

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 March 25, 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. 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. Clancy.

The Minutes from February 25, 2014 were approved on a motion by Mr. Ciulla, with a second by Mr. Bodak, all present approved.

CORRESPONDENCE:

The Correspondence from Freehold Soil on DKND Property, Block 61, Lot 2.5 and Middlesex County on Garden State Christian Church, Block 90, Lot 9, were received and files on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

COMPLETENESS:

2013-15, Mirza, Mohammad, 18 Washington St., Block 158, Lot 15, change of use from a 14 unit rooming/boarded house into a six family dwelling was deemed incomplete on a motion by Mr. Bodak, with a second by Mr. Scala, 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 incomplete on a motion from Mr. Bodak, with a second by Mr. Scala, all present approved.

2014-6 153 Whitehead Ave., Block 305, Lot 1, remove detached garage restore residential and store was deemed complete for a public hearing on April 29, 2014 at 7:40 PM or when called by the Board, on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

2014-8 Hussain, Muhammad, 82 Willett Ave., Block 260, Lot 7 resubmission for additional business, storage for a Medical Supply business, was deemed complete for a public hearing to be held at 7:45 or soon thereafter when called, on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

2014-9 Lockmann, Neidi, 8 Ferris St., Block 114, Lot 9, building a new home got denied for the driveway was deemed complete for a public hearing on April 29, 2014, commencing at 7:50 or soon thereafter when called on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

RESOLUTION(S):

Weidler, Edward, 12 Claremont Ave, Block 182, Lot 12.1 variance to build a front porch on his home , 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**  
**FOR**  
**SOUTH RIVER ZONING BOARD OF ADJUSTMENT**  
**ZB 2014-2**  
**EDWARD WEIDLER**

**WHEREAS**, Edward Weidler, 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 front porch addition in the front yard on the premises known as Block 182, Lot 12.1, otherwise known as 12 Claremont 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 February 25, 2014, and

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

1. Applicant Edward Weidler has filed an application for a Bulk variance to install a front porch addition in the front yard of the premises known as Block 182 Lot 12.1, otherwise known as 12 Claremont Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed front porch fence needs variance relief because it is located in the front yard, 9.7' from the front property line where 25' is required.
4. The current front porch is non-conforming because the setback is only 12.4.'
5. The Applicant is proposing a slightly larger front porch to provide shelter from the elements and to provide a useable front porch.
6. The proposed front porch will be consistent with the front setbacks of several

other houses in this neighborhood.

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 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 Edward Weidler for a Bulk variance to install a front porch addition in the front setback as described above 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 porch must be an open porch and cannot be enclosed without the approval of the South River Zoning Board.

4. The front porch shall match the architecture of the existing home.

5. Leaders and downspouts on the front porch shall be tied into the existing system and routed underground to the street.

**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 2014-2**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**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	X			
Mr. Rui Almeida				X

**ZB 2014-2**

**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 MARCH 25, 2014

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**M. ANITA HERMSTEDT, SECRETARY**

PUBLIC HEARING(S):

2013-9 Awad, Rafat, 548 Old Bridge Turnpike, Block 73.1, Lot 8.1, parking area closer then 10' with the driveway located within 100' of a school, Mr. Wayne Ingram of 54 Old Highway 22, Clifton, NJ, spoke for the Applicant, stating that they reworked the site plan. On the Southern line by the school they pulled the curb back and decided to park seven vehicles along the back, which will give a better turn around for the vehicles. They relocated the garbage from the side of the building, and the size of the parking stalls have been reduced. They looked into sprinklers but they are not required, he gave the Attorney a letter stating this. Mr. Awad gave additional testimony to describe what is inside the buildings. The building will be used as an auto body business and he will be responsible for running the business. The persons working for him right now will be leaving the business, he is trying to have them leave. Mr. Giannakopoulos asked if there would be any painting, and told that there will be no painting at the business. Mr. Ciulla asked once you do all the repair work it goes somewhere else for painting and was told yes. Mr. Awad also stated that there would be a separate room for bonding. Mr. Ciulla asked if the parking of the cars would be behind the fence? Mr. Ciulla also asked if any one checked to see if there is a turning radius for the fire trucks, and was told that they will be taking out the two parking spaces to make a turning radius. We talked about parking spaces; you indicated three per bay plus two for employees that you would have a total of 16. Realistically they are dropping off

their cars and leaving. Mr. Bodak questioned the storage in the back? He would like to see the turning lane and the fire lane on the plans. He also questioned whether the space in the back are for selling, or will be a storage area. The area is in a B2 zone and automobile sales are allowed, what we are seeking is a bulk variance allowing for a 200' from the school, since the facility was there before the school, we need the variance for the expansion. The Board would like to move this application to the May meeting, and they would like to have the turning radius, elimination of two spots, with a motion from Mr. Bodak and a second from Mr. Ciulla, everyone agreed, afterwards it was moved to the April 29, 2014 meeting with a motion from Mr. Ciulla and a second from Mr. Bodak, all present agreed.

2014-5 Bravo, James, 27 Darrow St., Block 123, Lot 13.1, bulk variance for deck and impervious coverage. Mr. Bravo the applicant spoke on his application. He stated that he had a pool and a deck put on the back of the house and you enter the pool right from the deck. He stated that the deck is not attached to the house and that the pool is an above ground pool, and has been there for five years. What he is seeking is side yard setback relief and impervious coverage. Mr. Lauritsen spoke on the application also saying that the deck was there for five years, and that drainage is fine. Mr. Bravo stated that standing on the deck your even with the other house and that to the right is Park Place which is a dead end. 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 present approved. Mr. Ciulla made a motion to approve this application with a second by Mr. Bodak, all present approved.

Mr. Ciulla requested a five minute recess, which was approved by all.

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. Baszak spoke on his application stating that the Board has the calculations for the run off, Mr. Koch stated that he has no complaints about the calculations. The Board was reminded that this is Mr. Baszak second time within two years that he has been in front of the Board requesting setbacks and impervious coverage. What he has done was put a patio and deck and that is why he is here. Mr. DeMonico opened the application to the public, hearing none it was closed on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved. Mr. Ciulla approved the application with a second by, all present approved except for Mr. Bodak, who voted no.

2013-12, South River Storage, 8 Martin St., Block 322, Lot 5, lease interior space for storage of toner. The proposed resolution that we denied in November was brought forward to the Board by Mr. Kinneally, Attorney/ He stated that he had many negotiations which did not come to anything. Mr. DeMonico said that some of the members were confused on what we were voting on, and would want to reopen the meeting. Mr. Clarkin filed a suit on April 10<sup>th</sup> with Superior Court. Mr. DeMonico stated that at the time he thought that the number of suites were to much to house, and feels that if he wants to put more businesses in the building he should come back to the Board to qualify for this. Mr. Lauritsen stated that in the years prior to his appointment the building department allowed a few occupants to the building. The building is located in the R75 zone which is single family, and the building was there before the homes came to be. Mr. DeMonico opened the meeting to the public.

Delores Hinkley of 187 Whitehead Ave., got up to speak about this application and said that the noise and traffic is what she is concerned about. She said she is not aware of what businesses are in the building and she is glad that Mr. Lauritsen has been checking on the building, and that the Board should structure the Resolution so as to let persons know what is in the building.

Mr. Ciulla made a motion to use a variance which will come through the Zoning Dept. with a second by Mr. Scala all present approved. Mr. Giannakopoulos that changing one tenant for another does not seem right. Mr. Kinneally said that they should delete 15, 16, 17 and 18 and then change 22, which denies the appeal in its entirety. Mr. Kinneally said we should move the Resolution and made a motion to adopt the appeal, which was made by Mr. Clifton, with a second by Mr. Giannakopoulos, all present approved.

The bills were ordered paid on a motion by Mr. Clifton with a second by Mr. Bodak, all present approved.

OPEN TO THE PUBLIC:

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

COMMENTS:

The Board asked Mr. Lauritsen how many homes were affected by Hurricane Sandy? He informed the Board that 190 homes were affected.

Ms. Hermstedt informed the Board that the next meeting would be April 29, 2014, and that the Suchicki application would be heard on April 29, 2014, and that Matviyishyn application would be held on May 28, 2014.

ADJOURNMENT:

The meeting was adjourned on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary