

SAYREVILLE PLANNING BOARD

MINUTES OF April 17, 2024

The meeting of the Sayreville Planning Board was called to order by Chairman Tighe and opened with salute to the flag. Chairman Tighe announced that the meeting was being conducted in accordance with the Open Public Meeting Law P.L. 1975, c231, Public Law, 1975.

Members of the Planning Board present were: Ms. Lahrman, Mr. Muller, Mr. Shah, Mr. Volosin, Councilman John Zebrowski and Chairman Tighe

Absent Members: Mr. Allegre, Mr. Bolton, Mr. Chodkiewicz and Mr. Ellmyer
Also present were: Mr. Cornell, Mr. Fowler and Mr. Sordillo, Esq.

AT THIS TIME, THE MEETING WAS OPENED:

Chairman Tighe asked the Planning Board Secretary if the board meeting was being conducted under the Sunshine Law and if all publications were notified, the secretary had stated, yes.

MINUTES:

Mr. Muller made a motion to approve the minutes from the executive session of March 6, 2024; seconded by Councilman Zebrowski. Motion carried

Mr. Muller made a motion to approve the minutes from the regular and executive session of March 20, 2024; seconded by Councilman Zebrowski. Motion carried

SITE PLANS/SUBDIVISION HEARING:

**South 9 Realty, LLC ! Preliminary & Final Major Site Plan
928 US Highway 9, Sayreville
Blk 439; Lots 6, 7 & 8**

Please refer to the attached transcription for full testimony.

Mr. Muller made a motion to approve the application with comments and recommendation as agreed to; seconded by Mr. Volosin.

ROLL CALL:

YES: Ms. Lahrman, Mr. Muller, Mr. Shah, Mr. Volosin, Councilman Zebrowski and Chairman Tighe

NO:

ABSTAIN:

OLD BUSINESS/NEW BUSINESS/ADMINISTRATIVE MATTERS:

Next meeting is scheduled for May 1st and being held at the Active Adult Center for the Masjid Community Center.

There being no further business to discuss, Mr. Volosin made a motion to adjourn; seconded by Mr. Shah.

Respectfully submitted,

**Beth Magnani
Planning Board Secretary**

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BOROUGH OF SAYREVILLE
NEW JERSEY

Held on Wednesday, April 17, 2024

PLANNING BOARD

7:30 p.m.

1 A P P E A R A N C E S :
2 Thomas Tighe, Chair
3 Barry Muller, Vice Chair
4 Councilman John Zebrowski
5 Dan Volosin
6 Judy Lahrman
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8 Beth Magnani, Board Secretary
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11 Also present were:
12 Mr. Cornell
13 Mr. Fowler
14 Mr. Sordillo, Esq.
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1 just going to swear you in.
2 (Mr. Samar Desai is sworn.)
3 THE BOARD ATTORNEY: Can you please state
4 your name and spell it for the record?
5 MR. DESAI: Samar Desai, S-A-M-A-R
6 D-E-S-A-I.
7 TESTIMONY OF MR. DESAI:
8 Q Mr. Desai, first of all, can you tell us
9 where you reside?
10 A 19 Virginia Street in Sayreville, New
11 Jersey.
12 Q Are you one of the owners of the
13 applicant?
14 A Yes.
15 Q What goes on on the property right now in
16 its as-is condition?
17 A It's an auto repair shop.
18 Q How long has it been there?
19 A Fourteen years.
20 Q Prior to your use, do you know what the
21 property was used for?
22 A Same thing.
23 Q Is it correct that you acquired the
24 property immediately adjacent to it?
25 A Yes.

1 (Other business heard.)
2 THE BOARD SECRETARY: This evening, we
3 have one, South 9 Realty LLC, preliminary and
4 final major site plan. 928 U.S. Highway 9,
5 Sayreville, Block 439, Lots 6, 7, and 8.
6 MR. MACKEVICH: Good evening. My name is
7 James Mackevich of Mackevich, Burke, and
8 Stanicki of Clark, New Jersey. I represent the
9 applicant.
10 As indicated, my client owns a property on
11 Route 9. They operate a retail repair auto
12 repair center. They've acquired immediately
13 adjacent to it, which was residential.
14 The general concept here is to knock down
15 the residential property, make it more
16 conforming to the existing zone, and to give as
17 much more useful and better parking for
18 ourselves.
19 We have, of course, the applicant here to
20 testify generally as to what he wants to do.
21 We have the planner, an engineer, and a traffic
22 person.
23 If we can begin, I'll call my applicant
24 and have him tell you what he wants to do.
25 THE BOARD ATTORNEY: Good evening. I'm

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1 Q That was a residence?
2 A Yes.
3 Q Is that residence currently unoccupied?
4 A Yes.
5 Q What's your desire from the board today?
6 A We would like to make it a parking lot so
7 we could have more parking spaces as our business
8 has grown.
9 Q In broad terms, how many days of the week
10 are you open?
11 A We're open six days a week.
12 Q What hours?
13 A Monday through Friday 7:00 a.m. to 5:30,
14 and on Saturdays 7:00 to 1:00.
15 Q How many employees do you have?
16 A Seven.
17 Q Does that include yourself and your
18 partner?
19 A Yes.
20 Q How many vehicles typically do you have on
21 your site when you're doing your work?
22 A We probably have 25 to 30 vehicles.
23 Q Where do your customers come from.
24 A Mostly local, South Amboy, Sayreville.
25 Q Do you have any institutional clients like

2 (Pages 2 - 5)

1 companies --
 2 A Yes.
 3 Q What would be an example?
 4 A Lacas Coffee, L and E Distributors,
 5 Aiello, it's a bakery that --
 6 Q Those are local?
 7 A All local.
 8 Q What's the turnover typically when a
 9 vehicle comes in to be repaired, how long do they
 10 stay on your site?
 11 A Usually one day to two days.
 12 Q In general terms, do you leave junk cars
 13 there for parts or anything like that?
 14 A No, we do not.
 15 Q Do you do oil changes?
 16 A Yes, we do.
 17 Q How do you handle your oil changes?
 18 What's the process and how do you get rid of your
 19 oil?
 20 A We store oil, our used oil, in a used oil
 21 tank that's in the shop and then it's disposed by a
 22 company like Lorco that comes and picks it up when
 23 we need to.
 24 Q Do you change tires?
 25 A Yes, we do.

1 Q What do you do with the tires that you
 2 change?
 3 A The tires that we dispose of are put in
 4 the back on pallets and then they're picked up every
 5 two weeks by a scrap tire company.
 6 Q There was some questions in the back and
 7 forth with the municipality, there's an 8-foot fence
 8 along the rear of your property. Who controls --
 9 who owns that fence and who controls the property
 10 behind you?
 11 A We do.
 12 Q Both the fence and the property?
 13 A Yes, both the fence and the property.
 14 Q And that's a different property than the
 15 one we're going to talk about?
 16 A That's correct.
 17 Q And just I forgot to ask this question, if
 18 the board approves your application, is it your
 19 intent to merge the tax lots that the house is on
 20 with the tax lot that the Thrust Performance is on?
 21 A Yes.
 22 Q Part of the application provides for
 23 landscaping as requested by the board; is that
 24 correct?
 25 A Yes.

1 Q Do you intend to use any type of
 2 irrigation to make sure the plants don't die?
 3 A We were going to leave that to the
 4 landscaper that we have. If they want us to, yes,
 5 we will.
 6 Q Now, as a practical -- are you going to do
 7 any solar panels or anything of that nature in
 8 connection with this application?
 9 A Not at this moment, no.
 10 Q Obviously, you have a refuse area for your
 11 used parts and things; is that correct?
 12 A Yes.
 13 Q Again, whatever the board says for you to
 14 do in order to keep in as good a condition as
 15 possible, will you comply with the board's
 16 requirements?
 17 A Yes.
 18 Q In fact, will you comply with any
 19 requirements of the board that are approved -- that
 20 are requested?
 21 A Yes.
 22 MR. MACKEVICH: I have no further
 23 questions of the witness. If the board has
 24 questions, here we are.
 25 THE CHAIRMAN: Anybody have any questions

1 of the owner?
 2 Seeing none, you can call your next
 3 witness.
 4 Thank you.
 5 MR. MACKEVICH: I'd like to bring our
 6 engineer, please.
 7 How do you want to mark those, Counsel?
 8 THE BOARD ATTORNEY: If those are
 9 different than what's already been submitted
 10 already to the board, even if they've just been
 11 colorized --
 12 MR. REGAN: I think they're --
 13 THE BOARD ATTORNEY: Then we'll mark
 14 through, Chairman, as A-1, A-2 with today's
 15 date, please.
 16 (Mr. Jason Regan is sworn.)
 17 THE BOARD ATTORNEY: Please state your
 18 name and spell it for the record.
 19 MR. REGAN: Jason Regan, R-E-G-A-N.
 20 THE BOARD ATTORNEY: Thank you.
 21 MR. MACKEVICH: Can you give us your
 22 credentials?
 23 MR. REGAN: Yeah, sure. I'm an associate
 24 at Hammer Land Engineering. I graduated with a
 25 Bachelor of Science in civil engineering from

1 West Virginia University.
 2 I have over seven years of land
 3 development experience and I'm a licensed civil
 4 engineer in the state of New Jersey.
 5 MR. MACKEVICH: Have you been approved as
 6 an expert in other locations throughout the
 7 state?
 8 MR. REGAN: No. Tonight is my first.
 9 THE CHAIRMAN: Well, do we have somebody
 10 that will want to recommend his credentials are
 11 all right and let him be on his way?
 12 MR. MULLER: I'll move that, Chairman.
 13 THE CHAIRMAN: Can I have a second?
 14 MR. VOLOSIN: Second.
 15 MR. MACKEVICH: All yours. First time
 16 out.
 17 TESTIMONY OF MR. REGAN:
 18 Q Mr. Regan, would you tell us about the
 19 existing site and then the changes that are proposed
 20 to the existing site?
 21 A Yes.
 22 MR. REGAN: Would you like me to mark this
 23 exhibit now?
 24 THE CHAIRMAN: Yes, please.
 25 MR. REGAN: You said A-1 and today's date?

1 THE BOARD ATTORNEY: Yes. We'll do that
 2 and then go through it A-2, A-3 as you go
 3 along.
 4 A The exhibit shows an aerial of the site.
 5 The subject site is block 439, lots 6, 7, and 8.
 6 It's the highway business B-3 zone. The adjacent
 7 uses to the site are to the north. There's a
 8 commercial office space. You have Route 9 to the
 9 east. Across from Route 9 is a gas station. To the
 10 south is a car wash and to the west is three
 11 residential properties.
 12 It should be noted that the applicant
 13 does own these three properties behind the business
 14 as well as lots 6, 7, and 8.
 15 Currently, on lot 6 exists a
 16 single-family residence. It's approximately 1300
 17 square feet. It has an existing driveway entrance
 18 on Route 9. Lots 7 and 8 currently, the Thrust
 19 Performance auto repair facility is located on
 20 there. It's a permitted use in the B-3 zone. It's
 21 approximately 2700 square feet.
 22 Within the building is five existing
 23 service bays. The applicant is not proposing any
 24 changes to the building other than some minor
 25 lighting on the exterior of the building.

1 The utilities for the two existing
 2 buildings, I'll start with the single-family, come
 3 from Route 9., so that's electric, water, gas.
 4 Based on the borough records, the sewer is on septic
 5 for the single-family residence. The applicant
 6 agrees to abandon the septic tank in accordance with
 7 the Board of Health requirements.
 8 As far as the Thrust Performance
 9 site, the existing utilities, the electric comes off
 10 of Route 9 off a utility pole. The water and sewer
 11 come off of Burlew Place through a 20-foot easement
 12 on lot 4 and enter the rear of the building.
 13 There's an existing force manual pump
 14 station. Again, there's no changes proposed to the
 15 building or any of the utilities for the Thrust
 16 Performance.
 17 As far as the proposed site, I'll
 18 just touch on some of the other removals here. As I
 19 mentioned, they're going to demolish the
 20 single-family residence. The two driveways for
 21 Thrust Performance are going to remain. They're
 22 going to be reconfigured. The pavement is going to
 23 be reconstructed. The curbing will be
 24 reconstructed. The sidewalk will be reconstructed
 25 and the parking lot will be expanded into lot 6.

1 So I'll now show the next exhibit.
 2 This exhibit is marked A-2. It's a site rendering.
 3 It's just a colorized version of the layout
 4 essentially, with some minor changes to address some
 5 of the board planner and engineer's comments.
 6 So, as I mentioned, the parking lot
 7 expansion will go into lot 6. The applicant is also
 8 proposing to consolidate lots 6, 7, and 8 into new
 9 lot 701. That lot will be approximately 31,000
 10 square feet, which will meet the bulk requirement
 11 for lot area of 40,000 square feet.
 12 Again, the auto repair facility is a
 13 permitted use in the B-3 zone. The permitted
 14 accessory uses proposed are off-street parking, a
 15 trash enclosure at the rear of the site here, the
 16 existing signage at the front of the site, and
 17 outdoor storage behind the building.
 18 For circulation, the existing
 19 driveways are one way, which will remain. The
 20 entrance driveway is going to be 20 feet one way in
 21 and the exit driveway will be 20 feet out. Around
 22 the site, there's 24-foot drive aisles.
 23 And just to touch on the bulk zoning
 24 again, there's no new bulk zoning variances
 25 proposed. The site, the lot width 100 feet is

1 required, 208 feet is proposed approximately. For
 2 the lot depth, 100 feet is required, approximately
 3 150 feet is proposed. For building coverage, the
 4 requirement is 25 percent and 8.8 percent is
 5 proposed. The building and pavement coverage,
 6 85 percent is allowed where 68 percent is proposed.
 7 Again, there's no changes to the
 8 existing auto repair facility building, but I'll
 9 mention the setbacks. So for the zone, a 50-foot
 10 front yard setback is required where existing is
 11 51 feet. There's an existing on non-conformity for
 12 the side yard setback in this back corner here where
 13 10 feet is required and only 7 feet is provided.
 14 The rear yard setback 25 feet is allowed and
 15 approximately 36 feet is exiting. As far as the
 16 building height, 35 feet is allowed and 18 feet is
 17 existing. The accessory structure of the trash
 18 enclosure will meet all the accessory setbacks and
 19 height requirements.
 20 Then, for the parking of the site,
 21 today there's 11 parking stalls. This building and
 22 this type based on the number of service bays and
 23 square footage requires 25 parking stall. The
 24 applicant is proposing 33 parking stalls, of which 2
 25 will be A.D.A. handicap parking stalls located

1 adjacent to the building here and here. One of
 2 those stalls will be an electric vehicle stall.
 3 That will be a handicap stall. One stall is
 4 required per the --
 5 (Technical difficulties in audio
 6 transmission.)
 7 -- all the parking stalls will be 8
 8 by 18.
 9 (Technical difficulties in audio
 10 transmission.)
 11 24-foot drive aisles throughout the
 12 site.
 13 The applicant is also proposing a
 14 loading still in the front of the site. One loading
 15 stall is required and one is proposed.
 16 We're asking for a design waiver for
 17 the loading stall size --
 18 (Technical difficulties in audio
 19 transmission.)
 20 -- 15 by 30 is proposed. The reason
 21 for the delivery vehicle that is typical for --
 22 (Technical difficulties in audio
 23 transmission.)
 24 -- and also the 50-foot length, it's
 25 just hard to fit on the site. Really, the main

1 thing is the delivery vehicle is only an SE 30.
 2 Another -- with the loading the
 3 waiver the applicant is requesting is --
 4 (Technical difficulties in audio
 5 transmission.)
 6 -- keep it away from the residential
 7 property. It provides an additional --
 8 (Technical difficulties in audio
 9 transmission.)
 10 -- 1986. It's located in the front
 11 of the site --
 12 (Technical difficulties in audio
 13 transmission.)
 14 Another design waiver the applicant
 15 is requesting parking and front yard setback. I'll
 16 touch on this a little later but this site requires
 17 a 50-foot setback for landscape buffering in the
 18 back. In order to provide the setback, the
 19 parking --
 20 (Technical difficulties in audio
 21 transmission.)
 22 -- parking stall size, everything
 23 gets pushed toward the front of the site. I
 24 think --
 25 (Technical difficulties in audio

1 transmission.)
 2 -- 13 stalls within the front yard
 3 area, we will not be able to meet the minimum
 4 parking requirement for the site.
 5 The last thing about this waiver is
 6 there is adjacent uses that do --
 7 (Technical difficulties in audio
 8 transmission.)
 9 -- across the street and there's
 10 parking in the front yard.
 11 One of the things, just generally
 12 about the site are the trash enclosure I mentioned
 13 are 10 by 10 trash enclosure. It will have a 6-foot
 14 high solid white vinyl fence around.
 15 At the request of Mr. Fowler --
 16 (Technical difficulties in audio
 17 transmission.)
 18 -- as shown in our site plans parking
 19 lot exit and entrance driveways --
 20 (Technical difficulties in audio
 21 transmission.)
 22 -- model a delivery and tow truck
 23 site.
 24 The applicant's also requesting a
 25 waiver for sidewalk along the frontage --

1 (Technical difficulties in audio
2 transmission.)
3 -- regarding along the frontage,
4 there's no existing sidewalk on the adjacent uses --
5 (Technical difficulties in audio
6 transmission.)
7 -- also we're providing landscaping
8 in that area, some shade trees and some shrubs.
9 There's only about 5 feet --
10 (Technical difficulties in audio
11 transmission.)
12 Q By they, you mean the DOT?
13 A Yes. the DOT.
14 A few other items --
15 (Technical difficulties in audio
16 transmission.)
17 -- there's no roof-mounted
18 mechanicals on this building, so it wouldn't require
19 a screening.
20 They're not proposing solar panels or
21 any other improvements at this time.
22 The next item is storm water
23 management. The site is not a major development
24 which means it's not about --
25 (Technical difficulties in audio

1 (Technical difficulties in audio
2 transmission.)
3 -- 36-inch pipe detention basin,
4 which is approved by the NJ DEP for 50 percent --
5 (Technical difficulties in audio
6 transmission.)
7 -- it's --
8 (Technical difficulties in audio
9 transmission.)
10 -- parking lot throughout the site.
11 It's going to be pipe --
12 (Technical difficulties in audio
13 transmission.)
14 -- that ties into Route 9. That
15 system is --
16 (Technical difficulties in audio
17 transmission.)
18 25-year storm --
19 (Technical difficulties in audio
20 transmission.)
21 -- 100-year storm.
22 The applicant is requesting a waiver
23 for the pipe material. They want to use HDP instead
24 of RCP. The HDP is an industry standard pipe. Like
25 I said, the detention basin is made out of it. It's

1 transmission.)
2 -- total acre of disturbance. With
3 that being said, we don't have to meet the --
4 (Technical difficulties in audio
5 transmission.)
6 -- storm water --
7 (Technical difficulties in audio
8 transmission.)
9 -- or recharge requirements.
10 Generally, the site creates --
11 (Technical difficulties in audio
12 transmission.)
13 -- back of the site to the front of
14 the site on Route 9. We're going to maintain that
15 existing drainage on the site.
16 In order to meet the DOT's
17 requirements, although we don't we have to meet the
18 state storm water requirements, we currently
19 maintain an existing peak runoff for area of stall
20 units. The way we're doing that is we're providing
21 an underground detention basin --
22 (Technical difficulties in audio
23 transmission.)
24 -- that extended detention basin
25 is --

1 used widely throughout --
2 (Technical difficulties in audio
3 transmission.)
4 -- criteria as RSVP as long as it's
5 installed property.
6 Next, I'll just touch on the --
7 (Technical difficulties in audio
8 transmission.)
9 -- the applicant --
10 (Technical difficulties in audio
11 transmission.)
12 -- existing --
13 (Technical difficulties in audio
14 transmission.)
15 -- proposed condition, we will remove
16 the existing pole-mounted light and the wall sconces
17 on the building. There will be two new proposed
18 pole-mounted lights --
19 (Technical difficulties in audio
20 transmission.)
21 -- I think on the building --
22 (Technical difficulties in audio
23 transmission.)
24 -- here on the north side and one on
25 each side of the building.

1 All the fixtures are going to be down
 2 lighted --
 3 (Technical difficulties in audio
 4 transmission.)
 5 -- fixtures. The freestanding light
 6 is about 25 feet --
 7 (Technical difficulties in audio
 8 transmission.)
 9 -- pole-mounted --
 10 All the site lighting 30 minutes
 11 after closing will be dimmed to 50 percent, and then
 12 they'll be motion detectors. So if any motion is
 13 detected, they'll come back on full power for 15
 14 minutes and then dim back down 50 percent. The
 15 applicant is requesting a design waiver for the
 16 minimum light intensity in a parking lot, mainly in
 17 the areas, this lower left-hand corner, both in the
 18 front and before, that is they kind of limit --
 19 DOT --
 20 (Technical difficulties in audio
 21 transmission.)
 22 -- meet the --
 23 (Technical difficulties in audio
 24 transmission.)
 25 -- property line --

1 transmission.)
 2 -- buffering to still provide an
 3 adequate buffer to the property behind us.
 4 The applicant does own those
 5 residential properties. There's a fence along the
 6 back that's also going to provide a buffer.
 7 Speaking of the buffer, it's going to
 8 be, at the request of Mr. Fowler --
 9 (Technical difficulties in audio
 10 transmission.)
 11 -- a row of staggered evergreen
 12 plantings. It's going to be a mix of Colorado
 13 spruce and Norway spruce approximately 18 feet on
 14 center.
 15 As far as the rest of the landscaping
 16 goes, there's going to be shade trees along --
 17 (Technical difficulties in audio
 18 transmission.)
 19 -- planting --
 20 (Technical difficulties in audio
 21 transmission.)
 22 -- also shade tree plantings along
 23 the northern property line.
 24 The fence, there's an existing 6-foot
 25 tall fence here. That's going to be extended to

1 (Technical difficulties in audio
 2 transmission.)
 3 The last thing I'm going to touch on
 4 is the landscaping --
 5 (Technical difficulties in audio
 6 transmission.)
 7 -- a buffer is required here. The
 8 buffer requires 50 feet because it's a
 9 nonresidential use against a residential use. So
 10 50 feet is required. The applicant is proposing
 11 20 feet. The building --
 12 (Technical difficulties in audio
 13 transmission.)
 14 -- 36 feet to the back property. And
 15 again, we're trying to maximize the parking here and
 16 by doing that, you have a 24-foot drive aisle --
 17 (Technical difficulties in audio
 18 transmission.)
 19 -- parking 5 feet setback to the
 20 property line --
 21 (Technical difficulties in audio
 22 transmission.)
 23 -- maximize the most efficient use to
 24 the space --
 25 (Technical difficulties in audio

1 just short of the roadway. That will provide some
 2 additional buffering for this use, although it's not
 3 required --
 4 (Technical difficulties in audio
 5 transmission.)
 6 -- Mr. Fowler, we're going to move
 7 some of the shade trees as requested. So the
 8 planting on the site is shade trees, evergreen
 9 trees --
 10 (Technical difficulties in audio
 11 transmission.)
 12 -- planting --
 13 (Technical difficulties in audio
 14 transmission.)
 15 -- the majority of the disturbed
 16 areas will receive a seed mix with mulch or
 17 decorative stone. The decorative stone --
 18 (Technical difficulties in audio
 19 transmission.)
 20 -- center islands --
 21 (Technical difficulties in audio
 22 transmission.)
 23 -- and then underneath the sign. So
 24 the existing signs on the site is proposed to remain
 25 sign. Right now, we're going to request a waiver

1 because the sign doesn't meet the setback
2 requirements. It's .6 feet off the property line
3 where 10 feet is required. This sign is existing
4 and the applicant is not proposing any changes to
5 the sign. Moving it back would limit visibility of
6 the sign, and also --

7 (Technical difficulties in audio
8 transmission.)

9 -- adjacent --

10 (Technical difficulties in audio
11 transmission.)

12 -- the size --

13 (Technical difficulties in audio
14 transmission.)

15 -- consistent with the adjacent uses

16 as far as setback. They're all fairly close to the
17 DOT's roadway to provide maximum visibility.

18 The applicant agrees to address all
19 comments from Mr. Cornell and Mr. Fowler's letters
20 as well as obtaining any outside permits from other

21 agencies. So the permit that is required is the DOT
22 permitting. There's a lot consolidation as well as

23 a driveway access permit. Both of those are --

24 (Technical difficulties in audio
25 transmission.)

1 -- receiving approval from the DOT.

2 We said that the sign permits back to --

3 (Technical difficulties in audio
4 transmission.)

5 -- waiting to get sign permits

6 back --

7 (Technical difficulties in audio
8 transmission.)

9 -- the Middlesex County Planning

10 Board --

11 (Technical difficulties in audio
12 transmission.)

13 -- this project is exempt. We've
14 already received an exemption from them.

15 The subdivision approval, if the
16 board does approve the application, there's some
17 comments we need to address, but we don't see a
18 problem addressing those comments.

19 The last is Freehold Soil
20 Conservation District. Sayreville is an exempt
21 municipality, as I'm sure you guys are aware. We
22 will handle from the township any soil erosion.

23 I think that's all I have.

24 THE CHAIRMAN: Are there any questions of
25 the --

1 MR. VOLOSIN: I do, Mr. Chairman.

2 Mr. Regan, can you go back to Exhibit A-1.

3 You're showing parking looking at existing
4 conditions. But on this drawing, you're
5 showing parking behind the existing building
6 that you're going to knock down. So you're
7 already utilizing the back of that property?

8 MR. REGAN: Yes. The applicant --
9 (Technical difficulties in audio
10 transmission.)

11 MR. VOLOSIN: Okay. Because it doesn't
12 show that on the existing conditions.

13 MR. REGAN: The survey picks it up --
14 (Technical difficulties in audio
15 transmission.)

16 MR. VOLOSIN: But you don't own that lot
17 right now?

18 MR. REGAN: The applicant does own this
19 lot.

20 MR. VOLOSIN: Oh, they do?

21 MR. REGAN: Yes.

22 MR. VOLOSIN: You are utilizing that lot
23 already?

24 MR. REGAN: Yes. The applicant is.

25 THE SPEAKER: Mr. Chairman, if I may

1 clarify, the borough zoning officer issued
2 violations because they purchased a
3 single-family house and they began utilizing it
4 for parking, as you see on the aerial. There
5 was never any approval granted to use the
6 single-family house for that purpose, so they
7 were given violations and that's one of the
8 reasons they're here before you today is to get
9 site plan approval to allow that to be a
10 conforming use.

11 MR. VOLOSIN: Thank you.

12 THE CHAIRMAN: Any other questions?

13 MR. MULLER: Mr. Chairman?

14 THE CHAIRMAN: Go ahead.

15 MR. MULLER: Mr. Regan, did I hear you
16 correctly that the applicant is going to comply
17 will all of the comments and conditions stated
18 by Mr. Fowler and Mr. Cornell?

19 MR. REGAN: Yes.

20 MR. MULLER: Other than, I guess, the
21 loading area is going to be 15 by 30 as opposed
22 to 50 --

23 (Technical difficulties in audio
24 transmission.)

25 MR. REGAN: -- waivers --

1 (Technical difficulties in audio
 2 transmission.)
 3 Mr. Cornell asked for clarification on.
 4 Whatever waivers that are providing some
 5 justification, we're asking for and looking for
 6 approval. Other than that --
 7 MR. MULLER: -- and the HDP sewer pipe,
 8 right?
 9 MR. REGAN: Yes.
 10 MR. MULLER: Okay.
 11 MR. CORNELL: Before we get into the
 12 waivers, the applicant was very cooperative in
 13 working with our office. We had a technical
 14 review meeting. We had a lot of previous
 15 comments. They've addressed those. So the
 16 waivers that remain are indicated in the report
 17 we don't have any issues with those. They're
 18 similar to what's in the surrounding area and
 19 also just based upon the dimensions of site, we
 20 can't have a 50-foot buffer and no parking in a
 21 front yard basically makes the site unusable.
 22 So we don't see any issues with that.
 23 The 20-foot buffer along the rear property
 24 line is similar to what was granted when the
 25 Meineke Muffler originally was constructed

1 there. It fits in with what originally was
 2 approved.
 3 THE CHAIRMAN: Anybody else have any
 4 questions?
 5 Mr. Fowler?
 6 Go ahead.
 7 COUNCILMAN ZEBROWSKI: I'm sorry. Just
 8 maybe it was asked before and I didn't hear.
 9 The 8-foot fence that lines the rear of
 10 property, is that owned currently by the
 11 property owner or is it the property owner -- I
 12 realize that he's also the property owner
 13 behind, but --
 14 MR. MACKEVICH: The 8-foot fence is on the
 15 applicant's property.
 16 COUNCILMAN ZEBROWSKI: And he maintains
 17 that.
 18 (Technical difficulties in audio
 19 transmission.)
 20 And the second question is probably for
 21 the applicant. Currently, are there any auto
 22 sales that take place off the property -- on
 23 the property.
 24 MR. DESAI: Sometimes, some used cars
 25 sometimes, but not really.

1 COUNCILMAN ZEBROWSKI: Is it anticipated
 2 that you're going to expand that use?
 3 MR. DESAI: No, I'm not.
 4 COUNCILMAN ZEBROWSKI: And that could be a
 5 condition?
 6 MR. DESAI: Sure.
 7 THE CHAIRMAN: Mr. Fowler?
 8 MR. FOWLER: Just one clarification on one
 9 thing for us. The 8-foot fence that the
 10 councilman referred to, that extends just along
 11 one rear property line not all three, correct?
 12 MR. REGAN: I believe it's 9 and 10, these
 13 two lots.
 14 MR. DESAI: It's only one. Lot 10 has the
 15 big fence. The 9 and 11 have 6-foot fence.
 16 (Technical difficulties in audio
 17 transmission.)
 18 MR. REGAN: I think this property is
 19 retaining --
 20 (Technical difficulties in audio
 21 transmission.)
 22 MR. FOWLER: -- the one with the pool but
 23 they wanted more privacy and they had a higher
 24 fence there.
 25 MR. REGAN: Yeah, exactly.

1 MR. FOWLER: You did a nice job covering
 2 all of our comments and requests. The only
 3 thing I just wanted to clarify, the trash
 4 enclosure has to be able to hold recyclables
 5 and trash. Are you going to be able to do that
 6 in 10 feet? Normally, it would be a little bit
 7 wider to get both of those things accommodated?
 8 If so, could it be expanded a couple of feet?
 9 MR. REGAN: Yes. We can try to expand it.
 10 I know you had some concerns initially about
 11 the trash enclosure encroaching on the parking
 12 stalls --
 13 MR. FOWLER: To the south a little --
 14 MR. REGAN: Yeah. It's just it might
 15 encroach on some of the buffer a little bit.
 16 We should be able to expand it and do that --
 17 (Technical difficulties in audio
 18 transmission.)
 19 MR. FOWLER: That would be great. That's
 20 all I have.
 21 Thank you.
 22 THE CHAIRMAN: Two questions. Would you
 23 have you any problem without putting a
 24 restraint on three or four used cars, no more?
 25 Fine. We'll leave at three then.

1 And the other thing, the three houses
 2 behind it, they have nothing to do with the
 3 businesses that we're talking about in front of
 4 the fence?
 5 You don't have any intentions of running
 6 auto business, any maintenance business out of
 7 these three houses?
 8 MR. DESAI: No.
 9 THE CHAIRMAN: That can be part of this
 10 proceedings? That'll be part of this
 11 proceedings that you agree to that?
 12 MR. DESAI: Yes.
 13 THE CHAIRMAN: Thank you very much. I
 14 don't have anything. Anybody else have
 15 anything else?
 16 MR. MACKEVICH: Planner.
 17 THE CHAIRMAN: Thank you, sir. You didn't
 18 do bad for your first time.
 19 MR. MACKEVICH: It's our traffic
 20 testimony.
 21 Please identify yourself.
 22 MR. SHROPSHIRE: Dave Shropshire.
 23 MR. MACKEVICH: Can you please give the
 24 board the benefit of your expertise --
 25 THE BOARD ATTORNEY: First, let me swear

1 you in.
 2 (Mr. Dave Shropshire is sworn.)
 3 THE BOARD ATTORNEY: Can you please just
 4 -- I know you just stated it. Spell your name
 5 for the record.
 6 MR. SHROPSHIRE: Dave Shropshire,
 7 S-H-R-O-P-S-H-I-R-E, Shropshire Associates.
 8 I'm a professional engineer and professional
 9 planner in the state of New Jersey.
 10 We concentrate on traffic engineering and
 11 transportation planning and consulting for 40
 12 years.
 13 I've testified before over 200
 14 municipalities throughout the state of New
 15 Jersey. I don't believe I've ever been here
 16 before, but I'm glad to be here on this
 17 application.
 18 THE CHAIRMAN: Can we have somebody make a
 19 motion to accept his credentials?
 20 MR. VOLOSIN: Make a motion to accept the
 21 credentials.
 22 THE CHAIRMAN: Second?
 23 MR. MULLER: Second.
 24 THE CHAIRMAN: All in favor?
 25 (A round of ayes.)

1 Ayes have it.
 2 All yours. Thank you.
 3 TESTIMONY OF MR. SHROPSHIRE:
 4 Q Did you make any analysis of the traffic
 5 issues; and if so, please tell us what it is.
 6 A We provided a fairly brief traffic impact
 7 analysis of the site. In effect, this is on a state
 8 highway, so it would require state permitting to get
 9 the access approved. We do have conditional
 10 approval letters from NJ DOT for a minor access
 11 permit to do the improvements that were already
 12 described and also a preliminary or conditional
 13 approval for the lot consolidation, and that's kind
 14 of a key element related to this in that the
 15 single-family home actually had a depressed curb
 16 along Route 9 so we're consolidating that, removing
 17 it from its existing condition. And therefore, the
 18 existing two access points for the in and out will
 19 be -- all of it's done for the consolidated lot. So
 20 that's a benefit as far as NJ DOT is concerned and
 21 they approved it as a minor permit because it's
 22 generally fairly insignificant traffic, not only on
 23 a peak-hour basis but on a daily basis. Less than
 24 500 trips is the requirement to get it be accepted
 25 as a minor permit on the site. And this is going to

1 generate considerably lower than that on a daily
 2 basis.
 3 The projections from NJ DOT is that
 4 it's going to generate somewhere around 10 peak-hour
 5 trips, but it may be a little bit more or less than
 6 that, but it's a fairly low generator. Obviously,
 7 there's a lot of traffic on southbound Route 9, so
 8 there's not a whole lot of gaps and difficulty in
 9 terms of getting out of the site, but it's a going
 10 business today and it's not going to increase to any
 11 substantial amount with regard to the site
 12 improvements. And in my opinion, site improvements
 13 are a considerable improvement in terms of providing
 14 parking spaces and circulation are consistent with
 15 generally accepted traffic engineering standards.
 16 That's a brief summary of what we
 17 have in the letter.
 18 MR. MACKEVICH: No further questions.
 19 THE CHAIRMAN: Anybody have any questions
 20 of the planning --
 21 MR. MACKEVICH: Traffic.
 22 THE CHAIRMAN: We're good.
 23 Thank you.
 24 MR. MACKEVICH: We'll finish with the
 25 planner.

1 (Ms. Christine Nazzaro Cofone is sworn.)
 2 THE BOARD ATTORNEY: Please state your
 3 name and spell it for the record.
 4 MS. NAZZARO COFONE: It's Christine
 5 Nazzaro, N-A-Z-Z-A-R-O, Cofone, C-O-F-O-N-E.
 6 Business address is 125 Half Mile Road, Suite
 7 200, Red Bank, New Jersey 07701. I have been
 8 qualified here in Sayreville before both the
 9 planning and zoning board of adjustment as a
 10 licensed professional planner. I've been
 11 testifying as such for 28 years or so in the
 12 state of New Jersey. I've been qualified here
 13 and about 450 other boards throughout the
 14 state.
 15 I teach planning and zoning courses for
 16 the Rutgers Center for Government Services.
 17 I'm a court-appointed affordable housing
 18 special master. And my licenses are current
 19 and valid.
 20 THE CHAIRMAN: Motion to accept the
 21 credentials?
 22 MR. MULLER: Second.
 23 THE CHAIRMAN: Having a second, all in
 24 favor?
 25 (A round of ayes.)

1 site so there are nonconformities on the site today,
 2 and I think Mr. Shropshire put it very succinctly
 3 when he said we're improving the conditions on the
 4 site today.
 5 If you had an opportunity to visit
 6 the site, the parking a little scattered and the
 7 landscaping is a bit not existent. So while we do
 8 need some waivers, which were identified quite
 9 nicely by our engineer, who I agree I thought did a
 10 fantastic job for his first night of testifying, he
 11 very clearly identified the eight waivers that we're
 12 seeking, so I don't think I need to go through them
 13 again, but the justification when you're dealing
 14 with waivers is do we meet the intent of the
 15 ordinance. And I think here when you look at the
 16 fact that it's a substantial improvement with
 17 respect to the provision of parking, it's a
 18 substantial improvement with respect to buffering,
 19 it's a substantial improvement with respect to
 20 landscaping, I think the board can be very
 21 comfortable that we are meeting the intent of the
 22 ordinance. Also, importantly, is in the borough's
 23 master plan, there are a number of goals that talk
 24 about revitalizing and improving underutilized
 25 properties in the state highway corridor. So I

1 You may proceed.
 2 TESTIMONY OF MS. NAZZARO COFONE:
 3 Q Have you analyzed the application
 4 particularly with respect to the positive and
 5 negative criteria, and do you have an opinion
 6 regarding same?
 7 A Yes, I do.
 8 Q What is that?
 9 A Good evening, Chairman, again, Members of
 10 the Board, again. For the record, it's Christina
 11 Nazzaro Cofone.
 12 My opinion is that this is a very
 13 clean application. It's an existing use in the B-3
 14 zone for a permitted use. The use on the site is
 15 certainly allowable as of right, whereas the lot
 16 that is acquired and to be used by the applicant in
 17 conjunction with this is actually not. While we're
 18 asking for some reasonable variance relief, we're
 19 eliminating a nonconformity along one of the major
 20 state highways that traverses the borough. So
 21 that's an important planning consideration.
 22 I think it was explained quite well
 23 by your professional engineer as well as your
 24 planner in their review letters as well as our
 25 existing site development team. This is an existing

1 think that is an important distinction.
 2 And the last thing I'll close with as
 3 far as the impact is when you look at the stated
 4 intention and discussions on the highway business
 5 zone it reads many properties in the B-3 zone are
 6 underutilized and do not project a favorable image
 7 for the borough and it encourages reinvestment. So
 8 this application, while seeking some minor relief
 9 with respect to waivers, I think does exactly that.
 10 It takes an existing site in the borough, it adds
 11 some reinvestment into it, and it certainly
 12 increases the curb appeal, the safety, and the
 13 functionality of the property.
 14 I can unequivocally state from a
 15 planning point of view, I think we satisfy our
 16 statutory burden of proof for the granting of
 17 requested waiver relief.
 18 THE CHAIRMAN: Any questions?
 19 MS. NAZZARO COFONE: Thank you.
 20 MR. MACKEVICH: That concludes our
 21 presentation.
 22 THE CHAIRMAN: Make a motion to open up to
 23 the public?
 24 MR. VOLOSIN: Motion.
 25 MR. MULLER: Second.

1 THE CHAIRMAN: Motion made and second to
 2 open up to the public.
 3 All in favor?
 4 (A round of ayes.)
 5 Anybody oppose?
 6 The ayes have it.
 7 Anybody from the public like to speak?
 8 MR. RIPOLI: My name is Frank Ripoli. I'm
 9 a current resident of Sayreville. I've lived
 10 Sayreville for 18 years now.
 11 I've been a customer of Thrust Performance
 12 for some time now. I found them to be a very
 13 reliable, very reputable repair shop. I've
 14 been a very satisfied customer.
 15 And I could only say that allowing them to
 16 move forward with their plans would help them
 17 to better serve the town, help them to better
 18 serve the community. It would allow them to
 19 operate more effectively, more efficiently.
 20 Seeing what it's like there when it's busy, and
 21 as a customer, I know that all of their
 22 customers depend on them and depend on their
 23 ability to work efficiently, and get them their
 24 vehicles back, get them to work, to pick up
 25 their kids. And I think that the ability to

1 MS. LAHRMAN: Yes.
 2 THE BOARD SECRETARY: Mr. Muller?
 3 MR. MULLER: Yes.
 4 THE BOARD SECRETARY: Mr. Shah?
 5 MR. SHAH: Yes.
 6 THE BOARD SECRETARY: Mr. Volosin?
 7 MR. VOLOSIN: Yes.
 8 THE BOARD SECRETARY: Councilman
 9 Zebrowski?
 10 COUNCILMAN ZEBROWSKI: Yes.
 11 THE BOARD SECRETARY: Chairman Tighe?
 12 THE CHAIRMAN: Yes.
 13 Thanks for choosing Sayreville and thanks
 14 for a nice presentation.
 15 (Time noted: 8:16 p.m.)

1 help a small business thrive is very important,
 2 especially in current times.
 3 THE CHAIRMAN: Thank you.
 4 MR. RIPOLI: Thank you.
 5 THE CHAIRMAN: Anybody else like to say
 6 anything; if not, I'll take a motion to close
 7 public portion?
 8 MR. VOLOSIN: Motion to close.
 9 THE CHAIRMAN: Second?
 10 MR. MULLER: Second.
 11 THE CHAIRMAN: All in favor?
 12 (A round of ayes.)
 13 The ayes have it.
 14 What's your pleasure gentleman?
 15 MR. MULLER: Motion to approve the
 16 application with the conditions agreed to by
 17 the applicant and its professionals?
 18 THE CHAIRMAN: And waivers.
 19 MR. MULLER: And waivers.
 20 MR. VOLOSIN: Second.
 21 THE CHAIRMAN: I have a motion made and
 22 seconded.
 23 THE BOARD SECRETARY: Roll call.
 24 THE CHAIRMAN: Yes.
 25 THE BOARD SECRETARY: Ms. Lahrman?

1 I N D E X
 2 Testimony of:
 3 Mr. Desai Pages 4-8
 4 Mr. Regan Pages 10-27
 5 Mr. Shropshire Pages 36-37
 6 Ms. Nazzaro Cofone Pages 39-41

9 E X H I B I T S
 10 Exhibit
 11 Exhibit A-1 Page 10
 12 Exhibit A-2 Page 13
 13 * * *

1 CERTIFICATION

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4 I, ESTAMARIE CASTELLI-VELEZ, a Shorthand

5 Reporter and Notary Public within and for the State

6 of New York, do hereby certify the foregoing to be a

7 true and accurate transcript to the best of my

8 knowledge and ability.

9 I further certify that I am not related to

10 any of the parties to this action by blood or by

11 marriage and that I am in no way interested in the

12 outcome of this matter.

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17 ESTAMARIE CASTELLI-VELEZ

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