SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF OCTOBER 23, 2013**

**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. Kuczynski, Mr. Lewis, Mr. Kreismer,**

**Ms. Catallo, Ms. Fisher, Mr. Green, Mr. Emma and Mr. Corrigan**

**Absent Members:**

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

**#13-18 Susan Crespo 18 Senna Dr. Bulk Variance/Pool $ 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 application complete, Mr. Kreismer made motion; Ms. Fisher seconded, motion carried.**

**Mr. Sachs swore in the applicant, Susan Crespo. Ms. Crespo stated she wanted to install a 12 x 18 above ground swimming pool.**

**Mr. Leoncavallo gave the variance(s):**

**- Rear Yard setback minimum is 10’ the applicant is proposing 5’**

**Mr. Walsh asked if this was the only area in the yard to install the pool, Ms. Crespo said “yes.” Mr. Lewis asked if the adjoining yards were higher or lower, the applicant stated all the yards were the same. Mr. Kuczynski asked if there was a deck in the yard, Ms. Crespo said the deck was already there.**

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

**Mr. Kuczynski seconded. No one spoke. Mr. Walsh asked for motion to close public portion; Mr. Kreismer**

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

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

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Kreismer, Mr. Lewis, Ms. Catallo, Ms. Fisher, Mr. Green, Mr. Emma,**

**Mr. Corrigan**

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**#13-27 Augusto Matos 84 Smullen St. 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. Walsh asked for motion to deem application complete, Mr. Kreismer made motion; Mr. Corrigan seconded, motion carried.**

**Mr. Sachs swore in Augusto Matos, owner who stated he wanted to construct a home on the lot but was short 7’ on one side. The lot is non-conforming it is 78 sq. ft. and the zoning requires 85 sq. ft. on the corner. Mr. Kuczynski asked if the lot was vacant, the applicant said “yes” the prior house had been demolished according to Borough request due to very poor maintenance conditions.**

**Mr. Leoncavallo stated the variance(s):**

**- R7 zone 8500 sq. ft. 85’is required on the corner and the applicant is proposing 78.18’**

**Mr. Green asked the applicant if he was going to rent the house or live in it after construction; Mr. Matos stated he was going to live in the house. Mr. Kuczynski asked the applicant if there was any other piece of land he could purchase to alleviate the variance. The applicant said he has 78’ x 120’ but 19’ of this is owned by the Borough and used as a walkway; he also has the piece of property next to it which is 30’ by 160.’ Mr. Cornell said the variance is on the Smullen St. side not the Hart St. which is where this property is located.**

**Mr. Walsh addressed the plans and asked if the new structure would be 2700 sq. ft.; Mr. Matos said including the garage it would be 3200 sq. ft. Mr. Green asked the applicant if he had a contractor; Mr. Matos said he would be building the house himself as he was a general contractor.**

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

**Ms. Fisher seconded.**

**Mr. Sachs swore in:**

**Jenny Babyak – 80 Smullen St. Ms. Babyak expressed a concern of the closeness of the new house; Mr. Matos addressed her concerns stating that it would be 15’ from her wall.**

**Colleen Figueroa – 39 Hart St. Ms. Figueroa expressed concerns from the previous owner; again Mr. Matos said it was going to be a single family house and he would be living in it. Mr. Sachs also stated that the applicant couldn’t just build he required a variance for the width.**

**Christine Dominik – 35 Hart St. Ms. Dominik had a concern about the applicant using all the empty space; Mr. Matos stated it would only be one house on the lot.**

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

**Mr. Kreismer seconded, motion carried.**

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

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Lewis, Mr. Kreismer, Ms. Catallo, Ms. Fisher, Mr. Green, Mr. Emma,**

**Mr. Corrigan**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 23, 2013**

**#13-28 Adam/Angelika Grodzki 23 Liberty St. Bulk Variance/Pool $ 100.00 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 application complete, Mr. Kreismer made motion; Mr. Corrigan seconded, motion carried.**

**Mr. Sachs swore Angelika Grodzki who stated that they were before the board for an above ground swimming pool 18’ and she would like to keep it.**

**Mr. Leoncavallo gave the following variances:**

**- Rear Yard setback maximum 10’ the applicant is proposing 6’**

**- Side Yard setback maximum 10’ the applicant is proposing 8’**

**Mr. Walsh asked the applicant if this was the only area they could put the pool, she stated “yes.” Mr. Kuczynski asked if there was any way they could move it closer to the house or garage; she stated that they could not as they have put down pavers from the pool to the garage and they would have to remove the pavers. Mr. Green asked if this pool was already up; the applicant said it was, Mr. Green asked for how long, the applicant said they put the pool up 4 years ago and didn’t realize they needed permits. She said that the inspector recently told them they needed a permit for the gate. Mr. Green asked if this was Zoning that inspected she said she had a permit for a fence 4 years ago and the gate 2 years ago. In August she was told she needed a variance as the pool was too close to the fence.**

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

**Ms. Fisher seconded.**

**Mr. Sachs swore in:**

**Darlene Maciejewski – 204 Liberty St. Mrs. Maciejewski stated that the pool was up before the pavers and since then she has had water trouble as her yard is lower. She objects to both the pool and the pavers. Mr. Walsh asked if she had water problems before the pool; she said “no.” Mr. Green asked for how long the problem existed and asked her if she had the problem after the pavers were put in; she said “yes,” and she gets the problem every time it rains. The applicant addressed this issue as the water problem existed because they needed to fix the gutter which they have completed.**

**Mr. Sachs swore in Marish Myslinski – 23 Liberty St. He stated when the problem started with the water the borough came out and asked that they put in cement pieces which he did and covered with dirt. They recently repaired the downspout as instructed by the borough inspector. Mr. Walsh said the issue tonight was the pool not the pavers.**

**Mr. Sachs asked Mrs. Maciejewski when was the last time she had a water problem, she stated in August. Mr. Sachs asked Mr. Myslinski when he did the repair; he said after the August problem and it was inspected and approved.**

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

**Mr. Kreismer seconded, motion carried.**

**SAYREVILLE BOARD OF ADJUSTMENT**

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

**Mr. Kuczynski wanted to get on file that the board was only approving the pool on roll call vote. Mr. Sachs also stated that perhaps the board would put in as a condition of approval that the applicants make sure there are no run off issues onto the neighbor’s property.**

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Lewis, Mr. Kreismer, Ms. Catallo, Ms. Fisher (with conditions), Mr. Green (with conditions), Mr. Emma, Mr. Corrigan**

**SAYREVILLE BOARD OF ADJUSTMENT**

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**MEMORIALIZATION OF RESOLUTIONS**

**#13-19 Frontier Sayreville/Starbucks 957 Route 9 No.**

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

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

**#13-20 Lenahan Chiropractic 837 Route 9 No.**

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

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

**#13-23 Janet Kwiatkowski 128 Deerfield Rd.**

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

**Yes: Mr. Kuczynski, Ms. Catallo, Ms. Fisher, Mr. Green, Mr. Emma, Mr. Corrigan**

**#13-24 Harinder Singh 10 Unkel Ct.**

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

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

**#13-25 Marlene Bergeron 42 Outlook Ave.**

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

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

# ACCEPTANCE OF MINUTES

# Mr. Walsh asked for motion to approve and accept the minutes of the September 25, 2013 meeting. Before motion Mr. Kreismer stated application #13-23 he had excused himself and did not vote on this application. The secretary stated she saw this mistake and already had made the changes. Mr. Kuczynski made motion to accept the minutes with correction; Mr. Kreismer seconded, motion carried.

**Before adjourning Mr. Walsh asked for motion to approve meeting dates for 2014. Mr. Walsh made motion, Mr. Kresimer seconded, motion carried.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 23, 2013**

**ADJOURNMENT**

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

**motion to adjourn; Mr. Corrigan seconded, motion carried.**

**Respectfully submitted,**

**Joan M. Kemble**