

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 October 27, 2009, commencing at 7:30 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

Present were: Mr. Andre, Mr. Bodak, Mr. Ciulla, Mr. Clancy, Mr. DeMonico, and Mr. Scala.

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

Absent were Mr. O'Grady and Mr. McInerney.

The minutes of September 22, 2009 were moved on a motion by Mr. Andre with a second by Mr. Bodak all present approved.

The Code Enforcement report for the month of September 2009 was moved on a motion by Mr. Ciulla with a second by Mr. Bodak all present approved.

COMPLETENESS:

2009-13 Molnar, Istrar, 84 Hillside Ave., Block 171, Lot 7 & 7.1 to build retaining wall in public right of way was moved for a public hearing to be held on November 24, 2009 at 7:35 or soon thereafter on a motion by Mr. Ciulla with a second by Mr. Bodak all present approved.

2009-14, Szymanski, Mike, 32 James St., Block 178, Lot 3.2 to widen apron for future double driveway and addition to rear of garage was moved for a public hearing on November 24, 2009 at 7:40 or soon thereafter as called on a motion by Mr. Ciulla with a second by Mr. Bodak all present approved.

2009-15, Charles, Ivane Jean, 67 Morningside Ave., Block 201, Lot 6 to allow concrete patio in rear yard, 25' required set back with patio the project is over 50% impervious coverage, was moved for a public hearing on November 24, 2009, commencing at 7:45 or soon thereafter as called on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

2009-16, Domingues, Paulo, 13 Tice Ave., Block 209, Lot 7 to install an additional driveway in front and side yard requiring a variance was moved for public hearing on November 24, 2009, commencing at 7:50, or soon thereafter as called was moved on a motion by Mr. Bodak with a second by Mr. Ciulla all present approved.

2009-17, Laptosh, William, 31 Charles, Block 267, Lot 3, driveway in front yard, relief from 5' side yard setback and lot coverage was moved for a public hearing to be held on January 26, 2010, commencing at 7:40 or soon thereafter as called on a motion by Mr. Ciulla with a second by Mr. Bodak all present approved.

2009-18, Danley, Walter & Laurie, 12 Beryl St., Block 132, Lot 9 impeding on rear yard set back to rear of structure a small kitchen addition was deemed incomplete on the advice on the Planner and was held over for completeness at the November 24, 2009 meeting on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

2009-19, Ignatovskiy, Igor, 53 Foothill Drive, Block 351.3, Lot 5, to replace fence and patio was deemed incomplete on the advice of the planner and held over for completeness at the November 24, 2009 meeting on a motion by Mr. Bodak with a second by Mr. Scala all present approved.

2009-20, Huber-Ojdea, Gisele, 15 Burton Ave., Block 50, Lot 5 an addition to second story for a bedroom was deemed incomplete by the planner and moved for completeness at the November 24, 2009 meeting on a motion by Mr. Bodak with a second by Mr. Scala, all present approved. Before the meeting was adjourned Ms. Huber-Ojdea spoke to the Board stating she was pregnant and would appreciate if she can be heard next month because of this reason, stating that she would get everything that the Planner requested immediately, after discussing this the Board moved for a public hearing at the November 24, 2009 meeting on a motion by Mr. Ciulla and a second by Mr. Bodak all present approved.

RESOLUTION(S):

2009-7 Geesey, John W., shed to be placed at the end of a dead end driveway 5' from property line at 11 Pulawski Ave., Block 164.2, Lot 8.1. The full reading of the resolution was waived on a motion by Mr. Bodak with a second by Mr. Ciulla all present approved. The Resolution was moved on a motion by Mr. Bodak with a second by Mr. Ciulla roll call was Mr. Andre, Mr. Bodak, Mr. Ciulla, Mr. DeMonico, Mr. Scala and Mr. Semanovich voted yes. Mr. Clancy voted no with Mr. McInerney and by O'Grady absent.

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

ZB 2009-7

JOHN GEESEY

WHEREAS, John Geesey, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance from Section 350-8(E)(1)(c) to install a shed in the side yard at the end of a driveway, 5' from the property line at the existing single family residence on the premises known as Block 164.2, Lot 8.1, otherwise known as 11 Pulawski Ave., 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 by the Zoning Board on September 22, 2009, and

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

1. Applicant John Geesey has filed an application for a bulk variance to permit a shed in the side yard at the end of the existing driveway, 5' from the side property line at the existing single family residence on the premises known as Block 164.2, Lot 8.1, otherwise known as 11 Pulawski Avenue in South River, New Jersey.

2. Adequate notice was provided and the Board has jurisdiction to hear this application.

3. The proposed shed will be 5' from the side property line; it will not adversely affect the next door neighbor.

4. There was no opposition by any of the surrounding neighbors.

Based upon the foregoing findings of fact, the Board has arrived at the following legal conclusions:

1. The granting of the requested bulk variance would advance both the goals of the Borough's Master Plan and the purposes of the Land Development Ordinance for the Borough and the benefits derived from granting the bulk variance substantially outweigh any detriment resulting from the granting of this variance.

2. The bulk variance relief requested by the Applicant will not substantially impair the intent and purpose of the Zone Plan and Zone Ordinance and there is no detrimental impact to the neighborhood in granting this relief.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant, John Geesey, for a bulk variance from Section 350-8(E)(1)(c) to allow a shed in the side yard at the end of the driveway, 5' from the side property line be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that approval of the aforementioned variance 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.

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 2009-7

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy		X		
Mr. Frank DeMonico	X			
Mr. Ted McInerney				X
Mr. John Scala	X			
ALTERNATES				
Mr. Ken Semanovich				X
Mr. Jeremiah O'Grady	X			

ZB 2009-7

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Ciulla

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy		X		
Mr. Frank DeMonico	X			
Mr. Ted McInerney				X
Mr. John Scala	X			
ALTERNATES				
Mr. Ken Semanovich	X			

Mr. Jeremiah O'Grady				X

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 OCTOBER 27, 2009.

M. ANITA HERMSTEDT, SECRETARY

2009-9 Deniz, Bulent, 6 East St., Block 253.1, Lot 8.4, variance for a 6' privacy fence on the back property line. The full reading of the Resolution was waived on a motion by Mr. Ciulla with a second by Mr. Clancy, all present approved. The Resolution was moved on a motion by Mr. Scala with a second by Mr. Bodak all present approved.

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

ZB 2009-9

BULENT DENIZ

WHEREAS, Bulint Deniz, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance from Section 350-8(E)(1)(c) to install a privacy fence along the back property line when the adjacent dwelling is less than 7.5 feet from the property line at the existing single family residence on the premises known as Block 253.01, Lot 8.04, otherwise known as 6 East 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 by the Zoning Board on September 22, 2009, and

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

1. Applicant Bulent Deniz has filed an application for a bulk variance to permit a privacy fence along the rear property line, where the adjacent dwelling is less than 7.5' from the property line at the existing single family residence on the premises known as Block 253.01, Lot 8.04, otherwise known as 6 East Street in South River, New Jersey.

2. Adequate notice was provided and the Board has jurisdiction to hear this application.

3. The proposed fence needs a variance because the adjacent dwelling is less than 7.5 feet from the property line; the fence will not adversely affect the next door

neighbor.

4. There was no opposition by any of the surrounding neighbors.

Based upon the foregoing findings of fact, the Board has arrived at the following legal conclusions:

1. The granting of the requested bulk variance would advance both the goals of the Borough's Master Plan and the purposes of the Land Development Ordinance for the Borough and the benefits derived from granting the bulk variance substantially outweigh any detriment resulting from the granting of this variance.

2. The bulk variance relief requested by the Applicant will not substantially impair the intent and purpose of the Zone Plan and Zone Ordinance and there is no detrimental impact to the neighborhood in granting this relief.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant, Bulent Deniz, for a bulk variance from Section 350-8(E)(1)(c) to allow a privacy fence along the rear property line where the adjacent dwelling is less than 7.5' from the property line be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that approval of the aforementioned variance 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.

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 2009-9

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			
Mr. Ted McInerney				X
Mr. John Scala	X			
ALTERNATES				
Mr. Ken Semanovich				X
Mr. Jeremiah O'Grady	X			

ZB 2009-9

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			
Mr. Ted McInerney				X
Mr. John Scala	X			
ALTERNATES				
Mr. Ken Semanovich	X			
Mr. Jeremiah O'Grady				X

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 OCTOBER 27, 2009.

M. ANITA HERMSTEDT, SECRETARY

2009-10 Pelligram, Richard, 18 Wilcox Ave., Block 113, Lot 8.1, install a paver patio, approximately 500 sq. ft., fence where home is less than 7 1/2' from property line, plus lot coverage over 50% and driveway enlargement. Full reading of the resolution was waived on a motion by Mr. Bodak with a second by Mr. Ciulla all present approved. The Resolution was moved on a motion by Mr. Andre with a second by Mr. Bodak, roll call as follows. Mr. Andre, Mr. Bodak, Mr. Ciulla, Mr. DeMonico, Mr. Scala and Mr. Semanovich voted yes, Mr. Clancy voted no, Mr. McInerney and Mr. O'Grady were absent, so moved.

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

ZB 2009-10

RICHARD PELLIGRAM

WHEREAS, Richard Pelligram, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances from Sections 350-8(l)(4)(a); (G); and (E)(1)(a) to install a privacy fence and a paver patio at the existing single family residence on the premises known as Block 113, Lot 8.1, otherwise known as 18 Wilcox 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 by the Zoning Board on September 22, 2009, and

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

1. Applicant Richard Pelligram has filed an application for bulk variances to install a privacy fence and a paver patio at the existing single family residence on the premises known as Block 113, Lot 8.1, otherwise known as 18 Wilcox Avenue in South River, New Jersey.

2. Adequate notice was provided and the Board has jurisdiction to hear this application.

3. The proposed fence needs a variance because the dwelling is less than 7.5 feet from the property line; in addition, variance relief is necessary because both

parking and fencing are proposed within the side yard setback.

4. The application also needs relief from the impervious coverage ordinance because 59% is proposed and 50% is permitted.

5. Based upon concerns raised by Zoning Board members, the applicant agreed to shift the proposed patio 4' away from Garwood, and to ensure that the slope is no greater than 33%; this should ensure that drainage does not negatively affect adjoining properties

4. There was no opposition by any of the surrounding neighbors.

Based upon the foregoing findings of fact, the Board has arrived at the following legal conclusions:

1. The granting of the requested bulk variances would advance both the goals of the Borough's Master Plan and the purposes of the Land Development Ordinance for the Borough and the benefits derived from granting the bulk variance substantially outweigh any detriment resulting from the granting of these variances.

2. The bulk variance relief requested by the Applicant will not substantially impair the intent and purpose of the Zone Plan and Zone Ordinance and there is no detrimental impact to the neighborhood in granting this relief.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant, Richard Pelligram, for bulk variances from Section 350-8(l)(4)(a); (G); and (E)(1)(c) to allow a privacy fence and paver patio be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that approval of the aforementioned variance 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.

3. Applicant shall shift the proposed patio 4' away from Garwood and shall ensure that the slope is no greater than 33% to ensure that drainage is not a problem.

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 2009-10

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Ciulla

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy		X		
Mr. Frank DeMonico	X			
Mr. Ted McInerney				X
Mr. John Scala	X			
ALTERNATES				
Mr. Ken Semanovich				X
Mr. Jeremiah O'Grady		X		

ZB 2009-10

The foregoing Resolution was:

Moved by: Mr. Andre

Seconded by: Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy		X		
Mr. Frank DeMonico	X			
Mr. Ted McInerney				X
Mr. John Scala	X			
ALTERNATES				
Mr. Ken Semanovich	X			
Mr. Jeremiah O'Grady				X

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 OCTOBER 27, 2009.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING(S)

2009-11 Molnar, Istrar, build a three car garage in the back of the property larger then permitted on property 74 Hillside Ave., Block 171, Lot 7 & 7.1. The Board Attorney notified the Applicant that he did not put his ad in the newspaper in the allotted time, therefore this application would not be heard this evening, he explained that it had to be in the paper at least ten days before the hearing date. Being as he has another application for the November 24, 2009 meeting he can put both in at the same time.

2006-12 Goda, 104 Whitehead Ave.. The Applicant lives at 26 Rice Run, East Brunswick, NJ. Mr. DeMonico spoke to the applicant regarding the application wanting to know whether they got everything to the professionals. They said that they talked to their engineer and believe that everything was sent in. Mr. Lee from CME spoke that they got new plans with no revisions to the curb and sidewalks, or that they signed a Title 39 agreement with the police and that they used the wrong material in doing the driveway. They need to comply with these requests and that the money was not paid. Mr. DeMonico asked if they understood what they were supposed to do. They said they understood. This application was opened to the public, hearing none the public portion was closed on a motion by Mr. Scala with a second by Mr. Ciulla all present approved. Mr. DeMonico requested from the Board whether or not we were going to give them a conditional approval. Mr. Bodak spoke about this application, stating that it was bought as a four family but for tax purposes was only listed as a three family. He wanted to know whether all reports were satisfied, they stated that a new front porch has been placed. He wants them to go to the Building Department and get all permits up to date. Mr. Ciulla moved to grant the relief for sixty days to complete all the permits with a second by Mr. Bodak, roll call vote went as listed Mr. Bodak, Mr. Ciulla, Mr. DeMonico, Mr. Scala and Mr. Semanovich voted yes, Mr. Andre and Mr. Clancy voted no with Mr. McInerney and Mr. O'Grady absent, so moved.

2009-12 Fodor, Julia, 18 Samuel Drive, Block 367, Lot 1.7 allow oversized shed to remain on the property. Mr. Roselli spoke on behalf of the Applicant, stating that she was the owner of 18 Samuel Drive and in 1998 she purchased the shed for the property, and did not know that she was in violation of the Code. Mr. Roselli supplied a picture of the shed which was marked as exhibit A1. The premise was sold in 2009 and when the closing took place, the present owners

said they would like the shed to remain on the property, and to allow her to go to the Board with a variance for the shed. Mr. Roselli spoke about the footing for the shed stating that there is a rod going through to hold in place, and that there is no power going to the shed. Mr. DeMonico opened this Application to the public hearing none it was closed on a motion by Mr. Scala with a second by Mr. Bodak all present approved. Mr. Scala approved this Application with a second by Mr. Andre with the stipulation that all is approved by the Building Department, all present agreed.

OPEN TO THE PUBLIC:

The meeting was opened to the public, hearing none it was closed on a motion by Mr. Scala with a second by Mr. Ciulla all present approved.

BILLS:

The bills were ordered paid on a motion by Mr. Scala with a second by Mr. Ciulla all present approved.

2009-3 Omnipoint Communications has requested reconsideration, stating they will notice all the public again within 200'. Mr. Clancy moved to have a hearing on January 26, 2010 with a second by Mr. Bodak all present approved.

Mr. Bletcher let the Board know about the Master Plan Hearing on Thursday at the cafetorium at the Middle School at 7:00 PM

Respectfully submitted,

M. Anita Hermstedt
Secretary to the Board