

# Elk Township Combined Planning and Zoning Board

## Regular Business Meeting

January 19, 2022

### Minutes

#### Call to Order:

Board Secretary called the meeting to order at 7:07pm.

#### Roll Call:

**Present:** Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Shoultz, Mrs. White, Mr. Richardson (alt. 1), Mr. Swanson (alt. 2)

**Absent:** Mr. McKeever

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

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

- Membership Appointments for 2022

The Board Secretary read the following appointments and reappointments to the Combined Planning & Zoning Board for 2022:

- *Nate Lucas, Class I, Mayor's Designee, 1 year term, expires 12/31/22*
- *Donna Nicholson, Class III, Committee, 1 year term, expires 12/31/22*
- *Jay Hughes, Class IV, School Board, 4 year term, expires 12/31/25*
- *Al Richardson, Alternate #1, 2 year term, expires 12/31/23*

*Mr. Afflerbach moved to accept the appointments as read, Seconded by Mr. Clark.*

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

Planning & Zoning Solicitor Dale Taylor gave the oath of office to the reappointed and newly appointed members.

- **Nomination & Appointment of Chairperson**

*Mr. Afflerbach moved to open the floor to nominations for the position of Chairperson.*

*Seconded by Mr. Richardson.* With all members in favor, **the motion was carried.**

*Mr. Afflerbach made a motion to nominate Jeanne White for the position of Chairperson.*

*Seconded by Mr. Schmidt.* With no other nominations, *Mrs. Nicholson moved to close the floor to nominations, Seconded by Mr. Schmidt.*

*Mr. Afflerbach moved to appoint Jeanne White as Chairperson for the 2022 year. Seconded by Mr. Schmidt.*

#### Roll Call:

**Voting in Favor:** Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Shoultz, Mrs. White, Mr. Richardson

**Against:** None

**Abstain:** None

**9 Yes Votes Approved**

- **Nomination & Appointment of Vice Chairperson**

*Mrs. Nicholson moved to open the floor to nominations for the position of Vice Chairperson, Seconded by Mr. Schmidt. With all members in favor, the motion was carried.*

*Mrs. Nicholson made a motion to nominate Jay Hughes for the position of Vice Chairman, seconded by Mr. Schmidt. With no other nominations, Mr. Afflerbach moved to close the floor to nominations, seconded by Mr. Shoultz.*

**Roll Call:**

**Voting in Favor:** Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Shoultz, Mrs. White, Mr. Richardson

Against: None          Abstain: None          9 Yes Votes Approved

- **Nominations/Appointments/Resolutions**

a. **Establish meeting dates, time and place for the year 2022 by Resolution #2022-01:**

The Board reviewed the meeting dates as outlined below for the third Wednesday of each month for 2022.

The following meeting dates, time and place were approved:

February 16, 2022	August 17, 2022
March 16, 2022	September 21, 2022
April 20, 2022	October 19, 2022
May 18, 2022	November 16, 2022
June 15, 2022	December 21, 2022
July 20, 2022	January 18, 2023

Meeting Time: 7:00pm

Meeting Place: Elk Township Municipal Court Room, 680 Whig Lane, Monroeville, NJ 08343

*Mr. Afflerbach made a motion to adopt the meeting dates, time and place as outlined. Seconded by Mr. Schmidt. With all the members in favor, the motion was carried.*

b. **Designation of Official and Secondary Newspapers by Resolution #2022-02:**

*Mr. Afflerbach made a motion to designate "South Jersey Times" as the official newspaper and "The Sentinel" as the secondary newspaper for the year 2022. Seconded by Mr. Clark. With all members in favor, the motion was carried.*

c. Nomination & Appointment of a Board Secretary by Resolution #2022-03:

*Mr. Hughes moved to open the floor to nominations for the position of Board Secretary. Seconded by Mrs. Nicholson. With all members in favor, the motion was carried.*

*Mrs. Nicholson moved to nominate Ann Marie Weitzel as Board Secretary for the year 2022. Seconded by Mr. Afflerbach. With all members in favor, the motion was carried.*

With no other nominations, *Mr. Hughes moved to close the floor to nominations, seconded by Mr. Schmidt. With all members in favor, the motion was carried.*

*Mrs. White moved to appoint Ann Marie Weitzel as Board Secretary for the year 2022. Seconded by Mr. Afflerbach. With all members in favor, the motion was carried.*

**Roll Call:**

**Voting in Favor:** Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Shoultz, Mrs. White, Mr. Richardson

**Against: None          Abstain: None          9 Yes Votes Approved**

d. Nomination & Appointment of Board Solicitor by Resolution #2022-04:

*Mr. Hughes moved to open the floor to nominations for the position of Board Solicitor. Seconded by Mr. Clark. With all members in favor, the motion was carried.*

*Mrs. White moved to nominate the law firm of Dale T. Taylor. Seconded by Mr. Hughes. With no other nominations, Mrs. Nicholson moved to close the floor to nominations, seconded by Mr. Clark. With all members in favor, the motion was carried.*

*Mrs. White moved to appoint the law firm of Dale T. Taylor as Board Solicitor for the year 2022. Seconded by Mr. Schmidt.*

**Roll Call:**

**Voting in Favor:** Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Shoultz, Mrs. White, Mr. Richardson

**Against: None          Abstain: None          9 Yes Votes Approved**

e. Nomination & Appointment of Professional Services of a Board Planner by Resolution #2022-05:

*Mr. Afflerbach moved to open the floor to nominations for the position of Professional Planner. Seconded by Mr. Schmidt. With all members in favor, the motion was carried.*

*Mr. Hughes moved to nominate the firm of Bach Associates. Seconded by Mr. Lucas. With no other nominations, Mrs. White moved to close the floor to nominations, seconded by Mr. Schmidt. With all members in favor, the motion was carried.*

*Mr. Schmidt moved to appoint the firm of Bach Associates as Professional Planner for the year of 2022. Seconded by Mr. Clark.*

**Roll Call:**

**Voting in Favor:** Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Shoultz, Mrs. White, Mr. Richardson

**Against: None          Abstain: None          9 Yes Votes Approved**

**f.          Nomination & Appointment of Professional Services of an Engineer by Resolution #2022-06:**

*Mr. Schmidt moved to open the floor to nominations for the position of Professional Engineer. Seconded by Mr. Richardson. With all members in favor, the motion was carried.*

*Mr. Hughes moved to nominate the firm of Bryson & Yates. Seconded by Mr. Schmidt. With all members in favor, the motion was carried. Mr. Lucas moved to close the floor to nominations, seconded by Mr. Richardson. With all members in favor, the motion was carried.*

*Mr. Schmidt moved to appoint the firm of Bryson & Yates as Professional Engineer for the year 2022. Seconded by Mr. Clark.*

**Roll Call:**

**Voting in Favor:** Mr. Clark, Mr. Hughes, Mr. Lucas, Mr. Schmidt, Mr. Shoultz, Mrs. White, Mr. Richardson

**Against: Mr. Afflerbach, Mrs. Nicholson          Abstain: None          7 Yes Votes Approved**

**Mayor Sammons swore in the Board's Professionals for the 2022 year.**

- **General Business:**

**Approval of Minutes:**

- December 15, 2021  
*Mr. Afflerbach moved to approve the minutes from December 15, 2021, Seconded by Mr. Shoultz  
With all members in favor, the motion was carried*

**Resolution(s):**

- **Resolution 2022 – 07** granting Final Major Subdivision approval and Bulk Variances to Kirsten Oravec, 61 Black Rd, Pilesgrove, NJ 08098, regarding property located at 36 Valley Rd, and being further shown as Block 23, Lot 37 on the Tax Map of the Township of Elk. Application NO.: SD-21-04

*Mr. Hughes moved to grant Final Subdivision Approval, seconded by Mrs. Nicholson*

**Roll Call:**

**Voting in favor:**

*Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mrs. Nicholson, Mr. Richardson, Mr. Shoultz, Mr. Richardson (Alt 1), Mr. Swanson (alt 2), Madam Chairwoman White*

**Against: None          Abstain: Mr. Lucas          9-0-0 Approv**

➤ **Old Business:** None

➤ **New Business:**

Completeness Hearing:

Allen Gaines, Minor Subdivision with a bulk Variance

Preliminary and Final Site Plan Approval 530 Bridgeton Pike Block 5 Lot 11

Completeness followed by Public Hearing Application SD-20-01

The following individuals were sworn in to provide testimony:

Mr. Robert Gaines of 912 Franklinville Rd Mullica Hill, NJ 08062 applicant

An attorney did not represent Mr. Robert Gaines

Board Planner, Steven Bach of Bach Associates, referred to his letter dated January 12, 2022 and the Board's Engineer, Stan Bitgood of Bryson & Yates review letter dated March 30, 2021 regarding the following requested waivers:

Item # 6 Names and addresses of witnesses and their expertise, if any.

*Waiver is recommended.*

Item # 8 Requires copies of applications to and certification of approvals from outside agencies. The applicant should submit copies of any required applications/approvals to the Township.

*Waiver is recommended for completeness only.*

Item # 10 Signature of applicant and land owner on the plan.

*Waiver is not recommended.*

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 for the proposed lots.

*Waiver is recommended for completeness only.*

Item # 19 New block/lot numbers approved by the tax assessor.

*Waiver is recommended for completeness only.*

Item # 33 Requires statement demonstrating compliance with affordable housing requirements as applicable including section 70-4. The applicant does not propose any new dwellings at this time.

*Waiver is recommended.*

Item # 36 Requires the applicant to submit copies of protective covenants, easements and restrictions of record, including a current title policy.

*Waiver is recommended for completeness only.*

Item # 38 Requires the applicant provide photographs of the site.

*Waiver is recommended*

Item # 49 Requires the location of existing trees and tree masses.

*Waiver is recommended*

Item # 50 Requires a tree protection plan.

*Waiver is recommended*

Item # 55 Requires the applicant to indicate contours at 20 ft intervals.

*Waiver is recommended*

Item # 57 Requires the applicant to provide a grading plan.

*Waiver is recommended*

Item # 58 Requires the applicant to provide a soil erosion and sediment control plan.

*Waiver is recommended*

Item # 59 Requires the applicant to provide a location of soil borings.

*Waiver is recommended*

Item # 66 Requires written commitment form the Elk MUA if within the Sewer Service Area.

*Waiver is recommended*

Item # 67 Requires results and locations of all percolation tests and borings if septic is required.

*Waiver is recommended*

Item # 73 Requires the applicant to submit a LOI or PE certification of no wetlands. The plan notes states that no wetlands are present. This is sufficient due to the nature of that application.

*Waiver is recommended for completeness only.*

Item # 75 Requires the applicant to submit a Utility plan.

*Waiver is recommended*

*Mr. Afflerbach moved to grant the waivers and deem the application complete.*

*Seconded by Mr. Clark*

*Roll Call:*

*Voting in Favor:*

*Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Shoultz,  
Mr. Richardson (alt 1), Madam Chairwoman White*

*Against: None*

*Abstain: None*

*9-0-0*

Board Planner Steven Bach again referred to his review letter regarding the Variances requested:

Variance from 96-69D (5) Side Yard line is requested to permit a side yard of 10.5 and 14.4 feet with an aggregate of 24.9 where 10 feet is required with a total of 50 feet.

Variance from 96-69D (6)(a) Minimum width at Building line is requested to permit a width of 125.28 feet where 150 feet is required.

Variance from 96-69D (9)(a) Minimum Lot Frontage at Building line is requested to permit a width of 125.28 feet where 135 is required.

Variance from 96-47.1 a vegetated agricultural buffer of 50 feet alongside yards and 100 feet along the rear yard is required. Given the dwelling is already existing, a variance will be required. The applicant is requesting a variance for 15 feet buffers along the side and rear yards.

Mr. Bitgood, Board Engineer, referred to his review letter dated March 30, 2021 and the revised site plan

A variance is required for the proposed non-conforming lot width of 125.28 where 150 is required.

A variance is required for agricultural buffers being added to the north east side and the rear of the proposed Lot 11.03 between the property line and required yards.

A variance is required for not providing the required agricultural buffer.

The table of bulk requirements should be corrected to show the required front yard of 40 feet.

Driveway does not need to be relocated, maintain a 50 foot wide buffer along each side

The Deed of Conveyance for the subdivision shall contain the deed notice specified in the Elk Township Code 96-47.1B regarding agricultural buffers, this will be a condition of approval.

Legal descriptions shall include metes & bounds descriptions of any agricultural buffer that is approved by the Board.

The corner marker required by the Map Recordation Act must be called out in the legal descriptions(s). New corner(s) do not need to be set along the frontage.

If approved, the applicant must obtain/confirm the new lot number for the proposed lot (referred to as lot 11.03 on the plans) from the tax assessor and provide a copy.

If approved, the applicant must obtain new address for the remainder lot (referred to as lot 11 on the plans) from Gloucester County 911 Coordinator and provide a copy.

Wetlands: either a NJDEP Letter of Interpretation, or a professional's certification in accordance with checklist Item 73 shall be provided as a Condition of Approval.

Stormwater Management: due to the current grading of the proposed lot 11.03. a blanket drainage easement should be prepared to provide for surface drainage from the proposed lot 11.03 to the existing lot 11.02 and remainder of Lot 11. If approved, this can and should be included in the proposed deed for lot 11.03.

Mr. Gaines stated that his property is uniquely shaped and at the intersection of 3 individual right of way as well as an existing farm with the need of the pole barn, and this is why he is asking for these variances.

Mr. Hughes asked for clarification of the broken lines vs the solid lines on the Site Plan.

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

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

*With no comments from the public, Mrs. White moved to close the public portion, seconded by Mr. Hughes*

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

*Mr. Afflerbach moved to grant Final Site Plan Approval, seconded by Mr. Clark*

*Voting in Favor:*

*Mr. Afflerbach, Mr. Clark, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Shoultz,*

*Mr. Richardson (alt 1), Madam Chairwoman White*

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

*Mr. Afferbach moved to open to our General Public Portion, seconded by Mr. Hughes  
With all members in favor, the motion was carried.*

*With no comment from the public, Mrs. Nicholson moved to close the public portion,  
Seconded by Mr. Shoultz*

Correspondence: None

Adjournment:

*Mr. Shoultz moved to adjourn, seconded by Mr. Schmidt  
With all members in favor, the motion was carried*

Adjournment time: 8:13pm

*Respectfully submitted,*

*Ann Marie Weitzel, Board Secretary*