



June 10, 2026

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

Attn: Ann Marie Weitzel, Board Secretary

Re: Raul Castillo Luna
Block 186, Lots 1
244 Clayton Avenue
Minor Subdivision & Use Variance
Review #2 – Completeness & Technical
MD – Moderate Density Residential District
Elk Township Application SD-26-01
Bach Associates Proj. #ETPB2026-1

Dear Chairman Afflerbach and Members of the Board:

We have reviewed the application and supporting documents submitted by Raul Castilla-Luna for a minor subdivision to divide one (1) existing lot into two (2) proposed lots. The existing lot is located on the southerly corner of Clayton Avenue (County Route 608) and 24th Avenue. Existing Lot 1 is a 44,000 square foot parcel and contains an existing 1½-story frame dwelling, with a covered porch and a stone and earth driveway to be removed. The parcel is located within the MD Moderate Density Residential District and is surrounded by similar properties also in the same zoning district. The applicant is not proposing any site improvements at this time.

The following items were submitted with the initial application and addressed in our letter dated February 13, 2026:

1. Land Development Application for Minor Subdivision.
2. Listed of waivers requested.
3. Plan entitled “Proposed Minor Subdivision Plan for: Sheet 41, Block 186, Lot 1, 244 Clayton Avenue, Township of Elk, Gloucester County, New Jersey”, prepared by Ewing Associates, dated 12-02-25, no revision.

The subject application was deemed incomplete at the Board’s February 18, 2026 Planning/Zoning Board meeting.

The following items were submitted by the applicant on May 4, 2026:

1. Amended Land Development Application for Minor Subdivision and Use Variance.
2. Plan entitled “Proposed Minor Subdivision Plan for: Sheet 41, Block 186, Lot 1, 244 Clayton Avenue, Township of Elk, Gloucester County, New Jersey”, prepared by Ewing Associates, dated 12-02-25, revised 3-30-26.

Completeness

The application is presently incomplete. The applicant has requested waivers the following checklist items:

- #49 requires the location of all existing trees or tree masses, indicating general sizes and species of trees in accordance with Township Ordinances. ***Provided.***
- #50 requires a Tree Protection Plan, limits of clearing in accordance with Township Ordinances. ***Our office has no objection to a waiver being granted for this item.***
- #57 requires a grading plan showing existing and proposed spot elevations, based upon the datum, at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations sufficient to assure that the project will not have an adverse affect on the existing drainage pattern. ***As stated in our February 13, 2026 review, our office has no objection to a waiver being granted for this item.***
- #58 requires soil erosion and sediment control plan consistent with the requirements of the soil conservation district. ***As stated in our February 13, 2026 review, our office has no objection to a waiver being granted for this item.***
- #59 requires location of soil borings to determine soil suitability and indication of whether topsoil will be transported to the site and/or be removed and transported outside the municipal boundary. ***As stated in our February 13, 2026 review, 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. ***As stated in our February 13, 2026 review, our office has no objection to a waiver being granted for this item.***

We have determined that the application is **INCOMPLETE** at this time. The above items must be addressed for the application to be deemed “Complete” and scheduled for a public hearing. If a waiver is granted for completeness only, the information shall be provided as part of the compliance submission.

OWNER/APPLICANT:

Applicant/Owner: Raul Castillo Luna
170 Carl Avenue
Monroeville, NJ 08343
443-783-1942

ZONING:

The property is within the MD Moderate Density 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.

The following table indicates the bulk standards for the entire lot based on the current MD standards.

Section	Required	Existing	Proposed Lot 1	Proposed Lot 1.01	Compliance
§96-68D(2) Min Lot Size	20,000	44,000	22,000	22,000	Complies
§96-68D(3) Min Front Yard Setback (1 st Frontage Clayton Ave)	30	10.62*	10.62*	>30	Lot 1: Preexisting nonconformity Lot 1.01: Complies
§96-68D(3) Min Front Yard Setback (2 nd Frontage)	30	48.97 (24 th Ave)	48.97 (24 th Ave)	>30 (25 th Ave)	Complies
§96-68D(3) Average Front Yard Setback (Clayton Ave)	62	10.62*	20.31**	20.31**	Variance
§96-68D(4) Min Rear Yard Setback	35	>35	>35	>35	Complies
§96-68D.(5) Min Side Yard Setback	10	104	4**	>10	Variance
§96-68D.(6)(a) Min Width at Building Line	85	200	100	100	Complies
§96-68D.(7) Min Lot Depth	100	220	220	220	Complies
§96-68D.(9)(a) Min Lot Frontage	75	100	100	100	Complies
§96-68D.(10) Max Height	35 ft	<35	<35	<35	Complies
§96-68D.(11) Maximum Building Coverage	30%	3.15%	6.3%	<30%	Complies
§96-68D(12) Max Impervious	40%	3.15%	6.3%	<40%	Complies

* Indicates preexisting nonconformance

** Indicates different from the zoning chart on the plan

***The applicant has not indicated the proposed aggregate side yard setback for proposed lot 1.01. The applicant shall comply with the 25 foot required aggregate side yard setback.

VARIANCES:

Bulk Variances:

1. Average Front Yard Setback (Proposed Lot 1) – Section 96-68.S.(3)(b) The applicant is proposing an average front yard setback of 20.31 feet where a minimum average front yard setback of 62 feet is required. **A variance is required.**
2. Average Front Yard Setback (Proposed Lot 1.01) – Section 96-68.S.(3)(b) The applicant is proposing an average front yard setback of 20.31 feet where a minimum average front yard setback of 62 feet is required. **A variance is required.**
3. Minimum Side Yard Setback (Proposed Lot 1) – Section 96-68D.(5) The applicant is proposing a side yard setback of 4 feet where a minimum of 10 feet is required. **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.

Use Variances:

1. Maximum Density §96-68D(1) - The applicant is proposing a density of 1.98 dwelling units per acre for proposed Lot 1 where a maximum of 1.5 dwelling units per is the maximum permitted. **A D(5) variance is required as the proposed density is being increased.**
2. Maximum Density §96-68D(1) - The applicant is proposing a density of 1.98 dwelling units per acre for proposed Lot 1.01 where a maximum of 1.5 dwelling units per acres is the maximum permitted. **A D(5) variance is required as the proposed density is being increased.**

Standard of Proof 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.

REVIEW COMMENTS:

1. The applicant shall provide testimony as to whether driveways are proposed for either lot.
2. As of May 1, 2012 all minor subdivisions need to conform to the Title Recordation Law for filing maps. All proper certification needs to be shown on the minor subdivision map even if the subdivision will be filed by deed.
3. In accordance with Title 46 Chapter 26B-2.b.(13)(c), the plan shall show the certification by the municipal clerk.
4. In accordance with Title 46 Chapter 26B-2.b.(14), the plan shall show the certification by the municipal engineer.
5. In accordance with Title 46 Chapter 26B-2.b.(8) “a minimum of three corners distributed around the tract shall indicate coordinate values.”
6. The applicant shall submit legal descriptions for each of the proposed lots and road widening easements.
7. The applicant’s Land Surveyor is responsible for ensuring that all lots, dedications and easements have proper closure and shall submit lot closure reports to our office for review.
8. The Plan shall list a point of beginning for each legal description submitted.
9. For proposed lot 1 the side yard setback should be measured to the covered porch. It appears that the covered porch would be less than 10’ from the property line and a variance would be required.

10. The subdivision plan shall note and reference the survey that was used as the basis for the subdivision plan and the date that the field survey was performed on this property
11. A certification that the new lot number has been assigned by the tax assessor must be provided.
12. Per §96-47.1.B.(1)(a), “For all minor subdivision plans, each deed of conveyance for any of the subject lots shall include the following deed notice: ‘Notice: On the date of the creation of this lot, Elk Township permitted and may continue to permit by ordinance, farming activities which some may deem offensive such as, but not limited to, aerial and ground application of pesticides, use of power-driven equipment, such as tractors and irrigation pumps, grazing of livestock, etc.’”

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, PLS, CME
President



Candace Kanaplue, PP, AICP
Associate

Cc: Brandon E. DeJesus, Esq., Board Solicitor
Raul Castillo Luna, Applicant/Owner
Erik Valentin, PLS, Applicant's Professional

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