

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
JANUARY 14, 2009**

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, Jim Gray, Ray Slocum, Kevin Orender, Robert Morris, first alternate Nance-ellen Draper, Attorney Cramer, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Glenn Gerken, Planner Cheryl Bergailo and Reporter Deborah Arnone.

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.

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

Chairwoman DeSarno nominated Wilma Morrissey as Vice Chairperson. Mr. Gray 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. Mrs. Morrissey 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. 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 Cheryl Bergailo as Special Board Planner for the year. Mr. Gray moved to adopt the resolution. Mr. Orender seconded the motion, which was unanimously approved.

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

Attorney Cramer read the resolution appointing Deborah Arnone as Court Reporter for the year. Mr. Gray moved to adopt the resolution. Mr. Orender 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 setting the dates, time of meetings, naming official newspapers and adopting procedures for 2007. Chairwoman DeSarno moved to adopt the resolution. Mrs. Morrissey seconded the motion, which was unanimously approved.

Attorney Cramer read the resolution for the holding of Board of Adjustment workshops. Chairwoman DeSarno moved to adopt the resolution. Mr. Gray seconded the motion, which was unanimously approved.

Chairwoman DeSarno said Nance-ellen Draper has moved up to Alternate No. 1. Robert Morris has moved up to Regular Member taking Ann Marie Conte's place and Andrew Bloom will be Alternate No. 2.

Chairwoman DeSarno announced the Saffioti application will be carried to February 4, 2009. The applicant must re-notice.

Mr. Gray left the meeting.

CARRIED APPLICATIONS

CASE #BA14-2007 – Date application complete: April 10, 2007. Carried from May 7, 2008, June 18, 2008, September 3, 2008, October 15, 2008 and November 12, 2008

APPLICANT: SANDRA FORE

PROPERTY: 1433 Marconi Road, Block 112, Lot 20, R-20 zone

RELIEF REQUESTED: Bulk

Entered into evidence:

Donald Beckman, Esq. represented the objectors.

A-11 Architecturals prepared by Richard Grasso dated November 12, 2008

Mr. Grasso said he has a new board tonight.

Entered into evidence:

A-12 Board with revisions made last revised January 14, 2009

BOA-14 Engineering plan review prepared by Glenn Gerken dated December 26, 2008

BOA-15 Wall Township Fire Prevention plan review dated January 6, 2009

BOA-16 Planning plan review prepared by John Hoffmann dated January 6, 2009

Sworn by Reporter Arnone:

Richard Grasso
Glenn Gerken
Cheryl Bergailo

Mr. Slocum asked what plans we are using. Attorney Cramer said the last ones dated November 2008.

Mr. Grasso said the only change has to do with the fence and some of the changes in the schedule. Attorney Cramer said any revisions must be to the Board secretary ten days before the meeting.

Entered into evidence:

A-13 Overlay of site

Mr. Grasso said we have gone back and forth with this application. It has been redesigned each time bringing it closer to conformance with the R-20 zone. The problems have to do with front yard setback. The frontage is on Beverly not Marconi. The property has a 62' wide lot. Impervious coverage is 35.8% where 30% is allowed. Building coverage is 17.25% where 17% is allowed. There are issues with building coverage. The cabana has a bar. The fact that the cabana also has two columns and is covered is a problem. It changes the square footage. The cabana is larger than what it was meant to be. We will give up the counter top and take the roof back to 6.6' and 12'. That will eliminate the building issue and the issue of the bar. Building coverage will be under 17% it will be 16.8%. The impervious coverage issue has a lot to do with the flag lot nature.

Attorney Cramer said does Ms. Fore own the flag staff. Mr. Grasso said yes she does. It is part of her property. Mr. Gerken said it doesn't show that on the map. Attorney Beckman said the tax map shows that as an easement. Mr. Grasso said right it does show as an easement.

Mr. Grasso said they reduced the house. The rear setback has changed from 58' to 70.1'. That brings the house closer to the front property line. The only thing we can't comply with is the front yard setback on Beverly. Beverly came after the lot was there. Another issue was the Fire Official report. Mr. Grasso said he spoke with him and told him there was nothing he could do there and he said the Fire Official can't approve it that way. Bill Connellan told me how Police Department computers work today. He said he also talked to Chief Morris. They can put in the computer system how to address that property. It tells them how to approach that property. If a 911 call did come in they would fight the fire via Beverly Street.

Mr. Grasso said they reduced the building coverage and took the roof off the deck in the back of the house. As to the fence we will go to 4', 4' is fine. As far as a gate the only reason it was there was if someone throws a ball over the fence they could get it.

Mr. Slocum said we have been going through this application for a long time. The major issue is with the driveway. We need to do something about it. We need to straighten this issue out.

Mr. Grasso said the applicant can't buy additional property.

Mr. Slocum said think in terms of correcting this driveway issue.

Ms. Fore said in March or April we did address that. If there was a fire they would just kick that fence down. She said she agreed to that.

Mrs. Morrissey said have you talked to the neighbors about getting an easement or emergency gate. Ms. Fore said no.

Mr. Orender said you need to get permission to have a fence there. You have to get permission first before we move forward. He said he has an issue with it being a fireman himself.

Attorney Beckman said he is confused. Why do you discuss this in workshop? Attorney Cramer explained the applicant is allowed to be at the workshop but they cannot participate. The Board does discuss procedure with professionals. There is nothing discussed between the Board and the applicant.

Attorney Beckman said they are talking about impervious coverage, 30% is required correct? You said 35.8% being proposed. Could this be reduced by reducing the size of the house?

Attorney Beckman said building coverage is the deck included. Mr. Gerken said no.

Attorney Beckman said the front yard setback could this building be built so it complies with the front yard setback. Mr. Grasso said no it would only be 13' wide.

Attorney Beckman said this house is being built within 30' of the cul de sac. Mr. Grasso said no. Attorney Beckman said it is 30' from the cul de sac. Doesn't the 30' follow the ROW? You could reduce this house. Mr. Grasso said they can't.

Linda Strada, 1506 Beverly Street, said she has no problem with improving the property. You can build a home that is more in compliance with the neighborhood. My home is 2,000 s.f. The homes are much smaller. You are trying to put a 4,000 s.f. house on a very narrow lot with a cabana and pool. Mr. Grasso said the house is 3,400 s.f.

Ms. Strada said can you build a house more in compliance with your lot. Mr. Grasso said this is what the zoning allows. Ms. Strada said you want to put this house 15' in my front yard. Mr. Grasso said this house is further away from your house than the house on the left. Ms. Strada said you are still not 30' from my property.

Mr. Grasso went over Mr. Gerken's review letter of December 26, 2008. He said Mr. Gerken has six items listed for proposed variances. We have eliminated building coverage. We will conform to the fencing height. The cabana setback that will be resolved. We are down to two variances impervious coverage and front yard setback.

Attorney Cramer said all utilities are underground. Mr. Grasso said yes.

Mr. Grasso said, regarding Item 5 under Additional Comments, we will put a buffer up to shield the house from the neighbor's view. The property does drop off 4' - 5'.

Attorney Cramer asked Mr. Grasso to provide a landscape plan. Mr. Grasso said they will provide one.

Chairwoman DeSarno said what about a fire truck getting back there. Mr. Gerken said you will leave openings for that.

Mr. Grasso said lot coverage and area have all been addressed. He went over Mr. Hoffmann's review letter of January 6, 2009. He said Item 7 on page 3 deals with safety of the fence and enclosure of the pool. We will comply 100%. Item 8 the patio is now shown but not identified. Item 9 general comment. Item 10 the height of the house is only two stories. There is attic space. The overall height from grade will be 27½'. He said they will provide a landscape plan. Item 12 a street address sign will be provided. We will comply. Item 13 we discussed that. Item 15 goes through the variance requirements.

Mr. Slocum said you are going to comply with the 4' fence just the one side. Mr. Grasso said the one in the front yard. The Beverly Street side will be 4' except by the pool.

Mrs. Salanski said she doesn't want any gates opening on her property. Ms. Fore said she will not put a gate up and if she does I will put a fence up. We don't want extra cars coming down. She put up a 6' fence without a permit, without a survey.

Chairwoman DeSarno asked if Mrs. Salanski would allow an emergency vehicle to go through. Mrs. Salanski said yes.

9:40 P.M. the Board recessed.

9:50 P.M. the meeting resumed.

Mr. Gerken asked why they can't move the house to reduce the impervious coverage. The access has been from Marconi Road for years.

Mr. Orender said move the fence back to the end of the building line to allow access to the fire department. You can then put in some shrubs. Mr. Grasso said no problem with that. We can pull the house about 5' forward. He said he doesn't think the house is too big.

Chairwoman DeSarno said where the fence would go. Mr. Orender said bring the fence even with the house. The house has a little front yard. That would eliminate the gate problem. Mr. Gerken said yes about 4'.

Mr. Slocum said this now eliminates the fence problem and eliminates the Knox Box. Chairwoman DeSarno said yes. Some type of signage stating entrance is on Beverly for emergencies.

Chairwoman DeSarno said we will carry this.

Attorney Beckman asked if the landscape plan can be submitted before the next meeting.

Mrs. Lange said the next available date is March 18, 2009.

Mr. Gerken said submit plans showing where the new fence would be.

Attorney Beckman said he has one witness for the next meeting it should take 10 – 15 minutes.

Mrs. Fore waived the time limits.

Chairwoman DeSarno said this will be carried to March 18, 2009. No new notice is required.

Mrs. Slocum recused himself on the Sims application.

Attorney Middleton asked to have this carried. He would like a full Board.

Chairwoman DeSarno said this will be carried to April 1, 2009.

Attorney Middleton waived the time limits.

Attorney Cramer explained there are only five members here tonight to vote. With a use variance you need all five votes so Attorney Middleton would prefer to start the case with more members.

RESOLUTION TO BE MEMORIALIZED

MR. & MRS. JOHN AIANI - #BOA30-2008

Block 67, Lot 5.02

Morrissey/Orender

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 9:15 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary