

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 March 31, 2015, commencing at 7:30 PM in the Criminal Justice Building 61 Main St., 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 Engineer and Mr. Bletcher, Planner.
Absent: None

MINUTES

The Minutes of Meeting No. 1 held on February 24, 2015 were submitted to the Board for acceptance and/or amendment.

Mr. Bodak moved that the Minutes be approved as presented. Mr. O'Grady seconded the motion.

COMPLETENESS

ZB2014-24 Bulk Variances/New Single Family Dwelling
Diamar LLC 15 Clark St. Blk.175 Lot 13
Undersized lot, exceeds impervious coverage, combined side yard set back
Applicant is seeking a new architect; asking for the application be carried over to April 28, 2015 meeting.
Motion to carry over by Mr. Clancy, seconded by Mr. Bodak, all present approved.

ZB2015-01 Bulk Variance
Matts, Charles 11 Obert St. Blk.319 Lot 5
Side yard setback and side yard parking
Deemed complete on a motion by Mr. Bodak, seconded by Mr. Scala, all present approved.
Public Hearing to be held on May 27, 2015.

ZB2015-06 Bulk Variance
Andre, Edward 3 Miller St. Blk 269 Lot 15
Install driveway, over impervious coverage, 5ft. side yard set back
Deemed incomplete by Planner, additional information needed by Engineer
Motion made by Mr. Bodak to deem complete providing all information is submitted before the Public Hearing to be held on May 27, 2015 seconded by Mr. Scala.

ZB2015-5 Bulk Variance

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

Undersized lot

Deemed incomplete by Engineer.

Motion made by Mr. Bodak, to be on for Completeness again at the April 28, 2015 meeting
seconded by Mr. Scala

ZB2015-7 Bulk Variance

Gallo, Andrew & Irene 45 DeVoe St. Blk124 Lot 5

Front yard fence, additional shed - in front yard,
stone driveway, addition to driveway and driveway width

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

Public Hearing to be held on May 27, 2015.

ZB2015-08 Bulk Variance

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

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

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

Public Hearing to be held on May 27, 2015.

ZB2015-09 Bulk Variance/Use Variance

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

Convert 1 family to 2 family; side yard setback

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

Public Hearing to be held on May 27, 2015.

ZB2015-10 Use Variance/Parking Variance

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

Convert 1 family/business to 2 family

Deemed incomplete by Planner and Engineer.

Motion made by Mr. Bodak, to be on for Completeness again at the April 28, 2015 meeting
seconded by Mr. Scala

RESOLUTIONS

Motion was made by Mr. Bodak to waive the full readings of **Resolutions ZB 2014-16 Vasil Vasilev, ZB 2014-17 Robert Shaikh and ZB 2014-23 Edward Andre** seconded by Mr. Scala, roll call to follow:

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

**ZB 2014-16
VASIL VASILEV**

WHEREAS, Vasil Vasilev, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct an addition to the existing house on the premises known as Block 33, Lot 4, otherwise known as 23 Florence 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 February 24, 2015, and

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

1. Applicant Vasil Vasilev, has filed an application for bulk variances to construct a an addition to the existing house on the premises known as Block 33, Lot 4, otherwise known as 23 Florence Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant is seeking variances for impervious coverage and driveway setback violations.

4. The Applicant originally sought permission for impervious coverage of 70%; based upon concerns raised by the Board the Applicant agreed to limit impervious coverage to 60%.also needs relief because the patio area exceeds 10% of the lot.

5. The Applicant also requests relief from the driveway setback requirements, where 5' are required and 3'4" is proposed.

6. As recommended, the existing utility pole will be re-located.

7. The existing basement shall remain unfinished due to the low ceiling height.

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 Vasil Vasilev for bulk variances to construct an addition to the existing house is hereby **GRANTED** in accordance with the findings of fact and conclusions of law rendered above.

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

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

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

3. Applicant shall comply with the CME Report dated 1/16/15 rendered in connection with this application.

4. Applicant shall provide revised plans showing 60% lot coverage and providing details regarding the driveway and curbing, as requested by Bignell Planning; these plans must be provided within sixty (60) days.

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

ZB 2014-16

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				

2014-16

The foregoing Resolution was:

Moved by: Robert Bodak

Seconded by: John 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				

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 MARCH 31 2015.

Sheyl Nevin
SHERYL NEVIN, SECRETARY

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

**ZB 2014-17
ROBERT SHAIKH**

WHEREAS, Robert Shaikh, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to retain a back yard patio that violates the side and rear setback, as well as for impervious coverage on the premises known as Block 276, Lot 8, otherwise known as 34 Northside 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 February 24, 2015, and

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

1. Applicant Robert Shaikh, has filed an application for bulk variances to retain a back yard patio that requires side and rear setback variances, as well as an impervious coverage variance on the premises known as Block 276, Lot 8, otherwise known as 34 Northside Avenue 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 60% where 50 % is permitted; in addition, the rear setback is 3.8' where 10' is required and the side setback is 0 where 5' are required.

4. The Applicant also needs relief because the patio area exceeds 10% of

5. The Applicant has demonstrated a hardship because of the undersized nature of his lot.

6. 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 Robert Shaikh for bulk variances to retain the rear yard patio is hereby **GRANTED** in accordance with the findings of fact and conclusions of law rendered above.

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

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

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

3. Applicant shall insure that the patio and any pavement are pitched so that runoff is not directed to any neighboring properties.

4. Applicant shall plant grass in any areas currently covered by dirt or stone.

5. Applicant shall insure that the fence is located in the proper position out of the right of way and completely on the Applicant's property.

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

ZB 2014-17

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Giannakopoulos

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				

2014-17

The foregoing Resolution was:

Moved by: Robert Bodak

Seconded by: John 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				

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 MARCH 31 2015.

Sheryl Nevin
SHERYL NEVIN, SECRETARY

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

**ZB 2014-23
EDWARD ANDRE**

WHEREAS, Edward Andre, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for permission to build a house on a lot not abutting a street on the premises known as Block 143, Lots 3.01, 4, 5, 6 & 7, 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 February 24, 2015, and

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

1. Applicant Edward Andre, has filed an application for permission to build a house on property that does not abut a street on the premises known as Block 143, Lots 3.01, 4, 5, 6, & 7 in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant is seeking relief under N.J.S.A. 40:55D-36.
4. The Applicant has demonstrated that the house to be built has sufficient access for firefighting equipment, ambulance and other emergency vehicles necessary for the protection of health and safety, as required by N.J.S.A. 40:55D-36.

5. The Zoning Board only reviewed this Application under the auspices of N.J.S.A. 40:55D-36; the Zoning Board has not considered whether the proposed plan conforms with the zoning requirements in South River.

6. 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 permission to build on a lot not abutting a street pursuant to N.J.S.A. 40:55D-36 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 obtain all outside agency approvals required for the proposed development.

4. Applicant shall keep the driveway clear of snow at all times to ensure that firefighting equipment and other emergency vehicles have adequate access to the property

5. Applicant shall supply a tree removal/replacement plan prior to any site work commencing at this location.

6. Applicant shall provide for the consolidation of the lots via a Deed of Consolidation once the Applicant has completed the purchase of the property.

7. Applicant shall provide a Conservation Easement for the eastern portion of the site covering the wetlands areas and buffers; the language of the Conservation Easement shall be reviewed and approved by the Zoning Board attorney...

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

ZB 2014-23

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clancy

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

ALTERNATES				
Ms. Donna Farren				
Mr. John Sapata				

2014-23

The foregoing Resolution was:

Moved by: Robert Bodak

Seconded by: John 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				

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Sheryl Nevin
SHERYL NEVIN, SECRETARY

PUBLIC HEARINGS

#1

ZB2015-3 Site Plan, Bulk Variances, Use Variance & Parking Variance (previously ZB2012-27)
Suchcicki, Marta, 12 Northside Ave. Blk.278 Lot 5
Amend site plan.
Additional information is needed.

Motion was made by Mr. Bodak to carry over to 4/28/15 agenda, seconded by Mr. Scala all present agreed.

#2

ZB2014-26 Bulk Variance
Pedreiro, Licinio 18 Marion St. Blk.284 Lot 23.1
Impervious coverage, side yard set back
Unable to notice papers/property owners.

Motion was made by Mr. Bodak to carry over to 4/28/15 agenda, seconded by Mr. Scala all present agreed.

#3

ZB2014-29 Bulk/Use Variance/New Two Family Dwelling
Teixeira, Elizabeth/Hbilio 20 Robert St. Blk.292 Lot 5.3
Two family bulk for under 75' frontage and 15' combined side yard set back
Newspaper error/needs to publish again

Motion was made by Mr. Clancy to carry over to 4/28/15 agenda, seconded by Mr. Scala all present agreed.

#4

ZB2014-28 Use Variance
Esteves, Julio 70 Willett Ave. Blk. 260 Lot 11
From a two family to three family

- Attorney Mark Rothman and Architect Joe Hyland discussed the outside impervious coverage and floor plans of the dwelling. There are two families living at 70 Willett, the applicant lives across the street at 42 Raritan Avenue. The house is street to street –

Willett Avenue to Raritan Avenue. Applicant is requesting to convert a 2 family to a 3 family.

- Most recent tax records indicates 2 single family units on 1st and 2nd floor.
- The board questioned if the work was done already – which applicant stated it was done but will remove kitchen and bathroom from the basement and only use for storage. Board also questioned building permits, ceiling heights, access to basement, tenants in the house and if any were living in the basement

- Mr. Zammit, Code Enforcement Officer, stated that a complaint was filed that people were living in the basement and after a full inspection conferred that there were 3 families living there and all the work was done.
- Planner noted that there are 2 use variances being sought; 3 family in a 2 family zone and density variance. Engineer added impervious coverage

Open to Public Comments:

Robert Hoff, 54 Caliphy Road, Sayreville (has property in South River)

- Stated that at one time the house was 4 dwellings, 90% coverage of property, all illegally done
- Would like to see codes carried out and all comply with the code as all other residents have to. He lives in Sayreville and has property in South River in which he follows the codes and ordinances.
- He doesn't see a reason for it to be a multifamily

Julie Meira, 24 Thomas Street

- Lived in upstairs apartment 1989-1996 on second floor. Always had bedrooms in attic.
- Existing 3rd floor has always been connected

No further comments, Mr. Bodak moved to close, seconded by Mr. Scala, all in favor.

Further comments from Board:

- Mr. Bodak questioned 2 hot water heaters and 2 gas meters and 1 electric panel. It is set up for a 2 family. Questioned 3rd floor bedrooms and how to escape in case of a fire. Mr. Hyland stated that sprinklers would be put into 3rd floor.
- Mr. Sapata questioned garages/parking
- Ms. Farren questioned impervious coverage, shed and entrance into dwelling as well as fire safety
- Mr. Clifton questioned bedroom layout
- Mr. DeMonico did not see a hardship; it will be a nice 2 family dwelling utilizing 1st and 2nd floor.

Use Variance is to allow a 3 family in a 2 family zone, Density Variance that the site has the capacity to contain what is proposed.

Mr. Bodak did not see a need for granting or a need for a 3 family house; not in public good
Mr. Bodak made a motion to deny the Use Variance, seconded it by Mr. Clancy

Roll Call: Voting YES is to deny the variance

ROLL CALL VOTE

YEAS: Bodak, Clancy, Clifton, DeMonico, Giannakopoulos, O'Grady, Scala
NAYS: None
ABSTAIN: Farren, Sapata

Mr. Bodak made a motion to grant variance for Curb Cut, Driveway and impervious coverage not to exceed 74% seconded by Mr. Scala. Yes vote is for approval.

ROLL CALL VOTE

YEAS: Bodak, Clancy, Clifton, DeMonico, Giannakopoulos, O'Grady, Scala
NAYS: None
ABSTAIN: Farren, Sapata

Application is going to need to submit a set a plans showing changes and impervious coverage not to exceed 74% and basement cannot be living quarters.

#5

ZB2015-2 Bulk Variances

Corticeiro, Carlos 42 Charles St. Blk.266 Lot 14
Add shed arc structure, increase driveway, header height in finished
Basement
Did not notice papers/property owners

Motion was made by Mr. Clancy to carry over to 4/28/15 agenda, seconded by Mr. Scala all present agreed.

#6

ZB2015-4 Bulk Variance

Tawardros, Mary 1 Stanton St. Blk.273 Lot 11
Add Driveway, impervious coverage

Planner noted surveys in packet; before and after surveys. Would need a concrete apron and curb cut with a border. It is a single family dwelling.

Open to Public. None heard. Motion made by Mr. Bodak to close, seconded by Mr. Scala.

Mr. Zammit, Code Enforcement Officer – commented on property being a triangle and obstruction in seeing beyond the fence.

If approved the applicant will have to keep bushes cut down to 30 inches in site triangle and to repair any sidewalk if needed.

Motion was made by Mr. Bodak to approve the application seconded by Mr. O'Grady.

ROLL CALL VOTE

YEAS: Bodak, Clancy, Clifton, DeMonico, Giannakopoulos, O'Grady, Scala
NAYS: None
ABSTAIN: Farren, Sapata

No Public Comment

Board Comments

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

Adjourned at 9:36 PM

Respectfully submitted,
Sheryl L. Nevin
Zoning Board Secretary

Minutes approved at the Zoning Board
Meeting held on April 28, 2015.