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Elk Township Combined Planning and Zoning Board

Regular Business Meeting

November 20, 2019

Minutes

Call to Order: meeting called to order at 7:03pm.

Roll Call:

Present: Matt Afflerback, Bob Clark, Jay Hughes, Richard Schmidt, Eugene Shultz, Jeanne White, Al Richardson, Wayne Swanson

Absent: Ed McKeever, Donna Nicholson, Ed Poisker

Open Public Meeting Act: was read by the Board Secretary

Flag Salute: Chairperson led the flag salute.

Swear in Professionals

➤ **General Business:**

Approval of Minutes: **None**

Resolution(s):

2019-19- granting approval to I N M Revokable trust of an interpretation as to whether or not an abandonment of a pre-existing, non-conforming use occurred regarding two residences on a single lot on property located at 913 Whig Lane, and being further shown as block 33, lot 12.08, Application no.: ZB-19-07

Mr. Schmidt moved to adopt resolution 2019-18. Seconded by Mr. Swanson.

Roll Call:

Voting in favor: *Hughes, Schmidt, Shultz, White, Swanson*

Against: *None* **Abstain:** *None* **5-0-0**

➤ **Old Business:** None

➤ **New Business:**

Ledonne, Joseph and Sharon, Bulk variances for an in-ground pool, 206 Winesap Way, block 29.02, lot 9

Completeness Hearing followed by Public Hearing. Application # ZB-19-08

1) Completeness Hearing:

Testimony was provided by Joseph & Sharon LeDonne, applicants, and Michael Neilio, Anthony Sylvan Pools. All were sworn in.

Joseph & Sharon LeDonne, 206 Winesap Way

Michael Neilio, Anthony & Sylvan Pools, 186 Bergen Ave., West Deptford

The applicants are requesting variances from the minimum allowable impervious coverage and side and rear yard setbacks to the waterline to permit the construction of an in-ground swimming pool and surrounding amenities and pool related fixtures.

The Property consists of a residential lot within the Aura Community, which was originally planned as an age-restricted community, and received approval for conversion to family residential development in 2011 (Resolution 2011-13). The adjacent properties consist of residential dwellings to the east, west and north. To the south of the property is a 25 foot landscaped buffer.

The following submission checklist waivers were requested as outlined in the Board's Professionals' review letters of October 30, 2019 (Steve Bach, PP/Candace Kanaplue) and October 7, 2019 (Stan Bitgood, PE):

11 requires the source and date of a current or recertified property survey prepared and sealed by a licensed N.J. Land Surveyor. The survey referenced on the *Grading/Variance Plan* is dated 11/10/16.

Waiver for completeness only. The Applicant agreed, as a condition of approval, to get an updated re-certified survey as a condition of approval.

15 requires a statement providing an overview of proposed uses of the land and improvements, alterations or additions.

A waiver is recommended for completeness as the applicant will provide testimony as to the same.

53 requires the Applicant to indicate any historic structures located within 200 feet of the Property.

A waiver is recommended due to the nature of the application & the applicant has indicated there are no historic structures within 200 feet.

67 requires that if on-site sewage disposal is required – the results and locations of all percolation test and test borings are to be provided.

A waiver is recommended as the site is serviced by public water and sewer.

#73 requires the Applicant to submit an LOI from the NJDEP.

A waiver is recommend for completeness.

Mr. Afflerbach moved to grant the waivers requested and to deem the application "Complete." Seconded by Mrs. White.

Roll Call:

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

Against: None

Abstain: None

8-0-0

2) Public Hearing:

Ledonne, Joseph and Sharon, Bulk variances for an in-ground pool, 206 Winesap Way, block 29.02, lot 9. Application #ZB-19-08

The requested variances relate to the approval of the initial subdivision in which the bulk standards were approved under the ARC (Age-Restricted zoning requirements). Township ordinance requires larger rear and side yard setbacks. In addition, much smaller lot sizes are permitted for an age-restricted community as it relates to a single-family community. The variances are caused by the small lot size in the RE (Rural Environmental Residential) district. Swimming pools are a permitted accessory use in the R-E zone.

* The Board's Planner noted that the Subject Property backs up to a 25 foot landscaped buffer.

Bulk Variances requested

1) A variance from §96-81.B. where a pool setback is required to be 25 feet from rear and side yards, when a side yard setback of 17 feet and rear yard setback of 10 feet are proposed.

2) A variance from impervious coverage of 20% is required by §96-71D(12) where 31.5% is proposed.

Drainage.

The proposed pool and grading will minimally affect the current flow of runoff on the subject lot.

Grading.

The Grading Plan submitted is adequate in that it focuses any runoff from the pool along the sides of the rear yard towards the back of the lot, as the existing lot grading does.

Limit of Disturbance.

Currently no part of the proposed pool area extends beyond the 5 foot minimum limit of disturbance to the property lines. The proposed pool equipment should be situated in an area not within the 5 foot limit of disturbance, as the shown intent suggests on the plan.

Impervious coverage.

The existing lot was designed and constructed to conform to the zoning requirements of the subdivision. Therein, a maximum of 20% shows on the approved subdivision plans. The proposed accessory structure must conform to the applicable zoning ordinance at the time of construction. This also is stated in the approving resolution, 2011-13. The Rural Environmental district rules apply to this Application. The proposed impervious coverage is 31.5% where 20% is the maximum permitted.

Stormwater management

While the proposed disturbances do not require stormwater management under the NJDEP rules or the Elk Township Code, it should be noted that the runoff from this lot, and other lots in the subdivision, was approved for a maximum impervious coverage of 23%.

The Board's engineer reviewed the stormwater management design report for the subdivision and confirmed that the basin and the portion of the system within which the property is located, were in fact designed to handle a subdivision impervious coverage of 34%.

*It should also be noted that the operation, cleaning, and maintenance of the subdivision's stormwater management system are currently the responsibility of the Developer, and will remain so until the contributing sections of the subdivision are built out and accepted by the Township's Committee as complete. Allowing swale changes and likely erosion increases will increase the silt load to the basins and could pose problems for the maintenance and operation of the basins.

If approved, it is recommended with the condition that all new walks, pool decks, and steps be constructed with porous pavers over crushed stone and filter fabric.

Additionally, Board Engineer requested the survey to be Re-certified. Applicant agreed.

Mr. and Mrs. LeDonne and Mr. Neilio testified that they believed that the requested variances could be granted since the Subject Property would be upgraded, and there would be no negative impact to adjacent properties or to the development as a whole. Mr. Neilio reviewed the requested variances, background information regarding nearby pools that had been approved, the pool plan, grading, impervious coverage and drainage. The pool would be 18 ft. X 35 ft.

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

With no comment from the public, ***Mr. Afflerbach moved to close to the public, seconded by Mr. Shoultz.***

Mr. Afflerbach moved to grant the above referenced variances, subject to the conditions of approval as discussed and further condition upon items outlined in the Board's professionals' review letters, and any required outside agency approvals. Seconded by Mr. Swanson.

Roll Call:

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

Against: None

Abstain: None

8-0-0

➤ **General Public Portion**

Mr. Shoultz moved to open the general public portion, seconded by Mr. Afflerbach.

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

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

➤ **Correspondence:**

- A three member sub-committee that included Jay Hughes, Jeanne White and Matt Afflerbach would meet to review the resumes for the Board's 2020 professionals and provide a recommendation list for the Board members at December's meeting.

All members are welcome to review the resumes by visiting the Municipal Clerk's office during regular business hours.

- Board Attorney, Dale Taylor, provided a Land Use Board Member Training session on November 20, 2019 as required by the Township's Municipal Joint Insurance Fund (JIF).

➤ **Adjournment:**

Mr. Afflerbach moved to adjourn, Seconded by Mr. Carter.

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

Adjournment time: 8:14 pm

Respectfully submitted,



Anna Foley, Board Secretary