

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2004-8, WITH THE REQUEST OF THE HOME NEWS AND TRIBUNE AND THE SENTINEL NEWSPAPERS TO PUBLISH SAME, AND THIS ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES OF THIS MEETING.

A meeting of the Zoning Board of Adjustments was held on April 30, 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.

Also present were Mr. Koch, CME, Mr. Bletcher, Bignell Planning Consultants and Mr. Kinneally, Attorney.

The Minutes from March 26, 2013 were approved on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

There was no correspondence.

COMPLETENESS:

2012-27 Suchcicki, M. & W. 7 Potter Pl, Milltown, NJ for 12 Northside Ave., existing house has five unite, not approved by the Borough of South River, Mr. Bletcher informed the Board that he had talked to the Applicant and that they should give them another month to have everything into the Board. A motion was made by Mr. Bodak to hold this Application over to the May 29, 2013 meeting with a second by Mr. Scala, all present approved.

2013-7 Latosh, Sergey & Ala, 526 Old Bridge Turnpike, Block 72 Lot 1., for 4 Gaszi, patio in required 10' yard setback to remain was moved for a public hearing to be heard on May 29, 2013 at 7:35, or as soon as called on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

2013-8 Simoes Brian, 62 Prentice Ave., Block 347, Lot 5, bulk variance for over 50% lot coverage, bulk variance for driveway in required 5' side yard setback was moved for a public hearing to be held on May 29, 2013 at 7:40 or as soon as called on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2013-9 Discipelo, Chris, 30 James St., Block 178, Lot 3.4 installation of a 8 x 10 landscape driveway was moved for a public hearing to be held on May 29, 2013, at 7:45 or soon as called on a motion by Mr. Bodak with a second by Mr. Clifton, all present approved.

2013-10 Davino, Jr., Michael for 12 Radcliffe St., Block 159, Lot 15, single family to a two family use change. Bulk variance for driveway enlargement into 5' side yard setback with 0' proposed setback was deemed incomplete on the advice of Mr. Bletcher. The Applicant owes monies on his application. The application was deemed incomplete on a motion by Mr. Clancy with a second by Mr. Ciulla, all present approved.

RESOLUTION(S):

2012-21, Dias, Norman, 16 Alexander Court for 518 Old Bridge Turnpike, Block 61, Lot 1.5, use variance to build a two family semi detached dwelling in the R-75 zone. Mr. Bodak waived the full reading of the Resolution with a second by Mr. Clifton, roll call to follow..

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2012-21
NORMAN DIAS

WHEREAS, Norman Dias, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a Use and Bulk variances from South River Ordinances to build a new two family semi-detached dwelling on the premises known as Block 61, Lot 2.5, otherwise known as 518 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 March 26, 2013, and

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

1. Applicant Norman Dias has filed an application for a Use and Bulk variances (lot width, an existing condition) to build a new two family semi-detached dwelling on the premises known as Block 123 Lot 17, otherwise known as 518 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 testified that his parents would occupy one unit and his sister would occupy the second unit.
4. The Applicant, through his attorney George Pressler, Esq., offered the testimony of John Chadwick, P.P., William Doran, Architect, and Daniel Doran P.E; Mr. Chadwick established the special reasons that supported the grant of a use variance.
5. This Zoning Board accepts Mr. Chadwick's testimony establishing special

reasons supporting the grant of a use variance in this situation.

6. The Applicant has also requested a variance for lot width, where 75 feet are required and 50 feet are existing and proposed; there is no adjacent land available that would allow the Applicant to enlarge the lot to make it conforming., therefore a hardship exists for the Applicant.

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 use and 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 use and 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 Applicants Norman Dias for a Use and Bulk variance (lot width) to build a two family semi-detached 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 CME report dated January 28, 2013 in its entirety.
4. Applicant shall comply with the Bignell Planning report dated July 24, 2012, paragraphs 11B-G.

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 2012-21

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. Bodak

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

Mr. Rui Almeida	X			
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ZB 2012-21

The foregoing Resolution was:

Moved by: Mr. Clifton

Seconded by: Mr. Bodak

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

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 30, 2013.

M. ANITA HERMSTEDT, SECRETARY

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. Full reading of the Resolution was waived on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved. Roll call to follow.

FOR

SOUTH RIVER ZONING BOARD OF ADJUSTMENT

**ZB 2013-5
 CRAIG MAZZEI**

WHEREAS, Craig Mazzei, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for minor site plan approval from South River Ordinances to permit an accessory structure on the premises known as Block 219, Lot 1.7, otherwise known as 22 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 March 26, 2013, and

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

1. Applicant Craig Mazzei has filed an application for a minor site plan approval to permit an accessory structure on the premises known as Block 219 Lot 1.7, otherwise known as 22 Old Bridge Turnpike in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. This site previously received Site Plan approval in 2007 to operate the existing garage.
4. The Applicant proposes to locate a 20' x 10' shed for storage on the site; the proposed location will comply with all setback requirements.
5. The proposed shed will not have any flammable materials stored inside and will have no utilities.
6. The shed will be vinyl sided to match the siding on the existing building.
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 site plan application 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 this application substantially outweigh any detriment resulting from it.

2. The 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 Craig Mazzei for minor site plan approval to permit a 20' x 10' shed 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 2013-5

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Ciulla

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

ZB 2013-5

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. Bodak

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

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 30, 2013.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING(S):

2013-6 Curry, Michelle & Maylene, 20 High St., replace existing 4' high chain link with vinyl slats with a 4' high solid vinyl fence in front yard and along property line at Grove St., on existing corner lot. William of 44 W. Amherst St., East Brunswick, NJ. spoke on behalf of the Applicant. The fence got damaged in the construction of the sun porch. It was a chain link fence and it was pre existing. Mr. Bodak questioned about the next door neighbor which side of the house are they on. William informed the Board that the neighbor had his own fence and that it was on the property line, where they were putting this fence they had a 5' setback. Drainage on the patio goes out towards Grove St. The application was opened to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved. This application was approved on a motion by Mr. Scala with a second by Mr. Bodak, all present approved.

2012-10 Teco, Ricardo, 1 Snapper Ave., grade alteration, retaining wall, steps and paver patio and fence, after much testimony this application was carried over to the May 29, 2013 meeting on a motion by Mr. Ciulla and second by Mr. Bodak, 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. Mr. Pisco got up to speak about his application, but before he did Mr. DeMonico informed the audience that the Board had on site inspection of the premises, and asked each person who went what their thoughts were. Mr. Scala and Mr. Ciulla went together, Mr. Scala talked about the drainage which goes out to the Street, and that he only uses the shed in the winter to hyphenate his plants Mr. Bodak also looked and said that he had done a very good job and that the pergola is excellent. The issue by the neighbor is the tree. With the pergola the air can flow easily through it, he also stated that there was no problem with the water. Mr. Scala also commented that the trees belong to the neighbors, that the lay out is beautiful. Mr. Almeida said that he also inspected the property and that the drainage is adequate and the the sunlight would be in the morning. Mr. DeMonico opened the meeting to the public hearing none it was closed on a motion by Mr. Ciulla with a second by Mr. Scala all approved, The Application was approved on a motion by Mr. Ciulla with a second by Mr. Scala all approved except for Mr. Bodak.

2013.2 (2012.26) Matviyishyn, Yuriy, was to be on the May 29, 2013 meeting.

2013-3 Soares, Rosa, 5 Marks Place, Block 158, Lot 19.2 & 28 changing the 4 family to a 2 family and repairing the garage, Ms. Linda Costello spoke on behalf of her mother. Mr. Joseph Beam 18 Kendall Rd., Kendall Park, NJ also spoke on behalf on the Applicant. Mr. Beam said that it was a two story four apartment dwelling, which they want too change to a two family apartment. They will keep the outside shell but pretty much change the inside of the building, leaving load bearing walls where they are. They are going to destroy the garage and rebuild.. We received from CME that everything is complete it is a land use to make it a two family. The deficiency is the set back the building is not changing. They are providing a driveway with seven parking space, built with Belgium Curbing, with the impervious coverage is 75%. The

garage is 12.x 6 replacing in kind, the cellar is for storage and the boilers. There is no change to the existing footprint. Mr. Bodak asked Mr. Bletcher with three bedrooms how many parking spaces are required?, Mr. Bletcher let the Board know that the amount thy said was adequate. Mr. Bodak also asked about the runoff of the water in case there is another storm. The water will run off towards the road. Mr. Ciulla let the Applicant know about the Smoke Alarms and was told that everything would be updated. 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

Mr. Bodak asked the Chair if they could have a ten minute break with a second by Mr. Ciulla, all present approved.

Mr. DeMonico called the meeting back in order.

2013-4 Manukian, 36 Mitchell Ave., for 136 Old Bridge Turnpike Block 205, Lot 1, for commercial purposes downstairs and residential, commercial upstairs. Mr. Edwin Pincus spoke on behalf of the Applicant. He said that the property is located in a R100 zone. He said that they were here last year and took the comments of the Board and worked on another plan that they felt was better then the first one and that he though the Board would approve it. Right now they would like to bifurcate on the use variance. The plan is to have a Deli on the first floor with an apartment on the second floor along with the office for the owner. Mr. Bletcher told the Board since there have been new plans and changes from the last plan, that the Board could hear it. Mr. Kinneally said regarding changes which have been made that it was legal for the Board to hear it. Mr. Larsen, 1001 Englewhere Boulevard, Toms River, NJ spoke on the Application.

A 1 the 1st Plan Concept that was part of our application is to demolish the single family home and then have a deli on the first floor, 2nd floor office and one unit. the apartment will have 2 bedrooms, 2 bathrooms, with the entrance from Tice Ave. The parking lot will have eleven parking spaces and they will be closing the driveway on Old Bridge Turnpike. The second plan marked as A2 is the elevation which has two pictures, the front of the building has two large picture windows on the Old Bridge Turnpike, they will build a quality Building.

Thomas McGrath, 11 South Hollywood Drive, Toms River, NJ spoke on the Application stating that the building is serviced by water & sewer, storm water management would be in the parking lot. There is a shed in the rear which will be removed. Mr. DeMonico asked if he would put up the picture of the building facing the Old Bridge Turnpike, Mr. Ciulla said that on the first level it shows a basement is it a full basement for storage for the Deli? Mr. McGrath said that there are steps that will go down with a lift. Mr. Bodak said the a 1693 square foot deli with a full basement that will be a big cellar.

Mr. Manukian owner of the property spoke on behalf of his Application, stating that he lives at 36 Mitchell Ave., East Brunswick, NJ. He stated that he wants to bring a big change to the area and to build something that will be beautiful, stating that everyone who works there will be in a uniform,, it was asked by the Board if there were going to tables and chairs inside the Deli and was told it was a cash and carry type of Deli, stating that everything will be prepared on the premises. They will make home made soup on the premises although nothing else hot will be served. Mr. Giannakopoulos asked that when you purchased this house where you looking for a business. Mr. Manukian stated that he is a business men and he felt that this was a great

location, and what he thought was that it would make a great place to have a small convenience store with a Deli in it.

Mr. Larsen said that the use portion is that it is a D1 variance and that the property is located in the R100 zone where a Deli is not permitted. To the South is a Satellite business, which is not the only retail in the area. We are on the corner and the traffic is very heavy, and that is why we considered the nice landscaping and taking out the driveway which goes out to the Old Bridge Turnpike. We are asking for a Bulk Variance. There are a number of commercial businesses along the Old Bridge Turnpike we are having 11 Parking places with 2 handicaps. Mr. Koch related to hours of operation and when will there be delivery. The hours of operation will be from 6 am to 9 pm 7 days a week. Delivery in the evening with panel or box trucks making the delivery at the rear of the building. Mr. Bodak spoke about delivering at the back entrance will block the door for the persons whom rent upstairs.. All drainage will go out to the Old Bridge Turnpike. Mr. Almeida spoke about the noise Ordinance that the Borough has, asking what kind of business do you own now. He questioned whether they would have the Borough pick up the garbage or would they hire their own garbage trucks. Getting in and out of Tice is hard enough without having big trucks going in and it.

Mr. DeMonico opened this Application to the public.

Ms. Donna Farren from David St was not in favor of this Application, stating that she was a member of the Planning Board when they did the new Master Plan stating that the Business Area consisted of Main, Jackson, Ferry, and the connecting streets.

George Latychow , 10 Tice Ave, also was not in favor of this application stating that his mother lives two houses down and that the traffic is very bad along this road and having this Deli there would make it worse.

Andre Arias, 22 Tice Ave., was not in favor of this Application. stating that this is a very Residential area. He stated that Tice & James cannot handle trucks, and that the sewer is very old.

Cristine Fernades of 43 Tice Ave. was not in favor of the application stating that she would like to keep the area residential, stating that there is a deaf child who lives on the Street.

Susan Boyd, stated that she loves everything that she heard and that she lives at 1 Kamm Ave., stating that if the Board allows this the neighborhood will go away, and she is not in favor of this application.

Charles Pryor of 29 Tice Ave., stated that he bought his home in 1991, stated that if the Board allowed this application the accidents were going to get worse, and he is not in favor of the application.

Larry Ruch 5 Kamm Ave., stated that he has lived in the area for over twenty five years, stating that there were two commercial businesses in the area, My Dad's Place and a Satellite business. He stated that his backyard will become a parking lot, and he is not in favor of the application. There being no one else the open part of the application was closed on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved..

Mr. Manukian spoke on his application stating that it would not be like a super market that he wanted to build a nice store with quality service.

Mr. Bodak has a hard time making a change he does not see a hard ship and that it is a R100 zone and he does not see a reason to allow this to go forward.

Mr. DeMonico said that from what he is hearing tonight that the concept is a nice concept but is that the area to put this business. He also reminded the Applicant that a change of use for this to be approved you need five yes votes. He asked the Board their pleasure on the Application. Mr. Ciulla said that he was also on the Planning Board when they first started the Master Plan and we did the Residential and Business area and for this reason he is going to adhere to the Master Plan.

Mr. Ciulla made a motion with a second by Mr. Scala to deny this Application, all present approved.

Mr. Bodak made a motion to pay the Bills.

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

The Meeting was adjourned on a motion by Mr. Ciulla with a second by Mr. Clifton. all present approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary