

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
SEPTEMBER 1, 2004**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairman Clayton at 7:45 P.M. Members present were Chairman Michael Clayton, Dominick Cinelli, Wilma Morrissey, first alternate Bob Kerr, second alternate Ray Slocum, Attorney Hirsch, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken and Reporter Arnone.

SALUTE TO THE FLAG

Attorney Hirsch 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.

Chairman Clayton announced the Bellofatto application will not be heard tonight due to a noticing problem. The application will be carried to October 6, 2004. Attorney Hirsch explained they noticed everyone properly and they put the notice in the newspaper. One neighbor did not get the notice within the 10 days. No new notice or publication will be required.

Attorney Hirsch stepped down on the Misner application. Attorney Steinberg took over.

NEW APPLICATIONS

CASE #BA19-2004 – Date application complete: July 1, 2004

APPLICANT: MICHAEL MISNER

PROPERTY: 1151 17th Avenue, Block 64, Lot 14, R-7.5 zone

RELIEF REQUESTED: Bulk

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

Sworn by Reporter Arnone:

Michael Misner
James Alburtus

Entered into evidence:

A-1 Plot Plan prepared by Benchmark dated April 16, 2004

A-2 Survey dated June 27, 2002

A-3 House plans and elevations

Mr. Alburtus said he is the contractor. He will go over some of the zoning issues.

Mr. Misner said he was born and raised in Wall Township. He bought the house where he was raised three years ago. The house was not worth saving.

Mr. Alburtus said the lot is 25' X 115'. He said he tried to find a house that would fit in the neighborhood and adhere to the rules of the zone. There is no adjoining property to be purchased. The house to the left is 5' off the property line. The house to the right is 20' off the property line. The minimum lot frontage required is 65' and 25' exists. Lot dept required is 100' and he has 115'. Lot coverage required is 25% and we are proposing 32.62%. The setbacks in the zone required are 7.5'. We are proposing 2.5'. We meet rear and front yard setbacks. The height is okay. The impervious required is 40% and we are at 34.87%. Mr. Alburtus said there was one thing in Mr. Gerken's review letter that he would like to address. We are 20' from the house to the right. The existing utilities are in the street and they will serve the dwelling. Right now there is no curb cut on this property we can install the curb cut. The only place we could park is on the front yard. We are proposing a two-story house with a porch.

Entered into evidence:

A-4 Floor plans

Chairman Clayton asked if the applicant sent letters to the neighbors regarding selling or purchasing of property. Mr. Alburtus said there is no property to purchase and none of the neighbors wanted to purchase this property.

Mrs. Morrissey asked if the house to the left and right were one or two story. Mr. Misner said they are both one floor. Mrs. Morrissey asked if the two-story house will affect the lighting to those houses. Mr. Alburtus said the house to the left faces the east. It would affect him. The house to the right is actually 20' – 25' off the property line so he would be less affected because he is set back.

Mrs. Morrissey asked if any neighbors have objected. Mr. Alburtus said no.

Mr. Kerr asked what the height of the house is. Mr. Alburtus said 27' to the ridge.

Mr. Cinelli asked if the existing shed would be removed. Mr. Misner said yes.

Mr. Cinelli asked Mr. Gerken if the house could be set differently. Mr. Gerken said he meets the front and rear setbacks. He would have to drastically shrink the house to meet the side setbacks. The house would be 10' wide. It would be difficult to improve.

Mr. Cinelli asked about parking. Mr. Gerken said we try to get off street parking spaces.

Chairman Clayton asked the applicant if he would be willing to set the house back a little to help with the parking situation. Mr. Misner said that is not a problem. Mr. Gerken said the setback be no more than 35'.

Mr. Slocum asked if the proposed house is a one or two story. Mr. Misner said two story. Mr. Alburtus said the house to the right is 18' – 20' high.

- A-1 Copy of a tax map showing 30 lots which are non-conforming
- A-2 Letter from owner of adjoining property stating she did not want to sell lot 2
- A-3 Four photos of houses in the area that are newer and older
- A-4 Photo of lot 11
- A-5 Revised elevation

Mr. Edwards said the lot is located in the R-10 zone. It is a corner lot. It requires a 30' setback. One side is 10' and the rear setback is 50'. A 25' front yard setback is required and we have 14.7' from Morris Lane. 12,000 square feet minimum lot area is required and we are proposing 10,716. The house that we are looking at has a foot print of 31.6' X 52'. The garage will be 24' X 24'. It will be a two story with a walk up attic. The house will be 31' in height. The driveway will come off both streets. The driveway will be 40' from the corner. He said he grew up in Wall Township and wants to raise his children in Wall Township. He said he went to Wall schools. He said he wants to move his family back to Wall Township. He said he has two small children and his wife is pregnant. He said there was an existing dwelling on the property that was removed on August 5, 2004.

Attorney Hirsch asked if that dwelling was occupied. Mr. Edwards said not for 20 years.

Mr. Edwards said they do meet the impervious coverage requirements and lot coverage requirements.

Chairman Clayton asked if they tried to purchase lot 2. Mr. Edwards said yes.

Chairman Clayton said the house on lot 16 fronts on Roosevelt. How close is that to you? Mr. Edwards said it will be over 98' away. The closest house will be at least 50' away.

Chairman Clayton said you are 25' from the property line. Mr. Edwards said the further you position the house back the closer it is to Morris Lane. If we front on McKinley the front setback would be 11'.

Mr. Edwards said he plans on putting in plantings in the spring.

Mrs. Morrissey asked if there was existing water and sewer. Mr. Edwards said the existing house was demolished. Water was tapped off. There has never been sewer. They are all tapped off from the street.

Mrs. Morrissey asked about the sight triangle. Mr. Gerken said since it comes on an angle he recommends a curved ROW. Mr. Edwards said he would do that. He said making it 25' would require taking down three trees. Mr. Gerken said we can forego the easement if we can get the 10' radius. Mr. Edwards said if he starts giving up property he will be close to coverage. If we want a pool would that be a problem. Mr. Gerken said if you do an easement it would be part of your property. Mr. Edwards said if we give the Township the ROW it is not going to affect our lot size. Attorney Hirsch said it is still your property. You just give the use of your property but you still own it. Mrs. Edwards said her engineer said it would be over 250 s.f. Mr. Gerken said his calculations say it is a little over 100 s.f. Mr. Edwards said he would agree as long as his square footage doesn't change. Attorney Hirsch said he will still own the land. The lot stays the same size. Mr. Edwards said as long as it does not affect the size of his property he doesn't have

a problem with it. Mrs. Edwards asked about the 8 X 9. Mr. Gerken said that is already taken into effect. Attorney Hirsch said you will have to have a deed of easement prepared. It also should be filed.

Mrs. Morrissey asked if the vegetable garden belonged to them. Mr. Edwards said they told the previous owner they could keep the plantings there. Mrs. Morrissey asked if they will put in plantings and shrubs. Mrs. Edwards said yes.

Mr. Slocum asked if it was must taking down those trees. Mr. Gerken said those trees are not in that area.

Entered into evidence:

A-6 Photo of their home in Ocean Township

Mr. Kerr asked what type of foundation. Mr. Edwards said there will be a basement.

Mr. Gerken said he made comments in his review letter regarding the driveway but he understands now what the applicant is trying to do and he said he is okay with it.

The application was open and closed to the public.

Mr. Cinelli moved to approve the application subject to the applicant complying with the Board engineer's recommendation concerning the sight triangle easements. The applicant shall also provide an easement to the Township which will provide a 10' radius to connect the two ROW's. Mr. Slocum seconded the motion which was unanimously approved by a roll call vote. (Messrs. Cinelli, Slocum, Mrs. Morrissey, Messrs. Kerr and Clayton voted yes.

Case #18-2004 – Date application complete: June 28, 2004

APPLICANT: SHARON SMITH

PROPERTY: 3228 Ridgewood Road, Block 826, Lot 8, R-20 zone

RELIEF REQUESTED: Bulk

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

Sworn by Reporter Arnone: Steven Smith
 Sharon Smith

Entered into evidence:

A-1 Eight photos of existing house

Ms. Sharon said they just want to add a third garage. We are not changing the structure or density of the house itself. We are 9.2' off the property line now and the code calls for 15'.

Attorney Hirsch asked if there was an existing slab now. Ms. Smith said there is just a paved area.

Chairman Clayton asked if everything will match. Ms. Smith said yes. The front won't change.

Attorney Hirsch said the addition is 12' X 29' 8". Ms. Smith said yes.

Attorney Hirsch said this is an addition to the existing garage. Ms. Smith said yes.

Attorney Hirsch asked what is on lot 7 (to the right). Ms. Smith said a house 50' from the property line. Attorney Hirsch asked if that house was lined up about the same. Ms. Smith said it sits back another 30' – 40' from the front of our house. We are 150' off the road. Attorney Hirsch asked what the closest portion of that structure is. Ms. Smith said their living room.

Attorney Hirsch asked if there was any natural buffering or fences in between. Ms. Smith said it is all treed. Attorney Hirsch asked if it is heavily buffered. Ms. Smith said yes.

Attorney Hirsch asked if the neighbor's driveway was on the opposite side. Ms. Smith said yes.

Chairman Clayton asked if there will be any windows in the addition. Ms. Smith said no and there will be no entrance from the back.

Chairman Clayton asked about the area above the garage. Ms. Smith said that will be used just for storage.

Chairman Clayton asked about the height. Ms. Smith said about 13 – 14'. Mr. Gerken said 15' to the peak.

The application was open and closed to the public.

Mrs. Morrissey moved to approve the application as applied for. Mr. Kerr seconded the motion which was unanimously approved by a roll call vote. (Mrs. Morrissey, Messrs. Kerr, Cinelli, Slocum and Clayton voted yes.)

MINUTES TO BE ADOPTED: Mr. Kerr moved to approve the minutes of the study sessions and regular minutes of April 21, 2004, May 19, 2004, June 2, 2004 and June 16, 2004. Mr. Slocum seconded the motion, which was unanimously approved.

RESOLUTIONS TO BE MEMORIALIZED:

WILLIAM G. & HELEN C. SUTTON – BA#12-2004
Block 907, Lot 52

Kerr/Slocum

JOHN & MARGARET WATERS – BA#11-2004
Block 876, Lot 7

Cinelli/Morrissey

September 1, 2004

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There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 9:07 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary