VIRTUAL (ZOOM) MEETING BY PHONE

 SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF SEPTEMBER 23, 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. Sivilli, Mr. Foley, Mr. Esposito**

**Absent Members:**

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

**#20-02 BKD, LLC 1979 Highway 35 North Use Variance/Site Plan $1,000.00 App.**

 **$8,800.00 Esc.**

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

**Ken Pape, Esq. addressed the board requesting approval for a preliminary Site Plan and a D6 height variance after the approval of the use last Spring. He stated the owners/family were also present tonight as well as his four professionals.**

**The plan is for 44 town homes which was presented in the Spring of 2019 each 2 bedroom and no larger; some traditional and some stacked. He addressed the commitment to the 110 parking spaces every town home will have a driveway and garage with some parking along the roads which revisions have been made as the roadway privately owned and they will discuss the storm water system; they will also register with Police Department. Since 2019 the County Planning Board has issued conditions of approval and they will make the changes after this meeting tonight. The NJ DOT will be concluded and the DEP wetlands will be in place as well as a buffer. These were diligently worked on and deemed complete back in the Spring.**

**Mr. Kemm swore in Peter W. Strong, PE. Mr. Kemm made motion to accept his credentials; Mr. Green seconded.**

**Mr. Strong presented Exhibit A1 dated 9/23/20 showing the westerly side of Route 35, approximately 3 acres with the nightclub and lower level parking. Exhibit A2 dated 9/23/20 is a colored rendering of the site with the proposed town homes in red going down towards the lower level will be the 44 units both traditional and stacked, each 2 bedroom, 1900 sq. ft. with the same parking, 1 garage and driveway and 2 ½ spaces per unit. Mr. Pape asked about the steep slopes; Mr. Strong stated that from the Route 35 entrance they drop down and each building is a different level; B1-67, B2-64; BC-61; BD-35; BE-31 then up the rear of the property 24; some have basements with walk out units to parking. Mr. Pape asked if the drainage system and DEP requirement was aligned to their requirements; Mr. Strong stated “yes” and storm water management in the back of property; the Association will own and be responsible for this issue. Mr. Strong stated that both Mr. Cornell’s and Mr. Barre’s reports will be addressed and the applicant will comply on all points and the storm water management. Mr. Pape asked about the circulation, Mr. Strong stated the width of the roads is 28 ft. and they have offset parking spaces parallel off of the access driveway which amounts to 28 ft. plus the parking spaces. Mr. Strong stated the circulation confirms emergency vehicles can enter which is depicted on Exhibit A4 – The Site Dimension Plan superimposed for truck circulation and depicts no access issues. Mr. Pape stated trash removal will be individual cans not dumpsters. He then stated that they would be seeking a waiver for roadway due to 25 mile/hour allowed they are seeking to lower it to 15 mile/hour due to turn and are seeking speed signage permission to post less than 25 mile/hour.**

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**The DCA handles this issue so they will need to reach out to them for permission to make this change. Mr. Strong stated the lighting would be handled by the Association and they are presenting colonial design lanterns on post LED lights with no spillage. Landscaping scheme will be an attractive entrance landscape along building foundation with 3-4 ft. berms buffer to neighbors to the north trees and evergreen shrubs. Exhibit A3 – Each townhouse will have landscaping, a patio and deck goes with each unit and minimum of 150 sq. ft. There is no signage proposed yet for the entrance if the application is successful will do resolution on plan and find builder asking for preliminary and final then qualify builders. He stated they will address all the items in Mr. Cornell’s report with the exception of design waiver they are seeking. Exhibit A5 depicts recreation area between BC&D with a driveway, tables swings, grass area, flat lawn. They will comply with Mr. Cornell’s report and items in Mr. Barre’s report pages 1&2 and page 5 #6 illumination levels on the stairways; the Borough requires 1’ candle necessary. They agree to submit pedestrian level handrail , page 7 generator, sanitary sewer pump station being worked on will be situated as for emergency service. Mr. Barre requests that this information be submitted for his review. Mr. Henry asked if all units were 1900 sq. ft. the applicant agreed. The wetlands shown on the graph goes through the dark green area on the color rendition, would this allow for a snorkel fire truck to go through, the applicant said “yes.” He asked if the slope of the hill depth would create problems in the snow the applicant said “no.” Mr. Green addressed Mr. Barre’s report on page 7 item #16 regarding affordable housing. Mr. Pape stated they did have dialogue with the Borough initially 12; the Borough has resolved this issue but they will participate financially.**

**Mr. Kemm swore in John Rea, Traffic Engineer; Mr. Green made motion to accept credentials; Mr. Corrigan seconded. Mr. Rea stated the Traffic impact study Exhibit A2 is a rendering of the location north of intersection which is the most appropriate location and the DOT agrees and four items need to be worked on then approval will be issued. He stated he did both AM and PM peak traffic studies and indicated level of service at signalized intersection. Regarding parking 101 spaces required the applicant is proposing 110; 1 car garage, 1 car driveway and 22 off street spaces. Regarding speed limit they will construct a speed table so it will function safely and efficiently. Mr. Pape addressed the issue of slope of the driveway being safe in snow; he stated that it meets RSIS design and also confirmed emergency vehicle circulation (snorkel trucks) having proper access. Mr. Rea stated the diameter meets RSIS in good shape. Mr. Kemm asked about the 15 mile/hour speed limit being complete; Mr. Henry asked about the speed table; Mr. Rea stated the pavement would be elevated 6” to provide a gentle ramp which goes up then ramps back down. Mr. Green asked how many ramps there would be; Mr. Rea said one ramp in between buildings A&B.**

**Mr. Kemm swore in Sang-Yee Rummlen, Architect. Mr. Kemm made motion to accept credentials; Mr. Green seconded. Ms. Rummlen presented Exhibit A8 a rendering of the Townhouses high end architectural which described the exterior type of detail on both the stacked and traditional units. Exhibit A10 is a rendering more developed than the last. The height in Exhibit A9 is 39’ whichis 4’ above required height. Without the eve they are 10’ below 39’. Exhibit A11 is a rendering of B-A and B-B 6 townhouses showing the street scope which traveling on Route 35 a driver can only see the eve line; B-A the rest is below the highway. Mr. Henry asked if the roof/attic area could be used for storage. Ms. Rummlen stated there is only a stairway to the second floor. Mr. Pape stated that a pull down stairway could be done if the board requested, but this was not the intention. Mr. Barre questioned the walk out basements on the prepared floor plans asking if there was any intention for using as a bedroom area in those units. Mr. Pape stated that the issuance of master deed will include language which will stipulate 2 bedroom unit. Mr. Barre asked about the end units having baths on the third floors and he asked if any consideration of a possible modification.**

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**Mr. Kemm swore in Allison Coffin, PP. Mr. Kemm made motion to accept credentials; Mr. Green seconded.**

**Mr. Pape asked if she has listened to the testimony for the granting of D6 height variance; Ms. Coffin agreed and said she reviewed the application and reports submitted stating this was an irregularly shaped site and the D1 Use Variance and Site Plan approval were granted this was a B3 Highway Business zone and they are requesting 46.2’ height 35’ is required in this zone. There are specific reasons for the existing height resulting; positive additional grading of the site; negative height doesn’t change use described site in area and will not impair. The variance being requested allows Site Plan. Mr. Kemm asked which units needed the height variances; Mr. Pape stated they will submit; Mr. Kemm the buildings need to be designed according to topography. Mr. Pape stated all needed height variances; Ms. Coffin said that when seen from a distance they look to be all the same grading. Mr. Henry asked Mr. Cornell if he had any concerns; just the RSIS complying making 15 mile/hour everything else they comply.**

**Mr. Pape stated that he felt the application and board’s issues have been taken seriously and the 2 forms of relief the first 15 mile/hour and the second height relief on buildings. He is requesting relief and will work with the board’s professionals and return with the finals as well as the signage requests.**

**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. Henry made motion to approve the application Mr. Corrigan seconded. Roll Call:**

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

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the September 23, 2020 meeting. Mr. Corrigan made motion to accept the minutes Mr. Henry seconded, motion carried.

**APPROVAL OF MEETING DATES - 2021**

# Mr. Green asked for motion to approve and accept the Meeting Dates for 2021. Mr. Corrigan made motion to accept the Meeting Dates for 2021 Mr. Green seconded, motion carried.

**ADJOURNMENT**

**There being no further business to discuss, Mr. Green asked for motion to adjourn and go into Closed Session,**

**Mr. Corrigan made motion to adjourn and go into Closed Session; Mr. Green seconded, motion carried.**

 **Respectfully submitted,**

 **Joan M. Kemble**