip along the southern property line. The Applicant has agreed to add additional landscaping along this buffer adjacent to lot 4. The existing trees will be retained. The final landscape design must be reviewed and approved by the Board Planner.

18. The Board Planner testified that she is satisfied with the compensatory planting package and feels the Applicant is adequately compensating for the mature trees removed during construction.

19. The Applicant testified that the normal hours of operation for the pediatrician's office are from 9 am to 9 pm except in case of an emergency. The Applicant agreed to revise the design and to comply with all of the landscaping and lighting comments found in the report of the Board Engineer dated August 8, 2007 and the Board Planner dated October 8, 2007. All such revisions must be approved by the Board Planner and Engineer prior to the signing of the final plans.

20. The use shall have potable water from an on site well. The location of the existing well must be depicted upon the plans. The Applicant shall meet all requirements of the county of Gloucester regarding size and capacity of the existing well and make such up grades as are required by the County Department of Health.

21. The use shall have sanitary septic services from an on site septic system. The location and size of the existing septic system shall be provided on the plans. The Applicant shall evidence approval by the County health department of the continued use of the septic system for the new expanded use on site including capacity of the system to handle three professional office uses.

22. The Applicant has proposed a sign of less than 6 square feet next to the driveway entrance to the site on Ewan road and a sign of 74.64 feet along the Route 77 frontage. A sign of 75 square feet is permitted where the speed limit of the road is 45 to 55 miles per hour. If the posted speed limit is less than 45 miles per hour the maximum size of the sign is 35 square feet. The signage shall comply with this requirement and the Applicant shall add a note to the plan which documents the posted speed limits for each of the roads adjacent to this site. The Applicant shall revise the landscaping plan to include low growing landscaping around the base of both signs.

23. The Applicant has not proposed any wall signs for identification of the tenants. If any such signage is desired in the future it must not be any larger than 4 square feet in size and must comply with all Township ordinance requirements.

24. The Applicant's professionals testified that in their opinion there are no freshwater wetlands on the site. The plans shall be revised to include a notation regarding the presence or absence of wetlands upon receipt of a confirmation by the NJ Department of Environmental Protection.

25. The meeting was opened to the public. Members of the public expressed concern for traffic exiting on Ewan Road, but there was no opposition to the use in this area.

26. Pursuant to the Township Ordinances the use must be commenced within one year of the date of this resolution. All reviews of this application are based upon the applicable Elk Township Ordinances. The Applicant has represented that it will meet (or exceed) all requirements of both.

27. The obligation of basin maintenance shall remain with the owner of the tract. The obligation of maintenance and the maintenance schedule shall be set forth in the deed to the tract as a restriction. The restriction shall state that should the Township be required to perform any type of maintenance on the drainage facilities which service the lot they shall charge the property owner and the expense shall be a lien against the real estate as permitted by law.

28. Under no circumstances shall any soil or earth be sold or otherwise removed from the site unless application is made and approval granted by the Township of Elk. Topsoil moved during construction shall be redistributed so as to provide at least 4 inches of cover. The plans shall contain a note to this effect.

29. Pursuant to Township Ordinance a development fee is required. It shall be paid pursuant to ordinance.

30. The Applicant and owner are reminded that site safety is their responsibility. The cover sheet of the plans must state that "The owner, or his representative, is to designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21 (e) of the N.J. Uniform Construction Code and CFR 1926.32 (f) (OSHA Competent Person)".

31. The Applicant must post a performance guarantee in the amount of 120% of the estimated cost of all site work, a street lighting bond (if required) and a maintenance bond. The amount of the guarantees must be based on an estimate that has been prepared by the Applicant and approved by the Township Engineer. This approval is conditioned upon these estimates and will be supplemented by a written report of the Township Engineer setting forth the amount of the bonds required. The Performance bond must run for a period of two years. All bonds must be in a form, which is acceptable to the Solicitor of the Township of Elk, and the bonds shall be submitted to the Solicitor of the Township for his review and approval prior to the signing of the final plats. The Applicant shall also post a cash inspection escrow deposit as required by the Ordinance, in an amount to be established by the Township Engineer. The inspection escrow must be posted prior to the issuance of any construction permits.

32. The Developer must file "As Built Plans with Elk Township and submit a copy of same to the Planning/Zoning Board Engineer for his review and approval. No performance guarantee shall be released until the "as built"" plans are filed.

33. Prior to the signing of the final plans the Applicant must obtain the certification of the Board Engineer that all improvements as indicated upon the final plans are in conformance with the requirements of the approval granted by the Board.

34. The Applicant must contact the Planning Board office to settle any outstanding review escrow accounts prior to the signing of the final plats and the issuance of building permits. The Applicant must pay any and all required fees that are due or may become due to the Township within seven (7) days notice thereof, including but not limited to settlement of any outstanding review escrow accounts.

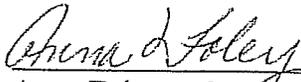
35. This plan may be subject to the review and approval of all other governmental entities or agencies with jurisdiction over this development. Evidence of these approvals must be submitted to the Township prior to the final signature of plans. All approvals must not be subject to appeal. This includes but is not limited to the Gloucester County Planning Board (received dated July 17, 2007), the Elk Township Fire Chief; The Gloucester County Soil Conservation District, The Gloucester County Department of Health and the New Jersey Department of Environmental Protection. The Applicant must confirm that NJ DOT approval is not required. The Applicant must obtain all necessary demolition and construction permits.

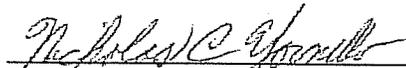
NOW THEREFORE BE IT RESOLVED, by the Planning Board the Township of Elk at its meeting held this 28th day of November 2007, that a use variance, design waivers, and preliminary and final site plan approval to permit, the Applicant to utilize an existing residential dwelling as a professional office building as described herein be **GRANTED** upon the conditions set forth above.

Voting in favor: Carter, McCreery, Nicholson, Shoultz, Yovnello, White, Laux

ATTEST

ELK TOWNSHIP ZONING BOARD OF ADJUSTMENT


Anna Foley Secretary


Nicholas Yovnello Chairperson

Certification

I certify that this is a true copy of the resolution passed by the Elk Township Zoning Board of Adjustment at its regular public meeting on December 19, 2007, it's decision of November 28, 2007.


Anna Foley, Secretary

August 8, 2007

RECEIVED

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

AUG 9 2007

TOWNSHIP OF ELK
PLANNING/ZONING

Attn: Chairman and Members of the Board

RE: PRELIMINARY MAJOR SITE PLAN
BLOCK 6, LOTS 1, 2 & 3
CORNER OF BRIDGETON PIKE AND EWAN ROAD
TOWNSHIP OF ELK, GLOUCESTER COUNTY, NJ
PRELIMINARY REVIEW #1
APPLICATION NO. SP-07-13
S&A FILE NO. EPB-253

Dear Chairman & Members of the Board:

Our office is in receipt of the Preliminary Major Site Plan application with plans prepared by Adams, Rehmann & Heggan Associates, Inc., dated July 2, 2007. The plans are as follows:

Schedule of Sheets			
Sheet	Title	Date	Last Revised
1	COVER SHEET	07/02/07	-
2	SITE PLAN	07/02/07	-
3	GRADING & SOIL EROSION PLAN	07/02/07	-
4	LANDSCAPE AND LIGHTING PLAN	07/02/07	-
5	LANDSCAPE AND LIGHTING DETAILS	07/02/07	-
6	SITE DETAILS	07/02/07	-
7	SOIL EROSION & SEDIMENT CONTROL DETAILS	07/02/07	-
1 OF 1	PLAN OF TOPOGRAPHICAL SURVEY	05/03/06	-
	ENVIRONMENTAL IMPACT STATEMENT	JUNE '07	-
	DRAINAGE CALCULATIONS	07/02/07	-

Lots 1 and 2 of the application are located in the C-1 Commercial Neighborhood Zoning District. Lot 3 of the application is located in the LD Low Density Residential Zoning District. The existing residential property that is to be converted into office space is located on Lot 2 and Lot 3. The zoning requirements for the referenced lots are as follows:

RE: PRELIMINARY SITE PLAN
 BLOCK 6, LOTS 1, 2 & 3
 CORNER OF BRIDGETON PIKE AND EWAN ROAD
 TOWNSHIP OF ELK, GLOUCESTER COUNTY, NJ
 PRELIMINARY REVIEW #1
 APPLICATION NO. SP-07-13
 S&A FILE NO. EPB-253

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Zoning Requirements (C-1 Commercial Neighborhood Zoning District)

Item	Required	Proposed	Compliance
Min Lot Area	30,000 SF	3.3 AC.	YES
Min. Lot Frontage	150 FT	521.84 FT	YES
Min. Lot Depth	150 FT	334 FT	YES
Min. Front Yard	50 FT	193.4 FT	YES
Min. Side Yard (Each)	30 FT	78.4 FT	YES
Min. Rear Yard	50 FT	122.4 FT	YES
Max. Building Height (Principal)	35 FT	N/A	N/A
Max. Building Height (Accessory)	15 FT	N/A	N/A
Max Building Coverage (%)	20%	2.80%	YES

Zoning Requirements (LD Low Density Residential Zoning District)

Item	Required	Proposed	Compliance
Min Lot Area	40,000 SF	N/A	N/A
Min. Lot Frontage	135 FT	N/A	N/A
Min. Lot Width at Building Line	150 FT	N/A	N/A
Min. Lot Depth	200 FT	N/A	N/A
Min. Front Yard	40 FT.	N/A	N/A
Min. Side Yard (One/Combined)	10/50 FT.	N/A	N/A
Min. Rear Yard	40 FT.	N/A	N/A
Max. Building Height	35 FT.	N/A	N/A
Max Building Coverage (%)	20%	N/A	N/A

Variances and Waivers Requested

1. A variance is requested to permit an office use in the LD Zoning District. The building is also located in the C-1 Zoning District, which allows the general office space use within its district.
2. A waiver from 96-47 as well as from 96-50(A) 1 is requested for the existing porch on the building as well as the sidewalk accessing the porch, which is located within the 50' buffer that is required because of the adjacent residential properties.

Technical Review

Layout and Circulation

1. As the intensity of use is a critical element in an application involving a use variance, the applicant shall describe the type and amount of traffic that will be entering and exiting the site, such as delivery trucks and passenger vehicles. As a minimum, the average daily traffic and peak hour traffic shall be provided. The applicant's engineer shall provide documentation / testimony regarding the expected traffic volume relative to the driveway configuration and need for auxiliary lanes and or road tapers on Ewan Road.
2. The proposed tree lines shall be shown where clearing must be performed for the sight triangles.

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3. We recommend that the "turn around / no parking" area be hatched with pavement striping to ensure that no parking will occur in this area.

Grading and Drainage

1. No drainage structures have been utilized as part of this drainage system. All drainage occurs overland and through swaled areas on the site. Although this is a generally acceptable design method, we recommend the use of a piped conveyance system to minimize the potential erosion. Should the applicant's engineer continue to propose the swale design, additional swale stability calculations must be provided.
2. The grading of the site appears acceptable except as noted in our miscellaneous comments concerning the sidewalks. The natural drainage patterns are being utilized for controlling the runoff of the site.
3. There are grading conflicts with the landscaping beds that are provided at the low points of the parking lots. The landscaping shall not be within the limits of the drainage facilities.
4. A fence shall be placed around the basin since it is adjacent to a residential property, as per Section 96-63.C.4.
5. A dedicated access to the basin shall be provided regardless of who owns the basin, as per Section 96-63.C.5.
6. It is unclear as to where the entrance is located for the basement office space. This shall be provided on the site plan.

Stormwater Management

1. The stormwater Management report was prepared by Ronald Curcio, PE of ARH and is dated July 2, 2007.
2. The basin ownership shall be addressed. As described above, an easement in favor of Elk Township shall be provided.
3. Soil boring #2 indicates material at a depth of 32" to 49" in the bottom of the basin that requires removal to allow for proper percolation. The details show that this material is to be removed and replaced as required. We recommend that the installation of the sand bottom be installed after the site has been stabilized and the basin is no longer acting as a sediment trap.
4. The groundwater recharge requirements have been met according to the report.
5. A basin maintenance schedule shall be provided.
6. The applicant's engineer shall consult with our office regarding the design parameters and methodology of the stormwater management report.

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Landscaping and Lighting

1. The remainder of the sight lighting appears to be acceptable. All proposed parking spaces appear to be properly lit.
2. Landscaping shall be placed around the basin, specifically as a buffer between the stormwater basin and the property line.
3. Consideration shall be given to moving one of the proposed parking lot lights closer to the driveway entrance for some additional lighting of the entrance.
4. Lighting shall be added along the access walkways along the sides of the building.
5. Street trees shall be provided as per Section 96-50.
6. The parking lot poles shall have concrete bases or be protected by 4' tall bollards, as per Section 96-51 J (5).

Environmental Impact Statement

1. An Environmental Impact Statement has been prepared by ARH and is dated June, 2007.
2. The report states that there will be minimal impact to the environment based on the site work that is proposed as part of this project. Only minimal impacts will occur during the construction phase of the project.
3. The EIS report states that there will be 3 different offices located in this building. The offices shall be designated on the plans. The entrances for all three offices shall be shown on the plans. The report further indicates that the first floor will be subdivided into 2 suites. The dividing line shall be shown on the site plan.

Utilities

1. The location of the existing potable well shall be provided on the plans. The applicant shall also provide testimony and documentation concerning the capacity of the existing potable well.
2. The location and size of the existing septic system shall be provided on the plans. The applicant shall provide testimony and documentation regarding the capacity of the existing septic system and whether the system can handle the proposed uses on the site.

General Comments

1. The proposed sidewalk along the western side of the building has been noted that it will have a 5% maximum slope.
2. It appears that there is a handicap ramp that is proposed on the south side of the building. This ramp shall be labeled and a detail shall be provided.

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3. Information shall be provided as to whether all of the entrances to the building are handicap accessible. Is there an elevator in the building to access the basement office space? Details shall be provided to show that these entrances meet all ADA requirements.
4. The hours of operation shall be disclosed.
5. The dimensions of Ewan Road and Mullica Hill Bridgeton Road shall be provided on the site plan.
6. A stop bar shall be provided with the stop sign located in the driveway.
7. A legend shall be provided on the site plan.
8. The proposed parking spaces are 9' x 18' which is acceptable.
9. Based on the requirements of Section 96-54 for off street parking, 25 parking spaces are required where 30 have been proposed. The breakdown is as follows:
 - a. 1 office space for every 250 sf - 6,250 sf requires 25 spaces.
10. Information shall be provided as to how the lengths of the sight triangles have been determined.
11. As per Section 96-60, two signs are permitted on one lot. The applicant has proposed a sign of less than 6 square feet next to the driveway entrance to the site on Ewan Road, and a sign of 74.64 square feet along Mullica Hill Bridgton Road. A sign of 75 square feet is acceptable if the speed limit of this road is 45 to 55 mph. If the posted speed limit is less than 45 mph, the maximum size of the sign is 35 square feet. The applicant shall provide testimony and add a note to the plan documenting the posted speed limit adjacent to this site.
12. The paving section of 2" of surface course, 2" of base course and 6" of 1-5 soil aggregate is acceptable. The Ordinance requires a 7" thick paving section. The proposed 6" of the soil aggregate can only be counted as 3" of total paving thickness. Along with the 2" of surface course and 2" of base course, this paving section is 7" thick, which is acceptable.
13. A trash enclosure has not been provided. The Environmental Impact Statement notes that the trash will be kept inside the building. The applicant's engineer shall provide testimony concerning this issue.
14. A legal description for the stormwater easement shall be submitted to this office for review. The applicable deed should be submitted to the Board Solicitor for review.
15. The plans shall be revised to include a notation regarding the freshwater wetlands presence or absence upon receipt from the NJDEP.

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Summary

The applicant is subject to payment of all outstanding fees and any required contributions, i.e. recreation, COAH, etc.

The applicant is subject to posting of a performance guarantee and inspection escrows prior to any construction.

Outside Agencies

The approval by the Board remains conditioned upon the following outside agency approvals:

1. Comments from the Township Fire Chief.
2. NJDEP – Freshwater wetlands presence or absence.
3. Gloucester County Planning Board.
4. Gloucester County Health Department.
5. Gloucester County Soil Conservation District.

Please feel free to contact our office with any questions or comments regarding this letter.

Very truly yours,

SICKELS & ASSOCIATES, INC.



Brian A. Mitchell, P.E., C.M.E.
Elk Twp. Planning/Zoning Board Engineer

BAM:bcv

cc: Joan Adams, Esq., ETP/ZB Solicitor
Marc R. Shuster, PP, ETP/ZB Planner
Dennis Marchei, ET Fire Chief
Ewan 77, LLC, Applicant
Ronald Curcio, PE, Applicant's Engineer



October 8, 2007

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

RECEIVED

OCT 10 2007

TOWNSHIP OF ELK
PLANNING/ZONING

Attn: Anna Foley, Secretary

Re: Ewan 77, LLC
Block 6, Lots 1, 2, 3
412 Ewan Road
Use Variance and Major Site Plan;
C-1 Neighborhood Commercial and LD Low Density zoning districts
Elk Township SP-07-13
Bach Associates Proj. # ET2007-14

Dear Chairman and Members of the Board:

We have received the application, plans, and supporting documents submitted by Ewan 77, LLC for a "D" variance and Preliminary and Final Major Site Plan at the above referenced site. Following our August 1, 2007 completeness review and August 21, 2007 planning review, we have received additional information and revised plans dated October 2, 2007 from the applicant's engineer. The applicant responded to many of our comments and revised the landscaping plans accordingly.

The 3.28 acre site consists of three tax lots and currently contains one residential dwelling, which is on lots 2 and 3. The site has frontage on Ewan Road and Bridgeton Pike (NJ State Highway Route 77). The site is surrounded to the north across Ewan Road by lots in the C-1 zone containing residential dwellings, and to the east, west and south by other lots in the LD residential zone. The property contains a lightly wooded area at the northern corner, which the applicant proposes to preserve.

The applicant has submitted the following materials in support of the application:

1. Site Plan and Variance Application (application SP-07-13) dated July 12, 2007 and supporting documents.
2. Site Plan, prepared by Adams, Rehmann & Heggan Associates, Inc, consisting of 8 sheets dated July 2, 2007 and revised to October 2, 2007.
3. Plan of Topographical Survey prepared by Pennell Land Surveying, Inc and dated May 3, 2006 and revised to August 13, 2007.
3. Drainage Calculations, prepared by Adams Rehmann & Heggan Associates, dated July 2, 2007 and revised to September 14, 2007.
4. Environmental Impact Statement, prepared by Adams Rehmann & Heggan Associates, dated June, 2007.

5. Schematic Architectural Floor Plan prepared by PZ Architects, LLC and dated February 5, 2007 consisting of 2 sheets.

Completeness/ Application for Preliminary and Final Site Plan

The applicant has requested both preliminary and final site plan approval. Generally preliminary approval is granted with conditions that must be satisfied prior to final approval. The purpose of final site plan review is to determine whether the final plans substantially conform to the approved preliminary plan. We have no objection to the Board granting preliminary and final approval simultaneously if the applicant is able to respond to the comments requiring a response below on the record at the hearing and any concerns raised by the Board's engineer.

The applicant has requested a waiver from checklist item number 61 (Plan for the Operation and Maintenance of Utilities) and has submitted the locations of the well and septic field. The application may be deemed complete. The Board will consider the waiver request and then may proceed to the site plan application if the waiver is approved. The applicant should address the review comments set forth in this report and in the Engineer's report dated August 8, 2007:

Overview

The intersection of Ewan Road and Route 77 is designated for neighborhood commercial development, but the southern portion of the subject site (lot 3) remains in the residential zone. While the house on lots 2 and 3 has been in existence since approximately 1985 according to tax records, the zoning was altered to include the C-1 commercial use in 2005, as a result of the 2004 Master Plan amendments. The intent is to promote small scale commercial and professional development at key locations, and avoid haphazard uncoordinated development. This proposal for professional office use appears to be generally consistent with the intent and purpose of the Master Plan and zoning code.

Use

In accordance with section 96-76, the principal permitted uses in the C-1 zoning district include retail business and service activities, professional and general office uses. The principal permitted uses in the LD Low density residential district are agricultural uses and buildings, single family detached buildings, parks, playgrounds, woodlands and conservation areas. The conditional uses in the LD zone are institutional uses, home occupations, golf courses, age restricted communities, planned unit developments and commercial uses in accordance with the C-1 retail or service business standards when the property fronts on State Highway 77 (which this property does). However, the LD zoning does not appear to permit the proposed professional office uses. Therefore a use variance is required in accordance with NJSA 40:55D-70(d) to permit a use or principal structure in a district restricted against such use or principal structure. It is the applicant's obligation to prove to the satisfaction of the Board that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The applicant must provide testimony regarding the special reasons for the requested variance.

While the existing residential structure on the site is in fact on two different lots, the two lots have functioned as one lot. Half of the house is in the LD zone and half is in the C-1 zone. From a planning perspective, this presents a difficulty that may be argued as a hardship

because it would be challenging to use the property as zoned. In any case, the applicant must present testimony and satisfy the negative criteria.

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

1. The site is located at the intersection of Ewan Road and NJSH 77 (Bridgeton Pike) and slopes generally from the north east to the south west. The highest elevation on the site is approximately 136' and the lowest elevation is approximately 113'. The proposed renovation and development will utilize the site's grade and create swales directed to a small basin. The Board's engineer will review and confirm that the proposed grading and drainage plan is adequate.
2. The Master Plan goals as they relate to this application are as follows:
 - Encourage growth of tax ratable uses through addition of manufacturing and commercial areas in locations which are environmentally, socially and economically suitable.
 - Lands outside the Route 55 growth corridor should have primarily clustered residential and low intensity commercial uses. In non sewerred areas the development of limited commercial cores should be encouraged in recognition of existing routes, with low density residential moving out from the commercial core.
 - Provide for adequate separation and screening of non-residential uses from adjoining residential and agricultural uses.
3. For the Board's information the applicant should provide testimony at the hearing regarding the intended or anticipated uses for the proposed building (medical, general, etc), the application indicates office suites. The schematic floor plan indicates that there will be a pediatrician's office and two additional tenants.
4. In addition to the C-1 requirements the LD zone requires an additional 35 foot planted buffer between nonresidential and residential uses. The applicant has added a 50 foot buffer strip to the required setbacks along the southern property lines, and proposes a combination of evergreen trees along the property line. In accordance with our recommendation the applicant has added additional landscaping along the southern property line adjacent to lot 4. The existing trees will be retained.
5. Ewan Road separates the residential parcel on lot 4 of block 2 from the subject site, and there is an existing row of evergreen trees. Some of the trees will need to be removed or "limbed" to a height of 8 feet in order to provide a safe sight triangle for motorists. The applicant has added additional Otto Luyken Laurel to that area to fill in some of the gaps.
6. There are eight trees on the site 24"dbh or greater in addition to a row of mature evergreens along Ewan Road and a wooded area at the corner of the site. The proposal requires the removal of four trees for the construction of the parking lot, one for the construction of the basin, and four of the evergreens for the driveway and sight triangle. Measures should be taken to protect all other existing trees. The applicant proposes a substantial landscape package to compensate for the loss of nine trees.
7. In accordance with section 96-54, the 6,250 square foot building will require 25 parking spaces. The applicant proposes 30 spaces, which meets the requirements.

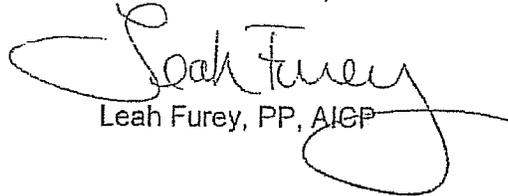
8. The applicant has not provided a traffic impact statement. The applicant should be prepared to testify as to the number of employees anticipated, the type of traffic that will be generated and the time when volume will be at its peak.
9. The plans indicate that trash and recycling will be managed by a private firm and that all storage of trash and recycling will be within the building. The applicant should provide testimony with regard to this issue. We are concerned that there may be a need for storage. We have received a floor plan, and there does not appear to be a dedicated area where trash may be stored. If the trash will be stored inside it should be made a condition of approval, so that if the building changes hands in the future, new occupants will also store garbage inside or return to the Board for amended site plan.
10. Since the proposal is for offices, we would not expect large delivery vehicles to visit the site. However, the applicant should confirm how deliveries will take place on the site since a loading space is not provided, and how a box truck will maneuver.
11. The applicant's engineer has provided a statement that there are no wetlands on site based on field investigations and the application has applied to the NJDEP for a presence/absence determination. This should be submitted when it is received and will be a condition of approval.
12. If the Board requires a fence around the basin in accordance with 96-63.C.4, it is recommended that the fence be split rail with mesh backing. The applicant requests a waiver from the fencing.
13. The applicant has shown the approximate locations of the existing well and septic systems, and it appears that they will not be impacted by the proposed grading. The applicant indicates that the well and septic system will remain in operation to serve the proposed use. The applicant is seeking approval from the Gloucester County Health Department. It is anticipated that the proposed use will generate less flow than the previous residential use.
14. The applicant proposes a monument style site identification sign along NJSH Rte 77, set back approximately 5 feet from the right-of-way. The proposed sign is approximately 70 square feet and approximately 10.5 feet tall. A smaller +/- 6 square foot sign is proposed on Ewan Road three feet from the right-of-way line, to assist drivers in identifying the address and driveway location. In accordance with section 96-60, ground signs are permitted at the main ingress/egress points. The site does not have access from NJSH Route 77, but we agree that locating the main sign along Route 77 is preferable to placing it along Ewan Road. The applicant confirmed that the posted speed limit on Rte 77 is 50 miles per hour and the speed limit for Ewan Road is 35 mph. As recommended low growing landscaping has been added around the base of the sign.
15. The applicant should indicate the type of wall signs that will be proposed to identify the various tenants. It is recommended that they be no greater than 4 square feet each.
16. The applicant does not propose sidewalks along the street frontage. There are no sidewalks in the area and significant pedestrian activity is not anticipated in this area.

Sidewalks are therefore not recommended at this time. It is recommended that the applicant agree to a deed restriction that would require the installation of sidewalks if a sidewalk is ever installed on the adjacent properties.

17. In accordance with section 96-61, all buildings in a development shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes. The applicant should confirm that the proposed renovation will not significantly alter the exterior of the existing structure.
18. The applicant submitted a report of action from the Gloucester County Planning Board (July 17, 2007), indicating that the site plan was found not to affect any County facilities. The site has frontage on a State Highway, but no changes to the roadway or access are proposed. Applicant should confirm that NJDOT approval is not required.
19. A report from the Police Department dated October 2, 2007 confirms that the police department does not have any concerns with the proposal. Comments from the Fire Department, and Environmental Commission must also be considered prior to final approval.
20. The applicant should be aware of the Housing Impact Fee (section 96-82D), which requires that a fee equal to 2% of the equalized value for nonresidential development be paid to assist the Township in meeting its affordable housing requirements. Fifty percent of the fee must be paid at the time a building permit is issued and 50% must be paid upon issuance of a C.O.

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, PP, AIGP

cc: Joan Adams, Esq.
Brian Mitchell, P.E.
Ewan 77, LLC, Inc
Samuel Ragonese, Esq.
Ronald Curcio, PE

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RESOLUTION NO. 2009-14

A RESOLUTION TO MEMORIALIZE THE AMENDMENT OF PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR BLOCK 6 LOT 1 LOCATED UPON ROUTE 77 TO PERMIT DESIGN MODIFICATIONS

WHEREAS, Ewan, 77 LLC, a New Jersey Limited Liability company with offices at 4150 Route 42 Turnersville, NJ 08012 is the owner of Block 6 Lot 1 and has made application to the Planning Board for modification of the preliminary and final site plan approval to permit design modifications; and

WHEREAS, the Applicant received Preliminary and Final Site Plan Approval, Use Variance and design waivers memorialized by Resolution number 2007-47 dated December 19, 2007; and

WHEREAS, the Developer has requested that changes be made to the Site plan as a result of field modifications and the needs of their tenants; and

WHEREAS, the Applicant has submitted a revised major site plan consisting of eight sheets signed and sealed by Ronald N. Curcio, PE sheets 1 thru 4 and 8 last revised 1/27/09; sheet 5 last revised 3/5/08 and sheets 6 and 7 last revised 1/21/08; and correspondence from the Applicant's Planner dated 1/29/09; and

WHEREAS, the Planning Board of the Township of Elk has considered the Applicant's evidence and the advice and opinions of its professionals and reviewed the previous approval; and

WHEREAS, the Planning Board has met at public hearing on February 18, 2009; and has made the following findings of fact and reached the following conclusions:

1. The Applicant has requested that the site plan be modified as follows:
 - to permit a relocation of entrance door to Suite C from the northern façade of the building to the eastern façade of the building at the northeastern corner;
 - to relocate the location of the trash dumpster from the east side of the building to the parking area on the western side of the building;
 - to add a second front entrance door for tenant "A" along the western façade of the building; and
 - to modify the entrance to handicap compliance.
2. The Municipal Land use law NJSA 40:55D-12 (a) requires that if an application requests a modification of a significant condition in a memorializing resolution and the modification is determined by the Board to be significant in nature the modification may not occur absent a hearing before the public on public notice.
3. The Planning Board finds that the change to this condition is not a substantial change to a significant and important condition of the original approval. The Board finds that this issue was not the subject of significant public comment and as such this change can be made without public notice and the modification would not require public notice under the provisions of the Municipal Land Use Law.

4. The Planning Board engineer opined that the design and installation of the handicap ramp must meet the building code and the Americans with Disabilities Act and the zoning officer must review the detail of the ramp to insure technical compliance.
5. The Planning Board engineer has opined that the overall effect upon the site design would be de minimus and the redesign of these improvements would have no adverse impact upon the site or the adjoining properties. He supports the design change.
6. The Board finds that the requested change is not detrimental to the development of the site.

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Elk that the Preliminary and Final Site plan approval shall be modified as set forth above and the application for an administrative design change is **GRANTED** upon the following conditions:

1. The Applicant must satisfy all outstanding review fees and inspection fees.
2. The design and installation of the handicap ramp must meet the building code standards and the standards set forth in the Americans with Disabilities Act and the zoning officer must review the detail of the ramp to insure technical compliance.

Voting in favor at the time of the public hearing:

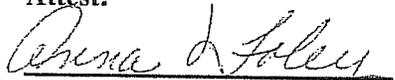
Yovnello, Shoultz, Nicholson, Barbaro, Swanson, Laux, Carter, Pearson, Goss

Elk Township Planning/Zoning Board



Nicholas Yovnello, Chairman

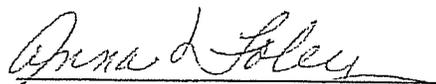
Attest:



Anna Foley, Secretary

Certification

The undersigned Secretary of the Planning Board of Elk Township hereby certifies that the above is a true copy of a Resolution adopted and memorialized by the Planning Board at its regular meeting on the 18th day of March, 2009.



Anna Foley Secretary