

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 30, 2010, 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, Mr. Hranowski, Mr. Miller, Mr. O'Grady and Mr. Scala.

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

The Minutes from February 23, 2010 were moved on a motion by Mr. Bodak with a second from Mr. Ciulla all present approved.

COMMUNICATION(S)

The Professional Service Agreement from CME Associates for the year 2010 was approved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

COMPLETENESS:

2010-5 Arnold, David, 191 Willett Ave., Block 251.12 Lot 2, to widen his driveway was moved on a motion for a public hearing to be held on May 25, 2010 on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2010-6 Yong Yow, Mr. & Mrs. 172 Willett Ave., Block 251.1, Lot 16 to widen driveway and apron and a swimming pool with deck was moved for a public hearing on May 25, 2010 on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

2010-7 Chadwick, Christopher, 10 O'Brien Ave., Block 363.7, Lot 11, needs permit to allow pavers to be put in between the curb and sidewalk, replace cracked apron with new concrete was moved for a public hearing to be held on May 25, 2010, on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

2010-8 Santos, Daniel, 20 Rose St., Block 29, Lot 7, building a new home on an undersized lot was moved to the Planning Board.

PUBLIC HEARING:

2009-19, Ignatovskiy, Igor, 53 Foothills, Dr., Block 351.2, Lot 5 replacing fence and patio, requested land usage. Mr. Ignatovski was sworn in by the Board Attorney and he told the Board that he submitted the coverage of the lot. The Attorney informed the Board that the coverage was okay according to the drawings, Mr. DeMonico questioned the professionals on the matter and was told everything was fine. The application 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. Mr. Bodak moved the application stating that he visited the site, with a second by Mr. Andre stating that all he was looking for was relief on the side yard all present approved.

2009-24 Koralev, Andrey, 54 Virginia St., Block 145, Lot 2.1 swimming pool installed to near the property line. Mr. Koralev was sworn in by the Boards Attorney and told the Board that when he bought the house the pool was there and that he could take the pool down or go to the Board to allow it to stay, it is one foot to close to the property line, and that he decided that he would come to the Board. Mr. Lauritsen stated that Mr. Koralev was only looking for a simple bulk variance, stating there is a fence. This application was open to the public hearing none it

was closed on a motion by Mr. Scala with a second by Mr. Bodak, all present approved. The application was approved on a motion by Mr. Andre with a second by Mr. Scala, all present approved.

2009-15 Charles, Ivane Jean, 67 Morningside Ave., Block 201, Lot 6, patio within required 15' rear yard setback and 50% impervious coverage. Ms. Charles was sworn in by the Board's Attorney and stated that what she did was put a concrete slab where the swing set use to be, not knowing that she needed to have a bulk variance, for relief from the 25 foot rear yard set back. Mr. Bodak questioned whether or not the patio was there before and she stated no it was not. Ms. Charles stated that it is a beautiful patio near the pool and that she sits her mother out there on nice days. This application was opened to the public hearing none it was closed on a motion by Mr. Scala with a second by Mr. Ciulla. The application was moved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

2009-14

Szymanski, Michael, 32 James St., Block 1748, Lot 3.2, enlarge apron for double driveway, lot coverage setback requires a bulk variance, dormer on existing legal non-conforming garage, Mr. Szymanski was sworn in by the Boards Attorney and spoke on his driveway and that his garage is a Cape Cod style which he wants to put a dormer on for more storage. He said that he has clay pipe to the leaders and gutters which take the rain water out to the street. Backing out of the driveway may be a little difficult so he was requested to remove some of his bushes which he said that that would not be a problem. This application was open to the public hearing none it was closed on a motion by Mr. Scala with a second by Mr. Ciulla all present approved. This application was moved on a motion by Mr. Bodak with the modification that the shrubs be no higher then 32" with a second by Mr. Andre all present approved.

2010-3 Metro PCS, New York LLC was moved for a public hearing to be heard on May 25, 2010.

APPEAL:

2010-4 Brothers Gas Station 57 Reid St., Block 90, Lot 29 wants to reopen gas station. Regarding this application Mr. Lionel Frank the Applicants Attorney said that this information is set forth by law. There has been a period of time when the gas station was not in use, but it was never the intent to change the business. This Application was open to the public. Ms. Stephanie Black of 65 Reid St., spoke stating that she does not want to see the station reopen. As of right now it has become a parking lot for the illegal's who live in the area. She does not want to hear trucks running all the time waiting for gas either in the morning or night. She said that the owners do not live in NJ, and will have to be run by a manager. Hearing no one else this application was closed on a motion by Mr. Scala with a second by Mr. Ciulla all present approved. Mr. Scala spoke about the owners putting in over \$100,000, for new tanks. Mr. Bodak spoke on whether or not the Board could regulate the hours of operation and the traffic. The Applicant spoke that the hours of operation use to be from 5 AM to 10 PM seven days a week. Mr. Miller said that he would like to follow up with the woman who spoke, what guarantee do we have that the person running the business will abide by everything the Board says. Mr. DeMonico said it would be the owner interest that he follows what the Board wants and will follow what is written in the Resolution. Mr. Andre spoke about the truck traffic that this gas station receives and that is another reason to cut down on the hours so as not to disturb the residents. Some sort of sign shall be built saying about not running the vehicle while refueling and also while waiting. He also spoke about our noise ordinance. Mr. Miller asked if we had any input from the Police Department. Mr. Clancy addressed the woman who spoke earlier saying he had two pumps and that the existing lighting will be on illuminating the pumps and the surrounding area, saying the lighting was approved earlier. As it stands right now the lights are off. He will have somebody run the business for him. Mr. DeMonico opened the Application again to the public because of persons coming in late. Mr. Paul Smith from Sayreville is the Applicants brother and said that he knows his brother will do a good job running the business. He said that the hours of operation were 5 am to 10 pm and 8 am to 7 pm on Sundays. There being no one else this Application was closed on a motion by Mr. Andre with a

second by Mr. Scala, all present approved. Mr. DeMonico said in regards to the hours since the shut down we do not have the hours of operation and the Applicant cannot prove to the Board what they were, so it is fair of the Board to do the hours that the station will be open. The hours of operation will be 6 am to 9 pm Monday thru Saturday and 8 am to 7 pm on Sunday, there will be no idling. In the event that he leases it out this stipulation will be existing. Mr. Bodak moved this application with all the modifications with a second by Mr. Ciulla, all approved except for Mr. O'Grady who abstained.

RESOLUTION(S)

2010-1 Rhinehart, Patricia, 11 Kamm Ave., Block 205, Lot 8.2, bulk variance to allow an existing driveway to be enlarged with side yard setback full reading of the Resolution was waived by Mr. Bodak with a second by Mr. Ciulla, all present approved. The Resolution was moved by Mr. Ciulla with a second by Mr. Scala, all approved with the exception of Mr. Clancy who abstained.

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

**ZB 2010-1
PATRICIA RHINEHART**

WHEREAS, Patricia Rhinehart, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances from Sections 350-8(a) & (g) to permit an enlarged driveway to remain in the side setback yard at the existing single family residence on the premises known as Block 205, Lot 8.2, otherwise known as 11 Kamm 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 February 23, 2010, and

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

1. Applicant Patricia Rhinehart has filed an application for bulk variances to allow an existing driveway that has been enlarged to remain in the side yard at the existing single family residence on the premises known as Block 205, Lot 8.2, otherwise known as 11 Kamm Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed driveway needs variances for driveway size and location within the 5' side yard setback (it is 8" from the property line).

4. The Applicants testified that the driveway could be reduced in size so that it is no wider than 24'; this would still allow 2 cars to be parked in the driveway.

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 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 Patricia Rhinehart for bulk variances from Section 350-8(a) & (g) to allow the driveway in the side 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.

3. The driveway shall be no wider than 24".

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 2010-1

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

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. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				X

ZB 2010-1

The foregoing Resolution was:

Moved by:

Seconded by:

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. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				

Mr. Joseph Hranowski				
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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 MARCH 30, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-25 Zarzycki, Arthur, 7 Park Ave., Block 123, Lot 18, bulk variance to permit construction of a 16' x 22' garage in rear yard, full reading of the Resolution was waived on a motion by Mr. Bodak with a second by Mr. Andre, all present approved. The Resolution was moved on a motion by Mr. Bodak with a second by Mr. Scala all present approved except for Mr. Clancy who abstained.

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2009-25
ARTHUR ZARZYCKI**

WHEREAS, Arthur Zarzycki, 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 construct a 16' x 22' garage in the rear yard at the existing single family residence on the premises known as Block 123, Lot 16, otherwise known as 7 Park 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 February 23, 2010; and

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

1. Applicant Edward Zarzycki has filed an application for a bulk variance to permit the construction of a 16' c 22' garage in the rear yard at the existing single family residence on the premises known as Block 123, Lot 18, otherwise known as 7 Park Avenue in South River, New Jersey.
2. Adequate notice as provided and the Board has jurisdiction to hear this application.
3. The garage exceeds the permitted size for an accessory structure, which is limited by ordinance to 100 square feet.
4. The proposed garage is for private use only' no commercial or business items will be stored in the garage.
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, Edward Zarzycki, for a bulk variance from Section 350-8(E)(3) to allow a 16' x 22' garage 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.
3. Applicant shall install gutters and piping to ensure that the storm water is drained to the street.
4. The siding of the garage will match the existing dwelling.

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 2009-25

The foregoing Resolution was:

Moved by Mr. Bodak

Seconded by: Mr. Andre

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. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				X
Mr. Joseph Hranowski				

ZB 2009-25

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. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				
Mr. Joseph Hranowski				

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 MARCH 30, 2010.

M. ANITA HERMSTEDT, SECRETARY

BILLS:

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

OPEN TO THE PUBLIC:

Marilyn Meloni spoke on how the Board could notify the public that certain Applications that were scheduled would not be heard, that there were a lot of people who came for the cell tower hearing that were a little upset.

There being no one else the meeting was closed to the public on a motion by Mr. Clancy with a second by Mr. O'Grady, all present approved.

COMMENTS:

Mr. Bodak question whether or not the gas station needed to have two people working in the evening, they do not but it is usually an unwritten law that two persons would work at night.

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

Respectfully submitted,

M. Anita Hermstedt, Secretary