

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 July 26, 2016, commencing at 7:30 PM at the Criminal Justice Building, 61 Main Street, South River, NJ.

Present were: Mr. Bodak, Mr. Clifton, 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: Mr. DeMonico, Mr. Clancy, Mr. Sapata

MINUTES

The Minutes of Meeting the meeting held on June 28, 2016 were submitted to the Board for acceptance and/or amendment.

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

BOARD BUSINESS/CORRESPONDENCE

Letter/Email was received by Ms. Batista ZB2016-13 requesting her application for completeness be carried over to the next meeting of August 30, 2016; she is working with her structural engineer. Motion was made by Mr. Clifton, seconded by Mr. Scala to carry over her application to August 30, 2016.

Letter/Email was received requesting Ms. Halicki's public hearing for ZB2016-07 be carried over to the meeting of August 30, 2016; she is working with her engineer. Motion was made by Mr. Clifton, seconded by Ms. Farren to carry over her public hearing to August 30, 2016.

COMPLETENESS

ZB 2016-17 Bulk Variance (1), Use Variance (1), Site Plan Approval (1)

Andre, Daniel, 40 Hillside Ave. Block 195, Lot 6 & 7

Intensification of the use on the property, minimum 25' rear yard setback

Engineer and Planner deemed complete conditionally based on clarification of documentation from Mr. Andre within 10 days.

Motion made by Mr. Clifton to hold the Public Hearing on August 30, 2016, seconded by Ms. Farren, all present approved

ZB 2016-18 Use Variance (1)

Rudy, Dan, 60 Willett Lane, Block 265, Lot 3

6 ft. fence in backyard on corner lot

Engineer and Planner deemed complete; Motion made by Mr. Clifton to hold the Public Hearing on August 30, 2016, seconded by Ms. Farren, all present approved.

ZB 2016-18 Use Variance (1)

Howard Busch, Inc. Block 147, Lot 32

Use variance for retail and wholesale sale of auto parts and storage of Motor vehicles

Engineer stated no technical review was needed; Planner deemed incomplete. Motion made by Mr. Clifton to deem incomplete and requested board secretary to follow up with the applicant for additional information; seconded by Mr. Scala, all present approved

RESOLUTIONS

The following resolutions were voted on:

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

**ZB 2015-10
235 MAIN STREET TRUST**

WHEREAS, "235 Main Street Trust", 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 125, Lot 12, otherwise known as 235 Main Street, 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 culminating on June 28, 2016, and

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

1. Applicant 235 Main Street Trust 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 125, Lot 12 otherwise known as 235 Main Street in South River, New Jersey.

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

3. The Applicant's property is located in the OP (Office Professional) Zone; the OP Zone does not permit two family dwellings.

4. The property is located on Main Street in South River.

5. The Master Plan recommends the use of this property to be office professional; the proposed use is inconsistent with the Master Plan.

6. The Applicant, through the testimony of Mr. John Leoncavallo, P. P., offered planning justifications for the use variance.

7. The Zoning Board rejects the testimony of Mr. Leoncavallo and finds that the Applicant failed to establish special reasons that would be served if this application was granted.

8. This neighborhood does not contain many two family dwellings; this two family dwelling, if granted would be out of character with the neighborhood.

9. Granting this application would substantially impair the intent and purpose of the South River Master Plan and Zoning Ordinance.

10. The Borough of South River, as evidenced by both the Master Plan and the Office Professional Zone, wants office use on Main Street; permitting a two family residential use would be inconsistent with that policy.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant 235 Main Street Trust for a use variance for a two

family dwelling 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 2015-10

The foregoing Resolution was:

Moved by: Mr. Clifton

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 | | |

The foregoing Resolution was:

Moved by: Mr. Clifton

Seconded by: Ms. Farren

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Robert Bodak | | | | |
| Mr. Michael Clancy | | | | X |
| Mr. Trony Clifton | X | | | |
| Mr. Frank DeMonico | | | | X |
| Mr. Nick Giannakopoulos | | | | |
| Mr. Jeremiah O'Grady | | | | |
| 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 JULY 26, 2016.

SHERYL NEVIN, SECRETARY

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

**ZB 2016-08
RAQUEL BELLUSCIO**

WHEREAS, Raquel Belluscio, 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 284, Lot 17, otherwise known as 20 Jeffrie Avenue, South River, New Jersey; and

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

WHEREAS, a public hearing was held by the Zoning Board on June 28, 2016, and

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

1. Applicant Raquel Belluscio has filed an application to permit a finished basement with insufficient ceiling height on the premises known as Block 284, Lot 17 otherwise known as 20 Jeffrie 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' and 6' 2".
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. The building has been used as a single family dwelling; the basement is not a separate dwelling unit and the Applicant agrees to remove the stove currently in the basement.

7. There was no opposition from any members of the public to the relief requested in this Application

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Raquel Belluscio 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.

5. The stove in the basement is to be removed.

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 2016-8

The foregoing Resolution was:

Moved by: Mr. Clifton

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 | X | | | |

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 | | | | |
| Mr. Jeremiah O'Grady | | | | |
| 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 JULY 26, 2016.

SHERYL NEVIN, SECRETARY

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

**ZB 2016-09
WILLIAM KAHSE**

WHEREAS, William Kahse, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a variance to erect an 8' high fence on the northeast side property line on the premises known as Block 395, Lot 8, otherwise known as 16 Monush Street, South River, New Jersey; and

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

WHEREAS, a public hearing was held by the Zoning Board on June 28, 2016, and

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

1. Applicant William Kahse has filed an application to erect an 8' fence along the northeast side property line on the premises known as Block 395, Lot 8 otherwise known as 16 Monush Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. Fences are governed by Section 350-8(l), which limits fence height in the side yard to 6'.
4. The Applicants property sits lower than the adjacent neighbor; the neighbor has a retaining wall approximately 3' in height.

5. Due to the higher elevation of the neighboring property, the 8' high fence will appear to be approximately 5' to 6' high from the neighboring property.

6. The Applicant requests the higher fence for privacy purposes; Mr. Kahse testified to a long running series of disputes with the adjacent neighbor.

7. The adjacent property owner, Ms. Mary Williams, appeared in opposition to this application; however, Ms. Williams did confirm the long running series of disputes with the Applicant.

8. The Zoning Board finds that the requested relief can be granted under N.J.S.A. 40:55D-70(c)(1) due to the unique topographic qualities of the Applicant's property sitting so much lower than the adjacent property.

9. The Zoning Board finds that enforcing the strict limits of the ordinance at 6' will create a hardship on the Applicant due to the lack of privacy between him and the neighbor with whom he has these disputes.

10. The Zoning Board further finds that granting this variance will cause no detriment to the surrounding neighborhood because the fence will be on one side only and will have the appearance of a 6' fence from the adjoining property due to the difference in topography.

11. Although the adjacent neighbor, Ms. Williams, appeared in opposition to this application, she did not articulate any reasons for her opposition.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant William Kahse 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.

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 2016-9

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

2016-9

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 | | | | |
| Mr. Jeremiah O’Grady | | | | |
| 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 JULY 26, 2016.

SHERYL NEVIN, SECRETARY

PUBLIC HEARING(S)

ZB2016-10 Bulk Variance

Poplawski, Walter 89 James St. Block 340 Lot 10 Minimum ceiling heights in basement

- Mr. Pressler, applicant's lawyer, reviewed the application. Applicant is selling house; there is a finished basement with a summer kitchen, no bedrooms.
- Mr. Scala questioned the kitchen and if cabinets are installed
- Mr. Clifton questioned the square feet – which is 652 sq. ft.
- Mr. Pressler stated that the house is a single family; applicant agrees to a deed restriction that it will be used as a single dwelling only.

Mr. Clifton moved the application for approval with a deed restriction and the applicant shall not use the basement for sleeping purposes. Ms. Farren seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

ABSENT: Mr. Clancy, Mr. Sapata, Mr. DeMonico

ZB 2016-12 Bulk Variance (1)

Rodriquez, George & Ramos, Cindy 75 David St. Block 341, Lot for encroachment of structure addition into required 5 ft. side yard setback.

- Mr. Rodriquez explained to the board that he would like to erect a 6 foot high solid fence in his front yard which is a corner lot, his driveway is in the back of the house. Sight consideration to the adjacent property was discussed.
- Mr. Bignell suggested the fence be moved in 5 feet toward the property line for safety of the neighbor pulling out; it is a corner lot with 2 frontages and surely a hardship situation.
- Mr. Scala stated that a 6ft. fence is too dangerous.
- Mr Sadowski, neighbor at 27 Morningside Avenue stated that he has concerns with the visibility of pedestrians when backing out of his driveway.

Mr. Clifton moved the application for approval based on moving the fence in 5feet from the property line, Ms. Farren seconded the motion.

ROLL CALL VOTE:

YES: Mr. Bodak, Mr. Clifton, Ms. Farren, Mr. Giannakopoulos and Mr. O'Grady

NO: Mr. Scala

ABSTAIN: None

ABSENT: Mr. Clancy, Mr. Sapata, Mr. DeMonico

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, frontyard with walking/patio surface

- Mr. Mistry explained to the board that he would like to install an in ground pool for his family on his corner lot; there already is an existing fence.
- Mr. Clifton questioned the location and if it was too close to the walk out basement as well as the fence.
- Mr. Bodak questioned the fence and suggested a "pool barrier fence"
- Mr. Lauritsen commented that the resolution should state "to keep the existing fence".
- Ms. Farren questioned the pool and spa regulations regarding the fence.

Mr. Clifton moved the application for approval based on the fence conditions stated; Ms. Farren seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

ABSENT: Mr. Clancy, Mr. Sapata, Mr. DeMonico

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%

- Applicant is requesting to demolish the existing building and construct a single family, two story dwelling. The existing building was damaged in Superstorm Sandy.
- Mr. Artek, Architect for applicant, described the house to be built and noted that the new house will comply with FEMA flood regulations.
- Ms. Farren questioned the balcony; Mr. Artek explained that it is set back from the property line
- Mr. Karlbach, Planner for the applicant, stated that the existing house was built in 1921, in the north end of town and new house is on scale with the neighborhood. There will be a usable garage and an updated building.
- Mr. Koch questioned the drainage and referred to his suggestions in his report.

Mr. Clifton moved the application for approval based on the conditions/suggestions stated; Ms. Farren seconded the motion.

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ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

ABSENT: Mr. Clancy, Mr. Sapata, Mr. DeMonico

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.

- Applicant explained that he would like to construct a 20 x 20 sq. ft. detached garage; he plans to remove the old garage.

Mr. Clifton moved the application for approval based on the conditions/suggestions stated; Ms. Farren seconded the motion.

ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

ABSENT: Mr. Clancy, Mr. Sapata, Mr. DeMonico

ADJOURNMENT

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

Adjourned at 9:35 PM

Respectfully submitted

Sheryl L. Nevin

Zoning Board Secretary