

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
OCTOBER 18, 2004**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairman Clayton at 7:10 P.M. Members present were Chairman Michael Clayton, Vice Chairperson Mary DeSarno, Dominick Cinelli, Wilma Morrissey, Jim Gray, second alternate Ray Slocum, Attorney Hirsch, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Dan Swayze, Planner Art Bernard and court reporter Deborah Amone.

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.

CARRIED APPLICATION

CASE #BA38-2003 – Date application complete: December 22, 2003. Carried from February 18, 2004, March 9, 2004, March 17, 2004, March 30, 2004, April 7, 2004, May 4, 2004, May 18, 2004, June 22, 2004, June 29, 2004, July 26, 2004, August 17, 2004, September 30, 2004 and October 12, 2004.

APPLICANT: SUNNYSIDE MANOR

PROPERTY: Ramshorn Drive & Lakewood Road, Block 876, Lots 16 and 44.01, R-30 zone

RELIEF REQUESTED: Use with variances

Chairman Clayton said this is a special meeting for Sunnyside.

Robert Gagliano is still under oath.

Attorney Gasiorowski asked Mr. Gagliano if he is a licensed appraiser and has he secured several titles. Mr. Gagliano said yes.

Attorney Gasiorowski said Mr. Gagliano stated in his report that it was to analyze the residential area by Sunnyside. Before you did that didn't you have to see if the current Sunnyside had any affect? Mr. Gagliano said he did.

Attorney Gasiorowski said on page 1 the purpose of this application is to remove and relocate. Mr. Gagliano said that is correct. He said in real estate terms we don't count basements.

Attorney Gasiorowski said this basement is a floor of the unit which would be totally utilized. Mr. Gagliano said that is correct.

Attorney Gasiorowski asked if Mr. Gagliano was present when John Brody testified. Mr. Gagliano said no he read the transcripts.

Attorney Gasiorowski said Mr. Brody said a use such as this would have an impact on the homes immediately surrounding Sunnyside. The presence of the existing building has a negative impact on the surrounding homes and the increase of the building would have a further impact. Mr. Gagliano said the existing building did have a negative impact. Is that what he said? Attorney Gasiorowski said yes. He said one would have to compare the houses in the neighborhood. Mr. Gagliano said he does agree with that.

Attorney Gasiorowski said you did not perform an appraisal on any of the homes you used in your report. Mr. Gagliano said no.

Attorney Gasiorowski said you testified that the only two houses that you relied on were the first two houses that you selected. Mr. Gagliano said his testimony was based on compared sales analysis. Attorney Gasiorowski said in none of your testimony do you discuss at all as to the impact on the existing use or the proposed use. Mr. Gagliano said that is not true. He said he did compare. Attorney Gasiorowski said where did you compare a house in this area with a house in another part of town. He said you picked two houses. Mr. Gagliano said that is correct.

7:25 P.M. Mr. Palmer arrived. He will read the transcripts.

Attorney Gasiorowski said page 7 of your report, do we agree that we should be working with 93,000 s.f. Mr. Gagliano said he agrees.

Attorney Gasiorowski said was it not the testimony that the basement would be in full use. Mr. Gagliano said yes.

Attorney Gasiorowski said the existing site consists of 6.34 acres. Mr. Gagliano said correct.

Attorney Gasiorowski said the existing building is 26,000 s.f. Mr. Gagliano said correct.

Attorney Gasiorowski said on 5.75 acres the applicant is going to triple the size of the building. He asked, would you say the existing building is campus type. Mr. Gagliano said a combination of residential with an institutional appearance.

Attorney Gasiorowski said if you were standing on Lakewood Road in the summer time the building is obscured. Mr. Gagliano said correct.

Attorney Gasiorowski said on page 3 of your report it basically depicts two areas of the proposed site looking from Ramshorn Drive and Lakewood Road. At the present time it is a completely open clean area. Mr. Gagliano said correct.

Attorney Gasiorowski said if this building is three times the size of the existing one you are saying it will have no negative effect. Mr. Gagliano said correct.

Attorney Gasiorowski, using A-10, said the area to the east is the area on your photo of the open space. Mr. Gagliano said correct.

Attorney Gasiorowski said it is your testimony that there will be no negative effect on Mr. Drewes' property value. Mr. Gagliano said that is correct.

Attorney Gasiorowski said the lots presently look out to an open field they will then have a 90,000 s.f. building with deliveries and that will have no impact on property values. Mr. Gagliano said that is correct.

Attorney Gasiorowski said what if it was an office building, would that change your mind. Mr. Gagliano said yes.

Attorney Gasiorowski said before preparing your report did you review the Master Plan. Mr. Gagliano said no. Attorney Gasiorowski said in your report do you not refer to the Master Plan. Mr. Gagliano said sometimes when it is appropriate.

Attorney Gasiorowski said as appraisers don't you think you should consider not only what the existing zone is but also what the Township would like. Mr. Gagliano said the current zoning is residential. Attorney Gasiorowski said the applicant is here for a use variance because this is not permitted by the Master Plan or zoning. Mr. Gagliano said it is pre-existing. Attorney Gasiorowski said it is not a modification of a pre-existing use. This is a whole new use. Mr. Gagliano said he cannot comment on that.

Attorney Gasiorowski said are you aware of the fact that this application was here for a different location within the property and had been denied. Mr. Gagliano said he knows that. Attorney Gasiorowski asked if Mr. Gagliano read the resolution of denial. Mr. Gagliano said no.

Attorney Gasiorowski said you are saying that the building tripled in size and it will have no impact on traffic. Mr. Gagliano said the traffic expert said no.

Attorney Gasiorowski said there will be an increase in the number of windows and air conditioners. This application will be out in the open with 90,000 s.f. building, three-stories, hundreds of windows. How can you tell me that will not have a negative impact on the surrounding home values? Mr. Gagliano said there are several reasons. The new building was kept as residential looking as possible. The building will be further from Lakewood Road. The property will meet the impervious coverage. The height will be kept as low as possible.

Attorney Gasiorowski asked if Mr. Gagliano examined the zoning ordinance of the Township where they state specific standards as to when a nursing home would be a conditional use. Mr. Gagliano said no.

Attorney Gasiorowski said if he was aware of the effect that the proposed building will have. Mr. Gagliano said no.

Attorney Gasiorowski, using A-7, asked if he was familiar with the lot size. Mr. Gagliano said yes. Attorney Gasiorowski said if four to six houses were built on this property it would have no impact on the value of the adjoining properties than this structure of 93,000 s.f. Mr. Gagliano said that is correct.

Attorney Gasiorowski said in your testimony you referred to the proximity of Route 34 as being one of the boundaries. How far is Route 34 from this facility? Mr. Gagliano said a few hundred yards.

Chairman Clayton said you stated that six homes would have less of an impact than a nursing home. Mr. Gagliano said the impact would be no different. The nursing home, as designed, will not have any impact on market values. Hypothetically it would be less.

Mr. Gray said a 90,000 s.f. building would not have a detrimental effect on the properties. Mr. Gagliano said the proposed building will have the same effect as the present building has. Mr. Gray said how it could not have a negative impact. Mr. Gagliano said over time the building will vanish in the background.

Mr. Gray said schools, etc. blend in the neighborhood, but this. Mr. Gagliano said he thinks this will also blend in.

Mr. Gray said the front is pretty open. Mr. Gagliano said there will be additional landscaping in the front.

Mr. Cinelli said this is a very desirable area. Is there any reason why you only picked two homes in that area for your analysis? Mr. Gagliano said there were six sales and resales. We found two that were accurate.

Mr. Cinelli said there is no way in your profession you can tell if this was to be built what the value of homes would be three to four years from now. Mr. Gagliano said no. This is a desirable neighborhood. The proposed plan will just simply blend into the background.

Attorney Gasiorowski said residents can go to zoning and see what can be put in their neighborhood.

Mr. Bernard said, regarding the graph, what is the reliability. Mr. Gagliano said it is as good as any. Mr. Bernard said would the values increase more if the facility was not there. Mr. Gagliano said there is no way to prove that.

Mrs. Morrissey said the residents that would be facing the institution side of the building would be the same. Mr. Gagliano said it will blend into the background.

Attorney Gasiorowski said the values of these houses would remain a constant with a 93,000 s.f. building there. Mr. Gagliano said yes.

Tom Ross, 2407 Ramshorn Drive, said this area increased in value 18% - 35% over the rest of Wall Township. Mr. Gagliano said based on the two sales that we found.

Mr. Ross said the neighborhood over the rest of Wall Township, did you do an analysis throughout the Township and what the development had come up. Mr. Gagliano said yes.

Mr. Ross said that is still higher. Mr. Gagliano said yes. Mr. Ross asked why? Mr. Gagliano said it is a real desirable neighborhood, it is near the river.

Mr. Ross said it is one of the most desirable areas in Wall Township. That open space is part of what makes the neighborhood desirable. Mr. Gagliano said yes.

Mr. Ross said you mentioned that you spoke with realtors and they said it would not be a detriment if this was built as proposed. Mr. Gagliano said when we finally asked them it did not seem to be a problem.

Mr. Ross said living in the neighborhood, 1/8 mile from the site, and actively involved in the neighborhood I had four residents that would not take people in the last six months to see any home in the neighborhood. It may have an adverse affect also with the signs. That is also not desirable.

Dennis Malanga, 2520 Autumn Drive, said you had two samples that you kept and some you threw out. Mr. Gagliano said the ones we threw out had flaws. Mr. Malanga asked what they were. Mr. Gagliano gave the issues regarding the site that was on Autumn Drive. Mr. Malanga said Mr. McWilliams sold that house. He was very distressed. He had a discussion with me before he moved and he told me he was very concerned about the sale because of the time it took to sell his house. He was moving because of 911 and the nursing home. Did he tell you that? Mr. Gagliano said no. Mr. Malanga said he was not an emotional person. The expansion of the nursing home can have a negative impact on property values.

Mr. Gagliano said a house three doors down resoled for \$1,325,000. That is a 14% gross profit. Mr. Malanga said are you trying to prove the nursing home will have no impact. Mr. Gagliano said he doesn't believe it will have an impact.

Louise McInerney said you do commercial and residential. Mr. Gagliano said we do both. Ms. McInerney said how do you know about the neighborhood. Mr. Gagliano said it has a fine reputation. Ms. McInerney said it is a lovely neighborhood. What makes it so desirable? Mr. Gagliano said market values have done well there. Ms. McInerney said nothing humans have done have made this area any better. Mr. Gagliano said he wouldn't say that.

Ms. McInerney said you say the building will blend in. Mr. Gagliano said it will because it is a residential design and it has landscaping.

Ms. McInerney said there are no three-story homes in the neighborhood. There are very few deciduous trees being planted. They are going to put in a parking lot and surround it with poplars. She said there are a lot of elevations in this plan.

Robert Jantausch, Ramshorn Drive, said you have prior experience in MLUL and zoning. Mr. Gagliano said that is correct. Mr. Jantausch said why that isn't taken into consideration in your appraisal. Mr. Gagliano said that is more the area of the planner. The proposed plan will not have a negative impact and will blend in.

Mr. Jantausch, using the rendering, said facing the facility from Ramshorn Drive are you familiar with the term massing. Mr. Gagliano said no. Mr. Jantausch said that is a massive building. It has a massive roof line. It is a three story building. This building is being transformed from 700' on the property line to 135' from the same place on Ramshorn Drive. It will be 70' from Lakewood Road. If you were to do an appraisal of the property west, east and north of this, if this is constructed, would it be correct to say that a house would be worth the same as it is now and would appreciate accordingly. Mr. Gagliano said yes.

Jeff Erb, Ramshorn Drive, said he worked for NJDOT for 27 years. He said two comparables were made on Cherry Street. One house collapsed and that was why it wasn't used. The house on Cedar Street had different designs and it did not fit in the area. Mr. Gagliano said yes.

Mr. Erb said you also testified about landscaping. You said it will hide this building. What experience do you have? Mr. Gagliano said he has none. Mr. Erb said how many years will that take. Mr. Gagliano said over time. Mr. Erb said 12 – 14 years to begin to disappear.

The application was closed to the public.

Chairman Clayton said that concludes testimony.

Attorney Gasiorowski said this will be carried to Wednesday at 7:00 P.M. Chairman Clayton said we have three applications on that evening. There are two bulks. If we start at 7:30 P.M. we could probably move through them quickly. We should start this application around 8:00 – 8:30 P.M. You will be allowed a 20 minute summation.

Attorney Hirsch said at this point the public portion is closed. No additional evidence will be taken. The two attorneys will give summation. The Board will deliberate and then vote.

Chairman Clayton said to be here by 8:00 P.M.

Attorney Hirsch said no further notice is required.

Attorney Landis said he waives the time limits.

There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 8:45 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary