

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 August 17, 2010, commencing at 7:00 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

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

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

Absent were Mr. Anthony, Ms. Buffalino and Mr. Rachel.

The minutes of July 20, 2010 were moved on a motion by Ms. Meloni with a second by Ms. Urbanik all present approved.

RESOLUTION:

2010-4 Pata, Camilo, & Nina, 62 Caroline Drive, Lock 363, Lot 5 & 6, minor subdivision with variance for lot width and area full reading of the resolution was waived on a motion by Ms. Urbanik with a second by Councilman Guindi. The Resolution was moved on a motion by Ms. Urbanik with a second by Ms. Meloni, all present approved.

**File # 10-4 Camilo & Nina Pata – Minor Subdivision and Bulk Variances,  
Block 363.08, Lot 5 & 6**

**RESOLUTION**

**BOROUGH OF SOUTH RIVER PLANNING BOARD**

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

**WHEREAS**, Camilo and Nina Pata, the Applicants have applied to the Borough of South River Planning Board for minor subdivision approval and variances for Block 363.08, Lots 5 and 6; and

**WHEREAS**, the applicant has 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 July 20, 2010, the Borough of South River Planning Board has made the following findings:

1. The Applicant is represented by Michael P. Paige, Esq.;
2. The property is known as Block 363.08, Lots 5 and 6 on the Borough of South River Tax Map located at 62 Caroline Drive, South River, New Jersey;
3. The subject property consists of an existing 20,550 sf. irregular corner lot located on the western corner of Caroline Drive and Leonardine Avenue. The lot is in the R-100 Zone and contains an existing a single family dwelling on the southern portion of the property. The proposed use, single family dwelling, is a permitted use in this Zone.

4. The applicant purposes a subdivision to create two (2) new lots on this property. A new east-west lot line is proposed and will be perpendicular to Caroline Drive. Proposed lot 5 will be a 10,678 sf. corner lot located on the southern side of the property. This lot will contain the existing single-family dwelling. Proposed lot 6 will be an undersized 9,872 sf. interior lot located on the northern side of the property. This lot will be non-conforming in terms of lot area and lot width. The applicant is a contract purchaser of lot 6 and stated that the purpose of the subdivision is to create a single family home on the proposed lot 6.
5. The following Borough Agencies reviewed the application and commented:
  - A. Bignell Planning Consultants, Inc., July 15, 2010 Memorandum;
  - B. CME Associates, July 16, 2010 Memorandum;
6. The following exhibits were introduced into evidence:

A-1 Colored Rendering of tax map;
7. The Applicant, Camilo Pata, testified that he is the contract purchaser of the proposed lot 6 and wishes to build a single family house. He requested a double wide driveway apron and curb cut.
8. Walter Hopkins, P.E., P.P., was sworn in on behalf of the applicant. His credentials as a professional engineer were recognized by the Board.
9. Mr. Hopkins reviewed the plan with the Board. He offered testimony as to the nature of the property. He testified that the applicant will comply with all of the recommendations and Plan review comments of Bignell Planning Consultants, Inc., and C.M.E. Associates with the exception that they wish to perfect the subdivision by deed and not by map.
10. Mr. Hopkins also testified that before perfecting the subdivision, architectural plans superimposed upon the Plan along with proposed drainage and grading plans acceptable to the Borough Engineer will be provided.
11. John Leoncavallo, P.P., was sworn in on behalf of the applicant. His credentials as a professional planner were recognized by the Board. Mr. Leoncavallo reviewed the plan with the Board. He offered testimony as to the nature of the surrounding properties. He utilized exhibit A-1 to outline the application. Mr. Leoncavallo testified that there was a prior lot line but under the Loechner doctrine the properties have merged. Mr. Leoncavallo testified that 95% of the lots in the neighbor are non-confirming. Mr. Leoncavallo testified that with the proposed subdivision, the properties will be larger than many of those around them.
12. Mr. Leoncavallo indicated that under the C(1) variance there is a hardship as a result of the prior merger and he indicated there are no negative criteria. He testified that the density of the neighborhood will retain the same characteristics subsequent to the subdivision. Mr. Leoncavallo testified that the applicants will comply with the tree replacement ordinance and street trees on the frontage of both properties.
13. Mr. Leoncavallo reviewed the variance requests with the Board. He opined that the granting of the variances for minimal lot area and the minimum lot width could be granted without substantial detriment to the surrounding properties in the Borough. In doing so, the Board adopted the testimony of the applicant's experts

on this issue. Mr. Leoncavallo opined that the applicants' proposal was consistent with the neighborhood theme and scheme and from a planning perspective the subdivision and variances would be a benefit to the neighborhood without a negative impact.

14. Members of the public were invited to comment and pose questions and testify. The following member of the public did so: Ms. Julie Szabo is the owner of the property at 62 Caroline Drive. She indicated that she is seeking the subdivision because of financial hardships.

The Board made the following conclusions:

### **CONCLUSIONS**

1. The Board concluded the application would be beneficial to the site as well as to the surrounding properties and the Borough in general.
2. The Applicant demonstrated that the request for minor subdivision approval could be approved without substantial detriment to the intent 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, and in doing so the Board adopted the testimony of the applicants' experts 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 July 20, 2010, on a motion by Ms. Urbanik, seconded by Mr. Clancy, that the application for minor subdivision approval to subdivide Block 363.08, Lot 5 and 6, and the accompanying variances be granted subject to the following conditions:

1. A minor subdivision is granted to subdivide Block 363.08, Lots 5 and 6 to create two lots, proposed lot 5 and 6. Proposed lot 5 will be 10,678 sf proposed lot 6 will be 9,872 sf.
2. A variance is granted for minimum lot area, with 10,000 SF required and proposed lot 6 having 9,872 sf.
3. A variance is granted for minimum lot width, with 100' being required and proposed lot 5 containing 96.8".
4. A variance is granted for a minimum lot width, with one of the sf being required of proposed lot 6 having 75'.
5. The applicant must document approvals or exemptions from the Middlesex Count Planning Board, Freehold Soil Conservation District and any and all other agencies having jurisdiction.
6. The applicant will comply with the borough street tree ordinance with regards to tree removal and replacement to the satisfaction of the Borough Planner. The plans shall provide street trees on  $\pm 50'$  centers on the entire site frontage. Trees shall be planted on the entire property in accordance with the Borough street tree ordinance. Typical planting details for same shall also be provided.

7. The applicant shall provide a letter signed and sealed by professional engineer and the applicants, indicating that the project has been designed in accordance with the Residential Site Improvement Standards and shall list all exceptions, waivers and agreements to exceed same.
8. The applicant shall submit stormwater run-off calculations, prepared by a New Jersey Professional Engineer, demonstrating the increase in run-off and how it will be addressed.
9. The applicant shall take all measurements necessary to prevent storm water run-off from negatively impacting the adjacent properties. This shall include demonstrating that the overland flow of stormwater from adjacent lots will not be blocked by the construction of the new dwelling or the grading on Lot 6. 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.
10. The applicant shall provide soil borings to determine the seasonally high water table and make sure the basement elevation is set one foot (1') above same.
11. The applicant shall include a note on the plans indicating that all sanitary sewer clean outs and water curb boxes are to be installed 1' behind the proposed curb and all attempts shall be made so that they are not installed within the apron or driveway.
12. The plans shall be revised to show the size and location of the water mains, sewer mains and storm sewers along the property frontage.
13. The applicant shall be required to reconstruct any sections of existing concrete curb and/or sidewalk that are in disrepair along the roadway frontages of the properties. A note stating same should be provided on the plans.
14. The applicant shall provide a standard construction detail for Roadway Trench Repair, water service and sewer service.
15. The applicant shall submit a signed and sealed copy of the survey.
16. The applicant shall provide a certification from the Tax Collector on current payment of taxes and assessments.
17. The applicant shall provide copies of any easements, exceptions, deviations, or liens on the property.
18. The applicant's escrow and application fees shall be submitted if not previously paid.

The motion was passed by a vote of 9 to 0.

### **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 August 17, 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, Susanne Buffalino, Michael Clancy, Donna Farren, John Frost, Eric Rachael, Cynthia Urbanik, Marilyn Meloni and Gordon Anthony.**

**OPPOSED TO APPROVAL:**

**None**

**ABSTAINING:**

**None**

**COMPLETENESS:**

2010-5 Chukwvni, Rosella, 3 Liszka Lane, Sayreville, NJ for 570 Old Bridge Turnpike, Block 73.1, Lot 6, site plan to open a bar, restaurant on said premise. This application was deemed incomplete for the reason that Bignell Planning needs certain parts of their report, such a landscaping, and account for all floors, status of taxes paid and to give the report to her lawyer, before it can be deemed complete on a motion by Ms. Urbanik with a second by Mr. Clancy all present approved.

2010-7, Greek, Frank A., Jr., to be able to increase parking on Block 73.1, Lot 1, as to Resolution 1994-12, they were informed that this meeting is just for completeness, they requested since they notified everyone, can this be carried without any further notice and they were told yes they can. Mr. Koch stated that they need to amend the site plan the pavement needs to be excavated deeper for the trucks. Mr. Bletcher wants to know how they came up with the monies that they paid he wants to see their calculations. Mr. Clancy made a motion based on the reports from the professionals to move for a public hearing on September 21, 2010 with a second by Ms. Meloni all present approved.

**WAIVER OF SITE PLAN:**

2010-6 Lombardo, Ofelia, 25 Sullivan Way, East Brunswick, NJ for 266-268 Main St., Block 169, Lot 1. Ms. Lombardo owner of 266 268 Main St. gave information about the building stating there has never been parking and that she has owner of the building. Mr. Barlow said that they also needed a parking waiver. Mr. Bletcher spoke about the application and what the Applicant had to prove in order to have the waiver. Does this Application require more off street parking spaces then the previous occupant? Does it have significant hours of operation? More lighting and greater volume of garbage, if not then the Board can allow the waiver. Ms. Meloni stated that there are two parking spaces by the Building one is fifteen minute and the other is twenty four hours.

Ms. Lisa Cunningham said that there was a convenience store and they were there from nine in the morning till ten at night, seven days a week. Deliveries will be once or twice a week with just a van. There is a back door and a side door, and she will be selling dressers, furniture, a little bit of everything. There will be no changes to the outside lighting. Mr. Clancy asked where the entrance to the building is. Is it on the Hillside Ave., side or Main St. and was told the entrance is on Hillside. She will be opened four days a week from nine to five, Thursday through Sunday. Ms. Farren asked what floors of the building would she be using and was told just the first floor, with some storage in the basement, maybe. The door to the basement is not the greatest and she would have to think about using it. She also would do some consignment. Ms. Meloni is visualizing the foot traffic and it could be hard crossing the street and finding

parking. Councilman Guindi wanted to know if she was going to refinish the furniture and was told no all she would be doing is dusting and cleaning. Ms. Farren questioned the type of signage that she will be using. She will be using the existing signage and maybe a sign in the door. Ms. Meloni said that she would be taking business away from others in the area, Ms. Cunningham said that the only other business is a grooming which is open Monday, Thursday and Friday, with drop off and pick up. Parking for this business is less intrusive then the convenience store. Mr. Bletcher spoke from a Planning perspective it is a B zone parking ordinance states one parking space per 100 sq. ft. of floor area. Parking for a furniture store is one per 500 sq. ft. The Application was opened to the public on a motion by Ms. Meloni with a second by Ms. Farren all approved.

Jacqueline Doehler said from what she gathers, the business will have three parking spaces, which is not correct parking will be where ever the customer can park. She said that she was told that she would be on line, and that they came in with all their antiques, and whatever they will be selling.

Julie Cofentino 162 Hillside Ave. wanted to know if anything was going to change, and she was told no. Ms. Urbanik moved to close public portion with a second by Mr. Clancy all present approved.

Mr. Clancy questioned the Applicant about whether or not she would be selling on line and she said no that she will only be advertising on line. Ms. Urbanik made a motion to waive parking with a second by Councilman Guindi, all present approved.

PUBLIC HEARING:

2010-3 Lima, Paulo & Jaira, a letter was received from Mr. Roselli, their attorney requesting a adjournment to the September 21, 2010 meeting which was granted on a motion by Mr. Beck with a second by Councilman Guindi, all present approved.

BOARD BUSINESS AND CORRESPONDENCE:

The letter from County of Middlesex Department of Planning of the Santos application was received and filed on a motion by Ms. Meloni with a second by Councilman Guindi, all present approved.

BILLS:

The bill from Lombardi & Lombardi for \$590.00 was ordered paid on a motion by Ms. Meloni with a second by Councilman Guindi, all present approved.

OPEN TO THE PUBLIC:

The meeting was open to the public hearing none it was closed on a motion by Ms. Urbanik with a second by Councilman Guindi, all present approved.

COMMENTS:

Mr. Clancy wished the applicant good luck on the start of her new business.

Councilman Guindi stated that unfortunately no matter where you live or work there is always a Parking problem and we always have to find a way to compromise.

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

Respectfully submitted,

M. Anita Hermstedt,  
Secretary