

**Elk Township Combined Planning and Zoning Board  
Regular Business Meeting**

**September 18, 2024**

**Minutes**

**Call to Order:**

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

**Roll Call:**

**Present:** Mr. Hughes, Mr. McKeever, Mrs. Nicholson, Mr. Richardson,  
Mr. Wolf, Mr. Swanson (alt. 2), Chairman Afflerbach

**Absent:** Mr. Goetsch, Mr. Lucas, Mrs. Wheeler, Mr. Peterson (alt. 1)

**Open Public Meeting Act:** was read by the Board Secretary

**Flag Salute:** Chairman Afflerbach led the flag salute.

**Concept Plan Review:** None

**Approval of Minutes:** August 21, 2024

*Mr. Wolf moved to approve the minutes of August 21, 2024*

*Seconded by Mr. Richardson*

*Mr. Hughes and Mrs. Nicholson abstained from this vote as they were absent for the August 21, 2024 meeting*

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

**General Business:**

**Old Business: None**

**New Business:**

- 1) Russo, 1499 Ellis Mill Rd Minor Subdivision Block 10 Lot 26  
1499 Ellis Mill Rd Application No. SD-24-04  
Completeness and Final

Board Solicitor, Jeffrey Cheney, swore in Nate Russo, owner, who will be testifying.

Board Engineer, Steve Bach, referred to the Planner and Engineer’s Letter dated September 13, 2024.

- #33 requires Statement and demonstration of compliance with affordable housing requirements as applicable including §70-4.  
**Waiver recommended for completeness only.**
- Items # 41, 49, 50, 57, 58, 59, 67, and 73 no objection to a waiver being granted.

Board Engineer, Steve Bach stated that the application can be deemed complete, pending Board Approval, according to the recommendations of the Planner and Engineer.

*Mrs. Nicholson moved to deem the application complete. Seconded by Mr. McKeever.*

Roll Call Vote					Roll Call				
Vote	Aye	Nay	Abstain	Absent	Committee	Aye	Nay	Abstain	Absent
Committee					Committee				
Goetsch				A	Wheeler				A
Hughes	Y				Wolf	Y			
Lucas				A	Peterson (Alt. 1)				A
McKeever	Y				Swanson (Alt. 2)	Y			
Nicholson	Y				Afflerbach (Chair)	Y			
Richardson	Y								

For: 7

Against: 0

Abstain: 0

7-0-0

William Horner an attorney in Salem, New Jersey is representing Russo Land Holdings, LLC.

Nate Russo is the applicant and sole owner of Russo Land Holdings, LLC.

Mr. Horner stated that the application is for a conforming Minor Subdivision which requires no variances.

The Applicant does consent to the plan revisions that were recommended by the Planning & Zoning Board Planner and Engineer, including any depiction of easements that may affect the property now or after the county reviews the County Planning Board Application.

The County Planning Board Application has not been submitted yet, it will be, following this approval.

The LOI has been requested with a new survey this summer.

Compliance will be given regarding Affordable Housing Fees that will be applicable to this application.

Mr. Horner brings the Boards attention to page 3, item number 2, discussion of the Agricultural Buffer Requirement. The parcel in the application is just South of a Farm Parcel of about 130 acres and so the applicant's Engineer drew a 100' Agricultural Buffer along the rear boundary of this property because of the Agricultural Lot that is North of the property on the application.

Mr. Horner feels that after reviewing Elk Township's Ordinance and conferring with Steve Bach that the heavily wooded conditions along the boundary line that the Ordinance does not require that the Agricultural Buffer be imposed.

Steve Bach stated that woodlot is one word and has a very specific meaning as far as farmland.

Mr. Horner stated that the woodlot is incidental to the farming operation on the same lot.

Mr. Horner handed out an exhibit that is an aerial photograph of the property.

Mr. Cheney, Planning & Zoning Solicitor asked that this exhibit be shown as Exhibit A1, an aerial photograph from Google Earth with the boundaries superimposed on it. The purpose of this exhibit is to show there is no tillable farmland on the northern boundary despite that it is a 130-acre farm. It is a heavily wooded area which requires no buffering from a practical standpoint or under Elk Township's Ordinance, a legal standpoint.

Nate Russo stated that he is very familiar with these woods as he grew up near there and the adjoining farm was his grandfather's farm and he hunted in them 55 years ago.

Mr. Russo stated that the woods are very dense, a lot of undergrowth of briars and wetlands.

Mr. Russo stated that the woods appear, in his estimation, to be at least a 100 years old and due to the wetlands that it is not buildable.

Mr. Horner stated that for those reasons the ordinance does not require the Agricultural Buffer and that the Agricultural Buffer be deleted from this plan and the buffers not be imposed.

Mr. Horner stated that his client agrees to everything in the Review Letter.

Mr. Bach asked if there are any plans to subdivide this further in the future.

Mr. Russo stated that there are no plans to subdivide this in the future and that the 15 acre piece remaining will be going to his son to build a house of his own.

Mr. Bach asked if Mr. Russo was familiar with the requirement in the Elk Township Ordinance that stipulates that any lot that is subject to an application of a Minor Subdivision must wait at least 5 years before it can be a subject to another Minor Subdivision.

Mr. Russo stated that he is aware of that Ordinance.

Mr. Bach stated that the area of woodlot incidental to agricultural operation means that it is an area of woodlands that a farmer uses for a windbreak, collection of lumber or any other operation that would be incidental to a farm. With Mr. Russo's testimony, for at least 55 years, this is a woodlot area adjacent to the agricultural area. After hearing this additional information and testimony, Mr. Bach would have no objection to the agricultural buffer requirement not applying to this application.

Mr. Hughes asked if there would need to be any housing buffers included.

Mr. Bach stated that there is no requirement for any residential to residential buffering in terms of this application.

Mr. Bach stated that the New Jersey DEP has very specific requirements regarding Stormwater that if your subdivision results in a ¼ acre of new impervious or an acre total of disturbance then a Stormwater Management Plan would be needed, and this requirement cannot be waived.

Both Mr. Horner and Mr. Russo indicated that they understand this.

***Mr. Hughes moved to open the public, seconded by Mrs. Nicholson.*** With all members in favor, ***the motion was carried.***

With no comment from the public, ***Mr. Hughes moved to close to the public, seconded by Mrs. Nicholson.*** With all members in favor, ***the motion was carried.***

*Mr. Hughes moved to grant a Minor Subdivision to Russo Land Holdings, LLC (adhering to all the conditions from the 9/13/2024 Bach Review Letter, with the stipulation of no Agricultural Buffer) seconded by Mr. Wolf.*

Roll Call Vote					Roll Call				
Vote									
Committee	Aye	Nay	Abstain	Absent	Committee	Aye	Nay	Abstain	Absent
Goetsch				A	Wheeler				A
Hughes	Y				Wolf	Y			
Lucas				A	Peterson (Alt. 1)				A
McKeever	Y				Swanson (Alt. 2)	Y			
Nicholson	Y				Afflerbach (Chair)	Y			
Richardson	Y								

*For: 7*

*Against: 0*

*Abstain: 0*

*7-0-0*

**2) Application of D.R. Horton, Inc., NJ for Preliminary and Final Major Site Plan Approval and Preliminary and Final Major Subdivision Approval**

Block 31, Lots 2.02, 5.02, 7 and 22;

Block 32, Lots 1 and 2;

Block 58, Lot 1

Application No. SD-24-03

**Completeness Only**

Board Solicitor, Jeffrey Cheney, swore in Michael Laurio, Attorney with Nehmad, Davis and Goldstein, Robert Fecksho of D.R. Horton and Joseph Harrahan, Civil Engineer, P.E., Hammer Engineering.

Board Engineer, Steve Bach, referred to the Planner and Engineer’s Letter dated September 13, 2024.

Steve Bach stated that this application is for 962 residential units consisting of 685 single-family age restricted units and 276 multi-family residential units. The development is divided into 3 sections, The

Willows, The Carriages and The Reeds. The Willows at Orchard Glen consist of 186 single family age-restricted detached dwellings. The Carriages at Orchard Glen consist of 250 active adult single family detached dwellings and 250 active adult twin dwellings (34 of which are affordable). The Reeds Apartments are garden style apartments that consist of 276 units and contain a mix of affordable and market rate units.

Mr. Bach stated that this application has several waivers that are being requested as well as waivers for Completeness Only.

Mrs. Nicholson asked about # 53 which requires any structures of historic significance on or within two hundred (200) feet of the tract, and a statement of the impact of the development on the historic structure, and why the Board couldn't review the historic structure list and indicate that there are no historic properties.

Mr. Bach stated that the Board could make that a waiver for completeness only.

Mrs. Nicholson asked about # 63 which requires cross sections and center-line profiles of all existing or proposed streets or water courses with dimensions at 50 foot intervals, and if all street types will be covered in that cross section.

Mr. Bach stated that the Residential Site Improvement Standards shall prescribe all street types, widths and design elements as long as they are following a consistent cross section.

Mrs. Nicholson asked about requires a written commitment from the Elk Township Municipal Utilities Authority of sufficient capacity to provide sewer and water service for the project when completed (if within sewer service area), and why it says Elk Township Municipal Utilities Authority.

Mr. Bach stated that is still in there because it is still in our Ordinance and needs to be changed. The applicant shall provide will serve letters from the Elk Township Municipal Utilities Authority or New Jersey American Water as part of the compliance review.

Mr. Hughes asked that the 2 School Districts be provided 2 sets of plans for the Board Members as well as Administration to review.

Mr. Laurio stated that they could get the plans to the School Boards for their review.

Mr. Bach stated that this is completely voluntary on the Applicants part and not part of any requirements.

Mr. Bach stated that the plans could also be sent over electronically to the School Boards.

Mr. Bach asked if there were going to be any exterior fire escapes.

Mr. Fecksho stated that no exterior fire escapes are proposed.

Board Engineer, Steve Bach stated that the application can be deemed complete, pending Board Approval, according to the recommendations of the Planner and Engineer.

*Mrs. Nicholson moved to deem the application complete as amended. Seconded by Mr. Wolf.*

Roll Call Vote					Roll Call				
Vote									
Committee	Aye	Nay	Abstain	Absent	Committee	Aye	Nay	Abstain	Absent
Goetsch				A	Wheeler				A
Hughes	Y				Wolf	Y			
Lucas				A	Peterson (Alt. 1)				A
McKeever	Y				Swanson (Alt. 2)	Y			
Nicholson	Y				Afflerbach (Chair)	Y			
Richardson	Y								

For: 7

Against: 0

Abstain: 0

7-0-0

**The Technical Hearing for this application is tentatively scheduled for December 18, 2024.**

3. **Rutkowski (Nicholson Property) Use Variance** Block 34 Lot 6 & 7  
900 Aura Rd Application No. ZB-24-04  
**Completeness and Final**

Mrs. Nicholson was excused from this application as she is a sitting member of the Township Committee and cannot hear a Use Variance.

Mr. John Kosylo, Applicant’s Attorney requested a brief recess with his client regarding proceeding regarding the number of votes available.

Board Engineer, Steve Bach, referred to the Planner and Engineer’s Letter dated August 15, 2024.

Board Engineer, Steve Bach stated that the application can be deemed complete, pending Board Approval, for the Use Variance request and the Site Plan Waiver.

Mr. Kosylo stated that his applicant is the Contract Buyer and there are delinquent taxes and as a condition of approval the taxes being satisfied would be part of that.

Mr. Hughes stated that the Board does not have adequate plans for the lots in the application.

Mr. Kosylo stated that his client is a Contract Buyer for 3 lots and they are here for a Use Variance on Block 34 Lot 6 only.

***Mr. Wolf moved to deem the application complete. Seconded by Mr. McKeever.***

Roll Call Vote					Roll Call				
Vote									
Committee	Aye	Nay	Abstain	Absent	Committee	Aye	Nay	Abstain	Absent
Goetsch				A	Wheeler				A
Hughes	Y				Wolf	Y			
Lucas				A	Peterson (Alt. 1)				A
McKeever	Y				Swanson (Alt. 2)	Y			
Nicholson					Afflerbach (Chair)	Y			
Richardson	Y								

For: 6

Against: 0

Abstain: 0

6-0-0

Mr. Kosylo stated that his client is a Contract Buyer for 3 lots but the Use Variance is for Lot 6, the one with the Big, Red Buildings.

Mr. Kosylo stated that his client is the owner/operator of Pennygreen Landscaping and would like to operate his business out of the lot stated in the Use Variance.

Board Solicitor, Jeffrey Cheney, swore in the applicant, Matthew Rutkowski.



Mr. Rutkowski stated that he owns Pennygreen Landscaping that is currently located in Bellmawr, NJ but will be forced to move and has chosen this location in Elk Township for its new location.

Mr. Rutkowski stated that he would like to run his company and vehicles as well as store his materials out of this location. He also stated that he would potentially like to fix the additional garages that will not be used by his business and rent them out to make additional income.

Mr. Rutkowski stated that there would be no more than a dozen vehicles, right now they have nine vehicles that are being used on a daily basis. They also have 6 snow plows and 6 snow boxes. Loaders would be stored in the garage. Parking would be in the back of the building so as not to see trucks or employees cars out front.

Mr. Rutkowski stated that there would be 14-20 employees at this location.

Mr. Rutkowski stated that now that it is dark they will not start work until 7am and in the summer they would start work at 6am. The trucks are on the road all day unless they have to come back to the yard for supplies.

Mr. Rutkowski stated that most of the time they get a lot of their stuff from Winzingers, County Conservation and Britton so the stuff that is kept in the yard would be minimal, they do not keep hundreds and hundreds of yards of topsoil and mulch on hand.

Mr. Rutkowski stated that the employees come into work in the morning with their personal vehicles and go out with the work trucks and they come in at night to drop off work trucks and take their personal vehicles home, it is an exchange of vehicles. Rain days will not be a workday.

Mr. Bach stated that the Rental/Subleasing of any space is not part of the application.

Mr. Rutkowski stated that in the back where they have available ground they would like to store RV's and Boats to have rental income.

Mr. Bach stated that is not part of the application that was submitted or advertised. That would be a completely different application process and approval.

Mr. Bach stated that deliveries could not happen prior to 7am and equipment can start up and leave the site but cannot start up and idle for hours and hours on site.

Mr. Rutkowski stated that they can adjust the delivery times with the supplier to fit with the Ordinance.

Mr. Bach asked when they are starting out at 6am are they loading materials onto the trucks at that time.

Mr. Rutkowski stated that yes, that sometimes happens if the job warrants it.

Mr. Bach asked if they are still intending to ask for a Site Plan Waiver?

Mr. Kosylo stated that yes they are intending to ask for a Site Plan Waiver.

Mr. Kosylo stated that there will be no structural changes to the site, but there will be improvements.

Mr. Hughes asked if there is a stop time for the business.

Mr. Bach stated that they would have to abide by the noise ordinance of the township.

Mr. Hughes asked if they would be storing salt or other ice melting material for the snow season on site.

Mr. Rutkowski stated that yes, they would be storing those items on site.

Mr. Bach stated that the business would need to be compliant with the soon to be adopted Municipal Private Salt Storage Ordinance which is a requirement of the DEP.

Mr. Bach stated that the application for the Use Variance is for the property depicted on the survey, which is Lot 6. This would be the only property that would be allowed to have the business operations on.

Mr. Bach stated that while he is not inclined to recommend to the Board a Site Plan Waiver but as the business is in need of moving out of their existing facility immediately, he would allow a Site Plan as a condition of approval being submitted 6 months from now to allow time to get acclimated to the new site, with a Temporary Certificate of Occupancy for 6 months just to utilize the stone parking area, buildings as they currently exist. No improvements, it would have to be used as is.

Mr. Kosylo asked for an adjournment of the meeting so that he can amend the application to include all of the lots.

***Mr. Hughes moved to enter the General Public Portion of the Meeting, seconded by Mr. Richardson.***

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

Shawn Reed of 9 Vivian Lane asked if the Best 4 Last LLC Application was postponed and not withdrawn.

Planning & Zoning Board Solicitor, Jeffrey Cheney stated that application was continued until the October 16, 2024 Planning & Zoning Meeting without notice. If the applicant submits a Site Plan Application, noticing will need to be done.

***Mr. Hughes moved to close the General Public Portion of the Meeting, seconded by Mr. Wolf.***

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

***Correspondence: None***

***Adjournment:***

***Mr. Wolf moved to adjourn, seconded by Mr. Hughes.***

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

Adjournment time: ***8:21 pm***

**These minutes are a brief summary of the proceedings that took place during the Elk Township Planning & Zoning Board meeting held September 18, 2024 and should not be taken as verbatim testimony.**

Respectfully submitted,

Ann Marie Weitzel, Board Secretary