SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JUNE 28, 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. 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. Kuczynski, Mr. Kreismer,**

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

**Absent Members: Mr. Walsh, 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. Kantowitz, attorney for the applicant addressed the board and stated the Engineer is present tonight and will testify on the plans for presentation.**

**Mr. Sachs swore in Shrinath Kotdawala, PE. Mr. Green made motion to accept his credentials. Phil Emma spoke to the board members and the applicant stating he had questions regarding a particular issue which he wishes to address at the end of the presentation. Mr. Kotdawala proceeded with Exhibit A1 an aerial map showing the site at present at 500’ x 966’; east side of the property are two office buildings on the west side are the railroad tracks and a residential area approximately 100’ away. Along Washington Rd. 566’ currently the Temple and small office buildings (3) vacant at present.**

**Exhibit A2 is the site proposed showing a single building 39,100 sq. ft. – 2 stories (78,200 sq. ft.) total, 40’ high; 2nd floor mezzanine 9,700 sq. ft. for a total of 87,700 sq. ft. He stated a 2 story 40’ high is allowed. The top of the dome 32’ high with a decorative element in the center of the building.**

**Exhibit A3 showed a colorized Site Plan, even though there would be more people there will be 2 entrances which will improve ingress/egress, it also describes the parking and buildings on the Parlin Drive side of the property**

**Showing the parking that will remain as well as what they are proposing in front. There will be a total of 569 parking spaces with 100 in front; the rest will be in the rear and there will also be dual lanes. The distance between Washington Road to the spaces 20’ of this area will be landscaped, changing the setback from 8.3’ to 20’. The Stormwater Management issues have been addressed and are meeting all ordinances.**

**Mr. Kotdawala discussed the landscaping being proposed is 121 evergreens, 232 shade trees, trees removed 363 trees 5” calipers tree replacement 1185 they are proposing 232 with a deficit of 956 trees at $250/tree the applicant will pay the fee for the difference. This will provide for the rear parking at 64% improvement; 85% allowed, landscaping 20%, 24% being proposed, required parking 10% they are providing 11%; meeting both. Loading spaces being provided and the Temple will control the deliveries. He stated deliveries will be food, decorative supplies and the site will be in the rear of the Temple.**

**Signage will be a single 8’ x 4’ sign ground mounted with no other signage. Lighting 50 posts in parking lot separately operated and will be on needed basis only. Sheet #7 of 30 shows poles and the lighting will be controlled according to the events. The light pole maximum height is 35’ the applicant is proposing 20’. There will be no spillage on to adjacent residential properties and intensity is consistent with the Borough ordinances.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – JUNE 28, 2017**

**Parking spaces required 352 they have a total of 569. 39,000 sq. ft. on the first floor will be dining hall and kitchen, 2nd floor prayer room, offices and mezzanine 9,700 sq. ft. Parsonages 12 units single bedroom, baths will be separate, and no kitchen just living area. The site will not be altered and will have no effect to the neighborhood. The waiver requested for the setback is to allow more parking areas. Mr. Cornell’s letter of 3/22/17 discussed the acceptance of all revisions and recommendations. Section D regarding landscaping and lighting. The parking and road improvements waiver will be presented by the Traffic Engineer.**

**Mr. Sachs asked if they would have an architect to testify at a future hearing? Mr. Kantowitz said they did not have an architect and asked if this was an issue. Mr. Sachs said for Site Plan approval the Board may want a floor plan and architectural drawings.**

**Mr. Kotdawala addressed Exhibit A5 – Outdoor Open Area. He stated this was a spot in the center of the parking lot. There would be no stripped spaces and would be utilized for outdoor events only; there would be no parking.**

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

**Mr. Kuczynski seconded, motion carried.**

**Mr. Sachs swore in:**

**Leona Santos – Ms. Santos stated she is close to the applicant and talked about the lighting; Mr. Sachs said that the lighting would be according to the events. Mr. Kantowitz described the events and how large the crowds would be and referenced other temples this size. Ms. Santos asked how they could justify a building larger then the “White House.” She also expressed concern about the EMS being able to respond as well as the surrounding businesses and the residents, she asked about outdoor events such as bon fires and would they still be held? How will these events affect parking? Mr. Kotdawala said the Fire Marshall inspects the bon fire set up ahead of time. She asked about the parking; he said the Temple rents 30 spaces at the local schools for off-site parking.**

**Ed Strek – 58 Nickel Ave. Mr. Strek had concerns for safety as the EMS is across the street and wants to make sure they will be able to respond when needed during these large events as well as the President Park Fire Department. Mr. Sachs said the Traffic Engineer will need to discuss and Mr. Green indicated this will also be discussed with the Borough Officials.**

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

**Mr. Corrigan seconded, motion carried.**

**Phil Emma addressed the trees already removed and how it is different than the Site Plan presented. He stated the trees given in count tonight have already been removed. Mr. Kotdawala said the only trees taken down were the trees affected by Hurricane Sandy and this was done in 2015. Phil asked for a revised copy of the tree removal and stated that a CO was never issued for the residences currently at the Temple.**

**Mr. Green addressed the 569 parking spaces and asked where the overflow will park as back in March over 3,000 people attended the high holidays. Mr. Kantowitz stated that the attendance is not at the same time. This will also be addressed by the Traffic Engineer. Mr. Green said the people were coming and staying a couple of hours and asked during the peak time where will they go? Mr. Henry asked about the 72’ height of the building as well as the length and asked if they will be providing a rendering of the plans. Mr. Kotdawala said when the 2013 application was being heard the mezzanine floor area was larger. Mr. Kuczynski asked if the residences were more like a dormitory with a common kitchen and bathroom, Mr. Kotdawala said “yes.”**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – JUNE 28, 2017**

**Mr. Green asked that they try and make sure that a Traffic Engineer and Architect, appear and make a presentation on the application. Mr. Emma asked about the lighting poles and how many would be in the front as well as the lighting if any on the building. Mr. Kotdawala will ask the architect to present; Mr. Henry asked for more information on the trees.**

**Mr. Sachs suggested to the applicant to come back in July; Mr. Kantowitz also asked for a possible special meeting; Mr. Green said the board will see after the July meeting. Mr. Sachs made announcement to the public that the application will be held over to the July 26, 2017 meeting with no further notice and this is extended until the end of July.**

**#17-07 Krumb St 9 Krumb Use Variance/Site Plan $ 3,000.00 App.**

 **$ 3,700.00 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.**

**Michael Paige, attorney for the applicant addressed the board stating this was a Use Variance/Minor Site Plan to renovate and provide 3 luxury two - 2 bedroom apts. and one - 3 bedroom apartment. He stated that they are seeking waivers for the parking space stall size, curbing.**

**Mr. Sachs swore in Mark Vaysberg, 9 Krumb St. Realty, LLC and owner. He stated he is proposing to renovate the building and provide luxury apartments with off street parking. He is proposing two – 2 bedroom and one – 3 bedroom apartments. In the 2 bedroom one room would be an office and will not be coverted into a bedroom at any time in the future nor be subleased. The basement is for storage only and would not be converted into living space at any time in the future. Mr. Green asked about the building alongside if the applicant owns this building also and it has 4 apartments. Mr. Green asked where those residents park; the applicant said on the street. Mr. Green asked how he would control the parking between both buildings; the applicant said he would control and will enforce as the office is close to the property and he has property managers. This will also be enforced on the leases. Mr. Sachs suggested that he post signage that vehicles will be towed and suggested to the board that this be a condition of approval. Mr. Esposito asked how the “one room office” would be enforced. The applicant said that it would be enforced by number of occupants in the lease and also through the yearly inspection by the Borough.**

**Mr. Sachs swore in John J. Ploskonka, PP & PE. Mr. Kuczynski made motion to accept credentials, Mr. Green seconded, motion carried. Mr. Ploskonka said he reviewed the application and the reports from both John Leoncavallo and Jay Cornell. He gave a brief history of the property; it was the old Polannaise Inn and has been vacant for 15+ years and has become an eye sore. It’s a 5000 square foot building deteriorating and over the years there have been different applications. This applicant is presenting 7 parking spaces for 3 luxury apartments with landscaping in the front; a good plan for the site. The waivers being sought no sidewalk, curbing and smaller spaces. He addressed the reports from Jay Cornell and John Leoncavallo regarding site grading and the property development. He said the garbage will be located behind the building for all three units and if necessary they could look at other options with Jay Cornell. It’s a unique site within walking distance to local businesses and they are asking the board to consider the use being presented. Mr. Green addressed item #5 in Jay Cornell’s report for screening along the property line possibly 6’ or Mr. Kreismer suggested even 4.’ Mr. Henry addressed the angled parking; Mr. Cornell said he had some concerns and suggested 2’ waiver so there would be no angle. Mr. Sachs stated this could be a condition of approval. Mr. Henry asked about the use of the basement and Mr. Vaysberg said only one apartment would be using the basement the rest will be closed off.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – JUNE 28, 2017**

**Mr. Kuczynski asked if the footprint of the building would be changing; Mr. Ploskonka said that a portion of the building would be removed to accommodate parking; Mr. Vaysberg said the chimney will be taken off and there would be no other changes. Mr. Henry asked about front sidewalks, the applicant said the waiver was for the parking lot not the front of the building. Jay Cornell would like to see new sidewalks in the front of the building.**

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

**Mr. Kuczynski seconded, motion carried.**

**Mr. Sachs swore in:**

**Ed Nowicki – 14 Krumb St. He has lived on Krumb St. for 47 years and the parking is a dilemma. He cannot park in front of his house and has a concern about the traffic. He also has a concern about the children on the street. He is not against the project but said most times he has to park halfway up the block. Mr. Sachs said that the Mr. Vaysberg has to supply parking for the tenants on the application.**

**Greg Morgan – 13 Krumb St. Mr. Morgan said the parking is unbelievable impact. Barry’s parks patron’s cars and employees park in the front of the houses. Because of this situation there is no snow removal and the biggest problem is parking.**

**Doreen Martens – 12 Outlook Ave. Mrs. Martens asked about a blueprint of the building; Mr. Henry said additional parking on the street and curbing will remain along the front as well as landscaping. Mr. Ploskonka described the façade of the building; she asked that the central air conditioning units and the trash be moved to the side of the building.**

**Michael Martens – 12 Outlook Ave. Mr. Martens asked if this was going to be a Section 8 building, Mr. Vaysberg said “no” it would be 1500 sq. ft. of luxury apartments with cars being parking in the lot provided. Mr. Martens asked about lighting in the parking lot; Mr. Ploskonka said there would be no light poles, but lighting would be on the building facing down with shields.**

**Linda Hyslop – 371 Washington Rd. Ms. Hyslop stated she had two issues, the snow removal and the property abuts the 4 family on Krumb St. she would like to see the garbage cleaned up and asked if there would be fencing in the rear as well as the side. Mr. Sachs suggested the fence be 6’ in height according to the ordinance. The applicant agreed to install a 6’ fence and said according to Exhibit A1 will be installed in both locations.**

**Mr. Sachs also stated for the record that the basement will have no occupancy and cannot be finished. Mr. Kuczynski addressed the comments made on the parking issues and said the board has no control over parking issues in the street. Mr. Sachs said the state code dictates the applicant has to provide parking spaces and in this case the applicant satisfies this requirement.**

**Mr. Sachs stated the conditions of approval:**

* **No commercial use in the home office (add’l bedroom)**
* **No rental or sublease on the additional room**
* **The basement will not be finished**
* **Relocate the trash and air conditioning units**
* **6’ fence to the south and west**
* **Work with Jay Cornell on parking layout**
* **Parking signage “Residents Only” and “Towing Signage”**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – JUNE 28, 2017**

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

**Mr. Emma seconded, motion carried.**

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

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

**No: Mr. Esposito**

**#17-14 Matt O’Such 11 Lagoda St. Bulk Variance/Fence $ 50.00 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. Green asked for motion to deem the application complete,**

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

**Mr. Sachs swore in Matt O’Such who stated that he wanted to put a fence on his property and he had a side yard lot. Mr. Leoncavallo stated the variances:**

* **Corner lot 15’ minimum the applicant is proposing 1’**

**Mr. Kuczynski asked what the height of the fence would be; the applicant said 6’ and would be a solid white PVC. Mr. Sachs asked if the side yard setback was within property line requirements; Mr. Leoncavallo said “yes” they did meet the setback requirements. Mr. Kuczynski asked if there were any site triangle issues, Mr. Cornell said there were none.**

**7:40 – Phil Emma joined the meeting**

**Mr. Esposito asked about the 4’ evergreens; the applicant said they were the neighbor’s. Mr. Henry asked about the shaded area; the applicant said it was the driveway from the front to the side. Mr. Green asked how far the driveway on his property and the neighbors were apart, the applicant said about 60-70’.**

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

**Mr. Corrigan seconded, motion carried.**

**Mr. Sachs swore in:**

**Courtney Lowry – 14 Marcia St. She passed out pictures labeled O-1 (Objector 1) depicting the evergreen trees and said they were taken down this past Saturday and you can see the neighbor’s fence and the new addition across the street which is probably 5-10’ in front of the neighbor’s fence she would like to see it placed at the level of the garage which they received a variance for but according to the site plan they want a gate on that side so if the fence could be 4’ in front of the garage in fact so they could get the gate cause this is the view out her front window and she would prefer not to be looking at a gate on the sidewalk.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – JUNE 28, 2017**

**The side street front yard is to align with the neighbor on the left. To have the house at 20’ and a fence at 1’ it would stick out on that portion of the block. Mr. Kuczynski asked when the pictures were taken, she said the day before. Mr. Cornell stated his comments were based on the trees being present if they have been removed there may some visibility issues cause visibility backing out of the driveway is obstructed beyond that fence. Mr. Kuczynski asked how far from the property line; she said it aligns with the front yard which appears to be compliant. Mr. Sachs asked the applicant how many trees were taken down; he said he did not take the trees down. Mr. Green asked the applicant who owns the fence in the pictures; he said the neighbor in the rear and it does not end where the new garage is; it ends in the back of the garage. Mr. Henry asked the applicant if his fence would be up against the neighbor’s; the applicant said it would be on his property line. He said the purpose of them wanting as much yard as possible is eventually they would want to install a pool. Mr. Henry asked if they could possibly push the fence back; the applicant said possibly he just wasn’t sure. Mr. Kuczynski stated he would like to see the fence pushed back due to possible visibility issues. Mr. Kuczynski stated that he would like to see the fence pushed back due to the visibility issues which the board has done in the past and suggested 10’ off the property line. Mr. Henry asked how far it is off now; the applicant said 1’. Mr. Sachs is suggesting 7.5; Mr. Cornell said by ordinance being since this is a corner lot he is allowed to split the difference in half the difference instead of 30’ he is allowed 15’ so if this is split you have 7.5’; 5’ as a minimum. Mr. Green asked what the board’s feelings are on 5’; Mr. Emma asked if this was from the sidewalk; Mr. Sachs said from the property line. The applicant said he would be agreeable.**

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

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

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

**Mr. Green asked for motion to approve/deny this application. Mr. Green made motion to approve the application with a 5’ setback, Mr. Henry seconded. Roll Call:**

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – JUNE 28, 2017**

**#17-16 Bharat Trivedi 158 Washington Rd. Bulk Variance/Shed $ 50.00 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. Green asked for motion to deem the application complete,**

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

**Mr. Sachs swore in Bharat Trivedi. Mr. Trivedi stated that he has a shed in the side yard and presented a series of 9 photos marked Exhibit A-1. Mr. Sachs said this was a flag lot along Washington Road. Mr. Henry asked if the shed was installed, the applicant said “yes.” Mr. Kreismer said the plan shows an old shed and the new shed and asked if the old shed would be removed. Mr. Leoncavallo stated the variance:**

* **Shed in front yard prohibited**

**Mr. Green stated he visited the site and only one shed was being hidden by the fence the other was well set back off Washington Road.**

**Mr. Kuczynski said once the old shed is removed maybe put the new shed where the old one is; the applicant said they didn’t want to move the new shed. It was only an 8’x 12’ shed.**

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

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

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – JUNE 28, 2017**

**MEMORIALIZATION OF RESOLUTIONS**

**#17-12 Amy Hafer 35 Sherwood Rd.**

 **Mr. Green asked for motion to memorialize resolution. Mr. Kuczynski made motion to adopt the resolution; Mr. Henry 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 May 24, 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**

**Mr. Kuczynski asked if there were any litigation updates. Mr. Sachs said he has a scheduled Case Management Meeting with Judge Hurley on July 11th and will report back. Mr. Henry asked what the suit was about; Mr. Sachs said Crestview has questioned the approval. They are suing Wa Wa and the Borough and were looking to have the gas pumps moved the other side of the site.**

**ADJOURNMENT**

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

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

  **Respectfully submitted,**

 **Joan M. Kemble**