BOROUGH OF SOUTH RIVER
ZONING BOARD OF ADJUSTMENT

AGENDA
REORGANIZATION & REGULAR MEETING
TUESDAY – JANUARY 26, 2021 - 7:30PM
Location: via online video conference provided by Zoom

ROLL CALL
Mr. Frost ( )
Mr. Bodak ( )
Mr. Brown (Alt.1) ( )
Mr. Clancy ( )
Mr. Demonico ( )
Mr. Frost ( )
Mr. Giannakopoulos ( )
Mr. O’Grady ( )
Mr. Trygar ( )
Vacant (Alt. 2) ( )

James Kinneally, Attorney ( )
Bruce Koch, Engineer ( )
Todd Bletcher, Planner ( )
Art Londensky, C. O. ( )
Secretary ( )

MEETING CALLED TO ORDER
Public Announcement – Open Public Meetings Act
-Welcome to the Borough of South River’s 2021 Zoning Board of Adjustment Reorganization and Regular Meeting of January 26, 2021 In compliance with Chapter 231 of Public Laws of 1975, notice of this meeting was given by way of Annual Notice filed with the Borough Clerk, the Home News Tribune, The Sentinel and posted and posted in the window of Borough of South River Municipal Building.

Be Further Advised ADVISED that the Zoning Board of Adjustment of the Borough of South River will hold its regular meeting on (4th Tuesday of every month), at 7:30 p.m. via online video conference provided by Zoom. Pursuant to the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-8(b), this meeting will be held by means of the use of electronic communications equipment. Due to the COVID-19 pandemic, no members of the public shall be permitted to physically attend the meeting. The public, however, is invited to attend the meeting electronically.

The Zoning Board of Adjustment may take formal action at this meeting. The Borough is using this format in an effort to mitigate the chance of exposure to COVID-19, as a part of the Borough’s ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers. This action will be in force for all existing regular meetings until otherwise notified by public notice.
Arthur Londensky is inviting you to a scheduled Zoom meeting.

Topic: Zoning Board Zoom Meeting
Time: Jan 26, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting
https://us02web.zoom.us/j/82280796225?pwd=YXI4QzZ4QVdwZ3F5ZStZeURXVWR0dz09

Meeting ID: 822 8079 6225
Passcode: 000000
One tap mobile
+13017158592,,82280796225***,000000# US (Washington D.C)
+13126266799,,82280796225***,000000# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington D.C)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)

Meeting ID: 822 8079 6225
Passcode: 000000
Find your local number: https://us02web.zoom.us/u/kwByFBHM1
ROLL CALL

PLEDGE OF ALLEGIANCE

2021 REORGANIZATION MEETING

OATHS: Giannakopoulos, Trygar

ELECTION OF THE BOARD CHAIR & VICE CHAIRMAN:
▶ Nomination(s) for Chairperson
▶ Election of Chairperson
▶ Nomination(s) for Vice Chairperson
▶ Election of Vice Chairperson
▶
▶ NOTICE BY RESOLUTION:
▶ 01-2021 Appointment of Board Attorney
▶ 02-2021 Appointment of Board Engineer
▶ 03-2021 Appointment of Board Planner
▶ 05-2021 Designation of Official Newspaper
▶ 06-2021 Approval of Meeting Dates

Oaths to Board Planner and Board Engineer

ZONING BOARD REGULAR MEETING

APPROVAL OF MINUTES: November 24, 2020

BOARD CORRESPONDENCE/BUSINESS:
▶ 2021 Zoning Board Roster (Attachment A)

RESOLUTION(S):
▶ DOCKET # ZB2020-10
Lucas Grzech, 132 Prospect Street, Block 30, Lot 13
Approved for bulk variances for width lot and oversized garage, driveway turnaround, and no subdivision to construct a new two-story single family dwelling.
▶ DOCKET # ZB2020-12
Walfilda DeJesus, 8 William Street, Block 37 Lot 16
Approved with variances restricted to her property line as a condition of approval.

COMPLETENESS: NONE
PUBLIC HEARING(S) 01/26/2021:

➤ DOCKET # ZB2020-13
355 Route 9 LLC, 260 Route 18, East Brunswick
Appeal of Zoning Official interpretation

<table>
<thead>
<tr>
<th>Noticed Property Owners: Yes  No</th>
<th>Legal Notice in Newspaper: Yes  No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motion to __________: 1st __________  2nd __________</td>
<td></td>
</tr>
<tr>
<td>Roll Call: Bodak  DeMonico  R-Brown  Clancy  Frost  Giannakopoulos  O'Grady  Trygar</td>
<td></td>
</tr>
</tbody>
</table>

BOARD COMMENTS:

ADJOURNMENT  Motion by: 1st __________  2nd __________

NEXT MEETING FEBRUARY 23, 2021 @ 7:30
via online video conference provided by Zoom
RESOLUTION: ZB2021-01

RESOLUTION

BOROUGH OF SOUTH RIVER
***

ZONING BOARD OF ADJUSTMENT
2021

APPOINTMENT OF LEGAL COUNSEL

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a resolution be adopted and publicly 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 of Adjustment 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 Kinneally III; and

WHEREAS, the anticipated term of contract is for a period of one year and shall run from January 1, 2021 through December 31, 2021;

THEREFORE, BE IT RESOLVED, that James J. Kinneally III, of the firm, Marriott Callahan & Blair A Professional Corporation is hereby appointed Legal Counsel for the Borough of South River Zoning Board of Adjustment for the calendar year of 2021; 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 26, 2021

Robert Bodak, Chairperson
RESOLUTION

BOROUGH OF SOUTH RIVER
***
ZONING BOARD OF ADJUSTMENT
2021

APPOINTMENT OF CONSULTING ENGINEER

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, 2021 through December 31, 2021; 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 2021; 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 26, 2021

Robert Bodak, Chairperson
RESOLUTION

BOROUGH OF SOUTH RIVER

***

ZONING BOARD OF ADJUSTMENT

2021

APPOINTMENT OF CONSULTING PLANNER

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, 2021 through December 31, 2021; 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 2021.

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 26, 2021

Robert Bodak, Chairperson
RESOLUTION: ZB 2021-05

RESOLUTION

BOROUGH OF SOUTH RIVER
***
ZONING BOARD OF ADJUSTMENT
2021
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 2021.

NOW THEREFORE, IT IS HEREBY RESOLVED that all notices in connection with Zoning Board of Adjsutment 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 Zonning Board of Adjustment 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 26, 2021

Robert Bodak, Chairperson
RESOLUTION
BOROUGH OF SOUTH RIVER
***
ZONING BOARD OF ADJUSTMENT
2021
ANNUAL MEETING SCHEDULE

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

BE IT RESOLVED, by the Borough of South River Zoning Board of Adjustment, in the County of Middlesex, State of New Jersey, during the year 2021, regular meetings of business will be held on the fourth Tuesday of each month, unless indicated otherwise.

LOCATION: Criminal Justice Building 61 Main St., South River, NJ
Or via video conference provided by Zoom

TIME: 7:00 pm

<table>
<thead>
<tr>
<th>MONTH</th>
<th>DAY</th>
<th>PLANS DUE ON OR BEFORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>23rd</td>
<td>February 9th</td>
</tr>
<tr>
<td>March</td>
<td>23rd</td>
<td>March 9th</td>
</tr>
<tr>
<td>April</td>
<td>27th</td>
<td>April 13th</td>
</tr>
<tr>
<td>May</td>
<td>25th</td>
<td>May 11th</td>
</tr>
<tr>
<td>June</td>
<td>8th</td>
<td>May 25th</td>
</tr>
<tr>
<td>June</td>
<td>22nd</td>
<td>June 18th</td>
</tr>
<tr>
<td>July</td>
<td>27th</td>
<td>July 13th</td>
</tr>
<tr>
<td>August</td>
<td>24th</td>
<td>August 10th</td>
</tr>
<tr>
<td>September</td>
<td>14</td>
<td>August 31st</td>
</tr>
<tr>
<td>September</td>
<td>28th</td>
<td>September 14th</td>
</tr>
<tr>
<td>October</td>
<td>26th</td>
<td>October 12th</td>
</tr>
<tr>
<td>November</td>
<td>23rd</td>
<td>November 9th</td>
</tr>
<tr>
<td>(2022) January</td>
<td>25th</td>
<td>(Reorganization)</td>
</tr>
</tbody>
</table>

DATED: JANUARY 26, 2021

______________________
Robert Bodak, Chairperson
Chairman Bodak opened the Regular Meeting of the South River Zoning Board held on November 24, 2020 commencing at 7:30 pm originally scheduled at the Criminal Justice Building, located at 61 Main Street, South River, NJ 08882. Due to the Covid-19 Pandemic this meeting was held by means of the use of electronic communications equipment via online video conference provided by Zoom.us. This meeting was held in compliance with the Open Public Meetings Act N.J.S.A.10:4-6.

**FLAG SALUTE**

Chairman Bodak called the meeting to order at 7:33PM and led the flag salute.

**ROLL CALL**

Present: Mr. Robert Bodak; Mr. Ruell Brown; Mr. Michael Clancy; Mr. Frank DeMonico; Mr. John Frost; Mr. Nick Giannakopoulos; Mr. Edward Trygar

Absent: Mr. Jeremiah O’Grady

Attorney James Kineally, Engineer Bruce Koch, Borough Planner Todd Bletcher and Secretary Mimi M. Marlor and Zoning Officer/Administrator Art Lendonsky were also in attendance.

**APPROVAL OF THE MINUTES**

The following set of minutes was considered for approval as one motion: September 29, 2020 and October 27, 2020.

Mr. DeMonico motioned, and Mr. Trygar seconded to approve the minutes for September 29, 2020 and October 27, 2020 as one motion.

All in Favor Vote
Motion carried

**RESOLUTIONS**

NONE
COMPETENESS:
NONE

PUBLIC HEARINGS:

1. Application # ZB2020-10
Lucas Grzech, 132 Prospect Street, Block 30 Lot 13

Secretary Marlor states for the record the applicant is seeking to construct a new two-story, single family dwelling requiring bulk variances for width lot and oversized garage. His public hearing was continued from October 27, 2020 and there were no additional notice requirements needed.

Mr. Grzech was sworn in by Board Attorney Kinneally at 7:42.

Mr. Grzech stated for the record that he would like to build a single-family home on the Prospect Street lot which requires a lot width variance. He was asked to provide additional information this evening. He reviewed that he had reached out to the Middlesex County Planning Board and has received a letter that they do not have any reason to hear this case. He shared he is planning to add the turnaround on Prospect Street so does not need a waiver. He noted that they clarified the impervious coverage as we were not sure at the last meeting if it included the gravel driveway. Today, the total no, including the gravel driveway and the turnaround, is 47.1%. He shared that the plans will be amended to show the full basement as he was planning to have a full finished basement. He stated that he also was asked to provide Planning testimony and Mr. Mark Leber is present this evening to provide that and answer questions.

Mr. Bodak asked his Board professionals to comment.

Mr. Koch states he did not do a report on this application because it is a planning matter, but I do have a couple of comments verbally. He asked that they provide soil borings to determine the depth of the basement.

Mr. Bletcher stated he provided a new report based on the changes. He reviewed his plan comments A-F under item 10 of report dated 11-8-2020. He asked that there be curbing around the driveway. Mr. Grzech stated he would comply and add to the plan.

Mr. Mark Leber was sworn in by Board Attorney Kinneally. Mr. Leber stated for the record he is associated with East Point Engineering, 11 South Main Street, Marlboro, NJ. And he was asked to provide planning testimony for Mr. Grzech regarding 132 Prospect Street, South River. He stated it is a single-family home in an R75 zone. Non-conforming would remain but asking for bulk variances on lot width and side rear/setback. The variance is for the side of the garage. The applicant has several ATV’s, cars, a riding lawn mower and believes the enclosed structure is better visually for the neighbors rather than tarped equipment exposed and visible. This does not cause a detriment to the neighborhood as his lot is 20 larger that the minimum required. The
garage is unseen from the street and will not impinge on the neighbor’s properties. In summary he stated there is no detriment to public good with the storage indoors rather than outdoors.

Board was asked for questions:

Mr. Trygar asked to get the letter from the County. Mr. Bletcher explained it is an exemption letter.

PUBLIC HEARING FOR GRZECH HEARING ONLY

Chairman Bodak hearing no other Board comments opened the public hearing.

Seeing no one else wishing to speak, Mr. DeMonico motioned, and Mr. Giannakopoulos seconded to close the public portion of this hearing.

All in favor vote
Motion carried.

Mr. Frost asked why Mr. Bletcher suggested that they prohibit further subdivision. He stated he did not think that the Board should restrict subdivision. He stated they lost several properties to Hurricane Sandy and further restriction on this oversized lot does not seem right to him.

Mr. Trygar agreed with Mr., Frost as it would not be out of the ordinary to approve a 100x40 and 100 x50 subdivision.

BOARD ACTION

Mr. Clancy motioned to approve Application ZB2020-10 with the variances and the driveway turnaround and with the provision for no subdivision.

ROLL CALL

Ayes: Mr. Robert Bodak; Mr. Michael Clancy; Mr. Frank DeMonico; Mr. John Frost; Mr. Nick Giannakopoulos; Mr. Edward Trygar

Absent: Mr. Jeremiah O’Grady

Motion carried.

2. Application #ZB2020-12
Walfida DeJesus, 8 William Street, Block 37, Lot 16
The applicant was deemed complete at the meeting of September 29, 2020 and scheduled for a public hearing on October 27, 2020. The legal notices were not completed in the required timeframe and it has been moved to this agenda for November 24, 2020 for Public Hearing.

Giovanni Scalzulli, the contractor for Walfida DeJesus was sworn in my Attorney Kinneally. It was stated for the record that Walfida has a language barrier and Mr. Scalzulli would speak for her and explain why they are back before the Board for a variance. He stated that the variance is for the walkway that by mistake was put on the wrong side of the house from the plans as originally approved. Concrete was poured on the left side instead of the right.
Bruce Koch explained they had applied for a C.O and he denied it because it was not compliant with the as built plans and impacts both properties because the concrete was poured onto the Cycle Van property as well.

Mr. Bletcher stated he had nothing to add but concurred there was no change in the impervious coverage.

Attorney Kinneally stated that considering what he is hearing he is not sure this Board can hear or approve something on someone else’s property.

Mr. Scalzulli. Stated that the concrete pour benefited the drainage issue the neighbor was having and he is sure he would want it to remain.

Attorney Kinneally clarified this Board still does not have jurisdiction to decide about someone else’s property. They too would need a variance application.

Discussion ensured and it was determined that the application for Walfida DeJesus would be only up to the property line and if an application were not filed within 60 day by the Cycle Van, they would be required to remove the remaining concrete.

PUBLIC SESSION FOR DEJESUS HEARING ONLY

Chairman Bodak opened the floor to the public.

Seeing no one else wishing to speak, a motion was made by Mr. Ginnakopoulos and seconded by Mr. DeMonico to close the floor to the public.

All in Favor Vote
Motioned carried

BOARD ACTION

Mr. Ginnakopoulos motioned to approve Application ZB2020-12 with the variances restricted to her property line as a condition of approval and seconded by Mr. Trygar

ROLL CALL

Ayes: Mr. Robert Bodak; Mr. Michael Clancy; Mr. Frank DeMonico; Mr. John Frost; Mr. Nick Giannakopoulos; Mr. Edward Trygar

Absent: Mr. Jeremiah O’Grady
Motion carried.

3. Application ZB2020-13
355 Route 9 LLC, 260 Rout 18, East Brunswick, NJ
Mr. Gasorowski identified himself as the attorney representing the Applicant 355 Route 9 LLC and they are the property owner of a property within 200 feet of the applicant Crown Point Plaza 696 OBT. There is an application pending before the Planning Board and I have filed this appeal for interpretation pursuant to that upcoming hearing next month.

Attorney Kinneally stated that, Mr. Aithal, from Robert Smith’s office identified himself as the attorney representing Crownpoint Plaza applicant and would like to be heard.

Mr. Aithal introduced himself and identified himself as the representative for the applicant for 696 Old Bridge Turnpike. The reason I am before the Board this evening is, I would like Attorney Gasorowski to provide some clarification regarding his appeal application. That application states that 355 Rt 9 LLC is the owner of the property and I would like him to confirm that he has consent of the owner to proceed with this application before you this evening. Mr. Gasorowski answered that he has consent of the property owner of the property known as 355Rt 9LLC which is located within 200 feet of 696 OBT.

Mr. Aithal then asked for the Board to inquire “who is” 355Rt 9LLC. There is no disclosure that was filed with this application. Who are the individuals as we do not know if any Board member may have a conflict and its appropriate to have a full disclosure.

Board Attorney Kinneally stated Mr. Aithal’s question is proper and the Board members should know who they are dealing with. Chairman Bodak asked Attorney Gasarorowski to identify the owner.

Mr. Clancy, a Board member, stated to the Chairman that this is a very confusing situation and what does all this mean.

Attorney Kinneally explained that he was not sure this Board has heard an appeal of this sort in a very long time, but the applicant is appealing the zoning official’s interpretation of a permitted use which means they go to the planning board. Mr. Gasorowski represents someone objecting to that determination of the zoning official. These questions being addressed tonight are trying to determine who the applicant/the objector is.

Mr. Aithal continues. He states that its part of the confusion that we do not have the disclosure of ownership for the property owners 355 Rt 9 LLC.

Attorney Kinneally states that until we know those individuals we do not know if anyone has a conflict. I believe we need to adjourn this meeting currently until that information is available.
Several Board members state their total confusion with this application. Attorney Kinneally recommends adjournment until the January meeting so that the full disclosure may be submitted. Mr. Gasorowski after attempting to clarify, states he will provide a full written disclosure with certification of this entity before the next zoning board meeting. There was a short discussion that the appeal application did not indicate that this information was required. Mr. Bletcher stated that South River does not have an appeal application as such, and he directed the Secretary to ask him to adapt the application provided to him.

Mr. DeMonico motioned to adjourn this applicant until January to allow time for full disclosure information and Mr. Clancy seconded that motion.

All in Favor Vote
Motioned carried

**ADJOURNMENT:**

With no further business to conduct before the Board, a motion was made by Mr. DeMonico and seconded by Mr. Trygar to adjourn the meeting.

All in Favor Vote
Motioned carried

Minutes respectfully submitted by:

Mimi M. Marlor, RMC, CMR, QPA
Planning/Zoning Board Secretary
# Zoning Board

Appointed by Mayor with A&C: Seven (7) Members - 4yr terms; Two (2) Alternates - 2yr terms

<table>
<thead>
<tr>
<th>Title/Position</th>
<th>Name</th>
<th>E-mail</th>
<th>Phone</th>
<th>Street</th>
<th>Town</th>
<th>State</th>
<th>Zipcode</th>
<th>Current Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman</td>
<td>Robert Bodak</td>
<td><a href="mailto:bbodak@comcast.net">bbodak@comcast.net</a></td>
<td>732-238-0710/ C-908-705-11</td>
<td>19 Leland Ave.</td>
<td>South River</td>
<td>NJ</td>
<td>08882</td>
<td>1/1/19-12/31/22</td>
</tr>
<tr>
<td>Vice Chairman</td>
<td>Nick Giannakopolous</td>
<td><a href="mailto:nicksouthriver@gmail.com">nicksouthriver@gmail.com</a></td>
<td>908-616-3847/ C-908-616-38</td>
<td>215 Main St.</td>
<td>South River</td>
<td>NJ</td>
<td>08882</td>
<td>1/1/21-12/31/24</td>
</tr>
<tr>
<td>Member</td>
<td>Michael Clancy</td>
<td><a href="mailto:MacFlannchaidh@aol.com">MacFlannchaidh@aol.com</a></td>
<td>732-613-8311/ C-908-612-2130</td>
<td>43 Virginia St.</td>
<td>South River</td>
<td>NJ</td>
<td>08882</td>
<td>1/1/20-12/31/23</td>
</tr>
<tr>
<td>Member</td>
<td>Edward Trygar</td>
<td><a href="mailto:edtrygar@gmail.com">edtrygar@gmail.com</a></td>
<td>732-735-1982</td>
<td>1 Johnson Pl.</td>
<td>South River</td>
<td>NJ</td>
<td>08882</td>
<td>1/1/21-12/31/24</td>
</tr>
<tr>
<td>Member</td>
<td>Jeremiah O'Grady</td>
<td><a href="mailto:jeremiah.ogrady@gmail.com">jeremiah.ogrady@gmail.com</a></td>
<td>732-257-4278/ C-732-567-74</td>
<td>70 Washington St.</td>
<td>South River</td>
<td>NJ</td>
<td>08882</td>
<td>1/1/19-12/31/22</td>
</tr>
<tr>
<td>Member</td>
<td>Frank DeMonico</td>
<td><a href="mailto:frankdemonic@aol.com">frankdemonic@aol.com</a></td>
<td>732-257-8740/ C-732-236-13</td>
<td>41 Ridge Rd.</td>
<td>South River</td>
<td>NJ</td>
<td>08882</td>
<td>1/1/19-12/31/21</td>
</tr>
<tr>
<td>Member, Alt. 1</td>
<td>Ruell Brown</td>
<td></td>
<td>732-967-1388</td>
<td>93 David St.</td>
<td>South River</td>
<td>NJ</td>
<td>08882</td>
<td>1/1/20-12/31/21</td>
</tr>
<tr>
<td>Member, Alt. 2</td>
<td>Vacant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT

ZB 2020-10
LUCASGRZECZ

WHEREAS, Lucas Grzech, hereinafter referred to as the Applicant, has applied
to the South River Zoning Board of Adjustment for variances to construct a new two-
story dwelling on the premises known as Block 30, Lot 13 otherwise known as 132
Prospect Street, (aka 5 Rose Street) 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 via video conference by the Zoning Board
on November 24, 2020, and

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

1. Applicant Lucas Grzech owns property located at 132 Prospect Street,
   (aka 5 Rose Street) otherwise known as Block 30, Lot 13, in South River, New Jersey.

2. The Applicant proposes construction of a new two-story dwelling with an
   attached 1.5 car garage oriented toward Prospect Street; a new driveway is proposed to
   a new Prospect Street curb cut.

3. The Applicant also proposes an addition to the existing, free-standing
   detached garage to create a 40’ x 18.5’ 3 car garage; the existing driveway to Rose
   street will be paved and lead to the garage addition.

4. Both the attached and detached, free-standing garages are for personal
   use only.
5. The Applicant seeks variances for: a) pre-existing lot width and b) pre-existing accessory side setback.

6. Based upon concerns raised by the Zoning Board, the Applicant agreed to a condition that this property may not be subdivided at any time in the future.

7. A neighbor, Mr. Joseph Frank expressed his concerns about the proposed development; as a result, the Applicant agreed to; a) install a fire-rated wall on the garage wall closest to the Frank property, b) allow the retaining curb to remain, and c) all downspouts would direct stormwater run-off to the roads.

8. The public hearing was opened to the public via video conference; the meeting host saw no other member of the public who wished to be heard on this application.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Lucas Grzech 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 and the County of Middlesex.

3. No future subdivision of this lot is permitted; Applicant shall record this Resolution in Middlesex County to ensure that future purchasers are on notice.

4. Applicant shall install a fire rated wall in the garage closest to the Frank property, allow the retaining curb to remain and direct all downspouts to the road and not the neighboring property.

5. Applicant shall comply with the Bignell Planning report dated 11/18/20, paragraph10(b).

6. The garages are for personal use only.

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 2020-10

The foregoing Resolution was:

Moved by: Mr. Clancy

Seconded by: Mr. DeMonico
## ROLL CALL

<table>
<thead>
<tr>
<th>ROLL CALL</th>
<th>YES</th>
<th>NO</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Robert Bodak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Michael Clancy</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Frank DeMonico</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. John Frost</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Nick Giannakopoulos</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Jeremiah O’Grady</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mr. Edward Trygar</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## ALTERNATES

<table>
<thead>
<tr>
<th>ALTERNATES</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Ruell Brown</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**2020-12**

The foregoing Resolution was:

Moved by:

Seconded by:

---

## ROLL CALL

<table>
<thead>
<tr>
<th>ROLL CALL</th>
<th>YES</th>
<th>NO</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Robert Bodak</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Michael Clancy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Frank DeMonico</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. John Frost</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Nick Giannakopoulos</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Jeremiah O’Grady</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Edward Trygar</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## ALTERNATES

<table>
<thead>
<tr>
<th>ALTERNATES</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Ruell Brown</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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 26, 2021.

SECRETARY
MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT

ZB 2020-12
WALFIDA DEJESUS

WHEREAS, Walfida DeJesus, hereinafter referred to as the Applicant, previously received variances from the Zoning Board of Adjustment of South River to demolish an existing dwelling and construct a new dwelling on the site on the premises known as Block 37, Lot 16 otherwise known as 8 William Street, South River, New Jersey; and

WHEREAS, when the building was constructed, the proposed walkway was installed on the south side of the dwelling, as opposed to the north side of the building as shown on the approved plans; the Applicant now seeks approval of the as-built condition with the sidewalk on the south side of the dwelling, and

WHEREAS, the Applicant has complied with all jurisdictional requirements necessary to prosecute the within application; and

WHEREAS, a public hearing was held via video conference by the Zoning Board on November 24, 2020, and

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

1. Applicant Walfida DeJesus owns a single family dwelling located at 8 William Street, otherwise known as Block 37, Lot 16, in South River, New Jersey.

2. The Applicant previously received approval in ZB-2016-15 to demolish the existing dwelling and construct a new dwelling.

3. The 2016 approved plans showed a sidewalk on the north side of the dwelling; the sidewalk was instead installed on the south side of the building.
4. The Applicant seeks an amended approval from the Zoning Board to allow the current location of the sidewalk.

5. The as built location of the sidewalk actually extends onto the adjacent property owner's land; therefore, the Applicant is requesting permission for the sidewalk to be located up to the property line.

6. The public hearing was opened to the public via video conference; the meeting host saw no member of the public who wished to be heard on this application.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Walfida DeJesus 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 and the County of Middlesex.

3. All prior conditions of approval remain in full force and effect.

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 2020-12

The foregoing Resolution was:

Moved by: Mr. Giannakopoulos

Seconded by: Mr. Trygar

<table>
<thead>
<tr>
<th>ROLL CALL</th>
<th>YES</th>
<th>NO</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Robert Bodak</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Michael Clancy</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Frank DeMonico</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. John Frost</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Nick Giannakopoulos</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Jeremiah O’Grady</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mr. Edward Trygar</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ALTERNATES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Ruell Brown</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2020-12

The foregoing Resolution was:

Moved by:

Seconded by:

<table>
<thead>
<tr>
<th>ROLL CALL</th>
<th>YES</th>
<th>NO</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Robert Bodak</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Michael Clancy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Frank DeMonico</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. John Frost</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Nick Giannakopoulos</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Jeremiah O’Grady</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Edward Trygar</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ALTERNATES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Ruell Brown</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 26, 2021.

______________________________
SECRETARY
January 7, 2020

Via: jkinneally@marriottlaw.com
& pgialanella@marriottlaw.com
James J. Kinneally, III, Esq.
Marriott, Callahan & Blair, PC
520 Washington Boulevard
Sea Girt, New Jersey 08750

Re: 355 Route 9, LLC – Borough of South River ZBA
Block 73, Lots 4.02, 4.03, 4.04
696 Old Bridge Turnpike
(Appeal/Interpretation)

Dear Mr. Kinneally:

Attached to this email, please find a copy of the Certification of Carey Tajfel dated January 20, 2021. The original of same shall be forwarded by first class mail.

Very truly yours,

R.S. GASIOROWSKI

RSG*ts

cc: Carey Tajfel via: email only
In the Matter of
355 Route 9, L.L.C.
Block 73, Lots 4.02, 4.03 and 4.04
696 Old Bridge Turnpike
Application No.: PB2020-06

Borough of South River
Zoning Board of Adjustment

CERTIFICATION

I, Carey Tajfel, of full age, certifies and says:

That property located at 260 Route 18 in East Brunswick is owned by 355 Route 9, L.L.C. There are two members to this LLC. Carey Tajfel owns fifty (50%) percent and the Carey Tajfel Family Trust 2018 owns fifty (50%) for a total of one hundred percent (100%).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statement made by me are willfully false, I am subject to punishment.

[Signature]

CAREY TAJFEL, Managing Member
355 Route 9, L.L.C.

Dated: 1/20/2021