

**RESOLUTION NO. 2014-07**

**RESOLUTION OF THE ELK TOWNSHIP COMBINED LAND USE BOARD GRANTING  
MINOR SUBDIVISION APPROVAL TO GARY McCLOSKEY FOR THE REAL PROPERTY  
IDENTIFIED AS BLOCK 41 LOT 14.02 AND LOCATED AT 776 ELK ROAD**

**WHEREAS**, Gary McCloskey, with address of 61 Berlin Cross Keys Road is the owner of Block 41 Lot 14.02 in the Township of Elk, and has filed an application with the Elk Township Planning/Zoning Board for Minor Subdivision approval to create one new residential lot and one remainder lot for a total of two lots; and

**WHEREAS**, the Applicant proposes to subdivide the Property which is 5.54 acres in area and create Lot A (the remainder lot) which will have 1.84 acres in area, Lot B which will have 3.7 acres in area; and

**WHEREAS**, the Applicant has presented a Minor Subdivision Plan dated August 28, 2013 prepared, signed and sealed by William J. Robin, PLS of Robins Associates to the Board and his sworn testimony in support of this application; and

**WHEREAS**, the Applicant has complied with all of the requirements to bring this application before the Board and the Board granted certain submission waivers and deemed the application complete at its public hearing on December 18, 2013; and

**WHEREAS**, the Board also received the report of its Professional Planner, Candace Kanaplue, PP, AICP dated November 25, 2013 and the testimony of its Planner, Stephen Bach, PP, AICP at the public hearing and the report of its engineer, Mr. Cory Gaskill, PE., dated December 5, 2013 and his testimony at the public hearing, both reports are attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth herein; and

**WHEREAS**, after carefully considering the evidence presented by the Applicant in support of his application, the testimony of the Board's professionals and the public comments, the Board has made the following findings of fact, and conclusions of law:

1. The application meets all of the submission requirements including the payment of all applicable fees and proof that taxes are paid and current. As such the Board determined that the application was sufficiently complete and warrant proceeding on the merits.

2. The application meets the definition of a minor subdivision in that the Applicant has testified that there have been no subdivisions from this tract within the last five years nor to the

best of the Applicant's knowledge does this parcel originate from a parcel subdivided subsequent to 1956.

3. The property is zoned RE-Rural Environmental and the two proposed lots meet all of the requirements of the Township Ordinances with regards to lot size and area, frontage, lot width, and required building setbacks.

4. The Applicant does not propose any change in use for the Property and does not currently propose any improvements or construction on the property although it is his plan in the future for his son to construct a single family residence on the new lot and for he and his wife to build a retirement home on the remainder lot.

5. The property to be subdivided fronts upon Elk Road also known as County Route 538. County approval of this subdivision has been received by the Applicant and submitted to the Board prior to the public hearing.

6. The driveway access to the County roadway will be controlled by the Gloucester County Planning and Highway departments.

7. The Applicant testified that there are no wetlands or other environmental constraints which affect the site. The Applicant is advised that the approval of this lot does not guarantee that the lots will be developable or that freshwater wetlands or other environmental constraints will not apply to the land. As a condition of this approval, the Applicant will submit the certification of his soil scientist that there are no freshwater wetland constraints on the lots. A letter of interpretation will be required prior to the start of any regulated activity on the site, including any type of demolition or construction. The applicant is specifically advised that should the formal NJ DEP Delineation indicate that the lots do not meet the Township Standards; a building permit will not be issued.

8. The area is not currently serviced by public water or public sewer as a result the new lots will be improved with well and septic system. This will be addressed by the Township Construction office and the County Department of Health at the time of construction on site.

9. As a condition of this approval, the Applicant must revise the subdivision plan to include the information required by the Board professionals, including but not limited the depiction of the easements which affect the property, the required certifications, the information required by the Title Recordation Act and to correct any spelling errors on the plan.

10. The Applicant will submit the confirmation received from the County Tax assessor as to the new lot numbers and will depict these numbers on the subdivision plan.

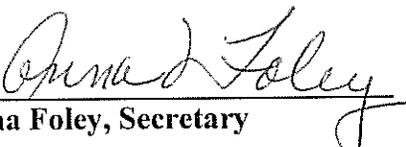
11. The Applicant shall pay all outstanding application, escrow and review fees associated with the subdivision application to the Township within seven days of being notified of any amounts due.

12. The subdivision shall be perfected by the filing of deeds, which are in full conformity with this approval granted by the Planning Board of Elk Township. The deeds shall be filed within 190 days of the Resolution approving the minor subdivision and shall be signed by the Chairman and Secretary of the Planning Board of the Township of Elk. The deeds shall contain the following sentence: "We, the undersigned Chairperson and Secretary of the Elk Township Planning Board, hereby certify pursuant to N.J.S. 40:55D-47 that subdivision application for the within parcel of land was approved by the Elk Township Planning Board on December 18, 2013, and memorialized by Resolution No. (Insert number) dated (Insert date)." Prior to signature, the subdivision deeds shall be submitted to the Solicitor of the Planning Board for her review and approval as to form and the legal descriptions for all lots shall be submitted to the Planning Board Engineer for his review and approval.

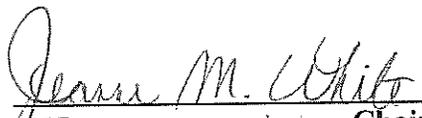
**NOW, THEREFORE**, be it resolved by the Planning Board of the Township of Elk that it approves the minor subdivision subject to the conditions set forth above.

*Voting in favor: Barbaro, Carter, McCreery, McKeever, Nicholson, Shoultz, Spring, Afflerbach, Goss*

ATTEST

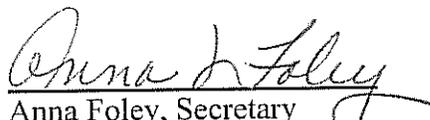
By:   
Anna Foley, Secretary

ELK TOWNSHIP PLANNING BOARD

By:   
Jeanne M. White, Chairman

Certification

The undersigned, Secretary of the Planning Board of Elk Township, hereby certifies that the above is a true copy of a resolution adopted by said Board on the **15 day of January, 2014**, its decision of December 18, 2013.

  
Anna Foley, Secretary



**BACH Associates, P C**  
ENGINEERS • ARCHITECTS • PLANNERS

November 25, 2013

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

Attn: Anna Foley, Board Secretary

Re: Gary McCloskey  
Block 41, Lot 14.02  
776 Elk Road (County Route 538)  
Minor Subdivision; RE Rural Environmental Residential District  
Elk Township Application SD-13-04  
Bach Associates Proj. # ET2013-5

Dear Chairman and Members of the Board:

We have reviewed the application and supporting documents submitted by Gary McCloskey for a minor subdivision of Block 41 Lot 14.02 on the south side of Elk Road. The property is located west of Railroad Avenue and east of the intersection with Hardingville Road. The applicant proposes to subdivide the 5.54 acre lot to create two lots, one consisting of 3.7 acres and one consisting of the remaining 1.84 acres. The property is currently vacant field, and the applicant indicates that after the subdivision, each lot will be for a single family detached dwelling.

The property is located within the RE Rural Environmental Residential zoning district. The site is currently vacant, with no structures or woodlands. The property is surrounded by other properties also in the Rural Environmental Residential zoning district. The surrounding properties are agricultural and single family residential.

The applicant proposes to subdivide the property to create one additional lot for single family residential use. The proposal does not require variances however the applicant is requesting several submission waivers due to the nature of the application.

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

1. Land Development Application for Minor Subdivision (received by Elk Twp October 28, 2013), Escrow Agreement, Affidavit of Ownership, Disclosure Statement, certified list of property owners within 200 feet.
2. Completed Land Development Checklist, not dated.
3. Proposed Minor Subdivision Plan, prepared by William J. Robin, PLS of Robins Associates, dated August 28, 2013.
4. Application to and approval from Gloucester County Planning Board, dated August 8, 2013 and October 1, 2013, respectively.

5. Title Policy and Deed for lot 14.02.
6. Certification from tax collector stating taxes are current, dated October 29, 2013.
7. Three site photographs.

**Completeness**

**The application is presently incomplete.** However, the applicant has requested some necessary waivers. The application may be scheduled for a completeness hearing. If the application is deemed complete by the Board, the applicant may proceed with the minor subdivision application.

- **#12** requires certification and monumentation required by Map Filing Law. *The applicant requests a waiver from this requirement, stating that filing by deed is applicable and appropriate for this type of application. We defer to the Township Solicitor for recommendation .*
- **#19** requires that the new lot number be submitted and approved by the tax assessor. *The applicant must comply. This may be provided as a condition of approval.*
- **#33** requires the applicant to include a statement and demonstration of compliance with affordable housing requirements. *The applicant has not submitted this. Due to the nature of this application, the proposed minor subdivision does not include improvements of any kind, we recommend a waiver.*
- **#53** requires the applicant to locate historic structures within 200 feet. *The applicant should request a waiver or testify that there are no historic structures within 200 feet of the property*
- **#57** requires a grading plan showing existing and proposed spot elevations and in accordance with section 96-66M. *The applicant is not proposing construction at this time. A waiver is recommended, however the applicant should be aware that a grading plan will need to be submitted for review prior to the issuance of any building permits.*
- **#58** requires a soil erosion and sediment control plan. *We recommend this waiver due to the nature of the application.*
- **#59** requires the applicant to submit the location of soil borings to determine soil suitability. *We recommend this waiver due to the nature of the application.*
- **#66** requires a written commitment from the Elk Township MUA. *We recommend this waiver due to the nature of the application.*
- **#67** requires the applicant to submit all the results of the percolation test if the site is served by septic. *We recommend this waiver due to the nature of the application.*
- **#73** requires the applicant to submit an LOI from the NJDEP. *The applicant has not*

*submitted this information nor requested a waiver.*

- **#75** requires the applicant to submit a Utility Plan. *The applicant has not submitted this or requested a waiver. We recommend this waiver due to the nature of the application. The applicant should be aware that utility information will need to be provided prior to the issuance of any building permits in the future.*

### **RE Zone Bulk Standards**

The property is within the RE Rural Environmental Zoning District which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use on site. The proposal is in compliance with all RE Zone Section 96-71. Bulk and Area Standards.

### **The following comments are provided for the Applicant's and the Board's consideration:**

1. **Overall.** The proposed minor subdivision complies with the standards for the RE zone, and the minor subdivision will not result in any physical changes to the existing conditions. Assuming that the applicant is able to respond to any concerns raised by the Planning Board and the Board's other professionals, the minor subdivision is recommended.

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

Very truly yours,  
BACH Associates, PC



Candace Kanaplue, PP, AICP

Cc: Joan Adams, Esq  
Corey Gaskill, PE  
Gary McCloskey, applicant



**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

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

December 5, 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  
680 Whig Lane  
Monroeville, NJ 08343

c/o Anna Foley, Board Secretary

Re: Minor Subdivision Plan for Gary McCloskey  
Block 41, Lot 14.02  
Elk Township, Gloucester County, NJ  
Application No. SD-13-04  
Our Comm. No. 27753.00 – **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 minor subdivision. The property is known as Block 41, Lot 14.02. The site is located in the "RE" Rural Environmental Zoning District.

1. Elk Township Land Development Application – Minor Subdivision (Application No. SD-13-04), Escrow Agreement, Disclosure Statement, Affidavit of Applicant, Affidavit of Ownership, and Elk Township Land Development Checklist, dated 10/28/13.
2. Site Photos.
3. Confirmation indicating real estate taxes are current for Block 41 Lot 14.02, dated 10/29/13.
4. Gloucester County Planning Board Subdivision Application, dated 8/12/13. GCPB Notice of Approval, dated 10/01/13.
5. Title Insurance Policy Schedules A, B & Current Deed.
6. Minor Subdivision Plan for Block 41 Lot 14.02 in Elk Township, prepared by Robins Associates, dated 09/6/12, last revised 8/28/13.

TO: ELK TOWNSHIP PLANNING/ZONING BOARD  
RE: MCCLOSKEY MINOR SUBDIVISION

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The following comments are offered regarding the completeness of the proposed minor subdivision:

**Project Description:**

This is an application by Gary McCloskey for a minor subdivision of Block 41 Lot 14.02.

**Zoning Requirements:**

The site is located within the RE, Rural Environmental Zoning District. The proposed subdivision meets the district standards.

**Checklist Items:**

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

Item #12: Certification and monumentation required by Map Filling Law.

**Applicant requests a waiver from this requirement. Per the Title Recordation Act (N.J.S.A. 46:26B-2.a) all required certification and monumentation is a requirement of approval and cannot be waived. See Survey & Final Plat comments for required revisions.**

Item #19: Proposed street names and new block/lot numbers approved by the tax assessor.

**Information not provided.**

Item #28: Date reference meridian and graphic scale.

**Horizontal datum does not does not comply with the requirements of N.J.A.C. 13:40-5.1 et seq.**

Item #33: Statement and demonstration of compliance with affordable housing requirements as applicable including §70-4.

**Defer to Board Planner.**

Item #48: Distance along rights-of-way lines of existing streets to the nearest intersection with other streets.

**Information not provided.**

Item #53: Any structures of historic significance on or within two hundred (200) feet of the tract, and a statement of the impact of the development on the historic structure.

**Waiver requested.**

Item #57: A grading plan showing existing and proposed spot elevations, based upon the datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners gutters and other pertinent locations sufficient to assure that the project will not have an adverse affect on the existing drainage pattern (96-66M).

**Waiver requested. No technical objection provided that the submission of an Individual Lot Grading Plan prior to issuance of a building permit is a condition of any approval.**

Item #58: Soil Erosion and Sediment Control Plan consistent with the requirements of the soil conservation district.

**Waiver requested. No technical objection.**

Item #59: Location of Soil Borings to determine soil suitability and indication of whether topsoil will be transported to the site and/or removed and transported outside the municipal boundary.

**Waiver required. Location of soil boring(s) used in the Soil Evaluation not provided. No technical objection**

Item #66: A written commitment from the Elk Township Municipal Utilities Authority of sufficient capacity to provide sewer and water service for the project when completed (if within sewer service area).

**Waiver requested. No technical objection.**

Item #67: If on-site sewerage disposal is required (septic system), the results and location of all percolation tests and test borings.

**Waiver required. No technical objection.**

Item #73: A letter of interpretation from the New Jersey Department of Environmental Protection either verifying the locations of the freshwater wetlands boundary and transition areas on the subject property, or determining and certifying that the proposal is exempt from the provisions of the Fresh Water Wetlands Protection Act, or confirming the absence of freshwater wetlands or freshwater wetlands transition areas on the subject property. Wetlands line and buffer must be shown on plans. The requirement may be waived if the site is clearly uplands and applicant submits a signed statement by a New Jersey licensed engineer or land surveyor that:

(a) He has personally visited the subject property and conducted a site investigation as necessary to determine that there are no freshwater wetlands or transition areas on the subject property.

(b) He has examined the subject property on a nation wetlands inventory map.

(c) He has reviewed the soils on the subject property as set fourth in the Gloucester County Soil Survey Map as issued by the United States Department of Agriculture.

(d) He has certified that there are no freshwater wetlands or freshwater wetland transition areas on the subject property.

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RE: MCCLOSKEY MINOR SUBDIVISION

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**LOI should be provided or signed statement, in compliance with the stipulations listed, should be provided on the plans in order to waive the LOI requirement.**

Item #75: Utilities. Preliminary plans and profiles of proposed scale not more than one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically showing connections to existing and proposed utility systems. Include design calculations.

**Waiver requested. No technical objection.**

**Survey and Final Plat Comments:**

1. Horizontal datum must be provided on the plans. NJAC 13:40-5.1(f)3 & NJSA 46:26B-2b(4).
2. The point of beginning for each lot to be created must be shown on the plans. NJAC 13:40-5.1(f)4.
3. The southeastern property corner is not shown as found or set and no corner marker waiver has been provided. NJAC 13:40-5.1(f)6 & 13:40-5.1(d).
4. Vertical datum & benchmark must be provided on the plan. NJAC 13:40-5.1(n).
5. Coordinate values missing from the required minimum of three corners. NJSA 46:26B-2b(8).
6. Surveyor's certification does not match the required language. NJSA 46:26B-2b(12).
7. If corners are to be set at a later date then the Municipal Clerk's certification must be provided. NJSA 46:26B-2b(13)(c).
8. Municipal Engineer's certification does not match the required language and is labeled for the Planning Board Engineer to sign. NJSA 46:26B-2b(14).
9. The plan must note that "By the filing of this subdivision in accordance with the provisions of "the map filing law," reasonable survey access to the monuments is granted, which shall not restrict in any way the use of the property by the landowner." NJSA 46:26B-3b(8).
10. The new corner between proposed lot 14.03 & remainder lot 14.02 is shown as a "Rebar to be set." For minor subdivisions a monument is required at each new intersection with the right of way line of any side of an existing street. NJSA 46:26B-3b(10).
11. Schedule B of the Title Report lists an Easement contained in DB 1225 PG 1162, this easement is not shown on the plan. This easement must be shown on the plan. NJSA 46:26B-2b(7).

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**General Comments/Concerns:**

1. The Applicant should comply with all the comments of the Board Planner's review.
2. Franklinville is misspelled on the roadway label.

**Miscellaneous:**

1. The following agency approvals are required for this application:
  - a. Gloucester County Planning Board.
  - b. Gloucester County Health Department (well and septic systems.
  - c. Any and all agencies having jurisdiction.

The above items must be addressed prior to the completeness hearing.

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.  
Candace Kanaplue, PP, AICP  
William J. Robins, PLS, Applicants Surveyor  
Gary McCloskey, Owner/Applicant