

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.

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A meeting of the Zoning Board of Adjustments was held on June 30 2009, commencing at 7:30 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

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

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

Absent was: Mr. Ciulla.

The Minutes of May 27, 2009 were moved on a motion by Mr. Andre with a second by Mr. Bodak all present approved.

The Code Enforcements report for the month of May 2009 was received and filed on a motion by Mr. Bodak with a second by Mr. McInerney, all present approved.

COMPLETENESS:

2009-3 Omnipoint Communications, Inc., change of use variance and site plan approval to construct a monopole to hold cellular antenna, Block 194 Lot 7 on Hillside Ave., was deemed complete on a motion by Mr. Bodak for a public hearing to be held on July 28, 2009 at 7:40 or soon thereafter with a second by Mr. Scala all present approved.

2009-4 Pasaniello, Darla, concrete paver patio, impervious coverage, 28 East St., Block 175 Lot 4 was deemed complete on a motion by Mr. Bodak with a second by Mr. O'Grady, for a public hearing to be held on July 28, 2009, at 7:45 or soon thereafter as called, all present approved..

RESOLUTIONS:

2009-1 Pincaro, Amandio & Luisa, 9 Frandsen Ave., Block 364.2, Lot 13, variance for lot coverage, outside grill area, full reading of the resolution was waived on a motion by Mr. Bodak with a second by Mr. Andre. The Resolution was moved by Mr. Andre with a second by Mr. McInerney.

Roll Call Vote, all present approved except for Mr. Clancy who abstained and Mr. Semanovich who abstained, because they were absent at the last meeting and Mr. Ciulla who was absent.

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

**ZB 2009-1  
AMANDIO & LUISA PINCARO**

**WHEREAS**, Amandio & Luisa Pincaro, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for a bulk variance from Section 350-8(G) for lot coverage to construct an outdoor grill area at the existing single

amily residence on the premises known as Block 364.2, Lot 13, otherwise known as 9 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 April 28 and May 27, 2009, and

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

1. Applicants Amandio & Luisa Pincaro have filed an application for a bulk variance for lot coverage to permit an outdoor grill area to remain in the rear yard of the existing single family residence on the premises known as Block 364.2, Lot 13, otherwise known as 9 Frandsen Avenue in South River, New Jersey.

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

3. At the initial public hearing on April 28, 2009, questions were raised about the drainage impact upon adjoining properties from the subject property; as a result, the public hearing was adjourned so that the Board members could make a site visit.

4. As a result of the site visit, the Zoning Board finds that the subject property directs runoff away from the rear of the property to the front of the lot.

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 purposes of the Land Development Ordinance for the Borough and the benefits derived from granting the bulk variance substantially outweigh any detriment resulting from the granting of this variance.

2. The bulk 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 neighborhood in granting this relief.

**NOW, THEREFORE BE IT RESOLVED** by the South River Board of Adjustment that the Application of Applicants, Amandio & Luisa Pincaro, for a bulk variance from Section 350-8(G) to permit an outdoor grill area in the rear yard of the existing single family residence be and hereby is granted in accordance with the findings of fact and conclusions of law rendered above.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that approval of the aforementioned variance is 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 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. As agreed to by the Applicant, the Applicant shall ensure that the left rear corner of the property drains away from the rear neighbors and toward the front of the property.

**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 2009-1**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**Seconded by: Mr. Andre**

| <b>ROLL CALL</b>     | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|----------------------|------------|-----------|----------------|---------------|
| Mr. Mario Andre      | X          |           |                |               |
| Mr. Robert Bodak     | X          |           |                |               |
| Mr. Tony Ciulla      | X          |           |                |               |
| Mr. Michael Clancy   |            |           |                | X             |
| Mr. Frank DeMonico   | X          |           |                |               |
| Mr. Ted McInerney    | X          |           |                |               |
| Mr. John Scala       | X          |           |                |               |
| <b>ALTERNATES</b>    |            |           |                |               |
| Mr. Ken Semanovich   |            |           |                | X             |
| Mr. Jeremiah O'Grady | X          |           |                |               |

**ZB 2009-1**

**The foregoing Resolution was:**

**Moved by: Mr. Andre**

**Seconded by: Mr. McInerney**

| <b>ROLL CALL</b>     | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|----------------------|------------|-----------|----------------|---------------|
| Mr. Mario Andre      | X          |           |                |               |
| Mr. Robert Bodak     |            |           | X              |               |
| Mr. Tony Ciulla      |            |           |                | X             |
| Mr. Michael Clancy   |            |           | X              |               |
| Mr. Frank DeMonico   | X          |           |                |               |
| Mr. Ted McInerney    | X          |           |                |               |
| Mr. John Scala       | X          |           |                |               |
| <b>ALTERNATES</b>    |            |           |                |               |
| Mr. Ken Semanovich   |            |           | X              |               |
| Mr. Jeremiah O'Grady | X          |           |                |               |

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 JUNE 30, 2009.

**M. ANITA HERMSTEDT, SECRETARY**

No one had a application for Public Hearing.

**BILLS:**

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

OPEN TO THE PUBLIC:

Ms. Meloni questioned how many cell towers were there in South River as of right now. She was told as far as the Board knew this was the second one, Mrs. Hermstedt told the Board that there was another Application in front of the Planning Board, she questioned whether this many were allowed and Mr. DeMonico said yes.

Hearing no other person this portion of the meeting was closed on a motion by Mr. Scala with a second by Mr. Bodak all present approved.

COMMENTS:

Mr. Andre said how good Mr. Lauristen report was and he would like to talk about 182 Whitehead Ave., Mr. Lauristen said that all the permits were given. He also questioned 126 Whitehead why the driveway was not done. He also questioned about 104 Whitehead Ave., he stated that they got approval for a four family and that we gave them eight months to get the work done and that it has been a year and a half and no work has been completed. Mr. Koch stated that he did not go for his bond and fees have not been paid. Mr. Kinneally will write a letter to this Applicant.

Mrs. Hermstedt told the Board about National Night Out which will be held on August 4, 2009.

The meeting was adjourned on a motion by Mr. Bodak with a second by Mr. O'Grady, all present approved.

Respectfully submitted,

M. Anita Hermstedt  
Secretary