

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 July 19, 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, Ms. Nielsen, Mr. Patel, Mr. Santos, 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 Krenznel

The minutes of June 21, 2016 were submitted to the Board for acceptance or/or amendment. Mr. Jones moved that the minutes be approved, Mr. Clancy seconded the motion. All present approved.

The Board welcomed new Planning Board Members Sandra Nielsen, Class 4 member and Rupesh Patel, Class 4 Alt.2 member.

A motion was made by Ms. Urbanik to approve Resolution PB 2016-01 for Original Canals seconded by Clm. Trenga, all present in favor.

**File # 16-01 ORIGINAL CANAL'S
Block 391, Lot 1.01, 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, Original Canal's, the Applicant, has applied to the Borough of South River Planning Board for site plan approval and variances for Block 391, Lot 1.01; 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 experts at a meeting held on June 21, 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 391, Lot 1.01, on the Borough of South River Tax Map.
3. The subject property is an irregular 26,222 sf commercial lot located on the corner of Old Bridge Turnpike and Prospect Street, in the Borough of South River.
4. The Lot contains an existing retail building with liquor store and general retail tenant space.
5. The property is located in the B-2 (Business District) Zone and the existing and proposed liquor store usages are permitted use in the B2 Zone.
6. The following agencies reviewed the application and commented:
 - A. Bignell Planning Consultants, Inc. - May 9, 2016, Memorandum;
 - B. CME Associates – May 12, 2016, Memorandum;
7. The following exhibits were introduced into evidence:
 - A-1 The architects rendering of the proposed site;
 - A-2 Page three (3) of the Site Plans;
 - A-3 Two (2) page architectural sheets.
8. Mukesh Patel, one of the owners of Original Canal's was sworn in on behalf of the Applicant. Mr. Patel testified that he had owned the establishment for approximately 1½ years and had approximately 25 years' experience in the liquor business. He testified that it was their desire to renovate and expand the liquor store and continue as a liquor store with the same liquor license. Mr. Patel indicated that he wishes to expand the retail establishment from approximately 2500 sf. to approximately 3200 sf. and to add a second floor of approximately 1500 sf. over the north side of the building.

9. Mr. Patel further testified that the second floor addition would be the office's for the liquor store and along with an E-Commerce Business. Mr. Patel testified that the Original Canal's Liquor Store hours would be Monday through Saturday from 10:00 a.m. to 10:00 p.m., and Sunday from 12:00 p.m. to 10:00 p.m. He indicated that the business would employ approximately three (3) full time and two (2) part-time employees.

10. Mr. Patel testified that the deliveries to the liquor store are by straight trucks. He testified that the refuse is picked up two (2) times a week for cardboard and one (1) time a week for trash. There would be an upstairs bathroom for the office staff.

11. Wayne Ingram, P.E., P.L.S. P.P., a Professional Engineer with E & LP, whose office is located at 140 West Main Street, High Bridge New Jersey, was sworn in on behalf of the Applicant. His credentials as a Professional Engineer were recognized by the Board.

12. Mr. Ingram went over the proposed plans with the Board. He utilized A-2 to describe the changes that would be made to the property. He testified that the Plans were amended to bring order to the parking lot along with striping and landscaping. He testified that this would improve safety. There would be a total of twenty-four (24) parking spots; with fifteen (15) of the west frontage of the building, two (2) on the north frontage and seven (7) on the south frontage of the building.

13. Mr. Ingram further testified that the Applicant was reducing impervious coverage on the site from 88.69% to 87.64% and increasing the buffer. Mr. Ingram further testified that was the Applicant's intention to relocate the driveway to properly line it up as part of the traffic pattern.

14. Mr. Ingram testified in response to the Board Planner's inquiry that two (2) spots could be removed on the north frontage of the property for the loading area and one (1) spot could be removed on the south frontage of the property without a substantial detrimental to the property.

15. Mr. Ingram testified as to the necessity for two (2) way traffic flow in the front/west frontage of the property. Mr. Ingram testified that would be a one (1) way traffic on the back of the property. There will be one (1) entrance on the Southside of Old Bridge Turnpike and one (1) entrance on the Prospect Street portion of the property.

16. Mr. Ingram testified that the lights on the property would be building mounted and they would be turned off approximately one (1) hour after closing.

17. Mr. Ingram testified that the garbage enclosure will be on the southeastern corner of the property in an 8 x 10 ft. enclosure. Mr. Ingram went over the difficulties of planting street trees on the property. The Applicant agreed, after obtaining appropriate approvals from the Borough of South River Counsel to place twenty (20) street trees on the Rubin Street right of way. It should be noted that Rubin Street is a paper street. The testimony indicated that this would increase and improve the buffer between the Applicant's property and any adjacent properties.

18. Mr. Ingram testified that he could not comply with the impervious coverage bulk variances requirements but had designed a site plan to get as close to the 80% requirement as possible.

19. Mr. Ingram testified that the Middlesex County Planning Board has no plans on widening the Old Bridge Turnpike.

20. Mr. Ingram testified that the minimum aisle width for a two-way street is 24 ft. and the Applicant was proposing a 21 ft. width in the front and 22 ft. width on the side. He testified that this would be adequate for appropriate traffic flow.

21. Mr. Ingram testified that would be no freestanding sign on the property. He testified that 2 x 8 ft. signs on eastern and northern sides of the property were proposed on the building. The proposed signs would be less than 10% of the building façade.

22. Mr. Ingram testified as to the absence of curbing. The parking lot will be at the existing grade. Any curb would result in a 6 inch tripping hazard. The Applicant requested a waiver from any curb requirements.

23. Mr. Ingram testified that would be a 5ft. buffer on the eastern and southern sides of the building.

24. Mr. Ingram testified that no new utilities services were proposed.

25. John Chadwick, 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.

26. Mr. Chadwick testified that the Applicant was reducing the previous coverage as much as possible without affecting the viability of the property. Mr. Chadwick further testified that the proposed site plan and variance would result in a substantial visual improvement of the overall presentation of the property. He testified that the proposed landscaping and architectural changes would improve the overall attractiveness of the property.

27. Mr. Chadwick testified that the granting of all of the proposed waivers and variances could be done without any detriment to the master plan and the Zone Plan of the Borough of South River. He further concurred with Mr. Ingram's testimony in all of the relevant issues.

28. Mr. Chadwick testified that the variance for the signs could be granted as it was still below the Borough threshold for overall percentage based on the building façade and met the appropriate parameters set forth by the Borough.

29. Mr. Chadwick testified that all of the variances addressed the modernization and improvement of the property and will benefit not only the property but all of the surrounding properties and the Borough in general. He testified there was no detriment to the Zoning Ordinance or Plan.

30. Emmanuel Obiora, a Professional Architect, whose office is located at 2290 West County Line, Road L12, Jackson, New Jersey 08527, was sworn in on behalf of the Applicant. His credentials as a Professional Architect, were recognized by the Board.

31. Mr. Obiora testified on the proposed architectural plans for the building and utilized A-1 and A-3 to explain the proposed changes to the Board. He testified that the building was designed so that the proposed second floor addition does not stick out and look out of place. Mr. Obiora went over the proposed plans as to the proposal to build three (3) accent towers along with the red metal roof and a stucco façade. The base would be brown and top tan in color. The windows would be raised and there would be accent columns present.

32. Mr. Obiora testified that there is a basement that will be used for dry storage only. He testified as to the building layout and the proposed exits as set forth on the architectural plans. He further testified consistent with the other experts on the two (2) signs on the western and northern frontage of the building.

33. Mr. Obiora testified that the Applicant intended to keep the loading area clear at all the times and that it was approximately 9 ft. wide.

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

35. 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 June 21, 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 Original Canal's a block 391, Lot 1.01 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. The Applicant provided appropriate testimony and the waivers requested from the site plan checklist were granted.

3. The Applicant agreed that the basement will only be used for storage.

4. The Applicant was granted a waiver from the curbing requirements.

5. The Applicant will remove the northernmost two (2) parallel parking spaces.

6. The westernmost parking space of the three (3) parallel parking spaces on the south side of the building shall be eliminated and turned into a landscaping bed.

7. The Old Bridge Turnpike driveway shall be relocated to the south so as to come into alignment with the new south side driveway aisle. The Applicant will have a clear, permanently striped and appropriately signed loading space to the property. The Applicant will show the appropriate details on the plans.

8. The handicapped parking space and unloading space shall be dimensioned.

9. The Applicant shall eliminate light spillage as much as is possible.

10. At the southwest corner of the site, the undersized parking stall shall be removed and turned into a landscaping area.

11. The Applicant will seek approval from the South River Borough Council to place twenty (20) street trees on the adjacent paper street to better conceal the property and limit any light spillage. The Applicant will increase the refuse collection area to 8 x 10 ft. In addition, the dumpster enclosure shall provide a swinging front gate and a sign stating, "Dumpster gate to be kept closed at all times."

12. A ramp will be placed in the delivery area of the building because the finished floor elevation of the delivery area of the building is 106.74 and the ground

elevation outside the door is approximately 105.5. The landscaping plan will be revised in this area to accommodate a pad or ramp.

13. The Applicant will clearly delineate on the plans their proposed access points to enter and exit the site. Any existing depressed curbs that are not going to be utilized will be eliminated.

14. The Applicant will correct the topography on the grading plan. The Applicant proposed to landscape an easement area at the corner of the site. There is a traffic signal control box there that will require access for servicing. The Applicant will address and insure that any access is not limited.

15. The Applicant agreed that the second floor addition will be only utilized for office staff for Original Canal's and the E-Commerce Business testified too. The Applicant will not rent the second floor out to any other businesses.

16. The Applicant shall submit the plans to the Chief of Police, the Borough Fire Chief Fire Official and Fire Marshall and abide by any and all recommendations.

17. Copies of any easements, exceptions, deviations, or liens, on the property shall be presented to the Board.

18. The Applicant will abide by all conditions and stipulations agreed too at the Public Hearing, including all these 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 July 19, 2016.

Borough of South River Planning Board

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, Daniel Santos, Michael Trenga, Cynthia Urbanik and Cynthia Wilk.

OPPOSED TO APPROVAL:

None.

ABSTAINING:

None.

PUBLIC HEARINGS

PB2016-02 Requesting Site Plan Waiver for change in the utilization of the Building and Parking Variance for three stores for SLV NJ Realty, LLC 295 Main Street. Mr. Pressler reviewed the application stating that the property has 2 apartments upstairs and 3 stores below with no parking on the premises, just a driveway and garage. Mr. Jones questioned if the stores have always been there, Mr. Sannidhi stated that they were. Ms. Urbanik questioned the garage, Mr. Sannidhi explained that the last store on the end has access to the garage. Mr. Beck questioned the businesses that will be there. Mr. Sannidhi stated that the Beauty Salon has been

there for years, there will be a Barber Shop coming in and the third store is to be determined. Mr. Chadwick the applicants Planner reviewed the plans stating that the building was built in the 1930's. There is a driveway with garage and off street parking, the driveway is for deliveries/off street loading. Mr. Clancy questioned the apartments upstairs and Ms. Urbanik questioned if the occupants have vehicles; there are two, 1 bedroom apartments and one tenant has a vehicle. Concerns if the tenants change, will they have more cars with no place to park. Mr. Chadwick stated that they would have to utilize street parking in the area. Ms. Farren questioned if the building across the street had the same situation, and it does, hey received the same waiver a few years back. Mr. Betcher, Borough Planner stated that if a parking variance is granted it remains with the land; the property will always have a parking variance. Ms. Wilk questioned if the apartments will remain one bedroom; which owner stated they would.

Public Comments:

Ms. Pamela Sloan, 171 Hillside Avenue

- There will be an impact on her business which is across the street. She relies on the 2 fifteen minute parking spots in front of her dog grooming business which is just a drop off pick up service. The area is a very hostile environment; residents are not very nice in that area.

Council Comments:

Ms. Farren

- Stated it is a tough corner for businesses and it will always be that way. The alternative is a vacant building.

Ms. Urbanik

- Commented that the area is a triangle cluster; B2 Zone surrounded by R75 Zone.

Motion was made by Mr. Clancy to approve the application with stipulations that the driveway is a loading zone and the apartments remain 1 bedroom apartments. Ms. Farren seconded the motion.

ROLL CALL VOTE:

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

PB2016-03 Application requesting a Soil Addition & Grade Alteration for Hilltop Commercial Park, LLC, 656 Old Bridge Turnpike. Mr. Pressler, applicant's attorney, explained that the lot was granted approval for up to 5years to be used for parking cars and storage. Mr. Andre, the applicant explained that the property is behind WAWA and stated that he leveled off the property without permits. Mr. Andre stores cars for World Class Auto on Prospect Street. The resolution granted from the Zoning Board stated that the applicant shall maintain the grading on the site. Ms. Urbanik questioned if that is why he was before the Planning Board – he was directed to fill in the site. Mr. Koch, Borough Engineer was asked by the Construction Official to look at the site. Mr. Jones questioned what triggered the application to the Planning Board; Mr. Koch responded that beyond residential, the soil has to be approved according the Borough Ordinance. Mr. Roderick, the applicant's engineer reviewed plans from February and May of

2016. Mr. Jones questioned the difference between the two surveys. Mr. Barlow, Borough Attorney, questioned if the soil was tested. Mr. Pressler stated that this is just a temporary situation, he is storing cars for a business in town. Mr. Andre stated that he needed firm soil to move the cars around on the site. Mr. Beck questioned if the soil is contaminant free; Mr. Andre stated that he does not think that there is an environmental issue.

Public Comments

Mr. Vorhees, Owner of Car Lot on 656 Old Bridge Tpk.

- Lot is behind his property
- Questioning why the Borough didn't question what was being done

Mr. Pressler asked if the Board would allow time to have the soil tested, obtain soil certification and carryover the public hearing to August 16, 2016.

Mr. Clancy made a motion to carryover the Public Hearing to August 16, 2016; seconded by Ms. Farren. All present in favor.

PB2016-04 Application requesting three Bulk Variances and a Minor Site Plan application for Whitehead Real Estate Holdings. Mr. Pressler, applicant's attorney stated the applicant is proposing to remove the porch on the property to allow for a driveway and six parking spaces for his four family home. Mr. Jose Tavares who lives at 104 William Street and owner of the property stated that one of the conditions of the Borough when he purchased the property was to improve the parking. Mr. Daniel Doran, applicant's engineer reviewed the plans stating that the addition of parking on the site would be an improvement to the property; drainage should not be an issue – drainage will go toward Serviss Street. Mr. Duran is requesting not to curb the whole property to increase drainage. Mr. Clancy also questioned snow removal – snow may have to be taken away. Recommendations on lighting, shade trees, shrubs and cleaning up the corner were discussed. The applicant is agreeable to the board's requests/suggestions.

Mr. Clancy made a motion to approve the application with provisos as stated by the professionals for lighting, greenery and curb waiver, seconded by Mr. Trenga.

ROLL CALL VOTE:

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

Professional/Board Comments – Welcomed new board members Ms. Nielsen and Mr. Patel.

AJOURNMENT

Mr. Jones moved that this meeting be adjourned. Mr. Clancy seconded the motion. All present in favor. Meeting adjourned at 9:45 PM.

Approved at Planning Board Meeting
held on August 16, 2016.

Respectfully submitted on
August 1, 2016

Sheryl L. Nevin
Sheryl L. Nevin
Planning Board Secretary