Resolution No.: 2021 - 16

RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING PRELIMINARY

SITE PLAN APPROVAL, A BULK VARIANCE TO PERMIT AN EIGHTFOOT HIGH FENCE WHERE ONLY A SIX-FOOT HIGH FENCE IS

PERMITTED, AND A DESIGN WAIVER FROM CURBING AND PAVEMENT, TO COPART OF CONNECTICUT, INC., REGARDING PROPERTY LOCATED AT 735 & 749 JACOB HARRIS LANE AND

BEING FURTHER SHOWN AS BLOCK 66, LOT 1.01 ON THE TAX MAPS OF THE TOWNSHIP OF ELK, APPLICATION NO.: SP-20-12

WHEREAS, Application No.: SP-20-12 (the "Application") was submitted to the

Combined Planning/Zoning Board Adjustment of the Township of Elk, County of

Gloucester, State of New Jersey (the "Board") by Copart of Connecticut, Inc., 138 Christian Lane, New Britain, CT 06051-4123 (the "Applicant') for Preliminary Major Site Plan approval for an automobile storage and transfer facility, a bulk variance to permit an 8-foot high fence where only a 6-foot high fence is permitted, and a design waiver from pavement and curbing requirements, regarding property located on Jacob Harris Lane, (the "Subject Property") and being further shown as Block 66, Lot 1.01

(formerly Lots 1.01, 1.02 & 1.03) 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 June 16, 2021 at 7:00 P.M., time prevailing, at which time were the following present on behalf of the Applicant: Jennifer Johnson, Esquire, Siciliano & Associates, LLC, 16 S. Haddon Avenue, Haddonfield, N.J. 08033 (the Applicant's

Attorney); Charles Eichman, Copart Regional Manager, 138 Christian Lane,

New Britain, CT 06051; and Clifton Quay, Professional Planner, Stantec, 10000 Midlantic Drive, Suite 300W, Mt. Laurel, N.J. 08054 (the Applicant's Professional Planner); and

WHEREAS, Mr. Quay had previously entered into the record his licensing, experience, and professional background, a hearing by the Applicant for a use variance that took place on August 1 9, 2020, after which it was stipulated on the record, without objection, that Mr. Quay was entitled to testify on behalf of the Applicant as an expert in the fields of engineering and planning, and did the Board, without objection, again stipulate on the record as to Mr. Quays qualifications as an expert in planning and engineering as to the present Application; and

WHEREAS, Messrs. Eichman and Quay were sworn as to any testimony that they would give on behalf of the Applicant;

Now, THEREFORE, BE IT RESOLVED by the Combined Planning / Zoning Board of Adjustment ofthe Township of Elk, County of Gloucester, State of New Jersey, as follows:

FINDINGS OF FACT

1. The Application was deemed to be complete, subject to the Board acting on certain requests for waivers from submission requirements. As such, the Board had jurisdiction to act on the Application. Because the Application had previously involved a

"use" (d. 1) variance, the Class I Board member (Mr. Poisker) and the Class Ill member (Ms. Nicholson) recused themselves from the hearing. Thereafter, the Board was constituted as a 7-member Zoning Board of Adjustment.

2. The Board's professional planner, Steven M. Bach, P.E., R.A., P.P.

C.M.E., Bach Associates, PC, 304 White Horse Pike, Haddon Heights, NJ 08035 and the

Board's professional engineer, Stan Bitgood, P.E., C.M.E., Federici and Akin, P.A., 307 Greentree Road, Sewell, NJ 08080, the Board's Professional Engineer, were both Sworn as to any testimony that they would give on behalf of the Board for the purposes of the Application.

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

A. Application, Application Fee, Escrow Agreement, Escrow

Deposit, Notice of Hearing, Affidavit of Service, Affidavit of Publication,

Certification of Taxes Paid on the Subject Property, Certified List of Property

Owners within 200 ft. of the Subject Property, and Disclosure Statement.

|  |  |  |  |
| --- | --- | --- | --- |
| B. Various submissions as follow: | |  | |
| Title | | Date | |
| Elk Township Land Development Application | | 12/28/20 | |
| Deed Book Pages: AC Electric Easement | | 10/05/64 | |
| Affidavit of Applicant/Ownership | | 12/15/20 | |
| Resolution No. 2020-10: Copart Use Variance | | 08/19/20 | |
| General Warranty Deed | | 12/07/20 | |
| Exhibit A to Deed Legal Description | | n/a | |
| Exhibit B to Deed Permitted Exceptions | | n/a | |
| State of New Jersey Seller's Residency Certification /Exemption | | 12/07/20 | |
| Gloucester County Site Plan Application | | 12/14/20 | |
| Gloucester County Affidavit of Ownership | | n/a | |
| Elk Township Land Development Checklist | | 12/14/20 | |
| Site Photographs | | n/a | |
| List of Requested Checklist Waivers | | 12/14/20 | |
| Boundary/Location Survey, Lot 1.01, by First Order, LLC | | 08/04/20 | |

Land Title Survey, Lots 1.02 & 1.03, by Crest Engineering Associates Inc. 05/04/20

|  |  |
| --- | --- |
| Stormwater Management Narrative | REVISED 06/04/21 |
| Pre-Development Watershed Plan | REVISED 06/04/21 |
| Post-Development Watershed Plan | REVISED 06/04/21 |
| Soil Testing Location Plan by Earth Engineering, Inc. | 12/02/20 |
| Preliminary/Final Major Site Plan Set - REVISED | 06/04/21 |
| Environmental Impact Study by Stantec | 12/09/20 |
| Lot Consolidation Plan | 04/22/21 |
| Lot Consolidation Legal Descriptions | 03/30/21 |
| Deed of Consolidation | 06/04/21 |
| 200' List Public Notice | n/a |
| Stantec Review Letter Comments Response | REVISED 06/04/21 |
| Stormwater Management Maintenance Manual | 05/11/21 |
| Truck Turning Exhibit | 05/11/21 |
| Copart FM 186-2 Program Manual for Hydrocarbon Spill Clean Up n/a | |
| Copart Drip Prevention and BMP's for Ground/Storm Water Protection n/a | |
| Copart Prohibited Activities List n/a | |
| Copart Environmental Management Program 2020 | |
| Phase 1 Environmental Site Assessment 8/31/2020 | |

1. The Board entered into the record the following:
   1. Letter dated February 16, 2021 from Steven Bach, Bach Associates, PC, the Board's professional planner, to the Board, regarding Mr. Bach's review of the Application.
   2. Letter dated June 1 1, 2021 from Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., the Board's professional Engineer, to the Board, regarding his review of the Application. 
2. The Subject Property consists of two parcels, totaling 12.45 acres, and is located adjacent to the north of an existing salvage yard, a pre-existing, nonconforming use, owned by the Applicant on the east side of Jacob Harris Lane (formerly Lot 1.02,

781 Jacob Harris Lane) within the Ml Light Manufacturing zoning district. Former Lot I .03 is approximately 5 acres, wooded and currently contains the remains of a small foundation, a small amount of wetlands and floodplain in the rear, and a drainage easement line. Former Lot 1.02 is approximately 7.45 acres and is wooded, with a high tension utility tower and power lines traversing the site, along with wetlands at the rear of the parcel. Former Lots 1.01 & 1.02 and 1.03 have now been merged and are shown as Lot 1.01.

1. The Subject Property is surrounded to the north, south, west and east by other properties also in the Ml zoning district. The adjacent uses are predominantly comprised of light industrial uses and vacant woodland. The Applicant had received use variance approval to expand the automobile facility and consolidate lots 1.01, I .02 & 1.03 into what is now newly configured Lot 1.01. A copy of an unrecorded copy of a deed of consolidation has been submitted.
2. There are no existing water or sewer utilities within or adjacent to the tract.

The site is not within the Elk Township Sewer Service Area (SSA) served by G.C.U.A. Multiple requests to the County and NJDEP have been made since 2015 to restore this area to the SSA. The most recent request in 2020 has not been approved or denied yet.

Zoning: Bulk Standards:

Prior Prior Prior Now

Section Required Lot 1.01 Lot 1.02 Lot 1.03 Lot 1.01 Compliance



|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Min. Lot Size 2 acres  96-78F( I  Min Lot | 26.18 acres | 7.45 acres | 5.0 acres | 38.6 acres | Complies |
| Frontage 200 feet | 1,615.48 feet | 4 84.67 feet | 391.48 feet | 2,491.63 feet | Complies |



|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Minimum Lot |  |  |  |  |  |
| Depth 200 feet  96-78F( d  Max. Bldg. | 773.18 feet | 601.04 feet | 51 1.65 feet | 51 1.65 feet | Complies |
| Coverage 20 | 0.3% |  |  | 0.2% | Complies |



|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Front Yard | 100 feet | 21 1.93 feet | N/A | N/A | 21 1.93 feet | Complies |

Side Yard 50 ft. each 262.24 ft. N/A N/A 262.24 feet Complies



|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Rear Yard 75 feet 96-78F(  Max. Bldg. | 638.99 feet | N/A | N/A | 638.99 feet | Complies |
| Height 40 feet | feet | N/A | N/A | feet | Complies |

1. The Applicant requested waivers from certain submission requirements, as follows:

Items Required by the Use Variance:

1. Consolidation of lots 1.01, 1.02 and 1.03. was to be done before memorialization of the use variance. The Applicant has submitted the deed of consolidation, which was finally recorded on June 4, 2021.
2. Blanket drainage easement to the Township of Elk for runoff from Jacob Harris Lane. Not yet submitted. This should be submitted prior to completeness. The Applicant states that the easement documents are being prepared to be submitted for review. A waiver is granted for completeness only. The blanket drainage easement deed must be a condition precedent to final site plan review.
3. Documentation of approval for the existing sanitary sewage disposal system to handle the proposed increase in employees and visitors. Not yet submitted. The Applicant requests a waiver for completeness and will submit upon receipt. The Board agreed. This submission remains as a prerequisite to final site plan review.
4. Documentation of a request for guidance and/or an application to NJDEP to address the appropriateness of using solid fencing in the environmentally sensitive area. Not yet submitted. The Applicant states that documentation will be provided under separate cover. This submission must be submitted and reviewed prior to submission of an Application for final site plan review. The Applicant agreed to comply.
5. Landscaping especially along the frontage. Plans have been revised to show landscaping.
6. Gate location shall be at least 20 feet from the Right of Way line with Knox box and light. Plans were revised to show the 20 foot dimension and to call out the Knox box.
7. Updated easement agreement with A.C. Electric for use and improvements within their existing easement. Not yet provided. The Applicant states that they are in the process of working with ACE to secure necessary easements and approvals and will provide documentation upon approval. ACE has certain rights to the use of their easement. In similar land use applications that were appealed, the easement holder has been considered to be an owner who must consent to the application. As yet the Board has neither copies of consent, nor proof of any correspondence with ACE. This must be submitted prior to submission and review of a final site plan. The Applicant agreed to comply.

Site Plan Requirements:

The Applicant has requested waivers for or has not submitted the following checklist items:

8. Copies of outside applications & approvals. A copy of an application to GC planning board has been provided. Copies of application(s) to NDJEP are required for completeness. A copy of the application and approval for the expansion of use of the sanitary sewage system is also required. See paragraph D above.

10. The map/plan shall include the signature of the Applicant and land owner. The owner has yet to sign the plan. The Applicant requests a waiver of this item for completeness. Signed plans shall be provided prior to review for final site plan approval.

1. Environmental Impact Statement, i.a.w. 96-44 submitted. The report is incomplete in that it does not address the potential for spills, contamination, uses of fluids, vehicle washing, vehicle maintenance, does not include a copy of a wetlands L.O.I., does not indicate the type of wetlands, types of endangered species, and does not include any information on the types of trees or the quantity and sizes of trees to be removed or planted. Instead of providing what was requested, the Applicant proposes to provide testimony on the impacts to environmental resources, and to submit copies of any NJDEP responses at some point. Given that the type of wetlands has not yet been determined or verified by NJDEP, and thus the transition width remains unverified, the Board's engineer cannot recommend review for final site plan. If preliminary site plan approval is granted, it should be clearly conditioned upon the Applicant providing copies of all NJDEP applications, correspondence, responses, and permits, prior to requesting Final Site Plan approval. The Applicant agreed to comply.
2. A Phase 1 Environmental Assessment report conforming to current ASTM standards. The Board's engineer has received an electronic copy on June 10, 2021. Two hard copies shall bë submitted prior to memorialization of any approval. The Applicant agreed to comply.
3. Traffic Impact Study prepared, signed and sealed by a licensed NJ professional engineer. The Board's engineer had no objection to waiving this.

37. Drafts of proposed protective covenants, deed restrictions or easements for review. A blanket drainage easement is required in accordance with resolution 2020-10. Need any stormwater mgmt BMPs deed restricted also. I have no objection to waiving the BMP deed restrictions for completeness only. Drafts must be submitted for review prior to review for final site plan approval.

39. The plans have been revised to show the site as one lot, # 1.01 and the bulk requirements table has buffers have been corrected to match.

41. The plans have been updated to show the location of existing septic field and well.

44. The location, dimensions and arrangement of proposed streets, vehicular access way. A truck turning & movement path exhibit has been provided as a separate sheet. The sheet is satisfactory. Prior comment: Documentation that the clear path is satisfactory to A.C.E. shall be submitted. Show protection for A.C.E. tower. Call out on the plans and add details to detail sheet. Provide documentation that A.C.E. and the Township Engineer approve of the method of protection. See paragraph G above.

1. The location of all existing trees or tree masses, general sizes and species. (Tree boundary line shown but no information on tree size or type provided) The Board's engineer had no objection to waving for completeness only. The Applicant requests as a condition of approval, that they be allowed to coordinate with the Board's Professionals to provide the required information. The Board's Planner agreed.
2. Requires a tree protection plan and the limits of clearing. The Board's Planner agreed to a waiver for completeness of Preliminary Site Plan but it must be submitted for Final Site Plan approval. The Applicant agreed to comply.

53. Structures of historic significance on or within 200 feet of the tract. Prior comment: The environmental statement or separate document should address this and should state the basis and sources used for the determination. The Board's engineer has no objection to waiving for completeness only. The Applicant agreed to provide as a condition of approval.

63. Cross sections and center-line profiles of all existing or proposed streets/water courses. The Board's engineer had no objection to waiving this.

1. A written commitment from the Elk Twp. MUA. The Board's Planner agreed to a waiver.
2. If on-site sewerage disposal is required, results of percolation and boring tests. Prior comment: The Applicant must provide certification/approval from GC Health Dept, or NJDEP that the existing sanitary sewage disposal system is adequate for the proposed increase in staff and visitors. This remains a pre-requisite to site plan completeness as a requirement of the Use Variance. An OPRA request was filed with the County to obtain plans/records of the design of the system. The facility proposes to add I additional employee to the facility. Once received the Applicant will provide details of the system and if it requires modifications to that system.
3. Lighting plan showing the location, height, light distribution, design and distances. Prior comment: No lighting is proposed. Motion sensor LED. shielded lighting should be required at any entrance gates with a Knox Box. The Board's engineer had no objection to waiving for completeness only. The Applicant says they will provide lighting on the compliance set of plans when submission is made for final site plan approval.
4. Location, size and materials of containers and enclosures for solid waste and recycling. A waiver is not recommended. The Applicant intends to provide testimony.

73. NJDEP Letter of Interpretation for wetlands identification. Prior comment: Required prior to completeness. The Applicant states they will provide LOI documents under separate cover.

77. Size, type, copy and location of all proposed signs. New stop signs shall be installed at both exits. A waiver for completeness only is recommended.

81. Traffic control and directional signage plan. The Board's engineer had no objection to waiving for completeness only.

84. A Letter or list and estimate of all items to be completed for performance guarantee. The Township Engineer will prepare the estimate for guarantees and inspection escrows. This item can be waived.

WHEREUPON a motion was made by Board member Afflerbach, which was seconded by Board member Schmidt, to grant the above waivers from submission requirements, on a conditional basis, based on the agreements and acknowledgements made by the Applicant as are set forth above, with the following Board Members voting in the affirmative: Afflerbach, Schmidt, White, Clark, and Richardson (Alternate # 1) and Swanson (Alternate # 2). There were no votes in the negative, and no abstentions. Board Members Poisker and Nicholson had recused themselves as the hearing involved an application previously granted a use variance, and the Board had to remain constituted as a Zoning Board of Adjustment to hear the present Application. Board members McKeever, Shoultz and Hughes were absent.

1. Ms. Johnson provided a brief overview of the Application, consistent with the above information.
2. Mr. Eichman provided background information regarding Copart. Mr. Eichman testified that Copart did not serve as a typical automobile auction, rather, it obtained cars from insurance companies, private vehicle sellers, car dealers, etc., and arranged for sales of same by way of an on-line auction. The Subject Property as been merged following use variance approval, so that additional vehicles could be stored for processing and sale. Two 8-foot fences would secure the Subject Property. There would be no trash or recyclables on the Subject Property. The prior property (Lots 1.02 & I .03) has been operating for over approximately 19 years, and there are approximately 1 ,400 cars presently on the property. Hours of operation are Monday through Friday, 8 AM 5 PM. There are currently eight employees and the proposed expansion would only add one additional employee. The entrance area is to be paved. The total number of tow trucks entering and leaving the Subject Property daily (for delivery or pick-up of vehicles) are approximately 20.
3. Mr. Quay testified as to an aerial photograph of the site; that the site would be expanded about 50% as proposed; that additional fencing for security purposes would be added; and he reviewed wetlands buffers. Mr. Quay testified as to the proposed landscaping and new fencing; the proposed stormwater basin (which will be inside of the security perimeter); the existing septic system; trash enclosure; and spillissue protocols. Mr. Quay testified that the Applicant would be in compliance with all NJDEP rules and regulations; and that the area where the storage of vehicles takes place would not be open to the public.
4. The Board's Professional Plamer, Steven Bach, P.P., P.E., R.A., C.M.E., reviewed with the Board and the Applicant his letter of February 16, 2021 regarding the Application, as follows:
5. The plan set title should be revised to state that it is a Major Site Plan.
6. The Applicant should submit a landscaping plan per the checklist and ordinance requirements.
7. The Applicant should submit a tree protection plan per the checklist and ordinance requirements.
8. Landscape buffers per Section 96-47 shall be added to the plans. A ten (10) foot buffer is required when industrial is adjacent to industrial uses or zoning districts. Buffers are in addition to required setbacks. The Subject Property is surrounded by properties located in the M-l Light Manufacturing District. Block 66 Lots 3 and I .04 are vacant. Block 30, Lot 18 is also vacant. Block 30 Lots 14.01 and 12 are commercial. Ten foot buffers should be added to entirety of the Block 66 Lots 1.01 and 1.02.
9. Lighting should be added to the landscaping plan. The Applicant should also identify where security lighting is proposed.
10. Basin landscaping and fencing should also be provided and indicated on the landscaping plan.
11. Easement. The survey indicates a drainage easement on both Lots 1.02 and 1.03. In addition, a 120 foot wide Atlantic Electric easement for transmission lines traverses the property. The Applicant should indicate how this easement impacts use and development of the property. For example, is the Applicant permitted to park cars within the easement and is the applicant permitted to make improvements within the easement? A copy of the easements should be provided.
12. Signage. The Applicant should be prepared to discuss any site identification signage that may be proposed. All signage must conform to the Elk Township sign regulations (Section 96-60).

The Applicant agreed to comply with the above.

13. 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 June 1 1 2020, as follows:

Technical Review

The plans depict new expanded parking areas with aisles extending throughout most of the existing lots 1.02 and 1.03. A stormwater basin is proposed in the rear of the lot and accommodations are made for Atlantic City Electric to gain access to their existing electric tower.

1. Bulk requirements: The plans have been revised to correctly show the M-l zone data on the cover sheet.
2. Plan Requirements: The proposed use is an expansion of parking storage for vehicles.
   1. The Applicant has revised bearings to match the lot consolidation plan.
   2. Survey data. The Applicant has updated the plans to include survey data to at least 200 feet.
   3. The plans have been revised to show the well and septic.
   4. Atlantic City Electric Easement. Prior comment: Call out date of revised /update easement agreement.

1) The gate location has been moved to comply with the Use Variance. Prior comment: lighting and knox box shall be shown and detailed. The Applicant agreed to comply.

1. Driveways.
   1. The access gate shall be revised to show a Knox Box, shielded lighting,

l) The Applicant has revised plan sheet C-102 to setback the gate 20' from the right of way line. Lighting with details should still be submitted. The Applicant agreed to comply.

* 1. Prior comments: Detail shall be provided in regards to temporary and permanent protection of the existing electric tower.

l) A copy of the submission to Atlantic City Electric for protection approval must be submitted. Applicant states that coordination with ACE is underway and final protection will be submitted for review and on updated plans. See paragraph G above.

* 1. A truck turning exhibit has been submitted and is acceptable.

1. Fencing. An 8 foot tall security fence is proposed directly around the proposed parking aisles for storage. It is offset 15 feet from the right of way line and 28 feet from the side lot line adjacent to lot I .04. The fence is proposed to be 26 gauge, white painted, corrugated interlocking metal panels. The fence surrounds the parking area. The fencing may be acceptable upon receipt of documentation that NJDEP has no objections to solid fencing in the area.
   1. The purpose and maintenance of the narrow strip between the new and existing fences near the driveway, and extending deep into the site should be identified.

The Applicant has revised the plan to address this.

* 1. Elk Code section 96-80.1 Fences permits fences up to 7 feet in height. The proposed 8 foot high fence would require a variance. Justification should be provided in accordance with the Municipal Land Use Law. The Applicant agrees to testify and requests a variance for the 8-foot fence.

1. Grading. The site as it currently exists, drains Jacob Harris Lane directly Northeast towards the existing wetlands. The proposed grading will funnel the drainage from the majority of the improved site towards the proposed drainage basin. Proposed grading is generally acceptable.
   1. The Applicant has revised the plan to include contours beyond the boundary of the lot.
   2. The Applicant has revised the grading at the ACE driveway.
2. Landscaping. The Applicant has indicated an intention to remove all vegetation within the boundaries of the proposed fencing and basin. They intended to leave about

15 feet of vegetation on the border of the right of way and about 28 feet along the border

Il

of lot 1.04. The plans shall be revised to show the limits of clearing and tree protection more clearly. The Applicant agreed to comply.

A. A landscaping plan including evergreens has been included.

1. Legal Descriptions.
   1. The recorded deed of consolidation was received June 10, 2021.

B. Legal descriptions and easement documents shall be submitted for the stormwater BMPs granting the Township Inspection and maintenance rights, and restricting the areas from further development without an approved site plan and amended stormwater management plans. The Applicant agreed to comply.

l) Prior comment: Elk Township code 86-10B.10 requires the granting of these easements prior to final approval of a major stormwater development.

1. Lighting. No lighting is proposed. Lighting should be considered for the areas of the easement access gates dedicated to Atlantic City Electric. All lighting should be LED. type and shall be shielded so that no lenses are visible from any adjacent property or any public right of way. The Applicant agreed to comply.
   1. The Applicant will coordinate with ACE. for any required lighting at the access gates and will show lighting on final plans. This is ok for areas of the easement other than the gates. The gates must be illuminated with motion detectors at the Knox Box. This may be provided as a condition of approval. The Applicant agreed to comply.
2. Parking. The plans show adequate parking quantity in compliance with our ordinance.
   1. The Applicant is proposing a gravel parking area. The parking area shall be adequately paved and drained in accordance with Township specifications per Elk Township code §96-54.D.(2).
      1. The Applicant has testified regarding the request for gravel parking area. The Applicant requests a waiver for providing a paved asphalt parking area.
   2. Testimony regarding prevention of spills, leaks and debris, has been provided. Appropriate signs and a copy of applicable operating procedures and any permit conditions shall be provided. The Applicant agreed to comply.

l) The Applicant has testified to this.

(a) The Board's engineer has serious doubts that signs and operating procedures would be effective at preventing spills from vehicles from occurring and from entering ground water or surface water resources. Pavement, especially with light colored aggregates, could be much more effective at preventing spills from penetrating into the ground and at making spills visible to the workers. Mr. Quay on behalf of the Applicant testified regarding operations of the facility and regarding the drainage of fluids from the vehicles prior to storage.

1. Handicap Parking has been shown on the revised plans.
2. Pedestrian Access. No new pedestrian access is proposed.
3. Jacob Harris Lane is currently being improved with new paving and signage. The intersection of Jacob Harris Lane and New Jersey Avenue has been designated as 4-way stop intersection. The Applicant should provide Stop signs at both exits. The Applicant agreed to comply
4. Stormwater Management.
   1. The survey datums provided are N.G,V.D. 1929 where NAD 83 is required.

l) The Applicant has updated the plan to the correct datum.

B, The plans have been revised to show information 200 feet beyond.

C, The basin design has been revised to provide ground water recharge equal to the calculated post development deficit of 291 ,808 cubic feet and the ground water recharge spreadsheet has been corrected for soil types.

D The revised stormwater design shows that the required reductions to 50% and 75% for the 2 and 10 year storms are met. However:

The runoff hydrographs must be revised to use calculated times of concentration

(tc). NJDEP requires that tc calculations be provided. The TC calculations for the Post Development runoff calculations show Direct Entry value of 10 minutes. NJDEP does not allow direct entry. The tc times must be calculated and shown. The Applicant agreed to comply.

The contributing areas have been updated in the report. Graphical presentation on the pre- and post-development plans should be made clearer. The Applicant agreed to comply.

Prior comment: All instances of composite CN values should be removed from the narrative, hydrographs, runoff calculations, and the pre-



and post-drainage maps, except where the composite CN is for only pervious areas with identical times of concentration. Composite CN values still exist in calculations for the pre-development watershed 1. The Applicant agreed to comply.

The drainage maps should show the boundary and times of concentration for each subarea for which a runoff hydrograph is used in the model. The Applicant states that the maps have been updated to show the requested information, however this is not the case. The Applicant agreed to comply.

The CN value for impervious area on the maps should match that used in the Hydrograph inputs. For the pre-development values, CN in the report is 98 and on the plan shows 91. Post development impervious areas should use CN=98 also. The Applicant agreed to comply.

Assuming that the Board does not grant a design waiver for paved parking surface, the runoff calculations shall be revised to use a CN value of 98 for the impervious pavement. Applicant states the value will be changed IF the Board does not grant the waiver for paved parking surface. As the gravel would become essentially impervious overtime, The Board's engineer recommends that CN=98 regardless. The Applicant has revised the water quality storm to 1.25 inches per 2 hours.

E. The Applicant has stated in the Environmental Impact Statement that construction may cause the displacement of mammalian and avian species. They claim the surrounding area contains suitable habitat for these species and no adverse impacts to any threatened or endangered species or their habitat are expected to occur. The

Applicant has not identified or provided information on endangered or threatened species on site or that use the site for foraging or other essential habitat. This information should be provided along with copies of acknowledgement and approval from the NJDEP. The Applicant agreed to comply.

1) The Applicant states that they have submitted an application to NJDEP. A copy has yet to be provided as previously requested. The Applicant must submit copies of the application to NJDEP. Information on the specific threatened or endangered species is required. The Applicant agreed to comply.

F. Since the initial submission, the stormwater rules have changed to require green infrastructure instead of non-structural strategies.

The Applicant's Engineer shall provide documentation and a statement demonstrating that green infrastructure has been used to the maximum extent practical. The Applicant agreed to comply.

Source controls include measures for containing trash. The plans have been revised for the outlet structure to include trash racks and overflow grates.

(a) Trash racks and overflow grates have been provided in the updated plans dated 5/11/2021. These are found to be acceptable.

G. A conservation easement shall be drafted for the infiltration basin and other BMPs. The Applicant agreed to comply.

1) The Applicant has requested to submit easements upon approval of the Application. Elk Township code 86-10.B.10 requires the granting of these easements prior to final approval of a major stormwater development. Easements shall be drafted and submitted prior to final site plan review.

* 1. The Applicant has revised the plans to include emergency spillway details.
  2. The Applicant has added the required low tire pressure/equipment weight notes to the construction sequence on sheet C-105. l.
  3. A plan regarding inspection and maintenance with responsibility agreements should be included. This shall include comprehensive stormwater management plans, frequency of inspection, maintenance tasks and sc parties, reporting requirements, conservation easements, and a copy of Elk Township Code 86-6.F. The Applicant has agreed to comply.
     1. The Applicant has submitted the O&M manual. It does not include a cost estimate, nor a copy of Elk Township Code 86-6.F., conservation easements, and reporting requirements. The Applicant shall submit an updated O&M manual once the conservation easements are completed prior to final site plan review. The Applicant agreed to comply.
  4. Emergency spillways design must be based on assumed failure of primary outlets and recharge. The Applicant must provide revised calculations for the Q value used in the Emergency Spillway calculations and revise stability calculations if needed. The Applicant agreed to comply.
  5. Provide Time to Drain calculations for the basin demonstrating it is less than 72 hours. The Applicant agreed to comply.

1. Sequence. Construction sequence provided on plan sheet 7 is acceptable.
2. Sewage disposal. The Applicant shall provide documentation that the existing or proposed sanitary sewage disposal system is approved for the proposed staff increase of 4 to 5 employees. The Applicant agreed to comply.
   1. Prior comment: Prior to the hearing, the Applicant shall submit copies of the request to the proper agency (NJDEP, Health Department, other). The Applicant's Engineer testified that the G.C. Department of Health indicated they required an extension until 6/21/21 to provide the requested documentation under the OPRA request.
3. Trash Disposal. Either a trash enclosure should be provided and detailed. Testimony was provided that documents how trash and debris from the site are to be disposed of and how fluids, greases, solvents, and other materials that are potentially harmful to the environment or groundwater, will be prevented from spilling and how it will be properly handled and disposed of. The Applicant shall provide a note to the plans with such information.
4. Utilities. No new buildings or utilities are proposed.

Recommendation:

The application should not be heard for final site plan approval until all requested documents and corrections have been provided, and if preliminary site plan is approved, until all conditions imposed by preliminary approval are fully complied with.

The Applicant agreed to comply.

14. The hearing on the Application was opened to the public, at which time the following member of the public was sworn and testified on the Application:

a. Mr. Theodore Demiduke, 3 17 Washington Avenue, Pitman, N.J. testified that he was the owner of property across the street from the Subject Property. In 2018, a 75 foot long trailer had left the Subject Property and was then parked on the edge of his property off the side of the road. It appeared that repairs were being made. Later on, the vehicle erupted into a fire, causing some damage to his property. Mr. Demiduke testified that vehicles frequently leaving the Subject Property stopped on his property to make repairs, and often left debris on his property. The Board recommended that the Applicant meet with Mr. Demiduke to try to rectify this situation.

There being no further members of the public wishing to give testimony, the public portion was closed.

# CONCLUSIONS

The Board concluded that the requested Preliminary Major Site Plan should be granted on the basis of the plans submitted, the testimony given by the Applicant and the Applicant's experts, and the testimony rendered in support of the Site Plan. The Board made it clear that its approval was conditional, and that all matters still to be addressed by the Applicant, as are set forth above, had to be accomplished before any application for final major site plan will be considered.

# CONDITIONS

1. The Board presumes that the Applicant's Application, all maps, exhibits and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for relief. In the event that it appears to the Board, on reasonable grounds, that the Application, exhibits, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied on by the Board as they bear on facts that were essential in the granting of the relief requested by the Applicant, the Board may rescind its approval and rehear the Application, either upon the request or application of an interested party, or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests ofjustice.
2. At any time after the adoption of this resolution of memorialization, should a party on interest appeal to the Board for an order vacating or modifying any term or conditions as set forth herein, upon the proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the fact(s) at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems to be appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action, as appropriate.
3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12.c., and publication of the notice of public hearing in this matter in accordance with law.
4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.
5. The Applicant must obtain all approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Attorney, Engineer and Planner.
6. The Applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on this Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J.

Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or constructions or other activity commencing on the approved project, or any certificate of occupancy being issued.

1. The relief granted herein is conditioned upon all requirements made by the Board's professionals being met, prior to an application for Final Major Site Plan approval being submitted or granted.

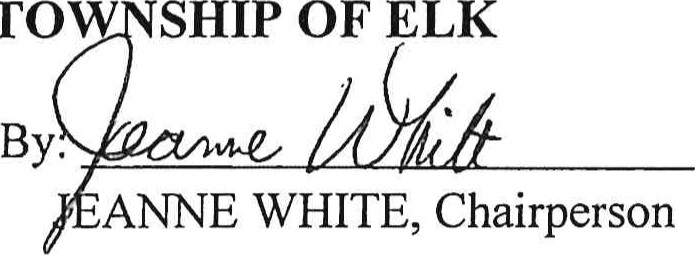
WHEREAS, a motion was made by Board member Clark, and was seconded by Board member Afflerbach, to grant Preliminary Major Site Plan approval, based on the representations, acknowledgments, understandings and agreements made by the Applicant, as are more fully set forth above under Findings of Fact and Conclusions above, at a meeting following a public hearing held by the Board on the Application on June 16, 2021 at 7:00 PM, time prevailing, with the following Board members voting in favor of the motion to grant the approval: Schmidt, Afflerbach, Clark, and Richardson (Alternate # 1). Board members White and Swanson (Alternate Member # 2) voted "No". Board members Poisker and Nicholson had recused themselves. Board Members Hughes, Shoultz and McKeever were absent.

THIS RESOLUTION WAS ADOPTED at a regularly scheduled meeting of the

Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, on July 21, 2021, as a memorialization of the approval granted in the above referenced matter by the Board at its regular meeting held on July 21, 2021 on the above referenced Application.

COMBINED PLANNING/ZONING

BOARD OF ADJUSTMENT OF THE SHIP OF ELK



TO

ATTEST:

By



ANN

MARI

WEITZEL,

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 Combined Planning/Zoning Board of Adjustment, County of Gloucester, State of New Jersey held on the 21 st day of July 2021 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 June 16, 2021 on the above cited Application.



ANN

MARI

WEITZEL,

Secretary