

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting September 16, 2015

Minutes

Call to Order: Board Chair called the meeting to order at 7:32pm.

Open Public Meeting Act: read by Board Secretary

Roll Call:

Present: Jay Hughes, Dave McCreery, Ed McKeever, James Rambo, Terry Ratzell, Richard Schmidt, Eugene Shoultz, Christine Yenner, Jeanne White, Debra Penza

Also present: John C. Eastlack, Esquire, Board Solicitor, Leah Bruder of Bach Associates, Board Planner, Anthony DiRosa of Bach Associates, Conflict Board Engineer

Absent: Terry Ratzell, Amber Gonzalez

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: August 19, 2015

Mr. Shoultz moved to approve the minutes of August 19, 2015, Seconded by Mr. Hughes.
With all members in favor, *the motion was carried.*

Resolution(s):

2015-20 – Granting an extension of time to perfect the minor subdivision, lot line adjustment and variances for lands identified as block 46 lot 7 commonly known as 610 Monroeville Road

Mr. Shoultz moved to adopt resolution 2015-20. Seconded by Mr. Schmidt.

Roll Call:

Voting in favor: Hughes, McCreery, Rambo, Schmidt, Shoultz, Yenner, White
Against: None Abstain: None 7-0-0

IV. Old Business: None

V. New Business:

1) Completeness Hearing - Minor Subdivision with variances, block 37, lot 1, 880 Whig Lane, to applicant, George C. Lewis. Application number SD-15-08

Attorney Wayne Streit represented George Lewis. The following individuals were sworn in:
George C. Lewis, 850 Whig Lane, Monroeville, NJ
Catherine Lewis, 850 Whig Lane, Monroeville, NJ
Ed Kunh, PLS, Federici & Akin, Sewell, NJ
And the Boards Professionals, Leah Bruder and Anthony DiRosa of Bach Associates, 304 White Horse Pike, Haddon Heights, NJ

The applicant is before the board for a minor subdivision. The property is a preserved farm, located in the RE zone (Rural Environmental Residential) and the applicant proposes to subdivide the property to create one new lot that contains the existing residential home and accessory structures. The remainder lot will remain active farmland. Variances from the requirements of the RE zone are needed for minimum lot size, minimum front yard setback, and minimum rear yard setback.

Board Planner, Leah Bruder, referred to review letter of August 3, 2015 prepared by Anthony DiRosa, PE and Mrs. Bruder.

Item # 8- outside agency approvals
Conditional Waiver-Applicant agrees to provide as a condition of approval

Item #13 – Requires metes & bounds
Conditional Waiver-Applicant agrees to provide as a condition of approval

Item # 25 – requires the plan be at a minimum scale of 1" = 50
Waiver is recommended.

Item # 33 –affordable housing requirements
Waiver is recommended. No new house is proposed.

Item # 36 – provide copies of protective covenants easements and restrictions of record, including current title policy.
Board Solicitor reviewed the materials submitted and confirmed the one acre exception to the Farmland Preservation Easement in his letter dated August 28, 2015.

Item # 41 – location of all existing wells & septic.
Waiver is recommended as the applicant provided testimony as to the location of the well and septic system.

Item # 43 – requires grade elevations for all structures.
Waiver is recommended

Item # 49 – provide location of all existing tree masses, general sizes and species.
Waiver is recommended

Item # 50 - provide tree protection plan.
Waiver is recommended

Item # 57 – provide a grading plan.
Waiver is recommended as no construction is proposed.

Item # 58 – provide soil erosion and sediment control plan.
Waiver is recommended as no grading or improvements are proposed.

Item # 59 – soil borings

Waiver is recommended as no improvements are proposed.

Item # 66 – written commitment from MUA of sufficient sewer and water service capacity.

Waiver is recommended as no grading or improvements are proposed.

Item # 73 – submit an LOI from the NJDEP.

Waiver is recommended as no further disturbance is proposed. (The applicant had provided a letter from a qualified professional indicating he had reviewed wetland maps and visited the site and found no wetlands or buffers on the 1 acre lot proposed to be subdivided.)

Item # 75 – submit a utility plan.

Waiver is recommended as no changes are proposed.

Item # 83 – existing and proposed curb openings.

Waiver is recommended as no changes are proposed.

Mr. Hughes moved to grant the waivers as recommended by the Board's Professionals and to deem the application complete. Seconded by Mr. Shoultz.

Roll Call:

Voting in favor: Hughes, McCreery, McKeever, Rambo, Schmidt, Shoultz, White, Yenner

Against: None Abstain: None 8-0-0

2) Public Hearing - Minor Subdivision with variances, block 37, lot 1, 880 Whig Lane, to applicant, George C. Lewis. Application number SD-15-08

Mr. Streitz explained the subdivision is to separate the house and three out buildings from the preserved 36 acre farm. The applicant's son currently lives in the house and will continue to live there.

The applicant cannot enlarge the house lot to comply with current zoning requirements as they are bound by their 2004 agreement with Gloucester County Farmland Preservation. The farmland easement is for a one acre "exception area" for the house and the remainder lot must be dedicated to agricultural use. The following variances are required for the new lot to accommodate the current zoning standards:

- 1) *Minimum lot size (96-71D (2) - 80,000 sq. ft. is required where 43,560 sq. ft. is proposed.*
- 2) *Front yard setback (96-71D (3) – 50 feet is required where 22.7 feet to existing dwelling. This is an existing condition.*
- 3) *Rear yard setback (96-71D(4) – 40 feet is required where 140 ft. to dwelling and 8.6 feet to garage.*
- 4) *Number of Accessory buildings (96-80) – a residential property ranging from 25,000 sq. ft. to six acres may have a maximum of one detached garage not to exceed 900 sq. ft. and one additional accessory structure/shed not to exceed 200 sq. ft. There are 2 garages and one shed on the property.*
- 5) *Agricultural Buffer (96-47.1) are required between active farms and residential uses. Fifty feet is required along the property lines adjacent to the active farm. This proposal cannot meet the agricultural buffer requirements, the applicant may agree to a deed notice to ensure that future buyers are aware of the farming activities that may take place as part of "the right to farm act" on the adjacent property.*

Mrs. Bruder continued with the balance of her review letter of August 31, 2015.

Mrs. Bruder explained the one acre exception is common practice under the farmland preservation act. Mrs. Bruder was in favor of granting the variances associated with the lot. There will still be one lot with a house and one farm lot.

The applicant explained he is not selling the lot. His son has lived in the house for 8 years and will continue to live there. The farm parcel will not be sold. It will someday be left to his daughter and son. Mr. Lewis has access to the farm land from his house, he lives in a house next door.

The applicant agreed to provide a deed notice regarding the agricultural buffer notice requirement in the subdivision deed.

Board planner had no other comments. Board Engineer made the applicant aware of comment "e" on page 5 of the review letter regarding proposed ROW dedication to the County. The applicant agreed to comply.

Mr. Hughes moved to open to the public, seconded by Ms. Yenner.

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

With no comment from the public, ***Mr. Hughes moved to close to the public, seconded by Mr. Shoultz.***

Mr. Hughes moved to grant the minor subdivision with variances as discussed condition upon the items outlined in the professionals review letter of August 31, 2015, testimony provided by the applicant and further condition upon all required outside agency approvals. Seconded by Ms. Yenner.

Roll Call:

Voting in favor: Hughes, McCreery, McKeever, Rambo, Schmidt, Shoultz, White, Yenner

Against: None Abstain: None 8-0-0

General Public Portion

Mr. Shoultz moved to open the general public portion, seconded by Ms. Yenner

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

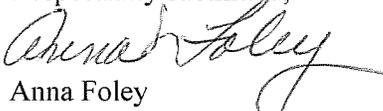
Correspondence:

Adjournment:

Ms. Yenner moved to adjourn, Seconded by Mr. Hughes. With all members in favor, *the motion was carried.*

Adjournment time: 7:54pm

Respectfully submitted,


Anna Foley
Board Secretary