SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF NOVEMBER 25, 2014**

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

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

**Mr. Green, Mr. Emma and Mr. Henry**

**Absent Members: Mr. Walsh, Ms. Fisher, Mr. Corrigan**

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

***REVISED***

**#14-19 Quick Chek 3101 Bordentown Ave. Use Variance/Site Plan $ 3,100.00 App.**

 **$ 5,892.00 Esc.**

**Mr. Sachs stated the Board had jurisdiction to hear the application, as it was a holdover from the September meeting.**

**John Mamora, Attorney addressed the board with a quick background of the area stating the property B-31**

**L-3 was currently under contract for the entire parcel and they wanted to build both store and gas services. This is a B2 zone and the use is permitted in the zone, however, there is a borough ordinance not allowing gas services within 500’ of a house of worship and there cannot be three (3) of the same types of services within one linear mile. The ordinance is measured by streets to the nearest lot line of a land use. He read the ordinance for gasoline services and stated that if this was measured by streets, they would be allowed and would only be the third (3rd) asking for a D3 Variance for the proximity of the house of worship as they would be approximately 420’. Mr. Mamora stated that their site engineer, Mr. Murray was present to give testimony and answer any questions. He stated they would like to begin with their traffic engineer, Charles Olivio. He also said they may not ask for a vote this evening as there were only six (6) board members present and they would prefer seven (7) members. Mr. Henry asked what was the fourth (4th) station and why was it eliminated, Mr. Mamora said the Shell Station.**

**Mr. Murray addressed this question using Exhibit A-8 Overall Aerial Exhibit revision dated 9/15/14. He showed the center of the map of the subject property then outlined the radius pointing out the Pit Stop station, going north the Getty station, turning left onto Ernston Rd. is the Shell Station at the end. Mr. Cornell stated that there was also the Raceway station across from the Getty location which has been approved and is going to be rebuilt. Mr. Kuczynski indicated that two of these stations were in Old Bridge and asked if this made a difference, Mr. Mamora again addressed the ordinance referencing linear mile.**

**Mr. Sachs swore in Charles Olivo, Traffic Engineer. Mr. Kuczynski asked for motion to accept credentials, Mr. Kreismer made motion; Mr. Henry seconded, motion carried.**

**Mr. Olivo provided Exhibit A-1 Aerial and described the location of the store as well as Bordentown Ave. and Cheesequake Rd. He stated Bordentown is a county road and they have already met with them, he conducted turning movement counts and said the prior study was completed in May 2012 dating back to November 2013 when the road was reopened with 3 lanes at Bordentown and Ernston. He did a more recent count and provided the documentation to the board. He described the existing driveway conditions Bordentown Ave. driveway is not near the traffic signal, however, the Cheesequake Rd. driveway is near the signal and will be moved for less impact. He provided Exhibit A-3 which shoes the driveway moves and described the new area. They have cut back the size of the building and moved it back to the rear of the lot. It will be approximately 4542 ½ sq. ft. convenience store a use for pass by traffic. The traffic on Cheesequake is slightly less than Bordentown Ave.**

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**He conducted a level of service analysis and stated there would be no significant impact to the area as the driveways would be moved further and they were looking to get the volume out of the sight areas. He stated the levels of service would be acceptable levels and they would be going to the County regarding the driveway on Bordentown Ave. The study was done during peak hours 7:00 am to 9:00 am then again 4:00 pm to 7:00 pm, commuter hours. The improvements to come will allow the County to acquire the front of the property for widening of Bordentown Ave. He stated five (5) more vehicles will be able to stack on Cheesequake Road. He then addressed the signage and stated it will be important for safety and to bring the vehicles in before reaching the intersection. Regarding on site circulation they will achieve appropriate dimensions around the gas pumps and it will be excess of 30’ around the canopy. Mr. Kuczynski addressed the level of service on the supplemental report of 9/17/14 and the breakdown of peak hours; Mr. Mamora said the level of service will remain the same. Mr. Henry asked about exiting out of the site and would traffic be able to make a left onto Bordentown Ave. Mr. Olivio said there would be full movement and he said the majority of the traffic on both areas makes right turns. The County has requested full movement on both with no restrictions. Mr. Sachs asked about the County request regarding more green time on the signals of 4 seconds. Mr. Cornell said this was in the original approval and this has improved traffic counts they have done everything possible. Mr. Emma asked Mr. Cornell if the County did not change the green timing would this change the findings, Mr. Cornell said it would not change.**

**Mr. Sachs swore in Justin Auciello, Planner. Mr. Kuczynski asked for motion to accept credentials, Mr. Emma made motion; Mr. Kreismer seconded, motion carried.**

**Mr. Auciello said he has provided testimony and this is his 3rd Quick Chek project, he has visited the site and surrounding area. His conclusion is that this is a D3 Variance and the proximity of the church is 420 ft. from the driveway. He stated that in the past safety was an issue but this variance insures safety as the site is well designed, and landscaped, while also appropriate for the dual use. It is a modern operation and he does not see an impact on other gas stations. He then continued with a description of the site at present and how it will improve over the current condition of the property.**

**He addressed the following variances being sought:**

 **- Rear setback should be 20’ they are proposing 10’ as the rear property is owned by PNC Bank and**

 **they were unwilling to sell to the applicant.**

 **- Off street parking or loading within 5’ of property line (C1 hardship) – they will provide proper green**

 **Space and buffer areas**

 **- Accessory structure 10’ from other structure they are proposing 5’ and this will not have a view impact**

 **to the adjacent property as this is a dead zone and not at all intrusive.**

 **- Side yard and Rear yard 10’ setback the are proposing 4.4’ the adjacent property is wooded and also a**

 **dead zone and there is just no way to comply with the setback requirements.**

 **- Signage – Exhibit A-4 described the sign proposed and safety benefit also the need for the proposed**

 **location of the sign.**

 **- Lot coverage 85% allowed maximum the applicant is proposing 86.9%. Because they dedicated a**

 **portion of the land on the frontage to the County this creates the variance for lot coverage.**

 **- Foundation plantings – they feel this could be a tripping hazard and also cause litter.**

**Mr. Mamora stated at this point that they tried to meet with the Shade Tree Commission but were unable to do so. Mr. Emma asked what they were waiting for from the Shade Tree Commission Mr. Mamora said they were asked to submit the plans and have not received response; Mr. Emma stated he was at the meeting and the plans were approved. Mr. Mamora stated he was unaware of this.**

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**Mr. Auciello addressed the lighting issue stating that the lighting in the parking lot would be under the canopy to allow for proper transactions and adequate lighting for safety. There will be no spillage it will be LED lighting. They will be installing sidewalks and curb cuts shall be set back not less than 10’; 8.8’ on Cheesequake and 8.9’ on Bordentown. Referencing the sidewalks he said they are supposed to be 6” or more above the parking area with wheel stops; they are proposing bollards and they want to make curbs flush around the building. He stated the site will accommodate area residents and the site will be more attractive in the area. He said it presented no detriment and referencing the negative criteria he felt there was none for the reasons stated. Mr. Kuczynski addressed the impervious coverage now at 77% once the green space was given away it would be 86.7% but will be 77% calling it even. Mr. Kuczynski addressed the wheelstops and asked for a better description of the bollards being far more effective, Mr. Cornell said it serves the same purpose and meets the intent. Mr. Leoncavallo stated that the Planning Board is in the process of revising the Zoning Ordinances and he will compare this issue with the new revisions.**

**Mr. Mamora asked that the application be held over without further notice to the January 28, 2015 meeting. Mr. Kuczynski asked why this was not a D1 variance as opposed to a D3 variance; Mr. Leoncavallo stated that a D1 was prohibited and D3 was a conditional use variance. Mr. Emma asked about the dead space; Mr. Cornell stated it’s owned by PNC Bank and is blocked off by the bank. Mr. Henry asked if this would be a 24/7 operation, Mr. Mamora said “yes”; Mr. Henry stated that the site line is being blocked by the trees. Mr. Emma stated that when he visited the site there was a lot of trash in the rear. Mr. Mamora stated they did not own the property yet and that would be corrected upon acquisition by Quick Chek. Mr. Green asked if the application was not approved would they still be there, Mr. Mamora said the contract is contingent upon approval they will be leaving the site if the application is not approved.**

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

**Mr. Henry seconded, motion carried.**

**Mr. Sachs swore in:**

**Jonathan Cusdodio – 3108 Bordentown Ave. who stated he lives right in front of the building and felt this would propose a danger to the residents. The traffic on Bordentown to Ernston Rd. is only one lane and already has backup. The entrance is right in front of his driveway and he will not be able to back out of his driveway. Mr. Green asked what the times of most of the traffic were, Mr. Cusdodio stated between 7:00 am and 9:00 am then again 4:00 pm to 6:00 pm.**

**Maureen Hawley – 3102 Bordentown Ave. Mrs. Hawley stated that she lives right across from the PNC Bank and while it was nice having a Quick Chek she had a concern that there could be an explosion with tractor trailer trucks and the gas station as well as a 24/7 operation could attract robberies. She also addressed the traffic back up issue as well as the cleanliness and being the only occupant her main concern was the gas station. She stated her son suffers from cancer and she asked to board why there needed to be so many gas stations in the area. She asked the board not to approve the application.**

**Mr. Kuczynski asked for motion to close public portion; Mr. Kreismer made motion to close public portion,**

**Mr. Emma seconded, motion carried.**

**Mr. Sachs announced that the application would be held over to the January 28, 2015 meeting without further notice and that the mandatory date would be extended to February 28, 2015. Mr. Mamora did want to address one of the concerns of Mrs. Hawley and he stated that this gas station would not fuel tractor trailer trucks.**

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**Mr. Emma asked Mr. Mamora if a walk thru could be requested on the site, Mr. Mamora stated that would be no problem. Mr. Emma stated that he was out to the site and there was a lot going on the property. Mr. Mamora stated that right now they were just a tenant and only controlled that space and could not consent on behalf of the landlord. Mr. Sachs said that as a member of the zoning board, he had an ID card and had the right to go to any site. Mr. Emma stated he had several questions on what the layout would be and Mr. Mamora asked if he was looking for someone to meet him there. Mr. Sachs stated he should take his site plan with him; Mr. Kuczynski asked about the board members getting together to do that; Mr. Sachs suggested they not do this. He said to go individually not as a group. This would be a violation of the Open Public Meetings act. Mr. Emma said if he had additional questions he would forward them to the attorney. Mr. Mamora stated that if he went out to the site before the December 18th Shade Tree Committee meeting and had questions, he could give them to him at that meeting.**

**#14-24 Gregory Burns 12 Morris St. Bulk Variance/Garage $ 250.00 App.**

**Mr. Sachs stated this was a hold over application and the board had jurisdiction to hear the application.**

**Mr. Sachs swore in Gregory Burns. Mr. Kuczynski indicated that on the prior application it was decided by the board that the presented garage was too big. The applicant stated that he took off 4 ft.; the old application was for an 18’ x 20’ garage; tonight he is asking for a 14’ x 18’ garage.**

**Mr. Green asked what the distance would be to the pool; the applicant said approximately 10’ between the two; Mr. Cornell said he presented 5’ previously and now it appears to be 9’ as the pool is not an accurate drawing. Mr. Sachs stated that the accessory structure has been reduced from 360 sq. ft. to 252 sq. ft. Mr. Cornell said the lot coverage is 21%. Mr. Green asked the applicant about the shed in the rear up against the fence; the applicant said it is approximately 2’ away from the fence and the electric is corded with an outlet**

 **And will be same for the new structure. Mr. Green asked the applicant how long the shed has been there, he said 7 years and had a permit to replace an existing structure.**

**Mr. Sachs asked what the new structure would be used for, Mr. Burns said it would house a vehicle and personal property, such as, tools, etc. there would be no commercial activity. Ms. Catallo asked the applicant on the existing shed facing to the right what was running along the side; Mr .Burns said a lower roof now covering his tools.**

**Mr. Green asked how many variances existed with the new application; Mr. Cornell said he eliminated one for the size of the shed which was 5 ft. more now it is 4 ft. less which has reduced the intensity on one side.**

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

**Mr. Henry seconded, motion carried.**

**Mr. Sachs swore in:**

**Donald Candito – 13 Morris Ct. Mr. Candito asked the applicant if the existing shed was going to remain; Mr. Burns said he would be removing the existing structure. Mr. Candito felt there was too much in the yard, a shed, pool, hot tub and now a garage which he felt was too high. He asked the board to take all the items currently in the yard into consideration.**

 **Mr. Kuczynski asked for motion to close public portion; Mr. Kreismer made motion to close public portion,**

**Mr. Henry seconded, motion carried. Mr. Henry asked the applicant if there would be a concrete slab all the way to the rear; Mr. Burns said “no” the driveway would remain the same with a grass patch at the top. Mr. Sachs asked what type of car would be stored in the garage, Mr. Burns said a 1968 Pontiac.**

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**Mr. Kuczynski asked for motion to approve/deny this application. Mr. Green made motion to deny the application and stated he went to site to see the property and felt it was too dense, Mr. Emma seconded. Before the roll call Mr. Sachs stated a “Yes” vote would be to Deny the application a “No” vote would be to approve the application. Roll Call:**

**Yes: Mr. Kreismer, Ms. Catallo, Mr. Green, Mr. Henry**

**No: Mr. Kuczynski, Mr. Emma**

**#14-34 Shirley Hays 18 Ash Terrace Bulk Variance/Addition $ 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. Kuczynski asked for motion to deem application complete,**

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

**Mr. Sachs swore in Shirley Hays who stated she wanted to add a summer room to the rear of the house to allow her to bring her husband out in his wheelchair. Mr. Leoncavallo stated the following variance:**

 **- R5 Zone Maximum building coverage 20% the applicant is proposing 26%**

**Mr. Kuczynski asked the applicant if the addition would be one story and if the exterior would match the house, Mrs. Hays said “yes.” Mr. Sachs asked if it would be heated, Mrs. Hays said it would not be heated it would be truly a sunroom**

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

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

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

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

**Yes: Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Green, Mr. Emma, Mr. Henry**

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**MEMORIALIZATION OF RESOLUTIONS**

**#14-30 Erik Swanton 35 Cedar Terrace**

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

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

**#14-31 Larry Davis 167 Standiford Ave.**

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

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

**#14-32 Joe Maio & Jessica Seabra 74 Haven Terrace**

**Mr. Kuczynsky asked for motion to memorialize resolution. Mr. Henry made motion to adopt the resolution; Mr. Kreismer seconded. Roll Call:**

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

# ACCEPTANCE OF MINUTES

# Mr. Kuczynski asked for motion to approve and accept the minutes of the October 22, 2014 meeting.

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

**ADJOURNMENT**

**There being no further business to discuss, Mr. Kuczynski asked for motion to adjourn, Mr. Emma**

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

  **Respectfully submitted,**

 **Joan M. Kemble**