

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 25, 2014, 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 January 28, 2014 were approved on a motion by Mr. Ciulla, with a second by Mr. Bodak, all present approved.

CORRESPONDENCE:

There was no correspondence.

COMPLETENESS:

2014-5 Bravo, James, 27 Darrow St., Block 123, Lot 13.1, bulk variance for deck, and impervious coverage was moved for a public hearing to be held on March 25, 2014, commencing at 7:35 or soon thereafter when called by the Board on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2014-3, Patrick, Stephen, 139 William St., Block 47 Lot 1, conversion of a two family to multi-family and interpretation of existing non conforming use was deemed in-complete on the report from Bignell on a motion by Mr. Bodak, with a second by Mr. Ciulla, all present approved.

2014-6, 153 Whitehead Ave., Block 305, Lot 1, remove detached garage restore residential and store was deemed incomplete on the report by CME Associates on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2014-7 Holmes Ave., LLC, for 4 Holmes Ave., Block 319, Lot 20, variance to permit the construction expansion of the garage, repair of the building, was deemed complete for a public hearing to be held on March 25, 2014 commencing at 7:40 or as soon as called by the Board on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

RESOLUTION(S):

2013-23 Superior Paralegal Services, Williams, Mary, 18 Monush St., Block 395, Lot 9, home office, full reading of the Resolution was waived on a motion by Mr. Ciulla with a second by Mr. Bodak, the Resolution was moved on a motion by Mr. Ciulla with a second by Mr. Bodak, roll call to follow.

**MEMORIALIZING RESOLUTION**

**OF DENIAL OF CONDITIONAL USE VARIANCE  
FOR  
SOUTH RIVER ZONING BOARD OF ADJUSTMENT  
ZB 2013-23  
SUPERIOR PARALEGAL SERVICES**

**WHEREAS**, Superior Paralegal Services, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a Conditional Use Variance from South River Ordinances to permit a home professional office, in the existing residential dwelling on the premises known as Block 395, Lot 9, otherwise known as 18 Monush 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 January 28, 2014, and

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

1. Applicant Superior Paralegal Services, LLC has filed an application for a Conditional Use Variance to permit a home professional office in the residential dwelling on the premises known as Block 395, Lot 9, otherwise known as 18 Monush Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The site is located in the R-75 Residential Zone.
4. Home professional offices are conditionally permitted uses in the R-75 Zone.
5. The Application fails to meet three of the conditional use requirements. First, the property on which a conditional use is to be located must meet the minimum lot area and lot width of the zone. The R-75 Zone requires lots to be 7,500 square feet and this lot is 6,000 square feet.
6. The second condition requires “sufficient off-street parking spaces, as determined

by the Planning Board, on a case by case basis provided in the side or rear yards. Such parking is to be suitably shielded from adjacent properties by means of appropriate landscaping and/or fencing.”

7. The conditional use standards also state that: “Such use shall in no way be objectionable or detrimental to the well being or to the harmonious character of the neighborhood.”

8. The Applicant, through its counsel, David Stahl, Esquire, offered the testimony of Ms. Mary Williams, who operates Superior Paralegal Services and testified that she uses one 9’ x 13’ room in her home at 18 Monush Street for this business.

9. Ms. Williams testified that she provides paralegal services to attorneys and individuals; her business is by appointment, and while most of the appointments are during the business day, she does accommodate clients who request appointments outside normal business hour, including nights and weekends.

10. Ms. Williams testified that she may have as many as six appointments per day. However, she usually limits the number of closings in her office to two per day. Each closing can have as many as seven parties present: the Buyer, the Buyer’s attorney, the Buyer’s realtor, the Seller, the Seller’s attorney, the Seller’s realtor and Ms. Williams. Each party normally drives separately to the closing.

11. Although Ms. Williams testified that she only used one 9’ x 13’ room for her business, she admitted that for closings with six or seven parties attending, she also uses her living room to accommodate everyone.

12. Ms Williams has a driveway that allows for two off-street parking spots.

13. Numerous neighbors testified concerning this Application. Mr. Bill Kahse testified that numerous cars are parked on the street in the area around the Applicant’s property. These cars contain clients of the Applicant who wait in their cars until it is time for their appointment.

14. Mr. Reda testified that he lives across the street and observes cars parked in front of his house and also observed that the occupants waited in their cars until entering the

Applicant's dwelling.

15. Ms. Donna Kahse testified that numerous cars are parked on the street with occupants who wait in the cars before entering the Applicant's house.

16. Ms. Maureen Reda also testified that numerous cars are parked on the street with occupants who wait in their cars before entering the Applicant's house.

17. All of the neighbors mentioned above also testified that these occupied cars make them uncomfortable because they do not know them and cannot be sure that they are waiting to enter the Applicant's house or are present for some other reason.

18. This parking situation is detrimental to the well being and harmonious nature of the neighborhood.

19. There is inadequate off street parking to handle the clients who come to this site for paralegal services. By Ms. Williams own testimony she handles up to two closings per day with up to seven parties present. Only two off street parking spaces exist, leaving five vehicles to park on Monush Street.

20. According to the neighbors' testimony, the Applicant's appointments sometimes overlap, resulting in additional cars parked on Monush Street with the Applicant's clients awaiting their appointment.

21. The neighbors' testimony confirmed that numerous clients of this home professional office use are parking on the street in front of the neighbors' homes.

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

1. The lack of adequate off street parking on Applicant's property renders this site inappropriate for the home professional office that Ms. Williams has been operating.

2. The testimony of both Ms. Williams and the objecting neighbors establish that there is inadequate off street parking to accommodate this home professional use in this neighborhood.

3. The undersized nature of this lot in both lot size and lot width also render this site inappropriate for this home professional office use because it restricts the amount of off street parking that can be offered on the site.

4. The home professional office operated by Ms. Williams is a detriment to the well being and harmonious character of the neighborhood and render this sight inappropriate for such a use.

5. If this Application were to be granted, the inadequate off street parking and undersized nature of this lot would cause this home professional office use to be a substantial detriment to the surrounding neighborhood.

**NOW, THEREFORE BE IT RESOLVED** by the South River Board of Adjustment that the Application of Applicant Superior Paralegal Services LLC for a Conditional Use Variance to permit a home professional office 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 2013-23**

**The foregoing Resolution was:**

**Moved by: Mr. Ciulla**

**Seconded by: Mr. Scala**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
<b>ALTERNATES</b>				
Mr. Trony Clifton				
Mr. Rui Almeida				

**ZB 2013-23**

**The foregoing Resolution was:**

**Moved by: Mr. Ciulla**

**Seconded by: Mr. Bodak**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
<b>ALTERNATES</b>				
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 FEBRUARY 25, 2014.

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**M. ANITA HERMSTEDT, SECRETARY**

2013-10 Davino, Michael, 12 Radcliff, change of use from a single family home to a two family home. Block 159, Lot 15. The full reading of the application was waived on a motion by Mr. Ciulla, with a second by Mr. Clifton, the Application was approved on a motion by Mr. Ciulla with a second by Mr. Bodak, roll call to follow.

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

**ZB 2013-15**  
**MICHAEL DAVINO**

**WHEREAS**, Michael Davino, 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 permit the existing dwelling to be used as a two family dwelling on the premises known as Block 159, Lot 15, otherwise known as 12 Radcliffe Street, South River, New Jersey; and

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

**WHEREAS**, public hearing were held by the Zoning Board on September 24, 2013 and January 28, 2014, and

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

1. Applicant Michael Davino has filed an application for a Use and Bulk Variances to permit the existing dwelling to be used as a two family dwelling on the premises known as Block 159, Lot 15, otherwise known as 12 Radcliffe Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed Application requires Use Variance relief because a two

family dwelling is not a permitted use; in addition, the application requires bulk variance relief for existing non-conformities including lot size, lot width, front setback and side setback.

4. Mr. Davino testified that the property was a two family home when he purchased it fifteen years ago. Since that time, the property has been used as a two family dwelling.

5. Mr. William Hoover, P.E., P.P. offered expert testimony on behalf of the applicant. Mr. Hoover testified that the long term use of this property as a two family use without any negative effect upon the neighbors established the negative criteria in support of this application.

6. There is sufficient off-street parking to accommodate the two family use; in addition, there are no interior renovations planned in conjunction with this application.

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 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 Michael Davino for a Use and Bulk variances to permit the existing dwelling to be used as a two 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 shower from the basement bathroom.

**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 2013-15**

**The foregoing Resolution was:**

**Moved by: Mr. Ciulla**

**Seconded by: Mr. Bodak**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
<b>ALTERNATES</b>				
Mr. Trony Clifton				
Mr. Rui Almeida				

**ZB 2010003-15**

**The foregoing Resolution was:**

**Moved by: Mr. Tony Ciulla**

**Seconded by: Mr. Robert Bodak**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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			
<b>ALTERNATES</b>				
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 FEBRUARY 25, 2014.

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**M. ANITA HERMSTEDT, SECRETARY**

COMPLETENESS:

2013-15 Mirza, Mohammad, 18 Washington St., Block 158, Lot 15, change of use from a 14 unit rooming/boarded house into a 6 family dwelling, Mr. Stahl requested that this application be moved to the March meeting so as Todd has time to get his report done on the plans. Mr. Ciulla deemed the application incomplete with a motion and a second by Mr. Bodak, all were in favor.

PUBLIC HEARING:

2014-2 Weidler, Edward, 12 Claremont Ave., Block 182, Lot 12.1, variance to build a front porch on dwelling. Mr. Joseph Priniano, architect, spoke on the Application, stating that they are proposing to take down the front porch and then go across the front of the house and a little further, and presented to the Board pictures which the Attorney marked as A1. The current porch is 5' by 7". Construction is going to match the home, and other homes in the vicinity have the porch which juts out in front. Nothing else will change on the footprint of the home. Mr. Ciulla asked about drainage and will it go off the house, and was told yes it would. 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. Mr. Bodak asked whether the porch will always remain open and was told yes. Mr. Bodak moved this application for approval with a second by Mr. Scala all present approved.

2014-4, Baszak, Raymond, 28 Frandsen Ave., Block 47, Lot 15, side yard pavers setback, lot coverage in excess of 50%, patio in rear yard setback within 10'. Mr. Baszar, along with Mr. Ted Hrymoc his Engineer and Planner spoke on behalf of the Application. Mr. Hrymoc said that they are requesting a waiver for the pavers. Mr. Baszak has an in-ground pool, which is almost on the property line and that is why the pavers are being put down. The Board asked how much of the ground will be covered and was told 79.5%, which also includes the pool. Mr. Baszak put in two pits and a catch basin, and once you go below the top soil you have sand. The Board is worried about the runoff that might occur and requested a stormwater assessment and for this reason this application was moved to the March 25, 2014 meeting on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2014-1 Machinery Center, 91 Browns Lane, Block 321, Lot 1, change of use to construction equipment sales was moved to the March 25, 2014 meeting on a motion by Mr. Ciulla with a second by Mr. Clancy, all present approved.

2013-15 Matviyishyn, Yuri, 13-15 Yates Ave., Block 275, Lot 2, site plan to increase the property by one unit and the ceiling heights do not meet the requirements of the Zoning Ordinance.. Mr. Scala stepped down from the dais being as he owns property within 200'. Mr. Ted Hrymoc is their engineer and spoke on behalf of the Applicant. He spoke on the parking stating that the site is next to a shopping center, they will change the apron so as to drain the water to the Street. The back of the building will remain the way it is. Mr. Ciulla asked how many bedrooms were in each unit, and was informed that there are two bedrooms on the first floor and that the second floor has two apartments with one bedroom in each. Mr., Hrymoc stated that the cellar is used as an office and will never be used for a living space. The one problem the Board has is that in the one apartment you have to go through the bedroom to go to the bathroom. Mr. DeMonico would like to bring this application to an end, but there are two things which have to be done and that is the parking and the use. Mr. Koch stated what they needed is the total number of parking spaces, site work sidewalk and to have the plans sealed. Mr. DeMonico opened the meeting to the public. Mr. John Scala spoke on the Application saying that they have improved the property since they bought it. There being no other persons to speak on this application it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla all present approved. The Applicants application was moved to the April 29, 2014 meeting and requested that they get a Planner.

BILLS:

The Bill from the Home News was ordered paid on a motion by Mr. Ciulla with a second by Mr. Bodak, so moved.

Mr. DeMonico opened the meeting to the public having none it was closed on a motion by Mr. Ciulla with a second by Mr. Clancy, so moved.

The meeting was adjourned on a motion by Mr. Clancy with a second by Mr. O'Grady, so moved.

Respectfully submitted,

M. Anita Hermstedt, Secretary