

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.

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A meeting of the Zoning Board of Adjustment was held on October 27, 2015, commencing at 7:30 PM at 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 and Mr. Scala  
Also present were Mr. Kinneally Attorney, Mr. Koch CME Engineer and Mr. Bletcher, Planner.  
Absent: None

**MINUTES**

The Minutes of Meeting the meeting held on September 29, 2015 were submitted to the Board for acceptance and/or amendment.

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

**BOARD BUSINESS & CORRESPONDENCE**

**COMPLETENESS**

**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.

Additional plans will be submitted for review, applicant requested in writing to carry over his application to the next meeting.

Motion to carry over to November 24, 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.

Applicant's attorney requested in writing that the application be carried over to the next meeting allowing for additional time for plans to be submitted.

Motion to carry over to November 24, 2015 meeting by Mr. Bodak, seconded by Mr. Clifton, all present approved

**ZB2015-31 Bulk Variance**

Salvador, Vera 19 Charles St. Block 267 Lot 7

Requesting bulk variance for less than required ceiling height unfinished basement.

Engineer deferred the application to the Planner; Planner deemed complete.

Motion was made by Mr. Bodak for the Public Hearing to be held on November 24, 2015, seconded by Mr. Clifton, all present approved.

**ZB2015-32 Bulk Variance**

Koziatek, Evelyn 39 Lexington Ave. Block 190 Lot 15

Requesting bulk variance for detached garage and side and rear setbacks

Engineer and Planner deemed complete; subject to a calculation to be submitted to the Planner.

Motion was made by Mr. Bodak for the Public Hearing to be held on November 24, 2015, seconded by Mr. Clifton, all present approved.

**ZB2015-33 Pre Existing Nonconforming Use or Structure**

396 Whitehead Ave LLC, 396 Whitehead Ave. Block 360 Lot 1, 1.1 &2

Requesting bulk variance for detached garage and side and rear setbacks

Engineer and Planner deemed complete.

Motion was made by Mr. Bodak for the Public Hearing to be held on January 26, 2016, seconded by Mr. Clifton, all present approved.

**ZB2015-34 Use Variance/Bulk Variance**

Panzica, Christine 126 Old Bridge Tpk. Block 212, Lot 1.02

Requesting use variance for dog grooming business and bulk variance for signage.

Engineer deferred the application to the Planner; Planner deemed complete.

Motion was made by Mr. Bodak for the Public Hearing to be held on January 26, 2016 unless an applicant drops off of the November 24, 2015 agenda in which they will be heard on that date subject to submitting floor plans prior to the meeting. The applicant will notice for the November 26, 2015 meeting and carried to the January meeting there is no opening Seconded by Mr. Clifton.

**RESOLUTIONS**

The following resolutions were voted on:

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

**ZB 2015-09  
BILL LEARY**

**WHEREAS**, Bill Leary, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use variance to convert the dwelling from a one family to a two family on the premises known as Block 279, Lot 10, otherwise known as 99 Jeffrie 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 culminating on September 29, 2015, and

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

1. Applicant Bill Leary, has filed an application for a use variance to expand a one family dwelling to a two family dwelling on the premises known as Block 279, Lot 10, otherwise known as 99 Jeffrie Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant purchased the property as a two family dwelling; it had been previously converted without permits or approvals.

4. The Applicant failed to demonstrate that "special reasons" exist that support a use variance for a two family dwelling in this single family zone.

5. This is primarily an existing single family neighborhood; the addition of a two family dwelling would substantially impair the intent and purpose of the zone plan and zone ordinance.

6. Permitting a two family dwelling would cause a substantial detriment to the neighborhood.

7. The subject lot is deficient in lot area, and lot width pursuant to the standards of the R-75 Zone for single family dwellings; the lot is not suitable for a two family dwelling due to its small size.

8. The existing build violates the front and side setback requirements for the R-75 Zone for single family dwellings; this building is not suited to a two family use on this small lot.

9. The Applicant failed to demonstrate that the property has sufficient off-street parking for a two family dwelling.

10. The Applicant failed to provide planning testimony to support the request for a Use variance.

11. It is the Applicant's burden to provide evidence and testimony to support the granting of the Use variance; the Applicant has not carried his burden of proof.

12. The Applicant failed to establish the positive and the negative criteria necessary to receive a Use variance.

**NOW, THEREFORE BE IT RESOLVED** by the South River Board of Adjustment that the Application of Applicant Bill Leary for a Use Variance to expand a one family dwelling to a two family dwelling is **DENIED**, and

**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 2015-9**

**The foregoing Resolution was:**

**Moved by: Mr. Clancy**

**Seconded by: Mr. Clifton**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
<b>ALTERNATES</b>				
Ms. Donna Farren	X			
Mr. John Sapata				X

The foregoing Resolution was:

Moved by: Mr. Clancy

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			
<b>ALTERNATES</b>				
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 OCTOBER 27 2015.

  
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SHERYL NEVIN, SECRETARY

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

**ZB 2015-28  
RALPH YACOVELLI**

**WHEREAS**, Ralph Yacovelli, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a pre-existing nonconforming use for the two upstairs apartment on the premises known as Block 149, Lot 17.1, otherwise known as 26 Reid Street, 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 culminating on September 29, 2015, and

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

1. Applicant Ralph Yacovelli originally filed an application for a use variance to convert the former bar on the first floor into an apartment on the premises known as Block 149, Lot 17.1, otherwise known as 26 Reid Street in South River, New Jersey.

2. During the initial public hearings on that application, an issue was raised by the Zoning Board Planner, Mr. Todd Bletcher, P.P., concerning whether the two apartment units on the second floor were legal from a zoning perspective.

3. Since there was no proof of a zoning approval, the Applicant filed this application seeking a declaration from the Zoning board that the two second floor

apartments were a pre-existing, nonconforming use.

4. The Applicant provided evidence, via oral testimony and documentation, that demonstrated that the two second floor apartments had been there for an extended period of time.

5. However, the Applicant failed to demonstrate that the two second floor apartments existed prior to the adoption of the South River zoning ordinance that made this a single family zone.

6. One of the documents offered by the Applicant is a property re-valuation card that specifically states that the property contains a bar and one apartment; the date of this document post-dates the adoption of the single family zone ordinance.

7. It is the Applicant's burden to demonstrate that the use existed prior to the adoption of the zoning ordinance.

8. The Applicant failed to carry the burden of proof to merit a declaration that this is a pre-existing nonconforming use.

**NOW, THEREFORE BE IT RESOLVED** by the South River Board of Adjustment that the Application of Applicant Ralph Yacovelli for a Pre-existing, Nonconforming Use to permit two second floor apartments is **DENIED** for the aforementioned reasons, and

**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 2015-28**

**The foregoing Resolution was:**

**Moved by: Mr. Clifton**

**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			
<b>ALTERNATES</b>				
Ms. Donna Farren	X			
Mr. John Sapata				X

**2015-28**

**The foregoing Resolution was:**

**Moved by: Mr. Clancy**

**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			
<b>ALTERNATES</b>				
Ms. Donna Farren	X			
Mr. John Sapata			X	

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 SHERYL NEVIN, SECRETARY

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

**ZB 2015-25  
 10 WILLETT LLC**

**WHEREAS**, 10 Willett, LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for: a use variance and bulk variances to demolish the existing buildings and construct a new two family dwelling on the property on the premises known as Block 318, Lot 3.01, otherwise known as 10 Willett 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 September 29, 2015, and

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

1. Applicant 10 Willett Avenue LLC, has filed an application for: a use variance and bulk variances to demolish the existing buildings and construct a new two family dwelling for the premises known as Block 318, Lot 3.01, otherwise known as 10 Willett Avenue in South River, New Jersey.

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

3. The existing lot is irregularly shaped, which leads to several of the bulk variances requested by the Applicant; this irregular shape constitutes a hardship.

4. The proposed dwelling has two units; each with its own driveway; it will have the appearance of a duplex.

5. The neighborhood surrounding this property contains a mix of single family and two family dwellings.

6. Adjacent to this lot is a commercial use; the proposed duplex is a good transitional use.

7. The Applicant offered the testimony of Wayne Ingram, P.E., P.P. to provide planning justification for permitting this two family dwelling in a single family zone.

8. Mr. Ingram pointed out that the existing property has two rundown single family dwelling units on the property; they will be replaced by a two family duplex that will be new construction.

9. The Applicant has also requested waivers with regard to curbing, curbing

on driveways and sidewalk as described in the CME report rendered in connection to this application.

10. The Zoning Board finds that waivers can be granted from the requirement that curbs and sidewalks be installed.

11. The Zoning Board agrees with Mr. Ingram's testimony that special reasons exist that support granting the Use variance.

12. The Zoning Board finds that there will be no impairment to the zone plan or zoning ordinance because two units exist on the property and two units are proposed.

13. The Zoning Board finds that there will be no impairment to the public good; the existing two units are dilapidated and will be replaced with new construction that will enhance the neighborhood.

14. 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 10 Willett LLC for a use variance, bulk variances and waivers 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 amended 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 comply with the CME Report dated September 9, 2015, paragraphs 2, 3, 5, 6, 7, & 8.

4. In lieu of planting shade trees in the rear yard, the Applicant shall make a contribution to the Borough's Shade Tree fund.

**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 2015-25**

**The foregoing Resolution was:**

**Moved by: Mr. Scala**

**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			
<b>ALTERNATES</b>				
MS. Donna Farren	X			
Mr. John Sapata				X

2015-25

The foregoing Resolution was:

Moved by: Mr. Clancy

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			
<b>ALTERNATES</b>				
Ms. Donna Farren	X			
Mr. John Sapata			X	

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 SHERYL NEVIN, SECRETARY

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

**ZB 2015-17  
MAGDI MIKHAIL/KHALED SADEK**

**WHEREAS**, Magdi Mikhail & Khaled Sadek, hereinafter referred to as the Applicants, have appealed the decision of the Zoning Officer that the pre-existing, nonconforming use of a boarding house has been more than partially destroyed on the property known as Block 150, Lots 2.01 & 5, otherwise known as 11-15 Main Street, 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 July 28, September 17 and October 15, 2015, and

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

1. The Applicants own the premises known as Block 150, Lots 2.01 & 5, otherwise known as 11-15 Main Street in South River, New Jersey.
2. The building is a three story building that formerly contained a bar/tavern on the first floor and a rooming house use on the second and third floors.
3. In 2012, the building was flooded by Superstorm Sandy; as a result, the Applicant received a letter of "substantial damage" from the Borough of South River.
4. In December, 2012, a fire occurred in the building, causing damage to all three floors.
5. Subsequent to the fire, the Applicants made efforts to rebuild the second

and third floors with the intention of utilizing the second and third floors as a boarding house use.

6. A "boarding house" use is not permitted in the zone in which this property is located.

7. The Applicants contend that the boarding house use is a pre-existing, nonconforming use; as such, they contend that they are permitted to re-build since the destruction was partial in nature.

8. The Applicants applied for a zoning permit from the Borough of South River.

9. The Borough of South River Zoning Official, Mr. Glen Lauritsen denied the zoning permit on the basis that the building was more than partially destroyed which extinguished the pre-existing, nonconforming use.

10. The Applicants offered the testimony of Mr. Christopher Ling, forensic architect and professional planner and Tom Winant, president of the STRAAM Group and professional engineer.

11. The Zoning Board also heard testimony from Borough of South River Zoning Official Mr. Glen Lauritsen and Mr. Bruce Koch, professional engineer and South River Municipal Engineer.

12. The Zoning Board considered the testimony of all the witnesses who testified during the public hearings.

13. The entire roof structure was destroyed by the fire; the building has been without a roof for almost three years.

14. On the third floor, the interior wall are completely gone, leaving the third floor as one large area.

15. The walls on the second floor are extensively damage to the point where

all wall board is missing and the walls consist of studs only.

16. The floor of the third level is completely burned through in some areas and significantly damaged in many areas; this has rendered the area unsafe to walk on in several areas. This was verified by both Applicants' witness Mr. Christopher Ling and Borough Engineer Mr. Bruce Koch.

17. The ceiling of the second floor (which is the floor of the third level) has significant charring/burning of the ceiling joists.

18. All of the window panes are missing; many of the window frames are missing.

19. There are no utilities in the building; there is a complete absence of electrical and heating, and plumbing appears to be absent as well except for some drain pipes.

20. The four exterior walls remain standing; however, the front wall is bowing out and the four walls are functioning independently of one another.

21. The four walls are partially supported by temporary supports added after the fire.

22. Applicant's expert, Mr. Winant, conducted tests to determine the integrity of the building; however he did not conduct any tests without those temporary supports.

23. Mr. Winant recommended immediate repairs to the areas currently supported by the temporary supports. His report stated, "This should provide significant concern to all parties and warrants immediate action to secure this structure. Time is of the essence."

24. Applicants' experts identified significant damage and the need for immediate repair; however their opinion was that the building could be rebuilt.

25. Mr. Koch, the Borough Engineer, identified significant damage, so

significant in fact that he recommended demolition of the third floor and the second floor ceiling joists.

26. The Applicant also supplied a report that tested the mortar and block to determine its integrity. From photos and testimony provided by Mr. Ling, it appears that the tests were done in an area that was not original construction, but in an area added later. Consequently, this report carries no value in determining the integrity of the original construction and the integrity of the four exterior walls.

27. The primary area of damage from the fire was the second and third floor that originally housed the rooming house use.

28. The cumulative effect of the complete lack of a roof, the complete lack of interior walls on the third floor, the extreme damage to the third level floor and second floor joists, the significant damage to the second floor walls, the complete lack of plumbing, heating and electric, the absence of windows, and the bowing of the front wall amounts to more than partial destruction.

29. The current state of the building, as described by Mr. Ling, Mr. Winant and Mr. Koch, is so dire that it requires immediate significant repair; this leads to the conclusion that the rooming house is more than partially destroyed.

30. The question before the Board is not whether the building can be rebuilt; the Board finds that it can be rebuilt. The question before the Board is whether the rooming house use has been more than partially destroyed.

31. The destruction to the second and third floors is more than partial destruction; the rooming house use is substantially totally destroyed.

**NOW, THEREFORE BE IT RESOLVED** by the South River Board of Adjustment that the Appeal of Applicants Magdi Mikhail and Khaled Salek is hereby **DENIED** in accordance with the findings of fact and conclusions of law rendered above.

**BE IT FURTHER RESOLVED** that the Zoning Board upholds the decision of the Zoning Official, Mr. Glen Lauritsen, that the rooming house use was more than partially destroyed.

**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 2015-17**

**The foregoing Resolution was:**

**Moved by: Mr. Sapata**

**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			
<b>ALTERNATES</b>				
MS. Donna Farren				X
Mr. John Sapata	X			

**2015-17**

**The foregoing Resolution was:**

**Moved by: Mr. Nick Giannakopoulos**

**Seconded by: Mr. Trony Clifton**

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak				
Mr. Michael Clancy				
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos	X			
Mr. Jeremiah O'Grady				
Mr. John Scala	X			
<b>ALTERNATES</b>				
Ms. Donna Farren				
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 OCTOBER 27, 2015.

  
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 MS. SHERYL NEVIN, SECRETARY

**PUBLIC HEARING(S)**

ZB2015-18 Bulk Variances (4)

Joel & Patricia Barkalow 64 Roosevelt Street Blk. 168 Lot 1

Single family home. Addition in combined side yard setback front yard setback, patio in front yard, impervious coverage.

- Attorney for applicant Mr. Sachs gave background of the property. Existing structures are on the property. Officials from the town found that some of the property was over the property line on Borough property. Applicant will be purchasing the property from the Borough; everything is contingent on the sale.
- Applicant is before the board to legitimate what has already been done. The shed will be removed, the carriage house will remain and not be occupied.
- Planner for the applicant reviewed the MLUL in relation to the variance relief being requested by the applicant.
- Ms. Farren confirmed that the shed would be removed.
- Mr. Clifton questioned if the 100 year old carriage house is structurally sound.
- Mr. Bodak questioned the 86.6% impervious coverage asking for any possible decreases as well water drainage. Applicant stated there is no ponding, the property sloped.
- Mr. Clancy questioned if the pool had a permit, which it did.

Open to the Public. Hearing none closed the public portion

The resolution was moved by Mr. Bodak, seconded by Mr. Clifton to approve the application as submitted with provisos as stated which included bringing the impervious coverage percentage down.

## ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clifton, Mr. O'Grady, Mr. Giannakopoulos, Mr. Sapata,  
Mr. DeMonico

NO: Mr. Clancy, Ms. Farren

ABSTAIN: Mr. Scala

## ZB2015-26 Bulk Variances (2)

Sprogis, Gregory 10 Palm Place Blk.337 Lot 11

Single family home. Rear yard deck closer than 5 ft. to property line; 57% impervious coverage.

- Applicant stated that he bought the property that was in foreclosure, the deck was done by the previous owner; applicant did not know when the deck was constructed. It is a wooden deck, he does not get water in basement. Impervious coverage is 57%.
- Mr. Bodak questioned the drainage; applicant stated it flows right down the property to the tracks
- Mr. DeMonico question what was under the deck; applicant stated that it is soil.

Open to the Public. Hearing none closed the public portion

The resolution was moved by Mr. Bodak, seconded by Mr. Scala to approve the application as submitted.

## ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

## ZB2015-09 Side Yard Set Back

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

Previous application for converting 1 family to 2 family denied at 9/29/15 ZB meeting.

Applicant at the September meeting requested carryover to October mtg. with new floor plans for 1 family house. No additional info received.

Borough Attorney recommended that the application be dismissed; he was not approved at September's meeting but requested his application be heard in October. The applicant did not submit revised plans and failed to appear. The applicant will need to reapply.

Motion to dismiss without prejudice made by Mr. Clancy, seconded by Mr. Scala.

## ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

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, clarify the number of seats in the outdoor dining area and be able to use banquet room and dining room as long as it does not exceed 190 occupied combined.

- Mr. Hyland, Architect for the applicant explained the changes he would like to make. The improvements would benefit the business as well as the Borough
- Applicant Rui Batista, Principal Owner and Manager of Ria Mar explained what he would like to do the changes to enhance his business and keep up with the other businesses like his. The changes he is making will not impact the neighborhood in any way. He would like to use the rooms independently with smaller parties – keeping under the 190 occupancy. The building will not be increasing any way.
- Parking is not an issue; taxi's and Uber do pick up and drop offs. Mr. Batista is looking into additional property to purchase for more parking.
- Mr. DeMonico asked for clarification that the occupancy would not increase 190 people as previously granted
- Mr. Bodak questioned the handicapped parking; requested that since the handicapped parking space would be moved down the street, suggested some type of a drop off for a handicapped person by the door; Mr. Batista agreed.

Open to the Public. Hearing none closed the public portion

The resolution was moved by Mr. Bodak with the proviso's discussed seconded by Mr. Scala to approve the application as submitted.

**ROLL CALL VOTE:**

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

NO: None

ABSTAIN: None

ZB2014-26 Bulk Variance

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

Impervious coverage, side yard set back

Applicant attorney requested to carryover to January 26, 2016 stating that the applicant may not pursue the application filed.

**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, Attorney for the applicant reviewed the requests of his applicant. Three apartments were constructed above a commercial building without permits

- Mr. Larry Wilderotter, applicant stated that he was in the business with a partner then bought then dissolved that partnership. Three apartments have been apartments since the 1990's. Floor plans were submitted with photos to the board.
- Ms. Farren questioned original use of the building; applicant stated construction business with offices
- Mr. Bodak stated that the building is in a Light Industrial Use zone; apartment are not allowed
- Mr. Sapata questioned the fact that people are living above an auto repair shop; Mr. DeMonico had concerns of the people's health who are living above an auto repair shop
- Mr. Bodak questioned original plans, no note of a residential apartment; not allowed in a light industrial zone.
- Mr. Clancy questioned that the work was done without permits by WSC
- Mr. Zammit, Code Enforcement Official gave the background of the building, stated that inspections were done when it was Marine Extreme and Auto Body shop.
- Mr. DeMonico requested an on-site visit for the board to further understand the building layout. arrangements can be made by contacting the applicant's office assistant.
- Mr. Bodak asked the professional to visit the site as well; Mr. Bletcher would like a copy of the 1980 floor plans. Confirmed that there is no liability to the board that residents are living in the apartments; Borough Attorney confirmed.

Motion was made by Mr. Clancy to move the application to the January 26, 2015 meeting seconded by Mr. Scala. All present in favor.

Open to public. Hearing none, closed.

**ROLL CALL VOTE:**

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

NO: None

ABSTAIN: None

**ADJOURNMENT**

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

Adjourned at 10:30PM

Respectfully submitted

*Sheryl L. Nevin*

Zoning Board Secretary

Minutes approved on  
November 24, 2015.