

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 August 16, 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, Ms. Nielsen, Mr. Patel, Clm.Trenga, Ms. Urbanik and Ms. Wilk

Also present were: Mr. Barlow, Borough Attorney and Mr. Bletcher, Borough Planner, Mr.Koch, Borough Engineer

Absent were: Mayor Krenzel, Mr. Jones, Mr. Santos

The minutes of July 19, 2016 were submitted to the Board for acceptance or/or amendment. Mr. Clancy moved that the minutes be approved, Mr. Trenga seconded the motion. All present approved.

The Planning Board Member's updated roster was reviewed. The Redevelopment Plan will be discussed at the end of the meeting.

A motion was made by Ms. Urbanik to approve Resolution PB 2016-02 for SLV NJ Realty, LLC, 295 Main Street, seconded by Mr. Trenga, all present in favor.

**File # 16-02 SLV NJ REALTY LLC  
Block 337, Lot 2, Site Plan Waiver and Parking Variance**

**RESOLUTION**

**BOROUGH OF SOUTH RIVER PLANNING BOARD**

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

**WHEREAS**, SLV NJ Realty, LLC, the Applicant has applied to the Borough of South River Planning Board for a site plan waiver and parking variance for Block 337, Lot 2; 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 July 19, 2016 the Borough of South River Planning Board has made the following findings:

1. The Applicant is represented by George W. Pressler, Esq.
2. The property is known as Block 337, Lot 2, on the Borough of South River Tax Map.
3. The subject property is an existing corner lot located at the northern corner of the intersection of Hillside Avenue and Main Street in the Borough of South River.
4. The Lot contains an existing two-story, brown brick building with ground floor commercial space. The site is almost entirely covered by the existing building. An attached one-story garage and driveway are located on the western part of the site. The site contains office and retail tenants on the ground floor (three units) and residential units on the second floor.
5. The property is located in the B-2 (General Commercial) Zone and the existing and proposed usages are permitted in the B-2 Zone.
6. The following agencies reviewed the application and commented:
  - A. Bignell Planning Consultants, Inc. – June 15, 2016, Memorandum;
  - B. CME Associates – June 13, 2016, Memorandum;
7. The Applicant is seeking a parking variance and site plan waiver for the property. No conforming parking is currently present on the property and no new parking was proposed. A parking variance was being sought so that the property owner will be able to lease the space to retail/commercial tenant(s) without returning to the Planning Board for additional approvals every time. A site plan is also required, however, since no changes were proposed to this site a waiver was sought from the site plan requirements.

**8.** The following exhibits were introduced into evidence:

**A-1** A survey drawing of property date August 26, 1983;

**9.** Lalitha Sannidhi, the owner of SLV NJ Realty, LLC, was sworn on behalf of the Applicant. Mr. Sannidhi testified that he had owned the property for approximately a year. He was before the Board in order to memorialize the parking variance so that every time a new tenant came it was not necessary for him to appear before the Planning Board.

**10.** The Applicant testified that there were two apartments on the second floor and three retail stores on the ground floor. The Applicant testified there is no parking on the property.

**11.** The Applicant testified that the garage on the property is next to the salon from which it has access to the property.

**12.** The Applicant testified that any employees and customers park on the street. The Applicant testified he has all appropriate certificates from the Borough of South River. He testified to his knowledge, three (3) commercial stores had always been present.

**13.** The Applicant testified that on the second floor there are two (2) one bedroom apartments that are currently occupied.

**14.** John Chadwick, a Professional Planner, whose office is located at 3176 State Route 27, Suite 1A, Kendall Park, New Jersey, was sworn in on behalf of the Applicant. His credentials as a Professional Planner were recognized by the Board.

**15.** Mr. Chadwick testified that the property was built in approximately 1930. Over time on street parking was removed for traffic flow on this County Road. He testified that the garage is used for storage and the driveway is present for loading and unloading.

**16.** Mr. Chadwick testified that the reason for the parking variance is if same is not granted every time a new tenant leases space on the property it would require the

Applicant to come back before the Board. If the parking variance is granted, it will run with the land.

**17.** Mr. Chadwick testified that the site plan waiver could be granted as no changes were proposed to the property. Mr. Chadwick further testified that the Applicant's use of the property was the best utilization of the property. Granting of the parking variance could be done with no negative impact on the Borough nor would there be any detriment to the Zone or Plan or the Borough of South River. He further testified there would be no apparent impairment to the Borough ordinances.

**18.** The Applicant agreed that as a condition of approval the parking variance only applies as to permitted uses of the property. If a non-conforming use is attempted to be utilized on the property and an application is made to the Zoning Board, then the parking variance no longer applies.

**19.** The Applicant also agreed that the apartments would remain one-bedroom apartments.

**20.** Members of the public were invited to comment and pose questions and testify. Ophelia Lombardo the owner of the property at 268 Main Street in the Borough of South River testified that parking is difficult in the area. Pamela Sloan of 171 Hillside Avenue in the Borough of South River testified that she owns a business across the street and is worried about additional impact of on street parking and that it could affect her business.

**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 parking variance and site plan waivers and continuation of existing, non-conforming conditions the Applicant sought 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 July 19, 2016, on a Motion by Mr. Clancy and seconded by Ms. Farren that the site plan waiver and parking variance requested by SLV NJ Realty, LLC, Block 337, Lot 2 is approved subject to the following conditions:

1. The Applicant provided appropriate testimony and the site plan waiver was granted.

2. The Applicant was granted a parking variance. The Applicant agreed that the parking variance is only applicable as long as only permitted uses are present on the property.

3. The Applicant agreed to place the appropriate signage so that there would be no parking in the driveway leading to the garage on the property.

4. The Applicant will abide by all the conditions and stipulations agreed to at the Public Hearing, including all those set forth in the Borough Planner's and Engineer's reports.

The Motion was carried unanimously by a vote of (9) nine 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 August 16, 2016.

**Borough of South River Planning Board**

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**Sheryl L. Nevin, Deputy Clerk**  
**Borough of South River Planning Board**

This Resolution was voted on as follows:

### **ROLL CALL**

#### **IN FAVOR OF APPROVAL:**

Michael Beck, Michael Clancy, George P. Evanovich, Donna Farren, James Jones, Sandra Nielson, Michael Trenga, Cynthia Urbanik and Cynthia Wilk.

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

None.

#### **ABSTAINING:**

None.

A motion was made by Ms. Urbanik to approve Resolution PB 2016-04, for Whitehead Real Estate Holdings, 81-83 Whitehead Avenue, seconded by Mr. Trenga, all present in favor.

**File # 16-04 WHITEHEAD REAL ESTATE HOLDINGS  
Block 302, Lot 5.01, Minor Site Plan and Bulk Variances**

**RESOLUTION**

**BOROUGH OF SOUTH RIVER PLANNING BOARD**

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

**WHEREAS**, Whitehead Real Estate Holding, LLC, the Applicant, has applied to the Borough of South River Planning Board for site plan approval and variances for Block 302, Lot 5.01; 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 July 19, 2016, the Borough of South River Planning Board has made the following findings:

1. The Applicant is represented by George W. Pressler, Esq.
2. The property is known as Block 302, Lot 5.01, on the Borough of South River Tax Map.
3. The subject property is an irregular 5,084 sf corner lot located on the corner of Whitehead Avenue and Serviss Street in the Borough of South River.
4. The Lot contains an existing multi-family (four units verified by the Zoning Officer) residential dwelling fronting on Whitehead Avenue. The east portion of the lot contains a patio, fencing walls and a gravel parking lot connecting to Serviss Street.
5. The property is located in the B-1 (Business District) Zone and the existing use is permitted in the B-1 Zone.

- 6.** The following agencies reviewed the application and commented:
  - A.** Bignell Planning Consultants, Inc. – June 9, 2016 Memorandum;
  - B.** CME Associates – July 15, 2016, Memorandum;

- 7.** The following exhibits were introduced into evidence:

**A-1** Site Plan prepared by William M. Doran and Sons

**8.** Jose Tavares residing at 104 Williams Street, South River, New Jersey, the owner of Whitehead Real Estate Holding, LLC, was sworn in on behalf of the Applicant. Mr. Tavares testified that he owns the four-family property. It is his desire to remove the porch and stone lot and create a six (6) parking spot parking lot. He testified that as it is currently constituted it is difficult to get out of the parking lot. He wishes to pave the lot and mark out actual spots. He testified that the premises is fully rented out.

**9.** Mr. Tavares has testified that he has owned the property for approximately eight (8) months. He had agreed with the Borough to improve the condition of the property and to improve the parking lot.

**10.** Daniel Doran, P.E., a Professional Engineer with William M. Doran and Sons whose office is located 939 Ridge Road, Suite 1, Monmouth Junction, New Jersey was sworn in on behalf of the Applicant. His credentials as a Professional Engineer were recognized by the Board.

**11.** Mr. Doran went over the proposed plans with the Board. He utilized A-1 to describe the changes that would be made to the property. There is an existing easement from the adjacent property since approximately the 1980s.

**12.** There is currently a stone parking lot with access to Serviss Street. Mr. Doran went over that the patio and fence would be removed and an eighteen (18) foot driveway was proposed. The driveway is currently twelve (12) feet at its narrowest point.

**13.** Mr. Doran testified there is five (5) feet between the Applicant's building and Block 302, Lot 5. Mr. Doran testified that the proposed parking spots are eighteen (18) feet by eight (8) feet wide. He indicated that the paved parking lot would be an

improvement because the stone that is currently present encroaches into the right of way. There will be bollards put in place at three (3) corners of the parking lot.

**14.** Mr. Doran testified there will be six (6) foot high stockade fence around the refuse location. There is currently drainage onto Serviss Street then east to an inlet on Serviss Street. Mr. Doran testified there would be no significant impact as to the site of the surrounding properties. Impervious coverage will be lowered from 85 percent to 82 percent.

**15.** Mr. Doran testified that the Applicant was not proposing any curbs in order to keep sheet flow of water runoff. The only exception was a curb on the left side to the east of the grass area.

**16.** Mr. Doran testified that there was no area to place four street trees as the only possible areas to put any trees were approximately 1 ½ x 2 feet wide. Mr. Doran did testify that the improvements and enhancements would add to the aesthetic value of the house and also of the surrounding area. Mr. Doran testified it would be possible to mount a light onto the building with a motion sensor to provide some lighting to the parking lot. Furthermore, he testified that additional landscaping could be added to the border of the property. The Applicant will work with the Borough Planner to maximize the landscaping.

**17.** Members of the public were invited to comment and pose questions and testify. No one chose to do so.

**18.** 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 variances, waivers and continuation of existing, non-conforming conditions the Applicant sought 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 July 19, 2016, on a Motion by Mr. Clancy and seconded by Mr. Trenga, that the site plan approval and variances, waivers and existing non-conforming conditions requested by Whitehead Real Estate Holdings, LLC, Block 302, Lot 5.01 is approved subject to the following conditions:

1. The Applicant must document approvals or exemption from the Middlesex County Planning Board, Freehold Soil Conservation District and all other outside agencies having jurisdiction.

2. A Variance for impervious coverage is granted wherein 80 percent is required and the Applicant has proposed 82 percent.

3. A Variance is granted for parking wherein eight (8) spaces were required and six (6) were provided.

4. A Variance is granted for the minimum stall width where nine (9) feet x eighteen (18) feet is required eight (8) x eighteen (18) feet were provided. In addition, parking variances were granted for minimum driveway width, minimum parking setback to property line and minimum aisle width. The proposed parking lot will be five (5) feet from the East parking set back, zero (0) feet from the South setback and less than twenty (20) feet from the street set back. In addition, the parking lot will be approximately eighteen (18) feet wide.

5. The Applicant will mount a light on the structure facing towards the parking lot to provide lighting.

6. The Applicant was granted a waiver from curbing requirements agreed to at the hearing.
7. The Applicant agreed to stripe all of the proposed parking spaces.
8. The Applicant agreed that the easterly side of the driveway apron shall be widened to align with the driveway.
9. The Applicant will provide to the Planning Board copies of the existing easement from the adjacent property.
10. The Applicant agreed that the appropriate handicapped ramps shall be provided at the intersection of the two streets unless they have already been installed.
11. The Applicant agrees that any concrete curb, sidewalk or driveway apron along the roadway frontages of the property that are damaged, cracked or settled shall be replaced by the applicant.
12. The Applicant will abide by all conditions and stipulations agreed to at the Public Hearing, including all these set forth in the Borough Planner's and Engineer's reports.
13. Copies of any easements, exceptions, deviations, or liens, on the property shall be presented to the Board.

The Motion was carried unanimously by a vote of (9) nine 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 August 16, 2016.

**Borough of South River Planning Board**

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**Sheryl L. Nevin, Deputy Clerk**  
**Borough of South River Planning Board**

This Resolution was voted on as follows:

**ROLL CALL**

**IN FAVOR OF APPROVAL:**

Michael Beck, Michael Clancy, George P. Evanovich, Donna Farren, James Jones, Sandra Nielson, Michael Trenga, Cynthia Urbanik and Cynthia Wilk.

**OPPOSED TO APPROVAL:**

None.

**ABSTAINING:**

None.

**PUBLIC HEARINGS**

**PB2016-03** Application requesting a Soil Addition & Grade Alteration for Hilltop Commercial Park, LLC, 656 Old Bridge Turnpike.

Mr. Pressler, applicant's attorney, stated that at the previous hearing on this application there were questions about the soil used on the site. He stated that the applicant, Borough Engineer and the applicant's engineer Mr. Ingram met at the site. Mr. Ingram stated that the material on the site is millings; it is being used as a base material for the site and will not to be used as fill. Mr. Koch stated that if the material was to be used in the future, it could only be used under paved areas. Noted that this project did not need Middlesex County Planning Board approval.

Motion was made by Ms. Farren to approve the application with stipulations made to the applicant; Mr. Trenga seconded the motion.

**ROLL CALL VOTE:**

YES:	Mr. Clancy, Mr. Evanovich, Ms. Farren, Ms. Nielsen, Mr. Patel, Mr. Trenga, Ms. Urbanik, Ms. Wilk and Mr. Beck
NO:	None
ABSENT:	Mr. Krenzel, Mr. Jones, Mr. Santos

**PB2016-03** Application requesting Variance and Conditional Use of St. Mary's Coptic School, 80 David Street for a Recreational Facility and Rectory Usage

Mr. Sachs, applicant's attorney, stated that the applicant has applied to use this site as a Parochial School and their application is before the State Department of Education. There is an existing gymnasium to be used for basketball and the rectory for retreats which are ancillary to the operation of the school. Mr. Sachs stated that if the school had been approved already by the Department of Education they would not have to be before the board requesting a variance and conditional use. Mr. Sachs questioned Mr. Akram Aziz, Director of School, on submitting the application to the State Department of Education. Mr. Aziz confirmed that they are waiting for approval from the Department of Education and confirmed the operations of the building. Ms. Wilk questioned the retreats that will be taking place in the rectory section; confirming they will be 3 weekends a month, Friday and Saturday nights; not as often in summer. Ms. Wilk stated that this really isn't an ancillary use of the school. Mr. Sachs stated that this is what they are requesting approval for as directed by the borough's planner. Mr. Clancy questioned the grades in school; Fr. Mark Hanna, Principal of the school stated 4<sup>th</sup> grade to high school.

Ms. Urbanik questioned the retreats; Fr. Hanna stated that there will be no adult retreats. Ms. Farren clarified that the rectory would be used for retreats not as a school; Mr. Sachs stated that the two areas would not be used at the same time.

Mr. Mark Lieber, applicant's planner reviewed the parking area in the rear of the school building including the drop off / pick up of students. There will be no islands in the parking lot and there is adequate parking. Mr. Clancy questioned the Corpus Christi Church parking lot and if those involved in the school would be advised not to use the church lot. Mr. Sachs advised the board that the use of rectory and gymnasium would be for religious purposes and retreats for the members of the church and they had adequate parking. Ms. Urbanik questioned the islands in the parking lot, striping of lot and suggested greenery around the perimeter. She also questioned the flow of traffic and suggested that the school check with the Board of Education when they plan their events so they don't conflict with Board of Education events.

Ms. Farren questioned if this would be a preschool also; Mr. Sachs stated that they applied for a preschool on the application to the Department of Education. Ms. Urbanik questioned the grades when the school is approved; Mr. Sachs stated Pre-K through 8<sup>th</sup> grade approval is what was requested on the application.

Ms. Farren questioned the zoning; Mr. Bletcher explained the zoning uses in that zone and the fact that it is a special type of use. Ms. Farren is questioning what the zone would be for dormitories or overnight stays, as well as conditional uses. Mr. Bletcher stated the various uses as per the zoning ordinance. Ms. Wilk added that seminaries and dormitories are where people stay for an extended period of time, what the school is doing is more on the line of a boarding house or hotel. Mr. Bletcher stated the type of use for this application is not specifically stated.

Mr. Sachs stated that the applicant needs to satisfy 7 conditions, which they do; this is not transient housing, no fees are paid. Mr. Barlow stated that even if the 7 conditions are met, they still need to apply for the conditional use.

Mr. Beck questioned if this being a school changes anything? Mr. Barlow stated that these are ancillary uses for a school – but since they are not approved by the Department of Education they are before the board. Mr. Beck questioned if this is all null and void once the school is officially approved. Mr. Barlow stated the applicant is requesting conditional use while they are waiting for approval from the Department of Education.

No Public Comment.

Mr. Clancy made a motion to approve the application based on the conditions stated with revised plans and documents submitted within 60 days from memorialization as requested by the Planner, seconded by Mr. Trenga.

ROLL CALL VOTE:

YES: Mr. Clancy, Mr. Evanovich, Ms. Farren, Ms. Nielsen,  
Mr. Patel, Mr. Trenga, Ms. Urbanik, Ms. Wilk and Mr. Beck  
NO: None  
ABSENT: Mr. Krenzel, Mr. Jones, Mr. Santos

REDEVELOPMENT PLAN

Mr. Bletcher delivered to the Planning Board Members the Draft of the Redevelopment Plan for the Main Street Redevelopment Area. Mr. Bletcher requested the Planning Board to vote on the plan at the September 20<sup>th</sup> meeting and then forward it to the Mayor and Council. If any members have questions they should contact Mr. Bletcher. The Plan is based on the workshops held as well as questions, comments and input that was received throughout the meetings and workshops..

AJOURNMENT

Mr. Trenga moved that the meeting be adjourned. Mr. Clancy seconded the motion. All present in favor. Meeting adjourned at 8:40 PM.

Respectfully submitted on  
September 8, 2016

*Sheryl L. Nevin*  
Sheryl L. Nevin  
Planning Board Secretary