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May 19, 2008

Dunellen Planning Board
Attn: Scott Luthman
Via hand delivery

Re: Grayrock Partners, LLC
Property: 744 Center St.-Block 57.02, lot 27.01
My file: 146.50007

Dear Mr. Luthman:

Enclosed please find three copies of the re-drafted minor subdivision plans prepared by applicant's engineer responding to the comments of Louis Ploskonka, P.E. of CME Associates in his memo dated April 18, 2008.

Despite our disagreement that the originally proposed lot line adjustment of proposed lot 27.03 results in three new lots, we have elected to remove that proposal from the plan leaving a basic two lot subdivision. The zone allows for two family dwellings and applicant proposes two fully conforming lots and structures so no variances are required or requested.

Further, the proposal is to create lot 27.03 which adjoins an existing street, albeit unimproved. The history of the creation of the existing right of way by the Dunellen Planning Board was provided to the Boro back in January of 2007 including the 1967 filed map, resolution and title opinion.

The issue of completeness pursuant to the MLUL is whether sufficient information has been presented by the applicant so that the Planning Board can make an informed decision regarding the applicant's proposal. Please review N.J.S.A. 40:55D-10.3 which provides that the application must be deemed complete after 45 days from filing unless: "a. the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant; and b. the municipal agency or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application. (emphasis added).

I have asked for a checklist and I know my client has researched this issue and made the request and no check list has ever been produced. As a result there is no basis to deem the application incomplete. Notwithstanding the fact that the application should have been deemed complete the applicant amended the plans to respond to the Boro's concerns. We now seek a hearing before the Planning Board on the application

In the event the Board determines that the application is for a major because of the installation of the proposed driveway in the right of way (an issue which we do not concede) then we will review our options and consider amending the plan to conform with sections 115A-12A and 115A-12G. These two requirements are obviously directed to applications providing for multiple lots and structures and not for two lot subdivisions (and a waiver would first be requested from compliance).

The issue of the existing right of way has been a subject of discussion involving various township officials and professionals and it is time to resolve the issue and have the matter heard by the full Board. Please list the matter for a meeting. Thank you.

Very truly yours,

Donald B. Whitelaw

Donald B. Whitelaw

cc
Grayrock
John Lore Esq.
John Bruder, Esq.
Louis Ploskonka with plan

*Public Safety
Aerial-Town*