SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF JUNE 26, 2013**

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

**Members of the Board of Adjustment present were: Mr. Walsh, Mr. Kuczynski, Mr. Lewis, Mr. Kreismer, Ms. Catallo, Mr. Green, Mr. Emma and Mr. Corrigan**

**Absent Members: Ms. Fisher**

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

**#13-11 Dennis Bello (Bello’s Pub)/ 1 Roosevelt Blvd. Bulk & Use Variance/Subdivision/ $3,350.00 App.**

 **David Olejnik 20 Roosevelt Blvd. Site Plan $3,200.00 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. Walsh asked for motion to deem application complete, Mr. Kreismer**

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

**John Krenzel, attorney for the applicant addressed the board explaining that the application was to straighten out the lots at both addresses in order to extend the current restaurant portion of the building. He addressed the report from CME and stated that Mr. John Ploskonka, Planner will go over the report when he testifies.**

**Mr. Sachs swore in Dennis Bello, owner of the Bello’s Pub. Mr. Bello gave a brief history of the property stating he purchased it in 1995 as a sports bar. He is in the process of changing the establishment to more of a family restaurant and is trying to give it a new atmosphere. The purpose of the addition is to create a larger room which customers could rent for family parties, etc. He is in contract for a land exchange with his neighbor, David Olejnik, to give him part of his property and David in turn will give Mr. Bello part of his which will square off both lots, will be more conforming to the zone, and allow David Olejnik to build a garage on his property. The exchange of the property will also make Mr. Bello’s lot more conforming to accommodate this 20’ x 30’ addition which will also compliment the restaurant portion when not rented. The addition will not require any additional sewer utilities, they will just be adding electrical for lighting. Currently the hours of operation are 11:00 am to 12:00 midnight. On Saturdays they may be open at times until 1:00 am. He stated that it is more of a restaurant than bar and currently has 8 employees and in the future he may have to hire 1 or 2 more if the business warrants. He said that all deliveries are done on the Washington Road side of the current building and this will not change. Garbage dumpsters will be relocated and will have a barrier/landscaping around the area; it will be moved away from the surrounding homes. Garbage trucks pull straight into the rear. Recycling items are kept in drums in the back of the kitchen. He stated he does have an off-site parking lot and referenced a letter he has from the President Park Fire House giving permission to use their lot with 35 spots as an overflow lot. Mr. Green addressed the letter from the fire house mentioned and asked if he could view it; Mr. Bello passed around the letter to all and this was marked as Exhibit A-1. Ms. Catallo asked if there would be any more restrooms; the applicant said they were going to be upgraded to accommodate handicapped; they will have 3 stalls and sinks.**

**Mr. Sachs swore in John Ploskonka, PE, PP, Mr. Walsh made motion to accept credentials; Mr. Kuczynski seconded, motion carried. Mr. Ploskonka recapped the applicant’s testimony regarding the property and the constraints due to the odd shape which has existed for many years. He talked about the agreement between Mr. Bello and David Olejnik for this subdivision and described the drawing presented showing Mr. Bello with 2,000 more square feet than he had and showed the existing 29 parking spaces. The drawing also showed the new lot that David Olejnik would get with this subdivision to accommodate the garage construction.**

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**Mr. Ploskonka testified that the new addition would match the existing building with new landscaping. The drawings presented were marked as follows: Color Drawing Exhibit A-2, Architectural Plans Exhibit A-3, Landscape Plan Exhibit A-4 and Aerial Photo Exhibit A-5. They are requesting variances and waivers because the facility has been there for many years. Mr. Ploskonka then addressed the reports from both CME and John Leoncavallo he discussed the landscaping in the rear and trees along the street, employee parking would be along the rear lot on the Washington Road side, they will be putting Belgian block in the parking area and next to 20 Roosevelt Blvd. they will be putting a 6’ White vinyl PVC fence. They are asking for a waiver on the sidewalk and would like to strip pavement. They also will be planting evergreens along the rear for the neighbors as they feel these will be a better buffer. He addressed other waivers such as the parking area setback, the 50’ buffer and the dumpster in the rear which he will be moving. There will be a two way driveway 24’; he addressed the parking spaces stating they could use the lot at the fire house. They are asking for the use variance for a restaurant in a residential zone. While this is a pre-existing non-conforming use they are improving the area and there is no detriment to the area or zone plan. Mr. Green discussed the parking stating that they are required to have 51 spaces and currently have 29 spaces and by using the lot across the street the additional spaces will be coming from somewhere other than their property. Mr. Sachs said that municipal spaces are available for anyone to use. Mr. Walsh said that there may be less cars because it will be a family restaurant; Mr. Lewis asked how many spaces were required on a 600’ addition, Mr. Sachs said 13 spaces. Mr. Green asked if the Fire House was having an affair in their hall and there was a party scheduled at Bello’s how would they accommodate the parking. Mr. Bello stated that they are in constant communication and all the affairs at the Fire House are in the afternoon; however, if this were the case they would notify Mr. Bello and he would make sure they would not schedule any party. Mr. Ploskonka said he would agree to this as a condition of approval. Mr. Kuczynski pointed out to the board that the letter from the Fire Department presented was not signed or dated. Mr. Bello said he would get another letter. Mr. Green asked who plowed the lot in the winter; Mr. Bello said the lot was plowed by the borough. Mr. Kuczynski asked the applicant what the garage in the rear was used for; Mr. Bello said it was not a garage it was more of a shed his car equipment and personal items were stored inside.**

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

**Mr. Corrigan seconded.**

**Mr. Sachs swore in:**

**Charlotte Robe – 11 Coolidge Ave. Mrs. Robe said she lives right behind Bello’s and had a concern with the dumpster; she asked how far it would be from the current location; Mr. Krenzel showed her on the drawing where it was being move to, stating approximately 15’ and will be at the end of the parking lot. Mrs. Robe also said she had a problem with the timing of the pick-up, Mr. Ploskonka said this was addressed. He also indicated that they would be planting evergreens along the rear and there would be no parking all the way in the rear. Mrs. Robe said an incident occurred a couple of years ago when a patron of the bar accidentally drove through her fence in the rear. Mr. Ploskonka said the evergreens would mature to approximately 6’-8’ high and would also be a shield to any lighting. He said there were blue lights only on the Washington/Roosevelt sides not in the rear. Mr. Sachs asked if there were any lights in the rear; Mr. Bello said there were spotlights and he would remove them. Mrs. Robe also asked about the food deliveries stating they were done on the side of her yard in the Hair Salon parking lot. She said it is a tractor trailer truck; Mr. Green asked how many times a week, Mr. Bello said once a week for approximately 45 minutes. Mr. Sachs asked if he could instruct the food delivery truck to enter off of Washington Road; Mr. Bello said he would ask that they enter off of Washington. Mr. Sachs did indicate that the board could not do anything as long as the Hair Salon was willing to allow the truck to make the delivery.**

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**Bob Maclain – 8 Coolidge Ave. Mr. Maclain requested that something be done with the light pole where the signage is displayed. He said it is on all night and shines right into the bedrooms in his house. Mr. Bello said this was a borough street light. Mr. Maclain said the wiring runs right into his building and he has to keep dark shades in his home to keep out the light. Mr. Ploskonka said they will look into this request and if not the borough’s issue they would handle and make sure it was off when the business was closed.**

**David Olejnik – 20 Roosevelt Blvd. Mr. Olejnik was asked that the applicant also put some type of guard rail in between his house and the parking lot. Mr. Ploskonka stated they were putting in a 6’ fence as well as curbing with Belgian blocks. He said they would work out this request with Mr. Olejnik. Mr. Green asked how many feet would this guard rail have to be; Mr. Ploskonka said about 100’. Mr. Walsh asked why the barrier, Mr. Olejnik said for safety reasons and his garage would be about 8’ from property line. Mr. Sachs suggested if not a guard rail, Mr. Ploskonka said possibly a small wall with a better fence. They would work this out; Mr. Sachs said it would be subject to Jay Cornell’s approval and would also be a condition of approval.**

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

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

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

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

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**#13-13 Calvin Hayes 2 Orta Court Bulk Variance/Shed $ 100.00 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. Walsh asked for motion to deem application complete, Mr. Kreismer**

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

**Mr. Sachs swore in Calvin Hayes who stated that his application was for a shed and the location. He is on a corner lot and the shed is on the side of the house. The Zoning Officer came out to his house and told him it could not be on the side it needed to be in the rear yard and if he moves he will have no back yard. It is an 8’ x 10’ shed and this is a fenced in property and the top of the shed can only be seen from the road.**

**Mr. Green asked if the shed was already up; Mr. Hayes said yes it was up over a year. Mr. Green said he has pictures of the shed and passed them out to the board members; the pictures were marked as Exhibit A-1 and A-2 accordingly. Mr Hayes said he was not aware that he needed a permit until Andrew Mashanski came to his house.**

**Mr. Leoncavallo gave the variances for the R7/PRD Zone:**

 **- Corner Lot 25’ minimum the applicant is proposing 12’**

 **- Encroaches on the main building 10’ maximum the applicant is proposing 4’**

**Mr. Kuczynski asked if there was another shed on the lot, Mr. Hayes said “no.” Mr. Cornell said it is outside the front yard setback. Mr. Sachs asked how high; Mr. Hayes said approximately 8’; Mr. Sachs asked the applicant if he had a permit for the fence, he said “yes.” Mr. Kreismer asked what would be stored, the applicant said picnic table, chairs and grill. Mr. Green asked if the shed was on a concrete pad, the applicant said it was on a wood pad.**

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

**Mr. Corrigan seconded. No one spoke. Mr. Walsh asked for motion to close public portion; Mr. Kreismer**

**made motion to close public portion, Mr. Corrigan seconded, motion carried.**

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

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

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**MEMORIALIZATION OF RESOLUTIONS**

**NONE**

# ACCEPTANCE OF MINUTES

# Mr. Walsh asked for motion to approve and accept the minutes of the May 22, 2013 meeting. Ms. Catallo made motion to accept the minutes; Mr. Kreismer seconded, motion carried.

**ADJOURNMENT**

**There being no further business to discuss, Mr. Walsh asked for motion to adjourn, Mr. Corrigan made**

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

  **Respectfully submitted,**

 **Joan M. Kemble**