



**BOROUGH OF SOUTH RIVER
ZONING BOARD OF ADJUSTMENTS
REGULAR MEETING MINUTES**

Tuesday, JULY 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 Chairman Bodak 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 24, 2024.”*

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

Roll Call

Present: Sandra Adelino, Christian Eleto, Nick Giannakopoulos, Edward Trygar, Robert Bodak

Absent: Ruell Brown, Jeremiah O’Grady, Kyle Santos (A1)

Also Present: James Kinneally, Attorney; Bruce Koch, Engineer; Henry Bignell, Borough Planner; Arthur Londensky, Administrator

Flag Salute

Chairman Bodak called the meeting to order and led the salute to the flag.

Approval Of Minutes – June 25, 2024

The motion to approve the meeting minutes dated *June 25, 2024* as presented was first moved by Mr. Trygar, seconded by Mr. Giannakopoulos, all in favor by voice vote.

Motion carries

Resolutions: None

Completeness Hearings

File ZB–2023–08, Whitehead Avenue LLC

Whitehead Ave. Rear Block: 303 Lot: 2.03 & 2.05

The motion to dismiss *File ZB–2023–08, Whitehead Avenue LLC*, without prejudice was first moved by Mr. Giannakopoulos, seconded by Mr. Trygar

George Pressler, Esq. represents the applicant. Mr. Pressler recognizes that there has been delays; the applicant had difficulty securing an engineer, but has finally been able to secure an engineer. However, they now need an additional 2 months to submit revised documents.

Chairman Bodak recited the history of the application. This application has been carried several times since its submission in March 2023.

Roll call in favor: Eleto, Giannakopoulos, Trygar, Adelino, Bodak

Opposed: None *Abstained:* None

Motion carries: 5–0

File ZB–2024–06, Tania Carvalho

185 Whitehead Ave Block: 322 Lot: 2

Application for bulk variance to construct a driveway within the required 5’ setback.



Mr. Bignell reported that a revised report was issued July 11, 2024. There are still a number of items missing and deemed the application incomplete. He recited items missing from the application; the applicant's daughter said they understood what is required. Mr. Bignell gave the applicant a copy of his report. Ms. Moy informed them that 15 copies of documents are needed no later than August 13, 2024.

- Dimensions to the side property line
- Clear dimensions of proposed driveway to the side yard setback needs to be shown
- Additional variances may be needed for driveway surfaces and lack of turn around

The motion to deem *File ZB-2024-06, Tania Carvalho* incomplete and carried to the August 27, 2024 meeting for completeness was first moved by Mr. Trygar, seconded by Ms. Adelino, all in favor by voice vote.

The applicant's daughter stated that they will be away on vacation in August. Mr. Kinneally explained that if all documents are submitted by August 13, they do not have to be at the next meeting. If the application is deemed complete at the next meeting, Ms. Moy will inform the applicant and they will have to be present at the public hearing. The daughter then stated that they will be away in September; if deemed complete, public hearing will be carried over to the October meeting.

File ZB-2024-07, Garden River, Inc.

141-143 Russell Ave., 1st Floor Block: 305 Lot: 3, 4
Application for D variance for license to cultivate cannabis

George Pressler, Esq. represented the applicant. Mr. Koch did not report on this application. Mr. Bignell stated that they deemed this application complete based on documents submitted for the previous application.

The motion to deem *File ZB-2024-07, Garden River, Inc.* complete and carried to the August 27, 2024 for public hearing was first moved by Mr. Giannakopoulos, seconded by Mr. Trygar, all in favor by voice vote.

Public Hearings

File ZB-2023-02, Buffalino

107 George Street Block: 105 Lot: 6
Application for C variance to replace a two car garage with oversized two car garage 34' x 30'

Jess Buffalino was sworn in. He proposes to remove the existing garage and install an oversized pole barn to be used as their garage for personal use only. The race cars will only be there for general maintenance and washing. The swimming pool will remain. Mr. Koch did not report on this application. Mr. Buffalino described the pole barn materials. The current driveway is a shared driveway. He purchased Block 105 Lot 18.01 from the Borough. Per Mr. Bignell, the current survey is not correct; he would like to see an updated survey that shows access to the garage from Garwood St. Garwood St. already has a curb cut that lines up with the garage door. Part of the existing driveway will be removed where the pole barn will be. Mr. Bignell would like to see the impervious coverage calculated by a surveyor. Mr. Bignell opined that the survey needs to be an accurate rendering of what he proposes with garage access from Garwood St., correct landscaping, how much of the existing driveway will remain and impervious coverage calculations. Mr. Buffalino will remove more of the driveway if needed to keep the impervious coverage below 50%. Mr. Bignell will visit Mr. Buffalino's site to do the impervious coverage calculations.



The motion carry *File ZB-2023-02, Buffalino* to the regularly scheduled August 27, 2024 meeting without further notice for public hearing, was first moved by Mr. Giannakopoulos, seconded by Ms. Adelino, all in favor by voice vote.

File ZB-2024-05, Edmar De Andrade

24 Devoe Street Block: 125 Lot: 25
Application for bulk variance for 61% impervious coverage

Edmar De Andrade was sworn in. Mr. De Andrade proposes to install an above ground pool. His yard is already fenced in with pavers; the proposed pool will be placed on top of ground area. Mr. Koch did not report on this application. His property is a corner lot with two fronts, so the pool is technically in the front yard; property does not have a rear yard. Mr. Bignell would like to see three shade trees installed along Darrow Street to help screen the pool. It was suggested we grant him the variance for the patio area; Mr. De Andrade has permits for the patio.

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

The motion to approve *File ZB-2024-05, Edmar De Andrade* was first moved by Mr. Giannakopoulos, seconded by Ms. Adelino with the conditions stipulated

Roll call in favor: Eleto, Adelino, Giannakopoulos, Trygar, Bodak

Opposed: None *Abstained:* None

Motion Carries 5-0

Board Correspondence/Business

Mr. Giannakopoulos announced that the State of NJ and Middlesex County appointed a committee, *Resilient NJ*, to do a waterfront redevelopment study involving towns who have waterfront areas. They will make a presentation of their study at the August 20, 2024 Planning Board meeting by Zoom. The meeting is open to the public. Ms. Moy will send members the Zoom link.

Chairman Bodak asked Mr. Londensky to address the combination of the Planning and Zoning Boards. Mr. Londensky stated that the Borough has population exceeding 15,000, so the question will go as a referendum question in the November election. If the residents pass, this would combine the two boards into one as a land use board, which would handle all applications. Per Mr. Kinneally, any D variance applications, the Mayor and Council representative has to abstain from the application. Per Mr. Bignell, there would be nine members and two alternates. Depending on the number of applications, the board may have to meet twice a month to process the applications.

Mr. Giannakopoulos asked about the property located at 82 Prospect St. We approved the application, but no buses were permitted to park on site. Mr. Londensky explained that the owner is aware of this and is on a time limit to remove the buses. The owner is having an issue with securing construction approval from DEP.

Chairman Bodak asked about the Laffin site. Most of the buildings will remain and renovated. The end building may be removed to add a refrigerator/freezer building. There is a small Blue Acres lot on Reid Street and has an agreement to put up landscaping and a small pocket park. They have an application for retention pond, but no approval has been received yet. They are still negotiating the redevelopment application.



Public Comments

Chairman Bodak opened the floor to the public. Seeing none, Mr. Giannakopoulos made the motion to close the public portion, seconded by Mr. Trygar, all in favor by voice vote.

Adjournment

The motion to adjourn at 7:50 pm was first moved by Mr. Giannakopoulos, seconded by Mr. Trygar, all in favor by voice vote.

Respectfully submitted by:

A handwritten signature in blue ink, appearing to read "Julie M. Moy", written over a horizontal line.

Julie M. Moy
Zoning Board Recording Secretary

Adopted: August 27, 2024