SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF OCTOBER 22, 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. Fisher, Mr. Green,**

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

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

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

**#14-24 Gregory Burns 12 Morris St. Bulk Variance/Garage $ 250.00 App.**

**Mr. Sachs said that the applicant has submitted a request to be held over to the November 25, 2014 meeting without further notice and announced this to those present in the audience.**

**#14-30 Erik Swanton 35 Cedar Terrace 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, Ms. Fisher made motion; Mr. Henry seconded, motion carried.**

**Mr. Sachs swore in Erik Swanton who stated that he was in the process of building a shed in his yard. He applied for the necessary permits and was told the height could be no more than 15.’ He stated Code Enforcement came out and told him he was approximately 1 ½” over the 15’ from the sill plate. He originally was told to measure from the ground and because his yard slopes it is now 17’ in height on one side. He would like to keep the shed as is, he had the trusses engineered which were an expense and to have them adjusted might be harmful. He presented five (5) photos labeled Exhibit A-1. While it looked large going up the yard slopes lower from Birch Terrace.**

**Mr. Sachs asked if there was going to be any plumbing or electric, he said “no.” He asked what the two levels would be used for; the applicant said the bottom level would be used for the lawn mower and other outside items, the upper level for decorations. He stated there was a ladder inside to enable access to the upper level. Mr. Sachs said the board could state the following conditions of approval:**

 **- No utilities in shed**

 **- No commercial use**

 **- No residence**

**The applicant said he is only 2’ over and would like the approval to keep. He never meant to violate any codes or upset neighbors. He stated he would be losing time and money if the application was not approved. Mr. Green asked if Exhibit A-2 were pictures of the old shed, the applicant stated “yes” and talked about what a big improvement the new shed was to the area. Mr. Kuczynski asked the applicant if the shed was going to be sided the same as the house, the applicant said it would be sided and they were going to siding the house the same at a later date.**

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**Jay Cornell said the height is pretty much average from the ground; John Leoncavallo stated the only variance was for the height all setbacks are met. Mr. Henry asked if the construction done was by code and reviewed by the inspector; the applicant said it was reviewed.**

**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. Henry asked the applicant where the picture was taken from; Mr. Swanton said it was taken from Birch Terrace; Mr. Henry asked if it had windows, Mr. Swanton said only in the front and the siding was going to be “oxford blue.” Mr. Cornell said that because of the slope in the yard it was higher in the rear. Mr. Leoncavallo suggested that the applicant plant some arborvitae to “soften” the look approximately 4-5 ft. to improve the look. Mr. Green asked if the applicant would agree to 7 arborvitaes in total approximately 4-5 ft. high, Mr. Swanton said he would agree to this request.**

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

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

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**#14-31 Larry Davis 167 Standiford Ave. Bulk Variance/Pool Enclosure $150.00 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. Corrigan made motion; Ms. Fisher seconded, motion carried.**

**Mr. Sachs swore in Larry Davis who stated he wanted to install an in-ground pool with an enclosure. He gave handouts to the board members with signed statements from neighbors stating they had no issues with the request. He said that they had improved the setbacks 7.6 from the house to 7.8 and in the rear 7.5 and there are no neighbors in the rear. He presented photos of the neighbors pools and included pictures of his proposed pool layout. He stated he had two representatives (Alex and John) from the pool /enclosure companies who would testify if necessary.**

**Mr. Davis explained to the board the reasons for his request; he feels the enclosure is pleasing to the eye and ahe can use the pool for 12 months. He can exercise all year long.**

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

 **- Accessory structure maximum is 150 sq. ft. the applicant is proposing 1,033 sq. ft.**

 **- Enclosure 24 x 42 setback minimum 10 ft. the applicant is proposing 7 ft. on most setbacks**

 **- Building coverage 20% maximum, the applicant is proposing 25%**

**Mr. Kuczynski asked the applicant to describe the enclosure, Mr. Davis said it would be 6-7 sections transparent and translucent. Mr. Henry asked how high it would be, Mr. Davis said the maximum would be 9 ft. Ms. Fisher asked the applicant why he wanted this size pool and enclosure, Mr. Davis said he can exercise and he will also use the enclosure as a greenhouse to keep plants out of the cold. He said the pool would be 16 x 32 ft. Mr. Henry asked if the pool would be heated and if it was rectangle, Mr. Davis said it would be water heated and the pool would be oval shaped. Mr. Green asked when they would start; Mr. Davis said he would be starting ASAP, Mr. Henry asked how deep, Mr. Davis said 7 ½ ft. and there will be no diving boards. Mr. Sachs stated the pool was not the issue the enclosure is an accessory structure. Mr. Sachs said there were 3 variances: Accessory Structure, Lot Coverage, and Accessory Building Coverage; Mr. Kuczynski asked about lighting, Mr. Sachs said this was not an issue, Mr. Kuczynski asked the applicant how the enclosure would open, Mr. Davis said it was a manual open.**

**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. Kuczynksi 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 with changes, Mr. Kreismer seconded. Roll Call:**

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

**SAYREVILLE BOARD OF ADJUSTMENT**

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**#14-32 Joe Maio/Jessica Seabra 74 Haven Terr. Bulk Variance/New Structure $150.00 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 Joseph Maio who stated he purchased the home last November and there was a structural issue. Mr. Kuczynski questioned the updated plans and said they were not made clear by the applicant;**

**Mr. Maio said they demolished the old home and rebuilt a new one on the old foundation. Mr. Leoncavallo stated the following variances:**

 **- Building coverage 20% maximum the applicant is proposing 26%**

 **- Side yard setback minimum is 8 ft. the applicant is proposing 4.6 ft.**

 **- Combination side yard setback minimum is 20 ft. the applicant is proposing 14.5 ft.**

**Mr. Henry suggested that the shed be relocated to the rear of the yard in the proper setback. Mr. Sachs said this could be a condition of approval.**

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

**Mr. Corrigan seconded, motion carried.**

**Mr. Sachs swore in:**

**Joseph Matiello – 82 Haven Terrace. Mr. Matiello stated that the house was built without a variance and that it is large. Mr. Sachs explained to Mr. Matiello that the applicant knocked down the existing house; he had applied for a permit for renovations to the existing structure, this was an oversight. Violations on setback issues existed with the former house; Mr. Kuczynski said the variance was a pre-existing structure. The applicant rebuilt on the existing foundation.**

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

**Mr. Corrigan seconded, motion carried.**

**Mr. Henry asked the applicant if he went further back with the rebuilding of the house, the applicant said “no” he rebuilt on the same foundation; Mr. Green asked him how much higher he went, Mr. Maio said the previous house was 33 ft., higher on the left side, now the right side is higher. Mr. Green asked how far away he was from**

**Mr. Matiello, the applicant said a couple of houses down.**

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

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

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**MEMORIALIZATION OF RESOLUTIONS**

**#14-28 Verizon Wireless 575 Jernee Mill Rd.**

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

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

**#14-29 Felipe/Micaela Barriero 109 Albert Dr.**

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

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

# MEETING DATES 2015

# Mr. Kuczynski asked for motion to approve and accept the meeting dates for the 2015 Board of Adjustment

# meetings. Mr. Kreismer made motion to accept the meeting dates; Mr. Henry seconded, motion carried.

# ACCEPTANCE OF MINUTES

# Mr. Kuczynski asked for motion to approve and accept the minutes of the September 24, 2014 meeting.

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

**Before adjourning, Mr. Sachs addressed the Board stating that with the upcoming litigation between the Temple, the Borough, the Board of Adjustment and the Planning Board it would be necessary for him to respond on behalf of the Board of Adjustment on various issues regarding this litigation. He presented a resolution to the Board for his retention and asked that the Board act accordingly. He also stated that he would provide copies of the complaint to the Board.**

# Mr. Kuczynski asked for motion to approve Resolution for Lawrence B. Sachs to act on behalf of the Board of Adjustment in the litigation with the Bhaktinidhi Temple. Mr. Corrigan made motion to approve; Mr. Henry seconded, motion carried.

**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**