

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 November 26, 2013, 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, Mr. Giannakopoulos Mr. O'Grady and Mr. Scala.

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

Absent was Mr. Almeida.

The Minutes from October 29 2013 were approved on a motion by Mr. Clifton with a second by Mr. Giannakopoulos, after the correction which Mr. DeMonico requested, all present approved.

There was no correspondence for the Board.

COMPLETENESS:

1. 2013-15 Mr. Mohammed, Mirza, 18 Washington St., Block 158, Lot 15, change of use from a 14 unit rooming/boarding house into a 6 family dwelling, was deemed incomplete we are still waiting for the proposed floor plan, Mr. Stahl requested that this be held over until the January 28, 2014 meeting which was moved on a motion by Mr. Bodak with a second by Mr. Clifton, all present approved.

2. 2013-19 Mr. Rafat Awad, 548 Old Bridge Turnpike, Block 73.1, Lot 8.1, parking area closer than 5' and the driveway located within 100' of a school was moved for a public hearing to be held on January 28, 2014 on a motion by Mr. Bodak with a second by Mr. Scala, requesting an aerial photograph of the property in addition to include the building., all present approved.

RESOLUTION(S):

1. 2013-20, Lillie Tur, 32 Draeger Place, Block 349.1, Lot 8, construct 6' vinyl fence on corner lot in the required 25' front yard setback, 24" from property line, was approved on a motion by Mr. Bodak with a second by Mr. Ciulla, roll call to follow.

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2013-20
LILLIE TUR

WHEREAS, Lillie Tur, 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 construct a 6' solid vinyl fence in the front yard on the premises known as Block 349.1, Lot 8, otherwise known as 32 Draeger Place, 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 October 29, 2013, and

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

1. Applicant Lillie Tur has filed an application for a Bulk variance to install a 6' solid vinyl fence in the front yard of David Street on the premises known as Block 349.1 Lot 8, otherwise known as 32 Draeger Place in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed fence needs variance relief because it is located in the front yard of this corner lot (Section 350-8(I)); as a corner lot, the Applicant demonstrates a hardship that merits relief from this Board for the fence.
4. The proposed location of the fence is outside of any area that motorists need to safely maneuver around the corner; no vision clearance violation exists since the fence is located far from the area that motorists need to safely view the intersection.
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 outweighs 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 Lillie Tur for a Bulk variance to install a 6' solid vinyl fence in the front yard of David Street 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 fence must not be located within the sight triangle area that would constitute a vision clearance violation.

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 2013-20

The foregoing Resolution was:

Moved by: Mr. Clancy

Seconded by: Mr. Scala

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 2013-20

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Clifton

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

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 NOVEMBER 26, 2013.

M. ANITA HERMSTEDT, SECRETARY

2013-12 South River Storage, 8 Martin Ave., Block 322, Lot 5, lease interior space for the storage and distribution of toner products was pulled from the agenda by Mr. Scala with a second by Mr. Clancy, all present approved.

PUBLIC HEARING(S):

1. 2013-23 Superior Paralegal Services, Mary Williams, 18 Moush St., Block 395, Lot 9 to use her residence as a Home Office., was moved to the January 28th meeting on a motion by Mr. Ciulla, with a second by Mr. Scala, all present approved.

2013-22 Barkalow, Joel & Colleen, 25 New St., Block 222, Lot 5 to allow 6' solid vinyl fence in front yard setback on Draeger Place to remain. Colleen spoke on behalf of the application. They stated that they were slightly altering the new fence that they were installing. They took out the old fence and want to bring it to the side yard, and it does not affect the sighting of the stop sign. Mr. Bodak asked if the fence is within the 25' yard setback and they stated that the whole fence was in compliance. They had to come in front of the Board because they have two front yards. Mr. DeMonico opened the application to the public hearing none it was closed on a motion by Mr. Scala with a second by Mr. Bodak, all present approved. The application was approved on a moiton by Mr. Bodak with a second by Mr. Ciulla, all present approved.

2013-21 Rais Realty, LLC, 95 Whitehead Ave, convert portion of existing office space to one residential apartment. Mr. Scala removed himself from the dais being as he owns property within 200' Mr. Vignuolo spoke for the applicant stating that one is commercial and she wants to have it residential. She will be putting up a new recycling shed and put in more trees to hide the garbage. She has 29 parking spaces.

Mr. Hyland an architect and planner with office at 77 Milltown Road, East Brunswick, NJ, stating that he prepared the plans for the applicant. The lot is ½ acre with parking in the rear and the front. In the area are mixed use, multi family and an auto repair garage, he stated that they are expanding the use of the building. They will be adding closets and a kitchen. This was built as an apartment but they had a business using the whole section. There is an industrial site behind the apartment and they have a 4' vinyl fence along the whole perimeter. Mr. Ciulla asked if the building is sprinkled and was told there were two egresses. Mr. DeMonico opened the meeting to the public.

Ms. Julie Mayre 95 Whitehead Ave., said that she has worked there for over eight years, and is related to the applicant. They will be using the shed mostly for maintenance such as a snow

blower and lawn mower. The parking area has not been full at any time since she has worked there.

Mr. John Scala said that he has own property within 100' as long as he has been a property owner he stated that this property is immaculate and well maintained and the parking lot is never full. Hearing no one else Mr. Ciulla moved to close public porting with a second by Mr. Giannakopoulos, all present approved.

Mr. Ciulla made a motion that the reports of October 17, and October 25 from CME and the report of September 19, from Bignell be made a part of the minutes, so moved. Mr. Koch said that with them putting in more trees that would be a trade off from the plants. Mr. Ciulla moved this application for approval, in the meantime Mr Bodak asked that the Parking, site plan and revised landscaping be made part of the Resolution, at that time Mr. Ciulla changed his approval to include all the stipulations that Mr. Bodak stated, so approved.

2013-6 Mr. Robert Duhuring attorney spoke on behalf of the applicant. He stated that maximum capacity is 250 people and that they get 50 to 60 people for services. They have a lease with the VFW, for parking. Mark Tintinigan Police Chief got up and spoke to the Board about this application. He stated that his main concern is the parking at the VFW, he stated that the neighbors have complained constantly about the VFW and the bar in back. There is one neighbor who keeps a pristine lawn and gets angry if anyone walks or throws garbage on the lawn. He would like to know when they will be having any unusual event at the church, so as to be able to have a police presence. The applicant has no problem with making sure that the patrons park in the VFW. They only have two days, Sunday is at 10:00 am and Friday night is from 5- 10 PM. They will notify the police if they will be having a wedding etc. They also have decided to drop off the families in front of the church so only the driver will be walking. Chief Tintinigan asked if the Pastor would cancel services if there is a big storm and was told yes he would. Mr. Ciulla asked how many special events do you have in a year. Mr. DeMonico opened the meeting to the public, hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Scala, all present approved. Mr. Bodak questioned whether there was anything else he had. Mr. Bletcher said about the funds. Mr. Ciulla moved for approval with 125 maximum for the hall, Mr. Bodak seconded, all approved.

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.

There were no comments.

Meeting was adjourned on a motion by Mr. Ciulla seconded by Mr. O'Grady, all approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary