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April 9, 2020
File# 20047

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

Re: Robert Gaines
Minor Subdivision Application SD-20-01
Block 5 Lot 11 – 530 Bridgeton Pike
Review No. 1

Dear Chairwoman White & Members of the Board:

We received the following items for review as part of the application for approval of a minor subdivision, lot line adjustment, without a variance, to divide existing lot 11 into proposed lots 11 and 11.03:

Minor Subdivision Plan, by Stephen Datz, P.L.S.	01/31/20
Subdivision Application with checklist	02/18/20
Escrow Agreement	02/18/20
Affidavit of Applicant/Ownership	02/18/20
Disclosure Statement	02/18/20
Tax Certification	02/18/20
Application/Escrow Deposit Receipt	02/19/20

Property Location:

The property is located within the Low Density Residential (LD) District, along the western side of Route 77 – Bridgeton Pike and north of the intersecting Moods Road next to lots 11.01 and 11.02 of Block 5. Lot 11.02 and the existing subject lot 11 are both qualified farmland. The existing Lot11 is shown as Preserved Farmland. Proposed Lot 11.03 is shown as an area not preserved for farmland.

The Applicants request approval to subdivide the existing lot into two (2) separate lots. Proposed lot 11.03 will contain approximately 1.199 acres and the remainder of lot 11 will contain approximately 98.751 acres.

The following comments are provided for your consideration:

Completeness

The applicant requested waivers for, or has not submitted, the following items required by the Elk Township Land Development Checklist:

- A. Item 6: The names and addresses of witnesses and their expertise, if any.
- B. Item 8: Copies of applications to and certification of approvals from all outside agencies with jurisdiction over the proposal (Provide the approved driveway access permit from NJDOT)
- C. Item 10: Signature of the applicant and land owner on the plan.
- D. Item 13: Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all lots, center lines and rights-of-way, utility easements and centerline curves on streets for the proposed lots.
- E. Item 15: Statement providing an overview of the proposed uses of the land and improvements, alterations, or additions.
- F. Item 19: New block/lot numbers approved by the tax assessor.
- G. Item 20: The names of all property owners within 200 feet, as disclosed by the most recent tax records.
- H. Item 33: Statement and demonstration of compliance with affordable housing requirements as applicable
- I. Item 35: Schedule of mandated and proposed zoning district requirements.
- J. Item 36: Copy of any protective covenants, easements and restrictions of record. Include current Title Policy. (Note if the farm is preserved, the application incorrectly indicates no covenants or restrictions.)
- K. Item 38: Photographs of the site taken from the opposite side of the street and to show any unusual physical aspects of the site.
- L. Item 49: The location of all existing trees or tree masses, indicating general sizes and species of trees in accordance with the Township Ordinances
- M. Item 50: Tree Protection Plan, limits of clearing in accordance with Township Ordinances.
- N. Item 53: Any structures of historic significance on or within two hundred feet of the tract.
- O. Item 55: Contours at 20 foot intervals for the entire tract and conformance with the grading plan requirements prior to building permits.

- P. Item 57: Grading Plan showing existing and proposed spot elevations, based on the NAVD 1988 datum.
- Q. Item 58: Soil Erosion and Sediment Control Plan consistent with the requirements of the soil conservation district.
- R. Item 59: Location of soil borings to determine soil suitability and indication of whether topsoil will be transported to the site or removed and transported outside the municipal boundary.
- S. Item 66: Written commitment from Elk Township Municipal Utilities Authority of sufficient capacity to provide sewer and water service
- T. Item 67: If on-site sewerage disposal is required the results and location of all percolation tests and test borings.
- U. Item 73: Letter of Interpretation from the New Jersey Department of Environmental Protection or a certified letter in accordance with Item 73.
- V. Item 75: Preliminary plans and profiles of proposed scale of not more than one inch equals 50 feet horizontally and one inch equals five feet vertically.

I have no objection to waiving for completeness items A-C, E, F, H, K-T, and V.

Technical Review

1. Bulk Requirements: The site is in the Low Density Residential District. The table of zoning requirements indicates most of the bulk requirements and proposed values. The table incorrectly indicates that the nonconforming lot width is an existing condition requiring a variance. While the owner may have proposed this area as a "severable exception area" when the farm was preserved, the area that was not preserved, remained a part of the lot, and thus can not be considered to have existing non-conformances at this point.
 - A. The list neglects minimum lot frontage, maximum building height, maximum building coverage, and maximum total impervious coverage. These Items should be added to the list of bulk requirements.
 - B. The applicant has requested a variance for nonconforming minimum width at building line. The applicant will also need a variance for minimum lot frontage as well, unless the plan is revised to add a sufficient area from lot 11.02 to the proposed lot 11.03.
 - C. The lot to be created will be surrounded by lots that are qualified farmland on all sides. Agricultural Buffers shall be added to both sides and the rear of the proposed Lot 11.03 between the property line and required yards.
 - D. The side yard setbacks may be revised on the Proposed Lot 11.03. Per the Bulk

Requirements, standard side yards are 10 feet one / 50 feet both. The table of Bulk Requirements should be revised to match the Proposed Lot 11.03 Detail and should show 25 feet each for the side yards.

- E. The plan should be revised to show lot width and depth which must be exclusive of agricultural buffers.

2. Plat/Plan Requirements:

- A. The table of Bulk Zone Requirements should be revised on the plan to reflect the full list of requirements specified in the Elk Township Code section 96-69 Low Density Residential (LD) District.

- B. Agricultural buffers shall be added to the proposed lot 11.03 in addition to the required setbacks per Elk Township Ordinance 96-47.1.B.(2)(a). These buffer strips should be 50 feet in width in the side yards and 100 feet in width in the rear yard. The lot boundary should be adjusted to comply without variances.

3. Minor subdivision Plan has been submitted for review.

- A. As a part of the General Notes, the Plan of Subdivision references:

- 1) An individual lot grading plan prepared by Datz Engineering & Land Surveying approved by the Township Engineer on May 7, 2012.
- 2) A Driveway Access Permit to Route 77, approved by the NJDOT. A copy shall be submitted.
- 3) Soil Erosion & Sediment Control Plan prepared by Datz Engineering & Land Surveying approved by the Gloucester County Soil Conservation District on June 5, 2012. If new disturbances are proposed or required, a new SESC permit will likely be required.
- 4) A Plan of Survey for Mae Partnership dated 3/6/97 prepared by Churchill Consulting Engineers showing the proposed subdivision area as "Exception #1".

Copies of these plans and approvals should be provided.

- B. The Deed of Conveyance for the subdivision shall contain the deed notice specified in the Elk Township Code 96-47.1.B. regarding agricultural buffers.

- C. The corner marker required by the Map Recordation Act must be called out in the legal description(s). New corner(s) shall be set if lot frontage is changed.

- D. Addresses and Lot numbers: This application will not change the existing address for lot 11.

- 1) If approved, applicant must obtain new lot number for the proposed lot (referred to as lot 11.03 on the plans) from the tax assessor and provide a copy.

- 2) If approved, applicant must obtain new address for the proposed lot (referred to as lot 11.03 on the plans) from Gloucester County 911 Coordinator and provide a copy.

E. Parking: This application will not change existing parking capacity or locations.

F. Photos: Recent photos of the site shall be submitted.

4. Wetlands: The General Notes on the plan suggest there are no wetlands or wetland buffers within the proposed lot 11.03 as per the National Wetlands Inventory Map or the NJDEP GeoWeb. A L.O.I. or a certification in accordance with checklist Item 73 shall be provided.
5. Curbs & Sidewalks: This application does not include, nor require, curbs or sidewalks.
6. Lot grading: There is no proposed work to be done following the approval of this Minor Subdivision application.
7. Stormwater Management: No new improvements are proposed so stormwater management design and calculations are not required. However, due to the current grading of the proposed lot 11.03, a blanket drainage easement should be prepared to provide for surface drainage from the proposed of Lot 11.03 to the existing lot 11.02 and remainder of lot 11.
8. Fences: No new fences or modifications are proposed or required.
9. Accessory Uses & Structures: No new accessory structures are proposed on either lot at this time.

Recommendations:

1. All underlined items should be addressed prior to, or as conditions of, approval. Revisions should be submitted with a point by point response letter.
2. Any and all application checklist items not received and/or were not found agreeable for waiver must be submitted for completeness of the application.
3. All taxes, escrow fees and other fees must be paid to the Township prior to signatures by the Chairman and Secretary.
4. The subdivision must be recorded at the County Clerk's office within 190 days of approval.
5. If approved, the deeds of the proposed lots, their associated legal descriptions, covenants, all easements, and restrictions of record shall be provided by the applicant. Signed & sealed legal descriptions, once approved by the board engineer, shall be the attachments to the deeds used for recording.

A. Transcribed versions shall not be used.

6. Given the requirement for agricultural buffers, this approval does not appear to be ready for a hearing in its present form. The plan should be revised, to better comply with the Township Code before scheduling a hearing.

Very truly yours,

Stan M. Bitgood

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

Planning Board Engineer

Email copies:

Anna Foley, Planning/Zoning Board Secretary

Candace Kanaplue, P.P. Board Planner

Dale Taylor, Esq. Board Solicitor

Stephen Datz, P.L.S., Applicant's Surveyor