

**EAGLESWOOD TOWNSHIP LAND USE BOARD
REGULAR MEETING
May 8, 2012**

Call to Order:

Chairperson, Paul Poklikuha called the meeting to order at 7:00 PM. Mr. Poklikuha led in the salute to the flag.

Roll Call:

Members present upon roll call were Don Haines, Kenneth Holman, Edward Nickel, Michael Pasternak, James Pine, Paul Poklikuha, Kate Thomas and Kathleen Wells. James Bartlett and Debra Rivas were absent. Also present were the Land Use Board Professionals, Russell P. Cherkos, Esq. and Frank J. Little, Jr. PE, and a few persons from the public.

Statement of open public meetings act was read by Mr. Poklikuha.

Approval of the Minutes:

April 10, 2012 Regular Meeting

Kathleen Wells made a motion to approve the minutes as presented. Second by Edward Nickel. Roll call: Mr. Haines, yes, Mr. Holman, yes, Mr. Nickel, yes, Mr. Pasternak, yes, Mr. Pine, yes, and Ms. Wells, yes. Paul Poklikuha and Kate Thomas were not present at the April 10, 2012 Regular meeting. Motion carried.

Old Business:

Eagles Nest Aerodrome, LLC, Block 34 Lots 1, 2, 3 Block 36 Lots 13, 13.01, 16 through 22, 100 Airport Road ~ Administrative Approval for changes - Major Site Plan - Phasing Tree Clearing

Paul Poklikuha is an adjacent property owner within the 200 feet and stepped down. Kate Thomas does business with the applicant and stepped down.

Howard Butensky, Esquire, attorney for the applicant described the reason for the administrative approval request to the board. A portion of the site was designated as wetlands, the applicant agreed to obtain a General Permit from the NJ DEP for the tree clearing on the site plan approval. A specific Flood Hazard area permit is required as a condition of approval for the general permit #9. The Resolution granting approval is conditioned upon the applicant obtaining all outside agency approvals prior to the tree clearing being completed.

Michael Geller, P.E. of Geller, Sive & Company Engineer firm for the applicant was sworn in for testimony. Mr. Geller directed the attention of the board to the Tree Clearing Plan submitted with the request to the members for review. Mr. Geller described the areas of the tree clearing to be phased. Mr. Geller testified Phase 1 would be the tree clearing previously approved along the runway and for the Minor Site plan and the Major Site Plan construction areas with the exception of Phase 2 which would be the wetlands area that will not be disturbed during construction of the previously approved site plans. The applicant has obtained a NJ DEP General 9 Permit in September of 2011 for the site tree clearing with a condition the applicant applies for a Flood Hazard Area Permit, which requires wetland buffer areas on the site. The Resolution of approval for the Major site plan has language pertaining to the applicant complying with the conditions of all outside agencies approval. The applicant would like to proceed with the Major Site Plan improvements without complying with the tree clearing of the wetlands area located under the

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runway on the site. Mr. Geller testified the applicant would be submitting a Land Use Board application for a Taxi Way Project in the very near future and the Taxi Way Project would contain an actual crossing of the wetlands area and be the appropriate time for the applicant to apply for the Flood Hazard Area Permit.

Russ Cherkos informed the board of his conversations with Jim Stanton, P.E. Land Use Board Conflict Engineer regarding the matter. , Mr. Stanton had concerns granting Resolution compliance because of the specific language in the Resolution of approval regarding the applicant obtaining outside agencies approval prior to construction commencing. Mr. Cherkos and Mr. Stanton advised the applicant's professionals phasing the tree clearing may allow the applicant to proceed with construction of the major site plan without disturbing the areas subject to the General Permit 9.

Don Haines made a motion to approve the request for Administrative Approval to phase the tree clearing and obtain the Flood Hazard Area Permit during Phase II. Second by Kenneth Holman. Roll call: Mr. Haines, yes, Mr. Holman, yes, Mr. Nickel, yes, Mr. Pasternak, yes, Mr. Pine, yes and Ms. Wells, yes. Motion carried.

New Business:

Tom Morris, Block 29, Lot 5, 166 Cox's Crossing Road ~ Application for Minor Subdivision and Bulk Variances

Harvey York, Esquire of Novins, York & Jacobus, Toms River, introduced himself as attorney for the applicant. Mr. York described the application as a minor subdivision with an existing home on one of the lots. The proposed two additional lots will be used by the property owner's son and daughter to build homes. Because of the zoning the size of the lots and road frontage for the proposed lots will require variances. Testimony will be provided regarding the surrounding area of homes and lot sizes which will prove this subdivision will not cause any detriment to the area.

Frank Little summarized his review letter for the record. This application is a 3 lot subdivision. Proposed lot 5.01 consisting of 4.22 acres has an existing dwelling that will remain, proposed new lot 5.02 consisting of 3.03 acres and new lot 5.03 consisting of 3 acres will be undersized flag lots that require variances due to the RA-5 5 acre minimum zone. Road frontage variances are being requested for lots 5.02 and 5.03 as 80 feet is being provided where 160 feet is required. The applicant is seeking a waiver from residential site improvement standards of sidewalks and curbing. The board must determine if they will waive the requirement of sidewalks and curbs.

James Pine asked if the lots were in the airport safety zone.

Kathy Wells asked if the airport safety zone required a minimum of 3 acres. It was determined that the airport safety zone does require a minimum of 3 acres per lot for a single family dwelling, which is provided in this application.

Kate Thomas, chairperson for the Environmental Commission advised the board the application was reviewed by the commission on April 24th and there weren't any concerns with the subdivision and suggest granting the requested waiver of the Environmental Impact Statement.

Robert Harrington, P.E. of East Coast Engineering was sworn in for testimony. Mr. Harrington testified the property is located on Cox's Crossing Road, it consists of 10.38 acres and there is an existing home on the property which the applicant's parents live in. The property to the east, Lot 6, is vacant and is located in the R-1 zone. West of the property is a residential subdivision in the R-A5 zone consisting of 1 to 2 acre lots. North of the property is a residential subdivision also in the R-A5 zone consisting of nothing less than 3 acre lots. The surrounding subdivisions are located in the RA-5 zone with a 5 acre requirement however the lot sizes are 3 to 3 1/2 acres.

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Everything developed in the immediate area are 1 to 3 1/2 acres. The lots that are larger in size are undeveloped and vacant. The lot east of the property, Lot 6, which consists of 10.38 acres, is located in the R-1 Zone and has a 1 acre minimum lot area requirement. The development of this property consisting of 3 acre lots will not down grade the neighborhood or act as an impediment to the neighboring lots. The existing property is 1000 feet deep and 460 wide. The existing residence is located in the center of the property. The 2 proposed lots are to the rear of the property and encircle the existing lot. The development of the existing track requires variances for lot area as 3 acres and 3.03 acres are provided where 5 acres is required. Frontage variances are required as the location of the existing home does not allow for equal road frontage for each lot. The proposed rear lots are proposing frontage of 80 feet where 160 feet is required. The property will appear to the public the same as it does now should the subdivision be approved because the proposed homes will be located at such a distance from the roadway. Therefore in Mr. Harrington's professional opinion these variances if granted will not have a detrimental impact on the neighborhood or the design or use of the road. The development of the two proposed lots would be by a private driveway which would provide for a large enough turn around for emergency vehicles.

There was discussion on the size of the turnaround and types of emergency vehicles that could access the turnaround.

Mr. Harrington testified there are no curbs or sidewalks existing on Cox's Crossing Road. The road is not a heavily traveled road. The applicant is seeking a waiver from any construction of any road improvements or curbs and sidewalks. The applicant can comply with all of Mr. Little's technical comments contained in the review letter. An antenna located on the property is not in active use. In Mr. Harrington's opinion this application could be approved without substantial detriment to the public good, the zoning ordinance or the Master Plan of Eagleswood Township.

Jim Pine asked how long has the applicant's family lived on the property.

Antoinette Morris was sworn in for testimony. Mrs. Morris has lived on the property for 30 years which is prior to the zoning changes of the property.

There was discussion regarding the zoning changes that took place "a few years back" when the Master Plan was updated and the surrounding lot sizes of 3 acres or less.

Open to the Public: James Pine made a motion to open the meeting to the public for comment. Second by Kathleen Wells. All ayes. Motion carried. No one of the public came forward to speak regarding the application. Kathleen Wells made a motion to close the meeting to public comment. Second by James Pine. All ayes. Motion carried.

James Pine spoke about the State requirement of airport safety zone changes that had to be added to the Master Plan and although unfortunate to some residents it had to be completed.

Don Haines feels the application is consistent with surrounding area lot sizes. There was discussion among board members regarding the zoning changes. Some of the lots in that area were changed from 1 acre requirements to 3 acre and 5 acre requirements.

Russ Cherkos recalled the zoning changes taking place during the time of the Town Center Designation.

Kenneth Holman was concerned about emergency vehicle access to the flag lots; however the applicant is providing a turnaround for emergency vehicles which resolved his concerns.

James Pine made a motion to approve the application for minor subdivision. Second by Donald Haines. Roll call: Mr. Haines, yes, Mr. Holman, yes, Mr. Nickel, yes, Mr. Pasternak, yes, Mr. Pine, yes, Ms. Thomas, yes, Ms. Wells, yes and Mr. Poklikuha, yes. Motion carried.

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Kate Thomas asked the board members to notice the posters surrounding the room. These are from a Clean Communities poster contest conducted at the Eagleswood Elementary School by the Environmental Commission. The Environmental Commission had reusable shopping bags imprinted with the winners from last years contest and would like to distribute the remainder of the bags to as many members that are interested.

Adjournment:

James Pine made a motion to adjourn. Second by Kenneth Holman. All ayes. Motion carried. The meeting was adjourned at 8:08 PM

Respectfully Submitted,

Sherry G. Cummings, Secretary,
Eagleswood Township Land Use Board