

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 May 31, 2016, commencing at 7:30 PM at the Criminal Justice Building, 61 Main Street, South River, NJ.

Present were: Mr. Bodak, Mr. Clifton, Mr. Clancy, 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 April 26, 2016 and May 10, 2016 were submitted to the Board for acceptance and/or amendment.

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

COMPLETENESS

ZB2016-09 Bulk Variance

Kahse, William 16 Monush St. Block 395 Lot 8

Requested bulk variance for fence height that exceeds 6', requesting 8'

Engineer and Planner deemed complete; Motion made by Mr. Bodak to hold the Public Hearing on June 28, 2016, seconded by Mr. Clifton, all present approved.

ZB2016-10 Bulk Variance

Poplawski, Walter 89 James St. Block 340 Lot 10

Requesting bulk variance for minimum ceiling heights in basement.

Engineer and Planner deemed complete; Motion made by Mr. Bodak to hold the Public Hearing on June 28, 2016, seconded by Mr. Clifton, all present approved.

RESOLUTIONS

The following resolutions were voted on:

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

**ZB 2016-4
MARIO & JUDITE LOURENCO**

WHEREAS, Mario & Judite Lourenco, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for a use variance to convert the existing single family dwelling into a two family dwelling, and for bulk variances lot width and minimum lot size, on the premises known as Block 36, Lot 6.01, otherwise known as 42-44 William 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 April 26, 2016, and

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

1. Applicants Mario & Judite Lourenco have filed an application for a use variance to permit the conversion of the single family dwelling into a two family dwelling, and for bulk variances for lot width and minimum lot size, on the premises known as Block 36, Lot 6.01 otherwise known as 42-44 William Street in South River, New Jersey.

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

3. The Applicant applied to the South River Planning Board in 2011 for a

subdivision to create this lot.

4. The Applicants represented to the Planning Board that they intended to build a single family home on the property; at the time the subdivision was granted, the Planning Board also granted variances for lot width (57' where 75' are required) and minimum lot size (6,084 sf where 7,500 sf. are required).

5. The single family home was never built and the Applicants now seek a use variance to build a two family dwelling in the single family R-75 Zone.

6. The Applicant, Judite Lourenco, testified that the reason the Applicants sought permission for a two family was economic in nature.

7. The Applicants offered the testimony of James Higgins, P.P. in support of this application.

8. Mr. Higgins testified that there are other two family homes within 200 feet of this lot; however, Mr. Higgins did not check to see if these two family homes were legal two family homes.

9. The Zoning Board rejects Mr. Higgins testimony that the two family use, if granted, would be consistent with the surrounding neighborhood; the surrounding neighborhood is predominantly single family homes.

10. Since the surrounding neighborhood is predominantly single family in nature, granting this application would constitute a substantial detriment to the public good and the neighborhood in general.

11. Mr. Higgins further testified that this application, if granted, would serve the general welfare, one of the special reasons that support the granting of a use variance.

12. The Zoning Board disagrees with Mr. Higgins and finds that this application would not serve the general welfare; furthermore, none of the special

reasons contained in the Municipal Land Use Law are applicable to this matter.

13. The Zoning Board finds that this lot is not particularly suited for the proposed use; the lot is far smaller than the minimum lot size for a single family home, much less a two family home.

14. The Zoning Board finds that this application, if granted, would substantially impair the intent and purpose of both the Master Plan and the R-75 Single Family Zone; the Zoning Board rejects Mr. Higgins testimony to the contrary.

15. The Zoning Board finds that the Applicants have failed to carry their burden of establishing positive criteria that support the granting of a use variance with regard to this application.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicants Mario & Judite Lourenco for relief as described above is hereby **DENIED** in accordance with the findings of fact and conclusions of law rendered above.

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 2016-4

The foregoing Resolution was:

Moved by: Mr. Scala

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				

2016-4

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				
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 MAY 10, 2016.

SHERYL NEVIN, SECRETARY

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

**ZB 2015-22
EVARISTA PLASENCIA**

WHEREAS, Evarista Plasencia, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use variance to convert the existing single family dwelling into a two family dwelling on the premises known as Block 96, Lot 2, otherwise known as 41 George 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 April 26, 2016, and

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

1. Applicant Evarista Plasencia has filed an application for a use variance to

permit the conversion of the single family dwelling into a two family dwelling on the premises known as Block 96, Lot 2 otherwise known as 41 George Street in South River, New Jersey.

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

3. The Applicant also requests a variance for impervious coverage, where 50% is permitted, 72.9% exists and 67.3% is proposed.

4. The property has existing non-conformities for lot size (7,500 sf required, 5,000 sf existing), lot width (75' required, 50' exist), front setback (25' required, 10.2' & 1.5' exist), and accessory building side and rear setback (5' required and 2.8' & 2.6' exist).

5. The Applicant offered the testimony of Mr. Paul Fletcher, P.E., P. P. to offer planning justifications for this application.

6. Mr. Fletcher testified that within 200 feet of this property, there are 14 multifamily and 39 single family dwellings; within 300 feet, there are 17 multi-family dwellings and 65 conforming properties.

7. Mr. Fletcher never checked to see if the multi-family dwellings were legal multi-family dwellings.

8. The Zoning Board rejects Mr. Fletcher's contention that the surrounding neighborhood contains many multi-family dwellings; the Zoning Board specifically finds that this is predominantly a single family neighborhood.

9. Since the surrounding neighborhood is predominantly single family in nature, granting this application would constitute a substantial detriment to the public good and the neighborhood in general.

10. Mr. Fletcher further testified that this application, if granted, would serve

the general welfare, one of the special reasons that support the granting of a use variance.

11. The Zoning Board disagrees with Mr. Fletcher and finds that this application would not serve the general welfare; furthermore, none of the special reasons contained in the Municipal Land Use Law are applicable to this matter.

12. The Zoning Board finds that this lot is not particularly suited for the proposed use; the lot is far smaller than the minimum lot size for a single family home, much less a two family home.

13. The insufficient lot area, lot frontage, lot width, and front setback are evidence that this lot is not particularly suited for a two family use.

14. The excessive lot coverage is also evidence that this property is not particularly suited for a two family use.

15. The proposed stacked parking is also inadequate for a two family use on this street and provides additional evidence that this property is not particularly suited for a two family use.

16. The Zoning Board finds that this application, if granted, would substantially impair the intent and purpose of both the Master Plan and the R-75 Single Family Zone; the Zoning Board rejects Mr. Fletcher's testimony to the contrary.

17. The Zoning Board finds that the Applicants have failed to carry their burden of establishing positive criteria that support the granting of a use variance with regard to this application.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Evarista Plasencia for relief as described above is hereby **DENIED** in accordance with the findings of fact and conclusions of law rendered above.

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 2015-22

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			
ALTERNATES				
Ms. Donna Farren				
Mr. John Sapata				

2015-22

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				
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 MAY 31, 2016.

SHERYL NEVIN, SECRETARY

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

**ZB 2015-36
28-30 FLORENCE REALTY, LLC**

WHEREAS, 28-30 Florence Realty, LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances and a minor site plan approval to install a paved parking area for six vehicles in the rear of the premises known as Block 34, Lot 8, otherwise known as 28-30 Florence 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 April 26, 2016, and

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

1. Applicant 28-30 Florence Realty, LLC has filed an application for bulk variances and minor site plan approval to install a paved parking area for six vehicles in the rear of the premises known as Block 34, Lot 8 otherwise known as 28-30 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 an impervious coverage variance (50% is permitted, 80.4% exists and 77.7% is proposed).

4. The Applicant proposes Six parking spaces, where 14 are required to serve the two 4 unit buildings located on this site; thus, a parking variance is also requested.

5. The Applicant proposes a parking setback of 2.08' where a minimum of 5' is required.

6. The Applicant also proposes curbing along the two sides of the parking area but not the rear; this requires a variance from the Borough's driveway ordinance.

7. The Applicant also requests relief from the Landscape buffer requirements, since the proposed screening is less than required.

8. The Applicant also requires relief because the proposed driveway and aisle width are undersized.

9. The available land on the site permits a parking area for, at most, six cars; in fact parking for six vehicles is only possible by violating the required parking setbacks.

10. The paved parking area will improve the drainage in this area by directing runoff from the rear of the property down the driveway to the street.

11. The paved parking lot is preferable to the current unpaved parking area.

12. The Applicant agreed to relocate the shed so that it complies with all setback requirements.

13. The Applicant has requested waivers of providing certain checklist items; the Zoning Board finds it to be appropriate to grant those waivers except for those specifically required in this Resolution.

14. The Zoning Board finds it appropriate to grant a waiver from providing curbing along the rear of the parking area so as not to disturb existing runoff patterns.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant 28-30 Florence Realty, 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 dig a test pit at the junction of the driveway and parking area to determine if infiltration will work at that location; if it does, Applicant shall install a seepage pit at that location.

4. The Applicant shall repair/replace any curb, sidewalk or driveway apron as required.

5. Applicant shall take all measures necessary to avoid negative drainage impacts upon neighboring properties.

6. Applicant shall comply with the April 19, 2016 CME report, paragraphs 7, 8 & 9.

7. During snow removal, excess snow shall be piled on the northerly area of the lot near the shed.

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 2015-36

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				
Mr. John Sapata				

2015-36

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				
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 MAY 31, 2016.

 SHERYL NEVIN, SECRETARY

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

GEORGE SALAZAR

WHEREAS, George Salazar, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances for impervious coverage and to permit a driveway within the side setback on the premises known as Block 100, Lot 6, otherwise known as 15 Leland 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 April 26, 2016, and

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

1. Applicant George Salazar has filed an application for bulk variances for impervious coverage and to install a driveway within the side setback on the premises known as Block 100, Lot 6 otherwise known as 15 Leland Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant seeks additional off-street parking for his vehicles.
4. The Applicant agreed to take all measures necessary to avoid any negative drainage impacts upon the neighboring properties.
5. The Applicant also agreed to repair/replace any damaged curb, sidewalk or driveway apron.
6. At the request of the Zoning Board, the Applicant agreed to install the driveway 6' away from the property line.

7. Applicant proposes lot coverage of 53.5%; by pulling the driveway 6" from the side property line, lot coverage will fall to 52.6%.

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 George Salazar 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 install the driveway 6' from the side property line.

4. The Applicant shall repair/replace any curb, sidewalk or driveway apron as required.

5. Applicant shall take all measures necessary to avoid negative drainage impacts upon neighboring properties.

6. Applicant shall install Belgian block curbing around the perimeter of the driveway as required by South River ordinance.

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 2016-5

The foregoing Resolution was:

Moved by: Mr. Clifton

Seconded by: Mr. O’Grady

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak				
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				

2016-5

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clifton

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak				
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 MAY 31, 2016.

SHERYL NEVIN, SECRETARY

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

**ZB 2016-06
GILBERT ELITO**

WHEREAS, Gilbert Elito, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River to permit a basement with insufficient ceiling height on the premises known as Block 301, Lot 2.2, otherwise known as 54 Levinson 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 April 26, 2016, and

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

1. Applicant Gilbert Elito has filed an application to permit a finished basement with insufficient ceiling height on the premises known as Block 301, Lot 2.2 otherwise known as 54 Levinson Avenue in South River, New Jersey.

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

3. The finished basement is existing and was constructed some years ago.

4. The ceiling height varies between 6' at the soffits, 6' 5" in the bathroom and 6' 7' in other areas.

5. The basement contains no bedrooms; the Applicant agrees as a condition of this approval that the basement shall not be used for sleeping purposes.

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 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. Applicant shall not use the basement for sleeping purposes.

4. The basement shall not be used as a separate dwelling unit; it is to be used in conjunction with the two story 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 2016-6

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				
Mr. John Sapata				

2016-6

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				
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 MAY 31, 2016.

SHERYL NEVIN, SECRETARY

PUBLIC HEARING(S)**ZB2015-34 (Amended) Site Plan & Bulk Variances**

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

Revision of original application when she appeared before the Zoning Board for her dog grooming business. Applicant is seeking site plan waiver and bulk variance for maximum accessory structure (shed) on the property. Mr. Paige, applicant's attorney stated that his client is requesting 12 x 28 shed to be used for storage and landscaping materials on the property where her business will be located. No flammables will be stored in there.

Mr. Bodak moved the application for approval, Mr. Clifton seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

ABSENT: None

ZB2016-07 Bulk Variances (2)

Halicki, Jozef & Loretta 47 North Side Ave. Block 345 Lot 24

Requesting variances for location of driveway and maximum impervious coverage.

Mr. Paige, applicant's attorney reviewed the application before the board. Ms. Halicki stated that her husband is disabled, they needed a driveway and hired a contractor that they thought was reputable but upon receipt of a letter from the Borough, permits were not applied for and the work was not done correctly. Neighbors are getting water in basement, driveway is right on the property line, apron on town's right of way and the pitch of driveway is not correct.

Public Comments:

Michael Ratiner, 49 Northern Street

- Wall that was built is 7" on his property
- Never had water in basement until the driveway was put in
- Driveway is pitched to his property

Michelle Ratiner, 49 Northern Street

- Snow removal is an issue
- Heavy rain – water comes over the wall into her basement
- Not their wall, but on their property; prior to blocks did not have water

Board concluded that the Borough Engineer and Mr. Ploskona the applicant's engineer will inspect the property to discuss ways to alleviate the problem and reduce water.

Public Hearing will be carried over to June 28, 2016 with no further notice.

ZB2015-10 Use Variance/Parking Variance

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

Requesting to convert 1 family/business to 2 family residence.

Board members who were not present at the previous hearings or did not listen to the tapes cannot vote on the application.

Only 5 eligible voters; Change of Use application will need all 5 votes. Mr. Sachs, applicant's attorney, requested to carry over the Public Hearing to the June 28, 2016 meeting for just the vote and requested to be the first hearing on the agenda.

Mr. Giannakopoulos stepped down on the application as he has in the past.

Mr. Clancy will listen to November 25, 2015 and February 9, 2016 tape

Mr. Sapata will need to listen to November 25, 2015 tape

Mr. O'Grady will need to listen to February 9, 2016 tape

Mr. Clancy made a motion to carry the Public Hearing to June 28, 2016 without further notice and this application to be the first hearing on the agenda; seconded by Mr. Scala

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

- Mr. Pressler, applicant's attorney, reviewed the application submitted by Mr. Laurie. After his client listened to the pros and cons from the public at last public hearing, he decided to reduce the number of units from 33 two bedroom units and 2 one bedroom units to 27 two bedroom units and 2 one bedroom units. In addition, no off-site parking will be needed. For the safety of the community the street will be widened, additional lighting and sidewalks will be added.
- Mr. Ludwig reviewed the plans with the 4 units taken out.
- Mr. Bletcher questioned the widening of the road.

Public Comments:

E. Butewicz, Charles Street

- Houses in that section are on small lots
- Illegal housing in that area should be taken up with the Code Enforcement Officer
- 8 single family homes were approved years ago by the Planning Board
- The proposed apartments are not right for South River

Cindy Urbanik, 48 Raritan Ave.

- Questioned D Variance
- Asked the board to consider the negative criteria
- Responsibility of owners to follow Municipal Land Use Law
- Board of Education has had severe budget cuts; apartments will generate more children in the school system; detriment to public good

Danielle Estenko, 18 Whitehead Avenue

- Project brings affordable housing into town, more parking and making streets better

J. Butewicz, Charles Street

- Houses in area were built for a different era
- The application is incomplete in many areas
- Questioned snow removal
- Asking the board to put weight on the testimony heard by the residents who were notified
- Not opposed to single family houses
- Questioned the lack of reports submitted for the property
- Questioned Master Plan

E. Klimczak, 17 Charles Street

- Opposed to the apartments; prefer single family units
- Already a crowded area

C. Sullivan, 44 Division Street

- Age restriction should be considered; 55 older should be considered

Review of Criteria by Mr. Chadwick, Planner for Applicant

- Stated the project is a good fit
- Looks at what the site was and where is it today; new project is attractive, adds vitality to the area and town
- Adaptable piece of property; deal with drainage and parking
- Rutgers studies on students – impacts are manageable

Open to Public (based on Mr. Chadwick's comments in addition to previous comments)

J. Butewicz, Charles Street

- Should make the area less dense - not more dense
- Reinforce single family residence; not multi family

C. Urbanik, Raritan Ave.

- Figures of children based on Rutgers study is low. 0.2 children per 2 bedroom unit

Mr. Chadwick, Planner

- Fiscal Impact Report was done by applicant which includes municipal services and taxes

Julie Meira, 24 Thomas Street

- Improvement to town; new families bring community together
- Comments from residents don't sound very welcoming for people to want to come to South River
- Hope investors will pursue the town – we shouldn't push people away

Cheryl Beck, 5 Theresa Place (Board of Education member)

- 0.2 sounds like a very low number

Sergio C.

- Empty buildings and empty lots in town; bring in new people, new students

Board Questions/Comments

Mr. Bodak

- Questioned standard for density; R75 Zone – 7500 sq. ft. lot
- Questioned if widening by 4 feet will allow enough room for 2 cars to pass
- Snow – ordinance has stipulations to remove
- Will center area be for children; courtyard play area

Carol Sullivan, 44 Division Street

- Questioned if center area/play area will be open to the public

Claudette G., Anderson Street

- Commented that she wouldn't vote yes based on a play area

Motion made by Mr. Bodak to deny the application, density is too high.

No one seconded the motion.

Motion died.

Motion made by Mr. Giannakopoulos to approve the application based on the professionals reviewing all the information requested; seconded by Mr. Clancy.

ROLL CALL VOTE:

- YES: Mr. Clancy (Application is consistent with the neighborhood)
 Mr. Clifton (Town needs to progress)
 Mr. Giannakopoulos (Owner will build something attractive; value of area will go up)
 Ms. Farren (Will enhance area; applicant is very flexible to work with town)
 Mr. DeMonico (Good project; good faith in applicant)
- NO: Mr. Bodak (Density too high; would like one less building)
 Mr. Scala (Prefer single family homes; congested area with apartments)
- ABSTAIN: Mr. O'Grady (Concerns on density)
- ABSENT: None

ADJOURNMENT

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

Adjourned at 10:35 PM

Respectfully submitted

Sheryl L. Nevin

Zoning Board Secretary