

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 February 15, 2011, commencing at 7:00 PM in the Community Center 55 Reid St., South River, NJ.

Present were: Mr. Anthony, Mr. Beck, Ms. Buffalino, 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. Clancy, Councilman Guindi and Mr. Rachael.

The minutes of January 15, 2010 were moved on a motion by Ms. Urbanik with a second by Ms. Meloni.

**RESOLUTIONS:**

2010-3 Lima, Paulo & Jaira, 28 Virginia St., Block 112, Lot 3, & 10, minor subdivision with variance for lot area and lot width. The full reading of the Resolution was waived on a motion by Ms. Urbanik with a second by Ms. Meloni, all present approved. The Resolution was moved by Ms. Urbanik with a second by Ms. Farren. Roll call to follow.

**File # 10-3 Paulo and Jaira Lima – Minor Subdivision and Bulk Variances,  
Block 112, Lots 3 & 10**

**RESOLUTION**

**BOROUGH OF SOUTH RIVER PLANNING BOARD**

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

**WHEREAS**, Paulo and Jaira Lima, the Applicants have applied to the Borough of South River Planning Board for Minor Subdivision Approval and Variances for Block 112, Lots 3 and 10; 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 January 18, 2011, the Borough of South River Planning Board has made the following findings:

1. The Applicant is represented by Thomas C. Roselli, Esq.;
2. The property is known as Block 112, Lots 3 and 10 on the Borough of South River Tax Map located at 28 Virginia Street, South River, New Jersey;
3. The subject property consists of an existing 10,000 sf. Rectangular corner lot located on the western corner of Virginia Street and Daily Street. The lot is in the R-100 Zone and contains an existing 1-family dwelling on the westernmost corner portion of the site, on lot 10. Lot 3 is vacant except for a row of pine trees on the Daily Street and Virginia Street frontages which enclose the "side yard" of the

residential dwelling. The proposed use, a single family dwelling, is a permitted use in the Zone.

4. The Applicant proposes a subdivision to create two (2) new lots on this property. A new northeast-southwest lot line is proposed and will be perpendicular to Virginia Street. Proposed Lot 10 will be an undersized 5,000 sf. interior lot located on the northern side of the property. This lot will contain the existing single-family dwelling. Proposed Lot 3 will be an undersized 5,000 sf. corner lot located on the southern side of the property. Both lots will be non-conforming in terms of lot area and lot width. The Applicants indicated that the purpose of the subdivision is to create a single family home on the proposed lot. The Applicant is the contract purchaser of Lot 3.
5. The following Borough Agencies reviewed the application and commented:
  - A. Bignell Planning Consultants, Inc., January 12, 2011, Memorandum;
  - B. CME Associates, January 5, 2011, Memorandum.
6. The following exhibits were introduced into evidence:

A-1 Map showing all of the lot sizes within 300’;  
A-2 Ariel photograph of the site from June 18, 2010;  
A-3 Photograph of the site dated November 15, 2010, showing the corner at Virginia Street and Daily Street with the existing Pine trees;  
A-4 Carr Engineering Associates, P.A., diagram of the site with proposed lot line and building perimeter.
7. The Applicant, Jaira Lima, testified that she is the contract purchaser of proposed Lot 3 and wishes to build a single family house. She testified the single family house will be three (3) bedrooms, two (2) bathrooms and have a two (2) car garage and two (2) car driveways. She further testified that the structure will be built within the building footprint as set forth on Exhibit “A-4” and will be a 2 ½ - story single family structure.
8. The Applicant testified that she has purchased the proposed Lot 3 from the owner of proposed Lot 10 and hopes to begin construction in six (6) to twelve (12) months. The Applicant testified that she intends to live in the house.
9. Michael Carr, P.E., P.P., was sworn in on behalf of the Applicant. His credentials as a professional engineer and planner were recognized by the Board.
10. Mr. Carr reviewed the plan with the Board. He offered testimony as to the nature of the property. He testified that the Applicants will comply with all of the recommendations and Plan review comments of C.M.E. Associates with the exception that they wish to perfect the subdivision by deed and not by map.
11. Mr. Carr further testified that the Applicant will provide standard calculations that the building will be above the water table.
12. Mr. Carr further testified that the Applicants will put in a drywell in the property and tie it into the inlet in order to prevent storm water run-off from negatively impacting the adjacent properties.
13. From a planning perspective Mr. Carr also offered testimony as to the nature of the surrounding properties. He utilized Exhibit “A-1” to outline the application.

Mr. Carr testified that there was a prior lot line but under the Loechner Doctrine the properties are considered to have merged. Mr. Carr testified that approximately 5% of the lots within 300 feet are non-conforming. Mr. Carr testified that with the proposed subdivision, the subject properties would be consistent with many of those around them.

14. Mr. Carr testified that the density of the neighborhood will retain the same characteristics subsequent to the subdivision. Mr. Carr testified that the Applicants wish to retain the Pine trees surrounding the property with the exception of those that will be removed for the driveway.
15. Mr. Carr testified that there were ten (10) pine trees on Virginia Street and nine (9) on Daily Street. The proposed construction will call for the removal of four (4) of the nineteen (19) trees. Mr. Carr testified that the driveway of the proposed single family house will be onto Virginia and the house will face Virginia Street.
16. Mr. Carr reviewed the variance requests with the Board. He opined that the granting of the variances for minimum lot area, minimum lot width, minimum side setback, minimum both side setback and minimum rear setback could be granted without substantial detriment to the surrounding properties in the Borough. In doing so, the Board adopted the testimony of the Applicants' expert on this issue. Mr. Carr 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.
17. Members of the public were invited to comment, pose questions and testify. None did so.

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' 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 January 18, 2011, on a motion by Mr. Frost, seconded by Mr. Urbanik, that the application for minor subdivision approval to subdivide Block 112, Lots 3 and 10, and the accompanying variances be granted subject to the following conditions:

1. A minor subdivision is granted to subdivide Block 112, Lots 3 and 10 to create two lots, proposed Lots 3 and 10. Proposed Lot 10 will be 5,000 sf. proposed Lot 3 will be 5,000 sf.
2. A variance is granted for minimum lot area, with 10,000 SF required and proposed

Lot 10 having 5,000 sf.

3. A variance is granted for minimum lot area, with 10,000 SF required and proposed Lot 3 having 5,000sf.
4. A variance is granted for a minimum lot width, with 100' being requested and proposed Lot 3 containing 50 sf.
5. A variance is granted for a minimum lot width, with 100' being requested and proposed Lot 10 containing 50 sf.
6. A variance is granted for a minimum side setback with 5' being requested and proposed Lot 10 containing 1.98' and 2.35' respectably.
7. A variance is granted for a minimum both side setbacks with 15' being required and proposed Lot 10 containing 4.33'.
8. A variance is granted for a minimum rear setback with 25' is required and proposed Lot 10 having an existing condition of 2.57'.
9. The Applicants shall 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 Lot 10 will not be blocked by the construction of the new home or the grading on proposed Lot 3. The Applicants shall provide proposed contours to verify same.
10. The Applicants have agreed to put in a drywell and to tie it into the inlet. The Applicants will provide all of the necessary and needed engineering documentation to the Borough Engineer for same.
11. The Applicants shall provide soil borings showing the depth of the seasonably high water table, if a basement is proposed it shall be set one (1) foot above the same.
12. Note number 2 under the heading "Waiver Request" shall be removed since a proposed dwelling is now shown in the plans. Note number 2 under the heading "Notes" shall be eliminated since the grading information is required as part of the application. Note number 5 under the heading "General Notes" shall be revised to reflect the roof leader drains and sump pump discharge shall be connected to the drainage inlet at the corner of Daily Street and Virginia Street. The details for same shall be provided to the Borough Engineer.
13. The Applicants shall submit a signed and sealed survey prepared by a Professional Land Surveyor.
14. The Applicants shall file by deeds. The Applicants shall submit descriptions of the proposed lots for review to the Planning Board Engineer and Planning Board Attorney.
15. The Applicants shall add survey reference to the Minor Subdivision Plan.
16. The Applicants must document approvals or exceptions for the Middlesex County Planning Board, Freehold Soil Conservation District and all other agencies having jurisdiction.
17. The Applicants shall provide copies of any easements, exceptions, deviations, or liens on the property shall be presented to the Board.

- 18 The Applicants shall provide a certification from the Tax Collector on current payment of taxes and assessments.
- 19 The Applicants escrow and application fees shall be submitted to the Board, if not previously paid.
- 20 Based on the testimony that fifteen (15) of the nineteen (19) present trees will remain, the Applicants are granted a waiver from the requirements of the Borough's Tree Ordinance. If any additional trees are damaged, destroyed or removed, the Applicants have agreed to replace them with street trees to the satisfaction of the Board Planner.

The motion was passed by a vote of 5 to 3.

### **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 February 15, 2011.

**Borough of South River Planning Board**

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**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, John Frost, Cynthia Urbanik and George Evanovich.**

**OPPOSED TO APPROVAL:**

**Michael Clancy, Donna Farren and Marilyn Meloni**

**ABSTAINING:**

**None**

**PUBLIC HEARING:**

2010-5 Chukwuani Site Plan, with Bulk variance for Block 6, Lot 73.1, 570 Old Bridge Turnpike, to open a bar and restaurant was granted an extension to the end of May when they will re submit their application. Mr. Beck made a motion to approve with a second by Ms. Meloni, all present approved.

South River Library expansion presentation: Mr. Anthony Iovino gave a presentation for the expansion of the South River Public Library He explained to the Board exactly how many square feet will be added to the Library and gave handouts so as the Board would be able to see what the expansion would look like. The Board was very pleased with the presentation. He said that construction should start in May and take at least eleven month, the building will be energy efficient, they will have a large meeting room upstairs, and they are also renovating the original library.

**BOARD BUSINESS & CORRESPONDENCE**

The letter from CME regarding Frank Greek Development Amended Site Plan, Latosh Minor Subdivision, Santos Minor Subdivision, County of Middlesex on 2 Brick Plant Road and Freehold Soil Conservation on 69 Burton Ave., Capitol Court, 527 Old Bridge Turnpike and the

Group Home were received and filed on a motion by Ms. Urbanik with a second by Mr. Beck all present approved.

BILLS:

The bills from the Home News Tribune were ordered paid on a motion by Ms. Meloni with a second by Ms. Urbanik, all present approved.

OPEN TO THE PUBLICU

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

COMMENTS:

Ms. Buffalino told the Board that the Master Plan Hearing would be held at the Criminal Justice Building and that the notice to the newspaper was updated.

Ms. Meloni spoke about Mr. Rachel not attending the meetings and whether or not someone can get in touch with him regarding his status. Ms. Buffalino said that she would get in touch with him about his status on the Board.

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

Respectfully submitted,

M. Anita Hermstedt, Secretary