SAYREVILLE BOARD OF ADJUSTMENT

**MINUTES OF SEPTEMBER 25, 2024**

**The regular meeting of the Board of Adjustment was called to order by Mr. Green, 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. Esposito,**

**Mr. Bella, Mr. Castlegrant, Mrs. Gottstine, Ms. Gisondi**

**Excused Absence: Mr. Emma**

**Also present were: Mr. Fisher, Esq., Mr. Cornell, Engineer, Mr. Barree, Planner**

**#16-12 Clyde Auto Recycling 6000 Main St. Update/Extension**

 **Of Time**

**Peter Klouser, Esq. attorney for the applicant addressed the Board stating that they were returning to give an update for the requested extension of time approved in June with the resolution requesting their return in three (3) months with a status of the application. Mr. Klouser said they received a letter from the NJDEP on July 18th which was sent to the Board on July 19th, the County issue was revised and on July 23rd was delivered to the County and Bond Performance secured. The County ADA ramps will deliver checks and updated letters from the County. Mr. Cornell said the fire flow test was approved by Kevin Krushinski, Fire Marshall all issues have been addressed and they are seeking further extension. Mr. Klouser said they received an updated quote and the building will be erected within 8 weeks. Once construction begins the Use Variance begins they consider another three (3) months. The temporary office trailer will be removed and replaced with a temporary construction trailer. Mr. Cornell stated regarding the two issues a letter was provided; permits for trailers and the State wetlands issue was resolved. The only open item was signoff from the County. Mr. Cornell stated three (3) months was an appropriate request.**

**Mr. Klouser stated that the woman at the County seemed organized and felt it would not be a long time. Mr. Green stated the extension would be after County approval; Mr. Cornell said the site work will also take time. Mr. Klouser said once working on the site; Mr. Cornell said after letter is received then it goes to the Construction Department. Mr. Fisher suggested with this in mind maybe a four (4) month extension would be appropriate. Mr. Kuczynski stated rather then three (3) month he agreed to four (4) months or longer. Ms. Gisondi asked if the County has given any timeframe; Mr. Klouser said that if not within three (3) months he will notify the Board; Mr. Cornell said the County approval is the hard part.**

**Mr. Green made a motion to extend the application to four (4) months; Mr. Castlegrant seconded. Motion Carried.**

**Mr. Kuczynski stated they will come back at the January 22, 2025.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green made motion to close public portion.**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – SEPTEMBER 25, 2024**

**#24-04 C&W Infinity, LLC 980 Route 9 South Use Variance/Site Plan $250.00 App.**

**Michael Paige, Esq. attorney for the applicant addressed the Board stating this application was presented at the June 26th meeting for the rental of one apartment by the owner and tonight was a continuation due to concerns of fair housing and issues discussed by the Board at the June meeting regarding the rental of the second apartment to someone with children is the concern of the potential proposed use.**

**Mr. Fisher swore in Chris Toa owner of the liquor store. She described the current business and how many people now work from home after COVID. Both her and her husband submitted the application for two (2) apartments and she understands the concern of the board regarding Route 9. She described 9 south from 830-836 and north 805, 933 – 985 all with 43 houses along with Crestview Apartments. She also talked about the Dairy Queen with the tables near the highway and children running around the area. They have two children and as parents they watch them and feel that tenants will do the same and a bus could pick them up at the front door. They will be adding a fence to the rear of the building. Mr. Bella asked if tenants had to walk through the store; Mrs. Toa said there were two doors to apartments one in front and one on the side facing 9 north. Mr. Green talked about the Dairy Queen and stated that the customers pull up in the car and leave they are not living there which makes a difference if the children are outside they are there for 15 minutes or so then leave. Mr. Green said that the house is near the highway and it was a concern. Mrs. Toa said they will be taking one apartment and the other would be rented to adults not children. Mr. Green stated that while both her and her husband are responsible not all parents are like them.**

**Mr. Fisher stated that as long as it is owner occupied the board can restrict; Ms. Gisondi said that if they are using a realtor the board cannot discriminate. Mr. Paige said there is no exception to have a realtor the property is exempt to those laws. Mr. Fisher said that as a private owner they have the options to advertise; Mr. Paige said they have no intentions of advertising. Mr. Green said if sold the two apartments could be rented; Mr. Paige said if the board puts a restriction the variance goes with the land. Mr. Fisher said if no longer occupied under age 18 could remain in effect as a durational variance and if the owners put in the deed it would remain with the property. Mr. Green said the approval would only be for as long as they own and occupy Mr. Fisher said if sold the new owner could appeal. Mr. Kuczynski asked about the entrance to the liquor on one side but thee wee 3 doors on front; Mrs. Toa said the right side goes to upstairs. Mr. Green asked Mr. Paige if what was presented by Mr. Fisher was agreeable; Mr. Paige stated his clients were agreeable. Mr. Fisher said if sold the variance will continue on the property.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green made motion to close public portion.**

**Mr. Green asked for motion to approve with the condition discussed or deny this application. Mr. Kuczynski made motion to approve the application subject to the conditions limiting children discussed; Ms. Gisondi seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Esposito, Mr. Bella, Mr. Castlegrant, Mrs. Gottstine, Ms. Gisondi**

**SAYREVILLE BOARD OF ADJUSTMENT**

**MINUTES – SEPTEMBER 25, 2024**

**#24-10 Mark & Veronica Moniello 34 Patton Dr. Bulk Variance/Driveway $ 50.00 App.**

**Mr. Fisher swore in Mark Moniello 50 Pinetree Drive. Mr. Moniello stated they want to keep the same driveway straight on the property line as is; they are building a new home. They are seeking approval for the following variance:**

* **Side yard 5’ required the applicant is proposing 1’**

**Mr. Cornell stated it’s the same as the existing driveway and curb they also want to keep the curbing the same. Ms, Gisondi asked when they would be starting to build the applicant stated it is in the process.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green made motion to close public portion.**

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

**Yes: Mr. Green, Mr. Kuczynski, Mr. Esposito, Mr. Bella, Mr. Castlegrant, Mrs. Gottstine,**

**Ms. Gisondi**

**#24-13 Ian & Andrea Ebbighausen 51 Embroidery St. Bulk Variance/Pool $ 250.00 App.**

**Mr. Fisher swore in Ian Ebbighausen of 51 Embroidery St. who stated that they wanted to install a 16’ x 32’inground pool in side yard as there was not enough space in the rear; they would be 5’ from neighbor’s property and 9’ from the house. Mr. Kuczynski asked if it was an in ground pool the applicant said “yes.” Mr. Barree stated the following variances:**

* **Side yard setback 10’ minimum; 5’ is proposed**
* **Pool encroaches to principle structure setback 10’ minimum; 9’ proposed**
* **Pool required to be in back yard area in rear of building line; proposed pool in side yard**
* **Concrete apron encroaches side yard setback 5’ minimum; 2’ proposed**
* **Concrete apron encroaches rear yard setback 5’ minimum; 2’ proposed**

**Mr. Barree stated that the pool and masonry should be close to neighbor’s property not the house. Mr. Ebbighausen said it is probably 10’; Mr. Barree also said the location of the heater should be 6 ½ or 7 ½ ‘ away from the pool. Mr. Kuczynski asked about fencing; Mr. Ebbighausen said there was a new vinyl fence and also a patio with fence the new fence was replaced in front. Mr. Green asked about the shed in the yard; Mr. Ebbighausen said they were moving it to the other side of the yard.**

**Mr. Green made motion to open public portion. No one spoke. Mr. Green made motion to close public portion.**

**Mr. Green asked for motion to approve/deny this application. Mr. Bella made motion to approve the application; Mr. Castlegrant seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Esposito, Mr. Bella, Mr. Castlegrant, Mrs. Gottstine, Ms. Gisondi**

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**MEMORIALIZATION OF RESOLUTIONS**

**#24-06 Archer Capital, LLC River Road**

**Mr. Green asked for motion to memorialize this resolution. Mr. Kuczynski made motion; Mr. Bella seconded. Roll Call:**

**Yes: Mr. Green, Mr. Kuczynski, Mr. Esposito, Mr. Bella, Ms. Gisondi**

**ACCEPTANCE OF MINUTES**

# Mr. Green asked for motion to approve and accept the minutes of the Regular meeting of August 28, 2024.

# Mr. Kuczynski made motion to accept the minutes Mr. Green seconded, motion carried.

**ADJOURNMENT**

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

 **Respectfully submitted,**

 **Joan M. Kemble**