



October 30, 2024

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

Attn: Ann Marie Weitzel, Board Secretary

Re: Harry and Serena Holmes  
930 Aura Road  
Block 54 Lot 26.03  
Bulk Variance  
RE Rural Environmental Residential District  
Elk Township Application ZB-24-03  
Bach Associates Proj. No. ETPB2024-18

Dear Chairman Afflerbach and Members of the Board:

Our office has received the following items submitted for the above referenced project:

1. Notice of Appeal (Bulk Variance Application Form) and attachments.
2. Elk Township Planning Board Resolution No. 2011-18.
3. Survey entitled "Survey of Premises, Block 54 Lot 26.03, Situated in Township of Elk, County of Gloucester, New Jersey", prepared by Ewing Associates Land Surveyors, dated 7-25-15, revised 9-27-24.

**PROJECT SUMMARY/HISTORY:**

The application is for bulk variances to permit the construction of a single-family dwelling, driveway, septic field, well, and associated site improvements at a property located on the west side of Richwood-Aura Road, south of the intersection with Whig Lane Road. The applicant previously came before the board and received Minor Subdivision and Bulk Variance approval per Resolution #2011-18. Lot 26.03 is a result of said subdivision. Resolution #2011-18 granted bulk variances for lot width and lot area, but stipulated that variances will expire if not acted upon within two (2) years of the date the variance was granted. Since the granted bulk variances have expired, the applicant is seeking to renew them.

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The property is located within the RE Rural Environmental Residential zoning district. The property is surrounded to the north, west, and south, by other properties also in the Rural Environmental Residential zoning district, and to the east across Richwood-Aura Road by a farm in the R Rural Residential zoning district. The property to the north contains a church camp consisting of several buildings, the property to the south is a vacant wooded lot, and the property to the west is owned by Elk Township and contains recreation fields and woodlands. The farmed property to the east across Richwood-Aura Road is an agricultural field, owned by Silvergate Associates, which is proposed to be developed with 162 single family homes in the future.

### **COMPLETENESS:**

The applicant has submitted the land development checklist. **The application is incomplete.** Most of the waivers are recommended or may be provided as a condition of approval.

- **#9** requires that the plat/plan shall be prepared under the supervision of and be signed and sealed by a licensed New Jersey land surveyor, professional planner, professional engineer or registered architect in accordance with the provisions of N.J.A.C.13:40-7.1, et seq. ***No site plan was submitted. Our office has no objection to a waiver being granted for this item.***
- **#35** requires a schedule of mandated and provided zoning district requirements, including total acreage, lot area, lot width, lot depth, yard setbacks, building coverage and square footage, lot coverage, open space area, density and parking. Anticipated number of residents or number of employees should also be included. ***Our office has no objection to a waiver being granted for this item.***
- **#53** 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. ***Our office has no objection to a waiver being granted for this item.***
- **#55** requires contours at 20 foot intervals for the entire tract and within 100 feet (USGS Topographic maps are sufficient) and conform and with the grading plan requirements in section 96-66M prior to the issuance of any building permits. ***Our office has no objection to a waiver being granted for this item.***
- **#67** requires if on-site sewerage disposal is required (septic system), the results and location of all percolation tests and test borings. ***Waiver recommended for completeness only. Evidence of Gloucester County Health Department Septic approval shall be provided.***

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The above items must be provided prior to the Planning Board hearing for the application or waivers granted for the application to be deemed "Complete". If a waiver is granted for completeness only, the information shall be provided as part of the compliance submission.

**ZONING**

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.

A single family dwelling is a permitted use in the zone.

The following table indicates the bulk standards for the lot based on the current RE standards. The zoning standards are provided below.

Section	Required	Proposed	Compliance
§96-71D(2) Min Lot Size	80,000 sf	60,414.14	Existing Condition
§96-71D(3) Min Front Yard Setback	50 ft	±150	Complies
§96-71D(4) Min Rear Yard Setback	40 ft	±200	Complies
§96-71D.(5) Min Side Yard Setback	20 ft	45.11	Complies
§96-71D.(5) Min Side Yard Setback (aggregate)	50 ft	±90	Complies
§96-71D.(6)(a) Min Width at Building Line	150 ft	148.58	<b>Variance</b>
§96-71D.(7) Min Lot Depth	200 ft	±419	Complies
§96-71D.(9)(a) Min Lot Frontage	135 ft	141.24	Complies
§96-71D.(10) Max Height	35 ft	<35	Complies
§96-71D.(11)Maximum Building Coverage	15%	3	Complies
§96-71D.(12) Max Impervious	20%	6	Complies

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#### **VARIANCES:**

1. Lot Size §96-71.D(2) – The applicant has provided a lot size of 60,414.14 square feet where a minimum of 80,000 square feet is required. *It shall be noted that this is an existing nonconformance, approved by the Planning Board with Resolution 2011-18.*
2. Minimum Width at Building Line §96-71.D(6) – The applicant is proposing lot width at building line of 148.58 where the minimum required it 150 feet. **A variance is required.**

#### **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 COMMENT(S):**

1. **Grading.** Per §96-66.M., as the proposed disturbance will be in excess of 600 square feet, the applicant shall submit a grading plan for review before a building permit can be issued.
2. **Septic System.** As part of their 2010 Minor Subdivision application, the applicant provided an Individual Sewage Disposal System Feasibility Study in order to demonstrate soil suitability and the potential to construct a conforming septic system on the proposed new lot. Evidence of current Gloucester County Health Department Septic approval shall be provided.
3. **Wetlands.** As part of their 2010 Minor Subdivision application, the applicant provided an NJDEP Letter of Interpretation (LOI), Footprint of Disturbance for proposed lot 26.03, which confirms that there are no freshwater wetlands or transition areas within the .78 acre “footprint of disturbance” on the proposed lot. Evidence of a valid NJDEP LOI shall be provided.

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4. **Buffers.** Per section 15 of Resolution #2011-18: "The Applicant agreed to install a vegetated buffer, 25 feet in width and a minimum of 80 feet in length along the lot line with the camp. The Applicant agreed to work with the Board Planner to design a buffer that will provide the desired visual screen from the camp. The design shall be completed and approved by the Board Planner prior to the issuance of a building permit. The Applicant specifically agreed that the buffer shall be fully installed prior to the issuance of a Certificate of Occupancy for the new construction. This voluntary limitation on the issuance of the Certificate of Occupancy shall be set forth in the subdivision deed for the proposed vacant lot. The plantings shall be maintained on the site and the subdivision deed shall contain a conservation easement which discloses the obligation to maintain and replant the buffer." Though there are several deciduous trees along the lot line adjacent to Lot 27, our office recommends the applicant add a variety of evergreen shrubs or trees to make their vegetated buffer compliance with the resolution. A planning detail showing proposed buffer shall be provided as a condition of approval.
5. The deed indicating a conservation easement shall be provided to our office and the Board solicitor for review.

Any and all approvals shall be conditioned upon the applicant addressing the above comments and any and all concerns of the Planning Board contained in the approving resolution.

We reserve the option to make additional comments as more information becomes available.

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  
Harry and Serena Holmes, Applicants/Owners  
David A. Thatcher Esq., Applicant' Professional

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