

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 24, 2012, commencing at 7:30 PM in the Criminal Justice Building 61 Main St., South River, NJ.

Present were, Mr. Bodak, Mr. Ciulla, Mr. Clifton, Mr. Clancy, Mr. O'Grady and Mr. Scala.

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

Absent were: Mr. Andre and Mr. DeMonico

The Minutes from March 27, 2012 were approved on a motion by Mr. Bodak with a second by Mr. Clifton, all present approved.

There was no correspondence.

COMPLETENESS:

2012-9 Bryn, Jennifer, 34 Garden St., Block 219.1, Lot 4 to add porch to front of house within 25' front yard setback was mover for a public hearing on May 22, 2012 at 7:35 or soon thereafter when called on a motion by Mr. Bodak and a second by Mr. Scala, all present approved.

RESOLUTION:

2011-3 Rei, Joao, C., 10 Mercer St., Block 251, Lot 23, enlarge driveway and apron was moved for Approval on a motion by Mr. Bodak and a second by Mr. Clifton all present approved.

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

**ZB 2012-3
JOAO REI**

WHEREAS, Joao Rei, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for Bulk variances from South River Ordinances to replace and enlarge a driveway and apron in front of the house on the premises known as Block 251, Lot 23, otherwise known as 10 Mercer 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 27, 2012, and

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

1. Applicant Joao Rei has filed an application for Bulk variances to permit the replacement and enlargement of a driveway and apron on the premises known as Block 251, Lot 23, otherwise known as 10 Mercer Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant completed these improvements without permits and now comes to the Zoning Board for approval.
4. The Applicant wanted additional off-street parking.
5. No members of the public appeared to oppose this application.

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 goal's of the Borough's Master Plan and the purpose of the Land Development Ordinances for the Borough and the benefits derived from granting the bulk variances 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 surrounding neighborhood in granting this relief.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Joao Rei for Bulk variances to replace and enlarge a driveway and apron be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

BE IT FURTHER RESOLVED that this approval is specifically conditioned upon the following:

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

the 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.

Applicant shall obtain all required inspections, permits and approvals.

Applicant shall ensure that no drainage from the driveway travels to the adjoining neighbors property; rather drainage shall be directed to the street.

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 2012-3

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. Trony Clifton	X			

ZB 2012-3

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clifton

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. Trony Clifton	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 24, 2012.

M. ANITA HERMSTEDT, SECRETARY

2012-7 Andre, Eddie, 29 Terry Ave., Block 363.10, Lot 3, variance for side yard addition to home was pulled on a motion by Mr. Bodak with a second by Mr. Scala all present approved.

2012-6 Karris, Janet, 3 Colfax St., Block 129, Lot 6, bulk variance for side yard setback and lot coverage for a deck extending to the end of the side of the home, was moved for approval on a motion by Mr. Bodak with a second by Mr. Clifton, all present approved.

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

**ZB 2012-6
 JANET KARRIS**

WHEREAS, Janet Karris, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for Bulk variances from South River Ordinances to retain a previously built deck on the premises known as Block 129, Lot 6, otherwise known as 3 Colfax 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 27, 2012,
and

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

1. Applicant Janet Karris has filed an application for Bulk variances to retain a previously built deck on the premises known as Block 129, Lot 6, otherwise known as 3 Colfax Street in South River, New Jersey.

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

3. The Applicant requires variances for side setback (5 feet required, 4 feet exist) and lot coverage (50% is permitted , 55% exist).

4. The deck was completed approximately 20 years ago; the Applicant is selling the home and must obtain a zoning approval in order to transfer title.

5. No members of the public appeared to oppose this application.

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 goal's of the Borough's Master Plan and the purpose of the Land Development Ordinances for the Borough and the benefits derived from granting the bulk variances 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 surrounding neighborhood in granting this relief.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Janet Karris for a lot coverage variance and a side setback variance to retain the previously constructed deck be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

BE IT FURTHER RESOLVED that this approval is specifically 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 the 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 2012-6

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. Trony Clifton	X			

ZB 2012-6

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Trony

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. Trony Clifton	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 24, 2012.

M. ANITA HERMSTEDT, SECRETARY

2011-24, Soares, Rosa, 5 Marks Place to rebuild garage after collapse, Block 158, Lot 28 was moved dismissal without prejudice on a motion by Mr. Bodak and a second by Mr. Clifton, all present approved.

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

**ZB 2011-24
 ROSA SOARES**

WHEREAS, Rosa Soares, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances to rebuild a garage on the premises known as Block 158, Lot 28, otherwise known as 5 Marks Place, South River, New Jersey; and

WHEREAS, at the original completeness hearing, several deficiencies in the application were identified, the Application was deemed incomplete and the Applicant was asked to supply additional information to complete the application; and

WHEREAS, several meetings have passed and the Applicant has failed to supply the requested information; and

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

1. Applicant Rosa Soares failed to supply sufficient information to complete their application before the South River Zoning Board. The Zoning Board advised the Applicant of the necessary information but has received no response

2. Several months have passed since the Applicant was notified that additional information was necessary, but the Zoning Board has received no information from the Applicant.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Rosa Soares for variances to rebuild a garage be and hereby is denied for lack of prosecution in accordance with the findings of fact and conclusions of law rendered above.

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 2011-24

The foregoing Resolution was:

Moved by:

Seconded by:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				
Mr. Robert Bodak				
Mr. Tony Ciulla				
Mr. Michael Clancy				
Mr. Frank DeMonico				
Mr. Jeremiah O'Grady				
Mr. John Scala				
ALTERNATES				
Mr. Trony Clifton				

ZB 2011-24

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clifton

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				
ALTERNATES	X			
Mr. Trony Clifton	S			

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 24, 2012.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING:

2012-5 Matos, Joao, & Elena, for 5 Park Ave., remove existing two family home and rebuild, Block 123, Lot 17. Mr. Matos spoke on behalf of her application and the Attorney informed her that she was still under oath, she stated that her and her husband agree to make all the changes from the April 13th meeting, which Mr. Lee has already received and notified the Board that the telephone pole had already been removed, and that he has no issues regarding this Application. All the items that they agreed upon should be made part of the Resolution, and to be put on the pans. Structure to be limited to a two family under single ownership. The Application was opened to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Scala, all present approved. Mr. Bodak made a motion of approval with all the stipulations mentioned in the report from CME and Bignell Planning with a second by Mr. Scala, all present approved.

2012-8 Reinhard, Kurt, 54 Mercer St., Block 251.11, Lot 34, hot tub and concrete pad in 5' side yard setback, Hr. Reinhard stated that he had a small pad that he was replacing that with an 11 x 11 and when he came down to get the permit he was told that he was not in compliance with the code, he thought about removing the pad and then thought about putting a hot tub on top. Mr. Lauritsen stated with the new code there will be no trouble having the hot tub. The Application was opened to the pubic hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Scala, all present approved. Mr. Bletcher informed the Board that they will be approving one bulk variance. The Application was moved for approval on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

2011-20, Novak, Elizabeth, 10 Wilcox Ave., Block 121, Lot 6 enlarge driveway and install a rear yard patio and place pavers in the public right of way. Ms. Novak spoke on behalf of her Application, and was reminded by the Attorney that she was still under oath. Mr. Lee

informed the Board on what changes have been made to the plans, but that there is still a lot of impervious coverage. Mr. Lee would still like to see the water runoff calculations Ms. Ann Marie Carlton spoke on behalf of this application she is a licensed engineer with offices at 131 Hill St. Highland Park NJ. She questioned whether Mr. Lee had gotten a copy of the calculation, he stated that he had been given a draft copy and the amount of runoff existing she will need to have a dry well. Mr. Ciulla asked the Applicant if the board votes can you get the calculation to Mr. Lee and the applicant informed the Board the she would. Mr. Bodak stated that behind the garage was a big concern of his and question what she was going to do to retain the soil behind the garage, and she stated that she would be putting in soil retaining trees and another catch basin. She would also be putting in soil retaining shrubbery.

Because the testimony was taking awhile to complete the Board requested a ten minute recess, which was called by Mr. Ciulla.

The Board came back into session on a call by Mr. Ciulla, and Ms. Carlton continued with her testimony. Her and Mr. Lee and Mr. Bletcher came up with impervious coverage of 80% Mr. Bletcher informed the Board if they approved the Application this is what they were approving, a rear yard setback of three feet side yard set back of two feet and impervious coverage of 80%. Although there is a lot of impervious coverage the drywells should be detrimental to the drainage. The Application was opened to the public having none it was closed on a motion by Mr. Scala with a second by Mr. Bodak. Mr. Ciulla asked the pleasure of the Board. Mr. Bodak moved the Application for approval making sure that CME received all the calculation of runoff, and type of pipe for the dry well, reviewed the pitch of the piping, drain put in the lower section that all escrows are paid with a second by Mr. Clifton, all present approved.

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

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

The next meeting is May 22, 2012.

The meeting was adjourned on a motion by Mr. Bodak with a second by Mr. Clifton all present approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary