SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF SEPTEMBER 25, 2019**

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

**Absent Members: Mr. Emma, Mr. Barre, Planner**

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

**#19-10 Edward Condiracci 16 John Street Bulk Variance/New Construction $ 400.00 App.**

 **$ 600.00 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. Kemm swore in Edward Condiracci who stated that he was the owner of Lots 50 and 51 located in a B1 Zone and he is seeking approval for construction of a 50 x 115 single family home with 3 bedrooms and 2 bathrooms. Jay Cornell stated this property was located in the Old Bridge section of Sayreville and was located in a flood zone. The State purchased surrounding properties but these lots were not included in the purchase. He will raise according to the flood elevation and he will need permits from the State; this should be added as a condition of approval if the board approves the application. The first floor should be 20’ (10’ above curb 10’ above sea level) the permitted height being 35’. Karl asked about the undersized lot and if the applicant asked the neighbor if they would like to sell, Mr. Condiracci stated he did ask but the surrounding lots belong to the State. Mr. Henry asked if the lots on both sides were empty lots, the applicant said “yes” they are State owned; he has separated his 50’ lot and is not interested as there is no market value. Jay Cornell stated the adjacent properties have restrictions to build and sell. Mr. Kuczynski asked what the variances were:**

* **Proposed structure exceeds building lot coverage for R7 zone 20% maximum; 22% proposed**
* **Proposed structure on an undersized lot in width for R7 zone 75’ minimum; 50’ proposed**
* **Proposed structure on an undersized lot in total area square feet 7500 sf minimum; 5750 sf proposed**

**Jay Cornell said that there is an existing sanitary sewer line, as well as, a 15’ wide easement that cannot be built on so it’s going to be a rectangle shaped house. Mr. Sivilli asked if there were other houses on John Street; the applicant said that there are a couple of other homes but most residents took the buyout. Mr. Kemm asked if the application was approved the construction would be limited to the house proposed on the submitted architectural drawings. Mr. Cornell said this property is located in a flood zone and the house has to be built a certain way. The garage area needs to allow water to flow through as it could flood. Mr. Kemm said he would also need to follow State guidelines and/or regulations for equipment such as air conditioners, etc. Mr. Henry asked if this would be a single family home, the applicant said “yes.”**

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

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

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**#19-13 Marco Castro 40 No. Edward St. Bulk Variances/Addition/ $ 450.00 App.**

 **Shed/Pool/Deck/Driveway/Patio**

**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: Marco Castro who stated that the work was already done at his home and he was here to find out what he needed to do as he did not have permits. Mr. Green asked him why he did not get permits; he stated he did work recently his mother was sick and he moved her in with all her belongings. Mr. Kemm asked Andy Mashanski, Zoning Officer to speak. Mr. Mashanski stated that there were no permits applied for this work; he said possibly the garage, pavers and blacktop were done a few years ago. He received a complaint and went out to the residence and told the applicant he needs to comply and have variance approval “AS IS” existing or receive denial and have to diminish the work done. He is here for compliance. Mr. Kemm asked if the garage was an old permit; Mr. Mashanski said “yes.” Mr. Kemm asked about the concrete/pavers; Mr. Mashanski stated it looks to be the same timeframe possibly 20 years ago. Mr. Cornell stated that these issues are on the survey dated 2003. Part of the garage and the carport are built over the concrete. Mr. Kemm asked Andy about the deck and carport; Andy said these are not violations and do not need approvals. Mr. Kemm asked the applicant when the 13 x 16 extension was completed; Mr. Castro said approximately 1 ½ years ago. Mr. Mashanski said there was a setback issue and Mr. Cornell indicated that lot coverage 20% permitted and the addition is adding to this issue.**

**Mr. Castro stated he purchased the house 17 years ago. Mr. Henry asked who put the blacktop and pavers down; the applicant said a “friend.” Mr. Green asked if he knew he needed a permit; the applicant said “no.” Mr. Green stated that there are 9 variances being presented with many violations. Mr. Henry asked who did the extension over the steps; the applicant stated a “friend.” Mr. Green asked if the boat was kept in carport; Mr. Sivilli asked if the carport was permanent; the applicant said it was bolted into the ground; Mr. Cornell said it has roof “structure” Mr. Henry asked about the drainage the applicant stated water drains down the driveway into the street and everything is pitched. Mr. Green asked Andy Mashanski if when he got involved were there any drainage problems; Mr. Mashanski said “no.” Mr. Mashanski stated that a permit was needed for the small addition over the basement stairs as they took away the bilco doors and made the steps bigger; Mr. Henry asked if a permit and inspections; Andy said if the applicant is approved they would need to apply.**

**Mr. Cornell said the first step is the Zoning Permit. Mr. Kuczynski asked about the marks next to the deck steps; Mr. Cornell said they are also on the back of the deck to pavers. Mr. Henry asked if the reason for enlarging the steps was when his mother moved into the house; the applicant said “yes” the accommodate getting the furniture into the house.**

**Mr. Green addressed the 9 variances and recommendations as the board cannot grant 9 variances. He suggested that he remove the carport, remove the pavers and blacktop (from 78% to 45%); Mr. Cornell said this would cut out 4’. Mr. Kemm stated variances 4, 5, 6 & 9 do not meet the setback requirements and need to also be addressed. Mr. Henry asked the applicant the height of the wall in the rear of the yard; the applicant said about 1 ½ - 2’ high and that it also was down the left side of the yard, not on the right. Mr. Foley asked why the blacktop was around the garage; the applicant said there are no gutters on the garage which made the water flow better. Mr. Kuczynski asked if the pavers were considered impervious coverage; Mr. Cornell said “yes.”**

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**Mr. Green stated the application needs to be modified as the board cannot grant 9 variances and suggested the following:**

* **Pavers and blacktop need to be removed 5’ from property line**
* **Remove carport**
* **Construction office will check**

**The applicant stated if the board wanted him to remove all the pavers and blacktop he had no issue. Mr. Kemm stated approve with the following:**

* **If the above modifications were done variances 4, 5, 6 & 9 would be in compliance, as well as, 7 & 8**

**Mr. Henry questioned the blacktop and pavers being removed 5’. Mr. Kemm stated this will put it in compliance; Mr. Cornell said there should be no blacktop to the property line or garage just on the left side and behind the garage. Mr. Henry stated maybe revisit this issue and let the applicant leave it as is. Mr. Kemm stated if the board wishes the application could be held over to the October meeting; the applicant stated he had no problem with removing. Mr. Kemm asked Andy Mashanski to make sure that the permits are applied for the work.**

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

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

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

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**#19-14 Amanda MacIntyre 78 No. Edward St. 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: Amanda MacIntyre who purchased the property and wants to fence the backyard and the side front. Mr. Kemm asked if it would be along the back towards Charles Street; the applicant stated there would be a patio in front. Mr. Green asked if the current chain link fence belonged to her; the applicant said “no.” She said it would start in front of the chain link fence; it will be a 6’ white PVC fence. Mr. Henry asked if it would be 1’ from the sidewalk; Mr. Cornell said it would be 1’ from the property line and approximately 3’ from the property line. Mr. Henry asked if there was a site triangle issue; Mr. Cornell said “no.”**

**Mr. Kemm described the property line on the survey along Charles St. and asked Mr. Cornell what other variances were if any involved. Mr. Cornell said it was just for Charles St. as 10’ is required and the applicant is proposing 1’. Mr. Henry asked about the property in the rear of the fence; Mr. Cornell said it will be partial stockade and chain link and will be approximately 2’ off the neighbor’s property. There were no other issues.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green asked for motion to close public portion. Mr. Green made motion; 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. Esposito, Mr. Sivilli, Mr. Foley**

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**MEMORIALIZATION OF RESOLUTIONS**

**NONE**

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the August 28, 2019 meeting.

# Mr. Corrigan made motion to accept the minutes Mr. Henry seconded, motion carried.

**Before adjourning, Mr. Green stated that the 2018 Annual Report will be held over until the October meeting. He also stated Mr. Sachs has confirmed that the CVS Application will be continuing their application before the board at the December 11th meeting at 7:30 PM.**

**The 2020 Zoning Board Meeting date schedule handed out to all this evening will also be approved at the October meeting and he asked that everyone review the dates.**

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**