

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
OCTOBER 7, 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, Robert Morris, Attorney Cramer, Nicole Mucaro, Recording Secretary Betty Schinestuhl, Engineer Gerken, Planner Bergailo 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 announced the Fore application will be carried to December 16, 2009.

Donald Beckman said there have been a lot of changes on this plan. May I ask that it be re-noticed with all the new variances. Attorney Cramer agreed.

NEW APPLICATION

#BOA15-2009 – Date application complete: July 10, 2009

APPLICANT: JEFFREY SHIELDS

PROPERTY: 3400 W. Hurley Pond Road, Block 771, Lot 1, R-30 zone

RELIEF REQUESTED: Bulk with variances

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

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Survey of property last revised June 2002
- A-3 Letter prepared by Mr. Shields to BOA no date received by LUO 9/24/2009
- A-4 Package prepared by Mr. Shields containing clean energy application, technical specs, sound level, Windletter newsletter and Tower Engineering
- A-5 Photo of wind turbine
- A-6 Pending legislation SB1303

BOA-1 Engineering plan review prepared by Glenn Gerken dated August 4, 2009

BOA-2 Planning plan review prepared by Cheryl Bergailo dated September 28, 2009

Sworn by Reporter Arnone:

Jeffrey Shields
Mark Balori
Glenn Gerken

Cheryl Bergailo

Mr. Shields explained he was looking into solar for his homes and New Jersey Green Energy Program. The wind turbine has a much higher rebate and a quicker return. It is a much better program. It is most benefit to the environment and most cost effective.

Mr. Balori is from New Jersey Green Energy Program and he is here just to answer questions as to the program.

Entered into evidence:

A-7 Handout

Mr. Balori said by 2020 20% of New Jersey's energy must come from these resources. The turbine must be located where there are wind resources about 30' above any obstruction. They are 105' high and have a 15' blade. Municipalities can adjust their ordinance to cover this.

Mr. Slocum asked what the difference between wind mill and wind turbine is. Mr. Balori said wind mill is old technology.

Mr. Slocum said the wind turbine still needs the height. Mr. Balori said correct.

Mrs. Morrissey asked if they have looked into the Mariah turbine. It is a wind turbine that is only 30' tall. Mr. Shields asked for the rating. He said his is 20 kilowatts. He said he doesn't see how you can get the output at 30'. He said his house runs on about 90% electric. Mr. Balori explained they are all horizontal in the New Jersey program. Mr. Shields said they would work best where there is opening maybe on a beach. He said he doesn't think the Mariah turbine would be economical.

Mrs. Morrissey asked about the fall zone. Mr. Shields said there is a section in my report that deals with fall zones. Mrs. Morrissey asked if there was a fall zone where would it be. Mr. Shields said it would be 110' from the road. The possibility of a tree or electric wires falling is much greater than the wind turbine falling.

Mrs. Morrissey asked what about the other house. Mr. Shields said the other house is not near it.

Mrs. Morrissey asked if a DEP permit was needed because you are very close to the water. Mr. Shields said his house and his in-laws house were removed from the flood plan.

Chairwoman DeSarno asked if the model ordinance was presented to the municipality. Mr. Balori said he doesn't know if it was presented to Wall. It was presented at the League of Municipalities.

Mr. Slocum said wind turbine is the only one recognized by New Jersey Green Energy. Mr. Balori said only those that produce electricity. Mr. Slocum said not the wind mill. Mr. Balori said correct.

Mr. Slocum asked what the difference is. Mr. Balori said wind turbine makes electricity wind mills may be used for other things, pumping water, etc.

Mr. Slocum asked turbine is more efficient. Mr. Balori said not necessarily.

Mrs. Morrissey asked Mr. Balori to address Mr. Gerken's review letter. Is this to produce energy for profit? Mr. Shields said no just the savings. The meter runs backwards when you generate more energy than you are using.

Mrs. Morrissey asked what the height is. Mr. Shields said the height is 136' total. It may be slightly higher. Mr. Gerken said that would be to the top of the blade.

Mrs. Morrissey asked about buffering. Mr. Shields said he can do anything within reason. He said the Taylor Group asked for trees 80'. It would take 20 years to grow to 80'. If the turbine needs to be repaired they have to get to it. Ms. Bergailo said the letter does not say it should be planted 5' from the tower. The tower should be screened from Allenwood and Hurley Pond Road. They would have to be set back around the tower. We can work on something that grows to 70'. The idea is to screen views from the roadway.

Mrs. Morrissey asked how noisy it is. Mr. Shields said on the first page of the spec report it shows it is under the sound level. It has low RPM. It has low sound level.

Mrs. Morrissey asked if there were any means of climbing the tower. Mr. Shields said yes. The structure and stability of the tower has been reviewed by Green Energy. You have to use the equipment on their list. There are new design tower foundation requirements.

Mrs. Morrissey asked about over head wires. Mr. Shields said they are at the far end of the street. They are not on my side of the road. Wires go under the ground to my house. The tower is galvanized steel. It blends with the sky.

Mr. Gerken asked about the flood hazard area. They now have certain buffer requirements. We need to get something from DEP stating this is not in any buffer area. It depends on soil type. This is something you have to look into. Mr. Gray said you should check out the DEP requirements. Mr. Gerken said you have to look into that. Mr. Gray said check that out before you come back.

Mr. Slocum asked if this was relevant to the airport. Mr. Gerken said FAA has requirements.

Chairwoman DeSarno said this application will be carried to January 13, 2010.

Mr. Shields waived the time limits.

8:20 P.M. the Board recessed.

8:30 P.M. the meeting resumed.

#BOA16-2009 – Date application complete: July 20, 2009

APPLICANT: JOSEPH SCELFO

PROPERTY: 1714 Bertrand Place, Block 111, Lot 8, R-7.5 zone

RELIEF REQUESTED: Bulk with variances

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 Survey with amendments
- A-3 Hand drawn construction sketch
- A-4 Photos taken recently
- A-5 Photos taken recently
- A-6 Photos taken recently

BOA-1 Engineering plan review prepared by Glenn Gerken dated September 24, 2009

BOA-2 Planning plan review prepared by John Hoffmann dated September 25, 2009

Sworn by Reporter Arnone:

Joseph Scelfo
Glenn Gerken
Cheryl Bergailo

Attorney Middleton explained the applicant is requesting a variance for front yard setback because of the front porch. The property is in the R5 zone. 25' is required and 22.6' is being proposed. The variance is for 2½'. The applicant added an addition to the home several months ago. At that time there was a deck in front of the house. That deck extended into the setback line. The applicant constructed a small porch 7' wide. The porch breaks up the house. It is aesthetically pleasing. It is 2½' closer to the road than allowed. This is a C-1 variance because of the location of the home.

Mr. Scelfo said he lives at 1714 Bertrand Place. He said he is the applicant and he has lived there for two years.

Attorney Middleton asked did you get a building permit for the addition. Mr. Scelfo said yes.

Attorney Middleton asked when. Mr. Scelfo said June of this year.

Attorney Middleton asked when was construction started. Mr. Scelfo said when he got the permits.

Attorney Middleton said before the addition you had a deck on the front. Mr. Scelfo said yes it was removed and it was 9' in width.

Attorney Middleton said with the addition you constructed a front porch with a roof for aesthetics. Mr. Scelfo said yes.

Attorney Middleton said this is less in width than the deck. Mr. Scelfo said correct.

Attorney Middleton said two or three houses down they have a front porch. Any complaints. Mr. Scelfo said no.

Attorney Middleton asked will you be enclosing the front porch. Mr. Scelfo said no.

Mr. Gray said it is already started. Mr. Scelfo explained he applied for a zoning permit. They did the framing and that's when Bill Fischer, from the Building Department, said the front porch is too close. I stopped work. In 18 – 20 weeks we haven't done anything. By taking the old deck down I thought I was within the setback.

Mr. Gray asked did you submit plans when you got your permit. Mr. Scelfo said no plans for the front porch. I tried to give them to the Building Department but they would not take them.

Mr. Gray said we are talking about 2' 4". Attorney Middleton said maybe 2' 6".

Chairwoman DeSarno asked about landscaping. Mr. Scelfo said small bushes, something small no higher than the porch.

Mrs. Morrissey asked about the comment in Mr. Hoffmann's review letter regarding the driveway. Attorney Middleton said they will submit a new survey to Mr. Hoffmann.

Mr. Gerken explained in his report on the second page it does say there was a deck out in front of the house. The ordinance does allow 6' extension into the setback. This is well within reason. It is quite de minimus.

The application was open and closed to the public.

Mr. Gray moved to approve the application subject to an as built survey being submitted. Mrs. Morrissey seconded the motion, which was unanimously approved by a roll call vote. (Mr. Gray, Mrs. Morrissey, Messrs. Morris, Slocum and Mrs. DeSarno voted yes)

#BOA23-2009 – Date application complete: September 9, 2009

APPLICANT: MACK DELLETT

PROPERTY: 1521 Allenwood Road, Block 751.02, Lot 19, R-30 zone

RELIEF REQUESTED: Bulk

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

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Site plan
- A-3 Two sheets of building plans
- A-4 Three photos of the road showing how close the neighbors are to the road
- A-5 Aerial view

BOA-1 Engineering plan review prepared by Glenn Gerken dated September 28, 2009

BOA-2 Planning plan review prepared by John Hoffmann dated September 28, 2009

Sworn by Reporter Arnone:

Mack Dellett
Glenn Gerken
Cheryl Bergailo

Mr. Dellett said he needs variances. Originally the house was 4" off the property line. He got approval to rebuild when he got started and took the second story off we were going to try and save the first floor but there was a lot of damage. We made a decision to tear down the damaged wood. We just want the same house but new. The house was dilapidated. There were four sets of roof on it. He said he couldn't keep up with the house. It was in horrible condition. He said he did his best to save the house.

Mr. Gray said there will be a 4' difference. Mr. Dellett said it was 4" approved to 4' setback.

Mr. Gray said that was done when you did the foundation. Mr. Dellett said yes.

Mr. Gray said you had to take everything down that is why you are here. Mr. Dellett said yes.

Mrs. Morrissey asked about landscaping. Mr. Dellett said we are planning bushes in the front and grass.

Mrs. Morrissey said we need a recent survey and plot plan.

Mr. Gerken asked if he submitted a plot plan with the new foundation plan. Is that on file with the township? I suggest if approved he submit an as-built plan when he is done.

Chairwoman DeSarno asked about a new survey. Mr. Gerken said yes. He said there is no need for additional re-charge.

Mr. Slocum said there were two concrete columns in the front why are they gone. Mr. Dellett explained they were in the way. Mr. Slocum said they were like a buffer from the street.

Mr. Dellett said the street is a fast paced road. He said he was going to put in a walkway.

Kenneth Dellett, Jr. was sworn. Mr. Dellett said the columns were built without permits. After they were built the town had a problem with them. They were on the street and the township was not responsible for them.

The application was open to the public.

Elizabeth Allgor said we don't have a problem with this. It is a big improvement. I would greatly appreciate it if you would let them continue.

The application was closed to the public.

Mrs. Morrissey moved to approve the application subject to the submittal of an as-built. Mr. Slocum seconded the motion, which was unanimously approved by a roll call vote. Mrs. Morrissey, Messrs. Slocum, Gray, Morris and Mrs. DeSarno voted yes.)

RESOLUTIONS TO BE MEMORIALIZED:

ZARMAX, INC. - #BOA11-2007

Block 821, Lot 18

Gray/Morrissey

JOHN F. SUCKEY - #BOA12-2009

Block 261, Lot 6

Morris/Morrissey

MINUTES TO BE ADOPTED: Mr. Gray moved to approve the minutes of the study session and regular minutes of September 2, 2009. Mrs. Morrissey 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 9:05 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary