

**WALL TOWNSHIP PLANNING BOARD  
MINUTES - REGULAR MEETING  
MUNICIPAL MEETING ROOM  
JANUARY 26, 2009**

Chairwoman Aromando called to order the regular meeting of the Wall Township Planning Board at 7:40 P.M. Members present were Ralph Addonizio, Laurie Aromando, George Bednarski, Timothy Clayton, second alternate Kristin Coman, Tim Farrell, Mary Hearn, Todd Luttmann, Attorney Hirsch, Engineer Dahms, Planner Bergailo, Planning Board Secretary Lang, Planning Board Recording Secretary Schinestuhl and Court Reporter Arnone.

Chairwoman Aromando announced the meeting was being held in accordance with the "Sunshine Law" and a resolution adopted on January 12, 2009.

**SALUTE TO THE FLAG**

Chairwoman Aromando said there are three applications on for tonight. Vicki Karagiannis (Happy Days) will be carried to February 2, 2009. We have the Scharfenberg and Ramshorn Management application.

**CARRIED APPLICATION**

**WILLIAM SCHARFENBERG – PB#9-2007** – 1617 Twin Lakes Drive, Block 876, Lot 18, R-20 zone. Application complete: May 31, 2007. Carried from July 9, 2007, October 1, 2007, December 3, 2007, February 5, 2008, May 5, 2008, June 16, 2008, July 21, 2008 and October 6, 2008. Applicant proposes to subdivide property. Minor with variances.

Jurisdiction was previously accepted.

Attorney Pepe said the engineer completed his testimony but was not open to the public. Because of a traffic accident he is not available for tonight.

Entered into evidence:

- A-32 Architectural plans
- A-33 Deed dated December 29, 1979
- A-34 Notice and proof of service
- A-35 Letter with attached documents from John Hoffmann dated April 30, 2007

Chairwoman Aromando said she was not at the meeting of December 1, 2008. She read the transcripts. She said she is going to recap where we are.

Chairwoman Aromando said at the last meeting there was discussion about the size of the house. This board does not have an issue with the house itself. It is not relevant for our decision. Tonight we are going to have in place our 50 minute rule but then we are going to carry this to April 6, 2009. The applicant will have the entire evening. Anything not answered tonight will

be answered at that meeting. You are requesting a frontage variance. On River Road you only have a small opening. You also need a variance for irregular lot lines. Give testimony regarding that.

Chairwoman Aromando said March 3, 2008 you requested a wetlands survey. We need some type of reply from DEP.

Chairwoman said you have a driveway coming off River Road and you are putting a guard rail. Maybe you can recap that. The other issue is we are going to have to hear testimony because the new lot will become a flag lot. We are going to need to hear testimony on that. Ms. Bergailo said she gave the Board some ordinance definitions. She said she will write a new letter regarding the flag lot issue.

Chairwoman Aromando said back in 2007 your expert stated it was not a flag lot and we did not go into further detail. February 25, 2008 your engineer did not believe it was a flag lot. Our planner does believe the new lot is a flag lot. Attorney Pepe said Mr. Stevens was sure it was not a flag lot.

Chairwoman Aromando asked Ms. Bergailo to put out another letter regarding the flag lot. Your existing lot which was approved as a flag lot now has a variance because of this application it will be non-conforming.

Attorney Pepe said access for the new lot is on a private road. Just because you have access on a private road does not make it a flag lot.

Attorney Pepe also said he did ask for an LOI but that is clearly beyond the jurisdiction of this Board. You can't deny us on that. Chairwoman Aromando said she is not saying the Board is going to deny or approve we just need the LOI. Attorney Cramer said it can be a condition of approval.

Attorney Pepe said they are going to bring back the traffic engineer.

Chairwoman Aromando said one item with the subdivision you are going to lose your frontage on the existing lot. Right now you only have frontage on a private road which does not belong to the applicant.

Entered into evidence:

PB-10 Planning plan review prepared by Cheryl Bergailo dated January 22, 2009

Mr. Scharfenberg was previous sworn.

Attorney Pepe said another issue is Item E on the 5<sup>th</sup> Planning review letter. Ms. Bergailo said that comment just states that there is a double door on the side of the garage. What type of access through that door? Mr. Scharfenberg said we provided a rendering. We are showing what

the house is going to look like. There was some concern about the side of the house facing Frazee. The height would be 35'. We put the garage into the main structure of the house. Also we basically carried a cape look on the right side. The second floor is actually built into the cape style roof.

Chairwoman Aromando said the right elevation would be on Frazee Drive. Mr. Scharfenberg said yes.

Mr. Scharfenberg described the proposed house. He said it would be a two car garage, four bedroom. He said other than that it is pretty standard.

Attorney Pepe said does it conform to the other homes in the area. Mr. Scharfenberg said yes.

Attorney Pepe said with regard to side access of the garage. Mr. Scharfenberg said the side door is where the circular driveway would be. We put the door there so you can bring in a lawn mower, etc.

Attorney Pepe said the fifth planning review letter asks about a 25' conservation easement. Did you review that? Mr. Scharfenberg said yes. Attorney Pepe asked would you be willing to give that conservation easement. Mr. Scharfenberg said yes. He said they cut down the overall width of the house on that side by 3'.

Attorney Pepe said the review letter also questioned the tree loss count. Mr. Scharfenberg said the tree loss remains the same at 14 trees being lost. The driveway follows in the same spot.

Mr. Scharfenberg explained the building coverage is 4.63% based on the new footprint. Impervious coverage is 14.72%.

Attorney Pepe asked if there was any prior subdivision with this property. The Board asked us to do some research. Mr. Scharfenberg said there is a deed dated December 29, 1970 between Peter Ceravello and Peter Ceravello. It perfected the subdivision of lot 18. Attorney Pepe said you got this from Monmouth County. Mr. Scharfenberg said yes.

Entered into evidence:

A-36 Minor subdivision map

Mr. Scharfenberg said the map shows the subdivision of the entire area on A-36. At one point in time lots 18 & 22 were one lot. 18 and 22 were split at the current boundary. They share 106' of common line.

Attorney Pepe said you submitted the application in 2007. Mr. Scharfenberg said yes.

Attorney Pepe said you received a check list when you submitted this of things that needed to be addressed. Mr. Scharfenberg said yes. Attorney Pepe said that is when you began this. Mr.

Scharfenberg said yes. Attorney Pepe said and two years later we are still here. Mr. Scharfenberg said yes. Attorney Pepe said there were various items you were required to comply with. Nothing was marked regarding a flag lot. Mr. Scharfenberg said correct. Attorney Pepe said the check list was from the Township Planner. Mr. Scharfenberg said yes John Hoffman. Attorney Pepe said if the Township Planner said it was a flag lot it would have been checked. Mr. Scharfenberg said yes.

Ms. Bergailo said it was John Hoffmann's job to deem it complete. He does not do the technical review. He does not come up with variances needed.

Attorney Pepe said he disagrees. If it was a flag lot he would have checked it off and other items would be required. Chairwoman Aromando said sometimes things change. He tries to do his best.

Chairwoman Aromando asked Mr. Scharfenberg to bring back his engineer. Mr. Scharfenberg said he was here twice. Chairwoman Aromando said bring him back. He is an Engineer and Planner. Mr. Scharfenberg said correct. Chairwoman Aromando said maybe he can give testimony regarding flag lots.

Chairwoman Aromando said this will be carried to April 6, 2009. She said bring your engineer and planner back. She said to the public you will be able to give comments and ask questions that night. The applicant will have the entire night.

Attorney Pepe waived the time limits.

Ms. Hearn asked do we need anything new because the footprint has changed by 3'. Chairwoman Aromando said no we don't need anything.

Chairwoman Aromando recused herself on the Ramshorn Management application. Vice Chairman Luttmann will take over as chair.

**RAMSHORN MANAGEMENT – PB#13-2008** – 1429 Lakewood Road, Block 816, Lot 11, OP-2 zone. Application complete: August 14, 2008. Carried from December 1, 2008. Applicant requests approval to construct a 2 story office building consisting of 5,200 s.f. Site with variances.

Michael Rubino, Esq. appeared for the applicant.

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

Entered into evidence:

A-1 Jurisdictional Items

A-2 Preliminary & Final Site Plan prepared by R.C. Associates last revised October 22, 2008. Architectural plans prepared by Richard Graham last revised October 21, 2008

- A-3 Limited EIS application prepared by R.C. Associates dated February 25, 2008
- A-4 Traffic Impacts prepared by R.C. Associates dated June 22, 2008
- A-5 Stormwater management Report prepared by R.C. Associates last revised October 22, 2008
- A-6 Construction specifications prepared by R.C. Associates dated October 23, 2008
- A-7 SMRSA plan review dated March 20, 2008
- A-8 Monmouth County Board of Health plan review dated March 20, 2008
- A-9 Colored rendering prepared by Richard Graham dated June 17, 2008
- A-10 Picture Board
- A-11 Architectural plans
- A-12 Colored rendering of proposed building
- A-13 Board with tax map and aerial
- A-14 Sheet 5 of 8 on board - engineering plans
- A-15 Sheet 3 of 8 on board - engineering plans
  
- PB-1 Engineering plan review prepared by Charlie Rooney dated September 26, 2008
- PB-2 Planning plan review prepared by Cheryl Bergailo dated September 24, 2008
- PB-3 Wall Township Environment Advisory Committee plan review dated August 24, 2008
- PB-4 Memo from Ken Critchlow, DPW, dated August 19, 2008
- PB-5 Sanitary Sewer and Water System review prepared by Eric Betz dated September 26, 2008 and September 29, 2008
- PB-6 Bureau of Fire Prevention plan review dated August 28, 2008
- PB-7 Engineering plan review prepared by Charlie Rooney dated November 12, 2008
- PB-8 Planning plan review prepared by Cheryl Bergailo dated December 9, 2008

Sworn by Reporter Arnone:

Wayne Newberry  
Richard Graham  
Joe Kociuba  
Gary Dahms  
Cheryl Bergailo

Attorney Rubino said this lot is on Lakewood Road. There is a house on it right now. It is in the OP zone. To the west of the site is Dr. Fay's property. To the east is the veterinary clinic. The lot is undersized. It is less than 1/2 acre. It is an odd shaped lot. The applicant is proposing to take down the existing house and turn that into 5,000+ s.f. of office building. We were before an informal hearing and showed the Board what we wanted to do. Because there are some houses we want to keep the look like a residential zone. The proposal is reasonable. The property to the north has a high retaining wall. There should be adequate room between the two properties. A rear yard setback variance is needed because of the odd shape of the lot. There is not enough space to get a truck to the rear of the property for a trash enclosure. We believe putting it on the side is best. We are proposing 18' parking stalls instead of 19'.

Attorney Rubino said to Mr. Newberry your intent is to retain a residential look. Mr. Newberry said yes. Attorney Rubino said you have built both residential and commercial. Mr. Newberry said yes.

Richard Graham, Architect, gave his credentials which were accepted by the Board.

Attorney Rubino said you were retained to help design the building. Mr. Graham said yes.

Mr. Graham said he wanted to respond to the size of the property and the neighborhood. The idea was to make a building that had a business identity and was compatible to the neighborhood. The size of the building was to be conservative. The size was to fit on the property to maintain some of the green area.

Mr. Graham, using A-11, said we are proposing a two story building. It will be New England looking with a Victorian touch. There are dormers on the roof area for aesthetics. The upper portion of the roof has a section for a balcony to screen the mechanical equipment.

Attorney Rubino said there will be no basement in this building. The third floor will be used for storage and mechanicals only.

Mr. Graham said the upper level will be just for mechanicals and storage. The size of the building is just over 5,400 s.f. Each floor is a little over 2,025 s.f. We wanted the building to compliment the surrounding buildings.

Attorney Rubino said does the undersized nature of the lot dictate how the building was laid out. Mr. Graham said yes.

Mr. Farrell said you designed this on a conservative nature. It looks like you maximized. Reduce the size of the building.

Mr. Graham said in terms of the size of the building we are 14% of building coverage. We do not think the building is oversized. The office space results in approximately 4,000 s.f. There has to be some reasonable amount of floor space. He said he doesn't think it is oversized. The ridge height is just over 37'. When this building is placed on the property it will diminish in size visually in a considerable way. The building is actually smaller than a number of homes in the community. He said he doesn't think he is presenting a building that is oversized.

Mr. Farrell said what is the width of the building. Mr. Graham said across the front it is 52' 4".

Mr. Farrell asked for size yard setbacks. Mr. Graham said he will let the engineer answer.

Mr. Bednarski said the floor plan for the second and third floor looks like there is employee access. Mr. Graham said there is no floor layout for the attic. The space is needed for mechanicals and storage. It will only have a crawl space because there is a high water table.

Mr. Bednarski said the attic will be unheated and unfinished. Mr. Graham said yes. There will be a door to the attic.

Mr. Luttman said that would be deed restricted. Attorney Rubino said yes.

Mr. Addonizio said it is 37' to the top of the ridge. Mr. Graham said yes. Mr. Addonizio said how about to the top of the chimneys. Mr. Graham said 6' above the ridge. Mr. Addonizio said that puts you over 40'. Mr. Luttman said the chimney does not count. Ms. Bergailo said chimneys can extend 10' – 15' above the ridge.

Mr. Addonizio said when coming up Lakewood Road it is going to look considerably higher. That is just a little concern of mine.

Mr. Addonizio said looking at impervious coverage, you have a little less than ½ an acre and you have the whole property covered. Attorney Rubino said that is what you are allowed by ordinance. We are not asking to exceed. The total impervious coverage is under what is allowed.

Mr. Addonizio said it is an undersized lot. Everything is being stretched. 10' side yard setback is just not a lot.

Ms. Hearn said where are the AC units going? Mr. Graham said on the roof.

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

Mr. Kociuba said the site is located on block 816, lot 11. It has frontage on Lakewood Road. It is in the OP-2 zone. It is .439 acres. It contains an existing dwelling. There is 75' frontage on Lakewood Road. There is professional and medical to the west. There is an animal clinic to the east and vacant land to the rear. The applicant is proposing to raze the existing dwelling. They are proposing a two story professional office building. It's permitted in the zone. 26 parking stalls are proposed. The aisles are 25'. They are proposing 9' X 18' parking stalls. The refuse enclosure will be to the west. Roll away cans will be provided. This was discussed at the TRC and informal. It was decided that the best location for the trash enclosure was in the side yard. It would be difficult for trash truck to access the rear. This location is much better. He said they will keep it out of site.

Mr. Kociuba explained they are proposing landscaping. They are proposing several trees throughout the site as well as shrubs. This has been reviewed by the Board Professionals.

Mr. Kociuba said we have no objection to the comments by the Professionals

Mr. Kociuba said the lighting on site will be four 14' acorn style lights with shields. They will be the same as Dr. Fay. There will be decorative lighting on the façade of the building. They will be low intensity. There will be minor security lighting. It will be at the parking lot and walkways. Mr. Luttman said regarding spillage will you meet our ordinance. Mr. Kociuba said we will provide shielding. The spillage will meet the ordinance. Lighting will be on from dusk to one hour after closing. It will not be on all night. It will be on a motion sensor. Mr. Dahms asked all lighting. Mr. Kociuba said we will provide some lighting for security. Lighting by the door will be kept on for security reasons.

Ms. Hearn said there are four doors at the rear of the building, two down and two up. Will there be lighting on those? Will they stay on all night? Mr. Kociuba said he doesn't see the necessity of them being on all night.

Ms. Hearn asked why so many doors on the back. Mr. Kociuba said to provide light in the offices and we are also providing patios.

Captain Clayton said we want security lighting around the building. We are responding to calls so we want that security lighting.

Attorney Rubino said the rear is pretty much vacant. It doesn't back up to residents.

Mr. Kociuba said we will provide low level lighting.

Mr. Kociuba said we are proposing a Stormwater management system. It has been reviewed by the engineer. We will comply with Stormwater rules. Water will be pre-treated before it goes into the underground system. It will discharge onto Lakewood Road. There was concern about Dr. Fay's property. We were able to re-grade our property to direct the water toward Lakewood Road. All systems will work correctly.

Mr. Kociuba went over the bulk variances. He explained two acres minimum lot area is needed and we are proposing .439 acres. Lot width required is 200' and we are proposing 77' and lot frontage required is 200' and we are proposing 75'. We meet lot depth. Lot coverage 60% is allowed and we are proposing 58.5%. Building coverage 20% is allowed and we are proposing 13.6%. Minimum side yard setback required is 50' and we are proposing 10.13' and 10.03'. Minimum rear yard setback 75' is required and we are proposing 10.09'. The two story building height we meet.

Attorney Rubino asked for the existing setbacks. Mr. Kociuba said 9.4' to the west and 14' to the east.

Mr. Kociuba said variances can be granted with no detriment to the Township. The existing use is non-conforming. We are proposing a conforming use. We are eliminating a house in the town. A variance for lot area is needed but it exists it is a pre-existing non-conformity. Lots that surround this property are developed. Lots along this site are deficient in area. He said this will be in character with the neighbors. Regarding the lot width variance that exists, lots to the east and west are developed so there is no land available to add any frontage. The lot to the east and west also do not comply.

Mr. Kociuba said parking is in front with the building in the rear. Parking must be in front to provide sufficient parking.

Mr. Kociuba said lot area is approximately 20% of what is permitted in the zone. If we push the building back the setback would get smaller because of the shape of the lot. There is a 6' - 7' retaining wall on one side of Dr. Fay's property. Our side abuts that.

Attorney Rubino asked will this negatively impact the surrounding properties. Mr. Kociuba said no. The distance between Dr. Fay's property and our building will be 75'. There are arborvitae along the property line. He said on the veterinary side our building will be behind the animal hospital. The distance between the animal hospital and us would be 98'.

Attorney Rubino asked about the rear yard setback. Mr. Kociuba said it is very similar to the front. We don't have a conventional lot line.

Mr. Kociuba said the refuse enclosure location should be in the rear but it is our feeling that the side yard location next to the retaining wall is the best place.

Mr. Kociuba said the size of the parking stalls are 18' where 19' is required. The 18' stalls are standard. They reduce the impervious coverage and impact the run-off. 18' is required by NJDEP. 18' is a standard size.

Mr. Kociuba said regarding loading spaces, one loading space is required. This will be small offices. They do not require a large loading stall. Deliveries are small. They would come by UPS type trucks. We do not think deliveries will be a problem. If the Board wants we will designate one stall for deliveries.

Mr. Kociuba said building coverage we are at 14% where 20% is allowed. We are under built. The building meets the building height requirements. It is my opinion relief can be granted without detriment to health, welfare, etc. Granting of the variances will have a result of an improvement to the site. It meets the intent of the Master Plan.

Mr. Kociuba said getting into traffic a building of this size generates 8.1 trips in the peak A.M. hours. It will have little to no impact on Lakewood Road.

Attorney Rubino asked if this was consistent with the Master Plan. Mr. Kociuba said yes.

Mr. Luttman asked if they will comply with everything. Attorney Rubino and Mr. Kociuba said yes.

Mr. Kociuba said they will provide a gate for the trash enclosure. They will comply with everything. Ms. Bergailo said you are going to have arborvitae. Mr. Kociuba said it will be buffered from anyone in the parking lot. You won't see any cans. Mr. Addonizio said you are going to have garbage bags. Mr. Kociuba said cans. Mr. Addonizio said you will have a private company pick up trash. Mr. Kociuba said yes.

Mr. Farrell said you are going to raze the existing building. Mr. Kociuba said we will have to. Mr. Farrell asked how big that building there now is. Mr. Kociuba said 1,500 s.f. – 1,800 s.f. Mr. Farrell said if you put the building that you propose on that site that building is going to be monstrous. Mr. Kociuba said it will be setback further from the roadway. Mr. Farrell said it could be an eye sore. If the Board doesn't grant that variance on parking what does that do to the impervious coverage. Mr. Kociuba said it would be close. I don't know if it would be over or

not. We would have to trim some of the patio in the rear. Mr. Farrell said there's no way you can design that building so it doesn't look so big from the street. Mr. Kociuba said the intent is to provide a residential looking building.

Mr. Farrell asked for the size of the building. Mr. Kociuba said it is 53' X 53'.

Attorney Rubino said because of the shape of the site it gets difficult to design a building.

Mr. Farrell said that area is going to change with the extended stay project. Is it necessary for those doorways in the back? Mr. Kociuba said since this lot is narrow we want to gain some natural light if possible. That is why the large doorways. He said he doesn't believe there will be any visible impact.

Mr. Bednarski said Lakewood Road is horrible in the A.M. and at noon. You don't have lunch facilities on site so you would have 8 – 20 cars going off site for lunch. I think there will be a negative impact.

Captain Clayton said Lakewood Road is a concern of our agency. One of the problems we have is speed more than volume problems. It is an enforcement issue. Adding any traffic will be slightly negative.

Attorney Rubino said this is a permitted use. The fact that there might be some cars coming out of the site you can't look at it as negative. Office buildings have cars going in and out. It does not add to any negative impact because it is a permitted use.

Mrs. Coman said no medical office. Attorney Rubino said it is proposed as general office.

Ms. Hearn said she drives a Yukon would 18' be enough. Mr. Kociuba said it is sufficient.

Mrs. Coman said we have two elevations which one is the correct one. Attorney Rubino said the current one.

Mr. Farrell said if medical came in would there be sufficient parking. Attorney Rubino said he explained it to the applicant. They are 99% sure there would not be any medical. Their intent is to rent it to non-medical. They would run into the problem if tenant requires a transfer permit from the town. The LUO reviews the tenant and they make sure the use has enough parking spaces.

The application was open and closed to the public.

Attorney Rubino said this is a very difficult site to develop. Look at the lot coverage aspect we are under impervious coverage. We do meet parking. We do meet lot coverage. It is a reasonable application.

Mr. Farrell moved to approve the application subject to payment of taxes and applicable assessments. The applicant will comply with the requirements of Freehold Soil Conservation District and Monmouth County Planning Board. The applicant shall submit an application for Subtitle 1 of Title 39. The applicant will comply with Wall Township Affordable Housing Trust Fund and ADA requirements. The applicant shall comply with the review letters of the Board Professionals. The applicant shall comply with the review letters of the Fire Officials. Variances are granted. Design waivers are granted. The applicant will deed restrict the third floor to storage and mechanicals. There will be no basement. The existing dwelling will be razed before construction begins. Lighting spillage will meet ordinance. Lights will not be lit all night long. They will be on motion sensor. There will be security lighting around the building. The lights in the parking lot will be shielded. Ms. Hearn seconded the motion, which was unanimously approved by a roll call vote. (Mr. Farrell, Ms. Hearn, Messrs. Addonizio, Bednarski, T. Clayton, Ms. Coman and Mr. Luttmann voted yes.)

Chairwoman Aromando returned to the meeting.

### **MINUTES TO BE APPROVED**

Mr. Addonizio moved to approve the minutes of the Regular and Workshop Meetings of December 15, 2008. Mr. Luttmann seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Addonizio, Luttmann, T. Clayton, Farrell and Ms. Aromando voted yes.)

Mr. Addonizio moved to approve the minutes of the Regular and Workshop Meetings of January 12, 2009. Mr. Farrell seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Addonizio, Farrell, T. Clayton, Ms. Hearn, Mr. Luttmann and Ms. Aromando 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 9:35 P.M.

Respectfully submitted,

Betty Schinestuhl  
Recording Secretary