

Elk Township Combined Planning and Zoning Board

Regular Business Meeting

July 16, 2025

Minutes

Call to Order:

Regular Business Meeting was called to order at 7:04 pm.

Roll Call:

Present: Mr. Afflerbach, Mr. Goetsch, Mr. Hughes, Mr. Lucas, Mr. McKeever, Mrs. Nicholson,
Mr. Smith, Mr. Wolf, Mr. Richardson, Mr. Peterson (alt 1)

Absent: Mr. Swanson (alt 2)

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: June 16, 2025

Mrs. Nicholson moved to approve the minutes of June 16, 2025,

Seconded by Mr. Wolf.

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

General Business: None

Old Business:

New Business:

- 1. Township Directive to the Planning & Zoning Board to review the amended changes to Chapter 96 entitled “Unified Development” of the code of the Township of Elk.**

Mrs. Nicholson moved to approve Chapter 96 Unified Development Changes.

Seconded by Mr. Lucas.

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

For: 10

Against: 0

Abstain: 0

10-0-0

- 2. Memorializing the Township Directive to the Planning & Zoning Board to review the amended changes to Chapter 96 entitled “Unified Development” of the code of the Township of Elk.**

Mrs. Nicholson moved to adopt Resolution 2025 – 09 Chapter 96 Unified Development Changes.

Seconded by Mr. Wolf.

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

For: 10

Against: 0

Abstain:

10-0-0

**3. JAGS United Corporation, C/PO Bhupinder Singh
Preliminary Major Site Plan Approval
705 Buck Rd Block 50 Lot 15
Application No. SP-25-01
Completeness Only**

Mr. Hughes moved to grant the application incomplete.

Seconded by Mrs. Nicholson.

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

For: 10

Against: 0

Abstain:

10-0-0

Unfinished Business:

1. Jai & Jas Real Estate, LLC Preliminary Major Site Plan – Phase 1

1092 Elk Rd Block 44 Lot 6

Application No. SP- 24- 01

Preliminary Approval

Planning & Zoning Board Chairman, Matt Afflerbach asked that the public who has not spoken at the last meeting should come up first and then the people who would like to speak again can come up and speak.

Bernadette Gearhart, 711 Webster Drive, referred to Alcyon Lake and the pollution that happened there due to the Lipari Landfill which became a Superfund Project that needed to be cleaned up by the State of NJ. Her concern is air pollution, traffic, increased motor vehicle accidents and the potential contamination of the underground well water systems. She listed the side effects of contaminated water and asked that this be taken into consideration.

Andrew Eisenhart, 1191 Aura Rd stated that he has worked on trucks and has seen what can happen that people try to swipe under the rug. He does not believe that those tanks will leak but the fuel nozzles may not shut off and spill 50 – 100 gallons of gas all over the place and he has seen cooling hoses and fuel lines break with the spills resulting from that.

Matt Clark, 122 Stockton Ct stated that everyone is concerned about Health and Safety and that is the number one priority for the Municipality as well as the risk that comes from any decision. He stated that this project is referred to as a Truck Stop in the Traffic Report. He states that Gas Stations are not geared to trucks and primarily serve individual consumers, but Commercial Stations are designated for larger vehicles such as trucks. The Elk Twp Code states that a Filling Station is a permitted use. If a use is not specifically permitted it is prohibited. He states that the definition of a Truck Stop is a Travel Center according to the Complete Illustrated Book of Development Definitions 4th edition. Mr. Clark has concerns with the applicant and his business acumen regarding things that have happened at the existing Sunoco Station. He asked if the relationship to Saini Balkar is going to be part of this development. He is concerned that consideration will be given to an applicant, associated with a family who can't necessarily take care of what they already have their hands on and wants to expand to a massive truck stop.

Gary Cook, 711 Buck Rd stated that he lives directly across from the proposed Truck Stop and is concerned about it not helping his property value and him getting out into traffic. He feels that the Traffic Study was not done at a proper time or correctly. He feels that traffic issues will be compounded with this application. He opposes this application.

George Giangrante, 115 Pondview Ct. stated he was employed as an apprentice for architects, planners and engineers and a general contractor for 60 years and he has never seen one of these projects help any township. The trucks will be coming down Rt. 538 with the blind spots and if they cannot stop, there will be serious problems. The trucks will be running all night if they have refrigerated cargo and sleeping in the cabs.

Tia DeFlavia, 741 Buck Rd stated that she has deep concerns for this community for the future and preservation of it. She says that if this application is approved there is no going back, this rural community will be changed forever and not for the better. There is already a fueling station ½ mile down the road.

David Sciocchetti, 98 Memorial Lane stated that the Zoning Ordinance is clear on this issue. Truck Stops are not on the list of permitted uses, and therefore Truck Stops are prohibited in the C2 District. He stated that by definition, this application is a Truck Stop. He stated that the Applicant's Traffic Study clearly indicates the project is a Truck Stop, 12 times and every diagram is labeled Truck Stop.

Rod Wall, 131 Stockton Ct. asks that if this application does move forward that a Bond be required since the applicant is an LLC. He stated that the Township's new Zoning Laws does not allow for 24/7 operation.

Susan Wallace, 950 Aura Rd stated that she moved here 34 years ago because she loved Elk Twp. She has seen multiple developments come into Elk Twp and Elk Twp has become Washington Twp if not worse. She feels that the intersection is already impossible to navigate now and adding 200 houses and trucks who have no idea where they are driving will impact it. If this application goes through, they will put their house up for sale. She opposes this application.

Frank Goss, 131 Railroad Ave stated that he is concerned about Elephant Swamp Trail and he doesn't feel that 1 good thing will come from this application except dollars. He has never seen the applicant offer anything to the town or plant a tree. He is against this application for the preservation of the town.

Jeff Allen, 210 Hollywood Ave stated that under NJ Code AC 19-4 2.2 a truck stop is defined as facility primarily engaged in the fueling of trucks and other commercial vehicles and temporary accommodations for drivers. The applicant had come in originally with 70 spots for truck parking and that was down to 28 spots but anything above 20 spots is designated as a truck stop per NJ law. He is concerned about the pollution and environmental issues that are possible down the road as everyone in town is on wells.

Bill Ashe, 330 Union Street stated that he and his wife moved into Elk in 1985 and raised 6 sons who went to Aura and Delsea schools. His wife was almost hit 3 times by car carriers at the light at Sewell St coming out of Glassboro into Elk Twp. It seems like they do not stop at a blinking red light and will the same happen with the tankers. He drives a school bus, and trucks pass him when his lights are on and he would hate to see this happen in Elk Twp. Will any of the roads in Elk Twp be widened or will it just be 2 lanes? There is no room for tractor trailers, and will this be open 24/7? Will they have qualified drivers?

Renee Earnhart, 171 Railroad Ave stated that she is in favor of everyone who opposes this application. If this goes through will the thickness of the asphalt carry the weight of the trucks. She states that there is no room on Railroad Ave for an 18-wheeler and a vehicle to go up and down the street. She asked if the Board is in favor of this.

Board Chairman, Matt Afflerbach stated that the Board is here to decide if it is an acceptable use and if it is a benefit or detriment to the Twp. The Board does not look at the taxes that are coming in.

Renee Earnhart stated that when they moved to Railroad Ave, the State of NJ, Department of Health came out to do water testing because they had contaminated water that they had been drinking without knowing. The State came in and put in 2 charcoal tanks and continued to test and then it was clear. She agrees with everyone that this should not be approved.

Ernestine Ingram, 524 Ninth Ave stated that she was born and raised in Elk Twp and has lived here for 20 plus years and had 2 sons who attended Aura School. She loves this town and opposes this application as this will be detrimental to the Twp.

Linda Bohn, 816 Buck Rd stated that she lives by Lake Garrison and because of the curve on Buck Rd by the lake people fly around it and at least 4 times people have lost control and ended up in their front yard. Their mailbox and trees have been taken out by cars losing control on that curve. Lake Garrison has a pedestrian crossing over Buck Rd and there is a lot of summer traffic going into the lake. It is busy enough as it is and to add more truck traffic to the road seems to be ill advised and does not seem to be a good idea. We are all in Elk because it is a quiet community and this is not a business that will not add to our community or ideals. She does not see one positive thing that will come from this application.

Rod Burgess, 1087 Elk Rd asked if his property values go down will you reduce his taxes?

Liz Allen, 210 Hollywood Ave stated that 100% of the people who have come out are against this application.

Katherine Myklich, 215 Union St. stated that she agrees with everyone and has a background in chemistry. She asks if anyone has considered the hazardous cargo that will be on the trucks parked at the Truck Stop. She stated that on August 10, 2023, at the truck stop in Paulsboro, a huge release of a chemical happened. It turned out that it was not a simple leak but every time the Gloucester County Office of Emergency Management thought they had stopped the leak it started again. A chemical reaction that was happening in the tanker truck was causing the decomposition of a chemical and releasing gases into the environment. Her concern is that we don't know what is coming through in these tanker trucks and it is an accident waiting to happen.

Mrs. Nicholson moved to close the Public Portion, seconded by Mr. Wolf.

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

Mr. Lucas moved to take a 5-minute recess, seconded by Mr. Peterson.

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

Mr. Hughes moved to reenter the meeting, seconded by Mrs. Nicholson.

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

Board Chairman, Matt Afflerbach stated that the Applicant's Attorney will be given the opportunity to do his summation regarding this application.

David DeClement, Applicant's Attorney, stated that it would be most efficient if the Traffic Engineer would go first and then the other engineers.

Steve Bach, Board Engineer asked for a point of order asking if the applicant's professionals are going to be introducing new testimony.

Mr. DeClement stated that no, they will just be answering the questions that were brought up during the Public Portion of the meeting.

Mr. Bach stated that the applicant had the opportunity to answer those questions during the public session. He asked, will this be a summation or will new testimony be entered?

Board Solicitor, Brandon DeJesus, stated that before the Public Portion started, the Board Chairman stated that if the Public had any questions they could be answered at the end.

Mr. Afflerbach stated that he agreed with Mr. Bach that they are not going to hear new testimony.

Mr. Bach stated that the Public Portion has been closed and if the applicant introduces new testimony, then the meeting will have to be opened back up to the public. The applicant had ample opportunity during the public portion of the meeting to respond, and they did not.

Mr. DeJesus stated that Mr. Bach is correct that they could slip into new testimony and he is reiterating the parameters that were stated at the original hearing when we opened up to public testimony but he will leave it up to the Chairman.

Mr. Bach stated that it was his understanding that the applicant would be able to respond at the end of the public testimony and now they are into summation and if they start putting new testimony it would be the prudent thing to open back up to the public.

Mr. DeClement stated that the way this was set up was that the public would say what they needed to say and the applicant would address those comments at the end. He stated that there were concerns regarding the Traffic Study and he would like to have the Traffic Engineer do his summation of his report.

Mr. Afflerbach stated that summation sounds like testimony.

Mr. Hughes stated that people have expressed concerns regarding the Traffic Study and how would his responses be allowed to address concerns that were raised by the public concerning the Traffic Study.

Mr. DeJesus stated that this would be up to the Chairperson to decide as to if we are going to proceed with summations or if we are going to risk the fact of the traffic study coming back in and making new statements and then having to start public testimony over.

Mr. DeJesus stated to Mr. DeClement that he feels it is best to proceed with summations at this time.

Mr. Afflerbach stated that the Board is ready to hear summations.

Mr. DeClement stated that the application before the Board is actually relatively simple. The application requests no variances or waivers; it is a by right application and is in conformity with Elk Twp's Ordinances and all variances and waivers have been removed.

Mr. DeJesus stated that he did a write up to advise the Board as to what they are voting on today, which is a Preliminary Site Plan Approval and a by right application. The legal standards under New Jersey Municipal Land Use Law, NJSA 40:55D-46 states that the Board must determine whether the proposed development conforms to the applicable Zoning and Land Development Ordinances of Elk Township. Specifically, the Board must find first the proposed uses permitted in the Zoning District or that the appropriate variance relief has been sought and justified and as council has stated there are no variances associated with this application, second the Site Plan meets the Township’s Technical requirements including those governing layout, circulation, access, parking, drainage, utilities, lighting, landscaping and environmental impacts, third the submission is complete and supported by sufficient engineering and planning information to evaluate the project. If those standards are satisfied, the Board is obligated to grant Preliminary Site Plan Approval with or without reasonable conditions to ensure compliance or mitigate impacts. Your vote must be based on evidence and testimony presented during the hearing and your findings should be clearly stated on the record. If you believe the application satisfies these legal standards it may be approved with appropriate conditions if not it must be denied with supporting reasons.

Mr. Hughes stated that at one time the applicant had asked for a Bulk Variance for the house, but the applicant had agreed to demolish the house in lieu of asking for that variance.

***Mrs. Nicholson moved to grant Preliminary Major Site Plan Approval for Phase 1.
Seconded by Mr. McKeever***

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

For: 0

Against: 10

Abstain:

0-10-0

Mrs. Nicholson voted no for the following reasons: the project plan does not comply with Elk Township's Ordinances as this is a Truck Stop as defined by the New Jersey Code, the Traffic Study called the project a Truck Stop and the original plan was to limit the parking to 2 hours and it is apparent by the testimony by the applicant that the intent of the additional truck parking spots are to provide a place for trucks to stop, stretch their legs and eat a meal. This use is not allowed by Elk Township's Ordinance, further she does not believe that this meets the Elk Township Master Plan and will cause substantial detriment to the public good. The applicant testified that the project will not increase the risk to the Township due to added traffic. It is her opinion that the Traffic Study and testimony did not adequately reflect the actual traffic implications of this project, the current intersections are already dangerous, and the traffic study did not consider the worst-case traffic patterns to evaluate the impact on local traffic. Further, there is added risk of a truck stop that operates 24 hours a day to our local police as well as our Code Enforcement Officer. There was testimony that the Police and Code Enforcement Officer would help maintain compliance with the 1 hour limited parking, this is an added risk and responsibility that should not be placed on our Police or Code Enforcement Officer. Mrs. Nicholson voted no on this application.

Mr. Lucas voted no based on the testimony that was received and the public comments. He feels that the Traffic Study was done at the wrong time of the year, and he would love to see a Traffic Study done during the peak summer hours and have some school traffic in that study. He lives on Elk Rd and just this weekend it took probably 15 minutes to get to the light and he feels that it would cause a lot of public detriment to the traffic with the installation of this as proposed. He echoes Mrs. Nicholson's reason regarding the parking spaces and that they are so far above the minimum number of 15 spaces allowed and it is looking like something else. Mr. Lucas voted no on this application.

Mr. Goetsch voted no and appreciates all of the public comments and the experts and council with the presentation. He echoes the same reasons that have been stated by Mrs. Nicholson and Mr. Lucas and adds that he has concerns regarding the substantial risks and the substantial detriment to Elk Township are pretty significant. He has heard a lot of testimony regarding the types of traffic that will be brought to Elk Township, not just normal vehicles, it's vehicles potentially with hazardous materials as well as the coolants, oil and gas which raises the risk substantially for spills and other traffic issues. He also has serious questions about the traffic study and it not reflecting conditions throughout the year and he is unable to use the professional conclusions in the report to arrive at a decision that would enable him to approve the project. He agrees that most of the business in this project would be serving people outside this Township and cannot tell if any good would come from this project only risk. Mr. Goetsch voted no on this application.

Mr. McKeever voted no as this application does not apply to the Township Ordinance and a Truck Stop also does not apply to the Township Ordinance. Mr. McKeever voted no to this application.

Mr. Richardson voted no and agrees with the reasons that were previously stated by the other Board members and has environmental concerns. He had asked about Hazardous Materials and did not get an answer. He also thinks that there are some very serious risks to the residents of this town. Mr. Richardson voted no on this application.

Mr. Smith voted no and has serious concerns regarding the hour parking and the fact that you cannot easily kick out a trucker who is out of time in his bunk and has to sit somewhere off the road and legally getting him out of the parking lot. The testimony stated that there were to be only 3 employees working and how will they know when the truckers hour is up, especially when there is a lot of business going on. He agrees with everything Mrs. Nicholson had said. Mr. Smith voted no on this application.

Mr. Wolf voted no and stated that there was not enough significant information to meet the needs to benefit the Township for safety and hazard reasons alone. Mr. Wolf voted no on this application.

Mr. Peterson voted no and agreed with Mrs. Nicholson and the other Board members regarding the Traffic Study not being concurrent. He lives off of Willow Grove Rd and the intersection by Aura and the Landscaping company, which is only active between April to June, is dangerous with 60 trucks coming out of there every day. The roads are not wide enough with the other business, Rain for Rent at that intersection. He does not feel that it is going to be safe enough on that road for someone who is not familiar with the area and roads. Mr. Peterson voted no on this application.

Mr. Hughes voted no and stated that he feels that not having a clear definition of a Truck Stop is not helpful to him. He is troubled by the time of the year when the Traffic Study was done. He is concerned that the Traffic Study was not done to show the impact the school traffic. Mr. Hughes voted no on this application.

Mr. Afflerbach voted no and stated that the applicant has not justified the need for 20 dedicated truck parking spaces and 24 automobile parking spaces where only 15 are required. The Traffic Study was not conducted during representative time or interval and does not accurately reflect typical traffic conditions. These issues should be addressed before further considerations. Mr. Afflerbach voted no on this application.

Mrs. Nicholson moved to enter the General Public Portion of the meeting, seconded by Mr. Lucas.

With all members in favor, the motion was carried.

Mr. Lucas moved to close the General Public Portion of the meeting, seconded by Mrs. Nicholson.

With all members in favor, the motion was carried.

Correspondence: None

Adjournment:

Mr. Lucas moved to adjourn, seconded by Mr. Wolf.

With all members in favor, the motion was carried.

Adjournment time: ***8:52 pm***

Respectfully submitted,

Ann Marie Weitzel, Board Secretary