

Elk Township Combined Planning and Zoning Board

Regular Business Meeting November 8, 2023

Minutes

Call to Order:

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

Roll Call:

Present:

Mr. Goetsch, Mr. Hughes, Mr. McKeever, Mr. Richardson,
Mrs. Wheeler, Mr. Wolf (alt 1), Madam Chairwoman White

Absent: Mr. Afflerbach, Mr. Lucas, Mrs. Nicholson, Mr. Swanson (alt 2)

Open Public Meeting Act: was read by the Board Secretary

Flag Salute: Madam Chairwoman White led the flag salute.

Approval of Minutes: October 18, 2023

*Mr. Richardson moved to approve the minutes of October 8, 2023
Seconded by Mr. McKeever*

*Mr. Goetsch, Mr. Hughes, Mr. McKeever, and Mrs. Wheeler abstained from this
vote due to their absence at the October 8, 2023 meeting.*

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

Resolution:

Resolution 2023 – 10 granting Bulk Variances to construct an accessory structure (“Garage”), that exceeds the maximum square footage permitted, to Heather Wilson and Michael Kuzma (W/H), regarding property located at 1031 Elk Rd, and being further shown as Block 175, Lot 3 on the Tax Maps of the Township of Elk, Application No.: ZB-23-02

Mr. Richardson moved to adopt resolution 2023 - 10. Seconded by Mr. Wolf.

Roll Call:

Voting in favor: Mr. Richardson, Mr. Wolf

Abstaining: None

For: 2 Against: 0 Abstain: 0 2-0-0

Formation of a Subcommittee to choose Professionals for 2024, meeting to be held at a date to be decided in November. Mr. Hughes, Mr. Richardson and Madam Chairwoman White will be on that subcommittee.

Old Business: None

New Business:

□ Lucas Gregory, Bulk & Use Variance for Accessory Building Blk 43 Lot 11, 526 Monroeville Rd. Application No. ZB-23-03 and ZB-23-04. Completeness Hearing followed by Public Hearing

Lucas Gregory and his wife, Kelly Gregory represented themselves at this hearing.

Lucas Gregory gave an overview of the need of Bulk & Use Variances and stated that the 36' x 60' Pole Barn would be used to store an antique car, and storage and maintenance of other personal vehicles.

The applicant stated that the portion of the lot which includes the house is in Upper Pittsgrove and the portion of the lot that includes the backyard is in Elk Township, which is landlocked and both portions are deeded together so that one may not be sold without the other.

The applicant stated that the Bulk Variance would be for the size and the Use Variance would be due to there are no principal structures in the back yard.

The applicant showed on the survey where the Pole Barn would be located.

The applicant stated that they are asking for Bulk Variances for size as the Pole Barn size that is allowed in that Zoning District is 900 Square Feet and they are asking for 2160 square feet and Agricultural Buffers as shown on the deed.

The applicant stated that there will be no other uses than the storage and maintenance of vehicles and no kitchen or bedrooms will be located in the Pole Barn.

The applicant stated that there will be no plumbing in the Pole Barn.

The applicant stated that there will be no storage of any hazardous, odorous or volatile chemicals in the Pole Barn.

The applicant stated that there will be no storage of any explosives in the Pole Barn.

The applicant stated that there will be electric in the Pole Barn.

The applicant stated that there will be outside lights mounted on the Pole Barn.

Board Planner, Candace Kanaplue of Bach Associates, referred to her letter dated July 12, 2023 and the Board's Engineer, Stan Bitgood of Bryson & Yates review letter dated October 10, 2023 regarding the following requested waivers:

Item #6 requires the name and addresses of witness.

This waiver is recommended.

Item #21 requires a statement as to any application requirements for which a waiver is sought, together with a statement of reasons why waivers should be granted.

This waiver is recommended.

Item #22 requires a list of all requirements for which a waiver or variance is sought.

This waiver is recommended.

Item #35 requires a table of existing and proposed zoning requirements.

This waiver is recommended.

Item #38 requires site photographs, which the applicant has provided.

This waiver is recommended.

Item #41 requires the locations of existing wells and septic tanks, which the applicant has provided. *This waiver is recommended*

Item #53 requires the applicant to indicate any historic structures located within 200 feet of the property.

This waiver is recommended.

Item #55 requires contours at 20 foot intervals.

This waiver is recommended.

Item #73 requires the applicant to submit an LOI from the NJDEP, which the applicant has provided. *This waiver is recommended.*

Both the Board Planner and Board Engineer have no additional items.

Mr. Hughes asked if the applicants were going to install a driveway to the Pole Barn and to connect to the existing driveway that services the house.

The applicant stated that yes, the plan is to put a driveway to the Pole Barn but they are not sure what type of driveway they are going to install.

The applicant stated that there is an existing apron to the Right of the existing driveway and they were planning to tie into that driveway.

Mrs. Gregory showed on the survey where the apron for the driveway is located, adjacent to the existing driveway.

Mr. Bitgood, Board Engineer, stated that one driveway is allowed per code for such a lot and that would be shown on a Lot Grading Plan if the Variance is approved.

***Mr. Goetsch moved to grant the waivers and deem the application complete.
Seconded by Mr. Hughes.***

With all other members in favor, the motion was carried

Board Planner, Candace Kanaplue of Bach Associates, referred to her letter dated July 12, 2023 as well as her October 10, 2023 Supplemental Letter and the Board's Engineer, Stan Bitgood of Bryson & Yates review letter dated October 10, 2023 regarding the Technical Review:

A 900 square foot garage is allowed in this Zoning District of Rural Environmental and the applicant is asking for a 2,160 square foot Pole Barn.

Ms. Kanaplue stated that the proposed driveway have been addressed.

Ms. Kanaplue stated that the Agricultural Buffers have been addressed.

Ms. Kanaplue stated that the Bulk Standard Table has been provided.

Ms. Kanaplue stated that since a Use Variance is needed due to no principle structure on the property, the applicant has an obligation to present the "Positive" and "Negative" criteria to justify that variance.

Ms. Kanaplue stated that the site is particularly suited to the proposed use and that the proposal will advance the purposes of Municipal Land Use Law and the Township's Master Plan and Zoning ordinances. (Positive)

Ms. Kanaplue stated that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zoning plan and zoning ordinance. (Negative)

Mr. Taylor, Board Solicitor, asked how large the lot is and Mrs. Gregory stated that it is almost 3 acres.

Mr. Taylor asked if the proposed Pole Barn would be a hinderance to any neighbors, and the applicant stated no, the Pole Barn would be situated far enough away from any neighbors so as not to bother them.

Mr. Taylor asked if the proposed Pole Barn would have any significant negative impact on noise or traffic, and the applicant stated no.

Mr. Taylor asked if it is common to have these types of buildings in this area and the applicant stated yes.

Ms. Kanaplue asked what reasons the applicant has to request this size building, and the applicant stated that the larger size is necessary so that he doesn't have to move vehicles around. Mrs. Gregory stated that he has an antique car, 2 motorcycles and a tractor in addition to his work truck to store inside the Pole Barn to keep the yard clear and neat.

Mr. Bitgood referred to his letter date October 10, 2023 and stated that he reviewed the deed and would like that changes be made that would strictly bind the two lots together.

Ms. Kanaplue asked that the applicant confirm the height of the Pole Barn, and the applicant stated that the height would be 20' 6". Ms. Kanaplue stated that the height complies with the Zoning Regulations for that Zoning District.

Mr. Taylor asked if there was going to be any antenna on the Pole Barn and the applicant stated no.

Mr. Bitgood stated that a Lot Grading Plan would be needed if the Variance was approved and he has spoken with the Applicant about this.

Mr. Bitgood stated that if this Variance is approved the applicant has 195 days to perfect any conditions of approval. If not perfected within that time frame the approval is null and void.

Madam Chairwoman White asked if there were to be a business conducted from the Pole Barn.

The applicant stated no, no business will be run from the Pole Barn.

Mr. Hughes asked how many garage bays will there be.

The applicant stated that there will be 3 garage doors on the road frontage and 1 garage door on the gable end of the Pole Barn.

Mr. Hughes asked if there will be lighting added to the Pole Barn and if so it would need to be shielded so as not to shine into neighbor's houses. The applicant agreed to that.

Mr. Goetsch asked if there was going to be a concrete floor to which the applicant stated yes.

Mr. Goetsch asked if there was going to be a skirt around the outside or inside to which the applicant stated that the skirt would be on the inside.

Madam Chairwoman White moved to open the public, seconded by Mr. Goetsch.
With all members in favor, ***the motion was carried.***

With no additional comments from the public, ***Mr. Hughes moved to close to the public, seconded by Mr. Wolf.***
With all members in favor, ***the motion was carried.***

Mr. Richardson moved to grant a Bulk & Use Variance for a Pole Barn to Lucas Gregory, seconded by Mr. Goetsch.

Roll Call:
Voting in favor: Mr. Goetsch, Mr. Hughes, Mr. McKeever, Mr. Richardson,
Mrs. Wheeler, Mr. Wolf, Madam Chairwoman White
Abstaining: None
For: 7 Against: 0 Abstain: 0 7-0-0

Mr. Hughes moved to enter into our General Public Portion, seconded by Mr. McKeever With all members in favor, the motion was carried.

Rachel Townsend of 239 Union Street Block 67 Lot 29.02 stated she was here on behalf of her parents Kevin & Lorraine Townsend regarding an ongoing situation with their neighbors at 241 Union Street, Lot 28.

Ms. Townsend states that the land between the 2 properties is shown as a buffer on the survey that they had done but it is not matching up with what the Township's Tax Map shows. There is a discrepancy between neighbors of where the property lines should be.

The Townsend's neighbors are stopping contractors from working on their land.

Mr. Bitgood stated that the Township cannot enforce disputes between land owners.

The Townsend's were directed to consult a private attorney.

Mrs. Hughes moved to close the General Public Portion, Seconded by Mr. McKeever. With all members in favor, the motion was carried.

Review of Resolution R-117-2023 from the Township Committee by the Planning & Zoning Board for recommendations back to the Township Committee:

Ms. Kanaplue gave an overview of Resolution R-117-2023 stating that the Township Committee wants to remove Truck Depots from Chapter 96-77 Commercial Highway District (C-2) Section B. Number 3.

Ms. Kanaplue stated that she could not find a definition of Truck Depot in the Township Code.

Ms. Kanaplue stated that she has been asked numerous times over the last year if Truck Depots are permitted in the Township.

Mr. Hughes stated that before he can vote on something he would need to know the definition of what was being voted on and why this is causing an issue since this has been on the books for many years.

Discussion ensued regarding this matter.

Mr. McKeever moved to report back to the Township Committee that this is consistent with the Master Plan of the Township, seconded by Mr. Goetsch.

Roll Call:

*Voting in favor: Mr. Goetsch, Mr. Hughes, Mr. McKeever, Mr. Richardson,
Mrs. Wheeler, Mr. Wolf, Madam Chairwoman White*

Abstaining: None

For: 7 Against: 0 Abstain: 0 7-0-0

Correspondence: None

Adjournment:

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

Adjournment time: 8:02 pm

These minutes are a brief summary of the proceedings that took place during the Elk Township Planning & Zoning Board meeting held November 8, 2023 and should not be taken as verbatim testimony.

Respectfully submitted,

Ann Marie Weitzel, Board Secretary