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RESOLUTION NO 2016-07

RESOLUTION MEMORIALIZING APPROVAL OF FINAL MAJOR SUBDIVISION OF LANDS IDENTIFIED AS BLOCK 29 LOTS 24.01, 28 AND 29, BLOCK 32 LOTS 1-9 ON THE TAX MAP OF THE TOWNSHIP OF ELK WHICH PROJECT IS KNOWN AS AURA II (SECTIONS 1A, 1B, 1C, 3A AND 3B ONLY)

Application # SD-03-03

WHEREAS, Aura Development Group, LLC a limited liability company with an address of 1010 Kings Highway South, Building 1, Floor 1, Cherry Hill, NJ 08034, has made application for final major subdivision approval of lands for 109 single family residential building lots and other stormwater management and open space lots identified as Block 29 Lots 24.01, 28 and 29, Block 32 Lots 1-9 on the tax map of the Township of Elk for Sections 1A, 1B, 1C, 3A and 3B only which are part of an overall plan for development of this project previously known in part as Latham Park ("Subject Property"); and

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WHEREAS, the applicant is the owner of the Subject Property; and

WHEREAS, the Planning/Zoning Board of the Township of Elk (the "Board") held a public hearing on December 16, 2015 to review the application pursuant to the applicable rules of the Board and the applicable Ordinances of the Township of Elk; and

WHEREAS, the original project received a conditional use approval and use variance approval along with a General Development Plan ("GDP") approval on December 18, 2003 memorialized by Resolution Number 2003-37, dated February 19, 2004. The GDP was amended by the Board on May 19, 2005, memorialized by Resolution Number 2005-24, dated July 21, 2005. Preliminary subdivision approval was granted on June 16, 2005 memorialized by Resolution Number 2005-29, dated September 15, 2005; and

WHEREAS, the applicant received amended preliminary major subdivision approval for the Subject Property by way of Resolution Number 2014-09, adopted on August 20, 2014; and

WHEREAS, the applicant's case was presented before the Board on December 16, 2015, (1) by the sworn testimony of Michael Canuso, a principal of the applicant, Edward Brady, PE, the applicant's engineer; and (2) by the legal representation of Robert Swartz, Esquire; and

WHEREAS, it appears that the applicant has followed all procedures in making its application, and that the application, plans and all documents and materials submitted therewith were reviewed by the Board Planner, Board Engineer, Board Solicitor and Board members and were found to be complete and in conformity with all applicable laws and regulations; and

WHEREAS, the application was deemed complete by the Board at its meeting of December 16, 2015 with Submission Checklist Items 32, 37 and 79 receiving a waiver and with the applicant's agreement to be supplied as a condition of any approval granted with this application; and

WHEREAS, the Board considered the report of its Professional Engineer, Stan Bitgood, PE, dated December 14, 2015, attached hereto as Exhibit "A" and the report of its Professional Planner, Candace Kanaplue, PP, AICP, dated December 9, 2015, attached hereto as Exhibit "B" and reviewed the conditions proposed in the reports of the Board professionals and discussed these conditions with the applicant's representatives, and the Board professionals; and

WHEREAS, the Board has received and considered the following items in support of this application:

(a) Land Development Application, dated September 14, 2015, Affidavit of Applicant, Affidavit of Ownership, Escrow Agreement, and Disclosure Statement;

(b) Land Development Checklist;

(c) Aura Phase II Final Subdivision Plans for Sections 1A, 1B, 1C, 3A and 3B, consisting of thirty-seven (37) sheets, prepared by Edward P. Brady, PE of Taylor Wiseman &

Taylor, sheets 1-24 and 28-37 dated November 20, 2015 and sheets 25-27 dated November 23, 2015;

(d) Stormwater Management Reports prepared by Taylor Wiseman & Taylor, dated July 24, 2015;

(e) Drainage pipe calculations, dated March 14, 2015, last revised November 10, 2015, prepared by Taylor Wiseman & Taylor; and

(f) Detention and drainage calculations for Aura II Major Subdivision, dated December 21, 2004, last revised July 24, 2015, prepared by Edward P. Brady, PE of Taylor Wiseman & Taylor;

(g) Taylor Wiseman & Taylor letter to Stan Bitgood, dated November 20, 2015;

(h) Traffic report, prepared by Shropshire Associates, revised to October 12, 2015; and

(i) Subdivision Plats by Taylor Wiseman & Taylor, Sections 1A, 1B, 1C, and 3A sheet 1 of 2, dated August 27, 2015, and Section 3B dated August 23, 2015

(j) Colorized version of the Final Subdivision Plan, dated December 16, 2015, marked as Exhibit A-1 at the time of the hearing.

WHEREAS, all reviews of this application are based upon the applicable Elk Township Ordinances. The application requires no additional variances; and

WHEREAS, the Board made the following findings and conclusions based upon the applicant's testimony, representations and the application material:

1. The lands are zoned RE-Rural Environmental Residential and R-Rural Residential and are part of a GDP approval granted by this Board in 2003, under the name "Latham Park." The Latham Park project consists of 422 acres on both sides of Richwood-Aura Road and includes

a total of 646 residential dwelling units. The Subject Property is currently farmed and the Aura II portion of the development has frontage and access from Richwood-Aura Road.

2. Aura Development Group purchased a portion of the Latham Park subdivision consisting of 169 building lots on 81.242 acres (the number of lots for which there is sewer capacity available at this time). The 169 units will be known as Aura II. The applicant intends to develop Aura II in coordination with the approved "Aura I" development to the north. The applicant received amended preliminary subdivision approval for Aura II as set forth in Resolution Number 2014-09, dated April 16, 2014.

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3. The applicant seeks final major subdivision approval for the 81.242 acres containing 121 units on the west side of Richwood-Aura Road to be known as Aura II, and the remainder of the land area and residential lots on both the east and west sides of Richwood-Aura Road will remain as Latham Park. The applicant has submitted a revised phasing plan which shows phasing for the Aura II project and the remainder of the project which will continue to be known as Latham Park. The final subdivision approval is for Sections 1A, 1B, 1C, 3A and 3B only.

4. Michael Canuso, a principal of the applicant testified on behalf of the applicant. He indicated the applicant was seeking final major subdivision approval for Sections 1A, 1B, 1C, 3A and 3B. He introduced Exhibit A-1 which is a colorized rendering of the Final Subdivision Plan, Sheet 1, dated December 16, 2015. He testified that the applicant wishes to defer approval of Sections 2A and 2B until a later date.

5. Mr. Canuso went on to describe some of the modifications to the plan. Originally a boulevard entrance from Aura Road was proposed for Aura II. The final plan now shows an emergency access easement instead. A traffic report has been submitted indicating that the

boulevard for Aura I can handle the traffic from Aura II. The applicant eliminated the separate boulevard entrance because of site triangle distance issues and instead will be using it for emergency and construction access. Mr. Canuso agreed to notify all current and prospective lot owners in writing of the elimination of boulevard entrance and that all traffic from Aura II will travel through Aura I. The applicant will also revise the homeowner's association documents regarding this change.

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6. The Board reviewed Mr. Bitgood's report dated December 14, 2015 with the applicant. The following comments and modifications to the Board Engineer's report were addressed as follows:

Item 2 – PLAT REQUIREMENTS: The applicant agreed to the Board Engineer's comments noting that the plat as to road names and block and lots had to be revised due to confusion caused by split blocks. The applicant agreed to dedicate open space with the completion of each phase and will show same on the phasing plans.

ITEM 3 – STORMWATER SYSTEM DESIGN: The applicant indicated it is eliminating the pipe discharge system and all infiltration basins will meet applicable stormwater management requirements.

ITEM 4 – PLAN COMMENTS:

B. Sheet 2: The applicant has agreed to correct the exterior road names and blocks and lots with the consent of the Township tax assessor.

C. Sheet 5: The open space plan has been revised to include lots that connect the open spaces with the recreation areas. Future open space lots will be required in Section 2B and within Latham Park to connect open spaces to the school. With regard to the school circulation plan, an extension of a path to school will be deferred to a future section of the Aura II

development. The applicant shall install a six foot high vinyl privacy fence along the emergency/construction access road which shall be installed in the same area as depicted in the buffer line approved as part of the preliminary site plan approval. Mr. Canuso noted that if the construction access as depicted on Exhibit "A-1" is not approved, there is a secondary location further south within the development. The applicant shall also install signs noting construction access only and when construction is completed those signs shall be replaced with emergency access signage. The applicant also agreed to make sure the surface of roads will handle fire trucks and other emergency management vehicles, subject to the review and approval of the Board Engineer.

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D. Sheet 7: The applicant shall add construction timing durations to each phase being approved with this application.

E. Sheet 8: The grading plans and details shall be provided to address grading along the perimeter to future sections not yet bonded. Where a roadway is intended to connect to a future section, temporary grading will be provided to allow construction and in particular to prevent water and ponding problems, subject to the review and approval of the Board Engineer.

F. Sheet 10: The applicant agreed to revise the contours for buffer planting along the southern edge of the basin lots.

J. Pedestrian Crosswalks: The applicant agreed to install traffic calming measures on proposed Santa Rosa Drive and Calvary Drive which will have curb bulb outs with non-decorative crosswalks. Forelle Drive will have an asphalt speed table. The crosswalks and speed tables will be constructed of asphalt and will have typical striping. In addition, the applicant agreed to provide proper motorist signage for the bulb outs on Santa Rosa Drive and Calvary Drive. The applicant will revise the plans to depict these traffic calming measures. These traffic calming

measures, recreation paths and associated landscaping shall be installed after completion of construction.

7. Mr. Bitgood requested the following items also be provided by the applicant to which the applicant agreed:

- All plans shall be revised to conform to the Board Engineer's review letter as may have been modified at the time of the hearing.
- The applicant agreed to comply with Title 39 Motor Vehicle jurisdiction for the entire development.
- The applicant agreed to provide individual lot grading plans.
- The applicant agreed to amend the homeowner's association documents as required by this application.
- The applicant shall post copies of all point of sale disclosures and exhibits in the sales office for this development.
- The applicant shall update the stormwater management budget which shall be submitted to the Board Engineer for his review and approval.
- The applicant shall complete as least 50% of the required site improvements in one section before commencing construction in another section.
- The applicant shall supply copies of all outside agency approvals and permits.
- The applicant shall provide all performance guarantees and inspection escrows prior to the signing and filing of the final plan of lots.
- The applicant agreed to keep all review escrows for this development current.

8. The applicant agreed to all other comments in the Board Engineer's report dated December 14, 2015, not otherwise modified above.

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9. The Board considered and reviewed with the applicant the Board Planner's report dated December 9, 2015. The Board addressed and the applicant agreed to the following:

- Decorative crosswalks: All four-way intersections will be a four-way stop and all three-way intersections will have a three-way stop. The Planner recommended and the applicant agreed to eliminate stamped concrete crosswalks and instead all decorative crosswalks will be eliminated and replaced by typical striping.

- The applicant has agreed to landscaping along Aura Road and shall add additional buffer plantings and 6 ft high tan or white vinyl fencing to the adjacent rear and side property lines of Lot 25 and Lot 26 (existing homes on Aura Road) to define the edge of the property and also to act as a screen.

- The Board did not grant the applicant's request for a five year period of final subdivision approval, but rather this approval shall be valid for a period of two years from approval of this final subdivision application with the applicant being permitted to request extensions of time consistent with the MLUL.

- The Board Planner reviewed the active recreation requirements (exercise stations along the pathway systems) and indicated that same meets the dollar values that were required under preliminary approval and that all of the recreation improvements will be completed under Section 1.

10. The applicant agreed to comply with all the other comments set forth in the Board Planner's review letter.

WHEREAS, the Board opened the hearing to the public and no members of the public appeared at the time of the hearing; and

WHEREAS, the Board found that the applicant has met or shall meet all the conditions of preliminary major subdivision approval for Sections 1A, 1B, 1C, 3A and 3B of the Aura II development and is therefore entitled to final major subdivision approval for these Sections; and

WHEREAS, upon motion duly made and seconded to grant the application for Final Major Subdivision approval for Sections 1A, 1B, 1C, 3A and 3B for the Aura II development to include 169 residential building lots, stormwater management and open space lots on 81.242 acres, together with the associated site improvements, the Board voted in favor of granting the application, subject to certain conditions mentioned hereinafter.

NOW, THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Elk that said application for Final Major Subdivision approval in order to create 169 residential building lots, stormwater management and open space lots on 81.242 acres known as Sections 1A, 1B, 1C, 3A and 3B for the Aura II development, shall be and is hereby granted specifically subject to, however, the testimony, representations and stipulations of the applicant, its attorney and its witnesses at the time of the hearing and further specifically subject to the following conditions and stipulations:

1. The applicant shall comply with all the recommendations as set forth in the Board Engineer's review letter dated December 14, 2015, except as modified at the time of the hearing as set forth above.

2. The applicant shall comply with all the recommendations as set forth in the Board Planner's review letter dated December 9, 2015, except as modified at the time of the hearing as set forth above.

3. The applicant shall fully comply with and meet each and every condition of amended preliminary subdivision approval for Aura II, as set forth in Resolution Number 2014-09 dated August 20, 2014 to the extent not inconsistent herewith.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township of Elk, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized. A proof of publication shall be filed with the Administrative Officer of the Board within thirty (30) days of the date the decision is memorialized.

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2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The applicant shall be required to obtain all outside agency approvals

5. Any improvement(s) to be constructed as a result of the Elk Township Planning/Zoning Board approving this application shall be constructed and operated in full compliance with the Code of Elk Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

6. Unless specifically waived in whole or in part and noted in the Specific Conditions of this Approval, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, *et seq.* and the Elk Township

Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

7. The Chairperson and Secretary of the Elk Township Planning/Zoning Board shall not sign the Final Subdivision Plat nor shall any zoning permit issue until the applicant has posted the required performance guarantee, inspection escrow and the applicant has demonstrated that all conditions of the final approval have been satisfied.

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8. The applicant shall submit to the Elk Township Planning/Zoning Board a required number of complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

9. The applicant shall provide a construction schedule as required by the Elk Township Ordinances which must be satisfactory to the Elk Township Planning/Zoning Board Engineer.

10. The applicant shall comply with Title 39 of the New Jersey Statutes.

11. The applicant shall construct all drainage basins or alternate drainage facilities upon the Subject Property, including inflow and outflow structures, prior to the commencement of any construction upon the Subject Property.

12. The Board presumes that the applicant's application, all exhibits, maps and other documents submitted and relied on by the applicant, are true and accurate representations of the facts relating to the applicant's request for relief. In the event that it appears to be the Board, on reasonable grounds, that such application, exhibits, maps and other documents submitted are not accurate, are materially misleading or are the result of mistake, and the same had been relied upon

by the Board as they bear on facts which were essential in the granting of the relief sought by the applicant, the Board may rescind its approval and rehear the application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

13. At any time after the adoption of this Resolution of memorialization, should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the applicant, the Board reserves the right to conduct a hearing with the applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate.

14. The applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the application, or as to any representations made by the applicant, including but not limited to proper service and notice upon interested parties and publication of the notice of public hearing in this matter in accordance with the law.

15. The applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are

required of. The applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner.

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16. The applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on the application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the New Jersey Municipal Land Use Law. The applicant's escrow account must be current prior to any permits being issued, or construction or other activity commencing on the approved project.

17. The applicant must obtain and all other construction or other municipal permits required with respect to the relief as granted herein.

***Voting in favor**: Hughes, McCreery, McKeever, Rambo, Ratzell, Schmidt, Shoultz and White.*

***Voting against**: Yenner.*

Attest: Elk Township Planning/Zoning Board

Anna Foley, Secretary

Jeanne White, Chairman

Certification

The undersigned herby certifies that the above is a true copy of a Resolution adopted by the Elk Township Planning/Zoning Board on the 17th day of February, 2016, memorializing its decision of December 16, 2015.

Anna Foley, Secretary

"Exhibit A"

FEDERICI & AKIN, P.A.
CONSULTING ENGINEERS

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December 14, 2015
File# 14024

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

Re: Aura LLC Phase II, Final Subdivision
Block 29, Lots 29, 24.01, 28 & 29, Block 31, Lots 2.02 5.01, 7 & 22,
Block 32, Lots 1-9, & Block 58 Lot 1, Richwood Aura Road
F&A Amended Preliminary Review 3 dated 4/10/14
Amended Preliminary Review 4 and Final Subdivision Review 1

Dear Chairman White and Members of the Board

I have received the following items for review of the application for Final Subdivision approval:

Subdivision Plans sheets 1-24 & 38-37, by Edward Brady, T.W.T.	11/20/15
Sheets 25-27 by Cecilia Byrne-Schmidt, T.W.T.	11/23/15
Stormwater Management Report, Drainage Area 1, Aura Phase II, by TWT	7/24/15
Drainage & Detention Calculations, Aura II by TWT	7/24/15
Stormwater Management Report Drainage Area 1 by TWT	7/24/15
Drainage pipe calculations, dated 3/14/15 revised	11/10/15
Traffic Report by Shropshire Associates revised	10/12/15
Subdivision Plats by T.W.T. Sections 1A, 1B, 1C, 3A sheet 1of 2 & 3B	8/27/15
Subdivision Plat by T.W.T. Section 3A sheet 2 of 2	8/23/15

Background:

The proposed subdivision is in part of an overall planned urban development that received preliminary approval under the development name of Latham Park with various phases. The area is currently zoned R-E rural environmental residential, but adjusted zoning bulk requirements were set for this development at Preliminary Subdivision approval.

Prior approvals were granted with conditions in the following resolutions:

R 2003-23	Deck Ordinance interpretation
R 2003-37	Master Development Plan Approval
R 2005-22	Lot line adjustment Block 31 Lots 22 & 2.01
R 2005-24	Amended GDP Granting approval for Option A with conditions
R 2005-29	Preliminary Subdivision approval of Latham Park
R 2007-12	Subdivision approval of Block 29 Lot 24 into two lots.
R 2014-09	Amended Preliminary Subdivision of 169 lots of Latham Tract
	Administrative Change and Clarification of condition 34 of R 2014-09.
R 2014-08	Final Subdivision of tract into 4 lots for financial purposes only.
R 2015-15	Merging of Affordable Housing obligations of Aura I & II.

Application & Subdivision Changes since prior review and/or approvals.

Reduced Subdivision Size. The proposed street system will connect to the proposed streets within Aura Phase 1 and future extensions into Latham Park. The applicant has submitted a revised proposed phasing plan. The Phasing Plan sheet 7 shows all sections within Aura II and Latham Park. The applicant is now requesting amended preliminary and final subdivision approval only for the sections 1A, 1B, 1C, 3A and 3B. Sections not in this group are not reviewed.

A boulevard entrance from Aura Road was proposed as shown on the preliminary subdivision plans. Instead the plans now show an emergency access easement. A traffic study has been received that supports the elimination of this roadway.

<u>Confirmation that all owners and prospective buyers within Aura 1 are being informed of the connected roadways and the elimination of the previously proposed access roadway, and that all traffic from Aura II will drive through Aura I should be submitted.</u>

An offsite stormwater management system was proposed within the remainder of Latham Park to serve the County Road widening, the boulevard and sections 2A and 2B. As this system is part of future sections 2A and 2B, and the boulevard and widening are not

proposed, it is not reviewed nor recommended at this time.

As the boulevard, sections 2A and 2B and the storm system for these was shown in the preliminary subdivision plans, amended preliminary approval to eliminate these is required.

At the March Planning Board meeting, the Board directed that the application be tabled and that the Applicant address stormwater issues with the Planning Board Engineer.

1. Bulk requirements: The plans include a table of bulk requirements which is satisfactory.

2. Plat Requirements: A set of preliminary plats is included with the plans.

   A. *The preliminary plats have been updated to show proposed monuments and road centerline geometry. Detailed review of the plat will be done following subdivision final approval. Block limits and lot numbering may need to change to facilitate preparation of the tax maps and to prevent split blocks.*

   B. *Legal descriptions with metes & bounds shall be submitted for review for all easements, open spaces, and rights of way.*

   C. *The dedication of open space both within the limits of this subdivision and within the remainder of the west side of Latham Park should be included in the phasing plan and the shown on the plat for the section in which it is to be filed. R 2014-09 condition 33 requires dedication of the southern portion prior to the issue of the first building permit. The applicant shall submit the deed, legal description, closure calculations, and cadd file of the proposed dedication for review prior to signature of the plat.*

3. Stormwater System Design: A complete stormwater system is proposed that includes one basin which is a normally wet basin that will hold stormwater and attenuate runoff. Basin 1A, along the west side of the site, will receive some flow directly from the adjacent lots and streets, and will receive a portion of the flow from two infiltration basins in series. As wet basins require circulation and aeration in order to prevent stagnation, the plans include aeration pumps in each basin. Such a system can be permitted under the current stormwater management rules.

   A. Prior comments regarding the Basin 2A & 2B remain applicable for the future submission of Sections 2A and 2B, and Latham Park sections. They are omitted here as not applicable to the sections for which approval is being considered.

   B. As requested, the storm system for basin 1 has been revised to reduce the inundation of the inflow pipes to the first pipe run from the basin in each system. This is acceptable and is a significant improvement to the plans.

      1) The redesigned system now includes a long discharge pipe from basin 1 to the existing basin discharge pipe in Aura 1. While this pipe run will be long and

fairly deep, it will be preferable to the former design. This pipe will also fully drain between storms so the potential health problems have not just been moved downstream.

(a) The prior pipe recharge system design has been eliminated. Thus the maintenance problems associated with it are no longer a concern.

(b) Prior comment: A final certified report on percolation rates for the infiltration basins shall be submitted for review. The report should include construction guidance that once approved shall be added to the plans. The guidance shall ensure that the basins function properly during construction, and that, as required by NJDEP, post construction percolation tests are done to confirm this.

(c) Prior comment: No calculations have been submitted to demonstrate how well the wet basin will remain full.

(i) The plans show a proposed well and refill system. Details of the well and controls for it must be provided. A copy of the approved well permit and diversion permit shall be submitted.

(ii) *Note the maximum rate without special permitting from NJDEP would be 0.3 acre feet per day. The capital and lifecycle costs of the well and the operating costs would add to the burden on the HOA. These should be included in the budget.*

(iii) The previous plans had been revised to include a pump out inlet near the basin outlet structure. The plans have been revised to include a plugged orifice at the outlet that can be used to drain the basin for maintenance.

(iv) *An updated HOA budget and maintenance plan should be submitted.*

(v) *Information for 2A, 2B, & 3 + have not been reviewed as they do not pertain to Aura II.*

(d) *Prior comment: Calculate & show temporary construction levels of basin excavation. Manage or avoid the siltation during construction problems. Show where silt will be used at final stabilization and excavation of the basin bottom.* The plan has been revised to require removal of the silt bottom after final stabilization. A schedule for reworking the basin bottom, and for cleaning silt from it should be included for during construction. Temporary berms may be used within the basins during construction to facilitate localized collection of sediments.

(e) *The wet basin has been revised to have 4:1 slopes below the waterline which will be more stable than the previously shown 3:1.*

4. Plan comments:

A. Cover sheet: The zoning map has been corrected.

B. Sheet 2: Exterior road names have been corrected.

1) Match existing filed road names in Aura 1. No changes to previously filed or approved subdivision road names. Revisions to Empire Way/Drive are needed. Buffer dimensions have been corrected. Lot numbers and owners within adjacent Aura 1 have been added. Additional corrections are needed on certain sheets.

2) The elimination of the Street entrance suggests a change in the block limit and numbering adjacent to the emergency access easement is needed. Submit proposed revision and agreement from the Tax Assessor. If deferral of section 2A is approved this can be resolved with that future submission.

C. Sheet 5: The open space plan has been revised to include lots that connect the open spaces with the recreation area. Future open space lots will be required in sections 2B and within Latham to connect open spaces to the school.

1) School circulation plan is to be submitted prior to application for final subdivision. The applicant has advised that prior discussions before the Board indicated that this would be deferred until future Latham park subdivision reviews are applied for. Thus avoiding isolated paths that would be very distant from the roads and essentially out of site. I defer to the Board's Planner.

2) The Emergency access to Clems Run road has been shown on additional sheets as requested.

D. Sheet 7: Add timing durations to phases.

1) A note is to be added indicating the COAH schedule and the approval to combine COAH units in R 2015-15.

2) The schedule for construction of recreation equipment, paths, and for posting of recreation contributions shall be added to the plans. Consideration should be given to including the recreation trail improvements in section 1A.

E. Sheet 8: The grading has been revised to pull proposed contours away from adjacent lot lines at lots 25, 26. Swales, slopes and an inlet have been added to route runoff away from these lots.

1) Plans have been revised to show grading within roads in Latham to provide runoff control. Temporary curbs & sidewalks have been shown across future roadways.

2) Contours between lots have been smoothed for constructability.

3) The Township has been added as additional grantee for easements.

4) Road names shall be shown on all sheets.

5) Grading plans and/or details shall be provided to address the grading along the perimeter of sections adjacent to future sections not yet bonded.

F. Sheet 10: The buffer area along west boundary has been re-graded for sheet flow.

G. Sheet 11:

1) Plans should be revised to trim contours away from the tract boundary along lots 12, 13 & 13.01.

H. Sheet 12: Remove this sheet as it is not needed.

I. Sheets 14-16: Show section boundaries on these sheets. Adjust boundary to include the roadway & inlets at station 17+00 in section 1C remove them from section 3A.

J. Pedestrian Crosswalks. Curb ramps have been revised to better comply with the ADA.

(a) *Prior comment. If we must have the mid block cross walk at the open space/greenway, put it at a speed table crossing at high point in road profile. It's only a few feet from that points any way. Tweak the road profile to fit it if needed. Add a curb bulb out for it too as these slow vehicles and at crest curve doesn't impact curb runoff.* The applicant has requested consideration at the hearing.

(b) *The plans shall be revised to correct the cross walk detail and call outs to confirm that mid-block crossings are to be paver stamped concrete while corner crossings are to be painted/marked only.*

(c) *A detail shall be added showing that all intersections shall have all approaches stop controlled with stop signs, stop line markings and cross walks.*

(d) *At the entrance to the development, a speed limit 25 mph sign shall be added, with a supplemental plaque indicating all streets ahead.*

5. *Landscaping. Buffers are required and have been shown around lot 25. While this will be within section 2A, consideration should be given to installing the buffer plantings with section 1A. Particularly near the emergency/construction entrance.*

6. *Profiles: Section 1A drains to section 2B at Empire Way. This area is in a cut section of earthwork. The plans should be revised to allow the roadway and lots to drain properly if section 2A or 2B are not constructed.*

7. *Corner lot driveways should be moved to the far side of the dwelling from the intersections.*

8. *Lot 1 on Forelle Drive should have the driveway toward station 30+00.*

Conditions and prior approvals.

All conditions of prior approvals shall remain applicable. Confirmation of compliance with all prior approvals, agreements and commitments shall be provided.

Condition 2 of the administrative change to R 2014-09 remains applicable. It is

recommended that the Applicant provide an updated schedule, cost estimate, and status of discussions with the School Board and or the County with respect to the required relocation of Clems Run Road.

Revisions to the Plans of Lots/Plats shall be made as required by the Township Engineer and the County of Gloucester.

Prior to the signing of any plan of lots by the Clerk, the Applicant shall file a written request with the Township Clerk requesting the Township of Elk to enforce the provisions of Title 39 of the New Jersey Revised Statutes on all streets, roads and drive isles within the project which are open to or used by the public. The provisions of Title 39 shall be made applicable to said streets, roads and drive isles at the discretion of the Township and with the approval of the Commissioner of Transportation of New Jersey.

Individual lot grading plans shall be required.

Amended homeowners association documents shall be submitted.

Copies of point of sale disclosures and exhibits to be used in sales offices shall be submitted.

Updated stormwater maintenance budget shall be submitted.

The proposed time of construction for each phase and for completion shall be provided.

An updated Developers Agreement shall be prepared and executed with the Township of Elk prior to signature on any plan of lots by the Township Clerk.

Copies of all outside agency approvals shall be provided prior to signature on the plans.

Submission of performance guarantees and inspection escrows shall be required prior to signatures and filing of the Plan of Lots.

Payment of all review escrow charges, fees and taxes shall be made prior to signatures on the plats.

Federici & Akin, P.A.

Stan M. Bitgood

Stan M. Bitgood, P.E., C.M.E.
Elk Township Planning Board Engineer

ec: Anna Foley, Land Use Secretary
Candace Kanaplue, A.I.C.P., P.P., Board Planner
John Eastlack, Esq., Board Solicitor
Mike Canuso, Applicant
Edward Brady, P.E., T.W.T., Applicant's Engineer

"Exhibit B"

BACH Associates, PC
ENGINEERS • ARCHITECTS • PLANNERS

December 9, 2015

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

RECEIVED
DEC 10 2015
TOWNSHIP OF ELK
PLANNING/ZONING

Attn: Anna Foley, Board Secretary

Re: Aura Investors, LLC
Final Major Subdivision
Block 29, Lots 24.01, 28, and 29.
Block 32, Lots 1 – 9
Richwood-Aura Road
RE Rural Environmental Zoning District
Elk Township SD-03-03
Bach Associates Proj. # ET2015-

Dear Chairperson and Members of the Board;

We have received the application submitted by Aura Investors, LLC for final major subdivision at the above referenced site. The applicant received amended preliminary major subdivision approval on April 16, 2014 (resolution 2014-09) for Aura II and the remainder of the "Latham Park" subdivision. In September 2015 the applicant submitted an application, plans, and supporting documents for final subdivision review. In October 2015, the applicant indicated that revisions to the plans were being made, and requested that we hold off on preparing a planning review letter until the revised plans were submitted. The applicant has submitted the revised development plans, revised to 11-15-15. This review reflects the revised plans.

In 2014 the applicant made application is to modify the preliminary subdivision for the proposed residential development known as "Latham Park", which was approved by the Planning Board in 2005. The overall Latham Park subdivision encompassed a 442 acre area on both sides of Richwood –Aura Road and included a total of 646 residential dwelling units. Aura Development Group had initially proposed to purchase a portion of the Latham Park subdivision consisting of 169 building lots on 81.242 acres (the number of lots for which there was sewer capacity available at the time). The applicant proposed to separate the 81.242 acre portion of the development from "Latham Park" and to make it part of the "Aura" development to the north. The 169 units would be known as Aura II. In order to integrate Aura II with the 218 units proposed for Aura I (the "conversion" project), the applicant proposed modifications to the Latham Park subdivision design. The amended preliminary subdivision was approved in April 2014.

It is our understanding that Aura Investors, LLC has not purchased the entirety of the lands that were part of the "Latham Park" approval, and intends to develop Aura II as proposed with single family homes. It is our further understanding that the applicant is considering alternate development scenarios for the remainder of the property, which would be the subject of separate applications in the future.

304 White Horse Pike • Haddon Heights, NJ 08035 • Phone (856) 546-8611 • Fax (856) 546-8612

The property is currently farmed and the Aura II tract has frontage on and access from Richwood-Aura Road (C.R. 667). The site is within the RE Rural Environmental Residential district and has been designed in accordance with the Planned Unit Development standards.

Due to the timing of the submission of this application we defer the completeness review of this application to the Board's engineer. The purpose of this letter is to address planning related comments and recommendations on the landscape and recreation plan.

Submission Items

We have received the following items in support of the final subdivision application:

1. Land Development Application dated September 4, 2015, Affidavit of Applicant, Affidavit of Ownership, Escrow Agreement, Disclosure Statement.

2. Gloucester County Subdivision Application dated September 3, 2015.

3. Land Development Checklist.

4. Plan set entitled "Aura Phase II, Block 29, Lots 24.01, 28 & 29, Elk Township, Gloucester County, New Jersey" prepared by Taylor, Wiseman, Taylor dated July 30, 2015 and revised through November 13, 2015.

5. Subdivision Plan set (11 sheets) entitled "Subdivision Plan, Aura Phase II, Sections 1A, 1B, 1C, 3A and 3B, Elk Township, Gloucester County, New Jersey" prepared by Taylor, Wiseman, Taylor dated July 2015, no revision.

6. Stormwater Management Report for Drainage Area No. 1, Aura Phase II, prepared by Robert Anastasia, PE of Taylor Wiseman & Taylor, dated September 24, 2013 and revised through July 24, 2015.

7. Drainage and Detention Calculations for Aura II prepared by Edward P. Brady, PE of Taylor Wiseman & Taylor, dated September 21, 2004 and revised through July 24, 2015.

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

1. **Overall.** At the time of the amended preliminary subdivision approval, the size of some of the residential lots in the Aura II development were reduced from +/- 13,000 square feet to +/- 9,750 square feet in order to accommodate the proposed roadway connections to Aura I and to create a network of open space areas that will connect with the open spaces proposed at Aura I. From a planning standpoint, the proposed integration of Aura I and Aura II is desirable, as the interconnected street and walkway system and the shared amenities will enable the integration of the two approved developments. Combining the two developments may enable the developer to create a more unified character for the community, provide a wider variety of amenities to serve the development, and may increase opportunities for interaction among residents of the developments.

2. **Access.** The most recent submission shows the elimination of the access from Aura Road into the Aura II development. Instead, the development will be accessed through Aura I. There are two points of connection to Aura I. The applicant proposes a 12 foot wide emergency access from Richwood Aura Road to proposed Forelle Drive. Details of this emergency access will be shown on the full plan set, and will be reviewed prior to the hearing on the final subdivision. Depending on the treatment surface proposed for the emergency access, additional landscaping may be appropriate. The applicant has eliminated the landscaping, "orchard", and wildflower meadow that had been proposed for the entrance area. It is recommended that a second row of trees be added behind those proposed, along the Richwood Aura Road frontage. The elimination of the access will need to be reviewed by the Board's engineer in terms of traffic and safety. Although additional trees have been added, we recommend a full row of trees staggered 10' on center behind the first row of trees along Richwood Aura Road frontage.

3. **Period of Approval.** The applicant requests that the time period for the final subdivision be granted for five years. Typically a final subdivision approval is protected against changes to the zoning for a period of two years from the date from the adoption of the resolution of final approval, and the planning board may extend the period of protection for extensions of one year, with not more than 3 extensions (N.J.S.A. 40:55D-52). Further, the plats must be filed within 95 days of the signing of the plat unless extended by the planning board (N.J.S.A. 40:55D-54). The applicant is requesting that the Board grant the full five year protection period up front. Typically the grant of an extension must be justified by the applicant by proving to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. Section 52(b) of the Municipal Land Use Law provides that for a conventional subdivision for 150 acres or more, the planning board may grant a protection period longer than 2 years, as determine by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions, and (3) the comprehensiveness of the development. The total area of Aura II is 81.2 acres. Since the applicant has made clear that they do not intend to develop the remainder of the "Latham Park" subdivision as originally approved, from a practical standpoint Aura II is its own development (together with Aura I, which is already under construction). The applicant should provide an explanation for the proposed five year protection period.

4. **Recreation.** The former applicant (Orleans) for the Latham Park development agreed to a $2,000 per unit recreation contribution, with a maximum of $600 credit to be applied for facilities such as pedestrian walkways and benches that would be provided on site. The credit calculation was to be completed and submitted prior to final subdivision approval. For the 169 units currently proposed for Aura II, the total recreation contribution is $338,000 ($2,000 x 169). The applicant proposes to provide some recreation amenities on site. The maximum credit will be $101,400 ($600 x 169), so the minimum contribution to the Township's recreation fund is $236,600. This breakdown will ensure that there are amenities provided on site that will be used and maintained by the

residents of the development, as well as a contribution to the Township in recognition of the added demand for municipal recreation facilities and programs that will result from the development when it is occupied.

We met with the applicant in August 2015 to discuss the potential on site recreation improvements. Since Aura I (the conversion project) and Aura II will effectively be one development with one Homeowners Association, the recreation improvements will be a part of the overall recreation package. In addition to the lot containing Detention Pond IA, there are three open space lots within Aura II that will form part of the open space network. It had been recommended, and agreed by the applicant that pedestrian pathways and associated improvements be made to these lots, connecting them to the large open space lot within Aura I, which will be improved with a playground, community garden, and playing field.

The applicant proposes a 6 foot wide asphalt trail that will run through the open space lots, between Aura I and Aura II, and along the east side of the detention pond. There are six (6) post top light fixtures proposed at points along the trail. A gazebo is proposed at the center of the 1.38 acre open space lot bound by Callery Drive, Buttonwood Road, and Anjou Way. The applicant is proposing fitness stations along the pathway system, but only 2 stations are shown on the plan. It is recommended that an additional station be added on lot 33 on the north side of the site. It is recommended that the applicant provide a cost estimate for the specific recreation improvements including the gazebo, and fitness stations in order to compare what is proposed to the cost contribution model that was established. The applicant should also describe (and bring a site plan showing) the recreation improvements proposed as part of the Aura I development since the 2 will be integrated. The applicant should affirm the recreation payment which will be made to the Township and used for municipal recreation facilities.

5. **Affordable Housing.** At the time the Latham Park subdivision was approved the affordable housing obligation for the development was 5% or 32 units; which was intended to be a cash contribution to fund a Regional Contribution Agreement (RCA with Bridgeton. RCAs were permitted at the time, but are no longer allowed. In 2008 and 2009 there had been some discussion with Orleans about increasing the affordable housing set aside in order to assist the Township in meeting its fair share obligations, however an agreement had not been reached (in order to provide more affordable units, Orleans proposed to increase the number of market rate units).

   Though additional affordable units would be useful in assisting the Township in meeting its obligations, the proportionate 5% share for the 169 units at Aura II is eight (8) affordable housing units. The applicant proposes to coordinate the affordable units with the affordable component in Aura I. The applicant received approval from the Board in June 2015 to combine the affordable housing obligations for the two projects and to permit the phasing of the affordable units to be based on the implementation of the Aura I and II projects in aggregate. There are a total of 52 affordable units associated with Aura I and Aura II. The applicant should provide an update as to the status of the affordable housing phase of the project.

6. **Landscape Plan.**

   a. It is recommended that additional naturalistic landscaping, such as a perennial garden area, be added within the open space lots in addition to the trees proposed. Additional landscaping will add interest to the trail system. It is also recommended that a trash receptacle be added within lot 1 in block 29.18. This has been addressed by the applicant.

   b. The applicant has added buffer plantings to the south side of lot 25 and the north side of lot 26 (existing homes on Richwood Aura Road) to define the edge of the property and break up the view.

7. **Lighting.** The applicant proposes metal halide street lights on 25 foot high wood laminated poles. The Latham Park plan previously included decorative residential street lights along the entrance drives. At the time of preliminary it was agreed that the applicant would look into the lighting options and report back at the time of final. The applicant did agree to fiberglass poles as requested by the Board, and this change is not reflected on the plan. The Light Fixture Detail shown on the plans provides for a wood fiberglass pole. The applicant shall provide manufacturer specifications of the pole.

8. **School Site.** The applicant proposes to dedicate a 24.464 acre lot at the intersection of Whig Lane, Richwood-Aura Road and Ewan-Aura Road (Clems Run) to the Township for the purpose of meeting the future expansion needs of the Elk Township school district. The applicant indicated that they land will be dedicated to the Township at the time the first building permit is issued, and it was anticipated that the dedication would be within one year. The applicant should provide an update on the anticipated timing.

9. **Roadway Realignment.** A realignment of County Route 623 (Ewan-Aura Road/Clems Run) was proposed in the vicinity of the existing Aura school and the land to be dedicated to the Township, and was a condition of the Latham Park subdivision approval. It is our understanding that the condition was required by the Township, but not by Gloucester County. The roadway realignment would require acquisition of private land in order to vacate a portion County Route 623 where it now separates the existing school site from the land to be dedicated, and the creation of a new intersection with Whig Lane to the west of the existing school. This requirement was not entirely fleshed out at the time of Latham Park's preliminary approval. At the time of the amendment ot the preliminary subdivision approval in 2014, Aura Investors indicated that the roadway realignment would be disproportionately expensive relative to the 169 residential lots in Aura II, and they believed that the realignment might be unnecessary depending on how the School Board opts to use the 24.46 acres to be dedicated. In December 2014 the applicant returned to the Board requesting a modification of the timing of the condition related to the road configuration. In accordance with Resolution 2015-7, the road realignment, or other connectivity solutions shall be established upon the occurrence of the first of the following two events:

a. The utility service available to the area shall advance to the point where construction of the additional approved residential lots which are part of the overall Latham Park project can occur; or

b. The school board advises the Township that the residential development has progressed to the point where there are pressures on the school district to provide for an expansion of the public school facilities to accommodate demand.

We reserve the option to make additional comments as more information becomes available.

Sincerely,
BACH ASSOCIATES, PC

Candace Kanaplue, PP, AICP
Senior Planner

cc: John Eastlack, Esq.
Stan Bitgood, P.E.
Aura Investors, LLC
Edward P Brady, PE
Robert Bower, PP