SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MARCH 26, 2014**

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

 **Mr. Corrigan, Mr. Emma and Mr. Henry**

**Absent Members: Mr. Walsh and Ms. Catallo**

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

**Before hearing applications, Mr. Sachs swore in John Corrigan as a member to the Board of Adjustment.**

**#14-05 Kent Fleming Swan Hill/Lower Broadway Use Variance/Site Plan $1,350.00 App.**

 **$2,750.00 Esc.**

**Mr. Kuczynski announced that the applicant’s attorney notified the Board by letter that they would be withdrawing this application. He stated that if anyone in the public was present for this application it was not going to be heard.**

**7:45 – Phil Emma joined the meeting**

**#14-07 Robert Downey 388 Washington Rd. Use Variance/Site Plan $1,250.00 App.**

 **$4,500.00 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. Kuczynski asked for motion to deem application complete,**

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

**Mr. Sachs swore in Robert Downey, Owner and Contractor who was represented by George Pressler, Esq. They presented two drawings of the site marked A-1 and B-1. Parking is in the rear which is an R7 zone and they are here to get permission to have a playground in the rear. Bob Downey has a tenant looking to open a Day Care facility in the newly renovated building. They are looking to put in a chain link fence along with some small plastic toys for the children that the State Department of Education will need to approve.**

**Mr. Leoncavallo stated this is a split zone and a child care center is permitted in the B1 Zone but not in the R7 Zone and they will only be adding small fencing to enclose the playground. Mr. Kuczynski asked if there is an existing privacy fence; Bob Downey said that there are currently arborvitaes on site that is why they would only be adding a chain link fence. Mr. Kuczynski asked if they could get closer to the building; Bob Downey said they could not this would be the closest area and the State has already approved. Mr. Henry asked what size is required, Bob Downey said this is based upon the building size, Mr. Henry asked how many children, Bob said the number of children will range 40-47. Mr. Kuczynski asked if the tenant moves would he remove the toys and such, Bob said he would. Bob also stated that he would be installing cameras on the building and the area would be locked up to prevent children from entering the playground. Mr. Green asked for the house of the day care; Bob stated five days a week.**

**Mr. Sachs swore in Livia Vendelova, Tenant and Day Care owner. She said the hours of operation would be 6:00 AM until 6:30 PM five days a week pending approval by the State.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – MARCH 26, 2014**

**She stated in the future she would possibly offer dance lessons. Mr. Kuczynski asked her what time of day the children would be out in the playground, she said around 11:00 AM and 4:00 PM. Mr. Henry asked what the ages of the children would be she said 2 ½ up to 6 years old.**

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

**Mr. Corrigan seconded. No one spoke. Mr. Kuczynski asked for motion to close public portion; Mr. Kreismer**

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

**Mr. Kuczynski asked for motion to approve/deny this application. Mr. Kreismer made motion to approve the application, Ms. Fisher seconded. Roll Call:**

**Yes: Mr. Kuczynski, Mr. Kreismer, Ms. Fisher, Mr. Corrigan, Mr. Green who complimented Mr. Downey on the appearance and work he did with the building, Mr. Emma, Mr. Henry**

**8:00 PM - Mr. Kuczynski asked for a five minute recess, Mr. Kreismer made motion, Mr. Henry seconded,**

 **motion carried.**

**8:05 PM – Mr. Kuczynski called the meeting called back to order with a roll call vote. All members were**

 **present**

**#14-08 Michael Dennie 37 Boehmhurst Ave. Bulk Variance/Addition $ 50.00 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. Kuczynski asked for motion to deem application complete,**

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

**Mr. Sachs swore in Michael Dennie, the applicant who stated he wanted to add onto his home. He drew up plans according to what he could afford; however, it is non conforming and is too close to side yard, they do not meet the setback requirements. Mr. Kuczynski asked if it would extend into the rear yard, Mr. Dennis said that yes it would.**

**Mr. Leoncavallo stated the following variances:**

 **- Side yard cantilever 2nd floor, 8’ required, the applicant is proposing 2 ½ ‘**

**Mr. Kuczynski asked the applicant if he was adding a second floor and coming out 2’ the applicant said yes this was the plan. Mr. Kuczynski asked if it would remain a single family home and if the exterior would all look the same, the applicant said he was going to side the entire house the same as well as put on a new roof.**

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

**Ms. Fisher seconded. No one spoke. Mr. Kuczynski asked for motion to close public portion; Mr. Kreismer**

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

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

**Yes: Mr. Kuczynski, Mr. Kreismer, Ms. Fisher, Mr. Corrigan, Mr. Green, Mr. Henry**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – MARCH 26, 2014**

**#14-09 Jaroslav/Slavka Forgac 153 Miller Ave. Bulk Variance/Addition $ 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. Kuczynski asked for motion to deem application complete,**

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

**Mr. Sachs swore in the applicant Jaroslav Forgac who stated he wanted to put an addition in the rear on the porch and extend 2’ to make the house even; there would be one room porch level and another on the 2nd floor.**

**Mr. Leoncavallo said this was in an R7 Zone and had four (4) variances:**

 **- Lot coverage 20% the applicant is proposing 33%**

 **- Impervious coverage 45% the applicant is proposing 46%**

 **- Side yard 8’ required the applicant is proposing 5’**

 **- Combined side yard 20’ the applicant is proposing 14’**

**Mr. Cornell wanted to get on record that prior to this application this was over 27% so actually they are proposing 33%. Mr. Kuczynski asked the applicant if this would remain a single family home and if it would be finished all the same, the applicant said “yes.” Mr. Kuczynski asked the applicant if this was just going along the side yard, the applicant said “yes.” Ms. Fisher asked if the structure was up already, the applicant said “no” Mr. Henry asked if it was one bedroom, and Mr. Kuczynski asked if addition would just be on the first floor, the applicant said the house would be two stories in the rear.**

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

**Mr. Henry seconded. No one spoke. Mr. Kuczynski asked for motion to close public portion; Mr. Kreismer**

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

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

**Yes: Mr. Kuczynski, Mr. Kreismer, Ms. Fisher, Mr. Corrigan, Mr. Green, Mr. Henry**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – MARCH 26, 2014**

**#14-10 963 Route 9, LLC 963 Route 9 Use Variance/Sign $1,300.00 App.**

 **$2,550.00 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. Kuczynski asked for motion to deem application complete,**

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

**Tom Roselli, Esq. attorney for the applicant briefly discussed the history of the application approval by the Planning Board in 2009 at which time the resolution stated medical uses were not permitted uses in this zone. The applicant is here tonight for this reason as he has prospective tenants in the medical field and is asking for a Use Variance as well as a Bulk Variance for one sign.**

**Mr. Sachs swore in Kal Ganesan owner and applicant. Mr. Ganesan stated he had received Site Plan approval and he is ready to build and has prospective tenants looking to open an Urgent Care doctor’s office/walk-in clinic and since there would be no scheduled appointments parking would be minimal. He stated there would be one doctor on site and possibly on occasion two doctors. He also has a possible tenant for a dental office in the lower office space and would be seeking approval for this use in the event the tenant signs a lease. Mr. Roselli said the urgent care would operate from 7:00 AM to 10:00 PM seven (7) days a week. Mr. Kuczynski asked Mr. Roselli what percentage would be uses be; Mr. Roselli said Verizon would still be in Unit 1, then 2600 sq. ft. for the Urgent Care and 4500 sq. ft. for the dental office.**

**Mr. Sachs said they need a variance for the medical uses, Mr. Kuczynski asked if this would be an expansion; Mr. Sachs said an amended Site Plan. He said if the board acts favorably, medical uses would be alright. Mr. Cornell said that they would need 5 spaces per doctor and they do have excess parking. Mr. Kreismer asked if this included the dentist; Mr. Cornell said right now they have excess parking. Ms. Fisher said she would have liked to have seen a copy of the resolution from the Planning Board. Mr. Sachs said that there was a restriction in the Planning Board resolution stating “no medical uses;” Jay Cornell said offices are a permitted use in the B3 Zone; however, not medical offices. Mr. Kuczynski asked if there would be any changes to the building. Mr. Roselli said that the building site curbing, streets, etc. will all be the same they are just asking for a sign variance. Mr. Kreismer asked if there would be any diagnostic work. Mr. Roselli said he was not sure if there would be any type of medical machinery but the building would not change.**

**Mr. Sachs said he would make sure the Planning Board resolution is included in any type of approval. Mr. Henry asked the applicant to explain urgent care. Mr .Ganesan said that it was general practice so that families don’t have to seek care in ER. Mr. Henry asked if there would be any ambulances, Mr. Ganesan said “no.” Mr. Roselli said that times have changed and general practitioners are minimal in private doctor offices. There is no appointment necessary in the urgent care facilities and they are not emergency rooms. Mr. Green asked about the hours of operation; Mr. Ganesan said from 7:00 AM to 10:00 PM, seven (7) days a week; Mr. Green asked if this was necessary; Mr .Ganesan said this is what they would like. Mr. Green asked about the dentists, Mr. Ganesan said he did not have a signed lease yet so he was unsure but they would probably have regular dentist hours.**

**Mr. Kuczynski asked if the board approved would this be for all medical care types. Mr. Sachs said if there was a change in tenant they would have to seek approval from Andrew Mashanski in the Zoning Office and he would make that determination.**

**Mr. Sachs swore in Andrew Janiew, PP. Mr. Kuczynski asked for motion to accept his credentials; Ms. Fisher made motion, Mr. Kreismer seconded, motion carried.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – MARCH 26, 2014**

**Mr. Janiew visited the site and provided a two sided photo the front side marked Exhibit A-1, the back side marked Exhibit A-2. He described the site stating it is currently vacant and at the former Getty Station just north Starbucks Coffee is being constructed. Mr. Sachs stated that both parties have a construction and maintenance agreement and also an easement. Mr. Janiew described other uses along Route 9 stating that there are some medical uses and the reason for the Use Variance request was because the 2009 resolution states this is not a permitted use. He also described the ordinances identifying the types of uses/requirements and said there is sufficient parking for all tenants. He described Urgent Care facilities as becoming popular and a beneficial use to the community. He also described the access and circulation. He said that Urgent Care is more spread out with the hours and is consistent with the goals of the Master Plan.**

**He talked about the relief the applicant was requesting and the suitability of the use as well as the accommodation of the parking; he stated this a professional use and described the variety of uses in the district and how this will revitalize the site, add to the community and it qualifies for the Use Variance relief.**

**He addressed the sign portion of the application stating it was for identification of the tenants to guide people entering the site to the right areas. Mr. Roselli said the sign would be 2.5’ x 16’ and would be on the south side of the building. Mr. Kuczynski asked about the definition of the urgent care; Mr. Roselli said this type of practice has been around for awhile allows doctor access on a walk in basis, and is just a medical office functioning at a different level. Mr. Henry asked about the easement and asked if it was a temporary construction or permanent; Mr. Roselli said it was a permanent 10’ landscaping easement.**

**Mr. Green asked what the period of time was for the lease on the proposed urgent care facility; Mr. Ganesan said it was a 20 year lease first for 10 years then a renewal for 5 and 5 years. He stated the other tenant inquiries he had went elsewhere. He was approached by the medical use and that was why he was here tonight. The Planning Board only stated that it was not a permitted use in the zone; other than that they had no issues.**

**Mr. Sachs said if the application is approved one of the conditions of approval would be if there was a change in tenants, the Zoning Officer would need to be notified for determination of the new tenant. Mr. Roselli notified the board members that testimony from the applicant’s engineer would not be given as he was involved in a car accident on the way to the meeting and he wanted to get this on record, therefore, they were only addressing planning issues.**

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

**Ms. Fisher seconded.**

**Mr. Sachs swore in:**

**Daphine Dorchy – 1800 Old Cheesequake Road. She lives directly across the street from the proposed site and had concerns about the traffic. It’s an empty lot and it is being used as a cut through. She asked if this road would be an entrance into the lot; Mr. Roselli said there will be and entrance/exit along the Old Cheesequake Rd. side and also on the Route 9 side of the lot. Mr. Sachs explained that Starbucks was also approved by the board last year and perhaps this will alleviate some of this traffic as it will be more difficult. Mr. Roselli addressed the plans and showed Ms. Dorchy how the traffic should be much more controlled. Mr. Kuczynski said the traffic should be primarily coming in/out of the Route 9 drives. Mr. Green asked her how much more traffic is there on Old Cheesequake Rd. now she said it has more in the Summer. Mr. Green said he felt that there will be less of an obstacle course using the Route 9 drives once both businesses open and he felt the traffic would be alleviated on Old Cheesequake Rd.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – MARCH 26, 2014**

**Mr. Henry asked about the sign and Mr. Roselli again showed where the sign would be on the front side of the building. Mr. Leoncavallo said there were no sign issues.**

**Mr. Kuczynski asked for motion to close public portion; Mr. Kreismer made motion to close public portion, Ms. Fisher seconded, motion carried.**

**Before the vote, Mr. Sachs stated the following conditions of approval:**

 **- Change of tenancy would have to be reviewed and determined by the Zoning Officer**

 **- Incorporate by reference the Planning Board resolution from 2009**

**Mr. Kuczynski asked about the hours of operation not being 24/7. Mr. Ganesan stated he would rather not limit hours of operation and he didn’t see this being an issue at this time.**

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

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

**No: Ms. Fisher – She would have liked to have more information on urgent care, as well as, see the resolution**

 **from the Planning Board.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – MARCH 26, 2014**

**MEMORIALIZATION OF RESOLUTIONS**

**#14-03 Kavin Vani 7 Liszka Lane**

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

**Yes: Mr. Kuczynski, Mr. Kreismer, Ms. Fisher, Mr. Green, Mr. Henry**

# ACCEPTANCE OF MINUTES

# Mr. Kuczynski asked for motion to approve and accept the minutes of the February 26, 2014 meeting.

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

**Before adjourning, Mr. Henry asked Mr. Sachs for the status of the Temple litigation. Mr. Sachs said there is no status so far, he did meet with their attorney and a member of the Temple and has no response as yet from the issues he discussed. No further action has been taken by the Temple and they would have to apply at the Construction/Zoning Office for application on the site which to his knowledge has not been done.**

**ADJOURNMENT**

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

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

  **Respectfully submitted,**

 **Joan M. Kemble**