

**WALL TOWNSHIP PLANNING BOARD  
MINUTES – REGULAR MEETING  
MUNICIPAL MEETING ROOM  
NOVEMBER 2<sup>ND</sup>, 2009**

Chairwoman Aromando called to order the regular meeting of the Wall Township Planning Board at 7:42 P.M. Members present were Ralph Addonizio, Laurie Aromando, Michael Clayton, Tim Clayton, Dominic DiRocco, Mary Hearn, George Newberry, first alternate Kristin Coman, second alternate George Bednarski, Attorney Hirsch, Engineer Mullin, Planner Bergailo, Planning Board Secretary Lang, Planning Board Substitute Recording Secretary Mucaro and Court Reporter Arnone. Members Farrell and Luttmann were not present.

Chairwoman Aromando announced the meeting was being held in accordance with the “Sunshine Law” and a resolution adopted January 12<sup>th</sup>, 2009.

**SALUTE TO THE FLAG**

Chairwoman Aromando announced Summit Wall Associates would be carried to January 25<sup>th</sup>, 2010, renotyping will be required.

**NEW APPLICATIONS**

**MCG Properties - PB# 9-2009** - Block 806, Lot 8, Zone OR-2, 2512 Tilton’s Corner Road, Application Deemed complete October 26<sup>th</sup>, 2009. Applicant requests approval to change use to provide for individualized fitness training by appointment.

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

Mark Aikins, Esq. appeared along with the applicant.

Entered into evidence:

A-1 Jurisdictional Items

A-2 Plan Prepared by Gilligan Engineering, dated November 1, 2006 last revised October 27, 2009

And Architectural Plans consisting of two sheets prepared by Grasso Design Group dated October 23, 2009

A-3 Parking Study prepared by Maser Consulting, dated October 23, 2009

PB-1 Initial Engineering review prepared by Charlie Rooney and dated October 3<sup>rd</sup>, 2009

PB-2 Memo prepared By Robert Torrence, Building Inspector and dated October 29<sup>th</sup>, 2009

PB-3 Bureau of Fire Prevention review dated October 28<sup>th</sup>, 2009

PB-4 Memo prepared by Ken Critchlow, Superintendent of Public Works and dated October 28<sup>th</sup>, 2009

Sworn by Reporter Arnone:

Michael Grille  
Maurice Rashad  
Cheryl Bergailo  
Bob Mullin

Attorney Aikins stated the property is approximately 12,000 square feet, and was approved by the Board in 2007. The applicant requests a use variance, the property was previously approved for office space but wants to make it into a one-on-one sports training facility. The training would be individualized and by appointment only.

Mr. Grille states he is the sole owner of the property and it was approved for office space, but the situation of the economy has made it difficult to get occupants for the building. Within the past few years he was operating a training facility on Highway 71 and is no longer able to rent the other building. With this being said he wants to utilize this vacant building. He also stated in the old business, he had many good client - staff relationships dating back to 2002. Most of the clientele are around intermediate or high school age and play mostly football, baseball, and basketball. As a parent, we would have your child assessed and make the appropriate pairing with a personal trainer. If a team were to come in to rent the facility, no other people would be allowed to make appointments at that time.

Chairwoman Aromando asked how many people the applicant could foresee being in the facility at any given time.

Mr. Grille responded that there could be a maximum of 3 baseball players to a batting cage, with 6 cages, 18 all together. Football training cannot be done at the same time. The weight lifting area can hold about 6 people at the same time, and the indoor track can accommodate about 6 also. There is a maximum of 10 trainers at any given time, and possibly 4 people in the offices. This leaves the maximum, which is unlikely to be reached, at about 44 people.

Attorney Aikins stated the parking lot holds 54 spaces, and even at maximum capacity, with everyone driving, which is also unlikely, the business would still be 10 spots under their limit.

Mr. Grille added that most parents would be discouraged from waiting with their children. He would not supply a lounge, waiting area, or vending machines. The only adults present would be coaches when accompanying a team for legal reasons.

Chairwoman Aromando stated that the big concern of the Board is restricting future owners from turning it into a large gym. She asked Mr. Grille if he would mind if that was a stipulation of the resolution.

Mr. Grille stated he does not mind.

Mr. Addonizio asked if having football players would alter the number of people in any way. He also asked if the space would ever be used for outdoor camps, summer camps, or leasing space out to trainers.

Mr. Grille stated there isn't enough room to get both kinds of teams in there, either baseball players could occupy the space or football players, the maximum number of people would really never go over that. It would never be for outdoor camps and wouldn't necessarily be leased out, it would be reserved by trainers by their customers.

Attorney Aikins asked what the planned hours of operation would consist of.

Mr. Grille said ideally, 7:00 a.m. to 10 p.m., 7 days a week.

Mr. Addonizio asked which door of the facility would be used.

Mr. Grille answered the middle door, the other two entrances should be used for more work out space. He added that the mezzanine will still only be used for storage. The exterior lights were also restricted to 10 p.m. in the last resolution, and in order to allow people to walk to their cars safely he suggests it should be changed to 10:15 p.m.

Chairwoman Aromando said that would be fine.

Attorney Aikins reassured the Board that the signage, no matter what they chose to do, would be within the provisions of the Township Ordinances, no variances would be required.

Commiteeman Newberry brought up the fact that on the original office building plans the maximum occupancy reads 244, is this accurate?

Mr. Grille said that for the purposes of the personal training facility that the amount listed is not accurate.

Attorney Aikins asked Mr. Rashad, a Traffic Engineer if he reviewed the application.

Mr. Rashad said most of the application has been discussed. After he conducted many studies he actually found a maximum of 44 spaces would be sufficient as well. On average 15 to 20 spots would be utilized at any given time. This application is actually an improvement in terms of the parking spaces because office space use would have required many more spaces.

The application was opened and closed to the public.

Mr. DiRocco moved to approve the application in accordance with all matters discussed at the meeting, and outlined in the Professionals' review letters. Mr. Addonizio seconded the motion, which was unanimously approved by a roll call vote. (Ms. Hearn, Mr. Bednarski, Mr. M. Clayton, Mr. T. Clayton, Ms. Coman, Ms. Aromando, Mr. Newberry, Mr. Addonizio, and Mr. DiRocco)

### **CARRIED APPLICATION**

**Diamond Developers & Courseview, LLC – PB#1-2009** Block 913, Lot 16, 5338 Megill Road, Zone RR-6. Application Deemed Complete January 29<sup>th</sup>, 2009. Applicant requests approval to construct a stormwater management facility for a subdivision. Carried from April 20<sup>th</sup>, 2009, June 1<sup>st</sup>, 2009, and September 14<sup>th</sup>, 2009.

Attorney Gerard Sonnenblick appeared for the applicant.

Entered into evidence:

A-7 Preliminary & Final Site Plan, prepared by PDS dated November 2, 2007 and last revised August 14, 2009, last revised October 21<sup>st</sup>, 2009

A-8 Howell Township Ordinance

PB-10 Engineering Review prepared by Charlie Rooney dated November 2<sup>nd</sup>, 2009

Sworn by Reporter Arnone:

Engineer McFarlin

Attorney Sonnenblick stated after the last meeting he was told to speak with Howell Township, and while he has nothing in writing at this current time, he would like to see what the Board thinks of the idea of the land being deeded over to Howell Township. If the Board would give approval tonight with that condition, the application would be able to move forward.

Chairwoman Aromando asked the applicant's attorney if he had followed up with the Board's request on September 14<sup>th</sup> to ask Howell if they would accept the property from Wall and annex it. The involvement of the Township Committee and Engineer was needed.

Attorney Sonnenblick stated he had to go back to their Planning Board and he figured that if he wrapped up things in Wall, all of these issues could be discussed through their Board meeting. A local agreement would have to be made between the two towns. This is where the idea of dedication to Howell comes in. If the land was deeded to Howell, it would be maintained and owned by Howell in Wall Township.

Attorney Hirsch stated that there are a lot of legal issues going into the idea of deeding the land over. If Howell refuses it, Wall will get tied into maintaining it, which is the problem in the first place. There are a lot of legal matters to consider before even thinking about making dedication an option.

Engineer McFarlin stated that the application is requesting to have homes on the Howell properties and the detention basin on the Wall property. In this case, the other option is to keep the detention basin in Howell, and leave the Wall property as a home, but the way the land is sloped the best option would be having the basin in Wall.

Chairwoman Aromando added that that idea wouldn't even be an option in her opinion. It would divide a neighborhood in terms of school systems, garbage pick-up, voting, ordinances, everything. If the way the water runs is into that property, the property in question should be a detention basin. The Board wants the first option, the annexation, to be investigated. The other option, the deeding to Howell, seems like it might be a liability on Wall, and the idea of dedication also should be discussed with the Township Attorneys, Committees, and Engineers. This matter needs to be discussed between all of those groups before it comes before the Planning Board again. The matter of the retaining walls in the plans also concerns the Board.

Engineer Mullin stated that according to the letter from his office, his company still recommends against retaining walls in residential basins. The proposed walls are a result of the applicant providing a basin access path.

Chairwoman Aromando said that from what she has heard it is important that the applicant speaks with all the necessary Committees and the Howell Township Attorney as well. Everything proposed at this point is open-ended because nothing has actually been discussed.

Attorney Sonnenblick stated that he would ensure that whatever talks were made, he would look out for the best interest of Wall Township. If Howell accepts the dedication, it would be similar to an annexation, but without the involvement of the State Legislature. Plans will be made to discuss the matters with Howell at all levels.

Committeeman Newberry added that anything discussed in Howell Township needs to be put in writing because he feels that none of the options can be approved by the Board at this time. It is out of the Board's jurisdiction.

Chairwoman Aromando agreed and stated that there must be some form of written agreement before the matter can be further discussed.

Attorney Sonnenblick stated he would not return before the Board without some written agreements.

Chairwoman Aromando said the case would be carried to February 1<sup>st</sup>, 2010, with the condition that written agreements are supplied, no renoticing would be required.

### **ORDINANCES TO BE RECOMMENDED**

Mr. Addonizio moved to recommend Ordinance # 26-2009, Ordinance # 27-2009, and Ordinance #29-2009. Mr. Newberry seconded the motions, which was made unanimous by roll call. Ms. Hearn moved to recommend Ordinance # 30-2009. Mr. T. Clayton recused himself from recommendation on this Ordinance. Mr. Addonizio seconded the motion, which was made unanimous by roll call.

### **RESOLUTIONS TO BE MEMORIALIZED**

#### **HOMEMARK HOMES, LLC – PB #7-2009**

Block 813 Lot 7

Attorney Hirsch read the resolution of approval. Mayor Clayton moved to adopt the resolution as read. Mr. Bednarski seconded the motion, which was unanimously approved by a roll call vote.

#### **ANDREW CHAPMAN – PB# 6-2009**

Block 227 Lots 5, 6

Ms. Hearn moved to adopt the resolution. Mr. Newberry seconded the motion, which was unanimously approved by a roll call vote.

November 2<sup>nd</sup>, 2009

Page 6

There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 9:30 P.M.

Respectfully submitted,

Nicole Mucaro  
Substitute Recording Secretary