

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.

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A meeting of the Planning Board was held on November 16, 2010, commencing at 7:00 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

Present were: Ms. Buffalino, Mr. Clancy, Mr. Evanovich Ms. Farren, Mr. Frost, Ms. Meloni and Ms. Urbanik.

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

Absent were Mr. Anthony, Mr. Beck, Mr. Guindi and Mr. Rachael.

The minutes of October 19, 2010, were moved to the December 21, 2010 meeting, because of the lack of people receiving them on time.

RESOLUTION:

2010-2 Santos, Daniel, minor subdivision to build a new home at 20 Rose St., Block 29 Lot 7, full reading of the Resolution was waived on a motion by Ms. Urbanik with a second by Mr. Clancy all present approved. The Resolution was moved on a motion by Ms. Urbanik with a second by Mr. Frost.

**File #10-2, Santos, Minor Subdivision and Variance, Block 29, Lots 7, 8, and 9**

**RESOLUTION**

**BOROUGH OF SOUTH RIVER PLANNING BOARD**

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

**WHEREAS**, Daniel Santos, the Applicant, has applied to the Borough of South River Planning Board for minor subdivision approval and variances for Block 29, Lots 7, 8, and 9; 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 Applicant at meetings held on September 21, 2010 and October 19, 2010, the Borough of South River Planning Board has made the following findings:

1. The Applicant was represented by Anthony J. Vignier, Esq., for the hearing on October 19, 2010. The Applicant was unrepresented at the September 21, 2010 hearing;
2. The property is known as Block 29, Lots 7, 8 and 9 on the Borough of South River Tax Map and is located at 20 Rose Street, South River, New Jersey;
3. The subject property is tract containing three (3) 40' wide x 107' deep residential lots. The lots form a combined 120' tract. Lot 8 contains an existing two- family residential dwelling. Lot 9 contains an existing frame garage. Lot 7 is vacant. A

- 10' storm sewer easement to the Borough of South River is located in the central portion of the site and overlays lots 8 and 9.
4. Pursuant to the Loechner doctrine, the lots are considered to have merged into one contiguous lot;
  5. The Applicant is proposing to sub-divide the property to create two (2) residential building lots. Proposed Lot 7.01 will be an undersized 40' wide parcel on the west side of the site which will contain a new approximately 3,100 sf of living space. The Applicant has indicated that this will be used as the Applicant's primary residence. Proposed Lot 7.02 (formerly lots 8 and 9) will be consolidated into a single 80' wide parcel and will contain an existing dwelling and a 30' x 30' (900 sf) frame garage. The existing dwelling will remain on the site. The property is situated in the R-75 Zone and the proposed use is a permitted use in the Zone.
  6. The following agencies reviewed the application and commented:
    - A. Bignell Planning Consultants – July 15, 2010 Memorandum;
    - B. CME Associates – August 24, 2010, Memorandum;
  7. The following exhibits were introduced into evidence:
    - A-1 Minor Subdivision Plat;
    - A-2 Pattern of development of the neighborhood;
  8. Michael Mudalel, and Jose Fuertes, P.E., were sworn in on behalf of the Applicant. Their credentials as professional engineers were recognized by the Board.
  9. Mr. Mudalel, and Jose Fuertes, P.E., reviewed the plan with the Board. He offered testimony as to the nature of the property.
  10. The Applicant, Daniel Santos, testified that he owned the property and it was his intention to build a two-story, three (3) bedroom home on proposed Lot 7.01, with a two (2) car garage. He also agreed to be bound by the representations of his experts with regards to the reports of CME Associates and Bignell Planning Consultants.
  11. Anthony Ferrante, P.P., was sworn in on behalf of the Applicant. His credentials as a Professional Planner were recognized by the Board. Mr. Ferrante reviewed the plan with the Board. He offered testimony as to the nature of the surrounding properties. He testified that 22% of the surrounding lots in the 300' radius were smaller or equal in size to the non-conforming proposed Lot 7.01. In addition 54% of the lots in the surrounding area do not meet the 7,500 sf minimum lot area requirement.
  12. Mr. Ferrante testified that once the property is sub-divided, the lot sizes will be comparable to the surrounding properties. Mr. Ferrante testified that the proposed subdivision and variances will promote the free flow of traffic and increased parking in the area. The proposal would improve and promote the visual environment of the neighborhood. Mr. Ferrante opined that the Applicant's proposal was consistent with the neighborhood's theme and scheme and from a planning perspective the subdivision and variances would be a benefit to the neighborhood without a negative impact.
  13. Mr. Ferrante reviewed the variance requests with the Board. He opined that the granting of the variances for minimum lot area, minimum lot width, minimum front setback, minimum side setback, and minimum both side setback could be granted without substantial detriment to the surrounding properties and the Borough, and in doing so the Board adopted the testimony of the Applicant's expert on these issues.
  14. Members of the public were invited to comment and pose questions and testify. No one from the public appeared.
  15. 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 to the Borough in general.
2. The Applicant demonstrated that the requested 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 for a minimum lot area, lot width, minimum front setback, minimum side setback, minimum rear setback, minimum both side setback, maximum impervious surface coverage and minimum accessory yard could be granted without substantial detriment to the surrounding properties and Borough, and in doing so the Board adopted the testimony of the Applicant's expert on these issues.

For other such 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 October 19, 2010, on a Motion by Mr. Frost and seconded by Mr. Guindi, that the application for minor subdivision approval to subdivide Block 29, Lots 7, 8, and 9 with accompanying variances be granted subject to the following conditions:

1. A minor subdivision is granted to subdivide Block 29, Lots 7, 8, and 9 to create two lots, proposed lot 7.01 and 7.02. Proposed Lot 7.01 will be 4,280 sf, proposed Lot 7.02 will be 8,560 sf. A two-story house will be built on proposed Lot 7.01 and the existing dwelling and frame garage shall be on proposed Lot 7.02.
2. A variance is granted for minimum lot area with 7,500 sf being required and proposed lot 7.01 having 4,280 sf.
3. A variance is granted for minimum lot width, with 75' being required, and proposed Lot 7.01 containing 40'.
4. A variance is granted for minimum front setback with 25' being required, and proposed lot 7.02 having 9.5'.
5. A variance is granted for minimum side setback with 5' being required, and proposed lot 7.02 having 3.2'.
6. A variance is granted for minimum both sides setback with 15' being required, and proposed lot 7.01 having 12'.
7. The Applicant shall provide a letter, signed and sealed by a Professional Engineer and the Applicant, 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 provide a copy of the architectural plans indicated in Note 2 on the plans to verify that the parking requirements of the RSIS have been satisfied.
9. The Applicant shall submit storm water run-off calculations, prepared by a New Jersey Professional Engineer, demonstrating the increase in run-off and how it will be addressed.
10. The Applicant should provide existing and proposed grading information for the parcel in question. The proposed grading should be designed to take all measures necessary to prevent storm water run-off from negatively impacting the adjacent properties. This shall include demonstrating that the overland flow of storm water from adjacent lots will not be blocked by the construction of the new dwelling or the grading on the subdivided lot. The grading should 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.
11. The Applicant should provide first floor and garage floor elevations and basement floor elevations if one is proposed. If a basement is proposed, the Applicant should provide soil borings to determine the seasonally high water table and set the basement elevation one foot (1') above same.

12. The Applicant should indicate the sanitary sewer service and domestic water service on the plans. A note should also be included 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 should be made so that they are not installed within the apron or driveway.
13. The Applicant should indicate on the plans the location, size and type of water main within Rose Street.
14. The Applicant shall reconstruct any sections of existing concrete curb and/or sidewalk that are in disrepair along the roadway frontage of the properties. A note stating same should be provided on the plans.
15. The Applicant should provide typical construction details for the following items:
  - a. Concrete Curb
  - b. Concrete Sidewalk
  - c. Concrete Apron
  - d. Domestic Water Service
  - e. Sanitary Sewer Service
  - f. Roadway Trench Repair
  - g. Typical Driveway
16. Minor Subdivision Review for Block 29, Lots 7, 8, and 9 plans dated June 08, 2010.
  - a. The Applicant shall provide a reference for the north arrow.
  - b. The Applicant shall delineate Lots 7, 8, and 9.
  - c. The Applicant shall label lot lines that are to be removed.
  - d. We recommend "Proposed Lot 9" be revised to "Proposed Lot 7.02".
  - e. The proposed Lot Numbers shall be approved by the South River Tax Assessor.
  - f. The Point of Beginning shall be labeled for each proposed lot.
  - g. If the monument cannot be set due to proposed improvements and/or close proximity to 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 same.
  - h. The Deed Book and Page reference shall be added to the Easement.
  - i. The tie distances shall be shown on the Subdivision Plan and Survey
  - j. The Applicant shall label Macko Court on the plan.
  - k. The Applicant shall revise survey Reference No. 1 to indicate "Deed Book page 49" from "Deed Book page 50".
17. Description of Proposed Block 29 Lot 9 document dated June 15, 2010.
  - a. We recommend "Proposed Lot 9" be revised to "Proposed Lot 7.02".
  - b. The proposed Lot Numbers shall be approved by the South River Tax Assessor.
  - c. The Applicant shall revise the title as follows "Block 29 Proposed Lot 8.01".
  - d. The Applicant shall review and revise the tie distance of 400.00 feet, as it appears to be inconsistent with the DB 3519 Pg 49 tie distance of 340.00 feet.
  - e. References for the basis of the description as well as the existing easement shall be added.
  - f. The initials "P.L.S." are not acceptable and should be revised to indicate the full written words.
18. Description of Proposed Block 29 Lot 7 document dated July 1, 2010.
  - a. The Applicant shall revise the title as follows "Block 29 Proposed Lot 7".
  - b. The Applicant shall review the tie distance of 480.00 feet.
  - c. Course no. 3 should also reference Macko Court
  - d. References for the basis of the description as well as the existing easement should be added.
  - e. The initials "P.L.S." are not acceptable and should be revised to indicate the full written words.

19. Certification from the Tax Collector on current payment of taxes and assessments on the property shall be presented to the Board.
20. Copies of any easements, exceptions, deviations, or liens on the property shall be presented to the Board.
21. Applicant's escrow and application fees shall be submitted, if not previously paid.
22. The Applicant shall submit documentation of approval or exception from the Middlesex County Planning Board and all outside agencies having jurisdiction;
23. The Applicant has stipulated that the July 2, 2010 Plan prepared by M.F.S. Consulting Engineers shall be the Plan utilize for this resolution.
24. The existing lot line between former lots 8 and 9 shall be labeled, "To be removed".
25. The Applicant shall rename the proposed lots on the plan with a typical numbering scheme, to be obtained from the Tax Assessor for the preferred numbering system, so as to avoid confusion between existing and proposed lots.
26. The Applicant has agreed and stipulated as a condition of approval that there will be a Deed restriction prohibiting any future subdivision on lot 8/9 (proposed lot 7.02) and limiting the number of dwelling units on this parcel to two (2) family dwelling.

The Motion was passed by a vote of (5) five to (1) one.

### **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 November 16, 2010.

**Borough of South River Planning Board**

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**Anita Hermstedt, Secretary**  
**Borough of South River Planning Board**

This Resolution was voted on as follows:

### **ROLL CALL**

#### **IN FAVOR OF APPROVAL:**

**Michael Beck, George P. Evanovich, Donna Farren, John Frost and Peter Guindi.**

#### **OPPOSED TO APPROVAL:**

**Marilyn Meloni**

#### **ABSTAINING:**

**None.**

### **COMPLETENESS:**

2010-8 Conforti Specialized Heavy Hauling, Inc., 20 Gates Ave., Block 70, Lot 1, Site Plan. Ms. Jennifer Burgess spoke to the Board about the Application, they are getting a new tenant, and are requesting changes to the Industrial Use. They would like to have two storage, sites for trailers and equipment. Mr. Dan Lee from CME said they need a survey of the tract, elevations and contours, which can be waived by the Board. Ms. Urbanik moved this application for Completeness for a public hearing to be heard on December 21, 2010, commencing at 7:05 or soon thereafter when called with a second by Ms. Meloni, as long as they comply with the reports from the Professionals.

### **PUBLIC HEARING(S):**

Mr. Roselli spoke on his Application regarding Lima for a minor sub-division stating if he could please be heard at the next meeting even though the Board has talked about denying him, his Professionals will be available at said meeting. Mr. Barlow stated to the Board that according to the Statues the Board was allowed to continue this Application. Mr. This was moved by the Board on a motion to be held on December 21, 2010.

2010-5 Chikwvani, Rosetta, 3 Lyszka Lane, Sayreville, NJ for 570 Old Bridge Turnpike, Block 73.1, Lot 6, Site Plan to open a bar, Restaurant on said premise. Mr. Owen spoke on behalf of the Applicant. He informed the Board that he had just received the report from CME, as they walked in the door. They are going to demolish the existing building, but build over the same footprint. The building will be a one story 3457 square foot restaurant and sports bar. They are asking for a waiver from the Ordinance where they have to have a 25' setback, they have a 21.5 foot setback. Also a waiver of parking which calls for 34 parking spaces, they will have 28 parking spaces. They will be able to get eighty-four persons in the establishment. The Chairperson requested that the Applicant go over the reports from the Professionals CME 10-18-2010, Bignell 11-09-2010. Mr. Owen said that they would talk to the adjacent businesses about parking; there is a Laundromat and a School next door to the property. The Basement will be used for storage only.

Mr. Ted Hrymoc 9 Terry Ave., South River who is the Engineer and Planner for the Application spoke to the Board and gave his qualifications. Ms. Urbanik moved to accept his qualifications with a second by Ms. Meloni, all approved. Mr. Lee went over the Environmental letter, talked about the retaining wall, stating that is was extremely close to the line. Mr. Lee would like to stress the technical part of the plan. This is a 23 item letter which seems to be critical regarding the retaining wall, the runoff and impervious coverage. These plans are not approvable. The Attorney spoke regarding the Application stating that the Application does not have to be deemed complete, vote on what CME wants them to do, we can leave it go until the next meeting. Mr. Clancy asked what kind of time frame does the Board have. Mr. Barlow stated the time frame is fine. Ms. Farren questioned whether or not we should request a traffic study, Mr. Barlow said that CME could request it from the County. Mr. Clancy asked how many people would be allowed in the Building, we need clarification on this. Mr. Barlow stated as part of the approval we could request that no more then eighty-five people would be allowed at one time and this was agreed with by the Applicant. Mr. Frost requested the hours of operation. Ms. Chikwvani was sworn in by the Board's Attorney to give testimony about the hours. She will be open for breakfast more then likely the hours will be from ten (10) am to two (2) am. Ms. Chikwvani was questioned about a loading zone, where will it be?

Mr. Tom Sucheick, 7 Potter Pl, Milltown NJ, is the architect for the project and spoke on the building signage. The signage will be metal and will be on the side of the building and it will be lit up. It will be a standard sign with light off the back. They are not expanding the basement. He clarified that the old basement is part of the new building. Ms. Urbanik wanted some discussion on the set back of 25', it is a matter of moving back 3 1/2 feet, she asked how we determine the number of parking spaces needed. The parking is determined by the number of seats in the building. She talked about the deliveries, eighteen wheelers coming on the property, how will they do that? This Application was open to the public on a motion by Ms. Urbanik with a second by Mr. Frost, hearing none it was closed on a motion by Ms. Urbanik with a second by Mr. Frost all present agreed. Mr. Hrymoc requested of the Board a straw vote on whether or not they were in favor of approving this Application, Mr. Barlow requested of the Board a five minute recess so as to talk to the Applicants professionals, this was moved on a motion by Mr. Clancy with a second by Mr. Frost, all present approved. Mr. Clancy moved to reopen the meeting with a second by Ms. Farren. After discussion with the Applicants Professionals this Application was moved to the January 18, 2011 meeting on a motion by Mr. Clancy with a second by Ms. Meloni, all present approved.

#### BOARD BUSINESS & CORRESPONDENCE:

The letters from Freehold Soil on 526 Old Bridge Turnpike and 560 Old Bridge Turnpike were received and filed on a motion by Ms. Urbanik with a second by Mr. Frost all present approved. The information of Lot line Adjustment for Block 363.8 Lot 5 & 6 were received and filed.

BILL(S):

The bills were ordered paid on a motion by Ms. Meloni with a second by Mr. Clancy.

OPEN TO THE PUBLIC:

Ms. Buffalino opened the meeting to the public, having none it was closed on a motion by Ms. Urbanik with a second by Ms. Meloni, all present approved.

COMMENTS:

Ms. Farren questioned when would they receive the copies of the Master Plan? Mr. Bletcher stated that they would be sent before the next meeting so as everyone would have time to study it.

Ms. Meloni wished everyone a Happy Thanksgiving.

Ms. Buffalino stated that her and Todd would keep in touch about a date to have the Public Hearing on the Master Plan.

The Meeting was adjourned on a motion by Mr. Clancy with a second by Ms. Meloni.

Respectfully submitted,

M. Anita Hermstedt  
Secretary