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**Elk Township Combined Planning and Zoning Board**  
**Regular Business Meeting *\*via teleconference***  
**December 16, 2020**

**Minutes**

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

**Roll Call:**

**Present:** Matt Afflerbach, Bob Clark, Jay Hughes, Donna Nicholson, Richard Schmidt, Eugene Shoultz, Jeanne White, Al Richardson,(alt 1), Wayne Swanson (alt. 2)

**Absent:** Ed McKeever, Ed Poisker

**Open Public Meeting Act:** was read by the Board Secretary

**Flag Salute:** Chairperson led the flag salute.

**Approval of Minutes:** None

**Resolution(s):** None

➤ **Old Business:** None

➤ **New Business:**

- 1) Robert Wyatt, Bulk variances for Pole Barn, blk 51, lot 7.01, 1885 Willow Grove Rd., Application No. ZB-20-05
  - a) Completeness Hearing:

Robert Wyatt of 1885 Willow Grove Rd was sworn in.

Mr. Wyatt testified he would like to construct a garage/pole barn for the purpose of restoring a 1968 Camaro convertible. The larger size building is needed to accommodate a car-lift, space for welding, metal fabrication storage, and other related requirements as part of the restoration process. Mr. Wyatt further testified the Property is surrounded by trees and woodlands, is almost two acres in size, and is uniquely suited to accommodate the proposed pole barn. The proposed pole barn would be set back in the rear of the house, and is largely shielded from adjacent properties and the street by way of trees and lightly forested areas.

Variances are requested from township ordinances for size, number of accessory structures and height. Additionally, the garage would include an office area as he works as a self-employed engineer. He does not now have, nor will he have, any employees or customers/clients who will work at or visit the property.

Board Planner, Candace Kanaplue, reviewed her letter of October 14, 2020 for completeness.

The Applicant requested waivers from the following submission items:

#8 Copies of applications to, and certification of approvals from, outside agencies are required. The Applicant shall submit copies of the application to outside agencies.  
*A waiver is recommended by the Board's Planner for completeness only.*  
*The Applicant agreed to comply.*

#9 A Site Plan is required.  
Applicant has submitted an Existing Conditions Plan with a scaled location of the proposed pole barn. *A waiver is recommended by the Board's Planner.*

#11 A copy of the source and date of a current or recertified property survey prepared and sealed by a registered N.J. Land Surveyor, (prepared or recertified within the last year). The Applicant has submitted an Existing Conditions Plan dated 08/24/2020.  
*Board's Planner recommends a waiver.*

#55 The Applicant is required to submit contours and compliance with Section 96-66M prior to building permits.  
*Board's Planner recommends a waiver for completeness only, with the requirement that the same be submitted at the time that building permits are filed. The Applicant agreed to comply.*

#67 The Applicant is required to show the results and location of all percolation tests and borings for an on-site sewerage disposal system.  
*A waiver is recommended by the Board's Planner as there is an existing sewerage disposal system.*

#73 The Applicant is required to submit an LOI regarding wetlands from the NJDEP. The Applicant has submitted a report that certifies that the limit of disturbance will not interfere with any existing wetlands on the Subject Property.  
*Board's Planner recommends a waiver.*

Board Engineer had no comments for completeness.

*Mrs. Nicholson moved to grant the waivers and deem complete, Seconded by Mr. Afflerbach.*

**Roll Call:**

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

*Against: None*

*Abstain: None*

*9-0-0*

Public Hearing

- b) Robert Wyatt, bulk variances for Pole Barn, blk 51, lot 7.01, 1885 Willow Grove Rd., Application No. ZB-20-05

Board Planner continued with her review letter of October 14, 2020. The following variances are requested:

- Size, - 96-80.A.(2): proposed 2240 sq ft where 900 sq ft is permitted

- Number of accessory structures, -96-80.A(4): Three accessory structures already exist (chicken coop, playhouse, shed) where each residential property may have one additional accessory structure/shed not exceed 200 sq ft.
- Height, -96-80.A.(12): 27 ft is proposed where 25ft is permitted

Planner inquired if a bathroom would be added to the garage. Mr. Wyatt responded that was not part of the original plan but would like to add a full bathroom, if possible. He felt this improvement would be beneficial for future sale of the property and perhaps the space could be used as an in-law suite. Board Attorney made the applicant aware that use is not permitted and would require a “use” variance. Mr. Wyatt stated he would instead ask for a half bath (sink and toilet).

Board Planner clarified for the record, the application is for a home office with no clients or employees (just his wife) and half bathroom. There will not be a kitchen.

The Board’s Professional Engineer, Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., reviewed with the Applicant and the Board, his letter of October 15, 2020.

Mr. Bitgood commented that all the variances have already been covered. The applicant’s addition of the half bath has no effect on the grading plan as submitted.

Board Engineer requested that the Plan submitted be updated with a revised title and information clarifying the extent to which the survey was updated. The Plan should also incorporate a table of both the requirements and existing measurements along with a tabulation of what conforms and what does not. The Applicant agreed to comply.

The proposed grading plan shall be submitted when construction permits are applied for. The grading plan shall include measures to mitigate the impact of increased runoff to Lot 7. The Applicant agreed to comply.

Mr. Bitgood asked if the abandoned chicken coop that encroaches on adjacent Lot 7 could be removed. The applicant agreed to remove it.

Chairwoman White asked if any of the other accessory structure could be removed. Mr. Wyatt responded both the shed and playhouse are in good shape and would prefer to keep them.

Mr. Wyatt has no intention to remove more trees than necessary for construction of the garage.

Mr. Schmidt asked how large the office space would be and how large the garage would be. Mr. Wyatt responded the office, bathroom and small storage area would be approximately 40x16 and the garage would be approximately a 40x40 area. This size is needed because the car is in pieces and requires welding.

Member Afflerbach, referring to an on-line NJDEP wetlands map, inquired if there were any easements between Mr. Wyatt’s property and his neighbor on the left. The neighbor’s lot surrounds the Wyatt parcel and would the neighbor have ample access without an easement. Mr. Wyatt responded that he is not aware of any easements.

Board Engineer commented that you can't rely on the online mapping, as it's not guaranteed to be accurate. The applicant has provided a wetlands certification and no easements are shown. Further, the applicant has agreed to provide an updated plan and the plan must show any easements of record.

Mr. Taylor recommended the applicant double check his title for any easements on his property.

Member Hughes inquired about hookup to his septic for the proposed powder room. Mr. Wyatt replied he is still investigating the best option. Mr. Hughes commented he is asking the board to approve the bathroom without confirmation that it can be done.

Mr. Taylor commented it was not an issue as the approval would be subject to him getting all his outside approvals.

Member Nicholson asked since the bathroom request was not included in the original application, would that make a difference in the Board Professionals' review of the application. Board Engineer responded it does not, as long as the bathroom is included within the existing building footprint. Board Planner agreed with Board Engineer. She asked her questions confirming the structure would not be used as another dwelling (no full bathroom, no kitchen, etc.). Nothing has changed from a Planning standpoint.

Member Swanson inquired if the applicant could reduce the size of the building and if the lot next door, lot 7, was buildable.

Applicant stated he could reduce the size but would like to keep it as requested.

Mr. Wyatt responded he believes lot 7 is wet with approximately 1 acre to build on.

Member Nicholson commented the pole barn is as large as the house.

Mr. Bitgood added there is an error on the plan. The existing home is 3523 sf, not 2500sf.

Mrs. Nicholson also asked if a variance was still required if the chicken coop was removed. Mrs. Kanaplue replied "yes", he is still over the permitted number of accessory structures.

Mr. Wyatt asked if he were to add a porch to this building, would that change his application. Board Planner and Attorney both replied "yes." It would increase the size of the building.

***Mr. Hughes moved to open the public, seconded by Mr. Swanson.***

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

***Mr. Clark moved to grant the variances requested, Seconded by Mr. Afflerbach.***

***Roll Call:***

***Voting in favor: Afflerback, Clark, Hughes, Shoultz, Richardson***

***Against: Nicholson, Schmidt, White, Swanson Abstain: None***

***5-4-0***

**Approved**

- Silvergate Phase 7, Completeness hearing, Preliminary Major Site Plan, block 52, lot 12.02, blk 53, lot 1, blk 174, lot 1. Buck Rd., Elk Rd., Willow Grove Rd.- Commercial Zoning Districts

Emily Givens, Esquire, of Maley & Givens, 1150 Collingswood Ave, STE 210, Collingswood, NJ (applicant attorney)  
Nick Casey, VP Development, Silvergate Associates/The Quaker Group, 593 Bethlehem Pike, Montgomery, PA 18936 (the Applicant's representative and professional planner);

**Background:**

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. 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 Master Development Plan. 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. The Application is for Phase 7, as designated in the Master Development Plan for Silvergate.

The Phase 7 plans 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.

There was discussion about the Township's recent adoption of a Redevelopment Plan for the subject area. A redeveloper has not yet been designated by Township Committee. Should the applicant wish to utilize the zoning under the Redevelopment Plan, the applicant would first have to show proof of a Redevelopment Agreement with the Township and then will be required to file a new application for site plan approval with the Planning Board per the Redevelopment Plan. The applicant determined they would proceed with its current application for approval under the underlying PUD zoning at this time.

Referring to applicant's response letters both dated December 3, 2020, the Board Planner and Engineer recommended the following waivers and conditional waivers as follows:

**Item 8:** Copies of applications to and certification of approvals from all outside agencies with jurisdiction over the proposal.

*Conditional waiver is recommended for completeness.*

*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.*

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

*Conditional waiver is recommended for completeness. Applicant agreed to provide an updated survey at final application.*

**Item 12:** Certification and monumentation required by Map Filing Law.  
*Conditional waiver is recommended for completeness.*

**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.  
*Conditional waiver is recommended for completeness. The applicant agreed to provide all metes and bounds for proposed easements at final application.*

**Item 23:** Proposed phasing and construction schedule for entire project.  
*Conditional waiver is recommended for completeness. Applicant will provide at final application.*

**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.  
*Waiver is recommended as public water and sewer will service the site.*

**Item 52:** The method by which common/public open spaces, or commonly held buildings or structures, are to be owned and maintained.  
*Conditional waiver is recommended for completeness. 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.  
*Waiver is recommended by Board Planner.*  
*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.  
*Waiver is recommended by Board Planner, as there are no wetlands on the site and an Environmental Impact Statement has been submitted.*

**Item 76:** Recreation Facilities Plan and details where applicable in accordance with section 96-55.  
*Conditional waiver is recommended for completeness.*  
*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.  
*Conditional waiver is recommended for completeness.*  
*Site signage is to be provided 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.  
*Conditional waiver is recommended for completeness.*

**Item 81:** Traffic control and directional signage plan.  
*Conditional waiver is recommended for completeness.*

Discussion followed regarding off-site sewer and water, County approvals, roadways & site layout. Board Engineer requested a correction/change to the plan for the “Table of Zoning Requirements.” The tables of zoning requirements indicate MD values, are not applicable and are confusing. Mr. Casey testified that the MD values will be removed from the table of zoning requirements.

***Mr. Clark moved to grant the waivers as discussed and to deem the application complete, 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, Engineer and the representations made by the Applicant’s Engineer. Seconded by Mrs. Nicholson.***

**Roll Call:**

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

***Against: None                      Abstain: None                      9-0-0***

**General Public Portion**

***Mr. Shoultz moved to open the public portion, seconded by Mr. Clark.***

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

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

- **Correspondence:** Board members received a correspondence from the Board’s subcommittee making recommendations for Board Professionals for the year 2021.
- **Adjournment:**

***Mr. Hughes moved to adjourn, Seconded by Mr. Clark.***

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

Adjournment time: 9:05 pm

Respectfully submitted,



Anna Foley, Board Secretary