

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 March 29, 2011, 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. Clancy, Mr. DeMonico, Mr. Hranowski, Mr. O'Grady and Mr. Scala.

Absent was Mr. Miller.

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

The Minutes from February 22, 2011, were moved on a motion by Mr. Ciulla with a second by Mr. O'Grady, all present approved.

CORRESPONDENCE:

The Letter from Michael R. Beck regarding the noise study which the Board requested was received and filed on a motion by Mr. Ciulla with a second by Mr. Scala all present approved.

COMPLETENESS:

2011-2 Marcal, Sandra, 41 A Jackson St., Block 158, Lot 24 waiver of site plan to operate a pet grooming on said premises was deemed complete for a public hearing to be held on April 26, 2011, commencing at 7:35 or soon thereafter as called on a motion by Mr. Bodak and a second by Mr. Ciulla, 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 complete for a public hearing to be held on April 26, 2011, commencing at 7:40 or soon thereafter as called on a motion by Mr. Ciulla and a second by Mr. Bodak, all present approved.

2011-4, Marques, Manuel, 29 Virginia St., Block 107, Lot 1, to build a garage larger than permitted was deemed incomplete on a motion by Mr. Ciulla and a second by Mr. Bodak for monies still owed, all present approved.

2011-5 Iammattelo, Debra, 49 Virginia St., Block 109, Lot 9, concrete or paver patio & blacktop driveway to remain over 50% lot coverage, was deemed complete for a public hearing on April 26, 2011 commencing at 7:45 or soon thereafter as called on a motion by Mr. Bodak and a second by Mr. Ciulla all present approved.

RESOLUTION(S):

2010-28, Silva, Manuel, 38 Claremont Ave., Block 190, Lot 10, enlarge driveway in front yard and curbing. 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 by Mr. Ciulla with a second by Mr. Andre, all present approved.

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

**ZB 2010-28  
MANUEL SILVA**

**WHEREAS**, Manuel Silva, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a variance to widen an existing driveway on the premises known as Block 190, Lot 10, otherwise known as 38 Claremont 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 October 26, 2010, and

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

1. Applicant Manuel Silva has filed an application for a bulk variance to widen an existing driveway on the premises known as Block 190, Lot 10, otherwise known as 38 Claremont Avenue in South River, New Jersey.
2. Adequate notice was provided and the Board has jurisdiction to hear this application.
3. The Applicant seeks to widen the driveway by three feet to provide additional off street parking.
4. The existing driveway apron is to remain; only the driveway is to be widened.
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 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 use and bulk variances 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 Manuel Silva for a bulk variance to permit the widening of the existing driveway 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 2010-28**

**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				
Mr. Joseph Hranowski				

**ZB 2009-28**

The foregoing Resolution was:

Moved by:

Seconded by:

<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				
Mr. John Scala	X			
<b>ALTERNATES</b>				
Mr. Andreas Miller				
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 NOVEMBER 30, 2010.

**M. ANITA HERMSTEDT, SECRETARY**

2010-26 Lopes, Dora & Rui, 52 Mageira St., Block 258, Lot 8.1 variance 25' for rear yard setback for paver patio, 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 2010-26  
DORA & RUI LOPES**

**WHEREAS**, Dora & Rui Lopes, hereinafter referred to as the Applicants, have applied to the Zoning Board of Adjustment of South River for a bulk variance to permit the a paver patio in the rear yard setback at the existing single family residence on the premises known as Block 258, Lot 3, otherwise known as 51 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 February 22, 2011, and

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

1. Applicants Dora & Rui Lopes have filed an application for a bulk variance to permit a paver patio in the rear yard at the existing single family residence on the premises known as Block 258, Lot 3, otherwise known as 51 Charles Street in South River, New Jersey.

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

3. The proposed patio will be 4 feet from the rear property line, where 25 feet are required.

4. The Applicant testified that the patio will not interfere with the drainage swales previously installed to avoid stormwater runoff into the neighbor's property; in addition the Applicant will install an additional swale to prevent increased runoff to the neighboring yard.

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 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 Manual Silva for a bulk variance to allow a paver patio within 4 feet of the rear property line 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 2010-26**

**The foregoing Resolution was:**

**Moved by: Mr. Ciulla**

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

**ZB 2010-26**

**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				
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 MARCH 29, 2011.

**M. ANITA HERMSTEDT, SECRETARY**

**PUBLIC HEARING:**

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. Mr. DeMonico questioned the Applicant on what he wanted to do. Mr. Vold stated that he wants to put an added bathroom and enlarge the bedroom. Mr. Bodak spoke about looking at the house angle toward the garage and asked if the slope will go up? The Applicant said yes. He also stated that the gutters will stay the same and run into the

road and the finish will be resided. Mr. DeMonico opened this Application to the public hearing none it was closed on a motion by Mr. Scala, with a second by Mr. Ciulla, all present approved. Mr. Bletcher went over his report for the Board. This Application was approved on a motion by Mr. Ciulla with a second by Mr. Andre all present approved.

BILLS:

The Bills for the Home News and Bannister were ordered paid on a motion by Mr. Scala with a second by Mr. Bodak, all present approved.

COMMENTS:

Mr. Kinneally spoke to the Board about the lawsuit regarding the cell tower at the cemetery and said that the decision should be coming down by the end of next month and as soon as he hears anything he will let the Board know Also he has an Amended Resolution for Gaby's Pizza there were a number of issues. He had to change the paragraph numbers, and he needs for the Board to vote on the new Resolution. Mr. Clancy made a motion approving the Resolution with a second by Mr. Scala, all present approved.

Mr. Andre asked about going to Atlantic City, and would like to go to the classes, Mrs. Hermstedt asked who would be attending and that she would give the list to Mrs. Jones. Mr. DeMonico, Mr. Bodak, and Mr. Andre will be attending Mr. Andre also said that he was glad to have Glenn at our meeting and also would like to know about that property on Whitehead Ave., that was suppose to put the shrubs in and make the driveway smaller, Mr. DeMonico said we are not an enforcement Board and that Mr. Lauritsen would have to attend to this.

Mr. Bodak asked again if the Attorney could send a letter to the Mayor and Council regarding a raise for Mrs. Hermstedt, the Attorney said he would.

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

Respectfully submitted,

M. Anita Hermstedt, secretary