

Resolution No.: 2021-08

RESOLUTION OF THE JOINT LAND USE BOARD OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING COMPLETENESS OF AN APPLICATION FOR PRELIMINARY MAJOR SITE PLAN, PHASE 7, FROM SILVERGATE ASSOCIATES, REGARDING PROPERTY LOCATED ON BUCK ROAD (CR 553), DAISY AVENUE, WILLOW GROVE ROAD (CR 667), AND ELK ROAD (CR 538), AND BEING FURTHER SHOWN AS BLOCK 52, LOT 12.02, BLOCK 53, LOT 1, AND BLOCK 174, LOT 1, ON THE TAX MAPS OF THE TOWNSHIP OF ELK, APPLICATION NO.: ZB-20-03;

WHEREAS, Application No.: ZB-20-03 (the “Application”) was submitted before the Joint Land Use Board of the Township of Elk, County of Gloucester, State of New Jersey (the “Board”) by Silvergate Associates, (the “Applicant”) for a completeness review regarding a preliminary major site plan application, Phase 7, as to property located on Buck Road (CR 553), Daisy Avenue, Willow Grove Road (CR 667), and Elk Road (CR 538), (the “Subject Property”) and being further shown as Block 52, Lot 12.02, Block 53, Lot 1, and Block 174, Lot 1, 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 December 16, 2020 at 7:00 P.M., time prevailing, with said meeting and public hearing being held virtually due to the Covid-19 Pandemic, and appearing virtually at said meeting and public hearing on behalf of the Applicant, were Emily K. Givens, Esquire, Maley & Givens, 1150 Haddon Avenue, Suite 210, Collingswood, N.J. 08108 (the Applicant’s attorney); and Nicholas Casey, P.P., Vice President of Development, The Quaker Group, 593 Bethlehem Pike, Suite 6A, Montgomeryville, PA 18936 (the Applicant’s representative and professional planner); and

WHEREAS, Mr. Casey had previously provided his professional experience, background, and licensing, after which it was determined by the Board, without objection, that Mr. Casey was indeed a licensed professional planner in the State of New Jersey and was qualified to testify as an expert in the field of planning on behalf of the Applicant for purposes of the Application, and Mr. Casey was again so stipulated, without objection, for the purposes of the herein Application, after which was Mr. Casey sworn and provided testimony on the Application;

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Township of Elk, County of Gloucester, State of New Jersey, as follows:

FINDINGS OF FACT

1. The Application was submitted for the limited purpose of the Board acting on whether or not the Application should be deemed Complete, and subject to the Board acting on certain requests by the Applicant for waivers from certain submission requirements. As such, the Board had jurisdiction to act on the Application.

2. The Board's professional engineer, Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A. Consulting Engineers, 307 Greentree Road, Sewell, NJ 08080, and the Board's professional planner, Candace Kanaplue, P.P., A.I.C.P, Bach Associates, PC, 304 White Horse Pike, Haddon Heights, NJ 08035, were each sworn as to any testimony that they would give on behalf of the Board with respect to the Application as the Board's professional engineer and professional planner, respectively.

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

A. Application, Application Deposit, Escrow Agreement, Escrow Deposit, Certified List of Property Owners within 200 ft. of the Subject Property, Certification of Taxes Paid on the Subject Property.

B. Elk Township Land Development Checklist.

C. Phase I Environmental Assessment, Silvergate – Phase 1, Block 174, Lot 1; Block 53, Lot 1; Block 52, Lot 12.02, Elk Township, Gloucester County, prepared by Princeton Hydro. LLC, dated June 2020.

D. Silvergate Phase VII, Existing Conditions Environmental Impact Statement: Block 174, Lot 1; Block 53, Lot 1; Block 52, Lot 12.02, Elk Township Gloucester County, prepared by Princeton Hydro, LLC, dated June 2020;

E. Traffic Engineering Assessment Report; Silvergate PUD – Phase VII, Block 174, Lot 1; Block 53, Lot 1; Block 52, Lot 12.02; Elk Township, Gloucester County, New Jersey; prepared by Shropshire Associates, LLC, dated June 15, 2020;

F. Commitment for Title Insurance Schedule A, dated May 10, 2011;

G. Drawings set (64 sheets) entitled “Silvergate – Phase 7, Block 174, Lot 1; Block 152, Lot 12.02; Elk Township, Gloucester County, New Jersey”, prepared by James Sassano Associates, Inc., dated 6-10-20;

H. Affidavit of Applicant dated 06/08/20;

I. Disclosure Agreement;

J. Submission Waivers Request;

- K. Elk Township Tax Map Sheet 27 & 40;
- L. Agencies to be notified list dated 06-14-2013;
- M. Preliminary Site Plans Set dated 08/10/20;
- N. Application Site Photos;
- O. General Stormwater Inspection, Maintenance & Repair Plan, dated 05-22-20;
- P. Stormwater Management Compliance Report dated 05/22/20;

4. The Board also entered into the record the following:

A. Letter dated September 9, 2020 from Steven M. Bach, P.E., R.A., P.P., C.M.E., and Candace Kanaplue, P.P., A.I.C.P., the Board's professional planner, regarding their review of the Applicant's Application;

B. Letter dated October 15, 2020 from Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., the Board's professional engineer, regarding Mr. Bitgood's review of the Application;

C. Memorandum from the Gloucester County Fire Marshal to the Board's Secretary regarding the Fire Marshal's preliminary comments on the Plans.

5. The proposed development is in the current C2 – Highway Commercial Zone District. The Master Development Plan (MDP) for the Silvergate Planned Unit Development was approved on May 16, 1996 and amended on July 18, 1996. The amendment corrected the calculations of open space to exclude stormwater management areas, and approved a Development and Staging Plan revised to June 6, 1996. It did not change area designations and did not change permitted uses or bulk requirements for any areas.

6. Block 52, Lot 12.02, Block 53, Lot 1 and Block 174 Lot 1 were designated as the RC – Regional Commercial and I/O – Industrial Office district in the MDP. These lots front on Elk Road, Willow Grove Road, and Buck Road, as well as an unimproved section of Daisy Avenue. The tract also abuts the Right of Way of Route 55 and the Southbound on-ramp to it. The Application is for Phase 7 as designated in the Master Development Plan for Silvergate.

7. In the MDP, the RC and I/O district at this location was proposed as a regional shopping center/mixed use development with 15,200 square feet of non-residential development, which included 475,000 square feet within the RC district and 140,200 square feet within the I/O) district. The MDP established different values for building

setbacks, lot areas, buffers, height limitations, and uses that are applicable in the RC and I/O district.

8. In the Master Development Plan, a concentration of neighborhood services was to include convenience shopping, recreation and professional offices, and optionally certain civic uses, at the "community center" at Buck Road & Rt 610 (now Whig Lane).

9. The plans submitted for this Phase 7 include a proposed 4 story hotel, three 3-story office buildings, a 1-story restaurant, a 1-story fitness center, a 1-story car wash, a 3-story self-storage building, and a 1-story convenience store with fuel station. The Applicant requests variances from the RC district use limitations, to permit the hotel, and to exceed the height limitation for the hotel, if determined necessary by the Board. The plans show the layout of the proposed businesses, parking, walkways, lighting, landscaping, and stormwater measures to be implemented. Total disturbances proposed at 48.9 acres with 548,275 square feet of proposed new commercial development.

10. The overall Silvergate General Development Plan consists of up to 1,311 residential units, 850,250 square feet of commercial space, and 280 acres of open space. Below is a summary of the status of the various phases, insofar as Township approvals:

PHASE	DESCRIPTION	APPLICATION	STATUS
Phase I	35 single family 28,400 sq ft commercial	Preliminary and Final Subdivision Approval	Final approval Res. # 2004-14, 6/17/2004; plats filed 6/21/2007; bonds posted
Phase II	230 single family	Preliminary approval	Prelim. Approval Res. # 2006-11 11/29/2006
Phase III	162 single family	Preliminary and Final subdivision approval	Final Approval Res. # 2004-15, 6/17/2004; Plats filed 6/21/2007; Bonds Posted
Phase IV	192 low/moderate income units 160,000 sq ft commercial	Submitted in 2001, revised 2008, held in abeyance. Not yet approved	Affordable Housing Subcommittee provided recommendations in 2011
Phase V	172 townhomes 46,650 sq ft commercial	Major Subdivision/Site Plan	Application submitted March 2016. Prelim. Approval Res. # 2016 8/17/2016 extended by Res.#2019-7 9/18/2019

Phase VI	70 twin/duplex 145 single family 96 affordable housing units	Major Subdivision/Site Plan	Application submitted March 2016; Prelim. Approval Res. #2016, 8/17/2016, extended by Res.#2019-7,9/18/2019
Phase VII	377,700 sq ft commercial	Major Site Plan	Submitted June 2020

11. The Applicant has not provided nor has requested a waiver for the following items normally required by the Land Development Checklist:

Item 8: Copies of applications to and certification of approvals from all outside agencies with jurisdiction over the proposal. Mr. Casey testified that, due to the size and character of this proposed development, the Applicant intends to submit applications to all outside agencies once Preliminary Approval has been obtained to ensure that all updates and revisions required by Elk Township are incorporated into the plans submitted to all outside agencies and avoid multiple revised submissions.

a. The list of agencies to be notified is checked but the Board does not have documentation whether applications have been submitted or approved. Mr. Casey testified that the list of “Other Approvals” in Section 36 on Page 7 of 7 of the Application indicates the status of all other outside agency approvals. Copies of all applications for “Other Approvals” will be provided when submitted.

b. The list should include Clayton Water and Sewer Department and N.J.D.E.P. Water main extension and Wastewater Treatment Works Approval, and Gloucester County Soil Conservation. Copies of approved plans and permits would suffice. Mr. Casey testified that Clayton Water and Sewer Department are not involved with the Subject Property; the water main extension will be covered under New Jersey American’s Master Permit, therefore N.J.D.E.P. Water Main Extension Permit will not be required; N.J.D.E.P. Wastewater Treatment Works Approval will be required, but must be processed by New Jersey American Water; and, application to Gloucester County Soil Conservation District will be submitted once Preliminary Approval has been obtained and all Township revisions and requirements have been incorporated into the plans.

12. The Applicant has requested waivers for the following items normally required by the Land Development Checklist:

Item 11: Source and date of current or recertified property survey prepared and sealed by a registered N.J. Land surveyor.

a. A waiver requested from submission of a current property survey. Applicant claims there have been no physical changes at the site since the previous survey. Updated survey to be provided at final. The Applicant agreed.

Item 12: Certification and monumentation required by Map Filing Law. The Applicant has requested a waiver of this information until a final review plan. The Board's Planner had no objection to this waiver.

Item 13: Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all lots, center lines and rights-of-way, utility easements and centerline curves on streets. a. Waiver is requested for providing metes and bounds for easements. All boundary data has been provided. The Applicant proposes that metes and bounds for proposed easements be provided at final. The Applicant agreed.

Item 23: Proposed phasing and construction schedule for entire project. A Waiver is requested for providing a Phasing Plan. Applicant proposes that phasing be provided at final. The Board agreed.

Item 41. The location of all existing wells and septic systems and the distances between them, and on adjacent properties, where required by the Board. The Applicant requests a waiver as there are no wells or septic systems on the subject properties and public water and sewer will service the site. The Board's planner recommends a waiver.

Item 52: The method by which common/public open spaces, or commonly-held buildings or structures, are to be owned and maintained. Mr. Casey testified that the ownership and maintenance of commonly held open space, buildings or structures are typically incorporated into a Common Area Maintenance (CAM) Agreement which will be provided at, or prior to, final approval.

Item 72: If lots proposed for subdivision or development have frontage on or require access to a State Highway, submit copies of any permits issued by NJDOT pursuant to N.J.A.C. 16:47-1 et seq. Mr. Casey testified that although the Subject Property has frontage along State Route 55, no access is permitted. No permits or approvals are anticipated for the intended development.

Item 73: A wetlands LOI or statement from a qualified professional indicating that there are no wetlands on the site. The Applicant requests a waiver as there are no wetlands on the site and an Environmental Impact Statement has been submitted. The Board's planner supported a waiver.

Item 76: Recreation Facilities Plan and details where applicable in accordance with section 96-55. Mr. Casey testified that the intended development is for non-residential uses, and no recreational facilities are proposed.

Item 77: Size, type, copy and location of all proposed signs. A waiver is requested for site signage. Site signage is to be provided at final. Mr. Casey testified that the Applicant agreed. Development Identification and Business Signs will be provided and detailed on the individual site plans at final.

Item 78: Where there is potential future development of adjacent parcels or undeveloped portions of the subject lot, locations of future pedestrian and vehicular connections. Mr. Casey testified that this should be a condition of preliminary approval, if applicable.

Item 81: Traffic control and directional signage plan. No traffic control plan has been provided. Mr. Casey testified that Traffic Control Signs for all internal site movements are shown on the Plans. General Traffic Control Signs are shown at site entrances from the existing roads. All existing road frontages are on County Roads, and any additional Traffic Control measures required by the County will be incorporated on the County Road Improvement Plans.

The Board's Planner and Engineer recommended waiving the above items, subject to the conditions referenced therein. The Board's Planner and Engineer recommended waiving the following items for completeness only:

Item 23: Phasing Plan. Given the magnitude of this development, a Phasing Plan should be provided prior to technical review and a public hearing. Mr. Casey testified that a Phasing Plan will be submitted at the time of final site plan, once the Applicant has a better idea of the end users and the intended sequence of development.

Copy of an application to, and comments from, Gloucester County Planning and Engineering. The existing roadway layout is difficult to navigate for most drivers, and the Board has seen multiple accidents at the Willow Grove Rd, County Rt 667 & 538 intersection in recent years. If the County requires changes in driveways or intersections, the site layout may need to change significantly. Mr. Casey testified that Gloucester County Planning and Engineering does not provide input at preliminary planning stages prior to the submission of a complete application, therefore the Applicant prefers to obtain all local input and requirements through the Preliminary Approval Process so that the application to the County will incorporate the Township's comments, conditions and revisions. Any substantive changes due to requirements of the County that change the locations of driveways, intersections and/or site layout will be submitted to the Township for amended Preliminary Approval.

Site Layout. The site layout is significantly dependent on the requested height variance. Thorough consideration and input by the Fire Official and Chief are needed before this Application can be considered to be complete. Mr. Casey testified that review comments have been provided by the Gloucester County Fire Marshal's office, and their recommendation will be addressed in a response letter during technical review and their required details will be incorporated onto the Plans.

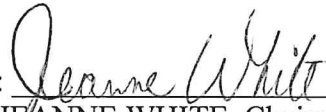
Off-Site Sewer and Water. The development is also dependent on off-site sewer and water improvements for which final approvals and permits have not been provided. The Board's engineer believes that confirmation of available water and sewer service capacity should be provided, as well as preliminary off-site water and sewer plans with preliminary approval for the connections to adjacent municipalities as applicable. Water and sanitary sewer services are under the franchise granted to New Jersey American Water. Mr. Casey testified that water will be provided by extension of the existing water main in Aura Road which was extended to provide water service to the intended development areas in Elk Township, paid for by said developers, pursuant to prior agreements with the Elk Township MUA, which has been dissolved. Sanitary sewer will be provided by a pump station to be constructed at the location shown on the plans and a force main extended to the sanitary sewer system which was approved in Phase III of the Silvergate PUD. The common components of the water storage and distribution system, and the sanitary sewer collection and conveyance system, are intended to be coordinated with Aura Investors, LLC pursuant to a Water and Sanitary Sewer Infrastructure Agreement executed between Silvergate and Aura on June 28, 2018. The Board conditioned its grant of a waiver subject to a concept plan being submitted.

Table of Zoning Requirements. The tables of zoning requirements which indicate MD values are not applicable and are confusing. These should be removed and replaced so that the tables indicate only the applicable RC-I/O and C-2 criteria. This should be done prior to the application being considered to be complete. Mr. Casey testified that the MD values will be removed from the table of zoning requirements.

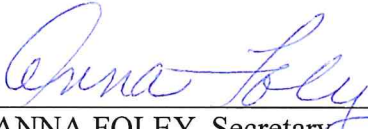
WHEREUPON, a motion was made by Board Member Clark, which was seconded by Board Member Nicholson, and with the understanding that the grant of completeness is only with respect to the Application for Preliminary Major Site Plan approval for Phase 7 of the Silvergate PUD, subject to the requirements of the Board's planner, and the representations made by the Applicant's Engineer as is set forth immediately above, with the following Board members voting in favor of the motion to grant completeness: Nicholson, Shoultz, White, Schmidt, Hughes, Afflerbach, Clark, Richardson (Alternate Member #1), and Swanson (Alternate #2). There were no votes in the negative and no abstentions or recusals. The following Board members were absent: Poisker, McKeever.

THIS RESOLUTION WAS ADOPTED by the Joint Land Use Board of the Township of Elk, County of Gloucester, State of New Jersey, on January 20, 2021 as a memorialization of the Board's actions in granting completeness of the Applicant's Application, which was determined by the Board on December 16, 2020.

**JOINT LAND USE BOARD 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 Joint Land Use Board, County of Gloucester, State of New Jersey held on the 20th day of January 2020 at the Township Municipal Building, 680 Whig Lane, Monroeville, N.J. 08343 at 7:00 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's meeting and public hearing held on December 16, 2020 on the above cited Application.


ANNA FOLEY, Secretary