

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 May 15, 2012, commencing at 7:00 PM in the Human Resource Building 55 Reid St., South River, NJ, commencing at 7:00 PM.

Present were: Mr. Anthony, Mr. Beck, Mr. Butewicz, Mr. Clancy, Mr. Davis, Mr. Eppinger, Mr. Evanovich Councilwoman Farren, Mr. Frost, and Ms. Urbanik.

Also present was Mr. Kinneally, Attorney.

Absent was Mr. Smith

The Minutes from April 17, 2012, were approved on a motion by Councilwoman Farren with a second by Ms. Urbanik, all present approved.

RESOLUTION:

2012-2 Chicks with Chocolate 268 Main St., Block 169, Lot 1, waiver of site Plan & Parking, the full reading of the Resolution was waived on a motion by Ms. Urbanik with a second by Councilwoman Farren, all present approved. The Resolution was moved on a motion by Ms. Urbanik with a second by Councilwoman Farren, roll call to follow

**File # 12-2 Elyissia Ayn Wassung t/a 2 Chicks with Chocolate,  
268 Main Street, Block 169, Lot 1  
Site Plan Waiver Application and Parking Variances**

**RESOLUTION**

**BOROUGH OF SOUTH RIVER PLANNING BOARD**

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

**WHEREAS**, Elyissia Ayn Wassung, the tenant of the premises and owner of 2 Chicks with Chocolate, with regards to the property located at 266-268 Main Street, Block 169, Lot 1, owned by Ophelia Lombardo, has applied to the Borough of South

River Planning Board for a site plan waiver pursuant to Borough Ordinance section 295-8(b) and a parking variance; and

**WHEREAS**, the applicant has complied with the jurisdictional requirements as to the prosecution of the application; and

**WHEREAS**, after reviewing the application and the representations of the Applicant at a meeting held on April 17, 2012, the Borough of South River Planning Board has made the following findings:

**1.** The Applicant proposes to operate a chocolate shop (storefront only) at the location in an existing building.

2. The property is known as Block 169, Lot 1, on the Borough of South River Tax Map and is located on the eastern corner of Hillside Avenue and Main Street, in the Borough of South River, State of New Jersey;

3. The lot contains an existing building with ground floor commercial space and 2<sup>nd</sup> floor residential space. The site is almost entirely covered by the existing building. The property is zoned as B-2 (General Commercial) Zone and the store is a permitted use in the zone.

4. The following agencies reviewed the application and commented:

A. Bignell Planning Consultants – March 28, 2012 Memorandum;

5. The following exhibits were introduced into evidence:

A-1 to A-5 Photographs of the property and surrounding area.

6. Ms. Wassung testified as to the general uses of the property. The interior space will have a sales counter and four (4) 2-person tables (8 seats) inside of the chocolate shop and café-style seating. The Applicant also proposed four (4) 2 person tables (8 seats) for outdoor café-style seating which would be seasonal nature. The Applicant was directly advised that only the Borough Council can allow outdoor café sitting and the Applicant acknowledged same.

7. The Applicant also proposed to use a separate room in the space for occasional children's parties and/or small adult gatherings and has indicated that such events would be for a maximum of 16 persons.

8. The Applicant testified as to the hours generally and also existing on street parking in the area.

9. The Applicant testified that there are no large trucks that would load or deliveries that would occur as only finished product is brought to the store.

10. Members of the public were invited to comment and pose questions and testify. Jacqueline Doeler, who resides at 162 Hillside Avenue, South River, testified that she lived in the area and there was no parking allowed on her side of the street. She believes parking would continue to be a concern. Ronald Oravtis, who resides at 2 Palm Place, South River, testified that he did not believe there was enough parking around the location.

11. 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 waivers and variances 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 and waivers the Applicant sought were appropriate for the site and in determining same the Board accept the testimony of the witnesses as well the recommendations of the Borough's professional staff that same could be granted without substantial detriment to the surrounding properties and Borough.

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 April 17, 2012, on a Motion by Mr. Clancy

and seconded by Ms. Urbanik, that the site plan waiver and parking variances for Block 169, Lot 1 is approved subject to the following conditions:

1. The Applicant will have four (4) 2-person tables inside of the chocolate shop and along with the separate room for parties for a maximum of sixteen (16) people.

2. The Applicant will comply with all relevant and related South River and State Building Code, ADA Requirements and any other Borough requirements for the operation of the business.

3. The Applicant shall re-notice everyone within the 200'ft. radius if an application is made to the Borough Council for outdoor sitting with the appropriate date, time and place of any Borough Council meeting where such application shall be made.

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

The Motion was carried unanimously by a vote of (9) eight to (0) zero.

#### **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 15, 2012.

**Board**

**Borough of South River Planning**

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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:**

Gordon Anthony, Michael Beck, Michael Clancy, George P. Evanovich, Donna Farren, John Frost, Cynthia Urbanik, Gregory Smith and Glenn Davis.

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

None.

**ABSTAINING:**

None.

COMPLETENESS:

None

PUBLIC HEARING:

None

BOARD BUSINESS & CORRESPONDENCE:

None

BILLS:

The bills were ordered paid on a motion by Mr. Frost with a second by Ms. Urbanik, all present approved.

OPEN TO THE PUBLIC:

Being as there was no one from the public it was closed on a motion by Mr. Clancy with a second by Councilwoman Farren all present approved.

COMMENTS:

Mr. Beck informed the Board that there was a letter from the Cultural Arts regarding walking in the Memorial Day parade and if any one wanted to whom to get in touch with.

He also distributed to the gentlemen who went to school their certificates.

Mr. Evanovich questioned what months the Bills were from and was informed, Ms. Urbanik suggested that when multiple bills from the Attorney to put the month on the agenda.

Councilwoman Farren spoke about the welcome packet that the Borough has for the new businesses that might come into town. She informed the Board that all the permits were in there and that all that needed to be worked on was the letter and that she would present everything to the Board at the June meeting.

ADJOURNMENT:

The meeting was adjourned on a motion by Councilwoman Farren with a second by Mr. Eppinger, all present approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary