VIRTUAL (ZOOM) MEETING BY PHONE

 SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF AUGUST 25, 2021**

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

**Members of the Board of Adjustment present were: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Foley,**

**Mr. Corrigan, Mr. Esposito, Ms. Kuo, Mr. Luciano**

**Excused Absence: Mr. Emma**

**Also present were: Tiena Cofoni, Esq. (for Mr. Kemm), Mr. Cornell, Engineer, Elena Gable, Planner (for Mr. Barre)**

**Before beginning the meeting Mr. Henry announced that application #21-16 – Phil and Janine Emma regarding a bulk variance for a pool will not be heard tonight, but has been moved to the September 22, 2021 Zoning Board Agenda. There will be no further notice to surrounding residents; however, they are required to notify the Home News Tribune with the new hearing date.**

**#21-11 Sayreville Repair & Leasing 1965 Highway 35 Use Variance/Site Plan $ 3,000.00 App.**

 **$ 7,540.00 Esc.**

**Ken Pape, Esq. addressed the board he stated that the applicant purchased the property 1 ½ years ago. The property has a single family residence in the rear of the property and an auto repair in the back of the commercial building in front. The application owns a small trucking company that he’s operated for the last 30 years doing garage repairs only on their own trucks. Paul Baldato is the owner and has operated his business for the last 19 years from a rental property with his 4 drivers and himself at 101 Main St. He also has 2 part-time drivers. They deliver rebar on flat bed trailers and trailers (4-5) are on site. There are two (2) office personnel including himself. His wife does the books at home and there is one (1) mechanic who works only on their trucks which is not a permitted use.**

**Ms. Cofoni swore in Andrew French, PE, Mr. Henry made motion to accept his credentials. He described site and presented a google area marked Exhibit A1 – Existing Condition Plan, dated July 29, 2021 showing the property at 1965 Route 35 showing 2 buildings 4200 sq. ft. both commercial and residential dwelling surrounded by commercial uses as well as a wooded area. The property currently has multiple driveways (3) one into the commercial building, a driveway to the rear residential area and one driveway along Route 35. Rear of property drops to low lying area; only the upper plateau if for the application. Exhibit A2 – Color Rendering, also dated July 29, 2021 was presented Mr. French stated the buildings will remain the same the applicant will only be raising the roof to 23’ on the commercial building 35’ is permitted. They will also be providing one (1) driveway with in/out access, 40’ wide which will also allow circulation into the site, providing five (5) parking spaces, one (1) near the residential another four (4) and three (3) on the site circulation. He stated there will be very minimal traffic and will be proposing better and safer circulation. Mr. Pape stated there will be no rental at all; it is not a public site for any purposes. Mr. Foley asked if anyone lives in the residential portion, Mr. Pape said it would be rented, however, they would not be renting the commercial building. Mr. Henry asked how many tractors; Mr. French said a total of 11; Mr. Kuczynski asked where they would be on the property and what were they used for. Mr. French stated they deliver rebar to Gerdau Steel Mill. He stated there would be no formal landscaping on the site they will be providing street trees and shrubs in front of the building and where the trucks and trailers are parked they will be planting evergreen trees and a board on board fence.**

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**He pointed out the darker green area on the Exhibit A-2 (wooded area) and stated they would not be doing anything to this area they are only addressing the main area of the property and will be enhancing the property. New LED lighting will illuminate downward poles with a maximum height of 25’ poles, the stormwater site flows from Route 35 to the rear, they will be providing pervious concrete as this allows the water to sink through into the ground. Mr. Henry asked if this concrete area was the gray area on the Exhibit, Mr. French said “yes.” Mr. Pape addressed trash pick-up and stated the residential would be the normal Borough pick-up the commercial would be private carrier. Mr. Henry asked Mr. Cornell if all the items in his report have been addressed; Mr. Cornell said he is comfortable with the responses and the two additional waivers for the sidewalk and lighting. He said the Borough ordinance requires the lighting to be 0.5 off the property; on the west side of the property lighting. In the rear downward where there is 0.6 they will be shielding to illuminate intensity and are asking for a waiver for this. Mr. Pape stated this is where cars will be parked. Elena Gable addressed the sidewalk ordinance required along the front of Route 35 as well as sidewalks in the parking areas, there will be around the commercial building and they are requesting waiver for parking area. Mr. Cornell said this was not a problem with the waivers as these are only minor items. Residential requires two (2) parking spaces also the garage, the commercial use 10 spaces, a design waiver cause truck parking not included. Commercial should be 12 and they are providing 10 plus the truck spaces. Mr. Kuczynski asked if there were mechanics working in the building; Mr. French said possibly two (2) but typically the building is empty during the day. He described where the storm water is located and said it discharges to the rear of the property, the existing wooded area. Mr. Henry asked if this was considered wetlands, Mr. French stated “yes.”**

**Ms. Cofoni swore in Stephen Radosti, Architect, Mr. Henry made motion to accept credentials. Mr. Radosti described the commercial site single story 4,081 sq. ft. auto repair with a flat roof. They are proposing removing all the roofs and raising the height for trailer repair façade 8’ for a height of 23’, the stucco will match, there will be a decorative front entrance with a small metal roof, windows will be the existing and will continue on the other side of the building, the front façade will have street numbers. They are adding the building height to accommodate trucks. He described the interior and east side of the building having three (3) overhead doors 14’ in height with each width different. Exhibit A-3 Sheet SK1B dated 3/23/21 the buildings will have uniform appearance all will have the same roofing, the color scheme the same, and there will be no signage just numerals on the building. Ms. Gable asked about the residential building, Mr. Radosti said it was 2200 sq. ft. one story with a partial finished basement, two (2) bedrooms, 2 ½ bathrooms and a garage. It’s a ranch house with new siding, windows roof pitch, raised porch and a secondary entrance from the garage. Mr. Henry asked about the three (3) tractors currently on the property in poor condition, Mr. Pape said they are scheduled to be removed as well as the storage containers which were in the building as it was being cleaned out.**

**Ms. Cofoni swore in James Higgins, PP. Mr. Henry made motion to accept credentials. Mr. Higgins stated he reviewed the application and visited the site. He went into the commercial building. This is a B3 Highway Business Zone with two (2) pre-existing permitted uses for auto being changed to trucks which requires a D1 necessary as this is not a permitted use and the expansion of single family pre-existing nonconforming use can be looked at as a D2 Variance. The work is the same the site is suited for the proposed as well as the residence suited for the site. Improvements to the site are substantial in the front of the building landscaping will improve appearance, the drainage is a significant improvement. There is no need for organized parking as site is adequate, lighting is also an improvement and provides special reasons for the safety and welfare of the site. There will be less intensity as there is no public use and there is no negative impact to other businesses in the area.**

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**Mr. Foley asked what the variances were for the application:**

* **Use D1 – D2 expansion of non-conforming use**

* **Waiver regarding height of light fixtures and number of parking spaces, no sidewalk**

**Mr. Sivilli asked if the trailers can turn around on the site; Mr. French stated they have complete access in between the residential and commercial and can back into the space. Ms. Gable asked about the landscaping and replacement trees and stated they will need to pay the difference. Ms. Cofoni asked how many trees, Mr. Cornell said the minimum caliber required and the applicant will comply with the ordinance and provide the necessary payments to the Shade Tree Commission. Mr. Kuczynski asked about the trucks backing in front of the residential, Mr. French said any rental will be made full aware of the business and that it will be safe.**

**Mr. Pape described the two buildings and the application stating that the landscaping and buffering will be prominent and will not present any intensification to area and asked the Board to act favorably on the application.**

**Mr. Henry made motion to open public portion. No one spoke. Mr. Henry made motion to close public portion;**

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

**Mr. Henry asked for motion to approve/deny this application. Mr. Foley made motion to approve the application with the waivers of approval; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Sivilli, Mr. Kuczynski, Mr. Corrigan, Mr. Foley, Mr. Esposito, Ms. Kuo, Mr. Luciano**

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**MEMORIALIZATION OF RESOLUTIONS**

**#21-15 Creative Modular Homes McCutcheon Avenue**

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

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Foley, Ms. Kuo**

**ACCEPTANCE OF MINUTES**

# Mr. Henry asked for motion to approve and accept the minutes of the July 28, 2021 meeting. Mr. Foley made motion to accept the minutes Mr. Sivilli seconded, motion carried.

**Before adjourning, Mr. Henry addressed the Virtual meetings and suggested that these meetings continue through the end of 2021 then revisited. All agreed.**

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**