

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 August 25, 2009, commencing at 7:30 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

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

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

Absent were Mr. Bodak and Mr. Clancy.

The minutes from July 28, 2009 were moved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

COMMUNICATIONS:

The letter from the County of Middlesex on Omnipoint Communications was received and filed on a motion by Mr. Andre with a second by Mr. Ciulla all present approved.

COMPLETENESS:

2009-7 Geesey, John W., shed to be placed at the end of a dead end driveway 5' from property line at 11 Pulawski Ave., was moved for public hearing on Sept. 22 at 7:35 or when called on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

2009-9 Beniz, Bulent 6 East St. variance for a 6' privacy fence on the back property line was moved for a public hearing to be held on September 22 at 7:40 or when called on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

2009-10 Pelligra, Richard, 18 Wilcox Ave to install a paver patio approximately 500 sq. ft. needs a variance for fence, home is less than 7 1/2 sf. from property line, plus lot coverage over 50%, and driveway enlargement was moved for a public hearing to be held on September 22 at 7:45 or when called on a motion by Mr. Ciulla with a second by Mr. McInerney all present approved.

RESOLUTION:

2009-4 Pasaniello, Darla, bulk variance to remove 650 sf. of concrete and replace with 752 sf. of brick pavers. The reading of the full resolution was waived on a motion by Mr. Ciulla with a second by Mr. Scala all present approved the Resolution was moved on a motion by Mr. Andre with a second by Mr. Scala all present approved.

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

**ZB 2009-3  
DARLA PASANIELLO**

**WHEREAS**, Darla Pasaniello, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances for lot

coverage and rear yard setback to remove 650 square feet of concrete patio and replace it with 750 square feet of pavers at the existing single family residence on the premises known as Block 257, Lot 4, otherwise known as 28 East 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 July 28, 2009, and

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

1. Applicant Darla Pasaniello has filed an application for a bulk variances for lot coverage and rear yard setback to remove 650 square feet of concrete patio and replace it with 750 square feet of pavers in the rear yard of the existing single family residence on the premises known as Block 257, Lot 4, otherwise known as 28 East Street in South River, New Jersey.

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

3. The proposed lot coverage is 72.7% where 50% is permitted; although the lot coverage exceeds that permitted by Ordinance, the replacement of the concrete patio with pavers will not adversely affect the surrounding neighbors.

4. The existing house is within the rear yard setback and there is no way for the paver patio to comply; the paver patio ends 18 inches from the rear property line.

5. The paver patio, which has already been installed, is properly pitched so that runoff will not adversely affect surrounding neighbors.

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 purposes of the Land Development

Ordinance for the Borough and the benefits derived from granting the bulk variances 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 Applicant, Darla Pasaniello, for bulk variances from lot coverage and rear yard setback to the paver patio 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.

**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 2009-3**

**The foregoing Resolution was:**

**Moved by: Mr. Andre**

**Seconded by: Mr. Scala**

<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 2009-3**

**The foregoing Resolution was:**

**Moved by: Mr. Andre**

**Seconded by: Mr. Scala**

<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 August 25, 2009.

**M. ANITA HERMSTEDT, SECRETARY**

PUBLIC HEARING

2009-6 DaSilva, Jose & Maria, 3 James St., construct a wall in the public right of way. Mr. DaSilva's daughter spoke on behalf of the Applicant, stating that they applied for a variance to build a wall in the public right of way, with the wall up against the

side walk, also stating there are other homes in the area with similar walls. The wall will be from 7 to 8 feet from the curb, and there will be drainage through the wall and will be in line with the next wall. Mr. DeMonico opened the application to the public hearing none it was closed on a motion by Mr. Scala with a second by Mr. Ciulla, all present approved. The application was moved on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

2009-5 Tecu, Manuel, 5 Anne St a variance to leave a 6' fence where it was constructed, Mr. Tecu spoke on how he constructed a new fence exactly where the old fence was, stating that the fence sits on the property line. He is 9' from the curb and is on an obtuse, seeking relief from the code and stating that it is not in the site triangle. Mr. Scala said that not a thing was wrong with the fence as far as he was concerned. If he put the fence where it was suppose to go he would lose much of his side yard. Mr. DeMonico opened the Application to the public hearing none it was closed on a motion by Mr. Scala with a second by Mr. Ciulla all present approved. The Application was moved on a motion by Mr. Scala with a second by Mr. Ciulla, all present approved.

2009-8 Goda, Mamdouh, 104 Whitehead Ave. to have relief from eight months placed at the time of the original resolution. Mr. Goda's son spoke stating that the engineer just got the plans this past week. Mr. DeMonico stated that they were told that everything had to be in at least ten days before the hearing and that because they did not abide by this rule the engineer did not have time to look at the plans and give their opinions. The Attorney announced a new date for the hearing which was moved on a motion by Mr. Ciulla without future notice with a second by Mr. Scala all present approved.

2009-3 Omnipoint Communications. Inc. change of use and site plan to construct a cellular tower on cemetery property located at 45 Hillside Ave. Mr. Ferrara spoke to the Board and requested that the Application be carried to the September 22<sup>nd</sup> meeting, because they have new information to be given to the Board. He also stated that the Tax Assessor said he would be taxing the property, Mrs. Hermstedt said that she would send a letter to the Tax Assessor requesting a letter from him stating this. The issue regarding the fire trucks they did go out and stated as long as branches were maintained that they would have no trouble answering a fire call. He also stated that construction of the tower would not interfere or disturb any graves, also if there is any remedial work they would take care of that. Mr. Andre made a motion to hold over to the September 22<sup>nd</sup> meeting with a second by Mr. Scala all present approved.

OPEN TO THE PUBLIC:

Mr. Lauristen spoke on 82 Hillside Ave., about the reconstruction of the house and notified him about the wall. The public portion was closed on a motion by Mr. Ciulla with a second by Mr. Andre, all present approved.

There were no comments.

Mr. Ciulla moved for adjournment with a second by Mr. Andre all present approved.

Respectfully submitted,

M. Anita Hermstedt  
Secretary to the Board