

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
AUGUST 5, 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, 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 Savacol, Planner Taylor and Reporter Arnone. Mrs. DeSarno and Mr. Orender were not present.

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.

Mrs. Morrissey said Sims will not be heard tonight. It has been rescheduled to October 21, 2009.

NEW APPLICATION

#BOA11-2009 – Date application complete: June 22, 2009

APPLICANT: KATHLEEN MORGAN

PROPERTY: 2633 River Road, Block 886, Lot 10, R-30 zone

RELIEF REQUESTED: Use

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

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

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Survey prepared by George W. Henn last revised June 9, 2009
- A-3 Architectural plans prepared by William Herchakowski dated May 21, 2009
- A-4 Review letter from JCP&L dated July 28, 2009
- A-5 Colored rendering of plan previously submitted to the Board

Sworn by Reporter Arnone:

Joseph Kociuba
Kathleen Morgan
Ray Savacol
Scott Taylor

Attorney Middleton explained the applicant is seeking to obtain permission to construct a one story addition to the existing home. They are requesting a use variance because there is more than one residential structure on the property. A few years ago we were here to obtain

permission for the sports court. Mr. Kociuba will present testimony regarding positive and negative criteria.

Mrs. Morrissey asked about the other two dwellings on the property. Are they occupied by family members? Ms. Morgan said family members, cousins and nieces.

Mr. Kociuba gave his credentials which were accepted by the Board.

Mr. Kociuba said he is familiar with the application, the site and the surrounding properties. The site is on River Road. It contains three acres. It is in the R-30 zone. To the north and south are residential lots; to the west is the Manasquan River. The site contains three dwellings, tennis court, in-ground pool, shed, gazebo, boardwalk, dock and asphalt driveway.

Mr. Kociuba explained the applicant is proposing a one story addition to the main residential dwelling. Using A-4 he explained the addition will contain a three car garage, vestibule, expanded kitchen and dining room. This is an expansion of the existing non-conforming use. The existing non-conformity is there because of the two one story cottages. With this application the applicant proposes no changes to the other non-conformities. The applicant received approval in 2007 for tennis courts. MLUL states this Board has the power to grant the variances. The relief may be granted and the expansion of the use will have no detriment to the public good, zoning plan or ordinance. This site is suited for this use. The R-30 is single family. The existing use of the property is for that use. No alterations to any other parts of the site. The improvements are not out of character for the neighborhood. There will be no detriment to the public good, no impact on the neighbors. All impact is toward the center. The height is below the requirements.

Mr. Kociuba explained the building coverage proposed is 4.26% and 14% is allowed; the impervious coverage allowed is 25% and 17.77% is proposed. It is well below what is permitted in the zone.

Attorney Middleton asked if there will be any impact to the neighbors. Mr. Kociuba said no, the size of the lot being three acres shows there will be no impact.

Mr. Kociuba said this application meets the bulk standards and 2005 Master Plan.

Mrs. Burne asked when the two cottages that are on site were built. Attorney Middleton said one was 50 – 60 years ago the other one I'm not sure. Ms. Morgan said those structures were there when we moved into our home 15 years ago.

Mrs. Burne said you said they are occupied by other members of your family, no rental income. Would you agree, if approved, that should you sell the property that you state that the two cottages be used the same way you do. Ms. Morgan agreed.

Mrs. Morrissey asked what size the garage is that is being changed into a gym. Mr. Kociuba said 400 – 450 s.f. The proposed garage is closer to 600 – 700 s.f.

Mr. Slocum asked what Mrs. Burne said does that get put in place as a deed restriction. Attorney Cramer said yes Attorney Middleton will prepare it and I will review them. The restriction will be family use only.

Mrs. Burne asked if there is an encroachment on the adjoining neighbor. Attorney Middleton said the neighbor is fully aware of the encroachment.

Mr. Taylor said the applicant has covered everything we requested. They are expanding common areas. No intensification of the use.

The application was open to the public.

Anthony Mancuso, Esq. is representing property owners to the immediate north of this property. He said he would like to ask the Board not to grant a variance for the encroachment onto the neighbor's property at this time. Attorney Middleton said he has no objection we did that the last time.

The application was closed to the public.

Mr. Gray moved to approve the application with the stipulations that were discussed, deed restriction prepared by Attorney Middleton to Attorney Cramer for approval and an as-built survey be submitted. Mrs. Burne seconded the motion, which was unanimously approved by a roll call vote. (Mr. Gray, Mesdames. Burne, Draper, Messrs. Margadonna, Morris, Slocum and Mrs. Morrissey voted yes.)

#BOA11-2007 – Date application complete: March 30, 2007

APPLICANT: ZARMAX

PROPERTY: 1951 Highway 34, Block 821, Lot 18, OP-2 zone

RELIEF REQUESTED: Use

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

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

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Amended Preliminary & Final Major Site Plan prepared by InSite Engineering dated April 16, 2009
- A-3 Stormwater Management summary

- BOA-1 Engineering plan review prepared by Glenn Gerken Stormwater Management report prepared by InSite Engineering last revised April 16, 2009
- A-4 Colored rendering of site plan dated August 5, 2009

Sworn by Reporter Arnone:

Robert Freud
Ray Savacol
Scott Taylor
Jacob Solomon
Victor Furmanec
Vicky Dolan

Entered into evidence:

BOA-1 Engineering plan review prepared by Glenn Gerken dated July 16, 2009

BOA-2 Planning plan review prepared by Cheryl Bergailo dated July 21, 2009

BOA-3 Bureau of Fire Prevention plan review dated June 9, 2009

Attorney Middleton explained in 2007 the Board approved an application for a convenience store to operate with the existing gas station. This is an application to amend that to increase the convenience store to 2,605 s.f. We will focus on the increased size of the building.

Robert Freud gave his credentials which were accepted by the Board.

Mr. Freud, using A-4, said one of the things we did we made it a little more efficient without changing the impervious coverage. We added parking spaces. It has the same parking ratio and we expanded the building. We came forward as far as we could with the building. We went west a few feet so the loading area lines up with the parking. The landscaping that was approved at the last meeting will just be pushed out a little. The arborvitaes will be relocated. We have an additional three parking spaces.

Mrs. Burne asked if the plans the Board has are different. Mr. Freud said they are the same. This is identical to what was submitted.

Attorney Middleton said regarding parking what is required. Mr. Freud said ten spaces per 1,000 for a convenience store and we are at 26 spaces.

Attorney Middleton said regarding circulation you are comfortable in the terms of people parking and leaving. Mr. Freud said nothing has changed.

Mr. Slocum asked what the round green circles on the plans are. Mr. Freud said they are the proposed trees.

Mr. Slocum said regarding the driveway onto Allenwood Road what kind of trees. Will they affect sight? Mr. Freud said 6' – 8' trees. This is consistent with what was previously approved.

Attorney Middleton explained there is only a slight change in the parking and increase to the building. Are there any other changes? Mr. Freud said we received approvals from Monmouth County Board of Health and DOT but nothing else has changed. The variances have not changed.

Mrs. Morrissey said that driveway going onto Allenwood Road will that be improved. Mr. Freud explained it will be re-graded and flattened.

Mrs. Morrissey said where Allenwood Road meets 34 there used to be a "Welcome to Wall" sign what are you proposing now? There was a flower bed there. Mr. Freud said no changes what is there is the sign. Mr. Savacol said on the plans it says it will be removed. You can enhance that area. Mr. Freud said half of that planter was within the DOT ROW. Part of their approval was to clean that up. The rest was approved with the previous application. Along Allenwood Road there will be street trees.

Mr. Savacol said the left side of the entrance that will be improved by replacing the planter. Mr. Freud said we are taking it out of the ROW and bringing it on the side where we can maintain it. Attorney Middleton said we will work with the planner to provide additional enhancements.

Mrs. Burne said address the comments that our planner has made. What about removing the sidewalk? Mr. Freud said we have no objection to that. I agree it has not purpose.

Mrs. Burne asked about lighting. Mr. Freud said we did send the planner that information. Mr. Taylor said he did get it. Are there any changes to the architecture and lighting? Mr. Freud said the lighting is consistent with the previous approval. .

Mrs. Burne said what about her comments regarding building color. Mr. Freud said that will be provided. Attorney Middleton said it has not changed.

Mrs. Morrissey said Items A – G were discussed. Attorney Middleton said yes with Ms. Bergailo. There will be no outdoor storage. There will not be any neon signs. Mr. Freud said he will take care of Item G.

Mrs. Morrissey asked about Mr. Gerken's review letter.

Mrs. Burne said there will be no propane tanks on the property. Attorney Middleton said correct.

Regarding Mr. Gerken's review letter Attorney Middleton said we addressed everything. Mr. Freud said we will work with Mr. Gerken regarding the bike rack.

Mrs. Morrissey asked what affect the store will have on the drainage. Mr. Freud said no effect. We did submit an amended report.

Mrs. Morrissey said the trash bins are okay too. Mr. Freud said yes.

Mrs. Morrissey said you will remove the soda machines and phone. Attorney Middleton said they will be removed.

Mrs. Morrissey asked about underground storage tanks. Attorney Middleton said Zanowicz replaced them.

Mrs. Draper said you have 17 parking spaces around the perimeter and six at the tanks. Mr. Freud now there are 23 around the perimeter.

Mrs. Draper said she suggests the egress onto Allenwood Road be a right out only. It seems to be difficult to go left. Mr. Freud said there is no turn restrictions proposed. We don't want to

restrict off peak hours. Mr. Savacol agreed with that. On off peak hours if someone wants to go left they can.

Mrs. Morrissey asked for the size of the driveway onto Allenwood Road. Mr. Freud said 24'.

Mr. Gray asked for the width of the parking spaces. Mr. Freud said 9'. Mr. Gray asked Mr. Savacol if 9' was ok. Mr. Savacol said yes. He explained CAFRA requires 9' X 18'.

Mr. Slocum asked if the intent is to stay Lukoil. Attorney Middleton said yes.

Mrs. Morrissey said no additional signage. Attorney Middleton said no.

Mr. Taylor said it appears at the front of the building you had a 6' area of sidewalk so a person in a wheelchair can get in. I am scaling it now and it looks like it was reduced. Will there be enough room for them to open the door and wheel around. Mr. Freud said we will make sure it complies.

Mrs. Morrissey asked about lighting. Mr. Freud said no change in the lighting. Mr. Savacol asked what is being proposed. Mr. Freud said we are providing downward lights, what is required around parking spaces. There will be two lights along Allenwood Road, one light on the side of the building and another at the entrance of Allenwood Road.

Mrs. Morrissey asked what is proposed inside the convenience store, what kind of operation. Mr. Freud said the same as the previous application. There will be no made to order sandwiches. There may be some coffee.

Mrs. Morrissey asked for the hours of the convenience store. Attorney Middleton said 24 hours.

The application was open and closed to the public.

Mr. Gray moved to approve the application subject to everything that was agreed to in the previous application. The applicant shall work with the planner regarding plantings on 34 and Allenwood Road. There will be no outdoor storage. Mrs. Burne seconded the motion, which was unanimously approved by a roll call vote. (Mr. Gray, Mesdames. Burne, Draper, Messrs. Margadonna, Morris, Slocum and Mrs. Morrissey voted yes.)

RESOLUTION TO BE MEMORIALIZED:

DONALD JESSOP - #BOA9-2009

Block 762.03, Lot 24

Slocum/ Burne

Attorney Cramer said he has one item the McCarthy application is on for September 2nd and Squan River Group is on for November 4th. We are moving Squan River to September 16th.

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 8:35 P.M.

August 5, 2009

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Respectfully submitted,

Betty Schinestuhl