SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JANUARY 23, 2019**

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

**Absent Members:**

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

**#18-13 Mark Vaysberg 17 Thomas St. Use Variance/2 Subdivisions $2,500.00 App.**

 **$3,100.00 Esc.**

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

**James Kinneally, Attorney for the applicant addressed the board stating they went over all the concerns from the October 2018 meeting and are presenting an amended application tonight.**

**John Ploskonka, Planner referred to their Exhibit B-1 of two colored sketches showing it was now 2 lots and the variances have been reduced by three. On the tavern lot the existing house will be demolished reducing the variances to 20 and will provide proper parking. They will also provide 20% landscaping and are proposing two decks facing Haag St. as well as fencing on the 2 single family homes. He stated the basement in the tavern will be used for storage only and they are seeking a waiver for parking setbacks. The tavern will be two family with 2 bedroom units, 2 garages and 2 parking spaces.**

**Mr. Green talked about the CME Report Page 3 – referencing site grading and the floor plan that was on Exhibit A4 and asked if the floor plan was for 2 bedrooms or 3 bedrooms or 2 with a home office/den. Mr. Henry asked about the basement; Mr. Ploskonka stated if it was used it would be used for storage only and said there may be a structural issue under the unit closer to Thomas Street. Mr. Green stated they need to provide a definite clarification on the status of the foundation; Mr. Cornell said if it is used for storage parking should be alright; however, they may need to build a new foundation based on the report. Mr. Ploskonka said they could either remove and create the storage space or fill in the basement. Mr. Foley asked if they would be providing any grass areas; Mr. Kinneally said they would certainly provide grass or landscaping. Mr. Esposito asked about the size of the bedrooms and/or home office. Mr. Barre stated that the plans show the home office as being the largest on the plans: Office 19’ 8” x 11’ 7”; Bedrooms 10’ 8” x 14’ 10” and 10’ 1” x 14’ 10”. Mr. Barre also said that the home office is being presented over the garage as well as the decks.**

**Mr. Kuczynski verified that there would be no change to the existing house on the Thomas St. lot and asked if there would be any changes to the parking lot. Mr. Ploskonka stated that the two houses are being made smaller eliminating three (3) variances. Mr. Cornell said they are meeting the parking ordinance/requirements if the home office is used as a bedroom. Mr. Foley asked about the fencing; Mr. Ploskonka said it would be white vinyl and Mr. Kinneally said that there would be a deck or office over the garage whatever the board would want. Mr. Green that a condition of approval should be for 2 bedrooms not 3 bedrooms. Mr. Henry said a office/bedroom could not be controlled and the board should eliminate the home office and have two decks.**

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**Mr. Foley asked if this would be a usable deck, the applicant stated “yes.” Mr. Kemm asked about the Tavern side; Mr. Ploskonka said this would be 3 bedroom with parking spaces. Mr. Kuczynski addressed John Barre’s report about the two houses being slightly different present plans do not show and regarding the decks would they be too close and are there any regulations on this issue. Mr. Barre said he was not aware and the final design has not been approved, the applicant will need to provide updated/revised plans and some type of screening should be incorporated into a condition of approval. Mr. Barre said the buildings are physically attached, Mr. Ploskonka stated if there was a lot line between them the application would have to also be heard by the Planning Board. Mr. Cornell said if there were three (3) lots there would be more variances so by reducing the application is less intense.**

**Mr. Cornell stated the applicant has addressed the board’s concern regarding parking, and the board has tried to work with the applicant; Mr. Kemm said on the tavern side the front yard parking encroachments have been eliminated, Mr. Kuczynski said there is substantially more distance. Mr. Cornell said the site triangle has also been addressed.**

**Mr. Kemm swore in: James W. Higgins, Eng./Planner. Mr. Kuczynski made motion to accept credentials, Mr. Corrigan seconded, motion carried. Mr. Higgins said the testimony for the planning portion of the application has been extensive and the proposed modification of the site is suited and is a superior alternative. The area currently consists of 2 – two (2) family residences and 5 – four (4) family residences which shows the creation of this application suited for the use by removing the bar/restaurant creating an encroachment improvement as well as a site triangle creating a major safety improvement and the bulks maintaining the character of the area are positive reasons to grant approval of this application as there is no substantial detriment.**

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

**PUBLIC PORTION**

**Mr. Kemm Swore In:**

**Tracy Ventimiglia – 43 E. Kupsch St. Ms. Ventimiglia stated she has a concern about off street parking. Where will the cars park as they currently park in the lot; Mr. Green asked if it was lot across the street from the tavern, she said “yes.” She stated that there are 4 and 5 family houses existing on Haag St. and residents park in the lot. Mr. Foley said they will have to park in the driveways. Mr. Emma addressed his review on google which shows the driveways on the left of the homes and how the plans are showing them on the right. Mr. Ploskonka stated they will remain that way. Ms. Ventimiglia asked what the measurement between two houses is; Mr. Cornell said approximately 5’. Ms. Ventimiglia expressed a major concern about there not being any sidewalks on Thomas St. or parking. Mr. Ploskonka stated they would be repairing the sidewalks on Thomas St. but were seeking a waiver for the sidewalks on Haag St.**

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

**Mr. Kemm addressed the application and stated before the applicant applied for permits the board needed to provide new plans in agreement with the conditions of approval.**

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**The conditions of approval for the application are as follows:**

* **The two (2) residential units in the new two-family building on the old tavern property shall not exceed 2 bedrooms per unit and each shall provide 2 parking spaces (1 in a garage, and 1 in the driveway).**
* **The home offices in the 2 residential units in the new two-family building on the old tavern property shall be removed and replaced with exterior decks.**
* **If the basement of the old tavern on the old tavern property is re-used, or if a basement or crawl space is constructed, it shall not be used for residential use and shall only be used for storage.**
* **The existing home on the old tavern property shall not be changed and shall remain a 3 bedroom house with 2 parking spaces.**
* **Applicant shall submit revised plans conforming with all conditions of approvals and the Board Engineer’s and Board Planner’s reports.**

**Mr. Cornell agreed to address his issues, and John Barre agreed as well to address his issues before any permits are applied for and issued. Mr. Green wanted to make sure that the applicant understood the concern about curbs and sidewalks on Haag St. while the applicant has met the requirements these issues do not apply.**

**Mr. Green asked for motion to approve/deny this application. Mr. Henry made motion to approve the application with all the conditions discussed, Mr. Corrigan seconded. Roll Call:**

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

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**#18-17 Victor DeGirolamo 16 Outlook Ave. Bulk Variance/Addition/Garage/Driveway $ 200.00 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: Victor DeGirolamo, owner. He stated that he was seeking approval for an extension of his home and a garage in the rear. Mr. Barre stated the following bulk variances:**

* **Exceeds combined side yard setback**
* **Excess impervious allowed lot coverage of 45% proposing 62%**
* **Excess building lot coverage of 150 sq. ft. for accessory structure proposing total of 440 sq. ft.**

**Mr. Kuczynski asked for the height of the structure, Mr. DeGirolamo said 17’; Mr. Barre said the allowed height is 15’; the applicant corrected himself and said the structure would be 15’. Mr. Kuczynski asked the applicant what the garage would be used for, the applicant said just for storage, no business. He also said electric would only be on the first floor. Mr. Kuczynski asked why such a large extension, the applicant said the house is small and he wanted to make the bedrooms larger; he also said it would remain a single family home and the addition would be finished the same as the house.**

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

**PUBLIC PORTION**

**Mr. Kemm swore in:**

**Michael Martens – 12 Outlook Ave. He stated he does not agree with the size of the garage as well as extending the house. This is a small lot and a large garage. He felt it should be a single garage not this large, as the buildings are too close together. He has no problem with fixing the house but the extension and garage are a bit extreme.**

**Mr. Henry asked the applicant if he could make the garage a 1 car garage. The applicant addressed this issue stating that the speaker has a 3 car garage and concrete that goes back to the garage on his property. Mr. Emma stated that google shows a large garage at the next house down the street. Mr. Esposito asked what was running parallel to the house, the applicant said the driveway. Mr. Barre asked about the walkway shown on the plans, the applicant said it was not usable and will be changed to pavers or cobblestone. Mr. Cornell asked about the patio on the plan submitted; the applicant said it would be removed and there will just be the walkway. Mr. Kemm stated this would still be included in the impervious coverage; the applicant stated that the pebble stone would be from the driveway to the garage.**

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**Mr. Green asked for motion to close public portion; Mr. Green made motion to close public portion,**

**Mr. Corrigan 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, Ms. Catallo, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

**MEMORIALIZATION OF RESOLUTIONS**

**#18-17 – Victor DeGirolamo**

**Mr. Green asked for motion to memorialize the resolution as this application was held over due to the cancellation of the December meeting. Mr. Henry made motion to memorialize the resolution; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, Ms. Catallo, 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 November 28, 2018 meeting.

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

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**