

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 February 22, 2011, commencing at 7:30 PM in the Community Center 55 Reid St., South River, NJ.

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

Absent were Mr. Clancy and Mr. Hranowski.

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

The Minutes from January 25, 2011 were moved on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

CORRESPONDENCE:

A letter from PSE&G informing the Municipality of an application to NJ Dept. of Environment and a copy of the Resolution regarding the League of Municipalities were received and filed on a motion by Mr. Bodak with a second from Mr. O'Grady, all present approved.

COMPLETENESS:

2011-1 Vold, Andre, 51 Charles St., Block 268, Lot 3 add a level on same foot print of existing structure from one story to two story was moved for a public hearing on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

2011-2 Marcal, Sandra, 41A Jackson St., Block 158, Lot 24, waiver of site plan to operate a pet grooming at said premises was deemed incomplete on the reports from the professionals on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

2011-3 36 Water Street, LLC, 36 Water Street, Block 322, Lot 12, convert existing rooming house and vacant butcher store into three residential apartments, each with two bedrooms was deemed incomplete on the report from CME on a motion by Mr. Ciulla with a second by Mr. Bodak, all present approved.

RESOLUTION:

2010-29, DePaula, Camilo, 7 Water St., Block 309, Lot 2 enlargement of driveway in side yard and rear yard setback. The entire 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 by Mr. Ciulla with a second by Mr. Bodak, roll call to follow.

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

**ZB 2010-29  
CAMILO DEPAULA**

**WHEREAS**, Camilo DePaula, 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) & (E)(1)(a) to permit the enlargement of the driveway in the side and rear yard setback at the existing single family residence on the premises known as Block 309, Lot 2, otherwise known as 7 Water 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 25, 2011, and

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

1. Applicants Camilo DePaula has filed an application for bulk variances to permit the enlargement of the driveway in the side and rear yard setbacks at the existing single family residence on the premises known as Block 309, Lot 2, otherwise known as 7 Water Street in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The proposed driveway will provide the Applicant with increased off-street parking.
4. The Applicant agreed that the lot coverage will not violate the impervious coverage limits.
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 Camilo DePaula for bulk variances from Section 350-8(A)(1) & (E)(1)(a) to allow the enlargement of the driveway in the side and rear yard setbacks 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. All stormwater runoff from the driveway shall be directed away from the neighbor's 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 2010-29**

**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			

**ZB 2010-29**

**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				
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				

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 22, 2011.

**M. ANITA HERMSTEDT, SECRETARY**

2010-30 Costa, Isilda, 1 Herbert St., Block 254.6, Lot 9, enlargement of front yard driveway from two cars to three. 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. Bodak with a second by Mr. O'Grady all present approved. Roll call to follow

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

**ZB 2010-30  
ISILDA COSTA**

**WHEREAS**, Isilda Costa, 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 II to permit the enlargement of the driveway in the front yard at the existing single family residence on the premises known as Block 254.6, Lot 9, otherwise known as 1 Herbert 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 25, 2011, and

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

1. Applicants Isilda Costa has filed an application for a bulk variance to permit the enlargement of the driveway in the front yard at the existing single family residence on the premises known as Block 254.6, Lot 9, otherwise known as 1 Herbert Street in South River, New Jersey.

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

3. The proposed driveway will provide the Applicant with increased off-street parking; the existing curb-cut will remain the same width.

4. The roof drainage is already directed to the street and will remain so after the widening of the driveway.

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 Isilda Costa for a bulk variance from Section 350-8 (E)(1)(a) & Attachment II to allow the enlargement 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. All stormwater runoff from the road drains will be directed to the street.

**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. 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			

**ZB 2010-30**

**The foregoing Resolution was:**

**Moved by: Mr. Bodak**

**Seconded by: Mr. O'Grady**

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Mario Andre				
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				

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 22, 2011.

**M. ANITA HERMSTEDT, SECRETARY**

PUBLIC HEARING:

2010-28 Silva, Manuel, 38 Claremont Ave., Block 190, Lot 10, enlarge driveway in front yard & curbing. Ms. Adelino, Mr. Silva's daughter spoke to the Board regarding doing the curb cut for the driveway which she already got permission for, saying that after it was done her father decided that they should have got permission to do the cut. Mr. DeMonico opened this Application to the public, hearing none, it was closed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved. Mr. Ciulla moved the application with a second by Mr. Andre, all present approved.

2010-26 Lopes, Dora 7 Rui, 52 Mageira, St., Block 258, Lot 8.1, variance 25' for rear yard setback for paver patio. Mr. Lopes spoke to the Board regarding what he would like to do. He would like to install brick pavers in the back yard 21 x 30 feet. He was questioned how close was he to the property line? He told the Board that he is 4' and that he is looking for a variance regarding that. Mr. Ciulla asked if he had put in the swales in the back yard which the Planning Board had told him to do? And he answered yes he did, and that the patio will not interfere with the swales. Mr. Bodak asked about the water flow. He wanted to know if there was space between the shed and fence to make it go towards the front, he said he would put in another swale to prevent the water from going in the neighbors yard. This Application was opened to the public hearing none it was closed on a motion by Mr. Bodak with a second by Mr. Scala, all present approved. The Application was approved on a motion by Mr. Ciulla with a second by Mr. Andre, all present approved.

BILLS:

The bills for the NJ Planning Officials and the Home News were ordered paid on a motion by Mr. Bodak with a second by Mr. Scala, all present approved.

OPEN TO THE PUBLIC:

Ms. Marilyn Meloni spoke and reminded the Board that the Master Plan would be held this coming Thursday, February 24, 2011, commencing at 7:00 PM in the Criminal Justice Building. Hearing no one else this portion of the meeting was closed on a motion by Mr. Bodak with a second by Mr. Ciulla, all present approved.

COMMENTS:

Mr. Bodak questioned whether or not our Attorney had sent the letter to the Mayor and Council regarding our meeting place and if he also included about the raise for Mrs. Hermstedt, Mr. DeMonico said he did not hear and questioned Mrs. Hermstedt whether she received a copy and she informed them that she did not.

The meeting was adjourned on a motion by Mr. Andre with a second by Mr. Ciulla, all present agreed.

Respectfully submitted,

M. Anita Hermstedt, Secretary