SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JUNE 27, 2018**

**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, Ms. Catallo,**

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

**Absent Members: Mr. Kuczynski, Mr. Emma**

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

**#18-02 DaVita Kidney Care 2909 Washington Rd. Use Variance/Site Plan $1,250.00 App. $7, 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.**

**Lawrence Cali, Attorney for the applicant addressed the board explaining the applicant would be a single tenant in the 8,000 sq. ft. space in the Shop Rite plaza. He explained the functions of the DaVita Kidney Care process and how they handle kidney failure issues and renal care. The hours of operation would be Monday to Saturday 6:00 AM to 6:00 PM and 2-3 days a week would involve a 3 hour dialysis treatment.**

**The facility would have 10 chairs/treatment stations. There would be 8 chairs, 3 patients a day a full day would be 30 patient turnover. They are light on staff currently 12 staff members; 6-12 nurses. It is standard refuse care and medical waste is limited and picked up by a van. Parking will not be an issue most patients get a ride or a shuttle for treatment. Deliveries will be minimal by FedEx or UPS with deliveries of salt palets. No noise will be created to the surrounding area. He stated this was a Use Variance and Minor Site Plan. A generator is necessary and a requirement by the State and DCA for power.**

**Mr. Henry addressed the applicant stating that this was the first he was hearing that they would be taking over the Democratic Organization space in the shopping center and he wanted to get on record that the majority of the board members are part of that organization and wanted to make sure there was no conflict of interest. Mr. Kemm addressed those present stating that it was good to get this out on the record and that no conflict of interest existed.**

**Mr. Cali stated they negotiated approximately last August; Mr. Green asked how long a lease was signed; Mr. Cali said 10 year lease with two (2) 5 year extensions.**

**Mr. Kemm swore in William Lane; Mr. Green made motion to accept credentials. Mr. Lane presented an aerial of area marked Exhibit A1 showing what is on the site. He described the site and handicapped spaces and the rear boarding area. He discussed the presented generator which they are proposing 125’ off the property line as well as 200’ away from the nearest residential area. Mr. Cali stated that the noise ordinance will be followed. Mr. Lane described the area as well as the buffer of trees that existed. Mr. Green asked if the patients or staff would be using the rear; Mr. Lane said some staff may enter in the rear. Mr. Henry asked about the 12 hour workday; Mr. Cali said 12 hours was necessary as it was a 9 hour treatment. Mr. Lane went over Mr. Cornell’s report and went over the floor plan describing the treatment areas and offices. He stated the facility would be in the old Democratic Organization as well as the old Chinese Restaurant.**

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**Mr. Henry asked if the windows were going to remain the same; Mr. Lane said “yes.” The waiver they were requesting was in the loading area; Mr. Cornell said this was fine. This waiver included the following items on his report: #3 the overall parking/handicapped, #4 medical waste, #5 the proposed generator (noise), #6 County Planning Board Approval, #7 Hours of operation, garbage pickup in rear – Mr. Cornell said it should be Ernston Road, not Jackson Avenue. Mr. Lane stated Ernston Road is the more logical road.**

**Mr. Green asked if there would be a burglar alarm in the facility, Mr. Cali said “yes” this was a normal requirement and they provide safety features as part of the plan. He stated the medical waste remains inside until pickup. Mr. Cali stated it’s in a small container and is picked up by a van once a week. Mr. Green asked if there were syringes in the waste, Mr. Cali said “yes.”**

**Mr. Cali said the waste is mostly water and they would adjust to what is required. Mr. Cali described the filtration system of water that is used. Mr. Kemm asked Mr. Barre if he had any issues with his report; Mr. Barre said all the issues were addressed.**

**Mr. Kemm swore in Meghan Hunscher, LP. Mr. Green made motion to accept credentials, Mr. Foley seconded. Ms. Hunscher stated this was her first time before this board. She is familiar with the site and presented an aerial photo marked Exhibit A2. This use is not permitted in the B2 zone so a Use Variance/Site Plan is necessary. She described the use as well as the height issue for the generator. She addressed the Planner’s report and stated this is an inherently beneficial use and promotes the public good. She stated this is a vital use to the area.**

**Ms. Hunscher then addressed the site stating there was adequate parking on the lot and additionally from a planning standpoint medical /healthcare has been growing statewide and these services have become necessary and provide reputable business to the community.**

**Mr. Cali stated that this sums up the application and reiterated that they do good things and are good members of the community. Mr. Henry asked if there would be other types of businesses in the facility; Mr. Cali said “no.”**

**Mr. Green made motion to open public portion. No one spoke. 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. Foley seconded. Roll Call:**

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

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**#18-09 Oleg Atlasman 41 Harrison Street Bulk Variance/Fence $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.**

**Mr. Kemm swore in: Natalia Atlasman who stated they wanted to install a fence in the rear of her property along an alley. There is no fence there now and on other side is a vinyl 6’. Mr. Cornell explained that the house fronts 2 streets with an alleyway in the rear and this would be a pedestrian fence with a 1’ setback. Mr. Henry asked if the fence includes the entire property; Mr. Cornell said just the rear portion of the property. Constance Davenport, the applicant’s neighbor, spoke on behalf of the applicant and described the original property. The fence is really to protect the back yard as well as for privacy where before no one knew about the alleyway and now it is being used more frequently. The fence is not on a street.**

**Mr. Green asked how high the fence would be; the applicant said 8’ but she was informed that the highest she could go would be 6’ and she was in agreement. Mr. Henry asked if this was a corner lot; Mr. Cornell said it is not a corner lot there is a driveway next door and it does not present a borough site triangle issue. He said the fence would be moved straight.**

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

**PUBLIC**

**Mike Carter – He is the neighbor that the driveway goes through and he does not use. He has no issue with the application.**

**Mrs. Eberhardt – She lives on the other side and everyone has a fence going down the alleyway.**

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

**Before the vote Mr. Green stated there would be two conditions of approval: the height will be 6’ with the fence on the northerly side in line with the house with a 5.9’ setback. The fence will be moved to the inside of the property so the neightbor can see; it will be moved accordingly in line with the house.**

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

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

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**MEMORIALIZATION OF RESOLUTIONS**

**Before approval of the resolution, Mr. Green wanted on record that the applicant was recently sent a letter from the Board Secretary notifying them of additional escrow fees owed to the Borough in the amount of $29, 225.50.**

**Therefore, no permits will be issued until they are current with their fees.**

**#16-13 Shri Bhaktindhi 717 Washington Road**

**Mr. Green asked for motion to memorialize the resolution. Mr. Green made motion to approve with the above understanding, Mr. Corrigan seconded. Roll Call:**

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

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the May 27, 2018 meeting. Mr. Foley 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**