
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 June 28, 2016, commencing at 7:30 PM at the Criminal Justice Building, 61 Main Street, South River, NJ.

Present were: Mr. Clifton, Mr. Clancy, Mr. DeMonico, Ms. Farren, Mr. Sapata and Mr. Scala
Also present were Mr. Kinneally Attorney, Mr. Koch CME Engineer and Mr. Bletcher, Planner.
Absent: Mr. Bodak, Mr. Giannakopoulos, Mr. O'Grady

MINUTES

The Minutes of Meeting the meeting held on May 31, 2016 were submitted to the Board for acceptance and/or amendment.

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

COMPLETENESS

ZB 2016-12 Bulk Variance (1)

Rodriguez, George & Ramos, Cindy 75 David St. Block 341, Lot 8, Variance to erect a 6 ft. fence in the front yard of site.

Engineer and Planner deemed complete; Motion made by Mr. Clifton to hold the Public Hearing on July 26, 2016, seconded by Mr. Clancy, all present approved.

ZB 2016-13 Bulk Variance (1)

Batista, Denise 36 Beryl St. Block 4, Lot 134 for encroachment of structure addition into required 5 ft. side yard setback

Engineer deemed complete, Planner incomplete. Motion made by Mr. Clancy to carry over application to August 30, 2016 for completeness, seconded by Mr. Scala, all present approved.

ZB 2016-14 Bulk Variance (1)

Mistry, Viral 41 Independence Place Block 363.13, Lot 11, Bulk Variance for in ground pool in required 25 ft. front yard with walking/patio surface

Engineer and Planner deemed complete; Motion made by Mr. Clifton to hold the Public Hearing on July 26, 2016, seconded by Mr. Scala, all present approved.

ZB 2016-15 Bulk Variance (8)

DeJesus, Walfida 8 William St. Block 37, Lot 16, Bulk Variances for undersized lot, undersized width of lot, insufficient. Front, left, right and side yard setbacks, overage of lot coverage, impervious Coverage 64%.

Engineer deemed incomplete, Planner deemed complete; Motion made by Mr. Clancy to conditionally deem complete based on submission topography survey and grading plan to hold the Public Hearing on July 26, 2016, seconded by Mr. Scala, all present approved.

ZB 2016-16 Bulk Variance (1)

McManaman, Kevin 12 Mitchell Ave. Block 214, Lot 5
Bulk Variance for exceeding the maximum square footage on an accessory structure 200 sq. ft. to 400 sq. ft.

Engineer and Planner deemed complete; Motion made by Mr. Clifton to hold the Public Hearing on July 26, 2016, seconded by Mr. Scala, all present approved.

RESOLUTIONS

The following resolutions were voted on:

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

**ZB 2015-34
CHRISTINE PANZICA**

WHEREAS, Christine Panzica, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use variance and a waiver of site plan approval to convert the existing building into a dog grooming business and dog grooming training school on the premises known as Block 212, Lot 1.02, otherwise known as 126 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 November 24, 2015, and

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

1. Applicant Christine Panzica has filed an application for a use variance and

a waiver of site plan to convert the existing building into a dog grooming business and a dog grooming training school on the premises known as Block 212, Lot 1.02 otherwise known as 126 Old Bridge Turnpike 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; no renovations of the building are planned.

4. The Applicant currently operates her business in Milltown; she will be re-locating it to this site.

5. The business hours will be seven days per week, from 7 a.m. to 7 p.m.; most customers are by appointment although there are some walk-ins.

6. There will be no dogs kept overnight; there will be no boarding of dogs.

7. There will be no outdoor activity for the dogs; there will be no kennels or dog runs in the yard; all activity and grooming will take place inside the building.

8. The Applicant offered the testimony of Mr. John Chadwick, P.P.; Mr. Chadwick testified that the dog grooming uses is consistent with the Master Plan, which recommends this site for a commercial use.

9. The property is particularly suited for the proposed business; it has sufficient parking and can accommodate the proposed employees and customers.

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

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

12. A waiver of site plan can be granted because the building is existing and no changes to the building or parking area are proposed.

13. 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 Christine Panzica 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 notify the South River Police, Fire and Health Department of the proposed use and request comments from each Department...

4. A maximum of 35 dogs are permitted on the premises at any given time.

5. Applicant shall submit a sketch showing the location of all signs.

6. Applicant shall supply a detailed floor plan to the Zoning Officer and the Board of Health.

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 2015-34

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

2015-34

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			
ALTERNATES				
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 JANUARY 26, 2016.

SHERYL NEVIN, SECRETARY

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

**ZB 2016-01
ABSOLUTE PROPERTY MANAGEMENT, LLC**

WHEREAS, Absolute Property Management, LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use variance, bulk variance and Preliminary & Final Site Plan approval to construct a 29 unit multi-family apartment development on the premises known as Block 271, Lot 1 & 2, with frontage on Whitehead Avenue, Charles Street, Division Street and Anderson Street in South River, New Jersey; and

WHEREAS, the Applicant has complied with all jurisdictional requirements necessary to prosecute the within application; and

WHEREAS, public hearings were held by the Zoning Board on May 10 & May 31, 2016, and

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

1. Applicant Absolute Property Management, LLC has filed an application for a use variance, bulk variances and Preliminary & Final Site Plan approval to construct a 29 unit multi-family apartment complex on the premises known as Block 271, Lot 1 & 2 in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The subject property is a 60,127 s.f. triangular tract that was the longtime

site of an industrial use; however, all buildings were razed approximately seven (7) years ago, leaving the property vacant.

4. There have been two previous applications for development on the property. The property was approved for eight (8) single family residential dwellings. In addition the property was also approved for twelve (12) townhomes. Neither project was ever constructed.

5. The Applicant proposes to construct a 29 unit apartment complex consisting of two buildings. The Applicant proposes 27 two bedroom apartments and two one bedroom apartments. The two buildings are proposed to be three stories high, except the frontage along Division Street will be two stories in the middle and three stories on either end.

6. The Application proposes a parking lot for 70 vehicles; this exceeds the Residential Site Improvement Standards requirement by twelve (12) spaces; in addition, the Applicant proposes to widen Division and Charles Streets by approximately 4' and Division Street by approximately 7' to provide additional on-street parking for the use of the general public.

7. The Applicant offered the testimony of five witnesses: Mr. Arthur Lorre, principal of Absolute Property Management, LLC, Mr. Ronald Sadowski, P.E., Mr. Justin Taylor, P.E., a certified traffic engineer, Mr. Kurt Ludwig, Architect and Mr. John Chadwick, Professional Planner.

8. Mr. Lorre testified that he will both construct the apartments and run the apartments once completed. Mr. Lorre and his companies have significant experience in both construction projects of this type as well as managing the properties once construction is completed.

9. Mr. Justin Taylor, a certified traffic engineer, testified about both existing

traffic conditions and the proposed conditions if this project was constructed.

10. Mr. Taylor testified that the existing conditions amount to a Level of Service B"; this level of service is quite acceptable and indicates that existing traffic is not a problem.

11. Mr. Taylor analyzed the potential traffic impact of the proposed development and concluded that the driveways exiting the development would operate at a "Level of Service A" otherwise known as the best level of service; therefore, from a traffic standpoint, there will be no detriment to constructing these 29 units.

12. Mr. Sadowski testified regarding certain engineering issues concerning this development, including stormwater management, Of significance, Mr. Sadowski agreed to all of the recommendations of Mr. Bruce Koch, the municipal engineer.

13. Mr. John Chadwick, P.P., addressed the planning aspects of this application. Although this area is zoned R-75, there are few properties that conform to the R-75 standards. The area developed prior to the adoption of South River Zoning Ordinances. Most of the properties surrounding this property are 40' x 100'. Some of the surrounding properties are two family or multi-family.

14. Mr. Chadwick testified that, in some respects this 29 unit development will be less intensive than the existing uses on 40' x 100' lots. For example, lot coverage will be less than that on many of the small lots.

15. Furthermore, Mr. Chadwick found the triangular site to be particularly suited to the proposed use. The Zoning Board agrees that the property is suited to the proposed use.

16. Mr. Chadwick testified that the application served several of the purposes of the Municipal Land Use Law. The Zoning Board agrees with Mr. Chadwick that the purposes of the Municipal Land Use Law would be advanced by the proposed

development.

17. Mr. Chadwick addressed the negative criteria during his testimony. With regard to the effect on the Zone Ordinance, Mr. Chadwick testified that no properties in this area comply with the existing Zone Ordinance; therefore, this development would cause no substantial impairment to the Zone Ordinance

18. With regard to the Master Plan, Mr. Chadwick testified that although the Master Plan recommends single family dwellings, this proposal is not that inconsistent because it proposes residential and a similar density and intensity to the surrounding neighborhood.

19. Numerous members of the public appeared to speak regarding this application. Some members of the public supported the application. However, many members of the public who opposed the application cited the impairment to the Master Plan that would be caused if this application were to be granted.

20. The public confirmed that few of the properties in this neighborhood comply with the R-75 requirements, which essentially agreed with the testimony of Mr. Chadwick.

21. Some of the public objected based upon the parking situation; however, this application will improve the parking conditions by: a) building more on-site parking than required by the RSIS; b) widening of Division, Anderson and Charles Streets, and c) creating additional on-street parking spots available to the general public.

22. The proposed project provides several significant benefits to the Borough of South River. The architectural renderings demonstrate that the project will be attractive buildings that will enhance the surrounding neighborhood.

23. The street improvements proposed by the applicant will enhance traffic flow on the surrounding streets. In addition the parking conditions will be improved

because there will be increased on-street parking as well as a surplus of on-site parking.

24. The Applicant established both the positive criteria and the negative criteria necessary for the grant of a use (and density) variance.

25. The Applicant has further demonstrated that the benefits associated with this project outweigh any detriments; therefore the Zoning Board finds that the Applicant has met its burden of demonstrating those elements necessary for the granting of the requested variances.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Absolute Property Management, LLC for a use variance, bulk variances and for Preliminary & Final Site Plan 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 report rendered by Mr. Bruce Koch of CME Engineering in connection with this Application.

4. Applicant shall comply with the report rendered by Bignell Planning, dated May 2, 2016, paragraph 11 (a), and (e) through (s).

5. With regard to Bignell Planning report paragraph 11 (t), Applicant shall consult with the fire official and the electric utility to determine the setback for the electrical transformers for emergency access and separation.

6. Applicant shall add a detail to the plans showing the trash enclosure.

7. Applicant shall ensure that the driveway aisles have sufficient turning radii to accommodate South River Fire Engines.

8. Applicant shall comply with the Bignell Planning report, paragraph 11 (x) through (dd); Applicant shall also comply with paragraph 12.

9. If the Applicant is unable to satisfy the requirements of either CME or Bignell Planning, the Applicant must return to the Zoning Board.

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 2016-01

The foregoing Resolution was:

Moved by: Mr. Giannakopoulos

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	X			
Mr. John Sapata				

2016-01

The foregoing Resolution was:

Moved by: Mr. Clifton

Seconded by: Mr. Scala

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				
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 JUNE 28, 2016.

SHERYL NEVIN, SECRETARY

PUBLIC HEARING(S)

ZB2015-10 Use Variance/Parking Variance

235 Main St. Trust 235 Main Street, Blk.125, Lot 12. Convert 1 family/business to 2 family, application carried over from May 31, 2016.

- Mr. Sachs reviewed the application and revised plans; recap of testimony held on November 24, 2015 and February 19, 2016.
- Public hearing was opened to the public at the last hearing, no new information.
- Mr. Clancy asked for clarification on pervious hearing, questioned permits for both exterior and interior and final inspections.

Motion made by Mr. Clifton to deny the application based on zoning of business and 1 family dwelling; Mr. Scala seconded.

ROLL CALL VOTE:

(Yes vote is a denial of the application)

YES: Mr. Clancy (According to Master Plan – residential/office professional)
 Mr. Clifton (Initially zoned business and 1 family)
 Ms. Farren (Office Professional on Master Plan)
 Mr. Scala (Based on Master Plan)

Mr. DeMonico (Based on Master Plan)
NO: Mr. Sapata (Based on the history of the property)
ABSTAIN: None
ABSENT: Bodak, Giannakopoulos, O'Grady

Application denied.

ZB2016-08 Bulk Variance

Belluscio Santos, Raquel, 20 Jeffrie Avenue, Block 284, Lot 17. Minimum ceiling heights in basement.

- Applicant stated that she rents out the house as a single family residence.
- Mr. Zammit stated that he prior residents finished the basement, it is a single family home. No one is living in the basement.
- Mr. Clifton questioned the size of the room and height of the ceilings
- Mr. Sapata asked if there was outside access; which there is
- Mr. Clancy asked if there were small basement windows

Mr. Clifton moved the application for approval with the condition of the stove being removed and the applicant shall not use the basement for sleeping purposed. Mr. Clancy seconded the motion.

ROLL CALL VOTE:

YES: Mr. Clancy, Mr. Clifton, Ms. Farren, Mr. Sapata, Mr. Scala and Mr. DeMonico

NO: None

ABSTAIN: None

ABSENT: Mr. Bodak, Mr. Giannakopoulos, Mr. O'Grady

ZB2016-09 Bulk Variance

Kahse, William 16 Monush Street, Block 395, Lot 8. Fence height exceeds 6', requesting 8'

- Applicant Mr. Kahse stated that he is requesting a fence for privacy in his yard, right now he has a chain link fence. He has lived there for 32 years and not until 2-3 years ago did he need a fence from neighbors. Mr. Kahse had exhibits of pictures for the board.
- Mr. Zammit explained that with the existing grade the 8 ft. fence tapers to 6 ft.
- Mr. Sapata questioned the ordinance and the fence height.

Public Comment

- Ms. Mary William, 18 Monush Street, adjacent neighbor is opposed to the fence; she has had a long running series of disputes with the applicant.

Mr. Clancy moved the application for approval for the applicant to have privacy, Mr. Scala seconded the motion.

ROLL CALL VOTE:

YES: Mr. Clancy, Mr. Clifton, Ms. Farren, Mr. Sapata, Mr. Scala and Mr. DeMonico

NO: None

ABSTAIN: None

ABSENT: Mr. Bodak, Mr. Giannakopoulos, Mr. O'Grady

ZB2016-10 Bulk Variance

Poplawski, Walter 89 James Street, Block 340, Lot 10; Minimum ceiling heights in basement

Motion made by Mr. Clifton to carry over application to July 26, 2016, applicant was unable to make the meeting, seconded by Mr. Clancy, all present approved.

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.

Borough Engineer and the applicant's engineer were unable to meet up to inspect the property to discuss ways to alleviate the problem and reduce water.

Public Hearing will be carried over to July 26, 2016 with no further notice.

Motion made by Mr. Clifton seconded by Mr. Clancy, all present approved.

ZB2016-02 Use Variance and Site Plan Approval

Wasef, Wageih, 100 Main St Block 162 Lot 20

Requesting to convert single family home to two family residence

At the request of the applicant's attorney, the Public Hearing will be carried over to September 27, 2016 with no further notice.

Motion made by Mr. Clifton seconded by Mr. Clancy, all present approved.

ZB2015-24 Bulk Variances (3) / Use Variance (1)

WSC, LLC 190 William Street Block 48 Lot 1.3

Conversion of offices to apartments; increase in coverage, 1.7 ft.

Set back for accessory structure; 20 ft. rear yard setback for storage bins

At the request of the applicant's attorney, the Public Hearing will be carried over to September 27, 2016 with no further notice.

Motion made by Mr. Clifton seconded by Mr. Clancy, all present approved.

ADJOURNMENT

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

Adjourned at 10:15 PM

Respectfully submitted

Sheryl L. Nevin

Zoning Board Secretary