

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 June 29, 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. O'Grady, and Mr. Scala.

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

Absent was Mr. Giannakopoulos.

The Minutes from May 29, 2013 were approved on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

There was no correspondence.

INTERPRETATION:

2013-14, Mr. Clarkin on an interpretation for the Ria Mar, 25 Whitehead Ave., Block 299, Lot 8 and 16, on a waiver of amended site plan in order to convert a ground floor proposed storage area into a cocktail hour room with a bar, prep area and coat check.

Mr. Baptista spoke about the storage area which he would like to prep the area with a bar and cocktail room. Seats will be provided for patron use. Mr. Bletcher read the report from Bignell Planning to the Board. He explained that the container will have to be moved outside the building, Mr. Baptista said that the containers will be put where the employee parking is. Mr. Baptista explained that the site plan was for the expansion and enlargement of the parking, and storage area on the ground floor and maximum occupancy 125 persons. He would like to change the storage area into a cocktail hour room which will be used for the wedding party. It will only be used for the cocktail hour preceding the dinner, after that it will be cleaned and the doors will be locked. He explained that the containers would be on a 30' x 9' concrete pad and will have a fence around it, and the access to the containers is early in the morning. The employees will park in front of the dumpsters, and the way they are situated the refuse truck will have no trouble with pick up. Mr. DeMonico opened the application to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla. Mr. Bletcher explained to the Board that this was a short cut so that the applicant did not have to do a whole new site plan. They will do a revised sheet to relocate the dumpsters, which will be easier and less money. Mr. Bodak spoke about just marrying off two of his children and that where they had the reception there was a separate area for the bridal party. Mr. Ciulla made a motion to approve the application with a second by Mr. Bodak who noted a no parking sign and hours, and to waive the site plan. All present approved, with Mr. Giannakopoulos absent at this time.

2013- Mr. Clarkin spoke to the Board on 8 Martin St., Block 322, Lot 5 stating that there has been no decision reached on the use of the building. What uses will fit in this building he put together a list of uses that will be low traffic generators, and came up with 16 uses, and is

looking for direction. He stated that the building is in a B1 neighborhood, which has residential homes in the area. He mentioned a few of the businesses that might be allowed in the building, engineer, architect, accountant, dry cleaner or radio repair. He stated that B2 is more appropriate, which allows light industrial, labs, research, storage facility, light manufacturing, metal working, warehousing, product self storage facilities, printing and publishing, silk screening. Mr. Clarkin used the old zoning book. Mr. Ciulla would like to know the hours of operation and also brought up that someone is living inside the building. Mr. Clancy moved this application to the July 30, 2013 meeting with a second by Mr. Bodak all present approved.

COMPLETENESS:

2013-11 Chinchilla, Elyissia, 2 Chicks with Chocolate 268 Main St., Block 169, Lot 1, was moved to the July 30, 2013 meeting on a motion by Mr. Ciulla with a second by Mr. Clancy, all present approved.

2012-27 Suchcicki, M & W, for 12 Northside Ave. was moved to the July 30, 2103 meeting on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2013-10, Davino, Jr., Michael for 12 Radcliffe St., Block 159, Lot 15 was moved to the July 30, 2013 meeting on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

Mr. 2013-15, Mirza, Mohammed, 18 Washington St., Block 158, Lot 15, Mr. Sachs will submit a use variance application before the July 30, 2013 meeting, in which case it was moved to that meeting on a motion by Mr. Ciulla and a second by Mr. Bodak, all present approved.

RESOLUTION(S)

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. Roll call to follow:

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2013-8
BRIAN SIMOES

WHEREAS, Brian Simoes, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a Bulk variance from South River Ordinances to install a driveway in the side yard setback on the premises known as Block 347, Lot 5, otherwise known as 62 Prentice 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 May 29, 2013, and

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

1. Applicant Brian Simoes has filed an application for a Bulk variance to install a driveway within the side setback on the premises known as Block 347 Lot 5, otherwise known as 62 Prentice Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed driveway will be 1.5' from the side property line; as such, variance relief is necessary because the Ordinance specifies 5' from the property line.
4. The Applicant is not requesting any variance from the impervious coverage limits.
5. No members of the public appeared to oppose this application.

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

1. The granting of the requested bulk variance 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 variance substantially outweigh any detriment resulting from the granting of this variance.
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 Brian Simoes for a Bulk variance to permit a driveway in the side setback, 1.5' from the side property line, be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

BE IT FURTHER RESOLVED that this approval is specifically conditioned upon the following:

1. Applicant shall pay to the appropriate Borough officials all review fees and escrow funds certified to be due by the Board secretary to compensate for the review of Applicant's plans as well as professional services. No building permits or certificates of occupancy shall be issued nor final plans signed by Borough officials until all such fees and escrow funds have been received and notice of same filed with the appropriate Code official of the Borough.

2. Applicant shall obtain all required inspections, permits and approvals.

3. Applicant shall provide a revised plan that includes the driveway dimensions, showing the driveway 1.5' from the side property line and impervious coverage calculations.

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 2013-8

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				X

ZB 2013-8

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. O'Grady

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				

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 JUNE 25, 2013.

M. ANITA HERMSTEDT, SECRETARY

2013-9 Discipolo, Chris, 30 James St., Block 178, Lot 3.4, installation of a 8 x 20 cement driveway.

MEMORIALIZING RESOLUTION

FOR

SOUTH RIVER ZONING BOARD OF ADJUSTMENT

**ZB 2013-9
 CHRIS DISCIPOLO**

WHEREAS, Chris Discipolo, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a Bulk variance from South River Ordinances to

install a driveway in the side yard setback on the premises known as Block 178, Lot 3.04, otherwise known as 30 James 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 May 29, 2013, and

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

1. Applicant Chris Discipolo has filed an application for a Bulk variance to install a driveway within the side setback on the premises known as Block 178 Lot 3.04, otherwise known as 30 James Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed driveway will be 1 foot from the side property line; as such, variance relief is necessary because the Ordinance specifies 5' from the property line.
4. The Applicant is proposing a 10' by 21' driveway, with Belgian block curbing along the south and rear sides.
5. No members of the public appeared to oppose this application.

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

1. The granting of the requested bulk variance 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 variance substantially outweigh any detriment resulting from the granting of this variance.
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 Chris Discipolo for a Bulk variance to permit a driveway in the side setback, 1 foot from the side property line, be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

BE IT FURTHER RESOLVED that this approval is specifically conditioned upon the following:

1. Applicant shall pay to the appropriate Borough officials all review fees and escrow funds certified to be due by the Board secretary to compensate for the review of Applicant's plans as well as professional services. No building permits or certificates of occupancy shall be issued nor final plans signed by Borough officials until all such fees and escrow funds have been received and notice of same filed with the appropriate Code official of the Borough.

2. Applicant shall obtain all required inspections, permits and approvals.

BE IT FURTHER RESOLVED that a copy of the within Resolution certified by the Secretary of the Borough of South River Zoning Board of Adjustment be a true copy shall be afforded to the Applicant herein, the Zoning Officer of the Borough of South River, and to the Clerk of the Borough of South River, who is hereby directed to cause same to be published in an official newspaper in the Borough of South River within ten (10) days from the date hereof.

ZB 2013-9

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				X

ZB 2013-9

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. O’Grady

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				

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 JUNE 25, 2013.

M. ANITA HERMSTEDT, SECRETARY

2012-10, Teco, Ricardo, 1 Snapper Ave., grade alteration, retaining wall, steps and paver patio and fence.

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT

**ZB 2012-10
RICARDO TECO**

WHEREAS, Ricardo Teco, 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 retain a patio in the front yard and to install a fence in the front yard on the premises known as Block 115, Lot 3, otherwise known as 1 Snapper Avenue, South River, New Jersey; and

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

WHEREAS, public hearings were held by the Zoning Board culminating on May 29, 2013, and

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

1. Applicant Ricardo Teco has filed an application for Bulk variances to retain a patio in the front yard and install a fence in the front yard on the premises known as Block 115, Lot 3, otherwise known as 1 Snapper Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed fence, located in the front yard is for the safety and privacy of Mr. Teco's daughters; since it is a corner property, the Applicant has a hardship in locating the fence in a conforming manner.
4. The Applicant has a similar hardship in locating the patio in a conforming manner.
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 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 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 Ricardo Tecu for Bulk variances to permit a patio in the front yard and to install a fence in the front yard be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

BE IT FURTHER RESOLVED that this approval is specifically conditioned upon the following:

1. Applicant shall pay to the appropriate Borough officials all review fees and escrow funds certified to be due by the Board secretary to compensate for the review of Applicant's plans as well as professional services. No building permits or certificates of occupancy shall be issued nor final plans signed by Borough officials until all such fees and escrow funds have been received and notice of same filed with the appropriate Code official of the Borough.

2. Applicant shall obtain all required inspections, permits and approvals.

BE IT FURTHER RESOLVED that a copy of the within Resolution certified by the Secretary of the Borough of South River Zoning Board of Adjustment be a true copy shall be afforded to the Applicant herein, the Zoning Officer of the Borough of South River, and to the Clerk of the Borough of South River, who is hereby directed to cause same to be published in an official newspaper in the Borough of South River within ten (10) days from the date hereof.

ZB 2012-10

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

ZB 2012-10

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. O'Grady

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				

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 JUNE 25, 2013.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING(S):

2013-7 Latosh, Sergey & Ala, 526 Old Bridge Turnpike, for 4 Gaszi, Block 72, Lot 1.9 patio in required 10' rear yard setback to remain. Mrs. Latosh told the Board that she had just picked up the drawings from the Architect stating that the heavy rains did not help, but she checked the neighbors yard and there was no water. She gave pictures that she took to the Board and Mr. Kinneally marked them as No. 1. Mr. DeMonico stated that they could not continue with tonight's hearing being as the Board had just received that plans and the professionals have to be able to study them. Mr. Clancy moved this application to the July 30, 2013 meeting with a second by Mr. Ciulla all present approved.

2013-13 Davila, Julio, 8 Leroy St., Block 39, Lot 6, variance on the 15' required front yard set back for a solid fence. Mr. Kinneally informed the applicant that there was no proof of publication and that he had to contact the Home News and question the date of publication and bring it to the July 30th meeting. Mr. Ciulla moved this application to the July 30, 2013 meeting with a second by Mr. Bodak, all present approved.

2013-2 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. Mr. Matviyishyn spoke on his application stating that he talked to the Fire Marshall and he stated that they did not need a fire escape from the attic. Unfortunately the Board cannot move forward with this application the fees have to be paid, there is some confusion on what they have to submit. The Board is giving them until the August 27th meeting to present everything to the Secretary, on a motion by Mr. Ciulla seconded by Mr. Bodak all present approved.

BILLS:

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

COMMENTS:

Mr. Clifton let the Board know that he would not be at the next meeting.

The meeting was adjourned on a motion by Mr. Clifton with a second by Mr. Clancy, all approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary