SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MAY 22, 2019**

**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, Mr. Corrigan,**

**Mr. Sivilli, Mr. Esposito, Mr. Foley**

**Absent Members: Ms. Catallo, Mr. Emma**

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

**Before hearing the applications, Ron Green Chairman read a letter from board member Maria Catallo stating she was resigning from the Board of Adjustment due to medical issues she is now experiencing. Mr. Green stated that he would be updating the board members hopefully next month on a replacement for Ms. Catallo.**

**#19-01 BKD, LLC 1979 Highway 35 No. Use Variance/New Construction $1,000.00 App.**

 **$2,500.00 Esc.**

**Mr. Kemm stated he reviewed the affidavit of publication and proof of public service and the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in Ken Pape, Esq. who stated the applicant was seeking to demo the night club on Route 35. The Rexinis family converted it to the Deco Lounge back in 2013 then it was renamed Icon. They have decided to leave the nightclub business and convert the property to 44 for sale townhomes. The number of units will fit nicely on the property and will enable enough parking. They will all be 2 bedrooms.**

**Mr. Kemm swore in Peter W. Strong, LPE. Mr. Green made motion to accept his credentials, Mr. Corrigan seconded, motion carried. Mr. Strong presented three exhibits:**

* **Exhibit A-1 – Aerial Display**
* **Exhibit A-2 – Enlarged Aerial Display with superimposed townhomes on the aerial**
* **Exhibit A-3 – Color rendering of the site layout**

**He described Exhibit A-1 showing the surrounding areas and how the project would fit into the area. Exhibit A-2 he described the depth of the property as a 450’ frontage, 400’ in width for a total of 850’. He addressed the storm water management and explained that there would be a 50’ buffer and the proposed layout was according to DEP regulations and they will be increasing the draining. Mr. Pape stated that this complies will all Borough requirements and property maintenance is no issue for the Borough as the property is privately owned. Mr. Strong stated they increased the radius of the roadway to meet the requirements for emergency vehicles to have access. Parking will be in driveways and road. He explained that 44 2 bedroom units require 120 parking spaces which with this application will include garage and parking spaces; approximately 22 spaces along the roadway. Referencing lighting they will be using LED structures fully shielded. Wetlands will remain other areas where there is gravel and asphalt will be removed and replaced with soil and landscaping. There is no signage proposed but they are proposing an entrance for safety; Mr. Strong said the site can be engineered according to the board’s request. Mr. Kuczynski asked Mr. Strong why the drive would be one way; Mr. Strong stated that Route 35 is higher; he tried for more drives but it couldn’t be worked out. Mr. Henry asked if there were any plans for drainage and storm water management, Mr. Strong said they are taking the impervious areas out and grass areas so all flows to the rear and downhill discharging out to the creek.**

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**The volume will be going down and if needed storm water filters will be installed. Mr. Foley asked if any affordable housing would be included. Mr. Pape stated that a few years ago when the plan was developed they thought to add an additional 12 townhomes but it was not going to work out with this plan. Mr. Kemm stated that the storm water management as well as the roadways will be solely responsible by the homeowners association. Mr. Barre asked about garbage pick-up; Mr. Pape said it would be curbside. Mr. Barre asked if there would be a Clubhouse for the owners; Mr. Pape said “yes” and they would be seeking guidance from the Board on this matter. They are looking for the right recreation such as a 55 and over. Mr. Green stated they would be strictly 2 bedroom town houses and this would be a condition of approval. Mr. Kuczynski asked if this would be a gated community; Mr. Pape said “no.” It will have two driveways in/out. Mr. Cornell asked the applicant to visit the onsite parking he stated they would be 28’ wide along the roadway; Mr. Strong said they will bump out the road by 7’ Mr. Kemm said to mark this as Exhibit A-4; Mr. Foley asked if there would be sidewalks all around; Mr. Strong said “yes.”**

**Mr. Kemm swore in John Rea, LPE. Mr. Green made motion to accept his credentials; Mr. Corrigan seconded, motion carried. Mr. Rea said that the driveways would be right in and right out both are safe for ingress and egress and are NJDOT approvable and adequate for sight conditions. 28’ wide roadway needs agreement to exceed 101 parking spaces; 110 are being provided which will be more than adequate. Mr. Pape indicated that a traffic plan will be done; Mr. Rea stated this application will generate ½ the traffic than a nightclub. Mr. Pape stated that they will ask CME to meet them at the site when the DOT is going to be there. Mr. Kuczynski referred to the parking and asked if people might want to park where there are no spaces would they be putting in “No Parking” signs; Mr. Rea said parking would be limited to one side of the street and yes they would put up “No Parking” signage; Mr. Pape said the Borough Police would be able to enforce this issue.**

**Mr. Kemm swore in Shg-Wee Rummler, Licensed Architect. Mr. Green made motion to accept his credentials; Mr. Henry seconded, motion carried. Mr. Rummler presented two color enlarged renditions marked A-5 and A-6 and stated that it was looking left to right. Exhibit A-7 rendered a view of a side by side unit and a stacked unit. Mr. Pape stated the goal for the applicant is to build a high quality project. John Barre said it was typical to have a patio/balcony and asked if the units would have, Mr. Pape said “yes.” Mr. Barre asked how this would work with the stacked; Mr. Pape said they could include decks on the 2nd or 3rd floors. Mr. Kemm and Mr. Barre said the application consists of D1 & D6 variances requests but while the height is anticipated to be 41’ once the site is graded this may be dramatically reduced. Mr. Kemm suggested that board wait for Site Plan; Mr. Henry asked if there would be basements, Mr. Rummler said “no.”**

**Mr. Kemm swore in Allison Coffin, LPP. Mr. Green made motion to accept her credentials; Mr. Henry seconded, motion carried. Ms. Coffin said she visited the site and while it was an irregularly shaped property the site was suited for the application. It was a nightclub use with a wooded lot, secondary parking on the lower grade. The plan is to demo the nightclub and build 7 buildings totaling 44 units, with 110 parking spaces in a B3 Zone which requires a D1 Variance. Again the site is well suited for the use describing the site with one access road and stated it is sufficient and the depth for homes is not a detriment. Noise, odor and traffic will be less even though this is not a permitted use. Ms. Coffin stated she felt that the application achieves the Master Plan.**

**Mr. Green made motion to open public portion.**

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**PUBLIC PORTION**

**Mr. Kemm swore in: Waclaw Tylek – 14 Fairview Ave. Mr. Tylek stated he was a neighbor and very happy to see this plan and project as the area is all residential and the club was always a problem; the area is not commercial and he will be very happy if the board approves.**

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

**Mr. Pape addressed the board and asked that the board approve the application and they would return with a full Site Plan. Mr. Henry asked what the board was approving at this hearing. Mr. Kemm said the board needed to approve the Use Variance then the applicant would need to come back to the board with their Site Plan. The Use is not allowed and they will also need to provide drawings. More details will be in Part 2 of the application. Mr. Pape stated that the applicant, Rexinis, will be back and will work with the board. The designer for the project also was the contractor for the Pier Village project in Long Branch.**

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

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Esposito, Mr. Sivilli, Mr. Foley**

**#19-06 Pharos 879 Upper Main St. Use Variance $1,050.00 App.**

 **$2,600.00 Esc.**

**Mr. Kemm stated he reviewed the affidavit of publication and proof of public service and the Board had jurisdiction to hear the application.**

**Kiera Mancini, Esq. addressed the board stating the application was for a Use Variance to put an office in a residential area and there would be no site improvements.**

**Mr. Kemm swore in Andrew French, LPE. Mr. Green made motion to accept credentials; Mr. Kuczynski seconded, motion carried. Mr. French presented aerial plan marked Exhibit A1 showing the surrounding properties, and the frontage of the application on Route 9. This is 700’ from the Parkway on .16 acres in an R-10 Zone. The existing business is on the end of Charles Street. This is a 2 ½ story building with a driveway, garage and shed. There will be no site improvements, just conversion of residential to business, the property is all enclosed by a wood fence. Ms. Mancini addressed the report, page 2, from Jay Cornell regarding landscaping. Mr. French stated they are seeking a waiver, there are 3 employees in the building from 7:00 AM to 5:00 PM. Mr. Henry asked what type of office this would be, Ms. Mancini said a “contractor’s office” with administrative activities. Mr. Henry asked if there would be any contractor equipment, Ms. Mancini said “no.” Mr. Kuczynski asked if after 8 hours the employees go home, Ms. Mancini said “yes” all other employees are out on construction sites; this is strictly office personnel.**

**Mr. Kemm swore in Paul Zafiaou, owner stated he was operating his business since 2010 out of the basement. He moved 2012-2013 and once the house was empty he went back and started working out of the house. Mr. Kuczynski asked if anyone lives in the house, he said “no,” but in 2012 he did, but at present it is only the business. Mr. Foley stated that if approved one of the conditions should be no one could live in the house; Mr. Kuczynski suggested also that only his business would be allowed no others.**

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**Mr. Barre asked about a variance for parking spaces Mr. Zafiaou stated that there are only 3 employees with 3 cars there are a total of 10 employees including him and 99.9% of the time it is only him, his secretary and an estimator in the office. Mr. Kuczynski said if the business grew he would need to understand he would have to leave. Mr. Green asked the planner if when cars are parked and leaving do they have a turning area, Mr. French said “yes” and showed him on the drawing. Mr. Green asked if the work week was Monday-Friday, the applicant said that was correct, no weekends. Mr. Esposito asked if he could expand the grass area, Jay Cornell said he could but would need to come back to the board. Mr. Kemm said the garage could be another option for parking. Mr. Kuczynski asked about clients coming to his business and Mr. Henry asked why he waited so long; the applicant said it just “slipped away” as he was working in the basement; Mr. Kemm said he was operating business but there was no issue with the neighbors.**

**Ms. Mancini said the garbage pick-up would be a couple of times a week, UPS/Fedex would be once a week and supplies would also be delivered once a month. Ms. Mancini they were seeking a parking waiver as they had a gravel driveway, they were also seeking a sidewalk waiver as the sidewalk existing was sufficient and there was no sidewalk along Route 9, as well as, a waiver for a loading birth. Mr. Barre asked about the height of the garage, the applicant was not sure but stated it was only level and he felt less than 20’. Bob Foley said it would be much better if paved.**

**Mr. Kemm swore in Allison Coffin, LPP. Mr. Green made motion to accept credentials, Mr. Esposito seconded, motion carried. Ms. Coffin said she met with the applicant and visited the site, the property is 6,939 sq. ft. located at Upper Main St./Route 9. It’s a single family dwelling and the use for office space is a low intensity, the shed will be used for maintenance equipment, the garage and basement for storage. This is a D1 Variance with a couple of existing bulks which are not being altered, there are 4 spaces and 3 employees a buffer is not possible and this blends in with the residential zone. The variances can be granted and the site is well suited for the proposed use. More parking would draw attention to the residential. Ms. Mancini also stated that the site is well suited for the use which has been operating.**

**Mr. Kuczynski asked what conditions would be included if approved. Mr. Kemm stated the following:**

* **Karl stated work hours 7:00 AM - 5:00 PM Monday through Friday**
* **No Contractors**
* **No Storage Equipment**
* **Limited to the Use only**

**Bob Foley asked if they wanted to sell would it be to another contractor. Mr. Kemm stated that while they are giving up the residential use if sold could be sold as residential and this would be incorporated into the resolution.**

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

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

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Esposito, Mr. Sivilli, Mr. Foley**

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**#19-07 Lisa Marcellino 211 Cliff Avenue Bulk Variance/New Construction $ 400.00 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. Kemm Swore in: Lisa Marcellino who stated they wanted to demo the current house built in 1913 and build another 2 story home. They want to remain in Sayreville and their current home is not suitable. Mr. Green asked if they had come before the board recently; the applicant said “yes” they came before the board for an addition to fix some of their problems but it did not work out with the contractors. They were told the work would not make sense financially and they should just demo and rebuild. Mr. Green asked if that is what they wanted to do, the applicant said “yes” they were here tonight for permission to demo and rebuild.**

**Mr. Kemm asked if the houses on each side were large? The applicant said one side was small the other a modular. Mr. Kemm asked if the properties were the same size; she said her lot is 25’ x 92’. Mr. Kemm stated the drawings were better than before and once demolished they would need to apply for variances.**

**Mr. Kuczynski asked what the variances were on the application. Mr. Barre stated the following:**

* **Front yard setback 20’ required; 8’ being proposed**
* **Both side yard 8’ required; 4’ and 5.5’ being proposed**
* **Combination side yard 20’ required; 25’ total being proposed**
* **Exceeds lot coverage 25’ required; 37’ proposed – Undersized lot**
* **R7 Zone 100’ 92 proposed**

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

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

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Esposito, Mr. Sivilli, Mr. Foley**

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**MEMORIALIZATION OF RESOLUTIONS**

**#19-05 Richard & Kathy Prusarczyk 17 Albert St.**

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

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

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the April 24, 2019 meeting.

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

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**