VIRTUAL (ZOOM) MEETING BY PHONE

 SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF APRIL 28, 2021**

**The regular meeting of the Board of Adjustment was called to order by Mr. Henry, Vice Chairman and opened with a salute to the flag. Mr. Kemm, Esq. announced that the meeting was being conducted in accordance with the Sunshine Law.**

**Members of the Board of Adjustment present were: Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Sivilli,**

**Mr. Emma, Mr. Esposito, Ms. Kuo**

**Excused Absence: Mr. Foley**

**Also present were: Mr. Kemm, Attorney, Mr. Cornell, Engineer, Mr. Barre, Planner, Mr. Brigliadoro, Attorney (For Mr. Kemm on application #21-06)**

**#21-04 Craig/Sheri Kutyla 11 Devonshire Rd. Bulk Variance/Pool $ 50.00 App.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in: Craig & Sheri Kutyla. Mr. Kutyla stated they were asking for approval to install an above ground pool in the side yard area they are the last house on the street and there is no house on this side yard area just electric and water meters. There is 10’ of grass from the house and a hill from their yard to Main Street. They would have to dig up this hill to put pool in yard and this would be too much money.**

**Mr. Cornell addressed the property issue informing the homeowner that a utility easement existed on the property behind the rear building line there was a use force main and any construction could damage it. The homeowner was not aware of this issue, but agreed to move the pool if there was a pipeline issue.**

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

**Mr. Kuczynski seconded, motion carried. No one spoke. Mr. Sivilli made motion to close public portion;**

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

**Mr. Henry asked for motion to approve/deny this application. Mr. Emma made motion to approve the application with the condition of approval; Mr. Sivilli seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Sivilli, Mr. Emma, Mr. Esposito, Ms. Kuo**

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**#21-05 EPIC Church/Solar 2707 Main St. Ext. Use Variance/Solar $ 1,100.00 App.**

 **Project with Carports $ 5,000.00 Esc.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Donna Jennings, Esq., Wilentz, Goldman and Spitzer addressed the board stating the application was for a Preliminary and Final Site Plan for a solar project. She described the series of carports to be constructed in phases. She stated this was located in a Redevelopment Area and the proposed panels are not permitted, therefore, they are requesting a Use Variance for the panels on site; 25’ is required near spaces; they are proposing 1.3’ for the panels over the spaces and will provide a “candle” for each carport. The applicant will show the criteria is met and there will be no increase in traffic; the use is permitted in surrounding area. Mr. Kemm stated the property is in the redevelopment plan and Redevelopment has no use so the board must rely on the Zoning Ordinance from 1999 which states the permitted uses.**

**Mr. Kemm swore in: Corey Gross, COO Founder Solar Landscaping Community. Mr. Gross stated he oversees the design of all solar projects. Mr. Gross thought the parking lot would be a great solar sight and reached out to EPIC Church. He presented Exhibit A-1 Community Solar which came out in 2018 by the NJ Board of Public Utilities describing the Solar project which will create enough for 400 homes here and 20% off electric bills and 51% sold to low income residents with no long term contract and profit will benefit the Church. The project will be in phases if approved 4 months. There will be 2 steel columns erected; 2 months for electric once approved by BPU. The lifespan would be about 25 years and can be recycled.**

**Mr. Kemm swore in Kevin Shelly, Shore Point Engineering. Mr. Henry made motion to accept credentials. Plans were prepared under his direction Exhibit A-2 Aerial View of the Property and Surrounding 14 Acres. He described the Church as having approximately 2500 seats stating it was in Waterfront Redevelopment Area excluded from the Redevelopment Plan and in a SED2 Zone 1996. Exhibit A-3 Colorized Rendering showing solar carports 6,171 panels over 7 carport canopies. Exhibit A-4 Rendering of Carport and Improvements. The rendering shows improvements to driveways, circulation and lighting, additional spaces. There will be lighting under canopies, trees will be removed and replaced with LED; additional lighting can be added but is not necessary for the waiver. There will be 67 trees removed some in bad condition, some dead. The will provide 19 trees onsite and will address tree replacement. Exhibit A-5 Solar Carports showing height with support columns and canopies 13 1/2’ clearance – they spoke with the Fire Marshall and will adjust if the clearance needs to be adjusted. Emergency vehicles will not be impacted and will comply with reports from professionals. Received County Site Plan approval and on 2/25/21 SERA designated them Solar Land Developer. John Barree stated he reviewed the plan for street trees; Kevin Shelly said that the trees planted along the road shouldn’t have any impact; Mr. Barree wanted this reviewed in case of growth of the trees which could block the solar panels.**

**Mr. Kemm swore in Andrew Janiew, LP, Beacon Planning. Mr. Henry made motion to accept credentials. Mr. Janiew stated he visited the site and reviewed the Redevelopment Plan and property around the site. This is a D1 Use Variance with a bulk variance on site maximum 25’ required they are proposing 1.3’. 1.3’ panels hanging over; they are seeking variance relief for the solar panels. The Master Plan recommendations read Redevelopment Plan surrounding now allows solar as an accessory use. The MLUL reads that different use is a benefit with great land use. It’s inherently beneficial use and a value to the community. It satisfies positive portion of the D1 Variance the negative criteria vs. the positive is diminimus with only one bulk variance and a slight visual impact; the tree issue is not detrimental the use is permitted with no negative impact. Mr. Henry asked both Jay Cornell and John Barre if all issued in their reports were addressed, both stated “yes.”**

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**Mr. Henry asked Corey Gross about his testimony of 400 homes and low income; he asked how this was decided. Mr. Gross stated JCP&L can sell to Sayreville and adjoining townships 50% must go to low income; they sign up and prove. Mr. Henry asked how the townships are notified and can Sayreville be put up first; Mr. Gross said they will work with the Borough.**

**Donna Jennings, Esq. gave her summary stating the application will benefit Sayreville providing clean energy, it will help the Church and will be a win-win for all.**

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

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

**Mr. Esposito seconded, motion carried.**

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

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Sivilli, Mr. Emma, Mr. Esposito, Ms. Kuo**

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**Mr. Kemm stated Richard Brigliadoro, Esq. will be acting as the Board Attorney for this application due to a conflict of interest.**

**#21-06 Sayreville Seaports Associates, SSA 2707 Main St. Ext. Bulk Variance/Parking $ 3,150.00 App.**

 **Lot Extension $19,127.74 Esc.**

 **Mr. Brigliadoro stated that the Board had jurisdiction to hear the application.**

**Jennifer Phillips Smith, Esq. SSA Associates addressed the Board stating this was an unusual situation concerning the EPIC Church lot on the SSA Urban Redevelopment Waterfront. Approvals were received in December 2019 Riverton required to obtain property from EPIC Church to widen as they needed more parking. This is a D1 Variance for modifying the parking with design waivers for striping, sidewalks.**

**Mr. Brigliadoro swore in: Jeannette Perez, Sr. Project Manager (6/19 joined Riverton Project). Mr. Henry made motion to accept credentials. Ms. Perez stated six (6) sheets will be presented. Sheet-1 Mixed Use Development of National Lead Site and 2018 Concept Plan Approval, Sheet-2 1/28/21 In addition to Bass Pro; 2 entrances for Chevalier Ave. and Peter Fisher Blvd. Concept Plan; Sheet-3 Picture to be provided for dining area, stores, and Ice Skating Rink; Sheet-4 Partial Site Plan approval Phase I 2/10/19described colored plan. One condition was the widening of Chevalier Ave. and Peter Fisher Blvd. Sheet-5 Landscaping of entrance to Chevalier Ave. Sheet-6 In order to meet Planning Board resolution they need Zoning Board approval for lot.**

**Mr. Brigliadoro swore in: Dan Busch, LPE. Mr. Henry made motion to accept credentials. Mr. Busch stated that the plans were prepared under his direction. He stated the landscape rendering of Site Plan included part of the Riverton Site and solar application described, as well as, the construction of the lot being proposed and driveways with no changes to the EPIC Church building. Currently there are 860 spaces onsite where 849 are required. They will be adding four spaces over 15 stalls. In the parking lot to the north there are currently 83 spaces; 34 will be removed and reconfigured to the southwest side. The south side of Peter Fisher Blvd. 3.22’ is being proposed where 5’ is required so they are seeking a waiver. The spaces will have standard striping single line improving and providing better access especially on Peter Fisher Blvd. particularly towards the Parkway. Circulation and access will be much better also improvement to pedestrian access with new sidewalk along Peter Fisher Blvd. and internal sidewalk on the northwest parking lot to Church will be better for both vehicular and pedestrian. They are seeking a sidewalk waiver as none is proposed on the Main St. Ext. and the waiver required as the lot 13.99 acres and will be 13.68 due to the expansion of Chevalier Ave. expand easement for utilities and create landscape with access into Riverton. Northern wetlands will be filled under general permit #6 Stormwater Management, required by connecting site to Riverton adding course pavement to the parking lot. They will agree to Jay’s letter and requests. Jennifer Phillips Smith stated they will comply and there is no objection from the Turnpike for right of way on Main St. Ext. as a condition of approval. Mr. Busch stated this does no impact at all.**

**Mr. Brigliadoro swore in: Raymond C. Liotta, LLA, P.P. Mr. Henry made motion to accept credentials. Mr. Liotta addressed the Site Plan landscaping guidelines regarding street trees planted on Riverton and Peter Fisher Blvd. on the EPIC Church Site Plan rendering described compliance with 1 tree every parking space according to parking standards 19 trees are included in the plan overall landscape element will be provided per ordinance as the tree inventory was conducted. 120 trees need to be replaced with a deficit of 93 they will pay the required fees for the Borough to plant some tree removal. He described the lighting and fixtures prior to the solar panel implementation – poles will be removed and LED lighting will be provided. Proposed lighting will match the appearance of those on site at present. The plan complies with parking lot and sidewalk ordinance. They are seeking waiver for the south parking lot and two fixtures. Jennifer Phillips Smith addressed the letter from John Barre regarding LED lighting; Mr. Barre stated it was fine.**

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**Mr. Henry asked if lights would be turned off at night or when Church was over. Mr. Liotta said he did not have the answer. Jennifer Phillips Smith stated she felt it may remain as it is at present. The site is in an SED Zone and Church needed approval as it was not a permitted use in the zone; the approval was granted in 1996 going back to expand lot. The area major redevelopment is consistent with community goals no impact on Riverton if approved. It was in a SED Zone at the time of the Use Variance where 7 spaces were required and they were proposing 2 provided with design lighting ½’ candle; striping north and south parking lot maximum 5’ required they are proposing 2.5’ driveway, sidewalks expanded lot will provide walk to Church and Peter Fisher Blvd. This is a beneficial use and the site is suited for use Bulk C1 & C2. Jennifer Phillips Smith stated the C variance complies with requirements and height variance complies with ordinance and the operation of the Church is no impactedby this expansion. Single line striping for parking and front yard are consistent design and sidewalks are sufficient. Project is not near any sites and will have no impact on Riverton. The 1996 approval for the Church operation is not changing this just involves renovation to the parking lot. There is no detriment to the public good. Mr. Henry asked Jay Cornell and John Barre if all their issues have been addressed both said “yes.”**

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

**Mr. Sivilli seconded, motion carried.**

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

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Sivilli, Mr. Emma, Mr. Esposito, Ms. Kuo**

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**#21-07 Raphael/Desiree Rodriquez 31 Coolidge Ave. Bulk Variance/Pool $ 50.00 App.**

**Mr. Kemm swore in: Desiree Rodriguez who stated they were asking for approval to install an above ground pool. Mr. Kemm put up the survey on the screen showing the variance:**

* **Required setback 10’ from accessory structures, the applicant is proposing 2.5’ from garage**

**There is no other area to put the pool so they are seeking this approval.**

**Mr. Henry asked if any board members had questions no one had questions.**

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

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

**Mr. Sivilli seconded, motion carried.**

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

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Corrigan, Mr. Sivilli, Mr. Emma, Mr. Esposito, Ms. Kuo**

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**MEMORIALIZATION OF RESOLUTIONS**

**#21-02 Jonathan Magaw 49 Dane St.**

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

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

**#21-03 Anthony & Michele Coppa 10 Sherwood Rd.**

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

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Sivilli, Mr. Corrigan, Mr. Emma, Mr. Esposito, Ms. Kuo**

**#20-15 Dunkin Donuts 2909 Washington Road**

**Mr. Henry asked for motion to memorialize the resolution with conditions discussed. Mr. Kuczynski made motion to memorialize the resolution with conditions; Mr. Sivilli seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Sivilli, Mr. Corrigan, Mr. Emma, Mr. Esposito, Ms. Kuo**

**ACCEPTANCE OF MINUTES**

# Mr. Henry asked for motion to approve and accept the minutes of the March 24, 2021 meeting. Mr. Kuczynski made motion to accept the minutes Mr. Sivilli seconded, motion carried.

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**