

***RESOLUTION NO. 2013-13**
ELK TOWNSHIP PLANNING BOARD
CATHOLIC COMMUNITY OF THE HOLY SPIRIT

WHEREAS, an Application was filed by Catholic Community of the Holy Spirit, by its attorney, Dale T. Taylor, Esquire, whose mailing address is 95 North Main Street, Mullica Hill, New Jersey 08062, for a (D)3 variance, resulting from Applicant's inability to provide a perimeter landscaping berm and rear or side yard parking, together with preliminary and final major site plan approval, to construct a 17,500 square foot church located on property known as Block 7, Lot 1 on the Elk Township Tax Map and which has a street address of Route 77 and Swedesboro-Franklinville Road (CR 538). The Property is owned by the Diocese of Camden. The Property is depicted on the plan prepared and signed by Andrew Hogg, P.E., N.J. License No. GE 43596, of Land Dimensions Engineering, whose mailing address is 6 East High Street, Glassboro, New Jersey 08028, with a latest revision date of February 27, 2013, filed with the Application and incorporated herein. Applicant also requests a waiver from any detail and/or design standard not drawn on the Plan which may be required pursuant to the Elk Township Land Use Ordinance (Ordinance); and

WHEREAS, several completeness waivers were requested. The Board, based upon its professionals' recommendation, determined the waivers for the purpose of completeness could be granted; however, such would not preclude requiring same if deemed appropriate during the hearing on the application; and

WHEREAS, it appears that the Board has jurisdiction to hear the Application and that same is complete and in conformity with the Ordinance and Municipal Land Use Law (MLUL); and

WHEREAS, it appears that the public was noticed in accordance with the Ordinance and the Municipal Land Use Law; and

WHEREAS, after hearing testimony from Lawrence M. DiVietro, Jr., P.P., Ahmad Tamous, P.E., Larry Merighi, A.I.A. and P.P., Lawrence J. Reader, Applicant's Executive Director for Temporal Services, Diocese of Camden, Robert Holland, Fire Chief Fred Boeckle, Fire Marshall Dennis Conley, Leah Furey Bruder, P.P., A.I.C.P., Corey R. Gaskill, P.E., representations made by Dale T. Taylor, Esquire, interested members of the public and the

Board, the Board made the following findings:

1. The Property is located in a LD Low Density Residential Zoning District, which conditionally permits institutional uses including churches in accordance with the requirements of section 96-79B. The following are the required, existing, and proposed bulk conditions:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area	2 ac.	27.95 ac.	27.95 ac.
Lot Width	200'	1,024.61'	1,024.61'
Yard setbacks	75'	174.88'	174.88'
Maximum building coverage	20%	≤20%	≤20%
Maximum impervious coverage	50%	≤50'	≤50'
Landscaped Berm	25' along	25' along	Variance requested
	Prop line/ROW	Prop line/ROW	
Maximum building height	35' (bldg)	≤35'	
	60' (steeple)	≤60'	
Off street parking	Side/Rear	Front	Variance requested

2. As reflected above, the Applicant is requesting a variance from providing a landscaping berm along the perimeter of the Property, and to permit off street parking in the front of the structure adjacent to County Route 538.

In addition thereto, Applicant is requesting various other waivers which are discussed below.

3. Lawrence DiVietro, P.P., testified:

- A. Marked as Exhibit A-1 was an aerial photograph of the Property reflecting the current conditions.
- B. The Property currently consists of 27.95 cultivated acres.
- C. Approximately 15.25 acres of the lot are intended to remain in agricultural production, same are primarily located along Route 77.
- D. The Applicant proposes to construct a church to provide a worship facility for those of the Catholic faith within the area and to accommodate the congregations

currently utilizing the parishes in Mullica Hill, Woodstown, and Elmer.

- E. The Property will require New Jersey Department of Environmental Protection (NJDEP) approval for the septic system which will necessitate an amendment of the Wastewater Management Plan.
- F. Although 20% of lot coverage is permitted, the church and associated parking lot will only encompass 11%
- G. The church will be setback approximately 475' from Route 77.
- H. Parking was established so same could be oriented to allow the expansion of the church if the congregation outgrows the proposed facility.
- I. In the event the church is expanded as proposed, the parking would then be deemed to be in the side yard.
- J. A traffic engineer was retained to review the accessibility of the site and determined it would be appropriate to enter and exit off of County Route 538. County approval is required, at which time its Planning Board will evaluate the need for improvements along the road, such as acceleration lanes, etc.
- K. The site is particularly suited for the proposed use as evidenced by same being a conditional use.
- L. The church will provide services to the community and will be an equal distance from the existing parishes.
- M. A color rendition of the site plan filed with the application was marked A-2. The area north of the Property is currently farmed, and is in the LD residential zone, property to the northwest is vacant and is zoned commercial. The land to the North/northwest is woodlands, partially within freshwater wetlands. There are two residential dwellings to the southwest at the intersection of Route 77 and Route 538. To the South is Route 538 and across from the Property are three (3) dwellings. Applicant proposes to buffer the entrance off of Route 538 and locate the drive so it would not result in headlights being directed toward the front of any homes.

- N. The purpose of the MLUL would be advanced by allowing the location of the church to serve the various communities.
- O. Applicant must demonstrate the site is appropriate for the proposed use despite the fact that it deviates from the conditions, and the problems arising from the deviations may be appropriately ameliorated so as not to result in any negative impact.
- P. Since only a small amount of the tract would be used for the church building itself, i.e., 1.41%, and the other improvements, parking lot, etc. will encompass 9.59%. Mr. DiVietro opined there would be little, if any, detriment within the community as the North and West sides of the Property are predominantly wooded, to the East of the Property is Route 77, and to the South Route 538 which has only three (3) dwellings located across from the Property.

4. Following Mr. DiVietro's presentation, the Board then heard testimony from its Planner, Leah Furey Bruder, P.P., and reviewed her March 18, 2013 letter. Ms. Bruder highlighted the requirements for the granting of the requests and noted the case of Coventry Square reduces the obligation to show the site's particularity for said use as it is permitted as a conditional use, but any deviations therefrom must be ameliorated to avoid any detriment to the surrounding community.

- A. Parking will be in the front yard, set back approximately 79.49' from Route 538. Although one could argue that Route 77 is the front yard, this is a corner lot having two (2) front yards.

Mr. DiVietro responded by indicating the layout was designed to allow the expansion of the church which, if completed, would then result in the parking being in the side yard, however, felt that the deviation would be ameliorated by the buffering which is proposed along a portion of Route 538.

Ms. Bruder recommended the buffer be extended along the frontage of the entire lot abutting Route 538.

Applicant consented thereto and agreed to revise the plan to reflect the extension of the buffer.

- B. All areas within 25' of a property line or public street shall be bermed and landscaped to screen the activity from view.

Ms. Bruder advised that because a significant portion of the tract would remain in agricultural production that it would be reasonable to grant a variance requiring the entire perimeter to be buffered. However, she recommended that additional berm and landscaping be provided along the northern property line and along the western property line. Mr. DiVietro urged that berming not be required along the entire tract as it would interfere with the agrarian utilization of the open 15.25 acres. He also pointed out the agricultural activity furthers the goals of the Township's Master Plan. Additionally, the buffering would provide little or no relief as the Property is primarily surrounded by woods, except along Route 538, where the berm will be established.

During said conversation, Ms. Bruder also pointed out an agricultural buffer is required pursuant to the Ordinance and that a waiver therefrom would have to be granted.

The Board discussed the possibility of the Applicant utilizing the Property for fairs, parking, etc. and inquired how the Township would be able to enforce the required agricultural landscaped buffer in the event the agrarian activity ceases. It was determined in the event the area where the agrarian activity takes place is used for setting up tents, parking, and other activities that the Zoning Officer would void the certificate of occupancy pending the installation of the buffer. The Board discussed imposing a deed restriction memorializing said representation, but felt same could be adequately enforced by noting same in the resolution.

Ms. Bruder also questioned how the parking lot and maintained lawn area around the church and the agrarian activity would be segmented.

Mr. DiVietro indicated that the Property would be farmed to the edge of the turf, and that no fences or other types of obstructions were intended to delineate the agrarian activity.

The Board deemed same acceptable.

- C. Ms. Bruder noted Applicant would have to get approval from the NJDEP for the septic system.
Applicant acknowledged same and indicated it should be a condition of approval.
- D. A stormwater management maintenance plan must be approved. Mr. Gaskill advised he addressed same in his review letter which Applicant agreed to comply with.
- E. Lighting should be addressed as concerns regarding pollution would be readily apparent to the passing motorists and neighbors due to the rural location of the Property.
Mr. Gaskill advised that detail for the lighting fixtures and isolex patterns therefrom should be delineated on the plans, and reviewed and approved by him and Ms. Bruder.
Applicant consented thereto. The applicant also agreed that all lighting with the exception of security lighting would be turned off during the hours when the site is not in use to limit night sky lighting.
- F. Ms. Bruder felt foundation landscaping should be addressed, as well as the aesthetics of the structure.

5. Mr. Merighi, the Applicant's architect, marked the architectural renderings as A-3, and testified as follows:

- A. The church would have room for approximately 1,000 parishioners and 255 parking spaces.
Ms. Bruder recommended the parking lots should have landscaping within it.
Mr. DiVietro indicated the designated landscaped areas within the parking lot were an integral part of the stormwater management maintenance plan and that same would be wet.
Ms. Bruder opined there are various types of grasses which could be planted to eliminate the sterile appearance of the parking lot while maintaining the ability to

recharge the runoff.

Mr. DiVietro agreed to revise the areas with plantings recommended by Ms. Bruder, wherever this can be accomplished while not interfering with the drainage collection systems

- B. The church was designed to fit into the rural surroundings and not stand out as an edifice.
- C. There will be windows on the East and West, as well as a stained glass feature to the North.
- D. The church was designed to permit its expansion to the South by a duplication of that being built.

6. Trash and Recyclables. Ms. Bruder was concerned with the failure to have any trash corrals, and it was her belief since there may be 1,000 individuals within the church, some type of device to store trash would be required.

Applicant responded that all trash would be stored inside, no trash would be located outside, no dumpsters would be located upon the Property, and all trash would be properly disposed of by Applicant's employees.

The Board concluded that the obligation to keep the trash within the church would be a condition of the certificate of occupancy, and in the event the Applicant desired to locate dumpsters and/or store trash outside the structure, it would have to reappear for site plan approval.

Applicant consented to same.

7. Ms. Bruder recommended compliance with sidewalk requirement.

Mr. DiVietro indicated sidewalks were not within the area, however, if sidewalks were to be installed on either side of Applicant's Property, it would construct the connector. Same shall be noted as a condition of approval and the continued validity of the certificate of occupancy.

8. Applicant was questioned regarding signage and responded by stating all signage would be compliant with the Ordinance. However, Ms. Bruder indicated that although same may be compliant, she requested that the freestanding signage be located on the site plan, and the foundational plantings associated therewith.

Applicant agreed thereto and same shall be a condition of approval.

9. The Board next reviewed the March 18, 2013 letter prepared by Corey R. Gaskill, P.E., the Board's Engineer. The paragraph numbers correspond with those in the letter:

Buffers (§ 96-47), Landscaping and Buffers (§ 96-50)

1-2. Since same was discussed during the Planner's review and the recommendations proposed by the Board were agreed to, he felt there was no necessity to further review said comments.

Lighting (§ 96-51)

5. Applicant agreed to provide the appropriate iso-ring details, lighting schedule, and detail of the fixtures for his review and approval.

Off-street Parking, Loading, and Circulation (§ 96-54 & 96-78)

11-13. Applicant agreed to comply with all recommendations provided by Mr. Gaskill with the exception of installing detectable warning surfaces adjacent to the striped van accessible areas.

Mr. Tamous indicated same was not required for ADA, and will establish proof thereof.

Upon submission of such proof to Mr. Gaskill, the Board had no objection to the elimination thereof.

Signs (§96-60)

17. As discussed during the Planner's review, the Applicant shall provide the location of the sign and foundation, as well as the plantings surrounding same, which shall meet the satisfaction of Ms. Bruder and Mr. Gaskill.

Grading (§96-66.M)

22, 25. Applicant agreed with the comments provided by Mr. Gaskill and will revise the plan to his satisfaction.

Stormwater Management (§86)

Applicant agreed to comply with the conditions set forth in Mr. Gaskill's letter and submit all appropriate documentation for his review and approval. The primary concern was

whether the basin design was adequate as all drainage areas which tributary to the basin were not included in the calculations. Additional concerns raised as to whether or not the inlets along the County roadway are adequate as all drainage areas reporting to these inlets were not included in the calculations for each inlet.

There was a discussion regarding the irrigation pond receiving overflow from the drainage basin. Applicant agreed to incorporate a swale which shall prevent any overflow from the basin entering the irrigation pond. The applicant agrees to address additional details in order to clarify the grading design on the plans.

Applicant shall address prepare a design to accomplish same which shall be reviewed and approved to Mr. Gaskill's satisfaction.

General Comments:

36. Sight triangle easements along the intersection of the entrance and Route 538 will most likely be required from the County, and if not, an easement shall be granted to the Township in a form acceptable to the Township Solicitor.

The Applicant agreed to comply with the balance of the terms and conditions contained in Mr. Gaskill's letter and same are incorporated by reference.

42. Significant discussions were had regarding the fencing of the basin and existing ponds. Safety issues were raised as a result of the 1,000+ congregation visiting the site.

Applicant indicated it had reviewed with its insurer the necessity to fence same and was informed same was not necessary.

The Board was of the opinion safety is an issue and it did not want to be responsible for any claims arising from injuries or death associated with the basin or irrigation pond.

The Applicant testified surrounding the irrigation pond with fencing would become unsightly, that the adjacent mobile home park has a lake which is not fenced, and the cost would be prohibitive, i.e., in excess of \$100,000. Most importantly, Applicant's insurer was willing to undertake the risk.

The Applicant proposed that in lieu of fencing, if the Township was concerned with liability, and the Township Solicitor so requested, it would provide an insurance policy

designating the Township and its professionals reviewing the project as loss payees. The Board felt same would be adequate, and would waive fencing with the understanding if the Township Solicitor deemed necessary. A policy, in an amount deemed appropriate by the Solicitor, would be provided and made a condition of the continued validity of the certificate of occupancy.

43. There were also discussions regarding the relocation of lines for the irrigation ponds and cultivated area. Mr. Gaskill indicated, if same were going to be relocated, he would like them depicted on the site plan to assure the lines would not interfere with drainage, septic, well, etc.

Although it was acknowledged that whether or not the irrigation pond is continued to be used, is a private issue between the farmer and the church; the Applicant concurred that in the event there is a relocation of the irrigation line, same would be noted on the plan.

48. Mr. Gaskill advised numerous outside agency approvals would have to be granted including, but not limited to, Gloucester County Planning Board, Gloucester County Soil Conservation District, Gloucester County Health Department, NJDEP, etc.

Applicant consented thereto.

10. The Board next heard testimony from Robert Holland, whose home is across the street. He opined it would be more appropriate to access the church from Route 77 rather than Route 538.

Mr. DiVietro responded by advising a traffic study was undertaken by David Shropshire, P.E., and it was determined that the appropriate access point should be off of Route 538. Mr. DiVietro also pointed out the County would be reviewing the ingress and egress and determining whether or not acceleration/deceleration lanes would be required.

Mr. Holland then advised the area is not receptive to a septic system as it has a high water table.

Mr. DiVietro indicated the NJDEP is required to approve the septic design and would advise if an alternative system would require special attention.

Mr. Holland also testified a high pressure gas line runs along the front of his Property and

felt it would be hard to connect to.

Mr. Gaskill pointed out that in the event connection is made to a gas main, the detail shall be noted on the plan, as well as the gas company's approval thereof.

Applicant consented thereto.

11. Fire Chief Boeckle testified a fire lane must be established.

Mr. DiVietro indicated the construction code requires the location of a fire lane.

He was also concerned with the adequacy of the fire suppression system.

He was advised same is required to be approved by the fire subcode official.

The Chief also requested a stand pipe be installed in the irrigation pond.

Mr. DiVietro stated the church didn't want to install same and advised there would be a generator available to pump the water from the pond to the church.

Finally, he indicated there was an issue regarding the turning radius within the parking lot and the accessibility to the rear of the church.

Mr. Gaskill indicated he would review the turning radius and, if necessary, the plan shall be revised to address same, as well as the installation of pavers so that the fire equipment could access the rear of the structure.

Further, if during discussions between Applicant and the fire officials other improvements are required, the plan shall be revised to incorporate same.

12. Dennis Conley, the Elk Township Fire Marshall, indicated that the fire subcode official should address many of these issues reiterated by the church and should rely upon said official addressing same.

13. The Board then determined to act upon the variance and waiver requests and if granted preliminary site plan approval, then, if granted, final site plan approval.

14. The Board concluded the Applicant carried its burden of establishing that the site was particularly suited for the church, as it is permitted as a conditional use, therefore, it would not conflict with the neighborhood scheme. The berm being extended along Route 538 will ameliorate any visual obstruction recognizing the balance of the Property along Route 77 will be farmed, and same should not be taken out of cultivation. The Northwest and West is wooded. Accordingly, the buffering as proposed to be revised addresses said concern.

15. The parking in front will be adequately buffered, and may be permitted in recognition of the fact there is a proposed expansion which will result in it being in the side yard.

Additionally, the limited impervious coverage of 11% will not exacerbate drainage conditions or appearances within the area. The Board determined there would be no substantial negative impact. It also concluded the variance may be granted for the reasons articulated by Applicant, subject to Applicant's compliance with the Planner's and Engineer's letters.

Further, waivers from providing the agricultural buffer and fencing around the irrigation basin were discussed and the conditions imposed addresses said issues.

16. The Board finally determined that preliminary and final site plan could be granted to Applicant, subject to satisfaction of all conditions outlined herein, and subject to the professionals' acceptance of said plan revisions. In the event a resolution cannot be reached regarding the satisfaction of conditions, Applicant would have to return to the Board.

BE IT THEREFORE RESOLVED on this 17th day of July, 2013, by the Elk Township Planning Board, that Applicant is granted appropriate variances and waivers, as well as preliminary and final site plan approval, to construct the church and improvements as depicted on the plan, to be revised as set forth hereafter, subject to satisfaction of the following conditions, within three (3) years from July 17, 2013, or prior to the issuance of any permit, or prior to the issuance of a Certificate of Occupancy, or prior to the commencement of construction at the site, or any earlier date mentioned hereafter, whichever occurs first (the permitting authority shall determine the appropriate date):

1. Payment of any and all required fees which are due or may become due to the Township within seven (7) days notice thereof, including, but not limited to, settlement of any outstanding review escrow accounts.

2. Applicant complying with all building and zoning requirements imposed by the Township of Elk, County of Gloucester, and/or the State of New Jersey, except for which the variance and waiver described herein are granted.

3. Revising the site plan as follows which shall meet the satisfaction of Mr. Gaskill and Ms. Bruder:

- A. Extending the landscaped berm along Route 538;
- B. Improved landscaping plan which shall depict the vegetation proposed to be planted around the church, on the berm, and within the islands within the parking lot.
- C. Noting on the plan that an agricultural buffer will be installed in the event the area adjacent to the farmed northern lot is utilized for parking, fairs, or any other non-agrarian activity.
- C. Detailed lighting plan showing the type, location and isolex rings of fixtures.
- D. Noting on the plan all trash will be maintained within the structure and that no exterior trash cans or trash enclosures will be located upon the Property. If desired, Applicant must reappear before the Board for site plan approval.
- E. Noting if sidewalks are constructed adjacent to the subject Property, same will be installed upon the Property to assure continuous flow.
- F. Revising the plan to incorporate the architectural layout as depicted on A-3.
- G. Location of sign, together with foundational plantings.
- H. Noting all lights will be turned off after dark, except for safety purposes, unless a service is taking place.
- I. Satisfying all other recommendations contained in the March 18, 2013 letter prepared by Corey Gaskill, P.E., with the exception of providing the detectable handicapped warning devices and fencing, if Applicant's engineer can document ADA standards don't require same.
- J. Location of new irrigation lines if same are proposed.
- K. Revision of parking lot so as to permit adequate turning radius for fire equipment.
- L. Review with the Fire Marshall, the extent and means for the provision of the installation of appropriate surface so emergency equipment can access rear of building.

4. Providing, if the Township Solicitor so requires, a liability policy in the form and

amount deemed appropriate by him/her designating the Township and its employees and professionals as loss payees.

5. The Applicant must post a performance guarantee with the Township to secure the completion of site improvements in an amount to be determined pursuant to *N.J.S.A. 40:55D-53* based on one hundred twenty (120%) percent of a cost estimate prepared or approved by the Township Engineer. Ten (10%) of the bond amount may be required by ordinance to be posted in cash. The form of the performance guarantee must be submitted to the Township Solicitor for review and approval. The performance guarantee must include the deadline for completion of the guaranteed improvements that will be established as set forth herein.

6. Applicant shall post, at the time the final plat is signed, a maintenance guarantee (which may be in the form of that approved by the DCA) with the Township assuring the maintenance of all improvements for a period of two (2) years after the final acceptance thereof in an amount of 15% of their cost as calculated by the Township Engineer. In the alternative, a performance bond may include the requirement to post a maintenance bond and not be released until the maintenance bond is posted.

7. Applicant shall be required to post an inspection escrow fee in an amount fixed by the Board's Engineer pursuant to the MLUL. The escrow shall be maintained at a minimum of \$1,000 and shall be replenished to said amount within seven (7) days notice.

8. Obtaining a stormwater management maintenance plan approved by Mr. Gaskill which must be complied with, including the posting of appropriate bonding to assure its upkeep.

9. The certificate of occupancy shall remain valid subject to Applicant complying with the following:

- A. In the event the area where the agrarian activity takes place is used for setting up tents, parking, and other activities the certificate of occupancy shall be void pending the installation of the buffer.
- B. Trash must be located within the church, and in the event the Applicant desired to locate dumpsters and/or store trash outside the structure, it would have to reappear for site plan approval.
- C. If sidewalks were to be installed on either side of Applicant's Property, it would

construct the connectors.

10. If required, the agricultural buffer strip shall not be included in measurements for establishing setbacks for construction and for yard requirements of the Property. No construction of any buildings or structures other than fences, walls or drainage facilities shall be erected therein nor shall any screen of trees or hedges, be removed therefrom so long as the adjacent land is assessed or qualified as farm land under the New Jersey Farmland Assessment Act, or is actively farmed should the Farmland Assessment Act be revoked or substantially modified. The right to enforce said restrictions shall be held separately and may be exercised independently by the Township of Elk, or the public.

11. Obtaining any and all other approvals for the depicted improvements that may be required by any governmental/regulatory body including, but not limited to, the New Jersey Department of Environmental Protection, pursuant to the Freshwater Wetlands Act, the Gloucester County Planning Board and/or the Gloucester County Soil Conservation District, etc. Applicants' engineer or Applicant shall certify, utilizing language similar to the following, that any and all other approvals necessary to complete the project have been obtained:

I hereby certify, to the best of my knowledge, all permits required by any governmental law and/or regulatory body have been applied for and obtained and the within plan accurately depicts that which was submitted to and approved by all other such agencies.

BE IT FINALLY RESOLVED that the Applicant is hereby placed on notice that:

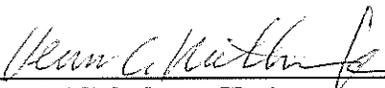
1. It shall comply with all representations made during the course of the hearing and in all filed documents.
2. It shall indemnify and hold the Board harmless from any claim of any kind which may be made as a result of any deficiency in the Application.
3. During construction, Applicant shall correct any condition causing erosion or any other deleterious effect upon the community within three days notice, or any lesser time deemed required from or by the Township Engineer.

4. Applicant shall be responsible for locating the improvements proposed for the Property in accordance with the Ordinance and/or this Resolution. Same may require the retention of a professional land surveyor, engineer, etc. to locate the improvements to assure same are in compliance with the ordinance. Applicant expressly understands the Township shall not be responsible for locating the improvements and if same are not in compliance with the Ordinance and/or this Resolution, Applicant shall be obligated to remove said non-conforming structures and relocate them in accordance with the Zoning Requirements and/or this Resolution.

5. Applicant was advised he would have to comply with all Ordinances requiring contribution to affordable housing funds.

Voting in favor: Carter, McKeever, Nicholson, Shultz, Tondo

ELK TOWNSHIP PLANNING BOARD

BY: 
Chuck Nicholson, Chairperson

ATTEST:


ANNA FOLEY, Secretary

ACKNOWLEDGMENT

The undersigned Applicant's representative hereby certifies the Resolution was reviewed, and acknowledges the Board has relied upon the representations made during the hearing as an essential element in granting this approval. The undersigned acknowledges the Applicant has the absolute right to request the rescission of this approval within 45 days of the adoption of the Resolution, subject to payment of any and all fees associated therewith. In the event the Applicant doesn't rescind the approval or file a prerogative writ challenging the terms of this Resolution, it shall not later attempt to enlarge the 45-day approval period to change the terms herein.

CATHOLIC COMMUNITY OF THE HOLY SPIRIT

Dated: July 18, 2013

Lawrence J. Reader
By: Lawrence J. Reader, Executive Director



March 18, 2013

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

Attn: Anna Foley, Secretary

Re: Catholic Community of Holy Spirit
D(3) Conditional Use, Preliminary and Final Major Site Plan
Block 7, Lot 1
State Highway 77 & County Route 538
LD Low Density Residential District
Elk Township SP-11-01
Bach Associates Proj. # ET2011-8

Dear Chairman and Members of the Board:

We have received a revised major site plan set submitted by the Catholic Community of the Holy Spirit in support of an application for Conditional Use approval and Preliminary and Final Major Site Plan at the above referenced site. The applicant appeared before the Land Use Board for a completeness hearing on March 21, 2012 and was deemed incomplete. The Board agreed that the applicant could submit the items required for completeness for review by the Board's planner and engineer and that the planner and engineer would be empowered to declare the application complete upon receipt of the required submission items. The applicant submitted revised plans and supporting documents in December 2012. Following receipt of our January 16, 2013 letter and the February 4, 2013 letter prepared by the Board's engineer, the applicant has provided plan revisions. Based on our review of the information submitted we have updated the completeness and review comments from our previous letter.

The applicant proposes to build a Roman Catholic Church on the 27.95 acre property. The proposal includes a 17,500 square foot church, along with associated parking lot and storm water basin. The church and related improvements are proposed to be constructed on the western portion of the site, and approximately fifteen acres on the eastern side of the site would remain in agricultural production. Access to the site is proposed off of Elk Road (Swedesboro-Franklinville Road/County Route 538), and the property also has frontage along Mullica Hill-Bridgeton Road (State Highway Route 77).

The property currently consists of agricultural land, an irrigation pond and associated wetlands. The property is within the Township's LD Low Density Residential zoning district, and is bordered to the north, west, and east by other properties in the LD zone, except for a small portion of C-1 Neighborhood Commercial at the northeast corner. Lands to the south of the site are predominantly within the R Rural Residential zone to the southwest and southeast, with properties within the C-2 Commercial Highway zone to the southeast at the intersection of Route 77 and Route 538. The MHP Mobile Home Park zone is located across Route 538 to the south. The surrounding land uses are generally agricultural and residential, with wooded and wetland areas to the north and south. Since the proposal does not meet all of the conditions set forth for the conditionally permitted institutional use, a D(3) conditional use variance is required

as described below.

Submission Items

The applicant has submitted the following items in support of this application:

1. Response memo from the Applicant's engineer regarding completeness and plan review comments dated November 15, 2012.
2. Response letter from the Applicant's engineer responding to the technical review comments provided by the Board's engineer, dated March 5, 2013.
3. Major Site Plan for the Catholic Community of the Holy Spirit, Block 7, lot 1 consisting of 11 sheets, plus County Road Improvement Plan prepared by Andrew Hogg, PE of Land Dimensions Engineering, dated November 11, 2011 and revised though February 27, 2013.
4. Resolution No. 2012-14.
5. Hydrological Report for Block 7 lot 1, prepared by Andrew Hogg, PE of Land Dimensions Engineering dated October 2010, last revised March 5, 2013.
6. Limited Phase II Site Investigation Topsoil Sampling for Block 7 Lot 1 prepared by Land Dimensions Engineering, dated January 11, 2012.
7. Site Photographs.
8. One (1) 8.5 x 11 in. Site rendering.
9. First Floor and Basement Floor Plan (11x 17 in.) dated 3/7/08 and prepared by Erdy McHenry Architecture.
10. Wetlands Plan prepared by Land Dimensions Engineering.
11. Title report dated 12/24/04.
12. Letter from the Ferrell Fire Company dated February 19, 2013.

Completeness

The application was reviewed for completeness at the Land Use Board's hearing on March 21, 2012. Waivers were granted for Checklist item numbers 25, 30, 41, 50, 53, 62, 66, 67, 74, 76, and 77. The applicant was required to address items 8, 20, 22, 51, 59, 63, 64, 65, and 71 as set forth in Resolution 2012-14. **The planning related completeness items have been sufficiently addressed as outlined below. We defer to the Board's engineer for further determination as to completeness.**

- #8 requires the applicant to submit copies of all applications and certification of approvals from all outside agencies with jurisdiction over the proposal. *The applicant indicates this list has been submitted. However we do not have a copy of this list. The*

applicant should submit a copy or provide it at the completeness hearing. We agree that outside agency approvals may be a condition of any approval granted by the Board.

- **#22** requires a list of all variance or waivers. *The applicant indicates variances and waivers being requested on the plans. The applicant indicates that the narrative will be submitted once the application is scheduled for a hearing. This is acceptable.*
- **#63, #64, #65** require cross sections and center-line profiles of all existing or proposed street or water courses, plans and design data for storm facilities and preliminary plans and profiles of proposed utility layouts and connection to existing and proposed utility systems. *We defer to the Board's Engineer to determine whether these items have been satisfied.*
- **#71** requires the applicant to indicate the location, size and materials of containers and enclosures for solid waste and recycling, and a detail of same. *The applicant is requesting a waiver, indicating that waste will be minimal. The waiver is recommended for completeness purposes so the issue may be discussed as part of site plan review. See below for recommendation for a trash enclosure on the site plan.*

Use and LD Zone Requirements and Bulk Standards

The property is within the LD Low Density Residential Zoning District (section 96-69). The purpose of the LD district is to provide an area consistent with the fringe planning area of the State Development and Redevelopment Plan in the area of Elk Township closest to regional development nodes. The LD zone permits agricultural uses, single-family detached dwellings, public parks and conservation areas. Institutional uses (churches, clubs, etc) and a number of other uses are conditionally permitted (96-69C) in accordance with the requirements of Section 96-79B. For a conditionally permitted use, the proposal must meet the conditions set forth in the ordinance in order to be considered a conforming use. If the conditions are not met, then the applicant must request a "D(3)" variance, which is the jurisdiction of the Zoning Board. The conditional use requirements are set forth in the table below. Since all of the requirements are not met, a D(3) conditional use variance is required.

Section 96-79(B) Requirement	Proposed	Compliance
(1) Minimum Lot Size is 2 acres	27.94 acres	Complies
(2) Minimum Street Frontage 200 feet	1318 feet Rte 77 1,024 feet Rte 538	Complies
(3) Structures must be setback 75 feet from property lines	174 ft to north 708 ft to west 516 ft from south 476 ft from east	Complies
(4) Maximum Building Coverage is 20%	1.41%	Complies
(5) Maximum Impervious Coverage is 50%	10.88%	Complies
(6) The 25 feet closest to property line and public street shall be bermed and landscaped to screen the view	25 feet provided with berm and landscape in some sections	Variance Required See comment # 1 below
(7) Maximum Height is 35 feet, steeple maximum 60 feet	34.08 feet building 51.83 feet steeple	Complies
(8) Off street parking shall be in side or rear yard	Front of Building	Variance Required See comment #1 below

Standard of Proof for "D (3)" Variance

Typically for "D" variances it is the applicant's obligation to present the "Positive" and "Negative" criteria to justify the variance. The applicant must prove to the satisfaction of the Board that there are "special reasons" for the Board to exercise its jurisdiction to grant the requested relief, demonstrating that the site is particularly suited to the proposed development and that the proposal will advance the purposes of Municipal Land Use Law and the Township's Master Plan and Zoning ordinances (POSITIVE). The applicant must also show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance (NEGATIVE). The *Coventry Square* decision requires that for a deviation from conditions imposed on a conditional use the applicant must demonstrate: 1) that the site continues to be appropriate for the proposed use despite the fact that the proposal deviates from the conditions imposed on the use, and 2) that any problems that could be brought by the deviations from the standards and conditions can be accommodated by the site. Specifically the applicant should address the effect of the deviations on the surrounding properties and reconcile the deviations with the ordinance requirement that the conditions be met.

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

1. Conditions of Section 96-79B.

- a. One of the conditions of the conditional use is that off street parking must be in a side or rear yard (not the front yard). The applicant has provided that the parking will not be in the front yard facing Route 77 and will be setback 79.49 feet from Route 538. However, the definition of Front Yard (96-5) provides that a front yard is "a yard on the same lot with the principal building extending the full width of the lot and situated between the street line and the front line of a building projected to the side lines of that lot". By definition, the proposed parking is within the front yard, which requires a "d(3)" variance. The site plan could be revised to place the Church in front of the parking area. This revision would eliminate a variance and would provide a more prominent view of the church.
- b. Another of the conditions of the conditional use is that the 25 feet closest to property line and public streets shall be bermed and landscaped to screen the view. The applicant intends to retain 15.25 acres of the lot in agricultural production. To the extent that the property along Route 77 remains actively farmed on a seasonal basis, the berm and landscaping are not practical along the Route 77 frontage. The applicant has revised the plans to provide berms and landscaping along the section of the Route 538 frontage that will be developed (in front of the stormwater basin and the parking area). However, the berm and landscape screening should be provided at the rear of the proposed church (behind the disposal field) along the northern property line and along the western property line. A variance is required for the plan as proposed. The applicant should provide testimony in support of the variance request.

2. **On Site Septic System.** The applicant has provided copies of letters from the NJDEP regarding inclusion of the site in the sewer service area (we only received one page of the July 2011 letter). The applicant should indicate the status of the application for an individual septic disposal system, and whether a preliminary design of the system has been prepared.

3. **Basin and Landscape Maintenance.** The applicant has agreed to provide a basin maintenance plan prior to final plan review. The maintenance plan and schedule will address how the wet pond will be maintained and whether it may be used to irrigate the grass and landscaping.
4. **Agricultural Area.** The applicant proposes to continue farming a 15 acre portion of the property. The applicant should indicate whether the land will be leased to a neighboring farmer and what types of crops may be grown and whether the irrigation will be maintained. It is recommended that the applicant provide delineation between the area that will be farmed and the area that will be maintained by the church. For example, a split rail fence could be installed, or evergreen trees could be spaced out for demarcation. This is especially important around the septic disposal field to ensure farm equipment will not damage the septic field.
5. **Buffers.** Agricultural buffers are required between institutional uses and adjacent farms in accordance with Section 96-47.1.B(2)(a)[1]. The required buffer is 100 feet to the rear and 50 feet to the side. Even though the applicant proposes to continue farming the eastern and northern portion of the property, the potential to meet the buffer requirements should be maintained since the applicant may expand the institutional use on the site in the future, eliminating the farming activities on site. The applicant should agree as a condition of any approval that the required agricultural buffer plantings will be provided if and when agricultural use of the site ceases.
6. **Landscaping and Lighting.**
 - a. The landscape plan proposes landscaping around the parking area, in front of the proposed church, and along the portion of Route 538 along the basin and parking lot frontage. It is recommended that landscaping be provided along the eastern side of the proposed building to break up the façade, which will be visible from Route 77 across the farm field.
 - b. It was recommended that additional evergreen groundcover along with seasonal flowers be provided within the two divider islands in the parking area. The applicant indicates that these islands will be used as grass swales to convey stormwater. Is it possible to add some wet tolerant landscape plants?
 - c. The applicant should show the location of any proposed freestanding signage on the plan (in conformance with the requirements of section 96-60) to ensure that signs location and landscaping are coordinated and complementary. The applicant indicates that this information will be provided with the final plans.
 - d. It is recommended that the applicant agree to reduce parking lot lighting levels to a minimum level needed for safety during hours when the site is not in use, in order to reduce night sky lighting.
7. **Trash and Recyclables.** As indicated in the completeness review, it is recommended that an area for storage of trash and recyclables be delineated in an area accessible by collection vehicles. The enclosure should be a masonry structure, designed to match

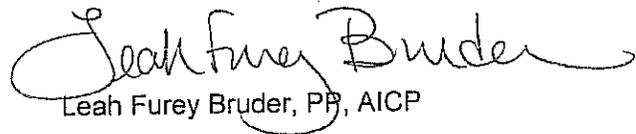
the building. The applicant should agree as a condition of any approval that unenclosed dumpsters will not be placed on the property.

8. Sidewalks.

- a. The applicant has extended the sidewalk along the eastern side of the parking area as recommended.
- b. The applicant has not proposed sidewalks along Route 538 or Route 77. The need for sidewalks in this area should be discussed at the hearing.

We reserve the option to provide additional comments as more information is received. Please call with any questions.

Very truly yours,
BACH Associates, PC



Leah Furey Bruder, PP, AICP

cc: John Hoffman, Esq.
Corey Gaskill, P.E.
Elk Environmental Commission
Catholic Community of The Holy Spirit, applicant
Dale Taylor, Esq, applicant's attorney
Andrew Hogg PE, applicant's engineer
Larry DiVietro, PP, applicant's planner
David Shropshire, PE, applicant's traffic engineer

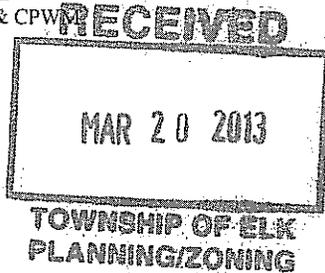


CONSULTING ENGINEERS • PLANNERS
LAND SURVEYORS • ENVIRONMENTAL SERVICES

Corporate Office:
629 Shiloh Pike • Bridgeton • New Jersey • 08302
Phone: 856- 451-2990 • Fax: 856-455-9702
www.fralinger.com

Reply to: Bridgeton or Salem

Albert A. Fralinger, Jr., PE, PLS & PP
J. Michael Fralinger, Sr. (1957-2009)
Charles M. Fralinger, PLS
Carl R. Gaskill, PE, PLS, PP & CME
Stephen J. Nardelli, PE, PP, CME & CPW
Barry S. Jones, PLS & PP
Guy M. DeFabrites, PLS & PP
Stephen P. McKeich, PLS
Scott A. Adams, PLS
William J. Olbrich, PLS
Matthew Baldino, PE, CME
Robert A. Mulford, III, PE, CME
Corey R. Gaskill, PE, CME
J. Michael Fralinger, Jr., PE, CME



March 18, 2013

Civil Engineering
Land Use Planning & Design
Site Engineering
Traffic Engineering
Land Surveying
Municipal Engineering
Soils Investigation
Traffic Impact Studies
NJDOT Permitting
Phase I Environmental Studies
Permeability Testing
Septic System Design
Wetlands Delineation
Global Positioning Surveying (GPS)
Geographic Information Systems (GIS)
Planning/Zoning Board Representation

Township of Elk Planning/Zoning Board
C/o Anna Foley, Secretary
667 Whig Lane Road
Monroeville, NJ 08343

Re: Catholic Community of Holy Spirit, Preliminary Major Site Plan (SP-11-01)
Block 7, Lot 1 – NJSH 77 & CR 538
Elk Township, Gloucester County, NJ
Our Comm. No. 26640.00 – Review #4 – Completeness/Technical

Dear Members of the Board:

I have reviewed the following documents submitted in further support of the above referenced major site plan application:

- A. Technical Review Response Memo from Land Dimensions Engineering, dated 03/06/13.
- B. Hydrological Report, prepared by Land Dimensions Engineering, last revised 03/05/13.
- C. Planner's review letter to the Board from Leah Furey Bruder, PP, AICP, of Bach Associates, PC, dated 03/18/13.
- D. Letter from the Elk Township Fire Marshal, dated 02/19/13.
- E. Plan and Profile, Gloucester County Route 538, Swedesboro-Franklinville Rd., prepared by Land Dimensions Engineering, dated 02-27-13.

- F. Major Site Plan set prepared by Land Dimensions Engineering, consisting of the following sheets:

Sheet	Title	Last Revised Date
1	Cover Sheet	02/27/13
2	Plan of Survey & Topography	02/07/06
3	Demolition Plan	02/27/13
4	Overall Site Plan	02/27/13
5	Site Plan	02/27/13
6	Grading, Drainage & Utilities Plan	02/27/13
7	Landscaping and Lighting Plan	02/27/13
8	SESC Plan	02/27/13
9	SESC Notes and Details	11/17/11
10	Construction Details	02/26/13
11	Construction Details	02/26/13

The following comments are offered regarding the completeness of the major site plan:

Project Description:

This is an application by the Catholic Community of the Holy Spirit Church for a major site plan to construct an 17,200 sf church on a ±27.9 acre parcel located at the northeastern corner of Swedesboro-Franklinville Road (CR 538) and NJSH Route 77.

The proposed lot will be serviced by an individual well and septic system.

Zoning Requirements:

The site is located within the LD Low Density Residential Zoning District (section 96-69). Applicant is proposing a conditionally permitted institutional use (96-69C(1)) in accordance with section 96-79B. The following standards are required for this zone:

The bulk zoning requirements as per Section 96-69:

Description	Required	Proposed	Compliance
Minimum Lot Size	2 ac	27.95 ac.	Yes
Minimum Lot Frontage & Lot Width	200 ft	1,024.61 ft	Yes
Yard Setbacks (minimum)	75 ft	174.88 ft	Yes
Maximum Building Coverage	20 %	<20 %	Yes

Maximum Impervious Coverage	50 %	<50 %	Yes
Landscaped Berm	25 ft along property lines and R.O.W.	25 ft Buffer w/o Landscaped Berm	No*
Maximum Building Height	35 ft (building) 60 ft (steeple)	<35 ft <60 ft	Yes
Off Street Parking	Side or Rear Yard	Front	No*

***Variance Requested**

Checklist Items:

All required checklist information has been satisfied with the exception of the following:

Item #8: Copies of applications to and certification of approvals from all outside agencies with jurisdiction over the proposal.

Applicant has indicated that they will submit copies of all outside agency applications/permits upon submission/receipt of same. Copy of Gloucester County Planning Board Site Plan Application has been provided.

No technical objection to waiving this item for purposes of completeness. Provision of all outside agency applications/approvals should be a condition of any approval.

Technical Review:

The technical comments of my review letter dated 2/4/13 have been addressed except for the following:

Buffers (Section 96-47):

1. Refer to the Board Planner's review letter, dated 03/18/13, for buffer comments.

Landscaping and Buffers (Section 96-50):

2. Refer to the Board Planner's review letter, dated 03/18/13, for landscaping and buffer comments.

Lighting (Section 96-51):

5. Recommend that all proposed site lighting for the building entrances/exits, and pedestrian walkways be shown on the landscaping and lighting plan.

Applicant's engineer indicates that this is information to be provided on the final plans.

9. The lighting iso-ring details provided on plan sheet #11 do not correspond with the model numbers of the lights indicated on the Luminaire Schedule on plans sheet #7.

Iso-ring details have been revised. Recommend that a scale be added to the details.

Off-street Parking, Loading and Circulation (Section 96-54 & 96-78):

11. Dimension line for the width of the easternmost parking aisle is incorrect. Recommend that this be revised.
12. Handicap ramp detail shown on sheet #10 only depicts one of the possible construction alignments shown on the site plan. Recommend that additional details, conforming to the NJDOT details for Public Sidewalk Curb Ramps be provided.

Additional handicap ramp details have been added, however, they require revision in order to properly match what is being proposed on site.

13. Recommend that Detectable warning surfaces (4 total) be provided adjacent to the striped van accessible areas between the designated handicap parking stalls.

Applicant's engineer indicates that these additional detectable warning surfaces have not been provided. Applicant should document that they are not required per ADA standards.

Signs (Section 96-60):

17. No sign is currently proposed.

Applicant's engineer indicates that the sign information is to be provided as part of the final plans. Applicant should note that any external sign lighting will also need to be provided on plans.

Grading (Section 96-66.M):

22. Recommend that additional spot shots be provided along the proposed sidewalk to show that the cross-slope does not exceed the required 2% maximum allowed. Recommend that the sidewalk detail on sheet #10 be revised to indicate the maximum cross-slope is 2%.

Minimum cross-slope has been added to the curb and sidewalk detail. Recommend that it be added to the stand alone sidewalk detail.

25. Recommend that proposed contours be added to the plans along the proposed curb on Swedesboro-Franklinville Road to show how the existing grading will be altered in this area after the proposed curbing is constructed.

Proposed contours along Swedesboro-Franklinville Road have been added to the plans; however, many of these proposed contours do not tie into existing contours and require revision.

Stormwater Management (Section 86):

26. The Applicant is advised that upon approval, all engineering plans and all other documents shall be submitted to the Township of Elk in compliance with Section 86-2.C.
27. Runoff volumes are required to be computed separately from the pervious and directly connected impervious portions of the drainage area and then combined for all rainfalls less than 4 inches, in accordance with New Jersey Stormwater Best Management Practices Manual, p. 5-12. Recommend that the Stormwater Management Report be revised accordingly.

The 2-yr storm and the Water Quality storm, both of which have rainfalls less than 4 inches, still require revision.

28. Recommend that the Applicant provide a detailed basin maintenance plan, including short and long term maintenance schedule and procedures as required by Section 96-63.B(5). Recommend that both the proposed basin and the existing on-site pond should be addressed in the maintenance plan.

Applicant's engineer indicates that this information is to be provided with the final plans.

31. Uncollected drainage area #1 routes to a low spot adjacent to Inlet #8. Recommend that this location should be evaluated to determine if enough storage volume is present for the runoff and whether any of the runoff will end up overflowing into Inlet #8.

Applicant's engineer indicates that this area was not included in the basin design. Inlet #8 ties into the proposed basin, accordingly any runoff that flows from the uncollected drainage area into inlet #8 is tributary to the basin. Recommend that the basin design account for this stormwater.

32. Existing drainage area DA-1 and proposed drainage area DA-UNC-1 have concentration lines which leave and then re-enter their respective drainage areas. Recommend these drainage areas be redrawn to include areas off off-site runoff which is collected by these concentration lines.

Applicant's engineer indicates that the offsite area which drains to the basin was not included because it does not impact the basin design. All areas which drain into the proposed basin must be included in the basin design.

General Comments:

36. Recommend Easements for the Sight triangles be provided for review.

Applicant's engineer indicates that this information will be provided with the final plans.

38. A tabulation of the proposed building's perimeter that fronts on a public or private street expressed in feet, as well as a percentage of the total building perimeter linear footage shall be indicated on the plans (96-32B.3.t).

This information has been provided for Route 77. Recommend that this information also be provided for Swedesboro-Franklinville Road.

39. Is the site to be serviced by gas? If so then I suggest that the proposed gas utility lines be shown on the plans.
40. The applicant will be required to submit an engineer's cost estimate for all site improvements so that performance bond/inspection escrow deposit amounts can be established.

Applicant's engineer indicates that this information will be provided with the final plans.

42. No fencing is currently proposed around the basin or the existing pond. If the church intends to use lands adjacent to the basin for recreational activities then I recommend that fencing be installed around the basin and the existing pond.
43. The Demolition Plan (sheet #3) indicates that all existing irrigation equipment is to be removed. If portions of the site are to remain farmed how will irrigation be addressed?

No new irrigation lines are proposed for the portion of the site to remain farmland. Recommend that if any new irrigation lines are to be added to the site at a later date then that information should be submitted via an amended site plan.

44. The Applicant should comply with all the comments of the Board Planner's review letter dated 01/16/13.
45. Recommend that the Elk Township Police Chief of Police be contacted to review the Site Plans.
46. The applicant should address the comments of the Elk Township Fire Marshal, dated 02/19/13.
47. The applicant should address the comments of the Elk Township Environmental Commission review letter, dated 11/1/11.

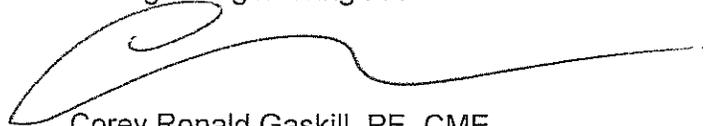
48. The following agency approvals are required for this application:
- a. Gloucester County Planning Board.
 - b. Gloucester County Soil Conservation District certification.
 - c. Gloucester County Board of Health (well and septic systems).
 - d. Any and all agencies having jurisdiction.

Recommend that before any approval that the applicant address the above comments to the Boards' satisfaction.

Should you have any questions, please feel free to give me a call.

Very truly yours,

Fralinger Engineering PA



Corey Ronald Gaskill, PE, CME
Elk Township Planning/Zoning Board Engineer

cc: John Hoffman, Esq.
Leah Furey Bruder, PP, AICP
Andrew Hogg, PE, Land Dimensions Engineering
Dale T. Taylor, Esq.
Catholic Community of the Holy Spirit, Applicant