

**\*RESOLUTION NO. 2014-12**

**RESOLUTION OF THE ELK TOWNSHIP PLANNING BOARD GRANTING MINOR  
SUBDIVISION, LOT LINE ADJUSTMENT AND VARIANCES FOR LANDS  
IDENTIFIED AS BLOCK 18 LOTS 31 AND 28 COMMONLY KNOWN AS  
1011 AND 1049 WHIG LANE**

**WHEREAS**, Myra and Kenneth Toms with address of 1011 Whig Lane are the owners of lands identified as Block 18 Lot 31 and have made application for Minor Subdivision to permit a lot line adjustment between their land and the land of their neighbor, George Lucas; and

**WHEREAS**, Mr. George Lucas with address of 1049 Whig Lane Road is the owner of lands identified as Block 18 Lot 28 and has consented to this application; and

**WHEREAS**, the lots contain pre-existing nonconformities which are in part being exacerbated by the reduction in lot size and as a result require variances; and

**WHEREAS**, Mr. and Mrs. Toms are represented by John A. Moustakas, Esq of the law firm Donnelly Ritigstein, 132 Kings Highway East Suit 105 Haddonfield, NJ 08033; and

**WHEREAS**, the Applicant has submitted the following for review by the Board and its professionals:

1. Land Development Application for Minor Subdivision (received by Elk Twp July 28, 2014), Power of Attorney to John Moustakas, Letter to the Board from John Moustakas dated July 28, 2014, Certification of Real Estate Taxes Paid, Escrow Agreement, Affidavit of Applicant and Ownership, Disclosure Statement, certified list of property owners within 200 feet.
2. Subdivision application to the Gloucester County Planning Board for Block 18, lots 28 and 31.
3. Land Development Checklist partially completed, dated July 28, 2014.
4. Proposed Minor Subdivision Plan for Lucas Greenhouses, prepared by Guy M DeFabrites, PLS, PP of Fralinger Engineering dated February 10, 2014.
5. Correspondence from George Lucas, adjacent property owner dated August 20, 2014
6. App-1 5 photographs

7. Recorded easements and restrictions
8. Current deed for the property
9. Copy of the tax map
10. Report of the Board Planner, Leah Furey Bruder, PP, dated August 7, 2014 and report of the Board Engineer, James A. Spratt, PE dated August 14, 2014.

**WHEREAS**, the Applicant has been granted submission waivers by the Board and has been deemed complete; and

**WHEREAS**, the Board has received the report of its Professional Planner, Mrs. Leah Furey Bruder, PP, AICP dated August 7, 2014 and the report of its Professional Engineer, Mr. James Spratt, PE dated August 14, 2014 attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth herein; and

**WHEREAS**, The Applicant has produced proof of proper notice to the public and the Board having jurisdiction to proceed has met at public hearing on August 20, 2014 to consider the evidence presented; 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 subject property consists of 11.753 acres and is situate north side of Whig Lane. It is currently improved with a single family residential dwelling, two sheds, a 13,403 square foot workshop building, a 392 square foot office building, and nursery stock container fields.

2. In addition to the residential use of the property, the Applicant operates a seasonal Christmas wreath and evergreen garland business at the front of the property (south side) and leases the container fields on the northern portion of the property to Lucas Greenhouses.

3. The property is located within the RE Rural Environmental Residential District and is surrounded in all directions by other properties in the same zoning district. The property to the west contains Lucas Greenhouses and the other surrounding uses are generally residential and agricultural in nature. The RE zone (section 96-71) permits agricultural uses, single family dwellings, public parks and playgrounds, along with a number of conditional uses. The evergreen garland business on the subject site is non-conforming and was granted certification of non-conforming use in January 2013.

4. The proposal is to subdivide lot 31 so that 9.224 acres (the container fields) may be conveyed to the adjacent property owner and consolidated with adjacent lot 28. The Applicant proposes to retain the remainder lot (2.524 acres). The Applicant indicates that none of the existing structures or uses of the land will be altered as a result of the proposed subdivision. The subdivision will allow the container fields to be consolidated with the agricultural/greenhouse

use on adjacent lot 28.

5. The Adjacent property owner has consented to this proposal and the acquisition of the additional lands to be consolidated with his holdings.

6. The Applicant shall revise the plan to depict the locations of existing wells and septic systems and the distances between them. A well location is denoted on the new Lot 31, but no septic systems or other well locations are noted on the plan.

7. Six variances were required by this lot reconfiguration. Three of the variances represent pre-existing nonconforming conditions which are not exacerbated by the new lot configuration. They are the deviations from the standards for front yard setback, impervious coverage limitations (for lot 28) and building coverage limitations. The other three areas of noncompliance are created by the lot line change. The deviations requested at the time of the public hearing are set forth below.

<b>Ordinance Section</b>	<b>Required</b>	<b>Proposed lot 28</b>	<b>Proposed lot 31</b>	<b>Compliance</b>
96-71D(3) Front Yard Setback	50 feet	50 feet	41.38 feet to existing house	<b>Variance condition</b>
96-71D(4) Rear Yard Setback	40 feet	0 feet, but adjacent lot commonly owned	29.73 feet to metal building	<b>Variance for lot 31</b>
96-71D(7) Lot Depth	200 Feet	1,191 feet	102 feet	<b>Variance for lot 31</b>
96-71D(11) Maximum Building Coverage	15%	35% (42% existing)	13.7%	<b>Variance for lot 28</b>
96-71D(12) Maximum Lot Coverage	20%	47% (52% existing)	37.5%	<b>Variance for lots 28 and 31</b>

Since that time the County has reviewed the application and adjusted the required right of way required. The front yard setback for lot 31 has been expanded to 56.64 feet which will comply with the municipal requirements. The lot depth for lot 31 has been increased to 115.09. A variance is still required. The maximum building coverage for lot 31 has been calculated at 13% and the maximum lot coverage is not 36.1%.

8. Mr. Lucas appeared and testified that his container fields do not constitute impervious coverage. The containers are placed on plastic which is removable and is laid down for weed control. The Board finds that the proposed subdivision and addition of lands to lot 28 actually reduces the non conformities of lot 28 as to impervious coverage and building coverage. The subdivision however creates a need for a variance for the amount of impervious coverage for lot 31.

9. Mr. Lucas testified that the line was drawn in order to obtain ownership of two small sheds which are currently utilized by his business. This creates a rear yard setback of only 29.73 feet as opposed to the 40 feet required. The Board Planner reviewed this matter and testified that in her opinion there was not substantial detriment to the public welfare.

10. The Applicant presented testimony regarding the parking requirements for its business, Evergreen Roping. In 2013 the Applicant indicated that there are 30 to 50 employees during the operating season. Though many may arrive via bus or carpool, there are a number of cars to be accommodated, along with trucks for deliveries. Mr. Lucas testified that in the fall when Evergreen roping is in full operation, the two lots share parking. If the need arises any overflow parking may occur on lot 28. He also testified that this occurs at a time when his season has slowed down. When his operation is operating at capacity he will have 40-50 workers in the greenhouse. If the need arises, the agreement allows his workers to park on lot 31.

11. As a condition of this approval this shared parking agreement shall be reduced to a written easement and shall be recorded upon the land records. It shall be a perpetual easement and shall run with the land. The area of shared parking shall be described by legal metes and bounds and shall be incorporated in the easement document. The proposed easement shall be submitted to the Board Engineer and solicitor for review and approval prior to recordation. A recorded copy of the easement must be submitted to the Planning Board prior to the release of the subdivision deeds to the Applicant by the Board.

12. The Applicant testified that the basin, swale and stone riprap that straddle the proposed property line shall remain unaffected and there shall be no impediment to the surface flow of water into the basin and the swales. As a condition of this approval there must be a recorded agreement affecting both lots that any increase in water flow must be accepted into the basin and the swale if the evergreen site is expanded or produces additional surface storm flow in the future.

13. The meeting was opened to the public. The owners of adjacent lot number 32 testified of their concerns regarding the location of the retention pond. It is adjacent to their lot line. They were concerned that this change not affect the amount of storm flow into the basin. The Board Engineer and Planner explained that no additional impervious coverage would be added by this approval and only the lot line was being changed. The owners also expressed a concern regarding whether any additional structures would be erected. Mr. Lucas testified that no additional structures were being erected at this time and he acknowledged that this approval did not give him a permit for any additional structures. The owners of the adjacent lot testified that they have had no problems with the current parking on site. They would prefer not to relocate the parking more adjacent to their line. They are concerned about an increase in dust or trash accumulation.

14. The Board Planner testified that she had reviewed the Evergreen roping approval granted in 2013 and has determined that this lot reduction will not affect the conditions of the prior approval or the operation of the site.

15. David Theil rose to address the Board and also inquired about any increase in impervious coverage.

16. The Board found that while the deviations from the Ordinance requirements were significant, they were not inconsistent with many of the other already developed lots in this neighborhood or such that the lot could not be used as zoned. Further the Board found that the line adjustment would actually relieve some of the deviations currently exhibited by Lot 31. The Board found that a grant of this variance could occur without the creation of a substantial detriment to the public good or the zone plan for this area. The Board found that on balance the benefit of consolidating the farming parcel outweighed any detriment created by the grant of the variance and granted the bulk variances requested.

17. The Applicant shall revise the plan to correct the name of the roadway to “Whig Lane” and to revise the title block of the plan to include the block and lot numbers of the subject properties.

18. The signature blocks for the Board Chairman and Secretary on the plan shall be revised to indicate Planning Board where they presently denote “Zoning Board” and the signature block for the Engineer shall be revised to indicate Township/Planning Board Engineer where it presently denotes “Township Engineer.”

19. Closure calculations for both lots must be submitted.

20. The Applicant must provide documentation of approval by the Gloucester County Planning Board or of a waiver from that approval prior to plan certification by the Board officials.

21. The Applicant will submit signed plans signed by all of the interested parties.

22. The Applicant shall pay all outstanding application, escrow and review fees associated with the subdivision application to the Township within 7 days of notice of same.

23. 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. 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. 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 August 20, 2014, and memorialized by Resolution No. (Insert number) dated (Insert date).”

24. The Applicant must receive the approval of the Gloucester County Planning Board and all interested state, county and municipal agencies, and said approvals must be final and non-appealable and proof of same must be provided to the Planning Board prior to the signature of the deeds perfecting this minor subdivision.

25. The Applicant is advised that approval of a minor subdivision would expire 190 days from the date on which the resolution of approval is adopted unless the subdivision is filed and perfected with the County recording officer.

26. The Applicant is advised that all real estate taxes must be paid current prior to the release of the subdivision deeds to the parties.

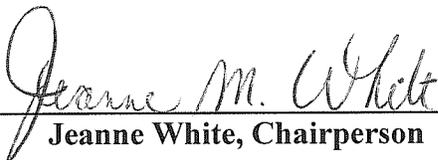
**NOW, THEREFORE**, be it resolved by the Planning Board of the Township of Elk that the application for minor subdivision (lot line adjustment) between Block 18 Lot 31 and the consolidation of the subdivided parcel with Block 18 Lot 28 and variances pursuant to NJSA 40:55D-7-( c) (1) is **GRANTED** subject to the conditions outlined above.

*Voting in favor: Matt Afflerbach, Jay Hughes, Dave McCreery, Patrick Spring, Jeanne White, Frank Goss, James Rambo*

**ATTEST**

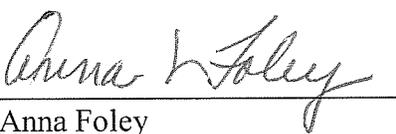
By:   
Anna Foley, Secretary

**ELK TOWNSHIP PLANNING BOARD**

By:   
Jeanne White, Chairperson

**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 17th day of September, 2014, memorializing its decision of August 20, 2014.

  
Anna Foley



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

August 7, 2014

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

Attn: Anna Foley, Board Secretary

Re: Myra and Kenneth Toms  
Block 18, Lot 31  
1011 Whig Lane Road  
Minor Subdivision; RE Rural Environmental Residential District  
Elk Township Application SD-14-04  
Bach Associates Proj. # ET2014-4

Dear Chairwoman and Members of the Board:

We have reviewed the application and supporting documents submitted by Myra and Kenneth Toms for a minor subdivision of Block 18 Lot 31 on the north side of Whig Lane Road. The subject property consists of 11.753 acres and contains a single family residential dwelling, two sheds, a 13,403 square foot workshop building, a 392 square foot office building, and nursery stock container fields. In addition to the residential use of the property, the applicant operates a seasonal Christmas wreath and evergreen garland business at the front of the property (south side) and leases the container fields on the northern portion of the property to Lucas Greenhouses. The proposal is to subdivide lot 31 so that 9.224 acres (the container fields) may be conveyed to the adjacent property owner and consolidated with adjacent lot 28. The applicant proposes to retain the remainder lot (2.524 acres). The proposed subdivision requires variances as outlined below.

The property is located within the RE Rural Environmental Residential District and is surrounded in all directions by other properties in the same zoning district. The property to the west contains Lucas Greenhouses and the other surrounding uses are generally residential and agricultural in nature. The RE zone (section 96-71) permits agricultural uses, single family dwellings, public parks and playgrounds, along with a number of conditional uses. The evergreen garland business on the subject site is non-conforming and was granted certification of non-conforming use in January 2013.

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

1. Land Development Application for Minor Subdivision (received by Elk Twp July 28, 2014), Power of Attorney to John Moustakas, Letter to the Board from John Moustakas dated July 28, 2014, Certification of Real Estate Taxes Paid, Escrow Agreement, Affidavit of Applicant and Ownership, Disclosure Statement, certified list of property owners within 200 feet.
2. Subdivision application to the Gloucester County Planning Board for Block 18, lots 28 and 31.

3. Land Development Checklist partially completed, dated July 28, 2014.
4. Proposed Minor Subdivision Plan for Lucas Greenhouses, prepared by Guy M DeFabrites, PLS, PP of Fralinger Engineering dated February 10, 2014.

### **Completeness**

**The application is presently incomplete.** Due to the nature of the minor subdivision, the applicant has requested a number of waivers. Most of the waivers are recommended. The applicant should provide a response to items 36, 38, and 73 prior to the hearing. Once the applicant either provides these items or submits a letter requesting waivers along with justification for same, 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.

- **#19** requires that the new lot number be submitted and approved by the tax assessor. *The applicant must confirm that the proposed lot numbers are acceptable. This may be provided as a condition of approval.*
- **#25** requires that plans be prepared at a minimum scale of 1"=50'. *The applicant has provided a plan at 1"=120' so that the entirety of both lots may be shown on one plan sheet. This is acceptable from a planning standpoint. We defer to the Board's engineer for further recommendation.*
- **#33** requires the applicant to include a statement and demonstration of compliance with affordable housing requirements. *The applicant requests a waiver from this requirement, since the proposed minor subdivision does not include improvements of any kind. Due to the nature of this application, we recommend the waiver.*
- **#36** requires that the applicant provide a copy of any protective covenants, easements, or restrictions of record and the title policy. *The applicant should indicate whether there are any protective covenants, easements or restrictions of record and provide a copy of the title policy.*
- **#38** requires photographs of the site taken from the opposite side of the street and any other vantage point that would be instructive. *The applicant should submit photos or bring them to the hearing.*
- **#43** requires the existing and proposed use of all buildings and structures including bridges, culverts, paving, lighting, signs, and grade elevations for each structure. *The applicant requests a waiver, as no changes to existing conditions are proposed. The waiver is recommended from a planning standpoint. We defer to the Board's engineer for further recommendation.*
- **#50** requires a Tree Protection Management Plan and limits of clearing. *The applicant requests a waiver from this requirement because no alterations to the site or tree removal are proposed. We recommend this waiver due to the nature of the application.*

- **#55** requires the applicant to provide contours on the plan. *The applicant requests a waiver due to the nature of this application. We recommend the waiver, as no improvements are proposed.*
- **#57** requires a grading plan showing existing and proposed spot elevations and in accordance with section 96-66M. *The applicant requests a waiver as no new construction or grading is proposed. A waiver is recommended.*
- **#58** requires a soil erosion and sediment control plan. *The applicant requests a waiver as no new construction or grading is proposed. A waiver is recommended.*
- **#59** requires the applicant to submit the location of soil borings to determine soil suitability. *The applicant requests a waiver as no new construction is proposed. A waiver is recommended.*
- **#67** requires the applicant to submit all the results of the percolation test if the site is served by septic. *The applicant requests a waiver. A waiver is recommended.*
- **#73** requires the applicant to submit an LOI from the NJDEP. *Though no clearing, grading or construction are proposed as part of this application, the applicant should either request a waiver or submit a letter from a qualified professional certifying that there are no wetlands or buffers on the property.*
- **#75** requires the applicant to submit a Utility Plan. *The applicant requests a waiver as no new construction is proposed. We recommend this waiver due to the nature of the application.*

**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. Variances are required as set forth below.

Section	Required	Proposed lot 28	Proposed lot 31	Compliance
96-71D(3) Front Yard Setback	50 feet	50 feet	41.38 feet to existing house	<b>Variance condition</b>
96-71D(4) Rear Yard Setback	40 feet	0 feet, but adjacent lot commonly owned	29.73 feet to metal building	<b>Variance for lot 31</b>
96-71D(7) Lot Depth	200 Feet	1,191 feet	102 feet	<b>Variance for lot 31</b>
96-71D(11) Maximum Building Coverage	15%	35% (42% existing)	13.7%	<b>Variance for lot 28</b>
96-71D(12) Maximum Lot Coverage	20%	47% (52% existing)	37.5%	<b>Variance for lots 28 and 31</b>

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

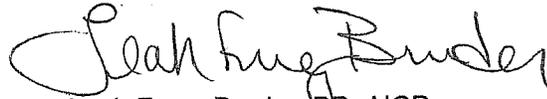
1. **Overall.** The applicant indicates that the purpose of this subdivision is to convey a 9.224 acre portion of lot 31 to the owners of lot 28. The applicant should confirm that if approved, the 9.22 acres will be combined with lot 28 and will not be a separate lot. The applicant indicates that none of the existing structures or uses of the land will be altered as a result of the proposed subdivision. The subdivision will allow the container fields to be consolidated with the agricultural/greenhouse use on adjacent lot 28. Since the consolidation of the subdivided portion of lot 31 with lot 28 is essential to the proposal, it may be appropriate for the owner of lot 28 (Mr. & Mrs. Lucas) to be a co-applicants. We defer to the Board's solicitor on this issue.
2. **Variances.** Though six variances are listed in the table above, three of them (front yard setback, impervious and building cover on lot 28) are existing conditions.
  - a. **Impervious Coverage.** The applicant should confirm that the container fields do not constitute impervious coverage. Assuming that they do not, then the proposed subdivision reduces the non conformities on lot 28 for impervious coverage and building coverage. The subdivision creates an impervious coverage variance for lot 31. It is not clear on the plan which areas of proposed lot 31 are impervious. This should be clarified.
  - b. **Rear Yard Setback.** The applicant should explain the need for the rear yard setback variance. The lot line could be drawn to meet the 40 foot setback requirement.
  - c. **Lot Depth.** The applicant indicates that a lot depth variance is required for proposed lot 31. The depth of the lot at the eastern side of the property is 102 feet. The definition of "lot depth" in section 96-5 is "the mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines". Given this definition the proposed lot depth is greater than 102 feet, though a variance may still be required.
3. **Parking.** The applicant should address parking for Evergreen Roping. In 2013 the applicant indicated that there are 30 to 50 employees during the operating season. Though many may arrive via bus or carpool, there a number of cars to be accommodated, along with trucks for deliveries. The applicant should confirm that following the subdivision, the remaining lot area will be adequate to serve the Evergreen Roping use. The applicant should indicate whether there is an agreement with adjacent lot 28 for parking and loading.
4. **Easements.** In addition to the potential parking and loading easement mentioned above, the applicant should indicate whether a stormwater easement is proposed for the basin, swale and stone riprap that straddle the proposed property line.



5. **Sheds.** The applicant should indicate whether the two sheds on the lot are associated with the container fields or Evergreen Roping, and whether they will be moved.

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  
Stan Bitgood, PE  
Myra & Kenneth Toms  
Guy M DeFabrites, PLS  
John A. Moustakas, Esq  
Lucas Greenhouses





FEDERICI & AKIN, P.A.  
CONSULTING ENGINEERS

Joseph P. Federici, Jr. P.E., P.P.  
President  
Douglas E. Akin, P.L.S., P.P.  
Vice President

307 Greentree Road  
Sewell, New Jersey 08080  
856-589-1400  
Fax 856-582-7976

Bret T. Yates  
Director of Marketing

August 14, 2014  
File No. 14146

Township of Elk  
Planning & Zoning Board  
680 Whig Lane Road  
Monroeville, New Jersey 08343-2826

**RE: Myra J. & Kenneth J. Toms  
Block 18, Lot 31  
1011 Whig Lane Road  
Application for Minor Subdivision Approval  
Review No. 1**

Dear Chairman White and Members of the Board:

We received the following items submitted in support of an application for minor subdivision approval with respect to the above-referenced property.

- |   |                      |
|---|----------------------|
| ◇ Cover letter from John A. Moustakas, Esq. (applicant's attorney)    | Dated July 28, 2014  |
| ◇ Letter from John A. Moustakas, Esq. summarizing the application     | Dated July 28, 2014  |
| ◇ Completed Land Development Application                              | Dated July 28, 2014  |
| ◇ Completed Land Development Checklist                                | Dated July 28, 2014  |
| ◇ Escrow Agreement  | Dated July 28, 2014  |
| ◇ Affidavit of Applicant/Ownership                                    | Dated July 28, 2014  |
| ◇ Disclosure Statement  | Dated July 28, 2014  |
| ◇ Tax Certification   | Dated July 28, 2014  |
| ◇ Power of Attorney agreement   | Dated July 16, 2014  |
| ◇ Copy of Subdivision Application to Gloucester County Planning Board | Dated July 28, 2014  |
| ◇ List of variance and checklist waivers requested                    | July 29, 2014        |
| ◇ Minor Subdivision Survey Plan                                       | Dated March 10, 2014 |

**Introduction**

The subject property fronts on the northerly side of Whig Lane Road (County Route 619) approximately 3,000± feet southwest of its intersection with Elk Road (CR 538). The applicant proposes a lot line adjustment between existing Lots 28 and 31 that would reduce the size of Lot 31 and result in a corresponding increase in the size of Lot 28. The proposed lot line adjustment would not result in any additional lots, if approved. Our comments pertaining to the subdivision application follow below.



**Completeness Review**

1. The application identifies the subject property as Block 18, Lot 31. However, the proposed lot line adjustment also affects Lot 28, which is contiguous to Lot 31. The application should be amended to identify both Lots 28 and 31 as the subject property.
2. Checklist Item 25 specifies the plans shall be prepared at a minimum scale of one inch equals fifty feet. The applicant requests a waiver from this requirement. The applicant's plan submitted was prepared at a scale of one inch equals one hundred, twenty feet (1" = 120') to allow the entire property to be shown on one plan. For the purpose of this application, I would have no objection to the Board granting this waiver.
3. Checklist Item 36 requires copies of any existing protective covenants, easements, and restrictions. The applicant should indicate whether or not there are any such restrictions.
4. Checklist Item 38 requires the submission of photographs of the site, where none were submitted. Photographs should be submitted as required.
5. Checklist Item 41 requires the locations of existing wells and septic systems and the distances between them. A well location is denoted on the new Lot 31, but no septic systems or other well locations are noted on the plan. The plan should be revised to show those facilities.
6. Checklist Item 43 requires grade elevations for each structure. The applicant is requesting a waiver from this requirement. Since no changes to existing conditions are proposed, I have no objection to granting this waiver.
7. The applicant requests a waiver from the Checklist Item 50 requirement of providing a tree protection plan. Since no clearing is proposed, I have no objection to this waiver.
8. Checklist Item 55 elevation contours on the plan. I have no objection to this being waived, since no improvements are proposed.
9. Checklist Item 57 requires a grading plan. As the subdivision entails no construction, I have no objection to this being waived.
10. Checklist Item 58 requires a soil erosion and sediment control plan consistent with the requirements of the soil conservation district. No land disturbance is proposed. Therefore, the Gloucester Soil Conservation District would not require plan certification, and a waiver from this item is recommended.
11. The applicant requests a waiver from Checklist Item 59, which requires soil borings. I have no objection to this waiver being granted.
12. Checklist Item 66 requires commitment from the sewer & water utility. I have no objection to this being waived.
13. Checklist Item 73 requires a freshwater wetlands Letter of Interpretation from the New Jersey Department of Environmental Protection. Inasmuch as no land disturbance is proposed by this application, I would recommend a waiver from this requirement.



**Technical Review**

1. The title block of the plan should be revised to include the block and lot numbers of the subject properties.
2. The signature blocks for the Board Chairman and Secretary should be revised to indicate Planning and Zoning Board where they presently denote "Zoning Board."
3. The signature block for the engineer should be revised to indicate Planning and Zoning Board Engineer where it presently denotes "Township Engineer."
4. The plan indicates the subdivision is to be filed by deed, which is acceptable for minor subdivisions. If the Board grants subdivision approval, legal descriptions of the approved lots should be submitted for review and approval. Closure calculations should also be submitted. The submission of the descriptions and calculations should be a condition of approval, and approval of the descriptions should be a prerequisite to the approved plan being signed by the Board officials. In addition, the deeds should be reviewed and approved by the Board Solicitor.
5. The applicant must provide documentation of approval by the Gloucester County Planning Board or of a waiver from that approval prior to plan certification by the Board officials.
6. The applicant should be advised that approval of a minor subdivision would expire 190 days from the date on which the resolution of approval is adopted unless the subdivision is filed with the County recording officer.

If you have any questions, please contact me at your convenience.

Very truly yours,

**FEDERICI & AKIN, P.A.**

*James A Spratt*

James A. Spratt, P.E., C.M.E.  
Board Engineer

JAS/

E-mail copies:

Joan Adams, Esq.; Board Solicitor  
Anna Foley, Planning/Zoning Secretary  
Leah Furey-Bruder, P.P.; Board Planner  
John A. Moustakas, Esq.; Applicant's Attorney