VIRTUAL (ZOOM) MEETING BY PHONE

SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MAY 27, 2020**

**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, 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**

**#20-05 Denise McLaughlin 19 Lavern St. Bulk Variance/Pool $ 100.00 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 Denise McLaughlin. At this time Mr. Kemm informed the applicant that the board members have all the documents she submitted. He asked her to tell the board what she wanted to do. She stated that she is a new resident over the past year and wants to install a semi in-ground pool but was informed she needed a variance. Mr. Green said he understands that she needs the side yard as there is no room in the rear. The applicant said it would be 12’ x 24’ pool on the side and in the rear 12’. Mr. Green said she is asking for 1’ on the side yard; the applicant said “yes” the ordinance requires 10’ so she is asking for a 1’ variance approval.**

**Mr. Kemm stated there are two variances. The applicant stated she is not a corner lot; Mr. Foley asked if she was near Washington Road; she stated her house was in the middle of the block and she is compliant with the surrounding neighbor’s properties. Mr. Henry asked about semi in-ground pool; she stated it was 52” high and 18” will be out of the ground; Mr. Henry asked if there would be any concrete the applicant said “no” the company digs and installs the pool 3 ½ ft. in the ground.**

**Mr. Green made motion to open public portion; motion carried. No one spoke. Mr. Green made motion to close public portion. Mr. Foley 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, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli, Mr. Foley**

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**#20-06 Andrew Barsky 209 Mac Arthur Ave. Use Variance/Bulk Variance $ 1,300.00 App.**

**$ 2,550.00 Esc.**

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

**Casper Boehm, Esq. addressed the board referencing that correct address for the application is 209 MacArthur Ave. (the commercial portion of the lot) not 211 MacArthur Ave. (the single family home) both being there for over 100 years and his client recently purchased the property. Testimony will be given by his client, architect, and planner. His client is seeking to turn the commercial portion into residential in this R7 Zone; he is trying to bring it into conformity.**

**Mr. Kemm swore in the applicant, Andrew Barsky who stated he purchased the property 2 years ago in June and rented the house to his son, wife and four children (211 MacArthur Ave.); he wants to convert the commercial (209 MacArthur Ave.) into a 2 bedroom apartment and initially rent but in the future move into himself. Mr. Kuczynski asked if it would be a single family house; Mr. Barsky said “yes” it would be rented. Mr. Kuczynski asked about parking; Mr. Barsky said there was sufficient parking on site for both units. Mr. Foley asked why he had a hard time calling this a house; Mr. Barsky said it was going to be a 4 bedroom house; Mr. Kemm stated there was also was a freestanding garage on Canal St. Mr. Barre asked the applicant if he would be doing any exterior renovations; Mr. Barsky said this would be addressed. Mr. Foley asked what the variances for the application were:**

* **Use Variance (2 houses on one piece of property)**
* **D Variances (bulks) are pre-existing**

**Mr. Henry asked if there was a basement; Mr. Barsky said just a crawl space.**

**Robert Larsen, PP/Architect approached the microphone; Mr. Kemm swore in Mr. asked if he would be testifying as both the Planner and Architect; Mr. Larsen said “yes.” Mr. Green made motion to accept his credentials; Mr. Corrigan seconded. Mr. Larsen was retained by the applicant and he prepared a sketch of the property and architectural rendering of the building both submitted with the application. He checked for residential 900 sq. ft. home will put new windows, etc. It will be a 2 bedroom layout which was occupied as a store previously with a 30 ft. wide driveway. He described the lot and how the house would be situated with parking and without no parking on Canal St. The neighborhood is residential and MacArthur Ave. is a heavily traveled road; he saw the opportunity to convert to a house and bring back to life; it would be an asset to the neighborhood. He addressed the Planner’s Report stating the existing house had 4 bedrooms and a large concrete driveway; Mr. Larsen said the applicant would like to leave the driveway but would relocate the entrance to Canal St at the suggestion of the Planner’s Report; also a small sidewalk to the porch and hang small roof; referencing Mr. Barre’s if any grade changes will do. Will stucco entire building and bring more stucco to MacArthur Avenue side of house will be removing sign pole and a portion of chain link fence willing to remedy curbing, sidewalk recently done.**

**Mr. Henry asked about the front of the building – the false front will leave up; Mr. Henry asked if the roof would peak or be flat; Mr. Larsen said it would peak and where telephone pole is would be new doorway. Mr. Green asked about the windows on Pg. 7 of Mr. Barre’s report; Mr. Larsen said they will be removed; there will be new windows in the living room and bedrooms. Mr. Kuczynski asked if there would be one entrance to the house; Mr. Larsen said “yes” there will also be shrubs.**

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**Mr. Green asked if the garage will be for the house (211 MacArthur Ave.) and if there are any parking spaces in the front; Mr. Larsen said there were seven parking spaces; 209 will use the front parking and 211 the garage and driveway. Mr. Green asked Mr. Barre about taking the fence down, shrubs or another fence; Mr. Barre said he would leave it up to the applicant or put up another fence or do a combo as there is no ordinance that requires a take down. Mr. Larsen stated that the applicant is in agreement with whatever the board wishes. Mr. Barre addressed item #4A – reducing the driveway modifications along the front; #8 the applicant is complying with the brick façade facing MacArthur Ave., the shrubs along Canal St. near the building entrance, extending the walkway along Canal St. now will be 4’ wide coming up to the pad to identify the entrance and the small stoop. Mr. Larsen said the sidewalk may be 6’ or just under 6’ x 4’; Mr. Barre said it should be straight out to Canal St. Mr. Sivilli asked if there were driveway site issues; Mr. Cornell said it was not any worse now then before. There could be if a lot of cars on MacArthur Ave. but farther away from Canal St. would be better. Mr. Foley asked if there would be parking allowed on Canal St.; Mr. Larsen said “yes.”**

**Mr. Boehm addressed the positive/negative. Mr. Larsen said this Use Variance project is positive. The purpose promotes to well being of the neighborhood as this is a residential area. Referencing negative affects there are none as this is adding life to the R7 zone. Mr. Barre said all his comments have been addressed and the applicant is in agreement. Mr. Cornell said he has no issues.**

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

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

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

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**#20-07 Thomas Pizzillo 23 Rota Drive Bulk Variance/Garage $ 100.00 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 Thomas Pizzillo, who stated he was seeking approval to construct a detached garage and needed variance approval for square footage and height; he is proposing 160 sq. ft. and 17 ft. in height. Mr. Green asked what the use of the garage would be, the applicant said basically for classic cars and storage there would only be minor repairs for the classic cars. Mr. Foley asked about the lot coverage; Mr. Cornell said it was a very large lot; Mr. Barre said the coverage would only be 8% and no variance was needed for coverage. Mr. Kuczynski stated the side backyard is filled with trees; the applicant said the fence is owned by neighbors; Mr. Kuczynski asked how high the garage would be; the applicant said 17’. Mr. Henry asked if the garage would be used for commercial purposes; the applicant said “no.” Mr. Kuczynski asked if there would be any utilities; the applicant said “yes” electric and plumbing in the near future. Mr. Kuczynski asked if the garage would be sided; the applicant said “yes” the same as the house.**

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

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

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

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**#19-12 Mary Aileen, LLC Jernee Mill Road**

**Mr. Green made motion to deny this application for the following reasons:**

**The 2013 Borough of Sayreville Master Plan contains goals and objectives relevant to this application and the proposed land use for this property. The property is in a Special Economic Development Zone. The zone does not allow the parking of freight trucking on this parcel. The storage of trailers is not a permitted use in this SED Zone district.**

**The application requires a D1 Use Variance and the applicant must present testimony addressing the positive and negative criteria. After testimony, the Board finds no special reasons exist to grant this variance on the positive side; on the negative side, the variance will cause substantial detriment to the public good and to the Zone Plan. There will be potential impacts that the proposed use may have on the community.**

**The Master Plan has general policies, goals and objectives concerning this Special Economic Development Zone, one being the generation of Economic Development also strict limits regarding high intensity uses and new development that does not place unmanageable demands upon the Borough’s Infrastructure. The application does not satisfy the requirements of the Master Plan, its goals and objectives.**

**Adding conditions and restrictions on this application are basically unenforceable due to the type of use requested. It is noted that the applicant owns the property in question and has the option to comply with the Zone Requirements with manufacturing, offices, warehousing, and several other uses, or leave the property wooded, as presently defined.**

**It is for all of the above reasons the total basis, of making the motion to deny this application.**

**I need a second on this motion; Mr. Henry seconded. Roll Call:**

**Yes (Deny): Mr. Green, Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Emma, Mr. Esposito, Mr. Sivilli,**

**Mr. Foley**

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**MEMORIALIZATION OF RESOLUTIONS**

**#20-05 Denise McLaughlin 19 Lavern Street**

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

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

**#20-06 Andrew Barsky 211 MacArthur Ave.**

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

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

**#20-07 Thomas Pizzillo 23 Rota Drive**

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

**Yes: Mr. Green, Mr. Henry, Mr. Kuczynski, 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 February 26, 2020 meeting. Mr. Emma made motion to accept the minutes Mr. Corrigan seconded, motion carried.

**Before adjourning Mr. Kemm stated that the BKD application has requested to be held over until the Board is meeting live in Borough Hall. Mr. Kuczynski asked if there are any outstanding issues due to the missed meetings; Mr. Kemm said the Board is all up to speed on applications.**

**ADJOURNMENT**

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

**Respectfully submitted,**

**Joan M. Kemble**