

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 June 30, 2015, commencing at 7:30 PM in the Criminal Justice Building, 61 Main 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. Koch CME Engineer and Mr. Bletcher, Planner.
Absent: None

MINUTES

The Minutes of Meeting No. 4 held on May 27, 2015 were submitted to the Board for acceptance and/or amendment.

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

BOARD BUSINESS AND CORRESPONDENCE

Chairman asked if anyone was present for the Yacovelli Application. Chairman asked that Board make a motion for a letter be sent to Mr. Yacovelli to carry him over one more month. If he is not ready to be heard on July 28, 2015 the application will be dismissed without prejudice. Motion was made by Mr. Bodak to carryover the public hearing for Mr. Yacovelli to July 28, 2015; if he is not ready on July 28, 2015 the application will be dismissed without prejudice, seconded by Mr. Clifton. All present agreed.

COMPLETENESS

ZB2015-12 Bulk Variances (3)

Lisha Enterprises/LLC 45 Division St. Blk. 345 Lot 14

Change in ownership – was Ben Franklin Yard Sale, LLC.

Front yard setback and combined side yard setbacks

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

Public Hearing to be held on July 28, 2015.

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.

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

Public Hearing to be held on July 28, 2015.

ZB2015-18 Bulk Variances (4)

Joel & Patricia Barkalow 64 Roosevelt Street Blk. 164 Lot 26

Single family home. Addition in combined side yard setback

Application was deemed Incomplete for additional information to be submitted.

Motion to carry over to July 28, 2015 meeting by Mr. Bodak, seconded by Mr. Clifton, all present approved

ZB2015-19 Use Variance/Bulk Variance

Dixon Rincon 190 Main Street Blk. 165 Lot 5

Requesting to convert a one family mixed use/doctor's office to a 2 family residence with additional parking.

Application was deemed Incomplete for additional information to be submitted.

Planner requested an architectural drawing of proposed use.

Motion to carry over to July 28, 2015 meeting by Mr. Bodak, seconded by Mr. Clifton, all present approved

APPEAL OF ZONING OFFICER'S DECISION

ZB2015-17

Magdi Mikhail/Khaled Sadek 11-15 Main Street

Blk. 150 Lot 2.01 & 5

Denial of any permits to rebuild the rooming house; not a permitted use in the zone and pre-existing use has been extinguished

Motion was made by Mr. Bodak for the Public Hearing to be held on July 28, 2015, seconded by Mr. Clifton, all present approved.

RESOLUTIONS

Motion was made by Mr. Bodak to waive the full readings of **Resolution ZB 2015-01 for Charles Matts, ZB2015-06 for Edward Andre, ZB2015-08 for Joseph Hayes and ZB2015-02 for Carlos Corticeiro** seconded by Mr. Clifton, roll call to follow:

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

**ZB 2015-01
CHARLES MATTS III**

WHEREAS, Charles Matts, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to install a paved driveway on the south side of the building that violates the side setback requirements, as well as for impervious coverage on the premises known as Block 319, Lot 5, otherwise known as 11 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 May 26, 2015, and

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

1. Applicant Charles Matts III, has filed an application for bulk variances to construct a driveway on the south side of the building in violation of the rear setback requirements, as well as an impervious coverage variance on the premises known as Block 319, Lot 5 otherwise known as 11 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 36% where 54 % is permitted
4. For the driveway, a 5' setback to the property line is required and 6" is

5. In order to provide a useable driveway, the setback of 6" is reasonable; currently, the property has no off-street parking.

6. The gas meter is also located on the south side of the building; in order to ensure that cars using the driveway do not strike the gas meter, the Board requested, and the Applicant agreed, to install a bollard to protect the meter.

7. The driveway will be enclosed with curbing, as required by ordinance, to ensure that no stormwater can drain onto adjacent properties.

8. 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 Charles Matts III for bulk variances as described above 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 enclose the driveway with curbing as required by ordinance.

4. Applicant shall install a bollard to protect the gas meter.
5. Applicant shall take all necessary steps to avoid any drainage to the neighbor's property.
6. Applicant shall repair/replace any curb or sidewalk that is in disrepair.
7. Applicant shall provide a plan showing all details including, but not limited to, the curbcut and apron.

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 2015-1

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

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				
Mr. John Sapata				

2015-1

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 JUNE 30 2015.

SHERYL NEVIN, SECRETARY

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

**ZB 2015-6
EDWARD ANDRE**

WHEREAS, Edward Andre, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct a paved driveway on the southwest corner of the property that violates the side setback requirements, as well as for impervious coverage on the premises known as Block 269, Lot 15, otherwise known as 3 Miller 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 May 26, 2015, and

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

1. Applicant Edward Andre, has filed an application for bulk variances to construct a driveway on the southwest corner of the lot in violation of the rear setback requirements, as well as an impervious coverage variance on the premises known as Block 269, Lot 15 otherwise known as 3 Miller 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 86.9% where 66.25% is proposed and 50 % is permitted

4. For the driveway, a 5' setback to the property line is required and 6" is proposed.

5. In order to provide a useable driveway, the setback of 6" is reasonable; currently, the property has no off-street parking.

6. The undersized nature of the lot creates the impervious coverage issue that makes it a hardship to comply.

7. The driveway will be enclosed with curbing, as required by ordinance, to ensure that no stormwater can drain onto adjacent properties.

8. 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 Edward Andre for bulk variances as described above 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 enclose the driveway with curbing as required by ordinance.

4. Applicant shall take all necessary steps to ensure that all drainage is to the street.

5. Applicant shall repair/replace any curb or sidewalk that is in disrepair.

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 2015-6

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

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				
Mr. John Sapata				

2015-1

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 JUNE 30 2015.

 SHERYL NEVIN, SECRETARY

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

**ZB 2015-08
JOSEPH HAYES JR**

WHEREAS, Joseph Hayes Jr., hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance to install a 12' x 20' shed on the premises known as Block 174, Lot 3, otherwise known as 154 Hillside Avenue, 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 May 26, 2015, and

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

1. Applicant Joseph Hayes, Jr. has filed an application for a bulk variance to construct 12' x 20' shed on the west side of the premises known as Block 174, Lot 3 otherwise known as 154 Hillside Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant proposes to locate the shed 6'6" from the property line; the ordinance requires at least 5' setback to the property line.
4. The size of the shed, 240 square feet exceeds the ordinance limit of 220 square feet; consequently a variance is required.

5. No utilities are planned for the proposed shed.
6. The Applicant also proposes to install a paved driveway that meets the ordinance requirements.
7. The shed, despite the fact that it is slightly oversized, can be permitted because it complies with all setback requirements.
8. 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 Joseph Hayes, Jr. for a bulk variance as described above 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 pave the driveway as required by ordinance.

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 2015-8

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

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				
Mr. John Sapata				

2015-8

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 JUNE 30 2015.

SHERYL NEVIN, SECRETARY

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

**ZB 2015-02
CARLOS CORTICEIRO**

WHEREAS, Carlos Corticeiro, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to permit 2 sheds on the southeast corner of the property, to add a pavilion structure on the east side, to erect a solid fence in the front yard along Willet Avenue, to increase the size of the driveway on Charles Street and to permit a finished basement with insufficient ceiling height on the premises known as Block 266, Lot 14, otherwise known as 42 Charles 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 May 26, 2015, and

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

1. Applicant Carlos Corticeiro. has filed an application for bulk variances to permit 2 sheds on the southeast corner of the property, to add a pavilion structure on the east side of the property, to erect a solid fence in the front setback along Willet Avenue, to increase the size of the driveway along Charles Street and to permit a finished basement with insufficient ceiling height on the premises known as Block 266, Lot 14 otherwise known as 42 Charles Street in South River, New Jersey.

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

3. The Applicant constructed all of the above-referenced improvements without permits and now seeks permission to retain them.

4. With regard to the fence, the portion of the fence located within the sight triangle is a 32" open picket style fence; consequently, there is no sight impediment

5. For the basement, a 7' ceiling height is required and 6' 4" is existing (6' where there are beams).

6. The basement contains a laundry room, bathroom and storage; it has 2 ingress/egress points.

7. 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 Carlos Corticeiro. for relief as described above 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 as required by the Borough of South River.

3. Applicant shall ensure that the fence within the sight triangle is a 32' open picket style fence.

4. No kitchen is permitted in the basement.

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 2015-2

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				
Mr. John Sapata				

2015-2

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 JUNE 30 2015.

SHERYL NEVIN, SECRETARY

Borough Attorney explained to Board Members that ZB2012-27 was originally heard and voted on by the Board but before memorialized the applicant asked to reopen the hearing to make a change; reopened and the amendment was denied by the Board.

Two resolutions are to be voted on; one is to memorialize the original approval and one is the denial of the amended application

Original approval by the Board for ZB 2012-27; only eligible members can vote on it.

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

**ZB 2012-27
M & W SUCHICKI**

WHEREAS, M & W Suchicki, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for a use variance, a density variance and bulk variances, including the required number of parking spaces, to convert the building from a four (4) unit dwelling to a five (5) unit dwelling on the premises known as Block 278, Lot 5, otherwise known as 12 Northside Avenue, South River, New Jersey; and

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

WHEREAS, public hearings were held by the Zoning Board on July 29 and September 30, 2014, and

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

1. Applicant M & W Suchicki have filed an application for a use variance, a density variance and for bulk variances to convert the building from a four (4) unit dwelling to a five (5) unit dwelling on the premises known as Block 278, Lot 5, otherwise known as 12 Northside Avenue in South River, New Jersey.

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

3. The Applicant's property is located in the R-75 Zone, which does not permit multi-family dwellings; however, the Master Plan does recommend this lot for a multi-family use.

4. The property was purchased by the Applicants in 1990 as a five (5) unit building; it has operated since then as a five (5) unit dwelling with no negative impact upon the neighborhood. The building and grounds are maintained in good condition.

5. The Applicant supplied the Zoning Board with the report of Mr. Bogdan, Architect, dated September 15, 2014 and marked as A-12 and the Fire Sub-Code Official's report, marked as A-13, and agreed to be bound by the requirements of both reports regarding fire safety.

6. The Applicant offered the Professional Planning testimony of Ted Hrymoc, P.P. in support of this Application.

7. The Zoning Board finds that the Applicant has satisfied the positive criteria necessary for a use and density variance. Specifically, this building appears to have been constructed as a multi-family dwelling and this Application seeks the continued use of an existing building. The building is a unique structure, unlike others in the surrounding neighborhood. In addition, the property is particularly suited for the five (5) unit use because it has operated as a five (5) unit dwelling without any negative impact upon the surrounding neighborhood.

8. The Zoning Board finds that the Applicant has demonstrated the negative criteria necessary for a use and density variance; first, the Master Plan recommends this lot for multifamily use. Second, the Zone Plan will not be negatively impacted because there already is a mix of single family and multifamily uses in this neighborhood.

9. This property has operated for an extended period of time, since at least

1990 when the Applicant's purchased it, as a five (5) unit dwelling without any negative impact upon the neighborhood or the public good. In addition, the site can handle the fifth unit notwithstanding that the density is exceeded.

10. The grant of the use and density variances can be reconciled with the zone not permitting five units because it is doubtful the drafters of the ordinance intended it to apply to a unique structure like this that was constructed as a multi-family apartment building with sufficient space for five units.

11. There was no opposition from any members of the public to the relief requested in this Application; the Zoning Board finds the lack of complaints as evidence that the use of this dwelling as a five (5) unit dwelling has not in the past and will not in the future negatively impact the surrounding neighborhood.

12. The Zoning Board finds that, on balance, the benefits of granting this Application outweigh the negative aspects associated with a five (5) unit dwelling at this location; this is especially true considering the conditions attached to this Resolution. These conditions are intended to minimize the negative effects of a five (5) unit dwelling.

13. Finally, the Zoning Board finds that the bulk variances, including the parking variance, can be granted because they are subsumed into the use and density variances.

14. Following the vote to grant this use variance and site plan application, but before memorialization of the resolution, the Applicant requested that the Board not memorialize the resolution because she wanted to file an amended site plan for consideration by the Board.

15. The Board tabled the resolution and the Applicant subsequently filed an amended site plan application.

16. A public hearing on the amended site plan application was held on May 27, 2015, at which time the application for an amended site plan was denied.

17. Since the amended site plan application is no longer pending, the Board of Adjustment will memorialize the vote on the original application for a use variance and site plan requiring demolition of the garage.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant M & W Suchicki for a use variance, a density variance, bulk variances, and site plan to convert the four (4) unit dwelling into a five (5) unit dwelling is hereby **GRANTED** in accordance with the findings of fact and conclusions of law rendered above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that approval of the use variance and site plan 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 remove the second access door to all units except for the attic unit.

4. Applicant shall comply with the report of Mr. Bogdan, dated September 15, 2014 and marked as A-12

5. Applicant shall comply with the September 19, 2014 report of Mr. Arthur Londensky, Fire Sub Code Official, marked as A-13

6. Applicant shall demolish the garage to create more off-street parking; when providing off-street parking, Applicant shall install bollards around the Bilco doors leading to the basement.

7. The basement is to be used for dead storage only; no part of the basement shall be used for living space.

8. Applicant shall comply with the Bignell Planning report dated July 21, 2014, Paragraph 11, "A" through "D", "J" through "L", "N", "O" and "R".

9. Applicant shall provide an enclosure around the trash area; landscaping will not be required, due to the lack of space.

10. The Resolution memorializing the Zoning Board decision is to be recorded with the Middlesex County Clerk's Office by the Applicant, at the Applicant's expense.

11. Applicant is to supply revised plans within sixty (60) days of the memorialization of this Resolution showing all of the changes required as conditions of this approval.

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. Giannakopoulos

Seconded by: Mr. Almeida

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

2012-27

The foregoing Resolution was:

Moved by: Mr. Clancy

Seconded by: Mr. O'Grady

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak				
Mr. Michael Clancy	X			
Mr. Trony Clifton	X			

Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos	X			
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 JUNE 30, 2015.

SHERYL NEVIN, SECRETARY

The amended resolution:

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

**ZB 2015-3
M & W SUCHICKI**

WHEREAS, M & W Suchicki, hereinafter referred to as the Applicants, previously was granted approval from the Zoning Board of Adjustment of South River for a use variance, a density variance and bulk variances, including the required number of parking spaces, to convert the building from a four (4) unit dwelling to a five (5) unit dwelling on the premises known as Block 278, Lot 5, otherwise known as 12 Northside Avenue, South River, New Jersey; and

WHEREAS, THE Applicant has now filed an Application for Amended Site Plan approval from the South River Zoning Board of Adjustment; 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 May 27, 2015, and

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

1. Applicant M & W Suchicki previously received a use variance, a density variance and for bulk variances to convert the building from a four (4) unit dwelling to a five (5) unit dwelling on the premises known as Block 278, Lot 5, otherwise known as 12 Northside Avenue in South River, New Jersey.

2. A condition of that previous approval was the demolition of the detached

garage and utilization of that space for off-street parking.

3. Applicant subsequently filed this amended site plan application; the amended application seeks partial demolition of the garage, utilizing the garage for two parking spaces, and reconfiguring the off-street parking.

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

5. The Applicant now proposes to reduce the size of the existing garage from a 3 car garage to a 2 car garage and add a 4th surface parking spot.

6. In the amended site plan, the parking spaces now violate the parking setback regulations, where 5' are required and 2.58' and 4.07' are proposed.

7. The amended site plan also violates the landscape buffer requirements for parking that buffers a residential zone; the amended plan eliminates the 5' area previously shown on the plans.

8. The site plan previously approved by the Zoning Board calling for demolition of the garage is a preferable parking plan to the amended plan proposed by the Applicant.

9. The amended site plan proposes parking circulation and access issues that the Zoning Board finds to be problematic; the original site plan's circulation and access was far more preferable to that proposed in the amended site plan.

10. The Zoning Board agrees with the observations of Mr. Todd Bletcher, P.P., the Zoning Board Professional Planner, that the amended site plan includes parking spaces that are likely to be blocked and, therefore unavailable.

11. The Zoning Board further finds that the new violations, of the parking setback to a residential zone and the landscape buffer requirement would be a detriment to the surrounding neighborhood if granted.

12. The Zoning Board finds that the originally approved plan requiring the demolition of the garage was a superior design to this amended application.

13. In part, the basis for the approval of the use variance was the demolition of the garage and the proposed off-street parking.

14. Under the revised parking proposal, involving reduction of the 3 car garage to a two car garage, the Board finds that the use variance would not be appropriate because the site would not be appropriate for that many units due to insufficient off-street parking.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant M & W Suchicki for a amended site plan approval is hereby **DENIED** in accordance with the findings of fact and conclusions of law rendered above.

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 2015-3

The foregoing Resolution was denied:

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	

2015-3

The foregoing Resolution was denied:

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	

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 JUNE 30, 2015.

SHERYL NEVIN, SECRETARY

PUBLIC HEARINGS

ZB2015-5 Bulk Variance

Kontos, Chris 7 Woodlawn Ave. Blk.32 Lot 2

- Undersized lot to construct a new 2 ½ story single family home
- Applicant agreed to work the neighbor to provide fencing
- Borough Engineer had some concerns with size of the garage
- 2 parking spaces would be the garage and the driveway

Chairman opened to the Public.

Ms. Herman, 6 Northern Street

- Objects to a house being built; it was a vacant lot when she bought her house and would like to remain that way. Also had concerns on fencing. Lot is behind her house.

A motion made by Mr. Bodak to close the public portion, seconded by Mr. Clancy.

Motion was made by Mr. Bodak for approval as presented with stipulations including drainage and working with the neighbors, 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

ZB2015-10 Use Variance/Parking Variance

235 Main St. Trust 235 Main St. Blk.125 Lot 12

Note: Mr. Giannakopoulos stepped off dais for public hearing; he lives within 200 ft. of the applicant.

- Convert 1 family/business to 2 family
- Mr. Sachs, Attorney requested to move the public hearing to July 28, 2015 if possible to make some changes in plans. Some concerns with sight distance from Devoe Street to Main Street. Mr. DeMonico stated that the schedule is full right now, if any openings he would be notified, but as of now carried over to August 25, 2015.

Motion was made by Mr. Bodak to carryover the public hearing to August 25, 2015 meeting seconded by Mr. Clifton.

ZB2015-11 Bulk Variances (5)

Ferreira/Sousa 13 Garden St. Blk. 215 Lot 15

- Impervious coverage, accessory structure, side yard setback, accessory structure size and patio within rear and side yard setback
- Mr. Sousa (son living at house) stated that his father went to the Zoning Board over 20 years ago for a driveway. It was not paved before 2004; no permits were taken out that he was aware of.
- Mr. Ingram, Engineer reviewed the plans. The lot is undersized and there is no garage so a shed is needed. The aesthetics of the property have been improved, no negative drainage impacts.
- Mr. Bletcher, Borough Planner suggested removing some of the concrete to reduce impervious coverage, possibly narrow sidewalks to less than 65%.
- Motion was made by Mr. Bodak for approval as presented with specifications mentioned to reduce the impervious coverage to 65% and to comply with the 2004 Resolution and remove the old driveway pad, seconded by Mr. Clifton.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clifton, Mr. Giannakopoulos, Ms. Farren, Mr. Sapata, Mr. Demonico

NO: Mr. Clancy, Mr. O'Grady

ABSTAIN: None

ZB2014-10 Use Variances

Yacovelli, Ralph 26 Reid St. Blk.149 Lot 17.1

- Convert 1st floor to 2 family bedroom
- Mr. Toto, Attorney for the applicant, submitted a letter requesting the Public Hearing be carried over to the July 28, 2015 meeting.

Motion was made at the beginning of the meeting by Mr. Bodak to carryover the public hearing to July 28, 2015 meeting. The Board directed the Board Secretary to send a letter to Mr. Toto advising that if the Public Hearing does not take place on July 28, 2015 the application would be dismissed for lack of prosecution.

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
- Mr. Koch has concerns over the "swail" in the backyard; hole on the property from where the previous house was removed.
- Board questioned elevation, garage space, possibly move garage under house.
- Mr. DeMonico requested modification to the plans
- Mr. Kinneally, Borough Attorney, suggested that if the Board is not comfortable with proceeding as planned since there are legitimate concerns by the Board, Engineer and Planner they can carry over the Public Hearing to a later date.

Motion was made by Mr. Clancy to carryover the public hearing to the August 25, 2015 meeting so that concerns can be addressed, seconded by Mr. Bodak. All present agreed.

ZB2015-13 Bulk Variances (7)

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

(Mr. O'Grady excused himself from the dias)

- 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% impervious coverage
- Joe Hyland, Attorney for the applicant, reviewed the work done without permits. Driveway, oversized patio, 2 accessory buildings, finished basement and exceeding impervious coverage. Applicant is selling the house; perspective buyer would be expecting the house to be as they looked at it; removing coverage would change the look.

Chairman opened to the Public:

Robert Greco, 78 Petit Avenue

- He lived in house for 32 years; 20 years without any water in his basement and now it keeps getting worse. He is an adjacent property.
- Mr. Sapata asked if knew where the water is coming from

Vince Szykowski, Petit Avenue

- In 1990 there was a variance for pavers in backyard; everything after 1993 was illegal
- There is a Country Kitchen in the basement; they should clearly make it a single family home.

Motion was made by Mr. Clancy to carryover the public hearing to the August 25, 2015 meeting so that concerns on water run off can be addressed, seconded by Mr. Bodak. All present agreed.

ZB2015-15 Bulk Variances (2)

Negron, Enid 28 James Street Blk. 178 Lot 3.1

- Side yard parking, within 5 ft. sideyard setback
- Applicant is requesting a driveway, no objections were raised by the public
- Board questioned whose property the retaining wall is on

Motion was made by Mr. Bodak for approval as presented; 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

OPEN TO PUBLIC

Hearing none, move to close Public Comments by Mr. Bodak, seconded by Mr. Clifton, all present agreed.

BOARD COMMENTS

NONE

ADJOURNMENT

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

Adjourned at 10:35 PM

Respectfully submitted,

Sheryl L. Nevin

Zoning Board Secretary