

# Elk Township Planning and Zoning Board Meeting

## Regular Business Meeting

August 15, 2012

**Call to Order:** The Board Chairman called the meeting to order at 7:30pm.

**Roll Call:**

**Present:** Mayor Phil Barbaro, Bill Carter (arrived at 7:32pm), David McCreery, Chuck Nicholson, Eugene Shoultz, Wayne Swanson, Mr. Tondo, Jeanne White (arrived at 7:32pm), 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.

**Open Public Meeting Act:** read by the Board Secretary

A moment of silence was observed in remembrance of Chairman Nicholas Yovnello.

**Flag Salute:** led by Vice Chairman, Chuck Nicholson

**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:**
  - April 18, 2012

*Mr. Shoultz moved to approve the minutes of April 18, 2012. Seconded by Mr. Nicholson.*

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

- **Discussion**
  - **Latham Park design criteria discussion**

The following representatives of Canglo, LLC were present:  
John Canuso, Michael Canuso, Bob Bower, and attorney Robert Swartz.

John Canuso addressed the board regarding their purchase of the Orleans project, Latham Park. Since April they have met with Gloucester County about county road systems & intersections, as well as the Superintendent of the School and the current Board of Education President, Mr. Hughes.

Mr. Canuso referred to a diagram explaining that of the 646 lots approved for Latham Park, 169 lots have been sewer permitted & they are in agreement to purchase them from Orleans and will be adding them to their adjacent project as was presented to the board on April 18, 2012 (conversion lots of Camelot plus the 169 lots of Latham Park).

A second diagram highlighted the remaining portion of the Orleans Latham Park project that they would like to purchase in the future as this portion does not have public sewer or water. It is their intention to come back before the board to modify the phasing for this portion (40-50 lot phases). The 169 lot portion of land would be taken from the mother lot as a minor subdivision (one big lot) as

phase I. Tonight they hope to obtain comments, suggestions from the board members moving out of the feasibility stage.

Regarding the 169 lots, Mrs. Adams added she thought they had already discussed this would be part of an Amended preliminary approval not a minor subdivision.

Attorney Robert Swartz explained they intend to bifurcate the current preliminary into two preliminaries and at the same time, minor subdivide the one large lot for 169 lot portion in order to take acquisition of the property.

Mrs. Adams confirmed that none of plats for the Latham Park project have been filed. Therefore the lots do not exist, but the subdivision approvals were granted. Discussion followed about how many mother lots there were and if any were subdivided. This would have to be researched further. Also, there is an ongoing open dialog with the school about the land to be donated to the school.

Regarding road improvements, the County is requesting a new traffic study & the impact of this project on existing intersections. Mrs. Adams inquired about the school and the road configuration as this was part of the general development plan.

In discussion with the school board, this will be discussed at the balance at job as they cannot commit to the road configuration at this time, but will pay their fair share. Mike Canuso used the display board to show the area they were discussing and where road improvements would be required, like a super elevated road.

Mrs. Adams added that in April (2012), when the board last heard from Mr. Canuso on this project, the focus was whether or not making these modifications would undermine the general development plan approval. The road configuration was a condition of the Orleans GDP approval and she would have to research this further. Discussion followed about their recent conversation(s) with the school and their opinion on the roadway and any future expansion of the school.

General overall concern of the GDP, was to tie to the approval, conditions that would solve, what had been, an ongoing serious problem for the school. In order for that condition to be excised from the GDP, if conditions have changed, such that the school doesn't feel it is appropriate anymore, then that is a good reason to amend the GDP removing that condition and deal with it. To the extent that this entire project was approved with one of the major goals being this was going to solve one of the big problems of the school, that's an essential element of the GDP and therefore it will be important that the board feels this will not undermine what is a public health, safety or overall plan for the township.

Mrs. Adams added if the school is proposing that they do not need an expanded area because their plans have changed completely over the last decade this should be addressed with the board. Further discussion on roadway and county roadway requirements followed.

Mrs. Adams commented that everything discussed this evening gives strong support to the suggestion that an amendment to the GDP is appropriate. The road & school are significant enough conditions that this is not something that can be done informally at a workshop setting. Ultimately, you will have to apply for an amendment if you want to stay under that GDP approval.

Mr. Bower explained they are not looking to amend the GDP. The GDP does not talk to the timing of the relocation.

they are looking for a clarification on the timing.

You're asking to come in and reconfigure an already approved preliminary approval and to carve off a parcel of this plan, that was already approved and to make it part of Camelot. That in and of itself is a modification of the overall approvals that have been granted under the GDP and as a condition of those overall approvals that have been previously granted was this substantial condition that does not work with your plan at all, and quite frankly may not be needed by the twp anyway.

The problem is, because sewer is not coming to this area, the odds are that the rest of Latham Park is not going to happen anyway. The Board granted this level of density here with an overall concept for the development that was going to happen on this site.

It is myopic to say that we can just carve off these 168 sites and hope that all the other conditions that had been attached to that GDP that would someday get addressed by Latham Park, when in reality Latham Park is probably not going to happen.

So if you are going to amend the GDP to allow you to do what you want to do, I am giving you a heads up that to the extent there are any conditions that they feel are really essential to the town, they are probably not going to let you off the hook. So the problem with school is that all the discussions you have had with the school superintendent are extremely pertinent and they support an excise of that condition out of the GDP approval.

The dilemma is you are under a tight time frame because you are in a feasibility period.

The board cannot say tonight that they will push that road configuration issue to the end until the board has had a chance to evaluate the GDP, evaluate it as a condition, look at what the proposals are happening and getting something from the school board that they do not want a school so this board can decide whether this is an essential condition.

Mr. Canuso was before the board for conversation and direction and it seems the biggest concern is the GDP requirement for the road.

Planner Leah added, that tonight's conversation is different from that in April because in April you were staying under the GDP and do amend preliminary to which we all agreed. Now issue is the road alignment. The Resolution of GDP, it does not have a timing schedule, it just generally outlines you will go with "option A" and they would foresee trying to acquire the land necessary to reconfigure the road. So it was just implied it would be done as part of the overall plan.

John Canuso added, that a developer options. Sewer does not have to come from the county. They recently built a million gallon sewer plant in Harrison.

Mike Canuso addressed the board about flags and asked for some feed back on a sketch drawing that he recently submitted to the county that includes gang driveways

Discussion regarding the State's affordable housing requirement was addressed. Mr. Canuso anticipates using Habitat for Humanity to meet the requirement.

Unrelated to the Latham Park project, Mike Canuso asked for feedback from the board concerning flag lots and ganged driveways for a project he is considering in the future (8 lots sharing driveway access). Discussion followed concerning flag lots

Flag lots are prohibited by ordinance and Planner, Leah Furey explained flag lots typically have a small road frontage, only enough for a driveway. Often shared driveways can create a problem with common maintenance between owners, emergency access, as well as an aesthetic issue (sense of light, air, open space of the development). Gloucester County is in favor of shared driveways as it limits the amount of curb cuts off a county road. She added, from her perspective, she wouldn't say flag lots are a bad idea, it depends on the circumstances. Mrs. Adams added there is a Clustering provision in the ordinance that they should consider. Mrs. Bruder explained the purpose of clustering is to create lots more compactly developed in order to have a larger contiguous open space area. Mr. Canuso had prepared drawings of both scenarios.

➤ **Old Business: None**

➤ **New Business: None**

➤ **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. Shoultz moved to close the general public portion, seconded by Mrs. White. With all members in favor, the motion was carried.*

Mrs. Adams requested a short closed session to report on the outcome of the most recent Silvergate litigation which is attorney client privileged information.

*Mr. Nicholson moved to go into close session at 8:34pm to discuss Silvergate litigation matter (resolution # 2012-15). Seconded by Mr. Shoutz. All members in favor, Mr. Swanson opposed, the motion was carried.*

*Mr. Nicholson moved at 8:37 to return to regular session, Seconded by Mrs. White. With all members in favor, the motion was carried.*

➤ **Adjournment:**

*Mrs. White moved to adjourn, Seconded by Mr. Nicholson. With all members in favor, the motion was carried.*

Adjournment time: 8:38 pm

Respectfully submitted,



Anna Foley  
Board Secretary