

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2004-7, WITH THE REQUEST OF THE HOME NEWS AND TRIBUNE AND THE SENTINEL NEWSPAPERS TO PUBLISH SAME, AND THIS ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES OF THIS MEETING.

A meeting of the Planning Board was held on May 18, 2010, commencing at 7:00 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

Present were: Mr. Beck, Ms. Buffalino Mr. Clancy, Mr. Evanovich Ms. Farren, Mr. Frost, Councilman Guindi, Ms. Meloni.

Also present were Mr. Barlow, Attorney, Mr. Koch, Engineer and Mr. Bletcher the Planner.

Absent were Mr. Anthony, Mr. Rachael, and Ms. Urbanik.

The minutes of April 20, 2010 were approved on a motion by Ms. Meloni, with a second by Mr. Frost all present approved.

RESOLUTIONS:

2010-1 Latosh, Sergey & Ala, subdivide existing one lot into two, Block 71, Lot 1.4, 526 Old Bridge Turnpike, the full reading of the Resolution was waived on a motion by Mr. Beck with a second by Mr. Guindi, all present approved. The Resolution was moved on a motion by Ms. Meloni with a second by Mr. Guindi, roll call vote to follow:

File #10-01 Sergey Latosh and Ala Latosh – Minor Subdivision and Bulk Variances, Block 72, Lot 1.04

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

Be it resolved by the Borough of South River Planning Board that:

WHEREAS, Sergey and Ala Latosh, the Applicants have applied to the Borough of South River Planning Board for minor subdivision approval and variances for Block 72, Lot 1.04; and

WHEREAS, the Applicants have complied with the jurisdictional requirements necessary to prosecute the application; and

WHEREAS, after reviewing the application and the representations of the Applicants at a meeting held on April 20, 2010, the Borough of South River Planning Board has made the following findings:

1. The property is known as Block 72, Lot 1.04 on the Borough of South River Tax Map located at 526 Old Bridge Turnpike, South River, New Jersey;
2. The subject property consists of a 15,465 SF irregular corner lot located on the northern corner of Old Bridge Turnpike and Gaszi Street. This site is currently occupied by a one (1) story frame dwelling, masonry garage and associated driveway.
3. The property is situated in the R-75 Zone and the proposed use as single family dwellings is a permitted use in the Zone.

4. The Applicants are proposing a new north-south lot line that will be perpendicular to Gaszi Street. Proposed lot 1.041 will be a conforming 9,475 SF corner lot located on the western side of the property. This lot will contain the existing single-family dwelling. Proposed lot 1.042 will be an undersized 5,990 SF lot located on the eastern side of the property. The existing masonry garage will be eliminated and a new single-family dwelling is proposed on lot 1.042.
5. The following Borough Agencies reviewed the application and commented:
 - A. Bignell Planning Consultants, Inc., January 14, 2010, Memorandum;
 - B. CME Associates, April 19, 2010, Memorandum.
6. The following exhibits were introduced into evidence:
 - A-1 Minor Subdivision Plan dated November 25, 2009;
 - A-2 A floor plan and elevations of a possible structure;
 - A-3 Tax Map with lot sizes of surrounding properties.
7. Michael Marinelli, P.E., P.P, was sworn in on behalf of the Applicants. His credentials as a Professional Engineer were recognized by the Board.
8. Mr. Marinelli reviewed the proposed plan with the Board. He utilized A-1 and A-2 to discuss the nature of the proposed subdivision and construction.
9. Mr. Marinelli described the current site and that the concrete free standing garage will be demolished. He testified that the Applicants want to build a 2 story home with two car driveway and two car garage. He indicated that the Applicant needs bulk variances for minimum lot area and minimum lot width.
10. Angelo J. Valetutto, P.E., P.P. was sworn in on behalf of the Applicants. His credentials as a Professional Planner were recognized by the Board.
11. Mr. Valetutto reviewed the plan with the Board. He offered testimony as to the nature of the property and the surrounding neighborhood. He utilized A-3 to discuss the size and characteristics of the surrounding properties. He testified the majority of the lots in the area are not conforming.
12. Mr. Valetutto further testified the proposed subdivision fits the characteristic of the properties in the neighborhood which is completely developed.
13. Mr. Valetutto testified that with regards to the negative criteria, there is no detriment to the public or surrounding properties. He offered the following testimony as to the hardship and flexible C-2 variance: The hardship is the location of the existing house on the lot which prevents an equal division of the land area. Both proposed lots would conform to the lot area requirement if an equal division of the land could occur. As to the flexible (C) (2) the benefits to the Borough is creating two lots which sizes are consistent with the size of many other lots in the neighborhood. There are no detriments and the benefit substantially outweighs any detriment.
14. Mr. Valetutto reviewed the variance requests with the Board. He opined that the granting of the variances for minimum lot area and minimum lot width could be granted without substantial detriment to the surrounding properties or the Borough, and without substantial impairment to the zone plan. The Board adopted the testimony of the applicant's expert on this issue.

15. Members of the public were invited to comment and pose questions and testify and none did so.

The Board made the following conclusions:

CONCLUSIONS

1. The Board concluded that the application would be beneficial to the site as well as to the surrounding properties and the Borough in general.
2. The Applicants demonstrated that the request for minor subdivision approval could be approved without substantial detriment to the intents and purposes of the Zoning Plan, Zoning Ordinance and the public good.
3. The Board concluded that the requested variances could be granted without substantial detriment to the surrounding properties and Borough, in doing so the Board adopted the testimony of the applicant's expert on these issues.

For such other reasons as stated in the minutes and recorded at the hearing.

NOW THEREFORE BE IT RESOLVED by the Borough of South River Planning Board pursuant to its statutory powers and on April 20, 2010, on a motion by Ms. Urbanik, seconded by Mr. Beck, that the application for minor subdivision approval to subdivide Block 72, Lot 1.04, and the accompanying variances be granted subject to the following conditions:

1. A minor subdivision is granted to subdivide Block 72, Lot 1.04 to create two lots, proposed lot 1.041 and 1.042. Proposed lot 1.041 will be 9,475 SF, proposed lot 1.042 will be 5,990 SF. The existing single-family dwelling will be on proposed lot 1.041 and the new house will be constructed on proposed lot 1.042.
2. A variance is granted for minimum lot area, with 7,500 SF required and proposed lot 1.042 having 5,990 SF.
3. A variance is granted for minimum lot width, with 75' being required and proposed lot 1.042 containing 64.37'.
4. The Applicants shall provide a letter, signed and sealed by a professional engineer and the Applicants, indicating that the project shall be designed in accordance with Residential Site Improvement Standards and shall list all exceptions, waivers and agreements to exceed same.
5. The Applicants shall submit to the Board Engineer storm water run-off calculations, prepared by a New Jersey Professional Engineer, demonstrating the increase in run-off and how it will be addressed.
6. The Applicants shall take all measures necessary to prevent storm water from negatively impacting the adjacent properties. This shall include demonstrating that the overland flow storm water from adjacent lots will not be blocked by the construction of the new dwelling or the grading on proposed lot 1.042. The grading shall be designed to be a minimum of two percent (2.0%) and a maximum of 3H:1V for all lawn and landscaped areas, where possible. General Note number 16 shall be revised to indicate same.
7. The Applicants have proposed a basement for the new dwelling. The Applicants shall provide soil borings to determine the seasonally high water table and set the

basement elevation one foot (1') above same. The Applicant agrees that if they cannot satisfy this requirement, the proposed dwelling will not have a basement.

8. The Applicants shall include a note on the plans indicating that all sanitary sewer clean outs and water curb boxes are to be installed one foot (1') behind the proposed curb and all attempts shall be made so that they are not installed within the apron or driveway.
9. The Applicants shall indicate the method of connecting the sanitary lateral to the manhole. A note stating same and a typical construction detail for same shall be provided on the plans.
10. The Applicants agree to reconstruct any sections of existing concrete curb and/or sidewalk that are in disrepair along the roadway frontages of the property. A note stating same shall be provided on the plans.
11. The Applicants shall provide five (5) shade trees along the property frontage subject to the Board Planners requirements. Typical planting details for same shall be provided.
12. The House Service Connection Detail shall be revised to provide a 1" Type "K" copper service.
13. The depth of the curb shall be revised to 20" for the Standard Concrete Curb and Dropped Curb at Driveways Detail.
14. The Applicants shall provide a standard construction detail for the Roadway Trench Repair.
15. The Applicants have advised that they will be filling by deed. A monument shall be set at the intersection of the proposed Lot Line with the northwesterly right-of-way line of Gaszi Street. If the monument cannot be set due to proposed improvements and/or close proximity the construction, a note should be added to the plan "Monument to be set after construction has been completed" and the monument shall be bonded to guarantee the setting of it.
16. The proposed Lot Numbers shall be approved by the South River Tax Assessor. The Deed Book and Page reference and curve data shall be added to the Existing Sidewalk Easement.
17. The Applicants agree to place a Deed restriction on proposed lot 1.041 that it cannot be subdivided again at any time in the future.
18. Approval or waiver shall be obtained from the Middlesex County Planning Board, Freehold Soil Conservation District and all other agencies having jurisdiction.
19. Certification from the Tax Collector on the current payment of taxes and assessments on the property shall be obtained.
21. Copies of any easements, exceptions, deviations, or liens on the property shall be presented to the Board.
22. Applicant's escrow and application fees shall be submitted if not previously paid.

The motion was passed by a vote of 5 to 4.

Certification

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of South River at its regular meeting on May 18, 2010.

Borough of South River Planning Board

M. Anita Hermstedt, Secretary
Borough of South River Planning Board

This Resolution was voted on as follows:

ROLL CALL

IN FAVOR OF APPROVAL:

Michael Beck, Suzanne Buffalino, Eric Rachel, Cynthia A. Urbanik and George P. Evanovich.

OPPOSED TO APPROVAL:

Michael Clancy, Donna Farren, John Frost and Marilyn Meloni

ABSTAINING:

None

COMPLETENESS:

2010-2 Santos, Daniel, 20 Rose St., Block 29, Lot 7, subdivision and to build a new home, the Chairperson called on the professionals on what they should do, being as the Applicant did not appear at the meeting. Mr. Koch informed the Board that there are nine (9) items that are outstanding and they have still not done the check list and should be deemed incomplete. Mr. Betcher from Bignell Planning Consultants told the Board that the application should be deemed incomplete and explained what he was waiting for from the Applicant, and that we can move this Application to the next meeting, which was moved on a motion by Mr. Frost with a second by Mr. Beck, all present approved.

OPEN TO THE PUBLIC:

Ms. Buffalino opened the meeting to the public, hearing none it was closed on a motion by Mr. Guindi with a second by Mr. Beck, all present approved.

There was no Board Business or Correspondence.

BILLS:

The bill from Lombardi & Lombardi was ordered paid on a motion by Ms. Meloni with a second by Mr. Guindi, all present approved.

COMMENTS:

Ms. Buffalino requested that the members stay behind for a few minutes, which will be used as a refresher, workshop, learning session and to meet informally with the Planner.

The meeting was adjourned on a motion by Ms. Meloni with a second by Ms. Farren, all present approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary