

ADEQUATE NOTICE OF THIS MEETING HAS BEEN
PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC
LAW 1975 AND BY RESOLUTION 2016-5, 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 February 23, 2016, 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 February 9, 2016 were submitted to the Board for acceptance and/or amendment.

Mr. Bodak moved that the Minutes be approved, Mr. Clifton seconded the motion.

RESOLUTIONS OF APPOINTMENT:

RES: 2016-4

FEBRUARY 23, 2016

RESOLUTION

BE IT RESOLVED that Sheryl Nevin is hereby appointed to the position of Secretary (Clerk) to the South River Zoning Board of Adjustment for the year 2016 in accordance with the current borough salary ordinance/resolution.

DATED: February 23, 2016

/s/ Frank DeMonico
Frank DeMonico, Chairperson

Motion was made by Mr. Bodak, seconded by Mr. Clifton.

ROLL CALL VOTE:

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

NO: None

ABSTAIN: Mr. Clancy, Mr. O'Grady

ABSENT: None

Board Business; Mr. Bodak made a motion to authorize the Planner, Mr. Todd Bletcher to prepare the annual end of the year 2016 report, seconded by Mr. Clancy. All present approved.

COMPLETENESS

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. Engineer deemed complete; Planner requested additional information, process has been going on since June, 2015. A letter was received by Mr. Otlowski, applicant's attorney requesting the application be carried over to the March 29, 2016 meeting. Motion made to carry over the application to March 29, 2016 meeting by Mr. Clancy, seconded by Mr. Scala, all present approved.

ZB2015-36 4 Bulk Variance & Site Plan Waiver

28-30 Florence Street Reality LLC, 28-30 Florence St. Block 34, Lot 8

Requesting site plan waiver and bulk variances for impervious coverage, side yard and rear yard property lines for driveway. Applicant requested the application be carried over to the March 8, 2016 meeting to allow time to clarify requirements the Borough Engineer and Borough Planner. Motion was made by Mr. Clifton to be carried over to the March 8, 2016 meeting for completeness; seconded by Mr. Clancy, all present approved.

ZB2016-01 Bulk Variances (5), Use Variance (1)

Absolute Properties Mgt. LLC. Block 271, Lots 1 & 2

Division, Anderson, Charles & Whitehead

Requesting Use Variance for multifamily 33 unit apartment complex in R-75 Zone, Bulk Variances for front yard setback, maximum yard coverage, maximum building height in stories, maximum building height in feet and maximum gross density. Due to this being a large project, a motion was made by Mr. Clifton for the application to be carried over to the March 8, 2016 meeting for completeness; seconded by Mr. Clifton, all present approved.

Mr. DeMonico noted that a special meeting for the public hearing will be needed just for this application; date to be determined at a later date.

RESOLUTIONS

The following resolutions were voted on:

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

**ZB 2015-35
GILBERT ELITO**

WHEREAS, Gilbert Elito, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to permit a patio within the side yard, to permit a patio that exceeds the maximum size, for impervious coverage and for a pre-existing fence in the front yard on the premises known as Block 304, Lot 2, otherwise known as 137 Whitehead 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 9, 2016, and

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

1. Applicant Gilberto Elito has filed an application for bulk variances to permit a patio in the side yard, to permit a patio that exceeds the maximum size, for impervious coverage, and for a pre-existing fence in the front yard on the premises known as Block 304, Lot 2 otherwise known as 137 Whitehead Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this

application.

3. The improvements are all existing.

4. A portion of the patio has been installed within 1' of the property line; the Applicant agreed to remove that portion of the patio so that it is 5' from the property line except for a portion that will be a walkway from the sidewalk to the patio.

5. The existing lot is located in the R-75 Zone where the minimum lot size is 7500 s.f.; the subject lot is 2708 s.f.

6. Due to the undersized nature of the lot, the Applicant has a hardship complying with the lot coverage limitations. The existing lot coverage is approximately 88%.

7. The Applicant can reduce the lot coverage to 70% by removing some of the patio and removing the existing gravel area and replacing it with grass or other pervious surfaces.

8. There are currently no stormwater drainage problems on the site; the existing stormwater drains to Herman Street.

9. The oversize patio is existing and provides no problem with drainage, since it is already directed to Herman Street.

10. The existing fence in the front yard is not a sight hindrance to any motorist and can, therefore, be permitted to remain.

11. The nonconformities including setbacks and impervious coverage are partially caused by the undersized nature of the lot.

12. The relief requested by the Applicant will have no detrimental impact upon the surrounding neighborhood.

13. These variances will not impair the zone plan or zone ordinance; this

property sits alongside the Borough right of way and in front of the Conrail property.

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 Gilbert Elito 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. The Applicant shall remove the gravel area and replace it with grass or other pervious surface.

4. The Applicant shall remove the patio to the 5' setback line except that a walkway is permitted in the setback area from the sidewalk to the patio.

5. Impervious coverage of 70% is permitted.

6. The Applicant's shall supply a revised plan showing the 70% impervious coverage, the gravel removal and the patio changes.

7. Any damaged curb or sidewalk shall be repaired/replaced as necessary.

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 2015-35

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clifton

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Robert Bodak | X | | | |
| Mr. Michael Clancy | | | | X |
| Mr. Trony Clifton | X | | | |
| Mr. Frank DeMonico | X | | | |
| Mr. Nick Giannakopoulos | X | | | |
| Mr. Jeremiah O'Grady | | | | X |
| Mr. John Scala | X | | | |
| ALTERNATES | | | | |
| Ms. Donna Farren | X | | | |
| Mr. John Sapata | X | | | |

2015-35

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 | | | | |

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 FEBRUARY 23, 2016.



SHERYL NEVIN, SECRETARY

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

**ZB 2015-38
ANNE & BOGDAN GAWEL**

WHEREAS, Anne & Bogdan Gawel, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to impervious coverage of 61.6% and to permit a driveway within 5' of the side property line on the premises known as Block 34, Lot 4.1, otherwise known as 47 June 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 February 9, 2016, and

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

1. Applicant Anne & Bogdan Gawel has filed an application for bulk variances to permit impervious coverage of 61/6% and to permit a driveway within the 5' side yard setback on the premises known as Block 34, Lot 4.1 otherwise known as 47 June Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The improvements are all existing.
4. The driveway has been paved up to the property line and, with the

neighbor's permission, all the way to the neighbor's foundation.

5. In order to establish a boundary line, the Zoning Board requires that the Applicant install curbing on her property at the property line adjacent to the neighbor's property.

6. The existing stormwater runoff is directed to June Street and does not negatively affect any neighboring properties.

7. Therefore, the Zoning Board can approve lot coverage of 61.6% on this lot.

8. The nonconformities including setbacks and impervious coverage are partially caused by the undersized nature of the lot.

9. The relief requested by the Applicant will have no detrimental impact upon the surrounding neighborhood.

10. These variances will not impair the zone plan or zone ordinance; this property sits alongside the Borough right of way and in front of the Conrail property.

11. 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 Anne & Bogdan Gawel 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. The Applicant shall install curbing on their property along the property line to provide a line of demarcation that separates it from the neighbor's property.

4. Impervious coverage of 61.6% is permitted.

5. The Applicant's shall supply a revised plan showing required curbing.

6. The Zoning Board engineer shall visit the site to determine whether any additional problems exist at the site.

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 2015-38

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clifton

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|-----|----|---------|--------|
| Mr. Robert Bodak | X | | | |
| Mr. Michael Clancy | | | | X |
| Mr. Trony Clifton | X | | | |
| Mr. Frank DeMonico | X | | | |
| Mr. Nick Giannakopoulos | X | | | |
| Mr. Jeremiah O'Grady | | | | |
| Mr. John Scala | X | | | |
| ALTERNATES | | | | |
| Ms. Donna Farren | X | | | |
| Mr. John Sapata | X | | | |

2015-38

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 | | | | |

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 FEBRUARY 23, 2016


 SHERYL NEVIN, SECRETARY

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

**ZB 2015-29
JANET CABAN GARCIA**

WHEREAS, Janet Caban Garcia, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance to permit a driveway to be more than 20' wide on the premises known as Block 354, Lot 1.31, otherwise known as 42 Heritage Drive, 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 November 24, 2015 and February 9, 2016, and

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

1. Applicant Janet Caban Garcia originally filed an application for a bulk variance to permit a driveway in excess of 20' wide on the premises known as Block 354, Lot 1.31 otherwise known as 42 Heritage Drive in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. At the original hearing on November 24, 2015, the Applicant proposed a driveway approximately 50' wide; despite significant concerns raised by the Zoning Board, the Applicant requested a vote on the 50' wide driveway.
4. At the November 24, 2015 meeting, the Zoning Board voted to deny the application for the 50' wide driveway.

5. Following the November 24, 2015 meeting, but prior to the memorialization of the Resolution, the Applicant filed an application for re-consideration with the Zoning Board.

6. The Applicant filed a revised plan, and re-noticed the neighbors for the new plan; the public hearing was February 9, 2016.

7. The revised plan proposed a driveway approximately 38.5' wide.

8. The Applicant also requested relief from the requirement that the driveway be curbed; the Zoning Board, concerned with stormwater runoff declines to grant that request.

9. The relief requested by the Applicant for a 38.5' wide driveway will have no detrimental impact upon the surrounding neighborhood.

10. The variance for driveway width will not impair the zone plan or zone ordinance; this property sits alongside the Borough right of way and in front of the Conrail property.

11. 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 Janet Caban Garcia 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. The Applicant shall install curbing around the driveway as required by South River

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 2015-29

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 | X | | | |
| Mr. John Sapata | X | | | |

2015-29

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 | | | | |

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 FEBRUARY 23, 2016.



 SHERYL NEVIN, SECRETARY

PUBLIC HEARING(S)**ZB2015-37 2 Bulk Variances**

Resende, Jose 16 Schack Ave. Block 291, Lot 12

Requesting Bulk Variances for impervious coverage, driveway within 5' side yard property line and side & rear yard parking.

- Mr. Resende, applicant, explained that he would like to install a driveway
- Mr. Alvez, applicant's contractor, added that the driveway would be belgium block and questioned the requirements of the town for the drainage. Mr. Clancy commented on the water being channeled under the driveway, Mr. Koch added that the pipe cannot be connected to the sump pump. Applicant agreed.

Open to the public

Ms. Siewierski, 14 Schack Avenue

- Stated that she has concerns with the width of the driveway and asphalt driveway will be a problem with water in her basement
- Mr. DeMonico questioned the belgium block drainage; Mr. Koch stated that drainage should go out to street not onto her property
- Ms. Siewierski owns the fence along the driveway, doors cannot be opened in the driveway with the fence. Mr. Koch stated that doors will open past the house.
- Mr. Giannakopoulos stated that there is a border, and if a small car is all that can fit, the applicant will have to have small cars.
- Mr. Sapata questioned the garage use in the back of the house. Ms. Siewierski did not recall the garage ever having cars in it.
- Mr. Bodak stated that the board cannot tell the applicant that he can't park in his driveway; the driveway is there and he is grandfathered. The board can only put limitations on the applicant.
- Mr. Zammit stated that a dirt driveway is not an approved surface, this is why the applicant is here.
- Mr. Clancy asked if the applicant could continue to drive his vehicle on the dirt; Mr. Zammit responded no. Mr. DeMonico stated that it is not a legal driveway. A dirt path is not considered a driveway.
- Mr. Alvarez stated that Mr. Resende is trying to clean up the property to better the neighborhood. Nice asphalt and better drainage down to the street.
- Mr. Resende stated that he rents out one side of the house and he will be moving in. He plans on splitting the garage into two, one side for car and one for storage. Driveway is for Mr. Resende only, tenant parks on street.
- Mr. Clancy asked Mr. Zammit if house is a legal 2 family, Mr. Zammit responded that it is a duplex, no living in the basement is allowed. Ms. Siewierski commented that someone is living in the basement and they park on the street. Mr. Zammit stated that there is a no sleeping in the basement letter filed with the town.
- Mr. Koch commented that if the application is approved, the apron will need to be replaced and the sidewalk repaired.
- Mr. Bletcher stated there was 78% impervious coverage; questioned if it can be whittled down.
- Mr. Kinneally stated that the applicant has to pave the driveway or not used as driveway.

Mr. Bodak made a motion to approve the application with provisos. The water will need to go out to the street, belgium block around the perimeter, repair apron and sidewalk as per the engineer and vehicles are pulled to the back yard.

ROLL CALL VOTE:

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

NO: None

ABSTAIN: Mr. Clancy,

ABSENT: None

ADJOURNMENT

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

Adjourned at 8:50 PM

Respectfully submitted

Sheryl L. Nevin

Zoning Board Secretary