

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 August 31, 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 July 27, 2010 were moved on a motion by Mr. Andre with a second by Mr. Miller, all present approved.

COMPLETENESS:

2010-12 Pacheco, Manuel, 32 Levinson Ave., Block 301, Lot 11.1, enclose front parch & garage enlargement, variances side and rear yard setback was deemed incomplete, the Planner did not receive the information that he requested from the Applicant, the Application was moved for completeness at the September 28, 2010 meeting on a motion by Mr. Ciulla with a second by Mr. Clancy, all present approved.

2010-15 Nervegna, 32 Southside Ave., Block 253, Lot 9.3 driveway and patio, coverage exceeds 50%, was moved for completeness for a public hearing to be held on September 28, 2010 at 7:35 or soon thereafter as called on a motion by Mr. Ciulla and a second by Mr. Clancy, all present approved.

2010-26, Lopes, Dora & Rui, 52 Mageira St., Block 258, Lot 8.1, variance3 25' for rear yard setback for a paver patio was deemed complete for a public hearing to be held on September 28, 2010 at 7:40, or soon thereafter as called on a motion by Mr. Ciulla and a second by Mr. Bodak all present approved.

2010-27, Blandino, Pat, 25 Fairview Ave., Block 185, Lot 7, replace driveway & patio with new and enlarge driveway was deemed complete for a public hearing to be held on September 28, 2010, at 7:45 or soon thereafter as called on a motion by Mr. Bodak and a second by Mr. Scala, all present approved.

2010-14, Zarga, Joseph & Marques, Sergio, 181 Whitehead Ave., Block 306, Lot 7, to allow single family dwelling to remain a two family was deemed complete for a public hearing to be held on September 28, 2010, commencing at 7:50 or soon thereafter as called on a motion by Mr. Ciulla and a second by Mr. Scala, all present approved.

RESOLUTIONS:

2010-16 Bush, Renae, bulk variance enlargement of driveway in side yard setback, enlarge curb cut and relocate patio at the existing single family residence 21 Terry Ave., Block 363.1, Lot 7.

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

**ZB 2010-16
RENAE BUSH**

WHEREAS, Renae Bush, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance from Sections 350-8(E)(1)(a) to permit the enlargement of the driveway in the side yard setback, enlarge the curb cut and re-locate the existing patio at the existing single family residence on the premises known as Block 363.01, Lot 7, otherwise known as 21 Terry 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 July 27, 2010, and

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

1. Applicants Renae Bush has filed an application for a bulk variance to permit the enlargement of the driveway, enlarge the curb cut, and relocate the existing patio in the side yard setback at the existing single family residence on the premises known as Block 363.01, Lot 7, otherwise known as 21 Terry 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 a variance for location within the side yard setback.

4. The Applicant agreed to direct patio and driveway stormwater runoff toward the street to ensure that no increased drainage occurs toward the neighbor's property.

5. Additional off-street parking is desired because Terry Avenue is a busy roadway.

6. 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 Renae Bush for a bulk variance from Section 350-8(E)(1)(a) to allow the enlargement of the driveway in the side yard setback, the enlargement of the curb cut and the relocation of the 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. All stormwater runoff from the patio and driveway shall be directed to Terry Avenue.

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 2010-16

The foregoing Resolution was:

Moved by: Mr. Andre

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			
Mr. Joseph Hranowski	X			

ZB 2010-16

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Andre

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak				
Mr. Tony Ciulla				
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	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 AUGUST 31, 2010.

M. ANITA HERMSTEDT, SECRETARY

2010-17 Drudy, Michael & Jessica bulk variance construction of a first & second story addition in front yard setback, 40 East St., Block 256, Lot 3.

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT

ZB 2010-17
MICHAEL & JESSICA DRUDY**

WHEREAS, Michael & Jessica Drudy, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for a bulk variance from Sections 350-8(A)(1) to permit the construction of a first and second story addition in the front yard setback at the existing single family residence on the premises known as Block 256, Lot 3, otherwise known as 40 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 July 27, 2010, and

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

1. Applicants Michael & Jessica Drudy have filed an application for a bulk variance to permit the construction of a first and second story addition in the front yard setback at the existing single family residence on the premises known as Block 256, Lot 3, otherwise known as 40 East Street in South River, New Jersey.

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

3. The proposed construction involves enclosing an existing sun room and adding a second floor addition over the current sun room; although the addition will be within the existing footprint of the house, the Applicant needs a variance for front setback due to the existing nonconformity.

4. The Applicant agreed to direct stormwater runoff from the gutters toward the street to ensure that no increased drainage occurs toward the neighbors property.

5. The Applicants indicated that the entire home will be re-sided during the construction with vinyl siding.

6. 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 Applicants Michael & Jessica Drudy Bush for a bulk variance from Section 350-8(A)(1) to allow the construction of a first and second story addition in the front 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.

3. All stormwater runoff from the gutters shall be directed to East Street.
4. Applicant shall re-side the house with matching vinyl siding

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 2010-17

The foregoing Resolution was:

Moved by: Mr. Andre

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			
Mr. Joseph Hranowski	X			

ZB 2010-17

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Andre

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak				
Mr. Tony Ciulla				

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	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 AUGUST 31, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-13 Molnar, Istvan, to permit the construction of a two car garage at 74 Hillside Ave., Block 171, Lot 7.

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

**ZB 2009-13
 ISTVAN MOLNAR**

WHEREAS, Istvan Molnar, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance to permit the construction of a two car garage on the premises known as Block 171, Lot 7, otherwise known as 74 Hillside Avenue, South River, New Jersey; and

WHEREAS, public hearings were held on a number of dates culminating on July 27, 2010, and

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

1. Applicant Istvan Molnar originally filed an application for a bulk variance to permit the construction of a three car garage at the existing single family residence on the premises known as Block 171, Lot 7, otherwise known as 74 Hillside Avenue in South River, New Jersey.

2. Several hearings were held on this matter at which Zoning Board members expressed concerns about the size and location of the proposed garage.

3. The Applicant returned to the July 27, meeting with revised plans,

reducing the proposed dimensions of the garage to 32' x 22', and reducing the garage from a three bay garage to a two bay garage.

4. The Zoning Board is satisfied with the revised plans regarding the size of the proposed garage; however, the Board continues to have concerns about the proposed grading and topography of the site in the area of the proposed garage.

5. Specifically, the Board has concerns that the proposed location may negatively affect the neighboring property with regard to drainage; consequently, the Zoning Board will condition this approval and require the Applicant to supply to the Zoning Board engineer topography and grading plans.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Istvan Molnar for a bulk variance to allow construction of a 32' x 22' two car garage be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

BE IT FURTHER RESOLVED that approval of the aforementioned variance is conditioned upon the following:

1. The Applicant shall obtain all permits, inspections and approvals required by South River; furthermore, the Applicant shall pay all fees, escrows and other charges due to the Borough of South River for professional review in connection with this application. No building permits or certificate of occupancy shall be issued until such fees have been paid.

2. The garage shall be for residential use only and there shall be no parking of construction vehicles or storage of construction material in the garage.

3. Applicant shall supply topography and drainage plans to CME Associates for review; CME Associates shall determine from the drainage and topography plans whether any additional steps must be taken to ensure that the neighboring property is protected from any adverse impact from this garage.

4. Applicant shall comply with any recommendations of CME Associates based upon their review of the drainage and topography plans; if the Applicant disagrees with any of the CME recommendations, then he must return to the Zoning Board, on public notice, for a hearing on the CME recommendations.

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 2009-13

The foregoing Resolution was:

Moved by: Mr. Miller

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	X			

ZB 2009-13

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Andre

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			

Mr. Robert Bodak				
Mr. Tony Ciulla				
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	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 AUGUST 31, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-5 Gaby's Pizza Buffer, 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.

**MEMORIALIZING RESOLUTION
 FOR
 SOUTH RIVER ZONING BOARD OF ADJUSTMENT
 ZB 2009-5
 GABY'S PIZZA BUFFET**

WHEREAS, Mikhail Magdi, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use and bulk variances, and preliminary and final site plan approval to permit use of the existing building as follows: 1) the first floor will be used as a pizza restaurant; and 2) the second and third floors will continue to be used as a boarding house at the existing building on the premises known as Block 150, Lots 2.01 & 5, otherwise known as 11-15 Main Street and 1 Reid Street, 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 June 29, 2010, and

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

1. Applicants Mikhail Magdi has filed an application for use and bulk

variances, and preliminary and final site plan approval, to permit use of the existing building as a pizza restaurant on the first floor and the continued use of the second and third floors as a boarding house on the premises known as Block 150, Lots 2.01 & 5, otherwise known as 11-15 Main Street and 1 Reid Street in South River, New Jersey.

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

3. The subject property contains two (2) separate non-adjacent lots; Lot 5 is an existing stone parking lot and is proposed to be paved and continue as a parking lot. Since a parking lot as a principal use is not permitted in this zone, a Use Variance is required. In addition, the Applicant is requesting a variance for impervious coverage, where 80% is permitted and 86.5% is proposed.

3. The second lot, Lot 2.01, contains an existing three story building. Currently, the second and third floors are used as a boarding house and the first floor is vacant. The existing boarding house is not a permitted use in the zone. Since an intensification of the use is proposed at this site, a use variance is required. This lot has six existing bulk violations: Lot depth (90 feet required, 70.5 feet existing); Front setback (25 feet required, 3.9 feet existing); Side setback (5 feet required, 4.2 feet existing); Rear setback (20 feet required, 0.7 feet existing); Building Height (2 ½ story permitted, 3 story existing); Maximum building coverage (40%, 52% existing). The Applicants also request a variance for maximum impervious coverage, where 100% exists and the Applicant proposes 81.7% and 80% is permitted.

4. The Applicant proposes to locate a pizza restaurant on the first floor; such a proposed use is permitted in this zone. The proposed hours of operation are 10 a.m. to 10 p.m., Sunday through Thursday and 10 a.m. to 12 midnight on Friday and Saturday.

5. The two lots are separated by a 10 foot wide strip of Lot 4.03; Lot 4.03 is not owned by the Applicant. The Applicant was not successful in purchasing this strip from the owner of Lot 4.03.

6. In the original Application, the Applicant had proposed parking in the front of Lot 2.01; based upon traffic safety concerns raised by members of the Zoning Board, the Applicant has agreed to remove that parking area and replace it with a landscaped area.

7. In addition, the Applicant had proposed a "Picnic area" at the rear of the building; at the request of the Zoning Board, the Applicant has agreed to remove it and replace it with a "Green Space."

8. 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 use and bulk variances, and preliminary and final site plan approval, 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 use and bulk variances substantially outweigh any detriment resulting from the granting of these variances.

2. The use and 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 Mikhail Magdi for use and bulk variances, and for preliminary and final site plan approval to permit a pizza restaurant, parking lot and the continued use of the second and third floors as a boarding house 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 provide a protective buffer to the exit door to be reviewed and approved by the Zoning Board engineer.
4. For the parking lot, right turn in and right turn out only shall be permitted, subject to approval by Middlesex County.
5. The front and side of the building shall maintain the brick façade; the rear façade shall be a stucco finish.
6. The front parking area shall be eliminated and replaced with a landscaped area to be reviewed and approved by the Zoning Board engineer.
6. The Applicant shall comply with the Bignell Planning Report dated April 22, 2010, paragraphs "E", "I" and "J" & "L" through and inclusive of "Y" under the Section entitled "Plan Review Comments."
7. The Applicant shall comply with the CME report dated March 8, 2010 with the following clarifications:
 - a. For Lot 5, soil samples only are required and the current design of the infiltration swale along the east side of the parking lot is adequate.
 - b. NJDEP permits are to be obtained only if required.
 - c. The location and size of the existing sanitary sewer and domestic water service can be provided at the time a building permit is submitted.
 - d. Architectural plans showing the location, size and delineation of the proposed grease trap will be submitted along with the building permit.
 - e. 1.5" of FABC topcoat is required.

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 2009-5

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 2009-5

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Andre

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak				
Mr. Tony Ciulla				
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	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 JUNE 29, 2010.

M. ANITA HERMSTEDT, SECRETARY

APPEAL:

2010-24 Azer, Amal for 52 Main St., Block 157, Lot 1, expansion of use to include jewelry sales and repair was denied on a motion by Mr. Andre with a second by Mr. Bodak, after hearing testimony by the Applicant and Mr. Lauritsen, the Board agreed totally with the Code Enforcements decision.

PUBLIC HEARING:

2010-25 Supak, Teri, 14 Fairview Ave., Block 179, Lot 5 relief of 50\$ lot coverage to install a 15 Round above ground pool. Mr. Supak was sworn in by the Board's Attorney and told the Board he did not feel that he needed a Property List and instead did his own 200' list and went around to his neighbors and did his own. The Attorney told him that he could not do this and needed to go down to the Borough's Office and receives a list from the Borough and he needs to send out to anyone who is not on his list. Mr. Miller spoke out about the consistency of the Board and this is one thing that needs to be done with every application. This application was moved to the September 28, 2010 meeting on a motion by Mr. Miller with a second by Mr. Bodak all present agreed.

Mr. Bodak had an emergency call and had to leave, he left at 8:15 PM.

2010-13, Tavares, Jose, 12 Woodlawn Ave., Block 45, Lot 5, relief from setback to leave the following items in these locations, storage shed, driveway, rear patio and sunroom. Mr. Tavares was sworn in by the Board Attorney, and stated that he wants to make everything up to code that was started by the previous owner, he bought the home as is, and the previous owner got no permits to do the work that was started. Mr. Miller stated that the Board was satisfied that everything was done by the previous owner. There will be no change in the foot print of the house and that he is adding straight up. He also stated that they never finished the roof. Mr. Ciulla questioned on how the drainage on the house is done and the Applicant stated that there is a pipe in the ground and they go out to the Street. The meeting was opened to the public hearing none it was closed on a motion by Mr. Scala second by Mr. Ciulla, all present approved. The Application was approved on a motion by Mr. Ciulla with a second by Mr. Andre all present approved.

2010-21 Andre, Horacio, 29 Gordon St., Block 160, Lot 15, variance to put in a patio, 25' rear yard setback, 5' side yard setback and 50% coverage. Mr. Andre excused himself from the dais. The Applicant was sworn in by the Board Attorney and explained what he wants to do. He wants to put in a 13 to 14 foot paver patio. Mr. Ciulla said that the property was approved by the Planning Board and that it was build with a 5 foot yard setback. He was asked if there was a fence on the property, and answered yes there was and also there were tomatoes. 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. Mr. Scala moved for approval of the Application with a second by Mr. Ciulla. Mr. Andre returned to the dais.

2010-19, Guzman, Marcelly, 43 Belmont Ave., Block 42, Lot 10, repave & enlarge driveway 5' side yard setback requires variance. The Applicant was sworn in by the Board's Attorney, and explained what he wanted to do he has an existing driveway half black top and half gravel. The driveway leads into the garage. 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. The application was approved on a motion by Mr. Ciulla with a second by Mr. Andre all present approved.

2010-22, Riggins, Alejandrina, 49 Washington St., Block 161, Lot 23, convert accessory structure to home office adding plumbing, the Applicant was sworn in by the Board's Attorney and asked exactly what she wanted to do. She said that the auxiliary building was an illegal one family and when she bought the house it was vacant and she would like to utilize this as a home office. Mr. Andre questioned what kind of work she does, she explained that she works for IBM and is a youth advisor. The house she lives in is a legal two family with phone and electricity going to the auxiliary building. The structure is 14 x 15 with the floors being concrete, walls have 2 x 4 on them. The Application was opened to the public hearing none it was closed on a motion by Mr. Scala with a second by Mr. Clancy. The Board has requested a deed restriction, which will be recorded with the resolution. The application was moved for approval on a motion from Mr. Andre with a second by Mr. O'Grady. Roll Call: Yes: Mr. Andre, Mr. DeMonico, Mr. Miller, Mr. O'Grady and Mr. Scala. No: Mr. Ciulla and Mr. Clancy, so moved.

BILLS:

The bill from the Home News Tribune was moved on a motion by Mr. Ciulla with a second by Mr. Miller all present approved.

OPEN TO THE PUBLIC:

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

COMMENTS:

Mr. Miller informed the Board that he was still learning.

ADJOURNMENT:

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

Respectfully submitted,

M. Anita Hermstedt
Secretary