

RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING PRELIMINARY MAJOR SUBDIVISION APPROVAL FOR PHASES 5 AND 6 OF A PREVIOUSLY APPROVED GENERAL DEVELOPMENT PLAN, REGARDING PROPERTY LOCATED AT BUCK ROAD, CLAYTON-AURA ROAD AND FAIRVIEW ROAD, AND BEING FURTHER SHOWN AS BLOCK 65, LOTS 4.02 & 5, BLOCK 170, LOTS 14 & 18, AND BLOCK 171, LOT 9, ON THE TAX MAPS OF THE TOWNSHIP OF ELK, APPLICATION NO.: SD-16-02

WHEREAS, Application No.: SD-16-02 (the "Application") was submitted before the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey (the "Board"), by Silvergate Associates, c/o The Quaker Group, 11013 Laurel Oak Road, Suite 110, Voorhees, N.J. 08043 (the "Applicant") for Major Subdivision approval for phases 5 & 6 of a previously approved general development plan, regarding property located at Buck Road, Clayton-Aura-Road, and Fairview Road (the "Subject Property") and being further shown as Block 65, Lots 4.02 & 5, Block 170, Lots 14 & 18, and Block 171, Lot 9, 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 July 20, 2016 at 7:30 P.M., time prevailing, at which time were the following present on behalf of the Applicant: Emily K. Givens, Esquire, Maley & Associates, 1150 Haddon Avenue, Suite 210 Collingswood, New Jersey 08108 (the Applicant's attorney); Nicholas Casey, P.P., Vice President of Development, The Quaker Group, 1101 Laurel Oak Road, Suite 110, Voorhees, N.J. 08043 (the Applicant's Representative and Professional Planner); and Richard J. Clemson, P.E., C.M.E., James Sassano Associates, Inc., 41 South Route 73, Building 1, Suite 201, Hammonton, NJ 08037 (the Applicant's Professional Engineer); and

WHEREAS, Mr. Casey and Mr. Clemson had previously been stipulated by the Board as experts in the field of professional planning and professional engineering respectively, and the Board did continue to stipulate that both Mr. Casey and Mr. Clemson were entitled to testify on behalf of the Applicant for the purposes of the Application as experts in their respective fields, after which were Messrs. Casey and Clemson 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 Board had reviewed the Application for completeness purposes only at its April 20, 2016 meeting, and granted completeness at that time, which approval was memorialized by the Board's adoption of Resolution No. 2016-12 at the Board's meeting on May 18, 2016.

2. The Board's professional planner, Candace Kanaplue, PP, AICP, Bach Associates, PC, 304 White Horse Pike, Haddon Heights, NJ 08035, and the Board's professional engineer, Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A. Consulting Engineers, 307 Greentree Road, Sewell, NJ 08080, were sworn as to any testimony that they would give on behalf of the Board with respect to the Application presently before the Board.

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

- a. Application, application fee, Escrow deposit, Notice of Public Hearing, Affidavit of Service, Affidavit of Publication, Certification of Taxes Paid on the Subject Property, Land Development Checklist dated Feb. 17, 2016, and Certified List of property Owners within 200 feet of the Subject Property.
- b. Phase I Environmental Assessment, Silvergate, Phases 5 & 6, Block 65, Lots 4.02 and 5, Block 170, Lots 14 & 18, Block 171, Lots 6 and 9, Township of Elk, Gloucester County, prepared by Princeton Hydro, LLC, dated September 2011.
- c. Drawings Set (46 sheets) entitled "Silvergate – Phase 5 & 6, Block 65, Lots 4.02 & 5, Block 170, Lots 14 & 18 and Block 171, Lot 9, Elk Township, Gloucester County, prepared by James Sassano Associates, inc. dated 2-12-16.
- d. Letter dated June 13, 2016 to the Board from the Board's engineer, Stan M. Bitgood, P.E., C.M.E., Federici Akin, P.A., regarding Mr. Bitgood's engineering review of the Application.

- e. Letter dated July 11, 2016 to the Board from Richard J. Clemson, P.E., C.M.E. James Sassano Associates, Inc., the Applicant's engineer, providing a point-by-point response to Mr. Bitgood's letter of June 13, 2016.
- f. Letter dated March 31, 2016 to the Board from Steven M. Bach, P.E., R.A., P.P., C.M.E. and Candace Kanaplue, P.P., A.I.C.P., Bach Associates, P.C., the Board's professional Planners, regarding their planning review of the Application.
- g. Letter dated April 18, 2016 to the Board from Richard J. Clemson, P.E., C.M.E., James Sassano Associates, Inc., the Applicant's engineer, providing a point-by-point response to Mr. Bach and Ms. Kanaplue's letter of March 31, 2016.
- h. Affidavit of Applicant & Ownership.
- i. Disclosure Statement.
- j. Site Photographs.
- k. Title Report by Congress Title with copies of Easements related to Phases 5 & 6, dated 3/1/06.
- l. Subsurface Explorations (Test Pits) by South Jersey Engineers, dated 1/29/16.
- m. Stormwater Management Facilities Maintenance Manual by James Sassano, Associates, dated 2/12/16.
- n. Stormwater Low Impact Development Checklist by James Sassano Associates, dated 2/29/16
- o. Stormwater Annual Groundwater Recharge Analysis by James Sassano Associates, dated 2/29/16.
- p. Stormwater Management Compliance Report by James Sassano, Inc., dated 2/16/16.
- q. Storm Sewer Design Report by James Sassano Associates, dated 2/12/16 and revised on 3/28/16.

- r. Copy of letter dated March 24, 2016 to the Applicant by Edward J. Johnson, Chief County Fire Marshall, Gloucester County, regarding Mr. Johnson's fire safety review of the Phase 5 & 6 proposed Major Subdivision.

4. Planning and site acquisition for the Silvergate Planned Unit Development (PUD) began in the mid-1980s coincident with construction of Route 55. The General Development Plan (GDP) for the overall Silvergate PUD was ultimately approved by the Elk Township Planning Board on April 18, 1996 and consisted of seven (7) phases. The GDP resolution provided that the approval would expire in 16 years, no later than May 16, 2012, and established deadlines for the filing of development applications for the various phases of the development. In 2011 the Applicant applied to the Planning Board for an extension of the vested rights through May 16, 2016 (the full 20 years allowed by Municipal Land Use Law). The Applicant provided information to confirm that the project has been delayed in large part due to factors outside the applicant's control including the stagnant economy, issues with the water and sewer allocations, outside agency approvals, and related litigation. The GDP was extended through May 16, 2016. On February 17, 2016, the Applicant requested a legal interpretation as to its GDP expiration date by the Planning Board. At the hearing, it was concluded that the correct expiration date is June 17, 2020 (Resolution 2016-10).

The overall Silvergate proposal consists of 1,311 residential units, 850,250 square feet of commercial space, and 280 acres of open space. Below is a summary of the status of the various phases, insofar as Township approvals:

PHASE	DESCRIPTION	APPLICATION	STATUS
Phase I	35 single family 28,400 sq ft commercial	Preliminary and Final Subdivision Approval	Final approval granted 6/17/2004; Plats recorded 6/21/2007
Phase II	230 single family	Preliminary approval	Preliminary approval granted 11/29/2006
Phase III	162 single family	Preliminary and Final subdivision approval	Final approval granted 6/17/2004; Plats recorded 6/21/2007
Phase IV	192 low/moderate income units 160,000 sq ft commercial	Submitted in 2001, revised 2008, held in abeyance. Not yet approved	Affordable Housing Subcommittee provided recommendations in 2011
Phase V	172 townhomes 46,650 sq ft commercial	Major Subdivision/Site Plan	Application submitted March 2016
Phase VI	70 twin/duplex 145 single family 96 affordable housing units	Major Subdivision/Site Plan	Application submitted March 2016
Phase VII	377,700 sq ft commercial	Not yet submitted	

The GDP approval required that most phases be built out within four (4) years of final approval. Silvergate has also submitted applications and received approvals for minor subdivision and site plans related to the construction of a pumping station, water supply well, storage tank, and treatment facilities.

5. ZONE BULK STANDARDS

The Subject Property is within the MD Mixed Residential Zoning District. The following bulk standards per the Master Development Plan Resolution as adopted by the Planning Board of Elk Township at a meeting held on May 16, 1996:

Single Family Units

Resolution Section	Standard	Required	Proposed	Compliance
3.A	Single family detached dwelling	Permitted use	Single family detached dwelling	Conforms
3.A	Min. Lot Area	8,800 SF	8,800 SF	Conforms
3.A	Min. Lot Width at Setback	80 ft.	80 ft.	Conforms
3.A	Min. Front Yard Setback	30 ft.	30 ft.	Conforms
3.A	Min. Side Setback	10 ft.	10 ft.	Conforms
3.A	Min. Rear Setback	25 ft.	25 ft.	Conforms
3.A	Max. Imp. Cover	45% per lot	<45% per lot	Conforms
3.A	Max. Bldg. Ht.	2 ½ stories or 35 ft.	35 ft.	Conforms
3.A	Max. Gross Density	4.5 D.U. per acre	1.73 D.U. per acre	Conforms

Twin/Duplex Units

Resolution Section	Standard	Required	Proposed	Compliance
3.B	Twin/Duplex Attached dwelling	Permitted use	Twin/Duplex Attached dwelling	Conforms
3.B	Min. Lot Area	4,400 SF	4,400 SF	Conforms
3.B	Min. Lot Width at Setback	40 ft.	40 ft.	Conforms
3.B	Min. Front Yard Setback	30 ft.	25 ft.	Does not Conform
3.B	Min. Side Setback	10 ft.	10 ft.	Conforms
3.B	Min. Rear Setback	20 ft.	25 ft.	Conforms
3.B	Max. Imp. Cover	60% per lot	<60% per lot	Conforms

3.B	Max. Bldg. Ht.	2 ½ stories or 35 ft.	35 ft.	Conforms
3.B	Max. Gross Density	6 D.U. per acre	2.67 D.U. per acre	Conforms

Townhouse Units

Resolution Section	Standard	Required	Proposed	Compliance
3.C	Townhouse Attached dwelling	Permitted use	Townhouse Attached dwelling	Conforms
3.C	Min. Lot Area	1,600 SF	2,000 SF	Conforms
3.C	Max. units per building	8	8	Conforms
3.C	Min. Lot Depth	100 ft.	100 ft.	Conforms
3.C	Min. Front Yard Setback	35 ft. w/ parking on lot.	25 ft. w/ parking on lot	Does not Conform
3.C	Min. Rear Setback	25 ft.	25 ft.	Conforms
3.C	Min. Front to Front Setback	75 ft.	>75 ft.	Conforms
3.C	Min. Front to Rear Setback	50 ft.	>50 ft.	Conforms
3.C	Min. Side to Front & Rear Setback	40 ft.	>40 ft.	Conforms
3.C	Min. Side to Side Setback	30 ft.	30 ft.	Conforms
3.C	Min. Rear to Rear Setback	50 ft.	>50 ft.	Conforms
3.C	Perimeter Setback	50 ft.	50 ft.	Conforms
3.C	Max. Imp. Cover	70% per lot	<70% per lot	Conforms
3.C	Max. Bldg. Ht.	2 ½ stories or 35 ft.	3 stories/35 ft.	Conforms
3.C	Max. Gross Density	8 D.U. per acre	4.74 D.U. per acre	Conforms

Affordable Housing/Apartment Units

Resolution Section	Standard	Required	Proposed	Compliance
3.D	Apartment Units	Permitted use	Apartment Units	Conforms
3.D	Min. Lot Area	12 Acres	12.34 Acres	Conforms
3.D	Max. units per building	16	8	Conforms
3.D	Min. Front to Front Setback	50 ft.	>50 ft.	Conforms
3.D	Min. Front to Rear Setback	50 ft.	>50 ft.	Conforms
3.D	Min. Side to Front &	35 ft.	>35 ft.	Conforms

	Rear Setback			
3.D	Min. Side to Side Setback	25 ft.	25 ft.	Conforms
3.D	Min. Rear to Rear Setback	50 ft.	>50 ft.	Conforms
3.D	Perimeter Setback	50 ft.	65 ft.	Conforms
3.D	Max. Imp. Cover	65% per lot	<65% per lot	Conforms
3.D	Max. Bldg. Ht.	3 stories or 35 ft.	35 ft.	Conforms
3.D	Max. Gross Density	16 D.U. per acre	7.89 D.U. per acre	Conforms

Commercial

Resolution Section	Standard	Required	Proposed	Compliance
3.E	Commercial	Permitted use	Commercial	Conforms
3.E	Min. Lot Area	2 Acres	4.84 Acres	Conforms
3.E	Min. Lot Frontage	200 ft.	404 ft.	Conforms
3.E	Min. Front Yard Setback	100 ft.	100 ft.	Conforms
3.E	Min. Side Setback	25 ft.	25 ft.	Conforms
3.E	Min. Rear Setback	25 ft.	25 ft.	Conforms
3.E	Max. Imp. Cover	65%	<65%	Conforms
3.E	Max. Bldg. Cover	30%	<30%	Conforms
3.E	Max. Bldg. Ht.	45 ft.	45 ft.	Conforms

3.E	Min. Buffer along Residential	50 ft.	50 ft.	Conforms
3.E	Max. Clearing	80%	<80%	Conforms

VARIANCES/WAIVERS:

The following Bulk Variances are required for the project:

1. Front Yard Setback

A front yard setback variance is required for the duplex/twin units and townhouse Units. The plans propose a 25' front yard setback for duplex/twin and townhouse units where the Master Development Plan Resolution requires 30' front yard setbacks for

twin/duplexes and 35' front yard setbacks for townhouses. It is the Board Planner's opinion that there would be no detriment to reducing the front yard setback for the townhouses and twin units to 25 feet, if there will be a garage for each unit. This still provides ample space in the driveway to park a car, and would increase the usable rear yard area.

2. Building Height

The plans propose a 3 story/35' high townhouse building where the Master Development Plan Resolution allows a 2 ½ story/35' high building. The Board's Planner confirmed that a 3 story building height was permitted provided that the height does not exceed 35 ft. The Board acknowledged that a variance was not required.

3. On-Lot Swale

A variance is requested for on-lot swales. The plans propose on-lot swales with centerline grades of 1.5% where 2% is required and swale grades on the open space lots of 1% where 2% is required by §96-66.M.5(b). The Board's Planner deferred to the Planning Board Engineer for this variance request.

6. Mr. Casey provided background information as set forth above. Mr. Casey testified that the Application before the Board is part of a previously approved General Development Plan that was granted by the Board a number of years ago. Mr. Casey reviewed the previously approved phases, both preliminary and final approval, that the Board had already granted, and the remaining phases after the present Application is acted upon by the Board, that will need to be submitted. Mr. Casey testified that the overall development of the Subject Property, once all phases have been approved, will generate approximately 1,000 residential units of which approximately 192 will be affordable housing units. Mr. Casey detailed the various phases under the General Development Plan approval and testified that the number of residential units in the existing application, 483, is less than what had previously been submitted for these phases as part of the General Development Plan application that was approved by the Board. Mr. Casey provided testimony as to the overall plan of subdivision, proposed roadways, detention and retention basins, roadways, and other physical features of the proposed subdivision.

7. The March 31, 2016 letter from the Board's Professional Planner, Candice Kanaplue, PP, AICP, Bach Associates, PC, and the June 13, 2016 letter from Board's engineer, Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., were both reviewed with the Board and the Applicant as are set forth immediately below. The information in italics below represent the comments of the Board's professionals as to their respective letters, and the responses in bold as to each letter are based on Mr. Clemson's letter of April 18, 2016 to the Board as to the Bach Associates review letter of March 31, 2016, and Mr. Clemson's letter of July 11, 2016 to the Board as to Federici and Akin's review letter of June 13, 2016, all of which had been entered into the record as evidence, as well as testimony given by Mr. Clemson during the hearing on the Application as to said review letters.

1. Residential Unit Mix.

- a. *The General Development Plan anticipated 226 townhouses for Phase 5 (plus 284,150 square feet of commercial space); and 127 single family and 266 duplex/twin units for Phase 6, for a total of 619 residential units. The Site Plans propose 145 single family units, 172 townhouse units, 70 duplex/twin units and 96 affordable apartment housing units for a total of 483 residential units. The current concept proposes 136 fewer units than were approved as part of the GDP. It appears that the applicant has provided some affordable townhomes in Phase V in order to spread the required affordable units throughout the overall development and to have a variety of affordable housing options rather than having all of the required affordable units together in Phase IV. This idea was discussed and recommended by the Planning Board's Affordable Housing sub-committee in November 2011.*

The Residential mix is in conformance with the conceptual plan discussed with the Land Use Board on March 18, 2015. It incorporates 96 affordable housing units in response to the recommendations of the Planning Board's Affordable Housing subcommittee, and is shown to consist of townhouses and stacked flats.

2. **Recreation.** *The PUD ordinance places high priority on the inclusion open space and recreation as part of the overall design of the development. There are interconnected open spaces shown throughout the proposed development of Phases 5 and 6, totaling more than 36 acres. The plans do not show any active recreation facilities. The Applicant should provide an overview of the recreation and open spaces proposed throughout the PUD. When earlier residential phases were approved there was discussion about the need for recreation facilities to serve the residents of the development (and the Township overall).*

The Applicant has discussed several alternatives for recreation with Bach Associates; including expansion of the path system, tot lots/playgrounds, multi-purpose areas and payment in lieu of recreation. Several areas were identified as suitable for such facilities which will be discussed with the Land Use Board through the review process.

3. **Commercial Development.** *The plans show an area for future commercial development along Buck Road and with access along proposed Road A. There are two (2) commercial lots proposed, totaling 10.98 acres. The General Development Plan approval provided that there would be 284,150*

square feet (6.52 acres) of commercial space in Phase 5. The Phase 5 commercial space is divided between the Buck Road frontage shown as part of this Application, and the "regional commercial" area in the vicinity of the Route 55 interchange (Phase 7). This Application is proposing 46,650 square feet of commercial space on this portion of Phase 5.

The overall General Development Plan shows two (2) areas designated as Phase 5; one which is part of this Application and the other which is considered the "Regional Commercial Center" which also includes Phase 7. The current Application includes two (2) commercial sites which total 10.98 acres on which a total of 46,650 square feet of commercial space is illustrated. To avoid further confusion, we intend to refer to the "Regional Commercial Center" all as Phase 7.

4. Buffers / Open Space

- a. *The required 50' buffer is shown along the entire perimeter of the development and between the proposed commercial parcel fronting Buck Road and the residential portion of the development.*

Mr. Clemson acknowledged the same.

- b. *Landscape buffers shall be shown along the entirety any street that is the rear yard of any proposed dwelling.*

The Applicant has met with Bach Associates to discuss the comments regarding the Buffers and Open Space and will present a revised Landscape Plan during the review process to the Land Use Board. Revisions will include adding additional landscaping along the entirety of any street that is the rear yard of any proposed dwelling.

- c. *Per §96-88.C(2), Consideration to provide that open space within PUDs shall be planned and designed to achieve adequate recreation areas for the needs of the development residents and owners. No recreational facilities are shown on the plans. The applicant shall be prepared to discuss the reason that no active recreational areas are being proposed as part of the development. Because of the size of the development we recommend on-site active recreational facilities be added throughout the phases of the development.*

Mr. Clemson acknowledged the same.

5. *Landscaping / Lighting*

- a. *The proposed residential lighting is of a cobra head design. The Board's Planner recommends a more ornamental/decorative light be used within the proposed residential communities.*

The Applicant reviewed the comments regarding the installation of ornamental/decorative lights throughout the development and it was determined that it would require substantially more lights to be installed to provide adequate street lighting and the ongoing operation and maintenance would substantially increase the annual street lighting costs to the Township. An alternative was discussed with the Planner to install the ornamental/decorative lights at the entrances from Buck Road, Aura Clayton Road and Fairview Road.

- b. *The Board's Planner recommends that street lights be placed at a maximum of 300' intervals.*

The Applicant's Engineer will work with the Board's Planner to develop a safe, yet cost efficient street lighting design/layout.

- c. *The proposed Amur Maple and Hedge Maple are invasive plants and are not recommended for use in the Northeastern United States. A replacement for these trees shall be provided.*

The Amur and Hedge Maples will be replaced with non-invasive species.

- d. *The outline of the proposed basins shall be shown on the Landscape Plans. Landscaping shall be provided around the perimeter of all stormwater basins.*

The proposed basin grading will be more clearly shown on the Landscaping Plans in order to illustrate the perimeter of the basins.

- e. *Additional landscaping shall be provided around the entirety of the proposed trash enclosures that service the proposed commercial parcels.*

Additional landscaping will be provided as requested. A sketch of the proposed enhancement was presented to the Board's Planner by the Applicant's engineer on April 13, 2016.

- f. *The limit of tree clearing shall be shown on the Landscape Plans.*

The limit of clearing will be more clearly illustrated on the Landscaping Plans.

g. Three (3) varieties of trees shall be proposed along all streets.

Three varieties of trees will be proposed along all streets, alternating species along each street.

h. Per §96-88.E(4)h, There shall be a minimum of three (3) deciduous shade trees, not including street trees, per lot for all residential sections of the PUD where the site is devoid of trees. Additional trees shall be proposed for each dwelling lot.

It was determined that Section 96-88.E(4)k does not apply since the site is not devoid of trees; substantial areas of existing trees will remain; and the landscape plan, with the revisions discussed will meet the purpose and intent of the landscape requirements.

i. Per §96-88.E(2)k, The front and rear of each building (townhouse) and open space areas shall be landscaped. The Board's Planner recommends additional landscaping in the rear of the townhouse units.

Additional landscaping will be provided, as requested.

j. No shade trees shall be planted in conflict with any storm, sanitary, or water pipes.

Mr. Clemson acknowledged the same.

k. The following changes shall be made to the Deciduous Tree Detail per §96-88.N:

- 1. The minimum size of stakes shall be two (2") inches by three (3") inches.*
- 2. The guying cable shall be 12 gauge.*
- 3. A three inch (3") saucer shall be constructed around the planting area.*
- 4. The ball shall sit on compacted soil.*
- 5. The diameter of the hole shall be two (2') feet larger than the diameter of the ball.*
- 6. The note "guy trees 3" cal. & over" shall be revised to "guy all proposed street trees".*

The landscape details will be revised to conform to ordinance standards.

6. *Parking*

- a. *The Applicant is providing parking in accordance with the Township Ordinance.*

Mr. Clemson acknowledged the same.

- b. *On-street parking is proposed in the townhouse area of the development. As the proposed cartway width is 28', our office recommends that on-street parking be limited to straight sections of roadway and refrain from being located along any curve or radius.*

Parking will be permitted on only one side of the Residential Access Streets (all streets except for Road "A"); parking will not be permitted along either side of Road "A". Within the townhouse areas, parking will also be prohibited along any street frontage opposite a bank of perpendicular parking spaces. Within the single family and twin home sections, parking will be prohibited along the interior side of any curve with a centerline radius less than 150 feet. Restricted parking areas will be appropriately signed.

7. *Signage*

Development signs shall be shown on the plans. The Applicant should consider the requirements of section 96-60 regarding the placement of development identification signs, as it does not appear that the PUD ordinance addresses signs.

Location for development signs will be shown. The Applicant requests that details of the signs be deferred until Final Major Subdivision approval is applied for.

8. *General*

- a. *In previous applications, Silvergate Phase V and VI included Block 171, Lot 6. It appears that Lot 6 is no longer a part of this application. However, Lot 6 is still highlighted on all site maps and the Major Subdivision Plan. Clarification shall be made and plans revised to reflect the lots included in the Phase V and VI Major Subdivision application.*

Block 171, Lot 6 has been eliminated from the Application.

- b. *Per §96-88.E(2)n, Conceptual architectural review by the approving authority is required before preliminary approval. The Applicant shall provide architectural plans of the proposed townhouses for review and discussion by the Board. The plans shall be provided to assure that the architectural type and style is compatible with neighboring uses.*

The Applicant requests to defer architectural plans until Final Major Subdivision approval is applied for.

- c. *The Applicant shall address the collection and storage of trash for the residential portion of the development.*

Public roadside trash collection is intended.

- d. *Per §96-88.E(2)o, Pedestrian access shall be provided to the rear of all (townhouse) units.*

Pedestrian access shall be illustrated to the rear of all townhouse units.

- e. *A north arrow shall be provided on the Major Subdivision Plan (S0601).*

A north arrow will be added to Sheet S0601.

- f. *The proposed street names shall be shown on all of the plans for reference, in particular Landscape Plans.*

Proposed Street Identification will be more clearly labeled on the Landscaping Plans. The Applicant requests that actual Street Names be deferred until Final.

The Board accepted as “fact” the assessments put forth by its Planner, and the responses given by the Applicant’s engineer, as are set forth above.

8. The Board reviewed the June 13, 2016 Letter from its Engineer, Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., to the Board regarding the Application as follows:

1. *Bulk requirements: The plans include a table of bulk requirements which is satisfactory. The subdivision includes a mix of townhomes, affordable housing, detached single family homes, and duplex homes and a commercial area along Buck Road.*

Bulk variances are proposed for the front yard setbacks for the townhouses and twin units.

2. *Plat Requirements: Preliminary Plats are not included. The plans do make clear the intended layout and lot sizes. Final plan submission will require plats matching the proposed sequence of development that conform to the Map Filing Law and conditions of preliminary approval. The plats should be completed to include all information required for map filing, horizontal control points, outbound information, and all easements including those that will be necessary for construction and maintenance of the stormwater systems and access routes.*

Mr. Clemson agreed to comply.

3. *Roadway Layout. The roadway network is fit to the various wetlands areas and frontage on the bounding streets. A large radius curved street, Road A, cuts through the site from Whig Lane to Buck Road. Commercial pad sites are shown along Buck Road on each side of Road A.*

- A. *The number of intersections along the main road is excessive, particularly since there are so many T intersections. Within the main curve intersections should be aligned to reduce the number of T intersections and to create at least 2 and preferably 3 – 4way stop controlled intersections. This is critical to controlling speeds and improving pedestrian safety of residents moving through the development to and from the various open spaces and recreation areas.*

Revisions have been made to reduce the number of T intersections along Road A. Road C has been reconfigured to align with Road B and a 4-way stop has been created.

- B. *Road D intersects Road A near one of the curves on the inside. As sight distance will be problematic particularly to the left toward Buck Road, consideration should be given to relocating this intersection. Clear sight triangles should be shown. This will likely affect the locations and extent of some of the landscape berms.*

Road D has been reconfigured to eliminate the T intersection with Road A closest to Buck Road. The reconfiguration of Road D will have only minor, if any, impacts to the landscape berms.

- C. *Roads M, N, and O should be reconfigured to create a 4 way stop controlled intersection and at most one T intersection with Road A. Ideally, the distances between Whig lane and the first intersection, would be similar to the distance between it and the next one.*

Road M has been eliminated. Road K (now identified as Road I) has been extended to Road A, thereby creating a 4-way intersection with Road O (now identified as Road L). Road N (now identified as Road K) has been changed to a cul-de-sac, eliminating the intersection with Road A.

D. Road F should not have access to Road A.

Road F and Road G have been realigned to create a loop road, eliminating the intersection of Road F with Road A. Road F is now identified as Road E.

- 4. Lot shapes and orientation. No flag lots are proposed. All lots are proposed to conform to the PUD and applicable zoning requirements. Generally all corner lots will have their driveways on the side of the dwelling furthest from the intersections. A few lots will have to be flipped when final plans are submitted.*

In connection with the realignment of streets above, driveways have been oriented to the side furthest from the intersections.

- 5. Cul-de-sacs. The project will have a number of cul-de-sacs. In all cases, room shall be provided for snow plowing typically at the end generally opposite the inbound roadway. These areas shall be kept clear of fire hydrants, street lights, shade trees and other interferences.*

Fire hydrants, street lights, shade trees and other interferences will be moved away from snow storage areas at the end of the cul-de-sacs.

- 6. Commercial areas. The two commercial sites are well laid out. Their entrances are set back from Buck road appropriately.*

Mr. Clemson acknowledged the same.

- 7. Pedestrian Access. The plans include a few separate recreation areas that are partially connected to the street sidewalks and other open spaces. For example, along Road Q near Road R, the access to the open space in lot 14 is midblock on road N. Moving lot 290 and possibly 291 toward road R, would align the path with a street intersection.*

Pedestrian Paths have been have been realigned, and lots shifted where necessary to provide connections to sidewalks at intersections. The narrow strips of open space behind Lots 294 thru 298, Lots 369 thru 372 and Lots 387 thru 385, which provide little functional area and are not intended for pedestrian connections,

have been eliminated and the rear lots have been extended to provide greater depth for the single family homes.

E. Mr. Bitgood deferred to the Board's Planner regarding the adequacy of the open spaces, their locations, amenities, and landscaping.

8. *Parking. The plans show adequate parking compliance with R.S.I.S. However, it is recommended that prior to final plans, the parking within the cul-de-sacs, be revised to ensure that access to the basins, for snow plowing, and utility easements is provided and coordinated with utilities, parking and landscaping. No parking areas should be clearly shown.*

Access to the basins has been shown on the plans. Areas for snow storage on the cul-de-sacs will be noted. No parking areas will be clearly indicated along these areas of the cul-de-sac and along the inside of the curves along the residential streets.

9. *Grading. The plans include overall grading sheets and grading details for the intersections. Throughout the subdivision, roadway grades are minimums and grass swale grades are less than desirable. Roadway profile slopes should be at least 0.6% with at least 1% in cul-de-sacs. When road slopes are less than 0.75%, concrete gutters are necessary for the paver to pave to.*

Revisions will be made to the grading plans; details for concrete gutters will be provided with locations noted where street slopes are less than 0.75%.

A. (This may be moot if Road C is relocated as recommended.)

B. Additional inlets are needed on cul-de-sacs and other roadways to reduce excessive lengths of flow travel paths. Where these flow paths are 1% in the roadways and 2% in the swales, initial flow paths of 300 feet are generally acceptable. With slopes less than these, 200 feet to 300 feet should be designed.

Additional inlets will be added to reduce the flow paths where slopes are less than 1% in the roadways and 2% in the swales.

C. At all dwellings and buildings, spot shots should be provided at all corners and at 10 feet off set showing 5% or 6 inches fall within the 10 feet nearest the buildings.

All proposed lot grading has been designed so that there is a 6-inch drop at a point 10 feet away from each building. Additional

spot elevations will be provided to demonstrate that this requirement has been met.

- D. Grading within basins should be adjusted to eliminate long narrow deep benches, e.g in basin 4 along Road L. These will be hard to maintain, potential debris catchers, and hiding places for riff-raff.*

Road L (now identified as Road J) has been shortened and Basin 4 reconfigured to eliminate the long, narrow, deep bench.

- E. Grading details for handicap ramps shall show ½" slope on the concrete flush curb and 15:1 to 12:1 slope within the ramp adjacent to the curb. Landing shall not be adjacent to any curbs. Landings shall be at the top of ramps not less than 4 feet in length, with additional ramps from the landing up to full sidewalk elevation.*

The details for the handicapped ramps will be revised to conform. One solution has been illustrated at the intersection of Roads I and J. All relevant plans within the set will be revised to reflect ramps that are satisfactory to your Engineer.

- F. High Point Lines should be shown within cul-de-sacs and parking lots to prevent level areas when these are constructed.*

Mr. Clemson testified that the Applicant will comply.

- G. Along Road J, rear lot line high points should be moved to reduce swale lengths that cross from one lot to another.*

Mr. Clemson testified that the Applicant will comply.

- H. The high point in open space between Road H and I should be moved and/or raised to reduce flow paths and swale direction changes.*

Mr. Clemson testified that the Applicant will comply.

- I. Berms along Fairview should be adjusted to provide a sidewalk and a connecting path at the north end of the affordable section with Road I.*

The berms will be adjusted and a pedestrian path has been added to connect the sidewalk within the affordable housing area to align with a crosswalk at the intersection of Fairview and Road I (now identified as Road G).

- J. All basins should be graded so that a basin access is clearly provided.*

Mr. Clemson testified that the Applicant will comply.

- K. The "emergency" spillway between the existing low area and Basin 2 should be lowered by 6 inches to improve freeboard to the dwellings adjacent to it.*

Mr. Clemson testified that the Applicant will comply.

- L. All grading plans should show the soil boring locations, numbers, and the seasonal high water table elevation for each.*

Mr. Clemson testified that the Applicant will comply.

- M. All buildable lots shall show top of block and basement floor elevations. Many do already.*

Mr. Clemson testified that the Applicant will comply.

- 10. Utilities. The plans show complete onsite water and sewer systems and details. These plans and details shall be subject to review and approval by N.J. American Water Company as well as the Planning Board. The water system is appropriately looped between Buck Road, Whig Lane, and Fairview, and within the site. Valves are shown on each leg of all main Tees which will facilitate maintenance and repairs.*

Mr. Clemson agreed to comply.

- A. Testimony shall be provided regarding the availability of water supply and sewer capacity, and the status of any contracts, or agreements with NJAW.*

Mr. Casey testified that NJAW is the franchise holder for water and sewer, and NJDEP has approved a Map Amendment to the GCUA Sewer Service Area to include all of the Silvergate PUD properties. GCUA has indicated that sewer allocations will be approved on a first come, first serve basis. The GCUA Wastewater Treatment Plant has been re-rated, which now provides adequate sewerage treatment capacity available for the intended development within the foreseeable future. The GCUA Wastewater Management Plan also provides expansion of the sewerage treatment capacity in the future. Mr. Casey further testified that Silvergate has paid its pro-rata share of the cost to extend the NJAW water main to Elk Township, and had been paying its pro-rata share of the annual water reserve fee to reserve water supply for its intended development.

B. *The utilities plans show weirs at each basin outlet structure that are not shown on the details or listed in the hydraulic calculations.*

Mr. Clemson testified that the plans will be updated to eliminate inconsistencies.

C. *Hydrants should be moved closer to intersections typically within 10 to 20 feet of the cross walk or end of curb radii where vehicles should not be parked regardless.*

Mr. Clemson testified that the Applicant will comply.

11. *Landscaping. Landscape and Lighting plans are included. Mr. Bitgood defers to the Boards Planner for comments except the following:*

A. *Shade tree easements should be provided along all frontages immediately behind the utility easement strip. Shade tree easement should include access across the utility easement.*

Mr. Clemson testified that the Applicant will comply. A 10' wide shade/street tree easement will be provided parallel and concentric to all roadway frontages. This easement will overlap a 5' wide utility easement. Similar to what was approved for the Aura Subdivision, the Shade Tree Easement can be setup as a self-extinguishing easement.

B. *Evergreens are recommended in buffer areas and around basins as they tend to contribute less to degradation of the basin water quality and sand bottoms.*

The Applicant will review this issue with the Board's Planner to develop acceptable adjustments.

12. *Fencing. Fencing is not shown. The Board's Engineer recommends that the Applicant discuss this with the Board and reach a consensus regarding the approach that should be taken regarding fencing along the rear yards and side yards. The HOA documents and covenants should be very clear prior to final approval. Fences should be allowed and provided along the rear of lots abutting basins.*

The details, design standards and restrictions for fences will be clearly detailed in the HOA documents, with a consensus reached with the Board prior to final approval.

13. *Stormwater Management. The project requires stormwater management measures as a major project. The applicant has submitted complete*

hydrologic and hydraulic calculations, along with a basin maintenance plan, non-structural strategies checklist, and documentation of water quality and ground water recharge. The calculations and documents are generally satisfactory. All of the foregoing shall be updated and submitted with the application for final subdivision approval.

Mr. Clemson agreed to comply.

A. Due to the relatively mild slopes within the site, the engineer has routed basin 1 into and through 2 and 3 into and through 4. This is fine although I have discussed with Mr. Clemson and Mr. Casey that the plan should be revised in so far as practical to reduce the pipe length between basin 3 and 4 and hopefully to reduce the pipe size and depths as well.

The primary reason for the connection of stormwater basins 3 and 4 was to eliminate the need for separate stormwater outfalls for these facilities. The Applicant's Engineer will revise the plans such that basins 3 and 4 will no longer be connected. This will reduce pipe lengths, sizes and depths.

14. Sections and Sequence. The plans include a section plan but do not include sequence. Testimony should be provided regarding the proposed sequence and schedule of construction.

Testimony on the sequence of anticipated development was given to the Board.

9. The hearing on the Application was opened to the public, at which time the following members of the public provided testimony on the Application:

- a. Wendy Potoski, 659 Fairview Road, was concerned with the wildlife in the area being affected by the proposed development, the need and cost for new schools, whether or not tax abatements were going to be offered to the developer, lighting, additional traffic that the development would cause, the fact that the proposed development detracts from the farming characteristics of Elk Township, as well as her concern for the affordable housing that would be a part of the development.
- b. Jim Wickersty, 295 Clayton Drive, testified that he was concerned with water runoff into Silver Lake, as well as the impact of water runoff on other areas as a result of the proposed development.

- c. Rae Walzer, 431 Whig Lane, was concerned with the availability of sewer and water to handle the proposed development, the environmental impact that the proposed development would have on the area and the Township as a whole, where the schools would be located to handle the students that would be generated by the development, additional traffic in the area, the affordable housing units, the impact on township roads, and the proposed stormwater basins.
- d. Edena Walden, asked questions about the time frame to begin building the proposed development, the walkways, the open space, and other components of the development, lighting, and the average cost of homes to be offered for sale in the development.
- e. Belinda Pagnafanador, 469 Whig Lane, asked questions regarding recreational plans for the proposed development, whether the overall development would be spread out in phases, her concern that the developer had not properly taking care of the existing property that they own prior to development of the same, the availability of public transportation, and her concern that the proposed development would destroy the small town feeling that currently existed in Elk Township.
- f. Dan Marchetti, 451 Whig Lane, was concerned with water runoff and existing ditches in the area of the proposed development, and requested that the Applicant consider cleaning the existing ditch and/or piping all or a portion of the ditch.
- g. Bill Jeffers, 504 Fairview Road, was concerned with traffic, the impact on the area based on the number of houses that were proposed, and the cost of schools resulting from the proposed development.
- h. Paul Malloy, and Chris DeMayo, 463 Whig Lane, were very concerned with the water runoff that would occur as a result of the proposed development, given their experiences in the area.
- i. Brian Brown, 530 Fairview Road, was also concerned with water runoff and the high water tables in the area.
- j. Matt McCaughn, Whig Lane, questioned whether or not residents within 200 feet of the proposed sewer line extension would have to tie-in to the same. The Board responded in the affirmative.

There being no further members of the public providing testimony on the Application, the public portion was closed.

CONCLUSIONS

1. The Board concluded that preliminary major subdivision approval for phases 5 & 6 of the Applicant's previously approved General Development Plan should be granted, given the requests by the Board's professionals for the Applicant to amend the plans and/or provide additional information to the Board's professionals, as well as the representations, acknowledgements and agreements given by the Applicant's engineer, as are set forth under Findings of Fact above. The Board believes that the road system, lot shapes and orientation, proposed commercial areas, parking, grading, landscaping, utilities, fencing, and stormwater management aspects of the proposed subdivision, with the required amendments to the plan as requested by the Board's Engineer and the Board's Planner, will ensure that the development of the Subject Property will be done in accordance with sound engineering and planning practices, and in accordance with the ordinances of the Township of Elk. The Board recognizes that the Application is for preliminary approval only, and based on the representations made by the Applicant, as well as the acknowledgements and agreements made by the Applicant's professionals, as in set forth herein above under Findings of Fact, will ensure that the development of the Subject Property is done appropriately. In particular, the Board recognizes that the Applicant must return for final major subdivision approval, at which time the Board and the Board's professionals will have a chance to further evaluate the re-submitted plans and make any final determinations as to continued changes that would have to be made.

2. The Board concluded that the variance from front yard setbacks for the duplex/twin units and townhouse units should be granted. The Board concludes that there will be no detriment to reducing the front yard setbacks for the townhouses and twin units to 25 feet, where 30 feet is required, if there will be a garage for each unit. The Board concludes that this would still provide ample space in the driveway to park a car and would increase the usable rear yard area. The Board concludes the Applicant has met its burden for a "C(2)" variance by demonstrating that the benefits of the proposed deviation will substantially outweigh any detriment, and that the proposal will not have a substantial negative impact on the zone plan, master plan, development of the area under consideration, and the general public good.

3. The Board concluded that a variance from the building height requirements of the townhouse units is not required insofar as the plan proposes a 3-story, 35 foot high building where the master development plan allows a 2 ½

story or 35 foot high building. The Board concludes that 35 feet complied with the bulk standards.

4. The Board also concludes that the requested variance for on-lot swales should be granted insofar as the proposed swale grades of 1% on the open space lots would be sufficient to deal with any needs regarding water on the open space lot. The Board concludes that this also meets the "C(2)" standard, in that a substantial benefit will occur from a granting of the variance.

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 in 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. All plans and submissions must be revised by the Applicant to meet the requirements of the Board's professionals as set forth under findings of fact above, and be re-submitted to the Board's professionals for review and approval.

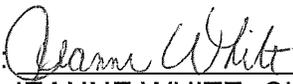
9. All escrows must be kept up to date, and copies of any and all documentation from all outside agencies that impact the proposed development shall be submitted to the Board's Secretary and the Board's professionals.

WHEREUPON, a motion was made by Board Member Nicholson, which was seconded by Board Member Goss, (Alternate Member #1) to grant preliminary major subdivision approval for phases 5 & 6 as set forth above, subject to all of the requirements of the Board's professionals, and the agreements and acknowledgements by the Applicant and the Applicant's professionals, as are further set forth under Findings of Fact above, with the following Board Members voting in favor of the motion to approve the Application at the Board's July 20, 2016 meeting, following a public hearing held on the Application: Poisker, Clark, Nicholson, Hughes, McKeever, Shoultz, White, Schmidt, and Goss, (Alternate Member #1). There were no abstentions or

recusals. Board member Swanson (Alternate Member #2) was present and participated in the hearing on the Application, but did not vote. Board member Barbaro was absent.

THIS RESOLUTION WAS ADOPTED by the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, at a regularly scheduled meeting held by the Board on August 17, 2016 as a memorialization of the action taken by the Board on the above referenced Application at a meeting and public hearing held on the above Application at the Board's meeting on July 20, 2016.

**JOINT LAND USE BOARD 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, County of Gloucester, State of New Jersey held on the 17th day of August 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 July 20, 2016 on the above cited Application.

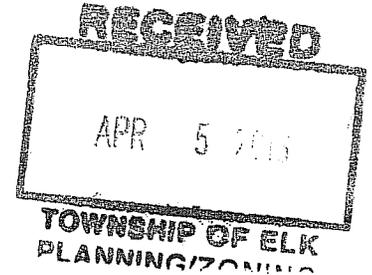

ANNA FOLEY, Secretary



March 31, 2016

FILE COPY

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



Attn: Anna Foley, Board Secretary

Re: Silvergate Associates
Preliminary Major Subdivision Review Phases 5 and 6
Block 65, Lots 4.02 and 5. Block 170; Lots 14 & 18. Block 171 Lot 9.
Buck Road, Clayton-Aura Road, Fairview Road
MD Residential Zoning District
Elk Township SD-16-02
Bach Associates Proj. No. ET2015-1A

Dear Chairwoman and Members of the Board;

We have received the application submitted by Silvergate Associates for Preliminary Major Subdivision review for Phases 5 and 6 at the above referenced site. The subject tract consists of five (5) lots totaling 170.1 acres with frontage on Buck Road, Clayton-Aura Road, and Fairview Road. All of the lots are owned by Silvergate Associates, with four (4) of the lots being cultivated and farmland assessed, and one (1) of the lots being vacant. The applicant proposes a subdivision to create 388 residential building lots, 2 commercial lots with 46,650 sf of commercial building, and 15 open space lots. Of the 483 total residential units proposed, the proposal includes 145 single family homes, 172 townhomes, 70 duplex/twin homes and 96 affordable apartment units. The proposal constitutes Phases 5 and 6 of the overall Silvergate GDP. A short history of the Silvergate proposal and approvals is provided below for the Board's information.

Background

It is our understanding that planning and site acquisition for the Silvergate Planned Unit Development (PUD) began in the mid-1980s coincident with construction of Route 55. The General Development Plan (GDP) for the overall Silvergate PUD was ultimately approved by the Elk Township Planning Board on April 18, 1996 and consisted of seven (7) phases. The GDP resolution provided that the approval would expire in 16 years, no later than May 16, 2012, and established deadlines for the filing of development applications for the various phases of the development. In 2011 the applicant applied to the Planning Board for an extension of the vested rights through May 16, 2016 (the full 20 years allowed by Municipal Land Use Law). The applicant provided information to confirm that the project has been delayed in large part due to factors outside the applicant's control including the stagnant economy, issues with the water and sewer allocations, outside agency approvals, and related litigation. The GDP was extended through May 16, 2016. On February 17, 2016, the applicant's request for a legal interpretation as to its GDP expiration date was heard by the Planning Board. At the hearing, it was concluded that the correct expiration date is June 17, 2020 (Resolution 2016-10).

The overall Silvergate proposal consists of 1,311 residential units, 850,250 square feet of commercial space, and 280 acres of open space. Below is a summary of the status of the various phases, insofar as Township approvals:

PHASE	DESCRIPTION	APPLICATION	STATUS
Phase I	35 single family 28,400 sq ft commercial	Preliminary and Final Subdivision Approval	
Phase II	230 single family	Preliminary approval	
Phase III	162 single family	Preliminary and Final subdivision approval	
Phase IV	192 low/moderate income units 160,000 sq ft commercial	Submitted in 2001, revised 2008, held in abeyance. Not yet approved	Affordable Housing Subcommittee provided recommendations in 2011
Phase V	172 townhomes 46,650 sq ft commercial	Major Subdivision/Site Plan	Application submitted March 2016
Phase VI	70 twin/duplex 145 single family 96 affordable housing units	Major Subdivision/Site Plan	Application submitted March 2016
Phase VII	377,700 sq ft commercial	Not yet submitted	

The GDP approval required that most phases be built out within four (4) years of final approval. Silvergate has also submitted applications and received approvals for minor subdivision and site plans related to the construction of a pumping station, water supply well, storage tank, and treatment facilities.

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

- Land Development Application dated February 17, 2016 (Application SD-16-02)
- Elk Township Land Development Checklist, dated February 17, 2016.
- Phase I Environmental Assessment, Silvergate – Phases 5 & 6, Block 65, Lots 4.02, and 5, Block 170, Lots 14 & 18, Block 171, Lots 6 and 9, Township of Elk, Gloucester County, New Jersey, Prepared by Princeton Hydro. LLC, dated September 2011.
- Drawings set ((46 sheets) entitled “Silvergate – Phase 5 & 6, Block 65, Lots 4.02, & 5, Block 170, Lots 14 & 18, and Block 171, Lot 9, Elk Township, Gloucester County, New Jersey”, prepared by James Sassano Associates, Inc., dated and revised to 2-12-16.

COMPLETENESS

The applicant has submitted the land development checklist and has requested the following waivers:

- **#11** requires a current or re-certified property survey within 1 year. *The applicant has requested a waiver as no physical changes to the site have occurred. Our office has no objection to this waiver.*
- **#12** requires certification and monumentation required by Map Filing Law. *The applicant has requested a waiver of this requirement until final plan review. Our office has no objection to this waiver.*
- **#13** requires metes and bounds description with dimensions, bearings, curve data, etc. *The applicant has requested a waiver of this requirement until final plan review. Our office has no objection to this waiver.*
- **#19** requires proposed street names and new block and lot numbers approved by the tax assessor. *The applicant requests that the approved block and lot numbers be permitted to be submitted with final major subdivision application. This may be provided as a condition of approval, to be reviewed and approved prior to signing of the plan.*
- **#31** requires a Traffic Impact Study. *The applicant requests a waiver as a TIS was provided as part of the PUD Approval. We defer to the Planning Board Engineer for Waiver recommendation.*
- **#41** requires the location of all existing wells and septic systems and distances between them, and on adjacent properties where required by the Board. *The applicant requests a waiver as public water and sewer will service the site. We defer to the Planning Board Engineer for Waiver recommendation.*

The following items from the land development checklist shall be provided or waivers requested:

- **#49** requires the applicant to provide the location of all existing tree masses, indicating general sizes and species. *The plans shall provide more detail regarding the existing trees including sizes and species. Waiver is recommended for completeness only.*
- **#50** requires the applicant to provide a tree protection plan. *The applicant has requested a waiver. A tree protection plan should be provided as it does appear that trees will be removed. Waiver is recommended for completeness only.*
- **#66** requires a written commitment from the MUA of sufficient sewer and water service capacity. *The applicant should provide an update as to the status of the multi-party developer's agreement.*

ZONE BULK STANDARDS

The property is within the MD Mixed Residential Zoning District. The following bulk standards per the Master Development Plan Resolution as adopted by the Planning Board of Elk Township at a meeting held on May 16, 1996:

Single Family Units

Resolution Section	Standard	Required	Proposed	Compliance
3.A	Single family detached dwelling	Permitted use	Single family detached dwelling	Conforms
3.A	Min. Lot Area	8,800 SF	8,800 SF	Conforms
3.A	Min. Lot Width at Setback	80 ft.	80 ft.	Conforms
3.A	Min. Front Yard Setback	30 ft.	30 ft.	Conforms
3.A	Min. Side Setback	10 ft.	10 ft.	Conforms
3.A	Min. Rear Setback	25 ft.	25 ft.	Conforms
3.A	Max. Imp. Cover	45% per lot	<45% per lot	Conforms
3.A	Max. Bldg. Ht.	2 ½ stories or 35 ft.	35 ft.	Conforms
3.A	Max. Gross Density	4.5 D.U. per acre	1.73 D.U. per acre	Conforms

Twin/Duplex Units

Resolution Section	Standard	Required	Proposed	Compliance
3.B	Twin/Duplex Attached dwelling	Permitted use	Twin/Duplex Attached dwelling	Conforms
3.B	Min. Lot Area	4,400 SF	4,400 SF	Conforms
3.B	Min. Lot Width at Setback	40 ft.	40 ft.	Conforms
3.B	Min. Front Yard Setback	30 ft.	25 ft.	Does not Conform
3.B	Min. Side Setback	10 ft.	10 ft.	Conforms
3.B	Min. Rear Setback	20 ft.	25 ft.	Conforms
3.B	Max. Imp. Cover	60% per lot	<60% per lot	Conforms

3.B	Max. Bldg. Ht.	2 ½ stories or 35 ft.	35 ft.	Conforms
3.B	Max. Gross Density	6 D.U. per acre	2.69 D.U. per acre	Conforms

Townhouse Units

Resolution Section	Standard	Required	Proposed	Compliance
3.C	Townhouse Attached dwelling	Permitted use	Townhouse Attached dwelling	Conforms
3.C	Min. Lot Area	1,600 SF	2,000 SF	Conforms
3.C	Max. units per building	8	8	Conforms
3.C	Min. Lot Depth	100 ft.	100 ft.	Conforms
3.C	Min. Front Yard Setback	35 ft. w/ parking on lot.	25 ft. w/ parking on lot	Does not Conform
3.C	Min. Rear Setback	25 ft.	25 ft.	Conforms
3.C	Min. Front to Front Setback	75 ft.	>75 ft.	Conforms
3.C	Min. Front to Rear Setback	50 ft.	>50 ft.	Conforms
3.C	Min. Side to Front & Rear Setback	40 ft.	>40 ft.	Conforms
3.C	Min. Side to Side Setback	30 ft.	30 ft.	Conforms
3.C	Min. Rear to Rear Setback	50 ft.	>50 ft.	Conforms
3.C	Perimeter Setback	50 ft.	50 ft.	Conforms
3.C	Max. Imp. Cover	70% per lot	<70% per lot	Conforms
3.C	Max. Bldg. Ht.	2 ½ stories or 35 ft.	3 stories/35 ft.	Does Not Conform
3.C	Max. Gross Density	8 D.U. per acre	4.74 D.U. per acre	Conforms

Affordable Housing/Apartment Units

Resolution Section	Standard	Required	Proposed	Compliance
3.D	Apartment Units	Permitted use	Apartment Units	Conforms
3.D	Min. Lot Area	12 Acres	12.34 Acres	Conforms

3.D	Max. units per building	16	8	Conforms
3.D	Min. Front to Front Setback	50 ft.	>50 ft.	Conforms
3.D	Min. Front to Rear Setback	50 ft.	>50 ft.	Conforms
3.D	Min. Side to Front & Rear Setback	35 ft.	>35 ft.	Conforms
3.D	Min. Side to Side Setback	25 ft.	25 ft.	Conforms
3.D	Min. Rear to Rear Setback	50 ft.	>50 ft.	Conforms
3.D	Perimeter Setback	50 ft.	65 ft.	Conforms
3.D	Max. Imp. Cover	65% per lot	<65% per lot	Conforms
3.D	Max. Bldg. Ht.	3 stories or 35 ft.	35 ft.	Conforms
3.D	Max. Gross Density	16 D.U. per acre	7.89 D.U. per acre	Conforms

Commercial

Resolution Section	Standard	Required	Proposed	Compliance
3.E	Commercial	Permitted use	Commercial	Conforms
3.E	Min. Lot Area	2 Acres	4.84 Acres	Conforms
3.E	Min. Lot Frontage	200 ft.	404 ft.	Conforms
3.E	Min. Front Yard Setback	100 ft.	100 ft.	Conforms
3.E	Min. Side Setback	25 ft.	25 ft.	Conforms
3.E	Min. Rear Setback	25 ft.	25 ft.	Conforms
3.E	Max. Imp. Cover	65%	<65%	Conforms
3.E	Max. Bldg. Cover	30%	<30%	Conforms
3.E	Max. Bldg. Ht.	45 ft.	45 ft.	Conforms

3.E	Min. Buffer along Residential	50 ft.	50 ft.	Conforms
3.E	Max. Clearing	80%	<80%	Conforms

VARIANCES/WAIVERS:

The following Bulk Variances are required for the project:

1. Front Yard Setback

A front yard setback variance is required for the duplex/twin units and townhouse Units. The plans propose a 25' front yard setback for duplex/twin and townhouse units where the Master Development Plan Resolution requires 30' front yard setbacks for twin/duplexes and 35' front yard setbacks for townhouses. In our opinion there would be no detriment to reducing the front yard setback for the townhouses and twin units to 25 feet, if there will be a garage for each unit. This still provides ample space in the driveway to park a car, and would increase the usable rear yard area.

2. Building Height

A building height variance is required for the townhouse units. The plans propose a 3 story/35' high building where the Master Development Plan Resolution allows a 2 ½ story/35' high building. We have no objection to this variance as 35' is an allowable building height.

3. On-Lot Swale

A variance is requested for on-lot swales. The plans propose on-lot swales with centerline grades of 1.5% where 2% is required and swale grades on the open space lots of 1% where 2% is required by §96-66.M.5(b). We defer to the Planning Board Engineer for this variance request.

Standard of Proof for "C" Variance

The applicant must provide testimony to justify the requested variance. For "C(1)" variances the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property or the exceptional circumstances affecting the property or structures lawfully existing on the property. For "C(2)" variances the applicant must demonstrate that the deviation from the zoning ordinance requirements will advance the purposes of the Municipal Land Use Law, that the benefits of the proposed deviation will substantially outweigh any detriment, and that the proposal will not have a negative impact on the public good.

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

1. Residential Unit Mix.

a. The General Development Plan anticipated 226 townhouses for Phase 5 (plus 284,150 square feet of commercial space); and 127 single family and 266 duplex/twin units for Phase 6, for a total of 619 residential units. The Site Plans propose 145 single family units, 172 townhouse units, 70 duplex/twin units and 96 affordable apartment housing units for a total of 483 residential units. The current concept proposes 136 fewer units than were approved as part of the GDP. It appears that the applicant has provided some affordable townhomes in Phase V in order to spread the required affordable units throughout the overall development and to have a variety of affordable housing options rather than having all of the required affordable units together in Phase IV. This idea was discussed and recommended by the Planning Board's Affordable Housing sub-committee in November 2011.

2. **Recreation.** The PUD ordinances places high priority on the inclusion open space and recreation as part of the overall design of the development. There are interconnected open spaces shown throughout the proposed development of Phases 5 and 6, totaling more than 36 acres. The plans do not show any active recreation facilities. The applicant should provide an overview of the recreation and open spaces proposed throughout the PUD. When earlier residential phases were approved there was discussion about the need for recreation facilities to serve the residents of the development (and the Township overall).

3. **Commercial Development.** The plans show an area for future commercial development along Buck Road and with access along proposed Road A. There are two (2) commercial lots proposed, totaling 4.84 acres. The General Development Plan approval provided that there would be 284,150 square feet (6.52 acres) of commercial space in Phase 5. The Phase 5 commercial space is divided between the Buck Road frontage shown as part of this application, and the "regional commercial" area in the vicinity of the Route 55 interchange (Phase 7). This application is proposing 46,650 square feet of commercial space on this portion of Phase 5.

4. Buffers / Open Space

a. The required 50' buffer is shown along the entire perimeter of the development and between the proposed commercial parcel fronting Buck Road and the residential portion of the development.

b. Landscape buffers shall be shown along the entirety any street that is the rear yard of any proposed dwelling.

- c. Per §96-88.C(2), Consideration to provide that open space within PUDs shall be planned and designed to achieve adequate recreation areas for the needs of the development residents and owners. No recreational facilities are shown on the plans. The applicant shall be prepared to discuss the reason that no active recreational areas are being proposed as part of the development. Because of the size of the development we recommend on-site active recreational facilities be added throughout the phases of the development.

5. Landscaping / Lighting

- a. The proposed residential lighting is of a cobra head design. Our office recommends a more ornamental/decorative light be used within the proposed residential communities.
- b. We recommend that street lights be placed at a maximum of 300' intervals.
- c. The proposed Amur Maple and Hedge Maple are invasive plants and are not recommended for use in the Northeastern United States. A replacement for these trees shall be provided.
- d. The outline of the proposed basins shall be shown on the Landscape Plans. Landscaping shall be provided around the perimeter of all stormwater basins.
- e. Additional landscaping shall be provided around the entirety of the proposed trash enclosures that service the proposed commercial parcels.
- f. The limit of tree clearing shall be shown on the Landscape Plans.
- g. Three (3) varieties of trees shall be proposed along all streets.
- h. Per §96-88.E(4)h, There shall be a minimum of three (3) deciduous shade trees, not including street trees, per lot for all residential sections of the PUD where the site is devoid of trees. Additional trees shall be proposed for each dwelling lot.
- i. Per §96-88.E(2)k, The front and rear of each building (townhouse) and open space areas shall be landscaped. We recommend additional landscaping in the rear of the townhouse units.
- j. No shade trees shall be planted in conflict with any storm, sanitary, or water pipes.
- k. The following changes shall be made to the Deciduous Tree Detail per §96-88.N:
 - 1. The minimum size of stakes shall be two (2") inches by three (3") inches.
 - 2. The guying cable shall be 12 gauge.

3. A three (3") inch saucer shall be constructed around the planting area.
4. The ball shall sit on compacted soil.
5. The diameter of the hole shall be two (2') feet larger than the diameter of the ball.
6. The note "guy trees 3" cal. & over" shall be revised to "guy all proposed street trees"

6. Parking

- a. The applicant is providing parking in accordance with the Township Ordinance.
- b. On-street parking is proposed in the townhouse area of the development. As the proposed cartway width is 28', our office recommends that on-street parking be limited to straight sections of roadway and refrain from being located along any curve or radius.

7. Signage

Development signs shall be shown on the plans. The applicant should consider the requirements of section 96-60 regarding the placement of development identification signs, as it does not appear that the PUD ordinance addresses signs.

8. General

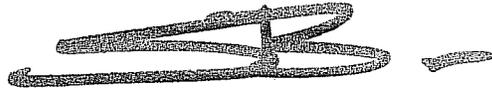
- a. In previous applications, Silvergate Phase V and VI included Block 171, Lot 6. It appears that Lot 6 is no longer a part of this application. However, Lot 6 is still highlighted on all site maps and the Major Subdivision Plan. Clarification shall be made and plans revised to reflect the lots included in the Phase V and VI Major Subdivision application.
- b. Per §96-88.E(2)n, Conceptual architectural review by the approving authority is required before preliminary approval. The applicant shall provide architectural plans of the proposed townhouses for review and discussion by the board. The plans shall be provided to assure that the architectural type and style is compatible with neighboring uses.
- c. The applicant shall address the collection and storage of trash for the residential portion of the development.
- d. Per §96-88.E(2)o, Pedestrian access shall be provided to the rear of all (townhouse) units.
- e. A north arrow shall be provided on the Major Subdivision Plan (S0601).

- f. The proposed street names shall be shown on all of the plans for reference, in particular Landscape Plans.

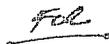
When plans are resubmitted, they are to be accompanied with a point-by-point response. We reserve the right to make additional comments pending the receipt of revised plans.

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



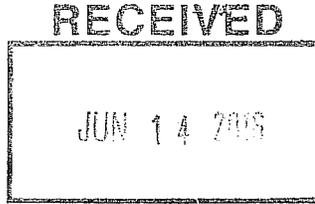
Candace Kanaplue, PP, AICP
Associate

cc: Dale Taylor, Esq
Nick Casey, PP, Silvergate Associates
Richard J. Clemson, PE
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June 13 2016
File No. 16057

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

TOWNSHIP OF ELK
PLANNING/ZONING

**Re: Silvergate 5 and 6 - Application for Preliminary Major Subdivision
Block 65, Lots 4.02 & 5, Block 170 Lots 14 & 18, Block 171 Lot 9
Review No. 1**

Dear Chairman White & Members of the Board:

We received the following items in support of the referenced application for Preliminary Major Subdivision Approval:

- Completed application forms #SD-16-02 02/17/16
- Major Subdivision Plans Sheets 1-51 of 51 by Richard Clemson, P.E. 2/12/16
- Letter from James Sassano Associates 4/18/16
- Phase I Environmental Assessment, by Princeton Hydro, LLC 9/1/11
- Title Report by Congress Title 3/1/06
- Subsurface Explorations (Test Pits) by South Jersey Engineers 1/29/16
- Stormwater Management Facilities Maintenance Manual, by JSA 2/12/16
- Stormwater Low Impact Development Checklist, by JSA 2/29/16
- Stormwater Annual Groundwater Recharge Analysis, by JSA 2/29/16
- Stormwater Management Compliance Report, by JSA 2/16/16
- Storm Sewer Design Report, by James Sassano Associates, 2/12/16 rev. 3/28/16

The subject property is located in the MD zone, on the northerly side of Whig Lane, the easterly side of Buck Road, and the both sides of Fairview Avenue. This tract is part of an overall Planned Urban Development that received General Development Plan Approval. Since then, new storm water management rules, were enacted that limit the density as a consequence of requiring ground water recharge, storm water quality measures, and other practices on site.

Adjacent developed properties are residential. Adjacent undeveloped properties are wooded, and/or farms. The railroad abuts the tract to the east along the Township boundary.

With the exception of water and sewer within Fairview Avenue, there are no existing water or sanitary sewer utilities within or adjacent to the tract. The site predominantly drains toward the south, although small portions of the perimeter drain toward north, east, and west.

Completeness Review

The Board granted completeness at the April hearing.

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. The subdivision includes a mix of townhomes, affordable housing, detached single family homes, and duplex homes and a commercial area along Buck Road.
2. Plat Requirements: Preliminary Plats are not included. The plans do make clear the intended layout and lot sizes. Final plan submission will require plats matching the proposed sequence of development that conform to the Map Filing Law and conditions of preliminary approval.
 - A. *The plats should be completed to include all information required for map filing, horizontal control points, outbound information, and all easements including those that will be necessary for construction and maintenance of the stormwater systems and access routes.*
3. Roadway Layout. The roadway network is fit to the various wetlands areas and frontage on the bounding streets. A large radius curved street, Road A, cuts through the site from Whig Lane to Buck Road. Commercial pad sites are shown along Buck Road on each side of Road A.
 - A. The number of intersections along the main road is excessive, particularly since there are so many T intersections. Within the main curve intersections should be aligned to reduce the number of T intersections and to create at least 2 and preferably 3 – 4way stop controlled intersections. This is critical to controlling speeds and improving pedestrian safety of residents moving through the development to and from the various open spaces and recreation areas.
 - B. Road D intersects Road A near one of the curves on the inside. As sight distance will be problematic particularly to the left toward Buck Road, consideration should be given to relocating this intersection. Clear sight triangles should be shown.
 - 1) This will likely affect the locations and extent of some of the landscape berms.
 - C. Roads M, N, and O should be reconfigured to create a 4 way stop controlled intersection and at most one T intersection with Road A. Ideally, the distances between Whig lane and the first intersection, would be similar to the distance between it and the next one.
 - D. Road F should not have access to Road A.
4. Lot shapes and orientation. No flag lots are proposed. All lots are proposed to conform to the PUD and applicable zoning requirements. Generally all corner lots will have their driveways on the side of the dwelling furthest from the intersections. A few lots will have to be flipped when final plans are submitted.
5. Cul-de-sacs. The project will have a number of cul-de-sacs. In all cases, room shall be provided for snow plowing typically at the end generally opposite the inbound roadway. These areas shall be kept clear of fire hydrants, street lights, shade trees and other interferences.

6. Commercial areas. The two commercial sites are well laid out. Their entrances are set back from Buck road appropriately.
7. Pedestrian Access. The plans include a few separate recreation areas that are partially connected to the street sidewalks and other open spaces. For example, along Road Q near Road R, the access to the open space in lot 14 is midblock on road N. Moving lot 290 and possibly 291 toward road R, would align the path with a street intersection.
 - A. I defer the Board's Planner regarding the adequacy of the open spaces, their locations, amenities, and landscaping.
8. Parking. The plans show adequate parking compliance with R.S.I.S. However, it is recommended that prior to final plans, the parking within the cul-de-sacs, be revised to ensure that access to the basins, for snow plowing, and utility easements is provided and coordinated with utilities, parking and landscaping. No parking areas should be clearly shown.
9. Grading. The plans include overall grading sheets and grading details for the intersections. Throughout the subdivision, roadway grades are minimums and grass swale grades are less than desirable. Roadway profile slopes should be at least 0.6% with at least 1% in cul-de-sacs. When road slopes are less than 0.75, monolithic concrete curb & gutter are necessary for the paver to pave to.
 - A. . (This may be moot if Road C is relocated as recommended.)
 - B. Additional inlets are needed on cul-de-sacs and other roadways to reduce excessive lengths of flow travel paths. Where these flow paths are 1% in the roadways and 2% in the swales, initial flow paths of 300 feet are generally acceptable. With slopes less than these, 200 feet to 300 feet should be designed.
 - C. At all dwellings and buildings, spot shots should be provided at all corners and at 10 feet off set showing 5% or 6 inches fall within the 10 feet nearest the buildings.
 - D. Grading within basins should be adjusted to eliminate long narrow deep benches, e.g in basin 4 along Road L. These will be hard to maintain, potential debris catchers, and hiding places for riff-raff.
 - E. Grading details for handicap ramps shall show ½" slope on the concrete flush curb and 15:1 to 12:1 slope within the ramp adjacent to the curb. Landing shall not be adjacent to any curbs. Landings shall be at the top of ramps not less than 4 feet in length, with additional ramps from the landing up to full sidewalk elevation.
 - F. High Point Lines should be shown within cul-de-sacs and parking lots to prevent level areas when these are constructed.
 - G. Along Road J, rear lot line high points should be moved to reduce swale lengths that cross from one lot to another.
 - H. The high point in open space between Road H and I should be moved and/or raised to reduce flow paths and swale direction changes.

- I. Berms along Fairview should be adjusted to provide a sidewalk and a connecting path at the north end of the affordable section with Road I.
 - J. All basins should be graded so that a basin access is clearly provided.
 - K. The “emergency” spillway between the existing low area and Basin 2 should be lowered by 6 inches to improve freeboard to the dwellings adjacent to it.
 - L. All grading plans should show the soil boring locations, numbers, and the seasonal high water table elevation for each.
 - M. All buildable lots shall show top of block and basement floor elevations. Many do already.
10. Utilities. The plans show complete onsite water and sewer systems and details. These plans and details shall be subject to review and approval by N.J. American Water Company as well as the Planning Board. The water system is appropriately looped between Buck Road, Whig Lane, and Fairview, and within the site. Valves are shown on each leg of all main Tees which will facilitate maintenance and repairs.
- A. Testimony shall be provided regarding the availability of water supply and sewer capacity, and the status of any contracts, or agreements with NJAW.
 - B. The utilities plans show weirs at each basin outlet structure that are not shown on the details or listed in the hydraulic calculations.
 - C. Hydrants should be moved closer to intersections typically within 10 to 20 feet of the cross walk or end of curb radii where vehicles should not be parked regardless.
11. Landscaping. Landscape and Lighting plans are included. I defer to the Boards Planner for comments except the following:
- A. Shade tree easements should be provided along all frontages immediately behind the utility easement strip. Shade tree easement should include access across the utility easement.
 - B. Evergreens are recommended in buffer areas and around basins as they tend to contribute less to degradation of the basin water quality and sand bottoms.
12. Fencing. Fencing is not shown. I recommend that the Applicant discuss this with the Board and reach a consensus regarding the approach that should be taken regarding fencing along the rear yards and side yards. The HOA documents and covenants should be very clear prior to final approval. Fences should be allowed and provided along the rear of lots abutting basins.
13. Stormwater Management. The project requires stormwater management measures as a major project. The applicant has submitted complete hydrologic and hydraulic calculations, along with a basin maintenance plan, non-structural strategies checklist, and documentation of water quality and ground water recharge. The calculations and documents are generally satisfactory. All of the foregoing shall be updated and submitted with the application for final subdivision approval.
- A. Due to the relatively mild slopes within the site, the engineer has routed basin 1 into and through 2 and 3 into and through 4. This is fine although I have discussed with Mr. Clemson

and Mr. Casey that the plan should be revised in so far as practical to reduce the pipe length between basin 3 and 4 and hopefully to reduce the the pipe size and depths as well.

14. Sections and Sequence. The plans include a section plan but do not include sequence. Testimony should be provided regarding the proposed sequence and schedule of construction.

Recommendation

The plans should be revised to address the above comments.

The comments above can addressed as conditions of preliminary approval. Addressing the roadway layout and intersection types, open space continuity, and runoff flow lengths, should be committed to prior to preliminary approval and could then be completed as conditions of approval.

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
Nick Casey, Applicant
Richard Clemson, P.E. Applicant's Engineer



JAMES SASSANO ASSOCIATES, INC.

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FILE COPY

July 11, 2016

2657

Anna Foley, Board Secretary
Elk Township Land Use Board
680 Whig Lane
Monroeville, NJ 08343

RECEIVED

JUL 11 2016

TOWNSHIP OF ELK
PLANNING/ZONING

RE: Silvergate Associates
Preliminary Major Subdivision Application
Silvergate PUD Phases 5 and 6
Block 65, Lots 4.02 and 5; Block 170, Lots 14 & 18; Block 171, Lots 6 & 9
Buck Road, Clayton-Aura Road, Fairview Road
MD Residential Zoning District
Elk Township SD-16-02

Dear Board Members:

The Applicant, Silvergate Associates, is seeking Preliminary Major Subdivision Approval for Phases 5 and 6 at the Silvergate Planned Unit Development (PUD). The subject tract consists of six (6) lots totaling 171.2 acres with frontage on Buck Road (CR553), Clayton-Aura Road (CR610), and Fairview Road (CR637). All of the lots are owned by Silvergate Associates, with four (4) of the lots being cultivated and farmland assessed, and two (2) of the lots being vacant. The applicant proposes a subdivision to create 388 residential building lots, 2 commercial lots with 46,650 sf of commercial building space, and 12 open space lots. Of the 483 total residential units proposed, the proposal includes 145 single family homes, 172 townhomes, 70 duplex/twin homes and 96 affordable apartment units.

Our office has received and reviewed a comment letter dated June 13, 2016 from the Land Use Board's Engineer, Federici & Akin. We also attended a meeting on Thursday, June 30, 2016 with Candace Kanaplue of Bach Associates and Stan Bitgood of Federici & Akin to review the letter and a draft copy of a plan that our office prepared to illustrate changes that would address the review comments.

Enclosed for distribution, please find sixteen (16) copies of the revised Major Subdivision Plan for Silvergate Phases 5 & 6. The plan is prepared by James Sassano Associates, dated February 12, 2016 and last revised July 8, 2016.

We offer the following comments that correspond in number to those set forth in the June 13, 2016 letter from the Board's Engineer. For convenience, we have included the Engineer's comments in italic font prior to each of our responses.

TECHNICAL REVIEW

1. *Bulk requirements: The plans include a table of bulk requirements which is satisfactory. No bulk variances are proposed. The subdivision includes a mix of townhomes, affordable housing, detached single family homes, and duplex homes and a commercial area along Buck Road.*

Bulk variances are proposed for the front yard setbacks for the townhouses and twin units.

2. *Plat Requirements: Preliminary Plats are not included. The plans do make clear the intended layout and lot sizes. Final plan submission will require plats matching the proposed sequence of development that conform to the Map Filing Law and conditions of preliminary approval.*
 - A. *The plats should be completed to include all information required for map filing, horizontal control points, outbound information, and all easements including those that will be necessary for construction and maintenance of the stormwater systems and access routes.*

Agreed.

3. *Roadway Layout. The roadway network is fit to the various wetlands areas and frontage on the bounding streets. A large radius curved street, Road A, cuts through the site from Whig Lane to Buck Road. Commercial pad sites are shown along Buck Road on each side of Road A.*
 - A. *The number of intersections along the main road is excessive, particularly since there are so many T intersections. Within the main curve intersections should be aligned to reduce the number of T intersections and to create at least 2 and preferably 3 – 4way stop controlled intersections. This is critical to controlling speeds and improving pedestrian safety of residents moving through the development to and from the various open spaces and recreation areas.*

Revisions have been made to reduce the number of T intersections along Road A. Road C has been reconfigured to align with Road B and a 4-way stop has been created.

- B. *Road D intersects Road A near one of the curves on the inside. As sight distance will be problematic particularly to the left toward Buck Road, consideration should be given to relocating this intersection. Clear sight triangles should be shown.*
 - 1) *This will likely affect the locations and extent of some of the landscape berms.*

Road D has been reconfigured to eliminate the T intersection with Road A closest to Buck Road. The reconfiguration of Road D will have only minor, if any, impacts to the landscape berms.

- C. *Roads M, N, and O should be reconfigured to create a 4 way stop controlled intersection and at most one T intersection with Road A. Ideally, the distances between Whig lane and the first intersection, would be similar to the distance between it and the next one.*

Road M has been eliminated. Road K (now identified as Road I) has been extended to Road A, thereby creating a 4-way intersection with Road O (now identified as Road L). Road N (now identified as Road K) has been changed to a cul-de-sac, eliminating the intersection with Road A.

D. Road F should not have access to Road A.

Road F and Road G have been realigned to create a loop road, eliminating the intersection of Road F with Road A. Road F is now identified as Road E.

4. *Lot shapes and orientation. No flag lots are proposed. All lots are proposed to conform to the PUD and applicable zoning requirements. Generally all corner lots will have their driveways on the side of the dwelling furthest from the intersections. A few lots will have to be flipped when final plans are submitted.*

In connection with the realignment of streets above, driveways have been oriented to the side furthest from the intersections.

5. *Cul-de-sacs. The project will have a number of cul-de-sacs. In all cases, room shall be provided for snow plowing typically at the end generally opposite the inbound roadway. These areas shall be kept clear of fire hydrants, street lights, shade trees and other interferences.*

Fire hydrants, street lights, shade trees and other interferences will be moved away from snow storage areas at the end of the cul-de-sacs.

6. *Commercial areas. The two commercial sites are well laid out. Their entrances are set back from Buck road appropriately.*

Acknowledged.

7. *Pedestrian Access. The plans include a few separate recreation areas that are partially connected to the street sidewalks and other open spaces. For example, along Road Q near Road R, the access to the open space in lot 14 is midblock on road N. Moving lot 290 and possibly 291 toward road R, would align the path with a street intersection.*

Pedestrian Paths have been have been realigned, and lots shifted where necessary to provide connections to sidewalks at intersections. The narrow strips of open space behind Lots 294 thru 298, Lots 369 thru 372 and Lots 387 thru 385, which provide little functional area and are not intended for pedestrian connections, have been eliminated and the rear lots have been extended to provide greater depth for the single family homes.

- E. I defer the Board's Planner regarding the adequacy of the open spaces, their locations, amenities, and landscaping.*

Agreed.

8. *Parking. The plans show adequate parking compliance with R.S.I.S. However, it is recommended that prior to final plans, the parking within the cul-de-sacs, be revised to ensure that access to the basins, for snow plowing, and utility easements is provided and coordinated with utilities, parking and landscaping. No parking areas should be clearly shown.*

Access to the basins has been shown on the plans. Areas for snow storage on the cul-de-sacs will be noted. No parking areas will be clearly indicated along these areas of the culs-de-sac and along the inside of the curves along the residential streets.

9. *Grading. The plans include overall grading sheets and grading details for the intersections. Throughout the subdivision, roadway grades are minimums and grass swale grades are less than desirable. Roadway profile slopes should be at least 0.6% with at least 1% in cul-de-sacs. When road slopes are less than 0.75%, concrete gutters are necessary for the paver to pave to.*

Revisions will be made to the grading plans; details for concrete gutters will be provided with locations noted where street slopes are less than 0.75%.

- A. *(This may be moot if Road C is relocated as recommended.)*
- B. *Additional inlets are needed on cul-de-sacs and other roadways to reduce excessive lengths of flow travel paths. Where these flow paths are 1% in the roadways and 2% in the swales, initial flow paths of 300 feet are generally acceptable. With slopes less than these, 200 feet to 300 feet should be designed.*

Additional inlets will be added to reduce the flow paths where slopes are less than 1% in the roadways and 2% in the swales.

- C. *At all dwellings and buildings, spot shots should be provided at all corners and at 10 feet off set showing 5% or 6 inches fall within the 10 feet nearest the buildings.*

All proposed lot grading has been designed so that there is a 6-inch drop at a point 10 feet away from each building. Additional spot elevations will be provided to demonstrate that this requirement has been met.

- D. *Grading within basins should be adjusted to eliminate long narrow deep benches, e.g in basin 4 along Road L. These will be hard to maintain, potential debris catchers, and hiding places for riff-raff.*

Road L (now identified as Road J) has been shortened and Basin 4 reconfigured to eliminate the long, narrow, deep bench.

- E. *Grading details for handicap ramps shall show ½" slope on the concrete flush curb and 15:1 to 12:1 slope within the ramp adjacent to the curb. Landing shall not be adjacent to any curbs. Landings shall be at the top of ramps not less than 4 feet in length, with additional ramps from the landing up to full sidewalk elevation.*

The details for the handicapped ramps will be revised to conform. One solution has been illustrated at the intersection of Roads I and J. All relevant plans within the set will be revised to reflect ramps that are satisfactory to your Engineer.

- F. *High Point Lines should be shown within cul-de-sacs and parking lots to prevent level areas when these are constructed.*

Will comply.

- G. *Along Road J, rear lot line high points should be moved to reduce swale lengths that cross from one lot to another.*

Will comply.

- H. *The high point in open space between Road H and I should be moved and/or raised to reduce flow paths and swale direction changes.*

Will comply.

- I. *Berms along Fairview should be adjusted to provide a sidewalk and a connecting path at the north end of the affordable section with Road I.*

The berms will be adjusted and a pedestrian path has been added to connect the sidewalk within the affordable housing area to align with a crosswalk at the intersection of Fairview and Road I (now identified as Road G).

- J. *All basins should be graded so that a basin access is clearly provided.*

Will comply.

- K. *The "emergency" spillway between the existing low area and Basin 2 should be lowered by 6 inches to improve freeboard to the dwellings adjacent to it.*

Will comply.

- L. *All grading plans should show the soil boring locations, numbers, and the seasonal high water table elevation for each.*

Will comply.

- M. *All buildable lots shall show top of block and basement floor elevations. Many do already.*

Will comply.

10. *Utilities. The plans show complete onsite water and sewer systems and details. These plans and details shall be subject to review and approval by N.J. American Water Company as well as the Planning Board. The water system is appropriately looped between Buck Road, Whig Lane, and Fairview, and within the site. Valves are shown on each leg of all main Tees which will facilitate maintenance and repairs.*

Agreed.

A. *Testimony shall be provided regarding the availability of water supply and sewer capacity, and the status of any contracts, or agreements with NJAW.*

Testimony will be provided at the Public Hearing.

B. *The utilities plans show weirs at each basin outlet structure that are not shown on the details or listed in the hydraulic calculations.*

The plans will be updated to eliminate inconsistencies.

C. *Hydrants should be moved closer to intersections typically within 10 to 20 feet of the cross walk or end of curb radii where vehicles should not be parked regardless.*

Will comply.

11. *Landscaping. Landscape and Lighting plans are included. I defer to the Boards Planner for comments except the following:*

A. *Shade tree easements should be provided along all frontages immediately behind the utility easement strip. Shade tree easement should include access across the utility easement.*

Will comply. A 10' wide shade/street tree easement will be provided parallel and concentric to all roadway frontages. This easement will overlap a 5' wide utility easement. Similar to what was approved for the Aura Subdivision, the Shade Tree Easement can be setup as a self-extinguishing easement.

B. *Evergreens are recommended in buffer areas and around basins as they tend to contribute less to degradation of the basin water quality and sand bottoms.*

We will review this issue with the Board's Planner to develop acceptable adjustments.

12. *Fencing. Fencing is not shown. I recommend that the Applicant discuss this with the Board and reach a consensus regarding the approach that should be taken regarding fencing along the rear yards and side yards. The HOA documents and covenants should be very clear prior to final approval. Fences should be allowed and provided along the rear of lots abutting basins.*

The details, design standards and restrictions for fences will be clearly detailed in the HOA documents, with a consensus reached with the Board prior to final approval.

13. *Stormwater Management.* The project requires stormwater management measures as a major project. The applicant has submitted complete hydrologic and hydraulic calculations, along with a basin maintenance plan, non-structural strategies checklist, and documentation of water quality and ground water recharge. The calculations and documents are generally satisfactory. All of the foregoing shall be updated and submitted with the application for final subdivision approval.

Agreed.

A. Due to the relatively mild slopes within the site, the engineer has routed basin 1 into and through 2 and 3 into and through 4. This is fine although I have discussed with Mr. Clemson and Mr. Casey that the plan should be revised in so far as practical to reduce the pipe length between basin 3 and 4 and hopefully to reduce the pipe size and depths as well.

The primary reason for the connection of stormwater basins 3 and 4 was to eliminate the need for separate stormwater outfalls for these facilities. We understand your Engineer's comment however and will revise the plans such that basins 3 and 4 will no longer be connected. This will reduce pipe lengths, sizes and depths.

14. *Sections and Sequence.* The plans include a section plan but do not include sequence. Testimony should be provided regarding the proposed sequence and schedule of construction.

The sequence of anticipated development will be discussed with the Board.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

James Sassano Associates, Inc.



Richard J. Clemson, P.E., C.M.E.

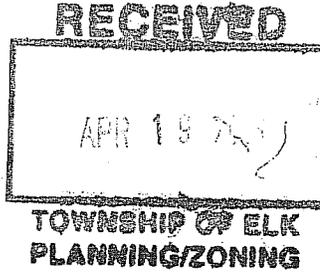
Cc Stan Bitgood, PE – Federici & Akin (w/encl.)
Candace Kanaplue, PP, AICP - Bach Associates (w/encl.)
Dale Taylor, Esq. (w/encl.)
Nicholas C. Casy, PP – Silvergate Associates (w/encl.)
Emily Givens, Esq. – Maley & Associates, PC (w/encl.)



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April 18, 2016

2657

Anna Foley, Board Secretary
Elk Township Land Use Board
680 Whig Lane
Monroeville, NJ 08343

RE: Silvergate Associates
Preliminary Major Subdivision Application
Silvergate PUD Phases 5 and 6
Block 65, Lots 4.02 and 5; Block 170, Lots 14 & 18; Block 171 Lot 9
Buck Road, Clayton-Aura Road, Fairview Road
MD Residential Zoning District
Elk Township SD-16-02
Bach Associates Proj. No. ET2015-1A

Dear Board Members:

The Applicant, Silvergate Associates, is seeking Preliminary Major Subdivision Approval for Phases 5 and 6 at the Silvergate Planned Unit Development (PUD). The subject tract consists of five (5) lots totaling 170.1 acres with frontage on Buck Road (CR553), Clayton-Aura Road (CR610), and Fairview Road (CR637). All of the lots are owned by Silvergate Associates, with four (4) of the lots being cultivated and farmland assessed, and one (1) of the lots being vacant. The applicant proposes a subdivision to create 388 residential building lots, 2 commercial lots with 46,650 sf of commercial building space, and 15 open space lots. Of the 483 total residential units proposed, the proposal includes 145 single family homes, 172 townhomes, 70 duplex/twin homes and 96 affordable apartment units.

Our office has received and reviewed a completeness comment letter dated March 31, 2016 from the Land Use Board's Planner, Bach Associates. We also attended a meeting on Wednesday, April 11, 2016 with Candace Kanaplue of Bach Associates to review the letter and draft copies of plans that our office prepared to illustrate changes that would address the review comments. For convenience, we have included the Planner's comments in italic font prior to each of our responses.

COMPLETENESS

The applicant has submitted the land development checklist and has requested the following waivers:

- *#11 requires a current or re-certified property survey within 1 year. The applicant has requested a waiver as no physical changes to the site have occurred. Our office has no objection to this waiver.*

The latest survey was performed in 2006 in connection with a Minor Subdivision Application submitted to the Elk Township and Gloucester County Planning Boards for the creation of a future wastewater pumping station lot. The Survey was reissued on March 29, 2007 to reflect a

modification to the existing right-of-way width for Buck Road. Since that time only farming activities have occurred on the property and no physical changes have occurred.

- *#12 requires certification and monumentation required by Map Filing Law. The applicant has requested a waiver of this requirement until final plan review. Our office has no objection to this waiver.*

Acknowledged. Defer until final.

- *#13 requires metes and bounds description with dimensions, bearings, curve data, etc. The applicant has requested a waiver of this requirement until final plan review. Our office has no objection to this waiver.*

Acknowledged. Defer until final.

- *#19 requires proposed street names and new block and lot numbers approved by the tax assessor. The applicant requests that the approved block and lot numbers be permitted to be submitted with final major subdivision application. This may be provided as a condition of approval, to be reviewed and approved prior to signing of the plan.*

Acknowledged. Defer until final.

- *#31 requires a Traffic Impact Study. The applicant requests a waiver as a TIS was provided as part of the PUD Approval. We defer to the Planning Board Engineer for Waiver recommendation.*
- **Acknowledged.** An overall Traffic Impact Study was performed at the time of the General Development Plan Approval. All roads affected by the Development of Phases 5 & 6 are County Roads. An updated Traffic Impact Study was prepared by Horner & Canter Associates in December of 2004, which included schematic plans for improvements to all County Roads. Supplemental Reports were prepared and submitted to Gloucester County in 2005 and 2006. These Studies were incorporated into a Developers Agreement with Gloucester County which also included the timing and extent of County Roadway Improvements based on the traffic generated by each phase of development.
- *#41 requires the location of all existing wells and septic systems and distances between them, and on adjacent properties where required by the Board. The applicant requests a waiver as public water and sewer will service the site. We defer to the Planning Board Engineer for Waiver recommendation.*

The development of Phases 5 & 6 will be served by Public Water and Sewer, and therefore will not have any impact on any existing wells or septic systems located near the property.

The following items from the land development checklist shall be provided or waivers requested:

- *#49 requires the applicant to provide the location of all existing tree masses, indicating general sizes and species. The plans shall provide more detail regarding the existing trees including sizes and species. Waiver is recommended for completeness only.*

The location of existing tree masses are shown on the plans. The Applicant's Woodland expert will provide a summary indicating the general size and species of trees existing within each tree mass.

- *#50 requires the applicant to provide a tree protection plan. The applicant has requested a waiver. A tree protection plan should be provided as it does appear that trees will be removed. Waiver is recommended for completeness only.*

Tree protection, in the form of silt fence, reinforced silt fence and snow/construction fence is delineated on the Erosion & Sediment Control Plans. These protection measures will be added to the Landscaping Plans as well. Beyond these protection measures, we did not find any guidance in the Township Ordinance.

- *#66 requires a written commitment from the MUA of sufficient sewer and water service capacity. The applicant should provide an update as to the status of the multi-party developer's agreement.*

All of Phase 5 and most of Phase 6 were shown within the previous GCUA Sewer Service Area approved by NJDEP in December 2008. A recent plan amendment to the GCUA Sewer Service Area which now includes all of the properties within the Silvergate PUD was approved by NJDEP in January, 2016. GCUA has indicated that the 250,000 limit on the sewerage treatment allocation to Elk Township no longer applies, and allocations will be made on a first come, first serve basis. Sewer Allocation for Phase 5 and 6 cannot be made until the TWA application is submitted after Preliminary Approval has been obtained.

Silvergate, along with other developers in Elk Township paid to extend the NJAW water main to serve the intended development within Elk Township and annual reserve fees have been paid by the developers since 2009 to reserve capacity to serve the intended development. Application for the allocation of the water demand for Phases 5 & 6 will be made as soon as Preliminary Approval is obtained.

The status of the Amended and Restated Developers Agreement and the underlying Cost Sharing Agreements between the Silvergate, Canuso and Orleans entities is the subject of litigation filed by the Canuso entities to terminate the agreements. Certain Canuso related entities now control the properties formerly owned by Canuso and/or Orleans entities which were the subject of the agreements. Although discussions continue between the parties, since this is a matter of litigation, no further details can be provided.

ZONE BULK STANDARDS

The property is within the MD Mixed Residential Zoning District. The Bach comment letter provides a tabular summary of the Zoning Standards applicable to the various land uses proposed as part of Silvergate Phases 5 & 6.

The Review Letter indicates that the Plans conform with all of the applicable bulk standards except for the front yard setbacks for Twin/Duplex units and Townhouse units; and for building height for Townhouse units; however, it further indicates no objection to the variances.

VARIANCES/WAIVERS:

The following Bulk Variances are required for the project:

1. Front Yard Setback

A front yard setback variance is required for the duplex/twin units and townhouse Units. The plans propose a 25' front yard setback for duplex/twin and townhouse units where the Master Development Plan Resolution requires 30' front yard setbacks for twin/duplexes and 35' front yard setbacks for townhouses. In our opinion there would be no detriment to reducing the front yard setback for the townhouses and twin units to 25 feet, if there will be a garage for each unit. This still provides ample space in the driveway to park a car, and would increase the usable rear yard area.

The deviations for the front yard setback were discussed with the Land Use Board on March 18, 2015 when the Applicant reviewed the conceptual plan for Phases 5 & 6, at which time the Board was favorable to the reduction in the front yard setback, which increased the rear yard setback and useable area in rear yards. The Preliminary Development Plans show the same setback standards to apply to Twin/Duplex units as well since they are similar in character. A variance is requested for the front yard setbacks for both the Townhouses and Twin/Duplex units.

2. Building Height

A building height variance is required for the townhouse units. The plans propose a 3 story/35' high building where the Master Development Plan Resolution allows a 2 ½ story/35' high building. We have no objection to this variance as 35' is an allowable building height.

At the same March 18, 2015 Land Use Board Hearing, the height of the townhouses was discussed and it was determined that the GDP Approval and the underlying Zoning Ordinance allowed a maximum height of either 2 ½ stories or 35'. Since the maximum height will not exceed 35', it was determined that a variance would not be required.

3. On-Lot Swale

A variance is requested for on-lot swales. The plans propose on-lot swales with centerline grades of 1.5% where 2% is required and swale grades on the open space lots of 1% where 2% is required by §96-66.M.5(b). We defer to the Planning Board Engineer for this variance request.

An on-lot swale grade of 1.5% is very typical of residential development in the South Jersey area. The site to be developed is situated upon well-drained soils that support this type of design. On-lot sheet flow grading has generally been designed with a minimum slope of 2%, and the minimum slope away from buildings has been designed at 5% for the first ten feet from the building foundation. It is only

the on-lot swale areas where we have incorporated the 1.5% slope into the grading designs. As for some areas of the open space lots, we have provided for a 1% minimum slope where it was appropriate in order to avoid excessive cuts or fills. One area where this occurred was between the northerly commercial lot (Lot 389) and the Townhouse Area along Road "C". The well-drained soils in this area are Aura-Sassafras soils that we believe will support this design. This area consists of a portion of the commercial lot that will remain undeveloped along with passive open space between the commercial area and the townhouse area.

Standard of Proof for "C" Variance

The applicant must provide testimony to justify the requested variance. For "C(1)" variances the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property or the exceptional circumstances affecting the property or structures lawfully existing on the property. For "C(2)" variances the applicant must demonstrate that the deviation from the zoning ordinance requirements will advance the purposes of the Municipal Land Use Law, that the benefits of the proposed deviation will substantially outweigh any detriment, and that the proposal will not have a negative impact on the public good.

Testimony will be provided at the Land Use Board Hearing.

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

1. Residential Unit Mix.

a. The General Development Plan anticipated 226 townhouses for Phase 5 (plus 284,150 square feet of commercial space); and 127 single family and 266 duplex/twin units for Phase 6, for a total of 619 residential units. The Site Plans propose 145 single family units, 172 townhouse units, 70 duplex/twin units and 96 affordable apartment housing units for a total of 483 residential units. The current concept proposes 136 fewer units than were approved as part of the GDP. It appears that the applicant has provided some affordable townhomes in Phase V in order to spread the required affordable units throughout the overall development and to have a variety of affordable housing options rather than having all of the required affordable units together in Phase IV. This idea was discussed and recommended by the Planning Board's Affordable Housing sub-committee in November 2011.

The Residential mix is in conformance with the conceptual plan discussed with the Lan Use Board on March 18, 2015. It incorporates 96 affordable housing units in response to the recommendations of the Planning Board's Affordable Housing subcommittee, and is shown to consist of townhouses and stacked flats.

2. Recreation. *The PUD ordinance places high priority on the inclusion open space and recreation as part of the overall design of the development. There are interconnected open spaces shown throughout the proposed development of Phases 5 and 6, totaling more than 36 acres. The plans do not show any active recreation facilities. The applicant should provide an overview of the recreation and open spaces proposed throughout the PUD. When earlier residential phases were approved there was discussion about the need for recreation facilities to serve the residents of the development (and the Township overall).*

The Applicant has discussed several alternatives for recreation with Bach Associates; including expansion of the path system, tot lots/playgrounds, multi-purpose areas and payment in lieu of recreation. Several areas were identified as suitable for such facilities which will be discussed with the Land Use Board through the review process.

3. *Commercial Development.* The plans show an area for future commercial development along Buck Road and with access along proposed Road A. There are two (2) commercial lots proposed, totaling 4.84 acres. The General Development Plan approval provided that there would be 284,150 square feet (6.52 acres) of commercial space in Phase 5. The Phase 5 commercial space is divided between the Buck Road frontage shown as part of this application, and the "regional commercial" area in the vicinity of the Route 55 interchange (Phase 7). This application is proposing 46,650 square feet of commercial space on this portion of Phase 5.

The overall General Development Plan shows two (2) areas designated as Phase 5; one which is part of this application and the other which is considered the "Regional Commercial Center" which also includes Phase 7. The current application includes two (2) commercial sites which total 4.84 Acres on which a total of 46,650 square feet of commercial space is illustrated. To avoid further confusion, we intend to refer to the "Regional Commercial Center" all as Phase 7.

4. *Buffers / Open Space*

- a. *The required 50' buffer is shown along the entire perimeter of the development and between the proposed commercial parcel fronting Buck Road and the residential portion of the development.*

Acknowledged.

- b. *Landscape buffers shall be shown along the entirety any street that is the rear yard of any proposed dwelling.*

The Applicant has met with Bach Associates to discuss the comments regarding the Buffers and Open Space and will present a revised Landscape Plan during the review process to the Land Use Board. Revisions will include adding additional landscaping along the entirety of any street that is the rear yard of any proposed dwelling.

- c. *Per §96-88.C(2), Consideration to provide that open space within PUDs shall be planned and designed to achieve adequate recreation areas for the needs of the development residents and owners. No recreational facilities are shown on the plans. The applicant shall be prepared to discuss the reason that no active recreational areas are being proposed as part of the development. Because of the size of the development we recommend on-site active recreational facilities be added throughout the phases of the development.*

Acknowledged.

5. Landscaping / Lighting

- a. *The proposed residential lighting is of a cobra head design. Our office recommends a more ornamental/decorative light be used within the proposed residential communities.*

The Applicant reviewed the comments regarding the installation of ornamental/decorative lights throughout the development and it was determined that it would require substantially more lights to be installed to provide adequate street lighting and the ongoing operation and maintenance would substantially increase the annual street lighting costs to the Township. An alternative was discussed with your Planner to install the ornamental/decorative lights at the entrances from Buck Road, Aura Clayton Road and Fairview Road.

- b. *We recommend that street lights be placed at a maximum of 300' intervals.*

Our office will work with your Planner to develop a safe, yet cost efficient street lighting design/layout.

- c. *The proposed Amur Maple and Hedge Maple are invasive plants and are not recommended for use in the Northeastern United States. A replacement for these trees shall be provided.*

The Amur and Hedge Maples will be replaced with non-invasive species.

- d. *The outline of the proposed basins shall be shown on the Landscape Plans. Landscaping shall be provided around the perimeter of all stormwater basins.*

The proposed basin grading will be more clearly shown on the Landscaping Plans in order to illustrate the perimeter of the basins.

- e. *Additional landscaping shall be provided around the entirety of the proposed trash enclosures that service the proposed commercial parcels.*

Additional landscaping will be provided as requested. A sketch of the proposed enhancement was presented to your Planner during our meeting last week.

- f. *The limit of tree clearing shall be shown on the Landscape Plans.*

The limit of clearing will be more clearly illustrated on the Landscaping Plans.

- g. *Three (3) varieties of trees shall be proposed along all streets.*

Three varieties of trees will be proposed along all streets, alternating species along each street.

- h. *Per §96-88.E(4)h, There shall be a minimum of three (3) deciduous shade trees, not including street trees, per lot for all residential sections of the PUD where the site is devoid of trees. Additional trees shall be proposed for each dwelling lot.*

It was determined that Section 96-88.E(4)k does not apply since the site is not devoid of trees; substantial areas of existing trees will remain; and the landscape plan, with the revisions

discussed will meet the purpose and intend to the landscape requirements.

- i. *Per §96-88.E(2)k, The front and rear of each building (townhouse) and open space areas shall be landscaped. We recommend additional landscaping in the rear of the townhouse units.*

Additional landscaping will be provided, as requested.

- j. *No shade trees shall be planted in conflict with any storm, sanitary, or water pipes.*

Acknowledged.

- k. *The following changes shall be made to the Deciduous Tree Detail per §96-88.N:*

1. *The minimum size of stakes shall be two (2") inches by three (3") inches.*
2. *The guying cable shall be 12 gauge.*
3. *A three (3") inch saucer shall be constructed around the planting area.*
4. *The ball shall sit on compacted soil.*
5. *The diameter of the hole shall be two (2') feet larger than the diameter of the ball.*
6. *The note "guy trees 3" cal. & over" shall be revised to "guy all proposed street trees".*

The landscape details will be revised to conform to ordinance standards.

6. Parking

- a. *The applicant is providing parking in accordance with the Township Ordinance.*

Acknowledged.

- b. *On-street parking is proposed in the townhouse area of the development. As the proposed cartway width is 28', our office recommends that on-street parking be limited to straight sections of roadway and refrain from being located along any curve or radius.*

Parking will be permitted on only one side of the Residential Access Streets (all streets except for Road "A"); parking will not be permitted along either side of Road "A". Within the townhouse areas, parking will also be prohibited along any street frontage opposite a bank of perpendicular parking spaces. Within the single family and twin home sections, parking will be prohibited along the interior side of any curve with a centerline radius less than 150 feet. Restricted parking areas will be appropriately signed.

7. Signage

Development signs shall be shown on the plans. The applicant should consider the requirements of section 96-60 regarding the placement of development identification signs, as it does not appear that the PUD ordinance addresses signs.

Location for development signs will be shown. The Applicant requests that details of the signs be deferred until Final.

8. General

- a. *In previous applications, Silvergate Phase V and VI included Block 171, Lot 6. It appears that Lot 6 is no longer a part of this application. However, Lot 6 is still highlighted on all site maps and the Major Subdivision Plan. Clarification shall be made and plans revised to reflect the lots included in the Phase V and VI Major Subdivision application.*

Block 171, Lot 6 will be added to the Application as an open space lot.

- b. *Per §96-88.E(2)n, Conceptual architectural review by the approving authority is required before preliminary approval. The applicant shall provide architectural plans of the proposed townhouses for review and discussion by the board. The plans shall be provided to assure that the architectural type and style is compatible with neighboring uses.*

The Applicant requests to defer architectural plans until Final.

- c. *The applicant shall address the collection and storage of trash for the residential portion of the development.*

Public roadside trash collection is intended.

- d. *Per §96-88.E(2)o, Pedestrian access shall be provided to the rear of all (townhouse) units.*

Pedestrian access shall be illustrated to the rear of all townhouse units.

- e. *A north arrow shall be provided on the Major Subdivision Plan (S0601).*

A north arrow will be added to Sheet S0601.

- f. *The proposed street names shall be shown on all of the plans for reference, in particular Landscape Plans.*

Proposed Street Identification will be more clearly labeled on the Landscaping Plans. The Applicant requests that actual Street Names be deferred until Final.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

James Sassano Associates, Inc.

A handwritten signature in black ink, appearing to read "Richard J. Clemson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard J. Clemson, P.E., C.M.E.

Cc Candace Kanaplue, PP, AICP - Bach Associates
Stan Bitgood, PE – Federici & Akin
Dale Taylor, Esq.
Nicholas C. Casy, PP – Silvergate Associates
Emily Givens, Esq. – Maley & Associates, PC

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