

RESOLUTION NO.: 2017-16

RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING AN ADMINISTRATIVE DESIGN CHANGE TO KEVIN EASE, 28 GLASSBORO ROAD, MONROEVILLE, N.J. 08343 AS TO A PREVIOUSLY APPROVED PRELIMINARY AND FINAL MAJOR SITE PLAN AND BULK VARIANCES APPLICATION, REGARDING PROPERTY SHOWN AS 1198 AURA ROAD (COUNTY ROUTE 667) AND BEING FURTHER SHOWN AS BLOCK 175, LOTS 8 & 9 ON THE TAX MAPS OF THE TOWNSHIP OF ELK, APPLICATION NO.: AD-17-08

WHEREAS, Application No. AD-17-08 (the "Application") was submitted before the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey (the "Board") by Kevin Eaise, 28 Glassboro Road, Monroeville, N.J. 08343 (the "Applicant") for an administrative design change as to a previously approved preliminary and final major site plan, and variances, regarding property located at 1198 Aura Road (County Route 667), (the "Subject Property"), and being further shown as Block 175, Lots 8 & 9 on the tax maps of the Township of Elk (the "Township"); and

WHEREAS, the Applicant did appear at a meeting and public hearing held on the Application on October 18, 2017 at 7:30 PM, time prevailing, at which time the Applicant represented himself and was sworn and provided testimony on the Application;

NOW, THEREFORE, BE IT RESOLVED by the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, as follows:

FINDINGS OF FACT

1. The Application was complete and properly before the Board. As such, the Board had jurisdiction to act of the Application.
2. The Board's professional engineer, Stan Bitgood, P.E., C.M.E., Federici and Akin, P.A., and the Board's professional planner, Steven M. Bach, P.E., R.A., P.P., C.M.E., Bach Associates, PC, were both sworn as to any testimony that they might give on the Application on behalf of the Board.
3. The Applicant submitted, and the Board entered into the record, the following:

A. Letter dated October 4, 2017 from Gary R. Civalier, P.E. P.L.S., P.P., Civalier Engineering & Surveying, Inc., the Applicant's engineer and surveyor, regarding the Applicant's requested administrative design changes and the reasons for same.

B. Pre-Phase I Site Plan (the "Plan") for Kevin Eaise regarding Block 175, Lots 8 & 9, prepared by and signed and sealed by Gary R. Civalier, P.E., P.L.S., dated 10-4-17, which indicated the nature and scope of the design changes being requested by the Applicant.

4. The Applicant had previously submitted an application for preliminary and final major site plan approval, and variances, regarding the Subject Property, which application was heard by the Board on March 15, 2017. The Application was approved and the approval was memorialized by the Board by way of the adoption of Resolution No. 2017-13 on April 19, 2017. The Applicant now requests an administrative design change to the previously approved site plan by way of Resolution No. 2017-13 (Pre-Phase I), as is further set forth below.

5. Both by way of direct testimony by the Applicant and in reliance upon the representations made in Mr. Civalier's letter of October 4, 2017, which had been entered into the record, the Applicant set forth that a storage building that he currently uses in Mantua Township has been sold, quicker than expected, and he now needs to provide for another location in which to store his off-season equipment that is currently stored in Mantua, as soon as possible. As such, the Applicant would like to construct a 5,000 square foot pole barn on the Subject Property, which was originally planned to be constructed as part of Phase I of the approved site plan. Accordingly, the Applicant was requesting to construct the pole barn as a Pre-Phase I installation. The installation of the pole barn would necessitate a stone driveway, proposed concrete curb at one of two proposed entrances to the Subject Property from Aura Road, and associated improvements, all as shown on the Plan.

6. The Applicant and his engineer (by way of the engineer's letter of Oct. 4, 2017), indicated that the portion of the County's entrance on Aura Road will result in less than one quarter (1/4) acre of additional impervious coverage on the site, and less than one (1) acre of disturbance in total. Furthermore, the stormwater run-off from the improvements proposed under the Pre-Phase I work reflected on the Plan will be diminimis. The Applicant will also remove the portion of asphalt exiting onto Aura Road near the existing home so that no vehicular traffic uses the driveway for delivery or removal of off-season equipment, until such time as the construction that is to occur under the approved site plan commences and the other proposed driveway is constructed. Furthermore, the pole barn to be constructed will be for storage of off-season equipment only, and there will be no day-to-day activities on the Subject Property. The Applicant will also submit the Plan to the County Planning Department for its approval prior to any work being conducted on the Subject Property, regarding the

improvements set forth on the Plan that is the subject of this Application. The Applicant, Mr. Eaise, confirmed all of the foregoing through direct testimony before the Board.

7. The hearing on the Application was opened to the public, at which time no member of the public present testified either for or against the Application.

CONCLUSIONS

The Board concludes that the requested design change should be granted based on good cause shown, and the representations made by the Applicant. The Board concludes that the proposed design change would have a minimum impact on the Subject Property, does not represent a substantial change to the original approvals – just a slight change in the order of the improvements to be made under the prior site plan approval. Furthermore, the proposed design change will be subject to getting approvals from the Gloucester County Planning Board.

CONDITIONS

1. The approval granted herein is subject to the Applicant obtaining any and all necessary and required approvals, permits, inspections, etc., from the Township of Elk, the County of Gloucester, and any and all other agencies of government having jurisdiction therein.

2. All other conditions as were set forth under Resolution No. 2017-13 granting preliminary and final major site plan approval, and variances, not otherwise inconsistent with the approval granted herein, shall remain in full force and effect.

WHEREUPON, a motion was made by Board member Afflerbach, which was seconded by Board member Schmidt, to grant approval of the Applicant's Application for a Design Change, subject to the understandings, conditions and representations as are set forth above under Findings of Fact, with the following members voting in favor of the motion: Nicholson, Hughes, McKeever, Shoultz, White, Schmidt, Afflerbach, Goss (Alternate # 1) and Swanson (Alternate # 2). There were no votes in the negative and no abstentions or recusals. The following Board members were absent: Poisker and Clark.

THE RESOLUTION WAS ADOPTED at a regularly scheduled meeting of the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, held on November 15, 2017 as a memorialization of the approval granted in the above referenced matter by the Board on October 18, 2017.

**COMBINED PLANNING/ZONING BOARD OF
ADJUSTMENT OF THE TOWNSHIP OF ELK**

By: 
JEANNE WHITE, Chairperson

ATTEST:

By: 
ANNA FOLEY, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regularly scheduled meeting of the Elk Township Combined Planning/Zoning Board of Adjustment, County of Gloucester, State of New Jersey, held on the 15th day of November 2017 at the Township Municipal Building, 680 Whig Lane, Monroeville, N.J. 08343 at 7:30 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's meeting and public hearing held on October 18, 2017 on the above cited Application.


ANNA FOLEY, Secretary

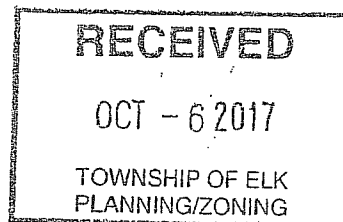
Civalier Engineering & Surveying, Inc.

12 West Mantua Avenue

Wenonah, NJ 08090

Applic# AD-17-0

October 4, 2017



Elk Township Planning Board
680 Whig Lane
Monroeville, New Jersey 08343

Attn: Ms. Anna Foley, Planning Board Secretary

Re: Eaise Site Plan
Plate 40, Block 175, Lots 8 and 9
Elk Township, Gloucester County, N.J.
Request for Pre Phase 1 Approval to construct Pole Barn and Stone Driveway
Our File No. S16-1072

Dear Chairman and Members of the Board:

Mr. Eaise would like to request approval to construct the proposed Pole Barn and stone driveway leading to the pole barn on the above referenced site as a Pre-Phase 1 condition. Mr. Eaise is in a predicament as a result of his storage building that he presently uses for storing off-season equipment located on Tylers Mill Road in Mantua Township, which is up for sale, having sold quicker than he expected. As a result, he will have to remove the equipment that he stores in this building and would like to put up the 5,000 square foot Pole Barn on this site sooner than expected.

The installation of the Pole Barn and stone driveway and a portion of the County's entrance on Aura Road will result in less than 1 quarter (1/4) acre of additional impervious cover on the site and less than one (1) acre of disturbance in total. The stormwater runoff from the improvements proposed under the Pre-Phase 1 work reflected on the enclosed Pre-Phase 1 Plan will be deminimis. I have highlighted on the plan the items to be constructed as part of this Pre-Phase 1 construction as well as the calculated areas of disturbance and impervious proposed.

Mr. Eaise also will remove the portion of asphalt exiting onto Aura Road near the existing home so that no vehicular traffic uses this driveway for delivery or removal of off-season equipment until such time as the construction to occur under the Approved Site Plan commences and the other proposed driveway is constructed.

The Pole Barn to be constructed will be for storage of off-season equipment only and there will be no day to day activities at the site in question.

We are also contacting the County Planning Board and are providing a copy of the plan to them also with the request to install only the curb returns and asphalt within the driveway proper as shown until such time as the Phase 1 construction under the Approved Site Plan commences.

October 4, 2017

Page 2

Re: Eaise Site Plan
Plate 40, Block 175, Lots 8 and 9
Elk Township, Gloucester County, N.J.
Request for Pre Phase 1 Approval to construct Pole Barn and Stone Driveway

Enclosed for your use please find three (3) copies of the Pre-Phase 1 Plan depicting the areas in question for your use and review. I trust the enclosed is self-explanatory, however, if you have any questions or require additional information please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Civalier", written over a horizontal line. The signature is somewhat stylized and overlaps the line.

Gary R. Civalier, P.E., P.L.S., P.P.

President

GRC/klc

Enclosures

Cc: Mr. Stan Bitgood, P.E./Federici & Akin (w/encl.)
Mr. Kevin Eaise (w/encl.)

Resolution No.: 2017-13

**RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF
ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE
OF NEW JERSEY, GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL,
AND BULK VARIANCES, TO KEVIN EASE, 28 GLASSBORO ROAD,
MONROEVILLE, NJ 08343 REGARDING PROPERTY LOCATED AT 1198 AURA
ROAD (COUNTY ROUTE 667), AND BEING FURTHER SHOWN AS BLOCK 175,
LOTS 8 & 9 ON THE TAX MAPS OF THE TOWNSHIP OF ELK,
APPLICATION NO.: SP-17-02**

WHEREAS, Application No.: SP-17-02 (the "Application") was submitted before the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey (the "Board") by Kevin Eaise, 28 Glassboro Road, Monroeville, NJ 08343 (the "Applicant") for Preliminary and Final Site Plan approval, and bulk variances, to operate a landscaping and snow removal business on property located at 1198 Aura Road (County Route 667), (the "Subject Property") and being further shown as Block 175, Lots 8 & 9 on the Tax Maps of the Township of Elk (the "Township"); and

WHEREAS, the Applicant did appear at a meeting and public hearing held by the Board on the Application on March 15, 2017 at 7:30 P.M., time prevailing, at which time were the following present on behalf of the Applicant: William F. Ziegler, Esq., Holston, MacDonald, Uzdevinis, Ziegler & Myles, 66 Euclid Street, Woodbury, NJ 08096 (the Applicant's Attorney); Michael Eaise, (on behalf of the Applicant); Gary R. Civalier, P.E., P.P., P.L.S., Civalier Engineering & Surveying, Inc., 12 West Mantua Avenue, Wenonah, NJ 08090 (the Applicant's Professional Engineer, Professional Planner, and Professional Land Surveyor), and Thomas C. Freeman, on behalf of the owner of the Subject Property: The Estate of Edith Freeman; and

WHEREAS, Mr. Civalier had previously appeared in front of the Board and had placed his credentials, experience, and licensing information on the record, at which time it was determined by the Board that Mr. Civalier was a licensed Engineer, Professional Planner, and Professional Land Surveyor in the State of New Jersey, and was qualified to testify as an expert in those respective fields on behalf of the Applicant for the purposes of the Application, and was Mr. Civalier so stipulated on the record again as to the present Application, after which were Messrs. Civalier, Eaise and Freeman sworn and provided testimony on the Application;

NOW, THEREFORE, BE IT RESOLVED by the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, as follows:

FINDINGS OF FACT

1. The Application was deemed to be complete, subject to the Board acting on the Applicant's request for waivers of certain submission requirements. The Applicant had previously applied for and was granted a Use Variance on September 21, 2016 under Application No. ZB-16-09, with said approval being memorialized by the Board by way of the Board's adoption of Resolution No. 2016-24 on October 19, 2016. At said hearing, and pursuant to the New Jersey Municipal Land Use Law, the Board had to reconfigure itself into a seven-member Zoning Board of Adjustment, as only a Zoning Board of Adjustment can grant or act on a Use Variance. Insofar as the herein application for relief involves the same Subject Property and the prior use variance granted by the Board, the Board must constitute itself as a Zoning Board of Adjustment once again. Therefore, Mayor Poisker, and Township Committeewoman Nicholson recused themselves, and did not appear at the hearing. Accordingly, the Board thereafter had jurisdiction to act on the Application.

2. The Board's professional planner, Steven M. Bach, PE, RA, PP, CME, Bach Associates, PC, 304 White Horse Pike, Haddon Heights, NJ 08035 and the Board's professional engineer, Stan Bitgood, P.E., C.M.E., Federici and Akin, P.A., 307 Greentree Road, Sewell, NJ 08080, were both sworn as to any testimony that they would give on behalf of the Board for the purposes of the Application.

3. The Applicant submitted and the Board entered into the record the following:

A. Application, Application Fee, Escrow Agreement, Escrow Deposit, Notice of Public Hearing, Certification of Taxes Paid on the Subject Property, Affidavit of Service, Affidavit of Publication, Certified List of Property Owners within 200 ft. of the Subject Property, and Elk Township Land Development Checklist.

B. "Plan of Survey for Kevin Eaise", regarding Plate 40, Block 175, Lots 8 & 9, prepared by Civalier Engineering & Surveying, Inc., and signed and sealed by Gary R. Civalier, P.E., P.P., P.L.S., dated 12-27-16.

C. Drawings entitled "Preliminary and Final Site Plan situate Plate 40, Block 175, Lots 8 & 9, Township of Elk, Gloucester County, prepared by Civalier Engineering & Surveying, Inc., consisting of 14 sheets dated 1-10-17.

D. Letter dated February 22, 2017, from Steven M. Bach, PE, RA, PP, CME, Bach Associates, the Board's professional planner, regarding his review of the Application that was submitted to the Board.

E. Letter dated March 9, 2017 from Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., the Board's professional Engineer, to the Board regarding his review of the Application.

F. Wetlands Mapping Letter dated January 10, 2017 from Gary R. Civalier, P.E., P.P., P.L.S., Civalier Engineering & Surveying, Inc., indicating the absence of wetlands on the Subject Property.

G. Elk Township Planning Board Resolution No. 2016-24.

H. Exhibit A-1, which was a colorized site plan rendering, and Exhibits A-2 and A-3, which consisted of colorized elevations (front and side) of the proposed office building on the Subject Property.

I. Photographs of the Subject Property which were submitted as part of the Application.

J. Gloucester County Planning Board Site Plan Application, received by Elk Township on January 18, 2017.

K. Plan entitled "New Office Building, Block 175, Lots 8 & 9, Elk Township, prepared by Dennis McShane, Architect, dated 1-16-17.

L. Deeds of the Subject Property as to current owners Elbert C. Freeman and Edith Freeman.

M. Report of Title on the Subject Property.

N. Attachment to the Development Checklist, a list of waivers requested.

O. Drainage Calculations, Major Site Plan, prepared by Cary R. Civalier, P.E., and dated 1-9-17.

P. Stormwater Management Facility Operations & Maintenance manual prepared by Gary R. Civalier, P.E., dated 1-9-17.

Q. Letter dated 1-3-17 from Edward J. Johnson, Chief County Fire Marshal to the Board, regarding his review of the Applicant's Site Plans.

R. Copy of letter dated January 13, 2017 from the Applicant to Mr. Civalier, regarding the Applicant's proposed use of the Subject Property.

4. The 7.5 acre Subject Property is comprised of two lots. Lot 8 currently contains a residential dwelling and three farm buildings. It appears lot 9 is currently farmland. The Subject Property is located on the west side of Aura Road (County Route 667) within the RE Rural Environmental Residential zone district. The Subject Property is surrounded to the north and west by other properties also in the RE zoning district, to the south (across Buck Road) southeast east by C2 Commercial zoning, and to the east (across Aura Road) by R Rural Residential zoning district. The adjacent uses are predominantly comprised of farmland. There is a commercial property across Aura Road to the north of the Subject Property. The Applicant proposes to operate a landscaping and snow removal business. The Applicant intends to demolish the existing dwelling and construct a new 2,160 Sq. Ft. office building, two pole barns consisting of 7,400 Sq. Ft., a 2,400 Sq. Ft. pavilion, and

associated site improvements. The Applicant proposes two ingress/egress drives onto Richwood-Aura Road. The Applicant seeks both preliminary and final site plan approval and approval of bulk variances, as are more detailed below.

5. Zoning and Use.

M-1 Manufacturing Light Zone Bulk Standards

The Subject Property is located within the RE Rural Environmental Residential district. A "D" use variance was previously granted for this site on 9-21-16 (Resolution 2016-24) to permit the M-1 use in the RE zone. The Applicant will be held to the bulk standards for the M-1 zoning district. Bulk standards for the M1 zone district are provided below.

96-78F(1)(a): Minimum lot size: 2 Acres; Existing: 7.27 Acres; Proposed: 7.27 Acres;
Compliance: Yes

96-78F(1)(b): Minimum Lot Frontage: 200 ft.; Existing : 905.59 ft.; Proposed: 905.59 ft.;
Compliance: Yes

96-78F(1)(c): Minimum Lot Depth 200 ft.; Existing: 399.12 ft.; Proposed: 399.12' ft.;
Compliance: Yes

96-78F(1)(d): Max. Bldg. Cover: 20%; Existing: <20%; Proposed: 5.15%;
Compliance: Yes.

96-78F(1)(e): Minimum Front Yard Setback: 100 ft.; Existing: 69.31 ft.; Proposed: 50 ft.
Compliance: No *

96-78F(1)(f): Minimum Side Yard Setback: 50 ft.; Existing: >50 ft.; Proposed: 30 ft.;
Compliance: No *

96-78F(1)(g): Minimum Rear Yard Setback: 75 ft.; Existing: >75 ft.; Proposed: 40 ft.;
Compliance: No *

96-78F(1)(i): Maximum Bldg. Height: 40 ft.; Existing: <40 ft.; Proposed: <40 ft.;
Compliance: Yes

96-47.1: Vegetated Buffer: 50 ft. side, 100 ft. rear; Existing: N/A; Proposed: 20 ft. side, 0 ft. rear;
Compliance: No *

96-54.B(2): Parking Spaces –Office: 8 spaces (1 space per 250 sf); Existing: N/A
Proposed: 8;
Compliance: Yes

96-54.C: Parking Spaces –Employees: 20 spaces (1 space per 2 employees); Existing: N/A; Proposed: 25;
Compliance: Yes

*** Indicates variance required**

SUMMARY OF VARIANCES/WAIVERS REQUESTED:

1. Front Yard Setback § 96-78F(1)(e) – A variance has been requested for a front yard setback of 50' where 100' is required.
2. Side Yard Setback § 96-78F(1)(f) – A variance has been requested for a side yard setback of 30' where 50' is required.
3. Rear Yard Setback § 96-78F(1)(g) – A variance has been requested for a rear yard setback of 40' where 75' is required.
4. Vegetated Buffer § 96-47.1 – A variance has been requested for a 20' side yard buffer where 50' is required and for a 0' rear yard buffer where 100' is required.

Landscape and Buffering:

1. The Applicant has requested a variance for a 0' rear yard vegetative buffer where 100' is required and for a 20' side yard vegetative buffer where 50' is required per §96-47.1(2)(a). The Board's Planner did not recommend the elimination of the rear yard buffer entirely as the surrounding properties are currently farmed and/or residential. It shall be noted that the buffer width is in addition to any yard requirement per § 96-47.1(b).
2. Per §96-47.1(3) a double row of six-foot-tall to eight-foot-tall evergreen trees, spaced at six feet on center shall be provided within the required buffer.
3. Landscaping and fencing shall be provided along the entirety of the proposed basins.

6. The Board's Professional Planner, Steven M. Bach, P.E., PP., R.A., C.M.E., reviewed his letter of February 22, 2017 to the Board as follows:

1. The Applicant shall relocate the proposed septic system out of the front and side yard setbacks so as not to conflict with any required buffers. The Applicant responded that the proposed location of the septic system is based on the development needs and physical characteristics of the land, with respect to buildings, etc. in developing the Subject Property. The Board's Planner concurred.
2. The Applicant indicated at the Use Variance hearing that a nursery for landscaping might be part of the use at the site. The plans shall indicate the location of the proposed nursery. The Applicant testified that it will not have a plant nursery.
3. The Board's Planner recommended consideration of a fence around the top of each basin. If it is determined that a fence is required, the Board's Planner recommends a fence of rural character such as a 4' high split rail fence with black welded wire fabric in addition to required landscaping. After discussion with the Board's Engineer and Planner, it was decided that the Applicant will provide a vegetative hedge row adjacent to the northerly property line only near the basin near Lot 11, and will submit the same to the Board's Planner for review and approval.

4. The Applicant shall provide testimony regarding any existing or proposed signage for the site and shall conform to the requirements in §96-60 of the Elk Township Land Development Ordinance. The Board's Planner recommended low growing landscaping around the base of any pole mounted or monument signs.

The Applicant agreed to comply with the Township's sign ordinances.

5. The plans shall indicate the mounting height, pole material and finish and footing detail for the proposed light pole. The Applicant agreed to comply.

6. Per §96-51(l).2.(e) The use of High Pressure Sodium (HPS) or Metal Halide (MH) is recommended for the site. The Applicant has proposed Light Emitting Diode (LED) lighting. The Applicant's engineer proposed to limit the number of lights and use lights that are energy efficient. Any lights used will be fully shielded to avoid any light spillover to adjacent properties.

7. The Board's Planner recommended additional timed security lighting at the site as well as additional lighting at any ingress or egress to the site. The Applicant agreed to provide a lighting proposal using wallpack lights that will be fully shielded, to the Board's engineer for review and approval.

8. The Applicant should discuss if the lots are to be consolidated. Mr. Ziegler stated that the lots will be consolidated by deed.

6. Standard of Proof for "C" Variances

The Applicant is applying for bulk variances associated with the submitted Site Plan. The Applicant must provide testimony to justify the requested "C" variances. For a C(1) variance, the Applicant must demonstrate that the strict application of the zoning regulations to the Subject Property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the Subject Property or the exceptional topographic conditions uniquely affecting the Subject Property, or the structures lawfully existing upon the Subject Property. For a C(2) variance the Applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments.

7. Mr. Ziegler, on behalf of the Applicant, provided a brief overview of the Application, consistent with the information set forth above.

8. The Applicant requested certain waivers from submission requirements as follows:

#13 requires metes and bounds description of the Subject Property. The Applicant will provide as a condition of approval. The Board's Planner Our office had no objection to this completeness waiver.

#29 requires an Environmental Impact Statement as per §96-44. The Applicant has requested a waiver. The Applicant's Engineer had submitted a letter to the Board regarding the absence of wetlands.

#30 requires Phase I Environmental Assessment report conforming to current ASTM standards in accordance with §62A. The Applicant has requested a waiver. A representative of the owner of the Subject Property will testify as to this matter.

#31 requires Traffic Impact Study prepared, signed and sealed by a licensed professional engineer in NJ. The Applicant has requested a waiver. The Applicant agreed to provide testimony in lieu of as formal Traffic Impact Statement.

#33 requires statement demonstrating compliance with affordable housing requirements as applicable including section 70-4. The Applicant has agreed to comply will all lawful affordable housing requirements.

#37 requires drafts of proposed protective covenants, deed restrictions or easement for review. The Applicant agreed to provide as a condition of approval. .

#73 requires a letter of interpretation from the NJDEP confirming presence or absence of freshwater wetlands on the property. The Applicant's engineer has provided a letter to the Board stating that there are no wetlands on the Subject Property.

WHEREUPON, a motion was made by Board Member Schmidt,, which was seconded by Board Member Shoultz, to grant the above referenced submission waivers, based on the representations and agreements made by the Applicant, with the following Board members voting in favor of the motion to approve: Clark, Hughes, Shoultz, White, Schmidt, and Goss (Alternate Member #1). There were no votes in the negative and no abstentions. The following Board members were absent: McKeever, Afflerbach and Swanson (Alternate member # 2). Mayor Poisker and Township Committeewoman Nicholson had recused themselves since the Board had reconfigured itself into a seven-member Zoning Board of Adjustment, from a nine-member Planning Board.

9. Mr. Civalier testified by way of an overview of the engineering plans submitted, and the fact that the plans were amended to meet County requirements as to the access/egress points. Mr. Civalier testified that the Gloucester County Planning Board has approved the Plans as amended. Mr. Civalier reviewed the proposed stormwater management plan, landscaping, proposed septic system, buffers, the layout of the proposed buildings on the Subject Property, traffic movements on site, and other site issues. The Board accepted as fact Mr. Civalier's testimony and representations.

10. Mr. Civalier also testified as to expert opinion regarding the variances that the Applicant was applying for, as previously listed above. Mr. Civalier testified that the variances were necessary in order to develop the Subject Property in the manner proposed, given the unique shape, configuration and physical characteristics of the Subject Property, and the Township's need for buffering, landscaping and other development code requirements. Mr. Civalier testified that the benefits of developing the

site in the manner proposed, which represented sound engineering, planning and aesthetics, would far outweigh any detriments and, to the extent that any detriments occurred, they would be minimal and certainly not substantial. The Board accepted as fact Mr. Civalier's testimony, and concurred with the same.

11. Mr. Freeman testified on behalf of the owner that, to his knowledge, there were no underground tanks on the Subject Property, or other environmental impairments to the Subject Property.

12. Mr. Ziegler represented that a sign package had not yet been prepared, but that the Applicant would either meet all zone code requirements regarding signs, or file a separate application for variance relief.

13. The Board's Professional Engineer, Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., reviewed with the Board and the Application his letter of March 9, 2017 as follows:

1. Zoning Use. The proposed use comports with the approved use variance. The M-1 bulk requirements apply as indicated in the approving resolution and on the plans.

2. Lot arrangement. A deed of consolidation should be submitted for the two lots. The plans show parking and accessory buildings in lot 9 which does not constitute a principal use. Likewise, the office in lot 8 will be the principal structure for the activities in lot 9. The Applicant agreed to comply.

3. Bulk Requirements. The plan includes a land use summary table which indicates that the proposed site improvements will require new zoning or bulk variances as follows:

A. Agricultural buffers are required, by Code section 96-47.1, along the residential side, i.e. along lot 11. The Applicant proposes to construct a landscape buffer along lot 11. The buffer is shown on the plans. As required, the side yard setback is shown from the interior edge of the buffer.

B. Front Yard Setback of 50 feet where 100 feet is required. The office building is proposed at 50 feet whereas the existing dwelling was setback only 16.76 feet.

Testimony was provided by the Applicant's professional planner to justify this variance.

4. Details. The details should be revised to change the word "Borough" to "Municipality." Notes on sheet 8 should be revised to indicate 2007 edition of NJDOT specifications. Sidewalks should be called out to have a minimum slope for drainage of 1%.

The Applicant agreed to comply.

5. Drainage. The Drainage Report addresses the impacts of the proposed changes in land use, as required by the Township Code and NJDEP rules. By using three stormwater basins, two of which are connected by a 15 inch HDPE pipe, the calculations demonstrate that there will be no runoff from the improvements for the 2, 10 and 100 year storm events. All of the increases in runoff will be recharged via the porous sand bottoms of the basins. This is acceptable.

A. An overall site pre-post runoff table should be included in the report.
The Applicant agreed to comply.

B. On page 3 under Shed E-1 the sentence “Due to the cultivated land and excellent soil conditions, all of the runoff from all storms presently infiltrates back into the soils” should be deleted. Runoff calculations do indicate runoff from all storms.
The Applicant agreed to comply.

C. On page 6, under Shed P4, the claim that because this area has less than ¼ acre of additional impervious area, is not acceptable. The calculations must address the impacts of new impervious areas if such exceeds ¼ acre for the entire site.
The Applicant agreed to comply.

D. On page 5 the proposed number of phases should be 3.
The Applicant agreed to correct.

6. Elevations. Elevations of the sides and rear should be provided along with elevations of the proposed pole barns and pavilion.
The Applicant agreed to comply.

7. Grading. In general the grading will maintain existing grades with modest changes for basins and landscape areas.

A. Grading around the office should be revised to provide 6 inches fall within 10 feet of the building in all directions. This can be done as part of an individual lot grading plan, but revising the plan now will obviate the need for such and the costs of same. The Applicant agreed to comply.

8. Fire Safety. The plans should be reviewed by the Fire Chief & Fire Marshal and should be revised to show any additional clear fire zones, hydrants, safety placards, building numbers, or other safety measures that they may require.
The Applicant agreed to comply.

A. The 911 number post should be provided adjacent to the driveway, and should conform to the most current Elk Township Code.
The Applicant agreed to comply.

9. Parking. The plans include a table showing parking requirements and spaces provided. The table is acceptable.

A. Testimony should be provided regarding the maximum number of trailers that will be parked on site, the duration of such parking, and on how these will be screened from the public streets. The maximum size vehicle should also be indicated.

The Applicant's engineer testified that there would be 10-12 landscaping trailers parked per day on the site, and approximately 1 per day of a 17 yard triaxle delivery dump truck during the peak mulch season. The plan will be revised to show how these trailers/truck will be screened from public streets.

B. A truck turning diagram should be provided. The Applicant agreed to comply.

C. Parking for phase 3 should be within the same lot as the principal use, i.e. the business office. The consolidation of the lots resolves this issue.

10. Phasing. The plans show development in 3 phases. The office is included in phase 2, anticipated to start a year after phase 1. Testimony should be provided regarding how the business will operate, facilities that will be available to employees, etc, during phase 1, prior to construction of the office.

The Applicant's engineer testified as to each phase.

11. Sight Triangles. The County has waived the sight triangle requirement since most of the triangles will be within the roadway pavement.

12. Stormwater Maintenance. The submitted operation and maintenance plan is generally acceptable.

A. The plan should be revised to require that a copy of the inspection and maintenance reports, along with a certification by the operator, that the system has been maintained in accordance with the plan, be submitted to the Municipal Clerk on or before January 31, of each year. The Applicant's engineer testified that this has now been submitted.

B. A deed of restrictive easement shall be prepared that prohibits development within the basin areas. Upon approval of the legal description by the Board Engineer and the easement language by the Board Solicitor, the easement must be filed with the County Clerk. The Applicant's attorney will work with the Board's attorney on this.

13. Traffic. As the site fronts only on County Routes, the County has jurisdiction over access, traffic, and sight triangles, and street openings.

A. The County Planning Board approved the two entrances onto their roadways. The Board's engineer had no objection to their locations or sizes. The relocation conforms to the conditions of the Use Variance as well.

14. Trash. A trash enclosure or an indication of which existing structure is to be used for this should be provided. The interior of it should not be visible from either street, or the adjacent residential lot. The Applicant agreed to comply.

15. Utilities. No services are shown on the plan. The proposed septic field and the existing well are shown.

A. The plan shows bollards around the existing well to protect it.

B. The plan should be revised to show all utilities and the locations of existing & proposed water lines and septic system tank, distribution box, etc. The Applicant agreed to comply.

C. The plans require by note that all utility services be installed underground.

The hearing on the Application was opened to the public, at which time no member of the public present testified for or against the Application. There being no member of the public wishing to give testimony, the public portion was closed.

CONCLUSIONS

The Board concluded that the Applicant has met his burden with regard to its requested Preliminary and Final Site Plan approval, given the plans and other documents submitted, testimony presented, approval received from the Gloucester County Planning Board, and compliance with the Board engineer's and Planner's review letters, as amended. The Board also concludes that the bulk variances requested by the Applicant should be granted insofar as they were necessary to implement the proposed and approved site plan, which the Board found was appropriate for the development of the Subject Property and incorporated sound planning, engineering and aesthetic considerations, and that the benefits derived from a grant of the variances requested would far outweigh any detriments and, to the extent that any detriments would occur, they would be minor and not substantial.

CONDITIONS

1. The Board presumes that the Applicant's Application, all maps, Exhibits, 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 the Board, on reasonable grounds, that the 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 on by the Board as they bear on facts that were essential in the granting of the relief requested by the Applicant, the Board may rescind its approval and rehear the Application, either upon the request or 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.

2. At any time after the adoption of this resolution of memorialization, should a party on interest appeal to the Board for an order vacating or modifying any term or conditions as set forth herein, upon the 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 fact(s) at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems to be 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.

3. 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 made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12.c., and publication of the notice of public hearing in this matter in accordance with law.

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

5. The Applicant must obtain all 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 Attorney, Engineer and Planner.

6. 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 this Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or constructions or other activity commencing on the approved project, or any certificate of occupancy being issued.

7. The Applicant must obtain any and all other construction or municipal permits, inspections, etc., required with respect to the relief as granted herein.

8. The approval granted herein is subject to the Applicant making amendments to the plans as requested by the Board's professionals, as well as submitting such additional information as requested by the Board's professionals, and compliance with all representations, agreements and consents by the Applicant's professionals, the same being set forth under Findings of Fact above.

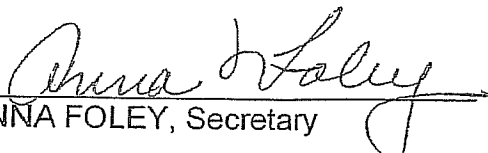
9. **WHEREUPON**, a motion was made by Board member Shoultz, which was seconded by Board member Clark, to grant approval of the above referenced Preliminary and Final Site Plan, and bulk variances, following a public hearing held on the Application on March 15, 2017 with the following Board members voting in favor of the motion to grant approval: Clark, Hughes, Shoultz, White, Schmidt, and Goss (Alternate # 1). There were no abstentions or votes in the negative. The following Board Members had recused themselves since the Board had configured itself into a seven-member Zoning Board of Adjustment: Poisker, and Nicholson. Board Members McKeever, Afflerbach, and Swanson (Alternate member # 2) were absent.

THIS RESOLUTION WAS ADOPTED at a regularly scheduled meeting of the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, on April 19, 2017 as a memorialization of the approval granted in the above referenced matter by the Board at its regular meeting held on March 15, 2017 on the above referenced Application.

**COMBINED PLANNING/ZONING BOARD OF
ADJUSTMENT OF THE
TOWNSHIP OF ELK**

By: 
JEANNE WHITE, Chairperson

ATTEST:

By: 
ANNA FOLEY, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regularly scheduled meeting of the Elk Township Combined Planning/Zoning Board of Adjustment, County of Gloucester, State of New Jersey held on the 19th day of April 2017 at the Township Municipal Building, 680 Whig Lane, Monroeville, N.J. 08343 at 7:30 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's meeting and public hearing held on March 15, 2017 on the above cited Application.


ANNA FOLEY, Secretary