



MEETING NO. 1

January 29, 2019

BOROUGH OF SOUTH RIVER
ZONING BOARD MEETING
MINUTES

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2018-6, 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 South River Zoning Board was held on January 29, 2019 commencing at 7:30pm at the Criminal Justice Building, located at 61 Main Street, South River, NJ 08882. This meeting was held in compliance with the Open Public Meeting Act, N.J.S.A. 10:4-6.

ROLL CALL

- | | |
|--|--|
| <input checked="" type="checkbox"/> Robert Bodak, Chairman | <input checked="" type="checkbox"/> James Kinneally, Attorney |
| <input checked="" type="checkbox"/> Nick Giannakopoulos, Vice Chairman | <input checked="" type="checkbox"/> Bruch Koch, Engineer |
| <input type="checkbox"/> Rui Almeida | <input checked="" type="checkbox"/> Todd Bletcher, Planner |
| <input checked="" type="checkbox"/> Ruell Brown | <input checked="" type="checkbox"/> Glenn Lauritsen, Construction Official |
| <input checked="" type="checkbox"/> Michael Clancy | <input checked="" type="checkbox"/> Tamar Lawful, Secretary |
| <input checked="" type="checkbox"/> Frank DeMonico | |
| <input checked="" type="checkbox"/> John Frost | |
| <input checked="" type="checkbox"/> Jeremiah O'Grady | |
| <input checked="" type="checkbox"/> Edward Trygar | |

2019 REORGANIZATION MEETING

ELECTION OF CHAIRMAN

The Board's attorney, Mr. James Kinneally, opened up the floor for nomination of the Zoning Board Chairperson for the year 2019. Mr. Clancy nominated Mr. Frank DeMonico, this was seconded by Mr. Bodak. Mr. DeMonico respectfully declined the nomination, and felt the position should go towards the previous Chairman of 2018, Mr. Robert Bodak. Mr. Clancy, in

respect to the comment made by Mr. DeMonico nominated Mr. Robert Bodak as Chairman for the Board, seconded by Mr. Giannakopoulos. By roll call, all were in favor.

Motioned by: Mr. Clancy
Seconded by: Mr. Bodak
All in Favor

ELECTION OF VICE CHAIRMAN

With regards to nominating a Vice Chairman for the year 2019, Mr. Giannakopoulos nominated Mr. DeMonico seconded by Mr. Clancy. With no other nominations, by roll call, all were in favor, with the exception of Mr. DeMonico, who abstained.

Motioned by: Mr. Giannakopoulos
Seconded by: Mr. Clancy
Abstained: DeMonico

RESOLUTIONS

The Board approved the following Resolutions for the year:

RESOLUTION: ZB 2019-01

JANUARY 29, 2019

RESOLUTION

BOROUGH OF SOUTH RIVER ZONING BOARD OF ADJUSTMENT APPOINTING LEGAL COUNSEL FOR THE YEAR 2019

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a resolution be adopted and publically advertised to authorize the award of contracts for “Professional Services”; and

WHEREAS, the Borough of South River Zoning Board of Adjustment has determined it necessary to solicit proposal of qualifications for professional services for a Zoning Board Attorney under the “Fair and Open Process” which has been implemented under the “New Jersey Local Unit Pay-to Play” law pursuant to the provisions of N.J.S.A. 19:44-20.4 et. seq.; and

WHEREAS, the Board has considered the professional services proposal submitted by practicing attorney, James J. Kinneally, III; and

WHEREAS, the anticipated term of contract is for a period of one year and shall run from January 1, 2019 through December 31, 2019;

THEREFORE, BE IT RESOLVED, that James J. Kinneally, III, of the firm, Marriott, Callahan, Blair, & Greer, located at 520 Washington Blvd., Sea Girt, NJ 08750 is hereby appointed Legal Counsel for the Borough of South River Zoning Board of Adjustment for the calendar year of 2019; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough of South River has certified the availability of funds for the monthly retainer of the contracted term.

DATED: JANUARY 29, 2019

Robert Bodak
Robert Bodak, Chairperson

Motioned by: Mr. Giannakopoulos
Seconded by: Mr. DeMonico
All in Favor

RESOLUTION: ZB 2019-02

JANUARY 29, 2019

RESOLUTION

**BOROUGH OF SOUTH RIVER
ZONING BOARD OF ADJUSTMENT
APPOINTING CONSULTING ENGINEER FOR THE YEAR 2019**

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a resolution be adopted and publically advertised to authorize the award of contracts for “Professional Services”; and

WHEREAS, the Borough of South River Zoning Board of Adjustment has determined it necessary to solicit proposal of qualifications for professional services for a professional Engineer under the “Fair and Open Process” which has been implemented under the “New Jersey Local Unit Pay-to Play” law pursuant to the provisions of N.J.S.A. 19:44-20.4 et. seq.; and

WHEREAS, the Board has considered the professional services proposal submitted by practicing engineer, Bruce Koch;

WHEREAS, the anticipated term of contract is for a period of one year and shall run from January 1, 2019 through December 31, 2019; and

THEREFORE, BE IT RESOLVED that Bruce Koch, of the firm, CME Associates, located at 3141 Bordentown Avenue, Parlin, NJ 08859 is hereby appointed as the Consulting Engineer to the Borough of South River Zoning Board of Adjustment for the year 2019; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough of South River has certified the availability of funds for the monthly retainer of the contracted term.

DATED: JANUARY 29, 2019

Robert Bodak
Robert Bodak, Chairperson

Motioned by: Mr. Demonico
Seconded by: Mr. Giannakopoulos
All in Favor

RESOLUTION: ZB 2019-03

JANUARY 29, 2019

RESOLUTION

**BOROUGH OF SOUTH RIVER
ZONING BOARD OF ADJUSTMENT
APPOINTING CONSULTING PLANNER FOR THE YEAR 2019**

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a resolution be adopted and publically advertised to authorize the award of contracts for “Professional Services”; and

WHEREAS, the Borough of South River Zoning Board of Adjustment has determined it necessary to solicit proposal of qualifications for professional services for a professional Planner under the “Fair and Open Process” which has been implemented under the “New Jersey Local Unit Pay-to Play” law pursuant to the provisions of N.J.S.A. 19:44-20.4 et. seq.; and

WHEREAS, the Board has considered the professional services proposal submitted by practicing Planner, Todd Bletcher;

WHEREAS, the anticipated term of said contract is for a period of one year and shall run from January 1, 2019 through December 31, 2019; and

THEREFORE, BE IT RESOLVED that Todd Bletcher, of the firm Bignell Planning Consultants, Inc. located at 424 Amboy Avenue, Suite 202, Woodbridge, NJ 07095 is hereby

appointed as the Consulting Planner to the Borough of South River Zoning Board of Adjustment for the year 2019.

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough of South River has certified the availability of funds for the monthly retainer of the contracted term.

DATED: JANUARY 29, 2019

Robert Bodak
Robert Bodak, Chairperson

Motioned by: Mr. Clancy
Seconded by: Mr. Demonico
All in Favor

RESOLUTION: ZB 2019-04

JANUARY 29, 2019

RESOLUTION

**BOROUGH OF SOUTH RIVER
ZONING BOARD OF ADJUSTMENT
APPOINTING BOARD'S SECRETARY FOR THE YEAR 2019**

BE IT RESOLVED that Tamar Lawful is hereby appointed to the position of Secretary to the South River Zoning Board of Adjustment for the year 2019 in accordance with the current borough salary ordinance/resolution.

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough of South River has certified the availability of funds for the services of the contracted term.

DATED: JANUARY 29, 2019

Robert Bodak
Robert Bodak, Chairperson

Motioned by: Mr. Clancy
Seconded by: Mr. Demonico
All in Favor

RESOLUTION

**BOROUGH OF SOUTH RIVER
ZONING BOARD OF ADJUSTMENT
OFFICIAL NEWSPAPER DESIGNATION AND MINUTES**

WHEREAS, the New Jersey Municipal Land Use law, N.J.S.A. 40:55D, provides that certain notices required by its terms are to be published in the official newspaper of the municipality; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., requires that notification be given of meetings of public bodies as therein defined and in the manner therein set forth;

WHEREAS, the Borough of South River selects a newspaper, which circulates within the Borough of South River, to be designated as the Official Newspaper for all Official Notices of the Board for the year 2019.

NOW THEREFORE, IT IS HEREBY RESOLVED that all notices in connection with Zoning Board matters that are required to be published in the official newspaper of the Borough of South River, pursuant to Chapter 231, Public Law 1975, be published in the designated Official Newspaper, the Home News Tribune, a news publication published in Neptune, NJ.

BE IT FURTHER RESOLVED that the SENTINEL PUBLICATION, a weekly newspaper be used for display of advertisement not of a legal nature.

BE IT FURTHER RESOLVED that minutes of the meetings of the Zoning Board will be made available for public viewing in the Borough Offices, in accordance with N.J.S.A. 10:4-14, and copies of the Minutes will be provided to individuals upon request.

DATED: JANUARY 29, 2019

Robert Bodak

Robert Bodak, Chairperson

Motioned by: Mr. DeMonico
Seconded by: Mr. Giannakopoulos
All in Favor

RESOLUTION

**BOROUGH OF SOUTH RIVER
ZONING BOARD OF ADJUSTMENT
2019
ANNUAL MEETING SCHEDULE**

WHEREAS, the Open Public Meeting Act, N.J.S.A. 10:4-6 et. seq., requires that public bodies provide adequate notice of all meetings.

BE IT RESOLVED, by the Borough of South River Zoning Board of Adjustment, in the County of Middlesex, State of New Jersey, that during the year 2019, regular meetings of business will be held on the last Tuesday of each month, unless indicated otherwise.

LOCATION: Criminal Justice Building
61 Main St., South River, NJ

MEETING TIME: 7:30 PM

| <u>MEETING DATES</u> | | <u>PLANS DUE DATE</u> | |
|----------------------|--------------------------|-----------------------|------------------|
| February | 26 th | February | 12 th |
| March | 12 th | February | 26 th |
| March | 26 th | March | 12 th |
| April | 30 th | April | 16 th |
| May | 21 st | May | 7 th |
| June | 25 th | June | 11 th |
| July | 30 st | July | 16 th |
| August | 27 th | August | 13 th |
| September | 10 th | August | 27 th |
| September | 24 th | September | 10 th |
| October | 08 th | September | 24 th |
| October | 29 th | October | 15 th |
| November | 26 th | November | 12 th |
| January | 28, 2020(Organizational) | January | 14 th |

Robert Bodak
Robert Bodak, Chairperson

Motioned by: Mr. DeMonico
Seconded by: Mr. Trygar
All in Favor

REGULAR MEETING

MINUTES APPROVAL

The meeting Minutes of November 27, 2018 was motioned to be approved by Mr. Giannakopoulos and seconded by Mr. Trygar.

BOARD BUSINESS & CORRESPONDENCE

The Board was informed that an updated roster of both the board members and professionals was provided for their reference. The Board was further informed that training classes are available for new and experienced board members. Lastly, the Board was informed that 10 Joseph Street (John Andre) received its Final Resolution of Compliance on December 31, 2018, from Bignell Planning Consultants. Mr. Kinneally informed the Board that no action is not required with regards to the Final Resolution of Compliance.

RESOLUTION(S)

The following Resolutions were memorialized:

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2018-26
JUAN CARLOS DIAZ**

WHEREAS, Juan Carlos Diaz, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to install a pool and coping, a patio, a shed and a fence on the premises known as Block 355, Lot 1.18 otherwise known as 2 Congress 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 November 27, 2018, and

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

1. Applicant Juan Carlos Diaz owns a single family dwelling at 2 Congress Lane, otherwise known as Block 355, Lot 1.18, in South River, New Jersey.

2. The Applicant has requested variances to install a pool and coping, a patio, a shed and a fence.

3. The pool, shed and patio are proposed in the front yard; this property is a corner lot and this constitutes a hardship that merits variance relief.

4. The Applicant requests a variance for the size of the patio/deck since it exceeds the ordinance limit of 10% of the lot area; the Board finds that this relief can be granted because the Applicant is not exceeding impervious coverage limits and will take efforts to minimize groundwater runoff to adjoining properties.

5. No member of the public appeared in 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 Juan Carlos Diaz 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 Applicant shall comply with Mr. Koch's report rendered in connection with this application.

4. Applicant shall repair/replace any damaged curb or sidewalk, as necessary.

5. Applicant shall ensure that the pool/deck/patio shall not cause stormwater drainage problems for any adjoining neighbor.

6. To the extent that the fence and shed are located partially over a utility easement, the Owner shall be responsible for the removal/replacement of the fence and shed if access to the utility easement is 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 2018-26

The foregoing Resolution was:

Moved by: Mr. Trygar

Seconded by: Mr. Giannakopoulos

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Rui Almeida | | | | X |
| Mr. Robert Bodak | X | | | |
| Mr. Bobby Brown | | | | X |
| Mr. Michael Clancy | | | | X |
| Mr. Nick Giannakopoulos | X | | | |
| Mr. Jeremiah O’Grady | X | | | |
| Mr. Edward Trygar | X | | | |
| ALTERNATES | | | | |
| Mr. Ruell Brown | X | | | |
| | | | | |

2018-26

The foregoing Resolution was:

Moved by: Giannakopoulos

Seconded by: Trygar

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Rui Almeida | | | | X |
| Mr. Robert Bodak | X | | | |
| Mr. Bobby Brown | | | | X |
| Mr. Michael Clancy | | | X | |
| Mr. Nick Giannakopoulos | X | | | |
| Mr. Jeremiah O'Grady | X | | | |
| Mr. Edward Trygar | X | | | |
| ALTERNATES | | | | |
| Mr. Ruell Brown | 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 29, 2019.

Tamar Lawful

TAMAR LAWFUL, SECRETARY

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

**ZB 2018-24
16 SPRING ST, LLC**

WHEREAS, 16 Spring St, LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct a second floor addition to the existing dwelling on the premises known as Block 227, Lot 7 otherwise known as 16 Spring 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 November 27, 2018, and

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

1. Applicant 16 Spring St, LLC owns a single family dwelling at 16 Spring Street, otherwise known as Block 227, Lot 7, in South River, New Jersey.
2. The Applicant has requested variances to construct a second floor addition to the existing dwelling.
3. At the initial public hearing, the Zoning Board raised concerns about off-street parking availability, impervious coverage and first floor layout.
4. The Applicant demonstrated that there is a reciprocal driveway easement involving the adjacent property; this addresses the Board's concern's about off-street parking satisfactorily.
5. The Applicant has revised the Site Plan to remove some of the excess concrete coverage to the satisfaction of the Board; in addition, the Applicant revised to floorplan for the first floor to remove the closet from the study, to ensure it does not become an additional bedroom.
6. No member of the public appeared in 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 16 Spring St, LLC for relief as described above is hereby **GRANTED** in accordance with the findings of fact and conclusions of law rendered above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this approval be and is conditioned upon the following:

1. Applicant shall pay to the appropriate Borough officials all review fees and escrow funds certified to be due by the Board secretary to compensate for review of Applicant's plans as well as professional services. No building permits or certificates of occupancy shall be issued nor final plans signed by Borough officials until all such fees and escrow funds have been received and notice of same filed with the appropriate code official of the Borough.

2. Applicant shall obtain all required inspections, permits and approvals as required by the Borough of South River.

3. The Applicant shall comply with Mr. Koch's report rendered in connection with this application.

4. Applicant shall repair/replace any damaged curb or sidewalk, as necessary.

5. Applicant shall revise the driveway layout as requested by Mr. Koch at the public hearing.

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 2018-24

The foregoing Resolution was:

Moved by: Mr. Trygar

Seconded by: Mr. Brown

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Rui Almeida | X | | | |
| Mr. Robert Bodak | X | | | |
| Mr. Bobby Brown | | | | X |
| Mr. Michael Clancy | | | | X |
| Mr. Nick Giannakopoulos | X | | | |
| Mr. Jeremiah O'Grady | X | | | |
| Mr. Edward Trygar | X | | | |
| ALTERNATES | | | | |
| Mr. Ruell Brown | X | | | |
| | | | | |

2018-24

The foregoing Resolution was:

Moved by: Giannakopoulos

Seconded by: Trygar

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Rui Almeida | | | | X |
| Mr. Robert Bodak | X | | | |
| Mr. Bobby Brown | | | | X |
| Mr. Michael Clancy | | | X | |
| Mr. Nick Giannakopoulos | X | | | |
| Mr. Jeremiah O'Grady | X | | | |
| Mr. Edward Trygar | X | | | |
| ALTERNATES | | | | |
| Mr. Ruell Brown | 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 29, 2019.

Tamar Lawful

TAMAR LAWFUL, SECRETARY

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2018-22
GILBERT ELETO

WHEREAS, Gilbert Eleto, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to construct a three story building on the premises known as Block 349.03, Lot 14 otherwise known as 76 Price 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 November 27, 2018, and

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

1. Applicant Gilbert Eleto owns property located at 76 Price Place, otherwise known as Block 349.03, Lot 14, in South River, New Jersey.
2. The Applicant has requested a variance to construct a three story dwelling.
3. Due to the slope of this lot, the proposed basement, which will not be visible from the street, will be a walk-out basement in the rear of the property, impervious coverage and first floor layout.
4. From the front of the property, the house will appear to be a two story building.
5. Several neighbors raised concerns about the proximity of this home to theirs; however, this building complies with all setback requirements.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Gilbert Eleto 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 Applicant shall comply with Mr. Koch’s report rendered in connection with this application, specifically paragraphs 5-10.

4. Applicant shall revise the proposed location of the fence adjacent to the Tatto property to permit the Tatto’s to access their property at 80 Price Place; the two owners are encouraged to enter into an easement agreement for access to this area.

5. Curbing, sidewalks and aprons are to be provided; a note to that effect shall be added to the plans.

6. The Applicant’s attorney shall review the certification of the imported soil to determine if it meets the gradation of permeability of the project.

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 2018-22

The foregoing Resolution was:

Moved by: Mr. Giannakopoulos

Seconded by: Mr. Almeida

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Rui Almeida | X | | | |
| Mr. Robert Bodak | X | | | |
| Mr. Bobby Brown | | | | X |
| Mr. Michael Clancy | | | | X |
| Mr. Nick Giannakopoulos | X | | | |
| Mr. Jeremiah O’Grady | X | | | |

| | | | | |
|-------------------|---|--|--|--|
| Mr. Edward Trygar | X | | | |
| ALTERNATES | | | | |
| Mr. Ruell Brown | X | | | |
| | | | | |

2018-22

The foregoing Resolution was:

Moved by: Giannakopoulos

Seconded by: Trygar

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-------------------------|------------|-----------|----------------|---------------|
| Mr. Rui Almeida | | | | X |
| Mr. Robert Bodak | X | | | |
| Mr. Bobby Brown | | | | X |
| Mr. Michael Clancy | | | X | |
| Mr. Nick Giannakopoulos | X | | | |
| Mr. Jeremiah O’Grady | X | | | |
| Mr. Edward Trygar | X | | | |
| ALTERNATES | | | | |
| Mr. Ruell Brown | 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 29, 2019.

Tamar Lawful
TAMAR LAWFUL, SECRETARY

COMPLETENESS

DOCKET # ZB2019-02

DANIEL & KAREN ALLER

12 Little Martin Avenue

Block 327 Lot 3

Applicant is requesting a site plan waiver and a use variance for a storage yard for roll off dumpster containers, which is not specifically listed as a permitted use in the W-R zone and is therefore prohibited.

Mr. Bletcher stated that the applicant applied for a use variance and submitted a request for a waiver from submitting the site plan application. Mr. Bletcher stated that he reviewed what was submitted, which included a basic sketch of the property. More information is needed on the sketch, explained Mr. Bletcher. In his opinion, he does not recommend the Board granting a waiver for the site plan because he believes the Board should review the document. However, he does not object to granting a waiver of all the elements of a minor site plan, so long the applicant submits clarifications to certain concerns notated in his report [dated January 27, 2019]. Mr. Bodak asked whether anyone is present to represent the application for 12 Little Martin Avenue. With no one present for the application to confirm that they are able to make the deadline to have all documents submitted to the Board within 10 business days prior to the next scheduled meeting, the recommendation is to adhere to the Planners report and deem the application incomplete, stated Mr. Bodak. With the applicant not present to clarify the concerns as notated in the planners report and to confirm whether the requested information can be provided within the 10 business day deadline, a motion was made by Mr. Clancy and seconded by Mr. DeMonico to carry the application to the next scheduled meeting set forth for February 26, 2019.

DOCKET # ZB2019-03

DANIEL & KAREN ALLER

78 Causeway

Block 327 Lot 9

Applicant is requesting a site plan waiver and a use variance for a storage yard for roll off dumpster containers, which is not specifically listed as a permitted use in the W-R zone and is therefore prohibited.

Mr. Bletcher informed the Board that the application is identical to the previous application discussed [12 Little Martin Avenue]. The applicant is proposing the same use on the property, as 12 Little Martin Avenue. As stated with the previous application, clarification is needed on what is going on with the property. If these lots were existing vacant lots, we will be amenable to the site plan waiver. However, that is not the case, as there are some changes going on with both lots, and clarification is needed as to what that is, stated Mr. Bletcher. As such, he recommends deeming the application incomplete until additional information is provided. Mr. Koch finds the application to be complete from an engineering stand point. A motion was made by Mr. Clancy and seconded by Mr. Brown to carry the application to the next scheduled meeting date set forth for February 26, 2019 as recommended by the Board's Planner. As per Bruce Koch, the Board's Secretary should contact the applicant and inform him/her of the Board's decision from tonight's meeting. Mr. Bodak recommended Mr. Koch and Mr. Bletcher to work together on this application to ensure that the applicant does not appear before the Board for the second time to be deemed incomplete. Mr. Koch believes that contacting the engineering and surveying company, Morgan Engineering & Surveying, can help with the process.

DOCKET # ZB2019-04

NELSON COSTA

51 Augusta Street

Block 299 Lot 2

Applicant is requesting a bulk variance for adding an addition within the required 5' setback; exceeding the maximum allowable impervious coverage of 50%; installing a patio within the required 5' setback; and installing a solid fence within the required 25' front yard setback.

The Board was informed by its professionals that the application was deemed complete from an engineering and planning perspective. A motion was made by Mr. Clancy and seconded by Mr. DeMonico to deem the application complete and to set forth a public hearing date for February 26, 2019 at 7:30pm.

PUBLIC HEARINGS

DOCKET #ZB2018-18
PAULO S. MARTINS
51 William Street
Block 41, Lot 7.01

Applicant is requesting a bulk variance to install concrete within 10' rear yard setback and 5' side yard setback, while also exceeding the impervious coverage of 50%.

Mr. Paulo Martins, resident of 51 Williams Streets, South River, New Jersey came forward. Mr. Martin stated that he recently revised his drawing for the property. Mr. Kinneally asked the applicant whether he submitted the plans to the Zoning Board prior to tonight meeting. Mr. Martin explained that the Construction Official might have submitted the plans. The Board's secretary stated that the last revised plans received was dated December 18, 2018. Mr. Koch informed the Board that revised drawing was discussed. Mr. Bodak informed the applicant that the Board requires a copy of the recently revised plans in order to go forward.

Mr. Martins began to explain why he's before the Board. He stated that he purchased the said property at an auction. At the time of purchase, the back of the house was covered in impervious coverage. To address the violation, he proposed removing the majority of the concrete and to allow a 12X12 patio and an 8X10 shed to remain. Drainage will be installed to facilitate in the mitigation of water accumulation and flow. He reiterated that the bulk of cement will be removed from the rear of the property.

Mr. Bodak informed Mr. Martins that the Board is unable to move forward with his application until all the Board members and its professionals obtain and review the new drawings being proposed. Mr. Bodak recalls this application as having a lot of concrete to the property,

which in turn caused damage to his neighbor's property. He informed Mr. Martin to submit the new drawings to the Board's secretary. Mr. Kinneally, advised Mr. Martin to supply a copy of the new drawings to his objecting neighbor. A motion was made by Mr. Clancy and seconded by Mr. DeMonico to carry the application, with no further notice, to the next scheduled meeting set forth on, February 26, 2019. Mr. Martin consented on the Board acting on the application on February 26, 2019.

PUBLIC SESSION

A motion was made to open the floor to the public.

Mr. Wieshaw (Vinny) Krajewski, Esq., representing Mr. Zambrycki, the opposing neighbor who resides at 39 William Street, came forward. Mr. Krajewski stated that he briefly glanced at the project [or the drawings] proposed by Mr. Martins and it appears to still be in violation in the rear and side setbacks and the impervious coverage is approximately 67%. He further requested a copy of the newly proposed drawings brought forth today by Mr. Martins. Mr. Kinneally informed the applicant to give a copy of the plans to his neighbor residing at 39 Williams Street.

With no one else present, a motion was made to close the floor to the public.

DOCKET #ZB2019-01
PAUL & REGINA SANTOS
39 Hollander Street
Block 390, Lot 1.04

Applicant is requesting bulk variances: 1. required 5' side yard setback and 10' rear yard setback for the patio 2. Exceeding the 10% total area of the lot for a patio; 3. Variance for the required 5' side and rear yard setback for the accessory structure; 4. exceeding the impervious coverage of 50%; and 5. A variance for the 5' side yard setback for the masonry BBQ station.

The applicant's attorney, George Pressler, came forward. Also present with Mr. Pressler is Mr. Joseph Hyland, the professional Planner for the applicant and Mrs. Cristina Curto, the current owner of 39 Hollander Street. We are seeking 5 bulk variances for a property located at 39 Hollander Street, South River, New Jersey also known as Lot 1.04 and Block 390, stated Mr.

Pressler. The 5 bulk variances are for pre-existing non-conforming conditions. The issue arose when the applicant, Mr. and Mrs. Santos listed their property on the market. Mr. and Mrs. Curto saw the property and fell in love and ultimately purchased the house. As a condition to the execution of the purchase, the buyer's attorney requested that the Santos secure a Certificate of Occupancy (CO). Mr. Lauritsen visited the house and found certain violations, some pre-existed the purchase of the Santos; however, most were done by Mr. Santos without the appropriate permits and or without permission from the Board. As such, the applicant is seeking approval or relief for bulk variances. It was clarified to the Board that the Santos no longer owns the property; and the new property owners are Mr. and Mrs. Curto. Mr. DeMonico questioned whether the pool and outdoor kitchen installed at the rear of the property were done without permits. In response, Mr. Pressler stated "yes". Mr. Clancy inquired whether a survey exist to show when the work was completed. Mr. Hyland stated that he has a survey from 1998.

Mr. Pressler called Mrs. Curto forward to testify on behalf of the application. Ms. Curto who resides at 4 Jean Road, East Brunswick, New Jersey came forward. Under direct examination of Mr. Pressler, Mrs. Curto confirmed that on December 13, 2018 she and her husband purchased 39 Hollander Street from Mr. and Mrs. Santos. She further stated they both have lived at the above referenced address for appropriately six years. When asked to describe the house and her feelings toward 39 Hollander Street, Mrs. Curto stated the following:

My husband and I resides in a beautiful Laurence Brook section in East Brunswick. We have lovely neighbors, and it's wonderful. However, when we saw this house come up on the market, we both fell in love with it. I don't know whether it was the charm of the home itself, or the beauty and the oasis of the backyard. But after doing the walk through, there was no turning back, we knew we had found our forever home. So we are very excited about joining the South River community. We are both licensed social workers so we are actually looking forward to giving back to this wonderful community and being a part of it. We plan to spend the rest of our lives here.

Mr. Joseph Hyland, whose office is located at 7 Milltown Road, East Brunswick, NJ came forward. Mr. Hyland submitted four photographs of the exterior backyard of the property (Exhibit A-1) and a survey of the property from 1998 (Exhibit A-2). The current survey was supplied at the time of the application. The survey of 1998 (Exhibit A-2) has never been seem by the Board, stated Mr. Hyland. You will notice that the pool was existing when the Santos purchased the property; therefore, there might be a permit for the construction of the swimming pool, stated Mr. Hyland. The new survey does not include the gazebo and the outdoor kitchen, he explained. The plans

submitted to the Board, is the most recent plans of the property. The photos submitted as (Exhibit A-1) were taken in the fall of 2018 and depicts the current conditions of the property, stated Mr. Hyland. Mr. Santos added the outdoor kitchen, the shed and the gazebo, to which he received permits for. There was a railroad tile wall that was replaced with a concrete garden wall; and the patio was slightly expanded closer to the property line. The patio is existing, non-conforming to the side and rear yard of the property, stated Mr. Hyland. The most recent survey is missing the outdoor kitchen, the overhang, and the retaining walls on the front of the property, stated Mr. Hyland. However, Mr. Santos replaced the retaining walls with concrete blocks.

Mr. Hyland testified on the application in response to the planners report, as follow:

First, I need to correct the impervious coverage calculations. In reviewing the drawing today, I noticed in the coverages chart that I entered a line item of 165 sq. ft. for walls, this is an error and a left over from a previous job. I have the rear and front walls entered in the chart. When I remove 165 from the chart, the new total coverage is 6,030 square feet and 54.82% coverage, not 56.29%.

We are applying for "C-2" variance or benefits versus detriments, two things must be proven to receive approval for a C-2 variance:

- (1) An applicant must show that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement; and
- (2) that the variance can be granted without substantial detriment to the public's good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria).

Regarding the former, The Municipal Land Use Law encourages the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.

The required variances for this property are the result of the previous property owners developing the rear of the property for an active lifestyle for themselves and their friends, promoting the general public health and general welfare.

The required variances are for enhancements to the property and there is sufficient open space for an active enjoyment of the property. There is a lawn area that was being used as a soccer pitch when I visited, a pool with a patio, a rear porch (or covered patio) for protection from the sun and rain and for outdoor summer dining, and an outdoor grill for summer barbequing. An active rather than a passive use of the rear yard.

ADDRESSING PLANNER'S REPORT

Regarding the specifics of each variance:

1. **The concrete patio in the side and rear yards:** The property was purchased by Paul & Regina Santos in 1998 and the patio was over the setback in the rear and side yards at that time. The right side patio was extended when a wood tie wall was replaced with a concrete block garden wall. You have a survey from January 1998 prepared by Joseph Donato and it appears the patio was approximately 3' from the line at that time. The patio at the rear setback looks to be in the same location. Also, the survey is dated in January and it looks like a cover was on the pool, the pool is from that time and is 18' wide not the 22' wide that I scaled from the current survey.
2. **An accessory structure in the side and rear setback:** The shed was located close to the property lines to keep a lawn area as large as possible. To move the shed will be difficult as it is an older wood structure with a clay tile roof, it may not survive the move, if moved 5' off the property line.
3. **A patio exceeds 10% of the lot area:** The overage on the patio is caused by having two patio areas, one for the pool, an active wet area with splashing, the other a dry area below the roof for dining and sitting. The second patio is below the porch. 226 sq. ft. of the patio is a part of the porch.
4. **BBQ station structure within 5' of side yard:** The BBQ station was located to maximize the openness of the property; the previous location was in the rear yard. The BBQ station is of masonry construction, it cannot be moved, it would need to be taken down and rebuilt.
5. **Impervious coverage at 54.82%, 50% permitted:** The overage is the result of the improvements I mentioned including the two patios as I mentioned, one an active area adjacent to the pool the other a covered one below the porch for dining and a sitting area.

A "C-2" variance

(2) can be granted if there is no substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria).

The rear of the property is enclosed by solid vinyl fence, the rear yard along with the requested variances are not visible from street or adjacent properties and there is landscaping along the interior of the fence.

The adjacent property to the rear is owned by the same owner and contiguous with a property on the Old Bridge Turnpike in a B-2 zone. It is reasonable to assume that it along with the paper street portion of Rubin Street will be developed as a commercial property in the future. That future development will have a greater impact than this applicant's proposed variances.

The BBQ station along the side property line is aligned with a shed on the adjacent property. The shed screens the BBQ station from this property and it built with non-combustible exterior finishes, stucco walls and a clay tile roof.

Regarding the overage in the impervious coverage, this is partially due to the 520 sq. ft. of pool coverage. Pools are not always included in impervious lot coverage, in Metuchen, Hillsborough Township, Middletown Township, Little Silver, and other municipalities the pool is excluded from lot coverage, if not counted the impervious lot coverage is 50.01%, the pool is 4.72% of the total coverage. A pool provides a healthy exercise and the borough does not have a community pool; although it contributes to the impervious coverage, the pool provides an inherent benefit.

For these reasons, the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment.”

Mr. Bodak inquired whether the patio itself is made of pavers or concrete. Mr. Hyland explained that the applicant has both concrete and pavers. Mr. Bodak further inquired on whether a drainage system was installed. Mr. Hyland responded “no”.

Mr. Trygar expressed concerns about the position of the shed being very close to the property line. Mr. Frost, asked whether there have been any complaints about the drainage and or the shed on the property, Mr. Pressler responded, “no”. As a comment, Mr. Demonico stated that the land is not extensive. The land limits the ability to move things on the property.

PUBLIC SESSION

A motion was made to open the floor to the public.

With no one present, a motion was made to close the floor to the public.

Mr. Bletcher stated that the property is an 11,000 sq. ft. lot, and the applicant is proposing 54% impervious coverage. Mr. Bletcher then inquired whether the outdoor kitchen and the fire place chimney can be seen above the fence. His concern is whether it goes above the height that screens the area. Mr. Hyland responded “yes”, the chimney can be seen above the fence. Mr. Koch had no comments on the application because the majority of the conditions are existing.

BOARD'S DECISION

A motion was made by Mr. Clancy and seconded by Ruell Brown to approve the application with the stipulation that should the existing shed be replaced, the new shed shall be built within the legal limits of a 5' set back from the rear and side of the property line.

| ROLL CALL | MOTIONED | SECONDED | YES | NO | ABSTAIN | ABSENT |
|-------------------------|-----------------|-----------------|------------|-----------|----------------|---------------|
| Mr. Rui Almeida | | | | | | X |
| Mr. Robert Bodak | | | X | | | |
| Mr. Michael Clancy | X | | X | | | |
| Mr. Frank DeMonico | | | X | | | |
| Mr. Nick Giannakopoulos | | X | X | | | |
| Mr. Jeremiah O'Grady | | | X | | | |
| Mr. Edward Trygar | | | X | | | |
| ALTERNATES | | | | | | |
| Mr. Ruell Brown, Alt. 1 | | | | X | | |
| Mr. John Frost, Alt. 2 | | | | | | |

PUBLIC SESSION

A motion was made to open the floor to the public.

With no one present, a motion was made to close the floor to the public.

NEW BUSINESS

Mr. Bodak informed the Board that he had the opportunity to sit down with the Mayor and the Chairman of the Planning Board, Michael Beck, to discuss the 2018 Annual Report. He stated that the Borough wants to examine things that are occurring on a continuing basis that does not need to be brought up to the Board. He informed the Board that a summary sheet was drafted. The Zoning Board was asked whether there is anything that can be done to make South

River more user friendly as it pertains to the zoning code. For instance, a resident who had their fence up for 25 years and plans to sell their house, but later finds out that the fence encroaches on the rear or side yard setback of the property. The applicant can pay a fee and have the action or violation documented, as opposed to going before the board for a variance, suggested Mr. Bodak. However, there are certain issues to which we must be gatekeepers of, explained Mr. Bodak. For instance matters that residents are concerned about and may have complain about. Since it can be intimidating going before the Board, the Council would like to take action to make the process easier for the residents. Kindly think of anything that can be improved upon; and should time permits after the meeting on February 26, 2019, the board members can make recommendations, stated Mr. Bodak. An Annual Report should be submitted to the Council by March, 2019.

Mr. Bodak thanked the Board's previous Chairman of many decades, Mr. Frank DeMonico. Mr. DeMonico thanked the Board for nominating him to be the Chairman again without hesitation. He explained to the Board that when he was appointed to return to the Board, he informed the leaders that he will do so, but not as the Board's Chairman. The Board already has a good Chairman (referring to Robert Bodak), said Mr. DeMonico. The Board welcomed back Mr. DeMonico. Mr. Frost was welcomed to the Board as a new member who is experienced with many years from being a member on the South River Planning Board.

ADJOURNED

With no further business to conduct before the Board, a motion was made by Mr. DeMonico, seconded by Mr. O'Grady, to adjourn this meeting at 8:47pm. All were in favor.

Minutes prepared by:

Tamar Lawful

Planning/Zoning Board Secretary

Minutes were approved at the 02/26/2019 meeting