SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF OCTOBER 25, 2017**

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

**Members of the Board of Adjustment present were: Mr. Green, Mr. Kuczynski, Mr. Kreismer, Ms. Catallo,**

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

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

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

**Before beginning the meeting Mr. Sachs announced the following:**

**Application #17-24 Ronaldo DeAlmeida of 34 Gardner Place noticed for the October 25th meeting but is not going to be heard tonight and will be heard at the November 21st meeting without further notice.**

**Application #16-13 Shri Bhaktindhi - He received a letter from the applicant’s attorney asking to be held over to the November 21st. meeting without further notice and he agreed to extend the mandatory date of 11/30/17.**

**Application #’s 17-13 and 17-15 Interstate Outdoor Advertising – David Himelman, attorney for the applicant requested that these two applications be held over to the December 13th meeting with no further notice.**

**Application #17-29 Recovery Centers of America – David Himelman, attorney for the applicant stated the applicant is currently reviewing complexity of the application and Mr. Himelman asked for a special meeting for the hearing. Mr. Green stated he will discuss and take a poll to see if the board members would be available for a November 8, 2017 Special Meeting. After polling the board it was decided and announced by Mr. Sachs that a Special Meeting would be held without further notice on November 8, 2017 at 7:30 PM in the Council Chambers on the 3rd Floor of Borough Hall. Mr. Green asked the secretary to notice the newspaper.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 25, 2017**

**#17-04 Fisher Street Associates Fisher Street Use Variance/Site Plan $ 1,250.00 App.**

 **$ 5,400.00 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. Green asked for motion to deem the application complete,**

**Mr. Kreismer made motion; Mr. Corrigan seconded, motion carried.**

**George Pressler, Esq., attorney for the applicant addressed the board stating that the building is presently vacant and the prior use was a diner. The applicant/owner would like to modify to retail offices and hardware store, as the building is in an R7 Zone a variance was necessary.**

**Mr. Sachs swore in Alessandra Conte of Staten Island, President/Owner of the prior Rupp’s Hardware business for the past three (3) years. She stated she does not own the building the business is in and the reason for the move is to eliminate the rent. If approved she will be providing 44 parking spaces and would have visibility as a commercial/hardware business. She stated she will have 6 part time employees and will be transferring the same team to the new building; she is a full time employee. The hours of operation are Monday – Saturday 8:00 am to 6:00 pm; Sunday 9:00 am – 1:00 pm. She stated there is a delivery one day a week on Wednesday around**

**10:00 am and by moving to the larger building this will be much easier and quicker. Mr. Sachs asked what type of truck does the delivery; the applicant said a tractor trailer. She intends to rent space to two tenants but has no one in mind at this point. Mr. Green asked how long a delivery takes, she said approximately ½ hour. Mr. Emma asked where they will park, she said in the parking lot and will have more room. Mr. Cornell suggested that Mr. Hopkins speak more about the truck deliveries during his testimony.**

**Mr. Sachs swore in Walter Hopkins, President WH Engineering. Mr. Sachs made motion to accept credentials. Mr. Hopkins addressed Exhibit A1 Site Plan dated 4/28/17 showing 24,561 sq. ft. site which was previously a diner and before that a car lot. The site is located in an R7 Zone and he described the area as well as the uses. It is a 4200 sq. ft. building with 41 parking spaces with some landscaping and lighting; they will be renovating the building and will be putting an addition of an overhang for the outdoor landscaping and storage. After describing the parking uses they came up with 41-46 parking spaces. 1,000 sq. ft. will be used for the hardware store and they will meet all ADA parking requirements. They intend to have three (3) tenants with Fisher St. as the only point of access; deliveries will circulate around the lot for ingress and egress on Fisher St. The lighting is adequate and will remain the same. Mr. Hopkins addressed Jay Cornell’s report:**

* **He stated that they would be applying to the outside agencies, front yard setback for parking already exists**
* **Landscaping that would be provided along MacArthur Ave. and Fisher St.**
* **The existing condition of the sidewalk they are seeking a waiver on the interior of the lot**
* **The driveway currently is 25’ wide and will remain**
* **They are aware of the flood and water issues associated with the property**

**As stated they will apply to the State as a condition of approval. The landscaping will be provided along the right-of-way. Referencing shade trees the prior applicant did the best, 10% of the parking area and they will comply with lighting in the loading area.**

**SAYREVILLE BOARD OF ADJUSTMENT**

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

* **Rear yard setback 8’ minimum 1.8’ proposed**
* **Side yard setback 8’ minimum 1.8’ proposed**
* **Building coverage 20% maximum, 24.2% existing**
* **Lot coverage 45% maximum, 88.4% existing**

**The applicant is seeking the following waivers:**

* **Sidewalk in parking area**
* **2-way drive 30’ required; keep 25’ existing**
* **Landscaping in lot**

**The use for this site is not suited as this is a residential zone, prior uses were a car lot and diner and now will be a commercial use. Mr. Hopkins stated that the intensity is diminished and there is sufficient space at the location for this specific use. Mr. Emma asked if the applicant would be keeping the existing fence, Mr. Hopkins said “yes.” Mr. Henry asked about the 41 parking spaces including the other two buildings, Mr. Hopkins said 17 would be for the hardware store, Mr. Henry asked who owns the property in the rear of the building, Mr. Hopkins said the property is owned by the Borough. Mr. Kuczynski asked what the overhangs looked like and would the three (3) sides facing the front be finished.**

**Mr. Sachs swore in Bob Downey, Contractor. Mr. Downey described the site as well as the overhang proposed and said it would be a copper overhang and is used in high end properties. Mr. Henry asked if the roof would be metal, Mr. Downey said “yes.” Mr. Kuczynski asked about the height, Mr. Downey said 9-10’; Mr. Kreismer asked if this would be sufficient for deliveries, Mr. Downey said deliveries will be done in the open area of the property.**

**Mr. Kreismer asked about storage, Mr. Downey said it would be on the 2nd floor for the hardware store. Mr. Sachs stated for the record that no residential would be allowed and asked where the plants and decorations would be stored, Ms. Conte said on the Fisher Street side. She also stated that she was going to put the holiday decorations around the sign. Mr. Kreismer asked where the fork lift would be kept, Ms. Conte said under the roof in the rear of the store. Employee parking would be for three (3) with cars in the rear. Mr. Emma asked if the overhang would wrap around the building, Mr. Downey said “yes” and the fence is not changing, nor the height, no entrance, no gate at present possibly in the future. Mr. Downey said there will only be the roof and moving the garbage area.**

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 25, 2017**

**#17-27 William Buhler 46 Evelyn Terrace Bulk Variance/Addition/Porch $ 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. Green asked for motion to deem the application complete,**

**Mr. Kreismer made motion; Mr. Corrigan seconded, motion carried.**

**Mr. Sachs swore in William Buhler who stated they were asking for variance approval to extend their kitchen 8’ and create a porch on the other side 6’.**

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

* **6’ x 20’ porch and 8’ x 10’ addition combined side yard setback 25’ minimum the applicant is proposing 20’**
* **6’ x 20’ porch and 8’ x 10’ addition combined front yard setback 30’ minimum the applicant is proposing 15’**
* **6’ x 20’ porch addition encroaches side yard setback 10’ minimum the applicant is proposing 5’**

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 25, 2017**

**#17-28 Edward Goldmann 19 Fielek Terrace Bulk Variance/Garage $ 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. Green asked for motion to deem the application complete,**

**Mr. Henry made motion; Mr. Green seconded, motion carried.**

**Mr. Sachs swore in Ed Goldmann who stated that he was seeking variance approval to build a garage 30’ x 40’ in the rear of his property. Mr. Sachs asked the applicant if there would be any plumbing, he said “no” but would like electric for lights. Mr. Sachs stated there could be no occupancy/housing and/or commercial. Mr. Green asked what the garage would be used for, the applicant stated he had a couple of antique corvettes and a boat. He said he currently had the vehicles in storage and was paying $1,000 per month to store them. Mr. Leoncavallo asked about the 20’ x 40’ driveway; Mr. Henry asked if it was already there, the applicant said “yes.” Mr. Kreismer asked if he would be complying with the 15’ height, the applicant said “yes.”**

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

* **Proposed 40’ x 30’ garage 1,350 sq. ft. maximum 150’**

**Mr. Henry asked about the size, the applicant said it would be longer and the siding would be the same as the house and will be a metal structure. He presented a picture marked Exhibit A1. Mr. Henry asked what the width of the property was, the applicant said 116’ wide and is a corner lot. Mr. Kreismer asked if there was a gate, the applicant said “yes” and it swings in. Mr. Henry asked if there would be a second floor, the applicant said “no.” Ms. Catallo asked if it would be located behind the grass area, the applicant said “yes.”**

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 25, 2017**

**#17-30 Pawel Piotrowski 16 Marshall Place Bulk Variance/Fence $ 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. Green asked for motion to deem the application complete,**

**Mr. Kreismer made motion; Mr. Corrigan seconded, motion carried.**

**Mr. Sachs swore in Pawel Piotrowski, who stated he was seeking a variance to change chain link fence in the rear to a 4 ft. aluminum spoked fence. Mr. Green asked if it would close off the garage the applicant said “yes.” Mr. Henry asked if it would be replacing what is already there the applicant said “yes.” Mr. Sachs asked it would be in same location, he said 1’ back in the front. Mr. Leoncavallo stated the following variance:**

* **Fences are not permitted in the front yard**

**Mr. Kuczynski asked if it would be the same height, the applicant said “yes.”**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green asked for motion to close public portion; Mr. Kuczynski made motion to close public portion, Ms. Catallo seconded, motion carried.**

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 25, 2017**

**#17-31 Armando Vargas, Jr. 29 Marshall Place Bulk Variance/Pool $ 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. Green asked for motion to deem the application complete,**

**Mr. Kreismer made motion; Mr. Corrigan seconded, motion carried.**

**Mr. Sachs swore in Armando Vargas, Jr. who stated he was seeking a variance to install a 12 x 24 pool in his yard.**

**Mr. Green asked about a fence in the rear yard and what is behind, the applicant said the neighbor’s yard. Mr. Sachs asked why he wanted it closer to the house he said it would be in the middle of the yard and had concerns for his small children’s safety. Mr. Leoncavallo asked if there was a deck, the applicant said “no.” Mr. Emma asked if the pool would be up all year, the applicant said “yes.” Mr. Henry asked of the corner of the fence is enclosed, the applicant said “yes.” Mr. Henry thought that pools should be away from fences, Jay Cornell said this is an accessability issue and is a different situation for an above ground pool, the concern is for an in ground pool. Mr. Kreismer asked if the pool would be filled all year, the applicant said “yes.”**

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

* **Rear yard setback 10’ minimum the applicant is proposing 2’**

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 25, 2017**

**#17-32 Derek Fiducia 113 Main Street 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. Green asked for motion to deem the application complete,**

**Mr. Kreismer made motion; Mr. Emma seconded, motion carried.**

**Mr. Sachs swore in Derek Fiducia who stated he was seeking variances to add a garage to his property. Mr. Henry asked if it was a one car garage, the applicant said “yes.” Jay Cornell asked if the door is facing the building next door, the applicant said “yes.” He stated Sunnyside has an easement and the garage cannot have any electric and/or plumbing and no residential it will be for storing his motorcycles.**

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

* **Maximum size 150’ the applicant is proposing 240’**
* **Maximum lot coverage 20% the applicant is proposing 24%**
* **Impervious coverage 40% the applicant is proposing 70%**
* **Rear yard setback 5’ minimum the applicant is proposing 3’**
* **Side yard setback 5’ minimum the applicant is proposing 2 1/2’**

**Mr. Sachs stated that this access easement cannot be blocked and this would be a condition of approval. Mr. Emma asked if the doors could be facing the rear; Jay Cornell stated he does not own the property in the rear. Mr. Sachs said the applicant just needs to be aware that the easement needs to be kept clear; Jay Cornell said this condition of approval will cover that concern.**

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

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

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

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – OCTOBER 25, 2017**

**MEMORIALIZATION OF RESOLUTIONS**

**#17-17 Darren Dzamba 1 Deerfield Road**

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

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

**#17-18 Katherine Cabantan 1 Downs Drive**

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

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

**#17-25 Jolene Cappadona 27 Marshall Place**

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

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

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the September 27, 2017 meeting. Mr. Emma made motion to accept the minutes, Mr. Henry seconded, motion carried.

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**

# Mr. Green asked for motion to approve Special Meeting on November 8, 2017 meeting. Mr. Kuczynski made motion to approve meeting date, Mr. Kreismer seconded, motion carried.