SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MAY 24, 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. Green, Mr. Kuczynski, Mr. Kreismer,**

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

**Absent Members:**

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

**#16-13 Shri Bhaktindhi 717 Washington Rd. Use Variance/Site Plan $ 3,000.00 App.**

 **$12,000.00 Esc.**

**Mr. Sachs announced to all those present that the Temple application was not being heard tonight at the request of the applicant. The Zoning Board has received a letter from the Temple citing legal issues that need to be addressed. Mr. Sachs will be researching the allegations and will address all legal issues at the June 28, 2017 meeting.**

**Therefore, this application will be on the agenda for the June 28, 2017 meeting with no further notice to the public, starting at 7:30 PM.**

**Mr. Sachs also indicated that the board was served with a lawsuit from the WaWa application by Crestview Apartments. They are challenging the board approval. He will the board with more information as it becomes available.**

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**#17-08 T-Mobile Northeast, LLC 775 Washington Rd. Use Variance/Wireless $ 3,000.00 App.**

 **$ 3,700.00 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. Walsh made motion; Mr. Kreismer seconded, motion carried.**

**Frank Ferraro, attorney for the applicant addressed the board stating they were seeking a D2 Variance for expansion of a non-conforming use and Site Plan as they are proposing antennas on a 125’ monopole. In 2007 they were granted approval for 12 antennas at 115’ and at present have only installed 8 of the 12 antennas; they are looking to add 4 antennas. There will be no change to the ground equipment or compound.**

**Mr. Sachs swore in Joseph Frego, LPE. Mr. Walsh made motion to accept his credentials. Mr. Frego presented and described the overall Site Plan. He presented drawings of the existing site showing the property lines and the access from Washington Road. He stated there would be no change to the existing equipment. He presented also the elevation view showing the overall elevation of the pole and existing antennas. They are proposing 4 separate sets 2 antennas each, they will not make the tower taller although they are slightly higher 19” x 14.” There will be no operation change, no additional lighting, signage or traffic; they are asking for a waiver on the landscaping located in the rear of the property. Technician will use the existing gravel drive from the compound which is more than adequate; there are no bulk issues, as the site can accommodate the presented plan.**

**Mr. Sachs swore in Adam Feehan, Radio Frequency Engineer. Mr. Walsh made motion to accept his credentials. Mr. Feehan presented 3 exhibits marked A1, A2 and A3. He presented a Detail Site Map showing the existing and proposed site. He gave a brief analysis of the network as well as the antennas allowing additional LTE channels that will enable more channels for more data usage. Mr. Ferraro asked about the 4 additional antennas, Mr. Feehan said they wanted to swap 4 then add 4 enabling 3 LTE channels which will provide faster service. He showed how the detailed site map described and compared the facilities at other sites and the area proposed to help include schools. A2 described the percentage of usage requiring upgrade when the 70% mark is met, A3 showing difference sectors with the same situation with 85% utilization. T-Mobile has a capacity issue at this site and they are proposing the minimum height necessary.**

**Mr. Sachs swore in Kevin McManus, Sr. Program Manager/Radio Frequency Safety. Mr. Walsh made motion to accept his credentials. Mr. McManus stated he prepared a frequency report dated 10/26/16 showing emission levels and if approved he did an analysis and the results are cumulative values of 2.3% the FCC most stringent is 40 times below, therefore, the site will be fully compliant. Mr. Sachs stated the NJ standards are 5 times more stringent.**

**Mr. Sachs swore in David Karlebach – President, David Karlebach, LLC. Mr. Walsh made motion to accept credentials. Mr. Karlebach said he reviewed all the site plans and ordinances and also visited the site. Zone permits use and this is a D2 expansion of a non-conforming use and there is no increase in land, and parking is existing. It achieves colocation and takes precedence over a new tower construction. Positive Criteria: It provides more network usage to the public; Negative Criteria: Non-conforming use; however, this is just an upgrade of an existing facility and there is no disturbance to the site. He referenced all the photos of the site from Washington Road showing existing and proposed site and said there will be no impairment to the Borough. John Leoncavallo said he had no issues and testimony was fine; Jay Cornell said the only item they need to follow up on was County approval.**

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

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

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

 **Mr. Esposito**

**#17-12 Amy Hafner 35 Sherwood Rd. Bulk Variance/Fence $ 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. Walsh asked for motion to deem the application complete,**

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

**Mr. Sachs swore in Amy Hafner. Ms. Hafner stated she was seeking variance approval for a fence. She has a corner lot and would like approval for a 6’ white PVC fence. John Leoncavallo stated the following variance:**

* **R7 Zone setback 10’ the applicant is proposing 3’**

**Mr. Green asked if the 3’ would be from the end of the sidewalk? The applicant said “yes.” She stated the fence is for privacy. Mr. Kuczynski asked about any site triangle issue; Jay Cornell said it would outside the site triangle.**

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

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

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

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

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

 **Mr. Esposito**

**SAYREVILLE BOARD OF ADJUSTMENT**

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**MEMORIALIZATION OF RESOLUTIONS**

**#17-09 Jermaine/Adeolu Nixon 15 Camden Street**

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

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

**#17-10 Rogelio/Juliana Lavastier 2 Pyanowski Ct.**

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

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

**#17-11 Anthony DiTomasso 14 Zaleski Drive**

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

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

**#16-12 Clyde’s Auto Recycling 6000 Main Street**

**Mr. Walsh asked for motion to memorialize resolution. Mr. Kuczynski made motion to adopt the resolution and referenced a correction on Item 8 – the word “granted:” Mr. Kreismer seconded. Roll Call:**

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

**ACCEPTANCE OF MINUTES**

# Mr. Walsh asked for motion to approve and accept the minutes of the April 26, 2017 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. Corrigan**

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

  **Respectfully submitted,**

 **Joan M. Kemble**