

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

Tuesday, October 22, 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: Ruell Brown (AL 7:45 pm), Christian Eleto, Jeremiah O’Grady, Edward Trygar, John Frost (A1), Robert Bodak

Absent: Sandra Adelino, Nick Giannakopoulos

Also Present: James Kinneally, Attorney; Todd Bletcher, Borough Planner; Arthur Londensky, Administrator

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

APPROVAL OF MINUTES

August 27, 2024

Mr. Trygar handled out suggested edits to the minutes. He stated he questioned Lawrence Sachs, Esq. about the sameness of the applicant, attorney and engineer; Mr. Sachs response was “everything is the same”. Chairman Bodak opined that Mr. Sachs reply was in response to those questions and did not believe it included the plans and drawings. Mr. Kinneally explained the applicant has submitted additional revised plans, which will come before this Board. The completeness hearing will include the new plans and carried to November 26, 2024. The Planner was not able to attend tonight’s meeting due to a medical issue. It is up to the Board to decide whether to amend the minutes or not. Mr. Kinneally stated that minutes are not an official transcript; the recording is. Mr. Frost agreed with Mr. Kinneally. Mr. Eleto agreed that if the last line is removed, he is fine with the amendment.

The motion to approve the regular meeting minutes dated *August 27, 2024* as amended was first moved by Mr. Trygar, seconded by Chairman Bodak, all in favor by voice vote.

Abstain: Frost, O’Grady

Motion carries

September 24, 2024

The motion to approve the regular meeting minutes dated *September 24, 2024*, was first moved by Mr. Trygar, seconded by Mr. O’Grady, all in favor by voice vote.

Abstain: Eleto

Motion carries

RESOLUTIONS

File ZB–2024–07, Garden River, LLC

The motion to approve *File ZB–2024–07, Garden River, LLC* was first moved by Mr. Trygar, seconded by Mr. Frost

Roll Call Vote with Eligibility: O’Grady, Trygar, Frost, Bodak



Absent: Adelino, Giannakopoulos

Motion carries

File ZB-2024-09, AJ Andre & JR Properties

58 Old Bridge Turnpike Block: 215 Lots: 5, 8

The motion to approve the resolution of denial for *File ZB-2024-09, AJ Andre & JR Properties*, was first moved by Mr. Trygar, seconded by Mr. Frost

Roll Call Vote with Eligibility: Trygar, Frost, Bodak

Absent: Giannakopoulos

Motion carries

COMPLETENESS HEARINGS

File ZB-2024-04, Shamdai Khan

37 Levinson Ave. Block: 332 Lot: 7.03

Application for D variance to construct an expansion to single family dwelling

Application received May 14, 2024, carried for completeness from 06/25/24, 07/23/24, 08/27/24, 09/24/24 & 10/22/24. Additional information has not been received.

Ms. Moy reported that the architect was notified after the last meeting that we will carry to this meeting. The architect responded that resubmission documents would be submitted by October 4, 2024. Mr. Kinneally stated that Ms. Moy should inform the applicant that we will carry it to the November 26, 2024, however if documents are not submitted in time for this meeting, we will dismiss without prejudice. Applicant will have to start a new application process.

The motion to carry *File ZB-2024-04, Shamdai Khan* for completeness hearing at the November 26, 2024 meeting was first moved by Mr. Frost provided that the revised documents along with appropriate fees are submitted by November 12, 2024. If documents are not submitted, application will be dismissed without prejudice at that meeting. The motion was seconded by Mr. Eleto, all in favor by voice vote.

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.

Application received June 7, 2024, carried for completeness from 06/25/24, 07/23/24, 08/27/24, 10/22/24.

Additional information has not been received.

Ms. Moy reported that she spoke with the applicant last week; she has already moved to Florida. Ms. Cravalho stated that her daughter, Ludhmi Carvalho will complete the application process for her. Ms. Moy sent both the daughter and applicant an email requesting the required information by November 12, 2024 for the November 26, 2024 meeting. Both daughter and applicant has not responded to my email. Mr. Kinneally stated that we should treat this application same as previous application. Chairman Bodak explained that this applicant constructed the driveway within the setback without approval in 2021 and sold the house in July 2024 and has since moved to Florida. They attended two meetings, we explained what was required and both times they said they understood what is needed. The new owners will be liable for the approval if applicant does not comply. Per Mr. Londensky, once we dismiss without prejudice, the previous owners will receive summons to appear in court. Mr. Kinneally advised Ms. Moy copy the email to the two attorneys. Mr. Kinneally stated that we can tell the seller that if she wants us to contact the buyer, she has to provide their contact information. If this application is dismissed, the summons will be issued to the seller.



The motion to carry *File ZB-2024-06, Tania Carvalho* for their completeness hearing to the November 26, 2024 meeting was first moved by Mr. Trygar, provided that the applicant submits the required information by November 12, 2024 and to include the seller and buyers' attorneys, seconded by Mr. Frost, all in favor by voice vote.

File ZB-2024-08, Joao Rocha

23 Levinson Ave Block: 332 Lots: 13, 14
Application for use and bulk variance to construct 2 family dwelling

Ms. Moy received a request from Lawrence Sachs, Esq. for the applicant requesting to carry their application to the next meeting; their Planner had surgery and was unable to attend this meeting. Mr. Trygar asked if we can schedule this hearing to the January meeting; he expressed his concerns for the length of the meeting to hear this application. The applicant would only be heard for completeness for the Res Judicata. The application for Res Judicata will not be publicly heard. Per Mr. Bletcher, there are time limitations where we are obligated to hear the applicant unless the applicant carries the hearing; Mr. Kinneally agreed. If this Board chooses not to hear the application within the time frame, they may be eligible for an automatic approval. The applicant can carry their application, and the automatic approval does not apply.

The motion to carry the completeness application to the November 26, 2024 meeting was first moved by Mr. Frost, seconded by Mr. Eleto

Roll call in favor: Eleto, O'Grady, Trygar, Frost, Bodak

Opposed: None

PUBLIC HEARINGS

File ZB-2024-10, Antonio Fornarelli

17 Center Street Block: 256 Lot: 12.02
Application for bulk variance to construction in ground pool

Antonio Fornarelli was sworn in. Mr. Fornarelli explained that he is interested in installing an Aqua Sport inground pool. The contractor who started the work, dug the hole and never applied for permits. The contractor is no longer available. Mr. Fornarelli applied for the permits and variances needed; two for the rear setbacks and one for the impervious coverage. Mr. Kinneally marked in *Exhibit A1, Site Layout*. Mr. Fornarelli explained the type of fencing will surround the site. There was discussion regarding the pool location in the rear. Mr. Bletcher went over his report dated August 21, 2024.

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

The motion to approve *File ZB-2024-10, Antonio Fornarelli* was first moved by Mr. Trygar, seconded by Mr. O'Grady

Roll call in favor: Eleto, O'Grady, Trygar, Frost, Bodak

Opposed: None

Motion passes

BOARD CORRESPONDENCE/BUSINESS

Affordable Housing – Mr. Frost asked about the affordable housing. Currently our senior housing goes towards our affordable housing credits. Per Mr. Bletcher, the Boro currently does not have affordable housing ordinance. He went on to describe some types of housing that would be eligible under the affordable housing act and other programs as options. Mr. Eleto asked if we offer tax incentives to construct; no.



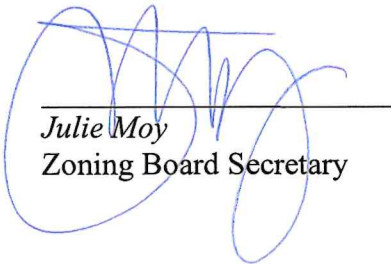
Chairman Bodak asked about the lot next to Eagle Tire Services on Water Street; per Mr. Londensky, the owner is working on his application for a yard. They are working on their approvals.

Chairman Bodak asked about Serviss St. tree replacement; owner has new engineer. He is working on the tree issue.

ADJOURNMENT

The motion to adjourn at 8:05 pm was first moved by Mr. Trygar, seconded by Mr. Brown, all in favor by voice vote.

Respectfully submitted by:



Julie Moy
Zoning Board Secretary

Adopted: November 26, 2024