

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 May 31, 2011, commencing at 7:30 PM in the Criminal Justice Building 61 Main St., South River, NJ.

Present were: Mr. Bodak, Mr. Ciulla, Mr. Clancy, Mr. DeMonico, Mr. Hranowski, Mr. O'Grady and Mr. Scala.

Absent were Mr. Andre and Mr. Miller.

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

The Minutes from April 26, 2011, were moved on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

CORRESPONDENCE:

The correspondence from CME on Metro PCS New York, LLC was received and filed on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

COMPLETENESS:

2011-7 Simoes, Ernesto & Maria, 66-68 Willet Ave., Block 260, Lot 12 and addition was made to rear of home, permission to allow addition to stay and to increase driveway was approved for a public hearing on June 28, 2011 on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2011-11 Costa, Nancy, 48 New St., Block 349.2 Lot 1, to enlarge single driveway to two car and apron was approved for a public hearing on June 28, 2011, on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

2011-13, Sulva, John, 10 Albourne St., Block 131, Lot 7, remove and replace driveway and fill in grass portion over 50% lot coverage and deemed incomplete on a motion by Mr. Ciulla with a second by Mr. Bodak because of the report by the Planning Consultant all present approved.

2011-14, McGinagle, Kevin & Jacinta, 36 Ferris St., Block 115, Lot 6, install brick paver patio within the 25' rear yard setback, was approved for a public hearing to be held on June 28, 2011 on a motion by Mr. Bodak with a second Mr. O'Grady, all present approved.

RESOLUTION(S):

2011-2 Marcal, Sandra, 41A Jackson St., Block 158, Lot 24, to open a pet grooming salon. 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 by Mr. Bodak with a second by Mr. Scala, all present approved.

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

**ZB 2011-2  
SANDRA MARCAL**

**WHEREAS**, Sandra Marcal, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a Use variance and a Waiver of Site Plan to permit a pet grooming salon in the existing building located at Block 158, Lot 24, otherwise known as 41A Jackson 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 April 26, 2011, and

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

1. Applicants Sandra Marcal has filed an application for a Use variance and a Waiver of Site Plan to permit a pet grooming salon within the existing building on the premises known as Block 158, Lot 24, otherwise known as 41A Jackson Street in South River, New Jersey.

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

3. The proposed pet grooming salon needs a Use Variance because this property is located in the R-2 Residential Zone; however, this building has long been occupied by commercial and/or retail uses similar in nature to a pet grooming salon.

4. The Applicant proposes a pet grooming salon that operates in the following manner:

- a: No overnight boarding of animals;
- b: Drop-off/Pick-up service with no customers waiting while pets are groomed;
- c: No flea/tick dips on premises;
- d: Hours of 9 am to 5 pm, Tuesday through Saturday;
- e: Applicant is the sole employee
- f: 6-8 pets per day.

5. There are no proposed changes to the exterior of the building; consequently, the Zoning Board can grant the request that the Site Plan be waived.

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 use 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 Sandra Marcal for a use variance to permit a pet grooming salon 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 the Zoning Board grants the Applicant's request to waive the Site Plan requirement for the reasons mentioned 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 from the Borough of South River and any other governmental entity.

**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 2011-2**

**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. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

**ZB 2011-2**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**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. Jeremiah O'Grady	X			

Mr. John Scala	X			
<b>ALTERNATES</b>				
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 APRIL 26, 2011.

**M. ANITA HERMSTEDT, SECRETARY**

PUBLIC HEARING(S):

2011-6 Domingues, Jose, 21 Macko Court, Block 395, Lot 12, apply paver walkway around garden. Mr. Kinneally swore in the Applicant and asked exactly what he was going to do. Mr. Domingues said that he built a walkway around the garden and that it was 5 or 6' for the rear property line and that is why he was here. Mr. Bodak said that he visited the property today and that there was no problem from drain off and the property is pitched toward his yard and that he has a small sidewalk around the garden and that 35% of his property is lawn. Mr. Lauritsen said that all Applicant needed was a simple bulk variance for this application. 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. Clancy stated that if he decides to fill in the rest of his yard that he is aware that he must come back to the Board. The Application was approved on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2011-8 Harigopal, Umeshram, 4 Veterans Drive, block 80, Lot 1.6 paver patio in backyard, 25' rear yard setback. Mr. Harigopal was sworn in by Mr. Kinneally and told the Board that he put in a paver patio and was told by Old Bridge that he did not need a permit and then when he went to sell the home the new owner could not get a CO because of the patio. Mr. Bodak asked if the applicant put the paver in himself and said yes he did. The property is huge sideways but not towards the back, and that the property borders on the pumping station. The Application was open to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved. Mr. Bodak approved this application with a second by Mr. Clancy all present approved.

2011-5 Iammatteo, Debra, 49 Virginia St., Block 109, Lot 9, over 50% lot coverage concrete or paver patio and driveway was moved to June 28, 2011 on the basis of the Planner and the Engineer not receiving information until tonight, it was moved on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

2011-4 Marques, Manuel, 29 Virginia St., Block 107, Lot 1, to build a garage larger than permitted. Mr. Robert Chankalian of 146 Southview Drive, Brick, NJ, son of the Applicant was sworn in to give testimony regarding this Application. He said their home is on the northwest corner of Virginia St and that he wanted to build a 15 x 25 garage and increase the driveway to 13 x 20 and the reason why they want it a little bit larger so as to store their snow blower and lawn equipment in. They are going to put Water and Electric to the garage. Mr. Ciulla inquired about the height of the garage, which is 15' which the Ordinance allows. Mr. Bodak saw construction vehicles in the driveway, and was told that his father works for a contractor and that is his work vehicle. The siding on the garage will be vinyl, and the facade that faces Dailey St. will be brick. All draining will be pitched and drain towards the Street. The shed that is in the drawing will be removed. This Application was open to the public hearing none it was closed on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved. Mr. Ciulla moved to approve the Application with a second by Mr. Bodak, all present approved.

2011-3, 36 Water St., LLC 36 Water St., Block 322, Lot 12, convert existing rooming house and vacant butcher store into three residential apartments, each with two bedrooms. Mr. Clarkin

spoke for the Applicant, and informed the Board that the Applicant proposes to eliminate a rooming house & butcher shop and convert it to three apartments, with two bedrooms, which requires lot size as three acres. This structure was built in two sections and a masonry wall 14' thick with no interconnection between the two sections. This building has been assessed as three separate units. There are three (3) kitchens all on the second floor. They are requesting a parking waiver, with two cars in the garage, two cars on the driveway and two on the Street or to pave part of the yard. Mr. Clarkin has two witnesses that he would like to speak to the Board, Mr. Thomas Bogdan to support the variance and Mr. Andre, the owner of the property. Mr. Ciulla made a motion to include as part of the minutes the reports from Bignell dated 2-10-2011 and 4-18-2011 and CME 2-14-2011 & 3-28-2011 with a second by Mr. Bodak, all present agreed. Mr. Andre of 41 Hollander St., was the first witness, stating that he bought the property in June of 2010, but has been familiar with the property for 35 years. The building was used as a rooming house. He took photographs of the property, with the first picture being marked as A1. The second one A2 shows three (3) meter on the structure. A3 shows three doorbells with the people living there. A5 shows the building in the area (multi family. A6 shows an apartment complex with eight to ten apartments, which is right across from Elizabeth St. Mr. Clarkin said that he had a letter from Mr. Frangello stating that the building has been assessed as three family since 1974, which was read into the testimony. Mr. Clarkin also said that the basement will not be used, except for the existing utilities and that the facilities will be capped. The butcher shop will be made into a living room and the rest will be a second living area. The Second floor on the right will have two bedrooms; with the third will balance off the second floor. The plans on the first page show Water Street to the left with Elizabeth Street to the top, free standing garage and pave the spot next to the garage. The exterior improvements will be all new windows with stucco. Mr. Andre showed the Board pictures of some of the homes that he has remodeled, one on George and Steven, one on Joseph Street and Whitehead Ave which is a new office and warehouse. Mr. Ciulla looked at the drawing and stated that the attic shows a bedroom, you need to have a window big enough in case of fire or a fire escape, he requested that the plans be reviewed by the fire and construction official. Multi family is inspected by the Community Affairs. There is a concrete wall that separates the structure. Mr. Bodak questioned how far from the corner are you allowed to park, and was told 50' from the stop sign. Mr. Lauritsen stated that it is 2 ½ stories and a use variance is required, and that all codes have to be adhered to. Mr. Clancy requested that Mr. Bletcher go over his report, Mr. Clarkin asked if that could be done after Mr. Bogdan spoke on behalf of the Applicant. Mr. Bogdan, 431 Gambos Court, South Brunswick spoke about the Application He reviewed the Zoning Ordinance and this is permitted as a conditional use. The area is a mixed use, with industrial and one, two, three and four family dwellings, plus there is Russell Arms Apartments. He believes that a three residential is best for the property and the area. Parking would be a hardship under C1. Mr. Clancy had thought about it as two apartments and you would end up with more then two bedrooms. Mr. Ciulla asked about the dens, can you take out the wall and make it an open space so that it is just open and made to look like a loft, eliminate the Den, so as not to make it into a bedroom. The meeting was open to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved. The Application was approved on a motion by Mr. Ciulla with a second by Mr. Bodak that they do the parking side by side, roll call to follow.  
Yes: Mr. Bodak, Mr. Ciulla, Mr. DeMonico, Mr. Hranowski, Mr. O'Grady and Mr. Scala.  
No: Mr. Clancy.

2009-3 Omnipoint Communications, Inc., T Mobile, change of use variance and site plan approval to construct a monopole to hold cellular antennas, 4 Hillside Ave., Block 275 Lot 4. Mr. James Pryor is the representative for Omnipoint, and the Board is to consider the Site Plan. Bignell's report on the Plan review, omnipoint is fine with everything, except the engineers report on sound or noise study, that issue was discussed and addressed, the noise would be like having an air conditioner or refrigerator in your home. The decision by Judge Hurley referred to page four of the specs. All the items the Board asked for are what they will do. Who will be responsible for the flag and the flowers, landscaping. T Mobile will be responsible for the flag and it will be lit at night. If new technology comes down the pipe no matter who owns the pole they will be responsible for taking it down and refurbish the land. This Application was open to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla.

Mr. Bodak moved the Application for approval with a second by Mr. Clancy all present approved.

2011-10 T Mobile Northeast LLC proposing to extend the existing tree pole on the Causeway and to add antennas to the pole. Mr. Pryor again was the representative, and he stated that they would need to extend the pole 10' which was on the bid documents, which the Borough put out. The extension was asked because it would match the tree line. Mr. Sullivan the site engineer from Point Pleasant NJ spoke about the plans. They are going to add four cabinets two air conditioning units, and they also supplied photos so the Board could see the ten foot extension. Mr. Shidfar of 4 Sylvan Way, Parsippany spoke on why they needed to put the antennas on the pole and how the service will improve for those who have T-Mobile. The Application was open to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla all present approved. Mr. Clancy moved for approval of the Application with a second by Mr. Bodak, all present approved.

BILLS:

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

OPEN TO THE PUBLIC:

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

COMMENTS:

Mr. Ciulla asked if possible could we keep the amount of Applications to four for public hearings, Mr. Bodak said that it was up to the Board to decide who would be heard and who could be held over, that it should not be left to the Secretary.

The meeting was adjourned on a motion by Mr. Clancy with a second by Mr. O'Grady all present approved.

Respectfully submitted,

M. Anita Hermstedt  
Secretary