SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF FEBRUARY 26, 2020**

**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, Mr. Corrigan,**

**Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

**Absent Members:**

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

**#14-19 Quick Chek 3101 Bordentown Ave. Extension of Time $ 50.00 App.**

**Mr. Kemm stated he reviewed the affidavit of publication and proof of public service and the Board had jurisdiction to hear the application.**

**John Mamora, Esq. attorney for the applicant addressed the board stating the first extension was approved in 2015 with two issues: the remediation of the property as well as the PNC Bank property in the rear which they were trying to acquire but the property was not for sale. They are here tonight to ask for another 1 year extension as they are now in negotiations with PNC Bank for the purchase of the property which they are hoping will take place in a couple of months.**

**Mr. Kemm stated that there is nothing to add to any resolution and the applicant has shown good cause for approval and trying to include the PNC Bank property meets all requirements. He also added that it is obvious that they have been working on completing their project.**

**Mr. Green made motion to open public portion; motion carried. No one spoke. Mr. Green made motion to close public portion. Mr. Corrigan seconded, motion carried.**

**Mr. Green asked for motion to approve/deny this application. Mr. Green made motion to approve the application for a one (1) year extension, Mr. Sivilli seconded. Roll Call:**

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

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**#19-12 Mary Aileen, LLC Jernee Mill Rd. Use Variance/Trailer Storage $ 1,000.00 App.**

 **$3,000.00 Esc.**

**Mr. Kemm stated he reviewed the affidavit of publication and proof of public service and the Board had jurisdiction to hear the application.**

**Kenneth Pape, Esq. addressed the board he stated the subject property was owned by Joseph Chadwick and Family. Notices were delivered in December 2019 and record reflects that the Board took jurisdiction to hear the application this evening. They are seeking a Use Variance for an Industrial Use which is not permitted in the zone. They are seeking approval for an Industrial Trailer Storage and if granted will return with Site Plan for approval.**

**Ron Green addressed an approval by the Planning Board on January 17, 2014 for lease of the site to a Cogeneration Plant which that contractor is still on site and this application being presented tonight will go around that piece of property. Ron Green asked the applicant how much longer will that plant be on the site; Mr. Pape said the lease terminates when he is done.**

**Mr. Pape then stated he met with the Board of Trustees at Colony Club on December 9, 2019 and wanted to share with the Board the results of that meeting stating that President, Robert Hern they were comfortable with the application at which time they discussed items they would like to see if approved.**

* **The front will be landscaped to hide**
* **The gate will be locked by 10:00 PM with no entry**
* **Access will start at 7:00 AM**
* **The gate will be a distance off Jernee Mill Road in the event there more than one truck is trying to enter**
* **The number of trailers has been lowered to 300**
* **All trailers will be wheeled and licensed**
* **There will be no storage containers**
* **Peak season will be from September to December for seasonal business**
* **The balance of year will be a “Commitment” of 10 trailers a day or less**
* **They will supply all of the above to the Board**

**Mr. Pape stated off season would be an 8 month low volume “dead storage;” peak season would be 300 trailers operating. Mr. Green asked if the trailers would be empty; Mr. Pape said “yes and the doors would be open.”**

**Mr. Kemm swore in Peter W. Strong, PE, PP. Mr. Green made a motion to accept credentials; Mr. Kuczynski seconded. Mr. Strong presented the following exhibits:**

**A-1 Aerial display of Block 62 Lot 17.01**

**A-2 Aerial display of land owned by the Chadwick Family**

**A-3 Use Variance Plan with proposed trailer parking**

**A-4 Block 62 Lot 17.01 entrance improvements in the Jernee Mill Road area**

**Mr. Strong addressed Exhibits A-1/A-2 Block 62 Lot 17.01 and described the properties owned by the Chadwick Family and the property to the west that is undeveloped, to the south near the Conrail Railroad and the Hartle St. industrial properties, then down to the Colony Club complex. He then showed on the map the wetlands adjacent to South River and the 150’ buffer described in the flood plan area. Mr. Henry asked about the wetlands area; Mr. Strong described the buffer in place. Mr. Foley asked if the trucks would be along the side when the driveway to avoid a sight issue; Mr. Strong said in addition to the driveway landscaping would be across from Colony Club.**

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**Mr. Pape stated when he met with Colony Club they requested a 90’ separation and landscape area to be attractive. Mr. Pape said the Colony Club will be last to look at and approved before processing. Mr. Pape said the drive will have a security fence and designed gate off the road for enough room for tractor trailer. Spaces will be numbered in the rear bumper block/wheel stop with space number, pad will be concrete for metal wheels. There will be trailers only and one (1) small tractor used to move trailers around on the site. Mr. Green asked if the trailers on the drawings were the actual size; Mr. Strong said the spaces were designed for this size and they would be no larger. Employees on site will be 1 or 2 not full time staffing; they will provide the property maintenance. Mr. Pape said the Chadwicks also own the Jernee Mill Center, the Planning Board approve four (4) warehouses under 47,000 s.f. and just this week they received sewer approval which took two years. The warehouses will be built this summer and the landscaping will be the same in both locations, however, none is proposed near the Conrail side. Mr. Green asked about hours of operation stating while the gates open 7:00 AM to 10:00 PM, 7 days per week how does the gate open on Saturday; is it by the two employees; Mr. Pape said the two employees are only responsible for the property maintenance. Mr. Foley asked about security; Mr. Pape said it would be through a camera system, lighting if warranted by the Board can be installed low voltage or whatever the Board deems appropriate. Mr. Emma asked about the cameras and asked if they would be able to see the entire site; Mr. Green said it would be monitored 24/7 by Security Company. Mr. Pape indicated that the water service is available in the roadway and will do as the board directs regarding sanitary. Mr. Foley asked if there have been any offers to lease for warehouses; Mr, Pape said no one has come. Regarding the traffic coming from Washington Rd. and Bordentown Ave. Mr. Pape said they can control entering the site, as they agreed with Colony Club for 300 trailers. Mr. Green asked if one company owns all the trailers; Mr. Pape said he did not know it was possible it could be more than one. Mr. Green also addressed the maintenance of the trailers such as changing oil; Mr. Pape said this would not be done at this facility. Mr. Emma discussed tree preservation on the site and Mr. Pape stated most trees are dead or dying and he is aware they do need to participate in this project; he also stated that everything can be designed on site and circulation is intended to be adequate all vehicles can safely go through the site. Mr. Sivilli asked if Jernee Mill Road will be widened; Mr. Strong said yes the County is requesting it be made to 26’; Mr. Emma asked if 5-6 trailers arrived at the same time what would happen; Mr. Pape said the driveway would be able to accommodate all the trailers.**

**Mr. Kemm swore in: Scott Kennel, Traffic Expert. Mr. Green made motion to accept credentials; Mr. Emma seconded. Mr. Kennel addressed Exhibit A-3. He discussed the requests of the Colony Club Board of Trustees regarding the driveway and distance they would like to see from their area to the new fence being installed. He said the driveway can operate 500’ from the site which is the distance required; they are at present 600’. The access road is 300’ before reaching the first trailer and parking space. Vehicles will have complete access and emergency vehicles will have no issues maneuvering through the roads. Peak generation will be a 4 month period September to December with a maximum of 40 trips on an hourly basis 10:00 AM to 10:00 PM. Mr. Pape stated there is adequate land available to widen the road for a safe ingress and egress. Mr. Green said the peak hours being 40 trips a day off peak how many would there be; Mr. Kennel said approximately 10 trips. Tractor could go out Tuesday AM and come back the next day; it is his understanding this is not a daily type of rental it could be a week or more. Mr. Emma asked if the agreement with Colony Club was 7:00 AM – 10:00 PM; Mr. Pape stated the business day was from 7:00 AM – 10:00 PM but traffic is more intense between 7:00 AM – 5:00 PM. Mr. Kennel said trucks would be leaving approximately 10 trucks in the morning and 10 trucks in the afternoon. Mr. Kuczynski asked if the spaces on the south side would be double stacked; Mr. Kennel said spaces would be coordinated by the tenant. Mr. Green asked if the gate would be open all day; Mr. Pape said the gates would be closed and also said they have made a commitment to the neighbors no activity after 10:00 PM. Mr. Emma asked about the chirps in the event a truck was backing up; Mr. Pape said “no” there will be no chirps coming from the trucks; he said they just wanted an in/out scenario.**

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**9:10 PM - Mr. Green then made a motion for a 10 minute break**

**9:20 PM – Mr. Green called the meeting back to order with all board members present**

**Mr. Kemm swore in: James W. Higgins, PP. Mr. Green made motion to accept credentials; Mr. Corrigan seconded.**

**Mr. Higgins stated that the application has been described in detail and the site is suited for the proposed use. Vehicles will be stored and primarily used September to December. The location is in a SED Zone with a variety of uses and the site meets all bulk requirements. This is an appropriate use for the property being long, deep and narrow away from Jernee Mill Road. Trailer storage is an appropriate use with a much lower intensity. The Board can restrict the hours of operation. The variance can be granted without impact and there will be little detriment for store water issues. The intensity and aesthetics are much less than another use if permitted. He described other uses in the SED district; Mr. Kuczynski asked if the proposed Jernee Mill Center was an issue with Colony Club; Mr. Pape said they met with the Association. Mr. Kemm said the 90,000 sf office would not need variances; Mr. Green asked if the parking would be on asphalt? Mr. Higgins said it would be stone/concrete pads for metal tires. Mr. Henry asked if the gate would be in front; Mr. Pape said the gate would be after the driveway.**

**Mr. Pape addressed the board stating the members have listened and the Chadwick family are members of the community they had their first meeting on 12/18/19 then met with the Board of Trustees. They have shown respect for their neighbors as this industrial use is not consistent with the SED Zone, but is a less intense industrial use. The applicant will return to the Board if necessary. Mr. Green stated they have met with the Trustees three times and with the head not with the residents; Mr. Pape felt they were meeting with the residents. Mr. Green asked about the fence; Mr. Pape said while they were told a security fence is not necessary if the board wants a security fence they would comply.**

**Mr. Kemm explained changing the zoning gives and addition zoning use. Mr. Henry asked what if not done; Karl said if the board approves they would need Site Plan approval and if they decide not to build only permitted uses will be allowed. Mr. Pape said they would meet with the professionals for a life span of 12 months to present the Site Plan. If granted they would be back very quickly.**

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

**PUBLIC PORTION**

**Mr. Kemm swore in:**

**Edward Strek – 58 Nickel Ave. Mr. Strek stated he took a ride down Jernee Mill Road from Bordentown Avenue and counted 200 tractor trailers. He addressed the Starland Ballroom south of the site and the chaos on the weekends and the safety factor to navigate also on the S-turns and stated the railings are hit constantly. He asked what would be in the trailers stating there are 300 trailers would there be oil leakage and some of them would be parked for a long period of time; will there be someone monitoring what the contents are in the trailers. He asked the board to give consideration to this application as September – December is a very busy time at the Starland Ballroom also.**

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

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**Mr. Pape stated the vehicles are storage trailers not tractor trailers, there is a full storm water system with three elements which they will provide to the Board.**

**Mr. Green stated that the Board will not be voting tonight and will hold until the March 25, 2020 meeting. Mr. Pape asked if the professionals should be present; Mr. Kemm stated they should attend in the event the Board has any more questions. Mr. Kemm asked Mr. Pape for an extension of time for the record until the end of April.**

**Mr. Green asked for motion to carry over this application to the March 25, 2020 meeting with no further notice. Mr. Kuczynski made motion to approve the application, Mr. Foley seconded. Roll Call:**

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

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**#20-04 Jeffrey/JoAnn Sprague 161 Liberty St. Bulk Variance/Addition $ 100.00 App.**

**Mr. Kemm stated he reviewed the affidavit of publication and proof of public service and the Board had jurisdiction to hear the application.**

**Mr. Kemm Swore in: Jeffrey Sprague who stated he was seeking approval for an addition on his home to extend the rear of his residence with handicapped features and they will be alleviating the deck. The addition would be 12’ x 31’ and he has since added an addition 3’ to the side of the residence which will house a sitting room and on the left a laundry room.**

**Mr. Barre stated the variances:**

* **Maximum Coverage 20% and the applicant is proposing 26.3%**
* **Impervious Coverage 45% the applicant is proposing 55% with addition**

**Mr. Kuczynski asked if the house would remain a single family the applicant said “yes” and the outside will match the rest of the house.**

**The applicant also stated that he is trying to get approval so he can care for his mother.**

**Mr. Green made motion to open public portion; motion carried. No one spoke. Mr. Green made motion to close public portion. Mr. Henry seconded, motion carried.**

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

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

**Mr. Kemm then stated that due to the nature of this application, he prepared the resolution for this application with normal conditions and noting no change between the application and resolution.**

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

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

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**MEMORIALIZATION OF RESOLUTIONS**

**#20-01 Frenia Sanchez 142A Main Street**

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

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

**#20-03 Frank/Rita Januzzi 100 Wilson Ave.**

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

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the December 11, 2019 meeting. Mr. Henry made motion to accept the minutes Mr. Corrigan seconded, motion carried.

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**