VIRTUAL (ZOOM) MEETING BY PHONE

 SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JUNE 23, 2021**

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

**Members of the Board of Adjustment present were: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Emma,**

**Mr. Foley, Mr. Esposito**

**Excused Absence: Mr. Corrigan, Ms. Kuo**

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

**#21-10 ECM Trailer Repair, Inc. 444 Hartle St. Use Variance/Site Plan $1,000.00 App.**

 **Partners, LLC $2,500.00 Esc.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**David Himmelman addressed the Board his client is the purchaser of the property and the Board has received applications he has two witnesses. The current property owner is Liberty Repair who was granted a Use Variance approval in 2003 for construction of a repair facility. The current applicant has a similar use; EMC refurbishes can rehabilitates trailers only. They are seeking Use ad Minor Site Plan approval as the trailer refurbishment is not a permitted use. The Zoning Officer checked the 2003 resolution and determined that this was a different use and the applicant must show the site can accommodate such use.**

**Mr. Kemm swore in Elizabeth Zawistowski, President of the company. She stated it was a family owned company for 27 years (1994). ECM repairs exterior units of trailer rehabilitation and refurbishment; no engine repair, etc. Hartle Street is suitable and is also very similar to what they have at present and they will not have to change as the interior and exterior are very well kept. Their business is not much different than Liberty; they have 15 employees Monday-Friday 6:00 am – 6:00 pm. At least 5 employees are on the road for 8 hours and not all at facility. Maximum number of trailers is 24 and they need no more parking space as they have a parking yard in Edison. David Himmelman stated that the site layout parking is similar and all trailer work is done on the inside of the building. The vehicles are moved by forklift. They currently have 2 forklifts which are stored inside. The current site in Elizabeth is not big it’s a family owned company. Mr. Henry asked the applicant how many trailers are worked on in a day, the applicant said 3-4 up to 5. There is no painting and if approved tonight will have two locations and the parking yard with only exterior work such as lights, brake jobs, panels, doors and roofs. Mr. Sivilli asked if the trailers are 40’, the applicant said “yes.” Mr. Kemm stated that if any welding provision would be on site a Fire Permit may be required also approval from the Fire Marshall.**

**Mr. Kemm swore in Marc Leber, Eng. PP. Mr. Henry made motion to accept credentials. Mr. Leber prepared the plans for the Use Variance at 444 Hartle St. Block 59.02, Lot 1.07. He described the lot area as 2.6 acres and stated the current building has two access drives north and south. He described the building having doors and the surrounding property currently Liberty is operating. Revisions will be made to the original plans including the restriping of the parking stalls and the addition of two more. The use is not allowed in a SED Zone. Liberty repairs trucks, trailers, autos, boats and construction equipment the Resolution did not include trailers in the wording. He briefly went over the Resolution describing the goals of the applicant and hoped the board did not feel the application was out of place but similar to what was in the area at the present time.**

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**He couldn’t find any changes as uses is very similar and in addition to restriping they will also be adding off street parking. Mr. Himmelman addressed landscaping the trees currently on the property will remain the property is very well maintained and they are not proposing any additional landscaping. They are proposing 24 spaces in a mixture of sizes due to the trailer sizes and they will be practical delineation not being proposed 20 spaces 2’ between will be adequate.**

**They addressed Jay Cornell’s report dated 6/23/21 regarding conformance of the lot to the zoning, statement of revised plans discussed at TRC, County Planning Board approval made (attached) asking for waiver for parking area, sidewalk, curbing and loading zone. Hours of operation and number of employees. Refuse stored on site traffic patterns low only employees and trailers. Jay Cornell stated that all issues were addressed. John Barre’s report dated 6/20/21 discussed SED standards and stated there are no changes to bulk requirements and granting the D1 Use Variance would be no problem as the use is extremely similar. All questions on the operation of the business have been addressed as well as the size of trailers being 53’, 48’ and 28’ with the parking accommodations. They are not proposing to add/remove trees, the gates will remain and will closed at night, the lighting on the property if Board request will have timer. The signage has no change to size just a name change. John Barre stated all his issues were addressed.**

**Mr. Henry asked how many trailers would be on the property as he was not sure if the 53’ trailers would create an issue. Mr. Leber explained the movement and control and stated there should be no concerns as this is only trailer repair; Mr. Henry asked if they would be expanding; Mr. Leber said “no.” Mr. Sivilli asked if there would be any parking in the street; Mr. Leber said “no” the operations are kept behind the gates and Andy Mashanski, Zoning Officer stated there could be no parking on the street. Mr. Kuczynski asked if the application was approved would the 2003 Resolution still be valid; Mr. Kemm said the release needs to be relinquished on the property and some relief will continue.**

**David Himmelman thanked the Board and stated that the applicant has addressed all questions. Mr. Leber addressed all the issues. He stated the applicant is very excited to relocate to the Sayreville site and asked that the Board grant the Use and Minor Site Plan.**

**Mr. Henry asked for motion to open public portion; Mr. Henry made motion to open public portion.**

**Mr. Foley seconded, motion carried. No one spoke. Mr. Henry made motion to close public portion;**

**Mr. Sivilli seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Foley made motion to approve the application with the condition of approval; Mr. Henry seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Emma, Mr. Foley, Mr. Esposito**

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**#21-14 Maureen Downie 17 Grover Ave. Bulk Variances/Addition/ $ 250.00 App.**

 **Garage/Driveway**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in: Maureen Downie, owner who stated she was seeking approval to extend the kitchen in the rear of the house 12’ and back bedroom 10’ making both bigger. She also wants to add a small 1 car garage in the rear of the house and extend the driveway. Mr. Kemm stated the variances:**

* **Building coverage 20% rear 29% proposed**
* **Rear addition side yard setback 10% the applicant is proposing 4.9%**
* **Combined side yard setback 25% encroaches 19.7%**
* **Impervious coverage 40% the applicant is proposing 49%**
* **Proposed driveway 5’ required off side yard the applicant is proposing 2.5’**
* **Garage maximum 150 sq. ft. the applicant is proposing 12’ x 20’ (240 sq. ft)**

**Mr. Henry asked for motion to open public portion; Mr. Henry made motion to open public portion.**

**Mr. Sivilli seconded, motion carried. No one spoke. Mr. Henry made motion to close public portion;**

**Mr. Kuczynski seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Sivilli made motion to approve the application; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Emma, Mr. Foley, Mr. Esposito**

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**MEMORIALIZATION OF RESOLUTIONS**

**#21-08 Dennis/Debra Shedlock 6 Ash Terrace**

**Mr. Henry asked for motion to memorialize the resolution. Mr. Sivilli made motion to memorialize the resolution; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma**

**#21-12 Eduardo Calcano 7 Wytrwal Court**

**Mr. Henry asked for motion to memorialize the resolution. Mr. Sivilli made motion to memorialize the resolution; Mr. Foley seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma**

**#21-13 Javier Morillo 3285 Washington Road**

**Mr. Henry asked for motion to memorialize the resolution with conditions discussed. Mr. Sivilli made motion to memorialize the resolution with conditions; Mr. Foley seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley, Mr. Emma**

**ACCEPTANCE OF MINUTES**

# Mr. Henry asked for motion to approve and accept the minutes of the May 26, 2021 meeting. Mr. Henry made motion to accept the minutes Mr. Sivilli seconded, motion carried.

**Before adjourning Mr. Henry discussed continuing the meetings through Zoom and suggested that the Board continue with this over the Summer and address again in September. All present agreed.**

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**