

EAGLESWOOD TOWNSHIP LAND USE BOARD
REGULAR MEETING
September 11, 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 Kenneth Holman, Edward Nickel, Michael Pasternak, James Pine, Debra Rivas and Paul Poklikuha. James Bartlett entered the meeting at 7:15 PM. Donald Haines and Kate Thomas were absent. Also present were Russell P. Cherkos, Esq. Land Use Board Attorney and Frank J. Little, Jr., P.E. Land Use Board Engineer. Statement of open public meetings act was read by Mr. Poklikuha.

Approval of the Minutes:

July 10, 2012 Regular Meeting

Michael Pasternak made a motion to approve the minutes as presented. Second by Edward Nickel. Roll call: Mr. Holman, yes, Mr. Nickel, yes, Mr. Pasternak, yes, Mr. Pine yes, Mrs. Rivas abstained as she was not present for the July meeting and Mr. Poklikuha, yes. Motion carried.

Nominations for Vice Chairperson:

Regretfully, Kathleen Wells submitted her resignation letter to the Township Committee and a courtesy copy to the Board Chairperson dated August 14, 2012.

James Pine nominated Kenneth Holman as Vice Chairperson. Second by Debra Rivas. Roll call: Mr. Holman, yes, Mr. Nickel, yes, Mr. Pasternak, Mr. Pine, Mrs. Rivas and Mr. Poklikuha, yes.

New Business:

Wayne Thomas Block 30 Lots 1 & 3, 637 Route 9, Application for Minor Subdivision.

Mr. Poklikuha stated to the board members the application did not include a survey and asked Board Engineer, Frank Little to address the matter. Mr. Little contacted the applicant's engineer Leon Tiska regarding the survey. Mr. Tiska emailed Mr. Little the survey. Mr. Poklikuha asked that a copy be forwarded to the Secretary for the file. Mr. Little read his review letter dated August 27, 2012 for the record. The applicant is seeking Minor Subdivision approval to establish two (2) residential and one (1) commercial building lot on the property. Mr. Little pointed out that a waiver would be required for curbing and sidewalks as none is provided on the plan. Mr. Little advised should the board require a 10 FT wide right-of-way dedication to Cemetery Avenue the existing commercial building will no longer be located on the property. Upon review of a most recent DOT Repaving project on Cemetery Avenue, additional Right of Way was not requested. Since Cemetery Avenue was just completed, Mr. Little does not feel the dedication would be necessary on that portion of the road and would suggest the 10 FT right-of-way dedication not be required. There was discussion regarding the adjacent properties along Cemetery Lane and the existent and nonexistent right-of-way dedications.

The applicant, Wayne Thomas was sworn in for testimony by Board Attorney, Russell Cherkos.

Mr. Thomas testified the there would be no change to the thirty seven (37) year old business, Homestead Fence Company, located on the property. Mr. Thomas is seeking approval for Minor Subdivision to remove the existing four (4) bedroom dwelling from the commercial property and to create a residential vacant, buildable lot on the back of the property, located on an improved Cemetery Avenue. Mr. Thomas testified, if approved, he would remove the trailer located in the

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right-of-way as mentioned in Frank Little's review letter. Mr. Thomas is requesting a waiver from the required curbing and sidewalks. Mr. Thomas testified there is no curbing and sidewalks on any of the adjacent properties along Route 9 or Cemetery Avenue. Cemetery Avenue is a cul-de-sac. The residential buildable lot would be the last lot on the road. There would be well water and a septic system proposed for the vacant lot.

Mrs. Rivas asked if the Business, Homestead Fence Company had a septic and well separated from the existing dwelling. Mr. Thomas testified there is no connection between the existing dwelling and the business regarding any utilities, septic systems or wells. The dwelling has a septic system and well, Homestead Fence Company has its own septic and well. The proposed lot in the back when developed would have its own septic system and well. Mr. Thomas testified he is in agreement to comply with the items listed in the Engineers review letter.

Russ Cherkos directed the following comments to the applicant; the existing dwelling is currently used as a residential property and is used on the same lot as the business creating a non conformity. Creating a separate lot for the existing dwelling, the applicant would be removing the non conformity. The applicant agreed the subdivision would remove the non conformity.

Michael Pasternak asked if lot 3.02 would be facing an unimproved road. Cemetery Lane is now improved all the way to the end.

Jim Pine feels the board has to be consistent in deciding where sidewalks are going to have to be required.

Mr. Thomas testified there will be no changes to the business, Homestead Fence Company along Route 9.

Paul Pokliuha would like to see sidewalks because the board has required other applicants along Route 9 to install sidewalks. Should "Accuracy" (the adjacent property) come before the board the sidewalks would align with Napoli (contractor storage on Route 9).

Deb Rivas mentioned to the board, she and Mr. Pine often must step down on applications as members of the Governing Body. Mrs. Rivas feels it is the board's intention to have curbs and sidewalks along Route 9.

Paul Pokliuha recalled the board has required previous applicants to install the curbs and sidewalks along Route 9.

Mr. Thomas feels the cost of installing the curbing and the sidewalks would not justify the minor subdivision.

There was discussion as to how many feet of curbing and sidewalks would be required to be installed. There would be approximately 260 FT of curbing and sidewalk required to be installed along the entire front of the property along Route 9.

At 7:20 PM, Jim Pine made a motion to open the meeting for public comment. Second by Ed Nickel. All ayes. Motion carried. There were no persons from the public in attendance. James Pine made a motion to close the meeting for public comment. Second by Ed Nickel. All ayes. Motion carried.

Frank Little calculated the cost of the curbing and sidewalks at approximately \$15,000.00. Mr. Little based his calculations on \$25.00/FT for curbing and \$5 per square foot for a 5 FT wide sidewalk. This would require a permit from the NJ DOT.

Frank suggested the options of the board may be to approve the totally conforming subdivision with the condition of approval being required curbing and sidewalks along Route 9 only and not Cemetery Avenue and allow the applicant, Mr. Thomas to decide to move forward and file the map or not.

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Kenneth Holman mentioned a waiver could be granted for the curbing and sidewalk requirement along Cemetery Ave. and a condition of approval for the required improvement along Route 9.

Kenneth Holman made a motion to approve the application for Minor Subdivision along with granting the requested waivers for curbing, sidewalks and 10FT right-of-way dedication along Cemetery Ave. Curbing and sidewalk improvement along Route 9 will be required as well as complying with the Board Engineer review letter. Second by Michael Pasternak. Roll call: Mr. Holman, yes, Mr. Nickel, yes, Mr. Pasternak, yes, Mr. Pine, yes, Mrs. Rivas, yes and Mr. Poklikuha, yes. Motion carried.

Correspondence:

Paul Poklikuha read the resignation letter from Kathleen Wells dated August 14, 2012 to the board and for the record.

There was discussion from Mrs. Rivas, Mr. Pine and Mr. Holman regarding Ms. Wells' dedication and hard work to the Land Use Board and the Township of Eagleswood. A letter from the Township Committee was sent to Ms. Wells to Thank her for her efforts.

There was discussion on the board's vote for curbing and sidewalks. Many members of the board feel it is very important to remain consistent in these tough decisions. As State Aid is continuously being reduced and programs cut, the members do not see courtesy bussing lasting very much longer.

Deb Rivas mentioned to the board, all of the Township boards need members. The Township Committee will be working on filling these volunteer positions.

Discussion:

Kenneth Holman wanted to know the status of the pig issue. Mr. Holman's neighbor has 5 pigs and the stench from these animals is affecting Mr. Holman's quality of life in his own back yard. Mr. Holman has contacted the Zoning Officer and the Ocean County Board of Health numerous times and there has been only temporary remedy to the situation. The Township Committee will speak to the Zoning Officer regarding the situation.

Adjournment:

James Pine made a motion to adjourn. Second by Michael Pasternak. All ayes. Motion carried. The meeting was adjourned at 8:15 PM

Respectfully Submitted,

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