

RESOLUTION NO. 2024 -17

RESOLUTION OF THE PLANNING/ZONING BOARD OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING PRELIMINARY AND FINAL MAJOR SUBDIVISION AND PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH BULK VARIANCE AND DESIGN WAIVER RELIEF TO D.R. HORTON INC., NJ FOR BLOCK 31, LOT 2.02, 5.02, 7 AND 22 AND BLOCK 32, LOTS 1 AND 2 AND BLOCK 58, LOT 1 (AURA III REDEVELOPMENT AREA)

Application No.: SD-24-03

Approval Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan with Bulk Variance and Design Waiver Relief

Applicant: D.R. Horton, Inc.

Aura III Redevelopment Area

BE IT RESOLVED, by the Planning/Zoning Board of the Township of Elk, County of Gloucester, State of New Jersey (“the Board”) that:

WHEREAS, the Applicant D.R. Horton, Inc. (“the Applicant”) filed an Application to the Board for Preliminary and Final Major Subdivision and Preliminary and Final Site Plan approval with bulk variance and design waiver relief for the property known as Block 31, Lot 2.02, 5.02, 7, and 22; Block 32, Lots 1 and 2; and Block 58, Lot 1 (Aura III Redevelopment Area) on the Tax Map of the Township of Elk Township (the “Property”); and

WHEREAS, the Applicant provided the required public notice of this Application; and

WHEREAS, the Application was subject to a public hearing on December 18, 2024; and

WHEREAS, the Applicant was represented by Michael J. Lario, Jr., Esq.; and

WHEREAS, the Applicant seeks approval to construct 962 residential housing units consisting of 685 single-family age restricted units and 276 multi-family residential

units. The development is divided into three sections, the Willows at Orchard Glen, the Carriages at Orchard Glen, and the Reeds. The Willows at Orchard Glenn consists of 186 single-family age restricted detached dwellings. The Carriages at Orchard Glen consists of 250 active adult single family detached dwellings and 250 active adult twin dwelling units (34 of which are affordable). The Reeds apartments are garden style apartments that consists of 276 units (76 of which are affordable).

WHEREAS, the Applicant seeks the following bulk and design variance relief:

Bulk Variances					
Description	Ordinance	Requirement	Existing	Proposed	Remarks
Curb Return Requirement	§96-66(M)(6)(G)	50 ft.	N/A	See Attached List on Exhibits A-5 and A-6	Variance Required

Design Waivers					
Description	Ordinance	Requirement	Existing	Proposed	Remarks
Recreational Facilities Requirement	§96-88(O)(5)	Tot lots (3x) basketball courts (2x) tennis court (1x) multi-purpose field (1x)	N/A	Tot lots (2x), multi-purpose field (1x), outdoor swimming pool (1x), clubhouse with fitness, games, and multi-purpose rooms (1x)	Variance Required

WHEREAS, the Applicant introduced the following exhibits:

- **A-1** Site Plan.
- **A-2** Willow's Site Plan.
- **A-3** Carriage's Site Plan.

- A-4 Reeds Site Plan.
- A-5 Waiver Exhibit Showing Distance from Driveway to Intersection for Willows Development.
- A-6 Waiver Exhibit Showing Distance from Driveway to Intersection for Carriages Development.
- A-7 Multi-family elevation.
- A-8 Multi-family rendering.
- A-9 Neuville unit rendering.
- A-10 Neuville unit interior floor plan.
- A-11 Lismore unit rendering.
- A-12 Bristol rendering.
- A-13 Clifton rendering.
- A-14 Market rate twin unit rendering.
- A-15 Affordable twin unit rendering.
- A-16 Twin floor plan.
- A-17 Clubhouse rendering.
- A-18 Clubhouse interior.
- A-19 Clubhouse photographs.

WHEREAS, Robert Fecso, Applicant's Senior Vice President of Forward Planning, testified on behalf of Applicant, and the following professionals testified in support of the Application: Joseph Hanrahan, Project Engineer, Thomas Brennan, Multi-Family Architect, Robert Regazzoni, Single-Family Architect, Jason Patchel, Twin Units Architect, William Feinberg, Restricted Clubhouse Architect, Nathan Mosley, Traffic Engineer, and Tiffany Morrissey, Planner; and

WHEREAS, Joseph Hanrahan, PE, who was recognized as a licensed professional engineer, testified in support of the plan of redevelopment. Mr. Hanrahan testified that the Property is approximately 335 acres in size and located on Aura Road and Whig Lane, bound east of State Highway 55. The proposed development is within the Aura III Redevelopment Area and subject to the amended Aura III Redevelopment Plan, as amended February 20, 2024, and was determined to be materially consistent with said redevelopment plan pursuant to Elk Township Committee Resolution R-88-2024, adopted June 18, 2024. The underlying zoning districts included within the Aura III redevelopment area are R Rural Residential and RE Rural Environmental Residential.

The Willows at Orchard Glen fronts Aura Road and consists of 186 residential age restricted fee simple lots having a minimum size of 55' x 110'.

The Carriages at Orchard Glen is accessed via Aura Road and Clems Run and consists of 250 active adult single family dwellings situated on lots having a minimum size of 55' x 110' as well as 250 active adult twin dwellings situated on lots having a minimum size of 90' x 110'. The Orchard Glen development further includes a clubhouse and related amenities consistent with the Aura III Redevelopment Plan. Once the Application is approved, the Applicant will establish a Home Owners Association ("HOA") which shall be responsive for maintenance of common areas within the Willows at Orchard Glen and the Carriages at Orchard Glen.

The Reeds is accessed via Whig Lane and consists of 276 garden style apartments. The Applicant is providing recreational amenities consistent with the Redevelopment Plan including tot lots and multi-purpose fields, pool and various amenities within the clubhouse.

Solid waste for all single family dwellings will be serviced by the Township. The multi-family development and HOA-owned areas will be serviced by privately contracted waste management companies.

The proposed developments comply with all applicable requirements of various state agencies. For example, the proposed developments satisfy both the Residential Site Improvement Standards and the Redevelopment Plan requirements for parking and internal roadways and the NJDEP's stormwater management rules and regulations.

The proposed developments likewise comply with the Township's landscaping, buffering, lighting, signage and parking requirements as well as the landscape and buffering requirements of the Aura III Redevelopment Plan. Namely, Applicant proposes agricultural buffers of 100', the requisite applicable buffers for lots under and above 1 acre and buffers along roadways, and further estimates that the requirement that 50% of the buffer be natural planting will result in the planting of approximately 20,000 plants and trees. Moreover, Applicant has agreed to work with all adjoining residential property owners to address any concerns relating to fencing and buffering.

Finally, ingress and egress at each of the proposed developments occurs via roads owned by Gloucester County, thus, the proposed roadway improvements, including additional lanes and sidewalks, are still being determined by the County. However, Applicant has nevertheless endeavored to satisfy the purposes of the Redevelopment Plan by providing access to the Township's elementary school for each development. The Carriages and The Willows will be utilized through sidewalks that proceed to Clems Run. The Reeds will utilize sidewalks, pads and crosswalks to Clems Run to avoid walking along County roads.

WHEREAS, Thomas Brennan, who was recognized as a licensed architect in the State of New Jersey, testified that the Reeds apartments will consist of 36 unit and 24

unit buildings that are three stories, and affordable units will be integrated throughout. Units will consist of a blend of 18% one bedroom, 58% two bedroom and 24% three bedrooms which is consistent with New Jersey's Uniform Housing Affordability Controls ("UHAC") requirements. The buildings will be approximately 38' in height, consistent with the Redevelopment Plan and designed using cultured stone and vinyl siding with cedar impression gables. The roof will be architectural asphalt style and windows will be vinyl. Lighting at the building entrances will be downfacing to prevent glare. Stairwells will be fully enclosed with separate sprinkler, heating and cooling elements.

The Reeds clubhouse will be a 2-story, approximately 4,150 SF building and contain a leasing center, restrooms, mail area, fitness room, multi-purpose room and a second floor lounge/quiet area. The clubhouse's design will be a general farmhouse theme consisting of cultured stone, vinyl siding and board and batten.

WHEREAS, Robert Regazzoni, who was recognized as a licensed architect in the State of New Jersey, testified to the design of the single-family detached dwellings which will consist of four different models known as the Neuville, the Lismore, the Bristol and the Clifton. The Neuville model is approximately 1,700 SF with attached two car garage and contains design elements of asphalt shingles, vinyl siding with two different tones and shakers. The Lismore model is 1,558 SF and contains similar exterior aesthetics to the Neuville. The Bristol model is 1,748 SF to 2,400 SF with an optional room in the attic space and the design includes a modern farm style with a contemporary pallet with cultured stone and vinyl asphalt shingles. The Clifton model is 1,850 SF and contains similar design elements to the Bristol model. Each of the models are on slabs and thus contains no basement.

WHEREAS, In response to question from the Board, Robert Fecso testified that the market and individual buyers ultimately dictate how many of each unit will be constructed. Regardless, Applicant specifically endeavors to utilize a variety of complimentary pallets so as to ensure that developments and individual streets therein do not all look the same.

WHEREAS, Jason Patchel, who was recognized as a licensed architect in the State of New Jersey, testified as to the twin units at The Carriages at Orchard Glen. There will be four different types of groupings with no basements. The market rate twin unit and affordable twin units will utilize the same design and finish, and both will consist of 1,320 SF with an optional 438 SF second story that adds an additional bedroom and bathroom. Both units include a garage with a trash alcove. All designs use a generally contemporary style with a combination of stone, vinyl board and batten, horizontal siding and an architectural asphalt roof.

WHEREAS, William Feinberg, who was recognized as a licensed architect in the State of New Jersey, testified as to the design of the age restricted clubhouse which will utilize a contemporary farm design utilizing a combination of vertical cement siding, horizontal vinyl siding and stone with black windows and will have a metal roof on the front and fiberglass shingles in the rear. The interior of the clubhouse will contain a beverage bar that does not serve food or alcohol.

WHEREAS, Nathan Mosley, who was recognized as a licensed professional traffic engineer, testified as to the traffic at the particular sites. Mr. Mosley prepared a Traffic Impact Statement prepared on June 27, 2024 which generally determined that outside mitigation was only required at the Whig Lane and Aura Road intersection because several of the nearby roads are County-owned roads. Applicant is working with the County as to necessary improvements. Mr. Mosley's traffic report generally

concluded that there was only a minimum impact based on peak hour conditions and capacity of existing roads to accommodate the development based on the NJDOT's guidelines. Mr. Mosley further stated that the plan of subdivision provides for safe and efficient ingress and egress and internal circulation as all appropriate design standards contained in both the Redevelopment Plan and the Residential Site Improvements Standards are being met with the proposed plan of development.

WHEREAS, Tiffany Morrissey, who was recognized as a licensed professional planner, testified that the design is consistent with the 2024 Redevelopment Plan and for the design requirements pursuant to UHAC. As to the bulk variance, Ms. Morrissey testified that the granting of variance relief, along with subdivision and site plan approval, promotes the intents and purposes of zoning and the Redevelopment Plan by providing housing throughout the community and safe and effective access to the said housing. It further promotes the health, safety and welfare in the planning of residential housing. As a result, bulk variance relief can be granted without significant impairment of the Redevelopment Plan and zoning ordinances or a detriment to the public good.

As to the requested design waiver, the municipal ordinance requires 7 recreational aspects for developments. Applicant is proposing two tot lots, not three, but is proposing a swimming pool and clubhouse with recreational aspects such as a fitness room, multi-purpose room and game lounge and further provides a multi-purpose field. As a result, the project meets the intents of the ordinance by providing sufficient recreational amenities to persons of all ages.

WHEREAS, the Application was opened to public comment and the following members of the public commented. James Rambo, 603 Aura Road, Glassboro, inquired as to recreational options for teenagers and sought to ensure the community would be securely protected and buffered from the developments. Mr. Rambo further inquired

as to the width of internal roads and parking thereon in light of snow plowing needs during the winter.

Louis D. Eugenio, Jr., 500 University Boulevard, Glassboro, expressed that he owns an adjacent farm and expressed that the agricultural buffer must actually be erected in a timely manner. He further expressed concerns as to the drainage and sought reassurance that the Applicant would address any unexpected drainage concerns that arose.

Quinn Collins, 839 Clems Run, Glassboro, inquired about the redevelopment plans and commented as to the nature and scale of the proposed development.

WHEREAS, the Board finds that the benefits in granting the proposed variances substantially outweigh any detriments in accordance with N.J.S.A. 40:55D-70(c) and find that the granting of the variance will not be a detriment to the public good or substantially impair the intent of the zone plan and zoning ordinances; and

WHEREAS, after considering all the evidence and testimony presented on behalf of the Application, the Board made the following findings of fact:

1. The Board finds the benefits in granting the proposed variances substantially outweigh any detriments in accordance with N.J.S.A. 40:55D-70(c). The Board further finds that the variance can be granted without a substantial detriment to the public good and will not be detrimental to the zone plan or zoning ordinance.

2. The Board further finds that the granting of variance relief will further the purposes of zoning and the Municipal Land Use Law. The improvement will benefit the subject property by providing better use of the available space at the property. The improvements promote the general welfare and promote a desirable visual environment.

3. The Application for Preliminary and Final Major Subdivision and Preliminary and Final Site Plan approval with bulk variance and design waiver relief can

be granted, subject to Applicant's compliance with the recommendations of the Board Planner and/or Board Engineer as set forth in Bach Associates, PC's technical review letter, dated December 5, 2024, as well as representations made by Applicant's representative and professionals during the public hearing.

4. The Board expresses concern regarding traffic safety issues at the intersections of multiple Gloucester County-owned roads: Whig Lane/Aura Road as well as Whig Lane/Clems Run and urges Gloucester County to change the geometry of these intersections to safely accommodate future growth in the area.

WHEREAS, the Board finds the Applicants have met their burden in order to grant the relief requested.

NOW THEREFORE BE IT RESOLVED that the Board specifically adopts the preamble of this Resolution as its findings of fact, and conclusions of law, and has relied upon these findings in the decision rendered by the Board; and

BE IT THEREFORE FURTHER RESOLVED by the Planning/Zoning Board of the Township of Elk on this 15th day of January, 2025, that the Board hereby grants the Application of D.R. Horton Inc. for Preliminary and Final Major Subdivision and Preliminary and Final Site Plan approval with bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) and design waiver relief subject to the following conditions:

1. The Applicant shall comply with the recommendations of the Board Planner and/or Board Engineer as set forth in Bach Associates, PC's technical review letter, dated December 5, 2024 not otherwise discussed or modified during the December 18, 2024 hearing.

2. The Applicant shall create a Home Owners Association for the proposed Orchard Glen age-restricted community and shall provide copies of such documents to

the Board Attorney, Planner and Engineer for their inspection and approval prior to the filing of said documents.

3. The Applicant shall install push button mechanisms and advanced sequence MUTCD's for all pedestrian crosswalks across County-owned roads, subject to Gloucester County's review and approval.

4. The Applicant shall submit a plan to the Township Engineer, and receive approval from the Township Engineer, regarding the provision of walking access from each proposed development to the Township's elementary school.

5. The garages of any dwellings within the proposed developments shall be prohibited from being converted into a living space.

6. The Applicant's final stormwater calculations for the project shall include a 10' x 12' future impervious area in the rear of each active adult unit.

7. The Applicant shall install "no parking" signs between the driveway and the intersection within the Orchard Glen development at locations to be reviewed and approved by the Board Engineer.

8. The Applicant shall construct an offsite recreational facility (athletic/basketball court) at a municipally owned property in the Township, subject to the approval of the Township Committee.

9. The Applicant shall work with all adjoining residential property owners to address any concerns regarding fencing and buffering.

10. The Applicant shall comply with all representations made by or on behalf of the Applicants during the public hearing.

11. The Applicant shall pay all taxes, fees and required escrows deposits which may be due and owing.

12. The Applicant shall secure any and all other approvals, licenses and permits required by any of the Board, Agency, or entity having jurisdiction over the subject application or over the subject property.

BE IT FURTHER RESOLVED that all representations, commitments and agreements made by the Applicant or its representatives at the hearing in this matter or contained in any document, plat, sketch or submission delivered to the Board at any time prior to this approval, including notes contained in the original or revised submissions will be considered as conditions of approval of this Application for the development and are hereby incorporated into this resolution by reference

As to the Preliminary and Final Major Subdivision and Preliminary and Final Site Plan

Moved by: Mrs. Nicholson, seconded by Mr. Lucas, and so ordered by the following roll call vote:

In favor of Approval: Mr. Goetsch, Mr. Hughes, Mr. Lucas, Mr. McKeever, Mrs. Nicholson, Mr. Richardson, Mr. Wolf, Mr. Swanson, Mr. Afflerbach

Opposed to Approval: None

As to the Bulk Variance

Moved by Mrs. Nicholson, seconded by Mr. Lucas, and so ordered by the following roll call vote:

In favor of Approval: Mr. Goetsch, Mr. Hughes, Mr. Lucas, Mr. McKeever, Mrs. Nicholson, Mr. Richardson, Mr. Wolf, Mr. Swanson, Mr. Afflerbach

Opposed to Approval: None

As to the Design Waiver

Moved by: Mrs. Nicholson, seconded by Mr. Lucas, and so ordered by the following roll call vote:

In favor of Approval: Mr. Goetsch, Mr. Hughes, Mr. Lucas, Mr. McKeever,

Mrs. Nicholson, Mr. Richardson, Mr. Wolf, Mr. Swanson, Mr. Afflerbach

Opposed to Approval: None

The following resolution was memorialized on January 15, 2025, by the following vote:

Moved by: Mr. Lucas

Seconded by: Mr. Richardson

In favor of approval of adoption of resolution: Mr. Goetsch, Mr. Hughes, Mr. Lucas, Mr. McKeever, Mr. Richardson, Mr. Wolf, Mr. Swanson and Mr. Afflerbach

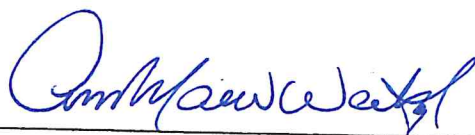
Opposed to approval: None

Abstained: None

I certify that the foregoing is a true copy of a Resolution approved by the Zoning Board of Adjustment of the Township of Elk on December 18, 2024, and memorialized



Matthew Afflerbach, Chairman



ANN MARIE WEITZEL
SECRETARY OF THE PLANNING/ZONING BOARD OF THE
TOWNSHIP OF ELK