

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.

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A meeting of the Zoning Board of Adjustments was held on November 24, 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.

Mr. O'Grady entered the dais at 7:55 PM>

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

MINUTES:

The minutes from October 27, 2009 were moved on a motion by Mr. Bodak with a second by Mr. Andre all present approved.

INFROMAL DETERMINATION:

2009-26 Mike Donnelley MGBLLC Recycling concrete and trucking at a rate of 30 to 40 loads per day presented their application to the Board. They would be located on Brick Plant Road and do Class B Recycling which requires a permit from the DEP and has trucking and heavy equipment and noise levels, and wants to get a feeling from the Board on whether or not they feel if this is an approved industry. Mr. Andre questioned whether or not they needed wetlands approval, the Applicant answered that they have two acres of property and the wetlands start near the end where a fence is located. Mr. Lauristen said that this is a use variance with a site plan because this use is not permitted in the area. Mr. DeMonico spoke about the disadvantage the Board was at the verbage is fine telling us about the plant, but there is not enough in front of us to let us know exactly what is going on. Mr. Ciulla wants to know about the noise levels and the hours of operation. We need where the building will be located and a report of the machinery that will be used. Mr. Bodak asked about the trucks that will be moving in and out of the business, the concrete that will be pulverized and the noise levels. Mr. DeMonico thanked the applicant for appearing and said that the Board could not make a decision one way or another and advised the Applicant to submit an application and go from there.

COMPLETENESS:

2009-18 Danley, Walter & Laurie, 12 Beryl St., Block 132, Lot 9, impeding on rear yard set back to build a small kitchen addition was deemed complete on a motion by Mr. Bodak with a second by Mr. Scala for a public hearing to be held on January 26, 2010 commencing at 7:45 or soon thereafter when called, 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 deemed complete on a motion by Mr. Bodak with a second by Mr. Scala for a public hearing to be held on January 26, 2010, commencing at 7:50 or soon thereafter when called, all present approved.

2009-19, Ignatovskiy, Igor, 53 Foothill Drive, Block 351.3, Lot 5 replacing fence and patio was moved for completeness on a motion by Mr. Ciulla with a second by Mr. Bodak for a public hearing to be held on January 26, 2010, commencing at 7:55 or soon thereafter when called, all present approved.

2009-21, Mioduszewski, Allen, 21 Johnson Place, Block 184, Lot 5, replace field stone wall with a manufactured block wall and replace grass with pavers between curb and sidewalk was deemed incomplete on a motion by Mr. Andre with a second by Mr. Bodak all present approved.

2009-22, Tokarik, Jr., David, 8 Raymond Place., Block 354.11, Lot 4 enlarge driveway was deemed complete on a motion by Mr. Ciulla with a second by Mr. Scala for a public hearing to be held on January 26, 2010, commencing at 8:00 or soon thereafter when called, all present approved.

2009-23, Pimentel, Pedro & Marian., 2009-24 Margarido, Rui & Maria and 2009-25 Zarzycki,k Artur, 7 Park Ave were all moved to the January 26, 2010 meeting for completeness.

RESOLUTIONS:

2009-12 Fodor, Julia, 18 Samuel Drive, Block 367, Lot 1.7 allow oversized shed to remain on the property, the full reading of the Resolution was waived on a motion by Mr. Ciulla with a second by Mr. Scala all present approved. The Resolution was moved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

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

**ZB 2009-12  
JULIA FODOR**

**WHEREAS**, Julia Fodor, 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)(3) to allow a 220 square foot shed to remain in the rear yard at the existing single family residence on the premises known as Block 367, Lot 1.7, otherwise known as 18 Samuel Drive, 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 October 27, 2009, and

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

1. Applicant Julia Fodor has filed an application for a bulk variance to permit a 220 square foot shed to remain in the rear yard at the existing single family residence on the premises known as Block 367, Lot 1.7, otherwise known as 18 Samuel Drive in South River, New Jersey.

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

3. The existing shed exceeds the permitted size for an accessory structure, which is limited by ordinance to 200 square feet.

4. This shed was constructed offsite and delivered to the property; it is a hardship to reduce the size of the shed.

5. 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, Julia Fodor, for a bulk variance from Section 350-8(E)(3) to allow a shed of 220 square feet in the rear yard 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 2009-12**

**The foregoing Resolution was:**

**Moved by: Mr. Scala**

**Seconded by: Mr. Andre**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
<b>ALTERNATES</b>				
Mr. Ken Semanovich	X			
Mr. Jeremiah O'Grady				X

**ZB 2009-12**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**Seconded by: Mr. Ciulla**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
<b>ALTERNATES</b>				
Mr. Ken Semanovich				X
Mr. Jeremiah O'Grady			X	

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 NOVEMBER 24, 2009.

**M. ANITA HERMSTEDT, SECRETARY**

Resolution 2009-8 Goda 104 Whitehead Ave. full reading was waived on a motion by Mr. Ciulla, with a second by Mr. Scala, all present approved, the Resolution was moved on a motion by Mr. Ciulla with a second by Mr. Scala, vote to follow.

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

**ZB 2009-8  
 MAMDOUH GODA**

**WHEREAS**, Mamdouh Goda, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for relief from a condition of approval imposed by the Zoning Board in a site plan approval dated October 29, 2007 for the premises known as Block 283, Lot 3.02 & 4, otherwise known as 104 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 by the Zoning Board on October 27, 2009, and

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

1. Applicant Mamdouh Goda received site plan approval from the South River Zoning Board on October 27, 2007 in ZB 2006-12; in connection with this approval numerous conditions were attached.

2. Many of the conditions required improvements to the existing dwelling and property; one condition required that all of the renovations and improvements be completed within eight months of the date of the site plan approval.

3. The Applicant failed to complete the required improvements that were a condition of the site plan approval within the eight month period; the Applicant has now brought this application seeking relief from the condition that these improvements be completed within eight months of the date of the site plan approval, so that they can now complete the required improvements and maintain the site plan approval.

4. The Applicant testified that they were unable to complete the improvements within the required time because they had difficulty with their contractors

5. The Applicants agreed that if they are granted relief from this condition they will proceed to obtain all required permits, post all required fees and obtain all necessary approvals as quickly as possible.

6. The Applicants agreed that they will satisfy all conditions attached to the original site plan approval (except the condition that all improvements be completed within eight months) within sixty days of the date of this public hearing.

7. The Applicants further agreed to comply with the requirements of Mr. Koch's 10/8/09 report.

5. 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 relief would advance both the goals of the the Borough's Master Plan and the purposes of the Land Development Ordinance for the Borough and the benefits derived from granting the requested relief substantially outweigh any detriment resulting from a denial.

2. The 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, Mamdouh Goda for relief from the condition requiring that all improvements be completed within eight months of the original site plan

approval 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 comply with all other conditions attached to the original site plan approval except for the requirement that the improvements be completed within eight months.

4. Applicant shall complete all required improvements and obtain all required permits, inspections and approvals on or before December 27, 2009.

5. Applicant shall comply with the requirements of Mr. Koch's report of 10/8/09.

**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 2009-8**

**The foregoing Resolution was:**

**Moved by: Mr. Ciulla**

**Seconded by: Mr. Bodak**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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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			
<b>ALTERNATES</b>				
Mr. Ken Semanovich	X			
Mr. Jeremiah O'Grady				X

**ZB 2009-8**

The foregoing Resolution was:

Moved by:           **Mr. Ciulla**

Seconded by:       **Mr. Scala**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
<b>ALTERNATES</b>				
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 NOVEMBER 24, 2009.

**M. ANITA HERMSTEDT, SECRETARY**

**PUBLIC HEARING:**

2009-11 and 2009-13, Molnar, Istrar, 84 Hillside Ave., Block 171, Lot 7 and 7.1 build a three car garage in the back of the property larger then permitted and build a retaining wall in the public right of way. Mr. Molnar stated that the garage will be located in the center of the property and that the center door will be a little larger for the SUV and that the garage will be used for family owned vehicles. The drainage will be under ground with 4" pipes. Mr. Ciulla passed the site and remarked that there were vans parked on the property. Mr. Andre questioned the grading the trees and that there is a crack in the sidewalk on the property, and was told that the trees

will remain and that the sidewalk will be replaced, Mr. Bodak stated the width of the driveway is 12' all the way up then will open up to 40' of asphalt in the center.

Mr. DeMonico opened the Application to the public.

Mr. Eppinger, 10 Theresa Place stating that his house is the closest to where the garage will be and that is why he is speaking about this Application. He wanted to know why this is being heard by the Zoning Board and not the Planning Board, the Attorney told him because it is residential. Mr. Eppinger spoke about all the work the Applicant did on his property, but he is against the garage, he feels that it is too big for the neighborhood. He also asked why he can't build a normal size garage so that he does not have to get a variance. There being no one else this application was closed to the public on a motion by Mr. Scala with a second by Mr. Ciulla all present approved. Mr. Ciulla spoke about the garage stating that the height is 14' with the door being 10' high and a total square foot of 220, as big as an accessory building. Mr. Molnar stated that he would like the garage to be for three cars. Mr. Lauristen explained about the height of the garage. Mr. Andre does not believe that Mr. Molnar needs to have that big of a garage in that neighborhood, and he wants details on the drainage. On the retaining wall the Board requested grading information, sidewalk repair and whether or not the wall will be carried to the garage. This application was postponed to February 23, 2010 on a motion by Mr. Andre with a second by Mr. Ciulla all present approved.

2009-20 Huber-Ojeda, Gisela, 15 Burton Ave., Block 50, Lot 5, addition to second story for bedroom. The daughter of Gisela spoke on behalf of the Applicant. She stated that they are trying to add a second bedroom for the new baby. Mr. Lauristen explained that it would complete the L shape of the home. Mr. Bodak went to see the home and spoke about how the drainage would be taken care of with the roof line, and would they keep the siding the same? He was told that the drainage would run down along the drains and into the ground and that the siding would be the same.

Mr. DeMonico opened the meeting to the public, hearing none this application was closed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved. Mr. Andre moved this application with a second by Mr. Bodak, all present approved, except for Mr. Scala abstained.

2009-14 Szymanski, Mike 32 James St. was moved to the January 26, 2010 meeting on a motion by Mr. Andre with a second by Mr. Bodak, all present approved. 2009-15 was moved to the February 23, 2010 meeting and 2009-16 was moved to the January 26, 2010 meeting.

BILLS:

There were no bills.

OPEN TO THE PUBLIC:

Mr. Eppinger got up to speak to the Board and to let them know how professional he thought the Board was and stating that Mr. DeMonico and Mr. Scala would be put back on the Board and that he received the request for a pay raise for Mrs. Hermstedt and that He and the Council would be taking this up.

The public portion was closed on a motion by Mr. Ciulla with a second by Mr. Andre all present approved.

COMMENTS:

Mr. Lauristin spoke about 2009-23, Pimentel stating that the property is not the way the survey says that it is, and also that 2009-19, 53 Foothills has already done the work also 2009-15 Ivane Jean Charles 67 Morningside.

Mr. DeMonico spoke about the good job that Glenn is doing finding persons who do things without getting permits or variances and bringing them to the Board.

Mr. O'Grady said it is like cleaning up after the people.

All were wished a Happy Holiday by all.

Mr. Ciulla made a motion to adjourn with a second by Mr. Andre all present approved.

Respectfully submitted  
M. Anita Hermstedt, Secretary