

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 January 28, 2014, 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. Bletcher, Bignell Planning Consultants Mr. Koch CME and Mr. Kinneally, Attorney.

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

NOMINATION FOR CHAIRMAN:

Mr. Clancy nominated Mr. Frank DeMonico as Chairperson of the Zoning Board, which was moved on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

Mr. DeMonico thanked the Board and asked for a nomination for Vice-Chairperson, Mr. Clifton nominated Mr. Ciulla with a second by Mr. Scala, all present approved

APPOINT ATTORNEY:

Mr. Bodak made the motion to appoint Mr. Kinneally as the Attorney for the Zoning Board of Adjustment for the year 2014, with a second by Mr. Almeida, all present approved.

RES: 2014-1

JANUARY 28, 2014

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 2014, 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 28, 2014

/s/ _____

Frank DeMonico

Mr. Ciulla made the motion to appoint Mr. Bruce Koch, CME as the Engineer for the Zoning Board of Adjustment for the year 2014, with a second by Mr. Bodak, all present approved.

RES: 2014-2

JANUARY 28, 2014

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Zoning Board of Adjustment; of the Borough of South River do hereby appoint Mr. Bruce Koch of the Firm of CME Associates as the Engineer for the year 2014, 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 28, 2014

/S/ _____

Frank DeMonico

Chairman

Mr. Bodak made the motion to appoint Mr. Todd Bletcher, Bignell Planning as the Planner for the Zoning Board of Adjustment for the year 2014, all present approved.

RES: 2014-3

JANUARY 28, 2014

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 2014 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 28, 2014

/s/ _____

Frank DeMonico

Chairperson

JANUARY 28, 2014

Mr. Ciulla made the motion to appoint M. Anita Hermstedt as the Secretary to the Board of Adjustment for the year 2014, with a second by Mr. Bodak, all present approved.

RES: 2014-4

JANUARY 28, 2014

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 2014.

DATED: JANUARY 28, 2014

/s. _____

Frank DeMonico

Chairman

Mr. Bodak made a motion to approve the Home News Tribune as the official newspaper for legal ad for the year 2014 with a second by Mr. Scala, all present approved.

RES: 2014-5

JANUARY 28, 2014

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 2014.

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

DATED: JANUARY 28, 2014

/s/ _____

Frank DeMonico Chairman

Mr. Ciulla made a motion to approve the schedule for the Zoning Board for the year 2014, with a second by Mr. Clifton, all present approved.

RES: 2014-6

JANUARY 28, 2014

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the **Zoning Board of Adjustment** of the Borough of South River in the County of Middlesex, the State of New Jersey, that the following schedule of meetings for the year 2014 shall be adopted:

PLACE: South River Police Department

61 Main St.

TIME: 7:30 PM

DATE:	<u>MEETING DATE:</u>	<u>PLANS DUE ON OR BEFORE:</u>
	January 28 th	January 14 th
	February 25 th	February 11 th
	March 25 th	March 11 th
	April 29 th	April 15 th
	May 28 th Wednesday	May 14 th
	June 24 th	June 10 th
	July 29 th	July 15 th
	August 26 th	August 12 th
	September 30 th	September 16 th
	October 28 th	October 14 th
	November 25 ^h	November 11 th
	January (2015) 27 th	January (2015) 13 th

DATED: JANUARY 28, 2014

Chairperson
Frank DeMonico

The correspondence from the County of Middlesex on Block 302, Lot 83, 95 Whitehead Ave. the Resolution 2014-20 NJ State League of Municipalities on the November Conference, Certificate of Insurance from Middlesex County Municipal Joint Ins., Fund and Resolution 2014-12 Rule Number six of the Rules of the Borough Council, were received and filed on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

COMPLETENESS:

2014-1 Machinery Center 91 Browns Lane, Block 328, Lot 1, change of use to construction equipment sales will need a use variance along with a site plan which might be Bifurcated., This application was deemed complete for a public hearing on February 25, 2014 at 7: 35 or soon thereafter when called, on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2014-2 Weidler, Edward, 12 Claremont Ave., Block 182, Lot 12.1, variance to build a front porch on dwelling was deemed complete on a motion by Mr. Bodak with a second by Mr. Ciulla for a public hearing to be held on February 25, 2014 at 7:40 or soon thereafter when called, with a second by Mr. Ciulla, all present approved.

2014-3 Patrick, Stephen 139 William St., Block 47, Lot 1, conversion for a 2 family to multi-family and interpretation of pre-existing non-conforming use was deemed in-complete on a motion by Mr. Bodak, with a second by Mr. Ciulla, all present approved. This application needs to have a use and site plan application.

2014-4 Baszak, Raymond, 28 Frandsen Ave., Block 364.3, Lot 15, side yard pavers setback, lot coverage in excess of 50%, patio in rear yard setback within 10', was deemed complete for a

public hearing to be held on February 25, 2014 commencing at 7:45 or soon thereafter when called.

PUBLIC HEARING:

2013-15 Matviyishyn Yuri, 13-15 Yates Ave., Block 275, Lot 2 waiver of site plan, the applicant approached the Board with a request to hold over until the February 25, 2014 meeting for the reason that their engineer was not available at the time, Mr. Clancy made the motion to hold over until February with a second by Mr. Scala, all present approved.

2013-19 Awad, Rafat, 548 Old Bridge Turnpike, Block 73.1, Lot 8.1, parking area closer then 10' from the driveway, located within 100' of a school.

Mr. David Stahl congratulated Mr. DeMonico and Mr. Kinneally said that his notice is proper. Mr. Stahl stated that this is a commercial use, with two bays on the premise, also it is used for auto sales. Mr. Kinneally swore in Mr. Awad, who stated that he acquired the property in 2011. A letter from the state stated that there is no action required from them. He informed the Board that he has leased the work to an auto mechanic because of illness. He also runs an auto body repair and does the body work on the auto and the painting is done elsewhere. The hours of operation are 8 to 5 from Monday through Friday with the hours on Saturday to be from 8 to 2. The same hours will be adhered to whether or not he gets the new bay he is asking for. He stated that NAPA or Auto Zone delivers his supplies. He goes to the car auction to purchase the cars that he sells, and they would be delivered on a flat bed. Right now he has two employees and if he gets to have the other bay he will hire two more. He advertises through the internet and by the signs that are on the property now. He would like to get new signs and he realizes that he must go through the Borough. The existing sheds hold oil, heating tanks and to recycle oil which is picked up when needed. Old tires and batteries are also stored there. Mr. Awad stated that all they do is prime and sand the body to get it ready for painting, they meet all OSHA rules. Mr. Ciulla made a motion to have the reports from CME of 1-21-14 and 11-21-13 made a part of the minutes, so moved..

Item #7 of the CME report regarding the fence will comply with the report, and a fence will be put up to separate the business from the school. Mr. DeMonico questioned whether or not there was any flammable liquid stored on the premise and was told there was not.

Mr. Ingram 54 Old Highway 29, Clinton, NJ the engineer spoke on behalf of the Applicant, Mr. Stahl asked him to describe to the Board the property, he said that the rear of the site is grass and gravel and the intent is to take the unsightly cars to this area. The center of the property is used for parking, we will be reducing this area and put in vegetation to make the area more presentable. We have 12 spaces to put the cars to be sold. Mr. Ciulla questioned how will the cars be moved when you sell them and that was explained to him. Mr. Bletcher explained to the Board that the applicant will have to have a bulk variance for setback and that the parking requirements is 14 spaces and that 6 are proposed. Mr. Ingram explained the parking to the Board. Mr. Ingram also told the Board that the trash dumpster will be moved to the front. Mr. Koch spoke about the runoff and would like to take a closer look at that. 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. Ciulla would like to have an on site inspection of the premise before approving this application. Mr. Clancy moved this application to the February 25th meeting with a second by Mr. Bodak, all present approved.

2013-23 Superior Paralegal Services, Williams, Mary, 18 Monush St., Block 395, Lot 9 home office. Mr. Stahl spoke on behalf of the applicant. Mr. Stahl stated that Ms. Williams would like to run a home office in a R75 Zone, she gives her clients a time and date to have and would like a conditional use, which permits light business without changing the property. Ms. Williams was sworn in by Mr. Kinneally and said that she has lived in the home for three years, and explained the layout of the home. She informed the Board that there is parking on the street and that she would not change the layout of the home. There would be no signs for the business displayed on the property. What she does is to provide attorney's with some of their cases such as notarize papers and do the paperwork for closings. The shipments that she receives are delivered either by Fed Ex or UPS. The Board requested that she give the time that she does her business and she said from 8 am to 10 pm. Mr. Ciulla wanted to know what time do you allow the customers to come, it could be 1 or it could be 6, people are coming at all different times. Mr. Bodak wanted to know that if you had an intention of running a business, why did you buy in this area, Ms. Williams stated that she had a job and that it was too much and she decided to go out on her own.

Mr. Stahl called on Mr. Ingram the engineer who spoke on Mr. Bignells report. On the lot requirements it is a conditional use, and existing conditions such as parking, for spaces are required it is a public street. The other part is how does it influence the neighborhood, ie: visitors per day and parking, the property is well suited. Mr. Bodak spoke saying that the use is single family and that the conditions do not meet the shortcomings.

Mr. DeMonico opened this application to the public:

Mr. Bill Kahase, 16 Monush St., he spoke about the number on the house are on three places, plus you have all these different cars in the driveway, blocking neighbors driveways. What bothers him most is the attitude of her clients. There is a issue of safety we do not know who these people are and you worry. He is not in favor of this person having the business.

Mr. Kazorowski, 25 Monush St., said that she has never been a problem. There are two side Streets where her clients can park and he does not see why she should not be able to have her business.

Ms. Corrine Haydukiewicz, 24 Monush St., said there is ample parking and that she should not be denied.

Mr. Frank Reda, 21 Monush St., the first concern is safety and quality of life, cars are parked all over the Street. One incident where this person was sitting in his car watching his daughter leave the house at 6:30 in the morning, she got so scared that when she got to work she called us and left us know. There also might be renters, he is not in favor of this business.

Ms. Donna Kahase 16 Monush St., as a working person and you come home and not able to pull in your driveway because of the way the cars are parked. She also has concerns about the children whom are growing up in the neighborhood with all these people coming and going.

Anthony Palombini, an attorney who has known Mary for four or five years, and that he has done at least 35 to 40 closing at her office. He stated that they go in do their business and leave.

Paul Cheponis, 19 Macko Court, said that he is not familiar with all the rules, but once you allow one person to run a business in her home what's to say that more people would not do the same. Business should not be in neighborhoods.

Brenda Shaver 19 Monush St., she came home from work one night and Mary must have been having a party and someone blocked her driveway, she went over to talk to them and the person was hostile toward her, this does not belong in the neighborhood.

Maureen Reda, 21 Monush St., as with a lot of the neighbors she is in and out of her house a lot and when she comes out there are people sitting in cars waiting for her either to come home or waiting for the time to come in and she does not know why they are there so she makes believe when she is leaving that someone is in the house and she is talking to someone. One night at 9:30 at night one of her customers stopped and asked where she lived. When the customers pull up they park right in the middle so no other car can park there. She asked the Board to deny her request.

There being no one else from the public Mr. Bodak made a motion to close public portion with a second from Mr. Ciulla, all approved.

Mr. Stahl credited all the public whom came out and requested that the Board approve conditional use of the property. Mr. Stahl said some of the problems that the public talked about are not necessarily a reason to deny, and to look at the land use law.

Mr. Reda asked if he could speak again and Mr. DeMonico gave him permission and said if the Board wanted proof to what he said he would get a written statement from the person whom was renting from her.

Ms. William stated that if the neighbors had come to her she would have made sure that her customers did not block driveways.

Mr. DeMonico asked for a vote on this application. Mr. Kinneally stated to the Board to stick to the conditional use of the property. Keep your answers to this. A home professional office has been there and how is the operating of this business effecting the neighbors. He also informed Ms. Williams that she needed five votes for approval. Mr. Giannakopoulos asked if they can limit the hours of operation and Mr. Kinneally said as long as it is reasonable. Mr. Giannakopoulos asked to have the hours of operation so stated Monday through Friday 8:30 to 6:30 and Saturday 9 to 2. Mr. Clancy said taking into consideration a nice coming together of both side he thinks this is fair and made a motion to approve this application, being as there was no second the motion died.

Mr. Ciulla then made a motion to deny the application with a second by Mr. Scala, roll call to follow: Mr. Bodak said that he was torn, but then sited the parking and it is a residential area, so he voted to deny the application, Mr. Ciulla sited the same reason and voted to deny the application, Mr. Clancy voted to approve the application , the application was also denied by Mr. DeMonico and Mr. Giannakopoulos and Mr. Scala saying we will be creating a president in town Mr. O'Grady voted in favor. The vote was 5 to 2 not in favor.

2013-10 Davino, Michael 12 Radcliff, change of use from a single family home to a two family home, Block 159, Lot 15, Mr. William Hoover, 65 Rose St., Metuchen NJ spoke on behalf of the applicant. He said that this has been pending for sometime and testified that this was advertised as a mother daughter home when the applicant purchased it. In regard to the switch from one family to a two family we are offering to create a living space for another family. Some of the negative, not only did I find that it was in common with the other homes, in the neighborhood. The Board questioned Mr. Davino asking him if he lives in the house and he said no he did not. Mr. Ciulla would like for him to remove the bath that is in the cellar so as not to be able to make

another apartment. There has never been an approval to make it into a two family. There was a question as to how many homes on the Street are operating as a two family, to that Mr. Davino did not know. 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 questioned Mr. Bletcher how many parking spaces are needed for three bedrooms, and is there sufficient parking and was told yes there is. The Application was approved on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

Mr. Bletcher was given permission to do the end of the year report on the Zoning Board on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

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

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