VIRTUAL (ZOOM) MEETING BY PHONE

 SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF MARCH 24, 2021**

**The regular meeting of the Board of Adjustment was called to order by Mr. Henry, Vice Chairman and opened with a salute to the flag. Mr. Kemm, Esq. announced that the meeting was being conducted in accordance with the Sunshine Law.**

**Members of the Board of Adjustment present were: Mr. Henry, Mr. Kuczynski, Mr. Sivilli, Mr. Emma,**

**Mr. Esposito, Mr. Foley, Ms. Kuo**

**Excused Absence: Mr. Corrigan**

**Also present were: Mr. Kemm, Attorney, Mr. Cornell, Engineer, Mr. Barre, Planner**

**Before beginning the applications Mr. Henry addressed the board stating that Ronald Green Chairman has resigned from the board, therefore, the board needed to elect a new Chairman.**

**Mr. Henry asked if there were any nominations for Chairman: Mr. Sivilli nominated Mr. Henry for Chairman of the Board of Adjustment; Mr. Foley seconded. Roll Call:**

**Yes: Mr. Kuczynski, Mr. Sivilli, Mr. Emma, Mr. Esposito, Mr. Foley, Ms. Kuo**

**Mr. Henry asked if there were any nominations for Vice Chairman: Mr. Henry nominated Mr. Sivilli for Vice Chairman of the Board of Adjustment; Mr. Foley seconded. Roll Call:**

**Yes: Mr. Kuczynski, Mr. Sivilli, Mr. Emma, Mr. Esposito, Mr. Foley, Ms. Kuo**

**#20-15 Dunkin Donuts 2909 Washington Rd. Use Variance/Site Plan $ 2,500.00 App.**

 **$ 3,252.80 Esc.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Lisa John-Basta, Esq. attorney for the applicant stated the applicant was seeking Site Plan approval for a Dunkin Donuts on the corner of Washington Rd. and Ernston Rd. at the Shop Rite mall 2909 Ernston Road. The Use Variance is for the drive thru the restaurant portion is a permitted use. They have several witnesses that will testify.**

**Mr. Kemm swore in:**

**James Henry, LPE, NJ, NY & PA. Bill Henry made motion to accept his credentials. Mr. Henry stated he prepared the Site Plan and described through a presentation on screen. He showed an aerial map dated 2/24/21 of the location stating it was in a B2-B3 Zone with several uses in the complex. There is a Shell gas station, residential area and bank in the same area. He presented a Survey labeled A3 prepared by Maser Consulting which described the area and drives on site and drop offs on Washington Road approximately 20’. The visibility on the site photos labeled A13 prepared by Dynamic Engineering dated 2/24/21 described the visibility of the Dunkin Donuts would be poor and the sign would be elevated above the trees. Lisa John-Basta stated that the visibility would be less dangerous if the sign was higher. Mr. Kemm stated that the applicant is actually the owner of the site and they are asking for the Dunkin Donuts. The sign would up towards Washington Road. Mr. Henry stated the applicant is compliant with parking which requires 20 spaces; the applicant is proposing 20 spaces on a 60’ angle.**

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**The sidewalk will be 6’ in front of the building striping 5’ from property line; landscaping along curb line. They are seeking waiver for front yard setback parking as 50’ is required and they are proposing 25’. They will be striping lanes In/Out both left and right to improve circulation. Mr. Henry stated the Traffic Engineer met with police and will be upgrading crosswalks with no parking signs along driveway. Possible additional access from the right hand lane turn to the middle of the grade is not an option. They are proposing a 20’ isle; 14’ at the bottom with 3 10’ drive thru lanes proposed. The mobil lane will be pick up only with 10 cars at a time. The 1st window will be traditional orders the front window will be mobil orders. Mr. Foley questioned the 10 cars and asked if other cars would be able to drive out of the lot. Mr. Foley asked if they would be able to park across the street. Mr. Henry also addressed the crosswalk stating they were looking to install a new crosswalk; Mr. Emma suggested that it provide crossing for those also walking south, Mr. Henry said they would review this suggestion. Mr. Foley asked about the current crosswalk at the entrance/exit; Mr. Henry stated they would be updating this crosswalk. Mr. Henry stated that they would be open from 5:00am to 10:00pm with a maximum of six (6) employees on site; a box truck delivers donuts every day during peak hours; Mr. Emma asked if there were also deliveries on the weekend, Mr. Henry again said “yes” there are deliveries every day during peak hours. He stated the trash enclosures will be in the rear of the building as well as, a generator (gas) which will only be used for emergencies. Garbage pick-up will be two times a week, recycling once a week.**

**Mr. Henry described the bulk variances and buffers. The lighting will be LED 25’ compliant with the Borough ordinance. There will be 3 single lights in the parking lot and they are seeking a waiver for 0.5’ candles due to the residential area. Mr. Barre asked if there would be lighting along the sidewalks to the Dunkin Donuts, Mr. Henry said they would add lighting/illumination; there is currently a street light but he will leave up to the Board if they would like lower bollards; Bill Henry thought this lighting might be enough; Mr. Foley suggested with the high school lighting should exist. Mr. Kuczynski suggested that they provide lighting from the sidewalk on Ernston Road. Mr. Henry described the planned landscaping and trees as they are seeking a waiver for landscaping in the parking isles they will also provide money for the trees. He described the sign on the building and two stand-alone signs and overall shopping center sign. Overall upgraded site and worked with professionals and police regarding the safety aspect with the drive thru. Mr. Kuczynski asked about the seating outside/inside and if the generator was necessary. Mr. Henry stated there would be a total of 21 seats 14 inside and 7 outside with only counter service.**

**Mr. Kemm swore in:**

**Nick Verderese, Traffic Expert. Bill Henry made a motion to accept credentials. Mr. Verderese stated he performed the standard traffic study on 6/13/19 from 7:00am to 9:00am and 2:00pm to 6:00pm they again during peak hours 7:30am to 8:30am and 5:00pm to 6:00pm for future traffic conditions this is not a big traffic generator there is more from existing traffic 7:00am to 10:00 which is generally the peak of Dunkin Donuts. He addressed the Site drawing A6, the circulation of 2 way and 1 way egress with 20 parking spaces. The 10 cars due to COVID he described the mobil by passes at peak times. The traffic analysis he met with Police and proposed improvements for the right and left and added the existing crosswalk for pedestrians to be modified to high visibility two wide stripes and signage, 50’ long and the best scenario is to keep in the same location. Mr. Verderese said an additional crosswalk would be too confusing. He stated stop bars have been requested by the Police which will be added. The 20’ isle meets the Borough ordinance. Dave Sivilli addressed the exit onto North Ernston and suggested perhaps a traffic signal should be reviewed; Mr. Verderese stated he did review this issue to see if a signal would alleviate volumes and he felt it does not rise to that level for traffic; Dave Sivilli suggested a flashing sign; Mr. Verderese thought this would be possible; Dave Sivilli said he would like to see something.**

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**Gary Kliesch – Mr. Henry spoke for Gary Kliesch and described the elevation of the building and seating area, rear storage. The front area will have cement and siding facing Shop Rite, the side will be windows, HVAC on the roof will not be visible. Lisa John-Basta stated the signage is in compliance. Mr. Kuczynski asked if the HVAC will be shielded on the roof Lisa John-Basta stated she was not sure how visible it would be. Gary Kliesch stated he can provide screening on the HVAC unit. Bill Henry asked if there would be any baking on the premises; Mr. Henry stated they will not be baking in this location.**

**Mr. Kemm swore in:**

**Justin Auciello, P.P. – Bill Henry made motion to accept credentials. Mr. Auciello reviewed the site and project planning use for the drive thru and a few bulk variances. The D1 Use is only for the drive thru and the proofs fall under the D1 Variance. The site layout and the circulation described provides access to the site and is a suitable use. Relative specific reasons is positive criteria advances zoning and is sufficient in space, traffic and the general welfare to the public. The traffic already exists and the improvements on the site, the environment, the structure and landscaping enhances the use. The drive thru encourages activity during the pandemic and benefits the general welfare of the public. The negative criteria is the use detriment, the location of use if designed properly there is no detriment to public good. The drive thru is not permitted but this is a good location. Bill Henry asked Mr. Verderese if there was any comparison with the Dunkin Donuts down the street and if he felt people would go to this new location and leave the other already existing. Mr. Verderese said “yes” he did anticipate people would change.**

**Mr. Barre asked what the free stand sign consideration of size would be; Mr. Verderese said 8-10” letters on the low end with enough panels to cover tenants. The bottom is below the roadway and put on stilts to get above bushes. Mr. Henry said they raised it 8’ high due to grading and they wanted to treat landscaping and trees properly and make sure visibility is there for the traffic. Bill Henry asked if the sign was needed due to the residential area. Mr. Henry stated the sign is vital and they are asking for under 100 sq. ft. considering the number of tenants and it will be away from the residential area he compared it to the Walgreens sign. Bill Henry questioned the position of the sign being 5’ and asked if it be moved back; Phil Emma stated possibly make it smaller or do without, Bill Henry suggested lower it to the ground. Mr. Henry addressed A13 which showed the sign and where it will be located clearly showing it would not impact the residential area. Mr. Kuczynski asked if it was higher than the trees, Mr. Henry said “no.” The lighting is off overnight it is only lit when Shop Rite is open. The lighting is internal illuminated and can be controlled. Mr. Barre asked how many tenants were in the complex.**

**Mr. Kemm swore in:**

**George Michael Gatlenberg, Owner. Mr. Gatlenberg stated he was the owner of 180,000 sq. ft. complex and his tenants express visibility. Due to the number of vacancies be a detriment he needs the signage. Bill Henry asked him how many tenants were on site at present, Mr. Gatlenberg 15-16 tenants. He stated the tenants need signage. Mr. Barre asked if other signage options were looked at; Mr. Gatlenberg said he was looking for tasteful design and was trying to bridge what the Board would accept. Mr. Cornell stated that the applicant has come a long way and issues have been addressed and will finish.**

**Mr. Kemm addressed the open issue of the lighting on the sidewalk by Dunkin Donuts; Mr. Barre suggested that the lighting level on the sidewalk for safety be a condition of approval.**

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**Lisa John-Basta, Esq. addressed the Board stating that the testimony was complete and the drive thru was appropriate for the site, and other variances as well as the monument sign being tall because of the site. She stated the landscaping will minimize the variances and asked the Board to look favorably on the application and thanked them for their time.**

**Mr. Henry asked for motion to open public portion; Mr. Henry made motion to open public portion.**

**Mr. Foley seconded, motion carried. No one spoke. Mr. Henry made motion to close public portion;**

**Mr. Kuczynski seconded, motion carried.**

**Mr. Henry asked for motion to approve/deny this application. Mr. Foley made motion to approve the application with the condition of approval; Mr. Kuczynski seconded. Roll Call:**

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Sivilli, Mr. Emma, Mr. Esposito, Mr. Foley, Ms. Kuo**

**#21-02 Jonathan Magaw 49 Dane St. Bulk Variance/Garage $ 200.00 App.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in Jonathan Magaw who stated that during a major storm his neighbor’s tree feel on his garage and he had to demolish the garage. He is requesting permission to rebuild his garage. The damaged garage was on the property line and he wants to move over the left side of the yard to properly use.**

**Mr. Henry asked if he would be using concrete or asphalt; the applicant said concrete. Mr. Kuczynski asked what variances the applicant was asking for:**

* **Maximum garage 150 sq. ft. 480 sq. ft. proposed**
* **Maximum building coverage 20% proposed 26%**
* **Maximum impervious coverage 45% proposed 50%**
* **Maximum driveway extension 5 ft. proposed 1 ft.**

**Mr. Kuczynski asked if there would be any business conducted the applicant said “no” and utilities will be just electric no plumbing. The applicant said the garage will be used for his vehicle and standard yard equipment. Mr. Foley asked what size the demolished garage was, the applicant said 20’ x 21’. He stated the new garage will match the house which is all brick and white vinyl.**

**Mr. Henry asked for motion to open public portion; Mr. Henry made motion to open public portion. Mr. Foley seconded, motion carried. No one spoke. Mr. Henry made motion to close public portion; Mr. Foley seconded, motion carried.**

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

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Sivilli, Mr. Emma, Mr. Esposito, Mr. Foley, Ms. Kuo**

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**#21-03 Anthony & Michele Coppa 10 Sherwood Rd. Bulk Variance/Pool $ 100.00 App.**

**Mr. Kemm stated that the Board had jurisdiction to hear the application.**

**Mr. Kemm swore in Michele Coppa who stated that they were asking for variance approval to install a 15’x 30’ above ground pool as they have a distance issue. The variances requested are:**

* **Rear yard setback 10’ required - 3’ proposed**
* **Side yard setback 10’ required – 3’ proposed**

**Mr. Henry asked if they would be removing the trees; the applicant said “no” the trees belong to the houses on the left they are not their trees.**

**Mr. Henry asked for motion to open public portion; Mr. Henry made motion to open public portion.**

**Mr. Sivilli seconded, motion carried. No one spoke. Mr. Henry made motion to close public portion;**

**Mr. Foley seconded, motion carried.**

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

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Sivilli, Mr. Emma, Mr. Esposito, Mr. Foley, Ms. Kuo**

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**MEMORIALIZATION OF RESOLUTIONS**

**#21-01 Steven/Alisia Kazoleas 5 Christopher St.**

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

**Yes: Mr. Henry, Mr. Kuczynski, Mr. Sivilli, Mr. Esposito, Ms. Kuo**

**ACCEPTANCE OF MINUTES**

# Mr. Henry asked for motion to approve and accept the minutes of the February 24, 2021 meeting. Mr. Henry made motion to accept the minutes Mr. Kuczynski seconded, motion carried.

**ADJOURNMENT**

**There being no further business to discuss, Mr. Henry asked for motion to adjourn, Mr. Emma made motion to adjourn; Mr. Foley seconded, motion carried.**

 **Respectfully submitted,**

 **Joan M. Kemble**