

Elk Township Combined Planning and Zoning Board

Regular Business Meeting April 19, 2023

Minutes

Call to Order:

Regular Business Meeting was called to order at 7:02 pm.

Roll Call:

Present: Mr. Afflerbach, Mr. Goetsch, Mr. Lucas, Mrs. Nicholson, Mr. Richardson
Mr. Wolf (alt 1), Mr. Swanson (alt 2), Madam Chairwoman White
Mr. Hughes arrived at 7:13pm

Absent: Mr. McKeever, Mr. Shultz

Open Public Meeting Act: was read by the Board Secretary

Flag Salute: Madam Chairwoman White led the flag salute.

Approval of Minutes: March
15, 2023

*Mr. Lucas moved to approve the minutes of March 15, 2023,
Seconded by Mr. Goetsch
With all other members in favor, the motion was carried.
Mrs. Nicholson abstained from the vote*

Old Business: None

**New Business: Administrative Review of Silvergate Phases 1 & 3
Lot Line Adjustments and Easements**

Applicants Professionals present:

Attorney Ms. Emily Givens of Maley Associates Collingswood, NJ
Engineer Rick Clemson of Marathon Engineering Swedesboro, NJ
Mr. Nick Casey Vice President of Development of Quaker Group Montgomeryville, Pa

Planning & Zoning Board Professionals present:

Stan Bitgood, Bryson & Yates, Board Engineer
Candace Kanaplue, Bach & Associates, Board Planner

Dale Taylor, Law Office of Dale Taylor, Board Solicitor

Ms. Emily Givens gave an opening statement for the applicant Quaker Group for the Silvergate General Development Plan who is attending this Planning & Zoning meeting with a request for Administrative Approval for Lot Line Adjustments for Phase 1 and Phase 3. This project has obtained previous approval for Preliminary and Final Major Subdivision approval. These adjustments are required through the utilities (New Jersey American Water) that will be placed onsite.

Nick Casey explained that the areas they will be speaking about tonight are Silvergate Phase 1 & Silvergate Phase 3. Final Approval has been granted on both Phases, Subdivision Plats have been filed and bonds have been posted. Substantial work has been done in both phases to satisfy all the requirements based on all Environmental Regulatory Permits that have been issued.

This has been an ongoing process since the early 2000's and since that time, Elk Township has dissolved its MUA and turned over the water and sanitary sewer franchises to New Jersey American.

D. R. Horton has both the Silvergate property and Aura 3 property under contract.

Mr. Casey referred to a letter from Emily Givens dated February 2, 2023 which addresses some issues that need to be resolved during this Administrative Review as a result of which New Jersey American Water has required.

Mr. Casey referred to Sketch #3 dealing with Silvergate Phase 3 in the Eastern corner of the site, primarily lot # 5.15. This Lot was designed to have water running up one side of the lot and to the back and sanitary sewer running up the other side of the lot and to the back.

Water and Sanitary Sewer lines have been constructed to run across Rt. 55 through all the open space area and in Phase 1.

Mr. Casey stated that New Jersey American Water does not like to have utility lines and easements along common property lines where there are any structures along those lines that have to be accessed.

Mr. Casey stated that to resolve that problem, they would eliminate one house in Phase 3, that would have been on lot 5.15. This would create a Utility Right of Way and the water and sewer lines would run parallel within the Utility Right of Way and be deeded to New Jersey American Water. This would increase the size of Lots 5.14, 5.16 and 5.17.

Mr. Hughes came into the Planning & Zoning Meeting at 7:13pm.

Mr. Taylor, Board Solicitor, stated that this change would not be increasing the density of the development.

Mr. Casey referred to Sketch #1, Phase 1, dealing with Lot Line Adjustments for lots 4.23 and 4.24 along Waterview Court. The water and sanitary sewer lines were originally designed and approved to extend within an easement between Lots 4.22 and 4.23.

New Jersey American Water has objected to a manhole/lines being installed in an easement between two adjoining residential lots and wants to ensure unobstructed access between lots in order to access the existing water and sanitary sewer lines that have already been extended across Still Run and through the wetlands and open space.

Mr. Casey states that these lots in Phase 1 are much larger than the lots in Phase 3, the lots in Phase 3 are 8800 sq. ft. minimum whereas the lots in Phase 1 are 13,000 sq. ft. minimum.

To address this issue, they have adjusted the lot lines to provide an extension of the open space (lot 4) between lots 4.22 and 4.23 to provide direct access to the Right of Way line of Waterview Court.

The open space will be owned and controlled by the Homeowners Association so they can ensure that no obstructions are permitted within the easement.

Lot lines will be adjusted and the size of two lots will be reduced slightly, but the same size homes can fit on those lots. The number of lots will not be increased or decreased nor will the density change but a slight increase will occur in the open space.

Residents will have access to this open space.

Mr. Bitgood, Township Engineer asked to clarify that the easement already existed it will just be enlarged, to which Mr. Casey answered yes.

Mrs. Nicholson asked if the neighbors on either side of the easement can build a fence in that easement to which Mr. Bitgood responded that nothing structural can be built in the easement.

Mr. Casey stated that during discussions with New Jersey American Water that a split rail fence along the perimeter to mark it with a gravel driveway through that area.

Mr. Bitgood asked if the tree planting plan changes, to which Mr. Casey replied no.

Mr. Swanson asked how will the HOA adhere to not building in the easement.

Mr. Casey stated that the rules regarding this will be incorporated into the documents.

Mr. Taylor stated that Silvergate will have to draw up HOA documents and the HOA will have to follow these documents.

Mr. Casey referred to Sketch #3 referring to Tarnbrook Circle and lots 4.10 and 4.11. New Jersey American Water asked that the easement be widened to provide greater distance between the homes proposed on each of those lots due to the depth of the sanitary sewer line within that easement.

These lots are oversized lots and lots adjoining that easement will have the houses shifted slightly over so that the easement that will be created so that there is more than 40 feet between the buildings.

This enlargement would allow contractors more than enough room if they have to excavate in that easement.

Mr. Hughes asked if the items that needed to be modified/changed were requested by others to be changed. Mr. Casey answered yes.

Mr. Casey stated that Silvergate had a drainage permit from NJDOT issued four times but these permits are only valid for 2 years max and this permit had expired. Silvergate did not file to renew this permit until recently.

Mr. Casey referred to Mr. Bitgood's letter dated March 8, 2023.

Mr. Casey stated that they are waiting for the NJDOT to reissue the permit.

Mrs. Nicholson asked if there is any potential possibility that the NJDOT will not approve the permit.

Mr. Casey stated that it is not approved yet.

Mr. Bitgood stated that his letter dated March 8, 2023 has plans that did not show the pipes connecting to the NJDOT but the new revision does and shows that there is not geographic change as far as moving it from one side of the lot to the other.

Mr. Casey states that the drainage area is the same.

Mr. Taylor states that due to Mr. Bitgood's 2 letters that a resolution will be needed.

Mr. Hughes asked that if Mr. Bitgood's letters had items that were not addressed on the sketches that were shown at tonight's meeting.

Mr. Bitgood stated yes due to the fact that there were no sketches showing the stormwater plans.

Mr. Hughes asked if Ms. Kanaplue, Township Planner, was in agreement with Mr. Bitgood's letters. Ms. Kanaplue stated yes they were deferring to the Twp Engineer and the only comment that she had was regarding the lots being in compliance and no new bulk variances were added. Ms. Kanaplue feels that everything is in compliance.

Mr. Clemson stated that the Final Subdivision plans that were approved did show the line going from the Stormwater Basin to the inlet within the NJDOT Right of Way and nothing has changed. Due to the short shelf life of the NJDOT permits, Silvergate needs to reapply for these permits.

Mr. Casey stated that an agreement needs to be reached from our Board Solicitor and Silvergate's Attorney in what form do these changes need to be recorded either by deed or revisions to the plat.

Discussion ensued between Ms. Givens and Mr. Taylor regarding how to record these changes.

It was decided that these changes would be reflected by deed and given to Mr. Bitgood for review.

Mr. Bitgood stated that he believes that the deeds include the exhibits and legal descriptions that were reviewed tonight. Mr. Casey agreed.

Mr. Bitgood also stated that the Construction Plans have a revised plate showing these revisions.

Madam Chairwoman White moved to open to the public, 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. Swanson. With all members in favor, the motion was carried.

Mr. Afflerbach moved to approve the Administrative Change of Silvergate Phases 1 & 3 Lot Line Adjustments and Easements seconded by Mr. Lucas

Roll Call:

Voting in favor: Mr. Afflerbach, Mr. Goetsch, Mr. Hughes, Mr. Lucas, Mrs. Nicholson, Mr. Richardson, Mr. Wolf (alt 1), Mr. Swanson (alt 2), Madam Chairwoman White

Voting Against: None

Abstain: None

Absent: Mr. McKeever, Mr. Shoultz

For: 9 Against: 0 Abstain: 0 9-0-0

Mr. Lucas asked if the Planning & Zoning Board would weigh in on an issue a resident is having. This resident has been to the Township Committee Meeting a few times regarding the property owner next to him who has been hosting large gatherings on a consistent basis. This resident is asking if there is anything, the Board can do regarding Ordinances, etc. This Board's recommendation is that the resident speak to the Zoning Officer and bring his concerns to him.

Mr. Afflerbach moved to enter into our General Public Portion, seconded by Mr. Hughes.

With all members in favor, the motion was carried.

With no comment from the public Mr. Lucas moved to close the General Public Portion, Seconded by Mr. Swanson With all members in favor, the motion was carried.

Adjournment:

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

Adjournment time: 7:43 pm

These minutes are a brief summary of the proceedings that took place during the Elk Township Planning & Zoning Board meeting held April 19, 2023 and should not be taken as verbatim testimony.

Respectfully submitted,

Ann Marie Weitzel, Board Secretary