SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF SEPTEMBER 24, 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,**

**Ms. Fisher, Mr. Green, Mr. Corrigan, Mr. Emma and Mr. Henry**

**Absent Members: Mr. Walsh**

**Also present were: Francis Womack, Esq. (For Mr. Sachs, Attorney), Mr. Cornell, Engineer and**

 **Mr. Leoncavallo, Planner**

**#14-19 Quick Chek 3101 Bordentown Ave. Use Variance/Site Plan $ 3,100.00 App.**

 **$ 5,892.00 Esc.**

**John Mamora, Esq. attorney for the applicant addressed the board stating the application was deemed complete in August but not heard due to a full agenda. He said that they had a representative of Quick Chek and professionals to give testimony and then the application would be carried over to the November 25, 2014 meeting.**

**He briefly gave the location of the site and prior operations on the site. Quick Chek is not happy with the site at present; they are not a franchise operation, stores are company owned and the site is not maintained up to their standards and the company is very concerned about security. They currently have a contract to buy the site and hopefully will be a Quick Chek convenience with gas service.**

**Mr. Womack swore in John Carafello, 3 Old Highway 28, White House Station, NJ 08889, also the Real Estate Relocation Manager for Quick Chek. He stated that they would like to redevelop the site to include a Quick Chek facility and fuel dispension. He stated Quick Chek always has been and continues to be a privately owned corporation in NJ they do not license or franchise any stores all stores are owned and operated out of White House Station. The first store opened in 1967 in Dunellen, NJ. They now operate over 138 stores with over 3600 team members; they are committed to NJ. The site in question opened in 1986 and for 28 years has served the public in our area, but no longer can offer the service. They have entered into a contract to purchase the site so they can offer all services as well as fuel dispension. The store would be open 24/7 with a staff of 35-50 people. The fuel portion would meet or exceed DEP mandates. They have designed the store specifically for the area and they would like to be part of the community as they are committed to the growth in NJ. They donate to communities where they are located and they are also listed in the top 50 companies to work for in NJ.**

**When asked about power outages, Mr. Carafello said that they bring in transfer switches and generators to every store and this is added into contracts. He said during Hurricane Sandy they were up within 6 days with 43 stores open.**

**Mr. Womack swore in Grayson Murray, Licensed Professional Engineer. Mr. Kuczynski asked for motion to accept credentials. Ms. Fisher made motion, Mr. Kreismer seconded, motion carried.**

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**Mr. Mamora said they would now be presenting six (6) exhibits:**

 **Exhibit A1 – Aerial photo dated June 13, 2014**

 **Exhibit A2 – Existing Conditions looking northwest**

 **Exhibit A3 – Rendered Version of site plan dated July 10, 2014**

 **Exhibit A4 - Proposed Conditions Rendering**

 **Exhibit A5 - Rendered Elevations dated May 16, 2014**

 **Exhibit A6 – Floor Plan dated May 16, 2014**

**Mr. Murray referred to A1 the aerial exhibit he described the colored renderings on the exhibit. He described the frontage on Bordentown Ave. and the side on Cheesequake Rd. part of the application is dedicated to the county. Referencing Exhibit A2 - the intersection has a future plan for widening and they are agreeing to a partial dedication to the county and borough. He described the zone as being a B2 – Highway Business Zone and pointed out the surrounding businesses. He talked about the rear of the property and the no access drive stating they tried to purchase the property from the PNC Bank but the property was not available to purchase. He addressed the condition of the property stating it was time for an upgrade/investment. Referencing Exhibit A3 – He descriped the current property and landscaping stating Site Plan A3 as a 33,425 sq. ft. property with 4,540 sq. ft. as the current facility. Exhibit A4 – the proposed new look showing the store frontage done in earth tones with an entry on the east side, the loading entry in the rear and 8 outdoor seats and tables. There will be a canopy for gas the same color combination as the store. Exhibit A6 – showing the floor plan he described the entrance on the east and described the interior of the store and coffee/food counters. He said it would be a 24/7 operation with 35-50 employees a peak shift of 9-12 employees based upon demand and timing; overnight there would be 2 employees inside and 1 employee outside, in terms of security there are 32 cameras on site 16 cameras inside and 16 cameras outside all report to a DVR there is a professional at corporate that provides the location for the security cameras and comes up with strategic plan. They have employee comprehensive training programs for employees to keep an eye out for loitering and to manage it and message loitering isn’t allowed. The peak hours for the store are 7am to 9am and fueling between 2pm to 3pm. Referencing the fueling operations the canopy is 2,929 sq. ft. canopy, the canopy is 14 ½ ft. high and setback 38 ft. from right of way. Under the canopy are four dispensers (islands) eight fueling positions, one (1) diesel single, and one dispenser (island) shares one of each; he then described the circulation. He talked about how in the states of California and New Jersey this type of operation was heavily regulated and Quick Chek meets all the standards as the site will be monitored 24/7. He talked about the underground tanks and the precautions taken; there will be 4 underground tanks for diesel/high test, 2 for regular as well as kiosks for the employees.**

**Referencing relief for variances they have pushed the development to the west adjacent to the asphalt drive near PNC toward the development. This allows green space to be provided for landscaping in the front. They are looking for a lot coverage relief 85% is permitted they are proposing 86.7% he noted if excluding the right of way dedication they have a compliant plan of 77% impervious coverage. He discussed the site access management plan and described the two way full movement driveway at north east corner connected to Bordentown Ave. and a second two way at the south west corner connected to Cheesequake Rd. What they have done in the access management plan is locate the proposed driveways in the case of Bordentown Ave. drive moved north as far away from the signal as possible; on Cheesequake Rd. moved west as far away from the signal. By moving the drives they increase the separation. They are proposing sidewalks as none exist today on the eastern property boundary along Bordentown Ave. as well as the southern property boundary on Cheesequake Rd. providing connectivity to the east along Bordentown Ave. and they are incorporating crosswalk. He stated there would be two way circulation around the pumps and stores. The isles will be 25.6’ in measure. To the south of the store the isle will be 25’ and on the east 34.’ He discussed the parking spaces stating that 23 spaces 9’ x 18’ are required and they are proposing 24 10’x 18’ or 10’ x 20’ exceeding the ordinance.**

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**He showed Exhibit A7 – Operations/Truck Turning dated July 21, 2013. The exhibit shows the entry and dispensing as well as the exiting of the trucks. Store delivery trucks head south of the building towards the loading zone in the rear of the building. He discussed the emergency vehicle access shown on the exhibit. The fuel trucks would deliver 6 to 8 times per week, the store trucks 6 times per week and additional box trucks would deliver bread, milk, etc. 5 to 6 times per day. Trash receptacles are located on the northwest corner of the property and receptacles are behind a shed. Large vacuums are on site for the cleaning of the property and they are used on a daily basis. Trash pick-up is 2-3 times per week, there are 2 regular trash containers and 1 recycle. There is no issue with utilities all inlets satisfies both the borough and DEP. Lighting will be state of the art LED fixtures to enhance safety and visibility. They are seeking variance relief design waiver for foot candles on the northeast corner of the property 6’ in height for light levels under the canopy because of fuel dispensing and money handling.**

**He addressed Exhibit A3 Landscaping proposals of 205 new plantings on the property and talked about the plants proposed and where they would be located. Ms. Fisher asked if there would be any chemicals stored on the property such as propane. Mr. Murray stated propane is not sold by the store. Mr. Kuczynski asked if oil was sold in the store, Mr. Murray stated it was not dispensed on site, only refueling as well as wiper fluid; the diesel fuel was for cars only not trucks. Mr. Green asked if there would be an air pump; Mr. Murray said it would be on the south side of the building. Mr .Kuczynski asked if they were providing the number of handicapped spaces necessary, Mr. Murray said they were in compliance. Mr. Kreismer asked about snow removal, Mr. Murray stated it would be off of the drive isles. Mr. Kuczynski asked if the building would be smaller than the current building, Mr. Murray said “Yes.” Mr. Kuczynski asked how many outside seats there would be, Mr. Murray said they are two modular units 8 seats. Mr. Green asked if they were providing enough spaces per code, Mr. Murray said they were one over and larger than required by ordinance. Mr. Emma asked if they would present a tree preservation plan to the Shade Tree Commission. Mr. Murray said they would look into this request and provide plan. Mr. Kreismer asked if the emphasis was on retail or fueling; Mr. Mamora said it was considered one use. Mr. Green asked how many stores, Mr. Murray said there were 43 stores with gas in central and North Jersey.**

**Mr. Kuczynski stated he wanted to make the applicant aware of the borough ordinance for overnight operations and that they need to contact our Police Department to find out the borough requirements. Mr. Mamora stated they were aware of the requirements and would comply with all borough ordinances.**

**Mr. Kuczynski asked for motion to hold the application over to the November 25, 2014 meeting. Ms. Fisher made motion, Mr. Emma seconded. Roll Call:**

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

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

**Mr. Womack stated that Mr. Sachs had 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; Ms. Fisher seconded, motion carried.**

**Mr. Womack swore in Gregory Burns who stated he wanted to install a garage on his property but was proposing 2’ on each side yard and 5’ from the pool; the square footage was also a variance.**

**Mr. Leoncavallo stated the variances:**

 **- Exceeds lot coverage 20% maximum the applicant is proposing 21%**

 **- Pool setback required 10’ the applicant is proposing 5’**

 **- Size maximum 150 sq. ft. the applicant is proposing 360 sq. ft.**

 **- Side yard setback required 5’ the applicant is proposing 2’**

 **- Rear yard setback required 5’ the applicant is proposing 2’**

**Mr. Kuczynski asked the applicant what the height of the garage would be; Mr. Burns said 13’; and it would be for personal use, classic car and lawn equipment. Mr Kuczynski asked the applicant if there would be any utilities, the applicant said at this time there were no plans but possibly electric. Mr. Henry asked the applicant if the driveway extends all the way back to the proposed garage. Mr. Burns said the driveway ends at the rear of the house and he was not going to extend it. Mr. Henry asked why he wanted a two car garage; Mr. Burns stated that the one side would be for his vehicle the other for storage. Mr. Kuczynski asked the applicant if he could move it in more than 2’; Mr. Henry asked if he could make the garage smaller and had he even looked into making it smaller.**

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

**Ms. Fisher seconded, motion carried.**

**Mr. Womack swore in:**

**Lorraine Candito – 10 Morris Street. Mrs. Candito presented pictures taken of the applicant’s yard and asked where he would fit a garage of this size. He currently has a pool, shed, hot tub, etc. The pictures presented were marked Exhibits A1 to A4 and were viewed by all board members. She also stated that the houses are pretty close and the applicant will start and run the car and the fumes go into her house so she has to close the windows. Ms. Fisher asked about the shed currently shown on the survey; the applicant stated he was taking the shed down and this was where the garage would be placed. Mr. Kuczynski asked about the driveway depression; the applicant said it was concrete all the way to the rear of the house.**

**Mr. Henry asked the applicant if the shed was 2’ from property line; Mr. Burns said this was correct and on the right side it was directly on the property line. Mr. Womack presented a photo from Google and asked Mr. Burns if this was his property; he said that was correct, Mr. Womack asked him if there were any objections to this being offered into the testimony and being marked Exhibit A5; Mr. Burns had no objections. Ms. Fisher asked Mrs. Candito what exactly are her objections, she stated that she was told the shed was being moved over and the fumes as well as the noise of the car were deafening. Ms. Catallo asked the applicant how often he ran the car, he said more so in the Summer.**

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

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

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**Mr. Kreismer asked if he would be moving the existing shed the applicant said he was taking the shed down. He said the shed was being assembled by the manufacturer and would be delivered. Mr. Henry stated he had a concern for the size and asked if he could make it a one car, Mr. Burns stated that it was a one car garage. Mr. Green asked the applicant if he had researched other companies that could provide a smaller garage; Mr. Burns said he did and could get smaller but would have no room.**

**Ms. Fisher asked the applicant if there was a problem moving the garage in further; Mr. Leoncavallo said he was not sure how far and asked if there was a patio; Mr. Burns said “no.” Mr. Kuczynski asked the applicant to research going in 3 more feet and that he would be more in favor of a smaller garage and suggested a poll of the board members. Mr. Womack told the applicant this would give a consensus of the board’s feelings of the application.**

**Mr. Green – problem with 2’ from property line**

**Mr. Henry – also a problem with 2’ from property line**

**Mr. Kuczynski - suggested that the application be held over for more research by the applicant**

 **for a smaller garage based on the comments from the board members**

**Mr. Kuczynski asked for motion to hold over the application to the SEPTEMBER 24, 2014 meeting; Ms. Fisher made motion; Mr. Kreismer seconded. Roll Call:**

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

 **Mr. Henry**

**Mr. Burns asked what would be acceptable to the board; Mr. Womack suggested that he take into account the comments from the board members that the board could not tell him what he should do. Mr. Green asked if one month was enough time; Mr. Burns stated that was fine.**

**Mr. Kuczynski announced that the application would be carried with no further notice.**

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**#14-25 Brian Burlew 484 So. Pine Ave. Bulk Variance/Addition $ 1,250.00 App.**

 **$ 2,500.00 Esc.**

**Mr. Womack announced that the applicant has withdrawn the application and read a letter to all present from the applicant’s attorney.**

**#14-28 Verizon Wireless 575 Jernee Mill Rd. Bulk Variance/Fence $2,550.00 App.**

 **$5,213.00 Esc.**

**Mr. Womack stated that Mr. Sachs 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. Fisher seconded, motion carried.**

**Lynne Dunn, attorney for the applicant addressed the board stating she had three witnesses that will testify for the application.**

**Mr. Womack swore in Trevor Whitaker, Site Engineer. Mr. Kuczynski asked for motion to accept credentials; Mr. Kreismer made motion, Mr. Corrigan seconded, motion carried.**

**Mr. Whitaker described the site stating Verizon wanted to install a small antenna and small equipment on the roof. He said Page 5 of the drawings shows the roof with the small equipment which is 17’ above ground level. The equipment will consist of cabinets 20’ x 20’ sitting on top of the roof with a safety rail. The antenna is a single 23.3” above the cabinets. The antenna will match the cabinets; an HVAC system is presently on the roof. He said there would be a ladder in the rear out of sight. He said the equipment will be seen and the HVAC system is similar in height. Ms. Fisher asked if the antenna was on the VFW or Starland Ballroom, as the application indicates Starland Ballroom; Ms. Dunn stated Starland was just Verizon’s name for the site.**

**Mr. Womack swore in Sean Haynberg, LE. Mr. Kuczynski asked for motion to accept credentials; Ms. Fisher made motion, Mr. Kreismer seconded, motion carried.**

**Ms. Dunn stated that emissions according to FCC methods total 0.46% which is well below limits. Mr Haynberg said the radiofrequency differs from a tower and the report prepared for this site differs from that of a lattice tower. The cell site proposed has small cell equipment, with a small cabinet there will be one (1) antenna this is a much lower site approximately 22’ above ground and coverage will be for a smaller area. Mr. Kuczynski asked if the site met all state and federal guidelines, Mr. Haynberg said the application meets both and pointed out on the exhibit map of the surrounding area showing the VFW across from the Starland, he described other sites on Jernee Mill Road showing the coverage and described how it will offload adjacent sites.**

**Mr. Womack swore in William F. Masters, Jr. Mr. Kuczynski asked for motion to accept credentials; Ms. Fisher made motion, Mr. Kreismer seconded, motion carried. Mr. Masters said they were here tonight for Use Variance relief for D1 variance as the proposed use is not permitted in the Prime Zone. The application promotes positive criteria and is especially suited for the site for a number of reasons primarily the site satisfies the technology objective and achieves coverage objectives as this is a non residential large property 5.3 acres, he described all the setback requirements for the zone as well as the building support structure. He said they are a willing landlord as well as a recognized non-profit organization. The site is particularly suited as this serves the public welfare and satisfies all positive criteria as well as the negative. He again described the latest technology from a planning perspective also the visual impact would be minimal as the antenna would be painted white to blend in with the sky.**

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**This is a large lot, non residential across from an auto lot and the Starland Ballroom. The design waiver is for the wireless ordinance requires 2’ and a 55” cabinet is not significant and could be granted without issue.**

**Mr. Henry addressed the weight on the roof and low bearing walls; the applicant said there would be no problem. Ms. Fisher talked about the Starland Ballroom being a profit facility and the VFW being a non-profit and felt the reference of Starland Ballroom’s name should be removed from the application as the application applies to the VFW which is non-profit. Mr. Womack asked Ms. Dunn if the application was for this location only. She stated the lease was in effect for the VFW only and the resolution should be the same. They will accept this as a condition of approval. Mr. Green asked how long the lease would be in effect; Ms. Dunn stated she wasn’t sure at this time. Mr. Kuczynski asked about a backup system, they stated it was a backup generator which plugs in for temporary use.**

**Mr. Cornell said this is a county road and they would need county approval. Lynn Dunn stated they had just received that approval yesterday.**

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

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

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

**Mr. Kuczynski asked for motion to approve/deny this application. Ms. Fisher made motion to approve the application removing reference to the Starland Ballroom from the application as discussed, Mr. Kreismer seconded. Roll Call:**

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

 **Mr. Henry**

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**#14-29 Felipe/Micaela Barriero 109 Albert Dr. Bulk Variance/Shed $ 100.00 App.**

**Mr. Womack stated Mr. Sachs has 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. Womack swore in Micaela Barriero the applicant. She has resided at the address for six years and the property has two levels with a shed on each. She intends to remove both sheds and would like to put a new shed on the lower level. She is seeking variance relief for setback.**

**Mr. Leoncavallo stated the variances:**

 **- Rear yard 5’ minimum the applicant is proposing 2’**

 **- Impervious coverage maximum 45% the applicant is proposing 52% after reduction**

**Mr. Kuczynski asked if the side yard setback and building coverage were in accordance with the zoning; Mr. Leoncavallo stated they were fine. Mr. Kuczynski asked the applicant if the shed would be for personal use only and not business, the applicant said it was for personal use. Mr. Kuczynski asked if there would be any utilities, she said just electric no plumbing. Mr. Kuczynski said that the shed should not be two stories. Mr. Henry referred to the pictures showing the two level yard and asked how high; she said 6’ with retaining wall. Mr. Kuczynski asked what the difference between levels were she said 6.’**

**Mr. Green asked if she was agreeable to coming back with what type of shed she was proposing. Mr. Cornell stated that she was proposing 14’ and ordinance is 15;’ Mr. Henry asked about 14’ Mr. Cornell said it can be a pitched or flat roof. The applicant stated she is proposing 14’ but may not even need that high. Mr. Kuczynski asked the applicant if she could limit the height to 12’ the applicant said she had no problem with this request. Mr. Kuczynski stated this would be a condition of approval. Mr. Leoncavallo asked the applicant if it would resemble the dwelling; Mr. Kuczynski asked if it would be finished the same; the applicant answered “yes” to both.**

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

**Mr. Kreismer 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, Ms. Fisher seconded with condition. Roll Call:**

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

 **Mr. Henry**

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**MEMORIALIZATION OF RESOLUTIONS**

**#14-21 Ashland, Inc. 50 So. Minnisink Ave.**

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

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

**#14-26 Edward Kolakowski 38 Quaid St.**

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

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

**#14-27 Thelma Perez 29 Robin Pl.**

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

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

# ACCEPTANCE OF MINUTES

# Mr. Kuczynski asked for motion to approve and accept the minutes of the August 27, 2014 meeting.

# Ms. Fisher made motion to accept the minutes; Mr. Emma 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. Kreismer seconded, motion carried.**

 **Respectfully submitted,**

 **Joan M. Kemble**