

Elk Township Combined Planning and Zoning Board

Regular Business Meeting October 19, 2022

Minutes

Call to Order:

Regular Business Meeting was called to order at 7:08 pm.

Roll Call:

Present: Mr. Afflerbach, Mr. Clark, Mr. McKeever, Mr. Shoultz,
Mr. Swanson (alt 2), Madam Chairwoman White,

Absent: Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Schmidt, Mr. Richardson (alt 1),

Open Public Meeting Act: was read by the Board Secretary

Flag Salute: Madam Chairwoman White led the flag salute.

Approval of Minutes:

September 21, 2022

Mr. Shoultz moved to approve the minutes of September 21, 2022,

Seconded by Mr. McKeever

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

Resolution:

Resolution 2022 – 11 granting a Bulk Variance from the front yard setback requirements for a fence to House 19, LLC Chen, regarding property located at 499 Bridgeton Pike, and being further shown as Block 6, Lot 29 on the Tax Maps of the Township of Elk, Application No.:ZB-22-03

Mr. Shoultz moved to adopt resolution 2022 - 11. Seconded by Mr. Clark.

Roll Call:

Voting in favor: Mr. Clark, Mr. Shoultz, Mr. Swanson, Madam Chairwoman White

Abstain: Mr. Afflerbach, Mr. McKeever

For: 4

Abstain: 2

Against: 0

4-2-0

Consideration of Amended “Unified Development” Ordinance

Mr. Dale Taylor, the Board’s Solicitor summarized this Ordinance for the members of the Planning & Zoning Committee as well as the public present.

Ryan Niedoba, a Contract Purchaser for property at 125 Buck Road stated that “there are a few items on this Ordinance that would make the development of this use extremely challenging if not next to impossible”.

These items are:

- 1. An operational manager’s or resident manager’s office/dwelling*
- 2. Minimum site area shall be three acres and the maximum site area shall be six acres*
- 3. Maximum building area inclusive of a manager’s office and/or dwelling for any one building on the site shall be 12,000 square feet*
- 4. No single structure shall exceed one story, 18 feet in height including all roof equipment attached thereto. Structures with roof equipment shall provide roof screening to prevent its visibility from all sides of the building. The height of a resident manager’s office dwelling, whether or not it is attached to another structure, shall be permitted to a maximum of 35 feet, 2 ½ stories.*

Ms. Candace Kanaplue, the Board’s Planner, stated that this Ordinance does not conflict with Elk Township’s Master Plan.

Mr. Niedoba was directed by Mr. Taylor to attend the Elk Township Committee Meeting on Thursday, November 3 to voice these concerns and questions.

Mr. Niedoba asked Ms. Candace Kanaplue, Board Planner, if the removal of the above items would still allow this Ordinance to be compliant with the Master Plan of Elk Township. Ms. Kanaplue answered that yes, if these items were to be removed, the Ordinance would still be in compliance with the Master Plan of Elk Township.

Mr. Taylor again directed Mr. Niedoba to go to the Governing Body of Elk Township, Township Committee for further discussion/clarification of this ordinance

Roll Call for Consideration of Amended “Unified Development” Ordinance:

Voting in favor: Mr. Afflerbach, Mr. Clark, Mr. McKeever, Mr. Shoultz,

Mr. Swanson, Madam Chairwoman White

Abstain:

For: 6

Abstain: 0

Against: 0

6-0-0

Completeness Hearing:

1) Christopher Spera, Use Variance request to park Box Trucks from his business at a residence 836 Clems Run, Block 33 Lot 12.16

Completeness followed by Public Hearing, Application #ZB-22-03

Mr. Michael Aimino, the applicant's attorney requested a continuance until the next Planning & Zoning Meeting on Wednesday, November 16, 2022 without re noticing due to there only being 6 members present.

Madam Chairwoman White moved to grant this continuance, seconded by Mr. Afflerbach With all members in favor, the motion was carried.

2) Copart, Final Major Site Plan Approval 781 Jacob Harris Lane Blk 66 Lot 1.01

Completeness followed by Public Hearing, Application No. SP-20-12

Copart was represented by Attorney William Horner of Horner & Horner, 67 Market St, P.O. Box 66, Salem, NJ 08079

Engineer, Clifton Quay of Stantec Consulting Services, Inc., 10000 Midlantic Drive, Suite 300W, Mount Laurel, NJ 08054

Copart General Manager, Elk Twp, Michelle Marynowicz, 200 Grove Street, Glassboro, NJ 08028

Val Fare Site Development for Copart Program Manager, Matt Struthers

Mr. Bill Horner gave the Planning & Zoning Board a brief overview of what Copart does and what it is hoping to achieve by expanding their site.

Board Planner, Candace Kanaplue of Bach Associates, referred to her letter dated October 11, 2022 and the Board's Engineer, Stan Bitgood of Bryson & Yates review letter dated September 9, 2022 regarding the following requested waivers:

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

The applicant has complied with this requirement.

Item #33 requires a statement demonstrating compliance with affordable housing requirements as applicable including section 70-4. The applicant must comply with the requirement of Section 70-4.E.(1)(b).

The applicant will comply with this requirement.

Item # 50 requires a tree protection plan.

The applicant has complied with this requirement as shown on Sheets 3 & 9.

Item # 67 requires that if on-site sewage disposal is required, the results and location of all percolation tests and test borings must be provided. A waiver is recommended for completeness only. The Applicant must submit the County Health approval.

The applicant has complied with this requirement.

Mr. Bill Horner stated that approvals have been granted from the Gloucester County Planning Board, Gloucester County Board of Health, Soil Conservation District and a NJDEP LOI.

*Mr. McKeever moved to grant the waivers and deem the application complete.
Seconded by Mr. Swanson*

Roll Call:

Voting in favor:

Mr. Afflerbach, Mr. Clark, Mr. McKeever,

Mr. Shoultz, Mr. Swanson (alt. 2), Madam Chairwoman White

Against: None

Abstain: None

6-0-5

Candace Kanaplue, Board Planner provided these comments:

1. Lighting should be added to the landscaping plan. The applicant should also identify where security lighting is proposed.

Mr. William Horner, Attorney for Copart, stated that a light was proposed at the gate to allow ACE access into the sight, this is shown on the plan. No other lighting has been proposed and this is acceptable to both the Planner and Engineer.

2. The applicant should replace the proposed landscaping with native species. Black Dragon Japanese Cedar, Christmas Jewel Holly and Herzi Columnar Juniper should be replaced with Atlantic White Cedar, American Holly or Common Winterberry, and Green Giant Arborvitae. The proposed Eastern Red Cedar is acceptable.

Mr. William Horner, Attorney for Copart, stated that they would comply with this.

Stan Bitgood, Board Engineer provided these comments:

1. Runoff should be unimpeded from Jacob Harris Lane to discharge through the site without restriction.

Mr. William Horner, Attorney for Copart, stated that a Declaration of Covenants that would cover the drainage requirements as well as buffering requirements around the site. A document has been prepared and sent to the Township Solicitor, Mr. Duffield, for review and approval in mid September. Mr. Duffield has reviewed this document and has a few minor adjustments before he asks the Board Engineer to look at it as well. Once he is satisfied with this document he will sign off on it and it will be recorded. This will be a condition of Final Approval.

2. Mr. Stan Bitgood, Board Engineer asked about what was done regarding Stormwater Management.

Mr. Clifton Quay, Engineer for Copart stated that as per new guidelines, the applicant has to break up the plans into increments of 2.5 acres of contributing area. The basin which runs along the North East side of the site is broken up into 4 storage areas with sand bottom basins in place that meet the requirements. Each of these 4 storage areas has its own discharge point.

3. Mr. Stan Bitgood, Board Engineer, asked if the surface of the lots are still to be grass and gravel and if the same spill protection plan is in place as was talked about in the Preliminary Application.

Mr. Clifton Quay, Engineer for Copart, stated yes to this question.

Mrs. White, Planning & Zoning Chairwoman, voiced a concern regarding fluids from the vehicles going into the ground water.

Mr. William Horner, Attorney for Copart stated that nothing has changed as far as Copart's Spill Containment Plan that was addressed in Preliminary.

Mr. Clifton Quay, Engineer for Copart added that the Basins are designed to deal with some pollutant run off with the sand bottom and the stone on the surface lots is hard packed gravel.

Copart is ready to reiterate its aggressive and robust spill prevention plan that they have in place. Signs have been posted regarding this plan along side of the basin as well. Pollutants that have been captured in the top layer of sand in the basins will be remediated on a regular basis.

4. Mr. Stan Bitgood, Board Engineer, asked about maintenance around ACE's right of way.

Mr. Clifton Quay, Engineer for Copart stated that an agreement has been made with ACE on how to maintain the Right of Way. This agreement also included a plan to protect the tower and that will be done with placement of Jersey Barriers to prevent someone from running into the tower itself. ACE will have unimpeded access to this Right of Way.

*Mr. Shoultz moved to open to the public, seconded by Mr. Swanson
With all members in favor, the motion was carried.*

*With no comment from the public, Mr. Shoultz moved to close the public portion,
seconded by Mr. McKeever.*

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

Roll Call:

Voting in favor:

*Mr. Afflerbach, Mr. Clark, Mr. McKeever, Mr. Shoultz,
Mr. Swanson (alt. 2), Madam Chairwoman White*

***Mr. Shoultz moved to enter into our General Public Portion, seconded by Mr. Afflerbach.
With all members in favor, the motion was carried.
With no comment from the public, Mr. Shoultz moved to close the General Public Portion,
Seconded by Mr. McKeever.***

Correspondence: The League of Municipalities will be held on November 15, 16 and 17. After some discussion on attendance, it was decided that the Planning & Zoning Board will still hold its November Meeting on Wednesday, November 16, 2022.

Adjournment:

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

Adjournment time: 8:04 pm

Respectfully submitted,

Ann Marie Weitzel, Board Secretary