

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 February 26, 2013, commencing at 7:30 PM in the Criminal Justice Building 61 Main St., South River, NJ.

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

Absent were

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

RE-ORGANIZATION:

Mr. Ciulla made a motion to nominate Mr. Frank DeMonico as Chairman of the Zoning Board, with a second by Mr. Bodak, all present approved.

Mr. Bodak made a motion to appoint Mr. Tony Ciulla as Vice-Chairman of the Board with a second by Mr. Scala, all present approved.

APPOINTMENTS:

Mr. Bodak made a motion to approve the Resolution appointing Mr. Kinneally, III as the Attorney for the Board, with a second by Mr. Ciulla, all present approved.

RES: 2013-1

JANUARY 29, 2013

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Zoning Board of Adjustment, of the Borough of South River do hereby appoint **JAMES KINNEALLY III**, as the Zoning Board of Adjustment attorney for the year 2013, and that said appointment shall be in compliance with the Professional Service Requirements of the Local Public Contracts Law of New Jersey and the execution of an Agreement as the same is required by Law.

DATED: JANUARY 29, 2013

/s/ _____

Frank DeMonico

Mr. Bodak made a motion to approve the Resolution appointing CME Associates, Mr. Koch as the Engineer for the Board with a second by Mr. Scala, all present approved.

RES: 2013-2

JANUARY 26, 2013

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Zoning Board of Adjustment; of the Borough of South River do hereby appoint the Firm of CME Associates as the Engineer for the year 2013, and that said appointment shall be in compliance with the Professional Service Requirements of the Local Public Contracts Law of New Jersey and the execution of an Agreement as the same is required by Law.

DATED: JANUARY 26, 2013

/S/ _____
Frank DeMonico
Chairman

Mr. Bodak made a motion to approve the Resolution appointing Bignell Planning Associates, Mr. Todd Bletcher as the Planner for the Board with a second by Mr. O'Grady all present approved.

RES: 2013-

JANUARY 26, 2013

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Zoning Board of Adjustment, of the Borough of South River do hereby appoint **Todd Bletcher, of BIGNELL CONSULTING GROUP**, as the Zoning Board of Adjustment Planner for the year 2013 and that said appointment shall be in compliance with the Professional Service Requirements of the Local Public Contracts Law of New Jersey and the execution of an Agreement as the same is required by Law.

DATED: JANUARY 26, 2013

/s/ _____

Frank DeMonico
Chairperson

Mr. Ciulla made a motion to approve the resolution to appoint M. Anita Hermstedt as the Secretary to the Board with a second by Mr. Scala, all present approved.

RES: 2013-

JANUARY 26, 2013

RESOLUTION

BE IT RESOLVED that M. Anita Hermstedt is hereby appointed to the position of Secretary (Clerk) to the South River Zoning Board of Adjustment for the year 2013

DATED: JANUARY 26, 2013

/s. _____

Frank DeMonico
Chairman

Mr. Bodak made a motion to approve the resolution approving the Home News Tribune as the official paper for the Board with a second by Mr. Ciulla, all present approved.

RES: 2013-

JANUARY 26, 2013

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Zoning Board of Adjustments of the Borough of South River, in the County of Middlesex, the state of New Jersey, that pursuant to Chapter 231, Public Law 1975, the HOME NEWS TRIBUNE, a news publication published in Neptune, NJ; and with circulation within the Borough of South River is designated as the Official Newspaper for all Official Notices of the Zoning Board of Adjustments for the year 2013

BE IT FURTHER RESOLVED that the SENTINEL PUBLICATION, a weekly newspaper used for display advertisement not of a legal nature.

DATED: JANUARY 26, 2013

/s/ _____
Frank DeMonico
Chairman

CORRESPONDENCE(S)

The correspondence from PSE&G, Certificate of Insurance, approval of dates, letter from the County, Letter from George W. Pressler and Mr. Teco, were approved to be received and filed by Mr. Ciulla with a second by Mr. Bodak, all present approved.

COMPLETENESS:

1. 2013-5 Mazzei, Craig, 135 Willow St., for 22 Old Bridge Turnpike, Block 219, Lot 1.7, minor site plan review to permit an accessory structure on premises was approved by Mr. Bodak for a public hearing to be held on March 26, 2013, commencing at 7:35 or soon thereafter as called with a second by Mr. Scala, all present approved..

2013-1 Pisco, Agostinho, 72 James St., Block 187, Lot 1 & 2, bulk variance for lot coverage, addition to structure attached to garage, pavers installed 5' yard setback and side yard. deck and pergola in rear setback was approved by Mr. Ciulla for a public hearing to be held on March 26, 2013 commencing at 7:40 or soon thereafter when called with a second by Mr. Scala, all present approved.

2013-2 (2012-26) Matviyishyn, Yuriy, 14-15 Yates Ave., Block 275, Lot 2, waiver of site plan to increase the property by one unit and the ceiling heights do not meet the requirements of the Zoning Ordinance, was approved for a public hearing by Mr. Bodak, to be held on March 26, 2013 commencing at 7:45, or soon thereafter when called with a second by Mr. Ciulla, all present approved.

2012-27 Suchcicki, M. & W., 7 Potter Pl, Milltown, for 12 Northside Ave., existing house has five units, not approved by the Borough, was deemed incomplete for the following reasons, they need to submit a parking evaluation and whether they are using the basement as an apartment, Mr. Ciulla deemed this incomplete with a second by Mr. Clancy, on the advice of the Planner, all present approved..

2013-3 Soares, Roasa, 5 Marks Place Block 158, Lot 19.2 & 28, changing the 4 family to a 2 family and repairing the garage was moved for a public hearing on April 30, 2013 on a motion by Mr. Bodak with a second by Mr. Clifton, all present approved.

2013-4 Manukian 36 Mitchell Ave., for 136 Old Bridge Turnpike, Block 205, Lot 1, for commercial purposes downstairs and residential/commercial upstairs, was moved for a public hearing to be held on April 30m, 2013, on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

RESOLUTION:(S)

2012-25 Curry, Michelle & Marlene, 20 High St., Block 166, Lot 25.1, remove existing sunroom and replace same with a larger sunroom at the rear of the dwelling and reconfigure the layout of the sidewalk .was approved by Mr. Ciulla with a second by Mr. Bodak, roll call to follow.

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2012-25
MICHELLE & MARLENE CURRY

WHEREAS, Michelle & Marlene Curry, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for Bulk variances from South River Ordinances to remove an existing sunroom and replace it with a larger sunroom and reconfigure the sidewalk on the premises known as Block 166, Lot 25.01, otherwise known as 20 High 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 November 27, 2012, and

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

1. Applicant Michelle & Marlene Curry have filed an application for Bulk variances to permit the removal of an existing sunroom and the construction of a larger sunroom and the reconfiguration of the sidewalk on the premises known as Block 166, Lot 25.01, otherwise known as 20 High Street in South River, New Jersey.

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

3. The Applicant proposes a sunroom addition that conforms to all of the setback requirements of the South River Ordinances.

4. The Applicant requires variance relief for the following pre-existing non-conformities: a) lot area (7,500 s.f. required; 6,617 s.f. exist); b) front setback (25' required; 20.5' exist); c) lot width (75' required; 50" exist).

5. The Applicant agreed to direct stormwater run-off through underground piping to the street.

6. The Applicant agreed that the façade of the addition will match the existing façade.

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:

1. The granting of the requested bulk variances would advance both the goals 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 this variance.

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 Michelle & Marlene Curry for Bulk variances to construct a sunroom addition and reconfigure the sidewalk 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 direct stormwater runoff via underground piping to the street.

4. Applicant shall ensure that the façade of the addition matches the existing siding.

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 2012-25

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. Clancy

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 2012-25

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				
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				
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 JANUARY 29, 2013.

M. ANITA HERMSTEDT, SECRETARY

2012-23 Baszak, Raymond & Donna, 28 Frandsen Ave., Block 363.3, Lot 15, Adding porch, garage and sunroom, impervious coverage.

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2012-23
RAYMOND & DONNA BASZAK

WHEREAS, Raymond & Donna Baszak, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for Bulk variances from South River Ordinances to construct/reconstruct a fire damaged dwelling on the premises known as Block 364.03, Lot 15, otherwise known as 28 Frandsen 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 November 27, 2012, and

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

1. Applicant Raymond & Donna Baszak, have filed an application for Bulk variances to permit the construction/re-construction of a fire damaged dwelling on the premises known as Block 364.03, Lot 15, otherwise known as 28 Frandsen Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant proposes the reconstruction of a fire damaged dwelling with a rear deck, patio and swimming pool.
4. The Applicant requires variance relief for the following non-conformities: a) lot area (10,000 s.f. required; 7,194 s.f. exist); b) front setback (25' required; 22' proposed); c) lot width (100' required; 60" exist); d) minimum side setback (both) (15"

required, 10.3" proposed; e) maximum impervious coverage (50% permitted, 64.29% proposed).

5. The Applicant agreed to comply with the reports rendered by CME Associates and Bignell Planning Consultants in connection with this application with one exception; the Applicant will perform a perc test during construction witnessed by CME Engineering to ensure adequate drainage. If the test results are not satisfactory, the Applicant must return to the Zoning Board.

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 goals 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 this variance.

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 Raymond & Donna Baszak for Bulk variances to reconstruct their fire damaged 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. Applicant shall comply with the reports rendered by CME Engineering and Bignell Planning Consultants in connection with this Application with one exception; the Applicant shall perform a perc test, witnessed by a representative of CME Engineering, during construction. If the test results are not satisfactory, the Applicant must return to the Zoning Board.

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 2012-23

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. Clancy

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 2012-23

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by:Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				
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				
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 JANUARY 29, 2013.

M. ANITA HERMSTEDT, SECRETARY

2012-24 Murphy, John, 8 Lexington Ave., for Block 214.1, Lot 13, for Garden St. to build a home on a vacant lot.

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2012-24
JOHN MURPHY

WHEREAS, John Murphy, 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 construct a single family home on the premises known as Block 214.01, Lot 13 on Garden 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 November 27, 2012, and

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

1. Applicant John Murphy has filed an application for Bulk variances to permit the construction of a single family dwelling on the premises known as Block 214.01, Lot 13 on Garden Street in South River, New Jersey.

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

3. The Applicant proposes the construction of a single family dwelling on a shallow vacant lot.

4. The Applicant requires variance relief for the following non-conformities: a) lot depth (90' required; 61.25" exist); b) front setback (25' required; 20' proposed); c) rear setback (25' required; 15" proposed).

5. The variances are necessary due to the exceptionally shallow lot depth; this creates a hardship that merits variance relief.

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 goals 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 this variance.

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 John Murphy for Bulk variances to construct a single 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. Applicant shall install underground leaders that direct stormwater to the street.

4. Applicant shall curb the proposed driveway, as required by Ordinance.

5. In lieu of complying with the Borough Shade Tree Ordinance, the Applicant shall make a contribution of \$450.00 to the Borough Tree Replacement Fund.

6. All trees on the border of the property shall be pruned/trimmed as needed.

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 2012-24

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 2012-24

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: :Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				
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				
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 JANUARY 29, 2013.

M. ANITA HERMSTEDT, SECRETARY

2012-22, Sabir, Ameer, 1 Beryl St., Block 129, Lot 9.1, variance for rear yard, side yard setback for an addition to the home.

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

**ZB 2012-22
AMEER SABIR**

WHEREAS, Ameer Sabir, 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 construct a second story addition to the existing single family home on the premises known as Block 129, Lot 9.01, otherwise known as 1 Beryl Street, 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 November 27, 2012, and

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

1. Applicant Ameer Sabir has filed an application for Bulk variances to permit the construction of a second story addition to an existing single family dwelling on the premises known as Block 129, Lot 9.01, otherwise know as 1 Beryl Street in South River, New Jersey.

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

3. The Applicant proposes the construction of a second floor addition to an existing one bedroom single family dwelling; the resulting home will have three bedrooms.

4. The Applicant requires variance relief for the following non-conformities: a) lot area (7,500 s.f. required; 3,122 s.f. exist); b) lot width (75' required; <75" exist); c) rear setback (25' required; 17.7" proposed); side setback (5' required, 4.5' and 1' are proposed).

5. The proposed dwelling requires two (2) off-street parking spaces; none are proposed.

6. It appears that the Applicant may be utilizing the adjacent Conrail property for off-street parking; the Zoning Board advised the Applicant that this was not permissible absent permission from Conrail.

7. The Applicant's original application showed part of the proposed addition encroaching upon Conrail property; the Applicant has supplied a new survey and revised plans that call for the home to be 1' from the Conrail property line.

8. The Applicant agreed to remove the frame shed that was partially located upon the Conrail property.

9. 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 goals 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 this variance.

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 Ameer Sabir for Bulk variances to construct a second floor addition to the single 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. Applicant shall remove the frame shed that is partially located on Conrail property.

4. Applicant shall provide revised plans that show the proposed addition at least one (1) foot away from the Conrail property line.

5. The Zoning Board, in granting permission for a second floor addition, in no way authorizes or condones the Applicant's use or occupation of Conrail property for any purpose whatsoever.

6. Applicant shall record this Resolution with the Middlesex County Clerk at his expense and provide a copy of the recorded resolution to the Zoning Board.

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 2012-22

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. O'Grady

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 2012-22

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by:Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre				
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				
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 JANUARY 29, 2013.

M. ANITA HERMSTEDT, SECRETARY

DENIAL 2012-19 Manukian, Oleg, 36 Mitchell Ave, for 136 Old Bridge Turnpike Block 205, Lot 1, so the building can be used for commercial purposes downstairs and two residential apartments upstairs.

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

**ZB 2012-19
OLEG MANUKIAN**

WHEREAS, Oleg Manukian, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for Use and Bulk variances from

South River Ordinances to construct a building with a commercial use on the first floor and two residential units on the second floor on the premises known as Block 205, Lot 1, otherwise known as 136 Old Bridge Turnpike, 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 November 27, 2012, and

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

1. Applicant Oleg Manukian has filed an application for Use and Bulk variances to permit the construction of a building with a commercial use on the first floor and two residential units on the second floor on the premises known as Block 205, Lot 1, otherwise know as 136 Old Bridge Turnpike in South River, New Jersey.

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

3. The Applicant has bifurcated the application and seeks Use Variance approval for a building with a commercial use on the first floor and two residential units on the second floor.

4. The area is zoned single family residential and therefore a Use Variance is necessary.

5. The proposed commercial use is a delicatessen; under the Borough ordinances, it appears that sufficient parking would exist for the proposed delicatessen and two residential units.

6. The Applicant offered the testimony of Mr. Robert Larson, P.P. and Architect, to address the planning considerations for the proposed development..

7. The Applicant offered the testimony of Traffic Engineer John Rea, P.E. regarding the proposed ingress/egress from the property.

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

9. At the conclusion of the Application, Mr. Bodak made a motion to approve the Application; this Motion was seconded by Mr. O'Grady.

10. On a roll call vote, Mr. Bodak, Mr. Clifton, Mr. DeMonico and Mr. O'Grady voted in favor of the Application.

11. Mr. Ciulla voted against the Application and cited the primarily residential neighborhood as the reason for his vote.

12. Mr. Clancy also voted against the application and mentioned the multiple proposed residential units as a reason.

13. The Application received four affirmative votes and two negative votes.

14. Pursuant to the Municipal Land Use Law, a Use Variance must receive five affirmative votes; since this Application received only four affirmative votes, the Application was denied.

NOW, THEREFORE BE IT RESOLVED by the South River Board of Adjustment that the Application of Applicant Oleg Manukian for a Use variance to construct a building with a commercial use on the first floor and two residential uses on the second floor be and hereby is DENIED 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 2012-19

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. O'Grady

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 2012-19

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. Bodak

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

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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 JANUARY 29, 2013.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING(S)

2012-21 Dias, Norman 16 Alexander Court, for 518 Old Bridge Turnpike, Block 61, Lot 205 use variance to build a two family semi detached dwelling in the R-75 zone, a letter was received from his attorney requesting that the hearing be moved to the March 26, 2013 meeting.

2012-10 Teco, Ricardo, 1 Snapper Ave. grade alteration, retaining wall, steps and paver patio. Received a letter requesting that this hearing be moved to the March 26, 2013 meeting.

Both application were extended to the March 26, 2013 meeting on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

Mr. Bodak made a motion to pay the bills with a second by Mr. Ciulla all present approved.

The meeting was open to the public by Mr. DeMonico.

Ms. Donna Farren, David St., had a question about 136 Old Bridge Turnpike, is this a new application, and was told yes it was. The old application was denied by the voting members. She also asked what they were seeking and was told a use variance with a site plan.

Mr. Charles Pryor, also had a question about 136 Old Bridge Turnpike did they send a copy of their application to the Public Safety review and the Police and Fire Departments.

Mr. Ken Nielsen asked if there was a review of their site plan?

Mr. Regis Wyluda asked what is the way the Board votes and was explained to him by Mr. DeMonico.

Ms. Susan Tytoo wanted to know about how the notices are given and was told how by Mr. DeMonico.

Hearing no one else Mr. Bodak made a motion to close public portion with a second by Mr. Ciulla, all present approved.

COMMENTS:

Mr. Bodak welcomed Mr. Ciulla Back and the new members.

Mr. Ciulla thanked everybody.

Mr. DeMonico thanked everybody, also talked about Oasis Taxi that he sees them all over the place and what is going on. Ron said he has had a problem with them.

Mr. O'Grady welcomed Mr. Ciulla back and told them that he would be in the St. Patrick's Day Parade in Belmar on Sunday.

Mr. Giannakopoulos feels it is an honor to be on the Board.

Mr. Almeida thanked everyone.

Mr. Ciulla made a motion to adjourn the meeting with a second by Mr. Bodak, all present approved.

Respectfully submitted,

M. Anita Hermstedt,

Secretary.