

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 February 23, 2010, 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. O'Grady and Mr. Scala.

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

Absent were Mr. Clancy and Mr. Miller.

The minutes from January 26, 2010 were moved on a motion by Mr. Andre with a second by Mr. Bodak, all present approved.

The Code Enforcement Report for the month of December 2009 was received and filed on a motion by Mr. Ciulla, with a second by Mr. Bodak, and to be held for use later in the meeting, all present approved.

COMPLETENESS:

2010-4 Matta, Michael, Risciotta, Thomas and Rohal, George 171 Main St. Block 103, Lot 15.1 & 5, pave parking lot in rear yard set back and impervious coverage, was moved for a public hearing to be held on April 27, 2010 at 7:35 or soon thereafter as called, all present approved.

RESOLUTION(S):

2009-18 Danley, Walter & Laurie, 12 Beryl St., Block 132, Lot 9, small kitchen addition impeding on rear yard set back. The full reading of the resolution was waived on a motion by Mr. Bodak with a second by Mr. Scala, all present approved. The Resolution was moved on a motion by Mr. Bodak with a second by Mr. Scala all present approved.

**MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2009-18
WALTER & LAURIE DANLEY**

WHEREAS, Walter & Laurie Danley, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for a bulk variance from Sections 350-8(G)(3) to construct a kitchen addition to the existing single family residence on the premises known as Block 132, Lot 9, otherwise known as 12 Beryl 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 January 26, 2010,
and

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

1. Applicant Walter & Laurie Danley have filed an application for a bulk variance to construct a kitchen addition to the existing single family residence on the premises known as Block 132, Lot 9, otherwise known as 12 Beryl Street in South River, New Jersey.

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

3. The proposed 9.5' x 11' addition needs a variance because the proposed addition, located at the rear of the house, will be 19' from the rear property line, instead of the required 25'.

4. The Applicants testified that they need additional living space for their growing family.

5. There was no opposition by any of the 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 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 these variances.

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, Walter & Laurie Danley for a bulk variance from Section 350-8(G)(3) to allow construction of a kitchen addition 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 2009-18

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller	X			

Mr. Jeremiah O'Grady	X			
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ZB 2009-18

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by Mr. Scala

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy				X
Mr. Frank DeMonico	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				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 FEBRUARY 23, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-17 Laptosh, William, 31 Charles St., Block 267, Lot 3, driveway in front yard, relief from five foot side yard setback and lot coverage. Full reading of the Resolution was waived on a motion by Mr. Ciulla, seconded by Mr. Bodak, all present approved. The Resolution was moved on a motion by Mr. Bodak with a second by Mr. Andre all present approved.

**MEMORIALIZING RESOLUTION
 FOR
 SOUTH RIVER ZONING BOARD OF ADJUSTMENT
 ZB 2009-17
 WILLIAM LAPTOSH**

WHEREAS, William Laptosh, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances from Sections 350-8(E)(1)(a) & Attachment 11 to construct a driveway in the front yard at the existing single family residence on the premises known as Block 267, Lot 3, 31 Charles 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 January 26, 2010, and

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

1. Applicant William Laptosh has filed an application for bulk variances to construct a driveway in the front yard at the existing single family residence on the premises known as Block 267, lot 3, otherwise known as 31 Charles Street in South River, New Jersey
2. Adequate notice was provided and the Board has jurisdiction to hear this application
3. The proposed driveway needs variances for driveway in a front yard, location within the 5' side yard setback and lot coverage of over 60%.
4. The Applicants testifies that there was previously a driveway in this location; they would like the driveway to provide an off-street parking space, which is desirable due to the crowded on-street parking in this neighborhood.
5. The Applicants agreed that the parking would be limited to the new driveway and would not extend to the existing concrete patio
6. There was no opposition by any of the 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 variance substantially outweigh any detriment resulting from the granting of these variances.
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 not detrimental impact to the neighborhood in granting this relief.

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. No parking shall be permitted on the existing concrete patio.
4. During construction, Applicant shall ensure that the neighbor's retaining wall is preserved, at the Applicant's cost.

BE IT FURTHER RESOLVED that 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 2009-17

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller	X			
Mr. Jeremiah O'Grady	X			

ZB 2009-17

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by Mr. Andre

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy				X
Mr. Frank DeMonico	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				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 FEBRUARY 23, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-22 Tokarik, David, 8 Raymond Place, Block 354.11, Lot 4 enlargement of driveway. Full reading of the Resolution was waived on a motion by Mr. Ciulla with a second by Mr. Bodak, 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 2009-22
DAVID TOKARIK, JR.**

WHEREAS, David Tokarik, Jr. hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances from Sections 350-8(A)(1) to widen the driveway in the front yard at the existing single family residence on the premises known as Block 354.11, Lot 4, otherwise known as 8 Raymond Place, 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 January 26, 2010, and

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

1. Applicant David Tokarik, Jr. has filed an application for a bulk variance to widen a driveway in the front yard at the existing single family residence on the premises known as Block 354.11, Lot 4, otherwise known as 8 Raymond Place in South River, New Jersey.

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

3. The proposed driveway needs variance relief to enlarge the driveway by widening it by 4 feet (two feet on each side) to a total width of 16'.

4. The Applicants testified that no widening of the existing apron is proposed.

5. The widening of the driveway will give the Applicant additional off-street parking.

5. There was no opposition by any of the 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 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 these variances.

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 David Tokarik, Jr. for a bulk variance from Section 350-8(A)(1) to allow widening of the driveway in the front yard 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. Applicant shall ensure that the driveway is pitched toward the street to ensure that there is no increased runoff to the neighbors on either side.

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 2009-22

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Scala

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy	X			
Mr. Frank DeMonico	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				
Mr. Jeremiah O'Grady	X			

ZB 2009-22

The foregoing Resolution was:

Moved by: Mr. Ciulla

Seconded by: Mr. O'Grady

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak	X			
Mr. Tony Ciulla	X			
Mr. Michael Clancy				X
Mr. Frank DeMonico	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				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 FEBRUARY 23, 2010.

M. ANITA HERMSTEDT, SECRETARY

2009-3 Omnipoint T-Mobile denial Resolution to construct a cell tower in the Cemetery property at Hillside Ave., Block 194, Lot 7, full reading of the Resolution was moved on a motion by Mr. Bodak with a second by Mr. Scala, all present approved. The Resolution was moved on a motion by Mr. Ciulla with a second by Mr. Andre, vote to follow.

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

**ZB 2009-3
OMNIPOINT COMMUNICATIONS, INC.**

WHEREAS, Omnipoint Communications, Inc. hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use and height variance, and for site plan approval to install a wireless communication facility at the existing cemetery on the premises known as Block 194, Lot 7. in 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 culminating on January 26, 2010, and

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

1. Applicant Omnipoint Communications, Inc. has filed an application for use and height variances and for site plan approval to construct a wireless communications facility on the premises known as Block 194, Lot 7, in South River, New Jersey.

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

3. The proposed wireless communications facility would consist of three equipment cabinets mounted on a concrete pad and antennas mounted on a large flagpole.

4. The proposed location of the wireless communication facility is near an existing masonry maintenance building located on property owned by the Washington

Monumental Cemetery Association; the property is an existing cemetery.

5. The Application also needs variance relief because it is located closer than one thousand feet to schools, residences etc.

6. At the conclusion of the original public hearings, a motion to approve the application was made and seconded; Mr. Clancy, Mr. Bodak and Mr. O'Grady voted in favor of the application.

7. Mr. Andre voted no, citing the eyesore of the monopole, disguised as an oversized flagpole and the apparent availability of other existing towers within South River.

8. Mr. Ciulla voted no and cited his belief that the monopole disguised as a flagpole would dominate both the cemetery and the adjacent neighborhood. Mr. Ciulla stated that he believed that the people visiting the deceased in the cemetery would be negatively affected by the size of the monopole disguised as a flagpole.

9. Chairman DeMonico voted no on the application. Mr. DeMonico described the monopole disguised as a flagpole as humongous; the pole coupled with the associated ground equipment and fence would be detrimental to both the adjacent residents and those individuals visiting the cemetery. In addition, Mr. DeMonico questioned the need for this tower, when other existing towers would appear to be a viable alternative.

10. Mr. Scala also voted no on the application; Mr. Scala cited the eyesore that the monopole and ground equipment would present to adjacent neighbors and those visiting the cemetery.

11. After the vote to approve the Application failed, but before the Zoning Board memorialized a Resolution, the Applicant requested, in writing, an opportunity for reconsideration by the Zoning Board.

12. As the result of certain scheduling issues, a public hearing on the reconsideration request could not be held until January 26, 2010. At that hearing, the Applicant emphasized two points that it believed were omitted at the original hearings:

a) the proposed number of cell phone towers in South River is consistent with other towns and 2) the "Causeway site" may be appropriate for other carriers, but does not work for T-Mobile's needs.

13. Members of the Zoning Board asked the Applicant if the flagpole could be moved and located at a focal point in the cemetery, and away from the associated equipment cabinets; The Applicant, after consulting with its witnesses and representatives of the Washington Monumental Cemetery Association advised that the flag pole could not be relocated to a more focal point of the cemetery because the Washington Monumental Cemetery Association was not willing to give up the space, which is designated for future gravesites.

14. The Applicant was unwilling to change original location for the proposed flagpole; the Applicant did offer to relocate the associated cabinetry next to the existing masonry structure and landscape the base of the flagpole.

15. At the conclusion of testimony on January 26, Mr. Clancy made a motion to approve the revised plan, and the motion was seconded by Mr. Bodak.

16. Mr. Bodak, Mr. Clancy and Mr. O'Grady voted yes on the revised application.

17. Mr. Andre voted no and stated that, in his opinion, the Applicant had offered no new information and that his original reasons for voting no were still valid.

18. Mr. Ciulla voted no on the application and again cited the poor location of the flagpole and the detrimental impact upon both adjoining neighbors as well as visitors to the cemetery.

19. Mr. DeMonico voted no on the application, citing both the inadequate location of the proposed pole, its humongous appearance and the detrimental impact to nearby residents and visitors to the cemetery.

20. Mr. Scala voted no on the application and cited the same reasons as originally given.

Based upon the foregoing findings of fact, the Board has arrived at the following legal conclusions:

1. The granting of the requested variances would be detrimental to 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 variances are substantially outweighed by the significant detriment resulting from the granting of this application.

2. The variance relief requested by the Applicant will substantially impair the intent and purpose of the Zone Plan and Zone Ordinance and there is significant 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, Omnipoint Communications, Inc. use, height and bulk variances, and for site plan approval, to permit a cellular tower and associated ground equipment be and hereby is DENIED in accordance with the findings of fact and conclusions of law rendered above.

BE IT FURTHER RESOLVED that after giving the Applicant an opportunity at "Reconsideration" and listening to the Applicant's additional information, the Application is DENIED

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. Clancy

Seconded by: Mr. Bodak

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre		X		
Mr. Robert Bodak	X			
Mr. Tony Ciulla		X		
Mr. Michael Clancy	X			
Mr. Frank DeMonico		X		
Mr. John Scala		X		
ALTERNATES				
Mr. Andreas Miller				X
Mr. Jeremiah O'Grady	X			

ZB 2009-3

The foregoing Resolution was:

Moved by: **Mr. Ciulla**

Seconded by: **Mr. Andre**

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mr. Mario Andre	X			
Mr. Robert Bodak				
Mr. Tony Ciulla	X			
Mr. Michael Clancy				
Mr. Frank DeMonico	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				
Mr. Jeremiah O'Grady				

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 FEBRUARY 23, 2009.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING:

2009-25 Zarzycki, Arhur, 7 Park Ave., Block 123, Lot 18, construct garage 16 c 22 in rear yard setback replacing 10x 18 garage. The Applicant Mr. Zarzycki spoke on his application stating that he would like to build a new garage which will be 75% larger then the one he will remove, 5' from the property line. Mr. DeMonico said that the maximum is 220' and that Mr. Zarzycki comes out to 352'. Mr. Zarzycki said that it is very uncomfortable getting out of the car, plus the garage is old and he wants to make it larger. Mr. Andre asked what he was doing with the foundation? Mr. Zarzycki said the foundation would be ripped out. The new garage will have the same siding as the house. Mr. Bodak questioned whether it would be a one car garage, and

the applicant answered yes. Mr. Ciulla would like to make the reports from Bignell 11-23-09 and CME 11-12-09 to be made a part of the minutes, with a second by Mr. Bodak, all approved. There will be electric to the garage and Mr. Ciulla wants as part of the Resolution that the garage will not be used for construction of any kind. Mr. Ciulla also wants any sidewalk that is damaged to be repaired and that the apron be made a little wider. Mr. Zarzycki said that the apron will be replaced. All run off must be made towards the Street.

Mr. DeMonico opened the meeting to the public.

Mr. Nick Bachar of 4 Birchwood Place spoke that as long as the water goes into the ground or out to the street he is in favor of the application.

Mr. Scala moved that the public portion be closed with a second by Mr. Ciulla all present approved.

Mr. Andre moved this application making sure the water goes to the front and that detailed plans should go towards the construction office. Mr. Bodak seconded, all present approved.

2009-16 Domingues, Paula, 12 Tice Ave., Block 209, Lot 7 install an additional driveway in front and side yard setbacks, Mr. Domingues sent a letter to the Board requesting that his application be held over to the next meeting. Mr. Bodak moved this application to the April 27, 2010 meeting with a second by Mr. Ciulla, all present approved.

2009-15 Charles, Ivane Jean, 67 Morningside Ave., Block 201, Lot 6 patio in rear yard set back, already installed did not send out her letters by return receipt, therefore she could not be heard and her Application was moved to the March 30, 2010 meeting.

2010-1 Rhinehart, Patricia, 11 Kamm Ave., Block 205, Lot 8.2 enlarge driveway relief from side yard setback, Ms. Rhinehart said that the driveway is already completed and that it is pavers, double width, so as to accommodate two cars side by side. Mr. DeMonico asked what side the house was on coming down Kamm Ave. Ms. Rhinehart said the coming down she is on the right hand side. Mr. Andre was there and saw that the apron is not even with the driveway. Ms. Rhinehart said that the apron is 8" off the driveway. Mr. DeMonico said that she needs relief not just for the size of the driveway but side yard because she is too close to the neighbor. The application will be amended to say both variances.. This application was opened to the public, hearing none it was closed on a motion by Mr. Scala with a second by Mr. Ciulla. The Application was moved on a motion by Mr. Andre with a second by Mr. Scala, with the driveway only 24', all present approved.

2009-23 Pimentel, Pedro & Marisa, 119 Prospect St., Block 37, Lot 1 & 5, rear addition over 50%. Addition for stairs in five foot side yard set back was heard after the Attorney swore in the Applicants. Mr. Pimentel said that the home was a legal two family, and that he wanted to have a five bedroom unit, plus a playroom and to enlarge the kitchen. He wants to make space in the upstairs apartment by making more bedrooms. He lives on the first floor but needs more bedrooms because of the relatives that come and stay at the home. He has tenants living upstairs and has two stair cases going up from the first floor. He wants to make seven bedrooms, five on the first floor and two on the second floor. The second floor apartment has two bedrooms and he wants two more, he said he needs money and that is why he wants another apartment upstairs. He is over 50% of coverage of his property. Mr. Ciulla asked that the reports from Bignell 11-19-09 and CME become a part of the minutes. The basement will remain a basement. Mr. Andre asked about the number of children that he has? Mr. Pimentel said that he has a walkup attic on the side of the building which he moved to the outside of the home. Mr. Bodak is having a hard time understanding the way the property is. Mr. Pimentel said that he parks a boat in the garage which is a masonry garage; he has a gravel driveway which can park up to fifteen (15) cars. The meeting was opened to the public. Mr. Nancy Majewski spoke that she was not noticed and that she lives right at the end of their driveway. She spoke that the attic is finished and that he has people living there. He put the driveway in without a permit and wants to know if they got permits for the patio and car port. She said the storm water runs right down to her property. Mr. Kinneally told the Applicant to go back down the Borough and get a new list at no charge to them, that Marisa said that she noticed that the address was not on the list and should have been. This Application was moved to the April 27, 2010 meeting on a motion by Mr.

Ciulla and a second by Mr. Andre all present approved. Mr. Bodak would like to make an on site inspection and made this in the form of a motion with a second by Mr. Andre all present approved.

2009-13 Molnar, Istran, 74 Hillside Ave. Block 171, Lot 7 & 7.1 to build a three car garage and a wall was moved to the April 27, 2010 meeting, after receiving a letter from the Applicant requesting a postponement.

BILLS:

The Home New Tribune bills were ordered paid on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

OPEN TO THE PUBLIC:

The meeting was opened to the public and Mr. Majewski told the Board that she would be back in April. Hearing no one else the meeting was closed to the public on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

COMMENTS:

Mr. DeMonico had certificated to present to Mr. Andre and Mr. O'Grady.
Mr. Ciulla talked about the factory on Anderson St., which they wanted to convert into a house, he would like to know what happened regarding that Application.

Mr. Ciulla moved to adjourn the meeting with a second by Mr. Andre, all present approved.

Respectfully submitted,

M. Anita Hermstedt
Secretary to the Board