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Elk Township Combined Planning and Zoning Board

Regular Business Meeting

November 28, 2018

Minutes

Call to Order: meeting called to order at 7:30pm.

Roll Call:

Present: Matt Afflerbach, Jay Hughes, Ed McKeever, Donna Nicholson, Richard Schmidt, Eugene Shoultz, Jeanne White, Wayne Swanson (alt. 2)

Absent: Bob Clark, Ed Poisker, Frank Goss (alt 1)

Open Public Meeting Act: was read by the Board Secretary

Flag Salute: Chairperson led the flag salute.

Approval of Minutes:

- **October 17, 2018**

Mr. Afflerbach moved to approve the minutes of October 17, 2018, Seconded by Mrs. Nicholson. With all other members in favor, the motion was carried.

Resolution(s):

2018-15- resolution granting a limited administrative design change to a previously granted approval of a major subdivision, to Aura Homebuilders, LLC, regarding properties located at 101 & 107 Cortland Blvd., block 29.04, lots 11 & 14, to permit three driveways with corresponding curb cuts to accommodate three single-car garages, Application #AD-18-09

Mr. Schmidt moved to adopt resolution 2018-15. Seconded by Mrs. Nicholson.

Roll Call:

Voting in favor: Nicholson, Hughes, Schmidt, White

Against: None Abstain: None 4-0-0

➤ **Old Business:** None

➤ **New Business:**

1) Extension of time to file deeds of minor subdivision, Block 21, lot 5.01, 1469 Ellis Mill Road, John Dzieniszewski. Application #SD-18-14(A)

Applicant's attorney, John Alice, Esquire, by way of a letter dated November 21, 2018 to the Board stated the Applicant, John Dzieniszewski, was unable to meet the 190 day deadline to record the deeds of a minor subdivision approved in May of 2018 . The applicant had experienced difficulties in the placing of monuments and other surveying issues which prevented him from recording the deeds within the statutorily mandated 190 day deadline.

The applicant requests a 90 day extension of time (until February 20, 2019) to record the deeds of the previously approved minor subdivision.

Chairwoman White moved to grant the 90 day extension of time request by Resolution 2018-16. Deeds are to be recorded on or before February 20, 2019. Seconded by Mr Hughes.

Roll Call:

*Voting in favor: Afflerbach, Hughes, McKeever, Nicholson, Schmidt, Shoultz, White, Swanson
Against: None Abstain: None 8-0-0*

2) A. Christopher & Kristen Vogel, Completeness Hearing

Bulk variances for in-ground pool located at 306 Winesap Way, block 29.01, lot 2. Application #ZB-18-07.

Mr. Vogel was sworn in and explained he needed variances to install an in-ground pool. He lives in the development, "The Orchards at Aura," and cannot meet the following pool ordinance requirements that would require variance: 1) maximum impervious coverage, 2) property line to water line minimums for rear & side yards. 3) minimum lot grading from property line & contours extending beyond the limit of grading. Mr. Vogel also requested waivers from the application submission requirements.

Board Planner, Steve Bach, reviewed his letter of October 29, 2018.

Item #8 - requires copies of applications to and certification of approvals from outside agencies.
A waiver is recommended.

Item #15 - requires source and date of current or recertified property survey prepared and sealed by NJ
A waiver is recommended.

Item #22 - Applicant is required to submit a list of waivers and variances from the Elk Township Unified Development Ordinance.
A waiver is recommended.

Item #35 – schedule of Zoning District requirements.
*Not provided by applicant but is included in review letter.
A waiver is recommended.*

Item #41 - requires the Applicant to locate existing wells and septic systems and the distances between them and on adjacent properties where required by the Board.
A waiver is recommended as this development is service by public utilities and there are no existing septic or well systems on surrounding properties immediately adjacent.

Item #43- requires existing and proposed use of all buildings and structures including bridges, culverts, paving, lighting, signs and grade elevations for each structures be shown.
A waiver is recommended.

Item #53 - requires the Applicant to provide information on any structure of historic significance on or within two hundred feet of the tract.
A waiver is recommended as there are no historic structures within 200 ft.

Item #55 – requires contours at 20 foot intervals for the entire tract and within 100 feet and conformance with the grading plan requirements in section 96-66M prior to issuance of building permits.
Deferred to board Eng.

Item #67 - requires Soil boring and percolation data for on-site sewerage disposal.
A waiver is recommended, as the site is serviced by public sewer.

Item #73 requires the Applicant to submit a LOI or PE certification of no wetlands.

A waiver is recommended

Board Engineer, Stan Bitgood of Federici & Akin referred to his letter of September 27, 2018. He was in favor of granting the waivers as recommended by the Board Planner and he added items 1A (plot plan prepared by Professional Engineer) and 2G (schedule of zoning values) noted in his letter are now in compliance per the revised plan submitted. There were no other completeness items.

Mr. Hughes moved to grant the waivers and deem the application complete, seconded by Mr. Swanson.

Roll Call:

Voting in favor: Afflerbach, Hughes, McKeever, Nicholson, Schmidt, Shoultz, White, Swanson

Against: None Abstain: None 8-0-0

3) B. Christopher & Kristen Vogel, Public Hearing-

Bulk variances for in-ground pool located at 306 Winesap Way, block 29.01, lot 2. Application #ZB-18-07.

The following variances are required with the revised plan submitted:

- 1) maximum impervious coverage,
- 2) setbacks for property line to the waterline minimums (rear and side)
- 3) a waiver/ variance from the need for lot grading contours extending 50 feet

Board Planner and Board Engineer continued with their review letters and discussed the following: Drainage. The proposed drainage will concentrate runoff along the fence lines and will force additional runoff onto the adjacent lots 1 and 3. While the quantity of added runoff may be small, the channelizing of it that will occur if the pool deck is permitted to be less than 10 feet from the property line, will likely cause erosion at and adjacent to the fence. That erosion will very likely extend into adjacent lots 1 and 3. **Mr. Vogel testified that he will shift the pool and deck, and the grading, to the right by 3 feet.**

Grading. Grading will not be reviewed until a lot grading plan has been signed, sealed and submitted by a professional engineer at the time of pool construction and a proper lot grading plan and application will be required in, accordance with code section 96-66.M.

The Applicant agreed to comply.

Limit of Disturbance. The proposed limit of disturbance extends to within 1 foot of the property line that is shared with lot 3. The limit of disturbance must be moved at least 5 feet away from the property line, although it is strongly recommended that it be moved to 10 feet from the property line. The proposed limit of disturbance that is shared with Lot 1 must also be moved. The proposed limit of disturbance must be moved 5 feet away from the property line. These 5 foot minimum distances must be called out and shown on the plan.

Limit of disturbance must include all proposed fence and gate changes and the area of the proposed pool equipment.

The Applicant agreed to comply.

Impervious Coverage. The existing lot was designed and constructed to conform to the zoning requirements of the subdivision. Therein, a maximum of 20% impervious coverage shows on the approved subdivision plans. The proposed accessory structure must conform to the applicable zoning ordinance at the time of construction. This is also stated in the approving resolution # 2011-13. Thus the Rural Environmental district rules apply to this Application. The proposed impervious coverage is 48.56% where 30% is the maximum permitted. Impervious coverage (not including the pool water surface) should be limited to 34% in accordance with the approved subdivision design.

The Applicant agreed that, in the event that pool water needed to be emptied from the pool, it would be pumped out so as to discharge the flow through the rear of the Subject Property into the basin.

Board Engineer added to the discussion that he had reviewed the stormwater management design report for this subdivision, and confirmed that the basin and the portion of the system for this subdivision where this property is located, was in fact designed to handle the impervious coverage requested without any problems.

Mr. Afflerbach moved to open to the public, seconded by Mr. Hughes. With all members in favor, the motion was carried.

With no comment from the public, **Mr. Swanson moved to close to the public, seconded by Mrs. Nicholson.** With all members in favor, **the motion was carried**

The Board noted that there was ample room on the Subject Property to position the proposed pool, and that the Applicant had worked diligently with the Board and the Board's professionals regarding revisions to proposed setbacks, location of pool equipment, adequate clear distances for proper grading, and the ability to backwash the pool water in a way that it would not impact any neighbors or other improvements.

Variances for maximum impervious coverage, setbacks for property line to the waterline minimums (rear and side) and a waiver/ variance from the need for lot grading contours extending 50 feet, were proper given the adjustments that the Applicant made to his plan, and the current capacity of the existing stormwater management basin.

Additionally, the Applicant is required to make additional submissions prior to construction permits being issued.

Chairwoman White moved to grant the variances as discussed subject to the conditions discussed and further conditioned upon items outlined in the Board's Professionals' review letters. Seconded by Mr. Afflerbach.

Roll Call:

Voting in favor: Afflerbach, Hughes, McKeever, Nicholson, Schmidt, Shoultz, White, Swanson

Against: None Abstain: None 8-0-0

➤ **General Public Portion**

Mr. Hughes moved to open the general public portion, seconded by Mrs. Nicholson.

With all members in favor, **the motion was carried.**

With no comment from the public, **Mr. Hughes moved to close the general public portion, seconded by Mr. Swanson.** With all members in favor, **the motion was carried.**

➤ **Correspondence:**

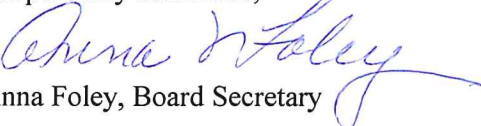
Gary Thompson, Esquire, attorney representing Coal Builders LLC sent a correspondence dated November 12, 2018 requested their variance application be postponed from the November 28, 2018 agenda. Board Secretary stated the new hearing date will be December 19, 2018.

➤ **Adjournment:**

Mrs. Nicholson moved to adjourn, Seconded by Mr. Schmidt. With all members in favor, **the motion was carried.**

Adjournment time: 7:33 pm

Respectfully submitted,


Anna Foley, Board Secretary