

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 28, 2012, 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. Clifton, Mr. DeMonico and Mr. O'Grady.

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

Absent were Mr. Andre and Mr. Scala.

The Minutes from July 31, 2012 were approved on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

Correspondence was received and filed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

2012-22 1 Beryl St., Block 129, Lot 9.1 was deemed complete for a public hearing to be held on September 25, 2012 commencing at 7:35 or soon thereafter as called on a motion by Mr. Ciulla with a second by Mr. Clifton, all present approved.

2012-19, Manukianm, Oleg, 36 Mitchell Ave., East Brunswick, NJ for 136 Old Bridge Turnpike, South River, for change of use from a single family to use the downstairs for commercial purposes and the upstairs as two apartments, the attorney for the client was present and he informed the Board that he was bifurcating the Application and would have a parking plan to Mrs. Hermstedt before the 15th of the month, was deemed complete for a public hearing to be held at the September 25, 2012 meeting at 7:40 or soon thereafter as called on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

RESOLUTION(S):

2012-13 Maximiano Jorge, 103 Lark Ave., Block 367, Lot 10, enlargement of driveway and patio, was deemed complete by Mr. Ciulla with a second by Mr. Bodak, all present approved.

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

**ZB 2012-13
MAXIMIANO JORGE**

WHEREAS, Maximiano Jorge, 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 install a paver patio within 5.5' of the rear property line and to allow a driveway expansion to remain in front of the house on the premises known as Block 367, Lot 1.10, otherwise known as 103 Lark Avenue, South River, New Jersey; and

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

WHEREAS, 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 Maximiano Jorge has filed an application for Bulk variances to permit a paver patio within 5.5' of the rear property line and to allow a driveway enlargement to remain on the premises known as Block 367, Lot 1.10, otherwise known as 103 Lark Avenue in South River, New Jersey.

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

3. The Applicant already has a 20' wide paved driveway in front of the house; the applicant proposes to add a 25' x 15' driveway next to the existing driveway, separated by a median of 3.5'.

4. The Zoning Board raised concerns about the size of the proposed driveways and noted that the Application exceeded the Borough limit of 35' for driveway width.

5. The Zoning Board will approve a driveway expansion of 29'9" deep x 12' wide to accommodate additional off street parking.

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 Maximiano Jorge for Bulk variances to allow a paver patio 5.5' from the rear property line and to allow a driveway enlargement of 29'9" deep x 12' wide 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 shall be paved with concrete.

4. There shall be a border around the perimeter of the driveway as required by Ordinance.

5. A 3' depression is permitted across the proposed median between the two driveways to permit pedestrian access from the driveway to the dwelling entrance.

6. There shall be one complete curb cut for the two driveways.

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 2012-13

The foregoing Resolution was:

Moved by: Mr. Ciulla

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 | | | |
| ALTERNATES | | | | |
| Mr. Trony Clifton | | | | X |
| | | | | |

ZB 2012-13

The foregoing Resolution was:

Moved by: Mr. Ciulla

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 |
| 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 JULY 31, 2012.

M. ANITA HERMSTEDT, SECRETARY

2012-4 Andre, Edward, 29 Terry Ave., Block 363.10, Lot 3 enlargement of driveway was moved by Mr. Ciulla with a second by Mr. Bodak all present approved.

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

**ZB 2012-14
EDDY ANDRE**

WHEREAS, Eddy Andre, 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 for a 9' enlargement of his driveway 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 July 31, 2012, and

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

1. Applicant Eddy Andre has filed an application for Bulk variances to permit a 9' enlargement of the driveway 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 previously received approval from the Zoning Board for an addition to the home in Application 2012-7.
4. In connection with this Application, the Applicant proposes removal of a rear patio within the 5' side property setback.
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 9' enlargement of his driveway 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 remove that portion of the rear patio that is located within the 5' side yard setback.

4. All conditions of prior approvals remain in full force and effect.

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 2012-14

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 2012-14

The foregoing Resolution was:

Moved by: Mr. Ciulla

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 |
| 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 AUGUST 28, 2012.

M. ANITA HERMSTEDT, SECRETARY

2012-15 Oasis Taxi, LLC, propped use is a taxi dispatch office to be located at 26 Main St., Block 157, Lot 9, was moved by Mr. Ciulla, with a second by Mr. Bodak, all present approved.

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

**ZB 2012-15
OASIS TAXI**

WHEREAS, Oasis Taxi, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a Use variance and Minor Site Plan approval to occupy part of the building as a taxi dispatch office on the premises known as Block 157, Lot 9, otherwise known as 28 Main 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 31, 2012, and

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

1. Applicant Oasis Taxi has filed an application for a Use Variance and for Minor Site Plan approval to permit part of the building to be used as a taxi dispatch office on the premises known as Block 157, Lot 9, otherwise known as 28 Main Street in South River, New Jersey.

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

3. The Applicant's business would have 5 employees at the site on a daily basis, but no more than two (2) at any one time.

4. The Applicant does not propose parking of any taxis at this location; the taxis are parked in the municipal parking lot.

5. No maintenance or service of the taxis will take place at this location; the only activity at the site will be for the dispatch service.

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 Use variance and Minor Site Plan approval 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 Use variance and Site Plan 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.

3. Use of this premises for a taxi dispatch service is similar to other uses that are specifically permitted in the Zone.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Oasis Taxi for a Use Variance and Minor Site Plan approval 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 remove one section of the storage rack in the rear of the building to permit ingress/egress from the rear door.

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 2012-15

The foregoing Resolution was:

Moved by: Mr. Ciulla

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 2012-15

The foregoing Resolution was:

Moved by: Mr. Ciulla

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 |
| 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 AUGUST 28, 2012.

M. ANITA HERMSTEDT, SECRETARY

2012-16, Lopez, Manuel, 16 Clark St., Block 174, Lot 10, bulk variance for impervious coverage, pool, patio and driveway, was moved for approval by Mr. Ciulla with a second by Mr. Bodak, all present approved.

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

**ZB 2012-16
MANUAL LOPEZ**

WHEREAS, Manual Lopez, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for Bulk variances approval to permit a pool and driveway on the premises known as Block 174, Lot 10, otherwise known as 16 Clark 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 31, 2012, and

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

1. Applicant Manuel Lopez has filed an application for Bulk Variances to permit a pool and driveway on the premises known as Block 174, Lot 10, otherwise known as 16 Main Street in South River, New Jersey.

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

3. The Applicant's pool needs variances due to setback from the property lines; the proposed driveway needs variance relief to exceed the maximum width of 20 feet.

4. In addition, the Applicant appears to propose lot coverage of 70% where 50% is permitted.

5. The pie-shaped lot constitutes a hardship for the Applicant to comply with the pool setback requirements and the Zoning Board can grant variances to permit a setback of 5feet where 8 feet are required.

6. The lot coverage originally proposed by the Applicant is unacceptable; the

Zoning Board will grant lot coverage of 61% in connection with this application.

7. The driveway can be granted to permit off-street parking as long as the Applicant complies with the lot coverage limits imposed by the Zoning Board.

8. 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 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 Manuel Lopez for Variance approval as outlined above 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. Lot coverage of 61% is granted in connection with this application.

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 2012-16

The foregoing Resolution was:

Moved by: Mr. Ciulla

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 2012-16

The foregoing Resolution was:

Moved by: Mr. Ciulla

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 | XX | | | |
| Mr. Jeremiah O'Grady | | | | |

| | | | | |
|-------------------|---|--|--|---|
| 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 AUGUST 28, 2012.

M. ANITA HERMSTEDT, SECRETARY

2012-17, Ria Mar, 25 Whitehead Ave., Block 299, Lot 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, was approved on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

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

**ZB 2012-17
 RIA MAR, LLC**

WHEREAS, Ria Mar, LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a Use Variance, Bulk Variances and Preliminary and Final Site Plan Approval for enlargement of the existing restaurant, creation of an outdoor dining area, construction of an enclosed entry area and expansion of the parking area on the premises known as Block 299, Lots 6, 7, 8 & 16, otherwise known as 25 Whitehead 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 31, 2012, and

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

1. Applicant Ria Mar, LLC has filed an application for Use and Bulk Variances, and for Preliminary & Final Site Plan Approval to enlarge the existing restaurant, create an outdoor dining area, construct an enclosed entry area and enlarge the parking area on the premises known as Block 299, Lots 6, 7, 8, & 16, otherwise known as 25 Whitehead Avenue in South River, New Jersey. The property is located

partially in a B-1 Zone and partially in a R-75 Zone.

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

3. The Applicant previously received approval from the Zoning Board for an addition to the building.

4. The enlargement of the restaurant involves construction of a banquet entrance lobby with handicap accessibility, office, coat room, trash storage area, and a second floor banquet bar area. This proposed expansion will not increase the seating capacity of the existing banquet hall.

5. The creation of an outdoor seating area at the westernmost corner of the site will have a seating area of approximately 24 persons.

6. The dwellings on Lots 6 and 7 were recently demolished, and the existing parking lot will be enlarged and re-configured to provide parking of 96 total spaces (up from the existing 54 spaces).

7. The re-configured parking lot would extend into the R-75 Zone and provide two (2) ingress/egress driveways onto Armstrong Avenue and one driveway onto Augusta Street.

8. Several members of the public appeared to express their opinions on these proposed improvements.

9. In response to concerns raised by some of the Armstrong Avenue residents, the Applicant agreed to install a gate, closing one of the new ingress/egress driveways to Armstrong Avenue when the restaurant is closed.

10. The Applicant is unable to comply with some of the landscape requirements for this property; in lieu thereof, the Applicant proposes that it make a donation to the South River Shade Tree Commission in an amount determined by the ordinance to provide for trees elsewhere in the Borough.

Based upon the foregoing findings of fact, the Board has arrived at the following legal conclusions:

1. The Applicant, through the testimony of its Professional Planner, Thomas Bogdan, P.P., established that special reasons exist that support the granting of a "D" variance. This property, because it already contains a restaurant use, is particularly suited to the proposed improvements, which will make the site operate more efficiently.

2. The expanded and re-configured parking lot vastly improves the off-street parking; although the site will not comply with the off-street parking requirements, this proposal significantly increases the number of off-street parking spaces. In addition, the new parking areas are not as deep into the R-75 Zone as the existing parking lot.

3. The increase in off-street parking will not be a substantial detriment to the neighborhood; conversely, the increased off-street parking will benefit the neighborhood by opening up on-street parking spaces for use by residents.

4. The enlarged parking lot will not substantially impair the intent and purpose of the R-75 Zone. Since the restaurant use exists, as does the parking lot, the expansion of the parking lot will allow more of the restaurant patrons to park on-site rather than on the street. Furthermore, sound planning dictates that the less intensive part of the business use (the parking lot) be located in the residentially zoned portion of the property.

5. The front setback variance can also be granted based upon the C(2) analysis, as outlined by Mr. Bogdan. Specifically, granting the front setback variance permits the Applicant to install a handicapped accessible entrance, which is a benefit to the Borough.

6. The variances for lot coverage and the number of parking spaces can also be granted based upon the C(2) analysis. The increased capacity of the parking lot is beneficial to the neighborhood because it allow more of the Applicant's customers to park on-site, as opposed to on the street.

7. The Zoning Board credits the analysis of the Applicant's Planner, Mr. Bogdan, that each of the two prongs of the negative criteria, including the reconciliation requirement, is met for all of the variances requested.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Ria Mar, LLC for a Use Variance, Bulk Variance and Preliminary and Final Site Plan approval 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. As offered by the Applicant, the out-door seating area shall enforce a strict "lights out" policy at 11 pm; in addition, there shall be no music played in the outdoor seating area..

4. The Applicant shall consolidate all four lots into one lot.

5. The Applicant shall install signage notifying the customers that the new ingress/egress to Armstrong Avenue is only open during the restaurant's hours of operation; the new entrance will be gated when the restaurant is closed.

6. Applicant shall provide a tree replacement calculation; in lieu of replacing the trees on-site, a donation equivalent to the tree replacement required by ordinance shall be made to the South River Shade Tree Commission.

7. Applicant shall add shields to the parking lot lighting to ensure that the light does not spill over to adjacent residences.

8. Applicant shall comply with the CME Engineering report rendered in connection with this Application, Paragraphs 5-7 & 9-13.

9. Applicant shall provide a revised Parking Lot plan to CME for review prior to the commencement of any work.

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 2012-17

The foregoing Resolution was:

Moved by: Mr. Andre

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 | | | |
| ALTERNATES | | | | |
| Mr. Trony Clifton | X | | | |
| | | | | |

ZB 2012-17

The foregoing Resolution was:

Moved by: Mr. Ciulla

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 |
| 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 AUGUST 28, 2012.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING(S):

2012-20 Demarest, Arthur, 28 Kathryn St., Block 296, Lot 2.4, bulk variance for lot width and lot area. Mr. Jose Carrasco the Applicant spoke on behalf of his Application. He said that he had a porch in the back of his home and he would like to remove it and add a new one that will be larger, he lives in an existing non-conforming dwelling. He will be staying in the same footprint of his home. The driveway will stay the same. 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. Bodak moved this Application for approval with a second by Mr. Ciulla, all present approved.

2012-22 Lamoreaux, Jeffrey, 14 Sunset St., Block 219.1, Lot 7, expansion of driveway, Mr. Lamoreaux spoke on behalf of his Application stating that he would like to widen his driveway, stating that the neighbors are fine with him coming closer to their property, and that he will do the curbing along with the driveway. 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. Mr. Bodak moved to approved this Application with a second by Mr. Ciulla, all present approved.

BILL(S):

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

There were no comments.

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

Respectfully submitted,

M. Anita Hermstedt, Secretary to the Board.