SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF SEPTEMBER 25, 2013**

**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. Emma and Mr. Corrigan**

**Absent Members: Mr. Walsh, Mr. Lewis**

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

**#13-19 Frontier Sayreville/ 957 Route 9 Use Variance/Site Plan $ 3,150.00 App.**

**Starbucks $ 4,750.00 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, Ms. Fisher made motion; Mr. Corrigan seconded, motion carried.**

**Mr. Pape, attorney for the applicant addressed the board describing the property as a 45,000’ piece of land along Route 9 North, as a Starbucks Restaurant which is a permitted and the lot is far larger than required. The reason for the application is for a drive thru which requires Use Variance relief. The property is triangular shape with a road in front and in back which creates a number of issues. The design was to make the site safe and make sure circulation was safe. There will be a need for a bulk variance for the front yard setback of the building. The presentations of the application will be by Baskar Halari, Engineer, Scott Kennel, Traffic Engineer, Lizanne Kile, Store Manager Starbucks, and Allison Coffin, Planner.**

**Mr. Sachs swore in Bashkar Halari, Professional Engineer. Mr. Kuczynski made motion to accept credentials.**

**Mr. Halari described the site in its current condition then addressed the prior use as a gas station. He presented an aerial photo labeled Exhibit A1, Variation labeled Exhibit A2, Site Plan labeled A3, Grading/Utility Plan labeled Exhibit A4. He described the old gas station with the small building on site and stated the lot is almost entirely paved. He stated the adjoining lot (Ocean Blue) already has Site Plan approval. He described the proposed site and indicated the landscaping proposed and buffering slightly to the north. He also described the area and all the other like businesses along Route 9. He addressed the plan showing where the drives would be located as well as the dumpster area. He also discussed the sewer and water and stated they would be investigating the connection. They will be putting in a new sidewalk along Old Cheesequake Rd. which will provide widening of the right of way; a new storm system will also be constructed. Mr. Pape stated that they will comply with all the technical staff reports.**

**Mr. Pape addressed concerns of the owner of the property located south and certain concessions.**

**- When he received approval he had to improve Old Cheesequake Road – they will comply with the same.**

**- They feel evergreens along the property line will obstruct the view – they will plant shrubs not to exceed 3’**

**in height**

**- Drainage to the property – they will put a 10’ grading and construction of the easement will be temporary**

**Thomas Roselli, attorney for 963 Route 9 LLC, Kal Ganesan addressed the board stating that his client and the applicant discussed all concerns and they are willing to assist and they were very cooperative. His client would like to see the application approved as it will improve the area. They highly endorsed the application.**

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**Mr. Kuczynski asked about the wells on the site from the prior use; Mr. Halari stated they are scattered along the south side of the property and are monitored for safety by an automated system. Mr. Cornell asked about the waivers; Mr. Halari talked about the site design regarding the sidewalk along the frontage stating they would be providing sidewalk around the building not along Route 9. Item #7 - Regarding the parking on the site, the front yard setback area of 50’ is a very limited area and parking would be located in the front north and west of the structure. Item #8 – Dumpster will be placed in location more in rear and not fenced in it will be surrounded by concrete wall the same as the building. The loading zone will accommodate a box truck with a 5:00 am delivery; the business is not open at this time so there is no need for a separate loading area. The driveway proposed is 25’ not 30’ and he felt this was adequate. Mr. Cornell asked about items C&D – Landscaping. Item C2 – evergreens will be planted on the southerly side; on the northerly side a retaining wall for screening. Item D3 – the 4’ wide driving isle proposed is adequate.**

**Ms. Fisher asked about handicapped parking and if ADA requirements are being met. Mr. Halari stated there are two spaces closest to the building which is in compliance. Ms. Catallo asked about the hours of operation; Mr. Halari stated they are 5:00 am to 11:00 pm.**

**Mr. Sachs swore in Scott Kennell, Traffic Engineer. Mr. Kuczynski asked for motion to accept credentials; Ms. Fisher made motion, Mr. Kreismer seconded, motion carried. He described the on-site circulation and how the drive on Old Cheesequake Rd. would be secondary with the main access being off of Route 9. The on-site circulation can accommodate the parking spaces as it is on a 60 degree angle one way around the building and the consolidation of the in/out meets and exceeds the opinion of the plan provided. Mr. Pape asked about the trash and emergency vehicles and Mr. Kennel stated the plan accommodates these vehicles. Mr. Kennel stated the Route 9 exit far exceeds and provides adequate site distance and Old Cheesequake Rd. is safe and efficient. He stated the impact would be minimized and deliveries would be off hours. With reference to stacking; he said the it could accommodate 8-9 vehicles and timing is approximately 4 minutes per customer. Mr. Emma asked if there was any documentation regarding how many vehicles are serviced; Mr. Kennel stated according to records they service approximately 85-90 vehicles during peak hours. Mr. Kreismer asked about garbage pick-up; Mr. Kennel said it’s less than 5 minutes and cars can go around the trucks. Mr. Kennel stated the prior use had comparable traffic and according to ordinance they need to provide 20 parking spaces; they are providing 26 with the employees built in to 2 of the spaces. Ms. Fisher addressed the emergency vehicles and Mr. Kennel stated again there would be no problem.**

**Mr. Sachs swore in Lizanne Kile, Store Manager. She stated she is responsible to explore sites. She is familiar with the site, number of employees will be 4-5 and she was comfortable with parking. Deliveries will be in the morning before opening by a box truck 5 days a week. Hours of operation will be 5:30 am to 9:30 pm. An employee will be available ½ hour before opening to accommodate delivery. This time can be tweaked if possible. Trash collection is private and after closing; Mr. Sachs stated this should be no later than 11:00 pm.**

**Mr. Kuczynski asked what would be sold in the store; Ms. Kile said pastries, sandwiches, juice, coffee, newspapers, music and/or types of nuts. Mr. Green asked if this was a corporate store; she said all stores are corporate. Mr. Kreismer asked about WI FI; she stated the store would have WI FI in the event someone wanted to have a meeting in the store; Mr. Green stated this could become a hangout with the WI FI access; Ms. Kile stated they do not ask people to leave. Mr. Sachs stated the board could not control this issue. Mr. Kuczynski asked about the outdoor seating, trash and/or litter, Ms. Kile said all the store managers are responsible for the cleanliness of the inside and outside of the stores. Mr. Pape asked Mr. Halari and Ms. Kile to talk about the signage being requested. They stated there would be a sign before the entrance drive in then one on an island area in the center with the drive thru directional sign approximately 4’ high; before the drive thru there would be a clearance dimension sign, then a menu sign at the order location all signs would be lighted.**

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**They are requesting a waiver for the number of signs. There would also be a branding of the building on the east side front of the store very minimal as well as a single logo on the north side of the building. The front signage will be free standing with the company logo. Mr. Sachs requested that no lighting be after 11:00 pm; Mr. Emma asked if the landscaping could block the light from shining in the homes. Mr. Leoncavallo said that the signs according to regulations Chapter 4 were not waivers but variances which could be granted. Ms. Fisher addressed the number of signs allowed; Mr .Leoncavallo stated they do not meet the sign requirements and can be asked to eliminate signage if the board chooses to do so.**

**Mr. Sachs swore in Allison Coffin, Planner. Mr .Kuczynski asked for motion to accept credentials; Mr. Kreismer made motion, Mr. Emma seconded, motion carried.**

**Ms. Coffin stated she reviewed the Site Plan as well as visited the site on Route 9 and talked about the other businesses in the area with drive thru sites. She stated this was a B3 Zone and a Use Variance is required for the drive thru, there are no bulks with the exception of the front yard setback where 50’ is required and they are proposing 35.2’ in some areas. She felt the variance could be granted and the there would be no detriment for the drive thru as the use is prevalent throughout the area. The signage requested is typical of this type of business and the other businesses in the area. The general welfare of the site would be greatly improved and for all these reasons she felt the application should be approved.**

**Mr. Sachs stated for the record that the front yard setback falls under a C1 variance and the signage a C2. Ms. Fisher asked if the inside would follow ADA requirements such as bathrooms, Mr. Pape stated “yes.” Mr. Kuczynski asked if all items on the reports have been addressed; Mr. Cornell said if they have not they will be addressed. Mr. Sachs said that the comments from Tom Roselli, Esq. will be included in the resolution as a condition of approval.**

**Mr. Sachs then stated the variance relief requested:**

**D1 - for the drive thru**

**C1 – front yard setback**

**C2 – signage**

**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. 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, Ms. Catallo, Ms. Fisher, Mr. Green, Mr. Emma, Mr. Corrigan**

**9:30 PM – Mr. Kuczynski stated that the board would take a 5 minute break**

**9:35 PM – The meeting was called back to order with a roll call vote and all in attendance.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – SEPTEMBER 25, 2013**

**#13-20 Lenahan Chiropractic 837 Route 9 Use Variance/Site Plan $ 1,300.00 App.**

**$ 4,200.00 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, Ms. Fisher made motion; Mr. Emma seconded, motion carried.**

**Ken Pape, attorney for the applicant gave a brief description of the location and the history of the applicant growing up in the residence. The applicant is looking to relocate his professional practice to the main floor while still leaving the 2nd floor as a residential use. Tonight they are seeking a Use Variance only and have prepared drawings which were submitted with the application. He stated that the applicant is a single medical practioner. The residence is a single family residence on Route 9 which is a permitted use.**

**Mr. Sachs swore in Ronald Sebring, Architect. Mr. Kuczynski asked for motion to accept credentials; Ms. Fisher made motion, Mr. Kreismer seconded, motion carried. Mr. Sebring described the development of the site as the last property in Sayreville before entering into South Amboy. He said all of the discussed improvements are on the Sayreville side with calculations based on the property in Sayreville only. He said there were currently 9 parking spaces with 1 handicapped on the south side of the property and they are not proposing any more. The house will remain the same with the exception of them having to move the front door which creates small addition for 2nd floor access. Mr. Pape stated he wrote to the City of South Amboy deferring them and appearing in Sayreville and they were in agreement.**

**Mr. Kuczynski asked if there were more than 1 handicapped space necessary; Mr. Pape said they would explore the possibility of 2 spaces. Mr. Emma asked how many trees will be taken from the lot; Mr Sebring said 2 trees, Mr. Emma said he visited the site and counted 16 trees; Mr. Sebring stated they do not belong to the applicant. Mr. Sachs said that the application tonight was for a Use Variance and these issues would be addressed when the applicant returns for Site Plan approval. Ms. Catallo asked if there was a handicapped ramp proposed. Mr. Sebring stated it was shown on the plans. Mr. Pape said that application has not been made yet to the DOT, but he did meet with them, and their approval will be required. Mr. Cornell asked about the waivers; Mr. Pape said they would be addressed in the Site Plan application.**

**Mr. Sachs swore in Scott Kennel, Traffic Engineer. Mr. Kuczynski stated his credentials have already been accepted with the prior application. Mr. Kennel stated he felt the parking was adequate and the applicant is comfortable with the relocation of the driveway for safety reasons; however, the driveway will be subject to review for onsite circulation for the total 10 spaces. He has 3 employees and he never has more than 5 patients at one time. One parking space will be reserved for the tenant in the upstairs apartment. His hours of operation are Monday, Wednesday, Thursday 9:30 am to 11:30 am; then 3:00 pm to 7:00 pm. The hours are after the peak hours of commuters. He expects his peak hours for parking to be Monday, Wednesday, Thursday**

**4:30 pm to 7:00 pm. Mr. Green asked about the parking for the tenant; Mr. Pape stated 1 space will be stipulated in the lease. Ms. Fisher said she thought they had to provide 1.5 spaces; Mr. Sachs again stated this will be stipulated in the lease as well as the resolution of the application is approved.**

**Mr. Sachs swore in Timothy Lenahan, who stated he was a Doctor of Chiropractic medicine in South Amboy for the last 15 years less than a half mile away0 . He purchased the home from his siblings with the idea of moving his practice. His practice is by appointment only for no more than 5 patients with a time duration of 10-30 minutes. This is a one doctor practice and currently his office is located in a strip mall with 1 handicapped space and 17 regular spaces. If his practice grows there will not be enough parking.**

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**Mr. Kuczynski asked the applicant if the hours will remain the same: Monday, Wednesday and Thursday**

**9:30 am to 11:30 am, then 3:00 pm and Friday 3:00 pm to 6:00 pm? Mr .Sachs stated he should not put a limitation on the hours of operation and perhaps should state hours of 9:30 am until 7:00 pm; Mr. Lenahan said he did not want to limit the hours in the event his practice called for him to open, say for example on a Tuesday. Ms. Fisher asked about deliveries and garbage the applicant stated pickup was twice a week and deliveries were minimal. There will also be limited signage.**

**Mr. Sachs swore in Allison Coffin, Planner. Mr. Kuczynski stated that her credentials have already been accepted with the prior application. Ms. Coffin stated she reviewed the site and area, this is a single family home with a 2 bedroom apartment upstairs in an R10 zone and the office use requires this Use Variance. She sees no detriment and the site is suited for the use, the building can accommodate practice and residential uses and is ideally located with adequate parking room. She felt the application should be approved.**

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

**Mr. Corrigan seconded.**

**Mr. Sachs swore in:**

**Barbara Kilcomons – 22 Schmitt St. Mrs. Kilcomons stated that the applicant’s parents were well respected in both South Amboy and Sayreville and felt the application should be granted as there is need in Sayreville for services offered by medical facilities such as the applicant’s and would the an asset to the community.**

**Gerard Foschini – 79 Orchard St. Mr. Foschini stated he knows the family and when he received his notice he had a concern for the area being residential and the waiver for buffer and landscaping, as well as, the refuse area and height. He stated there are many trees and he is not against the application but did want to see landscaping addressed with the application.**

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

**Mr. Emma seconded, motion carried.**

**Mr. Pape addressed all the concerns mentioned and the issues raised are not a part of this application but will be a part of the Site Plan. Mr. Sachs stated that if the Use Variance is approved Mr. Cornell’s waivers will be included. Mr. Pape stated that this was a unique situation with an appropriate purpose and asked that the Use Variance be granted and they will return for Site Plan approval. Mr Sachs stated that the hours of operation, number of employees and limitation on tenant parking will be stipulated in the resolution.**

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – SEPTEMBER 25, 2013**

**#13-23 Janet Kwiatkowski 128 Deerfield Rd. Bulk Variance/Addition $ 100.00 App.**

**Mr. Kreismer excused himself from this application as the applicant is his neighbor.**

**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. Corrigan seconded, motion carried.**

**Mr. Sachs swore in Janet Kwiatkowski who stated she has lived in her home for 34 years and enjoys her house and the neighborhood and now has the means to put on an addition to expand the master bedroom as well as put an island in the kitchen.**

**Mr. Leoncavallo stated the variances:**

**- The addition encroaches the rear yard 25’ is minimum the applicant is proposing 7’**

**- Lot coverage 20% maximum with the 15’ x 13’ addition the applicant is proposing 26%**

**Mr. Sachs asked the applicant if there was a deck in the rear; the applicant stated “yes.” Mr. Kuczynski asked if the 13’ was for the bed/bath and the 8’ for the small bedroom/kitchen she said “yes.” She also stated there is a JCP&L right of way but provided letter from them stating there would be no impact. Mr. Sachs reiterated that there in fact would be no impact. Mr. Kuczynski asked the applicant if the house was one level and if it would remain a single family; Ms. Kwiatkowski stated it would remain the same. Mr. Cornell stated that the elevated deck was not an issue it was 8-10’ below and no variance was needed for the deck. Mr. Kuczynski asked the applicant if the exterior would be finished the same as the rest of the house; she stated it would all look the same.**

**Mr. Green asked the applicant if approved when did she think she would begin the project. Ms. Kwiatkowski stated she was currently reaching out and getting some quotes and was hoping to start the project ASAP and have the foundation poured by November. Ms. Fisher asked if this was a corner lot; Mr. Cornell said it was not.**

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

**Mr. Corrigan seconded.**

**Mr. Sachs swore in:**

**Barbara Kilcomons – 22 Schmitt St. Mrs. Kilcomons stated she resides right behind this home which is very well maintained and she felt the application should be approved.**

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

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – SEPTEMBER 25, 2013**

**#13-24 Harinder Singh 10 Unkel Ct. Bulk Variance/Deck $ 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. Corrigan seconded, motion carried.**

**Mr. Sachs swore in Harinder Singh who stated he has a growing family and was looking to create extra space for his children by adding a deck to his house. Mr. Kuczynski addressed the drawings and asked if the deck was**

**12’ x 14’ with a 4’ wing; Mr .Sachs said it was considered a 14’ x 20’ deck.**

**Mr. Leoncavallo stated the variance:**

**- Rear yard 20’ minimum the applicant is proposing 12’**

**Mr. Kuczynski asked if there would be any roof, the applicant said “no.” Ms. Fisher asked if this was considered a PRD zone; Mr. Cornell stated this was not a redevelopment zone and no SERA approval is required.**

**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. 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, Ms. Catallo, Mr. Green, Mr. Emma, Mr. Corrigan**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – SEPTEMBER 25, 2013**

**#13-25 Marlene Bergeron 42 Outlook Ave. Bulk Variance/Addition $ 150.00 App.**

**(Bob Downey)**

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

**Mr. Sachs swore in Bob Downey, contractor for the applicant. Bob stated the applicant was also present to answer any questions. He addressed the survey and plans included and stated that there are no front yard setbacks but because of the lot size and garage in rear they have lot percentage for coverage and impervious and 13’ off the one side yard; combined they are a little short. The applicant is looking to increase the size of the living room which is quite small and will be combined with the enclosed porch to the left and the room behind the porch. Mr. Kuczynski asked if the house would remain single family, Bob stated “yes.” He also said the exterior would be the same as existing exterior.**

**John Leoncavallo stated the variances:**

**- Combined side yard 20’ the applicant is proposing 19.8’**

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

**- Impervious coverage maximum 45% the applicant is proposing 49%**

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

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**MEMORIALIZATION OF RESOLUTIONS**

**#13-16 Latonya Barbery 92 Harding Ave.**

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

**Yes: Mr. Kreismer, Mr. Green, Ms. Catallo**

**#13-21 Joel Steinberg 23 Vincent St.**

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

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

**#13-22 Judith Lahrman 146 Pulaski Ave.**

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

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

# ACCEPTANCE OF MINUTES

# Mr. Green stated that he had found a correction that needed to be made in the August minutes listing Mr. Kuczynski as making a motion. Joan stated she had noticed this herself and already made the correction.

# Mr. Kuczynski asked for motion to approve and accept the minutes of the August 28, 2013 meeting. Ms. Fisher made motion to accept the minutes with correction; Mr. Corrigan seconded, motion carried.

**Before adjourning, Mr. Emma asked if it was possible to have Site Plans digitally formatted to alleviate the bulkiness of the applications. Mr. Sachs stated this was not possible particularly if an application was to go to court as they do not have the facilities to read these types of documents.**

**ADJOURNMENT**

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

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

**Respectfully submitted,**

**Joan M. Kemble**