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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.

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A meeting of the Zoning Board of Adjustment was held on August 30, 2016, commencing at 7:30 PM at the Criminal Justice Building, 61 Main Street, South River, NJ.

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

**MINUTES**

The Minutes of Meeting the meeting held on July 26, 2016 were submitted to the Board for acceptance and/or amendment.

Mr. Clancy moved that the Minutes be approved, Ms. Scala 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 September 27, 2016; she is working with her structural engineer. Motion was made by Mr. Clancy, seconded by Mr. Bodak to carry over her application to September 27, 2016.

Letter/Email was received requesting Ms. Halicki's public hearing for ZB2016-07 be carried over to the meeting of September 27, 2016; she is working with her engineer. Motion was made by Mr. Clancy, seconded by Mr. Scala to carry over her public hearing September 27, 2016.

Letter/Email was received by the applicant's attorney requesting the application for Howard Busch, Inc. ZB 2016-48 completeness hearing be carried over to the meeting of September 27, 2016. Motion was made by Mr. Clancy, seconded by Mr. Scala to carry over the completeness hearing to September 27, 2016.

**COMPLETENESS**

**ZB 2016-25 Bulk Variance (5), Use Variance (1) and Minor Site Plan/Subdivision**

**Paulo & Regina Santos, 12 Ferry Street Blk. 158, Lots 5,6,8,9 & 10**

Use Variance to expand existing building and parking lot, remodel front of façade, expansion of existing hours. Bulk variance for parking buffer, buffer for adjoining property, landscaping, maximum building depth. The Borough Engineer and Planner deemed the application incomplete. Mr. Pressler, applicant's attorney requested the application for completeness be carried over to September 27, 2016 meeting. Motion made by Mr. Bodak to carry over the completeness hearing on September 27, 2016, seconded by Mr. Clancy, all present approved.

**ZB 2016-24 Certificate of Pre-Existing Non-Conformity,  
Use Variance (1) and Minor Site Plan Waiver Request  
George Imrahim, 91 Browns Lane, Blk.328, Lots 1&2**

Requesting use of site for storage of commercial vehicle/heavy construction equipment including a trailer. The applicant's attorney, Mr. Manahan, stated that he has the Planner's reports and is requesting the completeness hearing be moved to the next meeting. Motion made by Mr. Bodak to carryover the completeness hearing to September 27, 2016, seconded by Mr. Clancy, all present approved.

**ZB 2016-22 Bulk Variance (1), Use Variance (1)  
Manuel Maltez 5 Donise Ct. Blk. 367, Lot 1.24**

Use Variance and Bulk Variance, Non-conforming basement height; finished basement without permits. The Borough Engineer and Planner deemed the applications complete. A motion was made by Mr. Bodak, seconded by Ms. Farren for the public hearing to be held on September 27, 2016, all present approved.

**ZB 2016-23 Bulk Variance (2)**

**Miguel Camacho, 26 Independence Place Blk. 363.14 , Lot 10**

Bulk Variance for existing shed to be moved. The Borough Engineer and Planner deemed the applications complete. A motion was made by Mr. Bodak, seconded by Ms. Farren for the public hearing to be held on September 27, 2016, all present approved.

**RESOLUTIONS**

The following resolutions were voted on:

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

**ZB 2016-10  
WALTER POPLAWSKI**

**WHEREAS**, Walter Poplawski, 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 340, Lot 10, otherwise known as 89 James 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 July 26, 2016, and

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

1. Applicant Walter Poplawski has filed an application to permit a finished basement with insufficient ceiling height on the premises known as Block 340, Lot 10 otherwise known as 89 James Street 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 is approximately 6' 4".

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 record a Deed restriction that the property is to be used as a single family dwelling only.

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 Walter Poplawski 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. Applicant shall record a Deed restriction prohibiting the use of the property as anything other than a single family 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 2016-10**

**The foregoing Resolution was:**

**Moved by: Mr. Clifton**

**Seconded by: Ms. Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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          |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| Ms. Donna Farren        | X          |           |                |               |
| Mr. John Sapata         |            |           |                |               |

**2016-10**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**Seconded by: Ms.Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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          |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| 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 AUGUST 30 26, 2016.

**SHERYL NEVIN, SECRETARY**

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

**ZB 2016-12  
GEORGE RODRIGUEZ & CINDY RAMOS**

**WHEREAS**, George Rodriguez & Cindy Ramos, hereinafter referred to as the Applicants, have requested permission to erect a 6' high solid fence in the front yard on the premises known as Block 341, Lot 8, otherwise known as 75 David 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 July 26, 2016, and

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

1. Applicants George Rodriguez & Cindy Ramos have applied for permission for a 6' solid fence within the front yard on the premises known as Block 341, Lot 8 otherwise known as 75 David Street in South River, New Jersey.
2. Applicants' property is a corner lot with frontages on David Street and Morningside Avenue.
3. Adequate notice was provided and the Board has jurisdiction to hear this application.
4. The fence along Morningside Avenue is in the front yard; therefore a variance is necessary.

5. Due to sight considerations for the adjacent property owner, the Zoning Board recommended, and the Applicant agreed, to move the fence back from the property line.

6. The proposed location of the fence alongside Morningside Avenue shall be 19.5' off the house to the property line.

7. In addition, the Applicants may, if they choose, angle the last section of fence closest to the next door neighbor to provide better sight lines.

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 Applicants George Rodriguez and Cindy Ramos 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 fence along Morningside Avenue shall be located 19.5' off the foundation to provide for better sight distances for the next door neighbor.

4. Applicant shall provide a revised drawing showing the new fence location.

**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 2016-12**

**The foregoing Resolution was:**

**Moved by: Mr. Clifton**

**Seconded by: Ms. Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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         |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| Ms. Donna Farren        | X          |           |                |               |
| Mr. John Sapata         |            |           |                |               |

**2016-12**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**Seconded by: Ms. Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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          |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| 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 AUGUST 30, 2016.

**SHERYL NEVIN, SECRETARY**

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

**ZB 2016-14  
VIRAL MISTRY**

**WHEREAS**, Viral Mistry, hereinafter referred to as the Applicant, has requested permission to install an inground pool within the front yard setback on the premises known as Block 363.13, Lot 11, otherwise known as 41 Independence Place, 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 July 26, 2016, and

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

1. Applicant Viral Mistry has applied for permission to install an inground pool within the front yard setback on the premises known as Block 363.13, Lot 11 otherwise known as 41 Independence Place in South River, New Jersey.
2. Applicants' property is a corner lot with frontages on Independence Place and Rotunda Lane.
3. Adequate notice was provided and the Board has jurisdiction to hear this application.
4. The existing fence, although not compliant with current requirements is pre-existing and can remain; in addition it can be repaired in the future if necessary.
5. The property to the rear faces the opposite direction, with its backyard adjoining the Applicant's backyard.
6. As a result, installing the pool in the proposed location will have no detrimental effect on the next door neighbor even though the location is in the front yard.
7. The two frontages constitute a hardship; therefore the Zoning Board can

grant a variance for a pool within the front yard setback.

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 Viral Mistry 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 repair/replace any damaged sidewalk or curbing as required.

**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 2016-14**

**The foregoing Resolution was:**

**Moved by: Mr. Clifton**

**Seconded by: Ms. Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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          |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| Ms. Donna Farren        | X          |           |                |               |
| Mr. John Sapata         |            |           |                |               |

**2016-14**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**Seconded by: Ms. Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Robert Bodak        |            |           |                |               |
| Mr. Michael Clancy      |            |           |                |               |
| Mr. Trony Clifton       |            |           |                |               |
| Mr. Frank DeMonico      |            |           |                |               |
| Mr. Nick Giannakopoulos |            |           |                |               |
| Mr. Jeremiah O'Grady    |            |           |                |               |
| Mr. John Scala          |            |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| 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 AUGUST 30, 2016.

\_\_\_\_\_  
**SHERYL NEVIN, SECRETARY**

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

**ZB 2016-15  
WALFIDA DEJESUS**

**WHEREAS**, Walfida DeJesus, hereinafter referred to as the Applicant, has requested permission to demolish the existing building and construct a single family, two story dwelling on the premises known as Block 37, Lot 16, otherwise known as 8 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 July 26, 2016, and

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

1. Applicant Walfida DeJesus has applied for permission to demolish the existing building and construct a single family, two story dwelling on the premises known as Block 37, Lot 16 otherwise known as 8 William Street in South River, New Jersey.

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

3. The existing dwelling was badly damaged in Superstorm Sandy.

4. Due to FEMA elevation requirements, the Applicant is proposing parking and storage on the first floor and living quarters on the second floor.

5. The Applicant's lot is severely undersized; however, there is no adjacent land available to make her lot conforming; the surrounding lots are all developed.

6. The Applicant is proposing a front setback variance; the proposed setback, while not conforming, is consistent with the front setbacks of the surrounding properties.

7. The Applicant is proposing variances for side and rear setback; however, the proposed side and rear setbacks are less than the existing building, which was built to the side and rear property lines.

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 Walfida DeJesus 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 comply with the report rendered by Mr. Koch of CME Engineering, dated July 22, 2016, in connection with this application.

4. The Applicant shall provide curbing to the driveway; a revised plan shall be provided including this detail.

5. All outside agency approvals shall be secured by the Applicant.

6. Revised plans showing all changes shall be supplied 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 2016-15**

**The foregoing Resolution was:**

**Moved by: Mr. Clifton**

**Seconded by: Ms. Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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          |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| Ms. Donna Farren        | X          |           |                |               |
| Mr. John Sapata         |            |           |                |               |

**2016-15**

**The foregoing Resolution was:**

**Moved by:**

**Seconded by:**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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          |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| 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 AUGUST 30, 2016.

\_\_\_\_\_  
**SHERYL NEVIN, SECRETARY**

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

**ZB 2016-16  
KEVIN MCMANAMAN**

**WHEREAS**, Kevin McManaman, hereinafter referred to as the Applicant, has requested permission to construct a 20' x 20' detached garage on the premises known as Block 214, Lot 5, otherwise known as 12 Mitchell 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 July 26, 2016, and

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

1. Applicant Kevin McManaman has applied for permission to construct a 20' x 20' detached garage on the premises known as Block 214, Lot 5 otherwise known as 12 Mitchell Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed garage exceeds the size of detached garages under the governing ordinance; therefore, a variance is necessary.
4. The Applicant proposes to remove the existing shed since the new garage will provide adequate storage.
5. The proposed garage conforms to all setback requirements.
6. The proposed garage will have no detrimental effect upon the neighboring

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 Kevin McManaman 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 comply with the report rendered by Mr. Koch of CME Engineering in connection with this application.

4. The shed will be a maximum of 15' in height.

5. Any extension of the driveway must have curbing as required by 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 2016-16**

**The foregoing Resolution was:**

**Moved by: Mr. Clifton**

**Seconded by: Ms. Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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          |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| Ms. Donna Farren        | X          |           |                |               |
| Mr. John Sapata         |            |           |                |               |

**2016-16**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**Seconded by: Ms. Farren**

| <b>ROLL CALL</b>        | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|-------------------------|------------|-----------|----------------|---------------|
| 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          |           |                |               |
| <b>ALTERNATES</b>       |            |           |                |               |
| 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 AUGUST 30, 2016.

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**SHERYL NEVIN, SECRETARY**

**PUBLIC HEARING(S)**

**ZB 2016-17 Bulk Variance, Use Variance, Site Plan Approval**

Andre, Daniel, 40 Hillside Ave. Block 195, Lot 6 & 7. Intensification of the use on the property, minimum 25’ rear yard setback.

- Mr. Pressler, applicant’s attorney reviewed the layout of the property. Everything on property is pre-existing; the applicant is asking for an addition.
- Mr. Andre, applicant, stated that the property has a two family structure in front and another structure in the back. The applicant plans on living in the rear of the property; squaring off the front property and adding an addition off the back.
- Mr. Bodak questioned if this was considered two separate lots; Mr. Kinnelly questioned if there would be a lot consolidation.

- Mr. Kinnelly, Borough Attorney, stated that the application did state “merging of the lots”. Mr. Pressler stated that was an error on his part, he suggested that they leave the lots as they are.
- Mr. Ingram explained what the applicant would like to do. The rear residence is barely seen from the road. Major upgrades would be an increase in parking. The lot functions as one and they do not plan on merging the lots. After Mr. Bodak questioned the impervious coverage figures on the lot, Mr. Pressler stated that the applicant consented to consolidation of the lots.
- Mr. Bodak questioned the drainage and it running down the driveway; Mr. Ingram agreed to piping down the driveway. Also stated that parking with landscaping and a street tree will be added with a contribution to the tree fund.
- Mr. Bodak questioned the lighting; Mr. Bletcher stated that residential lighting is all that is required. Mr. Clancy questioned the location of the parking stalls.

## Public Comment:

- Nina Lukianov, resident of 60 Sunset Street and Trustee of 36 Hillside Avenue. questioned the parking; Mr. Ingram reviewed and explained plan to resident
- Mr. Bletcher also commented that the property be recorded with County

Motion made by Mr. Bodak with conditions discussed for drainage, lighting, tree contribution and recording with the County; Mr. Clancy seconded.

## ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

ABSENT: Mr. Clifton, Mr. O’Grady

**ZB 2016-18 Use Variance**

Rudy, Dan, 60 Willett Lane, Block 265, Lot 3; 6 ft. fence in backyard on corner lot

- Mr. Rudy, resident, explained that he would like to put up a 6 ft. privacy fence in backyard and 4 ft. picket fence in front. Mr. Koch explained that Mr. Rudy legally obtained permission from a judge to put a fence up.
- Mr. Bodak questioned if it was for a corner lot; which it is.
- Mr. Bletcher explained that the lot has 3 frontages which is a hardship
- Mr. DeMonico confirmed that the fence does not obstruct views; Mr. Bletcher confirmed that it doesn’t.

Motion made by Mr. Bodak to approve the application; Mr. Scala seconded.

## ROLL CALL VOTE:

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

NO: None

ABSTAIN: None

ABSENT: Mr. Clifton, Mr. O’Grady

**ZB2016-21 (Previously ZB2015-28) Remand for Reconsideration**

Yacovelli, Ralph      Block 149, Lot 17.1

Certificate of Preexisting Non-conformity

The Superior Court has remanded this matter back to the Board for further consideration.

No one was present for Mr. Yacovelli hearing.

Motion made by Mr. Clancy to carry application to the October 27, 2016 meeting, seconded by Mr. Scala.

**ADJOURNMENT**

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

Adjourned at 8:15 PM

Respectfully submitted

*Sheryl L. Nevin*

Zoning Board Secretary

Approved at Zoning Board Meeting  
held on September 27, 2016.