

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2015-5, WITH THE REQUEST OF THE HOME NEWS AND TRIBUNE AND THE SENTINEL NEWSPAPERS TO PUBLISH SAME, AND THIS ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES OF THIS MEETING.

A meeting of the Zoning Board of Adjustment was held on May 27, 2015, commencing at 7:30 PM in the South River High School Media Center, 11 Montgomery Street, South River, NJ.

Present were: Mr. Bodak, Mr. Clancy, Mr. Clifton, Mr. DeMonico, Ms. Farren, Mr. Giannakopoulos, Mr. O'Grady, Mr. Sapata, Mr. Scala

Also present were Mr. Kinneally Attorney, Mr. Mazzei, CME Engineer and Mr. Bletcher, Planner.

Absent: None

MINUTES

The Minutes of Meeting No. 3 held on April 28, 2015 were submitted to the Board for acceptance and/or amendment.

Mr. Bodak moved that the Minutes be approved as presented. Mr. Clifton seconded the motion.

BOARD BUSINESS AND CORRESPONDENCE COMPLETENESS

Confirmed those attending the New Jersey League of Municipalities Conference in Atlantic City November 17, 18, 19, 2015. Mr. Demonico, Mr. Bodak, Mrs. Farren, Mr. Clifton and Mr Giannakopoulos will attend

Discussed back log of applications filed with Zoning Board. Discussed changing the start time of the meeting to 7:00 PM but that not favorable to all members. Adding another meeting in September (after summer vacation time) is possible, will revisit in September.

Dismiss without prejudice ZB2014-9 application for Neidi Lockmann for 8 Ferris Street, Block 114. Lot 9. Relief she needed could only be granted by the Planning Board.

Motion made to dismiss without prejudice by Mr. Bodak, seconded by Mr. Clifton. All in favor.

COMPLETENESS

ZB2014-24 Bulk Variances/New Single Family Dwelling

Diamar LLC 15 Clark St. Blk.175 Lot 13

Undersized lot, exceeds impervious coverage, combined side yard set back

Deemed complete on a motion by Mr. Bodak, seconded by Mr. Clifton, all present approved.

Public Hearing to be held on June 30, 2015.

ZB2015-12 Bulk Variances (3)

Ben Franklin Yard Sale, LLC. 45 Division St. Blk. 345 Lot 14

Front yard setback and combined side yard setbacks

Application was deemed Incomplete, still gathering additional information.

Motion to carry over to June 30, 2015 meeting by Mr. Bodak, seconded by Mr. Clifton, all present approved

ZB2015-13

Goncalves, Raul & Isilda 85 Gazi Ave. Blk.66 Lot 5

Side yard for driveway, ceiling height for basement, patio in 10ft.

rear yard, patio over 10% total area, for 1 more shed acc. structure,

shed closer than 5ft., exceeding 50% imp. coverage

Deemed complete on a motion by Mr. Bodak, seconded by Mr. Cliftrton, all present approved.

Public Hearing to be held on June 30, 2015.

ZB2015-15 Bulk Variances (2)

Negron, Enid 28 James Street Blk. 178 Lot 3.1

Side yard parking, within 5 ft. sideyard setback

Deemed complete on a motion by Mr. Bodak, seconded by Mr. Cliftrton, all present approved.

Public Hearing to be held on June 30, 2015.

ZB2015-14 Use Variance

Compres, Hector 56 Main Street Blk. 161 Lot 12

Withdraw application, applying to Planning Board

ZB2015-16 Bulk Variance

RC Homes, Inc. 134 Jackson Street Blk. 164 Lot 26

New single family home. Lot width undersized, combined sideyard,

patio closer than 5ft. to side yard.

Application was deemed Incomplete for additional information to be submitted.

Motion to carry over to June 30, 2015 meeting by Mr. Bodak, seconded by Mr. Clifton, all present approved

RESOLUTIONS

Motion was made by Mr. Bodak to waive the full readings of **Resolution ZB 2014-20 Luz Carde and ZB 2014-29 Elizabeth & Hbilio Teizeira**, seconded by Mr. Clifton, roll call to follow:

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT**

**ZB 2014-20
LUZ CARDE**

WHEREAS, Luz Carde, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to retain a back yard patio and deck that violates the side and rear setback, as well as for impervious coverage on the premises known as Block 318, Lot 5.02, otherwise known as 10 Obert Street, South River, New Jersey; and

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

WHEREAS, a public hearing was held by the Zoning Board on April 28, 2015, and

WHEREAS, the Board has made the following findings of fact:

1. Applicant Luz Carde, has filed an application for bulk variances to retain a back yard patio and deck that requires side and rear setback variances, as well as an impervious coverage variance on the premises known as Block 318, Lot 5.02 otherwise known as 10 Obert Street in South River, New Jersey.

2. Adequate notice was provided and the Board has jurisdiction to hear this application.

3. The Applicant currently has impervious coverage of 97% where 50 % is permitted

4. For the patio, the rear setback is 0' where 10' is required and the side setback is 0 where 5' are required.

5. For the deck, the rear setback is 1' where 10' are required and the side setback is 1.5' where 5' are required.

6. The Applicant also needs relief because the total area of the patio/deck exceeds 10% of the lot area.

7. Based upon concerns raised by the Board, the Applicant agreed to reduce the lot coverage from 97% to 92% by removing a section of pavers.

8. Due to the existing grading, curbing and retaining wall, the property does not appear to drain to adjoining properties; therefore the excessive lot coverage will not negatively impact the neighbors.

9. There was no opposition from any members of the public to the relief requested in this Application

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Luz Carde for bulk variances to retain the rear yard patio and deck, and for impervious coverage of 92% is hereby **GRANTED** in accordance with the findings of fact and conclusions of law rendered above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this approval be and is conditioned upon the following:

1. Applicant shall pay to the appropriate Borough officials all review fees and escrow funds certified to be due by the Board secretary to compensate for review of Applicant's plans as well as professional services. No building permits or certificates of occupancy shall be issued nor final plans signed by Borough officials until all such fees

and escrow funds have been received and notice of same filed with the appropriate code official of the Borough.

2. Applicant shall obtain all required inspections, permits and approvals.

3. Applicant shall insure that the area of pavers that were removed remains a grass area and that lot coverage of 92% is maintained.

BE IT FURTHER RESOLVED that a copy of the within Resolution certified by the Secretary of the Borough of South River Zoning Board of Adjustment be a true copy shall be afforded to the Applicant herein, the Zoning Officer of the Borough of South River, and to the Clerk of the Borough of South River, who is hereby directed to cause same to be published in an official newspaper in the Borough of South River within ten (10) days from the date hereof.

ZB 2014-20

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clancy

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak	X			
Mr. Michael Clancy	X			
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos	X			
Mr. Jeremiah O'Grady	X			
Mr. John Scala				X
ALTERNATES				
Ms. Donna Farren			X	
Mr. John Sapata			X	

2014-20

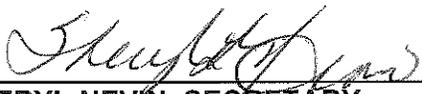
The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clifton

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak	X			
Mr. Michael Clancy	X			
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos	X			
Mr. Jeremiah O'Grady	X			
Mr. John Scala			X	
ALTERNATES				
Ms. Donna Farren			X	
Mr. John Sapata			X	

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED AT THE BOROUGH OF SOUTH RIVER ZONING BOARD OF ADJUSTMENT AT MEETING HELD ON MAY 27 2015.



SHERYL NEVIN, SECRETARY

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT**

**ZB 2014-29
ELIZABETH TEIXEIRA**

WHEREAS, Elizabeth Teixeira, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for use and bulk variances to construct a 2 ½ story two family dwelling on the premises known as Block 292, Lot 5.03, otherwise known as 20 Robert Street, South River, New Jersey; and

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

WHEREAS, a public hearing was held by the Zoning Board on April 28, 2015, and

WHEREAS, the Board has made the following findings of fact:

1. Applicant Elizabeth Teixeira, has filed an application for use and bulk variances to construct a 2 ½ story two family dwelling on the premises known as Block 292, Lot 5.03 otherwise known as 20 Robert Street in South River, New Jersey.

2. Adequate notice was provided and the Board has jurisdiction to hear this application.

3. The Applicant requires a use variance because the property is located in a R-75 (Single Family Residential) Zone and two family dwellings are not permitted.

4. A bulk variance for lot width has been requested, where 75' are required and 50' exist.

5. Applicant has also requested a bulk variance for the total of the two side yard setbacks, where 15' is required and 12' is proposed.

6. The Applicant offered the testimony of Mr. James Higgins, P.P. to justify the use variance.

7. Mr. Higgins established that the purposes of the Municipal Land Use law would be served if this application was granted, specifically N.J.S.A. 40:55D-2(g) by "providing sufficient space in appropriate locations for a variety of...residential...uses".

8. Mr. Higgins also addressed the negative criteria; this neighborhood has developed in a pattern that includes a mix of commercial, single family residential, two family residential and multi-family residential.

9. Therefore, the Master Plan and Zone Ordinance would not be significantly impaired by granting this application due to the aforementioned pattern of development.

10. There are many two family uses in close proximity to the subject property; as a result, granting this application will not be a substantial detriment to the neighborhood.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Elizabeth Teixeira for use and bulk variances to construct a 2 ½ story two family dwelling is hereby **GRANTED** in accordance with the findings of fact and conclusions of law rendered above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this approval be and is conditioned upon the following:

1. Applicant shall pay to the appropriate Borough officials all review fees and escrow funds certified to be due by the Board secretary to compensate for review of Applicant's plans as well as professional services. No building permits or certificates of occupancy shall be issued nor final plans signed by Borough officials until all such fees and escrow funds have been received and notice of same filed with the appropriate code official of the Borough.

2. Applicant shall obtain all required inspections, permits and approvals.
3. Applicant shall comply with Mr. Koch's January 20, 2015 report, paragraphs 3, 4, 5, 7, 9, 10 & 11.
4. Applicant shall meet all applicable elevation requirements, as discussed in paragraph 8 of Mr. Koch's report.
5. All conditions of approval from any and all prior approvals for this parcel remain in effect.
6. Applicant shall comply with the report by Bignell Planning Consultants, Inc., dated January 20, 2015, paragraph 10(F)(G) & (I).
7. The two units may not share the same "cookie cutter" look; the plans shall be reviewed by the Board of Adjustment professionals to ensure that the units comply with this requirement.
8. During construction, the Applicant shall take into consideration the neighbors and shall restrict construction activity to the hours required by the Borough of South River.

BE IT FURTHER RESOLVED that a copy of the within Resolution certified by the Secretary of the Borough of South River Zoning Board of Adjustment be a true copy shall be afforded to the Applicant herein, the Zoning Officer of the Borough of South River, and to the Clerk of the Borough of South River, who is hereby directed to cause same to be published in an official newspaper in the Borough of South River within ten (10) days from the date hereof.

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. O'Grady

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak	X			
Mr. Michael Clancy		X		
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos		X		
Mr. Jeremiah O'Grady	X			
Mr. John Scala				X
ALTERNATES				
Ms. Donna Farren	X			
Mr. John Sapata				

2014-29

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clifton

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak	X			
Mr. Michael Clancy				
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos				
Mr. Jeremiah O'Grady	X			
Mr. John Scala				

ALTERNATES				
Ms. Donna Farren				
Mr. John Sapata				

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED AT THE BOROUGH OF SOUTH RIVER ZONING BOARD OF ADJUSTMENT AT MEETING HELD ON MAY 27 2015.



SHERYL NEVIN, SECRETARY

PUBLIC HEARINGS

ZB2014-10 Use Variances

Yacovelli, Ralph 26 Reid St. Blk.149 Lot 17.1
 Convert 1st floor to 2 family bedroom
 Requested to be carried over to June 30, 2015.

ZB2015-01 Bulk Variance

Matts, Charles 11 Obert St. Blk.319 Lot 5
 Side yard setback and side yard parking

- Requesting a 2 car driveway
- Agreed to install a bollard to protect meters on the side of the house

Chairman opened to the Public. Hearing none, a motion made by Mr. Bodak to close the public portion, seconded by Mr. Scala.

Motion was made by Mr. Bodak for approval as presented with provisos seconded by Mr. Clancy.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clancy, Mr. Clifton, Mr. Giannakopoulos, Mr. O’Grady, Ms. Farren, Mr. Sapata, Mr.Demonico
 NO: None
 ABSTAIN: None

ZB2015-06 Bulk Variance

Andre, Edward 3 Miller St. Blk269 Lot 15
 Install driveway, over impervious coverage, 5ft.side yard set back

- 2 dwellings on site; narrow street
- Parking area will not impede on service sidewalk
- Applicant will repair sidewalk as condition of approval

Chairman opened to the Public. Hearing none, motion was made by Mr. Scala to close the public portion, seconded by Mr. Bodak

Motion was made by Mr. Scala for approval with recommendations as stated; seconded by Mr. Clifton.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clancy, Mr. Clifton, Mr. Giannakopoulos, Mr. O'Grady, Ms. Farren,
Mr. Sapata, Mr. Demonico

NO: None

ABSTAIN: None

ZB2015-08 Bulk Variance

Hayes Jr., Joseph 154 Hillside Ave. Blk174 Lot 3

Exceeding width of driveway, oversized structure, 5ft. sideyard setback, driveway sideyard

- Prefab shed already installed
- Shed just for storage, no utilities in shed

Chairman opened to the Public. Hearing none, motion was made by Mr. Scala to close the public portion, seconded by Mr. Clifton.

Motion was made by Mr. Bodak for approval with recommendations as stated; seconded by Mr. Scala.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clancy, Mr. Clifton, Mr. Giannakopoulos, Mr. O'Grady, Ms. Farren,
Mr. Sapata, Mr. Demonico

NO: None

ABSTAIN: None

ZB2015-09 Bulk Variance/Use Variance

Leary, Bill 99 Jeffrie Ave. Blk. 279 Lot 10

Convert 1 family to 2 family; side yard setback

- Mr. Leary stated that the house was a 2 family when he bought it; 2 set ups of electric & gas. Applicant purchased "as is".
- Mr. DeMonico questioned what the tax record states. Mr. Leary stated 1 family

- Zoning Board Attorney advised that the applicant needs to have a professional planner for a use variance and bulk variance; the planner is required to testify before the board to grant the variance.

Motion was made by Mr. Clancy to carryover the Public Hearing to July 28, 2015 with no further advertising needed; seconded by Mr. Scala. All present approved.

ZB2014-26 Bulk Variance

Pedreiro, Licinio 18 Marion St. Blk.284 Lot 23.1

Impervious coverage, side yard set back

- Mr. Clarkin Attorney advised board of decreasing coverage and drainage; all pre-existing.
- Mr. Sapata questioned the double wide driveway;
- Mr. Bletcher, Planner stated that the survey needs better clarity; Mr. Clarkin agreed that the survey is too busy.
- Mr. Bodak questioned "as built"

Motion was made by Mr. Clancy to carry over the Public Hearing to August 28, 2015 without further notification; Seconded by Mr. Scala. All present approved.

ZB2015-2 Bulk Variances

Corticeiro, Carlos 42 Charles St. Blk.266 Lot 14

Add shed accessory structure, increase driveway, header height in finished

Basement

- Applicant is requesting to have 2 sheds on her corner property, add a pavilion structure, a fence which would not interfere with site triangle and increase the height of the basement ceiling. A laundry room, bathroom and storage unit are in the basement.
- No additional concrete would be added outside.

Chairman opened to the Public. Hearing none, motion was made by Mr. Bodak to close the public portion, seconded by Mr. Clifton.

Motion was made by Mr. Bodak for approval with recommendations as stated; seconded by Mr. O'Grady.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clancy, Mr. Clifton, Mr. Giannakopoulos, Mr. O'Grady, Ms. Farren, Mr. Sapata, Mr. Demonico

NO: None

ABSTAIN: None

ZB2015-3 Site Plan, Bulk Variances, Use Variance & Parking Variance (previously ZB2012-27)

Suchcicki, Marta, 12 Northside Ave. Blk.278 Lot 5

Amend site plan.

- Mr. Clarkin, Attorney stated that the applicant filed an application for Amended Site Plan. Applicant would like to partially demolish the garage utilizing it for 2 parking space.
- Previously applicant was approved to convert a 4 unit dwelling to a 5 unit dwelling with a condition for demolition of the detached garage and utilization of that space for off street parking.
- Mr. Bodak stated that previously the applicant agreed to level the garage which was a far better plan
- The board found the new site plan proposed more problematic; the original site was preferred as opposed to the proposed amendment.

Chairman opened to the Public. Hearing none, motion was made by Mr. Bodak to close the public portion, seconded by Mr. Scala.

Motion was made by Mr. Bodak to DENY the amended site plan; seconded by Mr. Clancy.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clancy, Mr. Clifton, Mr. Giannakopoulos, Mr. O'Grady, Ms. Farren, Mr. Sapata, Mr. Demonico

NO: None

ABSTAIN: None

OPEN TO PUBLIC

Move to close Public Comments by Mr. Bodak, seconded by Mr. Clifton, all present agreed.

BOARD COMMENTS

NONE

ADJOURNMENT

Motion to adjourn by Mr. Bodak, seconded by Ms. Farren. All present in favor.

Adjourned at 9:45 PM

Respectfully submitted,

Sheryl L. Nevin

Sheryl L. Nevin

Zoning Board Secretary

Minutes approved at the Zoning Board meeting held on June 30, 2015.