SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JANUARY 25, 2017**

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

**Members of the Board of Adjustment present were: Mr. Walsh, Mr. Kuczynski, Mr. Kreismer,**

**Ms. Catallo, Mr. Corrigan, Mr. Henry, Mr. Esposito**

**Absent Members:**

**Also present were: Mr. Sachs, Attorney, Mr. Cornell, Engineer and Mr. Leoncavallo, Planner**

**Before beginning the Regular Meeting a discussion took place regarding the Reorganization for the Board of Adjustment due to the lack of reappointments and open positions on the Board. A motion was made to holdover the reorganization to the February 22, 2017 meeting for Chairman, Vice Chairman, Professionals and Secretary. Motion was made by Mr. Henry, seconded by Mr. Corrigan. Roll Call:**

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Corrigan, Mr. Henry, Mr. Esposito**

**#16-21 Anthony Acciardi 3 Chevalier Ave. Use Variance/Site Plan $ 2,000.00 App.**

**$12,000.00 Esc.**

**APPLICATION WITHDRAWN**

**#17-01 Uchechi Isaac 1 Ash Terrace Bulk Variance/Shed/Pool House/ $ 300.00 App.**

**Deck/Patio**

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

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

**Mr. Sachs swore in: Anthony Hope the applicant who stated they were looking for variance approval as the items were in place when they purchased the house. Mr. Henry asked why, the applicant stated that the items were installed without permits and they purchased back in August 2016. Mr. Kuczynski asked the applicant if any research was done, the applicant stated it was a foreclosure. Mr. Sachs suggested that the applicant did their due diligence and came before the board for approvals; the applicant agreed.**

**Mr. Leoncavallo stated the following variances; stating this was a corner lot:**

* **Front yard shed**
* **Pool Shed 4’ off the west end of property; minimum should be 5’; 2’ off the north end minimum should be 5’**
* **Concrete setback 5’ minimum, 4’ existing**
* **Shed 7’ x 10’ in front yard**
* **Deck attached to house 8’ minimum; 1’ existing**

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**Mr. Walsh asked for motion to open public portion; Mr. Kreismer made motion to open public portion,**

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

**Mr. Kreismer made motion to close public portion, Mr. Corrigan seconded, motion carried.**

**Mr. Walsh asked for motion to approve/deny this application. Mr. Henry made motion to approve the application,**

**Mr. Kreismer seconded. Roll Call:**

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Corrigan, Mr. Henry, Mr. Esposito**

**7:40 PM – Ms. Catallo excused herself from the next application**

**#16-28 Retlaw 967, LLC 969 Route 9 (Peter Pank) Use Variance/Site Plan $ 2,400.00 App.**

**$12,000.00 Esc.**

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

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

**Jason Hawrylak, Attorney for the applicant addressed the board. He stated the application for the WaWa store was a permitted use in the B3 Zone; however, the Gas Station was a conditional use. He said that they had their Traffic Engineer and Planner as well as the property owner present to answer any questions.**

**Mr. Sachs swore in Matthew Sharo, Dynamic Engineering. Mr. Walsh made motion to accept credentials. Mr. Sharo addressed Exhibit A-1, an aerial exhibit of the former Peter Pank Diner. He described the area as being both a business and residential area; also stating that the stormwater would be onto Route 9 due to the slope on the south end of the property. Exhibit A-2 showed the Site Plan, Exhibit A-3 described the proposed store, along with the canopy he stated the deliveries will be on the south side of the store and will be four times per week by tractor trailer and/or a box truck. Exhibit A-4 shows the canopy which is the trademark of WaWa along with (8) eight dispensers for regular gas/diesel. The gas area is covered with a metal roof and a stone finish, the trash dispenser will remain the same, there will be (3) three underground tanks made of fiberglass located south of the dispenser. Access will be right in/out 18’ wide; access off Old Cheesequake will circulate around the building. There will be 48 parking spaces; 27 at the building the rest around the property they will be 10’ x 18’ x 20’ deep including 10 spaces around the canopy area. Signage will state no truck access at the Old Cheesequake entrance. Traffic will circulate around the building away from the residential areas. The lighting is designed for safety and security; there will be approximately (15) fifteen area lights near the canopy and building (4) four out to Old Cheesquake. The lights will be LED – high efficiency lights and all lighting will have a low impact on all property lines. The lighting meets all borough standards; landscaping was described near the signage as being lower in height.**

* **The area of landscaping is 6 ½% of the site**
* **Street trees 4 or 5 near Old Cheesequake Rd. and are no included in the front**
* **Plantings around the entire building**
* **50’ buffer to residential area; to the south 32’ buffer will be provided**

**Storm water meets all requirements and will be collected on site. Will comply with comments by Jay Cornell. Jay stated that only a few issues remain others have already been addressed.**

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**Signage will be in the main drive 106 sq. ft. 27’ in height. Mr. Leoncavallo asked if the sign could be lowered 2-3’; Mr. Sharo said the reason for the height was when coming down Route 9 they feel they need more visibility. The other signs proposed are: 1 above the entrance (67.6 sq. ft.), 1 in the rear (36.8 sq. ft.) and 1 on the side (67.6 sq. ft.). The signage near Old Cheesequake Rd. will be directional signs. There will also be 2 canopy signs underneath the canopy. He discussed how they are removing three access points and only providing one and they will be extending the shoulder to the site. Mr. Hawlyk discussed deliveries and trash pick-up, he also stated that the sidewalk will run up to the main building, also in the rear store. Hours of operation will be 24/7 and he did not feel the residential area would be affected due to the buffers being provided. Mr. Leoncavallo asked if there were any other stores in the area similar to what is being presented, the applicant said in Woodbridge and South River. He stated the variances for signage were the size, height, façade number of signs also the along the front connecting to the walk and also one from Old Cheesequake. Mr. Sachs asked about the gas deliveries, Mr. Sharo said it would be on demand approximately 5 times a week during off peak hours. Other deliveries will take place at the loading zone, fresh food 4 times a week and dairy 3 times a week all during off peak hours. Mr. Henry asked about the road in the rear and if trucks would be entering; they are going to install a sign “No Trucks” also they indicated that emergency vehicles would have full access to the site. Mr. Kreismer asked about 2 way drive isles around the site; Mr. Henry asked about the lighting possibly affecting the Crestview Apartments. Mr. Sharo stated an analysis was not done but lighting would be addressing this issue.**

**Mr. Sachs swore in Justin Taylor, LE, Dynamic Traffic. Mr. Walsh made a motion to accept his credentials. Mr. Taylor prepared the traffic study for the application. He described the site and said they were bound by NJDOT and the driveways presented meet the NJDOT standards. He said the majority of the traffic is on Route 9 not Old Cheesequake Rd. Currently the three drives narrowed down to one provides oversized isles and allows safe direction. He stated the peak hours are 6:30 AM – 8:30 AM and lunchtime. The parking ordinance requires 28 spaces and they are providing 58 spaces. He addressed circulation of traffic on the site and Mr. Henry asked how many people was anticipated during peak hours; Mr. Taylor said 100 cars in the morning and 150 in the evening.**

**Mr. Sachs swore in Paul Grygiel, LLP. Mr. Walsh made a motion to accept his credentials. Mr. Grygiel stated he did a Planning Analysis on the existing four acres of the commercial property. He stated the property is located in a B3 Zone; however, the gas portion is a conditional use and this one use is not met as the maximum can be only 3 stations within 1 mile and this will be the 4th station. He said the positive criteria is that the subject property can accommodate large adequate size circulation. Negative criteria would be the removal of the existing building and bringing drainage up-to-date. Mr. Kreismer addressed the signage issue stating the prior owner came before the board on an informal application regarding the billboard sign on the property. Mr. Grygiel stated that the billboard is still owned by the prior owner.**

**Mr. Walsh asked for motion to open public portion; Mr. Kreismer made motion to open public portion,**

**Mr. Henry seconded, motion carried.**

**Jeff Kuschner, Attorney for Crestview Apartments addressed the board. He stated they looked at the plans and have concerns as this is a complex project. They would like more time so they can present to the board their concerns. Mr. Sachs indicated that the applicant has met all the requirements and properly notified all residents/businesses involved, as well as notifying in the Home News Tribune. It would be up to the applicant to give additional time. Mr. Kuschner stated that the plans were slightly changed and they would need more time. Mr. Hawlyk they did reach out to all property owners on 10/12/17 and all were notified of the meeting. The TRC requested a slight change in the plans.**

**9:05 PM - Mr. Walsh asked for motion to take a 10 minute break; Mr. Kuczynski made motion, Mr. Henry**

**seconded, motion carried.**

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**9:15 PM – Mr. Walsh called the meeting back to order with all board members present.**

**Mr. Sachs swore in Wassim Y. Nader, PE. Mr. Walsh made motion to accept his credentials. He stated he reviewed the plans today and it was difficult for him to do a complete review. He had concerns about the layout of the proposed application as they are adjacent to the Crestview Apartment complex and didn’t feel that the apartment complex was taken into consideration. He stated the tanks present a safety issue and the driveway was too close to the apartment complex exit and could create a traffic issue as the buffer being presented will take at least 10-15 years to grow.**

**A lengthy discussion took place regarding the lighting, landscaping, the entrance, height and location of fueling, the berm proposed, odor/safety issue, drainage and storm water management and the traffic report. Mr. Hawlyk spoke on behalf of the applicant again addressing the fact that they waited so long to review the application and that his client notified and presented all the proper documentation in a timely manner and the applicant has the right for a vote.**

**Mr. Walsh asked for motion to close public portion; Mr. Corrigan made motion to close public portion,**

**Mr. Henry seconded, motion carried.**

**Before asking for motion to approve/deny application, Mr. Walsh stated the following changes:**

* **Move Tanks**
* **Move buffer to the south**
* **Signage prohibiting trucks**
* **Lower sign**
* **Widen entrance**
* **Provide evergreens**

**Mr. Walsh asked for motion to approve/deny this application. Mr. Henry made motion to approve the application with the noted changes, Mr. Kreismer seconded. Roll Call:**

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Kreismer, Mr. Corrigan, Mr. Henry, Mr. Esposito**

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**MEMORIALIZATION OF RESOLUTIONS**

**#16-27 Carmen Melendez 18 Driftwood Drive**

**Mr. Walsh asked for motion to memorialize resolution. Mr. Henry made motion to adopt the resolution with the referenced conditions; Mr. Kreismer seconded. Roll Call:**

**Yes: Mr. Walsh, Mr. Kuczynski, Mr. Kreismer, Mr. Corrigan, Mr. Henry, Mr. Esposito**

# ACCEPTANCE OF MINUTES

# Mr. Walsh asked for motion to approve and accept the minutes of the December 14, 2016 meeting. Mr. Kreismer

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

**ADJOURNMENT**

**There being no further business to discuss, Mr. Walsh asked for motion to adjourn, Mr. Henry**

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

**Respectfully submitted,**

**Joan M. Kemble**