



**BOROUGH OF SOUTH RIVER
PLANNING BOARD
MEETING MINUTES**

October 19, 2021 – 7:00PM

Location: Criminal Justice Center, 61 Main Street, 2nd Level, South River

The Regular Meeting of the Borough of South River Planning Board was called to order by Chairman Zammit at 7:00 pm followed by the Pledge of Allegiance. She read the following announcement in compliance with the Open Public Meetings Act: *In compliance with Chapter 231 of Public Laws of 1975, adequate notice of this meeting was given by way of Annual Notice filed with the Borough Clerk, the Home News Tribune, The Sentinel and posted and posted in the window of Borough of South River Municipal Building. Be Further Advised that the Planning Board of the Borough of South River will hold its regular meeting on (3rd Tuesday of every month), at 7:00 p.m., Criminal Justice Center, 61 Main Street, 2nd Level. Meetings are open to the public.*

The Planning Board may take formal action at this meeting.

Roll Call

Present: Richard Byrne, Michael Clancy, Councilman Peter Guindi, Mayor John Krenzel, Hartman Walker, Jr., Cynthia Wilk, Donna Zammit

Absent: Cynthia Urbanik, Shirley Dockery

Resigned: James Jones

Also Present: Art Londensky, Administrator, Thomas Barlow, Attorney, Bruce Koch, Engineer, Todd Bletcher, Planner

APPROVAL OF MINUTES: Meeting of September 21, 2021

The motion to approve regular meeting minutes dated September 21, 2021 as presented was first moved by Mr. Clancy, seconded by Councilman Guindi, all in favor by voice vote.

RESOLUTION(S)

File PB#2021–005, De Souza

13 Highland Avenue Block: 219 Lot: 1.01

The motion to approve *File PB#2021–005, De Souza* resolution was first moved by Mr. Clancy, seconded by Councilman Guindi,

Roll call in favor: Byrne, Guindi, Clancy, Wilk, Walker, Zammit

Abstained: Krenzel

PUBLIC HEARING(S):

PB–2020–009, SRED Property, LLC

205 Main Street Block: 122 Lots: 1, 10, 10.01

Application to construct an addition to the existing building for office use. (*Carried from 09/21/21*)

The motion to carry *File PB#2020–009, SRED Property, LLC* the regular meeting scheduled for December 21, 2021 without further notice was first moved by Mr. Clancy, seconded by Councilman Guindi, all in favor by voice vote.



COMPLETENESS

File PB#2021-06, Akal Properties, LLC

12 Grove Street

Block: 165 Lots: 12.01 & 13

The motion to deem *File PB#2021-06, Akal Properties, LLC*, **incomplete** and to be carried to the December 21, 2021 for Completeness Hearing was first moved by Mr. Clancy, seconded by Ms. Wilk, all in favor by voice vote.

REGULAR MEETING BUSINESS

Ordinance No. 2021-17

Amending the Borough Code of the Borough of South River, Amend Chapter 350 Entitled “Zoning”, “Landscaping and Buffering”, amend 350-28 (G)(5) so as to read entirely as:

§350-28(G) Tree Removal and Woodlands Management

Councilman Guindi explained the proposed ordinance; to assist in drawing business to the Borough, the Council is considering reducing the tree replacement fee to \$50 per tree. Currently the tree replacement fee is \$450 per tree. Per Mr. Bletcher, since it is a fee, it is the Council’s decision. Mr. Bletcher provided examples of tree fees in other townships for comparison; some towns use sliding fee scale. He explained the replacement ordinance. In 2018, the Council increased the fee from \$150 per tree to \$450 per tree; this is what it would cost to replace the tree at that time. The tree removal and replacement ordinance is designed so the Borough will not have any net loss of trees. Per Councilman Guindi, there is a developer application to construct and the tree replacement fee is holding up his application. The goal to make fair for developers, reducing the fee to \$50 per tree.

Councilman Guindi left the dais at 7:20 pm. Councilman Guindi returned the dais at 7:21 pm; he did not miss any of the discussion.

Ms. Wilk expressed her concerns for the proposal. If trees are being removed, the developer chooses to contribute to the tree fund or place trees elsewhere, it will impact the Borough. Mr. Barlow requested clarification of the fees. Per Mayor Krenzel, the tree fee would be \$50 per tree no matter the number removed. Mr. Clancy stated that trees cannot be purchased and planted for \$50. Because the fee is so low, Mr. Clancy opined that the developer would rather pay the \$50 per tree instead of replacing the tree. Per Mr. Byrne, in 2018 when the fee was changed, it was stated that the increase to \$450 would be the approximate cost to replace and plant each tree. Mr. Byrne expressed his concerns for the reduction of trees on the site. The Environmental Commission opined the reduced fee is not enough money. Mr. Barlow does not see an issue with sliding scale fee; it is equal for all and will not be seen as improper. Per Mr. Byrne, he opined that the sliding scale would be helpful. Per Mr. Bletcher, many towns in Middlesex has similar tree replacement ordinance. Each zone has minimum landscape requirement. Site plan application requires a landscaping plan to be submitted. Mr. Bletcher explained again, how the current tree ordinance is designed. Applications comes before the Board for site plan approval, so if an applicant has less than required number of trees, the Board can deny or approve a variance. Chair Zammit stated that it sounds like this Board would recommend the sliding scale fee for the tree replacement. Mr. Bletcher provided an example of a sliding scale tree fees.

The motion to have Mr. Barlow develop the letter to the Council recommending the tree replacement fee be based on a sliding fee was first made by Mr. Clancy, seconded by Ms. Wilk

Roll call in favor: Byrne, Clancy, Walker, Wilk, Zammit

Abstained: Krenzel, Guindi



Board Comments

Deed Restriction for Planning and Land use Information

Mr. Barlow stated that there an application coming before this Board with a deed restriction. He provided information on deed restriction. Per Mr. Barlow, the deed restriction is a private cause of action. The deed restriction is not to be considered by this Board when reviewing the application. The application should be heard on its own merit.

File PB–2021–002, Crown Point LLC

Mr. Barlow reported that Ron Gasiorowski, attorney for opposition has filed an appeal against the application, stating that this Board has improperly granted site plan application.

November 16, 2021 Cancel Meeting

Mr. Clancy made the motion to cancel the November 16, 2021 meeting with any business scheduled for that day to be carried to the next meeting on December 21, 2021. The motion was seconded by Mr. Walker, all in favor by voice vote.

Public Comment – None

The motion to open to the public was first moved by Mr. Byrne, seconded by Mr. Clancy, all in favor by voice vote.

The motion to close to the public was first moved by Mr. Byrne, seconded by Mr. Clancy, all in favor by voice vote.

Chair Zammit reported that October is the Cyber Security Month.

Electrical Vehicle Ordinance

Mr. Bletcher announced that the state legislature has made modifications to the land use law to include an electric vehicle ordinance. State wide requirements have been adopted for electrical vehicle charging stations that will apply to all. This issue will need to be discussed at a later date. He briefly explained the state ordinance; 15% of parking will have to be EV ready or capable over a period of time. This is generally for the larger scale projects. Per Mr. Londensky, our utilities will not be capable of handling the voltage with that much charging. Mr. Bletcher explained how the electric re-fueling will be monitored and charged.

2021 Meeting Date

Chair Zammit requested the 2022 meeting dates to be discussed at the next meeting.

Adjournment

The motion to adjourn at 8:00 pm was first moved by Mr. Clancy, seconded by Ms. Wilk, all in favor by voice vote.

Respectfully submitted by:

Julie Moy
Recording Secretary