

***Resolution No. 2013-17**

**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF ELK
MEMORIALIZING THE DENIAL OF A USE VARIANCE TO PERMIT THE DEVELOPMENT
OF BLOCK 170 LOT 26 AS A SITE TO STORE HIS COMMERCIAL VEHICLES AND
EQUIPMENT FOR A LANDSCAPING BUSINESS**

WHEREAS, Christopher Chapman, Jr, with disclosed business address of 283 Clayton Aura Road, Elk Township is the owner of Block 170 Lot 26 and has applied for a variance from the provisions of Township Ordinance pursuant to NJSA 40:55D-70 D(1), a use variance to permit the storage of three F450 trucks, one pick-up truck, three trailers and two skid steer loaders at a residential site. The Applicant proposes to use this property for the storage of equipment and vehicles associated with his landscaping business.

WHEREAS, The Board has received the following for review:

- a) Use Variance Application to the Combined Planning and Zoning Board, Escrow Agreement, Affidavit of Ownership, proof of taxes paid (next quarter due May 2012), disclosure statement, list of property owners within 200 feet.
- b) Letter from Applicant describing use variance and waiver requests. Received by the Township February 9, 2012.
- c) Statement in support of the Applicants Request for Variance.
- d) Existing Conditions Survey, prepared by Albert N. Floyd & Son PLS, dated September 19, 2011.
- e) Survey with Hand-drawn location of vehicle storage and proposed landscaping, not dated.
- f) Five (5) photos of the site
- g) Report of the Elk Township Environmental Commission dated January 30, 2013
- h) Report of the Board Planner dated May 29, 2013
- i) Report of the Board Engineer dated February 20, 2013
- j) Letter from the Applicant dated April 16, 2012
- k) Information from Applicant re fencing and plantings and response to environmental commission report.
- l) Aerial photograph
- m) App-1 Photo of the trailer on site
- n) App-2 Photo of Debris on property
- o) App-3 Photo of Trailer being removed

- p) App-4 Photo of landscaping
- q) App-5 Photo of paving improvements and parking area
- r) App-6 photo of grounds from the street.

WHEREAS, The Board has received the report of its professional Engineer, Mr. Corey Gaskill, PE dated April 5, 2012 and of its Professional Planner, Leah Furey, PP dated May 29, 2012. Both reports are attached hereto and incorporated herein by reference as exhibit "A".

WHEREAS, The Applicant, its professionals and the Board's professionals presented testimony and evidence before the Board at its regular public meeting on February 20, 2013; and

WHEREAS, The Applicant was granted a waiver from submission waivers and was deemed complete for public hearing; and

WHEREAS, the Board of Adjustment after consideration of the application, the evidence, the testimony and the representations of the Applicant and the public comment, or lack thereof, makes the following factual findings:

WHEREAS, the property in question is currently zoned MD Moderate Density Residential District which zone does not permit industrial uses such as that proposed by the Applicant or any type of commercial landscaping facility; and

WHEREAS, the property was not the subject of any prior use variance application; and

WHEREAS, the Board of Adjustment after consideration of the application, the evidence, the testimony and the representations of the Applicant and the public comment, or lack thereof, makes the following factual findings:

1. The 1.87 acre property is located on the east side of Clayton Aura Road (County Route 610) within the MD Moderate Density Residential zoning district and is currently improved with a residential dwelling, one detached garage and one metal pole building. There is also a trailer on the lot that is proposed to be removed. The property is surrounded to the north, east and south by residential properties also in the MD District.

2. The Applicant does not live in the home on the site, despite having provided the address as his own on the application for development. The Applicant testified that he rehabilitated the house and cleaned up the outside of the property. He rents the home. He planted 15 to 20 trees and repaved the driveway. He installed the retaining wall. He removed the trailer that was on site.

3. The Applicant requests the opportunity to store three F450 trucks (four small dump trucks), one pick-up truck, three trailers and two skid steer loaders at a residential site. Utilize the pole barn for the storage of equipment and vehicles associated with his landscaping business. Deliveries and drop off of equipment will originate and end at the site. There will be no storage of bulk materials. He will not store pesticides, fertilizers or herbicides on site although he does have a turf license and will have these chemicals on the trucks which are stored on the site. The Applicant testified he will maintain the equipment on the site which includes oil changes. He also supplies salt and ice control during the winter time but testified that he will not keep the bulk salt on the site except for some bags of salt. The Applicant testified that the office for the business would remain at his personal home. No customers would come to the site.

4.The Applicant testified there are no rest room facilities in any of the buildings used by the business.

5.In accordance with section 96-68 the purpose of the MD zoning district is to provide appropriate area adjacent to major arterial highway and in the sewer service area for the highest densities in the municipality. The MD zone permits agricultural uses, single family dwellings, public parks and playgrounds, woodlands, conservation areas and similar public uses. Accessory uses “customarily incidental and subordinate to the permitted uses” are also permitted. Conditional uses include planned unit developments, age-restricted communities, institutional uses, home occupations in accordance with Section 96-79.A, golf courses, commercial uses as listed in 96-76B(2) and B(4) when the property fronts CR 553. The property does not front County route 553.

6.The Applicant testified that there will be employees to pick up and drop off equipment. There would be three crews of employees with a total of 10 employees having access to the site. The Applicant testified that the office work would occur in his home.

7.The vehicles would be stored outside, and the equipment utilized in the business would also be stored on site inside of the existing garage.

8.The property has an in-ground vehicle lift and below grade hydraulics. The Applicant testified that would not be used in his business. The Applicant could not testify as to the status of the underground oil for this installation.

9.The Applicant testified that he has a turf license for chemical application and pesticides, fertilizers and herbicides will not be stored in bulk on the site, but they may be in the trucks that are stored on the site. The Applicant testified he would have both the trucks and the buildings labeled for pesticide storage.

10. The property currently has an encroachment into the rear yard in violation of 96-68D(4). The Applicant is not proposing any new structural alterations as part of the application. The Applicant testified as to the history of the existing structures and the site.

11. The Applicant proposes the installation of a stone base parking area, a stone base access drive, a 6’ high wooden or vinyl fence to screen the rear of the property and the vehicles and new trees for screening purposes. There are two existing access driveways from the site onto County Route 610, one being used as access for the landscaping business and one for the single family resident.

12. According to the National Wetlands Inventory (NWI) maps, there appears to be a sizeable offsite wetland area in the wooded properties behind the project site.

13. The Applicant testified that he would not expand this use from the representations made herein.

14. 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 (N.J.S.A. 40:55D-2) and the Township’s Master Plan and Zoning ordinances.

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.

15. The Board expressed its concerns regarding the potential negative impact on the adjacent residential properties from unsightly views, noise and odors from the landscaping storage operations. Section 96-47 and/or 96-47.1 of the Unified Development Code would require buffering for commercial uses. A commercial use in this area would require buffer screening of the facility to lessen the negative impacts. The Applicant has provided a 6' vinyl fence and some tree plantings to block views into the property. The Applicant indicates a fence has been installed along a portion of the property line and is also proposing some landscaping along the driveway.

16. The Board expressed its concerns regarding the operating hours of the storage yard and its impact on the surrounding residences, as during peak landscaping season. With a landscaping business, the work day may begin earlier than 7:00AM to avoid the heat of the day and may extend past 5:00PM due to increased volume of work. In addition, landscaping services are often performed on weekends during the growing season to make up for rain days and from increased workloads. During stormy snow or ice conditions the site may be used 24 hours per day.

17. The Board noted that the "proposed area" for storage of the above mentioned vehicles is located over a well. Heavy vehicles being stored over the well is not appropriate.

18. The application was opened to comments from the public. Judy Jusko appeared and testified that she lives in a property adjacent to the project. They are good neighbors. The noise and the parking has not been an issue. She supported the variance.

19. Fred Boehkle one of the Township fire chief's wants to insure that the buildings are inspected and the materials are properly labeled. The fire official must inspect the building and it must be registered as a business with the fire office.

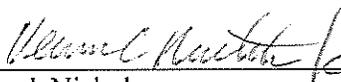
20. The Board found that the Applicant had failed to meet the required positive criteria as set forth in the Statute and the case Law. The use was not an inherently beneficial use or that without this variance the Applicant would suffer an undue hardship. The Board did not find that the site was particularly suited to this use. Rather, the Board found that the landscaping operation was an intensive use which would intrude on the residential character of zone. The Board found that the Applicant had not proven that special reasons existed to support the grant of a use variance. The proposed use did not meet a unique need for the community. The use did not meet one of the enumerated purposes of zoning as set forth in the Municipal Land Use law, and although the commercial use would support the tax base, this reason was not sufficient to justify the deviation from the zone plan for the area. The Land could be used as zoned.

21. The Board found that the Applicant had failed to meet the negative criteria required by the law. The Board found that this use would pose a substantial detriment to the Public Good and to the Zoning Plan for this area.

NOW THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Elk that a use variance to permit the Applicant to utilize this residential parcel to store equipment and vehicles for his landscaping business as described be **DENIED** for the reasons set forth herein and those factors set forth on the official transcript of the proceeding.

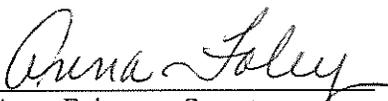
Voting in favor: Carter, McCreery, Nicholson, White, Hughes

ELK TOWNSHIP PLANNING BOARD

 7/17/13

Chuck Nicholson, Chairperson

ATTEST:



Anna Foley Secretary

Certification

I certify that this is a true copy of the resolution passed by the Elk Township Planning Board at its regular public meeting on July 17, 2013, its decision of February 20, 2013.

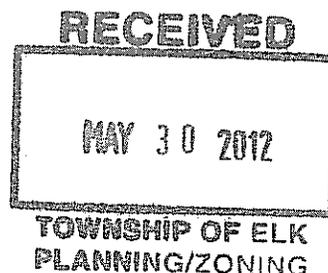


Anna Foley, Secretary



BACH Associates, P C
 ENGINEERS • ARCHITECTS • PLANNERS

May 29, 2012



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

Attn: Anna Foley, Land Use Board Administrator

Re: Christopher Chapman
 Block 170, Lot 26
 283 Clayton Aura Road (County Route 610)
 "D" Use Variance; MD Moderate Density Residential District
 Elk Township Application ZB-12-01
 Bach Associates Proj. # ET2012-1

Dear Chairman and Members of the Board:

We have reviewed the application, sketch plan, and supporting documents submitted by Christopher Chapman, Jr for a "D(1)" use variance to permit the storage of vehicles and equipment for a landscaping business on a lot in a residential zoning district. Specifically the applicant proposes to store three (3) F450 trucks, one (1) pick-up truck, three (3) trailers and two (2) skid steer loaders in an outside storage area at the site and to store tools and equipment inside the existing pole building, in addition to the residential use at the above referenced property. The storage of equipment and vehicles are proposed to be located outside in an area to the rear of an existing metal pole building.

The 1.87 acre property is located on the east side of Clayton Aura Road (County Route 610) within the MD Moderate Density Residential zoning district. The site currently contains a residential dwelling, one detached garage and one metal pole building. There is also a trailer on the lot that is proposed to be removed. The property is surrounded to the north, east and south by residential properties also in the MD District. West of the property, across Clayton Aura Road (CR 610) there are agricultural properties, within the RE zone.

Following receipt of our March 22, 2012 review letter as well as the April 5, 2012 letter from Fralinger Engineering, the applicant provided a letter with additional information and a more detailed sketch in support of his application. This report includes the review of the additional information and supersedes our earlier report.

We have received the following materials in support of this application:

1. Use Variance Application to the Combined Planning and Zoning Board, Escrow Agreement, Affidavit of Ownership, proof of taxes paid (next quarter due May 2012), disclosure statement, list of property owners within 200 feet.
2. Letter from applicant describing use variance and waiver requests, received by the Township February 9, 2012.
3. Statement in support of the Applicants Request for Variance.

4. Existing Conditions Survey, prepared by Albert N. Floyd & Son PLS, dated September 19, 2011.
5. Survey with Hand-drawn location of vehicle storage, fencing and proposed landscaping, not dated.
6. Five (5) photos of the site
7. Letter to the land Use Board from Chris Chapman dated April 16, 2012 providing additional information in support of the application

Completeness Review

The application is for a use variance and site plan waiver. The applicant has not provided the land development checklist. However, we have reviewed the application against the completeness requirements for a use variance request. **The application is incomplete as outlined below. The application may be scheduled for a completeness hearing. If the waivers are granted by the Board, then the applicant may proceed with the Use Variance application.**

- **Page 3 of the Use Variance Application Form requires the applicant submit an existing conditions plan, proposed conditions plan, and floor plan.** A survey has been provided to show existing conditions. In addition the applicant has supplied a survey with a hand drawn sketch to illustrate the location of the proposed parking area, landscaping, and fencing. *The applicant's proposed conditions plan is a hand drawn sketch. A waiver is required since the plan does not provide all of the requirements for the proposed conditions plan as set forth on page 3. B. 1 through 15.*
- **#1.b. 1 copy of completed checklist.** The applicant has not submitted the land development checklist. We have reviewed the checklist in accordance with variance requirements and provide the following comments.
- **#8 requires copies of applications to and certification of approvals from all outside agencies with jurisdiction.** It appears that the applicant is not proposing any site improvements at this time. *If no site improvements are proposed, a waiver is recommended since no other agencies would have jurisdiction.*
- **#9 requires the submission of a site plan.** The applicant has provided a survey and a survey with a hand drawn sketch showing the proposed locations of plantings, driveway and landscaping, and the area where the proposed vehicles will be parked. *The information provided is sufficient to review the use variance. However, if the Board is inclined to grant the use variance, it may be conditioned upon the applicant submitting a site plan for review.*
- **#22 requires the applicant to submit a list of the applicable development standards in the UDO for the MD zone.** The applicant has not provided the list of zoning standards. *We have reviewed the requirements of section 96-68, which are reviewed below.*

- **#25 Plans shall be a minimum of 1"=50'.** The submitted survey is 1" = 60'. *A waiver is recommended.*
- **#43 requires the applicant to indicate the existing and proposed use of all structures onsite and grade elevations for each structure.** *The applicant has indicated the existing and proposed use of each structure. We defer to the Board's engineer to recommend for or against the waiver from providing grade elevations for the existing structures onsite.*
- **#55 requires the applicant to provide contours at 20 foot intervals on the tract and within 100 feet of the tract in accordance with the grading plan requirements.** *The applicant should clarify as to whether the proposed parking area will be graded and what type of stone will be installed. The waiver is recommended for the variance review. If any new structures, pavement, or grading are needed then a grading plan will be required as part of a site plan application.*
- **#73 requires the applicant to submit a NJDEP LOI for wetlands or a statement/certification from an expert stating that there are no wetlands on or in close proximity to the site.** The applicant has requested a waiver from this requirement since no construction is proposed. *The applicant should confirm that no new construction will be proposed and that no trees will be removed from the site. If this is the case, then the waiver may be recommended.*

Use

In accordance with section 96-68 the purpose of the MD zoning district is to provide appropriate areas adjacent to major arterial highways and in the sewer service area for the highest residential densities in the municipality. The MD zone permits agricultural uses, single family dwellings, public parks and playgrounds, woodlands, conservation areas and similar public uses. Accessory uses "customarily incidental and subordinate to the permitted uses" are also permitted. Conditional uses include planned unit developments, age-restricted communities, institutional uses, home occupations in accordance with Section 96-79.A, golf courses, commercial uses as listed in 96-76B(2) and B(4) when the property fronts CR 553 (Buck Road). The applicant is proposing to use the property as for the storage of vehicles and equipment associated with his landscaping business.

The applicant has requested a "D(1)" variance to permit a principal use in a district restricted against such use. The applicant indicates that the proposal is to utilize the site for storage of three F450 trucks, one pick-up truck, three trailers, and two skid steer loaders. The applicant indicates that employees will visit the site to pick up and drop off equipment in the morning and later in the afternoon. The vehicles would be stored outside, and equipment would be stored inside of the pole building. The applicant indicates that the office for the business is located elsewhere and that this site would be only for the storage of equipment. In addition to the storage associated with the applicant's landscaping business, there is a house on the property that is occupied by a residential tenant. The residential use would remain in addition to the storage associated with the landscape business. The applicant has confirmed that there will not be any bulk material stored at the site (such as mulch, topsoil, landscape plants, etc).

Standard of Proof for “D” Variances

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 (N.J.S.A. 40:55D-2) and the Township’s Master Plan and Zoning ordinances (POSTIVE). 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 applicant should provide testimony demonstrating that the proposal will meet the variance criteria.

MD Zone Bulk Standards and “C” Variances

The applicant is not proposing any structural alterations as part of the application. All of the variance conditions listed below, with the exception of the buffer requirement, are for existing conditions, and are provided for the Board’s consideration.

Section	Required	Existing/Proposed	Compliance
96-68D(2) Minimum Lot size	25,000 square feet	1.87 acres	Complies
96-68D(3) Minimum Front Yard	30 feet	32.9 feet	Complies
96-68D(4) Minimum Rear yard	35 feet	+/-117 feet	Complies
96-68D(5) Minimum Side yards	10 feet, 25 feet both	27.3 feet	Complies
96-68D(6) Minimum lot width	85 feet	200 feet	Complies
96-68D(7) Minimum lot depth	100 feet	+/-360 feet	Complies
96-68D(11) Maximum Building Coverage	30 %	3%	Complies
96-68D(12)(b) Maximum Impervious Coverage	35%	6.5%	Complies
96-80A(2) and (4) Accessory Structures	Maximum of 2 accessory structures: One not to exceed 900 sq ft One not to exceed 200 sq ft	2 total accessory structures, 960 sq ft and 576 sq ft	Variance for existing conditions
96-47 Buffers commercial to single-family residential	50 feet	+/-15 feet to lots 5, 6, and 27 to the east	Variance

Standard of Proof for “C” Variances

Typically the applicant must provide testimony to justify the requested “C” variances. For a C(1) variance, the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the

exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property, or the structures lawfully existing upon the property. For a C(2) variance the applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments.

At the hearing the applicant should provide information about the history of the existing structures and the site, and the relationship of the site to the surrounding residential uses. The applicant should also describe the area between the proposed parking area and the residential uses on lots 5, 6, and 27 to the east, where a 50 foot buffer is required between the proposed commercial use and the existing residential uses.

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

1. **Use.** The applicant indicates that the site will be used for a residential and business use. The existing residential dwelling and garage will continue to be occupied by a residential tenant. The 960 square foot pole building and an outdoor area are proposed to be utilized for the storage of vehicles and equipment associated with the applicant's landscaping business. The applicant indicates that the business office will remain at another location. The applicant has provided the following information for the Board's consideration
 - a. The applicant owns a landscaping business and proposes to store vehicles and equipment at the site. The business uses another location for their office and mailing address.
 - b. The applicant will have three to four employees visit the site in the morning and then return equipment at the end of the day (late afternoon). The employee vehicles will remain parked at the site during the day. There will not be any deliveries to the site.
 - c. The existing house and 24' by 24' garage are and will be used by a residential tenant. The residential tenant parks next to the garage.
 - d. The 30' by 32' metal pole building will be utilized for the storage of tools and equipment used for landscaping. The applicant indicates that there will not be chemical storage within the building, nor will there be bulk storage at the site.
 - e. The applicant indicates that customers would not visit the site. The applicant should confirm this.
 - f. The applicant indicates that the well at the rear of the property will be protected from vehicles by concrete bollards. The applicant should provide details. If the use variance is granted, the board may require a site plan.
2. **Building Coverage and Impervious Coverage.** The applicant has provided a calculation of the existing building coverage and impervious coverage to allow us to assess compliance with sections 96-68D(11) & (12) and to provide a baseline for any future improvements. From the photographs it appears that there is paved area on the west side of the garage and pole building that are not shown on the survey. The applicant has shown the asphalt area on the proposed conditions plan. The applicant should confirm whether the asphalt area north of the house was included in the impervious area calculation.
3. **Parking.** The applicant indicates that employees will park their cars in the proposed stone parking area when they leave with the landscaping equipment for the day. The

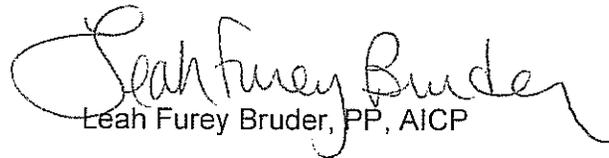


applicant should indicate the maximum number of employee vehicles that would park at the site. If the application is approved the Board may wish to cap the number of employee vehicles at a number that can be safely accommodated in the designated area. The employee vehicles on the sketch plan are not to scale.

4. **Buffers.** Section 96-47 and/or 96-47.1 of the Unified Development Code require setbacks for site plans. It is recommended that the applicant consider the intent of the ordinance and provide a buffer to the adjacent residential and agricultural uses. The applicant indicates a fence has been approved along a portion of the property line and is also proposing some landscaping and additional fence to shield the parking area from the road. The applicant should confirm that no trees will be removed. It is recommended that all existing trees remain.
5. **Well and Septic System.** The well serving the property is located within the proposed area for vehicle storage. In response to concerns about heavy vehicles being stored over the well, the applicant has proposed concrete bollards to protect the well area. We defer to the Board's engineer to recommend as to whether the protection measures are adequate.
6. **Site Plan.** The applicant has indicated that there will be no site improvements beyond the fencing and landscaping on the property. The applicant has provided a sketch plan for the use variance review to depict the location of parking, landscaping, trees, and fencing. The applicant's testimony regarding the proposed site alterations and enhancements of the use will assist the Board in determining whether a full site plan will be required.
7. **Title, Easements and Restrictions.** A title binder showing easements and restrictions of record should be submitted to the Board Solicitor.

Please call with any questions. We reserve the option to make additional comments as more information becomes available.

Very truly yours,
BACH Associates, PC


Leah Furey Bruder, PP, AICP

cc: Joan Adams, Esq.
Corey Gaskill, P.E.
Christopher Chapman, applicant
Albert N. Floyd and Son
Elk Environmental Commission



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Reply to: Bridgeton Salem or Mays Landing

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
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
J. Michael Fralinger, Jr., PE

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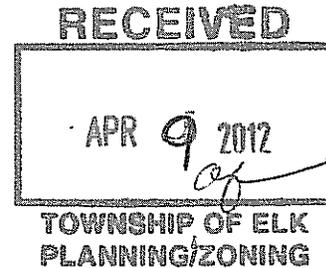
Civil Engineering
Land Use Planning & Design
Site Engineering
Traffic Engineering
Land Surveying
Municipal Engineering
Soils Investigation
Traffic Impact Studies
NJDOT Permitting
Phase I Environmental Studies
Permeability Testing
Septic System Design
Wetlands Delineation
Global Positioning Surveying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

April 5, 2012

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

c/o Anna Foley, Board Secretary

Re: Use Variance for Christopher Chapman
Block 170, Lot 26
Elk Township, Gloucester County, NJ
Application No. ZB-12-01
Our Comm. No. 27150.00 - Completeness Review #1



Dear Chairman and Members of the Board:

I have reviewed the following documents submitted in support of the above referenced application for a Use Variance. The property is known as Block 170, Lot 26. The site is located in the MD - Moderate Density Residential Zoning District.

- A. Use Variance Application No. ZB-12-01, Escrow Agreement, Affidavit of Applicant/Ownership and Disclosure Statement, dated 02/06/12.
- B. Confirmation indicating all real estate taxes are current, dated 02/07/12.
- C. Applicant's letter of submission with project description, waiver requests and statement in support of use variance, not dated, stamped received 02/09/12.
- D. Site Photos.
- E. Certified List of Adjoining Property Owners.
- F. Property Survey performed by Albert N. Floyd & Son Land Surveyors, dated 9/19/11.
- G. Sketch of proposed conditions, not dated, stamped received 02/08/12.

- H. Planner's review letter to the Board from Candace Kanaplue, PP, AICP, of Bach Associates, PC, dated 03/19/12, revised 03/22/12.

At the request of the Board Planner the following comments are offered regarding the completeness of the Use Variance Application:

1. Existing Conditions Plan & Site Plan

Applicant has provided a property survey and indicates that a site plan is not part of the application.

The property survey submitted is dated 9/19/11 and was performed by Albert N. Floyd & Son Land Surveyors. The survey provided does not meet the minimum requirements of N.J.A.C. 13:40-5.1. As a professional courtesy, please contact my office to review the specific deficiencies.

Revise and resubmit.

Additionally, after reviewing the Use Variance Application it is my professional opinion that a Site Plan meeting all the checklist requirements for a Minor Site Plan is warranted and should be required by the Board as part of this application.

2. Grade Elevations/Topography

Existing and proposed topography must be provided to properly assess the impacts to both the project site and the adjacent properties. Grade elevations for each structure should be provided.

3. Wells and Septic Systems

The location of the existing well and how it is to be protected from both damage and contamination must be addressed. Impacts to the on-site and adjacent property wells/septic systems should also be addressed in the Environmental Impact Statement requirement of a Minor Site Plan.

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

Very truly yours,

Fralinger Engineering PA



Corey Ronald Gaskill, PE & CME

cc: Joan Adams, Esq.
Leah Furey Bruder, PP, AICP
Albert N. Floyd, PLS, Applicant's Surveyor
Christopher Chapman, Applicant