

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2016-5, 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 March 15, 2016, commencing at 7:00 PM at the Criminal Justice Building 61 Main St., South River, NJ.

Present were: Mr. Beck, Mr. Clancy, Mr. Evanovich, Ms. Farren, Mr. Jones, Councilman Trenga, Ms. Urbanik and Ms. Wilk

Also present were: Mr. Barlow and Mr. Bletcher, Planner.

Absent were: Mr. Davis, Mr. Santos

NOTE: Mr. Evanovich arrived at 7:15 PM

The minutes of February 16, 2016 were submitted to the Board for acceptance or/or amendment. Mr. Clancy moved that the minutes be approved with corrections noted. Mr. Trenga seconded the motion. All present approved.

BOARD BUSINESS & CORRESPONDENCE

Special Meeting of Mayor & Council on Redevelopment

Monday, March 21, 2016 @7:00 PM

Middle School Cafetorium, Montgomery St.

- Mr. Beck asked if Board Members would attend if they are available

Planning Board Workshops on Redevelopment (Tentative)

Wednesday, April 13, 2016 7:00 PM to 9:00 PM

Saturday, April 23, 2016 10:00 AM to Noon

- Discussion on upcoming workshops – board questioned locations, structure of meeting. Mr. Bletcher will be conducting the meetings

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

**RESOLUTION RECOMMENDING THE PROPERTIES KNOWN AS
THE LOWER MAIN STREET STUDY AREA COMPROMISING 159
PROPERTIES BE DESIGNATED, WITH THE EXCEPTION OF TWO
LOTS, AN AREA IN NEED OF REDEVELOPMENT**

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

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et. seq.* (Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land located in a municipality constitute areas in need of redevelopment; and

WHEREAS, the Borough of South River Council (“Council”) by resolution dated June 22, 2015, and as amended by the Council Resolution of November 23, 2015, authorized and directed the Borough of South River Planning Board (“Board”) to undertake a preliminary investigation to determine whether certain properties in the lower Main Street Rehabilitation area as shown in the Borough of South River Tax Map (“Study Area”) consisting of approximately 156 parcels, over 29.7 acres, meets the criteria set forth in the Redevelopment Law and should be designated an area in need of redevelopment; and

WHEREAS, the Council Resolution indicates this would be a non-condemnation redevelopment area; and

WHEREAS, the Board caused Bignell Planning Consultants, Inc., the Board’s Planner, to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of non-condemnation redevelopment; and

WHEREAS, on January 4, 2016, the Board received a Report and the Map depicting the Study Area prepared by Bignell Planning Consultants, entitled “Redevelopment Study Lower Main Street Study Area”, a copy of which is attached as Exhibit A, concluding all the parcels in the Study Area satisfy at least one of the redevelopment criteria listed in Section 5 of the Local Housing and Redevelopment Law; and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which the Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment; and

WHEREAS, the Board, following public notice, reviewed the Report and conducted public hearings on this matter on January 19, 2016, and February 16, 2016; and

WHEREAS, at said public hearings, the Board considered the testimony presented by Todd Bletcher, PP, of Bignell Planning Consultant, concerning the Report, a copy of which was made part of the record, and its conclusion that the various properties in the Study Area satisfy at least one of the criteria for a designation of an area in need of redevelopment as set forth in N.J.S.A. 40A:12-55(a) thru (h); and

WHEREAS, during Mr. Bletcher's presentation the following exhibits were entered into the record:

- A-1:** "Development Study, Lower Main Street Study Area" Report and Map, consisting of 128 pages;
- A-2:** The Affidavit of Publication in the newspaper on December 28, 2015, and January 4, 2016;
- A-3:** A Copy of the Notice consisting of six pages;
- A-4:** A Certified List of the property owners;
- A-5:** A Copy of a Power Point presentation of Mr. Bletcher; and

WHEREAS, as part of the Public Hearing various members of the public and their representatives came forward and were heard and the following items were marked and entered into the record:

- A-6:** A letter from Lawrence Sachs, Esq., on behalf of 50 Main Street, LLC.;
- A-7:** A copy of the Notice of Publication of the Meeting on February 16, 2016;
- A-8:** An article from the Sentinel Newspaper dated January 28, 2016;
- A-9:** February 16, 2016, letter from Mr. Trygar, not volunteering to participate;
- A-10:** Mr. Trygar letter on assessed values;
- A-11:** Assessed values chart;

A-12: February 16, 2016, letter from Medhat Mekaeil not volunteering to participate;

A-13: Series of five letters dated February 16, 2016 from Magdi Mikhail not volunteering to participate; and

WHEREAS, the testimony of Mr. Bletcher and the Report were subject to cross examination by both the Board and members of the public; and

WHEREAS, the Board, basing its review of this investigation upon the testimony presented, the exhibits offered, as well as its own knowledge of and expertise in the subject matter, and makes the following findings of fact:

1. The Study Area is approximately 29.7 acres, and contains approximately 156 individual parcels. The Study Area is located with properties fronting on Main Street between the South River and Gordon Street, along Ferry Street between Main Street and Jackson Street, on Washington Street between Obert and Water Streets, and on Water Street between Main Street and Jackson Street.

2. Approximately 61% of the parcels in the Study Area contain commercial uses. The area also contains single-family, two-family, multi-family buildings, places of worship, municipal buildings and utilities, public open space, county property, vacant land and light industrial uses.

3. A significant portion of the Study Area was impacted by Super Storm Sandy.

4. The current zoning of the Study Area is MSR-Main Street Rehabilitation District as set forth in 2011 master plan.

5. The following chart details the properties of the Study Area and the Criteria the Board found had been satisfied:

BLOCK	LOT(S):	RECOMNDATION/ BASED ON CRITERIA SATISFIED:	STREET ADDRESS:
147	23	C, H	48 WASHINGTON STREET
147	24.01	D, H	75-79 MAIN STREET
147	29 & 30	D, H	81-91 MAIN STREET
147	31	D, H	93-99 MAIN STREET
147	32	D, H	101-103 MAIN STREET
150	1.01	C, H	TIDAL WATERS
150	2.01	A, D, F, H	11 MAIN STREET
150	4	C, F, H	5 REID STREET
150	4.01	F, H	3 & 7 REID STREET
150	6	F, D, H	3 & 7 REID STREET
150	6.02	F, D, H	3 & 7 REID STREET
150	4.03 & 1	F, H	7 MAIN STREET
150	5	F, H	1 REID STREET
150	6.01	F, H	9 REID STREET
150	7	F, H	13 REID ST
151	1,2,7	D, H	55 MAIN STREET
151	2.01	C, H	61 MAIN STREET
151	3	C, H	61 MAIN STREET
151	4	D, H	65 MAIN STREET
151	4.01	C, H	MAIN STREET
151	5	D, H	67 MAIN STREET
151	6	D, H	71 MAIN STREET
151	6.01	C, H	THOMAS STREET
152	1	F, H	19 MAIN STREET
152	1.01	F, H	17 MAIN STREET
152	2	F, C, H	25 MAIN STREET & GEORGE STREET
152	3,4,5,13, 14	F, H	25 MAIN STREET & GEORGE STREET
152	6	F, H	35-39 MAIN STREET
152	7	F, H	41-43 MAIN STREET
152	7.01	F, H	20 GEORGE STREET
152	8.01	F, H	51 MAIN STREET
152	8.02	F, H	49 MAIN STREET
152	9	D, F, H	45-47 MAIN STREET
152	10, 12.01	F, H	11 STEPHEN STREET
152	11	F, H	26 GEORGE STREET
152	12	F, H	24 GEORGE STREET
152	15	F, H	10 REID STREET
152	16	B, F, H	6 & 8 REID STREET
153	1,2,7	F, E, H	91 & 111 WATER STREET
153	6	E, F, H	91 & 111 WATER STREET

153	1.01	D, H	MAIN STREET AND WATER STREET
153	3	F, H	109 WATER STREET
153	4	F, H	101 WATER STREET
153	5.01&5.02	B, F, H	99 WATER STREET
154	1,2,5,7	F, H	7, 11, 13, 15, 17, 21 FERRY STREET & 9-13 JACKSON STREET
154	3	F, H	17-19 JACKSON STREET
154	4	F, H	2 KLAUSERS LANE
154	6	F, H	7 JACKSON STREET
155	1	F, H	35-37-39-41 FERRY ST
155	3	F, H	6 EBERWEIN ST
155	4	F, H	8 EBERWEIN ST
155	5	F, H	1 KLAUSERS LANE
155	6	F, H	5-7 KLAUSERS LANE
155	6.02	F, H	29-31 FERRY ST
155	6.01	F, H	27 FERRY ST
155	7	F, H	9 KLAUSERS LANE
155	8	F, H	33 FERRY ST
155	9	F, H	4 EBERWEIN ST
156	1	F, H	65 FERRY STREET
156	2,3,9	F, H	57, 59, 61 FERRY STREET & 18-20 MAIN STREET
156	4, 5, 8, 10, 11, 11.1	F, H	49,55 FERRY STREET & WATER STREET
156	6	F, H	45 FERRY STREET
156	7.01,7.02	F, H	43 FERRY ST
157	1,2,1B	F, H	52-54 MAIN ST
157	3	F, H	50 MAIN STREET
157	4	F, H	48 MAIN STREET
157	5	F, H	46 MAIN STREET
157	6	F, H	42-44 MAIN STREET
157	7	F, H	36-40 MAIN STREET
157	8,8.01,14.1	F, H	30-34 MAIN STREET & WASHINGTON STREET
157	9,11,12	F, H	26-28 MAIN STREET & 50- 56 FERRY STREET
157	10.01	F, H	24 MAIN STREET
157	10.02	F, H	60-62 FERRY STREET
157	13	F, H	44-46 FERRY ST
157	15	F, H	OBERT STREET
157	15.1	F, H	53 OBERT STREET
157	16	F, H	OBERT STREET
157	17	F, H	OBER STREET
157	18	F, H	7 WASHINGTON STREET

157	19	F, H	5 WASHINGTON STREET
157	20	F, H	3 WASHINGTON STREET
157	21	F, H	1 WASHINGTON STREET
158	1	F, H	27 JACKSON STREET
158	2	F, H	2 FERRY ST. & JACKSON ST.
158	3&4	F, H	8-10 FERRY ST
158	5&6	F, H	12-20 FERRY STREET
158	8	F, H	16 MARKS PLACE
158	7	F, H	22-24 FERRY STREET AND MARKS PLACE
158	9,10	F, H	36-42 FERRY STREET & 6 WASHINGTON STREET
158	11	F, H	8-10 WASHINGTON STREET
158	12	F, H	12 WASHINGTON STREET
158	13	F, H	14 WASHINGTON STREET
158	14	F, H	16 WASHINGTON STREET
158	15	F, H	18 WASHINGTON ST
158	16	F, H	49 OBERT ST
158	17	F, H	45 OBERT ST
158	30	F, H	13 MARKS PL
161	1	D, H	78-80 MAIN STREET
161	2	D, H	76 MAIN STREET
161	3	D, H	74 MAIN STREET
161	4	D, H	72 MAIN STREET
161	5	D, H	70 MAIN STREET
161	6,	D, H	66-68 MAIN STREET
161	7, 7.1	SECTION 3, H	66-68 MAIN STREET
161	8	C, H	MAIN STREET
161	9	D, H	64 MAIN STREET
161	10	D, H	62 MAIN STREET
161	11	D, H	60 MAIN ST
161	12	D, H	56-58 MAIN STREET
161	13	D, H	58 OBERT ST
161	14	D, H	56 OBERT STREET
161	15	D, H	54 OBERT STREET
161	21	C, H	OLD BORO HALL
161	29	D, H	47 GORDON STREET
161	30	C, H	OLD BORO HALL
161	21.01	H, NOT RECOMMENDED FOR INCLUSION	37 WASHINGTON STREET
161	21.02	C, H	OLD BORO HALL
321	11	H, NOT RECOMMENDED FOR	211 WHITEHEAD AVE

		INCLUSION	
321	12	D, H	14 JACKSON STREET
321	13	F, H	12 JACKSON ST
321	14	F, H	6 JACKSON STREET
325	1	F, H	77 WATER STREET

NOW, THEREFORE, the Board having conducted this preliminary investigation, carefully considering all the evidence, the testimony offered by Mr. Bletcher, the evidence provided at the hearings and contained in the report, and the comments, remarks and/or objections from the members of the public, makes the following recommendations to the Council:

1. Based upon the substantial evidence provided to it, the Board recommends that the Study Area be declared an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1, et. seq. The Board's findings as to the suitability of this area to be declared in need of redevelopment are as follows:

A. In reviewing the statutory criteria, the Board finds that there is substantial evidence that the criteria set forth at N.J.S.A. 40A:12A-5(h) apply to all of the parcels in the Study Area. In addition, all of the parcels in the Study Area meet at least one other criteria set forth in N.J.S.A.:12A-5(a) thru (f).

N.J.S.A. 40A:12-5(a) states: "The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions."

N.J.S.A. 40A:12-5(b) states: "The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be un-tenantable."

N.J.S.A. 40A:12-5(c) states: "Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital."

N.J.S.A. 40A:12-5(d) states: “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”

N.J.S.A. 40A:12-5(e) states: “A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.”

N.J.S.A. 40A:12-5(f) states: “Areas in excess of five contiguous acres whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earth quake or other casualty in such way that the aggregate assessed value of the area has been materially depreciated.” Many of the parcels also satisfy criteria “d”.”

N.J.S.A. 40A:12-5(h) states: “The designation of delineated area is consistent with smart growth planning principals adopted by a law or regulation”.

B. In reviewing the Study Area and the Report, Block 161, Lot 21.01 and Block 32, Lot 11 may be excluded from the Redevelopment Area Designation.

C. There was substantial evidence presented at both hearings that demonstrates the Study Area meets the criteria for a non-condemnation redevelopment area.

D. In addition to the above, the findings and conclusions of the Report are adopted by the Board in full.

2. A certified true copy of this Resolution shall be furnished upon its adoption to the Borough of South River Council and the Mayor of the Borough of South River.

CERTIFICATION

I, Sheryl L. Nevin, Secretary of the Borough of South River do hereby certify that the above Resolution was considered and adopted by the Board at its meetings on January 19, 2016 and February 16, 2016, and truly memorializes the action of the Board at its meeting on March 15, 2016.

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:

Michael Clancy, George P. Evanovich, Donna Farren; Michael Trenga; Cynthia Wilk and Michael Beck

OPPOSED TO APPROVAL:

Cynthia A. Urbanik

ABSTAINING:

None

DISCUSSION ON RESOLUTION

Ms. Urbanik questioned the fact that we were referring to a recommendation to Council throughout the process and now there is a formal resolution that we are being asked to vote on

Mr. Bletcher stated that he requested a resolution from Mr. Barlow because it was the best way to memorialize all the details, facts and figures; if anything was challenged in court, there is a resolution

Mr. Barlow stated that it is a resolution recommending to the Council; the board members can now memorialize what has happened. A letter from him would not stand up in court

Ms. Urbanik commented that if a resolution is needed or necessary, it would have been noted by statute. If the information in the resolution is needed or necessary, it would have been noted by statute. Ms. Urbanik questioned if the typos and corrections were made on the report.

Mr. Bletcher stated that edits were made; the report on the website is still as it originally was in January

Mr. Beck question if the website states "Preliminary"; Mr. Bletcher confirmed that it does

Ms. Wilk stated that she looks at the resolution as the adoption of the district; the minutes state what the individual's comments, the resolution is more factual siting the exhibits and specifics

Mr. Trenga agrees that the resolution would stand up better in court and is good to have.

Mr. Jones questioned why he was not listed as "abstain" on the resolution vote. Mr. Barlow commented that Mr. Jones was not eligible to vote since he was not a sitting board member at the first meeting. Mr. Jones could not have listened to the recording of the meeting because he was not a member; the Chairperson was absent, but a member who missed the meeting and listened to the recording. Abstaining means you chose not to vote yes or no.

Ms. Farren noted that the information above is stated in the minutes.

Discussion on amending the resolution to reflect what is in the minutes regarding Mr. Krenznel being ineligible to vote because he arrived when the public hearing had already started; Mr. Jones not a sitting member for the first meeting and ineligible to vote; and noting the two members that were absent.

In favor of leaving the resolution as is:

Michael Clancy, George P. Evanovich, Donna Farren; Michael Trenga

In favor of changing the resolution to reflect the status of Mayor Krenznel, Mr. Jones and noting the two members absent:

Ms. Wilk, Ms. Urbanik; Mr. Beck

Resolution remains unchanged.

PUBLIC COMMENTS

Mr. Bletcher thanked everyone for the participation the last two months.

COUNCIL COMMENTS

March 15, 2016

Ms. Urbanik requested "REVISED" be on the subsequent agendas after the first one has been sent out and meeting locations be listed on the agendas.

Mr. Jones questioned the time the Mayor arrived at the February 16, 2016 meeting (which was 7:20 PM) and questioned when is a member ineligible to vote. Mr. Barlow stated that when the meeting is open and discussion on anything substantive on the public hearing has been discussed; the member is ineligible.

AJOURNMENT

Mr. Clancy moved that this meeting be adjourned. Mr. Trenga seconded the motion. All present in favor. Meeting adjourned at 7:45 PM.

Respectfully submitted on
April 11, 2016

Sheryl L. Nevin
Sheryl L. Nevin
Planning Board Secretary

Approved at Planning Board Meeting
held on April 19, 2016