SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MARCH 23, 2016**

**The regular meeting of the Board of Adjustment was called to order by Mr. Green, Vice 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. Kuczynski, Mr. Kreismer, Ms. Catallo,**

**Mr. Henry, Mr. Emma, Mr. Esposito**

**Absent Members: Mr. Walsh, Mr. Corrigan**

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

**Before hearing the applications, Mr. Sachs swore in Anthony Esposito as an Alternate Member of the Board of Adjustment.**

**#16-03 Sayreville Lawn & Garden 300 Hartle St. Informal $ 100.00 App.**

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

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

**Mr. Sachs swore in Andrew Wallentine, Owner of Sayreville Lawn and Garden. Mr. Wallentine stated the trend today for businesses such as his is to provide a small café he was before the board to see if opening an ice cream station in his garden center would be a favorable/permitted addition to the existing business.**

**Mr. Wallentine said he has a wish list including selling produce or having a barbeque not year round; his structures are portable sheds and can be moved if needed. He thought that because they were portable they didn’t need to be on a Site Plan. He purchased them 3 years ago to store material left over from the prior season. He would like a portable wood structures and provided a picture to the board for an ice cream station and was asking for a waiver on having to get a Site Plan. Mr. Sachs stated that he did in 2011 receive a Use Variance and made a suggestion that he could file an amendment to that Use Variance and may not need a Site Plan. The board would hear testimony and the conditions of approval could be incorporated into that Resolution. Mr. Sachs asked about the green house on the plan, Mr. Wallentine said it’s clear plastic with a metal pipe that goes into the ground; Mr. Sachs said it could be considered as a permanent structure; Mr. Wallentine said he would prefer that it not be so he could move if necessary.**

**Jay Cornell stated he handed out copies of that resolution which had a number of conditions included and suggested that the board could review to better make a recommendation. Mr. Cornell asked if he was looking to amend his testimony from 2011 as being seasonal and open 7 days from March to November to being open year round? Mr. Wallentine stated he would like to be open as long as possible. Mr. Green asked the applicant about the building he wanted to build when he went before the Planning Board. He said he wanted the structure near the lake and has no plan now to build near the water. He has a tent he would like to put up over a metal frame; Jay Cornell said this is an intensification the Use Variance. Mr. Sachs he could come back for another Use Variance and call them permanent structures. Mr. Kuczynski asked about the lines drawn on the map; Mr. Cornell said these are wetlands and buffers. Mr. Green asked if he would be returning before the board; Mr. Wallentine said he would be back to present a new application.**

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**He asked if an engineer could use his original plan and add the new structures Mr. Cornell asked the board if this would be acceptable to the board as it would not be a new plan. Mr. Sachs said he was asking for a waiver for a new Site Plan; Mr. Wallentine said this was correct. Mr. Sachs stated he felt the applicant was looking for some feedback from the board members if they were:**

1. **Comfortable with the waiver on the Site Plan**
2. **If comfortable with application in general**

**Mr. Emma difference between temporary and permanent structure can he move. Mr. Sachs said he would just need to present it as permanent structures from enforcement standpoint. Mr. Emma asked if he moves would he need to come back Mr. Sachs said he would not be moving the structures. Mr. Cornell said this zone has a 50’ front yard setback so all structures will require variances. The concern would be if proposed 20’ setback and this is approved but if he wants to make it 18’ in the future this would intensify the issue and a variance would be required. Mr. Henry stated that he felt this was a great location and he had no problem with him using his current plan. Mr. Kuczynski stated that because of the wetlands property he has limited space; he felt the location was fine and was good with ice cream use not the barbeque. All other board members were comfortable with the application and use.**

**#16-04 Kevin Russell 12 Wilson Ave. BulkVariance/Garage $ 200.00 App.**

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

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

**Mr. Sachs swore in Kevin Russell. Mr. Russell stated he was proposing the new construction of a 24’ x 24’ 2 car garage in the back of his property and submitted picture as part of the application. Mr. Henry questioned the size of the garage and asked if there would be any other use. The applicant said maybe a workshop for house and property uses and some additional storage with a loft on the second floor. Mr. Henry asked about the property and the Harrison Place entrance and that the proposed garage is right up to the street and he noticed the other properties were approximately 20-30’ from the street. He had a concern about it being close to the street and asked why the applicant can’t set it back further. Mr. Russell said he could adjust this issue. Mr. Henry addressed the water line also being proposed; the applicant said he wanted water and electric for lighting and a slop sink. Mr. Green asked about the garage doors facing Harrison Place and the fact that the entrance would be off Harrison Place and not Wilson Ave. which is his address. He also questioned the shed in the yard and suggested that it be removed. The applicant left it on the drawing as it is filled with home items. He wanted to leave it but is not opposed to removing it. Mr. Green said the shed is right up against the fence approximately 8’ from the street; it should be 20’ Mr. Sachs stated if he removed the shed it would reduce the impervious coverage variance. Mr. Cornell said this house has two front yards on Wilson and Harrison. Mr. Sachs said one concern is that a structure this size cannot be used for commercial purposes and a condition would be no plumbing or heating. Mr. Sachs said another concern is the water line and asked how critical this is; the applicant said it was just for the slop sink and he would remove if necessary. Mr. Sachs said the reason for this is the concern of no commercial activity, and secondly the structure possibly being utilized for residential; without these utilities there could be neither. The applicant said the second floor would be a loft not a room.**

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**Mr. Green said he had a concern with the height of the structure being 17’ it will be the highest on Harrison Place he felt the structure should be moved back and the height modified to the code of 15’. The applicant said he would talk to the builder about adjusting this either to 15’ or very close to 15’. He said this was a pre-fab from the Amish country. Mr. Emma asked if he really needed a 2 car garage; the applicant said he had two classic cars. Mr. Henry asked if there would be stairs leading to the loft; the applicant said “yes.” Mr. Green suggested that he talk to the builder to move the structure back to 20’ and modify it both in height and setback as it was too close to the street. Mr. Russell said he could discuss it but it would be very close to his house. Mr. Sachs made a suggestion to move the garage back another 10’ and this would provide a 15’ clearance on Harrison Place which would significantly abate the front yard setback variance and reducing the size of the garage to 15’ would remove the height variance. Mr. Green asked the applicant if he would like to withdraw the application and resubmit a new one and come back before the board. Mr. Sachs suggested that he amend the present drawings and application addressing the concerns mentioned by the board this evening. Mr. Sachs said the suggestions are:**

* **Abating the front yard setback on Harrison Pl. from 5’ to 15’ moving the garage back another 10’**
* **Removing the shed upon construction of the garage**
* **Eliminating the water line**
* **No commercial activity**
* **No plumbing or heating**
* **Only for personal use**
* **Height reduced from 17’ to 15’**

**Mr. Sachs said if the applicant wanted to amend it he would just have to show the board revised drawings. Ms. Catallo asked if the garage was going to be on a concrete slab, the applicant said “yes.” Mr. Russell also indicated that he might want to consider having the entrance to the garage on Wilson Ave. Mr. Sachs told him that he certainly could do this and all it would create would be a side yard setback variance. Mr. Russell stated he wanted to come back for the April 27th meeting and he would provide a new set of plans.**

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

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

**Mr. Sachs swore in:**

**Greg Faczak – 10 Harrison Place, Parlin, NJ – Mr. Faczak had objection to the garage being too close to the curb and he felt he would be agreeable to a revised application.**

**Ashun Ghuman – 3273 Washington Road, Parlin, NJ – His backyard is on the corner and he felt that a 24’ x 24’ was more of an industrial building not a garage; it was too large. Also, 17’ is too high and he had a noise level concern. He felt the garage should be built with the entrance on Wilson Ave. the same as other garages.**

**Sherry Kuo – 3275 Washington Road, Parlin, NJ – Her backyard is near the driveway and she felt the garage should be off of Wilson Ave. as it will take away from other residents parking. She also felt a 24’ x 24’ garage was too big and the it was also too high.**

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

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

**Mr. Sachs announced to all present in the public that the application would be held over to the April 27th meeting.**

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**#16-05 Beth Russo 30 Marcia St. BulkVariance/Pool $ 100.00 App.**

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

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

**Mr. Sachs swore in Beth Russo – 30 Marcia Street. Mrs. Russo stated they wanted to install a 16 x 32’ above ground pool and they were here tonight for variance relief on the 2 side yard setbacks. Mr. Emma asked if there was going to be a deck, the applicant said “no.” Mr. Emma asked what was on the other side of the yard the applicant said pavers and sprinkler heads. Ms. Catallo asked if the yard was fenced in, the applicant said “yes.” Mr. Henry asked how far back they were going; Mr. Green said the minimum is 10’ and the applicant is proposing 5’. Mr. Green asked if she could move over a couple of feet to alleviate the variance. She said they wanted to keep it closer to the fence not the house and they are trying to contain it to one area due to the sprinkler heads.**

**Mr. Esposito asked the applicant how far were the sprinkler heads; the applicant said they were in the middle of the yard. Mr. Kuzynski asked for the variances; Mr. Leoncavallo stated the following:**

* **Rear yard setback 10’ minimum the applicant is proposing 5’**
* **Side yard setback 10’ minimum the applicant is proposing 5’**

**Mr. Sachs said the property fronts Marcia Street and right behind the right side of the fence is another pool right against her fence. The applicant said if she moved her pool over 2’ it will be too close to the house. Mr. Kreismer asked her what the actual clearance was; she said it will be 5’ from the property line. Mr. Emma asked about moving it towards the house and over 2’ on the side. Andrew Mashanski stated that the distance is calculated from the water’s edge to the property line.**

**8:15 PM - Mr. Green made a motion to take a 5 minute recess; motion carried.**

**8:20 PM – Meeting resumed with all present**

**Mr. Sachs stated that they met with the applicant during the recess and she contacted her husband; they are agreeable to move 2’ closer to the house which will bring them to the 10’ minimum and will move 2’ closer to the west of the yard which will bring closer to the side yard setback.**

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

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

**Mr. Kuczynski made motion to close public portion, Mr. Emma seconded, motion carried.**

**Mr. Green asked for motion to approve/deny this application. Mr. Kuczynski made motion to approve the application with stipulations discussed by Mr. Sachs, Mr. Henry seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo, Mr. Henry, Mr. Emma, Mr. Esposito**

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**MEMORIALIZATION OF RESOLUTIONS**

**#16-01 Richard Burnett 17 Jernee Mill Road**

**Mr. Green asked for motion to memorialize resolution. Mr. Henry made motion to adopt the resolution;**

**Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Kuczynski, Mr. Kreismer, Mr. Henry, Mr. Emma**

**#16-02 Salty Water Tackle, Inc 286 Washington Rd.**

**Before memorializing the resolution, Mr. Kreismer made the board aware of a typing error on page two; Item #2 the square feet should be 5,000 sq. ft. not 50,000 sq. ft. Mr. Sachs stated he would have this corrected.**

**Mr. Green asked for motion to memorialize resolution. Mr. Kuczynski made motion to adopt the resolution;**

**Mr. Emma seconded. Roll Call:**

**Yes: Mr. Kuczynski, Mr. Kreismer, Mr. Henry, Mr. Emma**

# ACCEPTANCE OF MINUTES

# Mr. Green asked for motion to approve and accept the minutes of the February 24, 2016 meeting. Mr. Emma made motion to accept the minutes; Mr. Kreismer seconded, motion carried.

**ADJOURNMENT**

**There being no further business to discuss, Mr. Green asked for motion to adjourn, Mr. Kuczynski**

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

**Respectfully submitted,**

**Joan M. Kemble**