SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF APRIL 25, 2018**

**The regular meeting of the Board of Adjustment was called to order by Mr. Green, Chairman and opened with a salute to the flag. Mr. Green announced that the meeting was being conducted in accordance with the Sunshine Law.**

**Members of the Board of Adjustment present were: Mr. Green, Mr. Henry, Mr. Kuczynski, Ms. Catallo,**

**Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Foley**

**Absent Members: Mr. Sivilli**

**Also present were: Mr. Kemm, Attorney, Mr. Cornell, Engineer, and Mr. Barre, Planner**

**Before beginning testimony Mr. Green announced that Mr. Sivilli was not present tonight as he was called into work and will be excusing himself from testimony on this application due to conflict.**

**#16-13 Shri Bhaktinidhi 717 Washington Rd. Use Variance/Site Plan $3,000.00 App. $12, 500.00 Esc.**

**Jeffrey Kantowitz, attorney for the applicant addressed the Board stating this was a continuation of this application. Mr. Kemm stated the board had jurisdiction to hear the application. He also stated that the Board members not present at prior hearings of this application have submitted documentation that they have read all the transcripts from prior hearings.**

**Mr. Kemm swore in: Kamlesh Shah, Architect, Mr. Green made motion to accept his credentials; Mr. Foley seconded, motion carried. Mr. Shah presented Exhibit B1 dated 4/25/18 prepared by him showing the Front Elevation of the building in a color rendition with the 2 story, 39.000 sq. ft. back underground. The height will be 38 ft. with domes 75 ft. high facing Washington Road. This is a typical Indian Temple the steel and masonry structure with limestone softstone design replicates the religious sect the temple belongs to. This meets all zoning ordinances. Exhibit B2 dated 4/25/18 is the original design showing the side right elevation with 2 entrances on the side and Washington Road and the rear underground 39,100 sq. ft. with 2 floors. Mr. Henry asked if the height of each floor was the same Exhibit B3 dated 4/25/18 shows floor plans dated 6/2/15 of the basement 39,100 sq. ft. lower level with a storage utility room, dining room, office along with access on the east side and Washington Road. Exhibit B4 dated 4/15/18 is the 1st floor of the Main Temple area where ceremonies and services are performed, and rooms on the plan depict the different rooms that accommodate the different services. He described the services performed and how the Idol is served first. The common area entry is from the rear. Mr. Foley asked if you could access by walking up the stairs in front, Mr. Shah said “yes.” Exhibit B5 shows the 12 parsonage units for priests and staff who perform services each unit is 9500 sq. ft.**

**Mr. Kantowitz addressed the “sleeping room” on the 1st floor shown on Exhibit B4. Mr. Shah said that the room was mislabeled; during the ceremony the Idol performs the ceremony once the food is consumed then he goes to sleep in this room. Mr. Henry asked about access; Mr. Shah said there is a pathway for people to walk. Mr. Foley asked about seating Mr. Shah said seating is on the floor. Mr. Green addressed the occupancy on the 1st and 2nd floors and stated he had conversation with Kirk Miick, Construction Official and at that time he could not determine but thought it was approximately 1600 to 4200. Mr. Shah said the numbers vary as they go along with the Fire Marshall and the IBC Code; they do not put any more people than allowed. Mr. Green asked about the 1st and 2nd floors and the occupancy; Mr. Shah said they would wait till people leave before allowing others to enter. Mr. Green asked what the timeframe was to complete.**

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**Mr. Sheth said it would take approximately 1 ½ to 2 years to complete the building once approved. Mr. Henry asked about the two other Temples one in Pennsylvania and one in Queens and what goes determines the size of this Temple before the board if the other two Temples are smaller in size. He asked if the rendition and color would be the same and would it have similar sandstone and artisan work done? Mr. Sheth said the PA Temple is 45,000 sq. ft. on the 1st and 2nd floors, NY is 22,000 sq. ft. and there is also one in Robbinsville.**

**Mr. Kuczynski asked about the residential on the 2nd floor and if they were just rooms on Mr. Shah said “yes” and they have access through the Temple only. Mr. Kuczynski asked if the rooms had bathrooms and if they were private rooms with doors and locks; Mr. Shah said “yes.” Mr. Kuczynski asked if they had kitchens, Mr. Sheth said some will have kitchens others will not. Mr. Kantowitz said the rooms are occupied by priests, cooks and cantors. Mr. Sheth said 90% of families don’t come as they are there for 2 ½ years. Mr. Kuczynski asked if there were laundry facilities; Mr. Sheth said they will have in the basement. The rooms are available for services. MR. Kantowitz said onsite living allows them to perform their religious duties; and they can only eat on the premises.**

**Mr. Kuczynski again asked if all the rooms would have bathrooms and bedrooms; Mr. Sheth said maybe six (6) rooms will have bathrooms. Mr. Kuczynski asked about windows, light and outside access; Mr. Shah said they will follow code with reference to windows, fire access will meet all codes. Mr. Foley asked when the people come from India if it was an obligation for them to serve for two (2) years. Mr. Kuczynski asked how many residents and people are allowed to live in any other area where people sleep. Mr. Sheth said the maximum number of people is 24-26; Mr. Shah said the number of units will remain the same. No one will live outside after the Temple is completed.**

**John Barree, Planner referenced his memo of 4/24/18 regarding screening and mechanical equipment. Mr. Shah addressed the items on Page #6, Item #5 and said the will be completing elevations and will provide information, Page #6 Item #6 features on the roof calculations are less than 20% required by ordinance, Page 7 #7 the ground floor will be providing all documentation, Page #6 Item #9 Mechanical – is not designed as of yet but will be going on the roof and will surround the equipment around the dome, it will not be visible. Mr. Barree asked if the kitchen ventilation equipment will also be on the roof; Mr. Shah said “yes.” Mr. Sheth said once the application if approved they will submit plans for electric and plumbing, etc.**

**Mr. Kemm swore in: Craig Peregoy, Engineer, Traffic Engineer. Mr. Henry made motion to accept credentials; Mr. Green seconded, motion carried. Mr. Peregoy stated this is a different application as operations will improve and while traffic will continue it will improve with the new building. He tried the busiest traffic times on Deerfield Rd., and the site drives on Lakeview and Parlin 7am to 9 am then 4pm to 6pm on Saturday/Sunday. Mr. Emma asked about the peak hours during the week; Mr. Peregoy said he would be reviewing these times as well. Mr. Foley asked if it involved the same amount of people and traffic what is it based on; Mr. Peregoy said a typical day not an active use for a such a large building. He described the DOT rates and said there is no impact on the site and the only issue is making a left turn our during the peak hours. There is no event or service on the average day so there is no change. The only time is when a special event and/or the highest events when a high priest visits the traffic pattern changes. Weddings are slightly less. Vehicle occupancy amounts to 3.61 people in the vehicle and approximately 286 vehicles could be arriving. For the larger festivals the volume could be 1,000 people with more vehicles which would require police assistance. Mr. Emma asked how often the high priest came, Mr. Sheth said the high priest is in the Temple at all times while he visiting; Mr. Foley asked about the services; Mr. Sheth said there are 6 per day, 365 days per year. Mr. Emma asked about the growth rate and how they accommodate; Mr. Sheth said they presently operate out of the tent. Mr. Sheth explained that the high priests also visit other Temples while they are visiting. Mr. Esposito asked if they were indicating that although the Temple would be substantially increased in size the number of people would not be changing; Mr. Sheth said “yes.” Mr. Henry asked if the Temple in Parsippany was the same sect; Mr. Sheth said “yes.”**

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**9:10 PM – Mr. Kemm asked for a 5 minute break and Mr. Emma excused himself from the rest of the meeting as he was not feeling well. Mr. Kemm stated he would be reviewing the transcript of the meeting in order to vote on the application.**

**9:20 PM – The meeting was called back to order.**

**A discussion took place regarding the festivals and the capacity of attendees as well as coordination with police and signage. Mr. Peregoy said the primary impact will be in front of the building not in other areas as the 569 parking spaces will reduce this issue. Mr. Henry asked how many can park right now; Mr. Peregoy said approximately 300 and they use other areas at the schools and Burkes Park. He said they will still need this offsite parking. He said the issues are the walkers and they will also continue with signage in advance and will be using e-mail and NIXLE; the ability for more onsite will be better than today. Mr. Green said he agrees that more signage should exist on the western side to Minnisink as it already exists on the eastern side. Mr. Sheth said it will be on both sides. Mr. Sheth said there are 11 holidays per year and they will be putting out the proper signage as well as hiring police to assist. Mr. Esposito said that the High School has 350 parking spaces and 170 at Middle School. Mr. Foley suggested that if the application was approved a study should be done through the next year to anticipate the traffic changes that could be occurring; Mr. Peregoy agreed and said that would benefit both sides. Mr. Henry stated that he recalls one instance where the traffic was backed up to Costa Verde. Mr. Peregoy said that maybe there was no offsite parking being used. Mr. Henry has a concern about the First Aid building being right across the street and he was told that one night one of the EMS employees had a difficult time getting to the building and had to park his car on Deerfield Road and run up to the EMS building. Mr. Green asked if there would be sticker parking and how will it work? Mr. Sheth said parking would be on a first come first serve basis; there will be no VIP parking; however, the handicapped will have parking on the premises according to ADA code. After parking lots are full traffic will be directed to the High School and Middle School parking lots at which time they will be bused to the Temple. Mr. Sheth wanted to make the board aware that at times the school buses are involved with school activities and are not available for the Temple to use. Mr. Kuczynski suggested that if the schools are busy with activities that perhaps they should explore other places to park.**

**Mr. Henry addressed the issues just discussed and stated that the upcoming growth to the Borough (ie. Bass Pro Shop and 200 COAH units) should be taken into consideration; Mr. Peregoy stated he was not aware of these recent approvals. He stated the critical times are the festivals and he didn’t feel this should affect the growth to the town. Ron asked Sheth about other parking areas; Mr. Sheth said Faith Fellowship is willing to let them use their parking lot, but they will not be using the Park N Ride lot. Mr. Kemm suggested that there be post construction monitoring as there is a concern that people will come – this should be done at least one (1) year after the C.O. with random traffic studies. Mr. Sheth was in agreement. Mr. Peregoy stated that they are currently in discussions with Dupont. Mr. Esposito said there is a problem with people walking and they should look to double/triple the buses. For people that park across the street in Burkes Park the police are right there to cross them. Mr. Cornell asked for clarification on the number of vehicles for the March event 2,500 – 3,000 being 1 hour. Mr. Peregoy said that the peak is over several hours; Mr. Kantowitz said that over a three (3) hour period people are only there for one (1) hour. Over peak periods of time being 5:45 pm to 6:30 pm being the busiest. Mr. Cornell addressed his report issued on March 17th and stated there were still some outstanding items. He never received confirmation on all the uses being looked into such as other activities being held the same time as the high priest so as to increase the number of participants, such as, weddings, festivals, etc. He stated what he has received is based on assumptions and there may be some issues; did count on existing days and passengers per vehicle (done). Mr. Henry asked if they would be hiring police, Mr. Sheth said “yes.” Mr. Peregoy said they will start with number they currently use and will increase number of police as needed.**

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**Mr. Kuczynski asked about the post construction traffic survey and if it was wrong; Mr. Kemm said they would agree to more off-site parking locations. They would submit to the Board Staff/Professionals for review. They would have to come back with proposal. Mr. Kuczynski suggested that they determine how long it takes to get from President Park to the South River bridge and that the Board Professionals should have a say in the study. Mr. Peregoy said that any study would be done at the time of festivals.**

**Mr. Kemm swore in: Creigh Rehankamp, LPP. Mr. Henry made motion to accept credentials; Mr. Kuczynski seconded, motion carried. Mr. Rehankamp said while this is a conditional use the Temple is a permitted use; however, the variances are for the residential units consisting of 335-560 sq. ft. rooms with 6 bathrooms which between the proposed 12 units will be shared. Those living in the rooms are religious and others involved with the services who will be planning the 24 hr. functions such as food and activities within the facility throughout the day. Families will not be living in the residences. This is an inherently beneficial use as other Temples have residences. There is a small number of people they will not be out, they have no licenses so there should be no neighborhood impact. The one loading dock shown will be sufficient for deliveries. There will be parking in the front yard 20’, signage will be 32 sq. ft. 30 sq. ft. is permitted. Mr. Barre discussed the proposed sign should be setback at or behind the existing landscaping at the northeast section of the property; fencing is appropriate. Shri Kotdawala said they will comply with landscaping. Mr. Barre described additional landscaping and fence to the entire property, comply with additional lighting as well as, try to save some of the trees. Mr. Henry asked if they would be replacing the trees; Mr. Barre said “yes.” He stated the signage should be 25’ and they are not asking for a variance.**

**Mr. Green made motion to open public portion. Mr. Corrigan made motion, Mr. Kuczynski seconded, motion carried.**

**Mr. Kemm swore in:**

**Arlene Buchanan – Mrs. Buchanan addressed the parking issue for the number of people that would be attending the functions; over 1,000 to 4,200 people would require 1,400 parking spaces. In 1990 the town was told there would be minimal traffic now there is over 10,000 people with cars. The traffic is a major issue as this will be a mega Temple. The board has a responsibility to the residents. The applicant was offered land on another site and the residents have no problem with the religious aspect; it is the traffic. She handed out documents/pictures taken over the last few years for the board to review showing the traffic issues. Mr. Kemm said the applicant also needs to review. Mr. Kantowitz stated some are evidential.**

**William Wlazlowski – Mr. Wlazlowski said he was against where it’s located and doesn’t see signs. The EMS services location is right across the street. The location is not for this size temple along with the noise, music and fires. Residents have to deal with the traffic. The area will be affected by the new building of the Riverton project and new homes; businesses will also be affected. There are three roads to get through town and the size of this temple will affect everyone’s life; perhaps they should look on the Main Street Extension and/or the old movie theatre.**

**Kenneth Olchaskey – 108 No. Edward St. Mr. Olchaskey asked if the only variance was for the 12 parsonages. He asked how many are in the current Temple. Mr. Kantowitz said currently there are two (2) parsonages in the Temple. Mr. Sheth said there are two (2) apartments on the premises as well as 2 houses on Deerfield Rd. and 1 house on Maple St. Mr. Olchaskey asked if the 12 parsonages will replace what already exists or will they be additional and will be houses remain Temple property. Mr. Kantowitz said all will remain. The 12 parsonages will be for cantors, cooks and priests. Mr. Olchaskey asked if the number of service people will be the same; Mr. Sheth said there will be 24-26 people; right now there are not that many and taxes are paid on the houses they own both on Deerfield Rd. and Maple St. Mr. Sheth stated they will be replacing all trees and they have deposited**

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**$200,000 in the tree bank. There will be about 600 trees removed and they will be planting 387 trees onsite. Mr. Olchaskey asked how many acres existed Mr. Sheth said 10 acres one property in front one in rear. Mr. Sheth said they owned 3 ½ acres originally but purchased the rear property and will be removing trees from the acquired 7 acares. Mr. Olchaskey asked the board members if the board has hired any Traffic Engineer. Mr. Green said “no” the board has not hired a Traffic Engineer. Mr. Kemm said the board has not addressed this issue at present. Mr. Foley asked why it would be necessary to hire a Traffic Engineer; Mr. Olchaskey said it’s been done in the past for applications that could present a traffic issue, and since traffic is the #1 issue on this application it might be appropriate. Mr. Olchaskey asked if there would be an expansion of the noises and fireworks; Mr. Sheth said they would be the same.**

**Kenneth Buchanan - Feels the board should hire a Traffic Engineer to do study as once this is built the town is stuck.**

**He did his own study and Washington Road is bad enough without Temple activity. The board should do multiple traffic studies and he felt the money would be well spent as it would be helping the residents. He asked if the two parsonages at present had families living there? Mr. Buchanan asked why there were children being picked up for school on the Temple lot; Mr. Sheth said it is a bus stop. Mr. Buchanan asked again if there were families living in the parsonages onsite at present? If children will be living there the Board needs to protect the residents and do multiple studies.**

**Arlene Buchanan – Mrs. Buchanan asked when there are fires in the parking lot what happens to the parking? Mr. Kotdawala said the space is allocated; Mrs. Buchanan asked how many acres is currently covered at present; Mr. Kotdawala said ¾ acres. Mr. Green asked about the bon fires and how many out of the 11 festivals they took place; Mr. Sheth said 1 time for 5 days. Mr. Henry asked why parking on Deerfield Road was encouraged; Mr. Sheth said they own houses on Deerfield Road and have the right to park there.**

**Christine O’Hara – 16 Woodlawn Avenue. Mrs. O’Hara said she has lived there for 33 years and asked why if they own two houses do they need 12 parsonages. She asked how many parishioners there were; they cannot say as they do not have a number. Mrs. O’Hara asked if weddings were just going to be services? She also expressed concern about traffic as when the Temple started there were 3 holidays now there are 11. She asked the board to take the residents concerns into consideration. Mr. Green addressed the testimony that nothing is changing and there will be no traffic increase they will be going from 10,000 – 89,000 sq. ft. He asked why not 50,000 sq. ft. people could get in and if still the same number of people why the increase. Mr. Rehankamp said the images depict special uses and each will have their own space. Mr. Shah said a typical area is 10,200 sq. ft. where people will be sitting; there will be 1,600 people in 10,000 sq. ft. in the Main Temple the rest will be in side rooms which he described.**

**William Wlazlowski – Mr. Wlazlowski stated he agreed that a traffic study should be done and was not aware of new building being constructed in town. They said they are in negotiations with Faith Fellowship and Dupont for parking, however, if there is a service at Faith Fellowship what will happen?**

**Mr. Green asked for motion to close public portion; Mr. Foley made motion to close public portion, Mr. Corrigan seconded, motion carried.**

**Mr. Kantowitz addressed the Board stating that Mr. Emma left the meeting and this only leaves 7 members. There has been a lot of testimony tonight and asked if they could get another date to get a vote. Mr. Kemm asked if the Board would consider a special meeting on May 2, 2018. All agreed. Mr. Kemm announced that there will be a special meeting on May 2, 2018 at 7:30 PM without public notice; and extension will be granted to May 7, 2018.**

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**#18-06 Kathryn Poland 113 Morgan Ave. Bulk Variance/Porch/Addition $ 50.00 App.**

**Mr. Kemm stated he reviewed the affidavit of publication and proof of public service and the Board had jurisdiction to hear the application. Mr. Green asked for motion to deem the application complete,**

**Mr. Corrigan made motion, Mr. Foley seconded; motion carried.**

**Mr. Kemm swore in: Kathryn Poland who stated she wanted to add a small porch to the front of those in line with the entrance and front steps will be 12 ½ x 5’ Mr. Kemm asked if the distance was the same as others; Mrs. Poland said all the houses are different in the area. She said she would be cutting off 7’ further back; Mr. Kemm said this appeared to be in line with other homes. Mr. Kuczynski asked if it would have a roof; Mrs. Poland said “yes” and would remain open. She said the roof would be over the entrance extension.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green asked for motion to close public portion; Mr. Foley made motion to close public portion, Mr. Kuczynski seconded, motion carried.**

**Mr. Green asked for motion to approve/deny this application. Mr. Henry made motion to approve the application, Mr. Corrigan seconded. Roll Call:**

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Ms. Catallo, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Foley**

**#18-04 Marcin Stepien 2 Eugene Blvd. Bulk Variance/Driveway $ 50.00 App.**

**Mr. Kemm stated he reviewed the affidavit of publication and proof of public service and the Board had jurisdiction to hear the application. Mr. Green asked for motion to deem the application complete,**

**Mr. Henry made motion, Mr. Kuczynski seconded; motion carried.**

**Mr. Kemm swore in: Marcin Stepien who said he wanted to extend his driveway next to his neighbor’s. He stated he had a car stolen last year and was looking to extend to the right of the property and it will be either blacktop or pavers. Mr. Henry asked if the setback to the neighbor was over 5’; the applicant said it’s about 7-8’ gap between his driveway and the neighbor’s. Mr. Barre stated the following variance:**

* **5’ setback required from the property line**

**Mr. Foley asked if it would be to the backyard; the applicant said it would go past the house. Mr. Kuczynski asked about a curb cut; Mr. Cornell said a single car making a double car would need a permit to cut the curb; he said this is not an issue with this application.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green asked for motion to close public portion; Mr. Emma made motion to close public portion, Mr. Corrigan seconded, motion carried.**

**Mr. Green asked for motion to approve/deny this application. Mr. Henry made motion to approve the application, Mr. Foley seconded. Roll Call:**

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Ms. Catallo, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Foley**

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**MEMORIALIZATION OF RESOLUTIONS**

**#14-19 Quick Chek 3101 Bordentown Ave.**

**Mr. Green asked for motion to memorialize resolution; Mr. Kuczynski made motion; Mr. Corrigan seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Ms. Catallo, Mr. Corrigan, Mr. Esposito, Mr. Foley**

**#17-15 Interstate Outdoor Advertising Rte. 9 North/Raritan St.**

**Mr. Green asked for motion to memorialize resolution; Mr. Corrigan made motion; Mr. Green seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Ms. Catallo, Mr. Corrigan, Mr. Esposito, Mr. Foley**

**#18-03 Mark Nicholls 3 Brookside Ave.**

**Mr. Green asked for motion to memorialize resolution; Mr. Corrigan made motion; Mr. Green seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Ms. Catallo, Mr. Corrigan, Mr. Esposito, Mr. Foley**

**#18-04 Rite Aid 3553 Washington Rd.**

**Mr. Green asked for motion to memorialize resolution; Mr. Corrigan made motion; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Ms. Catallo, Mr. Corrigan, Mr. Esposito, Mr. Foley**

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the March 28, 2018 meeting.

# Mr. Kuczynski made motion to accept the minutes, Mr. Corrigan seconded, motion carried.

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**Before adjournment, Ms. Catallo asked about the independent Traffic Study; Mr. Kemm said this would be an issue to be addressed at the May 2, 2018 for all to consider. Mr. Green said if it is decided to do before there would not be a vote at the May 2, 2018 meeting.**

**ADJOURNMENT**

**There being no further business to discuss, Mr. Green asked for motion to adjourn, Mr. Henry made motion to adjourn; Mr. Green seconded, motion carried.**

**Respectfully submitted,**

**Joan M. Kemble**