

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
FEBRUARY 17, 2010**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Vice Chairwoman Morrissey at 7:30 P.M. Members present were Vice Chairwoman Wilma Morrissey, Jim Gray, Ray Slocum, Robert Morris, Nance-ellen Draper, first alternate Mary L. Burne, second alternate Mark Margadonna, Attorney Cramer, Planning Secretary Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken and Reporter Arnone. Mrs. DeSarno and Mr. Gray were not in attendance.

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.

CARRIED APPLICATIONS

#BOA14-2009 – Date application complete: July 7, 2009. Carried from September 16, 2009

APPLICANT: CHRISTOPHER CUMMINGS

PROPERTY: 1823 Carmerville Road, Block 920, Lot 7, R-20 zone

RELIEF REQUESTED: Bulk

Attorney Cramer reviewed the file and stated the Board had jurisdiction to proceed.

Sworn by Reporter Arnone: Christopher Cummings
Glenn Gerken
Cheryl Bergailo

Entered into evidence:

A-1 Jurisdictional Items
A-2 Survey of plans and construction plans

BOA-1 Engineering plan review prepared by Glenn Gerken dated August 11, 2009
BOA-2 Planning plan review prepared by John Hoffmann dated September 4, 2009

Mr. Cummings said he constructed the shed to store fire wood and pool equipment. It is 250 s.f. He said he is about 1% over on impervious coverage.

Mrs. Morrissey said there are two sheds. Mr. Cummings said yes one is in the back it is where you can't see. He said there are only two neighbors on either side none in the back.

Mrs. Morrissey asked why 14' high. Mr. Cummings said upstairs is to house some pool stuff.

Mrs. Morrissey asked about the stone coverage. Mr. Cummings said that has always been there he just parks his camper on it.

Mrs. Morrissey asked why this location. Mr. Cummings said it is convenient and there is a gate there.

Mr. Slocum said Mr. Hoffmann's review letter, Item 6, tell us about the fence being over the property line. Have you had any complaints? Mr. Cummings said it was that way when I purchased the home six years ago. I had somebody do a survey and there were discrepancies that were existing.

Mrs. Burne said your neighbor has no problem with the fence. Do you have that in writing? If you ever went to sell that piece of property you may have a problem. Mr. Cummings said he will get something in writing. Mrs. Morrissey said that would be a condition. Mr. Gerken explained the Board just wants something stating the neighbor has no objection.

Mrs. Burne said one shed is allowed you are asking for two. Most sheds are not the size of a two car garage. Can you lower that height? Mr. Cummings said it is not that large and if I could if I could get a crane in there I would lower it.

Mrs. Burne asked about the flooring. Mr. Cummings said it will be concrete.

Mrs. Burne asked if there will be any type of utilities in there. Mr. Cummings said he has no intention of putting anything in there.

Mr. Gray asked what do you store in the other shed. Mr. Cummings said his quad.

Mrs. Morrissey asked if he can eliminate that shed. Mr. Cummings said maybe after he gets done with the big shed.

Mr. Gray said he is trying to eliminate as many variances as he can. You need two variances you have two sheds and you are only allowed one and the maximum area allowed for the shed is 120 s.f. If you were to get rid of the shed in the back you would get rid of one variance. Mr. Gray said that is a lot of wood you are storing. Mr. Cummings said he stores lots of cords of wood to heat his home during the winter. He said part of the height is so he can stack the cords. From the floor he goes up to about 8'.

Mrs. Morrissey asked if the wood was just for personal use. Mr. Cummings said yes.

Mr. Gray said there is no side yard setback problem. Mr. Gerken said correct.

Mr. Gray asked how this came about. Mr. Cummings said he overlooked the permit. It was not any of the neighbors.

Mr. Slocum said you are doing an "A" roof shed. Mr. Cummings said yes he wanted storage up top. There are no walls. There is just a wall down the middle. Mr. Morris said you are not going to enclose it. Mr. Cummings said it is not enclosed but he is going to put a tarp on the neighbor's side.

area. It is at grade level. It needs a rail to meet code. It does have adequate drainage. They are needed to get in and out of the basement. You wouldn't see the stairs from the road but you are going to see the rail.

Mrs. Morrissey asked about landscaping. Mr. Wonsala said he will do whatever is needed but he is not proposing anything.

Mr. Morris asked where the re-charge goes. Mr. Wonsala said into the sump.

The application was open and closed to the public.

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

#BOA20-2008 – Date application complete: June 20, 2008. Carried from September 3, 2008, December 17, 2008, March 4, 2009, April 16, 2009, June 17, 2009 and September 2, 2009

APPLICANT: EDWARD MCCARTHY

PROPERTY: 2712 Old Bridge Road, Block 887, Lot 1, R-15 zone

RELIEF REQUESTED: Use

Timothy B. Middleton, Esq. appeared for the applicant.

Mrs. Morrissey stated we will hear from the public.

Rein Haus, 2653 River Road, was sworn. Mr. Haus said he lives across the street from the site. This is supposed to be storage just for new boats when customers come in and are interested in boats stored over there are they going to be able to look at them. Mr. McCarthy said the boats on that site will be doubles. Anything put there would be a back-up boat. This would just be for storage.

Mr. Haus asked what if there were no others available. Mr. McCarthy said he would just move it over to the main property to show it.

John Pekarchik, 2650 River Road, was sworn. Mr. Pekarchik said they were denied a variance for a parking lot years ago. Attorney Middleton said he is not sure if it was in the 80's or 70's. It was to have a parking lot for Harpoon Willy's and it was denied.

Mr. Haus said he looked up the requirements for a use variance. The applicant claims it is a passive use. They have to weigh the benefits and negatives. There are benefits to the marina but no benefits to the neighborhood. Values to the homes in the neighborhood will be reduced. They are having a commercial use right next door. It is going to be an eyesore for homeowners and for the people who travel down River Road. It must not impair the intent purposes of the Master Plan. I do not believe that this issue was addressed by the applicant. It is not consistent with Wall's Master Plan. He must show positive criteria. The use will support the needs of the

existing marina not benefit the community. The site must be suitable for the use. They claim it is. They are going to be moving boats cattycorner. They can stack the boats. Mr. McCarthy can knock down the home on the marina and that will free up more space for boat storage. They can also go to Brielle for variances for the commercial site. There is no hardship. The site is suitable for a single family home. It does not meet the requirements for a use variance.

Kevin Schuerman, 2652 River Road, was sworn. Mr. Schuerman said he lives adjacent to the property. Mr. McCarthy used State property for his boats until 2009. They were using it for 60 years. They did not have to purchase the property, pay taxes on or maintain. There is no hardship. His commercial use is in Brielle and the impact would be to the neighbors in Wall. They can use property in Brielle. There are numerous alternatives. This is not an attractive thing. There will be a negative impact to the value of the properties. If someone through a cigarette and it caught fire Wall would have to respond. Kids can get over any fence.

John Harkrader, 2649 River Road, was sworn. Mr. Harkrader said he was using the ROW on 70 for storage. Attorney Middleton explained the family ran the business for 60 years and they parked the boats along the highway frontage. It is not unusual to use the ROW for storage or parking. Before the bridge expansion they used part of the ROW for the boats.

Mr. Harkrader said he knows this business is very tough. There is not enough property at marinas. He suggested the applicant think very seriously about going to another place for his storage. This problem will get bigger and bigger. The property values will go down in that area.

John Pekarchik, 2650 River Road, was sworn. He said he lives two houses away. He's lived there for 38 years. Boats look ugly. It does nothing for our neighborhood. This is detrimental to the area. It will hurt the values of the properties in the area. It will detract from the beauty of the area. The site is residential. There are plenty of other places to be found. This can really harm our neighborhood.

Wendy Schuerman, 2652 River Road, was sworn. Mrs. Schuerman said we get very high property values because we are on the water. We are going to deal with the garbage, the fencing, etc. This brings no value to Wall Township. There is no reason for this to be approved.

The application was closed to the public.

Attorney Middleton said the applicant is proposing to construct a storage area on the property in question. It is a corner piece in Wall Township. It is at the corner of River Road and Old Bridge. It is across the street from Harpoon Willy's & River Plaza. It is cattycorner to the marina. It is a family run business for 60 years. He owns a nice business. Mr. McCarthy has been running it for over 30 years. We expressed the desire to locate the storage of only new boats on the property. Some of the neighbors were concerned that some of the used boats would be stored there but they will only be new boats. The site is located in the R-15 zone. Mr. Kociuba testified as an engineer and planner stating the property across the street and up and down 70 is commercial. This property is surrounded by commercial properties. He testified that the Master Plan talks about buffers. The applicant is proposing 25' buffer to the north. The finger will not be touched. There will also be a 25' buffer to the east. Along the property line on River Road and the rear of the property there will be additional buffering with a 2' berm. An 8' fence is proposed. It will be board on board. There are shields for the boats.

Attorney Middleton explained the applicant can cut every tree down and build a house. That would open up the entire corner to Route 70 to the residents. If you turn this down the marina is not going away. There will still be storage outside. This piece of property will be developed as a house. You will have no control. The homeowners to the north will have an open view of Harpoon Willy's, McCarthy's and Bahadurian. The boats are doubles. No proposed lighting, no proposed sound system no mechanics just storage. The neighbors are concerned about the visual site. There will be an 8' fence. The finger will be left alone. 1500 s.f. will remain wooded. There will be 10' of plantings on River Road. Once the evergreens fill out you won't see anything. No activity. No lights. There will be very little if any impact on the neighbors. This application has minimal impact. The marina is across the street. It abuts water. This site is suited for the use. There will be no customers on site.

Attorney Middleton explained 40% of the vegetation will remain. The case would be much different if it did not abut other commercial sites. This is a good application. It stands on its own. No negative impacts. It is suited for the use.

Mr. Slocum said we have heard a lot of testimony from the property owners. He suggested a storage building of some sort instead of these boats being outside.

Attorney Middleton said this will be less intrusive.

Mr. Kociuba said he can see how that would be a solution but this design is done so the boats are not visible. If Mr. McCarthy did that you would have a commercial storage building which would be much higher. The tallest of the boats would be 13'.

Mr. Gerken said he has no comments.

Ms. Bergailo said she has no comments.

Mrs. Draper said the height on the trailer would be 13'. Attorney Middleton said from grade up on the trailer or block it would be 13' without the trailer 10'.

Mr. Gray said there are other places boats can be stored. I understand the buffer. If this becomes a commercial piece of property it will keep going and going. It is not consistent with the Master Plan. This should remain residential.

Mr. Gray moved to deny the application. Mr. Morris seconded the motion, which was unanimously denied by roll call vote. (Messrs. Gray, Morris, Mesdames. Burne, Draper, Messrs. Margadonna, Slocum and Mrs. Morrissey voted yes.) The application was denied.

RESOLUTIONS TO BE MEMORIALIZED:

GERALD RICCARDELLA - #BOA30-2009

Block 930, Lot 34

Slocum/ Burne

GERALD GIORDANO - #BOA13-2009

Block 804, Lot 58

Draper/Morris

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FREZZA IV, LLC - #BOA13-2009
Block 804, Lot 58

Slocum/Draper

MINUTES TO BE ADOPTED: Mr. Slocum moved to approve the minutes of the study session and regular minutes of February 3, 2010. Mrs. Draper 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 8:55 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary