SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF FEBRUARY 28, 2018**

**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, Ms. Catallo,**

**Mr. Walsh, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Foley**

**Absent Members:**

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

**Before beginning the meeting, Mr. Kemm welcomed Bob Foley as a new member to the Zoning Board.**

**Mr. Kemm announced the following applications would not be heard this evening but carried over to the**

**March 28, 2018 meeting:**

**#17-13 – Interstate Outdoor Advertising, Route 9/Old Cheesequake Road**

**#17-15 - Interstate Outdoor Advertising, Route 35/Raritan Street**

**#16-26 Gilleltte Enterprises Jernee Mill Rd. Use Variance/Site Plan $ 1,000.00 App.**

 **$ 3,500.00 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. Green asked for motion to deem the application complete. Mr. Henry**

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

**George Pressler, Attorney for the applicant addressed the Board and described the application on 302 Jernee Mill Road as 23 acres of property that has been dormant for many years. The applicant is here for Site Plan & Use Variance approval for storage units and trailers. Ken McCloud, Attorney for Integrated Industries and Franco Avella, Vice President of Integrated Industries for 20 years oversees the daily operations of the storage and shipping of the containers. He stated it is a full service operation and the containers come in on trailers from overseas with minimal exports. Once the containers are emptied they are sent to the Woodbridge, Port Elizabeth, South Kearny, Pennsylvania, Georgia or Houston. They are seeking approval to lease the property for trailers and container stacking 3 high for the containers, and store trailers. Again he indicated that the containers come in on ships and once emptied they received them, once they arrive at the facility they determine whether there is any repair needed and if so they are sent to Woodbridge. They described the stackable and non-stackable on Exhibit A1 as 8 ½ high and 20-40’ wide or 8 ½ x 3 ‘. Special equipment is used to stack for safety reasons which they described. They stated that the containers/trailers/trucks are stored from February to November when the holiday season begins. This facility would house the overflow from the other areas. Hours of operation would be Monday to Friday 7:00 AM to 4:00 PM with 3-4 employees. They are proposing a container which will house an office for the employees. Mr. Avella said that on occasion they would have hours on Saturday until 3:00 PM which is done on an as needed basis. There will be no night hours of operation. Mr. Green asked how the containers were stacked and what route they came in on and if they were on flatbed trucks. Mr. Avella said they were stacked “pyramid style” and he believed they came in off of Route 9 to Perrine Road and Waterworks Road, they avoid coming in on Bordentown Avenue and they were on flatbed trucks.**

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**Mr. Green asked if the containers were owned by different companies, Mr. Avella said “Yes” and they are leased to other companies. Mr. Kuczynski asked if each company has its own stack, Mr. Avella said “Yes” and they are different colors, Mr. Esposito asked if they would need to remove the containers on the top to get to a bottom container if they were all the same, Mr. Foley asked if the trucks were also stored, Mr. Avella said “No.”**

**Mr. Foley asked about the office trailer and if would have facilities and utilities, Mr. Avella said just electric there would be no plumbing they will have a porta-john.**

**Mr. Emma asked about lighting and security on the property, Mr. Avella said they may have cameras but no on site security guard. There will be fencing around the site. Mr. Emma asked if the front gate would be locked so kids could not get into the property; Mr. Foley asked if the trailers were locked, Mr. Avella said “no.” Mr. Avella said they have not had any issues with break-ins or problems kids on the site. Mr. Emma asked about the stacking of the containers in the event of a storm, Mr. Avella said during Super Storm Sandy a couple fell but not many when there is a storm coming they break down the stacks. He briefly described how they were stacked; Mr. Green asked if there was enough room for a fork lift; Mr. Avella said yes there would be access from the side.**

**A brief discussion took place regarding the security of the site as well as the noise level that would occur with any repairs or movement with the stacking of the containers. Mr. Avella said there is no noise involved and that the site was for the overflow on the other sites. Ms. Catallo asked if there was any repairs done on the site; Mr. Avella said “no” and that the only repair would possibly be painting.**

**Mr. Kemm swore in:**

**Mr. Bashear Halari, Engineeer. Mr. Green made motion to accept credentials; Mr. Emma seconded, motion carried. Mr. Halari said he was familiar with the site and addressed the Exhibit A2. He described the S=-turn and access driveway still exists. He also addressed Exhibit A3 showing the flood area which cannot be used and described the other areas on site. They have conditional approval from the County for the driveway areas. They are seeking approval for the driveway access. He gave the scenario of the storage trailers in front and the containers in the rear of the site. The primary use is to store trailers approximately 909 if they can fit, if not,**

**800-850 if possible. He described the fence and stated if the board prefers they could make the fence 8’. They are seeking a waiver for the sign 25’ should be too far back and they are asking for 5’. Mr. Foley asked about the number of trees; Mr. Halari said approximately 700, Mr. Green said they were told 839, Mr. Emma stated he disagreed with the tree calculations as he walked the property and found it to be different.**

**Mr. Green asked how many easements were involved, Mr. Halari said three (3) Downey near the south access driveway, Dupont property to the north, and Rossler property (Viking). Mr. Halari said he met with the property owners. The Downey easement has already been acquired, they still need the easement from Dupont and the Viking site. He addressed Jay Cornell’s report and said there are still some outstanding issues which they will comply. John Barre stated that the plan prepared trailer configuration for 909 if there was enough room, if not, Mr. Halari said there would be approximately 708. Mr. Cornell suggested that the Fire Marshall look at the site and sign off on the layout. Mr. Emma addressed the back part of the road against the fence and said if there were trailers emergency vehicles cannot get back there. Mr. Barre also addressed the dumpster in the rear. Mr. Foley talked about traffic and said if there were 35 trailers a day backed up to Jernee Mill Road and Bordentown there would be a traffic jam; Mr. Avella stated that the trailers are scheduled by dispatchers and usually come in 5 at a time and based on paperwork it could take an hour.**

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**10:20 PM - Mr. Green asked for a 5 minute recess**

**10:30 PM – The meeting was called back to order with all board members present**

 **George Pressler addressed Mr. Cornell’s report of 2/22/18 on page two the waiver for the sidewalk and existing parking stall and office trailer. A waiver for the loading zone is not needed the driveway is 30’ and #’s 5, 6, 7 will be corrected, #8 the grading will be provided, #’s 9 & 10 the slope on the site will not have any storage, #11 fire bureau and access will maintain. (B) Sanitary sewer portable address with health department, (C) water health department and fire bureau, (D) stormwater – will satisfy, (E) parking and building improvements, (F) parking area waiver**

**Scott Kennel, Traffic Planner. Mr. Green made motion to accept credentials, Mr. Kuczynski seconded, motion carried. Mr. Kuczynski asked Mr. Kennel about the site triangles, Mr. Kennel said he is working on them and met with the County in October. This is in the agreement with the design in a 45 mile zone traffic generation. The peak hour is based on the month of November peak period. The level of service during the peak period is well in range and accepted thresholds.**

**James Coyne, Environmental Consultant. Mr. Coyne stated he was hired by Jim Gillette to determine the status as an inspection determined it was out of compliance. The site is now in compliance. NJDEP will report once approved approximately 3-6 months. Mr. Emma asked about the 12” cap he was told it was just capped and it is not coming out it will be graded. Mr. Barre said this is part of remediation on any tree removal. Mr. Cornell said they requested copies at the TRC meeting and never received. Mr. Kemm said this is a gray area and exactly where was it to be capped; Mr. Coyne said the 1st third or the property where the previous tenant occupied.**

**James Chadwick, PP discussed the trailers and storage issues stating while outside storage is not permitted from the site you can see residential and to the north a salvage yard and vacant land visible to the road adding evergreens he feels this is a positive use in terms of metropolitan they are needed and the use supports, location of the site meets suitability standards. Meets standards to advance health safety welfare and economic suitability and supports public service. This is a good location.**

**Referencing 2/22/18 Report from John Barre TRC Page 1 – height of trailers/trucks less approximately 800 trailers based on Fire Marshall, Page 4 variance no bulks use only the positive and negative has been addressed and the tree count will give count replacement will be met. Office will be permanent structure. The rights of way and utility companies will be addressed. Mr. Barre question regarding additional use of trailer for office, this trailer will be on a cement foundation not transportable.**

**PUBLIC PORTION**

**Mr. Kemm swore in the following:**

**Jim Robinson – 11 Borelle Square. Mr. Robinson asked what the trailers contained before they were emptied; Mr. Avella said boxed items, mail from UPS, they really do not see what is inside. Mr. Robinson asked for clarification on the 2400 in the Engineer’s report, Mr. Avella stated this was just containers; trailers are 800. Mr. Cornell asked what the result would be with 2400 in the flood area they would have to get permission. The removal of 839 trees and the cost to replenish would be 339x $250.**

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**Mr. Robinson talked about the transportables and what the taxes would be and if a use variance was requested; Mr. Barre said this was in a SED Zone and the use was not permitted. Mr. Robinson asked if this was a ratable; Mr. Kemm said this is not the consideration of the Board, the applicant will pay on the property and the Tax Assessor will determine the taxes. The property runs north across the train tracks to a B1 Zone, the south to Prime Zone. Mr. Robinson asked if this was zoned for redevelopment. Does this further the use of the zone.**

**Ken Olchaskey – 108 No. Edward St. Mr. Olchaskey compared the Old Bridge facility and how ugly the site was; he said while it does not impact Old Bridge residents it does impact Sayreville residents and they have already gave enough. He addressed the total property involved 23-24 acres and how much will be used approximately 13 acres and the possibility of 800 trailers, 2400 containers or a mix and why can’t they relocate this facility to Perth Amboy. He said the removal of 839 trees will have an environmental impact within a flood area. Mr. Halari addressed this issue and said the DEP will review and a permit needs to be applied for by the applicant. Mr. Olchaskey asked about the distance between the westerly boundary and South River. Mr. Halari said it touches South River; Mr. Olchaskey asked if the Borough has rights to 10 million gallons of water from South River; Mr. Cornell stated this is a valuable right/asset and it needs to be protected. Environmental aesthetics should be valued.**

**Barbara Kilcomons – 22 Schmitt Street. Mrs. Kilcomons agreed with the testimony of Mr. Olchaskey and stated she would rather look at piles of dirt. Four photos Exhibit A5 confirms the way the site looks. Their friend took the pictures Friday and Monday 01-02 from Bordentown Avenue, 03-04 from Waterworks Road. Some are stacked 5-6 high. Residents complained of noise when containers were being stacked. Sayreville can use a better ratable how far back they are stacked will not make it less visible. Very unsightly is no conducive and they still need easements.**

**Mr. Emma asked for a rundown of what approvals are necessary; Mr. Kemm said they were from outside agencies as discussed, but requires Board approval first.**

**Ed Strek – 58 Nickel Avenue. Mr. Strek said he lives about ¼ mile from the site. He said when people hunt you can hear shots and the same will be when unloading containers. Shrubs will not hide the complex, with 30’ high trailers. He addressed the damage from Hurricane Sandy and how this is not a nice site, and there will be noise loading and unloading, he felt the Board should reconsider their decision.**

**Donna Roehsler – Owner, Viking Terminal. Ms. Roehsler said the applicant is seeking an easement and she was here tonight to let the Board know she was declining this request. She stated she met with Mr. Halari in early December. She has been there for 46 years and the large trees have been on the site. He has presented very little information and she has been waiting for a call from him. She spoke with Mr. Pressler and he stated this was a done deal and if not agreed to the County will be taking the property. Mr. Green asked if she was telling the Board that she will not be granting the easement for the tree removal on her property, she stated “yes.”**

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

**Mr. Emma asked if the trees on the easement are included in the trees being removed. Mr. Halari said he will ask the County; Mr. Emma said the Borough supersedes the County on this issue. Mr. Esposito stated the Shade Tree Commission should be involved. Mr. Cornell stated that the use and ordinance will be enforced with this issue.**

**Mr. Kuczynski suggested possibly amending to no containers just trailers.**

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**Mr. Green stated concerns regarding the easement and the testimony of the flood zone, also the S-turn safety and the possibility of 905 trailers, 2400 containers. He felt the noise, traffic and safety factors should be considered.**

**Mr. Green asked for motion to approve/deny this application. Mr. Green made motion to deny the application, Mr. Emma seconded. Roll Call: - Yes: Deny, No: Approve**

**Yes: Mr. Green, Ms. Catallo, Mr. Emma, Mr. Esposito, Mr. Foley**

**No: Mr. Kuczynski, Mr. Corrigan**

**#16-28 Retlaw 967, LLC 969 Route 9 No. Use Variance/Major Site Plan $ 2,400.00 App.**

 **$11,347.00 Esc.**

**Before beginning the testimony, Board Member, Maria Catallo excused herself from the hearing of this application.**

**Jason Hawlyk, Attorney for the applicant addressed the board stating this was the former site of the Peter Pank Diner and the application was heard back on January 25, 2017 for a Use Variance/Site Plan and approved. On February 22, 2017 Crestview Apartments filed a complaint challenging the approval and as a result of a settlement agreement the Judge issued a remand order December 14, 2017. A copy of the settlement agreement and changes are presented. They will be constructing a WaWa convenience store and gas station. The gas is now moved to the north of the site with emergency access to the site.**

**Mr. Kemm swore in:**

**Matthew Sharo, Engineer, Mr. Green made motion to accept credentials, Mr. Kuczynski seconded, motion carried. Mr. Sharo stated he prepared the revised settlement plan marked Exhibit A1 on the Site plan dated 2/21/18. He stated the biggest change are the building and the gas sites as well as changes in the underground tank, the south loading zone and north realignment of the road from Old Cheesequake Road. Exhibit A2 shows the building elevation and change to the WaWa sign on the side now removed. Exhibit A3 shows the canopy exhibit and previous signature sloped now an A-frame canopy with caps on both ends of the canopy.**

**Exhibit A1 also shows changes to the buffer on the south side from 34’ increased to 54.1’ and the driveway from 38’ to 42’. The ID sign from 27’ high to 25’ high, with additions to the emergency access on the rear drive. Landscaping up to the apartment complex in between the WaWa and apartment complex has been added as well as a pedestrian path with lighting and ADA access. Circulation is the same and lighting is consistent with previous design and the project meets all requirements. They are requesting waivers for the perimeter parking area islands at the end of the rows. Storm water management is the same and the signage 25’ at the entrance and they will be removing the side signs. Jason Hawlyk said they will replace the underground rain basins providing above ground, and modifications to the wall, with the realignment of the roadway. Shifting the driveway on Route 9 north put more space for the air pump relocation which was south and now north. The fence on the south will be 6’ high white vinyl. Circulation will be to enter off Route 9 not Old Cheesequake Road which will allow better circulation under the canopy. There will be no trash pick up or deliveries 11:00 PM to 6:00 AM. There will be no fueling delivery using the south side drive isle and delivery will be anytime during the day. Addressing Mr. Cornell’s letter of 2/28/18, Mr. Sharo said they will comply with all comments.**

**Nicholas Verderese, Traffic Engineer. Mr. Green made motion to accept credentials, Mr. Kuczynski seconded, motion carried. He stated the traffic report is not affected by the changes at all with the previous findings. DOT permits have been received on 2/27/18 for 58-50 parking stalls. Mr. Kuczynski asked about stacking to pumps. Mr. Verderese said this never really happens and has never been an issue as there is 31’ between pumps.**

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**Paul Grygiel, LP Planner. Mr. Green made motion to accept credentials, Mr. Corrigan seconded, motion carried. He said the original application was reviewed and new application for a Use Variance is the same number of stations with no change to that condition, the two uses on the site is very common and acceptable. The site is suitable for the use. Billboard on the site will remain the same it has nothing to do with this application. The design waiver can be complied with and the signage change allows adequate signage.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green asked for motion to close public portion; Mr. Kuczynski made motion to close public portion, Mr. Emma 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. Kuczynski, Ms. Catallo, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Foley**

**#18-01 Manchester Hill Road, LLC 37 Coyle Street Bulk Variance/New Structure/ $ 350.00 App.**

 **Garage $ 300.00 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. Green asked for motion to deem the application complete,**

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

**Michael Paige, Attorney for the applicant addressed the board stating the application was for a bulk variance, minor Site Plan approval for a new single family home and lot width area. He stated he had two witnesses present, Francisco Ferrerio, a representitive for the applicant who does not own yet but is in the process based on approval of the application.**

**John Chadwick, PP, addressed the board; Mr. Kuczynski made motion to accept credentials, Mr. Corrigan seconded, motion carried.**

**Mr. Chadwick addressed Aerial Photos marked Exhibit A1. He stated the photo shows the location in question with a wooded area on the right. He said this is a pre-existing non-conforming use which doesn’t meet the standard. The lot is exactly the same as the others 2 lots which will be a single lot with a home on it. It is 8’ in width by 700.’ There will be a lot grading plan due to the slope of the lot. Mr. Kemm stated this was a undersized lot behind the Parlin Guest House and all the others are substantially the same square feet. The proposed building is similar. Mr. Cornell said there is no active sanitary line and the sewer line is “dry.” The will need to get a letter from the Sewer Department before any permits will be issued. He said the other owners on the street did the same. Mr. Foley asked if the connection was on Dupont? Jay said the pump would go up to Coyle Street, he said initially it was 200’ as the road was built in pieces and the house across the street extended the road. Jay said it’s a paper street in the Borough right of way and still needs to be developed. They will comply with all requirements.**

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

**PUBLIC PORTION**

**Mr. Kemm swore in:**

**Michelle Jenkins – She stated she is a homeowner on Coyle Street and actually had an ejector pump which was connected to the sewer line. She stated she tried to get a sewer line and was told they were dry and it could not be done. She wants the road to have access to the sewer line. There are pumping stations in other towns and she asked if the board would entertain this. It was just a comment she wanted to bring to the attention while people are building. Mr. Cornell stated that the board could not put this as a condition of approval. He also explained how extending the sewer would be more reasonable.**

**Mr. Green asked for motion to close public portion; Mr. Kuczynski made motion to close public portion, Mr. Emma 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. Kuczynski, Ms. Catallo, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Foley**

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**MEMORIALIZATION OF RESOLUTIONS**

**#17-33 Verizon Wireless 2 Gowin Street**

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

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

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the January 24, 2018 meeting.

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

**Before adjournment, Mr. Green asked for motion to memorialize the reorganization resolutions for the appointed professionals, Mr. Kuczynski made motion, Mr. Corrigan 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. Emma seconded, motion carried.**

 **Respectfully submitted,**

 **Joan M. Kemble**