

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 June 28, 2011, 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. Hranowski, and Mr. Scala.

Absent were Mr. Bodak, Mr. O'Grady and Mr. Miller.

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

The Minutes from May 31, 2011, were moved on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

CORRESPONDENCE:

The two letters sent to the Mayor and Council were received and filed on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

COMPLETENESS:

2011-7 Simoes, Ernesto & Maria, 66-68 Willet Ave., Block 260, Lot 12, was deemed incomplete and will be dismissed at the July 26th meeting without prejudice, on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

2011-12 Sulva, John, 10 Albourne St., was deemed complete on a motion by Mr. Ciulla for a public hearing to be held on July 26, 2011 with a second by Mr. Andre all present approved.

2011-12 Rais Realty, 95 Whitehead was deemed incomplete on a motion by Mr. Ciulla with a second by Mr. Scala because of the report from Bignell Planning will be put on the July 26, 2011 meeting for completeness and will be heard at the August 30, 2011 meeting, all approved.

RESOLUTIONS:

2011-6 Domingues, Jose, 21 Macko Court, Block 395, Lot 12, apply paver walkway around garden on a motion by Mr. Scala by title only seconded by Mr. Ciulla, all present approved.

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

**ZB 2011-6
JOSE DOMINGUES**

WHEREAS, Jose Domingues, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance South River ordinances to paver walkways within 5 feet of the property line at the existing single family residence on the premises known as Block 395, Lot 12, otherwise known as 21 Mako Court, 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 May 31, 2011, and

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

1. Applicant Jose Domingues has filed an application for a bulk variance to permit a paver sidewalk within 5 feet of the property line at the existing single family residence on the premises known as Block 395, Lot 12, otherwise known as 21 Mako Court in South River, New Jersey.

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

3. The existing paver walkway does not negatively effect the surrounding neighbors.

4. The existing paver walkway does not cause increased stormwater runoff to any adjoining properties.

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, Jose Domingues, for a bulk variance to permit the

existing paver walkway to remain within 5 feet of the 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 2011-6

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			
ALTERNATES				

Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

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			
ALTERNATES				
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 JUNE 28, 2011.

M. ANITA HERMSTEDT, SECRETARY

2011-8, Harigopal, Umeshram, 4 Veterans Drive, Block 380, Lot 1.6 paver patio in backyard, 25' rear yard setback, was moved by title only on a motion by Mr. Scala with a second by Mr. Ciulla, all present approved.

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

**ZB 2011-8
 UMESHAM HARIGOPAL**

WHEREAS, Umeshram Harigopal, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance from South River Ordinance Section 350-8(G) to allow a patio on the property line where a 25' setback is required at the existing single family residence on the premises known as Block 380, Lot 1.05, otherwise known as 4 Veterans Drive, 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 May 31, 2011, and

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

1. Applicant Umeshram Harigopal filed an application for a bulk variance to permit a patio on the rear property line where a 25' setback is required at the existing single family residence on the premises known as Block 380, Lot 1.05, otherwise known as 4 Veterans Drive Court in South River, New Jersey.

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

3. The existing patio does not negatively affect the surrounding neighbors.

4. The existing patio does not cause increased stormwater runoff to any adjoining residential properties; drainage appears to go toward a municipal drainage easement.

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, Umeshram Harigopal, for a bulk variance to permit the

existing patio to remain on 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 2011-8

The foregoing Resolution was:

Moved by: Mr. Bodak

Seconded by: Mr. Clancy

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			
ALTERNATES				

Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

ZB 2011-8

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			
ALTERNATES				
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 JUNE 28, 2011.

M. ANITA HERMSTEDT, SECRETARY

2011-4 Marques, Manuel, 29 Virginia St., Block 107, Lot 1, to build a garage larger than permitted was moved by Title only on a motion by Mr. Scala with a second by Mr. Ciulla

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

**ZB 2011-4
 MANUEL MARQUES**

WHEREAS, Manuel Marques, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a bulk variance from South River Ordinance Section 350-8(E)(3) to permit a 375 square foot accessory garage where 220 square feet are permitted at the existing single family residence on the premises known as Block 107, Lot 1, otherwise known as 29 Virginia 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 May 31, 2011, and

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

1. Applicant Manuel Marques filed an application for a bulk variance to permit a 375 square foot accessory garage where the ordinance limit is 220 square foot accessory buildings at the existing single family residence on the premises known as Block 107, Lot 1, otherwise known as 29 Virginia Street in South River, New Jersey.

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

3. The proposed 15' x 25' garage would permit one car and a small work area.

4. The garage will have water and electric service; no sewer or heat will be connected to the garage.

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, Manuel Marques, for a bulk variance to permit a 375

square foot accessory garage 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 run-off shall be directed to the street.
4. The sidewalk will be repaired/replaced as needed.
5. No sewer or heat shall be installed in the garage

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 2011-4

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			
ALTERNATES				
Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

ZB 2011-4

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			
ALTERNATES				
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 JUNE 28, 2011.

M. ANITA HERMSTEDT, SECRETARY

2011-3, 36 Water St., LLC, 36 Water St., Block 322, Lot 12, convert existing rooming house and vacant butcher store into three residential apartment, each with two bedrooms, was moved by Title only a motion by Mr. Scala and a second by Mr. Ciulla.

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

**ZB 2011-3
 36 WATER STREET, LLC**

WHEREAS, 36 Water Street, LLC, hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a conditional use variance

from South River Ordinances to the conversion of an existing rooming house and butcher shop into three residential apartments on the premises known as Block 322, Lot 12, otherwise known as 36 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 May 31, 2011, and

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

1. Applicant 36 Water Street, LLC filed an application for a conditional use variance to permit the conversion of an existing rooming house and butcher shop into three residential apartments on the premises known as Block 322, Lot 12, otherwise known as 36 Water Street in South River, New Jersey.

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

3. The Applicant is also requesting a variance for parking where 6 spaces are required and 4 parking spaces are proposed.

4. The current property contains 7 existing bulk violations; no new bulk violations are proposed and the Applicant proposes to continue the pre-existing nonconformities.

5. The proposed use is a less intense use than the existing rooming house use and butcher shop.

6. The Applicant requires a conditional use variance due to deficient lot size; the Zoning Board finds that, despite the deficient lot size, the property can accommodate the proposed 3 apartment use.

7. With regard to the parking, the Board agrees that a parking variance can be granted to permit 4 spaces where 6 are required because adequate on-street parking exists. The Applicant's original plan showed 2 spaces in the existing garage

and 2 spaces stacked in a driveway adjacent to the garage. At the Board's request, the Applicant agreed to re-configure the driveway to allow side-by-side parking; this creates a need for a new variance, because the driveway apron is now 39' wide, where 30' is permitted. The Zoning Board finds that this variance can be granted to avoid stacking the parking spots.

8. There are existing plumbing facilities located in the basement of the building. Since the Applicant proposes no residential use in the basement, the Applicant agreed to remove the plumbing facilities located in the basement with the exception of plumbing associated with laundry uses.

9. The Zoning Board expressed concerns about the proposed "den" area. At the Board's request, the Applicant agreed to open up the den area by removing the adjacent wall, to make this area less likely to be used as an additional bedroom.

10. 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 Conditional use 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 Conditional use 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, 36 Water Street, LLC, for a conditional use variance, parking variance and driveway apron variance to permit the conversion of the existing rooming house and the vacant butcher shop into 3 residential apartments 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 provide revised plans showing side-by-side parking on the driveway.

4. No residential use is permitted in the basement; the existing plumbing facilities in the basement are to be removed, except that 3 washing machines, three dryers and one slop sink are permitted.

5. Applicant shall submit the plans to the Fire Code official for review; if substantial revisions are required, the Applicant shall return to the Zoning Board with the revised plans.

6. The Applicant shall supply revised plans that open up the den area as described in paragraph 9, above.

7. The sidewalks shall be repaired/replaced as required.

8. Applicant shall supply the information requested in CME's March 28, 2011 report, Paragraph 2.

9. Applicant shall comply with the Bignell Planning Consultants April 18, 2011 report, Paragraph 9 A, D, E, & J.

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 2011-3

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			
ALTERNATES				
Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

ZB 2011-3

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Ciulla

ROLL CALL	YES	NO	ABSTAIN	ABSENT
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			
ALTERNATES				
Mr. Andreas Miller				X

Mr. Joseph Hranowski	X			
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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 JUNE 28, 2011.

M. ANITA HERMSTEDT, SECRETARY

2009-3 Omnipoint Communications, Inc., T Mobile, change of use variance and site plan approval to construct a monopole to hold cellular antennas, Block 275, Lot 4, Hillside Ave. was moved by Title only on a motion by Mr. Scala and a second by Mr. Ciulla.

MEMORIALIZING RESOLUTION
FOR
SOUTH RIVER ZONING BOARD OF ADJUSTMENT
ZB 2009-3
T-MOBILE (OMNIPOINT COMMUNICATIONS, INC.,)

WHEREAS, T-Mobile, formerly known as Omnipoint Communications, Inc., hereinafter referred to as the Applicant previously applied to the Zoning Board of Adjustment of South River for a use variance and site plan approval from South River Ordinances to install a monopole and associated ground equipment on the premises known as Block 194, Lot 7, otherwise known as 45 Hillside Avenue, South River, New Jersey; and

WHEREAS, after a series of Public Hearings, the South River Zoning Board denied the Use Variance; and

WHEREAS, the Applicant filed an Action in lieu of a Prerogative Writ in the Superior Court of New Jersey;

WHEREAS, after a Trial in this matter the Honorable James Hurley, J.S.C., reversed the Zoning Board's denial and granted the use variance to the Applicant for the monopole disguised as a flagpole.

WHEREAS, following that ruling, there remained site plan issues to be determined by the Zoning Board.

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 May 31, 2011, and

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

1. Applicant T-Mobile (formerly known as Omnipoint Communications, Inc.) received use variance approval via court ruling to install a monopole and associated ground equipment on the premises known as Block 194, Lot 7, otherwise known as 45 Hillside Avenue in South River, New Jersey.
2. At the original Zoning Board hearings, many site plan issues had been agreed to and/or resolved; however, when the Application did not receive sufficient votes in favor of the use variance, the site plan was never finalized.
3. After the Court ruling the Board's engineer, CME rendered a report dated May 27, 2011.

4. The Zoning Board's planner, Bignell Planning Consultants rendered a new report dated May 24, 2011.
5. The Applicant agreed to comply with the CME report, paragraphs 3-9.
6. The Applicant agrees to comply with the Bignell Planning Consultants report, Paragraph 12 A through and including K.
7. The Applicant will maintain responsibility for landscaping of the ground equipment area, and for lighting and flag maintenance of the flagpole.
8. 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 Site Plan 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 variance.
2. The Site Plan approval 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, T-Mobile (Omnipoint Communication, Inc.) for Site Plan Approval 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 comply with the CME report of May 27, 2011, paragraphs 3-9.
4. Applicant shall comply with the Bignell Planning Consultants report of May 24, 2011, Paragraphs 12 A through and including K.
5. Applicant shall maintain responsibility for the landscaping surrounding the equipment area and the flag maintenance and lighting of the flagpole.
6. If any re-location of the compound or the pole is required due to grave location, the Applicant is required to return to the Zoning Board.
7. If the mobile telephone technology that requires this monopole becomes obsolete, the Applicant is required to remove the monopole and equipment compound and to restore the site to its original condition.

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. Bodak

Seconded by Mr. Clancy

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			
ALTERNATES				
Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

ZB 2009-3

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			
ALTERNATES				
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 JUNE 28, 2011.

M. Anita Hermstedt, Secretary

2011-10 T-Mobile Northeast LLC proposing to extend the existing tree pole on Causeway and to add antennas to the pole was moved on Title only on a motion by Mr. Scala and a second by Mr. Ciulla.

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

**ZB 2011-10
T-MOBILE NORTHEAST LLC**

WHEREAS, T-Mobile Northeast, LLC. hereinafter referred to as the Applicant, has applied to the Zoning Board of Adjustment of South River for a use variance and site plan approval from South River Ordinances to add an extension on an existing stealth pole and associated ground equipment on the premises known as Block 325, Lots 10 & 12, otherwise known as 11 Causeway 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 May 31, 2011, and

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

1. Applicant T-Mobile Northeast LLC has applied to the Zoning Board for a use variance and site plan approval to install a 10 foot extension on an existing stealth pole and for associated ground equipment on the premises known as Block 325, Lots 10 & 12, otherwise known as 11 Causeway Street in South River, New Jersey.

2. This site is owned by the Borough of South River and was awarded to the Applicant pursuant to the Local Public Contacts Law.

3. The Applicant demonstrated that it lacks coverage in this area and that this lack of coverage would be largely remedied by the proposed antenna.

4. Co-locating this antenna on an existing pole is preferable to the construction of a new pole.

5. The Applicant provided photo simulations of the proposed 10 foot extension; the extension was not noticeable to the Zoning Board.

6. Since the extension is not noticeable, there are no negative criteria that merit mitigation.

7. The Applicant agreed to enhance the proposed landscaping, as requested in the Bignell Planning Consultant report of April 13, 2011.

9. There was no opposition by any of member of the public.

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

1. The granting of the requested Use 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 Use Variance approval 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, T-Mobile Northeast LLC for a Use Variance and Site Plan Approval 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 provide a revised landscaping plan that provides enhanced screening of the equipment area; this revised plan shall be subject to the review and approval of the Zoning Board planner.

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 2011-2

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. Jeremiah O'Grady	X			
Mr. John Scala	X			
ALTERNATES				
Mr. Andreas Miller				X
Mr. Joseph Hranowski	X			

ZB 2011-2

The foregoing Resolution was:

Moved by: Mr. Scala

Seconded by: Mr. Ciulla

ROLL CALL	YES	NO	ABSTAIN	ABSENT
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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			
ALTERNATES				
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 JUNE 28, 2011.

M. ANITA HERMSTEDT, SECRETARY

PUBLIC HEARING:

2011-9 DaSilva, Manuel 18 Robert St., to construct a two family resident in a single family zone. Mr. Almeida son a Mr. DaSilva talked to the Board about what they would like to do. He stated that his father resides at 23 Claremont Ave. and that he would be living in one of the family homes. He stated that the house is conducive to the neighborhood. It is zoned as a B1 zone. He stated that parking could be an issue but the garage and driveway can accommodate four cars. Mr. Ciulla made a motion to have CME's report of April 19, 2011 be entered into the minute with a second by Mr. Scala all present approved. Mr. Bletcher went over the report from Bignell and Mr. Lee went over CME's and that Applicant agreed to everything that was an issue. Mr. Hyland the Applicant's Planner went over everything with Mr. Bletcher and Mr. Lee. Mr. Hyland will make a presentation which will be marked Exhibit A1, he had a aerial photograph of the area. The property is on Robert St, which is zoned residential, multi & business, next store is a two family with vacant property, one side of the street is B1 and the other is residential Mr. Hyland feels that the proposed two family is better for the neighborhood then a business. This will be the highest priced property in the neighborhood Mr. Hyland would like to walk the Board through the house. Sheet A1 50 X 160 easement with a garage. Left hand garage goes with the downstairs. The up stairs garage is on the right side, so that it appears as a one family. Mr. Ciulla asked if all the drainage will be out to Robert St., Mr. Hyland stated that they have two dry wells to catch the runoff.

Mr. DeMonico opened this Application to the public.

Mr. John Stashkevetch of 13 Robert St., spoke against this Application.

Ms. Alexis Stashkevetch of 13 Robert St. spoke against this Application

Mr. John Frost of 2 Schack Ave., spoke in favor of the Application. Hearing no one else this Application was closed to the public on a motion by Mr. Scala with a second by Mr. Ciulla. Mr. DeMonico asked the Board if anyone else had any questions. Mr. Andre questioned the Planner about trying to move the driveway one inch to the left. Mr. Hyland spoke about the left hand staircase is going down. Mr. Andre agrees that this will be a beautiful home and therefore made a motion to approve with a second by Mr. Ciulla, all present approved

2011-11 Costa, Nancy, 48 New St., Block 349.2 Lot 1, to enlarge single driveway to two car and apron. Ms. Costa spoke to the Board stating she would like to enlarge her driveway to the right. She said that the fence is already installed and that she had permission to do that. Mr. Ciulla asked if she was going to put the leaders from the house into the ground, she said yes she was.

Mr. DeMonico opened this Application to the public, hearing none it was closed on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved. Mr. Andre moved this application with provisions, with a second by Mr. Scala all present approved.

2011-4 McGonigle, Kevin & Jacinto 36 Ferris St., Block 115, Lot 6, install brick paver patio within the 25' rear yard setback. Mr. McGonigle spoke to the Board on behalf of his Application, stating that he would like to enlarge the patio and that it would be 7' from the property line. The patio will be a total of 600 sq. ft. and the total lot coverage is 47%. He has a paver driveway and would like to continue the pavers around the house. What he needs are bulk variances he is 5' side yard setback, 5 foot on the left and 2 feet on the right, the fence goes completely around the house. Mr. DeMonico opened the Application to the public, hearing none it was closed on a motion by Mr. Ciulla 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.

2011-5, Iammatteo, Debra, 49 Virginia St., Block 109, Lot 9 over 50% lot coverage concrete or paver patio and driveway. Ms. Iammatteo spoke to the Board on her Application., she stated that this applies to the information that was requested. Mr. Andre wanted to know how pebbles and stone are pervious; the Attorney said in most towns that is how it is listed in the Ordinances he asked if somehow we can speak to the Borough and have it changed in impervious? The pool is impervious, she said that they have put in French drains on both sides of the pool. She would like to replace the sidewalk. 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. Mr. Andre moved the Application to complete the driveway with semi perviouspavers, with a second by Mr. Ciulla, all present approved. Before Ms. Iammatteo left she complicated Mr. Lauritsen.

BILLS:

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

OPEN TO THE PUBLIC?

The meeting was open to the public, hearing none it was closed on a motion by Mr. Ciulla with a second by Mr. Scala, all present approved.

COMMENTS:

Mr. Andre spoke about the Resolution raising the escrow to \$1000.00 feeling that it was to high, and that it would scare people off. Mrs. Hermstedt explained that there is not enough money left in escrow from most applications and then certain persons do not get paid.

ADJOURNMENT:

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

Respectfully Submitted,

M. Anita Hermstedt,
Secretary