

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 May 27, 2009, commencing at 7:30 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

Present were: Mr. Andre, Mr. Bodak, Mr. Ciulla, Mr. DeMonico, Mr. McInerney Mr. O'Grady and Mr. Scala

Also present was Todd from Bignell Planning and Mr. Kinneally the Board Attorney and Mr. Lee from CME.

Absent were: Mr. Clancy and Mr. Semanovich.

The code enforcement report for the month of April 2009 was moved on a motion by Mr. Ciulla, with a second by Mr. Bodak, all present approved.

MINUTES:

Mr. Andre stated that Mr. Clancy voted no on the Roll Call Vote on the Matts application, it was corrected in the previous minutes.

COMPLETENESS:

2009-3 Omnipoint Communications, Inc., change of use variance and site plan approval to construct a monopole to hold cellular antennas, Block 194, Lot 7 was deemed incomplete on a motion by Mr. Andre with a second by Mr. Ciulla all present approved, the report of the professionals from May 20, 2009 (Bignell) and (CME) would become a part of the minutes on the same motion.

2009-4 Pasaniello, Darla, concrete paver patio impervious coverage, 28 East St., Block 275, Lot 4 was deemed incomplete on the report from Bignell Consultants. The Applicant should provide an impervious coverage calculation before proceeding was moved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

RESOLUTIONS:

2009-2 Matts, Marylous, 13 Kamm Ave., Block 205, Lot 9 replace existing fence with 6' vinyl fence in the same exact location, 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 on a motion by Mr. Ciulla with a second by Mr. O'Grady, all present approved.

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

**ZB 2009-2
MARY LOU MATTS**

WHEREAS MARY LOU MATTS, hereinafter referred to as the Applicant has applied to the Zoning Board of Adjustment of South River for variance relief to install a 6' PVC solid fence within 5' of the property line from Section 350-8(4)(b) of the zoning requirements of the Zoning

Ordinance of the Borough of South River, for premises known as Block 205, Lot 9, otherwise known as 13 Kamm 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 before the South River Zoning Board of Adjustment on April 28, 2009; and

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

1. Mary Lou Matts, the Applicant, has filed an application to install a 6' solid PVC fence on property located at 13 Kamm Avenue, South River, New Jersey.

2. The Applicant wants to install the new PVC fence in the same location as the existing chain link fence.

3. Because the new fence is solid, the South River Ordinance requires it to be 5' from the property line; since the Applicant wishes to replace the existing fence in the same location, a variance is necessary.

4. The proposed location of the new fence, in the same location as the old fence, does not create any sight impediments or any other detriment to the neighborhood.

5. No opposition to this application for a 6' solid PVC fence was raised by any of the surrounding neighbors.

NOW, THEREFORE, be it resolved by the South River Board of Adjustment that the application of Mary Lou Matts for a variance from Section 350-8(4)(b) to install a 6' solid PVC fence within 5' of the property line is hereby GRANTED.

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 review of Applicant's plans and 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

2. appropriate Borough official.
3. Applicant shall obtain all required permits, inspections and approvals required by the Borough of South River, County of Middlesex and State of New Jersey.

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 2009-2

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Bodak

Mr. Andre	Yes		
Mr. Bodak	Yes		
Mr. Ciulla	Yes		
Mr. Clancy		No	
Mr. DeMonico			Absent
Mr. McInerney	Yes		
Mr. O'Grady	Yes		
Mr. Scala	Yes		
Mr. Semanovich			Absent
Mr. O'Grady			

The foregoing Resolution was offered for Memorialization:

Moved by: Mr. Ciulla

Seconded by: Mr. O'Grady

Mr. Andre	Yes		
Mr. Bodak	Yes		
Mr. Ciulla	Yes		
Mr. Clancy		Absent	
Mr. DeMonico			Abstain
Mr. McInerney	Yes		
Mr. Scala	Yes		
Mr. Semanovich		Absent	
Mr. O'Grady	Yes		

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND EXACT COPY OF THE RESOLUTION ADOPTED AT THE BOROUGH OF SOUTH RIVER ZONING BOARD OF ADJUSTMENT MEETING HELD ON MAY 27, 2009

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING:

2009-1 Pincaro, Amandio & Luisa, 9 Frandsen Ave., Block 364.2, Lot 13, variance for lot coverage, to allow an outdoor grill to remain. This Application was held over from the April meeting so that members of the Board could visit the Property. Mr. Ciulla stated that the concrete had plenty of pitch.

Mr. Scala stated that the grill has a 4 1/2" drop, and that the drainage is out to the Street and he sees nothing wrong.

Mr. Andre agrees with everyone else regarding this application.

Mr. Bodak went to the property today and stated that the rear corner of the lot does go down and that this corner definitely needs work. The right rear is no concern.

Mr. DeMonico also made an on site and the project is clean and he agrees with the rest of the Board.

Mr. DeMonico opened the Application to the Public hearing none the Application was closed on a motion by Mr. Scala with a second by Mr. Ciulla, all present approved.

Mr. Bodak moved the Application with stipulations that they work on the rear left hand corner, with a second by Mr. Andre all present approved.

BILLS:

The bill for Mr. Kinneally was moved on a motion by Mr. Scala with a second by Mr. O'Grady all present approved.

OMNIPOINT: Mr. Pryor spoke on a number of items that he had to submit to the Board. One was from the Tax Collector stating that there was zero monies due, and that the report on the unmarked graves would be to the Professionals within a week. Mr. Ciulla moved that CME report stating that the cemetery is very old and there look like there is a grave back there, also stating that he could not vote this Application complete for this reason. Mr. Andre stated that the tower is very close to the graves and believes that the EIS is a checklist for the Board and believes that they have to have this. Mr. DeMonico stated that we never had to deal with a cemetery getting a structure on it and hopefully we will have no one coming to us later asking why we did this. He also asked why this site was chosen. Mr. Pryor stated that they did a thorough search and that they looked at a lot of places, and that this was not a hasty decision. Mr. Robert Wiss, treasurer of the cemetery association stated that there is a building on the same site with utilities, and a walkway, and that they just removed an oil tank, he also stated that the flagpole is very close and that there is no evidence of any remains. Mr. Thomas Haley who is the day to day manager of the grounds and maintenance spoke on behalf of this Application. As written before Mr. Andre deemed this Application incomplete with a second by Mr. Ciulla all present approved

OPEN TO THE PUBLIC:

Ms. Anna DaSilva got up to speak about the Application that she has received from the Zoning Officer, stating that her Father would like to build a retaining wall, She was informed that she would have to fill out the Application and pay the fees,

Ms. Meloni stated that every property that Omnipoint looked at were tax exempt, and wanted to know if they will be taxed? Mr. DeMonico said just the antenna would be taxed and that they have to notify all the families with 200' of the boundaries of the cemetery.

Mr. Jim Maiello from 2 O'Brien Ave., also spoke about the Omnipoint Application.

Mr. Scala moved to close the Public portion with a second by Mr. Bodak, all present approved.

There were no comments from the Board.

Mr. Scala moved to adjourn with a second by Mr. Ciulla, all present approved.

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ZONING BOARD OF ADJUSTMENT
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Respectfully submitted,

M. Anita Hermstedt
Secretary to the Board.