

**RESOLUTION NO. 2015-12**

**RESOLUTION OF THE ELK TOWNSHIP PLANNING BOARD GRANTING  
AMENDED PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL FOR A  
PROPERTY LOCATED ON DAISY AVENUE KNOWN AS BLOCK 214.01, LOT 29 IN  
THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

**WHEREAS**, Res-NJ One, LLC with a business address of 790 N.W. 107<sup>th</sup> Avenue, Suite 400, Miami, Florida 33172 has applied to the Planning Board of the Township of Elk for amended preliminary and final major subdivision approval for a property located on Daisy Avenue known as Block 214.01, Lot 29 on the official tax map for the Township of Elk for the purpose of subdividing said property to create sixteen (16) lots, fifteen (15) single family lots, and one (1) lot for storm water management with certain waivers and variances requested; and

**WHEREAS**, the owner of said property is the same as the Applicant; and

**WHEREAS**, the Applicant was represented at the public hearing on this matter by Alan H. Ettenson, Esquire of the law firm of Taenzer, Ettenson, Stockton & Aberant, P.C., with a business address of Post Office Box 237, 123 North Church Street, Moorestown, New Jersey 08057; and

**WHEREAS**, the Applicant has submitted to the Board and its professionals certain documents and plans which have been relied upon by the Board and its professionals which consist of the following:

- A. Land Development Application for Amended Preliminary and Final Major Subdivisions (received by the Board on November 7, 2014) from Long Engineering and Land Survey, Inc. dated October 30, 2014 together with a Certification of Real Estate Taxes Paid; Escrow Agreement; Affidavit of Applicant and Ownership; Disclosure Statement; and a certified list of property owners within 200 feet for Elk Township.
- B. Amended Plan of Preliminary and Final Major Subdivision consisting of fifteen (15) sheets dated October 29, 2014 and revised February 10, 2015, prepared by Long Engineering and Land Surveying, Inc.
- C. Chemical Analysis of Soil prepared by South Jersey Engineers and dated October 30, 2014.
- D. Drainage Calculations prepared by Long Engineering & Land Surveying, Inc. dated October 31, 2014.
- E. Environmental Impact Statement for Block 214.01, Lot 29, prepared by Russell C. Shiveler, Jr., PE, dated December 15, 2009.

- F. Elk Township Planning Board Resolution 2010-14.
- G. Drainage Calculations prepared by Long Engineering & Surveying, Inc. dated February 10, 2015.
- H. Infiltration Basin Maintenance Manual prepared by Long Engineering & Surveying dated February 10, 2015
- I. Legal descriptions of proposed lots on proposed Alminda Court prepared from Long Engineering & Surveying.
- J. A letter from Edward J. Johnson, Chief County Fire Marshall for the County of Gloucester dated January 23, 2015
- K. A title report issued by First American Title Insurance Company for the Daisy Avenue property.
- L. A letter dated November 17, 2014 from Chief Charles DeFalco, Elk Township Police Department.

**WHEREAS**, the Applicant has been granted submission waivers by the Board and has been deemed complete following a completion review hearing which was heard on March 18, 2015; and

**WHEREAS**, the Board has received the report from its Professional Planner, Ms. Leah Furey Bruder, PP, AICP of the firm of Bach Associates, PC, dated March 10, 2015 and the Applicant's representatives have testified as to their agreement with comments as set forth in said report which are incorporated herein by reference as if fully set forth herein;

**WHEREAS**, the Board has received the report from its Professional Engineers, Stan M. Bitgood, PE, CME of Federici & Akin, PA, dated March 12, 2015 and any supplemental reports hereto which are incorporated herein by reference, and the Applicant's representatives have testified as to their agreement with the comments set forth in said reports;

**WHEREAS**, after carefully considering the evidence presented by the Applicant in support of her application, at public meeting that was held on March 18, 2015 which was open to the public for comments, the Board has made the following findings of fact, and conclusions:

1. The subject property fronts on the north easterly side of Daisy Avenue northwest of its intersection with Webster Drive. The subject property consists of 11.98 acres and is located in the Moderate Density Residential District (MD). The site is vacant land. The Applicant proposes to subdivide said property to create a total of sixteen (16) lots, fifteen (15) for single family homes and one (1) lot to be utilized as a storm water basin lot. The Applicant proposes a cul-de-sac design and is intended to have site improvements constructed which will run throughout the development to its intersection with Daisy Avenue.

2. The application had three (3) individuals testifying on behalf of its application - Jay Polin, Asset Manager and representative of the Owner and Wade Marlin of Long Engineering.

3. The application requested the following waivers and variances:

<b>Section</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
96-68A Public Waste Water System	Required for major subdivision	Not proposed	<b>Variance Required</b>
96-47.1(2)(a)[1] Agricultural Buffers	100 ft	Compliance except when triggered by a condition (see conditions of approval listed below) wherein westerly side buffer shall be reduced to 50 ft on proposed Lots 29.16 and 29.01	<b>Variance Required</b>

4. The Applicant has demonstrated through testimony the hardship for the compliance with public waste water systems since the Township of Elk does not have a public waste water system.

5. The Applicant’s representative testified that the intention of the developer is to construct two (2) story and ranch style homes.

6. The Applicant’s representative testified that there is no proposed development sign and none is proposed for the future.

7. The Applicant’s representative testified and acknowledged that there is a need for snow discharge at the end of the cul-de-sac. The Applicant’s representative testified that they would work with the Board Planner to arrange basin landscaping plantings in such a manner so as to permit the discharge of snow at the end of the cul-de sac so that there was appropriate spacing to permit the discharge of snow without an adverse impact upon landscaping plantings or the ability to discharge snow.

8. The Applicant’s representative acknowledged during testimony that the Township has an Agricultural Buffer Ordinance requiring a 100 ft. between major subdivisions and qualified farms. The yard set backs are in addition to the agricultural buffer area. Adjacent to the westerly side of the development is a farm located at Block 174, Lot 1 owned by Silvergate Associates. This is an active farm. The Applicant, has part of its variance application, agreed to the 100 ft. agricultural setback which would impact Lots 29.01 and 29. 16. However, said buffer will be reduced to a 50

ft. buffer with the triggering event being when the active farm on Block 174, Lot 1 no longer is farm assessed.

9. The Applicant's representative testified as to its agreement to provide homeowner association documents and declarations of covenants, restrictions and easements to the Board Solicitor for review and approval not later than the date of the filing of the plat.

10. The Applicant's representative testified as to the Applicant's agreement with maintaining the naturally wooded area which runs along the rear of the properties. The Applicant further testified as to its agreement with engaging in tree protection for trees of a significant caliper as agreed to by the Board Planner in the field. The Applicant further agreed to the planting of street trees as set forth in the comments of both the Board Planner and Engineer reports.

11. The Applicant's representative testified as to the Applicant's agreement with the comments of the Board Planner as to the location of standard landscaping beds for each of the lots upon which homes are constructed. A schedule will be included on the amended plans submitted for approval indicating a standard location of planting beds as well as a standard range of plant materials to be placed in these planting beds. This plan shall also set forth the location of street trees and their location for planting, as well as proposed basin plant materials, number and location.

12. The Applicant's representative testified as to their agreement to place within the homeowners association documents the location of a standard range of planting beds as well as materials. Said homeowners association documents shall also contain a convenient and restriction prohibiting the homeowner from cutting down or removing the natural tree lines once they are established for each lot (except for needed maintenance of trees which may become diseased, injured or die).

**WHEREAS**, the Planning Board, after carefully considering the evidence presented in support of the application and after the meeting was open to the public, has come to the following conclusions:

1. The application was deemed complete by the Board on March 18, 2015.
2. The Applicant has satisfied all the requirements imposed upon it by the Planning Board and/or in accordance with the Ordinance except for any conditions that may be herein contained.
3. It is understood and concluded that the Board has given approval to the Applicant's plans as submitted and presented at the March 18, 2015 hearing, but with the required additional submissions and modifications thereto which the Applicant has agreed to supply in accordance with its representations at the hearing on this application, and by further agreement to the comments set forth in the Board Professional Planner and Engineer's reports.
4. The Applicant's request for variances and submission waivers as heretofore described can be granted without substantial detriment to the Zoning Plan and Ordinance of the Township of Elk. The Applicant has submitted sufficient testimony with regard to the basis for the variance requested for connection to sanitary sewer (since there is no sanitary sewer to connect to

in the Township of Elk), and with regard to the variance requested for the agricultural buffer based upon a condition agreed to by the Applicant as set forth below.

**NOW, THEREFORE,** be it resolved by the Planning Board of the Township of Elk on this 15<sup>th</sup> day of April, 2015, that this Board hereby GRANTS to the Applicant amended preliminary and final major site plan approval for its property located on Daisy Avenue known as Block 214.01, Lot 29 on the official tax map of the Township of Elk for the purposes of subdividing said property into sixteen (16) lots, fifteen (15) lots for single family homes and one (1) storm water management basin lot together with related site improvements, in accordance with the plans and specifications submitted by the Applicant (and any addition and amendments thereto agreed to by the Applicant at the hearing and is contained in the Board's Professional Planner and Engineer reports), subject to the following conditions:

1. Subject to any and all other approvals or permits including Gloucester County Planning Board, Gloucester County Soil Conservation District, Elk Township Fire Official, Gloucester County Department of Health, Senior and Disability Services (well and septic systems, documentation of said wells and individual subsurface disposal systems may be submitted on a per lot basis), and any and all other approvals as may be required by law, by other governmental agencies, and by the Township Planning and Planning Board in general.
2. Subject to a condition that a construction permit must first be issued prior to any construction at the proposed development. Approval of this amended preliminary and final major subdivision application does not guarantee the issuance of a construction permit to the Applicant or its successors in interest. No construction permit shall be issued to the Applicant or its successors in interest until all fees charged by the Planning Board and all escrow for the professional review of this application have been paid in full.
3. Subject to the condition that a Certificate of Occupancy must first be issued prior to any occupancy of any portion of the proposed construction. Approval by the Planning Board does not guarantee the issuance of a Certificate of Occupancy to the applicant or its successors in interest. A Certificate of Occupancy cannot be issued until all costs assessed by the Planning Board and all escrows for the professional review of this application have been paid in full.
4. Subject to the condition that all reviews fees must be paid by the Applicant prior to endorsement of the plans for construction by Township Officials.
5. Subject to the condition that documentation of all outside agency approvals must be provided prior to certification of the plans for construction by Township Officials except as noted in the review reports of the Board Professionals.

6. Subject to performance guaranties and inspection fees being posted with the Township for all required site improvements. A Construction Cost Estimate must be first prepared and submitted by the design engineer for review by the Township Engineer to be used to determine guaranty amounts. The form of Bond must be submitted to the Township Solicitor for final review. Five (5%) percent based upon the approved Bond is to be placed in escrow for inspection services.
7. Subject to the Applicant filing a plat with the County of Gloucester in conformity with the approved plans and in accordance with New Jersey Map Filing Law. Said plat must be submitted to the County of Gloucester, the Municipal Engineer, and the Tax Assessor.
8. Subject to the comments contained in a report dated March 10, 2015, of the Board Planner Leah Furey Bruder, PP, AICP of Bach Associates.
9. Subject to the comments contained in a report dated March 12, 2015, of the Board Engineer Stan M. Bitgood, PE, CME of Federici & Akin.
10. Subject to the Applicant, upon completion of construction, posting a maintenance guaranty in accordance with N.J.S.A. 40:55D-53.a(2). The form of the guaranty must be approved by the Township Solicitor.
11. Subject to the condition that the plans must be certified by the appropriate public officials including, but not limited to, the Chairman and Secretary of the Planning Board prior to commencing any construction. Such certifications are a prerequisite to obtaining zoning and building permits.
12. Prior to any final plans being signed by the Planning Board Chair, Secretary and other officials, the Applicant's engineer shall certify, utilizing language similar to the following, that any and all other approvals 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."
13. Conditioned upon the Applicant submitting to the Board Solicitor for review and approval homeowners' association documents and declarations of covenants, restrictions and easements prior to the filing of the plat for this development. Said homeowners association documents shall contain a notice to homeowners of the standard planting beds, their location and a range of plant materials. Said homeowners association documents shall also contain a provision prohibiting the homeowner from cutting or removing trees and other plant materials from the natural tree line that will be established on each of the building lots (the location of which will be established in cooperation with the Board Planner) and that trees should not be cut or removed from this area unless diseased, injured or dying.

14. Subject to the condition that the Applicant will maintain the 100 ft. buffer between this major subdivision and the adjacent qualified farm to the westerly side of the development owned by Silvergate Associates. However, the buffer may be reduced to 50 ft. with the triggering event being date on which the active farm on Block 174, Lot 1 is no longer farm assessed.

**BE IT FURTHER RESOLVED**, that this Resolution will be published within ten (10) days of the date of the adoption of this resolution in the South Jersey Times, which is the designated as the official newspapers of publication of the Township of Elk Planning Board.

**ROLL CALL VOTE**

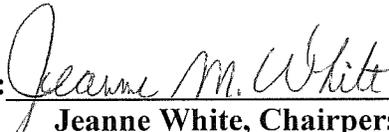
THOSE IN FAVOR:           7  
THOSE OPPOSED:           1  
THOSE ABSTAINING:       0

Adopted at a regular meeting of the Planning Board of the Township of Elk held on March 18, 2015.

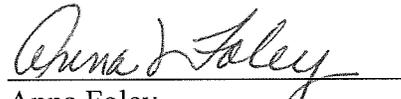
**ATTEST**

**ELK TOWNSHIP PLANNING BOARD**

By:   
Anna Foley, Secretary

By:   
Jeanne White, Chairperson

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<sup>th</sup> day of April 2015.

  
Anna Foley

March 10, 2015

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

Attn: Anna Foley, Secretary

Re: Res-NJ One LLC  
Amended Preliminary Major Subdivision and Final Subdivision  
Block 214.01, Lot 29  
Daisy Avenue  
MD Moderate Density Residential District  
Elk Township SD-08-16, Amended  
Bach Associates Proj. # ET2014-8

Dear Chairwoman and Members of the Board:

We have received the application for amended preliminary and final major subdivision at the above referenced site. A similar preliminary major subdivision application, filed by a different applicant, was approved for this site in 2010. The protection period for the 2010 preliminary approval has expired, because the site is not covered by the Permit Extension Act. The approval is not covered by the Permit Extension Act because the site is within Planning Area 5 (the Environmentally Sensitive Planning Area) on the 2001 State Plan Map, which areas were specifically excluded from the Permit Extension Act. It is our understanding that the applicant essentially seeks to renew the preliminary approval and also to obtain final subdivision approval. We received a response letter and revised plans on March 5, 2015. This completeness and planning review letter should supersede our January 2, 2015 letter.

**Application History**

A preliminary subdivision application for this site was approved in 2010 after an extensive review process. The "amended" preliminary subdivision plan appears to be substantially similar to the previously approved plan. The former applicant (Elk Land & Development Corporation) first appeared at the December 17, 2008 meeting of the Land Use Board and was deemed incomplete in accordance with resolution 2009-09. After submitting additional information requested by the Board and the Environmental Commission, the application was deemed technically complete on July 17, 2009. The hearing on the application commenced on August 19, 2009 and after a presentation by the applicant, discussion among the board, and public comment; the application was carried to the October 21, 2009 meeting. The application continued at the October 21, 2009 hearing as described in the meeting minutes. The application was again carried so the applicant could supply the information requested the by the Board and its professionals, which would assist the Board in making a fully informed decision. The applicant submitted additional information on December 4, 2009 and submitted a revised Environmental Impact Statement on December 16, 2009. The applicant again appeared before the Land Use Board on December 16, 2009, but, the application was again carried. On January 6, 2010 the applicant submitted additional information in preparation for the January 20, 2010 hearing. On that date, the preliminary major subdivision application was conditionally approved.

Following the approval and the adoption of the resolution, conformance plans were not submitted for review. Since more than 4 years have passed since the application received preliminary approval and since revised plans were not provided for resolution conformance review, and since the site is within Planning Area 5 on the State Plan Policy Map, a new application was required for the preliminary subdivision.

Although the current application is essentially the same as the plan that was conditionally approved in 2010, it is considered a new subdivision application because of the time that has lapsed. We have utilized our prior review letters and Resolution #2010-14 as a basis for our review of the resubmitted application and plans.

### **Overview of Proposal**

The applicant proposes to subdivide the 11.98 acre property to create 16 lots, 15 for single family homes on 25,000+ square foot lots, and one 90,878 square foot lot for stormwater management, along a cul-de-sac street. The application originally provided that the overall tract (lot 29) was 11.5 acres, but the applicant now proposes to consolidate the "hiatus area" with lot 29, so the tract will be 11.98 acres. The proposed development will utilize a cul-de-sac design, and will extend improvements along the Daisy Avenue right-of-way. The property is located on the northeast side of Daisy Avenue within the MD moderate density residential zoning district and is currently vacant and almost completely wooded. The property is surrounded to the north, south and east by other properties also in the MD zoning district. Properties to the west are located in the C-2 highway commercial zone (the regional commercial portion of the Silvergate PUD).

### **Submission Items**

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

1. Land Development Application SD-08-16 Amended and supporting documents, dated November 11, 2014
2. Amended Plan of Preliminary and Final Major Subdivision consisting of 15 sheets dated October 29, 2014 and revised through February 10, 2015 and prepared by Long Engineering & Land Surveying, Inc
3. Chemical Analysis of Soil prepared by South Jersey Engineers and dated October 30, 2014.
4. Drainage Calculations prepared by Long Engineering & Land Surveying, Inc. dated October 31, 2014.
5. Environmental Impact Statement for Block 214.01, lot 29, prepared by Russell C. Shiveler, Jr. PE, dated December 15, 2009.
6. Elk Township Planning Board Resolution 2010-14
7. Drainage Calculations for Block 214.01 Lot 29 prepared by Long Engineering & Surveying and dated February 10, 2015.

8. Infiltration Basin Maintenance Manual prepared by Long Engineering & Surveying and dated February 10, 2015.
9. Legal Descriptions of proposed lots on proposed Alminda Court prepared by Long Engineering and Surveying.

### **Completeness**

The applicant has not submitted the land development checklist. Following our January 2<sup>nd</sup> completeness review, the applicant submitted additional information. **The application is presently incomplete, but is ready for completeness consideration by the Planning Board. The outstanding items are listed below.**

- **#8** requires copies of applications to and certification of approvals from all outside agencies with jurisdiction. *The applicant should provide the status of all outside agency approvals.*
- **#23** requires a phasing and construction schedule. *The applicant should indicate whether the project will be completed in phases, and provide an anticipated schedule for clearing, site improvements, and construction. For a development of this size, this information may be provided at the hearing.*
- **#36** requires copies of protective covenants, easements and restrictions of record, and a current Title Policy. *A copy of the title policy was submitted for review by the Board's solicitor. A copy of the corrective deed making the hiatus area part of the lot should also be provided.*
- **#37** requires drafts of proposed protective covenants, deed restrictions or easements for review. *These include the agricultural buffer easement/restriction, the temporary restriction on lot 29.16, deed restriction against clearing the wooded areas at the rear of residential lots indicated on the plan, conservation easement and restriction on the buffer area at the rear of the basin lot (lot 29.08), point of sale disclosure regarding proximity to Route 55, point of sale disclosure regarding school bus pick up (#17 in resolution 2010-14). The legal descriptions provided include descriptions of the street tree easement, "residential buffer" easement, Agricultural buffer easement, and site triangle easements conservation easement on the basin lot. The deed language should also be submitted as a condition of approval.*
- **#38** requires photographs of the site. *It is recommended that new photos be submitted with notes as to the location taken. Several of the current planning board members were not on the Board in 2009 when the application was previously heard. In this case an aerial photo for presentation at the hearing may be more useful than photos of the site. This may be provided at the hearing.*
- **#65** requires that preliminary plans and profiles of utilities be provided. *The applicant*

*agrees that all utilities will be underground and requests a waiver since the locations for gas, electric and cable lines are typically determined by the utility companies. We defer to the Board's engineer to recommend for or against this waiver.*

- **#68** requires Floor Plan and front elevation of all proposed principal buildings, and any elevations in public view. *It is recommended that the applicant provide architectural elevations showing the type of homes anticipated to be constructed. If the applicant has not yet engaged an architect, representative elevations may be provided and the applicant may provide testimony as to the anticipated size and style of the homes.*
- **#84** requires a list of all items not installed or completed to be covered by a performance guarantee, with quantities and costs. *This may be provided for review by the Board's engineer as a condition of final approval.*

#### **MD Zoning District**

The site is located in the MD- moderate density residential zone. In accordance with section 96-68, the intent of this zone is to provide an appropriate area adjacent to a major arterial highway and within the sewer service area for the highest densities in the municipality and planned unit-type developments. All new development resulting from a site plan, a major subdivision, or a planned development is required to utilize a public wastewater system. The site is within Planning Area 5 (environmentally sensitive) on the 2001 State Plan Policy Map. The applicant does not propose to connect the development to a public wastewater system. The current unavailability of the public wastewater system was addressed by the prior applicant in testimony, and this situation has not changed since 2010.

#### **Variances**

The following variance is required and was previously granted for the proposed subdivision.

<b>Section</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
96-68A Public wastewater system	Required for major subdivision	Not proposed	<b>Variance Required</b>

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

1. **Scale.** The subdivision plan set dated February 10, 2015 is not properly scaled. The plan indicates that the scale is 1"=6-', but is not accurate. The scale should be corrected on future submissions.
2. **Number of residential lots.** The application had indicated on page 2 that 14 residential units are planned, while it was our understanding based on the subdivision plan and prior testimony that 15 residential lots are proposed, with a temporary restriction upon proposed lot 29.16. The temporary restriction would be is a result of the 100 foot agricultural buffer requirement, which makes proposed lot 29.16 unbuildable as long as the adjacent properties to the north and west are farmed. If and when adjacent lot 1 to the north ceases to be farmed (it is in the C-2 zone and owned by Silvergate), proposed

lot 29.16 would again become developable. The applicant has now shown a potential building footprint on lots 29.16 and 29.01 that is less than 1,000 square feet, with a garage just large enough to fit a vehicle. The applicant should confirm their actual intent for these lots. Any garage must be large enough to fit a vehicle as well as trash and recycling containers and personal items.

3. **Previous conditions of approval.** The applicant affirm their willingness to abide by the conditions set forth in Resolution 2010-14, unless changes are specifically addressed and approved in the course of the current application.
4. **Connection to Northbrook Place.** In 2009 and 2010, there was discussion about the possibility of creating a connection between the proposed new roadway and existing Northbrook Place to the east. This would create a more interconnected street system and neighborhood, and potentially create efficiencies in service delivery. At the time, the applicant indicated that the owner of adjacent lots 16 and 30 was not interested in permitting the connection (as a portion of a private lot would be needed). This connection is not mandated, but was raised for consideration. It is mentioned here in the event that the question comes up again.
5. **Agricultural Buffers.**
  - a. The Township's agricultural buffer ordinance requires a 100 foot buffer between major subdivisions and qualified farms. Yard setbacks are in addition to the agricultural buffer area. The farm on block 174 lot 1 to the west is owned by Silvergate Associates, and is actively farmed. The required buffer is shown on the plan. The applicant proposes to retain the existing vegetation within the buffer and has agreed to a deed restriction on the affected lots.
  - b. The applicant has shown a 100 foot agricultural setback from lot 52 across Daisy Avenue on the subdivision plan, which impacts proposed lots 29.01 and 29.16. The addition of the 30 foot front yard setback to the agricultural buffer makes proposed lot 29.16 unbuildable without a variance. The applicant proposes to postpone development of that lot until such time as one or both of the adjacent lots cease to be farmed, thereby negating the need for the agricultural buffer. The applicant has shown a 50 foot front yard setback from Daisy Avenue, but 55 feet are required in accordance with section 96-50E(2)(a)[3]. This should be corrected or a variance requested.
  - c. The legal descriptions for proposed lots 29.09 through 29.16 include a description of the 100 foot wide agricultural buffer to adjacent lot 1 which is cultivated and farmland assessed. It is recommended that the 50 foot wide "residential buffer" also be included so that the deeds may explain that if and when agricultural use of the adjacent lot ceases, then the less restrictive 50 foot buffer shall replace the 100 foot agricultural buffer.
6. **Trees.** The proposed development will require the removal of trees. The Applicant has provided an Existing Tree Plan as required for completeness and has agreed that the

areas outside the limits of clearing will be deed restricted to ensure that the rear of the properties will remain wooded. The current applicant should affirm their intent to retain as many trees as possible and to preserve significant trees where possible within the development area. The applicant has provided an "overlay" sheet showing the existing trees as well as the development plan. It was recommended that in addition to the rear yard tree preservation, the applicant attempt to preserve several specific trees. The applicant has added the trees to be preserved to the landscape plan and has shown the location of tree protection fencing around the drip line, and a note has been added to the Soil Erosion and Sediment Control Plan.

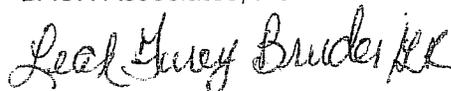
7. **Landscape Plan.** It is recommended that a typical landscape plan for residential lots be provided. The typical plan will ensure the minimum planting on each residential lot, though each lot may be landscaped in accordance with an individualized plan as long as the planting is at least equivalent to the typical lot plan.
8. **Mandatory Development Fee.** The applicant should be aware of the Housing Impact Fee (section 70-4), which requires that a fee equal to one and one-half percent (1.5%) of the equalized value for "by-right" residential development be paid to assist the Township in meeting its fair share affordable housing obligations. The funds will be deposited into the Affordable Housing Trust Fund. Fifty percent of the fee must be paid at the time a building permit is issued and 50% must be paid upon issuance of a C.O.
9. **Home Owners Association.** The stormwater basin lot will be owned by a Homeowners' Association. The applicant should provide the Homeowners' Association documents review by the Board's solicitor and engineer prior to final approval. We defer to the Board's solicitor and engineer to indicate whether these may be provided as a condition of final approval, for review prior to signing of the plans.
10. **Bus stops.** The Board of Education had indicated in their December 2, 2009 letter that a school bus would not be able to turn around in the cul-de-sac as it had been proposed, so children would walk to the end of the new street for a bus stop. The proposed pavement diameter is now 102 feet, which will be sufficient for a bus to turn around. The applicant should confirm with the BOE that they are satisfied that bus access is feasible. The applicant had agreed to a condition of approval that point of sale disclosures would be provided to homebuyers about bus stop locations. The POS disclosure may not be needed if the BOE is satisfied with the street design.
14. **Environmental.** Both the EIS and the Phase I ESA had referenced the history of the site. The Phase I ESA indicated that the property appears to have "always been undeveloped land" and also indicated that the remnants of former structures were from garage and shed structures. The size of the existing trees and vegetation on the property indicated that the growth is successional in nature, and the Board noted that the property is directly adjacent to active farmland. We reviewed the 1930 aerial photo, and based on that photo it was evident that at a minimum the front ¼ of the site was actively farmed in 1930 and, although it is difficult to decipher with certainty, it appears that the remaining portion of the site was actively farmed at some point as well. Given this information, we had recommended that the applicant perform soil analyses to verify

that there no occurrences of any contaminants above the NJDEP permitted levels (specifically pesticides). The applicant's environmental consultant conducted deed research to determine when the agricultural use of the property ceased, and has indicated that farming of the property ceased around 1930 to 1950. Though the prior applicant's environmental consultant opined that soil analysis was not necessary since the farming ceased prior to widespread use of petrochemicals and pesticides, Township Code section 62A-4E requires that historical pesticide information be provided in the Phase I Environmental Site Assessment in accordance with NJDEP Guidance Document "Findings and Recommendations for the Remediation of Historic Pesticide Contamination, Final report March 1999," and due to the agriculture nature of the Township, historic herbicide and pesticide investigations are required for all sites where current use is agricultural or historical records show prior agricultural use of the property. *The applicant has submitted a chemical analysis of soil, which concludes that the eleven soil samples taken do not exceed the Residential Direct Contact Soil Cleanup Criteria. This analysis satisfies our concerns.*

11. **Underground Storage Tanks.** Although the applicant does not expect to find any Underground Storage Tanks associated with the 2 building foundations existing on the property, if during construction a UST is found under or in close proximity to the collapsed structures the applicant should agree that the Township will be advised and That USTs will be removed and properly remediated in accordance with current standards.
12. **Stormwater and Groundwater.** The prior approval included numerous conditions related to stormwater management (see conditions 23, 24, 25, 26, 27, 31, 32, 33). We defer to the Board's engineer to review these items.
13. **Signs.** The applicant has not proposed a development identification sign at this time. If a sign will be proposed, it is recommended that the location be shown on the plan, with a sign easement so it may be maintained by the HOA. Any proposed signage must be consistent with the requirements of section 96-60E.

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: John Eastlack, Esq.  
James Spratt, P.E., CME  
Res-NJ One, LLC, applicant  
Alan H. Ettenson, Esq, applicant's attorney  
Bill Toms PE, PLS, applicant's engineer



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

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March 12, 2015  
 File No. 14212

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

**RE: RES-NJ ONE, LLC**  
**Block 214.01, Lot 29**  
**Daisy Avenue**  
**Application for Amended Preliminary & Final Major Subdivision Approval**  
**F&A Review 1 dated January 19, 2015**  
**Review No. 2**

Dear Chairwoman White and Members of the Board:

We received the following items submitted in support of an application for amended preliminary and final major subdivision approval with respect to the above-referenced property.

- ◇ Completed Land Development Application Dated November 7, 2014
- ◇ Copy of Resolution 2010-14 Dated April 21, 2010
- ◇ Copy of Planning Review by Bach Associates Dated January 18, 2010
- ◇ Copy of Engineering Review by Fralinger Engineering Dated February 8, 2010
- ◇ Escrow Agreement Dated November 10, 2014
- ◇ Affidavit of Applicant/Ownership Dated October 30, 2014
- ◇ Disclosure Statement Undated
- ◇ Tax Certification Dated November 10, 2014
- ◇ Certified Property Owners List Dated October 30, 2014
- ◇ Drainage Calculations Report Dated October 31, 2014 rev: 2/10/15
- ◇ Report on Chemical Analysis of Soil Dated October 30, 2014
- ◇ Environmental Impact Statement Dated December 15, 2009
- ◇ Plan of Survey Dated October 29, 2014
- ◇ Amended Preliminary and Final Major Subdivision Plans:
- Cover Sheet Dated October 29, 2014 rev. 2/10/15
- Sheet 1 of 13; Plan of Major Subdivision Dated October 29, 2014 rev. 2/10/15
- Sheet 2; Landscaping and Lighting Plan Dated October 29, 2014 rev. 2/10/15
- Sheet 3; Grading Plan Dated October 29, 2014 rev. 2/10/15
- Sheet 4; Drainage Area Plan – Existing Dated October 29, 2014 rev. 2/10/15
- Sheet 5; Drainage Area Plan – Proposed Dated October 29, 2014 rev. 2/10/15

Sheet 6; Stormwater Management Facilities Plan	Dated October 29, 2014 rev. 2/10/15
Sheet 7; Site Plan	Dated October 29, 2014 rev. 2/10/15
Sheet 8; Soil Erosion and Sediment Control Plan	Dated October 29, 2014 rev. 2/10/15
Sheet 9; Daisy Avenue Plan and Profile	Dated October 29, 2014 rev. 2/10/15
Sheet 10; Road A Plan and Profile	Dated October 29, 2014 rev. 2/10/15
Sheet 11; Existing Tree Plan	Dated October 29, 2014 rev. 2/10/15
Sheet 12; ISDS and Well Plan	Dated October 29, 2014 rev. 2/10/15
Sheet 13; Existing Tree Overlay Plan	Dated October 29, 2014 rev. 2/10/15
Sheet 1 of 1; Plan of Survey	Dated October 29, 2014 rev. 2/10/15
Infiltration Basin Maintenance Manual	Dated 2/10/15
Legal descriptions for proposed lots 29.01 through 29.16	Referred to plan dated 2/10/15

### **Introduction**

The subject property fronts on the northeasterly side of Daisy Avenue approximately 560± feet northwest of its intersection with Webster Drive. The property comprises a total area of 11.98 acres and lies within the Moderate Density Residential District (MD). The site is presently undeveloped and entirely wooded. The applicant proposes to subdivide the property to create a total of sixteen (16) lots, fourteen (14) of which are designated as building lots.

The Board previously granted preliminary major subdivision approval for this property on February 17, 2010 as memorialized in Resolution 2010-14, adopted on April 21, 2010. The applicant is requesting amended preliminary and final major subdivision approvals. Our comments regarding this application follow below.

### **Conditions of Approval**

Prior comments have been addressed satisfactorily except as follows:

1. The applicant should provide documentation from the Fire Official that the proposed dry watermain and hydrant locations are acceptable.

### **Technical Review**

1. The title blocks on the Plan of Survey and the Site Plan have been corrected to indicate that the tax map is Plate 43.01.
2. The Cover Sheet has been revised to be readable.
3. A signature space has been added for the Planning Board Engineer.
4. The signature spaces on the Cover Sheet for the Township Engineer and Township Clerk have been deleted.
5. The 190 day note pertaining to a minor subdivision, is not applicable and has been deleted from the Cover Sheet.

6. There are existing sheds and part of a fence line on adjacent Lot 15, Block 214.01 that encroach onto the subject property where the northerly property line abuts Lot 15. However, the plans do not indicate any action with respect to those structures and fence. The applicant should address this issue. The applicant proposes to provide testimony regarding this issue.
7. The applicant has verified that the correct address is 790 N.W. 107th Avenue.
8. The surveyor's certification on the Plan of Major Subdivision has been corrected to include the date.
9. The proposed Street Name has been shown in the plans, in accordance with Resolution 2010-14, as "Alminda Court."
10. Note 4 on the Plan of Major Subdivision has been revised and notes have been added within Lots 29.01 and 29.16 to indicate that they shall be deed restricted from access on the Daisy Avenue.
11. Note 10 on the Plan of Major Subdivision has been corrected to indicate that a conservation easement is to be created on the "northeasterly" side of the basin in lot 29.08.
12. The Plan of Major Subdivision has been revised as follows for clarity and/or compliance with the New Jersey Title Recordation Law:
  - a. The line types on the plan are now differentiated between the existing property lines and the proposed lot lines.
  - b. Bearings and curve data for each curve now include the radius, delta angle, length of arc, chord distance, and chord bearing.
  - c. For clarity, the beginning and end points of curves are now identified by "tick marks" on the lines at those points.
  - d. At least three corners distributed around the tract now indicate coordinate values.
  - e. The typographical error on the copyright notice at the bottom of the plan has been corrected.
13. Legal descriptions for easements and conservation areas have been submitted for review and approval. The form of the easements and restrictive language should also be submitted to the Board Solicitor for approval.
14. The plans have been revised to include general construction notes on sheet 3. The following notes have been included:

- a. All materials and methods of construction shall comply with the New Jersey Department of Transportation (NJDOT) "Standard Specifications for Road and Bridge Construction," 2007 edition as amended.
- b. The locations and depths of all existing utilities shall be verified prior to commencement of any construction, clearing, or demolition activities. The contractor shall notify the underground utilities location service at 1-800-272-1000 in accordance with applicable laws, rules, and regulations.
- c. Excavations shall comply with the requirements of the OSHA "Construction Standard for Excavations," 29 CFR Part 1926.650-652, Subpart P.
- d. Applicable soil erosion and sediment control measures shall be installed at the commencement of work in accordance with the certified soil erosion and sediment control plan. Such measures shall be left in place until the project is completed or the area is stabilized in accordance with the recommendations of the Gloucester Soil Conservation District.
- e. All building remains, trash, and/or debris found on the site during clearing of construction shall be removed in accordance with all applicable local, state, and federal regulations.
- f. All trees designated for removal shall be completely removed, including the stump. Stump holes shall be backfilled with clean, compacted fill material.
- g. Trees and vegetation not designated for removal shall be protected from damage due to clearing of construction operations. Trees shall be removed in sections if necessary to prevent such damage.
- h. All branches, limbs, tree trunks and stumps, and other debris from clearing operations shall be disposed of in accordance with all applicable local, state, and federal regulations.
- i. The contractor shall, at his own cost, repair any damage to vegetation, structures, utility poles, and/or wires, or other property caused by his clearing and/or construction activities.
- j. Neither disturbances nor placement of materials shall be permitted beyond the project property lines without the written consent of the property owner(s) involved. All damage caused to adjacent facilities by the contractor shall be promptly repaired at no cost to the owner.
- k. The inspection of, or failure to inspect, any materials or workmanship by state, county, or township officials shall in no way relieve the contractor of his responsibilities to perform the work in accordance with the plans, specifications, and applicable laws.

15. An additional full size set of plans was submitted directly to this office with correct scales.
16. The scale on Sheet 10 has been revised.
17. The road profiles on Sheets 9 and 10 have been revised to provide vertical curves at changes in profile grades in accordance with Paragraph 5:21-4.20.(a) of the New Jersey Residential Site Improvement Standards (RSIS).
18. The plans have been revised to show sight triangles at the intersection of Almina Court and Daisy Avenue. Legal descriptions and deeds of easement shall be submitted for review and approval of the Board Engineer and Solicitor.
19. A note has been added to sheet 1 to demonstrate compliance with the parking requirements for residential subdivisions in RSIS Paragraph 5:21-4.14(b).
20. Variances & Waivers Requested:
  - a. Item #33 may require revision in view of recent court decision regarding C.O.A.H. I defer to the Board Solicitor for guidance.
  - b. Item 79 shall revised to indicate that if granted it is a condition precedent, and thus must be completed within 95 days of subdivision approval in accordance with Elk Code section 96-40 A.
  - c. Item c. Development Sign. If a development sign is not proposed, the HOA documents and point of sale disclosures shall clearly indicate this and the note on the Plan of Major Subdivision should be revised to indicate that a development sign is not proposed and will not be permitted in the future. Or, an area should be called out and established as an easement for a future development sign with dimensions and details or notes indicating conformance with applicable code sections will be required.

### **Landscaping and Lighting**

1. The Landscaping and Lighting Plan (Sheet 2) has been revised to include notations stating, "Note: Existing wooded areas shall be preserved and maintained to the fullest extent practicable throughout the project area." And the area to be preserved has been more clearly defined on this plan by showing the limit of disturbance to ensure the objection of preservation is maintained during construction. The limit of disturbance should similarly be defined at the rear of the stormwater management basin to ensure against clearing and grading in the buffer area. The clearing limit around the basin should dimensioned to indicate 10 ft minimum to the property lines of lot 1. A dimension shall be added for the existing buffer to remain along Route 55 and Block 214.01 Lot 15.

2. The lighting shown on Sheet 2 is satisfactory and in compliance with the conditions of preliminary approval. However, the note indicating Cobra Head shall be revised as needed to indicate an appropriately shielded fixture type.
3. Landscaping at the end of the cul-de-sac should provide room for snow plow discharge. Not on the basin driveway access.

### **Grading and Drainage**

1. The Grading Plan (Sheet 3) has been revised to show graphic representations of the proposed houses and driveways to be constructed on the proposed building lots.
2. The proposed finished floor elevation has been shown for each house, and the driveway slope should be shown for each driveway.
3. The Grading Plan has been revised to show how the lots are to be graded between and around the houses.
4. The plans have been revised to show the flow paths used for determining the times of concentration used in the drainage calculations.
5. The plans have been revised to require that the drainage inlets and manholes be constructed of precast concrete.
6. The plans have been revised to include a sectional view of the stormwater management basin with the following information.
  - a. Bottom and top of bank elevations
  - b. Basin side slopes
  - c. Bottom sand layer with thickness noted
  - d. Peak water surface elevations for all design storms
  - e. Freeboard for maximum design storm
  - f. Depth to seasonal high water table from the basin bottom
  - g. Emergency spillway
  - h. The landscaping around the basin should be revised as needed to maintain a clear 10 ft wide crest for maintenance. Careful consideration of the species and locations is needed to limit the accumulation of leaves and unwanted vegetation in the sand bottom.
7. The Drainage Area Plan – Proposed (Sheet 5) has been revised to delineate the drainage subwatersheds that will flow to the respective stormwater inlets.

8. The Drainage Report has been revised to include calculations for determination of the runoff coefficients used in the pipe design calculations based on the information described above.
9. The Drainage Report has been revised to show how the CN values were determined for use in calculating runoff flows to the basin. Runoff to the basin has been computed separately from the pervious and directly connected impervious portions of the drainage area, as recommended in Chapter 5 of the New Jersey Stormwater Best Management Practices Manual (BMP Manual).
  - a. The impervious areas within DA-4 appears to be greater than that used in the calculations or shown on the plan. The calculation should be revised to include not only the roadway pavement but curb, sidewalks, driveways and ½ of the dwellings. Values on sheet 5 should then be updated along with pipe calculations.
10. The Drainage Report has been revised to determine existing and post-development peak flow rates for each design storm by adding the stormwater hydrographs. Revise as appropriate per item 9a.
11. The plans show a basin emergency spillway at elevation 127.0. The basin routing calculations in the Drainage Report indicate a maximum water surface elevation of 26.9 for the 100-year design storm. Revise as appropriate per item 9a.
12. The basin routing calculations were redone based on the revised hydrographs calculated as described in Comment 8 above. Revise as appropriate per item 9a.
13. The basin dewatering time was recalculated when the peak water storage volume is determined for the maximum design storm, calculated in accordance with the guidelines described above. The basin design has been shown to satisfy the requirement that it must fully dewater within 72 hours.
14. The Drainage Report has been revised to demonstrate compliance with groundwater recharge requirements in accordance with the NJDEP Stormwater Management Rules (N.J.A.C. 7:8-5 and 6).
15. The applicant has submitted a basin maintenance manual based on the guidelines in Chapters 8 and 9.5 of the BMP Manual. The manual account for documentation of inspections and maintenance of inspection records, which should be available for review upon request by Township officials.
  - a. The maintenance manual shall require that the HOA submit a copy of inspection reports and a certification of compliance to the Township Clerk and the Township Engineer annually for each calendar year, prior to January 31.
16. Calculations demonstrating that the emergency overflow, and the receiving slopes will be stable during the design flow generated assuming that infiltration fails. Method shall conform to NJAC 7:8.

17. The emergency dewatering pipe should be relocated, perhaps the emergency spillway also, so the valve is located between the driveway and the spillway.
  - a. The emergency dewatering pipe must have anti seep collars installed within the 30 feet closest to the bottom of the basin.
18. Spot elevations shall be shown at not more than 25 ft spacing along gutter within the curved bulb of the cul-de-sac. Spot elevations shall be shown at the center and between the center and station 6+00 to ensure that the construction will result in runoff without level ponding areas. Gutter slopes should be not less than 1% at all points around the bulb.
19. Spot elevations shall be added at the intersection curb pc & pt and extended curb line intersections. Contours within the intersection should be adjusted in plan to reflect the updated road profiles.
20. Stations and offsets should be added to each benchmark monument. These should also show on the two plan and profile sheets.
21. Basin Landscaping & Fencing should be revised to maintain a clear 10 ft wide maintenance crest and the fencing outside this crest. The fencing may then follow the property lines along lots 29.07 and 29.09 while still remaining outside the buffers along the north and easterly sides of the basin.
  - a. The proposed planting layout should be coordinated with the above and with the Board Planner.
22. Grading and Stormwater Management Plans shall be revised to address potential siltation of the basin during construction, in accordance with Elk Code section 86-5 B (9).

### Roadway Plans

1. Alminda Court and Daisy Avenue plan and profile sheets should be revised to show all items normally depicted on stand alone roadway plans. This will facilitate construction, and the preparation of suitable as-built drawings at completion. Plans should include:
  - a. Control point station offsets and elevations.
  - b. Centerline bearings, curve radii and chord data
  - c. Watermain profile on Alminda Court.
  - d. Typical sections (should be revised to indicate 3.125% cross slope.
  - e. A typical section for the rehabilitation & widening of Daisy Avenue should be added.
  - f. Concrete or asphalt aprons should be added at new curb depressions at existing driveways.

- g. Signs crosswalk and detail dimensions should be shown. Sign W11-2 should be changed to the red reflector 18" diamond sign OM-4-1 red on red.
- h. ADA curb ramps shall be shown in line with sidewalk on Daisy Ave, parallel to Daisy Ave. Optional diagonal ramps are not permitted.
- i. Bulb radius should be shown as 51 ft on all sheets. Some show 50ft.
- j. Inlets 11 & 12 near station 12+76 should be called out at same station on a radial. Correct pipe lengths, slopes and curb & invert elevations to suit.
- k. The proposed profile for Almindia Court should be truncated at station 6+50 and replaced with a call out referring to grade shots on the plan. The vertical curve at 7+17 could result in unacceptable and unintended depressions within the cul-de-sac.
- l. Curb detail shall call out 1/2" slope on top of all concrete curbs, including within ADA curb ramps.

### Utilities

1. The water main alignment has been relocated off centerline in Almindia Court.
2. Sheet 7 has been revised to show a 6-inch tee with mechanical joint end cap or plug at each end of the water main adjacent to the proposed dry fire hydrants.
3. The plan has been revised to specify the pipe material.
  - a. The water main should be also be shown on the Almindia Court Plan and Profile sheet.
2. Due to the 13 ft depth of the proposed storm pipe, a 5 ft road or stormwater construction & maintenance easement should be granted to the H.O.A., and to the Township along the frontage of lot to 29.01. (Alternatively, the H.O.A. budget must include the costs of replacement of the storm piping, based on shored deep excavation and replacement of curb & sidewalk).

### Construction Details

1. The plans have been revised to include a Stop Sign detail conforming to the Manual on Uniform Traffic Control Devices (MUTCD). Height of signs in pedestrian/sidewalk areas shall be 7 ft.
2. The two details showing pavement sections on Sheet 7 should be revised as follows to conform to the aforementioned NJDOT Standard Specifications.
  - a. The notation HMA 9.5M64 should be replaced with HMA 9.5M64.
  - b. The notation "NJDOT Mix I-2" has been replaced with HMA19M64.
  - c. The notation "Soil Agg. Des. I-5" has been replaced with Dense-Graded Aggregate.

3. The Type 'E' and 'B' inlet details have been revised to specify the make and model numbers of the inlet castings. References to "stream flow grating" have been deleted. The inlet grates have been changed to bicycle-safe grates.
4. The sign installation details should show the sign mounting height as 7 ft in pedestrian areas.

### **Legal Descriptions**

1. Review comments on the legal descriptions will be provided under separate cover.
2. Legal descriptions are still needed for buffer restrictions, sight triangles, and utilities where boxes transformers etc will be placed behind the sidewalk.

### **Outside Agency Approvals**

1. Documentation of the following outside agency approvals must be submitted upon their receipt.
  - a. Gloucester County Planning Board
  - b. Gloucester Soil Conservation District
  - c. Elk Township Fire Official
  - d. Gloucester County Department of Health, Senior and Disability Services (wells and septic systems). Documentation of approvals for wells and individual subsurface disposal systems may be submitted on a lot-by-lot basis.

### **General Conditions of Approval**

1. All review fees must be paid in full by the applicant prior to endorsement of the plans for construction by Township Officials.
2. Documentation of all outside agency approvals must be provided prior to certification of the plans for construction by Township Officials except as noted above.
3. The applicant must post a performance guarantee with the Township of Elk prior to commencement of any construction activities. The applicant must submit a construction cost estimate to assist in the determination of the amount of the performance guarantee that would be required. The amount to be posted shall be subject to the review and approval of this office. The form of the guarantee must be approved by the Township Solicitor.
4. The applicant must establish an escrow account with the Township of Elk to cover the costs of inspections pursuant to N.J.S.A. 40:55D-53.h prior to commencement of construction.
5. The applicant must schedule a pre-construction meeting with the Township Engineer's office before beginning construction.

6. The plans must be certified by the appropriate public officials in the respective spaces provided on the Cover Sheet before commencing construction. Such certifications should also be a prerequisite to obtaining zoning and building permits.
7. The applicant must obtain certification from the Township of Elk that all debts and encumbrances to the Township have been paid in full prior to a Certificate of Occupancy being issued for any building.
8. Upon completion of construction, the applicant shall post a maintenance guarantee in accordance with N.J.S.A. 40:55D-53.a(2). The form of the guarantee must be approved by the Township Solicitor.

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

Very truly yours,

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

*Stan M. Bitgood*

Stan M. Bitgood, P.E., C.M.E.  
Planning/Zoning Board Engineer

cc via e-mail:

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