SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MARCH 28, 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, Mr. Kuczynski, Ms. Catallo,**

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

**Absent Members:**

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

**Before beginning the meeting Mr. Kemm announced that the Board received a letter of resignation from Patrick Walsh. He then welcomed Dave Sivilli to the Board replacing Patrick Walsh.**

**Mr. Kemm announced the following applications would not be heard this evening but carried over to a future meeting not determined as yet.**

**#17-13 – Interstate Outdoor Advertising, Route 9/Old Cheesequake Road**

**#14-19 Quick Chek Bordentown Ave. Extension of Time $ 1,000.00 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. Green asked for motion to deem the application complete. Mr. Green**

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

**Mr. John Mamora, Quick Chek addressed the board stating that three years ago they received approval from the board for the expansion of the Quick Chek on Bordentown Ave. and Cheesequake Rd. Since that time they have been working on obtaining the required approvals for the project. They have acquired the property but have run into a remediation issue from the dry cleaning business which they are actively working on at present. They are waiting for an approval letter from the DEP and will hopefully be starting the project. They are here tonight to ask for another extension of time for one (1) year, March 2019; they are very much committed to the project and the environmental remediation. Mr. Kuczynski stated this could take more time for the response regarding the remediation and suggested the board give the applicant a (2) year extension. Mr. Kemm stated he felt this was a very reasonable suggestion.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green asked for motion to close public portion; Mr. Kuczynski made motion to close public portion, Mr. Emma seconded, motion carried.**

 **Mr. Green asked for motion to approve/deny this application. Mr. Kuczynski made motion to approve the application for a (2) two year extension, Mr. Foley seconded. Roll Call:**

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

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**#17-15 Interstate Outdoor Advertising 6056 Rts. 35/9 Use Variance/Site Plan $1,450.00 App.**

 **$ 4,250.00 Esc.**

**Mr. Kemm stated he reviewed the affidavit of publication and proof of public service and the Board had jurisdiction to hear the application. Mr. Green asked for motion to deem the application complete,**

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

**David Himelman, Attorney for the applicant addressed the board and stated that the other application #17-13 Interstate Outdoor Advertising, Route 9/Cheesequake Road would be carried to a future date; Mr. Kemm stated the extension of time would be six (6) months. Mr. Himelman then described the site and referenced the variances associated with the application.**

**Mr. Kemm swore in: Thomas Grybowski, Land Surveyor. Mr. Kuczynski made motion to accept credentials; Mr. Corrigan seconded. Mr. Grybowski stated he prepared the site plan revised 6/2/17 which describes the site, the lot and zoning, height and setbacks. The site is along Routes 9 & 35 and a used truck dealership. This is not in a flood zone and the sign would be a “V” shaped, two sided, 20’ the north side digital and south side static, 14 x 48 or 672 sq. ft. per side supported by a 4’ steel monopole located on the blacktop area 10’ off the front. The sign would be located in a B3 Highway Business zone; they are requesting four (4) variances. Mr. Henry asked of the sign would be protected at the bottom or would they be providing bollards; Mr. Green stated the pole would be steel and less likelihood of a car knocking it down. Mr. Kuczynski asked about the height of the proposed sign and why so high; Mr. Emma asked how tall the Exxon sign was right before this area; David Himelman said 44’ high.**

**Mr. Kemm swore in: Jeffrey Gerber, CEO of Interstate Outdoor Advertising. Mr. Gerber stated they were in contract with Phoenix Truck to build the billboard. He provided a map of the area marked A-1 and an aerial photo marked A-2 as well as the view southbound marked A-3 and a view northbound marked A-4. He described for the board how they come to determine certain areas for the signs with no detriment to the residential areas. He described the site and measurements to both residential areas of Robert Circle and Kathleen Place both to the south and stated the buffer is adequate. Mr. Foley asked about the setback; Mr. Kemm said the point measured was 10’. Mr. Gerber described the sign and stated the sign would be 3 LED 100 watt volts and would change every 8 seconds. He described other signs in the area like the one proposed on exhibits A-6 and A-7 showing a sign in Hazlet on Route 35 as well as another in Pennsylvania. He addressed the comment regarding installation of bollards and agreed to the request if the board would like this done. The sign is bright during the day and powers down at night automatically. They would also agree to content control with no inappropriate messages. They would also agree as a condition of approval to provide free of charge any borough alerts, special functions or programs.**

**Mr. Kemm swore in: Robert Newell, Lighting Firm Design. Mr. Corrigan made motion to accept credentials; Mr. Kuczynski seconded, motion carried. Mr. Newell stated he has been retained by the applicant to provide documentation on how billboards have changed as well as information on lighting and the LED/Digital billboards and sky glow. Mr. Foley asked what sky glow was, Mr. Newell said it’s aimed up to the sky and LED is typically multi-colored vinyl sign , the light reflects off the sign. Standards are usually created with certain requirements for certain types of signs. Offsite impact may be a concern or out of range of residential. This application is near Kathleen Place and Robert Circle; #1 Kathleen Place is directly behind and #2 over 98’ below the sign with a heavy buffer for both residences. The property at Robert Circle is further away about 10’ higher with a steeper hill. The professional opinion is the impact will negative and significantly shielding to the neighborhoods.**

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**8:45 PM – Mr. Green asked for a 5 minute recess**

**8:50 PM – Meeting was called back to order with all present**

**Mr. Kemm swore in: John McDonough, Project Planner. Mr. Foley made motion to accept credentials; Mr. Emma seconded. Mr. McDonough stated this was a Conditional Use Variance with 4 conditions not complied with; this is in a B3 Highway Zone and is a permitted use with the necessary buffering to the residential areas. The property is well suited for the use. It would be a “V” type sign 672 sq. ft. 60’ above grade level with no other site changes. He stated this is an inherently beneficial use and easy fit in a permitted location. He described the drop off to the residential areas and said the rear of the sign will face this area but the height is 10’ above and will avoid interference and does not block any views. It could not be moved closer as it would affect the wires. He felt the board could move favorably on the application. Mr. Henry asked about the height as most other billboards are lower. Mr. McDonough said this was only 10’ higher which really was not substantial. Mr. Gerber stated that the trees are about 65’ high and said the sign proposed was just a few feet above the Sunoco station sign on the southbound side of Route 35 and provided Exhibit A-8 depicting this. He didn’t feel there was any problem with the approval of this application.**

**David Himelman presented his summation and asked that the board act favorably on the application with all condition of approvals discussed.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green asked for motion to close public portion; Mr. Kuczynski 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 with all conditions of approval discussed, Mr. Corrigan seconded. Roll Call:**

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

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**#18-03 Mark Nicholls 3 Brookside Ave. 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. Green asked for motion to deem the application complete,**

**Mr. Emma made motion, Mr. Corrigan seconded; motion carried.**

**Mr. Kemm swore in: Mark Nicholls, owner who stated that he wanted to erect a new fence on Main St., a white PVC, Mr. Kemm asked if he was replacing the existing fence; the applicant stated he was going from 5’ to 6’ as this was a busy property area. Mr. Henry asked about a sight triangle issue; Mr. Cornell said the location and the 5’ fence is in the site triangle and another issue is the driveway is closer to the corner. Mr. Henry said this inhibits the view of drivers. Mr. Nicholls said the fence has been there for over 20 years; Mr. Kuczynski asked if the fence was on a wall; Mr. Cornell said it was not on a wall, he explained that the property is down lower; Mr. Green asked if the picture presented represents a 5’ fence, the applicant said “yes.” Mr. Henry asked the applicant if he would agree to a 5’ fence, Mr. Nicholls said whatever the board wants. Mr. Green stated the site triangle is a problem, Mr. Nicholls said the drivers just go closer to the stop sign. Mr. Kuczynski asked if the fence was all around; Mr. Nicholls said it stops at the beginning of the driveway across the front. Mr. Kemm asked if he would agree to 5’ across the front and 6’ around the rest of the property.**

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

**Mr. Kemm swore in:**

**Robert DePreta – Mr. DePreta said he received notice in the mail regarding the application and his property is n the back yard. Mr. Kemm said the application is for Brookside Avenue and Main Street. Mr. DePreta had no issues.**

**Mr. Cornell said at present the front yard setback should be back further but it’s an existing condition while it should be 10’ the applicant is proposing 5’.**

**Mr. Nicholls said he was agreeable to 5’ along Main St. and 6’ in the rear yard and side yards.**

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

 **Mr. Green asked for motion to approve/deny this application. Mr. Kuczynski made motion to approve the application with the 5’ fence discussed, Mr. Emma seconded. Roll Call:**

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

**SAYREVILLE BOARD OF ADJUSTMENT**

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**#18-04 Rite Aid 3553 Washington Rd. Bulk Variance/Sign $ 50.00 App.**

 **$ 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. Mr. Green asked for motion to deem the application complete,**

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

**Michael Paige, Attorney for the applicant addressed the board stating this was an application for a bulk variance for additional signage.**

**Mr. Kemm swore in: Jerry Canavan, Sr. Project Manager for Network Seaman who utilized the design concept of Rite Aid. Sheet #3 presented an overview of the signage on a blue canopy replacing pharmacy & GNC signs to “Ready Clinic” under the Rite Aid signs; upgraded clinic facility sign in Rite Aid will also be on road sign, Sheet #9, replacement sign with Ready Clinic. There is no change to the square footage 1 hour photo will be eliminated they are requesting 32 sq. ft. to each elevation. The drive thru would be the same size brand new replacing the existing sign. Mr. Kemm asked about the Pilon sign on Sheet 9, Mr. Canavan said there is no change they are just replacing the face, the same on Sheet 7. Mr. Henry asked about the sign for Ready Clinic and Hackensack Meridian Health – Mr. Henry asked if this was an expansion of the pharmacy. Mr. Green asked about illumination at night and Mr. Canavan said at some point the signs turn off when closing it depends on who sets the clock.**

**Mr. Paige addressed the members stating that the applicant has provided testimony and the application is straight forward. He asked for the board’s consideration on the application.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green asked for motion to close public portion; Mr. Kuczynski 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. Corrigan seconded. Roll Call:**

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

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**MEMORIALIZATION OF RESOLUTIONS**

**#16-26 Gillette Enterprises Jernee Mill Road**

**Mr. Green asked for motion to memorialize resolution; Mr. Corrigan made motion; Ms. Catallo seconded. Roll Call:**

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

**#16-28 Retlaw 967, LLC 969 Rte. 9 North**

**Mr. Green asked for motion to memorialize resolution; Mr. Corrigan made motion; Mr. Green seconded. Roll Call:**

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

**#18-01 Manchester Hill Road, LLC 37 Coyle Street**

**Mr. Green asked for motion to memorialize resolution; Mr. Green made motion; Mr. Esposito seconded. Roll Call:**

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

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the February 28, 2018 meeting.

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

**9:50 PM**

**Before adjournment, Karl Kemm asked that the members go into Private Session; Mr. Corrigan made motion; Mr. Henry seconded, motion carried.**

**10:50**

**Meeting was called back to order with all present**

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**