

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 May 21, 2013, commencing at 7:00 PM in the Criminal Justice Building 61 Main St., South River, NJ.

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

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

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

Also absent was Mr. Bletcher, Bignell Planning.

The Minutes from April 16, 2013 were approved on a motion by Mr. Clancy with a second by Ms. Urbanik all present approved..

RESOLUTION(S):

The full reading of the resolution was waived on a motion by Ms Urbanik with a second by Mr. Clancy, the resolution was approved by title only on a motion by Ms. Urbanik and a second by Mr. Clancy, roll call to follow.

FILE NO. 13-4, E. ANDRE REALTY, LLC., Block 82.01, Lots 1.01 & 1.06

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

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

WHEREAS, E. Andre Realty, LLC, represented by James Clarkin, Esq., at Clarkin & Vignuolo, 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, the Borough of South River Planning Board has made the following findings:

1. The Applicant, E. Andre Realty, LLC., an entity owned by Edward Andre, is the owner of the property located at 203 William Street, known as Block No. 82.1, Lot Nos. 1.01, on the Borough of South River Tax Map.

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

A. Bignell Planning Consultants, February 11, 2013, Memorandum

B. CME Associates, February 12, 2013, Memorandum

3. Edward Andre, the principal of E. Andre Realty LLC., was sworn in on behalf of the Applicant and reviewed the soil addition with the Board. Mr. Andre indicated that approximately 7 truckloads of stone, approximately 126 cubic yards total, were imported onto the property and used to fill in potholes and depressions on the site. Mr. Andre testified that the site is approximately 1 2/3rds of an acre. He further testified there is no pavement at all on the property and it is used as construction yard and has been used as such for decades. Mr. Andre testified that it was purchased in 2012 and has continued with the same usage before.

4. Mr. Andre indicated that he obtained a Freehold Soil Permit and there were no issues with regards to drainage or affecting the surrounding properties. He further testified that the property has a flat topography.

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

6. The Applicant presented to the Board the following pieces of evidence that were marked and identified as follows:

A-1: A certificate of continued occupancy dated June 4, 2012, signed by Ronnie Zammit.

A-2: Freehold Soil Permit.

A-3: A survey dated August 22, 2012.

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 has demonstrated that the soil addition and grade alteration can be approved without substantial detriment to the intent 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 April 16, 2013, on a Motion made by Mr. Eppinger 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 be granted subject to the following conditions:

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

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

3. 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 9 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 _____.

Borough of South River Planning Board

Anita Hermstedt, Secretary

This Resolution was voted on as follows:

ROLL CALL

IN FAVOR OF APPROVAL: Michael Beck, Michael Clancy, Glen Davis, George P. Evanovich, John Frost, Councilman Peter Guindi, Cynthia A. Urbanik, Raymond Eppinger and Joseph Butewicz

OPPOSED TO APPROVAL: NONE

ABSTAINING: NONE

COMPLETENESS:

2013-6 Machinery Center USA, Inc. for 91 Browns Lane, soil addition and grade alteration. Mr. Alhaddh of 63 B Causeway spoke on this application, stating that the property was abandoned and that they were trying to improve it. We own a business in Milltown and they are trying to clear up the lot so as to be able to use during the improvement of their property in Milltown. The soil was brought in by the person who owned the property before and now that they would like to buy it they need to get approval for the soil. Mr. Barlow spoke to the applicant stating that the application has no information on it on what they are or will be doing. Mr. Alhaddh said that soil was put on the property and they want permission to leave the soil.

Mr. Barlow spoke to the applicant about what the applicant needs to do in order to have this approved. Mr. Koch also has no information. Mr. Alhaddh said that he would like to continue with the survey and was told by Mr. Barlow as long as he has permission from the owner to be on the property no one has the right to ask him to leave..

Mr. Koch said that he wants to know what kind of soil was put down and where it came from. Ms. Urbanik asked how did you get to this Board tonight. Mr. Alhaddh, said he sent a letter to Glenn asking some questions and received a letter that was issued by the Secretary that being as the soil was put down they had to come to the Board to get permission to allow it to stay there. Ms. Urbanik asked the Chairman to get in touch with Glenn asking when they send out a letter to also send a copy to the Chair, so that you know what is going on. Mr. Barlow said that he would like to talk to the owner and was told that the owner is deceased. Mr. Barlow said that once they

get a permit for the soil and if they need a change of use then they would go to the Zoning Board. Mr. Barlow told the Applicant to get everything in to the Secretary of the Board as soon as possible, letting them know that she was on vacation,. Mr. Clancy moved this application to the June 18, 2013 meeting with a second from Ms., Urbanik, all present approved.

2013-7 Karanewski, Edward, 5 Sheinfine Ave., Mr. May spoke on behalf of the Applicant, stating that Mr. Karaniewksy bought the house five year ago and has gotten permission and permits to improve the home. He said that the house pitches 3-4 feet and that the draining from the property will go out to the curb line. He does not need a permit for lot coverage, and that there are two sheds on the property and that he will be removing them. He will be putting in two retaining walls no higher than 3' and also a new fence. What this is is soil removal and the total amount of soil is 128 cubic yards. All the fees have been paid. Mr. Koch spoke on his report. Ms. Urbanik deemed the application complete with a second by Mr. Clancy all present approved..

PUBLIC HEARING:

2013-5 Simoes, Jose, A., 11 Roosevelt St., Block 165.2, Lot 25 application for soil addition and grade alteration. Mr. Hyland was also sworn in and gave his business address. Mr. Hyland handed in to the Board the packet of permits which the Board requested at the last meeting. Mr. Barlow marked them exhibit A1, which were relative to his property, which included eight pages, dated pictures and graphs detailing how the property looks now. Mr. Clancy stated that this was the major concerns were the permits and the soil. Mr. Koch said that the report from Mr. McGaile stated that the soil passed the NJ Cleanup for residential areas, though in the back of the report it states that certain ingredients are a little bit high. He asked Mr. Simoes if he talked to him about the report, Mr. Simoes said that he just said that everything was okay. Mr. Koch said that he does not know much about the report and that is why they have an environmental section that looks into these reports. Ms. Urbanik asked if Mr. Koch noticed the note on page three and she wondered if this helped. Ms. Urbanik asked Mr. Barlow if we voted in favor of this report would there be any way to put in the Resolution that we want to make sure the report is correct? Mr. Barlow felt that the cover letter is adequate and that the soil is okay for residential cleanup. Mr. Beck opened the application to the public hearing none it was closed on a motion by Mr. Clancy with a second by Ms. Urbanik, all present approved. Ms. Urbanik asked if the Board could give Mr. Koch time to check out the report and also approve the application and after a two minute recess was told that Mr. Koch would do it as soon as possible, the Board gave CME until May 31, 2013 to come back with the report. Mr. Butewicz moved to approve the application with the provisional with a second by Ms. Urbanik, all present approved.

BILLS:

The bills were ordered paid on a motion by Mr. Butewicz with a second by Ms. Urbanik, all present approved.

OPEN TO THE PUBLIC:

Mr. Beck opened the meeting to the public hearing none it was closed on a motion by Ms. Urbanik with a second by Mr. Clancy all present approved.

COMMENTS::

MEETING OF THE
PLANNING BOARD
MEETING NO. 5
PAGE NO. 5

MAY 21, 2013

COMMENT(S):

Ms. Urbanik said she received a letter asking if anyone from the Planning Board would like to march in the Memorial Day Parade to be at the corner of Main and Hillside at 12:00.

ADJOURNMENT

Ms. Urbanik made a motion to adjourn the meeting with a second from Mr. Clancy, all present approved.

Ms. Hermstedt would like to thank Mr. Clancy for taking notes of the meeting. Thank you Michael.

Respectfully submitted,

M. Anita Hermstedt, Secretary