

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
APRIL 1, 2009**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairwoman DeSarno at 7:30 P.M. Members present were Chairwoman DeSarno, Vice Chairwoman Morrissey, Jim Gray, Ray Slocum, Kevin Orender, Robert Morris, Attorney Cramer, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken and Reporter Arnone. Mrs. Draper was 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.

RESOLUTIONS TO BE MEMORIALIZED:

JOHN KUCHINSKI - #BOA1-2009

Block 87, Lots 4 & 4.01

Morrissey/Gray

JOHN E. SCHUMACHER - #BOA32-2008

Block 826, Lot 6

Gray/Orender

MINUTES TO BE ADOPTED: Mr. Gray moved to approve the minutes of the study session and regular minutes of March 4, 2009. Mrs. Morrissey seconded the motion, which was unanimously approved. Mr. Gray moved to approve the minutes of the study session and regular minutes of March 18, 2009. Mr. Slocum seconded the motion, which was unanimously approved.

Chairwoman DeSarno said there are three applications not being heard tonight. The Kreider application will be carried to May 20, 2009. Re-noticing will be required. The Squan River Group application will be carried to May 20, 2009 and no re-noticing will be required. The Sims application will be carried to June 3, 2009 and no re-noticing will be required.

Chairwoman DeSarno recused herself on the Saffioti application.

NEW APPLICATION

#BOA29-2008 – Date application complete: October 20, 2008

APPLICANT: JOHN SAFFIOTI

PROPERTY: 4202 Belmar Boulevard, Block 932, Lot 48.02, R-7.5 zone

RELIEF REQUESTED: Bulk

Attorney Middleton said John Hoffmann's review letter suggested that the applicant provide an additional 15' buffer. We will have a conservation easement on either side. If you walk the property it is heavily wooded.

Mrs. Morrissey asked Attorney Middleton to answer Item 6 in that same letter regarding the 10' driveway. Attorney Middleton said we believe that what was proposed was accepted by the Bureau of Fire Prevention. The driveway will be 18' wide. Mr. Gray said the driveway will be 18' wide. Attorney Middleton said correct.

Mrs. Morrissey asked about the report from Mr. Gerken. Mr. Gerken said regarding impervious coverage Wall Township counts gravel driveways and the applicant has not considered it in their impervious calculations. When the applicant applies for the building permit he will have to submit plans for a recharge or storm charger. He also needs approval from Freehold Soil Conservation District. Attorney Middleton agreed.

Mr. Gerken said he agrees with the 18' driveway even though it does create a setback issue.

Mrs. Morrissey said utilities need to be underground. Attorney Middleton said no problem.

Mr. Gray said Mr. Gerken said gravel driveway is impervious coverage and the applicant did not consider it. Mr. Gerken said the impervious coverage is at 13.7%.

Mrs. Morrissey said when was the lot created and were there any variances granted. Mr. Gerken said Mr. Hoffmann said in his letter, in 1998 and at that time it was totally conforming.

Attorney Middleton said the flag lot ordinance has changed since then. Mr. Gerken said it was previously R-60 and it is now five acre zone.

Mr. Slocum asked what is the actual acreage of the lot it is different on all the correspondence. Mr. Gerken said 3.03 acres. Attorney Middleton said the tax map says 3.03 acres. Mr. Gerken said Mr. Hoffmann's letter is without the staff on the lot.

Mrs. Morrissey asked Mr. Gerken to comment on the 10' buffer to 15' buffer. She also said leave the trees and supplement with evergreens. Mr. Gerken said he would also like to see a bigger buffer. Attorney Middleton agreed.

Entered into evidence:

BOA-1 Engineering plan review letter prepared by Glenn Gerken dated December 10, 2008

BOA-2 Planning review letter prepared by John Hoffmann dated November 16, 2008

BOA-3 Wall Township Bureau of Fire Prevention plan review dated October 21, 2008

The application was open to the public.

Regina Barcellone, Block 932, Lot 66. She said when she bought her property she was told the land was unsuitable for building. How are we considering this if it is not a build able property?

Attorney Middleton said in 1998 the Planning Board subdivided the property. This is a viable building lot. The ordinance was changed making this an undersized lot.

Ms. Barcellone said she purchased her property in 1997 and was told nothing could be built on this lot. We have an ordinance for a reason. This needs seven variances. Why do we have land use ordinances? Attorney Cramer explained that ordinance pose restrictions on what people can do with their property. They come here to seek relief.

Ms. Barcellone said there is no limit on how many variances? Attorney Cramer said no limit in connection with any property. The applicant has to prove the positive and negative criteria.

Ms. Barcellone said there is a house on the site already. Mr. Gerken explained there are two lots there. In 1998 the Planning Board approved a subdivision. Since that time the town has changed the requirements. It was fully conforming back at that time. If they did not change the requirements they could just go to get their building permit and build.

Attorney Cramer said this is the first time this Board has been approached regarding this home.

Ms. Barcellone said 4202 was subdivided and in 1998 they had 190 days to do a zone protection thing to protect it. Attorney Cramer said that means take action within a certain period of time to protect the subdivision.

Ms. Barcellone said she was told several times this lot is not build able. She was told this by the Land Use Office that nothing would be built here. This is going to overlook my house. There is a hill between me and the applicants. It will overlook my backyard. Attorney Cramer explained there is going to be a conservation easement in the rear. Once they give that conservation easement they cannot build in that one acre area. They cannot take any trees down. The easement would be owned by the Township.

Mr. Gerken said we are not talking about 14' – 20' buffer we are talking about 180' buffer. That is a substantial buffer.

The application was closed to the public.

Mr. Gray said there are not going to be any further variances. If he wants additional variances he would have to do this all over again.

Mr. Gray moved to approve the application subject to the applicant complying with Mr. Gerken's review letter. The applicant must obtain a street opening permit. The applicant must obtain Freehold Soil Conservation District approval. The applicant shall have a 15' easement on the north and south sides of the property. A conservation easement will be required on the deed.

Attorney Cramer said the applicant will prepare the easement and send it to Mr. Gerken for approval.

Mr. Gerken said revise the plans to reflect the easement.

April 1, 2009

Page 5

Mr. Slocum seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Gray, Slocum, Morris, Orender and Mrs. Morrissey voted yes.)

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 8:20 P.M.

Respectfully submitted,

Betty Schinestuhl