

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 August 25, 2015, commencing at 7:30 PM in the Criminal Justice Building, 61 Main Street, South River, NJ.

Present were: Mr. Bodak, Mr. Clifton, Mr. DeMonico, Mr. O'Grady, Mr. Scala
Also present were Mr. Kinneally Attorney, Mr. Koch CME Engineer and Mr. Bletcher, Planner.
Absent: Mr. Clancy, Ms. Farren, Mr. Giannakopoulos, Mr. Sapata

MINUTES

The Minutes of Meeting No. 6 held on July 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 & CORRESPONDENCE

1. Dismiss Without Prejudice ZB2014-25 Thomas Hutchison, 14 Edgewood Place
Motion was made to carry over one more time to September 29, 2015 meeting.
2. September 17, 2015 is Special Meeting for Appeal of Magdi/Sader ZB2015-17
3. September 29, 2015 meeting location change to South River Public Library,
55 Appleby Ave., South River.

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 Complete.

Motion was made by Mr. Bodak for the Public Hearing to be held on October 27, 2015,
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.

Motion to carry over to September 29, 2015 meeting by Mr. Bodak, 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, additional information is needed.

Motion to carry over to September 29, 2015 meeting by Mr. Bodak, 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 Complete.

Motion was made by Mr. Bodak for the Public Hearing to be held on October 27, 2015, seconded by Mr. Clifton, all present approved.

ZB2015-26 Bulk Variances (2)

Sprogis, 10 Palm Place Blk.337 Lot 11

Single family home. Rear yard deck closer than 5 ft. to property line;

57% impervious coverage.

Application was deemed Complete.

Motion was made by Mr. Bodak for the Public Hearing to be held on October 27, 2015, seconded by Mr. Clifton, all present approved.

**ZB2015-27 – Parking Variance, Waiver of Amended Site Plan,
Modification of a Prior Condition of Approval**

Ria Mar, LLC 25 Whitehead Ave Blk.299 Lot 8.1

Elimination of 2 parking stalls; creation of outdoor walk-in garden and

Photography area.

Application was deemed Complete.

Motion was made by Mr. Bodak for the Public Hearing to be held on October 27, 2015, seconded by Mr. Clifton, all present approved.

RESOLUTIONS

Motion was made by Mr. Bodak to waive the full readings of **Resolution ZB 2015-16 for RC Homes, Inc.** seconded by Mr. O'Grady, roll call to follow:

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

**ZB 2015-16
R. C. HOMES, LLC**

WHEREAS, R. C. Homes, LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct a new single family dwelling on the premises known as Block 164, Lot 26, otherwise known as 134 Jackson 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 July 28, 2015, and

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

1. Applicant R. C. Homes, LLC. has filed an application for bulk variances to construct a new single family dwelling on the premises known as Block 164, Lot 26 otherwise known as 134 Jackson 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 bulk variance for lot width, where 75' are required, and 40' exist.

4. Since there is no adjacent property available to the Applicant, a hardship

exists and the Applicant has demonstrated that the Zoning Board should grant this variance.

5.. The Applicant has also requested a variance regarding side setbacks; the ordinance requires each side setback to be 5' and requires a total side setback of 15'.

6. The Applicant proposes side setbacks of 5.5' and 6.5'; this exceeds the minimum of 5' but falls short of the 15' since the total side setback is proposed at 12'.

7. The Zoning Board finds that due to the narrowness of the lot, and the fact that the Applicant exceeds the individual side setback requirements, the total side setback requirement can be relaxed to permit a total of 12'.

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 R. C. Homes, LLC 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 comply with the requirements of the CME report, authored by Mr. Koch.

4. Applicant shall demolish the existing three car garage and the driveway leading to it, since the new proposed dwelling contains a garage.

5. Applicant shall supply revised drawings that show the garage/driveway removal and impervious coverage of 32.45%.

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 2015-16

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				

2015-26

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				

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 AUGUST 25 2015.



 SHERYL NEVIN, SECRETARY

PUBLIC HEARINGS

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.

Mr. Pressler, applicant's attorney, requested to carry the public hearing over to October 27, 2015.

Motion was made by Mr. Bodak to move the public hearing to October 27, 2015, seconded by Mr. Clifton.

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 setback New architect.

Chairman opened up the Public Hearing

- Continuation of Public Hearing from June 30, 2015
- Revisions were made to address the engineer's drainage concerns; adjusted the home by narrowing the home; revised plan goes out to the road
- Soil boring was performed, Borough Engineer will review
- Sidewalks will be added to the plan and connected; add street trees
- Borough Planner requested new architectural plans to be submitted

No further comments, a motion was made by Mr. Bodak for approval as presented as per the Engineer's stipulations, seconded by Mr. Clifton.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clifton, Mr. O'Grady, Mr. Scala, Mr. DeMonico

NO: None

ABSENT: Mr. Clancy, Mr. Giannakopoulos, Ms. Farren, Mr. Sapata

ABSTAIN: No

ZB2015-21 Bulk Variance

Betty Williams 83 Morningside Ave. Block 342 Lot 10

Single family home, requesting to widen driveway. Proposed driveway 28'

Chairman opened up the Public Hearing

- Applicants stated their concerns with cars getting hit on the street and no place to park in snow.
- No curb cutout changes
- Borough Engineer questioned sidewalk and surface of driveway – which will be blacktop
- Borough Planner questioned crosswalk and number of vehicles. Applicants stated 5 vehicles; Planner stated it has the capacity of 8 with the garage.

No further comments, a motion was made by Mr. Bodak for approval as presented as per the Engineer's stipulations, seconded by Mr. Clifton.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clifton, Mr. O'Grady, Mr. Scala Mr. Demonico

NO: None

ABSENT: Mr. Clancy, Mr. Giannakopoulos, Ms. Farren, Mr. Sapata

ABSTAIN: No

ZB2015-23 Bulk Variance**Peter Zimny Darrow Street Lot Block 114.1 Lot 6**

Build a two story single family home

Chairman opened up the Public Hearing

- Applicant to build a single family 2 ½ story home on Darrow and Edgewood; applicant plans on living there
- Plans were revised with house being centered on the lot; drainage was reviewed
- Borough planner reviewed comments regarding sidewalks and handicapped ramp since there are no sidewalks; requested shade trees
- Requesting revised engineering and architectural plans; applicant agrees to all revisions
- Mr. Bodak commented that front and side yards have nice frontages.

Public Comments:

Ray Migut, 61 Dailey Street

- Concerned with frontages, setbacks and height
- Architect stated that they would be the same frontage, height and setbacks as other houses

No further comments, a motion was made by Mr. Bodak for approval as presented as per the Engineer's stipulations and comments stated; seconded by Mr. Clifton.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clifton, Mr. O'Grady, Mr. Scala, Mr. Demonico

NO: None

ABSENT: Mr. Clancy, Mr. Giannakopoulos, Ms. Farren, Mr. Sapata

ABSTAIN: No

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

Chairman opened up the Public Hearing

- Public hearing continued from July 28, 2015; applicant's attorney Bruce Samuels reviewed previous statements.
- Complaints from neighbors at previous meeting so the board members visited the site.
- Mr. DeMonico stated it was a mess and a hazard; questioned drainage and piping. Confirmed that bump out will be removed and plan revised
- Sam Milrum, East Brunswick – Property Owner explained the piping and gutter system
- Revised plans will ensure drainage to front of house, not the neighbor
- Mr. Scala questioned permits; he visited the site. The construction going on and the condition of the property was a disgrace; questioned the stakes for the survey
- Mr. DeMonico was concerned that the property is unsafe to neighbors
- Borough Planner reiterated the violation they are requesting is relief from the front yard setback. Mr. Bodak questioned the front expansion as well.

Opened up the meeting to the public:

Sylvia Santos, 47 Division Street

- Will be happy when house is done; her driveway has been a mess
- Siding is dangerous

Carol Sullivan, 44 Divison

- House is deplorable; has been calling the police and town

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- Questioning oil remediation
- Mr. DeMonico stated the oil remediation is not the authority of the Zoning Board
- Property is a rental, not taken care of
- Water coming off of house turns into a sheet of ice on the street

Mr. Clancy moved to close the public hearing.

Based on the fact that a stop work order is in effect - it is not making the situation any better. Clean up needs to take place, the fence needs to be fixed and with the other stipulations from the professionals a motion was made by Mr. Bodak for approval, seconded by Mr. Clifton.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clifton, Mr. O'Grady, Mr. Scala, Mr. DeMonico

NO: None

ABSENT: Mr. Clancy, Mr. Giannakopoulos, Ms. Farren, Mr. Sapata

ABSTAIN: No

ZB2015-13 Bulk Variances (7)

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

Chairman opened up the public hearing.

- Mr. Kinneally advised the applicant that there are only 4 sitting board members, and three would need to vote; applicant confirmed that they want to move forward.
- Mr. Highland, applicants architect stated that only 5 variances are being applied for, not 7 as previously requested; explained revised plans on drainage; increased impervious coverage and a gutter was added.
- Mr. Bodak questioned the basement; Mr. Kinneally stated that a deed restriction would be required for final approval so that it could only be a single family home
- Robert Kojko, 78 Pettit Avenue - Questioned the size of the patio and questioned where the catch basin is.
- Vince Kostkowski, 19 Pettit Ave. – questioned a previous application for a variance. No variance was found; only an application for zoning which was denied and the applicant changed the size of the patio. Mr. Kostkowski would like verification that there is a catch basin there and questioned drainage calculations.

Mr. Clancy moved to close the public hearing, seconded by Mr. Clifton.

Mr. Bodak questioned the drainage with Mr. Highland.

Mr. Bodak made a motion to approve the application based on stipulations that have been discussed including the deed restriction, seconded by Mr. Clifton.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clifton, Mr. Scala, Mr. DeMonico

NO: None

ABSENT: Mr. Clancy, Mr. Giannakopoulos, Ms. Farren, Mr. Sapata, Mr. O'Grady

ABSTAIN: No

ADJOURNMENT

Motion to adjourn by Mr. Clifton, seconded by Mr. O'Grady. All present in favor.

Adjourned at 10:20 PM

Respectfully submitted,
Sheryl L. Nevin
 Zoning Board Secretary