

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2015-6, 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 October 20, 2015, commencing at 7:00 PM in the Criminal Justice Building 61 Main St., South River, NJ.

Present were: Mr. Beck, Mr. Butewicz, Mr. Clancy, Mr. Evanovich, Ms. Farren, Mr. Santos, Councilman Trenga and Ms. Urbanik.

Also present were: Mr. Barlow, Attorney, Mr. Koch, Engineer

Absent were: Mr. Davis, Mr. Eppinger, Mr. Frost, Mayor Krenzel and Todd Bletcher, Planner

MINUTES

The Minutes of Meeting No. 7 held on September 15, 2015 were submitted to the Board for acceptance and/or amendment.

Mr. Clancy moved that the Minutes be approved with corrections noted, Mr. Trenga seconded the motion. All in favor approved.

RESOLUTIONS

Motion was made by Michael Clancy to waive the full reading of Resolution ZB2015-06, seconded by Ms. Farren, roll call to follow:

**File # 15-06 HECTOR COMPRES
Block 161, Lot 12, Minor Site Plan**

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

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

WHEREAS, Hector Compres, the Applicant, applied to the Borough of South River Planning Board for minor site plan approval for Block 161, Lot 12; and

WHEREAS, the matter was listed on August 18, 2015, for completeness. At the Applicant's request it was carried to September 15, 2015, for completeness; and

WHEREAS, no one appeared on behalf of the applicant at the Planning Board meeting on September 15, 2015; and

WHEREAS, neither the applicant, nor anyone on his behalf contacted the Board to indicate they wish to prosecute the application.

NOW, THEREFORE, be it resolved by the Borough of South River Planning Board pursuant to its statutory powers and on September 15, 2015, on a Motion by Mr. Clancy and seconded by Mr. Farren that the application for a minor site plan approval be dismissed without prejudice for lack of prosecution.

The Motion was carried unanimously by a vote of (6) six 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 October 20, 2015.

Borough of South River Planning Board



Sheryl L. Nevin, Secretary

Borough of South River Planning Board

This Resolution was voted on as follows:

ROLL CALL

IN FAVOR OF APPROVAL:

Joseph Butewicz, Michael Clancy, George P. Evanovich, Donna Farren; John Frost and Cynthia Urbanik

OPPOSED TO APPROVAL:

None

ABSTAINING:

None

Motion was made by Michael Clancy to waive the full reading of Resolution ZB2015-03, seconded by Ms. Farren, roll call to follow:

**File No. 15-3 Neidi Lockman – Minor Subdivision and Bulk Variances,
Block 114, Lot 4 & 9**

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

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

WHEREAS, Neidi Lockman, the Applicant, has applied to the Borough of South River Planning Board for minor subdivision approval and variances for Block 114, Lots 4 & 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 a meeting held on September 15, 2015, the Borough of South River Planning Board has made the following findings:

1. The Applicant was represented by George W. Pressler, Esq., whose office is located at 332 Cranbury Road, East Brunswick, NJ 08816;

2. The subject property contains two abutting lots which were under common ownership from approximately 1959 until 2013; Lot 4 is 100' x 100' lot located at the corner of Wilcox Avenue and Ferris Street and contains an existing single family dwelling constructed sometime around 1959. Lot 9 is a 40' wide by 100' deep lot located on the north side of Lot 4 and is currently vacant with no buildings and no trees on the site. Lot 4 has a street address of 34 Wilcox Avenue. Lot 9 has a street address of 8 Ferris Street. Both lots are located in a R-100 zone.

3. Lots 4 and 9 were under common ownership from approximately 1959 until approximately December 2013. Because of its undersized lot area, Lot 9 is considered an isolated, non-conforming (in terms of bulk) lot. In Loechner vs. Campoli, 49 N.J. 504,

231A.2d 553 (1967), the New Jersey Supreme Court held that, despite separate designations an old tax map, adjacent undersized lots in common title should be considered part of a larger tract or parcel for zoning purposes. Therefore, Block 114, Lots 4 & 9 are considered merged by law.

4. The previous owner of Block 114, Lots 4 & 9 did not have the lawful ability to separate Lot 9 from Lot 4 without seeking a minor subdivision and bulk variances approval. However, based on the testimony of the Applicant, it appears that a property sale occurred which constituted an "illegal subdivision". The Applicant therefore appeared before the Board as essentially the contract purchaser of Lot 9 (but having already closed on the sale) to seek subdivision approval to divide these lots into separate parcels.

5. Mr. Pressler indicated that Mr. Lockman was unrepresented at the time of the sale and there were no contingencies on the sale of Block 114, Lot 9.

6. The Applicant, Neidi Lockman was sworn in and presented testimony to the Board. Ms. Lockman testified that she purchased Lot 9 from George Amari, the owner of Lot 9, for \$50,000.00. The contract contained no contingencies and she was not represented by a Lawyer when she purchased it in December 2013. She did however obtain a Title Insurance binder.

7. The Applicant testified that she is a flight attendant and wishes to build a single family house on lot 9 to be utilized by herself.

8. She testified she has lived in South River for approximately 14 years. In addition, she also works as a self-employed Real Estate agent.

9. Joseph Hyland, a licensed Architect and Planner whose office is located at 77 Milltown Road, East Brunswick, NJ, was sworn in on behalf of the Applicant. His credentials as a professional Architect and Planner were recognized by the Board.

10. Mr. Hyland reviewed the plan with the Board. He offered testimony as to the nature of the property.

11. The following Borough agencies reviewed the application and commented:

- A. Bingnell Planning Consultants, Inc., August 11, 2015 memorandum
- B. CME Associates, September 8, 2015, memorandum;

12. The following exhibits were introduced into evidence:

- A-1 - A tax Map of the area showing the surrounding area with the surrounding properties;
- A-2 - A proposed plan of the house to be built

13. The Applicant agreed if the application was approved to comply with all of the recommendations of the Borough Engineer's September 8, 2015, memorandum.

14. Utilizing A-1, Mr. Hyland offered testimony as to the nature of the surrounding properties. It should be noted that the Board Planner requested a 500 radius map be utilized. Mr. Hyland, utilizing only a 200 ft. radius map, testified that in the 200 ft. radius only one lot conformed in lot width and lot area. Five of the properties in the 200 ft. area were 40 ft. width or smaller out of 33.

15. Mr. Hyland testified that the application could be granted without detriment to the surrounding areas.

16. Mr. Hyland testified that the proposed home would be a 3 level home.

17. As part of the application, the applicant was requesting three bulk variances: for minimum lot area where 10,000 sq. ft. was required and 4,000 sq. ft. was proposed; minimum lot width where 100' is required and 40' was proposed; and maximum impervious for this coverage where 50% is allowed and 55.65% was proposed.

18. Mr. Hyland testified as to the positive and negative criteria.

19. Mr. Hyland testified that the proposed home would be 2,625 sq. ft. in size. Mr. Hyland answered questions with regard to drainage on the property and slope.

20. The Board questioned the applicant on whether or not it was necessary to have a house as big as the one that was proposed. It was noted that if the house was made smaller, then the bulk variance for impervious lot coverage could be avoided. The Applicant indicated she wished the house to remain the size that was indicated on the plans.

21. Members of the public were invited to come up and pose questions and testify. The following members of the public did so: Barbara Sykulski, residing at 12 Ferris Street, South River, New Jersey. Mr. Sykulski indicated she was against the proposed subdivision because of concerns of water runoff and that the Applicant might not use the property. Bryan Fenyak residing at 29 Wilcox Avenue, South River, NJ

testified that he was concerned about water runoff and the fact that the Applicant was applying for the subdivision after the sale. He indicated the house did not fit with the characteristics of the neighborhood and that the owner of Lot 4 does not reside in his home. Jannella Guijo residing at 7 Ferris Street, South River, New Jersey, indicated she was against the proposed subdivision. She had the same concerns as the other members of the public including water issues. She testified that she lives across the street from the proposed residence. Antonio Rodriguez residing at 24 Wilcox Avenue, South River, New Jersey, testified that he was against the proposed subdivision because of concerns he had about water runoff and the disruption in the neighborhood while the house was under construction.

The Board made the following conclusions:

CONCLUSIONS

1. The Board concluded the application was not beneficial to the site, nor the surrounding properties and the Borough in general. The Board did not believe it was appropriate to have sold the lot before the subdivision.
2. The Applicant failed to demonstrate that the request for minor subdivision approval and bulk variances could be approved without substantial detriment to the intent and purposes of the Zoning Plan, Zoning Ordinance and the public good. The surrounding neighbors voice significant objections to plan.
3. The Board concluded that the requested variances could not be granted without substantial detriment to the surrounding properties and Borough.

For such other reasons as stated in the minutes and recorded at the hearing.

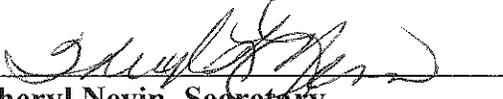
NOW THEREFORE BE IT RESOLVED by the Borough of South River Planning Board pursuant to its statutory powers and on September 15, 2015, on a motion by Mr. Butewicz and seconded by Mr. Clancy, that the application for minor subdivision approval to subdivide Block 114, Lot 4 and 9, and the accompanying variances be denied.

The motion to deny the application for minor subdivision and bulk variances was passed by a vote of five (5) to one (1) with one (1) abstention.

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 20, 2015.

Borough of South River Planning Board



Sheryl Nevin, Secretary
Borough of South River Planning Board

This Resolution was voted on as follows:

ROLL CALL

IN FAVOR OF MOTION DENYING THE APPLICATION:

Joseph Butewicz, Michael Clancy, Donna Farren, Michael Trenga, and Cynthia Urbanik.

**OPPOSED TO DENIAL OF THE APPLICATION FOR MINOR SUBDIVISION
AND BULK VARIANCES:**

John Frost

ABSTAINING:

George P. Evanovich

Motion was made by Michael Trenga to waive the full reading of Resolution ZB2015-07, seconded by Mr. Clancy, roll call to follow:

File # 15-07 WAWA INC.

Block 73, Lot 10.02, Minor Site Plan Approval and Bulk Variances

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

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

WHEREAS, WAWA, INC., the Applicant, has applied to the Borough of South River Planning Board for minor site plan approval for Block 73, Lot 10.02; 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 and its expert at a meeting held on September 15, 2015, the Borough of South River Planning Board has made the following findings:

1. The Applicant is represented by Timothy M. Prime, Esq., of Prime Law, Attorneys at Law.

2. The property is known as Block 73, Lot 10.02, on the Borough of South River Tax Map and is located on the corner of Old Bridge Turnpike and North End Drive, in the Borough of South River, State of New Jersey;

3. The property is located in the B-2 (Business District) Zone and the use is permitted in this zone.

4. The following agencies reviewed the application and commented:

A. CME Associates – September 8, 2015, Memorandum;

B. Bignell Planning Consultants – August 2, 2015, Memorandum;

5. The following exhibits were introduced into evidence:

A-1 Site Plan Rendering dated September 1, 2015, prepared by Bohler Engineering.

6. Ronald Klos, Jr., P.E., a Licensed Professional Engineer with Bohler Engineering, whose office is located at New Britain Corporate Center, 1600 Manor Drive, Suite 200, Chalfont, PA 18914, was sworn in on behalf of the Applicant. His credentials as a Professional Engineer were recognized by the Board.

7. Mr. Klos testified as to the nature of the application. The Applicant was proposing to sell diesel fuel at the existing location. No new pumps are proposed. The six (6) existing gasoline pumps located on the Eastern side of the site would be converted to allow sales of both gasoline and diesel fuel and a 22,000 gallon underground storage tank will be installed in the eastern parking lot. The free standing fuel price sign will be refaced to add regular and diesel. No other changes are proposed to the site, building or canopies.

8. Mr. Klos testified that the applicant wants to add diesel pumps to allow light trucks and automobiles to fuel. He testified that there are approximately 40 types of vehicles that use light diesel at this time. WAWA is gradually converting their gas pumps to allow for diesel fuel. Six (6) multiproduct dispensers will be installed which will allow twelve (12) nozzles.

9. Mr. Klos testified that the new tank will hold the three different types of gasoline plus diesel. The multiproduct dispensers would be able to pump from the same nozzle.

10. Mr. Klos testified that WAWA discourages tractor trailers from utilizing the diesel pumps because the proposed multiproduct dispenser only pump 8 to 10 gallons a minute.

11. Mr. Klos utilized Exhibit "A-1" to go over the site. Mr. Klos testified that it will take about three (3) weeks in total to install the multiproduct dispensers and underground storage tank.

12. Mr. Klos testified that the underground tank is a double walled fiberglass reinforced tank and the tank and all piping is monitored from a central location.

13. Mr. Klos testified that 12 X 18 inch signs that indicate no tractor trailer fueling will be installed at the multiproduct dispensers.

14. Mr. Klos testified that the diesel fuel would be dispensed by an attendant.

15. Kristen Ritz, a Real Estate Engineering Project Manager from WAWA, whose office is located at 260 West Baltimore Pike, Wawa, PA, 19063, was sworn in on behalf of the Applicant.

16. Ms. Ritz discussed with the Board that diesel fuel has less additives and lower octane and that is why is termed "clean diesel".

17. Mr. Ritz further testified that WAWA did not welcome and discouraged tractor trailers from using the pumps. One method was not accepting for payment methods utilized by major trucking companies.

18. Mr. Ritz testified that if a Title 39 Agreement is not in place WAWA would sign one.

19. Members of the public were invited to come and pose questions and testify.

20. Ron Zammit, the Borough of South River Code Enforcement Officer, indicated that the application was acceptable to him but he had concerns regarding the volume of the traffic at the WAWA. He requested that the Board require a traffic study.

21. 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 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 minor site plan, changes sought by the Applicant were appropriate for the site and in determining same the Board accepted the testimony of the Applicant's expert 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 September 15, 2015, on a Motion by Mr. Butewicz and seconded by Mr. Trenga that the minor site plan approval to allow the applicant WAWA, Inc. to sell diesel fuel at the existing location and to install a new 22,000 gallon underground storage tank and to reface the signs at Block 73, Lot 10.02, is approved subject to the following conditions:

1. The Applicant must document approvals or exemption from the Middlesex County Planning Board, and the Freehold Soil Conservation District and all other agencies having jurisdiction.
2. The Applicant will install signage indicating no tractor trailer fueling.
3. The proposed 22,000 gallon diesel fuel tank will be installed away from the retaining wall so as to ensure the future stability of the wall and its design, including its supporting geo-membrane, shall be done the satisfaction of the Borough Engineer.
4. The Applicant will monitor the soil in the area of the installation of the 22000 gallon diesel fuel tank to ensure that the area is stable.
4. The Applicant shall restore any signage, landscaping or other features, required by the prior approvals that may be missing.
5. The Applicant will seek input from the Borough Fire officials regarding adequate emergency vehicle maneuvering areas, fire zone and fire hydrant locations.
6. Copies of any easements, exceptions, deviations or liens on the property shall be presented to the Board.
7. The Applicant will execute a Title 39 Agreement with the appropriate Borough of South River Officials if one is not already in place.

8. A Certification from the Tax Collector that the Applicant is current on payment of taxes and assessments on the property shall be presented to the Board.

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

10. The Applicant shall reface the existing freestanding sign to indicate the sale and price of diesel fuel.

11. The Applicant shall not increase the area of the freestanding sign.

The Motion was carried 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 October 20, 2015.

Borough of South River Planning Board



Sheryl L. Nevin, Secretary

Borough of South River Planning Board

This Resolution was voted on as follows:

ROLL CALL

IN FAVOR OF APPROVAL:

Joseph Butewicz, Michael Clancy, George P. Evanovich, John Frost and Cynthia Urbanik

OPPOSED TO APPROVAL:

Donna Farren

ABSTAINING:

None

PUBLIC HEARINGS

PB2015-09 Variance/Conditional Use

St. Mary's Coptic School, 80 David Street Blk.201, Lot 1&3, Blk.339, Lot 1&2, Blk.382,
Variance/Conditional Use Application for Recreational Facility and Rectory Usage
Mr. Sachs requested the hearing be carried over to the next meeting; school is applying to NJDE
for approval.

Mr. Barlow stated that the applicant had advised the Planning Board Secretary that he was fine
with moving his hearing to the December meeting if the Board decided not to have a November
meeting.

Mr. Trenga made a motion to move the Public Hearing to December 15, 2015, seconded by Mr.
Clancy.

PB2015-08 Grading and Wall Plan

Mezes, Konstantinos, 14 Grand Ave.
Blk.363.03, Lot 1

Mr. Mezez would like to make a back yard for his children. Borough Engineer reviewed his
report and had some concerns with the drains and impact it may have on the neighbors.
Borough Engineer also questioned the grade of fill. The RCA grade would not be used for fill.

Delfim Zargo, friend of the applicant assisting with the project discussed the type of fill with the
Borough Engineer. The Borough Engineer stated the RCA grade is not an approved material.
Applicant will use what is recommended.

Borough Engineer questioned the plans designed by the applicant's engineer with respect to the
retaining wall and the impact on the neighbors. The Borough Attorney suggested the applicant
have their Engineer present at the next Public Hearing to address the questions the Borough
Attorney has.

Mr. Beck requested a brief recess by the board allowing the Borough Attorney to explain options
to Mr. Mezes, seconded by Mr. Clancy.

Borough Attorney suggested that Mr. Mezes request to carry over his application to the
December 15, 2015 meeting and request that his engineer contact Mr. Koch and possibly be
present at that meeting. Applicant agreed.

Motion made by Mr. Beck to postpone the application to December 15, 2015; seconded by Mr.
Clancy.

BOARD COMMENTS

Happy Holidays!

AJOURNMENT

Mr. Clancy moved that this meeting be adjourned, Ms. Urbanik seconded the motion. All present in favor. Meeting adjourned at 7:35 PM.

Respectfully submitted on
December 4, 2015
Sheryl L. Nevin
Sheryl L. Nevin, Planning Board Secretary

Minutes approved on
December 15, 2015.