

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

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Vice Chairperson DeSarno at 7:30 P.M. Members present were Vice Chairperson Mary DeSarno, Dominick Cinelli, Anthony Rembiszewski, Wilma Morrissey, Jim Gray, Wayne Palmer, first alternate Bob Kerr, second alternate Ray Slocum, Attorney Fox, Planning Coordinator Roberta Lang, Engineer Gerken and Reporter Arnone.

SALUTE TO THE FLAG

Attorney Fox 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.

NEW APPLICATIONS

CASE #BA13-2004 – Date application complete: October 19, 2004

APPLICANT: GEORGE & BETTY PETTY

PROPERTY: 1937 Troy Drive, Block 271, Lot 28.20, R-30 zone

RELIEF REQUESTED: Bulk

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

Vice Chairperson DeSarno stated this application will be carried to December 8, 2004. No new notice is required.

CASE #BA37-2004 – Date application complete: October 19, 2004

APPLICANT: EUGENE DUFFY

PROPERTY: 2252 Blansing Road, Block 286, Lot 3, R-10 zone

RELIEF REQUESTED: Bulk

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

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

Attorney Middleton said Mr. Duffy bought his home about a year ago. He wanted to build either a deck or patio. Because of the topography of the property he built a patio. He did not know that he went over the lot coverage. He was informed of that and now he has filed this application. Mr. Duffy is a retired planner. He can give some planning testimony.

Sworn by Reporter Arnone:

Eugene Duffy

Mr. Duffy said he is the applicant. He lives at 2252 Blansing Road. He purchased his home about a year ago. It was a new home. The property is 100' X 100'. The rear slopes towards the north. It slopes down about 4' from the center of the lot. Lot 7, according to the property owner, was a gravel pit. That property has been excavated. The property on lot 7 is about 15' to 20' below our property. It is behind our property. It has a swimming pool.

Attorney Middleton said after you purchased your home you wanted to build a deck or patio. Mr. Duffy said correct. It would be for entertainment purposes. Attorney Middleton said you wanted to build it in the rear of your property. Mr. Duffy said we wanted to build it completely in the rear.

Mr. Duffy said he chose the patio because if they built a deck it would have to be closer to lot 2. The deck would have been obtrusive. Lot 2 has a 5' fence separating the two properties. He said if he put the deck there he would be looking over his fence. By building the patio he was able to move it further away from the adjacent property. He said there were already sliding doors at the back of his house. The patio was flush to the sod. It is 18" to 24" below what a deck would have been. Also there would not be a need for a railing with a patio. We tried not to infringe upon the adjoining property owner.

Mrs. Morrissey asked who informed you about the impervious coverage. Mr. Duffy said the Township Engineer.

Mrs. Morrissey asked if he was planning an overhang. Mr. Duffy said by using concrete pavers and the patio will be constructed on sand. We are not going to enclose it.

Mr. Gerken said as a patio block it is counted as impervious coverage. If this was a deck with just dirt underneath it would not have counted towards the impervious coverage.

The application was open and closed to the public.

Mrs. Morrissey moved to approve the application. Mr. Palmer seconded the motion, which was unanimously approved by a roll call vote. (Mrs. Morrissey, Messrs Palmer, Cinelli, Gray, Rembiszewski, Slocum and Mrs. DeSarno voted yes.)

CASE #BA38-2004 – Date application complete: October 25, 2004

APPLICANT: PATRICIA R. YOUNG

PROPERTY: 1631 Water Street, Block 59, Lot 19, R-7.5 zone

RELIEF REQUESTED: Bulk

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

Sworn by Reporter Arnone:

Patricia Young

Ms. Young stated she is a retired school teacher. She said she is proposing to add a second story. She said she had to come out a little bit on the front. She is proposing a little porch with an overhang.

Vice Chairperson DeSarno said you are requesting a bulk variance for front yard setback. Your front yard setback is 24.53' where 25' is required. Ms. Young said that is correct.

Mr. Gerken said the new porch will violate the setback by about 5". Attorney Fox asked if the porch was going out further than the old stoop. Mr. Gerken said no.

Mr. Gerken asked if the porch was going to be enclosed. Ms. Young said it will be open.

Attorney Fox asked where the second floor is going. Ms. Young said it will go above the existing home.

Vice Chairperson DeSarno said there is also a variance needed for building coverage where, 26.6% is proposed and 25% is permitted. Ms. Young said that is correct. Mr. Gerken said she is also 1% over on impervious coverage. If the porch did not exist she would not be here for this variance.

Attorney Fox said there are no issues created by the second story addition. Mr. Gerken said no.

Vice Chairperson DeSarno asked if there was any affect on the utilities. Ms. Young said no.

Vice Chairperson DeSarno said the homes in the neighborhood, regarding front yard setback, they are pretty much all the same. Ms. Young said her house is set back further than the houses on either side.

Attorney Fox asked if there were other houses in the neighborhood with covered porches. Ms. Young said yes on both sides.

Mrs. Morrissey said there are a lot of two floor homes in the neighborhood. There was one down the street that was similar. Ms. Young said there is a new one that just went up.

Mrs. Morrissey asked if Ms. Young was planning additional landscaping. Ms. Young said what she has now is pretty nice. She is just going to upgrade it. There is a lot of stone work and shrubbery.

Mr. Gray asked for the dimensions of the front porch. Ms. Young said 16' wide. Mr. Gray asked how deep. Ms. Young said 5' 6".

Mr. Gray asked if it would be a problem making a condition of this approval that you are not allowed to enclose the porch. Ms. Young said no.

The application was open and closed to the public.

Mr. Gray moved to approve the application with the stipulation that the porch not be enclosed. Mr. Rembiszewski seconded the motion, which was unanimously approved by a roll call vote. (Messrs Gray, Rembiszewski, Cinelli, Mrs. Morrissey, Messrs. Palmer, Slocum and Mrs. DeSarno voted yes.)

CARRIED APPLICATION

Case #27-2004 – Date application complete: July 26, 2004

APPLICANT: WILLIAM & BARBARA KATERINIS

PROPERTY: 5109 Highway 34, Block 911, Lot 10, HB-40 zone

RELIEF REQUESTED: Use

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

Sworn by Reporter Arnone: William Katerinis

Mr. Katerinis said he is proposing to construct a patio enclosure on an existing deck. Mr. Katerinis said he needs this variance because he is in a commercial zone.

Attorney Fox said this property is located in the HB-40 zone. Mr. Katerinis said that is correct.

Attorney Fox said the property is about 26,000 s.f. It is currently occupied by a one-story framed dwelling with a porch, separate garage and a gravel driveway. Mr. Katerinis said that is correct.

Attorney Fox said you are proposing a 7' X 12' patio at the south side, rear of the building. Mr. Katerinis said that is correct.

Attorney Fox said you need a use variance because you are expanding a pre-existing non-conforming use. Mr. Katerinis said that is correct.

Attorney Fox said you are violating the impervious coverage. You are proposing 41.1% lot coverage where 35% exists and 40% is maximum permitted in the HB-40 zone. Mr. Katerinis said is that on lot 10 or both lots 9 and lot 10. Mr. Gerken said it is probably on the combined lots. Mr. Gerken asked if the lots were under separate ownership. Mr. Katerinis said yes. Mr. Gerken said in this case lot 10 has way below 40% impervious coverage. The other lot had all the structures and gravel driveway. I will figure it out.

Mr. Katerinis said he would like a covered porch because some weekends when it is either cloudy or rainy we just don't get use out of the backyard. We figured we would get use out of the porch.

Attorney Fox asked Mr. Katerinis to describe some of the uses surrounding his property. Mr. Katerinis said lot 9 has four rental bungalows. Lot 11 is the tile place. The lot behind us used to be the old molecule wire place. I think it is Atlantic Rental and Traffic Lines now.

Attorney Fox asked what is across the street. Mr. Katerinis said Pierston John Deer and Equinox Horse is across the street.

Mr. Gerken said he checked the impervious coverage. He said being lot 10 is separate it is way below the 40% impervious coverage.

The application was open and closed to the public.

Mr. Gray moved to approve the application. Mr. Rembiszewski seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Cinelli, Palmer, Rembiszewski, Slocum, Mrs. DeSarno and Mr. Gray voted yes.)

RESOLUTIONS TO BE MEMORIALIZED:

CHRIS & KATHY VOLL – BA#32-2004
Block 887, Lot 61

Rembiszewski/Morrissey

NATALIE & KEVIN GOTTSCHALK – BA#33-2004
Block 229, Lot 4

Gray/Morrissey

CRAIG CAMPBELL – BA#34-2004
Block 138, Lot 16

Gray/Cinelli

TALBOT’S, INC.
Block 276, Lot 201

Gray/Palmer

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 8:10 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary