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JUL 16 2024

TOWNSHIP OF ELK  
PLANNING BOARD



LAND DEVELOPMENT APPLICATION  
ELK TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY

FILE COPY

Please complete all sections of the application form and submit all items required by the *Land Development Checklist* for your application. If you are requesting a waiver for any item, the request must be in writing and include written documentation in support of your waiver request(s). Any application that does not have all items submitted, or a waiver requested, will be deemed incomplete.

DO NOT PUBLISH PUBLIC NOTICE OR MAIL NOTICE TO THE OWNERS OF PROPERTY WITHIN 200 FEET UNTIL YOU HAVE RECEIVED THE DATE ASSIGNED FOR THE PUBLIC HEARING FROM THE BOARD SECRETARY.

To be completed by Township staff:

Date Filed: 7-15-2024

Application Number: SP-24-01  
Application/Escrow Fees: paid

Date Deemed Incomplete: \_\_\_\_\_  
Date Deemed Complete: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

Check all applicable:

- New
- Re-submission
- Concept
- Minor Subdivision
- Major Subdivision
- Variance(s)
- Minor Site Plan
- Major Site Plan
- SITE PLAN WAIVER
- Preliminary Approval
- Final Approval
- Amended
- Other \_\_\_\_\_
- Residential
- Commercial
- Industrial

1. Subject Property

Block(s): 44 Lot(s): 3 Zone Designation: RE Tax Map page: \_\_\_\_\_

Property Location: RE

Dimensions: Frontage 1244 Depth 1185 Total Area 26 ACRES

2. Applicant's Name: BEST FOR LAST 2 LLC

Company Name:

Address:

Phone Number:

Applicant is a:  Corporation  Partnership  Individual

Nature of Applicant's equitable/possessory interest in the land: N/A

3. Property Owner's Name:



Company Name:

BEST FOR LAST 2 LLC

Address:

Phone Number:

\*All titled owners of the property must sign the application evidencing their consent to the application. Attach a separate sheet for signatures, if necessary, and provide a copy of the current deed of ownership.

4. Attorney's Name:

CHARLES A FIORE, ESQ.

Firm:

Address:

34 S. MAIN STREET  
WILLIAMSTOWN, VT 05094

Phone Number:

609-381-1233

Fax #:

Email:

Cfiores6@verizon.net

5. Engineer's Name:

Firm:

Address:

Phone Number:

Fax #:

Email:

For Site Plans:

Commercial

Industrial

Other RURAL/COMMUNITY USE

Land to be developed

26 acres

Building size:

40 x 30 EXISTING

# of parking spaces

APPROX 60

Proposed use:

RURAL/COMMUNITY EVENTS

For Residential:

Area of entire tract

N/A acres

Portion to be subdivided

# of lots created

# of units planned

Proposed use:

Does the application require any variances?  Yes  No  
 Does the application require any conditional uses?  Yes  No

Please attach a separate sheet with a complete description of the variances requested and the reasons for relief. Please attach a statement as to the ways in which your project satisfies the requirements of the conditional uses. Your statements should cite the applicable Ordinance(s). Include the appropriate fees in your application and escrow fees.

Does the site front on a county road?  Yes  No Route # \_\_\_\_\_  
 Does the site front on a state road?  Yes  No Route # \_\_\_\_\_  
 Is the Site within 200 feet of another municipality?  Yes  No Name: \_\_\_\_\_

List all outside agencies to which application has been made regarding the proposed development:

BLDUCETEN COUNTY  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:  
 Yes (attach copies)  No Proposed \_\_\_\_\_

\*Note: Copies of All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review.

Present use of the premises: RURAL/AGRICULTURAL USE  
 \_\_\_\_\_  
 \_\_\_\_\_

Proposed use: RURAL/AGRICULTURAL - COMMUNITY BASED  
EVENTS, EXISTING STORAGE BLDG. 10-12x16  
SHEDS FOR RELIN DURING EVENTS FOR PRODUCE,  
HAND CRAFTS, INSTALLATION OF BACK PATIOS,  
FOOD PIT, 100x40 TENT FOR EVENTS

8. Applicant's Planning Consultant: N/A

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

9. Applicant's Traffic Engineer: N/A

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

10. List any other Expert who will submit a report or who will testify for the Applicant. (attach additional sheets if necessary)

Name: N/A

Field of expertise: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

11. List all other witnesses who will testify at the public hearing on behalf of the Applicant. (attach additional sheets if necessary)

Name: \_\_\_\_\_

Nature of testimony: USE VARIANCE & SITE PLAN WAIVER

Name: \_\_\_\_\_

Nature of testimony: \_\_\_\_\_

12. Subdivision: Number of lots created (include remainder): \_\_\_\_\_

Number of proposed dwellings: \_\_\_\_\_

Site Plan: Area to be disturbed (square feet) \_\_\_\_\_

Total number of proposed dwelling units: \_\_\_\_\_

Commercial square footage: \_\_\_\_\_

Site Plan Waiver: Reason for request: The applicant does not intend to construct any permanent structures, the parking lot will consist of stone, a large majority of the site will remain in trees.

**Variance:** Request is hereby made for permission to erect, alter, convert, use, a parcel contrary to the requirements of the Township Ordinances or for other relief as follows:  
(specify which ordinance sections are violated):

COMMUNITY BASED GENTS ARE NOT  
PERMITTED IN THE RE ZONE

13. Said property has dimensions of \_\_\_\_\_ and area of 26 Acres and is improved with the following structures: 40x30 STORAGE  
(If known, so indicate; or indicate whether dwelling or building; stating use thereof)

14. If less than the entire lot is to be utilized for the purpose hereinafter set forth, the area and dimensions of the portion of the lot to be utilized are: PARKING AREA 100x150, 10-12x16 SHEEDS, PAVED PATIO AREAS, 100x40 TENT.

15. Size of proposed building: N/A  
Square footage of Building footprint: \_\_\_\_\_ Total Square footage: \_\_\_\_\_  
Feet wide: \_\_\_\_\_ Height: \_\_\_\_\_  
Stories: \_\_\_\_\_

16. Setbacks of building (corner properties have 2 fronts): N/A  
Front: \_\_\_\_\_ Rear: \_\_\_\_\_  
Side: \_\_\_\_\_ Side: \_\_\_\_\_  
% Building Coverage: \_\_\_\_\_  
% Impervious Coverage: \_\_\_\_\_

17. Date property acquired: \_\_\_\_\_  
Prevailing zoning at time of acquisition: RE  
Current Zoning: RE

18. Has there been any previous appeal, request, or application to this or any other Township Boards or the Construction Official involving these premises? \_\_\_\_\_ Yes \_\_\_\_\_  No

If YES, state the nature, date and the disposition of said matter and attach copies of all prior resolutions of this or any other Land Development Board.

N/A



19. For a variance - What are the EXCEPTIONAL conditions of property preventing the applicant from complying with the Zoning Ordinance(s) (i.e. the positive and negative criteria)?

SEE ATTACHED

20. For variances - Submit a statement of facts showing why relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

SEE ATTACHED

21. All applicants must submit a copy of the Land Development Checklist and provide all of the information required in accordance with checklist. If waivers are sought, the applicant should submit a list of requested waivers with an explanation of the request.

22. Waivers requested of Development Standards and/or Submission Requirements (attach additional pages as needed):

23. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of premises (attach additional pages as needed):

UTILIZATION OF 10 12x16 SHEEDS, LARGE  
TEXT, PARKING AREA, PAVED PATIO AREAS.

24. Is a public water line available?  Y  N

25. Is public sanitary sewer available?  Y  N

26. Does the application propose a well and septic system?  Y  N

27. Depict the location of the proposed well and septic on the plan submitted and the locations of any existing wells and septic systems on properties within 500 feet of the location of the proposed wells and septic systems.

28. Type of construction (frame, stone, brick, cement, etc.) FRAME / METAL SHEO

29. Present use of existing building(s) and premises: STORAGE / AGRICULTURAL USE

30. Total proposed dwelling units: 0

31. Total proposed professional offices: 0

32. Total proposed floor area: 0

33. Total proposed parking spaces: APPROX 60

34. Are there any off-tract improvements required or proposed? NO

35. What form of security does the applicant propose to provide as performance and maintenance guarantees?  
REQUEST WAIVED

36. Other approvals which may be required and date plans submitted:

|   | Yes                                 | No                                  | Date Application Submitted |
|---|-------------------------------------|-------------------------------------|----------------------------|
| County Planning Board Approval            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <u>TO BE SUBMITTED</u>     |
| County Health Department                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>TO BE SUBMITTED</u>     |
| County Soil Conservation District         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <u>TO BE SUBMITTED</u>     |
| Elk Municipal Utilities Authority         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>TO BE SUBMITTED</u>     |
| NJ Department of Transportation           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>TO BE SUBMITTED</u>     |
| NJ Department of Environmental Protection | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>TO BE SUBMITTED</u>     |
| Stream Encroachment Permit                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>TO BE SUBMITTED</u>     |
| Waterfront Development Permit             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>TO BE SUBMITTED</u>     |
| Wetlands Permit                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>TO BE SUBMITTED</u>     |
| LOI (letter of Interpretation)            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>TO BE SUBMITTED</u>     |
| Other _____                               | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>TO BE SUBMITTED</u>     |
| Other _____                               | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>TO BE SUBMITTED</u>     |

I hereby consent to the filing of this application and consent to allowing Township representatives to perform on site visits. (Both signatures are required.)

Applicant's Signature: [Signature] Date: 7/8/24

Owner's Signature: [Signature] Date: 7/8/24  
Date: \_\_\_\_\_

Sworn to and Subscribed before me this 7th day of July 2024.

Charles A. Fiore  
Attorney at Law  
State of New Jersey

[Signature]  
Notary Public



ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF ELK  
NOTICE OF APPEAL  
(USE VARIANCE APPLICATION FORM)

RECEIVED

JUL 15 2024

TOWNSHIP OF ELK  
PLANNING BOARD

DATE: 7-15-2024  
APPEAL NO: ZB-24-03

FILE COPY

Note: The application must be deemed administratively complete before it will be scheduled for a hearing. All requested information must be submitted for the application to be deemed complete.

Appeal is hereby made by the undersigned (check applicable item or items):

For a variance or special exception from the terms of the Zoning Ordinance of the Township of Elk

From the action or decision of the Zoning Administrative Officer

Parcel: Block/lot 44/3 Address: 760 BUCK ROAD

Applicant: BEST FOX LAST 2 LLC

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Property

Address: \_\_\_\_\_

Attorney (if any) CHARLES FIORE ATTORNEY AT LAW

Address: 34 S. MAIN STREET WILLIAMSTOWN NJ

Phone: 609-381-1433 Email: cfiore6@verizon.net

Professional preparing plans: MICHAEL W. ZIMMERMAN, PLS

Address: 16 MACKENZIE CT SEWELL, NJ

Phone: 856 246-2255 Email: \_\_\_\_\_

Interest of appellant if not owner (agent, lessee, etc.) MA

1. Application relates to: (check applicable item or items)

Use  Lot Area 26 ACRES Yards \_\_\_\_\_ Height \_\_\_\_\_

Existing Building \_\_\_\_\_ Proposed Building \_\_\_\_\_ Other 100 x 40 TENT



2. Brief description of real estate affected, location (Block & Lot, Tax Map No. Street address):

Block/Lot(s): 44/3 Address: 760 BUCK RD Tax Map Sheet No.: \_\_\_\_\_

Lot size: 26 ACRES

Present use: AGRICULTURAL / FARMING

Present zoning classification: RE

Present improvements upon land: STORAGE BUILDING

3. If this is an appeal from action of the Zoning Administrative Officer, complete the following:

Date of determination made: N/A

Your statement of alleged error: N/A

4. Action desired by appellant: (Give a brief description of your proposed use, including the number of professionals and/or employees, the number of anticipated clients or customers per hour, anticipated days and hours of business and anticipated number of deliveries per day, if applicable.)

SEE ATTACHED

5. Reasons appellant believes Board should approve desired action (Submit a statement of facts showing why relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance).

SEE ATTACHED

6. Has previous appeal been filed in connection with these premises? NO

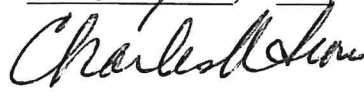
If "yes," state the nature, date and the disposition of said matter and attach copies of all prior resolutions of this or any other Land Development Board. \_\_\_\_\_

7. Plans signed and sealed by the appropriate professional at a scale of 1 inch to 50 feet or better, clearly showing the following information:
  - A. Existing Conditions Plan showing the existing conditions and structures on the property, based on a recent survey.
  - B. Proposed Conditions Plan showing the proposed improvements to the property.  
 The proposed conditions plan must include:
    1. Required Bulk and area regulations and the ability to meet;
    2. north arrow and scale;
    3. proposed buildings or additions;
    4. proposed parking;
    5. proposed access to parking and building;
    6. approximate dimensions of lot and existing and proposed buildings;
    7. approximate setbacks of existing and proposed structures and parking areas from property lines;
    8. names of owners of adjacent lots;
    9. approximate distance from your property line to existing buildings on adjacent lots;
    10. uses on lots adjacent to property;
    11. location of public and private roads adjoining the property;
    12. location of existing or proposed easements;
    13. location of wooded areas and limits of proposed clearing;
    14. location of any wetlands or other natural features;
    15. Photographs (minimum of 3) of the site taken from the opposite side of the street and to show any unusual physical aspects of the site and any other vantage that would be instructive.
  - C. Floor plan of the existing building and structures and any proposed buildings and structures showing dimensions of rooms, total square footages and proposed use of the rooms.

All of the above items must be submitted with the application or a waiver explicitly requested, in writing, stating why you feel the waiver should be granted. The application must be deemed complete before it will be scheduled for a hearing.

**I hereby depose and say that all of the above statement and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.**

  
 \_\_\_\_\_  
 Signature of applicant  
  
 \_\_\_\_\_  
 Signature of property owner

Sworn to and Subscribed  
 before me this 26<sup>th</sup> day  
 of July, 2024  
  
 Charles A. Fiore  
 Attorney at Law  
 State of New Jersey

TO: Board Members

FROM: Charles A. Fiore, Esquire

DATE: July 12, 2024

RE: **Best for Last 2, LLL**  
**760 Buck Road, Elk Township**  
**Block 44, Lot 3**

The applicant for this project is "Best for Last 2 LLC". Joseph Scarpinato and his wife Teresa are the owners of Scarpinato Cucina & Catering in Washington Township and have been in business for several decades.

Joseph and Teresa purchased this 26-acre farm in 2021 with a dream. Their dream was to develop this property with a community-based concept in mind. The concept is to maintain a rural setting which will promote private events that provide the community in an agricultural setting. This will include the rental of the property for parties and events that will be in the tent areas and hardscape areas contained in the site plan. These events will not include the sale of alcohol or loud music which may disrupt the rural setting.

The applicant also proposed to have on site 10 uniform 12x16 wooden sheds for use by vendors during proposed food and craft events for vendors. The applicant intends to leave a large portion of the area intact and maintain the rural nature of the site which is largely fields with wooded areas that are to remain.

The applicant is seeking a d(2) variance, i.e. use variance. The property is located in the RE Zone which does not include a use such as this for community-based events. Although the intended use is not inherently beneficial as set forth under the law, they believe that this type of use will maintain the rural characteristics of the area but give individuals who attend events the ability to enjoy nature. The intended use will serve the public good and promote the general welfare of the public.

The applicant also believes that the granting of the use variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The intended use will not have a negative impact upon the neighboring properties and will have a positive impact upon the area. The property will essentially remain in its current condition with the exception of those changes set forth in the plan submitted to the Board.

The applicant intends to utilize 10 or less employees based upon the nature of the event. The events will generally have approximately 50-75 people in attendance depending on the event. The hours of operation will be in accordance with the Elk Township ordinance in place which controls such events. There generally will be no trash or debris on site which would negatively impact upon the rural setting.

The applicants are seeking to become community partners with Elk Township, its residents and the community as a whole.

This document only serves as a summary and board overview of the proposed use of the property. The applicant will be prepared to provide further testimony as to the project.





September 13, 2024

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

Attn: Ann Marie Weitzel, Board Secretary

Re: Use Variance & Site Plan Waiver Application  
Best for Last 2, LLC  
Block 44, Lot 3  
760 Buck Road  
RE Rural Environmental District  
Elk Township Application ZB-24-02  
Bach Associates Proj. # ET2024-13

Dear Chairman Afflerbach and Members of the Board:

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

1. Notice of Appeal (Use Variance Application) to the Zoning Board of Adjustment and supporting documents, dated July 15, 2024.
2. Elk Township Land Development Application dated July 15, 2024.
3. Land Development Checklist.
4. Survey entitled "Plan of Survey, 760 Buck Road, Block 44, Lot 3, Township of Elk, Gloucester County, New Jersey" prepared by Titan Layout Services, KKC, dated 2-09-24.

**PROJECT SUMMARY:**

The application is for a use variance to permit an event venue in a zone where it is not permitted. The applicant is requesting a D(2) Use Variance, which is defined by Municipal Land Use Law as an expansion of a nonconforming use. As the proposed use is entirely new, it is our opinion that a D(1) use variance is required. For reference, the Municipal Land Use Law defines a D(1) use variance as a use or principal structure in a district restricted against such use or principal structure. The applicant is also requesting a site plan waiver. The parcel is located on the easterly side of Buck Road (CR 553) between Elk Road (CR 538) and Dutch Row Road. The approximately 27 acre lot contains agricultural land, wooded areas, and a tent.

Use Variance Application  
Best for Last 2, LLC  
Block 44, Lot 3  
760 Buck Road  
RE Rural Environmental District  
Elk Township Application ZB-24-02  
Bach Associates Proj. # ET2024-13  
September 13, 2024  
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**OWNER/APPLICANT:**

Applicant: Best for Last 2 LLC  
4 Meadow Lark Ct  
Glassboro, NJ 08028  
609-685-1919

Owner: Joseph Scarpinato  
4 Meadow Lark Ct  
Glassboro, NJ 08028  
609-685-1919

**ZONING ORDINANCE REQUIREMENTS:**

1. The property is located in the Township's RE Rural Environmental Zoning District.
2. Event venues are not a permitted use in the RE Rural Environmental Zoning District. **A Use Variance is required.**
3. The site is bordered to its north, east and west by properties in the RE Zone, and to the south by properties in the RR Recreational Residential Zone.
4. The adjacent uses include the agricultural, forest, and residential uses.

**Use Variance:**

1. An event venue is not a permitted use in the RE zoning district. **A D(1) use variance is required.**

**Standard of P  
roof for "D" Variances**

For "D" variances it is the applicant's obligation to present the "Positive" and "Negative" criteria to justify the variance. The applicant must prove to the satisfaction of the Board that there are "special reasons" for the Board to exercise its jurisdiction to grant the requested relief, demonstrating that the site is particularly suited to the proposed use and that the proposal will advance the purposes of Municipal Land Use Law (N.J.S.A. 40:55D-2) and the Township's Master Plan and Zoning ordinances (POSITIVE).

The applicant must also show 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 zone plan and zoning ordinance (NEGATIVE). The applicant should provide testimony demonstrating that the proposal will meet the variance criteria.

**COMMENTS:**

1. **Use Variance Testimony.** The applicant should be prepared to provide testimony in support of the use variance at the hearing. Information about the business operated from the proposed event venue, including but not limited to the following information, should be discussed:
  - a. Detailed description of proposed events.
  - b. Frequency of events.
  - c. Day(s) of week and time of day they will be held.
  - d. Number of anticipated employees.
  - e. Number of anticipated guests. The applicant has indicated that the events will generally have approximately 50-75 people in attendance. The applicant shall provide testimony.
  - f. Proposed/existing buildings.
  - g. Types and frequency of commercial deliveries.
  - h. Trash generation, storage and removal.
  - i. Location of parking and access from Buck Road, Vivian Lane, and Hughes Lane. The applicant shall clarify whether 142 boxes on plan represent proposed parking spaces as they are not to scale nor identified as parking.
  - j. Proposed road improvements
  - k. Vehicle and pedestrian access to the proposed sheds.
  - l. Provision of facilities including restrooms for guests and a kitchen for catering.
  - m. Music amplification.
  - n. Alcohol served on premises.
  - o. Signage.
  - p. Lighting.

Use Variance Application  
Best for Last 2, LLC  
Block 44, Lot 3  
760 Buck Road  
RE Rural Environmental District  
Elk Township Application ZB-24-02  
Bach Associates Proj. # ET2024-13  
September 13, 2024  
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2. Though the plan provided is titled Plan of Survey, it includes proposed improvements. The applicant shall provide clarification as to which features are existing and proposed.
3. The applicant has requested a site plan waiver and several bulk variances. Sufficient information has not been provided in order to evaluate the bulk variances. Our office does not recommend a site plan waiver. If the use variance is approved, a site plan and bulk variance application shall be submitted.
4. If the applicant is successful in this use variance, our office recommends that the applicant contact the Township to determine what effect using the property as an event venue will have on their qualified farm status.

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

Cc: Jeffrey D. Cheney, Esq, Board Solicitor  
Best for Last 2, LLC Applicant  
Joseph Scarpinato, Owner  
Charles Fiore, Esq., Applicant's Attorney  
Michael Zimmerman, PLS, Applicant's Professional

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