

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
JANUARY 13, 2010**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairwoman DeSarno at 7:35 P.M. Members present were Chairwoman Mary DeSarno, Vice Chairwoman Wilma Morrissey, Ray Slocum, Kevin Orender, Robert Morris, Nance-ellen Draper, first alternate Mary L. Burne, second alternate Mark Margadonna, Attorney Cramer, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Glenn Gerken, Planner Cheryl Bergailo and Reporter Deborah Arnone. Member Gray was not present.

SALUTE TO THE FLAG

Attorney Cramer announced that all requirements under the Open Public Meetings Act had been complied with for this meeting and read the purposes of the Board of Adjustment.

Chairwoman DeSarno said the Board will hold its election of officers and appointments tonight.

Mr. Orender nominated Mary DeSarno as Chairwoman. Mrs. Morrissey seconded the motion and all members voted yes.

Mr. Orender nominated Wilma Morrissey as Vice Chairperson. Mrs. Burne seconded the motion and all members voted yes.

Attorney Cramer read the resolution appointing Roberta Lang as Board of Adjustment Secretary for the year. Chairwoman DeSarno moved to adopt the resolution. Mr. Morris seconded the motion, which was unanimously approved.

Attorney Cramer read the resolution appointing Betty Schinestuhl as Board of Adjustment Assistant Secretary and Recording Secretary for the year. Mrs. Burne moved to adopt the resolution. Mrs. Morrissey seconded the motion, which was unanimously approved.

Attorney Cramer read the resolution appointing Geoffrey Cramer, Esq. as Board Attorney for the year. Chairwoman DeSarno moved to adopt the resolution. Mrs. Morrissey seconded the motion, which was unanimously approved.

Attorney Cramer read the resolution appointing Glenn Gerken as Board Engineer for the year. Chairwoman DeSarno moved to adopt the resolution. Mrs. Morrissey seconded the motion, which was unanimously approved.

Attorney Cramer read the resolution appointing John Hoffmann as Planner for the year. Chairwoman DeSarno moved to adopt the resolution. Mrs. Morrissey seconded the motion, which was unanimously approved.

Attorney Cramer read the resolution appointing Cheryl Bergailo as Special Board Planner for the year. Chairwoman DeSarno moved to adopt the resolution. Mrs. Morrissey seconded the motion, which was unanimously approved.

can see is the fence. The last one shows the other side. There are existing evergreens and that neighbor can't see the patio. The neighbor affected the most is lot 16.01 and there is a screened fence.

Mr. Gerken said the neighbor to the rear isn't that a garage not a living facility. The house is much further away. Mr. Wainwright said that is correct and the fence is solid.

Mr. Slocum said on the survey it states the property line to be removed along 16.01, what is that about? Mr. Gerken explained that was an old sub-division plan. They used that just to draw something. It has nothing to do with this application.

Mrs. Morrissey asked to see the rendering up close. Mr. Wainwright passed the rendering around.

Chairwoman DeSarno asked Mr. Wainwright to describe the neighborhood. Mr. Wainwright explained the homes are generally older, built in the 50's and 60's. On Atlantic Avenue there are a few newer homes. The house behind us was built within five years. There is a lot of home improvement going on in the neighborhood.

Chairwoman DeSarno asked why you picked that area and not where it would be conforming. Mr. Wainwright said he has lived there five years. He said it made sense to put an outdoor eatery there. It is the only place where my children can run around and can be safe.

Chairwoman DeSarno asked about the stone. Mr. Gerken said it is flag stone.

Mrs. Morrissey asked who did the patio construction and when she was out there it was almost done. Mr. Wainwright said American Concrete and he said he didn't know he needed a permit. He found out after the inspector came out. Mrs. Morrissey asked why the contractor didn't tell you you needed a permit. Mr. Wainwright said he asked him and he said this is only the second time he needed a permit for this type of patio. He said he never had to get a permit for a non-grade patio.

Mr. Gerken said some of the towns do not require a permit for this. Once you raise something up then you need a permit. It varies from town to town. As far as moving the deck from a functional standpoint it wouldn't work very well.

The application was open and closed to the public.

Mrs. Morrissey moved to approve the application as applied for. Mr. Slocum seconded the motion, which was unanimously approved by a roll call vote. (Mrs. Morrissey, Mr. Slocum, Mesdames. Burne, Draper, Messrs. Morris, Orender and Mrs. DeSarno voted yes.)

CARRIED APPLICATION

CASE #BA15-2009 – Date application complete: July 10, 2009. Carried from October 7, 2009

APPLICANT: JEFFREY F. & HELEN C. SHIELDS

PROPERTY: 3400 W. Hurley Pond Road, Block 771, Lot 1, R-30 zone

RELIEF REQUESTED: Bulk with variances

Entered into evidence:

A-10 DEP letter dated December 25, 2009 stating there is no flood hazard area permit required

Mr. Shields said Bill 3740 is waiting to be signed by Governor Corzine. It deals with wind turbines.

Chairwoman DeSarno said we left off with the lower sized turbine. Information stated you would need too many. Mr. Shields explained the lower sized turbine have a low output. It is more aesthetically pleasing to the eye but you would need eleven of them to put out the same power.

Mrs. Draper asked what the average wind speed in Wall Township is. Mr. Shields said he thinks it is 11.96 MPH. Mrs. Draper said you need 12 MPH. Mr. Shields said in the 8 MPH range but it works better in the 12 MPH range.

Mrs. Draper asked if the wind comes from the northwest. Mr. Gerken said from the SSW. Mrs. Draper asked if his area was tested. Mr. Shields said they go by wind charts. They have not done a test for my site.

Mrs. Draper said you are planning to tie into a grid. Mr. Shields explained they buy the power back if you give out more than what is used.

Mrs. Draper asked if this will be used for both houses. Mr. Shields said no just the one.

Mr. Gerken explained the wind chart shows the wind comes from the SSW. It is not from the north.

Chairwoman DeSarno asked Mr. Shields if there was anything else he wanted to point out to the Board. Mr. Shields said he thinks he pointed out everything at the last meeting.

Chairwoman DeSarno asked for the exact footage from the front line. Mr. Shields explained he owns the entire pond. Chairwoman DeSarno asked for the front, rear and site property lines from the wind turbine. Mr. Gerken said 450 – 500' from the pond. He said the closest is from Hurley Pond Road. Mr. Morris said he needs 150%. Mr. Shields said he is less than 150%. He said this is the only location on his property that he can put this. There is no where on his property where he can meet the requirement.

Mr. Morris asked what about 150% requirement from boundaries. Mr. Shields said if he were to meet the requirements the turbine would be in the pond. If you are in the flood way you cannot have it at all.

Mr. Morris said you can't meet the first requirement of 150%. The second one would be the fall zone. Mr. Gerken said it is 135' away from Hurley Pond Road. He just has to move it behind the house. Mr. Shields said DEP said it must be 25' from the top bank. Mr. Gerken said from Allenwood Road you can make that easy. If you move it you eliminate one variance. Going out toward Allenwood Road 95' is the closest distance from the house. Mr. Shields said he didn't think of that location but it would be camouflaged more here.

Chairwoman DeSarno said there is a lot of wild life in that area. How will this affect that? Mr. Shields said part of the application has a chart. It is on the second to last page under technical. He said if anything he probably will get some nests.

Mrs. Morrissey asked if an EIS was done. Mr. Shields said no he did not know it was required.

Attorney Cramer said the Board's concern is you may have a lot of fowl using your pond. How would this affect that wild life? He said most of these are put on larger pieces of property. This is the first one this Board has dealt with. Mr. Shields said the Canadian geese are the only things there. These units have been put in all parts of the State.

Mr. Orender asked if they have been installed in a residential area. Mr. Shields said yes there is one in a town near Vineland.

Mr. Gerken said you showed the location of the tower is it to scale? What is the foot print? Mr. Shields said he believes it is 13'. Mr. Gerken said it is more like 17' – 18'. Mr. Shields said part of it is underground.

Chairwoman DeSarno asked from W. Hurley Pond Road the distance to the tower and also from Allenwood Road. Mr. Gerken said the concrete below ground is 18' X 18'. Above ground is a triangle of 10' legs. Allenwood to the concrete part is 75 maybe a little more to the above ground. To W. Hurley Pond it is 85' from the property line.

Chairwoman DeSarno asked how far from the water line. Mr. Shields said 26' from the top bank.

Chairwoman DeSarno said she is concerned about the fall zone. She asked how it would fall. Mr. Shields said this is a lattice tower. They don't usually fall forward they collapse up on themselves. This is a totally different design than a monopole.

Mr. Gerken said in the brochure under the section setback and aesthetics it talks about that it might not be unreasonable to put it at least the height of the tower to the roadway. Mr. Gerken read from the New Jersey Engineer's brochure.

Mrs. Morrissey said she is concerned about the township roads and the two houses on the property.

Mr. Shields said the brochure also says towers very rarely fall an old large tree can also fall.

Mr. Orender asked about maintenance. Mr. Shields said it needs to be greased ones a year. It costs between \$500 and \$600 to do it. There is no other maintenance on the tower.

Mr. Orender asked who will inspect it. Mr. Shields said the one servicing it.

Mrs. Morrissey asked about overhead utility lines. Mr. Shields said it is near one line.

Mrs. Morrissey asked if there was a traffic study done on the two roads. Mr. Shields said no. He said it comes in two 60' sections so nothing would have to be closed. They put the first 60' second up and then the next 60' section. Both sections would be built in the yard.

Chairwoman DeSarno said maybe we would want someone from the Police Department to look at this.

Attorney Cramer said that was done for the Omni Point application. We had reports and testimony from them. This is the type of application the Fire Marshall should look at also.

Mr. Slocum asked which way did you move the tower. Mr. Shields said 5' closer to the house and 3' – 4' closer to the road.

Chairwoman DeSarno asked if Mr. Shields received a copy of Ms. Bergailo's report of September 28, 2009. Mr. Shields said yes. Chairwoman DeSarno said on page 2, Letter D can you answer that paragraph regarding the variances. Mr. Shields said it is on my property. I'm not requesting anything else. He said he is not familiar with the MLUL. This goes along with the other bill going through. It is an inherently beneficial use, Senate Bill 1303. He said we are going to run out of fossil fuel this is the way of the future.

Mrs. Burne said the Senate said this would be beneficial but I can't just fathom on one street you may have 40 of these 160' tall to provide energy to individual homes.

Chairwoman DeSarno said there are many homes that front on Atlantic that would have the space to do this. How would that look to have five or six of them aesthetically? Mr. Shields said in my opinion it looks better than a telephone pole.

Mrs. Draper asked if any of the neighbors have come forward. Mr. Shields said he hand delivered nine out of the ten notices. Mrs. Power said you are putting in a wind mill I think that's great.

Mrs. Draper asked if she knows the size. Mr. Shields said yes I showed her the pamphlet. The neighbors are fully aware.

Mrs. Morrissey said you said there is one in Vineland is there anywhere where we can see one. Mr. Shields said there are others; there is one in Tinton Falls.

Mr. Shields, back to Ms. Bergailo's letter, said regarding #3 no objections from any of the neighbors. There would be a reduction in oxide in the environment. Everyone is going to have

some sort of solar system in the end. This will preserve the neighborhood. There is no detriment. He said he notified all the neighbors and no one is here to object to it.

Mrs. Burne said many times neighbors do come out when they approve and don't come out when they don't approve. The responsibility always lies with the Board and we have to protect the township. Mr. Shields said out of all the notices I hand delivered there was only one objection and it had nothing to do with the project in general. Quail Ridge golf had one comment. They said I won't get it because you wouldn't even give them 10' for a light pole.

Chairwoman DeSarno said there is a concern over the wild life. Would you be willing to get a partial EIS. We would like to have the Police Department take a look at this because it is so close to the road.

Mr. Gerken said I would like to see if he could come back with a better survey. He said it has to be 25' from the bank maybe we can move it and conform to the setbacks.

Mrs. Morrissey asked if there will be any kind of shadow. Mr. Shields said maybe with a much larger one nothing with one this small.

Mrs. Morrissey said it will be 135' high would there be a problem with lightning. Mr. Shields said it would be fully protected. It is designed to take a direct lightning strike.

Mr. Morris explained this will supply a little more than half power, solar supplies about 90%.

Mr. Gerken asked if he is going to put energy back into the system. Mr. Shields said no.

Mr. Gerken said the Board's concern is the fall zone. It has to be so many feet over the trees. If you put the tower 20' lower you are out of the fall zone. Would that give you 90% of what you were getting? Mr. Shields said the higher you go the wind goes up drastically. If you are not so far over the top of the trees the New Jersey Energy gives you nothing.

Mrs. Burne said you are saying a turbine will work if lower. Mr. Shields said it is not worth economically to do that.

Chairwoman DeSarno said the Board wants an LEIS because of the concern of the wild life. Mr. Shields said I don't know how much that costs. They may take a year to do it and then these funds may be gone. There is a limit as to how long these funds will be available. Mr. Gerken said it will take about a month.

Chairwoman DeSarno said we want a Police Department safety report and a report from the Fire Marshall.

Chairwoman DeSarno said this will be carried to March 17, 2010. No re-noticing is required.

Mr. Shields gave a waiver of time.

RESOLUTION TO BE MEMORIALIZED

VALERIE KARABIN - #BOA24-2009

Block 24, Lot 1

Orender/Morris

SANDRA FORE - #BOA14-2007

Block 112, Lot 20

Morris/DeSarno

MINUTES TO BE ADOPTED: Mr. Slocum moved to approve the minutes of the study session and regular minutes of October 7, 2009, October 21, 2009, November 4, 2009 and December 2, 2009. Mrs. Morrissey seconded the motion, which was unanimously approved.

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 9:30 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary