

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 July 28, 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. 5 held on June 30, 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.

COMPLETENESS

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; requesting dimensions and impervious coverage.
Motion to carry over to August 25, 2015 meeting by Mr. Clancy, 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; no new information was 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

ZB2015-21 Bulk Variance

Betty Williams 83 Morningside Ave. Block 342 Lot 10
Single family home, requesting to widen driveway. Proposed
driveway 28'
Application was deemed Complete.
Motion was made by Mr. Bodak for the Public Hearing to be held on August 25, 2015, seconded
by Mr. Clifton, all present approved.

ZB2015-22 Bulk Variance/Use Variance

Evarista Pasencia 41 George St. Block 96 Lot 2

Requesting to convert single family home to two family residence.

Application was deemed Incomplete; requesting basement floor plans.

Motion to carry over to August 25, 2015 meeting by Mr. Bodak, seconded by Mr. Clifton, all present approved

ZB2015-23 Bulk Variance

Peter Zimny Darrow Street Lot Block 114.1 Lot 6

Build a two story single family home

Application was deemed complete. Motion was made by Mr. Bodak for the Public Hearing to be held on August 25, 2015, seconded by Mr. Clifton, all present approved.

ZB2015-24 Bulk Variances (3) / Use Variance (1)

WSC, LLC 190 William Street Block 48 Lot 1.3

Conversion of offices to apartments; increase in coverage, 1.7 ft.

setback for accessory structure; 20 ft. rear yard setback for storage bins.

Application was deemed complete as long as conditions were met within the next 10 days.

Motion was made by Mr. Bodak for the Public Hearing to be held on August 25, 2015, seconded by Mr. Clifton, all present approved.

ZB2015-25 Bulk Variances (6) / Use Variance (1)

10 Willett LLC, 10 Willett Place Block 318 Lot 3.01

Build a two family duplex. Min front yard setback, min. rear yard setback,

min.combined side yard setback, existing non-compliance of min. lot area

existing non-compliance of min. lot depth; 25' landscape buffer

Application was deemed Incomplete; requesting 200 ft. property list be on the floor plans and submission of Corporate Disclosure.

Motion to carry over to August 25, 2015 meeting by Mr. Bodak, seconded by Mr. Scala, all present approved

RESOLUTIONS

Motion was made by Mr. Bodak to waive the full readings of **Resolution ZB 2015-05 for Chris Kontos, ZB2015-11 for Ferreira/Sousa, ZB2015-05** and for **Enid Negron**, seconded by Mr. Clifton, roll call to follow:

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

**ZB 2015-05
KONTOS CONSTRUCTION COMPANY**

WHEREAS, Kontos Construction Company, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct a new 2 ½ story single family home on the premises known as Block 32, Lot 2, otherwise known as 7 Woodlawn 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 June 30, 2015, and

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

1. Applicant Kontos Construction Company has filed an application for bulk variances to construct a new 2 ½ story single family home on the premises known as Block 32, Lot 2 otherwise known as 7 Woodlawn Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant requires variances for lot size (where 7500 s.f. are required and 4480 s.f. exist) and for lot width (where 75' are required and 40' exist).
4. No adjacent land is available that would permit the Applicant to bring this property into conformity; therefore a hardship exists.
5. Based upon concerns raised by a neighbor, the Applicant agreed to work

with the neighbor to provide fencing and/or screening.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Kontos Construction Company for two 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 pave the driveway as required by ordinance.

4. Applicant shall install infiltration systems in the rear yard with overflow to the street; this system shall be subject to the review and approval of the Board engineer, Mr. Koch.

5. Applicant shall repair/replace any damaged curb.

6. Applicant shall install sidewalk along the street frontage.

7. Applicant shall provide a landscape plan.

8. Applicant shall ensure that the garage has adequate depth to park a car inside the garage.

9. Applicant shall install a fence across the rear of the property; details of the fence are to be coordinated with the neighbor to the rear.

10. Applicant shall provide revised plans showing all construction details.

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 2015-5

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				
Mr. John Sapata				

2015-5

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 JULY 28 2015.

SHERYL NEVIN, SECRETARY

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

**ZB 2015-11
MARIA FERREIRA & GILBERTO SOUSA**

WHEREAS, Maria Ferreira & Gilberto Sousa, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for bulk variances for impervious coverage, to keep an existing shed, to add an additional shed and for setbacks for a patio on the premises known as Block 215, Lot 15, otherwise known as 13 Garden 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 June 30, 2015, and

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

1. Applicants Maria Ferreira and Gilberto Sousa have filed an application for bulk variances for impervious coverage, to keep an existing shed, to add an additional shed and for setbacks for the patio on the premises known as Block 215, Lot 15 otherwise known as 13 Garden Street in South River, New Jersey.

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

3. The Applicants require a variance for impervious coverage; 50% is permitted and 71% exist.

4. After concerns raised by the Board, the Applicants agreed to reduce the

impervious coverage to 65% by removing some concrete and keeping a sidewalk.

5. The substandard size of this lot makes it a hardship for the Applicants to strictly comply with the lot coverage limits..

6. The existing shed is located 1.6' from the side lot line where 3' is required.

7. The existing patio is 0' from the rear lot line, where 10' are required; in addition the patio is also located within the 5' side setback area.

8. The Applicant also proposes to add an additional shed that would conform to the setback requirements.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicants Maria Ferreira and Gilberto Sousa 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 comply with the 2004 Resolution and remove the old driveway pad, including the curbcut, and reduce impervious coverage to 67%.

4. Applicant shall supply a new drawing showing the 67% impervious coverage.

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 2015-11

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				
Mr. John Sapata				

2015-11

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 JULY 28 2015.

SHERYL NEVIN, SECRETARY

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

**ZB 2015-15
ENID NEGRON**

WHEREAS, Enid Negron, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance to construct a 9' wide by 44' deep driveway on the premises known as Block 178, Lot 3.01, otherwise known as 28 James 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 June 30, 2015, and

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

1. Applicant Enid Negron has filed an application for a bulk variance to construct a 9' wide by 44' deep driveway on the premises known as Block 178, Lot 3.01 otherwise known as 28 James 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 variance for the minimum setback to a property line for a driveway; 5' is required and no setback is proposed.
4. Although South River requires driveways to be curbed, no curb is required along the side of the driveway due to the existing retaining wall; the rear of the driveway

must still be curbed..

5. No objections were raised by any member of the public to the relief requested by the Applicant.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Enid Negron 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 curb the rear of the driveway.

4. Applicant shall install front leaders and underground piping leading runoff to the street.

5. The driveway shall be pitched toward the street.

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 2015-15

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				

2015-15

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 JULY 28 2015.

SHERYL NEVIN, SECRETARY

PUBLIC HEARING**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 was out of town, his secretary called requesting the Public Hearing be carried over to the next available meeting.

Motion was made by Mr. Bodak to carryover the public hearing to September 29, 2015 meeting, seconded by Mr. Scala. All present agreed.

ZB2014-10 Use Variances

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

Convert 1st floor to 2 family bedroom

Mr. Toto, applicant's attorney was out of town. Mr. Toto requesting the Public Hearing be carried over to the next available meeting. Due to the circumstances, a

motion was made by Mr. Bodak to carryover the public hearing to September 29, 2015 meeting seconded by Mr. Clifton. All present agreed.

ZB2015-12 Bulk Variances (3)

Lishah 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

Borough Engineer updated the board with his report.

Chairman opened up the Public Hearing

- Marc Leber, applicant's Planner explained what has been done since the fire; added pictures for the file.
- Mr. Clancy asked if building permits were issued; which they were
- Mr. DeMonico asked if the construction altered the footprint. Applicants attorney stated that it does not, they were building up.
- Mr. Lauritsen stated that not until the inspections started it be done was it brought to the Construction Official's attention that the structure was enlarged

Chairman opened up the Public Hearing

J. Sullivan, 44 Division Street

- Questioned if there was an oil well on the property; which there was not

Silvia Santos, 47 Division Street

- Stated the front is very large and the construction isn't even done yet
- New construction is even closer to her house; she is on the left side

Carole Sullivan, 44 Division Street

- Roof on side (bump out)of house pushes water onto her property

Mr. DeMonico as well as others on the board would like to look at the property for a clearer understanding. A motion was made by Mr. Bodak to carryover the public hearing to the August 25, 2015 seconded by Mr. Clifton. All present agreed.

ZB2015-16 Bulk Variance

RC Homes, Inc. 134 Jackson Street Blk. 164 Lot 26
New single family home. Lot width undersized, combined side yard,
patio closer than 5ft. to side yard

Chairman opened up the Public Hearing

Cheryl Frazzini, 21 Tarence Dr. Manalapan

- Stated that the house would be a single family, 4 bedroom home
- As stated in Engineer's report, the garage was demolished and the garage will be in the front of the house
- Storm water runoff has been reduced

Tom Highland, Applicant's architect

- The two story, 4 bedroom, 1 car garage is being built on undersized lot
- Eliminate the variance for the garage
- The garage had an easement; garage in front of the house
- Applicant agrees to other conditions of the house

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

Motion was made by Mr. Bodak for approval as presented as per the Engineer's stipulations, 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

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

Noted: Board Member Donna Farren left the dais.

Attached is the transcript of the hearing from the certified court reporter, Ms. Latitsha Russell, present at the hearing from the firm of Shulman, Wiegmann & Associates.

ADJOURNMENT

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

Adjourned at 10:20 PM

Respectfully submitted,
Sheryl L. Nevin
Zoning Board Secretary