

**TOWNSHIP OF WALL  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF THE REGULAR MEETING  
HELD IN THE MUNICIPAL MEETING ROOM  
FEBRUARY 18, 2009**

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 Morrissey, Jim Gray, Ray Slocum, Kevin Orender, Robert Morris, first alternate Mary-ellen Draper, Attorney Cramer, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken and Reporter Arnone. Chairwoman DeSarno, Messrs. Palmer and Bloom 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.

Vice Chairwoman Morrissey announced the Ochse application will be carried to March 4, 2009. They must re-notice.

Mrs. Morrissey stated the Khichi application has been carried about six times. We would like to take a roll call to dismiss this without prejudice.

Mr. Morris made a motion to dismiss the Khichi application without prejudice. Mr. Slocum seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Morris, Slocum, Mrs. Draper, Messrs. Gray, Orender and Mrs. Morrissey voted yes.)

**NEW APPLICATION**

**#BOA34-2009** – Date application complete: December 10, 2008

**APPLICANT:** RON & KERRI CHRISTIE

**PROPERTY:** 1610 Bass Point Drive, Block 880, Lot 26, R-10 zone

**RELIEF REQUESTED:** Bulk

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

Michael Rubino, Esq. appeared for the applicant.

Attorney Rubino explained this is an application to allow the applicants to take down the existing house and re-build. They will keep the same footprint. They will use the angle of the lot that the house is on to have a view of the river. They will be adding an attached garage with a breezeway. The garage will be 9' from the property line. They need a variance for side yard setback. On the west side 9.21' is being proposed and 20' is required on the west side 18.02' is being proposed and 20' is required. There is a drainage easement on the west side of the lot and they are not allowed to build on that. There were a few issues raised in the professional letters. The breezeway was not quite big enough. The architect has revised the plans so it has the

appropriate square footage. A variance will not be necessary. There was also an issue as to whether or not you can count the area of riparian. There were some questions. Mr. Hoffmann said it can be taken into consideration. If you add that portion of the property then a variance for building coverage and impervious coverage are not necessary.

Entered into evidence:

- A-1 Jurisdictional items
- A-2 Plot plan prepared by Gilligan Engineering last revised October 29, 2008 with architectural plans prepared by Salient Architects dated July 3, 2008
- A-3 Rendering of revised plans prepared by Gilligan Engineering last revised February 12, 2009
- A-4 Three sheets of revised plans prepared by Salient Architects
- A-5 Two sided photo board
  
- BOA-1 Engineering plan review prepared by Glenn Gerken dated December 26, 2008
- BOA-2 Planning plan review prepared by John Hoffmann dated January 26, 2009
- BOA-3 Planning plan review prepared by John Hoffmann dated February 4, 2009
  
- A-6 CAFRA permit

Sworn by Reporter Arnone:

Ron Christie  
Charles Gilligan  
James Higgins  
Peter Hauerstein  
Glenn Gerken

Charles Gilligan gave his credentials which were accepted by the Board.

Attorney Rubino asked about counting the lower portion of the property. Mr. Gilligan said calculations were done only on the zone part only on the upper land area. Wall Township in the past added the aquatic area for lot coverage. Building coverage maximum allowed is 14% and we are proposing 12.54%. Impervious coverage allowed is 25% and we are proposing 21.61%. Building coverage and impervious coverage variances are no longer required with the new calculations.

Attorney Rubino said there was also an issue regarding the breezeway. Mr. Gilligan said the architect will address that. If there wasn't a certain amount of wall it's not allowed. The plans were modified to meet the calculations. It is now part of the main structure.

Attorney Rubino asked what is on the property now. Mr. Gilligan said there is an older home which will be taken down and replaced with a new structure. The western portion has an 18' wide drainage easement. The present house encroaches on that. The new lot 18.02 will be taken out of the easement. On the east side that will have a 9.2' setback.

Attorney Rubino said the existing house has setbacks closer than what is proposed. Mr. Gilligan said yes.

Attorney Rubino said the new house to the north is it setback 5' – 6'. Mr. Gilligan said 6'.

Attorney Rubino said the existing house is rather old. Mr. Gilligan said yes.

Mr. Gilligan said they are proposing a dry well. All leaders will go to the dry well. The new driveway will also go toward the dry well.

Attorney Rubino said as far as the existing trees what can be saved as buffering. Mr. Gilligan said to the north and south there is sufficient buffering there. Some large trees have to be taken down. We will supplement them.

Attorney Rubino said we will be willing to submit a landscape plan as part of the building permit process.

Attorney Rubino asked about a CAFRA permit. Mr. Gilligan said we have one.

Mrs. Morrissey said Items 4, 5 and 7 in Mr. Gerken's review letter need to be addressed. Attorney Rubino said to Mr. Gilligan you can make the revisions regarding item 4. He said they may need a permit from Freehold Soil Conservation District. Mr. Gilligan said we may need it. Freehold Soil Conservation District is being iffy lately. If we do have to get one we will. Mr. Gerken said it may not be required.

Attorney Rubino said regarding Item 5 we can put the datum utilization for topographic survey on the plan.

Mr. Gilligan said regarding item 6 we will have evergreens on the northeast and west side of the property lines. He said item 7 regarding the 18' wide drainage easement we will comply.

Attorney Rubino said we addressed the comments in Mr. Hoffmann's review letter.

Mr. Gerken said the main things were if they need a soil removal permit and they have their CAFRA permit.

Mr. Slocum asked about the third story or loft. He asked for square footage and if it was going to be one big room. Attorney Rubino said the architect will answer that.

Mr. Christie said he is the owner of the site. Attorney Rubino asked him to tell the Board a little about the property. Mr. Christie said he has lived in Lincroft for over 30 years. He bought this property in 2006. He was looking for waterfront property. He said 2½ years later he is still trying to move in. He said he loves the river. After they bought the property in 2006 he moved his business to Wall.

Attorney Rubino said you are looking forward to putting a new house there. Mr. Christie said yes. The house was built in the 1920's. It is in great condition but not great plumbing and electric. It has been well maintained. He said they decided to renovate it. The foundation would not support what he wanted to do.

Attorney Rubino said regarding the 18' Township easement how did you layout the house. Mr. Christie said they are using the footprint that is there now. It will be 9' from the property line. He said what they are asking for is the 9' back along the garage.

Attorney Rubino said the way the house is angled you want a view of the river. Mr. Christie said if you turn the house you would be looking at the neighbor's back yard. We are trying to keep the property the way it was intended to be.

Attorney Rubino, using A-5, said the photos show the layout of the existing house and area down toward the river and the second photo shows the other houses in the area. Mr. Christie said correct.

Attorney Rubino said the review letters question the landscaping on the property. Tell the Board what you will be doing if approved. Mr. Christie said the major part of what we will be doing is replace what we take down.

Attorney Rubino said as far as side yard setback the other houses in the area they are similar to what you are proposing. Mr. Christie said yes. Attorney Rubino asked if this proposed house will be out of place. Mr. Christie said not at all. Mr. Christie said he has socialized with his new neighbor's and has not spent a night in the house.

Peter Hauerstein gave his credentials which were accepted by the Board.

Attorney Rubino asked Mr. Hauerstein to tell the Board about the project and the connection of the breezeway. He also asked him to answer Mr. Slocum's question regarding the loft.

Mr. Hauerstein said the connection of the breezeway to be part of the house we had to add 3' by widening it. We now meet the requirements. The loft is on the second floor. It is one room and has a bathroom.

Attorney Rubino asked about the design of the house. Mr. Hauerstein said we are keeping the new house in the existing footprint. It will fit in with the rest of the neighborhood.

Attorney Rubino asked about the garage, breezeway and loft. Mr. Hauerstein showed the elevations of the garage and loft. There is easy access to the main structure from the garage. It is a three car garage.

Attorney Rubino asked for the size of the first floor. Mr. Hauerstein said it is 2,211 s.f. The total size of the house is 4,798 s.f. Attorney Rubino asked if it fits on the lot. Mr. Hauerstein said yes it maintains what is on that street.

Jim Higgins gave his credentials which were accepted by the Board.

Attorney Rubino asked Mr. Higgins to tell the Board about the area. Mr. Higgins said he is familiar with the area. This is the smallest house on Bass Point Drive. The other houses are larger. The lot is narrow. The width is 87'. The frontage is a little different it is 95'. This is a hardship. The lot is narrower than what is required. If we meet the setbacks the house would only be 47' wide. The proposed house is 60' wide. The proposed house is in keeping with what

is in the area. It is consistent with what is along Bass Point Drive. There are a lot that have less frontage. There will be improved drainage on site. The benefits out-way the detriments. There is no detriment. The house is smaller than what the ordinance allows. There will be no negative impact.

Attorney Rubino said there are lots of reasons to justify the relief. Mr. Higgins said yes.

Attorney Rubino said the existing house is coming down. The proposed house is beautiful. It will fit in the neighborhood. The relief is moderate.

The application was open and closed to the public.

Mr. Gray moved to approve the application subject to the submission of a landscape plan. Mr. Orender seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Gray, Orender, Mrs. Draper, Messrs. Morris, Slocum and Mrs. Morrissey voted yes.)

**CARRIED APPLICATION**

**#BOA32-2008** – Date application complete: November 13, 2008

**APPLICANT:** JOHN E. SCHUMACHER

**PROPERTY:** 3232 Ridgewood Road, Block 826, Lot 6, R-20 zone

**RELIEF REQUESTED:** Bulk/Use

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

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

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Plot plan prepared by Charles E. Lindstron dated August 13, 2008
- A-3 Proposed alterations and additions last revised September 2, 2008
- A-4 Rendering of site plan
- A-5 Rendering of architectural plan
- A-6 Preliminary layout
- A-7 Board with five photos
- A-8 Two aerials

Sworn by Reporter Arnone:

William Voeltz  
Glenn Gerken

Attorney Middleton said the applicant is seeking to construct a 1,009 s.f. pool cabana accessory to the pool. In the cabana he is proposing a shower, bathroom, and weight room. In addition he is proposing to put an overhang over the outdoor kitchen. The applicant is spending a lot of money on the outdoor kitchen. The applicant would like to have a more permanent structure.

There is currently a cabana which is being removed and a shed is also being removed. 465 s.f. of building coverage is being removed. The variances relate to the size of the cabana.

Attorney Middleton explained in discussing the application with the applicant's architect and engineer/planner he could have proposed an addition to the house along the east property line. That addition could have been a two-story addition. The applicant would prefer not to do that. The area for the cabana has a dip. This can be put in the dip. The ordinance does provide that the applicant can construct a garage over 1,000 s.f. without a variance and place it within 10' of the property line. We believe that this is superior to a garage. The cabana proposed is over 1,000 s.f. We are getting rid of over 400 s.f. of cabana and shed. We are eliminating two variances. Attorney Middleton said he spoke with Attorney Cramer regarding the use variance. He said he doesn't agree but he does understand it.

William Voeltz gave his credentials which were accepted by the Board.

Mr. Slocum said he is confused. The applicant is proposing a cabana. You said he could have put up a garage and a two-story addition. How is that relevant? Attorney Middleton said we need a variance for A and not for B but he is proposing to do A according to zoning. It is common where the applicant will come in requiring a variance but can do something else with no variance.

Mr. Slocum said the applicant wants a cabana, no interest in another garage or addition. Attorney Middleton said if the cabana is turned down he may go to one of the others. We believe the proposal meets the positive and negative criteria. It is better than the alternatives.

Mr. Voeltz said this is a wooded site. It is almost an acre. The Master Plan considers it a medium density site. It has 108' frontage. The depth is 400+'. The side setback is 16' on one side and 9' on the other. Variances are pre-existing. The existing home already has a garage. The kitchen has been renovated. There is no basement. There is no way to convert the garage into a gym or move it somewhere else on the property. There is an existing 256 s.f. cabana on the property. It is 12' in height. The new cabana will contain a sauna, changing room and a gym. It would be in the exact same area as the existing cabana. The entire rear is wooded. The area to the west has an existing fence.

Attorney Middleton said where is the existing house located. Mr. Voeltz using the rendering said in the middle of the photo is the existing home.

Attorney Middleton said the neighbors cannot see the cabana. Mr. Voeltz said no.

Attorney Middleton said the location of the proposed cabana is ideal. Mr. Voeltz said yes. What we proposed was to re-construct a cabana in the same location as the existing. It will be 12' in height. The color will match the house.

Attorney Middleton said how many feet from the east lot line. Mr. Voeltz said about 50' – 55' and 21' to the west.

Attorney Middleton said the applicant is not going to have to take down any of the large trees. Mr. Voeltz said a few trees will have to be removed. Attorney Middleton said there are a significant amount of trees to the sides they will remain. Mr. Voeltz said yes.

Attorney Middleton said as a planner is there any negative impact. Mr. Voeltz said no. The neighbors can't see any more than what is there now. The color will match the existing house.

Attorney Middleton said the property can be deed restricted not to be rented or be used as living space. Mr. Voeltz said he doesn't want anyone living there. He just wants to workout in his workout room.

Attorney Middleton said he has a large family and they use the pool. Mr. Voeltz said yes.

Attorney Middleton said the cabana is suited to this location. Mr. Voeltz said yes.

Attorney Middleton said this is better than the addition to the house. Mr. Voeltz said yes. It is a low level type structure. It is not intrusive to the neighbors. It won't be multi stories.

Attorney Middleton asked about building coverage. Mr. Voeltz said 8.5% presently and we will go to 9.7%. It is 7% below what is allowed. Regarding impervious coverage 30% allowed we will be at 29%. Attorney Middleton said the applicant is still lower than what is permitted. Mr. Voeltz said correct.

Entered into evidence:

BOA-1 Engineering plan review prepared by Glenn Gerken dated December 12, 2008

BOA-2 Planning plan review prepared by John Hoffmann dated January 13, 2009

Attorney Middleton said Mr. Gerken's report describes the application. Page four raises some questions. He is asking for testimony regarding the existing pool and fence. Mr. Voeltz said the existing fence will be relocated to meet the ordinance requirements. Mr. Gray asked where that will be. Mr. Voeltz said basically it will meet the corner of the proposed new building. Mr. Gray said it will go along the whole back. Mr. Voeltz said yes. He said they will make sure the entire pool meets the enclosure requirements.

Attorney Middleton said the height of the cabana is 12' the application shows 16'.

Attorney Middleton said the cabana will be used as a changing area, shower, bathroom and gym. There will be no residential use, no kitchen and no bedrooms.

Mr. Gerken asked if the gym area will be used for instruction. Attorney Middleton said it will be used solely for the applicant's use.

Attorney Middleton said Mr. Hoffmann's review letter is four pages. Page one and two describes the application. Paragraph two describes what is being proposed. He talks about variances, cabana area, gym area and kitchen/gazebo area. Mr. Voeltz said the architectural plans submitted has a gazebo that has a roof with four corner posts. It fits over the existing

cooking area. It is a large "U" shaped cooking area. The applicant is looking not to have rain on his grill.

Attorney Middleton said the other alternative is some sort of synthetic over top.

Attorney Middleton asked if it will be enclosed. Mr. Voeltz said no it will be open. He said this allows Mr. Schumacher to cover the cooking area and it is attractive.

Attorney Middleton asked if the variances can be granted without any negative impact. Mr. Voeltz said yes.

Mrs. Morrissey asked that kitchen area how many square feet is that. Attorney Middleton said that has already been approved by the zoning department.

Mrs. Morrissey asked if building permits were given for the sheds. Attorney Middleton said he bought the house years ago. The sheds were there. He installed the kitchen with the proper permits. Mr. Gerken said on the easterly property line that is the neighbor's shed. Attorney Middleton said there are only two sheds on our property. Mr. Voeltz said one of our sheds will be removed. The kitchen area is 23' X 18'.

Attorney Middleton explained Mr. Schumacher was called out of State on an emergency this evening. He said he doesn't know if the Board has issues with the application. He said he was going to have Mr. Schumacher describe when he bought the house and installed the kitchen. If the Board needs an explanation regarding the gym it is only for his use.

Mr. Gray said, referring to Mr. Hoffmann's review letter, on page three it states the kitchen is not permitted as an accessory use. How did you get a permit for it? Attorney Middleton said he spoke with Mr. Hoffmann he said that this was a permitted use. He said a use variance was not needed. This is an accessory to the pool.

Attorney Cramer said there is bar-be-que equipment there. Attorney Middleton said very elaborate bar-be-que equipment. He said he spoke to Mr. Hoffmann after the last hearing he didn't think a use variance was needed.

Mr. Slocum said you are referring to it as a cabana. A 180 s.f. cabana is allowed and this is 1,009 s.f. Is there any way we can refer to it as a cabana/gym. We are talking about something that is five times what is permitted. Attorney Middleton said it is not your usual application. You can say cabana/gym. Mr. Slocum said normally when we hear an application as a cabana it is not described as cabana/gym. This is 1,009 s.f. vs. 180 s.f.

Mr. Gray said he is not comfortable with approving a 1,009 s.f. cabana but he has no problem with a 300 s.f. cabana with an additional gym.

Attorney Cramer said you can describe it as such, cabana, bathroom, sauna and gym. They are asking for a use variance to permit this type of structure.

Mr. Gray said would you be able to divide how much the cabana, gym, etc. areas. Mr. Voeltz said the gym is 631 s.f., foyer, 124 s.f., utility room 32 s.f., bathroom/sauna 94 s.f., changing room 62 s.f. and covered portion 66 s.f. Mr. Gray said it is a 208 s.f. cabana.

Mr. Voeltz said he would rather put this gym in his home but he has no basement. There is no place to put this. He cannot put it in the garage. There is no room. It didn't seem to make sense to put an addition on the house.

9:00 P.M. the Board recessed.

9:10 P.M. the meeting resumed.

Attorney Middleton asked Mr. Voeltz to describe the landscaping. Mr. Voeltz said behind the cabana there will also be some landscaping, low level, to shield this from the neighbors.

Mr. Gray said one shed is being removed and the other one is being moved to the neighbor's property. How much square footage is being removed? Mr. Voeltz said shed number one is being removed it is 193 s.f., the existing cabana is being removed it is 263 s.f. for a total of 456 s.f. being removed. The shed that is overhanging the property is also being removed to the neighbor's property. Attorney Middleton said that is the neighbor's shed. Mr. Gray said when he looks at this it is a 631 s.f. gym and a 378 s.f. of other stuff. They are removing 456 s.f. When we talk about 1,000 s.f. we have to remember that they are removing almost half that. There really is only an addition of 500 s.f. He is not adding 1,000 s.f. to this property only 500 s.f. I am not happy approving 1,000 s.f. cabana. It is way too big. It is not a 1,000 s.f. cabana it is 378 s.f. cabana with a gym. They could have put an addition on the house or garage. When I visited the property I did not know how deep that property is. The rear is all woods. It is the ideal place to put this. No one is going to see it. He is putting 500 s.f. additional in an area that no one is going to see.

Mr. Gray moved to approve a 378 s.f. cabana and a 631 s.f. gym. There will be no living space. A landscape plan must be submitted and an as-built survey. Mr. Slocum seconded the motion, which was approved by a roll call vote. (Messrs. Gray, Slocum, Mrs. Draper, Messrs. Morris, Orender voted yes. Mrs. Morrissey voted no.)

**MINUTES TO BE ADOPTED:** Mr. Gray moved to approve the minutes of the study sessions and regular minutes of January 14, 2009 and January 21, 2009. Mr. Slocum seconded the motion, which was unanimously approved.

**RESOLUTION TO BE MEMORIALIZED**

**ANNUAL REPORT**

Slocum/Orender

**PAUL V. PEACE, JR. - #BOA28-2008**

Block 313, Lot 12

Slocum/Morris

**JOHN & CAROL PROROK - #BOA26-2008**

Block 16, Lot 47

Draper/Slocum

February 18, 2009

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**DAVID & ANDREA LOCKE - #BOA31-2008**

Block 59, Lot 8

Draper/Slocum

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 9:25 P.M.

Respectfully submitted,

Betty Schinestuhl