

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 April 27, 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. DeMonico, Mr. Hranowski, Mr. O'Grady and Mr. Scala.

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

Absent were Mr. Clancy and Mr. Miller, both excused.

The minutes from April 30, 2010 were moved on a motion by Mr. Ciulla with a second by Mr. Andre, all present approved.

There were no communications for this meeting.

COMPLETENESS:

2010-11 Domieniecki, Thomas & Janet, 41 John St., Block 401, Lot 9 construct a 12 x 27 concrete pad and curb apron to the west of the existing driveway to allow for off street parking of one automobile was moved on a motion for a public hearing to be heard on June 29, 2010 on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

RESOLUTIONS:

2009-19 Ignatovskiy, Igor, 53 Foothills Dr., Block 351.2, Lot 5 replacing fence and patio. The full reading of the Resolution was waived on a motion by Mr. Ciulla with a second by Mr. Scala, Mr. Ciulla moved the Resolution with a second by Mr. Bodak all present approved.

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

**ZB 2009-19
IGOR IGNATOVSKIY**

WHEREAS, Igor Ignatovskiy, 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) to replace a 6' high privacy fence and a patio at the existing single family residence on the premises known as Block 351.02, Lot 5, otherwise known as 53 Foothills 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 March 30, 2010,
and

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

1. Applicant Igor Ignatovskiy has filed an application for bulk variances to replace a privacy fence and a patio at the existing single family residence on the premises known as Block 351.02, Lot 5, otherwise known as 53 Foothills Drive 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 location is less than 5 feet from the rear property line; in addition, variance relief is necessary because the patio is within five feet of the side yard setback.

4. The application needs no relief from the impervious coverage ordinance because the existing coverage is within the limits of the ordinance.

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, Igor Ignatovskiy, for bulk variances from Section 350-8(l) to allow a privacy fence within 5 feet of the rear property line and a patio within 5

feet of 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 2009-19

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				
Mr. Joseph Hranowski				

ZB 2009-19

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. 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 APRIL 27, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-24 Koraley, Andrey, 54 Virginia St., Block 145, Lot 2.1 swimming pool installed to near property line, 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. Ciulla with a second by Mr. Bodak all present approved.

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

**ZB 2009-24
 ANDREY KOVALEV**

WHEREAS, Andrey Kovalev, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance from Section 300-7 to allow a 18' x 18' above ground pool to remain less than 8' from the property line at

the existing single family residence on the premises known as Block 145, Lot 2.1, otherwise known as 54 Virginia 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 March 30, 2010, and

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

1. Applicant Andrey Kovalev has filed an application for a bulk variance to allow a 18' x 18' above ground pool to remain at the existing single family residence on the premises known as Block 145, Lot 2.1, otherwise known as 54 Virginia Street in South River, New Jersey.

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

3. The existing pool is located less than 8' from the property line; however the location of the pool does not adversely affect the adjoining 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 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, Andrey Kovalev, for a bulk variance from Section 300-

7 to allow an existing 18' x 18' pool to remain less than 8' 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 2009-24

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				
Mr. Joseph Hranowski				

ZB 2009-24

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. 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 APRIL 27, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-15 Charles, Ivane Jean, 67 Morningside Ave., Block 201, Lot 6, patio within required 25' rear yard setback and 50% impervious coverage, the full reading of the Resolution was waived on a motion by Mr. Bodak with a second by Mr. Scala, all present approved. The Resolution was moved on a motion by Mr. Bodak with a second by Mr. Andre, all present approved.

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

**ZB 2009-15
 IVANE JEAN CHARLES**

WHEREAS, Ivane Jean Charles, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances from Sections 350-8(G)(3) and Attachment II to allow a concrete patio in the rear yard setback to remain at the existing single family residence on the premises known as

Block 201, Lot 6, otherwise known as 67 Morningside 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 March 30, 2010, and

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

1. Applicant Ivane Jean Charles has filed an application for bulk variances to allow a concrete patio to remain in the rear yard setback at the existing single family residence on the premises known as Block 201, Lot 6, otherwise known as 67 Morningside Avenue in South River, New Jersey.

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

3. The concrete patio is used by the Applicant's family, including her elderly mother.

4. The Applicant also needs lot coverage relief, since existing lot coverage is 59%.

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, Ivane Jean Charles, for bulk variances from Section 350-8(G)(3) and Attachment II, and for lot coverage, to permit a concrete patio to remain in the rear yard setback 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 2009-15

The foregoing Resolution was:

Moved by: Mr. Ciulla

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				
Mr. Joseph Hranowski				

ZB 2009-15

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				
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 APRIL 27, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-14 Szymanski, Michael, 32 James St., Block 178, Lot 3.2 enlarge apron for double driveway, lot coverage setback requires a bulk variance, dormer on existing legal non-conforming garage, the full reading of the Resolution was waived on a motion by Mr. Ciulla with a second by Mr. Bodak all present approved. The Resolution was moved on a motion by Mr. Ciulla with a second by Mr. O'Grady, all present approved.

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

**ZB 2009-14
MICHAEL SZYMANSKI**

WHEREAS, Michael Szymanski, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances from Sections 350-8(E)(8) & (9) and 350-8(G)(3) to widen the driveway and construct an addition to the existing garage at the existing single family residence on the premises known as Block 178, Lot 3.02, otherwise known as 32 James 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 March 30, 2010, and

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

1. Applicant Michael Szymanski has filed an application for bulk variances to replace a widen the driveway and construct an addition to the existing garage at the existing single family residence on the premises known as Block 178, Lot 3.02, otherwise known as 32 James Street in South River, New Jersey.

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

3. The proposed driveway will create additional off-street parking which is needed in this neighborhood.

4. The garage addition is for additional residential storage only.

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, Michael Szymanski, for bulk variances from Section 350-8(E)(8) & (9) and 350-8(G)(3) to permit enlargement of the driveway and construction of a garage addition 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 existing ridge line of the garage is not to be raised; the garage shall be used for residential storage only.

4. All shrubs within the sight triangle shall be removed or shall be trimmed to a maximum height of 32 inches

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.

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				
Mr. Joseph Hranowski				

ZB 2009-19

The foregoing Resolution was:

Moved by: Mr. Ciulla

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				
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 APRIL 27, 2010.

M. ANITA HERMSTEDT, SECRETARY

2010-4 Brothers Service Station 57 Reid St., Block 90, Lot 29 allow to reopen as a gas station, the full reading of the Resolution was waived on a motion by Mr. Bodak with a second by Mr. Scala all present approved. The Resolution was moved on a motion by Mr. Bodak with a second by Mr. Andre, all present approved.

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT

ZB 2010-4
BROTHERS SERVICE STATION**

WHEREAS, David Smith of Brothers Service Station, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for an Appeal of the Zoning Officer's decision regarding property located at 57 Reid Street, otherwise known as Block 90, Lot 29, South River, New Jersey; and

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

WHEREAS, public hearings were held by the Zoning Board culminating on March 30, 2010, and

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

1. Applicant David Smith has filed an application appealing the decision of the Zoning Officer for property known as Block 90, Lot 29, otherwise known as 57 Reid Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant applied to the Zoning Officer for permission to re-open Brothers Service Station, which had been closed for several years. Previously, the gas station had operated as a pre-existing non-conforming use
4. The Zoning Officer declined to grant approval on the ground that the pre-existing non-conforming use had been abandoned; Mr. Smith subsequently filed an appeal of that decision to the Zoning Board.
5. The closure of the gas station was due to a business dispute between Mr. Smith and his brother concerning ownership of the business; during the closure, the gas station remained intact and ready to re-open.

6. There was no intent to abandon the non-conforming use. Mr. Smith testified that his intent was always to re-open the gas station as soon as the business dispute was resolved.

7. By maintaining the gas station, the Applicant has provided evidence that he intended to continue the non-conforming use and not abandon it.

8. During the testimony, there was some confusion concerning the previous hours of operation; the Zoning Board finds that the permissible hours of operation are 6 am – 9 pm, Monday through Saturday, and 8 am – 7 pm on Sunday.

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

1. The non-conforming use has not been abandoned and continues to exist.
2. The appeal of the Zoning Officer's decision is granted.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Appeal of Applicant, David Smith of Brothers Service Station be and hereby is granted, the decision of the Zoning Officer is reversed, and the pre-existing non-conforming use continues to exist, 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. Hours of operation shall be limited to 6 am – 9 pm, Monday through Saturday and 8 am – 7 pm on Sunday.

4. Applicant shall install signage advising that no diesel re-fueling is permitted in idling vehicles.

5. Applicant shall advise any subsequent lessee or purchaser of all Borough conditions and/or ordinance restrictions as well as Zoning Board conditions

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 2010-4

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

ZB 2010-4

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Andre

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			

the second and third floor, with it ending on grass. The steps on the inside of the home should be made a little wider. He noticed the drainage problem stating that they should run a pipe to the storm sewer on Prospect St.

Mr. DeMonico agreed with everything that Mr. Ciulla said saying that he seen no evidence of people living in the cellar or the third floor.

Mr. Scala did not get a chance to visit the property but did make an on site inspection, and also agrees with everything that Mr. Ciulla talked about.

Mr. Andre stated that the rooms were quite small, and that the property is a lot higher and does need some kind of drainage.

Mr. O'Grady basically had the same findings, and that he hit his head a few times going up the stairs to the second floor and that the views that the Board found must be addressed.

Mr. DeMonico opened the meeting to the public.

Ms. Nancy Majewski who lives on Chestnut Street and is the one neighbor who has the most trouble with the run off from the driveway of the Applicant, stating that the Applicant has no drainage. And the water runs right off. Ms. Majewski handed pictures to the Board regarding the rain off that she receives from the property. She stated that she has witnessed a number of people living there, that they move in and out constantly. The home is legally a two family. The public portion was closed on a motion by Mr. Scala with a second by Mr. Ciulla all present approved.

Mr. Bodak asked the planner exactly how much of the property is covered. Mr. Bletcher told the Board that 53% of the property.

Mr. Andre would like to see some of the property returned to pervious coverage and the drainage issue to be addressed. When he was visiting the site he also would like to see grass where the fire escape will end. Looking at the back yard what is in stripes on the map will be where the extension is, make this piece of asphalt back to grass. Look at the lot line to the front and make four or five parking spots back there. The Applicant agreed to put grass back in. Make any and all storm drains go out to Prospect St., the Applicant agreed. Parking on Lot 1 grass where the fire escape is with a walkway. Their application was moved to May 25, with no further notice with revised plans to be given to the Board. Mr. Bodak also requested calculations for drainage this was moved on a motion by Mr. Ciulla with a second by Mr. Bodak all present approved.

2010-2 GMT Electronics, Inc., 171 Main St., Block 103, Lot 15.1 & 5.3 pave parking lot rear yard setback & impervious coverage, Mr. George Phial, 1438 Valley Road, Sterling, NJ spoke on behalf of the Applicant. He stated that he gave new information to the Board and that drainage pipes were put in. Mr. Ciulla looked at the property, and that the back property was packed. There is some kind of drainage pipe in the back left corner. The parking lot is used by the Doctors. Mr. Andre was there years ago. He said there are French drains which go right out to the Street. Half was asphalt and the other half was gravel, they paved the gravel part to contain most of the runoff. They put a curb where the neighbors were and that they are very happy. The roof drains go out to Main St.

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

Mr. DeMonico called for a five minute recess which was approved by the Board.

APPEAL:

2010-9 Edson Ferreira, 18 Pulawski Ave., Block 164, Lot 13.1 denial for installing pavers, Mr. Ferreira was sworn in by the Boards Attorney, The Applicant spoke on why he put pavers on his

property, which was hopefully to stop the water from coming into his window wells. What he did was to push the water down the driveway. Mr. Lauritsen spoke on this Application saying that he had come to the office and applied for a zoning permit to put up a wall hoping to alleviate the water problem, which it did not. When he was doing the wall he found these pipes coming from the adjoining property. Now he needs a variance for rear and side yard setback, between the backyard setback is only 31' with the side yard 5'. The pitch is around the house and down the driveway. Mr. DeMonico opened this Application to the public hearing none it was closed on a motion by Mr. Ciulla with a second by Mr. Bodak all present approved. The application was moved on a motion by Mr. Andre with a second by Mr. Scala, all present approved.

2009-5 Gaby's Pizza Buffet, 11-15 Main St. & 1 Reid St., Proposed pizzeria and restaurant with seating for 126 persons on the first floor of an existing two story structure with parking for twenty-six cars. Mr. Lawrence Sach spoke on behalf of the Applicant saying that he had a couple of witnesses here tonight, and he explained what they would like to do. He presented to the Board an artist rendering of what the building would look like and it was marked as exhibit A1. Mr. Mikhall of 9 Bennington Court East Brunswick, NJ is the owner of the proposed business. Mr. Sach spoke on what the business consisted of which is a pizza buffet, pasta, salads and soup, there will be twelve (12) to fifteen (15) different sized and typed of pizza, there is 3699 square feet of area, and the space has been vacant for four (4) years. It will consist of 126 seats with approximately four (4) employees, question will they be allowed to park on site the answer was no. The hours of operation to be ten to ten Sunday through Thursday, with Friday and Saturday 10 to 12, there will be sinks, ovens and a pizza conveyor belt, question how many deliveries will there be, deliveries will be once a week with a box truck. Refuse will be put out once a week. Question is your tenants allowed to park there? They sign a rental agreement and they are not allowed to park there, most of them do not drive. The Applicant has approached Laffin's to purchase the property he needs but they do not want to sell it, he also spoke about the rooming house stating that there are 24 rooms most being one room and that there are a few two bedrooms. Mr. Bodak question whether or not they would be serving alcohol or will the customer be able to bring their own, the Applicant answered no. The Applicant also told the Board that he will be restoring the sign on the building and the lot will only be used for parking for the restaurant patrons only. Mr. Kee of 51 Gerard Ave., Matawan the engineer, planner spoke on behalf of the Applicant stating that the parking lot facility is 99% impervious coverage, and that what is not black top is stone. The proposed improvements, as of right now there is not any drainage problem and they are not going to change the parking. They are hoping to do a green area behind the building with a picnic area, with the entrance to the restaurant being off of Reid St. French drains are to be constructed with a refrigerator freezer off the proposed parking space. They are thinking about having an outdoor eating area in the area of Reid St., Mr. Bodak said that would be too dangerous, that curve sometimes is ran over by truckers going too fast and they go up on the sidewalk. Reading the Bignell report who is asking for 54 parking spaces we are asking for a waiver of this because of the situation in that area and there is parking on Main St., and public parking available. We are in a flood plain and we are going to mill out and investigate the drainage out to Reid St. Mr. Ciulla questioned whether with new construction will this building have to become fully sprinkled? They will be getting NJDEP permits, regarding the coverage. Mr. Andre questioned what kind of fence will they be using, and will the police department be able to go there if there is a problem? He is concerned it will become a hang out for the tenants. The building will be non smoking, as all buildings are and that you cannot stop a person from going outside to have a cigarette. Mr. James Higgins, 14 Hilton Dr., Ocean, NJ the Applicants Planner spoke about what tasks he took regarding the reports he received, he looked at the Master Plan and spoke about two issues. Lot five is vacant and is a proposed parking lot and since this lot is between our lot we need a D Variance, and is actually suited to be a parking lot. The area has limited utility and they are trying to create a vital use. Technical variance fifty parking spaces, in a downtown you have public parking; with the parking demand will be less. The benefits that will be derived the cost of the building will be half a million dollars, and will benefit the downtown area.

Mr. DeMonico opened the meeting to the public:

Mrs. Treziak of 9 Reid St., spoke about the reasons she is for and also against this building.

Why she is against the building are the people who live there, whenever she goes out in her back

yard they are there on the property drinking and cursing and she would not like the children whom the Applicant hopes to come there to hear this. Also when they come out side they do not care about other people's property, they have tried to break her fence and get into her yard. She likes the look of the building and thinks that is a nice addition to the corner. Hearing no one else the open portion of this Application was closed on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

The brief comments from the Applicant are that it is a step toward redevelopment and the quality of use will spread. All the requests postponed to the June 29th meeting on a motion by Mr. Andre and a second by Mr. Ciulla, all present approved. Send a copy of the application to the Fire Prevention and Chief Bouthillette and request they come to the next meeting. Make sure the monies that are owed are paid.

The meeting was open to the public by Mr. DeMonico hearing none it was closed on a motion by Mr. Ciulla with a second by Mr. Andre all present approved.

There were no bills to be paid..

The meeting was adjourned on a motion by Mr. Ciulla with a second by Mr. Andre at 10:55 PM, all present approved.

Respectfully submitted,

M. Anita Hermstedt
Secretary