

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 July 31, 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. Clancy, Mr. Clifton, Mr. DeMonico, Mr. O'Grady and Mr. Scala.

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

The Minutes from June 26, 2012 were approved on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

There was no correspondence.

COMPLETENESS:

2012-18, Manukian, Oleg, 36 Mitchell Ave., East Brunswick, NJ for 136 Old Bridge Turnpike, South River for change of use from single family to use the downstairs for commercial purposes and the upstairs as an apartment was deemed incomplete, they need to apply for a Site Plan, this was moved on a motion by Mr. Andre with a second by Mr. Scala, all present agreed.

2012-20 Demarest, Arthur, 28 Kathryn St., Block 296, Lot 2.4 bulk variance for lot width and lot area was deemed complete on a motion by Mr. Ciulla with a second by Mr. Bodak all present agreed.

2012-22 Lamoreaux, Jeffrey, 14 Sunset St., Block 219.1, Lot 7 expansion of driveway was deemed complete on a motion by Mr. Bodak with a second by Mr. Scala all present agreed.

2012-21 Dias, Norman, 16 Alexander Court, Block 61 Lot 2.5 for 518 Old Bridge Turnpike was deemed incomplete on a motion by Mr. Ciulla with a second by Mr. Bodak, all present agreed.

RESOLUTION(S):

2012-11 Praski, Thaddeus, 28 Terry Ave., Block 363.10, Lot 4 enlargement of driveway The full reading of the resolution was waived on a motion by Mr. Andre with a second by Mr. Bodak, all present agreed. Roll Call to Follow.

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

**ZB 2012-11  
THADDEUS PRASKI**

**WHEREAS**, Thaddeus Praski, 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 allow a 9' wide driveway expansion to remain in front of the house

on the premises known as Block 363.10, Lot 4, otherwise known as 27 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 June 26, 2012, and

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

1. Applicant Thaddeus Praski has filed an application for Bulk variances to permit a 9' wide driveway enlargement, with a 4.5' side yard setback, to remain on the premises known as Block 363.10, Lot 4, otherwise known as 27 Terry Avenue 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. Zoning Board approval is necessary because of two (2) existing bulk variance violations for lot area (10,000 s.f. required; 8,000 s.f. existing) and lot width (100' required; 80' existing).

6. 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 Thaddeus Praski for Bulk variances to allow a 9' wide driveway enlargement, with a 4.5' side yard setback to remain 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. The driveway enlargement is approved as built and no further inspections are 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 2012-11**

**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			
<b>ALTERNATES</b>				
Mr. Trony Clifton				X

**ZB 2012-11**

The foregoing Resolution was:

Moved by: Mr. Scala

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			
<b>ALTERNATES</b>				
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 JULY 31, 2012.

**M. ANITA HERMSTEDT, SECRETARY**

2012-12, Hefner, Donald, 31 Terry Ave., Block 363.10, Lot 2, enlargement of driveway. Full reading of the Resolution was waived on a motion by Mr. Andre, with a second by Mr. Bodak.

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

**ZB 2012-12  
DONALD HEFNER**

**WHEREAS**, Donald Hefner, 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 allow a driveway expansion to remain in front of the house on the premises known as Block 363.10, Lot 2, otherwise known as 31 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 June 26, 2012, and

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

1. Applicant Donald Hefner has filed an application for Bulk variances to permit a driveway enlargement, with a 7' side yard setback, to remain on the premises known as Block 363.10, Lot 2, otherwise known as 31 Terry Avenue 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. Zoning Board approval is necessary because of two (2) existing bulk variance violations for lot area (10,000 s.f. required; 8,000 s.f. existing) and lot width (100' required; 80' existing).

6. 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 Donald Hefner for Bulk variances to allow a driveway enlargement, with a 7' side yard setback to remain 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. The driveway enlargement is approved as built and no further inspections are 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 2012-12**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**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. Trony Clifton				X

**ZB 2012-12**

**The foregoing Resolution was:**

**Moved by: Mr. Scala**

**Seconded by: Mr. Bodak**

<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. 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 JULY 31, 2012.

**M. ANITA HERMSTEDT, SECRETARY**

PUBLIC HEARING(S)

2012-14 Andre, Edward, 29 Terry Ave., Block 363.10, Lot 3, enlargement of driveway, Mr. Mario Andre stepped down from the dais, being as Mr. Edward Andre is his cousin. Mr. Andre spoke on behalf of his Application. He informed the Board that he had already enlarged his driveway without receiving the correct permits. Mr. Bodak visited the site and informed the Board that everything was done correctly with the pitch going to the road. The Application was opened to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Scala. The Application was passed on a motion by Mr. Bodak with a second by Mr. Scala, all present approved, except by Mr. Andre who abstained.

Mr. Andre returned to the dais.

2012-15 Oasis Taxi, LLC, proposed use is a taxi dispatch office to be located at 26 Main St., Block 157, Lot 9. Mr. George Pressler attorney for the Applicant Oasis Taxi, spoke, stating that Mr. Perez of 22 Hillsdale Road East Brunswick was the owner of the business. Mr. Pressler presented six photographs which were marked as A1 with today's date, that were taken on July 27 showing the easement between the two building and the back of the building. He stated that they will be using the building as a dispatch office which is not permitted in the zone, stating that they did a site plan. Mr. Perez stated that he signed a lease with the owner of the building for one year and that there will be five employees and that the building will be open twenty four, seven. Mr. Pressler stated that the employees live in South River, and more then likely will walk to work. Mr. Pressler stated that there would be no pickup or drop off in front of the building. Mr. Perez stated that he operates taxi business in Spotswood and Old Bridge and that he owns a mechanic shop which operates in Old Bridge on Route 516, with the towing company operating out of there also. Mr. Scala wanted proof that they have permission to park in the Parking Lot. Mr. Andre asked if the permits were approved and the Applicant stated that he has the permits with him if they wanted to see them. Mr. Perez also stated that after midnight the door would be locked. Mr. Ciulla stated that he sees a lot more then two taxi's in South River. Ron the Code Enforcer spoke about this stating that they have two permits to park, stating that we have twenty-five licenses that can be approved, stating that no cabs are allowed to be parked on any municipal Street. Mr. Bodak stated that there is a side driveway entering and exiting will they be using this driveway and the owner informed Mr. Bodak that they will not. Mr. Clancy asked if there would be any changes to the façade of the building and was informed that there would not be. Mr. Pressler has just received pictures on how they will display the Oasis sign and was distributed to the Board and marked as A2. Mr. DeMonico opened this application to the Public, hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved. Mr. Andre is worried about the loitering that might occur while the persons are waiting for a cab. They will wait inside the building, which has chairs there for the passengers. Mr. Ciulla made a motion that Bignell Planning and CME's report be made a part of the minutes. Mr. Ciulla asked about the waiting area how it will be used, and was told that persons waiting for a ride will go by the rear exit to the parking lot and leave from there.

Mr. Lipinski, the planner for the applicant who's business is located at 554 Compton Ave., Perth Amboy, NJ spoke on behalf of the applicant. He stated that the space is 440 sq. ft. and that it is located in your central business area., it has a second floor which is used for storage. The Applicant is asking for a D1 use variance, they will have a simple sign,. Mr. Ciulla requested from Mr. Z, that where the emergency door is if he can cut back on the beams. Can we please keep that clear so as the persons who come out the back door do not have to step over anything. Mr. Z, told the Board that would not be a problem. Mr. DeMonico again opened the Application 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 moved for approval on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

2012-16 Lopez, Manuel, 16 Clark St., Block 174, Lot 10, bulk variance for impervious coverage, pool, patio and driveway. Mr. Bodak stated that the impervious coverage is 70% and asked whether or not the driveway is done and was told yes and that he had the pool in. Mr. Lopez said that he would like to put pavers down and that there is grass by the front door and he also need to put up a retaining wall. He stated that the fence is 6' around the pool. He has a gate to stop

people from coming in uninvited, he stated behind the pool to the left will be planters and that there is a shed behind the pool. Mr. Bodak questioned how close the house next door is and was told 25 to 30' beyond the pool. The applicant was asked whether the shed poses a problem with it being near the pool and was told that the shed is 5' from the pool and that it is not a problem. Ron has had a couple of inspections at this house and informed the Board that it is a two family and the Board questioned whether it was a legal two family and was told yes. Mr. Clancy asked the applicant if he had the size of the patio yet that he wanted to put in and was told that he did not and also informed Mr. Clancy that the pool was 25-30' from the home. Mr. DeMonico opened this application to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved. Mr. Andre spoke to Mr. Lee, the engineer stating that if he is going to scale the patio should be 25x15 with a reasonable path to the pool and Mr. Lee stated that he had no problem with those calculations, Mr. Andre asked the applicant if he was satisfied with that calculation and was told yes. Mr. Lopez was also questioned about the curb cut, if he was going to enlarge that, and was told yes he would. Being that more information was brought forward Mr. DeMonico again opened this application 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 moved on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

On a motion by Mr. Ciulla and a second by Mr. Bodak there was a five minute recess before the last application, all present approved? Mr. DeMonico called the meeting to order after the recess.

2012-17 Ria Mar, 25 Whitehead Ave., Block 299, Lots 6,7,8 and 16, enlargement of parking area, site plan, expansion of restaurant and banquet facilities, construct enclosed entry and create outdoor dining area.

Mr. Clarkin the Attorney for the applicant spoke stating that after many years of trying he has finally purchased the property behind the restaurant and that there are 54 and 42 parking on site along both. The Applicant would like to have a new banquet entrance with a lobby, and outdoor eating area along Whitehead with a living green wall. What the Applicant is requesting is a use variance for the parking lot in a residential area, front yard setback on Augusta Street, where they will have 0 feet for the banquet area. Mr. Clarkin stated that he will have three witnesses this evening. The first witness is the owner Mr. Rui Baptista, 25 First St., South River, NJ stating that he has lived there for 18 years. He stated that he has run the Ria Mar for twenty five years and that the property has been there for fifty years and that he would like to have a lobby for the banquet hall and to make the banquet Hall handicap accessible. He also stated that the banquet bar is kind of small and proposes an off set bar but tied to the existing space. The outdoor eating area will hold twenty four patrons, building a 40 to 50' living wall which will be an urban setting bringing some green space which will also be sound absorption. He also said that the glass that will go up will be shatter proof and that the lighting will be ambient and come from the bottom of the living wall and glass. The valet parking that he is talking about will be parking for the staff, where they can stack the cars. He will also make a donation to the tree fund in lieu of planting trees. Mr. Andre stated that the Shade Tree Commission chair person is in attendance and would probably speak on the trees.

The Architect & engineer spoke on behalf of the applicant stating that this was his first time speaking in front of a Board. He was asked whether or not he prepared the drawing and was told yes he did. He stated that the building fronted on Whitehead, Augusta and Armstrong with a parking lot behind. They are adding additional parking from 54 to 96. The green wall will be constructed by vegetation barrier between the home next door, lighting being proposed will be ambient light coming from the barrier, and that they will reuse the lights that are on site. Fencing around the parking lot will be 100% solid vinyl, and that he looked at the site and there is no where to put trees, the roots would wreck havoc. He stated that regarding CME report they would comply with all that is required and that they will redirect the water. They will be putting curbing in front of all the parking spaces so as not to be able to go through the fence. The employee parking is for the employees only. They also talked about leaving the existing parking lot alone and just adding the new, but the Board engineer said they would have to talk about that. Mr. Bodak questioned the lift that will be used for the banquet facilities will it just be for

the facilities and was told yes. He stated that right now the bar is not handicap accessible, and will they be able to use the lift to get to the bar?

Mr. Thomas Bogdan the Planner spoke on the Application stating that they require a use variance to enlarge the parking area, saying that it is suitable for this use and is adjacent to the lot right now putting in 42 parking spaces. This property is a split lot zoning area, zoned for business and residential. The front yard set back from Augusta Street is beneficial, creating an entrance that is handicap accessible. The building will match lot coverage because to make more parking for the neighborhood. Mr. Bodak said that the usage for the existing lot 16 is a residential lot which was being used for residential, 8 was a nonconforming, and that we are adding 42 parking spaces.

Mr. DeMonico opened the meeting to the public.

Mr. & Mrs. Waslika Kostrevski of 73 Armstrong Ave., spoke and were not for the expansion stating that the noise from the building bother them and that their grandchildren have a hard time falling asleep.

Mr. Robert Biggins, 43 Armstrong Ave., was not in favor of the new parking areas stating that when the cars will be leaving the light from the cars will shine right into his home.

Josuha Torres 38 Armstrong is not in favor he stated with the new parking lots that it takes two parking spaces away from the Street.

John Frost, chairperson of the Shade Tree spoke about the tree situation stating that if they make a donation to the Shade Tree he had not problem with the plans.

Mr. Bodak thanked Rui and the Ria Mar for agreeing that when the hours of operation are complete that the gate will be closed as to not allow any one who parks there to use that exit, plus the heating issue and made a motion to approve this application with a second from Mr. Andre, all present approved.

The Bills from the Home News Tribune were ordered paid on a motion by Mr. Andre with a second by Mr. Bodak all present approved.

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

There were no comments the next meeting is August 28, 2012.

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

Respectfully submitted,

M. Anita Hermstedt,  
Secretary