

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
MAY 6, 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, Ray Slocum, Kevin Orender, Robert Morris, Nance-ellen Draper, first alternate Mary L. Burne, second alternate Mark Margadonna, Attorney Cramer, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken and Reporter 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 welcomed new members Mary L. Burne and Mark Margadonna.

Chairwoman DeSarno announced the Foster application will not be heard tonight. It is being carried to July 15, 2009. Re-noticing is required. The Fore application is also being carried. It is being carried to June 3, 2009. No new noticing is required.

Attorney Cramer administered the Oath of Office to Mary L. Burne and Mark Margadonna. He also administered the Oath of Office to Nance-ellen Draper who became a regular member.

CARRIED APPLICATION

#BOA3-2009 – Date application complete: February 10, 2009

APPLICANT: JOEL & ADRIA MARCUS

PROPERTY: 3437 Woodfield Avenue, block 771, Lot 22, RR 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 the applicant is here tonight requesting permission to add a one story 790 s.f. addition to the front of their home. Mrs. Marcus' mother is living at Xanadu and she is planning to have her come live with her. They have had some additions over the years. There is no comfortable guest room. They are planning to make this addition comfortable for their mother and also if live-in help is needed in the future. There will be no kitchen or separate entrance.

Entered into evidence:

- A-1 Jurisdictional items
- A-2 Survey prepared by Zenon T. Grybowski dated December 15, 2008
- A-3 Poster board showing two sides of home with an aerial view and tax map

- BOA-1 Engineering plan review prepared by Glenn Gerken dated April 7, 2009
- BOA-2 Planning review prepared by John Hoffmann dated April 2, 2009

Attorney Rubino stated Mr. & Mrs. Marcus and Thomas Peterson are here tonight.

Attorney Rubino stated Mr. Gerken made a comment regarding an on-site recharge system. We would agree to put in some sort of re-charge system. We will do whatever Mr. Gerken wants.

Sworn by Reporter Arnone:

Adria Marcus
Thomas Petersen, Architect
Glenn Gerken

Mrs. Marcus stated she lives in this house. Her husband has owned it since early 1980. His first wife died and she has lived there since 1991. The lot is wooded. It is very quiet.

Attorney Rubino said you have had additions. Mrs. Marcus said they added a bedroom. They also added on a train room for model trains and just put on a four season room. She said her and her husband are very happy there.

Attorney Rubino said you have a problem with your mother. Mrs. Marcus said her mother is 84 and sick. The alarms where she lives keep going off and they are bothersome. She is trying to get her mother to live with her. She said she worries about her being by herself. She said she would never put her mother in an assisted living.

Mrs. Marcus explained they are proposing a bedroom with its own bathroom. The room there now is very small. They are also proposing a sitting room so she can get away from us.

Attorney Rubino said you took some photos showing the front of the house where the addition will be. Mrs. Marcus said correct.

Mrs. Marcus explained there are woods in the back and across the street. She said her neighbors can't see the addition because of the trees.

Attorney Rubino said the aerial shows a conservation easement behind you. Mrs. Marcus said that is correct.

Mrs. Marcus explained there is a garbage hut off the driveway. There are a lot of raccoons so we built a hut. It is all open and ventilated.

Mrs. Morrissey asked if there were any objectors. Mrs. Marcus said no.

Mrs. Morrissey asked if they will agree to the recharge system. Mrs. Marcus said yes.

Mrs. Morrissey asked if they agree this will remain a one family. Mrs. Marcus said yes.

Mr. Slocum said Mr. Hoffmann's letter states that you are asking for the garage to be two story. Mrs. Marcus said it is only 5' 11" upstairs. It is just for storage.

Mrs. Morrissey said there are three cars in front of the house what is the garage being used for. Attorney Rubino said upstairs is for storage only. They have a lot of cars. Mrs. Marcus said we have six cars.

Chairwoman DeSarno asked Mrs. Marcus to tell the Board about the neighborhood. Mrs. Marcus said a lot of the houses have more acreage but less frontage. There are some 1½ story houses. All the other houses are ranches on lots similar to hers. Attorney Rubino said there are about four or five lots that are about the same.

Mr. Gerken said lots 22, 23 & 24 are one acre. To the northwest they are a little bigger. Five lots or so have less than one acre.

Mrs. Morrissey asked about landscaping. Mrs. Marcus said of course they will add landscaping.

Tom Petersen gave his credentials which were accepted by the Board.

Attorney Rubino said you have done some work for this addition and other work at the site. Mr. Petersen said he has worked on a few additions as well as the garage.

Mr. Petersen said the site is one acre. It is a single family single story dwelling. It is a partial "U" shape and we will make it a full "U" shape. There is an in-ground pool in the back. The property to the rear is a conservation easement. The neighborhood consists mostly of one story single family dwellings. They have gone through a few additions but nothing that would accommodate what they need now.

Attorney Rubino asked about the existing bedroom. Mr. Petersen said it is more of a guest room size. That will become a sitting area and this addition will have a bedroom, room for a caretaker and bathroom. The total addition is a little over 800 s.f.

Attorney Rubino said the tax map shows three lots in a row that are one acre. Mr. Petersen said yes and the rest are a little larger. He explained if this were in the R-40 zone it would be in compliance.

Attorney Rubino said you will provide some sort of drainage system. Mr. Petersen said a small underground re-charge basin to take care of the addition.

Attorney Rubino asked if this would impact the neighbors. Mr. Petersen said no it is hard to see from one lot to the other. The homes are similar in style. Attorney Rubino said across the street there is a very large tract. Mr. Petersen said he believes that is wetlands.

Chairwoman DeSarno asked how wide the buffer between the two property lines is. Attorney Rubino showed photos showing the buffer. Mr. Gerken said the property across the street is a conservation easement it is non-build able. It was left as open space. Chairwoman DeSarno

asked if the addition will go into the buffer. Mr. Petersen said no. From this structure to the neighbors on the southeast it is 60' – 75', to the northwest it is even more.

Attorney Rubino stated none of the trees need to be taken down. Mr. Petersen said no. Once the addition is on they will put in additional landscaping.

Mrs. Burne asked if they will be willing to put additional on-site recharge. Attorney Rubino said they will agree with whatever Mr. Gerken needs.

The application was open and closed to the public.

Mrs. Morrissey moved to approve the application subject to the dwelling remaining one family and everything discussed in Item 4 regarding the re-charge system being abided to, a landscape plan and as-built plan be submitted. Mr. Slocum seconded the motion, which was unanimously approved by a roll call vote. (Mrs. Morrissey, Mr. Slocum, Mesdames. Burne, Draper, Messrs. Morris, Orender and Mrs. DeSarno voted yes.)

#BOA4-2009 – Date application complete: March 23, 2009

APPLICANT: ROBERT & KRISTIN COMAN

PROPERTY: 3100 18th Avenue, Block 800, Lot 54, RR zone

RELIEF REQUESTED: Use

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

Mark R. Aikins, Esq. appeared for the applicant.

Attorney Aikins explained this application involves an over-sized parcel of land. It is 3.32 acres in the RR zone. The applicant is proposing to add a second story to the existing residence. There is a second residence that exists on the property. The Board has jurisdiction because there are two residences.

Attorney Cramer said you agree a use variance is required. Attorney Aikins agreed.

Entered into evidence:

A-1 Jurisdictional Items

A-2 Survey prepared by Paul Lynch dated March 23, 2009

BOA-1 Engineering plan review prepared by Glenn Gerken dated April 9, 2009

BOA-2 Planning review prepared by Cheryl Bergailo dated April 2009

Sworn by Reporter Arnone:

Robert Coman
Glenn Gerken

Mr. Coman explained he lives at the residence with his wife and son.

Attorney Aikins asked Mr. Coman what is on the property. Mr. Coman explained a single family dwelling, second home and deck.

Attorney Aikins asked Mr. Coman to explain why he has made application. Mr. Coman explained they had water damage with a mold issue. He had a mold expert access the residence. He said his report stated there was severe mold in the attic space and the first floor ceilings. He recommended that we move. We are having the mold removed and putting on a second story.

Attorney Aikins asked what are you proposing. Mr. Coman said it is currently a cape with a walk up attic. That will be completely removed and they will add a second story with a porch.

Attorney Aikins asked Mr. Coman to discuss the type of materials to be used. Mr. Coman said he is remodeling the entire house, siding, windows, energy efficient and add the front porch for aesthetics.

Attorney Aikins said this will be an improvement. Mr. Coman said absolutely.

Attorney Aikins asked what the setback from 18th Avenue to the existing residence is. Mr. Coman said about 61'. He explained there is 25' to the property and an additional 75' to the neighbor to the west. The right side is about 1200'.

Attorney Aikins said by putting a second story there will not be any effect on the neighbors. Mr. Coman said strictly a positive effect.

Attorney Aikins asked about the driveway. Mr. Coman said there are two driveways and a two car garage. There is ample parking. Attorney Aikins asked about offsite parking. Mr. Coman said nothing offsite it is all onsite.

Mrs. Burne asked how old the dwellings are. Mr. Coman said about 50 years old. Mrs. Burne said they were both built at the same time. Mr. Coman said on or around the same time.

Mr. Slocum asked if the both dwellings were being used. Mr. Coman said the second dwelling is not being used. We are seeking a tenant. Mr. Coman said he has owned the property for six years.

Mrs. Burne asked when the last time it was occupied. Mr. Coman said two years ago. Mrs. Burne asked if it was in livable condition. Mr. Coman said we use it as a guest house for out of state family.

Chairwoman DeSarno asked about the "U" shaped driveway. Mr. Coman said the driveways do connect. Chairwoman DeSarno asked if it extended beyond the stone. Mr. Coman said you could continue beyond the stone. It's gravel.

Mr. Slocum asked for the square footage of the dwelling. Mr. Coman said the main dwelling is about 1400 s.f. and the second dwelling is about 600 s.f.

Attorney Cramer said the principal dwelling will you be staying within the footprint of the existing building except for the front porch. Mr. Coman said yes except for the front porch and some cantilever.

Attorney Cramer asked if the porch was enclosed. Mr. Coman said it will be an open covered porch.

Chairwoman DeSarno asked about landscaping around the house. Mr. Coman said they have a landscape architect already.

The application was open and closed to the public.

Mrs. Morrissey moved to approve the application. There are no conditions other than the landscape and as built plan being submitted. Mr. Morris seconded the motion, which was unanimously approved by a roll call vote. (Mrs. Morrissey, Mr. Morris, Mesdames. Burne, Draper, Messrs. Orender, Slocum and Mrs. DeSarno voted yes.)

RESOLUTIONS TO BE MEMORIALIZED:

ARTHUR OCHSE - #BOA35-2008

Block 86, Lot 9

Morrissey/Morris

JOHN J. DEPALMA - #BOA2-2009

Block 167, Lot 1

Draper/Slocum

JOHN SAFFIOTTI - #BOA29-2008

Block 932, Lot 48.02

Morrissey/Slocum

MINUTES TO BE ADOPTED: Mr. Slocum moved to approve the minutes of the study session and regular minutes of April 1, 2009. Mr. Orender seconded the motion, which was unanimously approved.

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