SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JUNE 22, 2016**

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

**Members of the Board of Adjustment present were: Mr. Walsh, Mr. Green, Mr. Kuczynski, Mr. Kreismer,**

**Mr. Henry, Mr. Emma**

**Absent Members: Ms. Catallo, Mr. Corrigan, Mr. Esposito**

**Also present were: Mr. Sachs, Attorney, Mr. Cornell, Engineer and Mr. Leoncavallo, Planner**

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

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

**#16-07 Sayreville Pharmacy 89 Main St. Use Variance/Site Plan $4,050.00 App.**

 **$5,655.00 Esc.**

**George Pressler, Esq. representing the applicant addressed the board stating this was a straight forward application consisting of two buildings plus a single garage which will be demolished and this area as well as the other two buildings would be paved to provide the parking area requested.**

**Mr. Sachs swore in Walter Hopkin, LPE. Mr. Walsh made a motion to accept his credentials. He described the 5500 sq. ft. site on the west side of Main St. The site is in a B2 – General Business zone and is surrounded by single and two family homes. He stated the current pharmacy also has a 2 bedroom residence creating both lots. An easement has to be obtained from the borough for the other lot. Water management currently drains to Karcher St. and will continue. The applicant is proposing 11 parking spaces and 4 spaces already exist on the 2nd lot which would provide a total of 15 available spaces; 14 are required between the two lots. Refuse would remain the same pick-up. Mr. Leoncavallo stated the variances:**

* **Front yard setback 15’ according to ordinance the applicant is proposing 5.1’ (same as area)**
* **Lot Coverage 85% according to ordinance the applicant is proposing 90.8%**
* **Expansion of a non-conforming use (not expanding the use; taking down the garage; asking for a D2)**

**The applicant is also requesting the following waivers:**

* **Landscaping and buffer cannot be provided**
* **Landscaping in parking areas – would put shrubs along the outside**
* **Parking within 5’ of the property line – the parking would go right up to the line, 30’ two way entrance and exit; they are proposing 16’ one way**
* **Sidewalks along Karcher St.**
* **Sidewalks within the parking area**
* **Loading space – deliveries are from UPS**
* **Curbing**

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**Mr. Sachs addressed both Mr. Leoncavallo and Mr. Cornell’s reports and asked if they were in agreement to all the items mentioned; Mr. Cornell stated that the applicant has already obtained permission from the borough for the easement property and once approved by the board they will need to go back to the Council for final approval.**

**Mr. Kuczynski asked if there would be an entrance on Karcher; Mr. Hopkin said “yes” and that it was described on the exhibit and there would also be one way signage. Mr. Henry asked if the private lot was also intended for the pharmacy; Mr. Kuczynski asked if there would lighting; Mr. Hopkin said “yes” there would be lighting. Mr. Leoncavallo stated this would be reviewed to make sure the lighting was adequate, operating during business hours and not too bright for the neighboring houses. This would be reviewed and made a condition of approval.**

**Mr. Cornell talked about the two way access on Karcher St. each would access would have one way signage. Mr. Hopkin stated that the request for the D2 Variance meets the purpose of the zoning and the existing use. Parking will be in a safe manner and handicapped parking will also be provided as required. He also stated that there was no negative criteria as this is an existing use and there is no expansion just a safer property.**

**Mr. Henry asked about the parking lot on the other property and if there were separate owners as the easement had to be obtained and an agreement in place. Mr. Hopkin said the easement runs with the land.**

**Mr. Walsh asked for motion to open public portion; Mr. Kreismer made motion to open public portion,**

**Mr. Henry seconded, motion carried. No one spoke. Mr. Walsh asked for motion to close public portion;**

**Mr. Kreismer made motion to close public portion, Mr. Kuczynski seconded, motion carried.**

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

**Yes: Mr. Walsh, Mr. Green, Mr. Kuczynski, Mr. Kreismer, Mr. Henry, Mr. Emma**

**#16-10 Nicholas Santamaria 2 Lochs Court Bulk Variance/Retaining Wall $ 50.00 App.**

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

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

**Mr. Sachs swore in Nicole Santamaria who stated they wanted to install new 3’ retaining wall and then install a 6’ PVC fence on top of the wall. Mr. Walsh asked if it would be the same footprint as the current wall the applicant said “yes.” She said the yard if sloped and they needed to level the yard for a swing set. Mr. Leoncavallo stated the following variance:**

* **6’ maximum for fence the applicant is proposing 9’**

**The applicant stated they cannot take any dirt away as the yard slopes and they have to build the yard up. Mr. Kuczynski said they were adding the dirt so they needed the wall as the other yards appear to be lower and her house is above the other houses; the applicant stated “yes.”**

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**Mr. Green asked the applicant if there were other retaining walls in the area the applicant stated “yes” across the street.**

**Mr. Walsh asked for motion to open public portion; Mr. Kreismer made motion to open public portion,**

**Mr. Henry seconded, motion carried. No one spoke. Mr. Walsh asked for motion to close public portion;**

**Mr. Kreismer made motion to close public portion, Mr. Kuczynski seconded, motion carried.**

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

**Yes: Mr. Walsh, Mr. Green, Mr. Kuczynski, Mr. Kreismer, Mr. Henry, Mr. Emma**

**#16-11 T-Mobile Northeast, LLC 1899 Route 35 Use Variance/Wireless Comm. $3,000.00 App.**

 **$3,700.00 Esc.**

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

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

**Frank Ferraro, attorney for the applicant addressed the board, he stated this was an existing wire facility with an approval from 2005 for twelve (12) antennas at 110 ft. Since the prior approval six (6) have been installed as well as three (3) equipment cabinets, not the full twelve (12). They are proposing tonight 3 additional at the same height of 110 ft. on the center level bringing the total from 6-9 antennas.**

**Mr. Sachs swore in John Stevenson, LP/PE from Albany, New York. Mr. Walsh made motion to accept his credentials. Mr. Kuczynski asked him if he was also licensed in New Jersey, Mr. Stevenson said “yes.” He went over the plans presented marked Exhibit C2 showing the existing tower. Mr. Ferraro said the three (3) proposed would also be on the same platform at the 110 ft. level. There were no changes on the ground andno impat on the site such as lighting/landscaping. Mr. Sachs asked if they had addressed the report from CME; Mr .Ferraro said on Page Two referencing the County Planning Board, they do have the approval; #2 requesting a copy of the survey they will comply and submit and reference on the plans. The leased area was not surveyed but they will provide. Mr. Stevenson stated there were no changes to the property and the existing landscape will remain.**

**Mr. Leoncavallo addressed the letter regarding the barrier in the landscape area, Mr. Stevenson stated the applicant will comply. Mr. Ferraro stated there would be no change in the property access and they will utilize the existing parking, setback distances will be provided (5 setbacks) and they will submit as a condition of approval.**

**Mr. Sachs swore in Joseph Menio, Radio Frequency Engineer. Mr. Kuczynski made a motion to accept credentials, Mr. Walsh seconded. Mr. Menio stated he did an analysis needed for the additional three (3) antennas. T-Mobile has expanded the frequency base and radio base with all new frequency voice and data. They are FCC licensed and proposing the minimum height necessary; there will be no interference. The application meets FCC standards and there is a very minimal increase to the NJ standards.**

**Mr. Sachs swore in David Karleback, PPPC. Mr. Karleback explained the D2 Variance stating the 150 ft. existing pole, the center line elevation was 110 ft. and the proposed antennas are 7 ft. He reviewed the zoning ordinance and Master Plan and provided Exhibit A-1 2 photos, the left of the existing property and the right of the proposed. Exhibit A-2 showed a photo of the property from Midland Ave. Mr. Karleback prepared both exhibits and the FCC license satisfies the balancing test site showing it is well suited for the use.**

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**The facility already exists with no negative criteria, would not create any visual impact on the surrounding communities. The application will not create any noise, odor, lighting, etc. There will be no traffic impact only benefits to the public. Mr. Ferraro stated this upgrade will advance the ordinance which encourages colocation.**

 **Mr. Walsh asked for motion to open public portion; Mr. Kreismer made motion to open public portion,**

**Mr. Henry seconded, motion carried. No one spoke. Mr. Walsh asked for motion to close public portion;**

**Mr. Kreismer made motion to close public portion, Mr. Kuczynski seconded, motion carried.**

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

**Yes: Mr. Walsh, Mr. Green, Mr. Kuczynski, Mr. Kreismer, Mr. Henry, Mr. Emma**

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**MEMORIALIZATION OF RESOLUTIONS**

**#16-08 Donald/Cheryl Satorski 48 No. Edward St.**

**Mr. Walsh asked for motion to memorialize resolution. Mr. Henry made motion to adopt the resolution;**

**Mr. Kreismer seconded. Roll Call:**

**Yes: Mr. Walsh, Mr. Green, Mr. Kuczynski, Mr. Kreismer, Mr. Henry, Mr. Emma**

# ACCEPTANCE OF MINUTES

# Mr. Walsh asked for motion to approve and accept the minutes of the May 25, 2016 meeting. Mr. Kreismer made motion to accept the minutes; Mr. Henry seconded, motion carried.

**ADJOURNMENT**

**There being no further business to discuss, Mr. Walsh asked for motion to adjourn, Mr. Kreismer**

**made motion to adjourn; Mr. Henry seconded, motion carried.**

  **Respectfully submitted,**

 **Joan M. Kemble**