SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MARCH 27, 2013**

**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. Lewis, Ms. Catallo, Mr. Kreismer,**

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

**Absent Members: Mr. Walsh**

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

**#11-09 Bhaktinidhi Temple 717 Washington Rd. Use Variance/Site Plan $ 4,375.00 App.**

 **$ 18,107.00 Esc.**

**Mr. Sachs addressed all present and read the following letter from the applicant’s attorney, Joseph Youssouf:**

***“The applicant intends to substantially amend its pending application to eliminate the necessity of any and all variances. Absent variance relief requirements, the matter will proceed as a major site plan application only. Consequently, I believe the Zoning Board of Adjustment will no longer have primary jurisdiction over this application and the Planning Board would be the appropriate municipal agency to review the site plan application. Based on this development, please notify the Zoning Board that we will not appear at the next meeting of the Board scheduled for March 27th.”***

**Mr. Sachs stated that while he has received this letter, technically the date had been extended until the end of April and it would probably have to wait till after this extension. Mr. Sachs said they would be coming back with an entirely new application with changes and during the time period for completeness it would be determined whether it is in fact a Planning Board application or if it will have to still go before the Zoning Board. Mr. Kuczynski asked Mr. Sachs if they do withdraw from the Zoning Board, would there have to be a vote on this issue; Mr. Sachs said it was mandatory that there be a vote.**

**#13-04 Brian Burlew 484 So. Pine Ave. Use Variance/Addition $ 1,000.00 App.**

 **$ 2,500.00 Esc.**

**Mr. Kuczynski announced that application #13-04 Brian Burlew was going to be held over until the April 24th meeting at the applicant’s request.**

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**#13-07 Andrew/Kim Saniford 10 Kania Ct. Bulk Variance/In-ground 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; Mr. Corrigan seconded, motion carried.**

**Mr. Sachs swore in Andrew Saniford who stated that he wanted to install an in-ground pool on the side of his house as this area would provide safety and privacy and he finally has the financial resources to make his family happy. He stated his property is on a slope and this was really the only area to install the pool.**

**Mr. Leoncavallo said the applicant had one variance:**

 **- Pools need to be behind the rear building line**

**Mr. Kuczynski asked about the easement on the survey on the one side yard. The applicant said he will be well within the easement and has taken all the necessary measures and has done all the necessary engineering work. He said because the entire property is sloped he would have to level and if he went any further back the space would be very limited. Mr. Green asked if he would have a good view of the pool from the side; the applicant stated yes, that there is a deck from the kitchen which leads onto the side. If the pool were in the rear it could not be accessed as quickly. Ms. Catallo asked if the fencing was going to be around the pool, the applicant said “yes.”**

**Mr. Sachs talked about a letter received by the board from NJ Natural Gas Company asking that they are careful not to breach the easement. Mr. Sachs addressed concerns by the gas company (1) they will not be responsible if any repairs are needed, (2) the area should be marked and contractors need to call in time, (3) the equipment contractor should be made aware of these concerns. The applicant said that all of these issues have been taken into consideration and the proper people were notified.**

**Mr. Green asked the applicant if this was approved when he would be starting the project; the applicant said 1-2 months he wanted to complete sometime in May. Mr. Cornell talked about the 5’ retaining wall on the drawing and he suggested that he reinforce that the contractor contact the gas company. The applicant said that they already came and looked at the area. Mr. Cornell explained that sometimes the wall reinforcements extend out 10-15’ and suggested he make sure that he checks.**

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

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

**Mr. Kuczynski asked for motion to approve/deny this application. Ms. Fisher made motion to approve the application with conditions read by Mr. Sachs, Mr. Green seconded. Roll Call:**

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

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**#13-08 Fairfield Properties 15 Victory Plaza (Rts. 35/9) Use Variance/Site Plan $ 3,250.00 App.**

 **$3,806.40 Esc.**

**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.**

**John Miller, attorney for the applicant stated this was an application for preliminary and final site plan for a use variance. Mr. Miller said he would have three speakers for the application.**

**Mr. Sachs swore in Patrick Turzy, General Manager, Fairfield Properties. He stated he has owned and managed the property for several years and is trying to improve the property. He explained this was an odd piece of property and is currently a truck stop and will remain as such, but he wants to add an advertising sign.**

**Traffic will not change only construction vehicles while construction is going on. The sign will be digital and advertising input on the sign will be done from the office. There will be no routine maintenance unless something breaks. Mr. Turzy said cameras will be mounted on the signs and media will be updated through the office; the sign will have approximately an 8.6 second flip, some may have more depending on the information being advertised. He said he is proposing a fence around the base of the sign to prevent tampering and the fence will be locked. It will be metal poles which can be accessed by fire officials if necessary. There is no change in parking and there is no need for parking. Mr. Miller said the applicant is applying for State permits and approval of the application will be contingent upon State approval.**

**Ms. Fisher asked what type of advertising would be on the proposed sign, Mr. Turzy said general advertisements; Mr. Sachs asked if it would be 24/7? Mr. Turzy said they were proposing 24/7 as it was not affecting residential areas and the transition is almost immediate. Mr. Sachs asked if it would be flashing and popping the applicant said it would just be an immediate change of illumination according to daylight and would not be as bright at night.**

**Mr. Leoncavallo stated the following variances – 2 Bulk Variances:**

 **- Impervious Coverage 85% is the maximum the applicant is proposing 95.8%**

 **- Front Yard 50 ft. required the applicant is proposing 3.2 ft.**

**3 Billboard Requirements:**

 **- Frontage 200 ft. required the applicant is proposing 46 ft.**

 **- Separation factor between signs 1,000 ft. required the applicant is proposing 260 ft.**

 **- Minimum setback from the right of way or property line is 30 ft. the applicant is proposing 7.5 ft.**

**Mr. Leoncavallo said this triggers a Conditional Use Variance.**

**Mr. Lewis asked if this separation factor of 1,000 ft. was an ordinance and if so is there another board close; the applicant said there were two boards close. Mr. Lewis asked if this was taller than the others, the applicant said there would be no obstruction.**

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**Mr. Sachs swore in David Fantina, PE; Mr. Kuczynski asked for motion to accept credentials; Mr. Kreismer made motion, Mr. Corrigan seconded, motion carried.**

**Mr. Fantina described the Site Plan stating the only improvement is the sign on the ramp. He said all the suggestions made at the TRC meeting last month have been incorporated; they have moved the sign and added a fence for privacy. The sign has been moved closer to the property line about 19 ft. He said there are two other billboards on Chevalier Ave.; both are lower and will still be seen. Mr. Kuczynski asked if both sides of the sign will be illuminated, Mr. Fantina said “yes.” He said this is shown on the revised Preliminary and Final Site Plan dated 3/6/13. Ms. Fisher referred to a copy of the Engineer’s report and question 3 on page 2 regarding the location access to the site off the on ramp which crosses lot 2 owned by the State. Mr. Fantina said they have relocated the sign so it will not be in the way. Mr. Emma asked if they will need to make application to the Parkway; Mr. Fantina said he believed any Parkway issues are being met. Mr. Cornell said he was satisfied and that all his concerns were met. He suggested that maybe the applicant may want to pursue buying the driveway owned by the State it’s a small piece of property not being used. Mr. Kuczynski asked about hurricane ratings. Mr. Fantina said the sign is fully designed for wind. Mr. Cornell indicated that they will have to submit all this information to the Construction Office when permits are applied for.**

**Mr. Sachs swore in Jeffrey J. Carr, LPE & LPP; Mr. Kuczynski asked for motion to accept credentials; Mr. Kreismer made motion, Mr. Corrigan seconded, motion carried.**

**Mr. Carr said this was a unique type variance, a D3 as the use does not meet the conditions of the site. He said the site is not zoned for billboards under these conditions. This is an odd shaped lot and the parcel setback is not being met. He reviewed the setback as well as the surrounding properties. Other billboards in the area are different heights, in different directions and locations. There would be no negative impact as they will meet the one setback condition by relocating the sign. He said this is a commercial zone and there would be no impact with visibility; it fits the criteria of D3 variance. He stated it was an acceptable use and typical of other applications and the benefits outweigh the detriments. Mr. Sachs asked if there was any property available to abate the variance; Mr. Fantina said “no.” Ms. Fisher asked if the board approves and the State denies what would happen; Mr. Sachs said this would be a condition of approval. Mr. Lewis expressed concern regarding the closeness of the signs and frequency of change. Mr. Sachs said the two existing signs are lower; Mr. Carr said they are viewed from different locations and the heights make a big difference. Mr. Kuczynski addressed the content of the advertisements and asked if there would be any advertisement of alcohol and tobacco or any obscene advertisements. Mr. Turzy addressed this issue and stated that there would be no obscene or tobacco content.**

**Mr. Emma asked about the software; Mr. Turzy said it was web based and controlled in the office. He said security levels vary regarding hacking and that was the reason for the purchase of the software they bought. Mr. Lewis asked about the cameras on the sign; Mr. Turzy said they will monitor and the software will send an alert to company and the shutdown would be immediate. Mr. Turzy said they would be in agreement to leave out tobacco advertisements and of course obscenity. Mr. Kuczynski asked that they use discretion on the content.**

**Mr. Lewis had concern regarding the 200 ft. required on the frontage and the closeness of the other two boards; Mr. Carr said people traveling would see the higher one first and this should not be an issue. Mr. Kuczynski had concern on the billboard requirements and wanted to be sure the height and size were within the standards.**

**Mr. Carr indicated that they carefully looked at these issues and the application is not presenting any problem with the other boards.**

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

**Mr. Corrigan seconded.**

**Mr. Sachs swore in:**

**Councilman Henry - Orchard Street. Councilman Henry addressed the residences that are behind the bus terminal and asked if this would affect these homes as the total height of the board was 64 ft. and he wondered how intense the light would be. Mr. Fantina said they may see some light but it would not be too bright as there is other lighting in that area.**

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

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

**Mr. Sachs said if approved the conditions of approval would be as follows:**

 **- State Approval**

 **- No tobacco and obscene advertisements**

 **- If downtime Borough advertisements would be shown**

 **- When necessary emergency notices, amber alerts and or public service notices would be displayed**

**Mr. Kuczynski asked for motion to approve/deny this application. Ms. Fisher made motion to approve the application with all conditions discussed, Mr. Kreismer seconded. Roll Call:**

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

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**MEMORIALIZATION OF RESOLUTIONS**

# #13-01 Kiradhar, Inc. - Exxon 6040 Routes 35 & 9 No.

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

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

# #13-05 Robert Masterson 244 Gross St.

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

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

# ACCEPTANCE OF MINUTES

# Mr. Kuczynski asked for motion to approve and accept the minutes of the February 27, 2013 meeting. Mr. Kreismer made motion to accept the minutes; Ms. Fisher seconded, motion carried.

**BOARD DISCUSSION**

**Before adjourning, Mr. Sachs gave a brief update regarding the litigation for Jersey Cooperage and Leaf Industries, he said he needs to submit his brief by the end of April and anticipates the appeal hearing over the summer.**

**Mr. Kuczynski asked Mr. Leoncavallo about his annual report; Mr. Leoncavallo said he could address this at next month’s meeting. Mr. Kuczynski asked for motion to approve preparation of Annual Report by Mr. Leoncavallo; Ms. Fisher made motion, Mr. Kreismer seconded. Roll Call:**

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

**Mr. Sachs then discussed a letter received from Mr. Clarkin, the attorney for Dance Stop. When this application was heard the beginning of 2012 one of the conditions of approval was that the applicant would come back before the Zoning Board in 1 year and submit a Site Plan. They are now requesting an extension until June 30, 2013 to comply with this condition. Mr. Sachs stated he had no problem with this request and suggested a motion to accept the extension. Mr. Kuczynski asked for motion to approve this request for Dance Stop allowing the extension until June 30, 2013. Mr. Kreismer made motion; Ms. Fisher seconded, motion carried.**

**ADJOURNMENT**

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

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

  **Respectfully submitted,**

 **Joan M. Kemble**