

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 May 25, 2010, commencing at 7:30 PM in the Criminal Justice Building, 61 Main St., South River, NJ.

Present were: Mr. Bodak, Mr. Ciulla, Mr. Clancy, Mr. DeMonico,, Mr. Miller, 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. Andre and Mr. Joseph Hranowski.

The Minutes from April 27, 2010 were moved on a motion by Mr. Ciulla with a second from Mr. Bodak all present approved.

COMPLETENESS:

2010-12 Pacheco, Manuel 32 Levinson Ave., Block 301, Lot 11.1 enclose front porch and garage with enlargement variance side and rear yard setback, was deemed incomplete for the reasons stated in the Bignell report, and will be placed on the June 29, 2010 agenda.

2010-13, Tavares, Jose, 12 Woodlawn Ave., Block 45, Lot 5, relief from setback to leave the following items in the locations: storage shed, driveway, rear patio and sunroom was moved for completeness on a motion by Mr. Bodak with a second by Mr. Scala for public hearing to be held on June 29, 2010, all present approved.

2010-14 Zargo, Joseph, Marques, Sergio, 181 Whithead Ave., Block 306, Lot 7 to allow tow family to remain was deemed incomplete for the reasons stated in the Bignell report, on a motion by Mr. Bodak with a second by Mr. Scala all present agreed.

2010-15 Nervegna, 34Southside Ave., Block 253, Lot 9.3 driveway and patio, driveway coverage exceed 50%, was deemed incomplete for the reasons stated in the Bignell report on a motion by Mr. Bodak with a second by Mr. Scala all present approved.

RESOLUTIONS:

2009-16 Domingues, Paula, 13 Tice Ave., Block 209, Lot 7 install driveway 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. Bodak with a second by Mr. Ciulla, all present approved.

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

**ZB 2009-16  
PAULO DOMINGUES**

**WHEREAS**, Paulo Domingues, 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) to permit an additional driveway in the front and side setback at the existing single family residence on the premises known as Block 209, Lot 7, otherwise known as 13 Tice 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 by the Zoning Board on April 27, 2010, and

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

1. Applicant Paulo Domingues has filed an application for bulk variances to permit an additional driveway in the front and side yard at the existing single family residence on the premises known as Block 209, Lot 7, otherwise known as 13 Tice Avenue 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 location within the front and side yard setback.

4. The Applicants testified that the driveway would be 22' x 33'; based upon concerns raised by the Zoning Board, the Applicant agreed to reduce the size to 22' x 28'.

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 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 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 Paulo Domingues for bulk variances from Section 350-8(E)(1)(a) to allow the driveway in the front and side 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. The driveway shall be 22' x 28'.

4. No parking of commercial vehicles shall be permitted except as allowed under South River ordinances.

**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 2009-16**

**The foregoing Resolution was:**

**Moved by: Mr. Andre**

**Seconded by: Mr. Bodak**

<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. Jeremiah O'Grady	X			
Mr. John Scala			X	
<b>ALTERNATES</b>				
Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

**ZB 2009-16**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**Seconded by: Mr. Ciulla**

<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. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Mr. Andreas Miller			X	
Mr. Joseph Hranowski				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 MAY 25, 2010.

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**M. ANITA HERMSTEDT, SECRETARY**

2010-2 GMT Electronics Inc. 171 Main St., Block 103, Lot 15.1 & 5.3 pave parking lot rear yard setback & impervious coverage, 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. Bodak all present approved.

**MEMORIALIZING RESOLUTION  
FOR  
SOUTH RIVER ZONING BOARD OF ADJUSTMENT  
  
ZB 2010-2  
GMT ELECTRONICS, INC**

**WHEREAS**, GMT Electronics, Inc., hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances from Sections 350-8 to permit an paved parking in the rear setback and a variance for impervious lot coverage at the existing building on the premises known as Block 103, Lots 15.1 & 15.3, otherwise known as 171 Main 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 April 27, 2010, and

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

1. Applicant GMT Electronics, Inc. has filed an application for bulk variances to permit paved parking in the rear setback and an impervious coverage variance at the existing building on the premises known as Block 103, Lots 15.1 & 15.3, otherwise known as 171 Main Street in South River, New Jersey.

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

3. The paved parking area needs variances for rear yard setback and for impervious coverage.

4. The Applicant's representative, George Rohal, testified that the driveway was already installed because they did not know about the need for variance relief.

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 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 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 GMT Electronics, Inc. for bulk variances for impervious coverage and rear yard setback from Section 350-8 to allow the paved parking area to remain in the rear 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.

**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.

**The foregoing Resolution was:**

**Moved by: Mr. Scala**

**Seconded by: Mr. Ciulla**

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. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

**ZB 2010-2**

**The foregoing Resolution was:**

**Moved by: Mr. Ciulla**

**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. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Mr. Andreas Miller			X	
Mr. Joseph Hranowski				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 MAY 25, 2010.

**M. ANITA HERMSTEDT, SECRETARY**

2010-9 Edson Ferreira, 18 Pulawski Ave., Block 164, Lot 13.1 denial for installing pavers, full reading of the 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. Ciulla with a second by Mr. Bodak all present approved.

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

**ZB 2010-9  
ED FERRIERA**

**WHEREAS**, Ed Ferreira, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for bulk variances from Sections 350-8(G) to permit a paver patio in the rear yard at the existing building on the premises known as Block 164, Lot 13.1, otherwise known as 18 Pulawski 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 by the Zoning Board on April 27, 2010, and

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

1. Applicant Ed Ferreira has filed an application for bulk variances to permit a paver patio in the rear yard at the existing building on the premises known as Block 103, Lots 15.1 & 15.3, otherwise known as 171 Main Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The paver patio needs variances for rear yard setback and side yard setback.
4. The Applicant's yard is not large enough to allow him to comply with the rear yard or side yard setback requirements.
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 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 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 Ed Ferreira for bulk variances for side yard and rear yard setback from Section 350-8(G) to allow the paver patio in the rear 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.

**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 2010-9**

**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. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

**ZB 2010-9**

**The foregoing Resolution was:**

**Moved by: Mr. Ciulla**

**Seconded by: Mr. Bodak**

<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. Jeremiah O'Grady	X			
Mr. John Scala	X			
<b>ALTERNATES</b>				
Mr. Andreas Miller			X	
Mr. Joseph Hranowski				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 May 25, 2010.

**M. ANITA HERMSTEDT, SECRETARY**

PUBLIC HEARING:

2010-10 Arnold, David, 191 Willett Ave., Block 251.12, Lot 2 widen driveway. Mr. Arnold was sworn in by the Board's Attorney and explained why he wanted to widen his driveway. He spoke about the traffic on Willett Ave. and mainly to get the cars off the road. The property is pitched towards the Street and therefore all runoff of water will be toward the Street. Mr. DeMonico opened this application. Mr. Ciulla of 18 Sussex Court spoke that he is in favor of the Application, anything to get cars off the Street. Hearing no one else public portion was closed on a motion by Mr. Bodak with a second by Mr. Scala all present approved. Mr. Bodak moved the application with the stipulation about the drainage with a second by Mr. Scala all present approved.

2010-6 Chadwick, Christopher, 10 O'Brien Ave., to install pavers in the grass area between the curb and sidewalk, the Applicant was sworn in by the Board's Attorney. Mr. Chadwick said that he would like to replace the grass between the curb and sidewalk with pavers. Mr. DeMonico said that what he has done with the property is very neat and nice, and to make sure if approved that the gas and water are marked out, and that the Borough has a right of way on that portion of the property. The Application was opened to the public; with no one coming forward it was closed on a motion by Mr. Scala with a second by Mr. Bodak, all present approved. The Application was moved on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2010-5 Mr. & Mrs. Yong Yow, 172 Willett Ave., Block 251.1, Lot 16 to expand the driveway, the Applicant was sworn in by the Board's Attorney. The Applicant stated that they would like to expand the driveway to get the cars off the road and put in an above ground pool. They stated that they completely fenced in. Mr. Bodak spoke about the drainage making sure they realized that all drainage was to go to the Street, they said that they were going to put underground drainage under the driveway which will go out to the Street. The Application was opened 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 for approval on a motion by Mr. Bodak with a second by Mr. Ciulla stating that all drainage was to be towards the Street, all present approved.

2009-13 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 held over to the June 29<sup>th</sup> meeting because of not receiving the maps in a timely manner on a motion by Mr. Ciulla and a second by Mr. Scala, all present approved.

2010-16, Appeal by the owner of Ralph's Tavern, 26 Reid ST., regarding reopening business was moved to June 29, 2010 because the Applicant was a no show.

2010-3 Metro PCS New York, LLC construct a telecommunication facility by locating six (6) antennas as a maximum height of 97'3" on the existing 91' municipal water tank, Mr. Michael Beck spoke on behalf of the Applicant stating that the Borough bid out space on the water tank to locate equipment at the base of the tank, stating that the tank was in a R100 zone which includes 350.23 which mentions towers adding antennas, and that they are here for a use variance. Mr. Beck called their first witness: Mr. Collins, 14 Ridgewood Road, Cedar Knolls, NJ who gave his credentials and was recognized by the Board. He stated that the antennas were FCC compliance. The emissions from the antennas are much lower than in your home. Mr. Bodak asked that the report from CME and Bignell be made a part of the minutes. Mujtab, the radio frequency engineer was the second witness and he gave his qualifications to the Board and was accepted. He explained why they needed this coverage and why they picked the water tower. Mr. Bodak questioned whether a cellular tower or antennas, which was the best? It was explained whichever gave the better height. Mr. Clancy spoke how it was more reasonable to put antennas than to build a tower. Mr. Ferrante from Rockaway, NJ was the third witness and gave the Board his qualification and was accepted. He stated that he prepared the plans which the Board had in their packets. He talked about making sure the plans were a benefit to the facility.

Mr. Reinentsen from Cedar Knolls, NJ was the last witness and gave his qualification to the Board and was accepted. He talked about the pictures which were given out to the Board and how the tower is just about seen from different views within the 1000'.

The Application was opened to the public.

Mr. Casucci, 75 New St. was against the application and stated his reasons.

Mr. Zargo 170 New St., was also against the application and stated his reasons

The Application was closed to the public on a motion by Mr. Bodak with a second by Mr. Clancy all present approved. The Application was moved for approval on a motion by Mr. Clancy with a second by Mr. Bodak all present approved.

BILLS:

The bill from the Home News was ordered paid on a motion by Mr. Bodak with a second by Mr. Ciulla all present approved.

OPEN TO THE PUBLIC:

Ms. Meloni spoke on how professional the group of gentlemen from Metro were stating that they were very thorough.

There were no comments.

The meeting was adjourned on a motion by Mr. Ciulla with a second by Mr. Clancy all present approved.

Respectfully submitted,

M. Anita Hermstedt  
Secretary to the Board