

21-10

BOROUGH OF SAYREVILLE
STANDARD DEVELOPMENT APPLICATION

(Page 1 of 3)

GENERAL INSTRUCTIONS: To the extent possible, Applicant shall complete every question.

When completed, this application shall be submitted to the Planning Board Secretary (if and application to the Planning Board) or the Zoning Officer (if an application to the Board of Adjustment).

The proper application and escrow fees must be accompany the application.

Do not advertise for a public hearing until you are advised to do so by the Board.

Indicate to which Board application is being made:

Planning Board Board of Adjustment

Indicate all approvals and variances being sought:

- Informal Review Prelim. Major Site Plan Interpretation
- Bulk Variance(s) Final Major Site Plan Fill or Soil Removal Permit
- Use Variance Prelim. Major Subdivision Waiver of Site Plan Requirements
- Conditional Use Variance Final major Subdivision
- Minor Site Plan Appeals from Decision of Admin. Officer
- Minor Site Subdivision *(attach the denial/decision)*

1. APPLICANT:

Name ECM Trailer Repair, Inc		Address 1540 Lower Road	
City Linden	State New Jersey	Zip 07036	Fax Telephone 201-779-3263

2. PROPERTY OWNER (If other than applicant)

Name SJSA Associates, LLC		Address 10 Kentisbury Circle	
City East Brunswick	State New Jersey	Zip 08816	Fax Telephone

3. APPLICANT'S ATTORNEY (If applicable)

Name David B. Himelman		Address 190 Route 18, Suite 205	
City East Brunswick	State New Jersey	Zip 08816	Fax Telephone 732-659-6130

TO BE COMPLETED BY BOROUGH STAFF ONLY

Date Filed:	Application No.
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4. SUBJECT PROPERTY (attach additional sheets if necessary)

Street Address		Block(s) and Lot(s) Numbers	
444 Hartle Street		Block 59.01, Lot 1.07	
Site Acreage (and Square Footage)	Zone District(s)	Tax Sheet Nos.	
813,549 sq. ft	SED		

Present Use: Facility for the repair of truck, automobile, boat and construction equipment and truck sales
 Proposed Development Name and Nature of Use
 See attached

Number of Buildings	Sq. Ft. of New Bldg(s)	Height	% of Lot to be covered by Building
1	113,547 s.f. existing	24 Ft existing	47.8% (49,685 s.f) existing
% of Lot to be Covered by Pavement	Number of Parking Spaces and Dimensions	Dimensions of Loading Area(s)	
	17 spaces		

Exterior Construction Material/Design

Total Cost of Building and Site Improvements	Number of Lots Before Subdivision	Number of Lots After Subdivision	Are Any New Streets or Utility Extensions Proposed?
N/A	N/A	N/A	N/A

Number of Existing Trees, Two Inch Calliper or Greater, to be Removed?	Are Any Structures to be Removed?	Number of Proposed Signs and Dimensions
N/A	N/A	N/A

Is Soil Removal or Fill Proposed? Specify Total in Cubic Yards
 N/a
 Is the Property Within 200 ft. of an Adjacent Municipality? If so, Which?
 N/A

5. Are there any existing or proposes deed restrictions or covenants? Please Detail.
 See attached

6. HISTORY OF PAST APPROVALS Check here if none

	APPROVED	DENIED	DATE
Subdivision			
Site Plan	See attached		January 23, 2003
Variance(s)	See attached		January 23, 2003
Building Permit			

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7. NAMES OF PLAN PREPARERS

Engineer's Name			
Marc Leber, East Point Engineering, LLC			
City	State	Address	License #
Marlboro	NJ	11 Sputh Main Street	
Zip	Telephone		
07746			
Surveyor's Name			
Kenneth Frank			
KF2T Professional Land Surveyors			
City	State	Address	License #
Colts Neck	NJ	PO Box 521	
Zip	Telephone		
07722	908-692-7853		
Landscape Architect or Architect's Name			
City	State	Address	License #
Zip	Telephone		

8. FEES SUBMITTED

Application Fees	
Variance Fees	
Escrow Fees	
Total Fees	

CERTIFICATION

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the corporation or that I am a general partner of the partnership applicant. I herby permit authorized Borough officials to inspect my property in conjunction with this application.

Elizabeth Zaristowski
Signature of Applicant

Sworn to and subscribed before me this date

EVAN MARCEWICZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 3/8/2026

Evan Marcewicz

Notary Public

Property Owner Authorizing Application if
Other Than Applicant

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7. NAMES OF PLAN PREPARERS

Engineer's Name Marc Leber, East Point Engineering, LLC		Address 11 Sputh Main Street	
City Marlboro	State NJ	Zip 07746	Telephone License #
Surveyor's Name Kenneth Frank KF2T Professional Land Surveyors		Address PO Box 521	
City Colts Neck	State NJ	Zip 07722	Telephone License # 908-692-7853
Landscape Architect or Architect's Name			
City	State	Zip	Telephone License #

8. FEES SUBMITTED

Application Fees	
Variance Fees	
Escrow Fees	
Total Fees	

CERTIFICATION

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the corporation or that I am a general partner of the partnership applicant. I herby permit authorized Borough officials to inspect my property in conjunction with this application.

Sworn to and subscribed before me this date

Signature of Applicant

S. J. ... LLC
BU ...
Property Owner Authorizing Application if
Other Than Applicant
Steven Angelino
Marcus

Victor Angelino
Notary Public
Victor Angelino
Attorney at Law
of the State of NJ

PROPOSED DEVELOPMENT NAME AND NATURE OF USE

The Applicant, ECM Trailer Repair, Inc is the Contract Purchaser for the subject property. The current property owner obtained Site Plan and Variance Approval in 2003 to permit the construction of a warehouse facility for truck, trailer, automobile, boat and marine equipment repair and maintenance. Pursuant to the Resolution of Approval dated January 23, 2003 granting the relief to Liberty Repair, Inc. the operator of the subject property, the Board of Adjustment granted a use variance permitting the Applicant to use the premises in question as a facility for the repair of truck, automobile, boat and construction equipment and truck sales (as an accessory use).

The Applicant, ECM proposes to refurbish and rehabilitate trailers only. The rehabilitation and or refurbishment of such trailers includes the following components of all trailers:

- Roof
- Exterior
- Rail
- Overhead Door
- Swing Door
- Crossmember and Wood Floor
- Rear Frame and Mudflap
- Landing Gear
- Electrical and Lighting
- Brake
- Air System
- Axle
- Suspension

The Applicant seeks Use Variance Approval as rehabilitation and or refurbishing of trailers are not specifically allowed under the Permitted Uses as set forth in the Zoning Schedule I-C for Industrial Districts.

Pursuant to the Municipal Land Use Law, NJSA 40:55 D-70 D (2), the law conferred upon zoning boards the following powers: “in particular cases and for **special reasons**, grant a variance to allow departure from regulations to permit: (2) the expansion of a non-conforming use”.

The Applicant, as part of the D Use Variance relief sought, must provide sufficient proofs as what is generally referred to as both the positive and negative criteria. The special reasons requirement of the MLUL is also referred to as the positive criteria. The special reasons which the courts have generally recognized to support a D use variance include the following; that the use is inherently beneficial; that the site is particularly suited for the use; and the use advances one or more of the purposes of planning as stated in the MLUL. The review standards for the D Use Variance are

those requested as set forth in *Medici v. BPR Co.* 107 NJ 1 (1987) as to the special reasons to support the Variance Relief Sought.

As to the positive criteria (special reasons) to support the D Use Variance, the Applicant will testify that the proposed project carries out the purpose of zoning as set forth in N.J.S 40:55 D-2 as follows:

- A) Encourage municipal action to guide the appropriate use of development of all lands in the state in a manner that would promote the public health, safety, morals and welfare;
- B) Provide sufficient space and appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses, and open space, both public and private, according to the respective environmental requirements in order to meet the needs of all New Jersey residents.

As to the negative criteria, the Applicant will testify that and provide proofs that the variance can be granted “without substantial detriment to the public good” and there is no impact to the surrounding properties as this application is a modification of a pre-existing non-conforming use which use was approved for repair of trucks, automobile, boat and construction equipment and truck sales (as an accessory use) by the Sayreville Zoning Board of Adjustment. The Applicant seeks relief to permit the additional use of rehabilitation and or refurbishing of trailers as noted above which use was not specifically included in the relief granted by the Sayreville Zoning Board of Adjustment Resolution of Approval dated January 23, 2003.

Thus, the project would not substantially impair the zoning ordinance and zone plan for several reasons: 1.) the proposed use is consistent with the previously approved relief granted to Liberty Repair and represents the relocation of an ongoing business facility which site can accommodate such use; 2.) the use is consistent with those in the area.



Office Address:
11 South Main Street
Marlboro, NJ 07746
Tel: (732) 577-0180

VIA HAND DELIVERY

June 4, 2021

Joan Kemble, Zoning Board Secretary
Borough of Sayreville
167 Main Street
Sayreville, NJ 08872

**RE: ECM Trailer Repair, Inc. – Completeness Revisions
Application for Use Variance and Minor Site Plan
444 Hartle Street
Block 59.01, Lot 1.07
Borough of Sayreville, Middlesex County, New Jersey**

Dear Ms. Kemble:

Please find enclosed four (4) full size and eleven (11) half-size sets of revised plans for the above referenced project. The plans have been revised as follows:

SHEET 1

General Note #7 has been amended to include the parking of ancillary vehicles.

General Notes #16 thru 20 are new.

The parking table has been revised to reflect the total available parking and the footnote below the table has been updated.

SHEET 2

The plan was revised to depict the previously approved parking striping on the site.

SHEET 3

Two additional parking stalls are proposed near the trash enclosure. Therefore, the total number of delineated stalls provided is 16. The previously depicted row of 14 parking stalls along the westerly lot line have been revised to only include what was previously approved.

GENERAL ITEMS

The application was filed with Middlesex County Planning Board on May 27, 2021. A response is pending. The application does not require a permit from the Soil Conservation District. As the

proposed project is for a change in use only, there are no offsite improvements proposed and none appear to be necessary.

In order to address *stormwater management*, the following statement is offered:

The property is presently developed and contains both impervious and pervious areas. There is no expansion to the overall lot coverage, therefore drainage patterns and flows will remain unchanged by the application.

In order to address *water and sewer usage*, the following statement is offered:

The existing building consists of 8,000 GSF. Within the building there is 1,700 sq. ft. of office space. Within the office space there are two restrooms. The proposed use does not seek to convert any non-office areas to offices. Therefore, the NJDEP flow calculations for this type of building would remain unchanged. From a practical standpoint, the applicant is not proposing a significant change in occupancy or introducing any processes that rely on water usage. Therefore, no changes to water or sewer use are proposed.

In order to address *traffic and trip generation*, the following statement is offered:

The applicant repairs trailers. The property does not attract the general public. The only vehicles arriving at the site would be for trailer drop-offs, trailer pick-ups, and employees. Trailers are dropped off periodically and the number of drop-offs varies day to day. Parts used in the operations are delivered to the site and arrive by car, delivery van, or box truck. A trash truck will pickup refuse. The use does not constitute a major traffic generator and does not alter the character of the background traffic presently utilizing Hartle Street.

In order to address *landscaping and lighting*, the following statement is offered:

There are no proposed changes to the landscaping, existing buffering, or lighting. The applicant will verify whether or not the existing site lighting is on a timer and if / how it can be adjusted to provide some security lighting after hours.

Should you have any questions, or require additional information, please do not hesitate to contact me at the number above.

Very truly yours,

EAST POINT ENGINEERING, LLC

Marc S. Leber

Marc S. Leber, P.E., P.P., C.M.E.

cc: ECM Trailer Repair, Applicant
David B. Himmelman, Esq.

