
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 September 27, 2016, commencing at 7:30 PM at the Criminal Justice Building, 61 Main Street, South River, NJ.

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

MINUTES

The Minutes of Meeting the meeting held on August 30, 2016 were submitted to the Board for acceptance and/or amendment.

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

BOARD BUSINESS/CORRESPONDENCE

Due to technical difficulties with the Home News Tribune the ad was unable to be published within the required 10 days for Manuel Maltex ZB2016-22. Applicant requested to move the hearing to October 25, 2016.

Motion was made by Mr. Clifton, seconded by Ms. Farren to carry over the application for the public hearing to October 25, 2016.

Letter/Email was received from Ms. Batista ZB2016-17 requesting her application be carried over to the next meeting for completeness. The applicant is working with structural engineer.

Motion was made by Mr. Clifton, seconded by Ms. Farren to carry over the application to October 25, 2016.

Letter/Email was received from Mr. Stahl, applicant's attorney, requesting carryover of application ZB2016-18 for Howard Busch Inc. for completeness to October 25, 2016.

Motion was made by Mr. Clifton, seconded by Ms. Farren to carry over the application to October 25, 2016.

Letter/Email was received from Mr. Manahan, applicant's attorney, requesting carryover of application ZB2016-24 for George Imbrahim for completeness to October 25, 2016.

Motion was made by Mr. Clifton, seconded by Ms. Farren to carry over the application to October 25, 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 complete. Motion made by Mr. Clifton, seconded by Ms. Farren for the public hearing to be held on October 25, 2016.

ZB 2016-26 Bulk Variances (4)**Sergey & Ala Latosh, 52 Prentice Ave., Blk.288, Lot 2**

Requesting variances for undersized lot, undersized lot width, insufficient front setback and insufficient combined side yard setbacks. The Borough Engineer deemed the application incomplete – a current survey was requested. The Planner deemed the application complete. Motion made by Mr. Clifton to carryover the completeness hearing over to October 25, 2016, seconded by Ms. Farren.

ZB 2016-27 Bulk Variances**Erik Ahmed, 10 High Street, Blk.166, Lot 20**

Requesting variance for driveway; falls within 5 feet of side property and side yard parking. The Borough Engineer and Planner deemed the application complete. Motion made by Mr. Clifton, seconded by Ms. Farren for the public hearing to be held on October 25, 2016.

RESOLUTIONS**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT****ZB 2016-17
DANIEL ANDRE**

WHEREAS, Daniel Andre, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use variance, bulk variances and minor site plan approval to construct two separate building additions on the premises known as Block 195, Lots 6 & 7, otherwise known as 40 Hillside 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 August 30, 2016, and

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

1. Applicant Daniel Andre has filed an application to construct two separate building additions on the premises known as Block 195, Lots 6 & 7 otherwise known as 40 Hillside Avenue in South River, New Jersey.

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

3. Lot 7 currently has two dwelling including a front house and a back house; Lot 6 is vacant.

4. The two dwelling units on Lot 7 are a pre-existing, nonconforming use; a use variance is required to expand the use by constructing an addition to each house.

5. The houses on Lot 7 also have the following non-conformities: front and side setback; these are pre-existing in nature.

6. As a part of this application, Mr. Andre proposes to consolidate Lots 6 & 7; this consolidation will create a lot of sufficient size to accommodate the two existing dwellings even with the proposed additions.

7. The Applicant has requested a waiver from the parking lot lighting requirements; the Zoning Board finds that it is appropriate to grant such a waiver in this case.

8. No member of the public appeared to voice opposition to the relief requested by the Applicant.

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

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 requirements of the CME Engineering report dated 8/15/16 rendered in connection with this application.

4. Applicant shall pipe stormwater runoff from the rear house to a drywell.

5. Applicant shall make a payment to the Borough tree fund in lieu of planting a street tree.

6. Applicant shall consolidate Lots 6 & 7.

7. Applicant shall record both the Deed of Consolidation and this Resolution with Middlesex County.

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 2016-17

The foregoing Resolution was:

Moved by: Mr. Bodak

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			

2016-17

The foregoing Resolution was:

Moved by: Mr. Clifton

Seconded by: Ms. Farren

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak				X
Mr. Michael Clancy				X
Mr. Trony Clifton				
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos	X			
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 SEPTEMBER 27, 2016.

SHERYL NEVIN, SECRETARY

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

**ZB 2016-18
 DAN RUDY**

WHEREAS, Dan Rudy, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a variance to erect a 6' high fence in the front yard line on the premises known as Block 265, Lot 3, otherwise known as 60 Willett Lane, 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 August 30, 2016, and

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

1. Applicant Dan Rudy has filed an application to erect a 6' fence in the front

yard of his property on the premises known as Block 265, Lot 3 otherwise known as 60 Willett Lane 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 Applicant's property has three frontages: Willett Lane, Willett Avenue and Charles Street.

5. The Applicant proposes to fence in his backyard, which is bordered by Willett Avenue and Charles Street; therefore his back yard is considered a front yard because it borders a public street.

6. The three frontages constitute a hardship that merits relief from the Zoning Board.

7. The location of the proposed fence will not obscure the view of motorists on Charles Street or Willett Avenue.

8. No member of the public appeared to voice opposition to the relief requested by the Applicant.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Dan Rudy 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 2016-18

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			

2016-18

The foregoing Resolution was:

Moved by: Mr. Clifton

Seconded by: Ms. Farren

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Robert Bodak				X
Mr. Michael Clancy				X
Mr. Trony Clifton				
Mr. Frank DeMonico	X			
Mr. Nick Giannakopoulos	X			
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 SEPTEMBER 27, 2016.

SHERYL NEVIN, SECRETARY

PUBLIC HEARING(S)

ZB2016-07 Bulk Variances (3)

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

Requesting variances for location of driveway and maximum impervious coverage

- After a brief adjournment requested by the applicant's attorney Mr. Paige, he explained the engineers did go out to see the property
- Mr. Ploskanka, the applicant's planner explained that the impervious coverage after taking down the pool and a portion of the deck down is about 60% and the applicant will remove the concrete that is over their property line (12 inches).

Public Comment:

Michelle and Michael Ratina, next door neighbors confirmed what the applicant will do and asked if there is a time frame. 90 days was suggested.

Mr. Clifton made a motion to approve the application with the stipulation to complete the work within 90 days that includes removing the concrete on the neighbor's property and reducing the impervious coverage; Ms. Farren seconded.

ROLL CALL VOTE:

YES: Mr. Clancy, Mr. Giannakopoulos, Ms. Farren, and Mr. DeMonico

NO: None

ABSTAIN: None

ABSENT: Mr. Bodak, Mr. Clancy, Mr. O'Grady, Mr. Sapata and Mr. Scala

ZB 2016-23 Bulk Variance (2)

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

Bulk Variance for existing shed. (Sold house; now living at 132 Kamm Avenue.

- Applicant explained that 8 years ago he put up a 20x10 ft. shed 3 ft. from the property line in which he used for storage.
- Mr. Lauritsen reiterated that the applicant is requesting relief for having the shed 3 ft. off the property line, not the 5 ft. required.
- Ms. Farren questioned the direction of the shed.
- Mr. Clifton questioned if there would be a car in the shed; applicant stated he only stored his lawn equipment and snow blower; not sure what new owners will store in it.

Motion made by Mr. Clifton to approve the application; Ms. Farren seconded.

ROLL CALL VOTE:

YES: Mr. Clancy, Mr. Giannakopoulos, Ms. Farren, and Mr. DeMonico

NO: None

ABSTAIN: None

ABSENT: Mr. Bodak, Mr. Clancy, Mr. O'Grady, Mr. Sapata and Mr. Scala

**ZB2016-02 Use Variance and Site Plan Approval for Wasef, Wageih,
100 Main St Block 162 Lot 20**

Requesting to convert single family home to two family residence

Mr. Pressler, applicant's attorney requested the public hearing be carried to October 25, 2016; since he needs 5 members of the board to vote.

Mr. Clifton made a motion to carryover ZB2016-02 to the October 25, 2016 meeting; Ms. Farren seconded.

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

Mr. Pressler, applicant's attorney requested the public hearing be carried to October 25, 2016; since he needs 5 members of the board to vote.

Mr. Clifton made a motion to carryover ZB2015-24 to the October 25, 2016 meeting; Ms. Farren seconded.

BOARD COMMENTS

Mr. Kinneally stated that papers were filed for the suit on 235 Main Street Trust; trial possibly in February 2017

Mr. Lauritsen stated that he is working with Mr. Rincon (190 Main Street) who also filed suite; Mr. Kineally spoke with Mr. Rincon's lawyer who also who stated they would like to work it out.

Mr. Bletcher noted that the Planning Board will be sending the Redevelopment Plan to the Mayor and Council for adoption. Mr. DeMonico requested copies of the Redevelopment Plan to be distributed to the Zoning Board.

ADJOURNMENT

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

Adjourned at 8:45 PM

Respectfully submitted

Sheryl L. Nevin

Zoning Board Secretary

Approved at Zoning Board Meeting
held on October 25, 2016.