

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 April 26, 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 and Mr. Scala
Also present were Mr. Kinneally Attorney, Mr. Koch CME Engineer and Mr. Bletcher, Planner.
Absent: Ms. Farren, Mr. Sapata

MINUTES

The Minutes of Meeting the meeting held on March 29, 2016 were submitted to the Board for acceptance and/or amendment. Mr. Clancy moved that the Minutes be approved, Mr. Bodak seconded the motion.

BOARD BUSINESS/CORRESPONDENCE

Discussed New Jersey League of Municipalities Conference dates for 2016. Reservation deadline is May 1, 2016 – board members to contact Board Secretary if they plan on attending.

Mr. Pressler requested in his letter dated March 30, 2016 that the hearing scheduled for May 31, 2016 be carried over to June 28, 2016 for application ZB2016-02, Mr. Wazeth Wasef, 100 Main Street.

COMPLETENESS

ZB2016-07 Bulk Variances (2)

Halicki, Jozef & Loretta 47 North Side Ave. Block 345 Lot 24
Requesting variances for the location of driveway and maximum impervious coverage. Deemed complete on a motion by Mr. Bodak, seconded by Mr. Clifton, all present approved. Public Hearing on May 31, 2016.

ZB2016-08 Bulk Variance

Belluscio Santos, Raquel 20 Jeffrie Ave. Block 284 Lot 17
Requesting Variance for minimum ceiling heights in basement. Deemed complete on a motion by Mr. Bodak, seconded by Mr. Clifton, all present approved. Public Hearing on June 28, 2016.

RESOLUTION

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

**ZB 2016-03
HILLTOP COMMERCIAL PARK, LLC**

WHEREAS, Hilltop Commercial Park, LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use variance and minor site plan approval to use the lot for automobile storage and to keep 15 shipping containers on the premises known as Block 73, Lot 10.01, otherwise known as 656 Old Bridge Turnpike, 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 March 29, 2016, and

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

1. Applicant Hilltop Commercial Park, LLC has filed an application for a use variance and a waiver of site plan to use the lot for automobile storage and to retain fifteen (15) storage containers on the premises known as Block 73, Lot 10.01 otherwise known as 656 Old Bridge Turnpike in South River, New Jersey.

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

3. The Applicant has also requested a Minor Site Plan approval and a waiver of performing any improvements on the site.

4. The Applicant proposes storage of a maximum of 254 automobiles on the site.

5. The property previously received Planning Board approval for a self-storage facility; there are no current plans to construct that facility.

6. The auto storage will not have any office or retail customer visits; the storage is overflow from a car dealer's main lot, where the customers visit.

7. There will be signage on the property.

8. The hours of operation will be 8 a.m. to 8 p.m., Monday through Friday and 8 a.m. to 6 p.m. on Saturday.

9. The proposed use variance is requested by the Applicant for a period of five (5) years; it is the Applicant's intention to re-develop the property at that time for a different use.

10. The property is particularly suited for the proposed use of car storage; there is an existing car dealer next door that stores a large number of vehicles.

11. The fifteen storage containers contain construction material and household appliances; there is no storage of fuel or other flammable material.

12. Due to the unique topography of the lot, these shipping containers are not visible from Old Bridge Turnpike.

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

14. These variances will not impair the zone plan or zone ordinance.

15. 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 Hilltop Commercial Park, 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. The use variance for automobile storage and for fifteen shipping containers shall be for five (5) years only and shall expire five years from the date of this resolution.

4. Applicant will revise the plans to designate driveways to ensure access to

emergency vehicles; the driveways will be delineated on-site through the use of stakes, or some other manner to indicate the location of these driveways..

5. All loading/unloading of vehicles shall be done on-site.
6. Applicant shall supply a detailed materials list of items in the shipping containers to the Zoning Officer.
7. Applicant shall comply with the Bignell Planning Report, dated March 17, 2016, paragraphs 12 (B), (C), (E), (F), (G) & (H).
8. Applicant shall comply with the CME report, dated March 24, 2016, paragraphs 6, 7, 9 & 10.
9. All vehicles stored on premises shall be operational.
10. No stacking of shipping containers is permitted.
11. The Applicant shall maintain the grading on this site.
12. No subletting of any portion of the premises is permitted.

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 2016-3

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				

2016-3

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				
ALTERNATES				

Ms. Donna Farren				X
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 APRIL 26, 2016.



 SHERYL NEVIN, SECRETARY

PUBLIC HEARING(S)

ZB2015-04 Use Variance and Bulk Variances (2)

Lourenco, Mario & Judite, .42-44 William Street Block 36 Lot 6.01

Requesting bulk variance for lot width and minimum lot size; Use variance for single family dwelling to two family dwelling.

- Mr. Pressler reviewed the application with the Board; requesting a 2 family dwelling with 4 bedrooms in each unit.
- Owner Judite Lourenco owns various properties in town, her and her husband live across the street from the vacant lot at 31 William Street; the new house would be income property.
- Mr. Ploskonka, applicants Engineer reviewed aerial plans
- Mr. Higgins, Planner stated that there other two family homes in the area and in character with the other houses on the street – in line with the Master Plan. Mr. Kinneally asked how he determined the housing in the area; Mr. Higgins did not check to see if homes were legal two family dwellings.
- Mr. Clancy questioned why she changed her mind from a one family (previously approved for one family). Applicant changed her mind – they are staying in the house she is in now, originally was going to move across the street.
- Mr. Giannakopoulos questioned the parking – 2 garages and 2 spaces.

Open to the public

E. Abrams, 2 June Street

- Opposed to two family house; too many renters, too many people, too many parties – no parking.

Council Comments:

Mr. DeMonico

- Why not build a single family house on lot to rent

Mr. Scala

- Denying – based on Master Plan – build single family

Mr. Scala moved that the application be denied, Mr. Clifton seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN:

ABSENT:

Application Denied.

ZB2015-10 Use Variance/Parking Variance

235 Main St. Trust 235 Main St. Blk.125 Lot 12 Convert 1 family/business to 2 family

Mr. Sachs requested the Public Hearing be carried over to the May 31, 2016 meeting; only 6 eligible voters.

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 and increase impervious coverage.

- Mr. Otlowski, applicant's attorney reviewed the application; applicant is requesting to convert the one family dwelling to 2 family dwelling.
- Mr. Fletcher, applicant's planner stated that multifamily dwellings are predominately in the neighborhood and the footprint will not change
- Mr. Bletcher questioned the basement and the attic; applicant advised there are not bedrooms in the basement and the attic is storage
- Mr. Clancy questioned the parking; backing out onto George Street is a safety issue.
- Applicant purchased the house in 2001 as a single family home; applicant stated it was a 3 family with as machine shop

Open to Public

- Mr. Pedro, resident at 41 George Street stated that it was a 3 family dwelling with 2 meters. (Tax records state single family)
- Ms. Appleby, resident 69 Garwood Street, stated it would be more beneficial as a single family home, congested parking already, the side street which is Bright Street is only one side parking and difficult to park
- Mr. Zammit stated the applicant has some violations in court, there was a prior denial for a 2 family dwelling

Board Comments:

- Mr. Clancy has concerns of parking and stacked parking

Mr. Clancy moved that the application be denied, Mr. Scala seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN:

ABSENT:

Application Denied.

ZB2015-36 4 Bulk Variance & Site Plan Waiver

28-30 Florence Reality LLC Block 34, Lot 8 Requesting Site Plan Waiver and Bulk Variances for impervious coverage, side yard and rear yard property lines for driveway

- Mr. Ingram reviewed the plans; the dwelling has 4 – 1 bedroom units. There are six parking spaces and the applicant would like to pave the rear parking area.
- Mr. Clancy questioned the run off; Mr. Ingram stated there's no impact from run off to adjacent properties.
- Mr. Koch reviewed his report; he finds the relocation of the shed to be compliant
- Mr. Bletcher reviewed his report; he finds plans to be compliant

Public Comment

- Ms. Crea's, 22 Florence St., she is at the lower end of the hill and questions the run off
- Applicant stated a curb will be installed to help block runoff and make any necessary changes to avoid negative drainage impacts on neighboring properties.
- Mr. Clancy moved the application be denied, Mr. Scala seconded the motion.

Mr. Bodak moved the application be approved based with conditions stated, Mr. Clifton seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN:

ABSENT:

ZB2016-05 Bulk Variance (2)

Salazar, George 15 Leland Avenue Block 100, Lot 6 Extending Driveway; within 5' and parking in side yard; over lot coverage, impervious coverage 53.2%

- Mr. Salazar stated he is requesting to change the gravel driveway to blacktop 6' away from the property line
- Mr. Koch requested at least 1' define the property lines
- Applicant agreed to take measures to avoid any drainage impacts on the neighboring properties.
- Mr. Clifton moved the application be approved based with conditions stated, Mr. O'Grady seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN:

ABSENT:

RECUSED: Mr. Bodak

ZB2016-05 Bulk Variance (1)

Elito, Gilberto, 54 Levinson Avenue Block 301, Lot 2.2 minimum ceiling height in basement

- Mr. Elito, applicant stated that when he purchased the house in 2004 the basement was finished. Now he rents the property and it has a low ceiling height. He is requesting to permit the finished basement with the low ceiling height. He does not and will not use it for sleeping.
- Mr. Lauritsen confirmed with applicant that it will not be used as a rental and there will be no sleeping in the basement.

Mr. Bodak moved that the application be approved based with conditions stated, Mr. Clifton seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN: Mr. Clancy

ABSENT:

PUBLIC COMMENTS

None

BOARD WENT INTO CLOSED SESSION

Mr. Kinneally updated the board on litigation.

BOARD BUSINESS

Special Zoning Board Meeting to be held on May 10, 2016 for Absolute Properties Public Hearing, Division and Charles Street. Meeting to be held at South River Middle School Cafetorium @ 7:30 PM
Mr. Scala thanked everyone for their condolences.

ADJOURNMENT

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

Adjourned at 10:20 PM

Respectfully submitted
Sheryl L. Nevin
Zoning Board Secretary