SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JULY 26, 2017**

**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. 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. Green, Mr. Kuczynski, Mr. Kreismer,**

**Mr. Corrigan, Mr. Henry, Mr. Emma, Mr. Esposito**

**Absent Members: Ms. Catallo**

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

**#16-13 Shri Bhaktindhi 717 Washington Rd. Use Variance/Site Plan $ 3,000.00 App.**

 **$12,000.00 Esc.**

**Mr. Sachs stated during the break he spoke with the Temple attorney. It appears that there is still testimony it may not be reached tonight The applicant has requested a special meeting for Wednesday, August 9, 2017 at 7:30 PM the board has been polled and the two members not in attendance will be contacted.**

**It will not be heard tonight and there will be no further notice. The Zoning Board will take care of notifying the newspaper and posting on the bulletin board.**

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**#17-13 Interstate Outdoor Advertising 949 Rte. 9/ Use Variance/Wireless $ 1,500.00 App.**

 **Old Cheesequake Rd. $ 2,750.00 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. Green asked for motion to deem the application complete,**

**Mr. Kreismer made motion; Mr. Henry seconded, motion carried.**

**David Himmelman, attorney for the applicant addressed the board stating the applicant was looking to erect a monopole with LED technology on one side and static on the other in a B3 Highway Zone. The applicant is not satisfying all conditions therefore a D3 Use Variance is required. The applicant is seeking the following variances:**

* **1,000 ft. minimum distance to another billboard the applicant is proposing 530 ft., 160 ft. to the east from existing billboard across**
* **300 ft. to residential the applicant is proposing 109 ft.**
* **30 ft. minimum setback the applicant is proposing 0 ft.**
* **30 ft. minimum from property line 11.2 ft. proposed**
* **200 ft. frontage 110 ft. proposed**

**Mr. Sachs swore in Thomas Grybowski, LP. Mr. Kuczynski made motion to accept credentials; Mr. Kreismer seconded, motion carried. Mr. Grybowski stated he visited the site to establish the property boundary, researched the ordinance and prepared his plans accordingly. The applicant determined the sign location, height and setbacks for this property. He presented Exhibit A1 which was an enlarged Site Plan, the same as the exhibit submitted with the application. He described the area on the northbound side of Route 9 as well as the commercial office where the monopole would be constructed in front on the grass area and adjacent to the parking area. He described the property and stated it was not in a flood zone, the sign would be v-shaped, 2-sided, outdoor advertising having a 20 ft. separation between the two sides. The southern side is digital the northern side is static. The sign size is 14 ft. x 48 ft., 672 sq. ft. per side or 1344 sq. ft. total. The sign is supported by approximately a 4 ft. steel monopole and the sign is 50 ft. high from the base to the top. The front face is 16 ft. off of the highway and the rear face of the sign 110.6 ft. from the rear property line.**

**Mr. Sachs swore in Jeffrey Gerber, Chief Operating Officer/President, Interstate Outdoor Advertising. 1984 Graduate Rutgers, 1987 Rutgers Law School, 1987-1991 Deputy Attorney General of NJ, Assigned to Dept. of Transportation, Council to Outdoor Advertising Section regulating signs throughout NJ and in that capacity promulgated regulations and enforced them. Joined law firm in 1991 in Morristown, NJ. Mr. Sachs stated there would be no problem for Mr. Gerber to testify on behalf of the company.**

**Exhibits submitted:**

**A-2 #1 Aerial of North/South Route 9**

**A-2 #2 Aerial of Route 9 North**

**A-2 #3 Rendering of proposed sign**

**Mr. Gerber stated that they look to develop on major transportation corridors, commercial and/or industrial zones where there will be no impact to residential areas. They test the area where they are planning to construct a sign by putting up a test sign. He discussed the area involved in the application and indicated that the trees in the area will block any lighting from the residential area on Eugene Blvd. He also described how they determine the content of the advertising and stated they would not allow any offensive content as a condition of approval. Mr. Gerber also stated that they would work with the borough and put up any emergency notifications, amber alerts, or borough notifications.**

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**Mr. Green addressed Page 5 of the handout and referred to the sign and telephone pole. He said the pole will be in front of the sign. He also asked about the view of the sign Eugene Blvd. would have when the leaves come off the trees in colder weather. He asked about the lighting, Mr. Gerber described what they would view. Mr. Henry questioned the height of the phone pole; Mr. Gerber said the phone pole is 40’ in height and the sign will be 50’ in height. Jay Cornell said looking at the plans he could see the concern on this issue. Mr. Kreismer asked about control of the images on the digital and possible hacking. Mr. Gerber said they have IT company and protocols to protect this issue and they have never had an issue.**

**Mr. Sachs swore in: John McDonough, PP. Mr. Green made motion to accept credentials; Mr. Kreismer seconded, motion carried. Mr. McDonough talked about the positive criteria for the D3 Variance stating the use is permitted on this site.**

**Exhibit Submitted:**

**A-4 Dated 7/26/17 - 4 Part Exhibit – Showing the landscaped area of the site and the surrounding property.**

 **He described the site and the property surrounding stating it was next to the highway and**

 **Businesses. He also discussed buffering around the site and stated that it would provide**

 **Emergency notification in the event of a problem and the site was suitable for this type of**

 **Sign. The area will benefit from the outdoor advertising; the application has been well**

 **Planned and there will be no affect on Eugene Blvd.**

**Mr. McDonough then stated what the negative issues would be: (1) Visual impact, (2) Illumination, (3) Distraction Safety. He also stated that there would be no impairment to the zone plan and if the Board wants additional landscaping they would comply. He then addressed the variances:**

 **F/Y 200’ required, the applicant is proposing 110’**

 **Distance to**

 **Other Signs West 1,000’ away required, the applicant is proposing 160’**

 **Distance to**

 **Other Signs East 1,000’ away required, the applicant is proposing 130’**

 **Distance to**

 **Residential 300’ required, the applicant is proposing 109’**

 **Proposed Sign 30’ side yard required, the applicant is proposing 11.2’**

**Mr. Emma addressed his concern regarding the residents on Eugene Blvd. and said when driving down the street you can see the poles on Route 9. He talked about in certain areas where you can see them from the homes and it could be worse when there are no leaves on the trees. A discussion took place regarding the view from Eugene Blvd. and the landscaping as well as the variances being requested. Mr. Green felt the variances were quite substantial and they were not close to the borough ordinances. Mr. Kuczynski felt that the distances being requested were not even half way from the residential properties.**

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

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

**9:10 PM - Mr. Green made motion for a 5 minute break**

**9:20 PM – Meeting was called back to order**

**No action was taken on this application – Both applications 17-13 and 17-15 will be continued at the September 27, 2017 meeting with no further notice and they will extend the mandatory date to the end of October 2017.**

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**MEMORIALIZATION OF RESOLUTIONS**

**#17-07 9 Krumb Street, LLC 9 Krumb St.**

 **Mr. Green asked for motion to memorialize resolution. Mr. Kuczynski made motion to adopt the resolution;**

**Mr. Kreismer seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Kreismer, Mr. Corrigan, Mr. Henry, Mr. Esposito**

**#17-14 Matt O’Such 11 Lagoda St.**

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

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

**#17-16 Bharat Trivedi 158 Washington Rd.**

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

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

**#17-08 T-Mobile Northeast, LLC 775 Washington Rd.**

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

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

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the June 28, 2017 meeting. Mr. Kreismer made motion to accept the minutes, Mr. Emma seconded, motion carried.

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

**Before adjourning Mr. Sachs addressed the issue with the WaWa application and said the attorneys have resolved the issues and they will be returning before the Board with new plans to switch the Gas portion to the north side and the Store to the south of the lot.**

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**ADJOURNMENT**

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

**made motion to adjourn; Mr. Emma seconded, motion carried.**

  **Respectfully submitted,**

 **Joan M. Kemble**