

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 September 29, 2015, commencing at 7:30 PM at the South River Public Library, 55 Appleby Avenue, South River, NJ.

Present were: Mr. Clancy, Mr. Clifton, Mr. DeMonico, Ms. Farren, Mr. Giannakopoulos, Mr. O'Grady, Mr. Scala

Also present were Mr. Kinneally Attorney, Mr. Koch CME Engineer and Mr. Bletcher, Planner.

Absent: Mr. Bodak, Mr. Sapata

**MINUTES**

The Minutes of Meeting the meeting held on August 25, 2015 were submitted to the Board for acceptance and/or amendment.

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

**BOARD BUSINESS & CORRESPONDENCE**

1. October 15, 2015 the second Special Meeting for the Appeal of Magdi/Sader ZB2015-17 will be held.

**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.

Application was deemed Incomplete; no new information was submitted. Mr. Bletcher mentioned it has been carried over for several months; suggested to reach out to Mr. Rincon. Board Secretary will send a letter to the applicant.

Motion to carry over to October 27, 2015 meeting by Mr. Clifton, seconded by Mr. Clancy, 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 October 27, 2015 meeting by Mr. Clifton, seconded by Mr. Clancy, all present approved

**ZB2015-29 Bulk Variances (2)**

Janet Caban Garcia 42 Heritage Dr. Block 354 Lot 21.31  
Requesting bulk variance to add extensions to both sides of driveway  
to increase width to 50 ft.; Bulk variance to extend driveway in  
side yard; requesting exemption from concrete or Belgium block border  
requirement.

Application was deemed complete.

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

**ZB2015-30 Bulk Variances (2)**

Ederson Miranda 7 Clark St. Block 175 Lot 14  
Requesting bulk variance for side yard parking; bulk variance for  
Exceeding 20' width

Application was deemed complete.

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

**RESOLUTIONS**

Motion was made by Mr. Clancy to waive the full readings of **Resolutions ZB 2014-24,**  
**ZB2015-21, ZB2015-23, ZB2015-12 and ZB2015-13** seconded by Mr. Scala, roll call to follow:

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

**ZB 2015-24  
DIAMAR LLC**

**WHEREAS**, Diamar LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct a 2 story single family dwelling on the premises known as Block 175, Lot 13, otherwise known as 15 Clark 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 and August 25, 2015, and

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

1. Applicant Diamar LLC has filed an application for bulk variances to construct a 2 story single family dwelling on the premises known as Block 175, Lot 13 otherwise known as 15 Clark Street in South River, New Jersey.

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

3. Applicant's original plan required side setback relief; however the revised plan, with a narrower dwelling, satisfies the side setback requirements.

4. The Applicant requires bulk variance for lot width, where 75' is required and 45' exists; the Applicant also requires a variance for lot area where 7,500 square feet are required and 4,897 square feet exist.

5. The revised plan also addresses Mr. Koch's drainage concerns, since the

narrower building permits water to drain to the street

6. There is no adjacent land available that would allow this lot to conform to the zone requirements; therefore a hardship exists that merits granting relief from the zone requirements.

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 Diamar 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, dated 8/13/15 and authored by Mr. Koch.

4. Applicant shall supply the soli boring results to Mr. Koch for review; Applicant shall comply with any recommendations made by Mr. Koch regarding the results of the soil boring tests.

4. Applicant shall comply with the Bignell Planning Report, dated 8/17/15, paragraphs 10 (a) through 10 (i).

5. Applicant shall supply a signed and sealed set of architectural plans frontages.

**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 2015-24**

**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				
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos				
Mr. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Ms. Donna Farren				
Mr. John Sapata				

**2015-24**

**The foregoing Resolution was:**

**Moved by: Mr. Clancy**

**Seconded by: Mr. Scala**

<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

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 SEPTEMBER 29, 2015.

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**SHERYL NEVIN, SECRETARY**

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

**ZB 2015-21  
BETTY WILLIAMS**

**WHEREAS**, Betty Williams, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to widen the existing driveway on the premises known as Block 342, Lot 10, otherwise known as 83 Morningside 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 August 25, 2015, and

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

1. Applicant Betty Williams has filed an application for bulk variances to widen an existing driveway on the premises known as Block 342, Lot 10 otherwise known as 83 Morningside Avenue 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 driveway width, where 20' is permitted and the Applicant proposes 28'.
4. The Applicant wants to increase the off-street parking, because several cars parked on the street have been struck by other cars.
5. 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 Betty Williams 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, dated 8/19/15 and authored by Mr. Koch; specifically, Applicant shall replace any cracked, lifted or damaged curb and sidewalk along the property frontage.

**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 2015-21**

**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				
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos				
Mr. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Ms. Donna Farren				
Mr. John Sapata				

**2015-21**

**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

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 SEPTEMBER 29, 2015.

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SHERYL NEVIN, SECRETARY

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

**ZB 2015-23  
PETER ZIMNY**

**WHEREAS**, Peter Zimny, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct a 2 ½

story single family dwelling on the premises known as Block 114.1, Lot 6, otherwise known as Darrow Street & Edgewood 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 August 25, 2015, and

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

1. Applicant Peter Zimny has filed an application for bulk variances to construct a 2 ½ story single family dwelling on the premises known as Block 114.1, Lot 6 otherwise known as the corner of Darrow Street & Edgewood Street in South River, New Jersey.

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

3. The Applicant requires bulk variance for lot width, where 100' is required and 75' exists; the Applicant also requires a variance for lot area where 10,000 square feet are required and 7,500 square feet exist.

4. There is no adjacent land available to bring this property into conformance; therefore a hardship exists that merits granting relief from the zone requirements.

5. The proposed dwelling satisfies all setback requirements.

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 Peter Zimny 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, dated 8/14/15 and authored by Mr. Koch.

4. Applicant shall comply with the Bignell Planning Report, dated 8/12/15, paragraphs 11 (a) through 11 (g).

5. Applicant shall install a stone base along the lower façade areas along both frontages.

6. Applicant shall provide revised drawings showing all revisions.

**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 2015-23**

**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				
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos				
Mr. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Ms. Donna Farren				
Mr. John Sapata				

**2015-23**

**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

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 SEPTEMBER 29, 2015.

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**SHERYL NEVIN, SECRETARY**

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

**ZB 2015-12  
 LISHA ENTERPRISES LLC**

**WHEREAS**, Lisha Enterprises LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct a full second story onto the existing building on the premises known as Block 345, Lot 14, otherwise known as 45 Division 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 and August 25, 2015, and

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

1. Applicant Lisha Enterprises LLC has filed an application for bulk variances to construct a full second story on top of the existing building on the premises known as Block 345, Lot 14 otherwise known as 45 Division Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. Applicant's original public hearing raised several concerns from the Zoning Board based upon the complaints from the next door neighbor; as a result, the Board members wanted to conduct a site visit.
4. Prior to the second public hearing, the Applicant amended its Application to eliminate the existing bumpout that reached the side property line; the proximity of that bumpout to the side property line and the drainage from that bumpout onto the neighbor's property was the main complaint from the next door neighbor.
5. The Applicant's property has existing non-conformities relating to lot size, lot width, front setback, side setback, accessory side and rear setbacks.
6. This Application requires variances for front setback, where 25' are required, 13' exists and 6.5' are proposed; a variance for lot coverage is also required, where 50% is permitted and 59.4% is proposed.
7. The Applicant has also provided that all roof drainage will be directed to the street to avoid any potential for runoff to the neighbor's 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 Lisha Enterprises 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, dated 8/19/15 and authored by Mr. Koch, paragraphs 2, 3 & 4.
4. Applicant shall be prohibited from installing any portable air conditioning units that encroach upon neighboring properties.
5. Applicant shall ensure that all stormwater drainage is directed to the front of the house; no stormwater is permitted to drain onto the neighbor's driveway.
6. Applicant shall repair or replace the fence along the left side property line as required.
7. The bumpout along the left side of the building shall be eliminated, leaving a left side setback of 1.5'.

**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 2015-12**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**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				
Mr. Trony Clifton	X			
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos				
Mr. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Ms. Donna Farren				
Mr. John Sapata				

**2015-12**

**The foregoing Resolution was:**

**Moved by: Mr. Clancy**

**Seconded by: Mr. Scala**

<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

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 SEPTEMBER 29, 2015.

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**SHERYL NEVIN, SECRETARY**

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

**ZB 2015-13  
ISILDA & RAUL GONCALVES**

**WHEREAS**, Isilda & Raul Goncalves, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for bulk variances to retain an expanded driveway, two accessory buildings and a finished basement on the premises known as Block 66, Lot 5, otherwise known as 85 Gaszi 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 and August 25, 2015, and

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

1. Applicants Isilda & Raul Goncalves have filed an application for bulk variances to retain an expanded driveway, two accessory buildings and a finished basement on the premises known as Block 66, Lot 5 otherwise known as 85 Gaszi Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The driveway is 3.3' from the side property line, where 5' is required.
4. One accessory building is permitted; two have been constructed including one that is 3.3' from the rear property line, where 5' is required.
5. The basement has been finished but contains insufficient ceiling heights pursuant to Borough Ordinance.
6. The property also requires a variance for impervious coverage; at the time the application was filed, impervious coverage was 59%, where 50% is permitted.
7. The original application also proposed variances for patio size/setback; however, the Applicant submitted a revised plan that eliminated those variances by

8. The revised plan also reduces the impervious coverage from 59% to 52.7% by eliminating some of the paver areas.

9. Concerns were raised by two neighbors, one of whom has experienced basement flooding in recent years.

10. The Applicants have satisfied the Board that there is no drainage from their property to the neighboring property that is experiencing water in the basement.

**NOW, THEREFORE BE IT RESOLVED** by the South River Board of Adjustment that the Application of Applicants Isilda & Raul Gonclaves 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, dated 8/19/15 and authored by Mr. Koch.

4. Applicant shall be install a concrete block curb on the property line along the shed to ensure that drainage does not enter the neighbor's property.

5. Applicant shall install gutters and splashbacks on the shed to divert drainage away from the neighbor's property.

6. In the basement, the Applicants shall remove the doors to ensure that the rooms are not used as bedrooms.

7. The Applicants shall create a deed restriction that the property is to be used as a single family dwelling only and shall not be a two family dwelling.

**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 2015-13**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**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
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**2015-13**

**The foregoing Resolution was:**

**Moved by:**

**Seconded by:**

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 SEPTEMBER 29, 2015.

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**SHERYL NEVIN, SECRETARY**

**PUBLIC HEARING(S)**

**ZB2015-09 Bulk Variance/Use Variance**  
 Leary, Bill 99 Jeffrie Ave. Blk. 279 Lot 10  
 Convert 1 family to 2 family; side yard setback  
 Chairman opened up the public hearing.

- Mr. Leary appeared before the board a few months ago; he is back before the board with a Planner, Mr. Schaeffer. Mr. Leary stated that the house was built as a one family house and he purchased it as a two family. It was converted without permits.
- Mr. Clancy asked the applicant where he lives and his intention of the property; Mr. Leary lives in Edison and the house in South River will be a rental; he bought it as an investment.
- Mr. Clifton asked the applicant what changes or improvements were done; Mr. Leary stated windows, siding, new floors. The basement was a living space – he ripped it all out.
- Borough Planner questioned parking; Mr. Leary stated on site and street parking. Planner stated “stacked” parking is never recommended; the plans do not indicate a driveway expansion
- Mr. DeMonico asked the applicant what his intentions would be if it was not approved as a 2 family dwelling; Mr. Leary stated he bought it as an investment
- Ronnie Zammit, Code Enforcement Officer stated that it is an illegal 3 family house; all work was done without permits

#### Open to the Public

- Ann Marie Brecese, 97 Jeffrey Ave. – questioned the fence and shed and also questioned the parking since one of the neighbors is a disabled

Mr. Scala closed the public portion; seconded by Mr. Clancy

#### Board Comments

Mr. Scala stated it should be a single family house

Mr. Clancy does not see a hardship

Applicant questioned the bulk variance/ side yard set back request on his application; Borough Attorney advised that revised plans should be submitted for a single family dwelling and the application can be carried over to the October 27, 2015 meeting without any notice.

Motion to carry over the bulk variance/ side yard set back request to the October 27, 2015 meeting by Mr. Clifton, seconded by Mr. Clancy, all present approved.

The resolution was moved by Mr. Clancy, seconded by Mr. Clifton to deny the request for a use variance to expand a one family dwelling to a two family dwelling.

ROLL CALL VOTE: (Yes vote is in favor of denying the applicants request)

YES: Mr. Clancy, Mr. Clifton, Mr. O’Grady, Mr. Giannakopoulos, Mr. Scala, Mr. DeMonico

NO: None

ABSENT: Mr. Bodak, Mr. Sapata

ABSTAIN: No

#### **ZB2015-28 Certificate of Pre Existing**

#### **Non-Conforming Use or Structure**

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

Convert 1<sup>st</sup> floor to 2 family bedroom

Chairman opened up the Public Hearing

- Mr. Toto, Attorney for the applicant, stated that there is little documentation/evidence on record to prove noncompliance; he has witnesses

- Ralph Yacovelli stated that he bought the property in 1997 with a tavern on the first floor and 2 residential dwellings on the 2<sup>nd</sup> floor; he also stated that over the years there were some problems at the bar that put restrictions on the bar that hurt his business. He always had 2 tenants upstairs.
- James Namowitz, 26 Reid Street (witness) he was a tenant upstairs since 2005
- Applicant did not have proof that that the use existed prior to the adoption of the zoning ordinance.

Board Comments

- Mr. Scala questioned if apartments were rented with utilities included; applicant stated yes
- Mr. Clifton questioned the meters on the house
- Mr. Clancy questioned the square footage
- Mr. Giannokopoulos questioned the rooms in the upstairs apartments; 2 bedroom apartment and one studio

The resolution was moved by Mr. Clancy, seconded by Mr. Clifton to deny the request for a Pre-existing, Nonconforming Use to permit two second floor apartments.

ROLL CALL VOTE: (Yes vote is in favor of denying the applicants request)

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

NO: None

ABSENT: Mr. Bodak, Mr. Sapata

ABSTAIN: No

**ZB2015-10 Use Variance/Parking Variance**

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

Convert 1 family/business to 2 family

Applicant's attorney requested the hearing be carried over to the next available date; the Pastor of the church is out of town.

Motion was made by Mr. Clancy for the Public Hearing to be held on November 24, 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

Mr. Clancy opened the Public Hearing

- Borough Engineer reviewed his report; Mr. Daniel Andre agreed with his proposals and conditions. Engineer stated that there are two family dwellings in this area
- Planner reviewed his report; Planner stated that there are two "structures" on the property; one may have been occupied at some point
- Ms. Farren questioned if there were 2 separate units and meters; Mr. Andre stated there are 2 water and electric meters

- Mr. Ingram, Attorney for the applicant, stated that there are two run down single family dwellings on the property; they would be replaced with a two family duplex.
- Planner requested Shade Trees; in lieu of trees a donation would be made to the Shade Tree fund by the applicant

Open to the Public

Mr. Kinneally, Borough Attorney, reviewed a letter from neighbor who was unable to attend the Public hearing and his concerns were addressed with Mr. Andre. Mr. Andre will agree to his issues that are legally correct.

The resolution was moved by Mr. Scala, seconded by Mr. O'Grady to approve the application as submitted with the proviso's stated.

ROLL CALL VOTE:

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

NO: None

ABSENT: Mr. Bodak, Mr. Sapata, Mr. DeMonico

ABSTAIN: No

ADJOURNMENT

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

Adjourned at 9:45PM

Respectfully submitted  
*Sheryl L. Nevin*  
Zoning Board Secretary

Minutes approved on  
October 27, 2015.