

MINUTES OF THE
REGULAR MEETING
OF THE PLANNING BOARD
MAY 3, 2016

THE REGULAR MEETING OF THE PLANNING BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON MAY 3, 2016, IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 6:30 P.M.

CHAIRMAN GEORGE KELMAN PRESIDED

Chairman Kelman called the Regular Meeting to order at 6:30 p.m., and the secretary announced that proper notice had been given by the posting of the Regular Meeting and by transmitting the notice of the meeting to the Courier News and the Star Ledger.

SALUTE TO THE FLAG

Everyone present participated in the Salute to the Flag.

ROLL CALL :

CHAIRMAN GEORGE KELMAN, Present
VICE-CHAIRMAN RUDY NOWAK, Present
JOE BARILLA, Present
COUNCILWOMAN DAYNA CAMACHO, Present
TED CAMACHO, Present
KURT KAGAN, Present
MAYOR RICHARD M. ONDERKO, Present
JIM POWERS, Present
DONALD QUICK, Absent
BRANDON AGANS, Alt. #1, Arrived at 6:50 p.m.
STEVE RODZINAK, Alt. #2, Present
CHRISTOPHER M. CORSINI, ESQ., BOARD ATTORNEY, Present
STAN SCHREK, BOROUGH ENGINEER, Present

APPROVAL OF MINUTES

Chairman Kelman noted one correction to the minutes of the Reorganization Meeting of April 5, 2016, and requested approval of the minutes of that meeting.

All present were in favor.

APPLICATIONS

Chairman Kelman stated that he would be changing the order of the applications slightly.

C/ Application #PB-16-04 - Doreen Armiger
Use Variance
Block 70, Lot 15; 27 North 11th Avenue

Chairman Kelman explained that he has been told there are a few discrepancies with the application.

Attorney Corsini stated that the notice was published one day shy of the 10-day requirement, and the explanation sheet was not included with the application. He stated it would be best if this application was carried, without the need to re-notice to the meeting of June 7, 2016.

A/ Application #PB-16-02 - Devsuchi, LLC
Minor Site Plan; Bulk Variance
Block 147; Lots 9, 10 - 519 West Camplain Road

John Wiley, Esq., Attorney for the Applicant stated that his client is the owner of a mixed-use building with a liquor store located on the first floor, and apartments on the second floor. He stated that there is a detached garage in the back of the property that they would like to use as storage for inventory rather than the basement that floods. He explained that the applicants are seeking to construct a 131 square foot addition to connect the primary building to the garage.

Vinus Patel, Manager of Devsuchi, LLC was sworn in by Attorney Corsini. Ms. Patel explained that they have managed the liquor store at this location for several years, first as tenants in 2007, however, they subsequently purchased the property. She stated that they have sustained basement flooding twice and lost inventory. She stated that the purpose of the addition to join the building with the garage is for protection from the elements. She stated that she understands she will also have to apply to the ABC and the Mayor and Council for permission to store alcohol in the garage through a place-to-place transfer. Ms. Patel also noted that the tenants do not use the garage, and no one parks there.

Stan Schrek stated that he has reviewed the survey, and the additional will be on an already existing impervious surface.

Rudy Nowak had questions regarding the garage doors, access, storage, and deliveries.

Mr. Wiley stated that the second page of the site plan indicates where the doors will be located.

Ms. Patel stated that they will only be using the garage for storage, and the access to the garage will be through the addition. She further stated that they always have and will continue to receive deliveries in the front of the liquor store.

Councilwoman Camacho expressed her concerns that if the garage had alternate access, it could some day be used as an office or an apartment.

Ms. Patel stated that there was no other access, and the garage will only be used for storage.

Mayor Onderko asked if the garage is heated.

Ms. Patel stated that it will be heated.

When no one in the public wished to comment, Chairman Kelman closed the public portion and requested a motion to either approve or deny the application.

Kurt Kagan, seconded by Councilwoman Camacho, made a motion to approve the application as submitted.

ROLL CALL: AYES: BARILLA, CAMACHO, D., CAMACHO, T., KAGAN,
KELMAN, NOWAK, ONDERKO, POWERS, RODZINAK

B/ Application #PB-16-03 - Rega Construction Corporation
Preliminary Major Site Plan; Final Site Plan
Block 119, Lot 222 - 235 South 18th Avenue

Marcia Zalewski, Esq. appeared as attorney for the applicant. Ms. Zalewski stated that the site of the application is currently a vacant lot on which her client wishes to construction a two-family dwelling. She stated she would be calling two witnesses, the Planner and the Engineer.

Justin Auciello, P.P., gave his curriculum vitae which was accepted by Attorney Corsini. He was sworn in by Attorney Corsini.

Mr. Auciello explained how the Borough of Manville is changing in many ways due to the buyouts and loss of homes for demolition. He stated that South 18th Avenue currently has three properties for sale.

Mr. Auciello stated that the applicant is seeking three variances: maximum lot coverage of 43.6% (where the Ordinance requires 40%); lot area of 8,000 square feet (where the Ordinance requires 6,000 for a two-family); and lot width of 80 feet (where the Ordinance requires 60 feet).

Mr. Auciello provided an aerial photo of the site, which was marked as Exhibit A-1.

Mr. Auciello demonstrated that there are several two-family residences located in the area, with two on the same size lot. He stated that the proposed residence fits well on the property and is proportional to the lot. He noted that there are no variances for setbacks. He presented positive criteria for the bulk variance and explained there are no negative criteria, since the proposed dwelling is proportional to the site. He

explained that the street is in transition, and a newly constructed home will be attractive and have the look of a single-family residence.

Chairman Kelman asked if the homes located on both sides of the site are single family, and he asked for Mr. Auciello to point out on the aerial map where the other two-family residences are located.

Mr. Auciello stated that the homes on both sides are single-family, and he pointed out the two-family residences in the area on the aerial map.

Rudy Nowak asked about parking.

Mr. Auciello stated that the Engineer would address that question.

Councilwoman Camacho asked about the size of the lot behind the two-family, which is on another street.

Jim Powers asked when the other two-family residences were constructed.

Mr. Auciello did not know how long ago the other residences were constructed, however, someone from the audience stated that they have been there a long time. He also noted that the proposed dwelling is proportional, the footprint respects the setbacks, and the dwelling will not look out of character.

Rudy Nowak asked why not just build a single-family dwelling, and whether the dwelling will be owned or rented.

Mr. Auciello stated that there is a need for housing, therefore, the two-family dwelling is proposed. He asked that the applicant answer the question regarding ownership.

John Grzeczkwicz, Principal of Rega Construction Corporation stated that he currently owns the property and his intention is to retain ownership and rent the two dwellings. He stated that a two-family is better.

Rudy Nowak stated that he is concerned there will be more than one family living in each dwelling.

Mr. Grzeczkwicz stated that he will be sure that does not happen. He stated that each unit will have a Lease that states the number of people who are allowed to occupy the dwelling.

Ms. Zalewski stated that the Lease will restrict the rentals, and she noted that the Code Enforcement Officer in the Borough could enforce it.

Kurt Kagan stated that with respect to overcrowding, it would not matter if it was a one-family or a two-family. It could happen in either case.

Jim Powers asked about parking

Mr. Auciello stated there are two parking spaces for each dwelling.

Chairman Kelman opened the public portion for questions to Mr. Auciello.

Jeffrey Moore, 216 South 18th Avenue stated there are already too many cars on the street, and this house will have a very small yard. He stated that he doesn't think a two-family will fit on this lot, but a one-family would.

Michael Cichon, 223 South 19th Avenue stated that a single-family would be better. He noted on the aerial map all the vacant properties and stated that there is garbage collected in back of one of the vacant homes near his home.

Mr. Auciello stated that the applicant has an opportunity to change and upgrade the neighborhood with a new dwelling. He stated that there are three properties for sale on the street. He also reiterated the need for adequate housing for the community.

Jim Powers asked if there will be provisions made for storage, such as an attic or a basement.

Mr. Auciello stated that both units will have a full basement.

Andrzej Pupek, 229 South 18th Avenue stated there are parking issues.

Mr. Auciello noted that a two-family dwelling is a permitted use in this zone, and that the application meets the Ordinance standards for parking.

Mr. Pupek stated that no one can guarantee there will only be two cars per dwelling. He stated it may be four cars per dwelling. He also commented on the lot size.

When no one else wished to comment, Chairman Kelman closed the public portion for questions to Mr. Auciello.

Craig Stires, P.E. gave his curriculum vitae, which was accepted by Attorney Corsini. He was sworn in by Attorney Corsini.

Mr. Stires testified that the engineering is straight-forward and he noted the architectural plans for another similar project in the Borough which were submitted with the application. He stated that the proposed dwelling fits well with the setbacks and will work on the site. He also explained how the runoff will be piped toward the street and the dwelling will be in proportion to the neighborhood because of the lot size. He further stated that the Residential Site Improvement Standards (RSIS) of the State of New Jersey require two parking spaces per dwelling.

Stan Schrek confirmed that the State regulates parking through the RSIS. He also noted that the architectural plans show full basements. He stated that not allowing storage in the garage could be a condition of the resolution. He further noted that the size of the backyard was very close to the requirements.

Rudy Nowak asked if the Borough would allow the building of two single-family homes on this lot.

Mr. Stires noted that in recent application to this Board that he was a part of, there was a condition to have the garage remain a garage. He stated that it can be a condition of the resolution to guarantee that issue.

Stan Schrek commented that it could be difficult to enforce, however, if residents are given adequate storage, they will hopefully use it. He also commented on the trench detail in the plans, which was acceptable to Mr. Stires as well.

Jim Powers noted that the rear yard is flat which could cause water drainage issues.

Mr. Stires stated that the roof leaders will be piped to the front. He stated that they cannot change the existing condition of the backyard by adding fill, which would then cause runoff onto neighboring properties. He stated that the lot drains back, and it will collect and be directed toward the street.

Joe Barilla noted the rooftop runoff, and that the property is lower than the street.

Mr. Stires stated that it can be pitched toward the front.

Stan Schrek stated that the grading plan pitches to the front, and they will be inspecting the lots for grading.

Joe Barilla and Chairman Kelman also noted that there are no curbs or sidewalks on the property.

When no one in the public wished to pose questions to Mr. Stires, Chairman Kelman closed the public portion.

Kurt Kagan stated for the benefit of the new members that in his experience on the board, rentals are what are in demand right now and that is why it is what is proposed, and as a Board they must decide what they want for the Borough. He stated it may just stay as an empty lot.

Attorney Corsini stated that the Board should consider the positive and negative criteria, and the parking, enforcement and zoning should not be a factor.

When no one from the Board had any further comments, Chairman Kelman requested a motion to either approve or deny the application as presented.

Councilwoman Camacho, seconded by Ted Camacho, made a motion to **deny** the application.

ROLL CALL: AYES: CAMACHO, D., CAMACHO, T., KELMAN,
 NOWAK, ONDERKO, POWERS, AGANS
 NAYES: BARILLA, KAGAN

The application was denied by majority of the Board.

NEW BUSINESS

Professional Services Agreement, Christopher M. Corsini, Esq. - Chairman Kelman requested a motion to accept the agreement.

Councilwoman Camacho, seconded by Mayor Onderko, made a motion to accept the Professional Services Agreement for Board Attorney.

All present were in favor.

Public Portion - Councilwoman Camacho requested that a general public portion be added at the end of the meeting to all agendas.

All present were in favor.

When no one else wished to comment, Chairman Kelman requested a motion to adjourn the meeting.

Councilwoman Camacho, seconded by Kurt Kagan, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 7:43 p.m.

ATTEST: _____
Nancy Kagan, Secretary