



July 3, 2024

Elk Township Planning/Zoning Board  
680 Whig Lane  
Monroeville, NJ 08343

Attn: Ann Marie Weitzel, Board Secretary

Re: Stephen Considine  
Block 36, Lot 9  
111 Railroad Avenue  
Minor Subdivision  
Review #2 – Completeness & Technical  
RE Rural Environmental Residential District  
Elk Township Application SD-24-02  
Bach Associates Proj. # ETPB2024-8

Dear Chairman Afflerbach and Members of the Board:

We have reviewed the application and supporting documents submitted by Stephen Considine for a minor subdivision to divide one (1) existing lot into two (2) proposed lots. The existing lot is located on the northwesterly side of Railroad Avenue north of Elk Road (CR 538). Existing Lot 9 is a 204,838 square foot parcel and contains an existing two-story frame dwelling with attached two car garage, bituminous drive, and associated improvements. The parcel is located within the RE Rural Environmental Residential District and is surrounded by similar properties also in the same zoning district. The applicant is not proposing any site improvements at this time.

**We have received the following materials in support of this application:**

1. Land Development Application for Minor Subdivision submitted May 7, 2024, Escrow Agreement, Affidavit of Applicant and Ownership, Disclosure Statement, and List of Waivers Requested.
2. Land Development Checklist.
3. Lot closure report for Proposed Lot 9.
4. Lot closure report for Proposed Lot 9.02.
5. Legal Description entitled "Boundary Description, Lot 9, Block 36, Township of Elk, County of Gloucester, State of New Jersey", prepared by Ewing Associates Engineers and Land Surveyors, dated June 25, 2024, no revision.
6. Legal Description entitled "Boundary Description, Lot 9.02, Block 36, Township of Elk, County of Gloucester, State of New Jersey", prepared by Ewing Associates Engineers and Land Surveyors, dated June 25, 2024, no revision.

7. Survey entitled "Survey of Premises, 111 Railroad Avenue Situated in Township of Elk, County of Gloucester, New Jersey", prepared by Ewing Associates Engineers and Land Surveyors, dated 11-28-23, no revision.
8. Plan entitled "Proposed Minor Subdivision Plan for: Sheet 18, Block 36, Lots 9, 111 Railroad Avenue, Township of Elk, County of Gloucester, New Jersey", prepared by Ewing Associates Engineers and Land Surveyors, dated 11-28-23, revised 6-24-24.

### **Completeness**

The application was deemed incomplete in our office's June 14, 2024 review letter. The applicant has submitted additional information and can now be heard by the Board.

- **#10** requires the map/plan shall include the name and address of the owner and applicant, the name and address of the person preparing the plan with license number, seal and signature, a signature block for the Chairman and Secretary of the planning board, the signature of the applicant and land owner, date of the original plan and revision dates, and legend/ title block including title, block and lot, zone district, address, municipality and county, plan scale. **Provided.**
- **#33** requires a statement and demonstration of compliance with affordable housing requirements as applicable including §70-4. **Provided.**
- **#41** requires Location of existing wells and septic systems and distances between them, and on adjacent properties where required by the Board **Provided.**
- **#49** requires the location of all existing trees or tree masses, indicating general sizes and species of trees in accordance with Township Ordinances. **Provided.**
- **#50** requires tree protection plan, limits of clearing in accordance with Township Ordinances. **Provided.**
- **#55** requires contours at 20 foot intervals for the entire tract and within 100 feet and conformance with the grading plan requirements in §96-66M prior to the issuance of any building permits. **Provided.**
- **#57** requires a grading plan showing existing and proposed spot elevations, based upon the datum, at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations sufficient to assure that the project will not have an adverse affect on the existing drainage pattern. **Provided.**
- **#58** requires soil erosion and sediment control plan consistent with the requirements of the soil conservation district. **Provided.**

- **#59** requires location of soil borings to determine soil suitability and indication of whether topsoil will be transported to the site and/or be removed and transported outside the municipal boundary. **Provided.**
- **#67** requires If on-site sewerage disposal is required (septic system), the results and location of all percolation tests and test borings. **Provided.**
- **#73** requires A letter of Interpretation from the New Jersey Department of Environmental Protection. **Provided.**

**Zone Bulk Standards and “C” Variances**

The property is within the RE Rural Environmental Zoning District which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use on site. The following table indicates the bulk standards for the entire lot based on the current RE standards.

Section	Required	Existing Lot 9	Proposed Lot 9	Proposed Lot 9.02	Compliance
§96-71D(2) Min Lot Size	80,000 sf	204,838 sf	102,179 sf	102,660 sf	Complies
§96-71D(3) Min Front Yard Setback	50 ft	162.85 ft	162.85 ft	>50	Complies
§96-71D(4) Min Rear Yard Setback	40 ft	180.56 ft	180.56 ft	>40	Complies
§96-71D.(5) Min Side Yard Setback	20 ft	100.02 ft	88.98 ft	>20	Complies
§96-71D.(5) Min Side Yard Setback (aggregate)	50 ft	445.32 ft	189 ft	>50	Complies
§96-71D.(6)(a) Min Width at Building Line	150 ft	533.5	263.55	270	Complies
§96-71D.(7) Min Lot Depth	200 ft	391.12 ft	389.97 ft	389.97 ft	Complies
§96-71D.(9)(a) Min Lot Frontage	135 ft	533.5 ft	263.55 ft	270 ft	Complies

Section	Required	Existing Lot 9	Proposed Lot 9	Proposed Lot 9.02	Compliance
§96-71D.(10) Max Height	35 ft	±25 ft	±25 ft	±25 ft	Complies
§96-71D.(11) Maximum Building Coverage	15%	1%	2%	<15%	Complies
§96-71D.(12) Max Impervious	20%	4%	8%	<20%	Complies

**Standard of Proof for “C” Variances**

The applicant must provide testimony to justify the requested variances. For a C(1) variance, the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property, or the structures lawfully existing upon the property. For a C(2) variance the applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments. The applicant should address whether the proposed variance will substantially impair the intent of the Master Plan or zoning plan and whether there are any potential impacts to the public good.

**REVIEW COMMENTS**

1. A certification that the new lot number has been assigned by the tax assessor must be provided.
2. In accordance with Title 46 Chapter 26B-2.b.(8) “a minimum of three corners distributed around the tract shall indicate coordinate values.” ***This information has been provided on revised documents.***
3. The Plan shall list a point of beginning for each legal description submitted. ***This information has been provided on revised documents.***
4. The Plan proposes a proposed building height of 25’+/- for proposed Lot 9.02. The applicant shall confirm that the proposed dwelling will not exceed the maximum building height of 35’. ***This information has been provided on revised documents.***
5. The applicant’s Land Surveyor is responsible for ensuring that all lots, dedications and easements have proper closure and shall submit lot closure reports to our office for review. ***This information has been provided with revised documents.***

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Page 5 of 6

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6. The applicant shall submit legal descriptions of each proposed lot for review. ***This information has been provided with revised documents.***
7. The plan shall note the date that a field survey was performed on this property. ***This information has been provided on revised documents.***
8. The plan shall be revised to show the agricultural buffers in Lot 9 and Lot 9.02, as required by Elk Code Section 96-47.1 ***This information has been provided on revised documents.***
9. Per §96-47.1.B.(1)(a), "For all minor subdivision plans, each deed of conveyance for any of the subject lots shall include the following deed notice: 'Notice: On the date of the creation of this lot, Elk Township permitted and may continue to permit by ordinance, farming activities which some may deem offensive such as, but not limited to, aerial and ground application of pesticides, use of power-driven equipment, such as tractors and irrigation pumps, grazing of livestock, etc.'" This note has been added to the Subdivision Plan but also must be added to all deeds of conveyance.
10. Our office recommends that as a condition of approval the description of agricultural buffers be included in each legal description.

The applicant has addressed all outstanding comments contained in our May 7, 2024 letter except a certification that the new lot number has been assigned by the tax assessor.

Should there be any questions or if additional information is required, please contact the undersigned at (856) 546-8611.

Very truly yours,  
BACH ASSOCIATES, PC



Steven M. Bach, PE, RA, PP, CME  
President



Candace Kanaplue, PP, AICP  
Associate

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Page 6 of 6

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Cc: Brian R. Clancy, Esq, Esq, Board Solicitor  
Stephen Considine, Applicant/Owner  
Erik Valentin, Applicant's Professional

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