



BOROUGH OF SOUTH RIVER
ZONING BOARD OF ADJUSTMENTS
REORGANIZATION & REGULAR MEETING MINUTES

Tuesday, January 23, 2024 – 7:00 p.m.

Location: 61 Main Street, the Criminal Justice Center

Public Announcement – Open Public Meetings Act

The meeting was called to order by James Kinneally at 7:00 pm followed by the Pledge of Allegiance. He recited the following announcement, *“In compliance with Chapter 231 of Public Laws of 1975 and by resolution, notice of this meeting has been provided as required, filed with the Borough Clerk, the Home News Tribune, The Sentinel and posted in the lobby of Borough of South River Municipal Building on January 25, 2023.”*

The Zoning Board of Adjustments may take formal action at this meeting.

Roll Call

Present: Robert Bodak, Ruell Brown, Christian Eleto, John Frost, Nick Giannakopoulos, Jeremiah O’Grady, Edward Trygar, Sandra Adelino (A2)

Absent:

Also Present: James Kinneally, Attorney; Bruce Koch, Engineer; Todd Bletcher, Borough Planner; Arthur Londensky, Zoning Officer

REORGANIZATION MEETING MINUTES

BOARD MEMBERS

Newly appointed Board Member, *Christian Eleto*, was sworn in prior to the start of the meeting.

ELECTION OF THE BOARD CHAIR & VICE CHAIR

Election for Chairperson

Mr. Kinneally called for nominations for Chair.

Mr. Giannakopoulos nominated Robert Bodak as 2024 Chairman. Seeing no other nominations, Mr. Kinneally closed the floor for nominations. The motion was seconded by Mr. Brown, all in favor by voice vote.

Chairman Bodak presided over the remainder of the meeting.

Election for Vice Chairperson

Chairman Bodak called for nominations for Vice Chair.

Mr. Frost nominated Nick Giannakopoulos as 2024 Vice Chair. Seeing no other nominations, Chairman Bodak closed the floor for nominations. The motion was seconded by Mr. O’Grady, all in favor by voice vote.

Appointment Of Professionals By Resolution:

1. Appointment of Board Attorney – *James Kinneally, Esq., Marriott Callahan Blair & Grier*
2. Appointment of Board Engineer – *Bruce Koch, CME Associates*
3. Appointment of Board Planner – *Todd Bletcher, Bignell Planning*
4. Appointment of Board Secretary – *Julie Moy*
5. Approval of Official Newspaper – *Home Tribune and Sentinel*
6. Approval of Meeting Dates – *4th Tuesday of the Month*

Mr. Giannakopoulos made the motion to approve the six Resolutions by Consent, seconded by Ms. Adelino
Roll Call in Favor: Brown, Eleto, Frost, Giannakopoulos, O’Grady, Trygar, Adelino, Bodak



The motion to adjourn the Reorganization meeting at 7:05 pm and proceed into the Regular meeting was first moved by Mr. Giannakopoulos, seconded by Mr. Brown, all in favor by voice vote.

REGULAR MEETING MINUTES

Chairman Bodak opened the regular meeting at 7:05 pm.

Approval Of The Minutes – November 28, 2023

The motion to approve the November 28, 2023 meeting minutes was first moved by Mr. Giannakopoulos, seconded by Mr. Brown, all in favor by voice vote.

Abstained: Eleto

Motion carries

Resolutions:

File ZB–2024–15, WH Venture, LLC

The motion to adopt Resolution ZB–2023–18 for *File ZB–2024–15, WH Venture, LLC* was first moved by Mr. Giannakopoulos, seconded by Mr. Frost

Roll Call Vote with Eligibility: Brown, Frost, Giannakopoulos, Bodak

Abstain: O’Grady, Trygar, Adelino *Absent:* Clancy

Motion carries

Completeness Hearings:

File ZB–2024–01, D Andre

17 Water Street Block: 309 Lot: 3

Application to construct 4 townhouses in WR zone.

Mr. Koch deemed the application complete, however Mr. Bletcher had engineering questions in his report. Mr. Bletcher addressed his completeness report January 18, 2024. The applicant requested waivers, which are engineering issues. Chairman Bodak inquired about the area since it is a flood zone, will the area be able to support the dwelling. Mr. Bletcher explained that the Master Plan was recently amended to include the waterfront area; Ms. Moy will send members copy of the amended Master Plan. The applicant will address Chairman Bodak’s concerns of the area’s ability to support the proposed dwelling at the public hearing. Mr. Koch addressed the concerns in Mr. Bletcher’s report regarding the applicant’s waiver requests. He has no issues with waivers for items 26 & 34. For item 26, roads and utilities are existing. Item 36 addresses the Stormwater analysis report to address runoff; according to the applicant’s plans, they are reducing impervious coverage. Item 43, environmental impact statement; Mr. Koch will ask if a Phase I was completed when they purchased the property, if not, they will request the Phase I.

The motion to deem *File ZB–2024–01, D Andre* completed and move forward to a Public Hearing on February 27, 2024, was first moved by Mr. Giannakopoulos, seconded by Mr. Brown, all in favor by voice vote.

Public Hearings:

File ZB–2024–16, Garden River, Inc. (Cultivation)

141–143 Russell Ave., 2nd Floor Block: 305 Lot: 3 & 4

Application to for use variance in R75 zone & site plan waiver for cannabis cultivation.

Applicant’s attorney has informed Ms. Moy that they are currently not ready to move forward to the Public Hearing at this time. Mr. Kinneally stated that *File ZB–2024–16, Garden River, Inc. (Cultivation)* will be carried to the regularly scheduled meeting on February 27, 2024 with legal notice to the residents.



Board Correspondence/Business:

2024 Planning Board/Professional Staff Roster

Ms. Moy sent everyone the 2024 member list and requested revisions if needed.

ZB-2023-10, Rocha, 23 Levinson Ave. Law Suit

Mr. Kinneally is waiting for scheduling order from the Court and expects an update by the next meeting.

Public Comments:

Chairman Bodak opened the floor to the public.

Ann Marie Briscese, 97 Jeffrie Avenue

Regarding ZB-2023-15, WH Venture, 162-164 Whitehead Avenue

Ms. Briscese expressed her and the community's concerns for the project. There is still a substantial amount of flooding in the area. They continue to have concerns for safety; the speeding and traffic on Whitehead Avenue. She stated that the fire truck cannot come down her street. The neighbors are concerned about potential infrastructure issues. Ms. Briscese reviewed the applicant's Phase I Environmental Study, she saw that the area is known as Zone X; on the Borough's website, they are considered Zone AE, elevation 9. The project architect's testimony stated that the townhouses are considered single family unit, therefore the sprinkler system is not required. Ms. Briscese stated that Governor Murphy's Senate Bill 281 requires sprinkler system in townhouses. Chairman Bodak addressed her comment regarding the fire truck; he personally has driven the fire truck down Jeffrie Street, therefore that is not an issue. Per Mr. Bletcher FEMA changed the lettering of the zones; old letters X and Y, new letters are AE. Mr. Londensky addressed the Senate Bill 281, which was passed and signed off by the Governor. We are waiting to see if the DCA will allow a grace period for those who have already started to design their buildings before the law passed.

Seeing no other public, Mr. Giannakopoulos made the motion to close the public portion, seconded by Mr. O'Grady, all in favor by voice vote.

Mr. Frost asked for an update on ZB-2023-08, *Whitehead Avenue LLC*; per Mr. Bletcher, we have an extension to the end of March. Ms. Moy stated that the applicant has been told that we are scheduling them for completeness at the February meeting, and if he is not ready by that meeting, we will entertain a dismissal at the March meeting.

Adjournment:

The motion to adjourn at 7:25 pm was first moved by Mr. Giannakopoulos, seconded by Mr. Brown, all in favor by voice vote.

Respectfully submitted by:


Julie Moy
Zoning Board Recording Secretary