



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

Tuesday, May 24, 2022 – 7:00 p.m.

Location: by Zoom

Public Announcement – Open Public Meetings Act

The meeting was called to order by Chairman Bodak at 7:01 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 31, 2022.”*

Be further advised that the Zoning Board of Adjustments for the Borough of South River will hold its regular meeting on (4th Tuesday of every month), at 7:00 p.m. at the Criminal Justice Center, 61 Main Street, 2nd Level or via Zoom based on the dictate of the pandemic. Meetings are open to the public.” The Zoning Board of Adjustments may take formal action at this meeting.

Roll Call

Present: Ruell Brown (AL), Jeremiah O’Grady, Edward Trygar, Richard Rocha (A1), Sandra Adelino (A2), Robert Bodak

Absent: Michael Clancy, John Frost, Nick Giannakopoulos

Also Present: James Kinneally, Attorney; Arthur Londensky, Administrator

Approval Of The Minutes – April 26, 2022

Mr. Trygar made the motion to table the April 26, 2022; he requested additional information to be included in the minutes. Chairman Bodak agreed, tabled the minutes.

Resolution

File ZB–2021–014, Ria Mar

25 & 27 Whitehead Avenue Block: 299

Lots: 6, 7, 8.01, 9 & 16

The motion to adopt resolution for *File ZB–2022–014, Ria Mar* was first moved by Mr. O’Grady, seconded by Mr. Rocha

Roll Call Vote with Eligibility:

Ayes: O’Grady, Rocha, Bodak

Resolution is memorialized

Completeness Hearings: None

Public Hearings: None

Board Comments:

Mr. Trygar asked if he can make comments to the resolution for File ZB–2021–014, Ria Mar; Mr. Kinneally preferred that he did not since the applicant is not present to respond. Mr. Trygar addressed the building height. In regards to the shadow issue, Mr. Trygar commented that there is no ordinance. Per Mr. Trygar,



there is an ordinance against a 40' building 5' off the property line. He opined that the ordinance is in place so there can be sun light into the buildings and fresh air; this is reason for ordinance against tall buildings on property line. He stated that we need to realize why ordinances are in place. Chairman Bodak stated these items would have to be considered and detailed in the Master Plan before we can put these ordinances in place. This would have to be discussed with the Planning Board and the Governing Body. This would have to be detailed in an ordinance, otherwise it can be challenged in court. Zoning Board cannot challenge the purpose of building height until the Planning Board revises the Master Plan and that it clearly states the reason in the ordinance. Mr. Kinneally agreed; assumptions cannot be made about what the ordinances' mean. We cannot imply a definition that is not contained in the ordinance; it can be reversed in trial court. If the Zoning Board imposes its opinion as to what it means, we would lose in court. Mr. Trygar asked why we do not want three story buildings; Chairman Bodak responded that this is a question for the Mayor and Council for insight of restrictions in place. Mr. Londensky stated that there is nothing in the construction code; he will speak to Mr. Bletcher to see how their decision was made.

Public Session:

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

Adjournment:

The motion to adjourn at 7:20 pm was first moved by Mr. O'Grady, seconded by Mr. Brown, all in favor by voice vote.

Respectfully submitted by:

Julie Moy
Zoning Board Recording Secretary

Approved: June 28, 2022