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Elk Township Combined Planning and Zoning Board

Regular Business Meeting

March 20, 2019

Minutes

Call to Order: meeting called to order at 7:04pm.

Roll Call:

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

Absent: Ed Poisker, Al Richardson (alt. 1)

Open Public Meeting Act: was read by the Board Secretary

Flag Salute: Chairperson led the flag salute.

Approval of Minutes:

- **December 20, 2018**

Mr. Afflerbach moved to approve the minutes of December 20, 2018, Seconded by Mr. Schmidt.
With all other members in favor, *the motion was carried.*

- **January 16, 2019 Reorganization**

Mr. Afflerbach moved to approve the minutes of January 16, 2019, Seconded by Mr. Shoultz.
With all other members in favor, *the motion was carried.*

Resolution(s):

2019-07-granting a bulk variance (lot size) to Coal Builders, L.L.C., block 147, lot 3, located at 539 Fifth Avenue, Application no. ZB-18-08

Mr. Afflerbach moved to adopt resolution 2019-07. Seconded by Mr. Hughes.

Roll Call:

Voting in favor: Afflerbach, Clark, Hughes, Nicholson, White, Swanson

Against: None Abstain: None 6-0-0

➤ **Old Business:**

a) **Completeness Hearing:**

Application of Joseph Baals- Bulk variances (lot size, width at building line), 338 Moods Rd, block 20, lot 3, Application number ZB-18-11

Applicant was represented by attorney Robert Swartz of Florio, Perrucci, Steinhardt & Capelli, Cherry Hill, N.J. Mr. Joseph Baals was sworn in.

The applicant requests bulk variances to permit a pre-existing building lot of 37,000 square feet where 40,000 square feet is required and to reduce the minimum width at the building line.

Board Planner, Steven Bach, referred to his review letter dated, December 5, 2018 regarding the following requested waivers:

Item # 8 requires copies of applications to and certifications from all outside agencies.
Waiver is recommended for completeness only, subject to proper documentation as a condition of approval.

Item # 11 requires source and date of current or recertified property survey prepared and sealed by a registered N.J. Land Surveyor, prepared or certified with the last year.
Waiver is recommended for completeness only. An updated survey shall be submitted prior to any permits being issued.

Item #27 requires a north designation arrow on each sheet.
Waiver is recommended for completeness only, subject to an updated survey being submitted.

Item #35 requires schedule of zoning requirements. This has not been provided.
Waiver is recommended by the Board's professionals as the schedule has been provided in the review letters.

Item #38 requires submission of site photographs.
Waiver is recommended.

Item #40 requires the location and dimensions of wooded areas and proposed structures. Because the structures on the Subject Property will be demolished, and a new survey will be submitted.
Waiver is recommended for completeness as no structure is proposed at this time.

Item #41 requires the location of all existing wells and septic systems, and distances between them and those on adjacent properties, where required by the Board.
Waiver is recommended for completeness only.

Item #43 requires the location of existing and proposed structures. Because the existing structures will be demolished, and there are no proposed structures at this time.
Waiver is recommended.

Item #53 requires the Applicant to indicate any historic structures located within 200 feet of the Subject Property. The Applicant has requested a waiver because there are no historic structures within 200 feet.
Waiver is recommended due to the nature of the application.

Item #55 requires contours at 20 foot intervals for the entire tract and within 100 feet of the Subject Property, and conformance with the grading plan requirements. The Applicant has requested a waiver, as no construction is planned at this time.

Waiver for completeness only, but subject to future compliance when building permits are applied for.

Item #67 requires for on-site sewage disposal, the results and locations of all percolation test and test borings to be provided. The Applicant has requested a waiver. The Board's Planner supports *Waiver for completeness only*, but subject to compliance when a building permit is applied for.

Item #73 requires the Applicant to submit an LOI regarding wetlands from NJDEP. The Applicant has requested a waiver.

Waiver for completeness only, and subject to a condition of approval that the Applicant must submit a signed statement that flood hazard areas, wetlands or environmental buffers are not present on the Subject Property, by a licensed PLS or PE in accordance with the requirements outlined in the checklist.

Board Engineer had no other items for completeness.

Mrs. Nicholson, moved to grant the waivers subject to conditions as discussed & outlined in the professional's review letters and deem the application complete.

Seconded by Mr. Swanson.

Roll Call:

Voting in favor: *Afflerback, Clark, Hughes, McKeever, Nicholson, Schmidt, Shoultz, White, Swanson*

Against: None Abstain: None 9-0-0

b) Public Hearing:

Application of Joseph Baals- Bulk variances (lot size, width at building line), 338 Moods Rd, block 20, lot 3, Application number ZB-18-11

Attorney Robert Swartz submitted an aerial photo of the subject property that was labeled as exhibit "A-1" for the file record.

Mr. Swartz explained the applicant is the owner of the property and seeks bulk variance relief to allow for construction of a single family home on a lot that is slightly smaller than what the zone permits. Ewan Lake is behind the house. Additionally, the Planner's review letter recommended a lot width variance due to the irregular shape of the lot permitting a lot width of 100 feet where 150 feet is required.

Proper public notice was made to neighbors within 200 feet and a notice was placed in the newspaper. Notice was also made to abutting property owners for Mr. Baals to purchase additional land or for them to purchase lot 3. The adjacent lot owners expressed no interest in either offer.

Mr. Baals provided testimony that presently on the lot is an old farm style house & garage. Mr. Baals explained the existing structures will be demolished, replaced with a rancher style home (which will meet all setback requirements). Additionally any proposed well and septic systems will be located in accordance with all County regulations.

Further the applicant agreed the existing trailers and other vehicles /equipment will be removed from the property and stored elsewhere.

Mr. Bach continued. In summary, this is an existing residential undersized lot. The creation of the variances (lot size and lot width), is because the current house is being demolished and replaced with a new house. Mr. Bach had no objections to granting the variances and had no other comments.

Mr. Bitgood review his letter of November 5, 2018, as follows:

There are no engineering concerns at this time and he agreed with the two variances requested as they are unavoidable. Approval of the variances will have no impact on traffic or circulation. Mr. Bitgood confirmed with the applicant that the proposed use is only for residential use and that the trucks & trailers will be removed.

If approved, a detailed lot grading plan will be required prior to any disturbances on site and prior to applying for any building permits. Lot grading should be designed to direct runoff so that ponding is not created within either of the road right-of-ways. The Applicant agreed.

The current driveway is less than 5 feet from the property line. This will require a design waiver or correction during construction. The lot grading plan must show this. The Applicant agreed to comply.

Stormwater Management is not applicable to this variance request but Stormwater management will be required in connection with a future dwelling if the impervious coverage area is to exceed ¼ acre. The Applicant acknowledged the same.

Open to public:

Mr. Shoultz moved to open to the public, seconded by Mr. Hughes.

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

Kelly Parker, 336 Moods Road (adjacent Lot 4.01)

Mrs. Parker submitted thirteen 3 in x 6 in color photographs of the property, which were entered into evidence, marked as Exhibit O-1.

Mrs. Parker asked the Applicant if additional outbuildings would be added; (Mr. Baals replied “no”).

Would any businesses be conducted on the Subject Property; (Mr. Baals replied “no”).

Is his business located in Collingswood; (Mr. Baals replied “yes”).

Mrs. Parker also inquired if there would be any future construction of accessory buildings that would block the Parker’s view of the lake; (Mr. Baals replied “no”). Ms. Parker also asked if Mr. Baals would level off the existing dirt piles on the Subject Property and remove the existing wood piles, directly adjacent to Ms. Parker’s property, to which Mr. Baals replied “yes”.

Mrs. Parker also inquired about the trucks & trailer on property and when would they be removed. Applicant stated they would be removed by the end of March.

Close to public:

Mr. Afflerbach moved to close to the public, seconded by Mr. Hughes.

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

The Board concluded that the Applicant's request for bulk variance from the lot area requirements should be granted since (a) the lot was legally conforming when it was created; and (b) it is not feasible to purchase property from the adjacent lot owner who has expressed no interest in doing so. In addition, as it is presently unknown whether or not the minimum width at the building line can be met (the proposed construction of a new home would be to the rear of the existing garage, at which point the lot width is 100 ft.) a variance is requested. The Board concludes that locating any new residential dwelling further back on the lot would be appropriate, and in the best interests of the zone plan, and for aesthetic purposes. As to the two variances requested, the Board concludes that a grant of the same would not create a substantial negative impact on the immediate area or the Zone Code and Master Plan of Elk Township.

Mr. Clark moved to grant the variances (lot size & minimum width at building line) condition upon all buildings being removed and all trailers, trucks being removed. Seconded by Mr. McKeever.

Roll Call:

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

Against: None

Abstain: None

9-0-0

➤ New Business:

a) Completeness Hearing:

Robert Barbaro, bulk variance-lot size, block 51, lot 4.03, 1863 Willow Grove Road, Application #ZB-18-09

Mr. Barbaro, 108 Clayton Avenue, was sworn.

Mr. Barbaro explained he was before the board to request a bulk variance to permit a pre-existing building lot of 51,465 square feet where 80,000 square feet is required.

Mr. Barbaro had created lot 4.03 and two other one acre lots (which was part of an 18 acre lot) by a subdivision completed in 2004. The lots were for himself and his sons to build on. The lots were conforming at the time but the zoning changed in 2005.

Board Planner, Steve Bach, referred to his letter of December 5, 2018 regarding the following submission waiver requests:

Item #8 requires copies of applications to and certifications from all outside agencies. This ***Waiver is recommended and will be a condition of any approval.***

Item #21 requires a waiver list and reasoning for the requested waivers. ***Waiver is recommended***

Item # 35 requires schedule of zoning requirements. This has not been provided. ***Waiver is recommended and has been provided in the planner's review letter.***

Item #38 requires submission of site photographs. ***Waiver is recommended.***

Item #40 requires the location and dimensions of wooded areas and proposed structures. ***Waiver is recommended because the Subject Property is vacant.***

Item #41 requires the location of all existing wells and septic systems and distances between them, and on adjacent properties, where required by the Board.

Waiver is recommended for completeness only.

Item #53 requires the Applicant to indicate any historic structures located within 200 feet of the Subject Property. The Applicant has requested a waiver because there are no historic structures within 200 feet.

Waiver is recommended due to the nature of the Application.

Item #55 requires contours at 20 foot intervals for the entire tract and within 100 feet of the Subject Property and conformance with the grading plan requirements in Section 96-66M, prior to the issuance of any building permits. The Applicant has requested a waiver.

Waiver is recommended for completeness only.

Item #67 requires, if on-site sewage disposal is required, the results and locations of all percolation test and test borings to be provided. The Applicant has requested a waiver. T

Waiver is recommended for completeness only.

The Board's professionals, Mr. Bach & Mr. Bitgood, had no objection to granting the waivers and deeming the application "complete."

Mr. Hughes moved to grant the waivers as outlined in the professionals' review letters and to deem the application "complete". Seconded by Mr. Clark.

Roll Call:

Voting in favor: *Afflerback, Clark, Hughes, McKeever, Nicholson, Schmidt, Shoultz, White, Swanson*

Against: None Abstain: None 9-0-0

b) Public Hearing:

Robert Barbaro, bulk variance-lot size, block 51, lot 4.03, 1863 Willow Grove Road, Application #ZB-18-09

Board Secretary confirmed proper public notice was completed and the board had jurisdiction to proceed with the Public Hearing. Additionally, Mr. Barbaro had sent buy/sell notices to the adjacent property owners in an effort to make his lot conforming.

Mr. Bach added the adjacent property owners on either side of the Subject Property could not legitimately convey part of the land to the Applicant, since their lots were also non-conforming as to size, and the sale of a portion of their property to aid the Applicant would make their lots even more non-conforming. The Applicant also testified that the price of \$20,000.00 for 10,000 square feet, from each of the adjacent property owner, was far in excess of the value of the properties in that area. Mr. Barbaro submitted Listing sheets from Weichert Realtors indicating land-only properties for sale and listing prices with listing prices that were labeled as A-1 for the file record.

The Board's Professionals had no further comments.

Mrs. Nicholson 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, *Mrs. Nicholson moved to close to the public, seconded by Mr. McKeever.* With all members in favor, *the motion was carried*

The Board concluded that the Applicant's request for bulk variance from the lot area requirements should be granted since (a) the lot was legally conforming when it was created; (b) it is not feasible to purchase property from adjacent lots on either side of the Subject Property because these lots are also non-conforming as to size at present, and any sale of a portion of said properties to the Applicant would make the adjacent lots even more non-conforming; and (c) the price being asked for land from adjacent properties is far in excess of property values in that area.

Mr. Afflerbach moved to grant the lot size variance condition upon the Professional's review letters and any required outside agency approvals. Seconded by Mr. Swanson.

Roll Call:

Voting in favor: *Afflerback, Clark, Hughes, McKeever, Nicholson, Schmidt, Shoultz, White, Swanson*

Against: *None*

Abstain: *None*

9-0-0

Mrs. White moved for the board to take a brief 5 minutes intermission at 8:02pm and reconvened at 8:08 pm, Seconded by Mrs. Nicholson.

We all members in favor, the motion was carried.

➤ **Estate of Bertha Fogg, Application # SD-18-10- Preliminary Major Subdivision, Block 10, lot 26, 1499 Ellis Mill Road**
a) Completeness Hearing

The applicant was represented by attorney Brian Hall of Ward, Shindle & Hall, Grove Avenue, West Deptford, NJ

Also present were the follow individuals who were sworn:

Larry DiVietro, PP, of Land Dimensions Engineering, Glassboro, NJ

Andrew Hogg, PE of Land Dimensions Engineering

And Russell Young, Esquire, Executor of the Estate, Pitman, NJ

Mr. Hall gave the following brief overview: The Estate is seeking Preliminary Major Subdivision approval for a cluster development located at 1499 Ellis Mill Road, block 10, lot 26. The 46 acre tract will be subdivided to create 15 lots comprised of 12 single family residential lots, a basin and one open space lot. The Estate will retain one larger lot to remain undeveloped or for future sale.

The three lots which are proposed for the cul-de-sac area, (lots 6, 7 and 8), require variances from the minimum lot frontage standard of 80 feet where 54 feet is proposed; (Sec. 96-69D(9) in the LD Cluster Development standards).

Board Planner, Steven Bach, referred to his review letter dated, February 7, 2019 regarding the following requested waivers:

#8 requires the Applicant to submit copies of all applications and certification of approvals from all outside agencies with jurisdiction over the proposal. The Applicant has only requested preliminary approval at this time. All outside agency approvals should be a condition of any approval given by the Board and shall be provided with the Final Major Subdivision application. ***A waiver is recommended by the Board's Planner for completeness only.***

#11 requires the source and date of a current or recertified property survey (within the last one year) prepared and sealed by a registered NJ Land Surveyor. The applicant has not provided a current survey with this application. ***A waiver is recommended by the Board's Planner for completeness only.***

#12 requires certification and monumentation required by Map Filing Law. The Applicant has requested to provide in the future. The Board's Planner has no objection to the Applicant providing at time of Final Major Subdivision application. ***A waiver is recommended for completeness only.***

#13 requires metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all lots, center lines and right-of-way, utility easements and centerline curve on streets. The Applicant has requested to provide in the future. The Board's Planner had no objection to the applicant providing at time of Final Major Subdivision application. ***A waiver is recommended for completeness only.***

#19 requires proposed street names and that the new lot numbers be approved by the tax assessor. The Applicant has not provided street names and has not provided lot numbers approved by the tax assessor. ***A waiver is recommended by the Board's Planner for completeness only in order to permit the street names and approval by the tax assessor to be provided at the time of final approval.***

#26 requires for Cluster development where permitted, a "By-Right" sketch to determine the lot yield for a conventional subdivision be provided. The Applicant has not provided the required sketch. ***A waiver is recommended by the Board's Planner for completeness only.***

#30 requires a Phase I Environmental Assessment report conforming to current ASTM standards in accordance with Chapter 62A. The Applicant has not provided a Phase I Environmental Assessment report. ***A waiver is recommended by the Board's Planner for completeness only, subject to the Phase I being provided prior to a Final Major Subdivision application being filed.***

#31 requires a Traffic Impact Study prepared, signed and sealed by a licensed professional engineer. The Applicant has not provided a Traffic Impact Study. The Applicant should indicate whether Gloucester County has requested traffic impact information. The Board's Planner deferred to the Board's Engineer for a recommendation. The Board's engineer requested that a traffic study be submitted at the time that a Final Major Subdivision application is filed.

A waiver is recommended for completeness only. Board Engineer agreed.

#33 requires a statement and demonstration of compliance with affordable housing requirements as applicable. In this case the Applicant will be required to pay the mandatory development fee in accordance with the requirements of section 70-4 (1 ½ % of equalized assessed value) in order to assist the Township in meeting its affordable housing obligations. The Applicant has agreed to comply.

A waiver is recommended by the Board's Planner for completeness only.

#38 requires photographs of the site taken from the opposite side of the street and to show any unusual physical aspects of the site.

A waiver is recommended by the Board's Planner for completeness only.

#41 requires that the location of existing wells add septic systems and distances between them, and on adjacent properties, where required by the Board. The existing conditions plan does not identify any existing septic systems/tanks or wells. It is recommended that the Applicant indicate whether the septic system and well serving the former dwelling have been removed (and if so provide documentation) or whether they remain on the site. It is also recommended that the location of the well and septic system on adjacent lot 25 be shown.

A waiver recommended by the Board's Planner for completeness only, subject to the Applicant providing such information at the time that an application for Final Major Subdivision approval is submitted.

#47 requires a landscape plan in accordance with section 96-31C(20), a buffering plan in accordance with section 96-47, and sight triangles in accordance with 96-50. The Applicant has provided a landscape and lighting plan (sheet 6), but the required sight triangles and buffers to adjacent residential development and county road are not shown (25 to 50 feet in addition to minimum yard requirements).

A waiver is recommended by the Board's Planner for completeness only, subject to such information being provided at the time that an application for Final Major Subdivision approval is submitted.

#49 & #50 requires the location of existing trees or tree masses, indicating general sizes and species of trees and a Tree protection plan showing the limits of clearing and in accordance with Township Ordinances. The Applicant has shown the limits of disturbance on the demolition plan but additional information describing the character of the vegetation on site shall be provided.

A waiver is recommended by the Board's Planner for completeness only.

#53 requires any structures of historic significance on or within two hundred (200) feet of the tract, and a statement of the impact of the development on the historic structure. This information has not been provided.

Waiver for completeness. The Applicant testified through its engineer that there are no historic structures within 200 feet of the Subject Property.

#62 requires that the locations of street lights and fire hydrants be shown. Proposed street lights have been shown on the plans. However, the plans do not show dry water lines and fire hydrants as required by section 96-65J. The Applicant testified that it did not plan to have dry water lines or fire hydrants.

A waiver is recommended for completeness only. Board Engineer agreed.

#65 requires preliminary plans and profiles of proposed utility layouts and connection to existing and proposed utility systems. The applicant has not shown dry water lines and fire hydrants as required by section 96-65J. (See above)

A waiver is recommended for completeness only. Board Engineer agreed.

#66 requires a written commitment from the Elk Township MUA of sufficient capacity to provide sewer and water service for the project when completed (if within sewer service area). The Applicant has indicated septic systems and wells will be constructed as a means of servicing the proposed lots with sewer and water.

A waiver is recommended. Board Engineer agreed.

#75 requires the Applicant to submit a Utility Plan. The Applicant has not provided a utility plan. The Applicant's engineer testified that the only utilities will be electric, telephone, etc.

A waiver is recommended for completeness only. Board Engineer agreed.

#76 requires a recreational facilities plan and details where applicable in accordance with Section 96-55. The Applicant agreed to supply such information at the time that an application for Final Major Subdivision approval is applied for.

A waiver is recommended for completeness only. Board Engineer agreed.

#77 requires the size, type, copy and location of all proposed signs. The Applicant agreed to provide such information at the time that an application is submitted for Final Major Subdivision approval.

Waiver for completeness only by Board Engineer

Board Planner & Board Engineer had no objections to granting the waivers.

Mr. Afflerbach moved to grant the waivers as outlined in the professionals' review letters and to deem the application "complete". Seconded by Mr. Clark.

Roll Call:

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

Against: None

Abstain: None

9-0-0

b) Public Hearing
Estate of Bertha Fogg, Application # SD-18-10- Preliminary Major Subdivision,
Block 10, lot 26, 1499 Ellis Mill Road

Applicant's planner, Larry DiVietro of Land Dimensions, provided the following overview:

This application was before the board a while ago (2011) and has since been substantially redesigned, so this is a new application.

The 46 acre tract will be subdivided to create 15 lots comprised of 12 single family residential lots, a basin and one open space lot. The open space lot will be offered to the Township.

The applicant is an Estate and was willed to several beneficiaries. The applicant is pursuing a Preliminary Major Subdivision approval with a variance for minimum lot frontage on lots 6, 7, & 8. Many of the "completeness" items are a condition of final approval and will be part of that submission once a builder is secured. A typical building footprint has been shown for a 3-4 bedroom home.

Mr. DiVietro introduced into evidence Exhibit A-1 – an aerial view of the site with the Plan of Subdivision overlay, and Exhibit A-2 an aerial view of the site with a close-up Plan of Subdivision overlay.

Mr. DiVietro reviewed the exhibits with the Board, reviewed the requested variances and the reasons why they were necessary given the curvature of the cul-de-sac, as well as the proposed stormwater basin, the adjacent land conditions, etc. As far as the requested variances, Mr. DiVietro pointed out that the lots in question (6, 7 & 8) met the minimum front, rear and side yard setback requirements, and the required minimum lot size requirement. Mr. DiVietro testified that the inability to meet the minimum lot frontage for lots 6, 7 & 8, was not unusual for lots on cul-de-sacs, and the lot areas and setbacks are being met. Mr. DiVietro testified that the lots in question provided adequate light, air and open space for residences, they provided sufficient space for residential development, and they generated creative development techniques and good design and arrangement, consistent with residential developments of this nature. Mr. DiVietro testified that a grant of the variances requested would not create a substantial detriment to the Township's Zone Plan or the surrounding properties insofar as they represented standard development techniques and designs.

Board Planner, Steven Bach, reviewed his letter of February 7, 2019, as follows:

He read the following excerpt from his letter: *"A clustered residential development is designed utilizing a technique based on gross dwelling unit density for the entire tract, allowing the lot size for individual homes to be reduced as long as the gross density is not exceeded."*

The standard zoning lot size in this area is 40,000 sq ft. and if developed with this lot size, the footprint of the development would not be as compact.

The purpose of the cluster provision is to provide a method of developing single family detached dwellings that preserves desirable open spaces, conservation areas, flood plains, school sites, recreation and park areas, and for other public purposes by permitting a reduction in the lot sizes and other standards without increasing the total number of lots permitted. The open space would be deed restricted. The applicant has complied with all the bulk and density standards of the LD Residential Cluster ordinance except for the variances on lots 6, 7 & 8 for minimum lot frontage.

The following items were outlined in Mr. Bach's letter:

Wetland Buffers. There are existing wetlands and wetlands buffers on many of the proposed building lots. No improvements or clearing are permitted within the wetlands or wetlands buffer areas. The lots shall be appropriately deed restricted against any improvements including but not limited to fencing, sheds, decks and pools in these areas.

In addition, notice should be provided to prospective homebuyers by way of signage delineating the wetland buffer lines so homeowners will be aware of the restraints prior to purchasing the lot. The Applicant agreed to comply.

Landscaping, Lighting and Buffering.

a. According to the landscape plan, a single species of street tree is the only landscaping proposed by the Applicant, at intervals of 80 to 100 feet. The trees should be spaced at intervals of 40 to 50 feet as required by Section 96-50D(1)(b). Incorporating a variety of species is recommended; in this case a minimum of two complementary species should be utilized. The Applicant agreed to comply.

b. The plans shall provide buffers to adjacent properties as required per Section 96-50E(2)(a)[3]. The buffer should be shown as an easement and the building setback lines of any lot shall be taken from the buffer line.

The Applicant agreed to comply.

c. The 25' buffer to the County Road, as required per Section 96-50E(2)(a)[3], shall be shown on the plans and shall be measured from the future right-of-way line of Ellis Mill Road. This buffer area must be landscaped to provide a year round buffer. The buffer should include a variety of trees and shrubs. The buffer should be shown as an easement and the building setback lines of any lot shall be taken from the buffer line.

The Applicant agreed to comply.

d. It is recommended that fencing and landscaping be provided along the top of the basin. Shade trees along with evergreen shrubs and grasses are recommended.

The Applicant agreed to work with the Board's Planner on all landscaping matters.

e. The Board's Planner recommends that proposed street lights be provided at 300 foot intervals. An additional street light shall be provided.

The Applicant agreed to comply.

f. The Board's Planner recommends LED (Light Emitting Diode) light fixtures be utilized in lieu of the proposed high pressure sodium light fixtures with the following guidelines:

i. Use fully shielded lights that emit no light upwards.

ii. Use "warm white" or "filtered LEDs" to minimize blue emissions and have a color temperature of no greater than 3000 Kelvin (K).

The Applicant agreed to work with the Board's planner on all lighting issues.

g. Open Space. If the Applicant intends to offer the open space land to the Township, the requirements of Section 96-73.(3) must be adhered to as follows:

a. Connective sidewalk/walkways providing access to useable areas of the open space.

b. To facilitate a close relationship with the homeowners, The Board's Planner suggests that open space should weave between dwelling units at a width of 50 feet and connect to useable areas. In addition, the parcels should each have a view of the open space where possible. The Plan as submitted is to

provide open space as shown on the plan to include a walkway adjacent to the basin from the cul-de-sac to the open space, as well as extend the sidewalk along the county road frontage for the width of the proposed residential lot. The Applicant seeks approval of the open space plan, as submitted.

c. Parcels of land shall adhere to the conveyance schedule set forth in 96-73.(3)(d).

The Applicant agreed to comply.

h. Miscellaneous. The Zoning Table provided on the plans shall be revised to provide the proposed maximum building coverage and proposed maximum impervious coverage.

The Applicant agreed to comply.

Mr. Bach had no other comments.

Board Engineer, Stan Bitgood, referred to his letter of February 25, 2019.
Most items of been addressed. The following are the remaining items:

Plat Requirements: Plan sheet 3 is satisfactory as a Preliminary Plat but should be completed to include all information required for map filing, horizontal control points, outbound information, and easements that will be necessary for construction and maintenance of the storm water systems and access routes.

The Applicant agreed to comply.

Lot 8 for the basin should be increased to completely enclose the basin discharge, rip-rap, and disturbances. This has now been done. The lot number on the plan should be corrected.

The Applicant has agreed to comply.

Open space is required to be provided with the subdivision. Maintenance responsibility for the open space must be assigned by HOA documents and deed, to the HOA. Accordingly, the open space must be contiguous with the dwelling lots and/or the basin lot. It may be part of the basin lot, or a separate adjacent lot with a separate number. This commitment should be a condition of Preliminary Approval.

The Applicant agreed to meet with the Township Committee, prior to applying for Final Major Subdivision approval, to find out if the Township would like to take ownership of the open space area. If the Township has no interest, then an HOA would be formed to control and maintain the open space area.

Due to the size of the ATU Septic Systems, they are believed to be septic fields. Their offsets from wells and occupied buildings respectively should be 100 feet and 25 feet. As indicated, the Applicant proposes to reduce the 100 feet to 50 feet which can be approved if a number of certain conditions are met. One condition is that the wells must be cased to 50 feet which is called out on the plans. Approval from the County Health Department, and/or NJDEP should be provided as a pre-requisite to final subdivision review and approval since the approval for the reduced distances is contingent on soil properties and other factors as well as the casing of the wells.

The Applicant agreed to perform various test boring son the site to determine suitability for wells and septic.

Common improvements, e.g. walks within open space, tot lot, or other recreation amenities should be shown. Easements or lot lines should encompass all common improvements. Applicant agreed to comply as a part of Final Major Subdivision application submittal.

Code section 96-73, Cluster Single Family Residential, requires that open space should be contiguous to the occupied dwelling lots and interconnected between the proposed lots with 50 ft strips to the new streets or other common access ways. This should be addressed and consideration should be given to extending walks along Ellis Mill Road and/or paths along or around the basin lot. As set forth above, the Applicant is asking for approval of the open space configuration as is set forth on the plan.

Sidewalks should be extended along Ellis Mill Road.

The Applicant agreed to provide sidewalks in front of the development (not all the way down Ellis Mill Road in front of the retained lot). The Applicant agreed, if necessary, to revisit this issue at the time of Final Major Subdivision approval.

GG. Sight Triangles must be shown. Legal descriptions and recorded easements shall be submitted prior to final subdivision approval. The Applicant agreed to comply.

HH. Stormwater System Design: A complete stormwater system is proposed that includes a sand recharge basin that will hold stormwater and attenuate runoff. The basin will receive flow from Street "A" and directly from the adjacent lots. The basin features an emergency spillway and outlet structure to direct stormwater North West towards wetlands area. Each conduit outlet has a rip-rap pad to reduce any erosion that may be expected. There are 6 Type B inlets proposed to collect runoff on Ellis Mill Road and Road "A" and direct it toward the basin. The basin was designed to hold and recharge the annual equivalent deficit that will be caused by the new impervious areas. The basin also is designed to detain and attenuate peak runoff from the 10 year and 100 year storm events.

Stormwater Management Reports: The revised Hydrological Report dated February 6, 2019, contains sections summarizing the pre and post-development runoff calculations, recharge calculations, soil boring logs, pipe network calculations, soil erosion and sediment control calculations, and drainage area maps. The method used was S.C.S. Technical Release 55 which is satisfactory for complying with Township Code and NJDEP rules for calculating stormwater runoff rate and volume for small watersheds. The report has been revised to reduce the post development runoff for the 2, 10 and 100 year storm. The calculations account for the runoff from all areas of disturbance.

A low impact development checklist shall be submitted.
The Applicant agreed to comply.

A copy of the standard basin summary form shall be submitted.
The Applicant agreed to comply.

A stormwater maintenance and inspection manual shall be submitted. The manual shall include anticipated costs for inspections, maintenance, and common repairs. HOA documents shall include requirements and procedures for maintenance and inspection.

The Applicant agreed to comply.

Signage: Details are provided for some traffic control signs. Final plans should include both development signs and temporary sales signs as well. Application should be made to the county for an advance warning sign with road name plaque facing each direction on Ellis Mill Road. If a development sign is proposed, the location, size, lighting, and details of construction and any easements for it shall be submitted for review. The Applicant agreed to comply.

Potable water and sanitary sewage. The Applicant should obtain and provide a copy of confirmation from NJ American Water Company of availability and of cost to extend water and sewer mains to the subdivision. The Applicant requests a waiver of extending off-site water and sewer mains to the site, or providing dry water lines as a part of the development.

The Applicant agreed to review this issue with the Township's Fire Marshal.

Dry hydrants and water mains have been required in a number of rural subdivisions within the Township. The Applicant should provide documentation from the Fire Marshal and the Ferrell Fire Chief regarding whether or not they want an installed dry water system. If either wants such a system, plans shall be revised prior to Preliminary Approval.

The Applicant has requested a waiver insofar as wells and septic systems will be built. The Applicant will consult with the Fire Marshal.

In regard to the variances requested, Board member Nicholson don't feel there was justification for the variances and asked if a lot could be removed to eliminate the need the request.

Mr. DiVietro explained the need is due to the curvature of the cul-de-sac, as well as the proposed stormwater basin and the adjacent land conditions. . He added the lot sizes could be reduced, but that would make the court unbalanced and this is better design ascetically.

Board member Swanson inquired about the basin and why the overflow would drain into the wetlands. Mr. Afflerbach had the concern of that overflow possibility flooding the parcel behind the proposed development. Mr. Hogg explained how the combination infiltration and detention basin would work and that the basin has been designed in accordance with the State's stormwater rules. Discussion followed.

For the record, Board member Matt Afflerbach left the meeting at 9:33pm.

Mr. Shoultz moved to open to the public, seconded by Mr. Hughes.

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

Lillie Cho, 318 Meadowbrook Drive, was concerned about water runoff, the wetlands, and the ability of the stormwater basin to effectively limit water discharge into the adjacent streams and wetlands.

Jim Bacher, 314 Meadowbrook Drive, questioned the location of the stormwater management basin.

Steven Simmonds, 1482 Ellis Mill Road, was concerned with water runoff into the wetlands, and the ownership of the proposed open space area.

Russell Young, Esquire, Pitman New Jersey, the Executor of the Estate of Bertha Fogg, provided background information as to the Estate of Bertha Fogg, where charitable contributions will go (including local organizations), and the fact that the charitable contributions can't be made if the property isn't developed.

Diane Bacher, 314 Meadowbrook Drive, was concerned with water runoff onto adjacent properties due to the proposed development.

Alex Fruggiero, 1478 Ellis Mill Road, was concerned with drainage, water flow and the impact that the increased development would have on the local wildlife.

Mr. Shoultz moved to close to the public, seconded by Mr. Swanson. With all members in favor, the motion was carried.

Mr. Clark moved to grant preliminary major approval with variances for lots 6,7 & 8 for minimum required lot frontage condition upon the professionals review letters, testimony provided and further condition upon all required outside agency approvals. Seconded by Mrs. White.

Roll Call:

Voting in favor: Clark, Hughes, McKeever, Schmidt, Shoultz, White

Against: Nicholson and Swanson Abstain: None 6-2-0

➤ **General Public Portion**

Mrs. Nicholson moved to open the general public portion, seconded by Mr. Schmidt. 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. Clark. With all members in favor, the motion was carried.*


➤ **Correspondence:**

➤ **Adjournment:**

Mr. Clark moved to adjourn, Seconded by Mr. Hughes. With all members in favor, the motion was carried.

Adjournment time: 10:29 pm

Respectfully submitted,


Anna Foley, Board Secretary