

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 September 27, 2013, commencing at 7:00 PM in the South River High School, 15 Montgomery St., South River, NJ.

Present were: Mr. Anthony arrived, Mr. Butewicz, Mr. Clancy, Mr. Evanovich, and Ms. Urbanik.

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

Absent were, Mr. Beck, Mr. Davis, Mr. Eppinger, Mr. Frost, Councilman Guindi.

The minutes from July 16, 2013 and August 20, 2013 were approved on a motion by Mr. Butewicz, with a second by Mr. Anthony, all present approved.

BOARD BUSINESS & CORRESPONDENCE:

The Correspondence from Freehold Soil on Unlimited Self Storage and the County of Middlesex on Old Bridge Turnpike Commercial Park were received and filed on a motion by Mr. Butewicz with a second by Mr. Clancy all present approved.

The Letter from the County on Mosquito spraying was discussed by Mr. Butewicz stating that he was upset with when the spraying was done. The letter was received and filed on a motion by Mr. Butewicz and a second by Mr. Clancy all present approved.

RESOLUTION(S):

2013-6 Machinery Center USA, Inc. for 92 Browns Lane, soil addition and grade alteration, roll call to follow: Full reading of the Resolution was waived on a motion by Mr. Clancy with a second by Mr. Anthony.

FILE NO. 13-6, MACHINERY CENTER US, INC., Block 328, Lots 1 & 2

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

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

WHEREAS, Machinery Center USA, Inc., represented by Esthefani E. Zighami, Esq., at Girges Law, PLLC, 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 August 20, 2013, the Borough of South River Planning Board has made the following findings:

1. The Applicant, Machinery Center USA, Inc., is represented by Esthefani E. Zighami, Esq., of the Girges Law, PLLC., located at 197 Route 18 South, Suite 302N, East Brunswick, New Jersey 08816.

2. The Applicant, Machinery Center USA, Inc., is the contract purchaser of the commercial property located at 91 Browns Lane, known as Block No. 328, Lots 1 and 2, on the Borough of South River Tax Map.

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

A. Bignell Planning Consultants, May 9, 2013, Memorandum

B. CME Associates, May 17, 2013 and July 15, 2013, Memorandum

4. Nabeel Elhaddap, an owner of the corporation, was sworn in on behalf of the Applicant and reviewed the previous soil addition with the Board. Mr. Elhaddap indicated that his company is the contract purchaser of the property and that the current owners had imported soil into the property in order to level it off.

5. The Board waived certain requirements of Section 282-3. The Applicant also testified he will be obtaining a DEP Phase 1 letter. The Applicant had provided the Board's Professionals a Survey of the Property dated June 5, 2013, along with the description prepared by JY Land Surveying, Inc., of 1 Walnut Drive, Jackson, New Jersey 08527. In addition, the Applicant provided an Elevation Certificate also prepared by JY Land Surveying, Inc.

6. 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 has demonstrated that the soil addition and grade alteration can be approved without substantial detriment to the intent and the 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 August 20, 2013, on a Motion made by Mr. Butewicz and seconded by Mr. Clancy, 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. Copies of any easements, exceptions, deviations, or liens on the property shall be presented to the Board.

2. 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 7 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 09-17-2013.

Borough of South River Planning Board

M. Anita Hermstedt, Secretary

This Resolution was voted on as follows:

ROLL CALL

IN FAVOR OF APPROVAL: Gordon Anthony, Michael Beck, Michael Clancy, Glen Davis, George P. Evanovich, Cynthia A. Urbanik and Joseph Butewicz

OPPOSED TO APPROVAL: NONE

ABSTAINING: NONE

COMPLETENESS:

2013-9 E. Andre Realty, LLC, 223 William St., Block 82.1, Lot 1.1 & 1.2, construction & storage yard and office. Mr. Clarkin spoke on behalf of the applicant. Mr. Koch spoke and said that CME found this application to be complete. Bignell is waiting for a revised plan, with certain items to be reviewed. What they are waiting for is a plan with all the trailers being removed, Mr. Clarkin said they will do this at the Public Hearing so Bignell deemed it complete as long as they have new plans with the trailers being removed. If they are not removing the trailers then they would have to go to the Zoning Board.. Mr. Clancy moved for a public hearing for this application on the premise that we receive plans that have the trailers removed with a second by Mr. Butewicz, all present agreed.

BILLS:

The bills from Lombardi and Lombardi were ordered paid on a motion by Mr. Clancy with a second by Mr. Butewicz, all in favor.

OPEN TO THE PUBLIC:

Ms. Urbanik opened the meeting to the public hearing none it was closed on a moiton by Mr. Clancy with a second by Mr. Butewicz.

COMMENTS:

Mr. Bletcher looked over the Ordinance which the Council will be approving on the 23rd of August and would let the Board know if they should send anything to the Council regarding the Ordinance. He also informed the Board that the Borough was applying to the DCA for monies available for storm damage.

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Mr. Anthony informed the Board that his son would be running in the Tunnel to Towers event in New York and is looking for persons who would like to volunteer monies to help him.

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

Respectfully submitted,

M. Anita Hermstedt, Secretary