

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 April 29, 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 March 25, 2014 were approved on a motion by Mr. Ciulla, with a second by Mr. Bodak, all present approved.

CORRESPONDENCE:

There was no correspondence.

COMPLETENESS:

2013-15 Mirza Mohammad, 18 Washington St., Block 158, Lot 15, change of use from a 14 unit rooming /boarding house into a 6 family dwelling was approved on a motion by Mr. Bodak with a second by Mr. Ciulla, to be moved to the May 28, 2014 meeting, all present approved.

2014-3, 139 William St., Block 47, Lot 1, conversion of a 2 family to multi-family, Mr. Bletcher at first found it to be incomplete, but after talking to the Applicant said that the two issues on the incompleteness were the trailers along the property and the issue amending the plans, so he advised the Board that they could deem this application complete. Mr. Ciulla made a motion to deem this application complete with a second by Mr. Bodak, for a public hearing on May 28, 2014, all present approved.

2014-11 Neves, Brian, 22 Marion St., Block 284, Lot 20.1, allow patio and to construct patio roof cover, was deemed complete on a motion by Mr. Bodak for the May 28, 2014 meeting with a second by Mr. Ciulla, all present approved.

2014-10, Yacovelli, Ralph, 26 Reid St., Block 149, Lot 17.1 would like to make the first floor of his building into a two bedroom apartment, was deemed complete on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

RESOLUTION(S):

2014-5 Bravo, James, 27 Darrow St., Block 123, Lot 13.1, bulk variance for deck and impervious coverage, full reading of the Resolution was waived on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved. Mr. Ciulla made a motion to approve the Resolution with a second by Mr. Bodak, roll call to follow.

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT

ZB 2014-5
JAMES BRAVO

WHEREAS, James Bravo, 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 install a two level deck and an above ground swimming pool in the rear yard on the premises known as Block 123, Lot 13.1, otherwise known as 27 Darrow 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 March 25, 2014, and

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

1. Applicant James Bravo has filed an application for Bulk variance to install a two level deck and an above ground swimming pool in the rear yard of the premises known as Block 123 Lot 13.1, otherwise known as 27 Darrow Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The two level deck needs variance relief because it is located 3' and 4' from the side yard property line where 5' are required; also the Applicant has requested a variance for impervious coverage where 50% is permitted, and 69.5% is proposed.
4. The deck and pool were constructed about five years ago by a contractor who told the Applicant that no variances were necessary.
5. The property has no problems with groundwater draining onto neighboring properties.

6. 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 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 James Bravo for Bulk variances to permit a two level deck and an above ground swimming pool 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.

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 2014-5

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 2014-5

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				
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 APRIL 29, 2014

M. ANITA HERMSTEDT, SECRETARY

2014-4 Baszak, Raymond, 28 Frandsen Av., Block 47, Lot 15, side yard pavers setback lot coverage in excess of 50%, patio in rear yard setback within 10', full reading of the Resolution was waived on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved. The Resolution was moved for approval on a motion by Mr. Ciulla with a second by Mr. Giannakopoulos, roll call to follow.

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2014-4
RAYMOND & DONNA BASZAK

WHEREAS, Raymond & Donna Baszak, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for Bulk variances from South River Ordinances to permit an expanded paver patio in the rear yard on the premises known as Block 364.03, Lot 15, otherwise known as 28 Frandsen 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 on February 25 and March 25, 2014, and

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

1. Applicants Raymond & Donna Baszak have filed an application for Bulk variances to permit an expanded patio in the rear yard of the premises known as Block 364.03

Lot 15, otherwise known as 28 Frandsen Avenue in South River, New Jersey.

2. Adequate notice was provided and the Board has jurisdiction to hear this application.

3. The Applicants previously received variance approval from the Zoning Board, including an impervious coverage variance to permit impervious coverage of 64.29%.

4. The paver patio, as installed, needs the following variance relief: a) impervious coverage of 79.5%; b) minimum patio setback to side property line, 5' required and patio located up to property line; c) minimum patio setback to rear property line 10' where patio is within 10' of the rear property line; and d) maximum patio area not to exceed 10% of the total lot area.

5. The Applicant supplied the testimony of Tadeusz Hrymoc, P.E. P.P. who provided drainage calculations that demonstrate that the volumes of the seepage pits onsite are capable of handling the stormwater runoff increase caused by this development.

6. 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 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 Applicants Raymond & Donna Baszak for Bulk variances to permit an expanded patio 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.

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 2014-4

The foregoing Resolution was:

Moved by: Mr. Ciulla

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			
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ZB 2014-4

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. Giannakopoulos

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				
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 APRIL 29, 2014

M. ANITA HERMSTEDT, SECRETARY

2012-27 Suchicki, M & @, 12 Northside Ave., Block 278, Lot 5,m existing house has five units the fifth unit is not included in the Borough's records, received a call from the Applicants attorney requesting to be postponed. Because of the multitude of hearings this application was moved to the June 24, 2014 meeting, and will be the last time for continuous.

2013-9 Awad, Rafat, 548 Old Bridge Turnpike, Block 73.1, Lot 8.1, parking area closer then 10' and driveway located within 100' of a school. Mr. Stahl spoke on behalf of the Applicant stating that they propose an amendment to the application. They are going to with draw the construction of the room for auto sales, which will give additional parking for the facility, you will have seven stall located on the east side. Reduction on the east side allows for expansion of sales. Mr. Bodak questioned where the dumpster will be and was told that it will be on the other side of the

Building and set back. Mr. Koch question whether the stone area will be eliminated and was told no it would not. Mr. Bletcher asked about the landscaping on the eastern side of the site and was told they would like to put up a fence.. He was also told that two Street trees are being provided. He also questioned the detail for the sign, and was told that the sign that is there will stay as it is. They are putting greens in the center island, and that we will be receiving revised plans from Mr. Stahl.

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 all present approved. Mr. Bodak said that there would be no painting and no spray booth and was informed yes. The Applicant would contribute to the tree fund and that the cars would remain no longer then thirty days. Mr. Ciulla moved this application for approval with the stipulations noted with a second by Mr. Bodak, all present approved.

Mr. Ciulla requested a five minute intermission.

The meeting was called back to order.

2014-6, 153 Whitehead Ave., Block 305, Lot 1 remove detached garage restore residential and store. Mr. Andre will talk about what he would like to do with the building. The proposal is to rehabilitate the site. Mr. Andre informed the Board that he has been in construction for forty two years that he has lived in South River, and stated that he purchased the property one and a half year age, and that it is a four family with a two car garage with a store on the side of Whitehead and Russell. To the rear of the building are two family homes and industrial. To the right of the building is an empty lot and a two family home. Mr. Andre was asked whether he tried to purchase the empty lot and was told the person requested to much. Mr. Andre informed the Board that he had remodeled a few homes in South River, which were a three family home on Elizabeth and Water, and one on the corner of Steven and George. In informed the Board that this house is a masonry building and will be stucco, and that he will remove the two car garage and install five parking places, and will also install a trash enclosure. Attached to this building is a retail space and he would like to remodel and use it as retail and as of right now he does not have an applicant for the store. Mr.. Bletcher let the Board know that for this building he needs to have fourteen spaces and what is being provided is four and one handicap. What we are looking at is to complete a store as part of the application. Mr. Giannakopoulos stated that all he is doing to going from two spaces to four and improving the building cosmetically. Mr. Blethcher said what the Board has to do is grant a site plan and parking variance and a use variance. The store has never been abandoned as a store Mr. DeMonico requested of the Applicant to provide some sort of testimony that the store was always used as a store. Mr. Bodak told the Board as a young man he would walk to the factory where his mother worked after school and stop by that store to get a snack to eat in the car while waiting for his Mom to get out of work. Mr. Wayne Ingram 54 Old Highway 22, Clinton, NJ spoke on behalf of the Applicant saying they a seeking a use variance. He informed the Board that the site will not change that it is a four family home and that the store has always been there. They will remove the garage, and take care of the sidewalk and the garbage. That there will be minor changes in the building that there is a notch that they have to do to allow access to the cellar which will only be used for storage. Mr. Ingram was asked about the drainage and he let the Board know that all the drainage is out to the St. He was asked how many bedrooms were in the building and he said there were two, two bedroom and three, three bedroom . Mr. Bletcher was asked about the parking and he informed the Board that it was different from one thing to another,, for retail it is one parking space for one hundred fifty feet which would be six parking spaces.

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, all present approved.

Mr. Koch gave his report to the Board and talked about 3, 4, 5 and 6. He said that tearing down the garage is making one more parking space than we had and removing an eye sore. Mr. Bletcher gave his report to the Board stating that most of his report has to be answered but 11E which is loading how will that be done? He was informed that there is parking along Russell and Whitehead but that all the loading would be done on the Russell St. side. Mr. Bletcher also talked about 11F the basement and 11G the lighting details. Mr. Ingram was asked how they would handle the trash and was told that it is on the side fenced off. The Russell St. side of the façade will be improved. The Board questioned Mr. Andre on what he would like to see go in the store, maybe a cell phone store or use as office space. Mr. Andre said no that he wants it to be a store where the people in the area can come to buy milk, bread a newspaper, stating that this is not a place for a cell phone store. Mr. Andre stated that there would be no outdoor storage no chiller or refrigerator on the outside of the building. Mr. Bodak stated that he would like to approve the application with the limited parking, all deliveries to be made on the Russell St. side, using the cellar for storage only, putting a fence on the north side, a second was made by Mr. Ciulla, all present approved.

2014-8 Hussain, Muhammad, 82 Willett Ave., Block 260, Lot 7, resubmission for additional business, storage for a medical supply business, Mr. Pressler spoke on behalf of the Applicant. Mr. Stahl stated that this is a unique application stating that he was in front of the Board in 1997 and that it was just a business for one person, now he would like to lease a part of the business. What he came to the Board for was restoration of cabinets. We are here for a use variance, we want to put another use in the building. Mr. Pressler stated that he read Mr. Lauritsen denial and it was for a use variance. Mr. Pressler asked for an adjournment of this application to next month but because we have a lot of applications to hear Mr. Ciulla moved this application to the June 24, 2014 meeting with a second by Mr. Bodak, all present approved. Being as this was the date for the public hearing Mr. DeMonico opened the meeting to the public.

Ms. Gail Samuel spoke about this application stating that she is confused about when he moved in and what he is storing on the premise, that sometime he hold garage sales, and that deliveries were starting to be made.

Ms. Vicki Garretson of Willett and Charles spoke about the truck traffic stating that over the year she has repaired and replaced her sidewalk and part of her yard because of the trucks that come down Willett Ave., because they do not know where the unloading is. What she would like is a bigger sign up the top informing trucks that they cannot come down the St., Mr. Ciulla said that he would get in touch with the police department and have an officer stop by and talk to her.

2014-9 Lockmann, Neidi, 8 Ferris St., Block 114, Lot 9, to build a new home got denied for the driveway. Mr. Pressler spoke on behalf of the Applicant. He stated that Ms. Lockmann would like to build a single family home and that she has lived in the Borough before and would like to move back. I would like to show you deed dated 12-19-96 and a paper which also conveys the deed dated 04-18-2008, stating there was a house on the lot since 1955. Mr. Hyland the Planner with offices at 77 Milltown Road East Brunswick spoke about the property. This is a vacant piece of property 1001' wide. He stated that all the lots in the area are different size. He said that the new house is being tucked into the hill with retaining walls. When you pull into the garage you will be on the ground floor with stairs going up to the first floor, it will have three bedrooms. We only need side yard variance. The height of the home is two and one half stories.

We would like to move the house over so we will not need a variance. Impervious coverage we are at 68%, with parking in the front of the yard. The two parking on the driveway with the one in the garage the sidewalk and the retaining wall adds to the coverage. We need the driveway to meet the house. The house and the lot are consistent with the other lots in the neighborhood. The one hardship are the steep slope. Mr. Badak stated that the lot itself was part of the lot on Edgewood. Mr. Ciulla said that the two drywells in the back will go out to the Street and will comply with the report from CME. Parking completely complies

Mr. DeMonico opened the meeting to the public.

Mr. Antonio Rodrigues of 24 Wilcox Ave. his concern is the structure, over the years there has been more traffic on the Street, he wants to make sure that his vehicle is not hit..

Brian Fenyak, 29 Wilcox Ave., said that he does not want to deny that there was never a house on the property, but he does not want the character of the neighborhood changed.

There being no one else from the public Mr. Bodak moved to close with a second by Mr. Ciulla all present approved. Mr. Ciulla asked if she is building the house to live in and was told yes. Mr. Clancy questioned about the water to allow the applicant to check and therefore moved to adjourn this application to the June 24, 2014 meeting and Mr. Almeida seconded it because of the change in the neighborhood on the roll call it did not pass. Mr. Ciulla moved this application to the May 28th meeting and with a second by Mr. Bodak, all approved.

OPEN TO THE PUBLIC:

Mr. Fenyak just wanted to make sure that Ms. Lockmann hearing date is May 28th and was told yes it was. Having no one else from the public it was closed on a motion by Mr. Ciulla with a second by Mr. Bodak all present approved.

COMMENTS:

Mr. DeMonico requested that one of the Board make a request for Mr. Kinneally to do a revision of the bylaw. Mr. Clancy made the motion for Mr. Kinneally to review the by Laws, with a second by Mr. Scala, all present approved.

ADJOURNMENT:

A motion to adjourn was made by Mr. Ciulla with a second by Mr. Clifton, all present approved.

Respectfully submitted,

M. Anita Hermstedt, Secretary