

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

December 17, 2014

Minutes

Call to Order: Board Chair called the meeting to order at 7:34pm.

Open Public Meeting Act: read by Board Secretary

Roll Call:

Present: Matt Afflerbach (arrived at 7:49), Jay Hughes, Dave McCreery, Ed McKeever, Eugene Shultz, Mayor Spring, Jeanne White, Christine Yenner, Frank Goss

Also present: Joan Adams, Board Solicitor, Leah Bruder of Bach Associates, Board Planner, Stan Bitgood of Federici & Akin, Board Engineer

Absent: James Rambo

Flag Salute, led by Chairperson

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. *An individual's comment will be limited in time to five (5) minutes during these general public comment sessions in order to give as many members of the public as are present, time to speak.*

General Business:

- **Approval of Minutes:** None
- **Resolution(s):** None
- **Old Business:** None
- **New Business:**

Board's Solicitor announced the application for Robert's Estate, minor subdivision, could not be heard due to a "clouded" title issue involving two lots that were never properly created. One of the lots is non-conforming therefore requiring a variance. The public notice provided for tonight's application did not include these two lots therefore notification was not made to those property owners within 200 feet for tonight's hearing. Without the proper public notice, the board does not have jurisdiction to proceed. The applicant will be required to re-notice for the next available hearing date.

- 1) Administrative Change Request to Resolution 2014-09, item #34,-realignment of CR 623 in the vicinity of Aura School, to applicant Aura Development, LLC (application #SD-14-02)

The following individuals were sworn in by Board's Attorney:

Robert Swartz, Esquire

Robert Bower, PE, 1010 Kings Highway, Cherry Hill, NJ

John Canuso, Applicant, 1010 Kings Highway, Cherry Hill, NJ

Mr. Canuso explained they received approval for an Amended Preliminary Major Subdivision for the proposed development known as "Latham Park" (owned by Orleans), to separate 169 units from Latham making it part of the Aura

Development, known as Aura II. A condition of the amended approval included a roadway condition that was part of the original 2003 Latham Park approval of 646 residential units. This included a realignment of County Rout 623 in the vicinity of the existing Aura School and the land to be dedicated. The roadway realignment requires the acquisition of private land in order to vacate a portion of County Route 623 where it now separates the existing school site from the land to be dedicated creating one contiguous lot.

Mr. Canuso is requesting that this roadway condition not be a part of the 169 lot parcel, but rather be connected to the balance of the project, the 400 plus lots. This condition was not a request by the County, but rather by the Planning Board based on the request of the School Board and was agreed to by Orleans. No one has any idea of when water and sewer will be available to the remainder of the project. Mr. Canuso is not asking that the condition be removed, but rather modify the timing of this condition to the remaining portion of the project. (The applicant has met a few times with the school board and the board planner in 2013)

Member Hughes, who is also the School Board Vice President, added the land gets donated to the township, not the schoolboard. Mr. Bower added a condition of the original approval states this is completed when the first construction permit is issued. Mr. Canuso added that when sewer becomes available, he could then provide a schedule of when new residents would be moving in allowing the school to plan for expansion.

Mr. Hughes added neither the School Board President nor the Superintendent were able to attend tonight's meeting and requests that before any formal action be taken by the Planning Board tonight, that the School Board have the opportunity to meet and discuss the topic with the entire school board.

Discussion followed and the majority of the planning board agreed to make the decision tonight rather than postponing until the School Board can meet because until the sewer is available, and a schedule of when the new families will move in, the School Board/Superintendent is not receiving any new data or establishing a definite plan. Tonight's request is a decision for the Planning Board to make and to keep the School Board informed. (Mr. Canuso added they have tried to meet with the School Superintendent on multiple occasions this past year but have been unsuccessful in setting up any meetings.)

Board Engineer, Stan Bitgood, offered the suggestion that the road obligation be postponed until: 1) utility services (water/sewer) become available and/or 2) when the school advises the Township that the residential development has progressed to the point where there is pressure on the School District to provide for an expansion to accommodate the school demand.

An Orleans representative, Glenn McDonald, was present & was sworn in. Mr. McDonald, Land Division for Orleans NJ, confirmed their commitment to comply with Mr. Bitgood's suggestions and all of the conditions of their previous approvals.

Mr. Hughes commented that School Board members are elected and that Planning Board members are appointed by the Mayor. Committeewomen Yenner responded that the board is still providing the School Board with the same power either way. Madam chair White opined that the applicant's request is an administrative matter and the board majority agreed.

Ms. Yenner moved to open to the public, seconded by Mr. McCreery. With all members in favor, the motion was carried. With no comment from the public, Ms. Yenner moved to close to the public, seconded by Mr. Shultz. With all members in favor, the motion was carried.

Ms. Yenner moved to grant the applicant's request for an administrative change to modify the approval which would modify the time of the definitive schedule for the proposed relocation of County Route 623 to either: 1) when the utilities have advanced to the point where additional construction can occur on this project or 2) when the school board approaches the Planning Board and advises that the ongoing construction is adding enough pressure to the school that additional facilities are required. Seconded by Mr. Goss.

Voting in favor: Afflerbach, McCreery, McKeever, Shultz, White, Yenner, Goss

Against: Hughes Abstain: 7-1-0

*Mayor Spring was called away from the meeting at 8:45 pm.

2) Aura II-Final Major Subdivision creating Four lots, block 29, lots 28 &29, block 29.01, lot 3 and block 32, lots 1-9, to applicant Aura Development, LLC, application #SD-14-02

The following were sworn in for testimony:

Robert Swartz, Attorney for applicant

Robert Bower, PE, 1010 Kings Highway, Cherry Hill, NJ

John Canuso, Applicant, 1010 Kings Highway, Cherry Hill, NJ

No notice required.

Mr. Bower gave a brief overview.

Referring to a display board, Mr. Bower explained the site. They are requesting final major subdivision approval to consolidate and then re-subdivide to create a total of four new lots. No construction will occur from the creation of these four lots. The four lots are being created for financing purposes. Final approval will allow the applicant to take title to the ground. Preliminary approval was granted in April of 2014. Board Engineer provided a review letter dated December 9, 2014 and the applicant agreed to comply with the items outlined in the letter.

Ms. Yenner moved to open to the public, seconded by Mr. Hughes. With all members in favor, *the motion was carried.* With no comment from the public, *Mr. Shoultz moved to close to the public, seconded by Mr. McCreery.*

Mrs. White moved to approve Final Major Subdivision subject to the modifications agreed to by the applicant as enumerated in the Engineer's review letter of December 9, 2014, testimony provided and all required outside agency approvals, seconded by Mr. McCreery.

Roll Call:

Voting in favor: Afflerbach, Hughes, McCreery, McKeever, Shoultz, White, Yenner, Goss

Against: Abstain: 8-0-0

- **General Public Portion**

Mr. Shoultz moved to open the general public portion, seconded by Mr. McCreery. With all members in favor, *the motion was carried.*

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

➤ **Correspondence:** none

➤ **Adjournment:**

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

Adjournment time: 9:05pm

Respectfully submitted,



Anna Foley
Board Secretary