

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

April 18, 2012

Minutes

Call to Order: The Board Chairman called the meeting to order at 7:35pm.

Roll Call:

Present: Bill Carter, David McCreery, Chuck Nicholson, Eugene Shoultz, Jeanne White Nick Yovnello, Mr. Tondo, Ed McKeever

Also present were the Board's professionals: Leah Furey Bruder, Planner-Bach Associates, Corey Gaskill, Engineer-Fralinger Engineering, and Joan Adams, Solicitor-Adams & Adams.

Absent: Mayor Barbaro, Ed Pearson, Wayne Swanson,

Open Public Meeting Act: read by the Board Secretary

Announcements:

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.

➤ **Approval of minutes:**

- March 21, 2012

Mr. Shoultz moved to approve the minutes of March 21, 2012. Seconded by Mr. Nicholson. Mrs. White abstained from the vote. With all other members in favor, the motion was carried.

Resolutions:

2012 – 14: deeming “incomplete” the application of Catholic Community of the Holy Spirit Church, Preliminary Major Site Plan, Block 27, Lot 1, State Highway 77 & County Route 538

Mr. Nicholson moved to adopt resolution 2012-14, Seconded by Mr. Shoultz.

Roll Call:

In favor: Carter, McCreery, Nicholson, Shoultz, Yovnello, Tondo

Against: None Abstain: None 6-0-0'

➤ **Old Business:**

➤ **New Business:**

- Interpretation of Latham Park Resolution 2005-29, granting Preliminary Major Subdivision Approval, located on Richwood-Aura Road, to Applicant: Canglo, LLC

Michael Canuso, Applicant, 30 Washington Avenue, Haddonfield, NJ

Robert Bower, Planner for applicant, 30 Washington Avenue, Haddonfield, NJ

Robert Swartz, Esquire for applicant, 30 Washington Avenue, Haddonfield, NJ

Mr. Swartz, attorney for the applicant, explained they are a contract purchaser for a portion of the Latham Park property. They are currently in the feasibility stage and that brings them before the board for an interpretation to determine if certain proposed changes to the Latham Park development would be consistent with the approved GDP (General Development Plan) and whether or not these changes would be considered as an amendment to the preliminary approval.

Mr. Canuso explained they are the owners of the parcel formally know as "Camelot at Elk" which was originally a 318 unit Active Adult Community and last year was converted to market rate housing reducing it to 174 single family units and 44 affordable housing units. Referring to a color display explained that adjacent to his parcel is the Orleans project, with preliminary approval, of 646 single family homes known as "Latham Park." The lots vary in size, 9000 sq ft lot and 13,000 sq ft lot.

Mr. Canuso is proposing to relocate 169 units of phase I of the Latham Park project, which are located in the center and the bulk of which are the 9000 sq ft lots, and move them adjacent to his existing project (Camelot at Elk) creating a new subdivision know as "Union Grove." This will be the first phase of the project. Mr. Canuso added that within one year's time, they will have the option to develop the remaining portion should more sewer become available.

Mrs. Bruder added there was never any requirement to have a 13000 sq ft lot size lot. The minimum lot size is 9000 sq ft and that it was Orlean's desire to have a mixed lot product. Mr. Canuso added the perimeter lots are the larger lots because they are adjacent to any outside property owners and he would continue to provide that.

Mrs. Adam added, for the record, that neither Orleans nor this applicant is proposing to abandon the underlying GDP/PUD approval. What they are trying to do is to stay within that approval but simply amend the preliminary subdivision approval that had previously been granted. A land development approval runs with the land so a portion can be sold as long as it is developed according to the approval.

Mr. Bower added they would apply for amended preliminary subdivision for the entire 646 lots, along with Orleans, as when the project is reconfigured some lots will be smaller and more open space will be added. It is their intent to work with the board's planner and engineer to determine what would be best to complete the balance of the job.

Mr. McCreery inquired about the conditions of the original approval, one of them being the conveyance of land to the township at first building permit.

Mrs. Adams explained a GDP is an overall plan to guide the development of a large area of the township. It does not have the details that a preliminary subdivision approval would have but it does set the parameters for how the project will ultimately be built. It has a very long life; in this case it (Latham Park GDP) expires on June 16, 2018. As part of the GDP the town is allowed to set certain requirements such as architectural specs, design specs, density, etc. In review of the ordinance Mrs. Adams and Mrs. Bruder did not find anything that would be negatively affected. Amending the preliminary approval does not oblivate those obligations, for example the applicant is required to dedicate 25.09 acres to the township before they pull their first building permit, there is an affordable housing obligation, etc. The applicant recognizes there are aspects of the approval that still need to be dealt with. Mrs. Adams added she does not believe that a reconfiguration of the phases is in and of itself such a substantial change that it would require an amendment to the underlying GDP. It would require an amendment to the overall preliminary subdivision approval, which they got, but not to the underlying GDP. From what the applicant has proposed so far, she does not see anything that would prevent them from submitting an application for an amended preliminary approval. Mrs. Bruder agreed.

Mr. Shoultz moved to open to the public, seconded by Mr. Carter.

With no comment from the public, Mr. Shoultz moved to close to the public. Seconded by Mrs. White.

Chairman Yovnello moved that the phasing of this project and the Preliminary subdivision approval may be reopened with the benefit of the overriding GDP approval as an amendment to the subdivision approval. Seconded by Mrs. White.

Roll Call:

In favor: Carter, McCreery, Nicholson, Shoultz, White, Yovnello, McKeever, Tondo

Against: None Abstain: None 8-0-0

➤ **General Public Portion**

Mrs. White moved to open to the public, Seconded by Mr. Shoultz.

With all members in favor, *the motion was carried.*

With no comment from the public, *Mr. Nicholson moved to close the general public portion, seconded by Mrs. White.* With all members in favor, *the motion was carried.*

➤ **Correspondence:**

Board Engineer, Corey Gaskill, reviewed his correspondence of April 18, 2012 to the board regarding "Exceeding RSIS cul-de-sac turning radius standards."

Mr. Gaskill has been in contact with NJDCA about the proper procedure to require developers to exceed RSIS cul-de-sac turning radius standards to accommodate Elk's emergency vehicles as well as school buses. In a nut shell, the board is to enter into a voluntary agreement with a developer for the increased size. The resolution should then be submitted to the DCA for their file and it is to include the reasons why the larger size is required.

➤ **Adjournment:**

Mrs. White moved to adjourn, Seconded by Mr. Shoultz.

With all members in favor, *the motion was carried.*

Adjournment time: 8:12 pm

Respectfully submitted,



Anna Foley
Board Secretary