SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JANUARY 22, 2014**

**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. Kreismer, Ms. Catallo,**

**Mr. Green and Mr. Henry**

**Absent Members: Mr. Corrigan, Ms. Fisher and Mr. Emma**

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

**Before hearing applications, Mr. Sachs swore in William Henry, as a new member to the Board as an Alternate 2. Mr. Henry asked about the voting process and when he would be called upon and how votes are counted. Mr. Sachs explained the process of the alternate board members.**

**#13-20 Lenahan Chiropractic 837 Upper Main St. Site Plan $1,436.00 App.**

**$2,000.00 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. Kuczynski seconded, motion carried.**

**Kenneth Pape, Esq. addressed the board members recalling the applicant’s prior application to the board for Use Variance relief which was granted by the board. The applicant agreed to present a formal site plan after approval for the use. Mr. Pape gave a brief overview and the history of the property where the applicant grew up and purchased from his siblings. He stated the 1st floor and basement would be used for the chiropractic practice the 2nd floor would be residential. He discussed the parking lot and said that the ten (10) parking spaces were agreed to in the prior application and the lease for the 2nd floor tenant/residence would state they would only have one (1) space for parking.**

**Mr. Sachs swore in Peter W. Strong, Crest Engineering. Mr .Walsh made motion to accept his credentials. Mr. Strong described the site referring to his “Landscaping Display Plan” marked as Exhibit A-1. He started by describing the parking lot off Route 9 and said there would be 10 spaces with 1 handicapped, he addressed the sidewalks and ramp which was previously out to the highway and they have turned it into the lot which gives them more space. Mr. Pape described the property location and said he had conversation with the City of South Amboy because part of this property is located in South Amboy and they were in agreement that they would come to the Sayreville Board of Adjustment first then present the application in South Amboy. Mr. Sachs stated that approval from South Amboy would be a condition of approval if this application is voted on favorably. Mr. Strong continued his presentation describing the landscaping around the walkways and ramps as well as the sign which will be more towards the highway. He also talked about the lighting issue mentioned in the professional’s report and stated there would be a free standing light approximately 16’ in height which will cover all of the parking area there will be bollards along the walkway covering the porch and ramp. Mr. Pape addressed the landscaping issue required by the borough which is 50’ as there is not enough room only 5-10’ they were asking for a waiver on this issue and would be providing lawn for this area; however, if the board wished they would also install a fence. Mr. Strong pointed out the walk on the route 9 side and handicapped ramp. There is no walkway along Route 9 and this was also another waiver they were seeking on the application. He then addressed the property line issue on the front yard setback and that the parking lot was supposed to be within 5’; they are proposing 3’ so this is another waiver they are requesting. Mr. Pape indicated the lot is located in the same place and there is already a lot on the Conlogue Ave. side. Mr. Strong said they are asking for a waiver on the rear lot access to Route 9.**

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**Mr. Pape addressed the issue of a garbage disposal, he stated the applicant was asking to use garbage cans which would be stored under the landing, Mr. Strong pointed out the area on the drawing. Mr. Pape stated the space was more than adequate and they were asking for a waiver on a garbage dumpster. He then referenced the mention of a loading area and stated there was no need for this as all deliveries would be UPS deliveries they were also asking for a waiver on this issue. He also addressed the two way site drives and the requirement of them being 30’ wide at present the drives are 24’ wide and Mr. Strong indicated this was an adequate width for the site. He also addressed the store water issue mentioned in the report from CME and said they would make all changes asked for in this report. Mr. Pape referenced the lighting and said Mr. Strong would make all the necessary adjustments to alleviate overflow onto adjoining properties.**

**Mr. Green then questioned item #6 in the CME report regarding garbage receptacles and asked how big the cans would be and would they have lids; Mr. Pape said they would be similar to the green cans with lid seen now; Mr. Green asked if the pickup would be provided by the borough; Mr. Pape said since this was a commercial property pickup would be private. Mr. Sachs addressed the CME memo regarding the landscaping and lighting mentioned in Section C paragraphs 1 & 2 stating the applicant was seeking waivers. Paragraphs 4, 5 and 6 the applicant was in agreement, as well as, paragraphs, 3, 7, 8 & 9 regarding landscaping and lighting. Mr. Henry asked if they were requesting a fence waiver; Mr. Pape said they were asking for the 50’ landscape waiver and will install a fence if the board requested one. Mr. Henry asked about the light overflow on the surrounding residences, Mr. Pape mentioned C9 in the CME report regarding light spilling they will talk about a shoe box fixture facing downward and will provide shielding if necessary; Mr. Henry asked if it would be possible to turn the lighting off after office hours. Mr. Pape said this was something they could do; Mr. Sachs suggested they turn off at 8:30 pm; Mr. Pape said they would also look into LED lighting, he said the building has wall sconces which will be left on to provide lighting for the residential portion of the property.**

**Mr. Walsh addressed the fence issue and asked that a fence be installed in order for the board to entertain the 50’ waiver. Mr. Pape said that the fence would not go out to the front yard. Mr. Kuczynski asked that it go along the neighbor side yard property. Mr. Henry also requested that they provide a fence pleasing to the area as this is mostly residential. Mr. Pape discussed John Leoncavallo’s report regarding the sign which suggested 6’ would be the appropriate height; he said the sign would be masonry based. Mr Green said he had no problem with the responses to items 3, 4, 5, 7, and 8 on the CME report. With reference to the lighting and landscaping waivers being requested (items 1, 2, 4, 5, 6) could he comply with the ordinance and not seek landscaping waivers; Mr. Pape said item #1 was not possible due to the location of the building, Item #2 is a small lot and difficult to put islands. Mr. Cornell suggested that in that 3’ area perhaps they could put low growing shrubs around the perimeter as caring for a lawn would be hard to do in that area. Mr. Leoncavallo suggested 3’ small evergreen shrubbery. Mr. Pape said they could certainly accommodate this request. He also addressed item #4 regarding the street trees in front and said they were asking for relief for this item. A fence would be installed if the board requests that the applicant provide one. He said item #6 ties into item #4. Mr. Kuczynski asked if there would be any tree removal; Mr. Strong said they would be removing 2 trees.**

**Mr. Sachs swore in Scott Kennel, McDonough & Rae Associates. Mr. Kennel stated that the parking design already has direct access for emergency vehicles, it’s a corner lot with front access from Route 9 as well as, side access on Conlogue Ave. which accommodates emergency vehicle access. This site requires minor access permits from the DOT as the both drives will provide in/out access. He felt the DOT approvals would take approximately 45 days and they will be applying ASAP.**

**Mr. Sachs said this would also be a condition of approval that the applicant provide to the Board the DOT approvals as well as approvals from the City of South Amboy. Mr. Pape said the applicant will serve both approvals to the board as soon as they are received. Mr. Henry asked if they would be doing any changes to the residence, Mr. Pape said they just may be replacing windows, doors, etc.**

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**Mr. Walsh asked Mr. Sachs to go over the conditions discussed:**

**- Install 6’ fence on the southern perimeter along the easterly property line**

**- Plant shrubbery along southern perimeter along the easterly property line**

**- Site lighting in the parking lot off 8:30 pm and provide LED with shoe box fixture**

**- Minor permit approval in hand from NJ DOT before construction**

**- Front signage 6’ in height**

**- Conditions also based upon receipt of approval from City of South Amboy Administration**

**Mr. Henry asked if the signs were going to be illuminated; Mr. Pape said the lighting would be from the ground up. Mr. Leoncavallo addressed the signage there should be no internal lighting and the “Enter” sign will be off after hours, the directional sign 15’ they are proposing 10’, height 2’ they are proposing 2 ½ . The freestanding sign 6’ maximum size the bottom 2 sq. ft. along the highway.**

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

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

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

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

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Green, Mr. Henry**

**#14-02 Doreen Falcone 50 Merritt Ave. Bulk Variance/Addition $ 300.00 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. Kuczynski made motion; Mr. Kreismer seconded, motion carried.**

**Mr. Sachs swore in John Komar, Project Manager and Contractor for the applicant. Mr. Komar stated that the applicant was asking to construct an addition to the existing house, as well as, a handicapped bathroom to accommodate her handicapped brother who now lives with her.**

**Mr. Leoncavallo stated there were six (6) variances the house is located in an R10 zone but is only 50 x 100 lot:**

**- Addition to rear encroaches on side yard 25’ minimum the applicant is proposing 15’**

**- Side yard setback 10’ minimum the applicant is proposing 5’**

**- Porch on front yard minimum 30’ the applicant is proposing 19’**

**- Porch rear and side yard lot coverage 20% the applicant is proposing 35%**

**- Impervious coverage maximum 40% the applicant is proposing 44%**

**- Generator in rear 5’ minimum the applicant is proposing 2’**

**Mr. Walsh asked Mr. Komar to explain the reason for the variances; Mr. Komar stated that the porch would have a chair lift as well as a ramp, the hallways in the home are too small so they are in need of a handicapped bathroom as well as two other rooms. Currently the house consists of three bedrooms with the addition it will have five bedrooms. Mr. Walsh asked how many people would be residing in the home, Mr. Komar stated four people the applicant and her three children and her handicapped brother.**

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**Mr. Henry asked about the generator, Mr. Komar said it was for standby use; Mr. Kreismer asked about the location, Mr. Komar stated it should be 5’ but they were proposing 2’. Mr. Green inquired about the 150 cubic yards of soil removal, Mr. Komar said it was from the basement for construction of the foundation. Mr. Green asked how long he thought construction would take, Mr. Komar said from 5-6 months.**

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

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

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

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

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Green, Mr. Henry**

**MEMORIALIZATION OF RESOLUTIONS**

**N/A**

# ACCEPTANCE OF MINUTES

# Mr. Walsh asked for motion to approve and accept the minutes of the December 11, 2013 meeting.

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

**ADJOURNMENT**

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

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

**Respectfully submitted,**

**Joan M. Kemble**