SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MAY 28, 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, Ms. Catallo, Mr. Green,**

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

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

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

**#13-32 Fairfield Properties, LLC 15 Victory Cr. Use Variance/Site Plan $ 4,350.00 App.**

 **$12,432.00 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.**

**John Wisniewski, Esq. addressed the board as the representative for Fairfield Properties and stated that the applicant wanted to remove 2 pumps and underground storage and replace with 8 pumps. This is a B3 and Highway Business zone.**

**Mr. Sachs swore in David Fantina, PE; Mr. Kuczynski asked for motion to accept credentials; Mr. Kreismer made motion, Mr. Corrigan seconded, motion carried. Mr. Fantina addressed the property as a B3 and Highway Business zone where truck tops are permitted uses. He stated the additional use for a gas station had nine (9) design waivers which appear on Sheet 2 of the submitted Site Plan. He described the parking 5’ within property lines and the existing structure of 4,000 sq. ft. will remain for truck maintenance they are closing the store and will be installing more formal gas pumps with a truck wash and scale. The parking will be along the two frontages and easterly property line in the rear along Chevalier Ave. and 3’ away from line. There will be three (3) dumpsters; (1) in the corner near the maintenance building, (1) near the convenience store and (1) in the center of the lot. Two (2) are not located within the setback. Across from Chevalier Ave. will be a screened off loading zone for the convenience store to accommodate small trucks for deliveries. He also addressed the curb and parking stating the property is hard packed gravel and they are proposing pavement to landscaping for a significant decrease in impervious coverage they are therefore requesting a waiver for curbing. Mr. Cornell suggested that they provide wheel stops for all parking spaces. Mr. Fantina further discussed other waivers for drainage, landscaping and also discussed the tree ordinance and said they are proposing six (6) trees along the Parkway and center of the property although 25 would be required. Landscaping would be 10% on the interior of the property although 20% would be required they are requesting a waiver. Mr. Wisniewski said the site would be developed in harmony with the adjacent property. Vehicular circulation would be provided and they would be providing 49 parking spaces; only 41 spaces are required. There will be a canopy over the gas pumps and a plan was provided to include the truck area; there will be no impact to neighboring areas. He said the lot will be more formal with less truck traffic.**

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**Mr. Wisniewski briefly reviewed the significant changes discussed and Mr. Cornell said that what remains most issues were addressed.**

1. **Outside agency**
2. **Consolidating to one lot and will provide deed**
3. **Waivers (addressed)**
4. **Sanitary Sewer – they will provide**
5. **Water distribution – met with town and they will do flow testing when hydrants installed**
6. **Storm drainage – no objection just discuss curbing near entrance**
7. **No problem**
8. **Waivers – Mr. Sachs addressed:**

 **5. Mr. Cornell – Tree preservation**

 **6. Will comply**

 **7. Will make changes**

 **8/9. Requesting waivers**

 **10. Requesting waiver**

**Mr. Cornell stated that the applicant has come a long way over the revisions made and has attenpmed to address the waivers. Mr. Green asked what the 49 parking spaces would be used for; Mr. Fantina said mostly for the convenience store and possibly for the truck maintenance area. Mr. Green asked if the trucks would be stored overnight as currently is the situation on the lot; Mr. Fantina said this will no longer be the case as truck storage will only happen in the event maintenance may take a couple of days. Mr. Green asked who would be using the truck scale and if it was being installed for the New Jersey State Police for inspections. Mr. Fantina stated that the State Police would have access to the scale for use. Mr. Henry asked why they had the scale; Mr. Fantina said it was the decision of the owner to put it in on the lot. Mr. Green asked if there would be any revenue; Mr. Fantina said that every time the scale was used and truck weighed the State would pay.**

**Mr. Emma addressed Page 5 on the CME report and said that for landscaping there should be one (1) tree for every two (2) parking spaces; Mr. Cornell indicated this should say the same in Item #5 of the waivers. Mr. Kuczynski addressed the truck traffic; Mr Fantina said that the use today will be gone as there will be no truck storage just a convenience store, truck wash and maintenance for truck repair. He said the canopy is associated with the gas pumps where both cars and trucks can get gas. Mr. Wisniewski said the plan of new expansion of the convenience store will be standalone with the pumps. Mr. Kuczynski asked about the truck wash; it will be like a car wash drive through; Mr. Henry asked if the gas pumps would be open to the public; Mr. Fantina said the public would use them and enter off of Route 35. Mr. Green asked if the gas would be 50/50 regular gas and diesel; Mr. Fantina said this has not been decided as of yet. The hours of operation will be 24/7 and they will meet the ordinance required for hours of operation. Ms. Catallo asked if the 49 parking spaces would also be used by employees and how many; Mr. Fantina said this is not known as yet. Mr. Kuczynski asked about the signage; Mr. Fantina said they will meet all the ordinances for this issue. Mr. Sachs they will provide a consolidation deed at which time he will review. Mr. Leoncavallo stated they are providing an improvement to the area especially with the “Pointe” being constructed this is a good compromise.**

**Mr. Sachs swore in Scott Kennel, Traffic Specialist; Mr. Kuczynski asked for motion to accept credentials; Mr. Kreismer made motion, Mr. Corrigan seconded, motion carried.**

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**Mr .Kennel stated he submitted a Traffic report to the board dated May 14, 2014 discussing the existing conditions and the NJ DOT requirements not only on the Route 35 ramp but also on Chevalier Ave. He said the major generator will be convenience store and the two-way drive. Parking is well distributed for the use of the convenience store as well as the gas pumps. The NJ DOT expected traffic on the site is 150 AM and 250 PM. Amended access permit is needed and the filing of the lot consolidation.**

**Mr. Wisniewski addressed Page 3, Paragraph 7 Required Parking. He stated the onsite circulation will be enhanced based on the layout and added access. Mr. Kuczynski if both areas would have entrance and exits, Mr. Kennel said Chevalier Ave. east would have a two-way drive to the west Chevalier Ave. would only have an exit; the existing access to Route 35 will remain the same and this design is based on NJ DOT. Trucks access will be off Route 35 and they will be able to bypass the pumps as there is a 45’ area. Mr. Kennel stated the current traffic signal near the site is adequate.**

**Mr. Sachs swore in Christine Coffone, LP; Mr. Kuczynski asked for motion to accept credentials; Mr. Kreismer made motion, Mr. Corrigan seconded, motion carried.**

**Ms. Coffone discussed and described the variances being sought for the application and compared it to what exists on the lot today and indicated the positive criteria for D3 variance relief. She said there were no negative issues as there will be substantial clean up on the property and it follows the zone plan. Mr. Leoncavallo said that based on the letter dated May 26, 2014 he agrees on the Use variance and all positive/negative criteria has been addressed.**

**Mr. Sachs swore in Patrick Turzi, General Manager. Mr. Turzi described how the convenience store will be constructed and said the plan that has been shown was the ideal choice, the convenience store and the truck wash will be 2 stories in height. The gas and convenience store will be opened 24/7. The scale was requested and will not solely be used by the State Police. Mr. Turzi said he had an idea that the convenience store will be 2 employees, the truck scale/truck wash maximum 2 employees as well as 2 employees at the gas pumps. Mr. Kuczynski asked Mr. Turzi if he was the owner, he stated he worked for the owner. He said the repair would be 24 hours and he doesn’t anticipate much traffic only in an emergency situation and will operate the same. Mr. Kuczynski addressed the ordinance for a 24 hr. operation and Mr. Turzi said while he was not aware of it they would certainly comply with the ordinance. Mr. Green stated he had visited the site and saw numerous trailers and Mr. Turzi said these would all be removed and the overnight storage would not be there anymore unless the truck there for maintenance. He said the maintenance area will be screened in and he felt this application was a benefit to the Borough with the construction of the “Point.” Mr. Sachs said that that overnight storage could be a condition of approval. Mr. Henry asked how many trucks can fit on the property; Mr. Turzi said he was not sure; Mr. Henry asked if the property would be fenced in; Mr. Turzi said only the truck maintenance area, and trash areas. Mr. Green asked if the pumps would have both regular gas and diesel; Mr. Turzi said this was not known as yet but could be four (4) of each and they will take whatever recommendations the board professionals give them. Mr. Kuczynski asked if the gas and convenience store would be their own or from a franchise; Mr. Turzi said he could not predict at this point. Mr. Kuczynski asked what would be sold in the convenience store; Mr. Turzi said just the regular items sandwiches, coffee, soft drinks, the typical items. He asked about types of repairs Mr. Turzi said all types of repairs and they have an oil storage recycling on site. Ms. Catallo asked if there would be restrooms and would they be handicapped accessible, Mr. Turzi said “yes.” She also asked if cars could use the truck wash; Mr. Turzi said it was geared for trucks.**

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

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

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**Before voting on application Mr. Sachs went over the conditions of approval for the application:**

 **- Truck parking and storage only for routine maintenance no more storage as presently exists**

 **- Review memorandums from Mr. Cornell and Mr. Leoncavallo to meet all open issues**

 **- Submit for review a final Site Plan**

**Mr. Kuczynski asked for motion to approve/deny this application. Mr. Green made motion to approve the application with all conditions discussed, Mr. Emma seconded. Roll Call:**

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

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**#14-12 Zbigniew Smagacz 80 Buchanan Ave. Bulk Variance/Addition/ $ 100.00 App.**

 **Porch Overhang**

**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 Zbigniew Smagacz who stated he was looking for approval to extend his kitchen and add an addition above with a balcony. Mr. Kuczynski asked him to explain the addition; Mr. Smagacz said the addition above would be adding one small room; Mr. Kuczynski asked if he was extending the entire rear; the applicant said “yes.” He stated the balcony would have a railing around for safety and would be an overhang over the existing patio.**

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

 **- Lot coverage in R5 Zone maximum 20% the applicant is proposing 21%**

 **- Side yard kitchen side maximum 8’ setback the applicant is proposing 5’**

**Mr. Green asked who would be doing the work; the applicant said himself and a friend. Mr. Kuczynski addressed the entrance to the balcony and said it appeared it would only be from the 2nd floor, the applicant said this was correct. Mr. Kuczynski asked if the addition would be finished the same as the house the applicant said it would be the same as well as the roof; it would also remain a single family residence. Mr. Green asked the applicant if the pool shown on the survey was already there; the applicant said “yes.”**

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

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

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**#14-14 Don/Cheryl Satorski 48 No. Edward St. Bulk Variance/Garage $ 250.00 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 Don and Cheryl Satorski who stated they wanted to build a garage in the rear of the house**

**20’ x 20,’ with one door, one entry door and a loft. Mr. Satorski stated he would be moving the shed currently shown on the lot. Mr. Cornell pointed out that the area outlined in red on the survey showed the actual dimensions of the garage. Mr. Sachs asked what the need was for such a large garage; Mr. Satorski said he would be able store motor cycle and hunting gear as well as the car. He said there would be no commercial activity and would be adding electric but no plumbing. The loft would be used for his hunting gear.**

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

 **- Accessory structures maximum 150 sq. ft. the applicant is proposing 400 sq. ft.**

 **- Side yard setback 5’ minimum the applicant is proposing 3’**

 **- Rear yard setback 5’ minimum the applicant is proposing 4’**

 **- Height exceeds maximum of 15’ the application is proposing 18’**

 **- Maximum lot coverage in R7 Zone 20% the applicant is proposing 22%**

**Mr. Henry asked why they needed such a large shed; Mrs. Satorski stated they also had items from their MacArthur Ave. home that would be stored in the garage. Mr. Green asked if the garage was being delivered constructed; the applicant said they would be installing a concrete pad and the garage would be coming from Pennsylvania and would be put together onsite. Mr. Kuczynski asked if the applicant would be extending the driveway, Mr. Satorski said they would not be extending but would be relocating the shed to other shed in corner. Mr. Kuczynski reminded the applicant that the shed needed to be 5’ from the property lines and suggested this be made a condition of approval.**

**Mr. Kreismer asked the applicant if the company could make the shed 15’ in height to alleviate a variance. The applicant said he was not sure if this could be done. Mr. Kreismer explained the variances stating the one variance was 3’ above the maximum height. Mr. Kuczynski said for the record there will be no living quarters in the garage.**

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

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – MAY 28, 2014**

**#14-17 James Farrell 7 Elacqua Blvd. Bulk Variance/Shed $ 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 James Farrell who said he currently has a 12’ x 12’ shed in the northwest corner of the property and wanted to extend it to a 12’ x 24’ shed for the storage of a tractor lawn mower and other items. He said it exceeds the maximum 150’.**

**Mr. Leoncavallo stated there was one variance:**

 **- Expansion of the shed size**

**Mr. Sachs asked if there would be any plumbing or electric, heating or commercial activity the applicant said “no.” Mr. Sachs also asked if it would be used as a 2nd residence on the property, the applicant said “no” it was strictly for storage. Mr. Kuczynski asked the applicant how high the shed would be, he stated 12’ high.**

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

**Mr. Corrigan seconded, motion carried. No one spoke. Mr. Kuczynski asked for motion to close public portion; Mr. Kreismer made motion to close public portion, Mr. Corrigan 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. Emma, Mr. Henry**

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**MEMORIALIZATION OF RESOLUTIONS**

**#14-07 Vincent Cetta 47 Cedar Terrace**

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

# ACCEPTANCE OF MINUTES

# Mr. Kuczynski asked for motion to approve and accept the minutes of the April 23, 2014 meeting.

# Mr. Kreismer made motion to accept the minutes; Mr. Henry seconded, motion carried.

**Before adjourning Mr. Sachs advised the board that at 10:00 AM the following day he had a hearing on the Jersey Cooperage case and will update the board at next month’s meeting. He also addressed the Temple litigation stating that it was at a stalemate and that their attorney has been advised of the disregard of the approval. Mr. Kuczynski asked him if the Jersey Cooperage also included the Leaf Industries; Mr. Sachs said that Leaf Industries on Jernee Mill Rd. was a separate case.**

**ADJOURNMENT**

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

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

  **Respectfully submitted,**

 **Joan M. Kemble**