



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

Tuesday, FEBRUARY 27, 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: Robert Bodak, Ruell Brown, Christian Eleto, John Frost, Nick Giannakopoulos, Edward Trygar, Kyle Santos (A1)

Absent: Jeremiah O’Grady, Sandra Adelino (A2)

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

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

Board Member

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

Approval Of Minutes – January 23, 2024

The motion to approve the Meeting Minutes *January 23, 2024* was first moved by Mr. Trygar, seconded by Mr. Giannakopoulos, all in favor by voice vote.

Abstain: Santos **Absent:** O’Grady, Adelino

Motion carries

Resolutions: None

Completeness Hearings:

File ZB-2023-08, Whitehead Avenue LLC

Whitehead Avenue Block: 303 Lots: 2.03, 2.05

Application for site plan and use variance

George Pressler, Esq. represented the applicant. Mr. Pressler summarized the application. He addressed the CME report dated February 15, 2024 regarding the use and right of way easement; Mr. Pressler could not find an easement on this site. He spoke with Art Londensky regarding the easement. Mr. Londensky stated that there is a road easement found on the tax map; the Tax Assessor is researching the written easement. Mr. Bletcher’s report dated February 20, 2024 shows a number of items still incomplete. The applicant is willing to create a new easement allowing neighboring properties to access if the original easement is not found.

Scott Brown, Engineer addressed the plans, described the site and explained the wetlands. Mr. Brown addressed the tree removal plan; page 5 of the site plans.



Mr. Koch addressed the items in his report; easement and various waivers requested. Chairman Bodak questioned some of the waivers such as drainage plans. Mr. Koch stated that some waivers can be granted, however it is an existing building and no new buildings are proposed. Mr. Bletcher addressed his report; there items from his report that has not be provided; he went over his check list and missing items. Mr. Pressler requested to be heard for completeness at the April 30, 2024 meeting to give the applicant time to address the professionals' concerns.

The motion to deem *File ZB-2023-08, Whitehead Avenue LLC* incomplete and continue the completeness hearing to the regular meeting was first moved by Mr. Giannakopoulos with the prevision that the applicant provides the additional information requested 10 days prior to the completeness hearing, seconded by Mr. Brown, all in favor by voice vote.

File ZB-2024-03, Scozzari

59 George Street Block: 96 Lot: 17
Application expand drive way into side yard setback line

Christopher Scozzari was sworn in. Mr. Scozzari stated that his contractor poured driveway 2.5' into the side yard setback. Mr. Koch did not report on this application. Mr. Bletcher requested a modified sketch to include the proposed dimensions of the driveway.

The motion to carry the completeness application to the March 26, 2024 meeting was first moved by Mr. Giannakopoulos, with the prevision that the applicant provides the information required 10 days prior to the next meeting, seconded by Mr. Brown, all in favor by voice vote.

Public Hearings:

File ZB-2023-16, Garden River, Inc.

141-143 Russell Ave., 2nd Floor Block: 305 Lot: 3 & 4
Application to for use variance in R75 zone & site plan waiver

George Pressler, Esq. represented the applicant. Mr. Pressler summarized the application for Class 1 permit for cannabis cultivation on the 2nd level of the site.

Bhasaar Sharlair, Engineer with Concept Engineering was introduced and sworn in. Mr. Sharlair testified before this Board for the previous applications at this site; his credentials were waived. Mr. Sharlair addressed Exhibit A-1, Aerial Photo describing the site and the uses in the building. The application is for a use variance; the second floor is proposed for cannabis cultivation. There is no changes to the site proposed, only use variance. Mr. Sharlair explained the utilities available on site. There were no questions from the Board.

Laurence (Larry) Johnson, Architect was introduced and sworn in. He testified before this Board for the previous applications at this site; his credentials were waived. Mr. Sharlair addressed the items from the Bignell report dated October 17, 2023. Mr. Johnson addressed the electricity that will be provided to the building; the building is under renovation; all electrical equipment will be new. He then addressed the water supply to the building. Board members had questions for Mr. Johnson. He explained the proposed security for both the second and third floors.

Ibrahim Khalifa, Principal of Garden River, LLC was introduced and sworn in. Mr. Khalifa explained the proposed ventilation system. Mr. Bletcher explained how the parking is calculated and that a parking variance is not required.



James Higgins, Planner was introduced and sworn in. Mr. Higgins has testified many times before this Board; his credentials were waived. Mr. Higgins went over the special reasons to grant use variance. No negative impact to its surrounding.

Mr. Khalifa provided hours of operation; times will vary based on the growing season. Basic hours would be Monday–Saturday, 11 am–7 pm and Sunday, 12 pm–8 pm; someone will be there to monitor the plants during the harvest season; Mr. Khalifa provided details of the growth of the plants. He provided information on how the product will be packaged and delivered.

Mr. Bletcher had questions for all the applicant’s professionals. He addressed the operations and safety plan; needs to be updated with details. Mr. Khalifa explained the water filtration process.

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

The motion to approve *File ZB–2023–16, Garden River, Inc.* was first moved by Mr. Trygar, seconded by Mr. Giannakopoulos

Roll Call in Favor: Brown, Eleto, Frost, Giannakopoulos, Trygar, Santos, Bodak

Opposed: None

Absent: O’Grady, Adelino

Motion passed

File ZB–2024–01, D Andre

17 Water Street Block: 309 Lot: 3

Application to construct 4 townhouses in WR Zone.

George Pressler, Esq. represented the applicant. Mr. Pressler summarized the application for a minor site plan approval, use variance to construct four townhouses and several bulk variances; lot area, lot width, front yard setbacks from Lee and Water Streets.

Wayne Ingram, Engineer and Planner, was introduced and sworn in. Mr. Ingram has testified numerous time before this Board; his credentials were waived. Mr. Ingram marked in and addressed *Exhibit A1, Site*, dated February 27 2024 and described the site and its current condition. The applicant proposes to demolish the existing three unit dwelling and replace with four unit townhouses. The proposed dwelling will be centralized on the site. Mr. Ingram provided details of the proposed building design. Impervious coverage will be reduced from 58.4% to 55.4%. Mr. Ingram will comply with the professional reports. Mr. Ingram reviewed the Borough’s water floor plain plans; he stated that the property’s current elevation at 10’; proposed will be at the required elevation of 16’. Mr. Ingram stated that this property is not on the Borough’s list of FEMA buy outs. He addressed Mr. Koch’s report dated February 8, 2024. Chairman Bodak asked if the Master Plan was reviewed. In it this area is be allowed to go back to nature; poor utilities and potential future buy outs are recommended. Per Mr. Ingram, they are in the Waterfront Revitalization Zone. This is not eligible for buy out from the State; this site has not suffered water damage like other sites. Mr. Ingram provided planning testimony; positive and negative impact criteria. He addressed Mr. Bletcher’s reported dated February 22, 2024. Mr. Bletcher spoke about the Master Plan and how the applicant would need to convince the Board that the variance can be granted without detriment to the Master Plan. Mr. Bletcher explained the FEMA Buy Out program; it is open to any property that has experienced flooding problems in the past; not base on the amount of damage the property had. Per Mr. Bletcher, this property is eligible for the buyout; he went into details of the buyout and Master Plan. There was continued discussion regarding the Master Plan.



Per Mr. Bletcher, this property is eligible for the FEMA buyout; historically, a past owner put in a FEMA claim, therefore on the Borough's flood list. Flood Plain Neighborhood Acquisition Plan, which was developed after Hurricane Sandy. Per Mr. Ingram, this property is not on the Repetitive Loss or Flood Impacted Property List within the report; per Mr. Bletcher that list is a tracking list of properties and their owners who has engaged Blue Acres in the buyout process. Per Mr. Bletcher, we have three reports: *Flood Plain Neighborhood Acquisition Plan*, *Strategic Post Sandy Recovery Report* and the Master Plan; all three planning documents (policy setting documents) say that we should not build resident homes in a flood plain. In the past, we relied on the Army Corp to build us a flood protection project facilities. Since Sandy, approximately 100 residents took advantage of the FEMA buyout. Since there are no longer homes in the area to protect, the Army Corp is no longer building the flood protection facilities. When the project was cancelled, the Master Plan was changed. Mr. Bletcher explained the amendment made to the Master Plan in regard to the WR Zone. Basically, the Borough would like all remaining property owners to accept the buyouts and evacuate the area. The Borough will be looking into funding sources to purchase the non-residential properties in the area. This area would be re-designated for open space, conservation, public parks, public recreation and stormwater management. Mr. Bletcher went on to explain FEMA's Community Rating System (CRS) which forms the Repetitive Loss area. There was continued discussion on the WR zone and how this project may affect the area by improving his site. Chairman Bodak asked Mr. Kinneally if there would be any repercussions to this Board if we approve the application. Mr. Kinneally replied that, theoretically the Mayor and Council can challenge this Board's approval that they believe violates the law.

Daniel Andre, Applicant was introduced and sworn in. Mr. Andre testified that he purchased this property in 2019. He explained why he would prefer to run the sewer line on Lee Street instead of Water Street, however, he is willing to run the lines down Water Street. Mr. Koch suggested that Lee Street lines be inspected to determine if repairs are needed, then determine if repairs are to be made or connect to Water Street. The applicant agreed to this condition.

Mr. Andre marked in *Exhibit A2, Existing Unit Photo* and explained how they came to the conclusion to construct new build and described the proposed units. The building height complies. He marked in *Exhibit A3, Proposed Exterior Rendering* and described the design.

Chairman Bodak opened the floor to the public.

Arthur Londensky, 7 David Street

Mr. Londensky was sworn in. He stated that the State Legislature passed the law in December that all new townhouses must have a sprinkler system. He stated that Blue Acres project did not work in South River; with 114 properties demolished, we still flood. DEP did not pass a law that states you cannot build in a flood plain; they passed regulations when building in a flood plain.

Rose Melkowits, 11 Milton Avenue

Ms. Melkowits was sworn in. She stated that the proposed project is a great idea. Her main concern is the parking issues in the area. Ms. Melkowits has seen people walking from Whitehead Avenue to their cars.

The motion to close to the public was first moved by Mr. Giannakopoulos, seconded by Mr. Brown, all in favor by voice vote.

The motion to approve *File ZB-2024-01, D Andre*, was first moved by Mr. Frost, seconded by Mr. Trygar

Roll Call in Favor: Brown, Eleto, Frost, Giannakopoulos, Trygar, Santos, Bodak

Opposed:

Absent: O'Grady, Adelino

Motion passed



Board Correspondence/Business:

Board members welcomed Kyle Santos

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. Brown, all in favor by voice vote.

Adjournment:

The motion to adjourn at 9:55 pm was first moved by Mr. Trygar, seconded by Mr. Giannakopoulos, all in favor by voice vote.

Respectfully submitted by:



Julie Moy
Zoning Board Recording Secretary

Adopted: March 26, 2024