

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 May 22, 2012, 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. Clifton, Mr. Clancy, Mr. DeMonico, Mr. O'Grady and Mr. Scala.

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

There was no correspondence.

COMPLETENESS:

2012-10 Teco, Ricordo, 1 Snapper Ave., Block 115, Lot 3 retaining wall, steps and paver patio application for soil addition and grade alteration was deemed incomplete on the suggestion of the Planner and a motion by Mr. Ciulla with a second by Mr. Ciulla, all present approved.

2012-11 Praski, Tahaddeus, 27 Terry Ave., Block 363.10, Lot 4, enlargement of driveway, was deemed complete for a public hearing to be held on June 26, 2012 commencing at 7:35 or soon thereafter as called. on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

2012-12, Hefner, Donald & Dorothy, 31 Terry Ave., Block 363.10, Lot 2 enlargement of driveway was deemed complete for a public hearing to be held on June 26, 2012, commencing at 7:40 or soon thereafter as called on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2012-13 Jorge, Maximiano, 103 Lark Drive, Block 367, Lot 1.10, patio within the 10' rear yard setback and enlargement of driveway was deemed complete for a public hearing to be held on June 26, 2012 commencing at 7:45 or soon thereafter as called on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

2012-14, Andre, Eddie 29 Terry Ave., Block 363.10. Lot 3, enlargement of driveway, was deemed complete for a public hearing to be held on June 26, 2012, on a motion by Mr. Ciulla, with a second by Mr. Bodak, all present approved.

RESOLUTIONS:

2012-7 Andre, Eddie 29 Terry Ave., Block 363.10, Lot3, variance for side yard addition to home, was moved by Mr. Bodak, with a second by Mr. Scala. Roll call to follow.

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

**ZB 2012-7
EDDY ANDRE**

WHEREAS, Eddy Andre, 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 build an addition on the premises known as Block 363, Lot 3, otherwise known as 29 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 March 27, 2012, and

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

1. Applicant Eddy Andre has filed an application for Bulk variances to construct an addition to the existing dwelling on the premises known as Block 363, Lot 3, otherwise known as 29 Terry Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant requires a side setback variance for the garage and a front setback variance for the front porch.
4. The Applicant agreed to install underground drainage for the driveway run-off that will be directed to the street.
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 Eddy Andre for a front setback variance and a side

setback variance to construct an addition 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.
3. Applicant shall install underground drainage directing driveway run-off 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 2012-7

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Ciulla

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				X
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			

Mr. Jeremiah O’Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Trony Clifton	X			

ZB 2012-7

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

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

2012-5 Matos, Joao, & Elena, for 5 Park Ave., remove existing two family home and rebuild, Block 123, Lot 17. Roll call to follow.

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

**ZB 2012-5
 JOAO & ELENA MATOS**

WHEREAS, Joao & Elena Matos, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for a Use and Bulk variances from South River Ordinances to demolish an existing two family dwelling and construct

a new two family dwelling on the premises known as Block 123, Lot 17, otherwise known as 5 Park Avenue, South River, New Jersey; and

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

WHEREAS, a public hearing was held by the Zoning Board culminating on April 24, 2012, and

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

1. Applicant Joao & Elena Matos have filed an application for a Use and Bulk variances to demolish an existing two family dwelling and construct a new two family dwelling on the premises known as Block 123 Lot 17, otherwise known as 5 Park Avenue in South River, New Jersey.

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

3. The Applicant's existing home is very old and in poor condition; renovating the building is not viable for the Applicants.

4. The Applicant's offered the testimony of Joseph Hyland, Architect and Professional Planner to establish the positive criteria necessary for a Use Variance.

5. This property has existed as a two family dwelling for many years; permitting the Applicant's to build a new two family home will not adversely affect the neighborhood in any way.

6. Although this Application seeks variances for front and rear setback, and for impervious coverage, many of these variances are caused by this undersized corner lot; the undersized corner lot creates a hardship that merits variance relief.

7. 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:

The granting of the requested use and 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 use and bulk variances substantially outweigh any detriment resulting from the granting of these variances.

The 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 Applicants Joao & Elena Matos for a Use and Bulk variances to demolish a two family dwelling and rebuild a two family dwelling 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.

3. No kitchens or bedrooms are to be located in the basements.

4. The two units will remain in common ownership and may not be sold individually.

5 Applicant shall comply with the reports rendered by CME and Bignell Planning in connection with this Application.

6. The basement windows shall be egress type windows.

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 2012-5

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

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

ZB 2012-5

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				X
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			
Mr. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. 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 MAY 22, 2012.

M. ANITA HERMSTEDT, SECRETARY

2012-8 Reinhard, Kurt, 54 Mercer St., Block 251.11, Lot 34, hot tub and concrete pad in 5' side yard setback. Roll Call to follow.

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

**ZB 2012-8
KURT REINHARD**

WHEREAS, Kurt Reinhard, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a Bulk variance from South River Ordinances to install a concrete pad and hot tub within the side setback on the premises known as Block 251.11, Lot 34, otherwise known as 54 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 April 24, 2012, and

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

1. Applicant Kurt Reinhard has filed an application for a Bulk variance to construct a concrete pad and hot tub on the premises known as Block 251.11, Lot 34, otherwise known as 54 Mercer Street in South River, New Jersey.

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

3. The Applicant requires a side setback variance where 5 feet are required and 1.2 feet are proposed.

4. The proposed location, while within the side setback, is the best location for the hot tub.

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 variance for side setback 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 side setback 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 Kurt Reinhard for a side setback variance to construct a concrete pad and hot tub 1.2 feet from the side property line 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 2012-8

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

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

ZB 2012-8

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				X
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			
Mr. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. 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 MAY 22, 2012.

M. ANITA HERMSTEDT, SECRETARY

2011-20 Novak, Elizabeth, 10 Wilcox Ave., Block 121, Lot 6, enlarge driveway install a rear yard patio and place pavers in the public right of way. Roll Call to follow.

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

**ZB 2011-20
ELIZABETH NOVAK**

WHEREAS, Elizabeth Novak, 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 enlarge a driveway and install a rear yard patio on the premises known as Block 121, Lot 6, otherwise known as 10 Wilcox Avenue, 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 April 24, 2012, and

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

1. Applicant Elizabeth Novak has filed an application for Bulk variances to enlarge a driveway and install a rear patio on the premises known as Block 121 Lot 6, otherwise known as 10 Wilcox Avenue in South River, New Jersey.

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

3. During the first public hearing, several neighbors and members of the Zoning Board expressed concerns about stormwater run-off from the Applicant's property onto adjacent lower-lying properties.

4. In response to these concerns, the Applicant retained the services of an engineer and a landscaper; these professionals have taken steps to reduce the run-off

from the Applicant's property to adjacent properties.

5. The Applicant's engineer, Ann Marie Carleton, P.E. testified that the soils and drainage would not adversely impact the neighboring properties; in addition, Ms. Carleton agreed to provide signed and sealed plans detailing her opinion for the review of the Zoning Board engineer, Daniel Lee, P.E.

6. This bulk variance relief requested by the Applicant is for rear setback (3' proposed, 25' required); side setback (2' proposed, 5' required) and for impervious coverage (50% permitted, 80% proposed).

7. The Applicant also seeks permission for pavers to remain in the Right of Way between the curb and sidewalk; the Applicant understands that she needs written permission from the Borough of South River for that relief.

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 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 Elizabeth Novak for Bulk variances to enlarge a driveway and install a rear yard patio 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.

3. Applicant shall submit Plans and calculations, signed and sealed by a Licensed Professional Engineer regarding impervious coverage calculations, drainage calculations and the grading plan for the drainage system to CME for their review and approval.

4. The plans shall be revised to include a drain in the lower area and cleanouts; these items shall be designed and installed based upon the review and approval of the Zoning Board engineer.

5 Applicant shall obtain written permission from the Borough of South River allowing pavers in the Right of Way between the curb and sidewalk; if the Applicant does not receive written approval from the Borough, the pavers must be removed.

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 2011-20

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

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

Mr. Michael Clancy	X			
Mr. Frank DeMonico				X
Mr. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Trony Clifton	X			

ZB 2011-20

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				X
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			
Mr. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. 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 MAY 22, 2012.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING(S):

2012-9 Bryn, Jennifer, 32 Garden St., Block 219.1, Lot 4 add porch to front of house within 25' front yard setback/ Ms. Bryn spoke on behalf of her Application stating that she would like to add a front porch in line with the roof of 22' instead of 25'. The porch is non existing. Mr. Bodak stated that he took a ride and a little porch in there and that it is way to small and that by making it bigger it will also make it much safer to walk out of the house. The add on is within compliance it is a simple application with a three foot setback. Mr. Matthew Eggers of 34 Garden St., also spoke on the Application stating that it will be an open porch with a post and rail, there will be a stone-faced walkway going to be curved and go toward the driveway. The Application was open to the public, hearing none it was closed on a motion by Mr. Scala with a second by Mr. Bodak, all present approved. The Front yard setback is remaining and the footprint will not change. Mr. Bodak made a motion to approve this Application with a second by Mr. Ciulla, all present approved.

BILLS:

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

OPEN TO TH PUBLIC:

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.

COMMENTS:

Mr. Bletcher gave to the Board a copy of the Ordinances regarding the Zoning Board that was passed by the Council and will be put on the agenda for the June meeting.

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

Respectfully Submitted,

M. Anita Hermstedt