

OCTOBER 18, 2011,

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 October 18, 2011, commencing at 7:00 PM in the Human Resource Building 55 Reid St., South River, NJ.

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

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

Absent were Mr. Anthony and Ms. Buffalino.

The minutes from September 20, 2011 were approved on a motion by Councilman Guindi, with a second by Ms. Urbanik, all present approved.

RESOLUTIONS:

2011-2, Lourneco, Mario & Judy, 31 William St., Block 36, Lots 6 & 33 for a minor subdivision full reading of the Resolution was waived on a motion by Ms. Urbanik with a second by Councilman Guindi all present approved. The Resolution was moved on a motion by Ms. Urbanik with a second by Councilman Guindi, roll call to follow.

**File No. 11-2 Mario and Judy Lourenco – Minor Subdivision and Bulk Variances, Block 36, Lot 6 & 33**

**RESOLUTION**

**BOROUGH OF SOUTH RIVER PLANNING BOARD**

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

**WHEREAS**, Mario and Judy Lourenco, the Applicants have applied to the Borough of South River Planning Board for minor subdivision approval and variances for Block 36, Lots 6 and 33; 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 September 20, 2011, the Borough of South River Planning Board has made the following findings:

- 1.** The Applicant retained the services of John J. Ploskonka, P.E., P.P., of Concept Engineering Consultants, to present their application;
- 2.** The property is known as Block 36, Lots 6 and 33 on the Borough of South River Tax Map located at 42 William Street, South River, New Jersey;
- 3.** The subject property is a tract containing two (2) residential lots. Lot 6 is 100' wide x 100' deep square lot fronting on the west side of William Street between

Henry and June Street. Lot 33 is a triangular parcel abutting the western side of Lot 6. Both lots combine to form a 13,271 SF tract. That tract currently contains an existing single-family residential dwelling, fronting on William Street.

4. The Applicant purposes to subdivide this parcel to create two (2) new lots. The existing subdivision line between Lots 6 and 33 will be eliminated. A new subdivision line will be created which will be perpendicular to William Street. The new subdivision will create Lot 33.01 a 43' wide, 7,187 SF Lot on the south portion of the site, and Lot 6.01, a 57' wide, 6,084 SF Lot on the north side of the tract. A new single-family residential home is proposed on the north side of the site on proposed Lot 6.01. The existing dwelling will remain on proposed Lot 33.01.

5. The lots are in the R-75 zone and contain an existing single-family dwelling on the southern portion of the property. The proposed use, a single-family dwelling, is a permitted use in this zone.

6. The following Borough Agencies reviewed the application and commented:

- A. Bignell Planning Consultants, Inc., September 13, 2011 Memorandum;
- B. CME Associates, September 15, 2011 Memorandum;

7. The following exhibits were introduced into evidence:

- A-1 Aerial Map of the surrounding area with the surrounding properties;
- A-2 Sketch of the proposed house to be built;
- A-3 Three pages of Plan including a coversheet, minor subdivision plan and survey;

8. John J. Ploskonka, P.E., P.P., was sworn in on behalf of the applicant. His credentials as a professional engineer and professional planner were recognized by the Board.

9. Mr. Ploskonka 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.

10. Mr. Ploskonka also testified that before perfecting the subdivision, proposed drainage and grading plans acceptable to the Borough Engineer will be provided.

11. Mr. Ploskonka offered testimony as to the nature of the surrounding properties. He utilized exhibit A-1 to outline the application. Mr. Ploskonka testified that approximately 85% of the lots in the neighbor are non-conforming with regards to lot area or lot width.

12. Mr. Ploskonka testified that there will be no negative criteria if the proposed subdivision was granted. He testified the density of the neighborhood will retain the same characteristics subsequent to the subdivision. Mr. Ploskonka testified the Applicants will comply with the tree replacement ordinance and street trees on the frontage of both properties.

**13.** Mr. Ploskonka reviewed the variance requests with the Board. He opined that the granting of the variances for minimal lot area, minimum lot width and the existing violations for minimum front setback, minimum side setback and minimum accessory side setback 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. Ploskonka 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.** The Applicant, Judy Lourenco, was sworn in on behalf of the applicant. She is the owner of Block 36, lot 6 and lot 33 with the husband. Ms. Lourenco testified that there are a minimum of three existing parking spaces for the existing dwelling on proposed lot 33.01. The Applicant Mr. Ploskonka further testified that the dwelling to be built on proposed lot 6.01 shall be a 4 bedroom, 2 ½ baths, single family home.

**15.** Members of the public were invited to comment and pose questions and testify. The following member of the public did so: Robert Hornyak, lives at 35 Chestnut Street, South River, New Jersey. He indicated that he was against the proposed subdivision because he had concerns with parking in the area and the Applicant's need for variances.

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 September 20, 2011, on a motion by Mr. Frost, seconded by Ms. Urbanik, that the application for minor subdivision approval to subdivide Block 36, Lot 6 and 33, and the accompanying variances be granted subject to the following conditions:

- 1.** A minor subdivision is granted to subdivide Block 36, Lots 6 and 33 to create two new lots, proposed lot 33.01 and proposed lot 6.01. Proposed lot 6.01 will be 6,084 sf and proposed lot 33.01 will be 7,186 sf.

**2.** A variance is granted for minimum lot area, with 7,500 SF required and proposed lot 6.01 having 6,084 sf.

**3.** A variance is granted for minimum lot area, with 7,500 sf required and proposed lot 33.01 having 7,186 sf.

**4.** A variance is granted for minimum lot width, with 75' being required and proposed lot 6.01 having 57'.

**5.** A variance is granted for minimum lot width, with 100' being required and proposed lot 33.01 having 43'.

**6.** A variance is granted for a minimum front setback, with 25' being required and proposed lot 33.01 having 5.4'.

**7.** A variance is granted for a minimum side setback, with 5' being required and proposed lot 33.01 having 3.47'.

**8.** A variance is granted for a minimum accessory side setback, with 5' being required and proposed lot 33.01 having 1.4'.

**9.** The Applicant shall submit stormwater run-off calculations, prepared by a New Jersey Professional Engineer, demonstrating the increase in run-off and how same will be addressed to the satisfaction of the Borough Engineer.

**10.** The Applicant shall take all measures necessary to mitigate any drainage impacts onto the adjacent properties to the satisfaction of the Borough Engineer.

**11.** If a basement is proposed for the new dwelling, the Applicant shall provide soil borings showing the depth of the seasonably high water table. The basement elevations shall be set one (1) foot above same. Basement elevations shall also be provided on the plans.

**12.** The Applicant shall consider reversing the layout of the house in order to avoid any drastic shifts in the proposed tie-ins. If same are change the appropriate plans will be submitted to the Borough Engineer for his review and approval.

**13.** The Applicant shall indicate on the plans the location of the proposed street trees as well as planting details for same. A landscaping legend indicating the number, species and size of landscaping shall be provided on the plans.

**14.** The Applicant shall remove the portion of the existing stone driveway from Block 36, lot 34 that encroaches onto proposed lot 33.01.

**15.** The Applicant shall replace any cracked, lifted or damaged curb and sidewalk along the frontage, where necessary. A note stating same shall be provided on the survey/plans at the satisfaction of the Borough Engineer.

**16.** The Applicant shall provide copies of the deeds and legal descriptions for the proposed minor subdivision for the review of the Borough's professionals.

**17.** In light of the fact that William Street was recently paved as part of the Borough of South River's Capital Improvements, the Applicant is required to include in

their performance bond a provision for removing and replacing the surface course pavement along the frontage of the property in the event that the surface course pavement is damaged during the construction of the site.

**18.** The Applicant shall provide a typical construction detail for the bituminous concrete driveway.

**19.** The Applicant must document approvals or exemptions for the Middlesex County Planning Board, Freehold Soil Conservation District and any and all other agencies having jurisdiction.

**20.** The Applicant shall provide copies any easements, exceptions, deviations, or liens on the property shall be presented to the Borough's professionals.

**21.** The Applicant shall provide a certification from the Tax Collector on the current payment of taxes and assessments.

**22.** The Applicant's escrow and application fees shall be submitted if not previously paid.

**23.** The Applicant will provide the appropriate number of street trees required by the Borough Ordinance to the satisfaction of the Borough Planner and Engineer.

**24.** The appropriate architectural plans signed, sealed, dated and with a title/site information shall be provided to the Borough professionals for their review prior to beginning construction.

**25.** The subdivision will be recorded by deed. Documentation of the recording shall be submitted as a condition of approval. The proposed deeds will be submitted for review by the Borough's Professionals.

The motion was passed by a vote of 8 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 October 18, 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, Michael Clancy, Donna Farren, John Frost, Peter Guindi, Cynthia Urbanik, George Evanovich and Gordon Anthony.**

**OPPOSED TO APPROVAL:**

**None**

**ABSTAINING:**

**None**

COMPLETENESS:

2010-5 Chukwvani, Rosetta, regarding 570 Old Bridge Turnpike, Block 73.1, Lot 6 to open a restaurant/bar on said premise was moved on a motion by Ms. Urbanik with a second by Mr. Frost to the November 15, 2011 meeting, all present approved. Ms. Hermstedt told the Board that she talked to the Applicant and was told that she would be at the meeting and pay the money due so as to have a public hearing in November. Mr. Barlow said that the Board moved the Application to November, and that this would be the last time.

2011-5 Hussain, Muhammad, 82 Willett Ave., Block 260, Lot7, was moved to the Zoning Board on a motion by Councilman Guindi with a second by Ms. Urbanik, and the advisement of the Attorney, all present approved.

BOARD BUSINESS & CORRESPONDENCE:

The letters from Freehold Soil regarding SR Primary sidewalk and the letter from Williams re NJDEP Application were received and filed on a motion by Councilman Guindi with a second by Ms. Urbanik, all present approved.

BILLS:

The Bill for the Home News Tribune and Lombardi and Lombardi were ordered paid on a motion by Councilman Guindi with a second by Ms. Farren, all present approved.

OPEN TO THE PUBLIC:

There being no public it was closed on a motion by Councilman Guindi, with a second by Ms. Urbanik all present approved.

COMMENTS:

Councilman Guindi informed the Board about Cruise Night. Mr. Clancy welcomed Mr. Smith, this was the first meeting that they were at together. Ms. Farren said short meetings are the best meetings. Mr. Bletcher spoke on the Ordinances that they were working on for the Council ito coincide with the Master Plan.. We have five new zoning districts, educational and rehabilitation zone. Limited industrial and Heavy Industrial.

Next meeting well be held on November 15, 2011.

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

Respectfully submitted,

M. Anita Hermstedt, Secretary.