Resolution No.: 2021 - 17

RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF

# ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING FINAL MAJOR SUBDIVISION APPROVAL TO RUSSO LAND HOLDINGS, LLC, 403 HELMS AVENUE,

SWEDESBORO, N.J. 08085, REGARDING PROPERTY LOCATED AT DAISY

AVENUE, AND BEING FURTHER SHOWN AS BLOCK 214.01, LOT 29 ON THE

# TAX MAPS OF THE TOWNSHIP OF ELK, APPLICATION NO.: SD-21-03(F)

WHEREAS, Application No.: SD-21-03(F), (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 Russo Land Holdings, LLC for Final

Major Subdivision approval regarding property located at Daisy Avenue, (the "Subject

Property"), and being further shown as Block 214.01, Lot 29 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 October 20, 2021 at 7:00 P.M., time prevailing, at which time was the Applicant represented by Jack Plackter, Esquire, Fox Rothschild, 1301 Atlantic Avenue, Suite 400, Atlantic City, N.J. 08401 (the Applicant's attorney); Steven

Bagge, P.E., K2 Engineers, Inc., 36 Tanner street, Suite 100, Haddonfield, N.J. 08033

(the Applicant's Professional Engineer); and Nate Russo, Managing Member of Russo Land Holdings, LLC, 403 Helms Avenue, Swedesboro, N.J. 08085; and

WHEREAS, Mr. Bagge set forth his background, experience, education and licensing in the fields of engineering and planning, after which, without object, was Mr. Bagge stipulated by the Board as a expert in the field of engineering, and was therefore qualified to testify as such on behalf of the Applicant as to the present Application, after which were Messrs. Bagge and Russo sworn as to any testimony that they may give on the Application;

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

FINDINGS OF FACT

l . 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.

2. The Board's professional planner, Candace Kanaplue, P.P., A.I.C.P., 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, were both sworn as to any testimony that they would give on behalf of the Board for the purposes of the Application.

3. 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 Submission checklist.

1. Plan of Survey and Topography dated 11/05/20, signed and sealed by Jeffrey R. Gellenthin, P.L.S.;
2. Preliminary and Final Major Subdivision Plan Set (22 sheets) — Revised,

Consulting Engineers, REVISED, dated 10/08/21 ;

1. Environmental. Impact Statement prepared by 1<2 Consulting Engineers, REVISED, dated 10/08/21,
2. "Stormwater Management and Facility Operations & Maintenance Manual,

Elmwood Estates", prepared by Consulting Engineers, REVISED, dated February 23 , 2021;

1. Stormwater Report, REVISED, 6/10/21;
2. Existing Conditions Drainage Area Map — Revised 06/08/21 ;
3. Proposed Conditions Drainage Area Map — Revised 06/08/21 ;
4. Proposed Conditions Overall Drainage Area Map dated 06/10/21 ;
5. Draft By-Laws of Homeowners Association, 10/08/21 ;
6. Soil Analysis by Long Engineering 7 Land Surveying, Inc., dated 10/30/14;
7. Gloucester County Planning Board Approval, dated 3/30/21 ;
8. Gloucester County Soil Conservation Application, dated 3/5/21 ;
9. Gloucester County Soil Conservation Review Comments, dated 4/15/21 ;
10. Groundwater Mounding Report by 1<2 Consulting, dated 10/08/21 •
11. Plan of Lots, Elmwood Estates, by 1<2 Consulting, dated 10/08/21 ; V. Exhibit A-I, Site Development Exhibit, Elmwood Estates;
12. The Board entered into the record the following:
    1. Letter dated October 20, 2021 from Steven M. Bach, P.E., R.A., P.P., C.M.E., and Candace Kanaplue, P.P., A.I.C.P., Bach Associates, P.C., the Board's Professional Planner, regarding their review of the Application.
    2. Letter dated October 15, 2021 ("Review No. 2"), from Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., the Board's professional engineer, regarding his review of the Application.

2

1. The Applicant proposes to subdivide a 11.5 acre tract to create a 17 lot residential subdivision, known as "Elmwood Estates" which will be comprised of 16 single-family dwelling lots located on a cul-de-sac road, and one stormwater management basin lot.
2. The Subject Property is located within the MD — Moderate Density Residential



Zone District and is bordered to the north and east other parcels in the MD Zone District, and to the south and west by parcels in the C2 Commercial Zone District. The northern corner of the Subject Property is bordered by N.J. Rt. 55. The surrounding land use are generally residential in nature.

1. The Subject Property and Right-of-Way for Daisy Avenue is entirely wooded and undeveloped, aside from the foundation of an old building that is to be removed. There are no existing water or sanitary sewer utilities within or adjacent to the Subject

Property. The Subject Property is not within the Elk Township Sewer Service Area

("SSA"), which is served by the Gloucester County Utilities Authority ("G.C.U.A.") It is anticipated that the adjacent "Silvergate" development will bring both sewer and water supply to the Subject Property, when approvals are obtained.

1. The Applicant received Preliminary Major Subdivision approval by way of Resolution No. 2021-17.
2. MD Zone Requirements and Bulk Standards

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Section | Required | ExistinŒ | Proposed | Compliance |
| Max. Gross Density | 1/5 units/acre | 0 units /acre | I .25 units /acre | c |
| Min. Lot Size | 25,000 sf | 12.15 acres | < 25,000 sf | c |
| Min. Lot Depth | 100 ft | > 100 ft | > 100 ft | c |
| Min. Lot Frontage | 75 ft | 485 ft | > 75 ft | c |
| Min. Front Yard | 30 ft | > 30 ft | > 30 ft | c |
| Front Yard Avg. | 62 ft. | 30 ft. | > 62 ft. | c |
| Min. Rear Yard | 35 ft | > 35 ft | > 35 ft. | c |
| Min. Side Yard | 10 ft. one | > 25 ft. | > 10 ft. one |  |
|  | /25 ft. both |  | > 25 ft both | c |
| Min. Width at Bldg. Line | 85 ft | N/A | > 85 ft | c |
| Max. Bldg. Ht. | 35 ft | N/A | <35ft | c |
| Max. Bldg. Coverage  Tot. Max. Impervious |  | N/A |  | c |
| Coverage </- 25,000 ft |  | N/A | 22.6% | c |

1. Mr. Plackter provided an overview of the Application, consistent with the above information.
2. The Applicant requested waivers from certain submission requirements as follows:

#10 The map/pan shall include signatures of the applicant/owner. The Board had no objection to a waiver for completeness only.

#12 requires certification and monumentation required by Map Filing Law. The Applicant has requested to provide in the future. A waiver is recommended for completeness only.

#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. The Board's engineer had no objection for waiving this requirement for completeness only. The Board's engineer requested metes and bounds descriptions for lots and right-of-way.

#19 requires proposed street names and that the new lot numbers be approved by the tax assessor. A waiver is recommended for completeness only. 

#23 requires proposed phasing and construction schedule for entire project. No phasing is proposed. A waiver is recommended for completeness only, subject to confirmation by the Applicant.

#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. The Applicant states that this report has been filed at the time of prior Application. The Applicant should resubmit the prior report. A waiver is recommended for completeness only. (This matter is further addressed by the Board engineer's review letter - see below).

#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 1/2 % of equalized assessed value) in order to assist the Township in meeting its affordable housing obligations. A waiver is recommended for completeness only. The Applicant has agreed to comply.

#37 requires drafts of proposed protective covenants, easements and restrictions of record be given to the Board's attorney and engineer for review and approval. This information has not been provided. A waiver is recommended for completeness only. The Applicant agreed to comply.

WHEREUPON, a motion was made by Board Member Nicholson, which was seconded by Board Member Schmidt, to grant the above referenced submission waivers, based on the conditions set forth above, with the following Board members voting in favor of the motion to grant the waivers: White, Nicholson, McKeever, Hughes, Shoultz, Schmidt, Richardson (Alternate Member # 1) and Swanson (Alternate Member #2).

There were no votes in the negative and no abstentions or recusals. Board Members Poisker, Afflerbach, and Clark were absent. The Board, having granted the requested submission waivers, subject to the representations and agreements made by the Applicant, the Application was deemed to be complete and the hearing on the Application continued.

I l . Mr. Bagge testified as to Exhibit-I, and reviewed general information about the proposed subdivision. Mr. Bagge testified that the water on the Subject Property would sheet flow to the north, toward Rt. 55, and not toward adjacent developed properties. Mr. Bagge testified that all NJDEP rules are being met. Mr. Bagge testified as to the surrounding areas, and discussed the proposed buffers, water runoff, and details regarding the proposed basins. Mr. Kornick testified as to the proposed trip generations associated with a build-out of the subdivision. Mr. Bagge testified that the infiltration basin berm will be used for passive recreation in lieu of a tot lot. Mr. Bagge testified that he did not feel that a fence around the basin was needed.

1. Mr. Bagge testified as to the buffer areas and the landscaping that will take place. Mr. Bagge testified that the Applicant will work with the Board's Engineer and Planner as to all landscaping issues.
2. The Board's Professional Planner, Candace Kanaplue, reviewed with the Board her letter of October 20, 2021.

15. 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, 2021, as follows:

Technical Review

The Applicant's Engineer has done a remarkable job in complying with the prior comments and the extraordinary new stormwater "best management" practices. The following underlined items remain open or need to be addressed:

1. Sheet l , Cover: The plans shall be submitted with signatures prior to preliminary and final approval. The Applicant agreed to comply.
2. Sheet 4, Preliminary Major Subdivision plan:
3. Section 96-68.D.(3) — Bulk Regulations — Front Yard.

1) The table shows <30 feet. This shall be corrected to >30 feet for the front yard. The Applicant agreed to comply.

1. Drainage easements have been removed from the side yards and put into the rear yards.

l) The Applicant shall add a note to the plans that no utilities services or fences or trees shall be permitted within any drainage easements. The Applicant agreed to comply.

2) Potable water wells should not be located within the drainage easements. The Applicant agreed to comply.

1. Show utility easement(s) for communications, electric, gas, and water.

l) Final plans shall show all utilities.

2) Final plans shall call out that all utilities shall be installed underground. No new aerial lines or poles are permitted.

3) Plans shall be revised to show and to require that all utilities conduits, duct banks, and gas mains and service lines shall be installed within the right of way, prior to installation of curbs and sidewalks. Excavation under curbs or walks, or mole installations after construction of same is not permitted in new subdivisions. The Applicant agreed to comply with each of the above.

1. Sight Triangles have been added within lots 29.01 and 29.16. Deeds and legal descriptions are required. The Applicant agreed to comply.
2. Proposed corner markers shall be shown on the final plan of lots. The Applicant agreed to comply.
3. The Applicant shall submit legal descriptions for each of the proposed lots. Corner markers are required by the Map Recordation Act and must be called out in some of the legal descriptions, which should be submitted prior to final subdivision review. The Applicant agreed to comply.
4. The right to farm notice as required by Elk Code 96-47.1B.(l)(b) has been added as note 3 on sheet 4. The notice must also be included in each deed for lots with the agricultural buffer. The Applicant agreed to comply.
5. Lot numbering is consistent with the prior preliminary subdivision approval for the tract.
6. If approved, the Applicant must obtain new road name and addresses for the proposed lots from Gloucester County 911 Coordinator and provide a copy to the Township. The Applicant agreed to comply.
7. A common mailbox has been added in the cul-de-sac bulb.
8. A draft H.O.A. by-laws has been submitted. It does not mention or refer to the stormwater maintenance requirements, nor does it mention any easements.

l) The H.O.A. by-laws shall be amended to include responsibilities to maintain ALL stormwater features, in accordance with the approved Stormwater Mainteannce and Operation Manual, and to clearly include all items within the easements. The Applicant agreed to comply and to submit copies of the HOA documents to the Board's engineer and attorney for review and approval.

2) The H.O.A. should accept responsibility for maintenance of the storm inlets and piping throughout the development. The Applicant agreed to comply.

1. A development sign is not proposed. However, an easement has been provided for one. The H.O.A. by-laws should address how a development sign could be approved by the H.O.A., that a Township Zoning & Sign Permit would be required, and that any such sign would have to comply with the Township Sign Ordinances in effect at the time of such application. The Applicant agreed to comply.

3. Plan of Survey & Topography:

A. The plan together with the subdivision existing condition plan and the revised Environmental Impact Stateus is satisfactory.

4. Sheet 5 & 6, Site Improvement Plan:

1. Show any and all utility easements for communications, electric, gas. Show riser box locations for same, which cannot be within the right of way. Utility plans are required and shall be provided prior to approval of the final plan of lots. The Applicant agreed to comply.
2. The plans have been revised to show sidewalk on both sides of the cul-de-sac. The typical section for Holly Drive shall be revised to show the sidewalk as well. The Applicant agreed to comply.
3. The Applicant shall submit a request to the governing body to enforce traffic regulations during construction. The Applicant agreed to comply.
4. The proposed sidewalk has been extended to reach the mailbox rack.
5. Plans have been revised to provide a cross walk and ADA curb ramps.
6. Plans have been revised at Lot 29.16 to provide room between the driveway apron and the stop bar.
7. The driveway in lot 29.01 has been moved to not less than 50 feet from the extended curb line of Daisy Ave.
8. The plans have been revised to add dimensions to the limit of clearing in lots 29.01, 29.06, 29.07, 29.08, 29.09, 29.10, and 29.16 at points of direction change and where the 50 or 100 ft typical will not be used.
9. The plans have been revised to show the area of Lot 29.08 as that excluding the Hiatus.
10. The Applicant's Engineer has not provided for any increase in future impervious areas. The applicable rules do not require that the plans show such provision. Therefore, in order to ensure that the HOA can properly maintain the stormwater system and basins, and that future runoff doesn't increase beyond what the system can handle, the HOA bylaws must include a requirement that the HOA approve any future impervious areas proposed by a homeowner. The Applicant agreed to comply.
11. Add notes indicating what future improvements the H.O.A. documents will restrict, e.g. fences, landscaping, building additions, lighting etc. The Applicant agreed to comply.

l) It is not clear what if anything the HOA controls in the way of individual lot improvements, fences, farming in the front yard, building improvements, expansions, owner improvements within drainage easements, exterior lighting, trees, generators, or statues within front yards etc. This should be disclosed. The Applicant agreed to comply.

2) The stormwater maintenance responsibilities MUST be included, and a hand-off meeting from the developer to the HOA SHALL be required and SHALL include attendance by the Township Engineer. Not a code requirement, but suggested as best practices that can avoid future disputes among neighbors so closely spaced.

1. Wells and Septic. The location of the well and septic field for Block 214.01 Lot 28 shall be shown to confirm the minimum distances between existing and proposed wells and septic fields, mainly in reference to proposed lots 29.01, 29.02, and 29.03. (The Applicant has submitted an OPRA request to the County Health Department for Block 214.01, Lot 28.) The information shall be provided prior to final approval. The Applicant agreed to comply.
   1. Proposed distances for the proposed-to-proposed wells, septic tanks and septic fields are acceptable and in conformance with N.J.A.C. 7:9A-4.3.
   2. Wells should not be located within the drainage easements. The Applicant agreed to comply.
2. Sheet 7 & 8, Grading and Drainage Plan. The proposed grading for the subdivision appears to be generally satisfactory. Grading has been designed to direct runoff towards the proposed stormwater drains along Holly Avenue and in the proposed storm sewer easements.
   1. Building corner grades or lawn spot grades shall be added where it cannot be easily discerned that the 6 inch in 10 feet drop is required around all home foundations. Swale high points between some of the adjacent lots are too high compared to the adjacent building corners. This must be corrected to comply with the NJ UCC. The Applicant agreed to comply.
   2. Grading along the path and basin 2, should be adjusted to remove the upper toe of slope from the walking path at elevation 130 as the path leads to the driveway. The Applicant agreed to comply.
   3. The plan has been revised with an added detail to show curb shots in the cul-desac to demonstrate that flow will reach the storm sewer adjacent to the driveway apron at lot 29.08.
3. Affordable Housing: The Applicant shall provide testimony or otherwise confirm that they will comply with any and all applicable requirements regarding affordable housing. The Applicant agreed to comply with all lawfully enforceable affordable housing requirements.
4. Bulk requirements: The revised plans include a table of bulk requirements which is satisfactory except that the < must be changed to > for the proposed >30 ft front yard.
5. The revised Environmental Report, together with the Soil Report by Long Engineering are satisfactory. The Engineer's conclude that site remediation is not required.
6. Traffic. A traffic Impact Study has not been provided, however the traffic assessment on sheet 2 is satisfactory.
7. Fences. Fencing has been removed from the basin lot. Testimony shall be provided regarding the safety with the basin being adjacent to two dwellings and having a footpath around the berm. The Applicant's engineer testified as to the same, to the satisfaction of the Board.
8. Landscaping. The landscaping plan is generally acceptable and has been revised to remove the trees from the rim of the infiltration basin.
   1. Trees should be moved away from the stormwater pipes around the basin and along drainage easements. The Applicant agreed to comply.
   2. The evergreen trees that were agreed to at Preliminary Site Plan review as mitigation for reducing the agricultural buffer, should be shown or otherwise provided for with a note and a commitment to plant them as infill trees during construction. The Applicant agreed to comply.
   3. The trees around basin should be moved from the basin slope to outside the path. The Applicant agreed to comply.
9. Lighting. Four LED street lights have been provided along Holly Court. The Applicant has specified which of the LED's are proposed by circling the specific types in the lighting details.
10. Parking. The Applicant has provided driveways and a 2 car garage for each proposed dwelling. This conforms to the Residential Site Improvement Standards.
    1. The Applicant has added "No Parking" signs to the cul-de-sac bulb. The Applicant must submit to the Township Committee a request to designate the cul-de-sac bulb as no parking from the center of lot 29.07 to the extension of the property line between lots 29.11 and 29.12. The Applicant agreed to comply.
11. Pedestrian Access. The sidewalk has been extended to both sides of the cul-de-sac.
12. Recreation. The Applicant has revised the plans to include a recreation path around the basins, and a bench. The Board's engineer deferred to the Board's Planner on the adequacy of this item. A gradation and/or specification for the "stone dust" should be indicated on the detail. The Applicant agreed to comply.
13. Sidewalks. The sidewalk has been extended to both sides of the cul-de-sac.
14. Signs. The Applicant has provided proposed street signs, stop signs, and a no outlet sign for the dead-end of Daisy Avenue.
    1. No development sign is proposed. An easement has been added for one so the HOA or Developer could apply for one as a sign permit in the future.
15. Soil Erosion and Sediment Controls. A copy of the Gloucester Soil Conservation District Review Certification shall be submitted upon receipt. The Applicant agreed to comply.
16. Stormwater Management. This project requires stormwater management planning. The proposed improvements were redesigned to comply with the applicable code and state regulation. Required items that are still to be addressed are set forth below:
    1. Environmental Impact Statement. The statement does not adequately address Swamp pink and other endangered species. However, 1<2 Consultants have stated in their letter of October 8, 2021 that there are no endangered species or habitats that will be impacted by this project.
    2. N.J. Groundwater Recharge Spreadsheet has been revised and basin recharge has been shown to be adequate.
    3. Stormwater Management Checklist. The following items are needed to comply with the Elk Township stormwater ordinance.

1) Autocad Files

2) Software Input Files

3) Conservation Easements for all BMP's, and notes requiring BMP Easements

* + - 1. Details for the outlet structure top trash racks must be added as well. 4) Soil boring pits. All relevant boring pit soil data should be included.
    1. Inspection, Maintenance & Repair Plan
       1. Include phone number of responsible party
       2. Add note requiring the evaluation of plan effectiveness a minimum once per year
       3. Add note requiring copies to the Municipal Clerk by January 3 1st, annually
       4. Add note prohibiting the transfer of partial Inspection and Maintenance responsibility.

The Applicant agreed to comply with each of the above.

* + 1. Maintenance Guarantee:
       1. A bond or Financial Insurance for the Stormwater System BMPs shall be required. The amount will be computed by the Township Engineer in accordance with MLUL guarantee provisions. The Applicant agreed to comply.
       2. Cash or equal amount determined by the Township for maintenance in perpetuity. As with other recent projects, the amount recommended is $20,000.00. The Applicant agreed to comply.

1. Deeds and legal descriptions for the following shall be submitted for review and approval by the Board's engineer and attorney, prior to recording.
2. Easements (drainage, sight triangles, and development sign easement)
3. Right of way
4. Basin Lot

The Applicant agreed to comply with each of the above.

16. The hearing on the Application was opened to the public, at which time the no member of the public testified on the Application.

CONCLUSIONS

The Board concluded that Final Major Subdivision approval should be granted insofar as the Board had requested significant changes, additional and more updated information, and upgrades to the plans, at the time that Preliminary approval was granted. The Applicant has largely complied. The Final Major Subdivision Plan was consistent with, and in response to, the Board's recommendations and requirements by way of the Board's professionals and their review letters. Outstanding conditions, submissions and changes/modifications to the plan have been agreed to by the Applicant. Therefore, Final Major Subdivision approval is warranted.

# CONDITIONS

l. 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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. The Applicant must obtain any and all other construction or municipal permits, inspections, etc., required with respect to the relief as granted herein.
7. The Applicant agrees to amend the plan of subdivision consistent with the Board's professionals' review letters, and submit such additional information as was requested.

WHEREAS, a motion was made by Board member Nicholson, which was seconded by Board member Schmidt, to grant Final Major Subdivision approval to the Applicant, based on the representations made by the Applicant and the agreements entered into by and between the Applicant and the Board, as are more fully set forth above under Findings of Fact above, at a meeting following a public hearing held on the Application on October 20, 2021 at 7:00 PM, time prevailing, with the following Board members voting in favor of the motion to grant the approval: White, Nicholson, Hughes, McKeever, Shoultz, Schmidt, Richardson (Alternate # 1) and Swanson (Alternate # 2). There were no abstentions or recusals. Board members Poisker, Afflerbach, and Clark were absent: There were no votes in the negative, and no abstentions or recusal.

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 November 1 7, 2021 as a memorialization of the

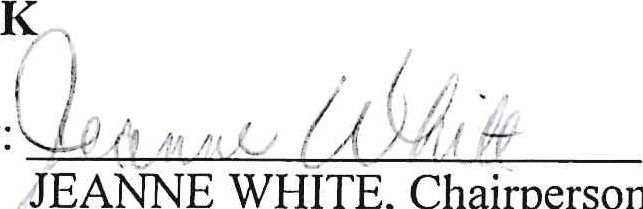


approval granted in the above referenced matter by the Board at its regular meeting held on October 20, 2021 on the above referenced Application.

COMBINED PLANNING/ZONING BOARD

OF ADJUSTMENT OF THE TOWNSHIP OF EL

By:



JEANNE

WHITE,

Chairperson

ATTEST:

By



ANN

MARIE

WEITZEL,

Secre

ry

# 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 17th day of

November 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 October 20, 2021 on the above cited Application.



ANN MARIE WEITZEL, Seðretary