

CA - Piscataway

6/24/16

Certification of David A. Lackland

(exhibit 5) + resolution of findings and conclusions  
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pg 8

CA 002500 V

**ABRAMS, DALTO, GRAN, HENDRICKS & REINA**

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ATTORNEYS FOR Intervenor, Lackland Bros., Inc.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
DOCKET NO. C-4122-73

URBAN LEAGUE OF GREATER NEW BRUNSWICK,  
et al

Plaintiffs

vs.

THE MAYOR AND COUNCIL OF THE BOROUGH OF  
CARTERET, et al,

Defendants

CERTIFICATION OF  
DAVID A. LACKLAND

1. I am the **Secretary of** Lackland Bros., Inc., owners of the subject premises. Lackland Bros., Inc. has been engaged in the development of land and construction of houses in Piscataway for the past thirty years.

2. The subject properties were acquired over a period of time on a "piecemeal" basis. The lots do not represent the usual one parcel sought for subdivision. Rather the parcel divides into three sections along Avon, Bay and Long Streets, none of which are fully developed.

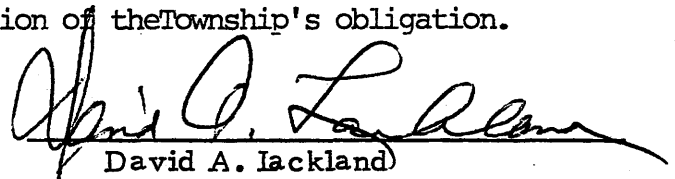
3. The proposed lots are not contiguous and are interspersed with existing houses and property not owned by us. The contiguous lots would break down into parcels of .52 acres, .92 acres, .72 acres and 1.02 acres for a total of 3.18 acres.

4. Due to the diversity of ownership, lack and difficulty of improvement and the limited number of lots, the area had not been previously developed.

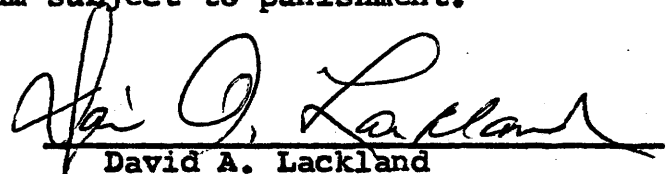
5. Application was made to the Piscataway Board of Adjustment for variances, classification and for preliminary major subdivision approval. After hearings and subject to the restraints imposed by the Court, the Board of Adjustment approved the requested variances and granted preliminary major subdivision approval for 16 lots. A resolution to said effect was memorialized on June 26, 1985. (Exhibit D)

6. As a developer and builder, I do not believe these small parcels which are non-contiguous and which require extensive improvement can be economically developed for mult-family or other high density use.

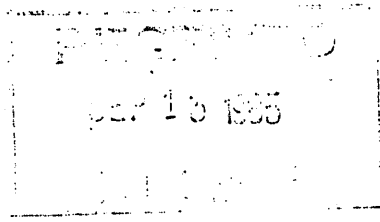
7. The substantial reduction in the fair share number of units from 2215 to 911 coupled with recent approvals for several hundred affordable housing units, makes it highly unlikely that the Township will attempt to utilize this portion of Site 76 to satisfy any portion of the Township's obligation.

  
David A. Lackland

**I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.**

  
David A. Lackland

DATED: June 24, 1986



Application No. 85-ZB-11;  
 85-ZB-12-A; 85-ZB-12-B;  
 85-ZB-12-C; 85-ZB-12-D;  
 85-ZB-12-E; 85-ZB-12-F;  
 85-ZB-12-G; 85-ZB-12-H;  
 85-ZB-12-I; 85-ZB-12-J;  
 85-ZB-12-K; 85-AB-12-L;  
 85-ZB-12-M; 85-ZB-12-N;  
 85-ZB-12-O; 85-ZB-12-P;

RESOLUTION OF FINDINGS AND CONCLUSIONS

WHEREAS, Lackland Brothers, Inc. has applied to the Zoning Board of Adjustment of the Township of Piscataway for permission to construct one family dwellings on seventeen (17) lots, sixteen (16) of which require variances, in violation of Chapter 21, Section 21-501 of the Piscataway Township Zoning Ordinance and further seeking classification and preliminary major subdivision approval pursuant to Township Ordinances. The properties in question are known as Lots 11A, 12A, 13A, 14A, 15A, 19A, 20A, 21A in Block 561 and Lots 30A, 31A, 32A, 33A, 35A, 36A, 37A, and 38A in Block 564, on the Tax Map of Piscataway Township and located on Hillside Avenue in Piscataway Township in Zone R-10; and

WHEREAS, hearings were held before the Board on April 24, 1985, May 21, 1985 and May 29, 1985 at which hearings evidence was presented on behalf of the applicant as well as other interested parties; and

WHEREAS, the Board has after carefully considering the evidence presented at the above mentioned hearing, has made the following factual findings:

1. Applicant is the owner of seventeen (17) lots, sixteen (16) of which require variances. The lots are located on 4 streets and are not contiguous.

2. The applicant proposes to complete all the streets and to install improvements in accordance to Township standards.
3. The property is on the inventory of Mount Laurel housing for the Honorable Eugene D. Serpentelli in connection with the litigation brought by the Urban League against the Township of Piscataway.
4. Applicant proposes to construct a variety of single family homes including Cape Cod homes and Bi-levels, similar to the Birch Run development. Each home will be approximately 12,000 to 14,000 square feet in size.
5. Applicant's planner testified that the configuration of the property results in only 12 lots being subdivided without variances, thereby requiring a density variance under the July 1, 1984 statutory amendments.
6. The neighborhood is compatible with the proposed development of single family detached homes. Numerous lots within the area are non-conforming and vary in frontage from 70 to 85 feet in width. There are also several non-conforming properties on Hillside Avenue.
7. The properties are further burdened by the extensive improvement costs required to construct streets, curbs and sidewalks.
8. If the applicant were to comply with the lot size

requirements, because of the location of the lots, there would be 130 feet frontage, far in excess of the lot size requirements.

9. Applicant attempted to acquire lot 16, adjacent to one of the undersized parcels but without success.
10. The subdivision committee recommended classification as a major subdivision, and recommended a series of changes, which are incorporated within this resolution as conditions. In addition, the variances were recommended for approval, except that a total of sixteen (16) lots was recommended, requiring the merger of lots 19A, 20A and 21A.
11. Applicant agreed to install improvements and a storm water run-off system, if necessary, to eliminate impact, on adjacent properties.

WHEREAS, the Board has concluded based upon facts determined that:

1. The mixture of dwellings and the type of units proposed are in keeping with the general area and will provide for a general upgrading of the neighborhood. The cost of single family homes, particularly the improvement costs, require the variance relief granted.
2. The proposed variances can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan.

3. The property is best suited for single family residential development which is compatible with the surrounding area and will not cause disruption.
4. Preliminary subdivision approval should be granted in that the applicant has complied with, or has agreed to comply with, provisions of the Township subdivision ordinance.
5. The application can be granted only if the applicant obtains the permission of the court to remove the restraints contained in the court order dated December 11, 1984.

WHEREFORE, the application of Lackland Brothers, Inc. for variances, and for preliminary major subdivision approval is granted on the following conditions:

1. That applicant apply to the Superior Court of New Jersey in the Urban League of Greater New Brunswick vs. Piscataway Township litigation to lift the restraints contained in the Court order dated December 11, 1984. Until such time as the Court has entered an order permitting development of the properties in question in accordance with this conditional approval, no further action will be taken by the Zoning Board or Township staff in connection with this application.
2. That applicant pave all streets in accordance with all Township specifications and the approval of the Township Engineer.
3. That applicant install sidewalks and curbs along

Hillside Avenue from Salem Street to Long Street, along Bay Street to Hillside Avenue and along Long Street and Salem Street and Avon Street for one hundred (100) feet.

4. That applicant eliminate the impact of storm water run-off by installing such devices as may be required by the Township Engineer.
5. That applicant install all utilities, including a storm water system and fire hydrants, in accordance with recommendations of the Township Engineer.
6. That applicant preserve as many mature trees as possible.
7. That applicant install shade trees in accordance with the recommendations of the Township Landscape Architect.
8. That applicant obtain a soil erosion and sedimentation control permit.
9. That applicant obtain County site plan approval required.
10. That applicant obtain final subdivision approval.
11. That applicant combine lots 19A, 20A and 21A in Block 561 into 2 lots with 111 foot frontage each.
12. That applicant comply with all other State and/or applicable requirements.

The above is a memorialization of a motion duly made and seconded on May 29, 1985 on the following vote:

Those in Favor: Dubrow, Zuber, Rosky, Bukowski, Szesko,

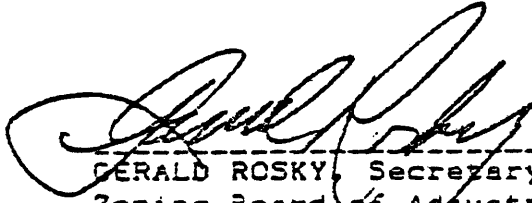


Opposed?

None

Applicant must publish a legal notice in the P.D. Review within twenty (20) days from the memorialization of the written resolution. An affidavit of publication is to be submitted to the Board.

The undersigned, Secretary of Piscataway Township Zoning Board of Adjustment, hereby certifies that the above is a true copy of a Resolution memorialized by said Board on the 26th day of June 1985.

  
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GERALD ROSKY, Secretary  
Zoning Board of Adjustment  
Township of Piscataway