SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JUNE 28, 2023**

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

**Members of the Board of Adjustment present were: Mr. Kuczynski, Mr. Esposito, Mr. Emma, Mr. Castlegrant, Mrs. Gottstine, Mr. Bella**

**Excused Absence: Mr. Corrigan**

**Also present were: Mr. Krenzel, Esq., Mr. Cornell, Engineer, John Barree, Planner**

**#23-04 Interstate Outdoor 949 Highway 9 No. Use Variance/Minor Site Plan $1,550.00 App.**

 **Advertising $2,500.00 Esc.**

**David Himelman, Attorney for the applicant addressed the Board and gave an overview of the application indicating that they were seeking approval for a D3 variance as well as three variances which will be described by the planner.**

**Mr. Krenzel swore in John Korkuch, Engineer. Mr. Kuczynski made motion to accept credentials. Mr. Korkuch presented a smaller version of the site plan which was submitted with the application and described the site and where the billboard would be on the site. He stated the billboard will overhang the existing building with no circulation change. Mr. Kuczynski asked if the monopole would be going on the grass area, Mr. Korkuch said “yes.” Mr. Korkuch then addressed page two showing the existing site across Route 9 stating there was another billboard approximately 160 feet away, as well as, one further up Route 9 approximately 530 feet away. Mr. Esposito asked how many feet apart they were; Mr. Korkuch stated the separation needs to be 1,000 feet distance on either side of the road. He stated that the top of the billboard would be 50 feet off the ground. Mr. Emma asked about the trees on property and if in fact the billboard will be blocked by them or if they have intentions of removing the trees. Mr. Korkuch stated that this will be discussed. Mr. Castlegrant asked if this was common for a billboard to overhang over a building; Mr. Korkuch said this would also be discussed.**

**Mr. Krenzel swore in Jeffrey Gerber, Chief Operating Officer of Inter-State Outdoor. Mr. Himelman stated he has been the Chief Operating Officer since 2001 and briefly stated other companies and titles he held. Mr. Gerber stated he selected this site stating with his 20 years of experience this site would not impact residential areas, it was in a B3 commercial zone and a major transportation site. This will be a digital sign so it can be permittable as it meets DOT requirements for digital signs and will be more than 3,000 feet away. DOT safety inspections were approved for digital signs 3,000 feet north and south on the same side can be done. They have a lease with DCH. Exhibit A-1 was an aerial view of the property Mr. Gerber described the site as well as the residential area. He stated the sign would be a single-sided sign to the north. The residential area on Eugene Blvd. would not be impacted by the sign. He stated that no trees will be removed just trimmed if necessary; however, if any tree is ruined they will replace. Page 5 of the exhibit shows the digital sign heading north 14’ x 48’ is the standard size and they make sure there is proper clearance. They are at 50 feet height which is the requirement as it presents proper clearance over the building. Page 7 shows the Zoning of the location as the B3 zone and this application will not affect any parking spaces. Mr. Gerber described the digital sign operation and the regulation set by DOT stating the sign changes every 8 seconds and it has to change instantaneously with no motion and must adjust to brightness and to ambient light conditions. On a bright day the sign powers up, on a cloudy day it powers down and at night powers down more. He then addressed a prior application before the board in 2018 for a sign on Route 35 near the Phoenix Truck location. The sign was built in 2019 and for four years there have been no complaints regarding the sign’s operation.**

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**Mr. Gerber then addressed the benefits to municipalities allowing them use of the sign in the event of a public service messaging for example if the municipality has an Alert/Concern or is having a special fundraiser. He stated they would guarantee Sayreville use of the sign with on 8 second spot every other minute as a minimum. Mr. Gerber then presented Exhibit A2 showing different Alert messaging. He indicated that they have a department that develops templates for various Alert messaging the Borough would be given four or five examples to choose from for message. They guarantee a minimum of one spot every other minute but most times they are 65-75% occupied which leaves only one or two spots every minute available.**

**Mr. Gerber then addressed concerns about what will go on the sign and is asking for conditions prior to resolution so they can work on content. Mr. Kuczynski asked about hacking and security; Mr. Gerber said they have triple security and they have never had any issues and if so, the power would be cut off immediately. Mr. Emma addressed pages 5 and 6 stating that it appears the sign pole is inside the telephone poles and the sign is closer to the road then what is shown on the plans. Mr. Gerber said they are not trying to mislead the board in anyway and they are going to follow exactly what they have presented on the plans. Mr. Cornell addressed the site plan stating there were setback distances from the property so that’s what they will have to abide by. While they may not be represented properly on the graphic the site plan shows what the setbacks are going to be. Mr. Emma talked about the prior application for the sign on Route 35 and said that the applicant moved the sign to another spot on the property. Mr. Gerber said the actual sign face is in the spot presented on the application, what happened was the contractor moved the pole back a little but there was no change to the actual face. A brief discussion took place regarding the signage and keeping it according to the site plans as a condition of approval. Anthony Bella asked about light impact to the residential area, Mr. Gerber said there would be no impact; Mr. Emma asked if they went down Eugene Blvd. Mr. Gerber said they walked up and down the street with many hills and if any glare they would possibly see in the rear of the garages.**

**Mr. Krenzel swore in John McDonough, Professional Planner. Mr. Kuczynski made motion to accept credentials. Mr. McDonough addressed Page 1 the Aerial photo stating it was developed property and he described the uses on the site. He stated the highway was the dominant land use and there was a buffer to the residential area as well as businesses and the sign was not pointing to Eugene Blvd. and visibility was not a reason for denial. They will erect the billboard only one sided 672 feet with new technology digital still image with no impact to site or highway businesses in the B3 Zone and D3 variance as the use is allowed with conditions. Page 2 the Aerial Drone view described other signs northbound and southbound relief for sign 160 feet away; the ordinance says 1,000 feet separation is needed. Page 3 shows the northbound approach and there are no readable billboards and there is vegetation to the right providing buffers to the homes on Eugene Blvd. Page 4 shows the physical characteristics of the ground and where the post for the sign and monopole will be placed. Page 5 shows plantings and trees that will provide buffering, message benefits and serves purpose to the community. Positive criteria site suited for the use on the highway and NJ DOT states the site meets criteria and permitted location serves the general welfare with informative messages, as well as any police and/or community/borough emergencies. Negative criteria relief can be granted there is no traffic noise visually only the highway, economic development promotes strong ratable base. Based on testimony the planning standard has been met. Mr. Barree noted that all the points in his report have been addressed as the sign will only be one-sided. Mr. Emma asked if they would be coming back to do the other side. Mr. Himelman said the applicant will agree to one side which comes back to the residential aspect and the withdrawal of the 2017 application. Since then much effort has been made to address this application as the applicant wishes to have a good relationship with the Borough. They are agreeable to a condition to bar that relief and content of messaging. Mr. Emma asked how many signs can the Borough have; Mr. Gerber stated that no more can be constructed along this side of the highway. He stated the former application on the Route 35 property which had the poles in the rear of the sign was a mistake and was ordered as a “flag.”**

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**Mr. Himelman addressed the board stating they would like to move forward with 5 votes and asked if members could be polled. Mr. Emma stated that the conditions of approval on the 2017 application should also apply to this application. Mr. Kuczynski addressed the content on the sign no tobacco products, liquor, inappropriate language not around schools, the color of the rear of the sign should be a dark color painted. He asked if it can be restricted by board mandates; Mr. Krenzel said given permission they can make accommodations.**

**Mr. Kuczynski asked for motion to open public portion. No one spoke. Mr. Kuczynski made motion to close public portion.**

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

**Yes: Mr. Kuczynski, Mr. Esposito, Mr. Emma, Mr. Castlegrant, Mrs. Gottstine, Mr. Bella**

**#23-10 Verizon Wireless 1 Victory Plaza Use Variance/Site Plan $3,050.00 App.**

 **$3,634.00 Esc.**

**Mr. Krenzel swore in Richard Schneider, Esq. attorney for the applicant. He thanked the board professionals for their review of the reports submitted. He described the site, 1 Victory Plaza stating they were seeking approval to construct a compound to support/accommodate co-locators. The team reassessed the height of 150’ to 120’ according to the Borough ordinance. The applicant’s Use Variance for height in the B3 Zone, front yard setback issue and preliminary and final Site Plan approval. The Verizon team visited the site and determined that it is suitable for radio frequency.**

**Mr. Krenzel swore in David Stern, Radio Frequency Eng. Mr. Kuczynski made motion to accept credentials. Mr. Stern stated he visited the site and is familiar with Verizon and the Telecommunication Borough Ordinance. Licensed 700 mh in this area they are applying as there is a 4G & 5G coverage gap insufficient in building coverage. In the US 68% have wireless phones and the CDC maintains a study every year especially for 911 calls to make sure of coverage capacity also for peak usage on network. 4G & 5G are now IP based phone calls. Both issues on this site as bridges are significant generators of traffic on the site.**

**Mr. Stern addressed drawing dated June 28, 2023. A1 – orange color is existing reliable service in Sayreville describing existing Verizon sites and locations. A2 – Google Earth Map – Verizon Wireless GSP bridge described sites showing bridges blocking coverage. Checked other properties and permitted areas and zones. A3 – Antennas and areas where they are. Mr. Schneider stated that A1 and A3 were based on computer models and no anticipation from public safety radios connection done by Verizon. He said the ordinance requires investigate any alternative technology would have to do. He said no permitted zones 120’ is the minimum height that will allow co-location. Is the site suitable “yes.” Mr. Kuczynski asked how did they know the site was suitable and Mr. Esposito asked as the phones get better will it change antenna or will it be big enough. Mr. Schneider said land lines will be no more. Mr. Emma asked if could be upgraded in the future to accommodate Chevalier Ave. (Riverton); Mr. Schneider said “yes.”**

**Mr. Krenzel swore in Michael Fischer, Director of Engineering. Mr. Kuczynski made motion to accept credentials. Mr. Fischer prepared report on levels of radio frequency at 150’ he then modified for 120’ on June 20, 2023. Mr. Cornell stated this is presented in drawing A4. Drawing A5 shows the revised plan.**

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**Frank Colasurdo visited the site and reviewed the reports from the professionals. He described the site and surrounding areas and businesses 20 x 40’ fenced in radio cabinets adjacent to Routes 9 & 35 which will suggest 2 parking spots will not be included. The monopole is 120’ above grade the top of the antennas 123’ outdoor electric panel and phone 6’ fence equipment on concrete pad raised 6” above grade, bollards around the compound generator tested once a week, facility has no water or sewer and there is 24/7 coverage. A technician is there every 4 to 6 weeks and checks the motion sensor and lighting. Mr. Barree asked about lease stating they had access and if the storage containers will be removed. Mr. Emma asked if there were silent alarms Mr. Colasurdo said “yes” and the co-location tower will be able to accommodate if needed. Mr. Kuczynski asked if there were other providers in the compound and tower, Mr. Colasurdo said “yes.” Mr. Cornell stated that landscaping is required by ordinance at the base of the tower or along the fence; Mr. Colasurdo said it would be along the Route 9 side.**

**Mr. Krenzel swore in Timothy Kronk, P.P. Mr. Kuczynski made motion to accept credentials. Mr. Kronk visited the site and reviewed the Site Plan for planning. A6 – Shows B3 Highway Zone 2.3 acres in aerial plan describes highways fronted on right-of-ways, the R7 Zone begins after Oak Street. The original sites 150’ but it’s been modified to 120’. A7 – (1A & 1B) 150’ to 120’, A8 – (2A & 2B), A9 – (3A & 3B) – Scott Ave., A10 – (4A & 4B) 399 Oak St., 1300’ away to closest residence. The proposed B3 Highway facility is for a D1 Use and a D6 Height variance. The use is permitted the application has a Front Yard setback – Bulk Variance. The general welfare is locating on this site the deficiencies will be covered. The use is compatible to surrounding uses. Major sites EPIC Church and the Fire Academy tower are designed for co-location as is the proposed site in this application. The Front Yard setback 50’ required the applicant is proposing 5.6”. A11 – Location in parking lot towards Route 9. Mr. Barree said that the strip of grass may not be practical, Mr. Kuczynski said this will not be required.**

**Mr. Kuczynski asked for motion to open public portion. No one spoke. Mr. Kuczynski made motion to close public portion.**

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

**Yes: Mr. Kuczynski, Mr. Esposito, Mr. Emma, Mr. Castlegrant, Mrs. Gottstine, Mr. Bella**

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**#23-11 Live Urgent Care, LLC 2909 Washington Rd. Use Variance/Site Plan $1,050.00 App.**

 **$2,500.00 Esc.**

**George Pressler, Esq. attorney for the applicant introduced CEO Roland Marchese. Mr. Marchese stated the Use Variance was for an urgent care facility to care for illnesses, vaccines, lab testing and any other problems.**

**Mr. Krenzel swore in Browlyn Marques who explained the site would be for traditional practices. The hours of operation would be Monday – Friday 8:00 am to 8:00 pm, Saturday and Sunday 8:00 am to 4:00 pm. There would be 1-2 doctors on site as well as 3 ancillary staff nurses and they will provide security systems. NJ Medical Waste will be collected. Mr. Kuczynski asked about storing pharmacy drugs; Mr. Marques stated that there will be no controlled substances. If needed an ambulance is called to take patient to hospital. Number of patients could be**

**20-30 over 12 hours. Mr. Esposito asked where in the complex they would be, Mr. Marques said 2 suites over from Shop Rite. Mr. Castlegrant asked if they would have X-Ray machines, Mr. Marques said “yes.” Mr. Kuczynski asked if the care would be normal, such as, EKG, common rashes, broken bones, etc. Children to adults and seniors. Mr. Cornell asked if there was a loading area; Mr. Marques said it was not needed deliveries were from UPS or Fedex. Mr. Kuczynski asked if there was going to be any signage along the roads, “no.” Mr. Barree there is vacant sign on front of building.**

**Mr. Krenzel swore in James Higgins, L.P. Mr. Kuczynski made motion to accept credentials. Mr. Higgins stated they have numerous uses, he described the proposed facility stating there were approximately 972 parking spaces and this was a B2 PUD Zone and medical services are not a permitted use. General welfare for site the use provides public services and is beneficial to the public while no emergency services it does provide other services which helps local hospitals. He described other medical uses and stated they will benefit other businesses. The nature of the use is very similar to other uses. The site is suited for this use which would be no detriment to the surrounding properties or zone plan. These are special reasons for granting the variance. Mr. Barree said this application brings value to the community. Mr. Kuczynski said that there are no bulk variances just this use.**

**Mr. Kuczynski asked for motion to open public portion. No one spoke. Mr. Kuczynski made motion to close public portion.**

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

**Yes: Mr. Kuczynski, Mr. Esposito, Mr. Emma, Mr. Castlegrant, Mrs. Gottstine, Mr. Bella**

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**#23-14 Arcadio/Maria Jerez 129 Pulaski Ave. Bulk Variance/Addition $150.00 App.**

**Mr. Krenzel swore in Alex Jerez who stated they were seeking variance approval for and extension in the rear of the house. The addition would be 12’ x 19’ out the rear on the northwest side of the house. There was an addition to the living room in front of the house in 2004. The variances are:**

* **Side yard setback 10’ minimum the applicant is proposing 4.5’**
* **Combined side yard 25’ minimum the applicant is proposing 10’**
* **Lot Coverage 20% maximum the applicant is proposing 29%**

**Mr. Kuczynski asked if the outside will be finished the same and if it will remain a one story house, the applicant said “yes.”**

**Mr. Krenzel said that all the houses in the area are the same ranch.**

**Mr. Kuczynski asked for motion to open public portion. No one spoke. Mr. Kuczynski made motion to close public portion.**

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

**Yes: Mr. Kuczynski, Mr. Esposito, Mr. Emma, Mr. Castlegrant, Mrs. Gottstine, Mr. Bella**

**#23-15 Sean/Monica Callahan 189 Lincoln Ave. Bulk Variance/Addition $150.00 App.**

**Mr. Krenzel swore in Sean Callahan and Monica Callahan who stated they were seeking variance approval to add an addition to their home. The home was built by the applicant’s great grandparents in 1940. It is a small cape and they have a newborn and need more space. The addition and deck outside home will remain a single family. The variances are:**

* **Side yard setback addition encroaches 8’ minimum the applicant is proposing 4’**
* **Lot coverage maximum 20% the applicant is proposing 28%**
* **Impervious coverage 45% maximum the applicant is proposing 50%**

**Mr. Krenzel said the side yard will be the same and will match the rest of the house.**

**Mr. Kuczynski asked for motion to open public portion. No one spoke. Mr. Kuczynski made motion to close public portion.**

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

**Yes: Mr. Kuczynski, Mr. Esposito, Mr. Emma, Mr. Castlegrant, Mrs. Gottstine, Mr. Bella**

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**PUBLIC PORTION**

**Mr. Kuczynski asked for motion to open public portion. No one spoke. Mr. Kuczynski made motion to close public portion.**

**MEMORIALIZATION OF RESOLUTIONS**

**NONE**

**ACCEPTANCE OF MINUTES**

# Mr. Kuczynski asked for motion to approve and accept the minutes of the JUNE 28, 2023 meeting. Mr. Emma made motion to accept the minutes Mrs. Gottstine seconded, motion carried.

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**