

**LAWRENCE TOWNSHIP PLANNING BOARD
REGULAR MEETING
MONDAY, APRIL 2, 2012, 7:00 P.M.**

Present: Christopher B. Bobbitt
Ian J. Dember
Philip B. Duran
James S. Kownacki, Mayor (Class I)
Richard S. Krawczun (Class II)
Terrence O. Leggett
Gregory S. Puliti, Council (Class III)
Aaron D. Duff, ALT. #1
Glenn R. Collins, ALT. #2
Kim Y. Taylor, Vice Chair (Arrived 7:33 p.m.)
Doris M. Weisberg, Chair

Absent: None

Also Present: James F. Parvesse, P.E., Municipal Engineer
Philip B. Caton, Planning Consultant, Clark•Caton• Hintz
Neil Yoskin, Attorney, Sokol, Behot & Fiorenzo
Sara A. Summiel, Recording Secretary

1. Statement of Adequate Notice

Adequate notice of this meeting of the Lawrence Township Planning Board has been provided by filing the annual meeting schedule with the Municipal Clerk as required by law; by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, the Trentonian and the Lawrence Ledger newspapers.

2. Public Participation : (None)

3. Minutes for Approval:

Monday, November 21, 2011

Councilman Puliti moved and Mayor Kownacki seconded to approve the Minutes.

**The following voice call vote took place: AYES (6) NAYES (0)
INELIGIBLE TO VOTE (5)**

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Minutes for Approval – Continued

Monday, December 19, 2011

Mayor Kownacki moved and Mr. Duran seconded to approve the Minutes.
The following voice call vote took place: AYES (5) NAYES (0)
INELIGIBLE TO VOTE (6)

4. Resolution of Memorialization 11-12

Resolution of Memorialization 11-12 approving Preliminary Major Subdivision Plan Application No. S-1/10, EDWARD D. BUCCI & EDWARD M. BUCCI, 125 Roxboro Road, Block 1901, Lot 6. (Formal action taken December 19, 2011)

Mayor Kownacki moved and Mr. Duran seconded to approve Resolution No. 11-12.

Vote:

AYES: Duran, Leggett, Kownacki, Weisberg

NAYES: None

ABSENT: None

INELIGIBLE TO VOTE: Bobbitt, Dember, Krawczun, Puliti, Duff, Collins, Taylor

5. Application No. SP-7/11 (SAFARI ENERGY LLC –MERCER MALL), Major Site Plan, Block 5201, Lot 45. (Continued from March 5, 2012)

Jurisdiction carried to May 7, 2012, at the request of the applicant. No further action was taken.

6. APPLICATION (S-2/11) –Minor Subdivision and Variance, (MARIANNE R. MELE), 58 Carter Road, Block 6601, Lot 36.

The hearing was recorded. The Board took Jurisdiction.

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APPLICATION (S-2/11) - Continued

Arthur R. Sypek, Jr., Esq., represented the applicant. Mr. Sypek gave a brief overview of the proposed application. He stated that the applicant is requesting to subdivide 9.5 acres into two lots.

The applicant, Marianne R. Mele, gave testimony, stating that she is the sole owner of the property for 14 years. With regard to the subdivision, the applicant stated no current building plans. She explained that the parcel being farmed for Christmas trees has another eight years of contract. She described the small pond on property to be very well maintained.

The applicant's expert witness, Frank J. Falcone, Professional Land Surveyor & Planner, gave an overview of the existing site. Mr. Falcone referred to Exhibit A-1 and described development of the existing site. He stated that the property is located on the east side of Carter Road and is an irregular shape lot with a 50-foot wide stem leading to Carter Road. He stated that the site slopes from the northwest to the southeast. He stated that the site contains a single-family dwelling, two accessory structures, a garage, a cabana building associated with the swimming pool and a very long driveway. He stated that the site is served by a private well and has been tested. The applicant is proposing to subdivide a two+-acre portion of the westerly side of the property. He explained that the new lot will use the existing driveway and a shared utility easement. He stated that the applicant has agreed to place four acres of wetlands in a conservation easement. He proceeded to refer to Exhibit A-2 and described an Alternate Subdivision Design where the property could be subdivided in a conforming manner. Although, the applicant is not presenting an Alternate Subdivision Design, Mr. Falcone stated that in addition to other measures no variances would be required if the 50-foot wide stem was dedicated to the public right-of-way and width of the driveway widened to 18 feet. He referred to Exhibit A-3 and described the photographs showing that the site is heavily vegetated and lots of privacy. Also, he stated that the applicant would be willing to create a 30-foot wide buffer easement (Deed Restriction) so that the neighbors would not be impacted by any future development.

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APPLICATION (S-2/11) - Continued

Mr. Falcone referred to Exhibit A-4 and described the surrounding lots in the area. He proceeded to give testimony with regard to pre-existing variances associated with the flag lot, the 50-foot wide lot width, the existing house and garage. He explained how the applicant has worked hard in trying to use the best portion of the subject property and gave an overview of why the variances could be granted.

Mr. Parvesse referred to his report dated February 15, 2012, and addressed the septic system. He recommended that the applicant shift septic to the outside and provide required grading. The applicant agreed to work with the Township Professionals. (See Attachment No. 1 – Reports)

Councilman Puliti addressed the Township's discouragement of flag lots and questioned which Exhibit would be a more practical subdivision plan. The applicant stated that Exhibit A-1 would be a better subdivision since there would be less disturbance and impervious, no stormwater management and no maintenance of road.

A discussion followed by Mr. Krawczun with regard to the construction of a swale and concerns about removal of several large trees. He stated some observations with regard to the subdivision and noted the applicant's positive direction in providing a 30-foot buffer easement. He proceeded to state that the lot size of less than four acres of proposed subdivision would not be consistent with the EP-1 zone. He felt that neither Exhibit(s) A-1 or A-2 would comply with the Land Use Ordinance and felt that approval of the application would create added drainage issues.

Further discussion took place by the Board with regard to the drainage and feasibility of Exhibit A-2. Mr. Caton directed the Board to the Land Use Law regarding whether the relief request would be a substantial detriment to the public. With regard to Exhibit A-2, he explained that it is not the proposed application just an illustration, but would require the same design waiver.

Mr. Falcone added that the construction of one home would not generate a lot of water runoff. He stated a Plot Plan for site design would take care of needed grading and drainage issues

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APPLICATION NO. S-2/11 - Continued

The following Exhibits were presented:

- A-1 (Enlargement Conceptual Site Development Plan)**
- A-2 (Alternative Plan – Page 2 of Exhibit A-1)**
- A-3 (Host of Colored Photographs – Existing Site
20 Photos, dated March 30, 2012)**
- A-4 (Rendering Colored Tax Map – Sheet 66.01, Lawrence Twp.)**

All witnesses were placed under oath:

- Frank J. Falcone, Professional Land Surveyor & Planner (Expert)**
- Marianne R. Mele, Applicant**

Public Comment

- Baine Davis, 44 Carter Road (Lot 29), questioned the drainage and topography in the area that might develop from the construction. He questioned whether the water runoff was ever evaluated.**
- Kekul Shah, 42-A Carter Road (Lot 32), questioned why would one plan need a detention basin in one lot and not in the other.**
- Oliver Hamil, 45 Carter Road (Lot 121.01.2), questioned whether the applicant would be allowed to construct two roads in Exhibit A-1.**
- Lynne Robillard, 62 Carter Road (Lots 38 & 39), questioned the drainage and stated concerns about runoff if there were to be a future construction. Mrs. Robillard questioned whether the 7.4 acres could ever be subdivided.**

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Public Comment – Continued

- **Mary Ann Kalpolka, 60 Carter Road (Lot 37), questioned whether a second driveway could be built. Mrs. Kalpolka questioned the use of telephone poles and gas lines. Also, she questioned whether a five-bed room house could be constructed.**
- **Baine Davis, 44 Carter Road (Lot 29), was placed under oath. Mr. Davis stated concerns regarding drainage on his lot following a rainstorm. He stated that most of the flood waters drain down onto his lot. He requested the applicant to provide additional vegetation and berm on the south side for privacy. Also, he requested that a septic system be built if a five-bedroom house were to be constructed.**
- **Paul Snook, 38-A Carter Road, was placed under oath. Mr. Snook stated concerns about the amount of water that is present following a rainstorm. He suggested that the Township do some kind of study with regard to flooding concerns after a big rainfall. Also, he stated that any additional water would be a detriment to his property.**
- **Richard Roth, 68 Carter Road (Lot 42), was placed under oath. Mr. Roth stated that he has no concerns with the subdivision.**

PUBLIC PARTICIPATION CLOSED

Councilman Puliti moved and Mr. Krawczun seconded to DENY the application, including minor subdivision and variances.

Vote:

AYES: Bobbitt, Duran, Krawczun, Puliti, Kownacki, Weisberg

NAYES: Dember

ABSTAINED: Leggett, Taylor

INELIGIBLE TO VOTE: Duff, Collins

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7. Old Business/New Business/Correspondence: None

8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:21 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,
Sara A. Summiel - Emailed

Sara A. Summiel
Recording Secretary

MINUTES APPROVED: _____

