

**WALL TOWNSHIP PLANNING BOARD
MINUTES - REGULAR MEETING
MUNICIPAL MEETING ROOM
DECEMBER 6, 2004**

Chairman Braun called to order the regular meeting of the Wall Township Planning Board at 7:45 P.M. Members present were Braun, Luttman, Thomson, Tobia, Morris, Farrell, Rible, Wilson, Kiley, first alternate Mueller, Attorney Rubino, Engineer Gerken, Planner Bergailo, Planning Board Secretary Lang, Recording Secretary Schinestuhl and Court Reporter Arnone.

Chairman Braun announced the meeting was being held in accordance with the "Sunshine Law" and a resolution adopted on January 12, 2004.

SALUTE TO THE FLAG

CARRIED APPLICATION

THOMAS H. STUART, JR. – PB#4-2004 – 1223 & 1228 Narrumson Road, Block 333, Lot 34 and Block 337, Lot 34.03, R-10 zone. Application complete: March 9, 2004. Carried from May 3, 2004, June 7, 2004 and October 4, 2004. Applicant seeks permission to subdivide lots. Minor with variances.

Timothy Middleton, Esq. appeared for the applicant.

Attorney Middleton said the applicant appeared previously. We have a unique application. At the second meeting, at the suggestion of the Board, we went back to the drawing board.

Attorney Rubino said the Board did require the applicant to re-notice.

Entered into evidence:

- A-8 Jurisdictional Items
- A-9 Revised plans
- A-10 Monmouth County Planning Board letter
- A-11 Architectural

PB-5 Engineering review prepared by Glenn Gerken, Schoor DePalma, dated December 1, 2004

PB-6 Planning review prepared by Cheryl Bergailo, Schoor DePalma, dated December 2, 2004

Attorney Rubino said it was discussed in work shop that you would be limited to where you set the house.

Ms. Bergailo asked about the property lines. Attorney Middleton said we are moving the lot lines. Lot 34.03 is irregular. It has a panhandle piece that jets out. That piece will be conveyed

to lot 29. He has agreed. Lot 34.03 is now more rectangular in shape, more regular. The footprint of the building has been reduced. The rear yard setback has been increased.

Chairman Braun asked if there was anything in the review letters you cannot comply with. Attorney Middleton said no.

Peter Kresky, owner of lot 29, said it is ok with him.

Ms. Wilson said this is a very unique situation. If approved the undersized lot area is because of the uniqueness. All the other issues were resolved.

The application was open to the public.

Darrin Perez, lot 34.03, said part of the agreement was that the owner of the proposed lot would become a member of the Association. He said they care for the easement. There are seven to nine houses. Deputy Mayor Thomson said the detention basin is being taken care of by the Association. Attorney Middleton said correct. Chairman Braun said we don't usually do that. Deputy Mayor Thomson said lot 29 is not part of the property. It is not part of the Association. Attorney Middleton said he is not privy to any of that. Mr. Perez said his understanding is lot 36.01 would be part of the Association. Lot 29 was not to be part of the Association. Committeeman Tobia said part of the original resolution states lot 29 is to maintain the easement. Deputy Mayor Thomson said the Township knows nothing about this Association. It should be approved by the Township. Mr. Perez asked, now what happens. Chairman Braun said the proposed piece that you are going add to lot 29, he is going to maintain the easement and it has nothing to do with the detention basin. We did this subdivision and we never once moved off the property owner maintaining the detention basin. The owner of the property with the detention basin is responsible for the maintenance.

Barry Serebnick was sworn. Mr. Serebnick said the association is not something Wall Township or this Board is aware of. Chairman Braun said the Board and Township Committee are not aware of this association.

The application was closed to the public.

Ms. Wilson moved to approve the application for minor subdivision subject to payment of taxes and applicable assessments. The applicant must obtain approval from Monmouth County Planning Board and Monmouth County Board of Health. The applicant shall comply with the letters of Board Planner John Hoffmann dated March 25, 2004 and September 30, 2004. The applicant shall comply with the letters of Board Professionals. A waiver will be granted to permit a minor subdivision. The subdivision is to be perfected by deed. The variance is granted. The footprint of the dwelling on proposed lot 36.01 will be similar to architectural plans submitted into evidence on December 6, 2004, marked A-11. Mr. Farrell seconded the motion, which was unanimously approved by a roll call vote. (Ms. Wilson, Messrs. Farrell, Kiley, Luttman, Morris, Rible, Thomson, Tobia and Braun voted yes.)

8:00 P.M. Mr. Manson arrived.

WALL PROPERTIES DEVELOPMENT – PB#13-2004 – 1837 Old Mill Road, Block 270, Lot 26, HB-80 zone. Date application complete: June 8, 2004. Carried from August 2, 2004 and October 25, 2004. Applicant requests permission to construct a 2,162 s.f. building addition. The site is to be utilized as an office and a child care center. Site with variances.

Ken Pape, Esq. appeared for the applicant.

Entered into evidence:

- PB-8 Updated traffic report dated October 25, 2004 prepared by Victor Ocheing, Schoor DePalma
- PB-9 Second traffic report dated December 6, 2004 prepared by Nick Verderese, Schoor DePalma
- PB-10 Planning review prepared by Cheryl Bergailo, Schoor DePalma, dated November 8, 2004

- A-12 Architectural
- A-13 Amended colored rendering

Mr. Cerminara, previously sworn, said there was a portion in the front which created a variance. We have taken it off. We made it look good without it. Basically it is the same. The colors would be the same.

Attorney Rubino asked do you need the front yard variance? Attorney Pape said that variance is now eliminated.

Ms. Wilson said the playground area was removed. Attorney Pape said the playground area remains on the plan.

Ms. Hoffman, previously sworn, said the bituminous area that is there now will be removed and the playground will go there.

Attorney Pape said some landscaping will be eliminated. We will plant as many as we can. We withdraw the request for diamonds in the parking area. We will add to the size of the plantings. Regarding the light we will comply. Ms. Hoffman and Ms. Bergailo can work that out.

Mr. Kiley said the encroachment into the residence, is that back to 10'. Ms. Hoffman said we will make it 10' and plant additional evergreens.

Attorney Pape, regarding the report of November 8, 2004, Freehold Soil is pending. Title 39 we accept. The balance we will comply.

Attorney Rubino said you agree to the stipulation of certain uses in the office portion. Attorney Pape said yes. There was a list prepared by your staff and we accept that.

Chairman Braun said, regarding the traffic report received today, the Board will agree with our traffic expert to make requests to the DOT in reference to changes to Route 35. We will not limit the left turns. That intersection is poorly designed. We will put a sign in front of the property that says, "Do Not Block Driveway".

Attorney Pape said Mr. Chadha will be a good member of your community. If you feel at some time additional signage is necessary please contact us.

The application was open and closed to the public.

Mr. Kiley moved to approve the application for preliminary and final site plan. Variances are granted. Waivers are granted. The applicant will comply with the requirements of Freehold Soil Conservation District and Monmouth County Planning Board. Taxes must be paid to date. The applicant will comply with Wall Township Affordable Housing Trust Fund and ADA requirements. The applicant will obtain a tree removal permit. The applicant shall submit an application for Subtitle 1 of Title 39. The applicant shall comply with the review letters of Board Professionals. The applicant shall comply with Fire Prevention review letter dated June 14, 2004 and Wall Township Police Department review letter dated June 12, 2004. The applicant will limit buses to less than full size. The applicant will restrict uses to the site. The applicant shall provide additional traffic signage on site. Committeeman Tobia said the prior approval shall be vacated. Deputy Mayor Thomson seconded the motion, which was unanimously approved by a roll call vote. (Messrs Kiley, Thomson, Farrell, Luttmann, Morris, Rible, Tobia, Ms. Wilson and Mr. Braun voted yes.)

VICTOR ABDY – PB#12-2004 – 5212 & 5214 Highway 33 & 34, Block 907, Lot 48, HB-40 zone. Application complete: June 4, 2004. Carried from July 15, 2004, August 2, 2004, October 4, 2004 and November 1, 2004. Applicant requests permission to raze existing dwelling and construct a 6,096 s.f. specialty trade contractor's facility. Site with variances.

Mark Aikins, Esq. appeared for the applicant.

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

Entered into evidence:

- A-1 Jurisdictional Items
 - A-2 Preliminary & Final site plan dated October 15, 2004
 - A-3 Stormwater Management report
 - A-4 Letter from Monmouth County Board of Health
 - A-5 Colored rendering
 - A-6 Colored rendering
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- PB-1 Planning review letter prepared by Cheryl Bergailo, Schoor DePalma, dated July 14, 2004

PB-2 Engineering review letter prepared by Glenn Gerken, Schoor DePalma, dated July 13, 2004

- PB-3 Wall Township Fire Prevention review letter dated June 14, 2004
- PB-4 Wall Township Environmental Advisory Committee review letter dated June 17, 2004
- PB-5 Wall Township Police Department letter dated June 6, 2004
- PB-6 Glendola Fire Commissioner letter dated July 2, 2004
- PB-7 Planning review letter prepared by Cheryl Bergailo, Schoor DePalma, dated November 29, 2004
- PB-8 Engineering review letter prepared by Glenn Gerken, Schoor DePalma, dated November 29, 2004

Sworn by Reporter Arnone:

Glenn Gerken, Engineer
Cheryl Bergailo, Planner
John Gravatt

Chairman Braun said he is surprised the applicant is asking for so much relief on this application, front yard setback, rear yard setback, building coverage, parking spaces. We met to resolve these things. Try to explain to us how you are going to do that.

Attorney Aikins said since the project has gone through a TRC and informal it is safe to say it is being resolved. The variances will not change to a large degree.

Chairman Braun said we had an informal and we asked for the garage doors to be turned around. They are not. There seems to be some confusion. You have a very difficult up-hill battle.

Deputy Mayor Thomson said he was present at the informal and we were clear stating we wanted to see no doors. We wanted it turned around and we would see how we would do on the other variances. We are perplexed seeing doors in the front.

Attorney Aikins said if it is turned around the front would only be 15'.

Chairman Braun said we wanted to see what it was going to look like. These numbers of units do not sit on the property.

Deputy Mayor Thomson said we discussed this on several occasions. When we are finished with The West Belmar Gateway Project we are going to go out to the circle. We are not about to approve something that is disastrous. We can't consider it right now.

Chairman Braun said we have another project going on the Wa-Wa site. We are not considering that because of the traffic.

Attorney Aikins said we have reduced it to six units. We dropped the impervious coverage down to 22%.

Deputy Mayor Thomson asked if the property depth was 154' and width 150'. Mr. Gerken said yes. Deputy Mayor Thomson said how will you handle setbacks with seven units.

Attorney Aikins said six units are proposed.

Mr. Gravatt said the plan that is on the board is the original plan.

Deputy Mayor Thomson asked if they complied with the setbacks. Mr. Gravatt said no.

Chairman Braun asked if they complied with parking. Mr. Gravatt said no.

Chairman Braun said it still does not comply.

Deputy Mayor Thomson asked if they can design a project for this piece of property that complies. Attorney Aikins said that is hard to say. It is an undersized lot. What is proposed is better than what is there today.

Attorney Aikins said he would confer with his client. Chairman Braun said ok. Chairman Braun said there is a lot of traffic at this site and we are going to ask that this application be done properly. We are very familiar with dealing with undersized lots.

8:45 P.M. the Board recessed.

8:50 P.M. the meeting resumed.

Attorney Aikins said he conferred with his client. Mr. Gravett said there may be some other things he can do. He would like an informal. Attorney Rubino said because the process has already started you would need a TRC. Chairman Braun asked that they show the Board a sketch how everything is going to fit. Attorney Rubino said come in with that and we will take it from there.

Attorney Aikins waived the time limits.

REVIEW AND RECOMMEND

ORDINANCE NO. 39-2004 – Amending the Zoning Map

Ms. Bergailo said the Township Committee has rezoned Block 271, Lot 6 to R-30. This is for a pump station. It is consistent with the Master Plan. This is to provide space for a Township facility. The remainder of the lot is to provide for a new lot so the existing house would not need a variance for an addition. Committeeman Tobia said it is consistent with others in the area. Ms. Bergailo said it meets the intent of the Master Plan.

Mr. Farrell moved to recommend to the Township Committee that Ordinance No. 39-2004 be adopted. Mr. Luttman seconded the motion, which was unanimously approved by a roll call vote. (Messrs Farrell, Luttman, Kiley, Morris, Rible, Thomson, Tobia, Ms. Wilson and Mr. Braun voted yes.)

RESOLUTIONS TO BE MEMORIALIZED

MATT HAKIM – PB#41-2003

Block 118.01, Lot 45

Attorney Rubino read the resolution of approval. Deputy Mayor Thomson moved to adopt the resolution as read. Ms. Wilson seconded the motion, which was unanimously approved by a roll call vote. (Mr. Thomson, Ms. Wilson, Messrs. Farrell, Kiley, Luttmann and Morris voted yes.)

CARMEL R. SANTANIELLO – PB#43-2003

Block 355, Lots 7 and 22

Attorney Rubino read the resolution of approval. Committeeman Tobia moved to adopt the resolution as read. Deputy Mayor Thomson seconded the motion, which was unanimously approved by a roll call vote. (Messrs Tobia, Thomson, Farrell, Kiley, Luttmann, Morris and Braun 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 8:00 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary