

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2004-7, WITH THE REQUEST OF THE HOME NEWS 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 June 18, 2013, commencing at 7:00 PM in the South River High School, 15 Montgomery St., South River, NJ.

Present were: Mr. Beck, Mr. Butewicz, Mr. Clancy, Mr. Davis, Mr. Eppinger, Mr. Evanovich, and Ms. Urbanik.

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

Absent were Mr. Anthony, Councilman Guindi and Mr. Frost.

Also absent was Mr. Bletcher, Bignell Planning.

The minutes from May 21, 2013 were approved on a motion by Mr. Butewicz, with a second by Ms. Urbanik, all present approved.

BOARD BUSINESS AND CORRESPONDENCE:

A letter from Edward Andre regarding Virginia St., was received and filed with a motion by Mr. Eppinger with a second from Mr. Clancy all present approved.

RESOLUTION(S):

2013-5, Simoes, Jose, A., 11 Roosevelt St., Block 165.2, Lot 25 application for soil addition and grade alteration. Full reading of the Resolution was waived on a motion by Mr. Eppinger with a second by Mr. Clancy, all present approved. The Resolution was moved by Ms. Urbanik with a second by Mr. Clancy. Roll call to follow.

**File # 13-5 Jose A. Simoes**

**Block 165.01, Lot 25, Soil Addition and Grade Alteration Application**

**RESOLUTION**

**BOROUGH OF SOUTH RIVER PLANNING BOARD**

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

**WHEREAS**, Jose A. Simoes, has applied to the Borough of the South River Planning Board for a permit in accordance with Chapter 282; Soil Addition and Grade Alteration of the Municipal Code of the Borough of South River to import soil; and

**WHEREAS**, the Applicant has complied with all of the jurisdictional requirements necessary to prosecute this application; and

**WHEREAS**, after reviewing the application and the representations of the Applicant at a meeting held on April 16, 2013, and May 20, 2013, the Borough of South River Planning Board has made the following findings:

1. The Applicant, Jose A. Simoes, is the residential property owner of the property located at 11 Roosevelt Street, known as Block No. 165.01, Lot No. 25, on the Borough of South River Tax Map.

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

A. Bignell Planning Consultants, Inc., March 18, 2013, Memorandum

B. CME Associates, April 18, 2013, Memorandum

3. Jose A. Simoes, was sworn in and reviewed the scope of the work that he is doing on his property. He is constructing a raised patio with retaining walls. Approximately 100 cubic yards of soil (approximately 6 truckloads) were imported onto the property and the soil used to backfill for the retaining walls. At the hearing on April 16, 2013, the Board requested that the Applicant provide additional documentation to properly evaluate the Application.

4. At the meeting on May 20, 2013, the Applicant presented to the Board the following pieces of evidence that were marked and identified as follows:

A-1: Copies of all of the building permits obtained by the applicant for the construction performed on the property.

A-2: Color reproductions of 21 photographs depicting the work done on the property and the current condition of same.

A-3: The May 16, 2013, cover letter from Accredited Analytical Resources, LLC., signed by Daniel Miguel, Technical Director with the attached analysis of the soil that was sampled on the property.

A-4 The proposed grading plan dated January 31, 2013.

A-5 The proposed addition plans dated July 25, 2012.

5. Joseph M. Hyland, Architect and Professional Planner, with offices located at 77 Milltown Road, East Brunswick, New Jersey 08816, was sworn in on behalf of the Applicant. Mr. Hyland had prepared the plans, specifically A-4 and A-5 for the Applicant and also prepared a report dated April 15, 2013. Mr. Hyland answered the Board's questions about the project.

6. The Board waived the requirements of Section 282-3 with regards to a map of the premises with contour lines and requirements by a land surveyor or professional engineer.

7. The public was invited to comment, pose questions and testify. No members of the public did so. The Board made the following conclusions:

#### **CONCLUSION**

1. The Board has concluded that the application will be beneficial to the site as well to the surrounding properties and to the Borough in general.

2. The Applicant and his expert has demonstrated that the soil addition and grade alteration can be approved without substantial detriment to the intent and purposes of the Zoning Ordinances, Zoning Plan or public good.

3. The Board concluded that the granting of the soil addition permit can be granted without substantial detriment to the Borough and that in fact determined that the benefits clearly outweighed any detriments in granting the permit. In doing so, the Board adopted the testimony of the Applicant on these issues.

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

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of the South River Planning Board pursuant to its statutory powers and on May 20, 2013, on a Motion made by Mr. Butewicz and seconded by Ms. Urbanik, that the application for the soil addition and grade

alteration permit be granted pursuant to Chapter 282 of the Municipal Code of the Borough of South River subject to the following conditions:

1. The Applicant shall take all commercially reasonable measures necessary to prevent storm water runoff from negatively impacting the adjacent properties to the satisfaction of the Borough Engineer.

2. The approval was granted contingent on the Borough Engineer having an opportunity to review the May 16, 2013, report of Accredited Analytical Resources, LLC., with the environmental experts in his office. The Borough Engineer had until June 1, 2013, to conduct, review and advise the Applicant if the soil and the test results are acceptable pursuant to the New Jersey Residential Soil Cleanup Criteria. This contingency was put in place because the report was not provided to the Borough Engineer until May 20, 2013, and the Board felt the contingency was in the best interests of all the parties so as to not cause the Applicant additional delays in obtaining approval and continuing construction on the property. On May 30, 2013, the Borough Engineer indicated the report was accepted and pursuant to the New Jersey Residential Soil Cleanup Criteria and the Applicant was so advised.

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

4. A Certification from the Tax Collector on the current payment of taxes and assessments on the property should be presented to the Board.

This Motion was passed with a vote of 5 to 0.

#### **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 June 18, 2013. Borough of South River Planning Board

---

M. Anita Hermstedt, Secretary

This Resolution was voted on as follows:

#### **ROLL CALL**

**IN FAVOR OF APPROVAL:** Michael Beck, Michael Clancy, George P. Evanovich, Cynthia A. Urbanik and Joseph Butewicz

**OPPOSED TO APPROVAL:** NONE

**ABSTAINING:** NONE

PUBLIC HEARING(S)

2013-6 Machinery Center USA, Inc. for 91 Browns' Lane, soil addition and grade alteration. The Board was devoid of all information the applicant was suppose to get back to Mr. Koch, which they did not. Mr. Clancy made a motion to carry over this application to the July 16, 2013 meeting with a second by Mr. Eppinger, all present approved.

2013-7 Karanewski, Edward, 5 Sheinfine Ave., Block 165.2, Lot 11 application for soil addition and grade alteration. Mr. Joseph May explained to the Board what the applicant wanted to do. He would like to put in a French Drain, and that 120 yards of dirt will be removed to put in a pool. Mr. Koch explained to the Board that he received the revision to the plan and that they were removing soil and that what they are doing will not effect any of the adjacent property owners. Mr. Beck opened the meeting to the public hearing none it was closed on a motion by Mr. Eppinger with a second by Ms. Urbanik all present approved. The Application was approved on a motion by Mr. Eppinger with a second by Mr. Clancy, all present approved.

South River Board of Education, sidewalk improvement project, which was given to the Board for their opinion or recommendation. Mr. Barlow explained to the Board that they have 45 days in which to give their recommendation or opinion, he explained that they were making the sidewalks a little bit wider. The Board requested that Mr. Barlow send a letter to the Board informing them that they have permission to do the sidewalks and that the Board had no recommendations.

BILLS(S)

The Bills for the Home News and Lombardi & Lombardi were moved to be paid on a motion by Mr. Eppinger and a second by Ms. Urbanik, all present approved.

OPEN TO THE PUBLIC:

The meeting was opened to the public by Mr. Beck, hearing none it was closed on a motion by Mr. Eppinger and a second by Mr. Clancy, all present approved.

COMMENTS:

Mr. Koch said that the room had good vibrations.

ADJOURNMENT:

The meeting was adjourned on a motion by Mr. Clancy with a second by Ms. Urbanik, all present approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary