



April 3, 2020

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

RECEIVED

APR 13 2020

TOWNSHIP OF ELK  
CONSTRUCTION OFFICE

Attn: Anna Foley, Board Secretary

Re: Allen Gaines  
Block 5, Lot 11  
530 Bridgeton Pike  
Minor Subdivision with bulk variance  
LD Low Density Residential District  
Elk Township Application SD-20-01  
Bach Associates Proj. # ET2020-1

Dear Chairwoman White and Members of the Board:

We have reviewed the application and supporting documents submitted by Allen Gaines for a minor subdivision with bulk variance for minimum width at building setback. The subject property includes agricultural preserved land with a residential dwelling and a pole barn, totaling approximately 100 acres. The proposal is to create a lot for the residential dwelling and have the remainder agricultural preserved land on a separate lot. No construction is proposed on either lot.

The property is located within the LD Low Density Residential District and is located on the western side of Bridgeton Pike, north of Moods Road. The property is divided by South Harrison Township Line to the west. It is surrounded by residential and agricultural land.

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

1. Land Development Application for Minor Subdivision (received by Elk Twp February 19, 2020), Escrow Agreement, Affidavit of Applicant and Ownership, Disclosure Statement.
2. Land Development Checklist.
3. Minor Subdivision Plan prepared by Stephen Datz, PLS of Datz Engineering and Land Surveying, dated January 31, 2020.
4. Land Development Checklist.

**Completeness**

**The application is presently incomplete.** This application was submitted as a minor subdivision. We recommend that the application be scheduled for a completeness hearing. If the application is deemed complete by the Board, and if notice is properly provided, the applicant may proceed with the major subdivision application at the same meeting.

- **#8** requires copies of applications to and certification of approvals from outside agencies. The applicant should submit copies of any required applications/approvals to the Township. A waiver is recommended for completeness only.

- **#33** requires statement demonstrating compliance with affordable housing requirements as applicable including section 70-4. The applicant does not propose any new dwellings at this time. A waiver is recommended.
- **#36** requires the applicant to submit copies of protective covenants, easements and restrictions of record, including a current title policy. A waiver is recommended for completeness only.
- **#38** requires the applicant provide photographs of the site. A waiver is recommended.
- **#49** Requires a the location of existing trees and tree masses. A waiver is recommended.
- **#50** Requires a tree protection plan. A waiver is recommended.
- **#53** Requires the location of historic structures within 200 feet. A waiver is recommended.
- **#55** Requires the applicant to indicate contours at 20 ft intervals. A waiver is recommended.
- **#57** Requires the applicant to provide a grading plan. A waiver is recommended.
- **#58** Requires the applicant to provide a soil erosion and sediment control plan. A waiver is recommended.
- **#59** Requires the applicant to provide a location of soil borings. A waiver is recommended.
- **#66** requires written commitment from the Elk MUA if within the Sewer Service Area. A waiver is recommended.
- **#67** requires results and locations of all percolation tests and borings if septic is required. A waiver is recommended.
- **#73** requires the applicant to submit a LOI or PE certification of no wetlands. The plan notes states that no wetlands are present. This is sufficient due to the nature of that application. A waiver is recommended.
- **#75** requires the applicant to submit a Utility plan. A waiver is recommended.

**If the waiver is granted for completeness only, the information shall be provided as part of the compliance submission.**

**LD Zone Bulk Standards**

The property is within the LD Low Density Residential Zoning District which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use on site. The existing agricultural and residential uses on the site are permitted. The agricultural land is under permanent preservation. The zoning standards are provided below.

Section	Required	Proposed remainder lot 11	Proposed lot 11.03	Compliance
96-69D(1) Max Gross Density	1 unit/acre	N/A	1	Complies
96-69D(2)(a) Min Lot size	40,000 sf	98.751 acres	52,249 sq ft	Complies
96-69D(3) Front Yard Setback	40 feet	50 feet (Farmland Preserved)	290.1 feet	Complies
96-69D(4) Rear Yard Setback	40 feet	40 feet (Farmland Preserved)	81.4 feet	Complies
96-69D.(5) Min Side Yard	10 feet/ 50 feet aggregate	10 feet/ 50 feet (Farmland)	25.5 feet/ >54.9 feet	Complies
96-69D.(6)(a) Min Width at Building line	150 feet	>150 feet	125.28 feet	<b>Variance Lot 11.03</b>
96-69D(7) Min Lot depth	200 feet	>1,200 feet	438.43 feet	Complies
96-69D.(9)(a) Min Lot Frontage	135 feet	>135 feet	125.28 feet	<b>Variance Lot 11.03</b>
96-69.D.(10) Max Height	35 feet	N/A	More information needed	unknown
96-69D.(11)(a) Building Coverage	20%	<15%	< 4%	Complies
96-69D(12)(a) Max Impervious	25%	<20%	< 5%	Complies
96-47 Agricultural Buffer	50 feet side/100 feet rear	N/A	25 feet side/ 81 feet rear	<b>Variance Lot 11.03</b>

**VARIANCES:**

For a C(1) variance, 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 structures lawfully existing upon the property. For a C(2) variance the applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments. The applicant should address whether the proposed variance will substantially impair the intent of the Master Plan or zoning plan and whether there are any potential impacts to the public good.

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

1. A variance from §96-69D.(6)(a) Min Width at Building line is requested to permit a width of 125.28 feet where 150 feet is required.
2. A variance from §96-69D.(9)(a) Min Lot Frontage at Building line is requested to permit a width of 125.28 feet where 135 feet is required.
3. In accordance with Section 96-47.1 a vegetated agricultural buffer of 50 feet along side yards and 100 feet along the rear yard is required. Given the dwelling is already existing, a variance will be required.
4. Per Section 96-47.1.B.(2)(b), the buffer strip area shall be excluded from the measurements for establishing lot width and depth, and all setback requirements. This will alter the bulk measurements and may potentially cause the need for additional variances. The applicant should submit a revised plan and bulk standard table prior to the hearing for review.
5. The variances stem from the way the new proposed Lot 11.03 is created and the location of the existing residential dwelling. The applicant should testify as to the reason for the subdivision in this manner.
6. The applicant should correct the bulk standard table to provide all bulk standards. Specifically, building height, impervious and building coverage, lot frontage and agricultural buffer requirements must be added to the table on the plan.

It shall be noted that any requirements noted above as "waived for completeness only" have been waived to allow the application to be deemed complete. These requirements shall be provided as part of the revised application materials unless waived by the Board at the scheduled meeting.

Should there be any questions or if additional information is required, please contact the undersigned at (856) 546-8611.

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Very truly yours,  
BACH ASSOCIATES, PC



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



FOL

Candace Kanaplue, PP, AICP  
Associate

Cc: Dale Taylor, Esq, Board Solicitor  
Stan Bitgood, PE, Board Engineer  
Stephen Datz, PLS, Applicant's Professional  
Allen Gaines, Applicant  
Robert Gaines, Applicant

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