



BOROUGH OF SOUTH RIVER PLANNING BOARD REGULAR MEETING MINUTES

January 13, 2025 – 6:00 PM

Location: Criminal Justice Center, 61 Main Street, 2nd Level, South River

The Reorganizational and Regular Meeting of the Borough of South River Planning Board was called to order by Thomas Barlow, Esq. at 6:05 pm followed by the Pledge of Allegiance. He read the following announcement in compliance with the Open Public Meetings Act: *In compliance with Chapter 231 of Public Laws of 1975, adequate notice of this meeting was given by way of Annual Notice filed with the Borough Clerk, the Home News Tribune, The Sentinel and posted in the window of Borough of South River Municipal Building on January 16, 2026.*

The Planning Board may take formal action at this meeting.

Roll Call

Present: Sandra Adelino, Richard Byrne, Brian Almeida (Alt. 1), Monica Almeida, Councilman Nick Giannakopoulos, Mayor Peter Guindi, Katlin Vargo (Mayor's Alt), Bob Bodak

Absent: Christian Eleto, John Frost, Jesse Hare

Also Present: Art Londensky, Administrator, Thomas Barlow, Attorney, Justin Cornell, Engineer, Todd Bletcher, Planner

REORGANIZATIONAL MEETING AGENDA

Board Members: All Board Members with new terms were sworn in prior to the start of the meeting.

Election of the Board Chair and Vice Chair

Mr. Barlow called for nominations for Chairperson.

Mayor Guindi nominated Robert Bodak as Chairman, seconded by Mr. Byrne. There were no other nominations; nominations were closed. Mr. Byrne made the motion to elect Mr. Bodak by acclamation all in favor by voice vote.

Mr. Barlow relinquished the chair to Chairman Bodak.

Chairman Bodak called for nominations for Vice Chair.

Ms. Adelino nominated John Frost as Vice Chair, seconded by Councilman Giannakopoulos. There were no other nominations; nominations were closed. Mr. Frost was not present, however Chairman Bodak stated that Mr. Frost, if nominated, would accept the nomination. All in favor by voice vote.

Resolutions

Appointment of Legal Council

The motion to approve the Resolution to appoint *Thomas Barlow*, Esq. of Lombardi and Lombardi as the Legal Counsel for 2026 was first moved by Mayor Guindi, seconded by Ms. Adelino, all in favor by voice vote.

Appointment of Board Engineer

The motion to approve the Resolution to appoint *Justin Cornell*, PE of CME Associates, as the Board Engineer for 2026 was first moved by Mayor Guindi, seconded by Ms. Almeida, all in favor by voice vote.

Appointment of Board Planner

The motion to approve the Resolution to appoint *Todd Bletcher* of Bignell Planning Consultants, as the Board Planner for 2026 was first moved by Mayor Guindi, seconded by Councilman Giannakopoulos, all in favor by voice vote.



Appointment of Board Secretary

The motion to approve the Resolution to appoint Julie M. Moy as the Board Secretary for 2026 was first moved by Ms. Adelino, seconded by Mayor Guindi, all in favor by voice vote.

Approval of Meeting Dates

The meetings scheduled for January, February and March will begin at 6 pm. Beginning April, the meetings will begin at 6:30 pm.

The motion to approve the *Resolution for the Annual Meeting Schedule for 2026* was first moved by Ms. Adelino, seconded by Councilman Giannakopoulos, all in favor by voice vote.

Approval of Official Newspaper

The motion to approve the Resolution assigning the Official Newspaper Designation for 2026 was first moved by Mayor Guindi, seconded by Councilman Giannakopoulos, all in favor by voice vote.

Mr. Barlow swore in Mr. Cornell and Mr. Bletcher as the appointed professionals.

Adjournment

The motion to adjourn the Organizational Meeting at 6:15 pm and move into the Regular meeting was first moved by Ms. Adelino, seconded by Ms. Almeida, all in favor by voice vote.

REGULAR MEETING AGENDA

Chairman Bodak opened the regular meeting at 6:15 pm.

Approval of Minutes:

The motion to approve the regular meeting minutes dated December 9, 2025 as presented was first moved by Councilman Giannakopoulos, seconded by Ms. Adelino, all in favor by voice vote.

Resolution

PB-2025-22, Garden State Christian Church

49 Reid Street Block: 90 Lot: 9

The motion to approve resolution for *File PB-2025-22, Garden State Christian Church* was first moved by Councilman Giannakopoulos, seconded by Ms. Adelino

Roll call in favor: Adelino, Almeida, Byrne, Bodak

Absent: Frost, Zammit *Abstained:* None

Public Hearing

PB-2025-21, Tioumbelekchieff

2 Muravski Ct Block: 93 Lot: 1.09

Application for Minor Subdivision

Mr. Barlow stated that this application has been adjourned without further notice to the March 10, 2026 at the request of Lawrence Sachs, attorney for the applicant.

PB-2025-26, Carvalho

185 Whitehead Ave. Block: 332 Lot: 2

Application for C variance to widen driveway.

Mr. Barlow stated that this application has been adjourned to the February 10, 2026 without further notice. The applicant did not properly notice in the newspaper.



The motion to carry *File PB-2025-21, Tioumbelekchieff*, without further notice, to the regular meeting scheduled for March 10, 2026 and carry *PB-2025-26, Carvalho* without further notice, to the regular meeting scheduled for February 10, 2026, was first moved by Councilman Giannakopoulos, seconded by Ms. Adelino, all in favor by voice vote.

PB-2025-25, Noguera

2 Grove St.

Block: 165 Lot: 7

Application to construct an addition to existing dwelling

Gabriel Noguera, applicant was sworn in. Mr. Noguera summarized his application to construct an addition to his existing dwelling. The family purchased the home in 2006 and is interested in remaining in South River, however, with a growing family, they need more space.

Joseph Hyland, Architect and Planner, 77 Milltown Road, East Brunswick, was introduced and sworn in. Mr. Hyland provided his credentials as an architect and planner and was accepted by this Board. He provided a sealed copy of the survey to Mr. Cornell. Mr. Hyland marked in *Exhibit A1, Survey*. Addressing A1, he described the proposed construction and new layout. Mr. Hyland went over the variances requested.

Mr. Hyland provided planning testimony. The house is 100+ years old and needs improvements. With these improvements, the house will be brought up to current code. He provided the positive and negative criteria of this application. Mr. Hyland opined that there will be no substantial detriment to the community or the zoned plans. He addressed Mr. Cornell's concerns regarding drainage; the applicant will hire a civil engineer to address those concerns. Mr. Cornell wanted to be sure the applicant prevents any stormwater drainage onto the neighboring property. Mr. Bletcher requested the final number of bedrooms for the parking calculations. Mr. Bletcher suggested they should figure out how to add at 4th parking space and may want to consider a 2 car garage. Mr. Hyland addressed this proposal and how they can potentially add another parking spot. There was discussion on constructing a two car garage, which would require revised impervious coverage and set back lines. Chairman Bodak had questions and concerns for the kitchen in the basement and the egress from the basement in the event of an emergency. Chairman Bodak opened the floor for questions from the Board.

Chairman Bodak opened the floor to the public. Seeing none, the motion to close to the public was first moved by Councilman Giannakopoulos, seconded by Ms. Adelino, all in favor by voice vote.

The motion to approve PB-2025-25, *Noguera* was first made by Ms. Adelino, seconded by Mayor Guindi. Roll call with comments.

Roll call in favor: Adelino, M. Almeida, Byrne, Giannakopoulos, Guindi, B. Almeida, Bodak

Opposed: None *Abstained:* None

Motion carries

Recommending Non-Condemnation Area In Need of Redevelopment

Mr. Barlow stated that legal notices are sufficient. He explained the criteria of the two studies to determine if the sites are eligible for recommendation as a non-condemnation area in need of redevelopment. This Board is not making any decisions on what will be constructed on the sites at this time. We are only reviewing the sites for recommendation to the Council for redevelopment. Mr. Bletcher provided his findings for the two studies.

File PB-2025-23, Albourne Woods Study Area

Mr. Bletcher confirmed that the legal notice is proper. His report on this study was completed in November and has been on the Borough's website since. Mr. Bletcher explained how he concluded his



study. He explained the role of the Planning Board in reviewing the study. He provided a history of potential development and ownership over the years. Mr. Bletcher summarize his report and findings for this area. He relied on Criteria C to make his determination; he explained the meaning of Criteria C. The site has been vacant for the past 25 years; Criteria C requires a minimum of 10 years. Developers have had problems developing on the site due to access difficulty, topography and nature of the wetland soils. Under Criteria C, Mr. Bletcher opined that this Board can make the recommendation to the Mayor and Council to help their decision in deeming this area a non-condemnation area in need of redevelopment. Board had questions at this time. The Board is only making the recommendation and is not making any determination on what would be constructed on this site.

Chairman Bodak opened the floor to the public. Seeing none, Councilman Giannakopoulos made the motion to close to the public, seconded by Ms. Adelino, all in favor by voice vote.

The motion to make the recommendation to the Mayor and Council that *File PB-2025-23, Albourne Woods Study Area* as an area of non-condemnation in need of redevelopment was first moved by Mr. Byrne, seconded by Ms. Adelino. Roll call with comments.

Roll call in favor: Adelino, M. Almeida, Byrne, Giannakopoulos, Guindi, B. Almeida, Bodak

Opposed: None *Absent:* Eleto, Frost

Motion passed unanimously

RECESS

File PB-2025-24, Wojie Way Study Area

Mr. Bletcher confirmed that the legal notice is proper for this study. His report on this study was completed in November and has been on the Borough's website since. Mr. Bletcher reported that the site is Borough owned, located west of other senior citizen housing projects. He measured the site, approximately 8 acres. Mr. Bletcher described the site and its surroundings. This site qualifies under the Criteria C; vacant for 10+ years and owned by a government entity. He provided a history of ownership for the site. Mr. Bletcher took questions from the Board.

Chairman Bodak opened the floor to the public.

Yogesh Patel, 145 Monticello Way

Mr. Patel was sworn in. He opined that the site does not meet the redevelopment criteria simply because the Boro owns the property. He cited two cases; *Winters vs. the Township of Vorhees* and an appellate division case, *Concerned Citizens of Princeton vs the Boro of Princeton*, which addresses Criteria C when involving town owned property. There was continued discussion on the process the Borough potentially can take to make the site developable or leave the site as is. Mr. Patel asked this Board not to recommend the redesignation of the site.

Joseph Donato, 30 Daly Street

Mr. Denato was sworn in. He is a Councilman but speaking as a resident. He agrees that the parcel should not be considered under redevelopment because of the ownership. He visited the site and described the conditions. He made suggestions on what should be considered for construction with minimal impact to the area. He suggested this Board do not submit for recommendation to redesignate for redevelopment to the Council.

The motion to close the floor to the public was first moved by Councilman Giannakopoulos, seconded by Ms. Adelino, all in favor by voice vote.



The motion to make the recommendation to the Mayor and Council that *File PB-2025-24, Wojie Way Study Area* as an area of non-condemnation in need of redevelopment was first moved by Ms. Adelino, seconded by Mr. Byrne. Roll call with comments.

Roll call in favor: Adelino, M. Almeida, Byrne, Giannakopoulos, Guindi, B. Almeida, Bodak

Opposed: None

Absent: Eleto, Frost

Motion passed unanimously

Board Discussion

SRED Prerogative Writ Litigation

Mr. Barlow provided an update on the lawsuit filed by the applicant for *PB-2025-06, SRED Properties, 2 Herman Street*. The warehouse was destroyed in a fire in June 2023, which was a pre-existing non-conforming use. Mr. Barlow summarized the lawsuit. The Boro's old ordinance states that within 6 months, if a pre-existing non-conforming use is destroyed and the property owner takes substantial steps to begin reconstruction, the pre-existing non-conforming use remains. The Zoning Official denied his application for building permit because the application was well beyond the 6 month period and no substantial steps were taken to rebuild. The day of the hearing, the Boro's Attorney advised us that the ordinance was invalid. There is a NJ Supreme Court case that specifically states that once non-conforming use is destroyed, the use is no longer valid. If the structure is only partially destroyed, the applicant can argue the case. The applicant filed a lawsuit against the Boro and the Land Use Board as a prerogative writ action saying that the action or inaction was improper and that he should be allowed to build and continue his pre-existing non-conforming use as a matter of right. Mr. Barlow stated that the matter was briefed and a trial took place. Judge Bucca ruled that the Supreme Court decision and the Board's action was appropriate and he dismissed the lawsuit. Judge Bucca did allow the applicant the opportunity, if he formerly makes the request to the Board, to present his argument as to whether or not the property is partially or totally destroyed. The applicant sent an email requesting his application to be heard; it did not come through is attorney. Mr. Barlow responded to his attorney and is waiting for his response. Mr. Barlow stated that we prevailed, the application has been dismissed.

Public Comment

Chairman Bodak opened the floor to the public.

Julie Meira, 189 Main St.

Ms. Meira was sworn in. She asked Mr. Bletcher when the Master Plan was last revised. The Master Plan had a full revision in 2010 and the 10 year re-examination report was completed in 2021. The re-examination report is online. She asked if the two study sites were included in the re-examination report; Mr. Bletcher did not recall. Ms. Meira asked why the two parcels are now being reviewed when there are other large parcels in need of redevelopment; that is a question for the Council, who requested the study. Ms. Meira asked if the annual report was completed; it will be online for her review.

Ms. Meira asked about zoning permits for 6' fences for corner lots. Mr. Barlow explained the application process. If she wants changes to the ordinance regarding corner lots, she can address the Council. The Planning Board does not make those type requests. The Planning Board would be asked to make comments once the Council has the first reading of a new or revised ordinance change that pertains to planning.

Seeing no others, the motion to close to the public was first moved by Councilman Giannakopoulos, seconded by Mayor Guindi, all in favor by voice vote.

Board Comments

Chairman Bodak thanked members for re-electing him as Chair. He asked all members to let Ms. Moy know whether s/he will be attending. Next month's meeting will begin at 6 pm.



Mr. Byrne stated that he attended all Council meeting prior to 2025, he stated that he recalled the revision to the driveway ordinance was to reduce the number of applications to the Zoning Board.

Mr. Byrne stated that in regard to the Virginia Street property, a significant amount of money was spent by the developers to secure approvals to construct, then finding it not economically developable.

Mr. Barlow thanked the Board for the re-appointment.

Adjournment

The motion to adjourn at 8:50 pm was first moved by Mayor Guindi, seconded by Ms. Adelino, all in favor by voice vote.

Respectfully submitted by:



Julie M. Moy
Recording Secretary

Adopted: February 10, 2026