

ADEQUATE NOTICE OF THIS MEETING HAS BEEN
PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC
LAW 1975 AND BY RESOLUTION 2004-8, WITH THE
REQUEST OF THE HOME NEWS AND TRIBUNE AND THE
SENTINEL NEWSPAPERS TO PUBLISH SAME, AND THIS
ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES
OF THIS MEETING.

A meeting of the Zoning Board of Adjustments was held on March 31, 2009, commencing at 7:30 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

Present were: Mr. Andre, Mr. Ciulla, Mr. Clancy, Mr. DeMonico, Mr. O'Grady Mr. Scala, and Mr. Semanovich.

Also present was Todd from Bignell Planning and Mr. Kinneally the Board Attorney and Mr. Lee from CME.

Absent were: Mr. Bodak, and Mr. McInerney.

The minutes of February 24, 2009 were moved on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

The code enforcement report for the month of February 2009 was moved on a motion by Mr. Ciulla with a second by Mr. Andre, all present approved.

APPEAL

Mary Lou Matts, 13 Kamm Ave., wants to appeal the denial of the Code Enforcement on replacing her fence, she was denied because of the site triangle. Mr. Kinneally, spoke on the fence ordinance, stating that if your replacing your fence that you must follow the new ordinance. The Ordinance calls for 5' off the property line. Mr. DeMonico agrees that the cleanest way for this application and the Board for Ms. Matts to apply for a variance. The current fence in 10 1/2 feet from the curb and that there is no sidewalk on that side of the property. Mr. Ciulla moved that the appeal is denied and that Ms. Matts must apply to the Borough for a variance. Todd from the Planner's office stated that if she submits a variance application the planner would have no problem, and the Board indicated that they would not be against this application so moved with the second being by Mr. Andre.

RESOLUTION(S)

2008-16 Mirza, Mohammad, 18 Washington St., use variance to allow more apartment variance needed, the applicant pulled his application. Full reading of the resolution was waived on a motion by Mr. Andre with a second by Mr. Scala, all present approved. The resolution was moved on a motion by Mr. Andre with a second by Mr. Semanovich, Roll call was: Mr. Bodak and Mr. McInerney were absent, Mr. Ciulla abstained, and all the rest voted yes.

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT**

**ZB 2008-16
MOHAMMAD MIRZA**

WHEREAS, MOHAMMAD MIRZA, hereinafter referred to as the Applicant has applied to the Zoning Board of Adjustment of South River for use variance relief to add additional apartments and expand the non-conforming use from the zoning requirements of the

Zoning Ordinance of the Borough of South River, for premises known as Block 158, Lot 15, otherwise known as 18 Washington Street, South River, New Jersey; and

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

WHEREAS, the application was deemed incomplete by the South River Zoning Board due to the applicant's failure to supply enough information; and

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

1. Mohammad Mirza, 18 Washington Street, South River, New Jersey, has filed an application to add additional apartments and expand the non-conforming use.
2. The application was deemed incomplete due to the fact that the Applicant failed to supply adequate information.
3. The Applicant notified the Zoning Board by letter dated February 23, 2009 that he wished to withdraw the application.

NOW, THEREFORE, be it resolved by the South River Board of Adjustment that the application of Mohammad Mirza be withdrawn without prejudice.

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 2008-16

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. McInerney

Mr. Andre	Yes	
Mr. Bodak	Yes	
Mr Ciulla		Absent
Mr. Clancy	Yes	
Mr. DeMonico	Yes	
Mr. McInerney	Yes	
Mr. Scala	Yes	
Mr. Semanovich	Yes	

The foregoing Resolution was offered for Memorialization:

Moved by: Mr. Andre

Seconded by: Mr. Scala

Mr. Andre	Yes		
Mr. Bodak		Absent	
Mr. Ciulla			Abstain
Mr. Clancy	Yes		
Mr. DeMonico	Yes		
Mr. McInerney		Absent	
Mr. Scala	Yes		
Mr. Semanovich	Yes		

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND EXACT COPY OF THE RESOLUTION ADOPTED AT THE BOROUGH OF SOUTH RIVER ZONING BOARD OF ADJUSTMENT MEETING HELD ON MARCH 31, 2009

M. ANITA HERMSTEDT, SECRETARY

2008-13 Azer, Amal, 126 Whitehead Ave., Block 280, Lot 8 to create driveway in front yard setback, the full reading of the resolution was waived on a motion by Mr. Ciulla with a second by Mr. Semanovich, the Resolution was moved on a motion by Mr. Andre with a second by Mr. Semanovich.

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT**

ZB 2008-13

AMAL AZER

WHEREAS AMAL AZER, hereinafter referred to as the Applicant has applied to the Zoning Board of Adjustment of South River for variance relief to construct a parking area in the front yard setback from Section 350-8(E)(1)(a) of the zoning requirements of the Zoning Ordinance of the Borough of South River, for premises known as Block 280, Lot 8, otherwise known as 126 Whitehead Avenue, 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 before the South River Zoning Board of Adjustment on February 24, 2009; and

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

1. Amal Azer, the Applicant, has filed an application to construct a parking area in the front yard setback of property located at 126 Whitehead Avenue, South River, New Jersey.

2. The application originally proposed a 20' deep by 16' wide parking area in the front yard setback.

3 Based upon concerns raised by members of the Zoning Board, the applicant agreed to reduce the size of the proposed parking area; specifically, the applicant will eliminate the parking area located behind the existing utility pole

4. Eliminating the parking area on the left side of the property will protect the existing utility pole located in front of the subject property and lessen the chance that vehicles attempting to enter/exit the parking area will contact the utility pole.

5. No opposition was raised by members of the public concerning the application to construct a parking area within the front setback area..

NOW, THEREFORE, be it resolved by the South River Board of Adjustment that the application, as amended during the public hearing, of Amal Azer for a variance from Section 350-8(E)(1)(a) to construct a parking area within the front yard setback area is hereby GRANTED.

BE IT FURTHER RESOLVED that this approval is specifically 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 and 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
2. appropriate Borough official.
3. Applicant shall obtain all required permits, inspections and approvals required by the Borough of South River, County of Middlesex and State of New Jersey.
4. Applicant shall supply revised plans showing a reduction in the proposed parking area size by the elimination of the Southernmost area of parking area (adjacent to Lot 9.01)
5. This approval is only for a parking area begins at the left edge of the front steps and extends 12 feet toward Lot 9.01; the driveway apron may be a maximum 14 feet wide.

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 2008-13

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Andre

Mr. Andre	Yes		
Mr. Bodak	Yes		
Mr. Ciulla			Absent
Mr. Clancy		No	
Mr. DeMonico	Yes		
Mr. McInerney	Yes		
Mr. Scala	Yes		
Mr. Semanovich	Yes		

The foregoing Resolution was offered for Memorialization:

Moved by: Mr. Andre

Seconded by: Mr. Semanovich

Mr. Andre	Yes		
Mr. Bodak			Absent
Mr. Ciulla			Abstain
Mr. Clancy		No	
Mr. DeMonico	Yes		
Mr. McInerney			Absent
Mr. Scala	Yes		
Mr. Semanovich	Yes		

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND EXACT COPY OF THE RESOLUTION ADOPTED AT THE BOROUGH OF SOUTH RIVER ZONING BOARD OF ADJUSTMENT MEETING HELD ON FEBRUARY 24, 2009

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING:

2008-26 Esteves, Julie 42 Raritan Ave., 12 x 12 patio in rear yard and enlarge driveway for additional parking variance for lot coverage. Mr. Kinneally swore in the Applicant and she spoke on the patio in the rear yard and the need for more parking to get cars off the road. The patio will be 10 x 14 the fence has a gate and is 20' from the property line, there is another driveway and that will be left there. The Board questioned what is the width of the entire curb cut? it is 20 x 13. Impervious coverage was not sited, according to the planner it complied.

Mr. DeMonico opened the meeting to the public.

Mr. Urbanik 46 Raritan Ave., spoke on whether or not this was a subdivision, the Board answered no. The open portion on this application was closed on a motion by Mr. Scala with a second by Mr. Ciulla, all present approved. Mr. DeMonico asked what the Boards pleasure on this application and Mr. Scala moved to approve with a second by Mr. Andre, all present approved.

2008-29A Feiteira, Ernie, 192 Whitehead Ave., Block 272, Lot 13, approve current finished basement as space for an apartment and to waive site plan. Mr. Feiteira was sworn in by the Attorney and asked what his plans were for this room. Mr. Feiteira said he would like to get the basement apartment approved stating that it has been used as a living space for the past 5 to 13 years, when he purchased the home he did not know that the basement apartment was illegal. He was questioned whether he was aware that he was in violation and he told the Board that yes he was aware of that. The bedroom is 4 ½ square the window needs to be made bigger, if there were a fire how would the people get out, he would have to make all the windows 5'. He stated that there were two doors to get out of the basement; there is a common area out and a second door, which takes them by the boilers. He was questioned how many parking spaces there were? He stated 6 parking spaces plus the garage which holds two cars making the total 8. Mr. Scala stated that the existing spaces are not wide enough, he was there and felt that it was a tight fit. Mr. DeMonico questioned whether he has an income from that building and why he needs a 5th apartment? that it has worked for four years without one. Mr. Feiteira spoke that some people use to park across the street until they were requested not to. He said the income will help him offset the monies that he has put into the building. It was stated that he bought it under the premise that it was only four apartments, right? He said that he knew there were five apartments in the building when he bought it. Mr. Kinneally reminded the Applicant that he needed five affirmative votes to approve this application and would he like to wait until the people who are absent would be back or does he want to go on with the application, the Applicant stated that he would go on. Mr. Clancy stated that real estate is risky, whether it is a good or bad economy, and that there was a lot of hiding, and you knew what you were getting into and bought the property knowing this. Mr. Ciulla stated that the Applicant would have to do certain things with the windows and does he require NJ State approval, and architect drawings? Mr. Scala questioned whether he had NJ State inspection and the Applicant answered yes and that he has about ½ dozen violations. Mr. DeMonico opened this application to the public hearing none Mr. Ciulla moved to close with a second by Mr. Scala, all present approved. The Planner stated that he reached out to the Tax Assessor and he did provide 1974 list and states it is 100 years old and a two family unit with a bar and that in May of 1989 it was converted to a four unit and in 1991 it was still four units. Mr. Andre and Mr. Scala spoke again about the parking, stating that there is enough parking but it is tight, and that some of the tenants do not own vehicles. Mr. Andre made a motion to deny this application with a second by Mr. Scala. Mr. Kinneally reminded that Board that they had to give reasons for or against this Application.

Mr. Ciulla voted no because of a fire safety hazard, with windows too small, parking problem, exiting the building.

Mr. Clancy voted no because of safety issue, parking.

Mr. DeMonico voted no stating that he bought it as a four unit, insufficient parking and that he did not prove to him that it was a hardship.

Mr. Scala voted no stating that he agrees with Mr. Ciulla.

Mr. Semanovich voted no safety concerns.

Mr. Andre voted no safety concerns and parking.

This application was denied by the Board.

2009-1 Pincaro, Amandio & Luisa, variance for lot coverage for outdoor grill requesting an adjournment until the April meeting, because of the absence of the interpreter was moved on a motion by Mr. Andre with a second by Mr. Clancy all approved.

OPEN TO THE PUBLIC:

There being no one from the public who got up to speak this portion of the meeting was closed on a motion by Mr. Ciulla with a second by Mr. Clancy all present approved.

COMMENTS:

Mr. Andre asked if there was some way to save on paper? The Board stated that there did not seem a way to save, that Ms. Hermstedt was already requesting that we bring the same paper work and just puts the new stuff in. That they would give it some thought.

The meeting was adjourned on a motion by Mr. Scala with a second by Mr. Ciulla all present approved.

Respectfully submitted,

M. Anita Hermstedt
Secretary