

**WALL TOWNSHIP PLANNING BOARD
MINUTES - REGULAR MEETING
MUNICIPAL MEETING ROOM
JANUARY 11, 2010**

Vice Chairman Luttmann called to order the regular meeting of the Wall Township Planning Board at 7:30 P.M. Members present were Ralph Addonizio, Timothy Clayton, Dominick DiRocco, Timothy Farrell, Mary Hearn, Committeeman Todd Luttmann, Mayor George K. Newberry, Matthew Nolan, first alternate Kristin Coman, Attorney Cramer, Engineer Dahms, Planner Bergailo, Planning Board Secretary Lang, Planning Board Recording Secretary Schinestuhl and Court Reporter Arnone.

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

SALUTE TO THE FLAG

Mr. Luttmann stated we will have our re-organization meeting this evening.

ELECTION OF OFFICERS

CHAIRMAN

Mrs. Hearn nominated Dominick DiRocco for Chairwoman of the Planning Board. The nomination was seconded by Mr. Addonizio, which was unanimously approved by a roll call vote. (Mrs. Hearn, Messrs. Addonizio, Clayton, Mrs. Coman, Messrs. Farrell, Luttmann, Newberry, Nolan and DiRocco voted yes.)

VICE-CHAIRMAN

Mr. Addonizio nominated Timothy Farrell as Vice Chairman. The nomination was seconded by Mr. Luttmann, which was approved by a roll call vote. (Messrs. Addonizio, Luttmann, Clayton, Mrs. Coman, Mr. Farrell, Mrs. Hearn, Messrs. Newberry, Nolan and DiRocco voted yes.)

SECRETARY

Attorney Cramer read the resolution appointing Roberta Lang as Planning Board Secretary. Mr. Farrell moved to adopt the resolution as read. Mr. Clayton seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Farrell, Clayton, Addonizio, Mesdames. Coman, Hearn, Messrs. Luttmann, Newberry, Nolan and DiRocco voted yes.)

BOARD RECORDING SECRETARY

Attorney Cramer read the resolution appointing Betty Schinestuhl as Board Recording Secretary. Mr. Farrell moved to adopt the resolution as read. Mr. Luttmann seconded the motion, which was

unanimously approved by a roll call vote. (Messrs. Farrell, Luttman, Addonizio, Clayton, Mesdames. Coman, Hearn, Messrs. Newberry, Nolan and DiRocco voted yes.)

ATTORNEY

Attorney Cramer read the resolution appointing Michael Rubino as Attorney for the Planning Board. Mr. Newberry moved to adopt the resolution as read. Mrs. Hearn seconded the motion, which was unanimously approved by a roll call vote. (Mr. Newberry, Mrs. Hearn, Mr. Clayton, Mrs. Coman, Messrs. Farrell, Luttman, Nolan and DiRocco voted yes. Mr. Addonizio abstained.)

ENGINEER

Attorney Cramer read the resolution appointing T & M Associates as Board Engineer. Mr. Farrell moved to adopt the resolution as read. Mr. Newberry seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Farrell, Newberry, Addonizio, Clayton, Mesdames. Coman, Hearn, Messrs. Luttman, Nolan and DiRocco voted yes.)

BOARD PLANNER

Attorney Cramer read the resolution appointing John Hoffmann as Board Planner. Mr. Farrell moved to adopt the resolution as read. Mr. Clayton seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Farrell, Clayton, Addonizio, Mesdames. Coman, Hearn, Messrs. Luttman, Newberry, Nolan and DiRocco voted yes.)

SPECIAL BOARD PLANNER

Attorney Cramer read the resolution appointing Cheryl Bergailo as Special Board Planner. Mr. Newberry moved to adopt the resolution as read. Mr. Clayton seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Newberry, Clayton, Addonizio, Mrs. Coman, Mr. Farrell, Ms. Hearn, Messrs. Luttman, Nolan and DiRocco voted yes.)

BOARD COURT REPORTER

Attorney Cramer read the resolution appointing Debra Arnone as Board Court Reporter. Mr. Farrell moved to adopt the resolution as read. Mr. Newberry seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Farrell, Newberry, Addonizio, Clayton, Mrs. Coman, Messrs. Luttman, Newberry, Ms. Hearn and Mr. DiRocco voted yes.)

OPEN PUBLIC MEETINGS ACT

Attorney Cramer read the resolution designating the time and place of meetings, other regulations of the Board and the official newspapers. Mr. Addonizio moved to adopt the resolution as read. Mr. Luttman seconded the motion, which was unanimously approved by a roll call vote.

(Messrs. Addonizio, Luttman, Clayton, Mrs. Coman, Mr. Farrell, Ms. Hearn, Messrs. Newberry, Nolan and DiRocco voted yes.)

NEW APPLICATION

2650 ALLAIRE ROAD, LLC - PB#8-2009 – 2650 & 2670 Allaire Road, Block 741, Lot 21.02 & 21.03, Zone RR-6. Application complete: October 7, 2009. Applicant requests approval to subdivide existing two lots to create a conforming third lot.

Mark Aikins, Esq. appeared for the applicant.

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

Attorney Aikins said this relates back to a 2007 approval. Two lots were created. This was subject to a developer's agreement the Township and two other parties.

Sworn by Reporter Arnone: Sean Savage
Paul Moore
Gary Dahms
Cheryl Bergailo

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Major subdivision prepared by LGA Engineering dated September 14, 2009 with architectural plans prepared by Paul Moore dated June 18, 2009
- A-3 LEIS prepared by Birdsall Services dated September 15, 2009
- A-4 Colored rendering – mounted proposed subdivision plan dated September 14, 2009

- PB-1 Engineering plan review prepared by Charles Rooney dated November 30, 2009
- PB-2 Planning plan review prepared by Cheryl Bergailo dated November 23, 2009
- PB-3 Bureau of Fire Prevention plan review dated October 15, 2009
- PB-4 Water/Sewer plan review prepared by Roberts Engineering dated November 5, 2009

Sean Savage gave his credentials which were accepted by the Board.

Attorney Aikins asked Mr. Savage to explain the site now and proposed. Mr. Savage explained there are two lots currently. There is one lot on the eastern portion of the property and the second on the western portion. It contains 23.7 acres. The applicant proposes to sub-divide the property into three lots. Two of those lots will front on Allaire. Lot 21.03 will contain 6.2 acres and it is located on the eastern portion of the property. Lot 21.04 will contain 6.3 acres. These lots are irregularly shaped because of the driveway out by lot 20 and proposed lots 21.02, 21.03 and 21.04. Lot 21.02 will contain 11 acres. There is a multi-purpose building on site. The driveway will serve all three of those lots. The existing fence and driveway will remain.

Attorney Aikins said the existing fence where the driveway meets Allaire Road that enclosure goes into the ROW. There is an agreement between the property owner, the Township and the County. Mr. Savage said yes. There will be a stone wall and fencing along the entire frontage.

Mr. Savage said lot 21.03 has an existing barn which will remain. The applicant will retain the character of the look of the building. There is an existing home on lot 21.04 which will remain. It also houses the entire driveway.

Attorney Aikins asked Mr. Savage to describe the topography. Mr. Savage said Osborn Pond is to the east. The site grades from Allaire to the northeast. There is no change in that. No Stormwater structure is proposed for this development it will go into a re-charge. The flow off the driveway will go to the grass and then another large area of woods prior to reaching the pond.

Chairman DiRocco asked Mr. Dahms, have you reviewed the Stormwater issues and have any concerns. Mr. Dahms said he received the calculations and details and will address those comments.

Chairman DiRocco asked if the roadway services multiply sites who will do the maintenance. Attorney Aikins said presently there is an easement agreement as to who will maintain that. That will continue regardless of ownership.

Attorney Aikins said, regarding garbage pick-up, it gets picked up along Allaire Road and that will continue. It will stay as it is presently.

Attorney Aikins said there is a developer's agreement between the Township, Rochen Realty and Premier Development which was done in 2004. Along the eastern border Osborn was dedicated to the Township and the property along the west and north that was dedicated to the Township for future recreation. It was decided it would be sub-divided into no more than three lots. This would be consistent with the developer's agreement, single family residential use. It would be a minimum of six acres in area. We are not proposing any of the lots to be less than six acres. The existing barn will be maintained by the owner of that lot.

Attorney Aikins said the Township Committee allocated the Planning Board, Planner and Engineer to review the plans for the new home.

Entered into evidence:

A-5 Developers agreement

Chairman DiRocco asked about the connection. Attorney Aikins said the architect will explain that.

Paul Moore gave his credentials which were accepted by the Board.

Mr. Moore said the new home will be in the same location as the existing structure. It is sitting on a hill. We will raise the grade up. The building is designed for this area and setting. The rear building is accessed by an access road. When approaching the building you are looking up at the house you are approaching from a low area.

Mr. Moore explained the materials for the new building will be the same type that was used on the multi-purpose building, vinyl shingles.

Mr. Moore explained the distance to the property line to the east is 242', to the front property line 199.7' and to the street line 900'. Ms. Hearn said it looks like it is 930' back from the road.

Chairman DiRocco asked for the distance from the multi-purpose building to the structure. Mr. Moore said about 100'.

Chairman DiRocco asked about the underground crossway. Attorney Aikins said the Board allowed a few different options, to build the structure and connect with a connector to the existing home or build the "A" structure and connect to the new home and remove the accessory structure. Mr. Mueller explained access will be from the east side. We will connect in the rear to the back of the existing home. The connection will be over 150' long. He said he doesn't think that is appropriate. He said he's come up with an alternative plan. The connection would be accessed through the basement of the new home through a tunnel.

Ms. Hearn said the tunnel would come out of the basement of the home and to the first floor of the multi-purpose building. Attorney Aikins said it would exit the proposed structure at the basement level and come into the multi-purpose building underground.

Ms. Hearn asked your client doesn't want to build the tunnel or they do. Attorney Aikins said we are seeking a modification.

Ms. Hearn said the tunnel we can't see above ground. They can't be connected by another structure? We are trying to understand what is really wanted. Mr. Moore said the applicant prefers not to build a tunnel.

Ms. Hearn asked about if there is a fire. Mr. Moore said it has a sprinkler system.

Mr. Addonizio said he doesn't feel comfortable with a tunnel. Is there anything else in Wall like this? Mr. Moore said no this is unique.

Mr. Addonizio said he has some issues; he is not comfortable with it. He said he would like to see some other alternatives.

Attorney Aikins said if you don't build a tunnel and build a surface structure you will see it. Do we build a tunnel that no one can see and no one can access? Why is it necessary to connect these structures? Chairman DiRocco asked if the professionals had any comments or issues.

Ms. Bergailo said according to the ordinance the largest free-standing building allowed is 1,000 s.f. and they have a building that is 20,000 s.f. and that was permitted because they were going to connect it to the principal structure. I think they have some legitimate reason for a C-2 variance. The tunnel is not the safest thing to build. No tunnel is a better alternative and then having a building above ground would not be aesthetically pleasing. There are grounds for the Board to grant that no connection is a better alternative. The house will not be close enough to the structure because of the leeway of the topography.

Ms. Hearn asked for the distance between the house and the multi-purpose structure. Mr. Moore said about 100'.

Ms. Hearn asked why not closer. Mr. Moore explained you need that separation to be a separate structure and comply. You will not be able to see it because of the tree line. We located the house in the front to shield the multi-purpose structure. We tried to develop it as a whole site. It looks nice standing on its own.

Mr. Addonizio said section 1.5 of T & M's review letter of November 30, 2009 asked for the timeframe for the removal of the existing dwelling and the erection of the new home. Attorney Aikins said the home will be demolished around July 10th and the new home constructed immediately thereafter.

Mr. Addonizio said the way it reads the home should have been done before the accessory structure. Attorney Aikins said he has seen this done many times. This is not at all unusual.

Chairman DiRocco asked if the applicant prefers the tunnel. Attorney Aikins said he would rather not.

Ms. Hearn said the one story multi-purpose building it is relatively boxy and low. Mr. Moore said it is 100' X 200'. Ms. Hearn said there is no way of improving that and because of the size it makes sense that it has some distance.

Entered into evidence:

A-6 Photos of the multi-purpose building

Mr. Moore explained the multi-purpose building is like a barn. If moved close together they are not going to compliment each other.

Committeeman Luttman asked if no structure is built to attach it we are talking about a variance for the size of the accessory structure. Ms. Bergailo said correct.

Committeeman Luttman said if they don't build a tunnel they are only looking at one additional variance. Mr. Dahms said he has been involved with tunnels. These tunnels are expensive, moldy. If not used I can see problems with this.

Mr. Addonizio asked if any numbers have been done regarding the water table, soil samples, etc. Attorney Aikins said no the tunnel will be no deeper than the basement.

Mr. Moore went over the elevations, stream, pond and buildings.

Chairman DiRocco said an above ground structure with landscape shielding would be aesthetically pleasing. Attorney Aikins said from a design standpoint it will be a long distance from the structure to the multi-purpose building, 130'. Mr. Moore said it will be a long covered walkway.

Chairman DiRocco said he has concerns about the tunnel. There are two ways to go something above ground or nothing.

Mr. Nolan said a 20,000 s.f. structure attached to the residential structure, I have never seen anything like that. It is cause for concern for a future owner. Attorney Aikins explained the structure functions properly and effectively.

Chairman DiRocco asked if Mr. Dahms has looked at the bridge. Mr. Dahms said no. Committeeman Luttmann said we can make it part of the resolution that we look at it.

Ms. Hearn said we will consider approving no connection and we may want to consider a walkway with bushes and trees so it does not look like an office building. She suggested a simple walkway.

Attorney Aikins suggested stepping stones or paving stones.

Chairman DiRocco asked Ms. Bergailo if she thinks that would work. Ms. Bergailo said sure.

Mayor Newberry said the walkway is a great idea. There are several ways to get to that accessory building. Attorney Aikins said a pathway seems to be the best way with landscaping. It will work.

Chairman DiRocco said a pathway connection with some landscaping. The Board agreed.

Mr. Moore explained the variances. A variance for lot width is needed 400' is required and 631' is being proposed for lot 21.02, 397.97' for lot 21.03 and 401.84' is being proposed for lot 21.04. There is a deficiency of about 2'. Another variance is for lot frontage 275' is required, lot 21.02 has none, lot 21.03 has 414.13' and lot 21.04 had 377.59'. Building coverage variance is required for lot 21.02 5% is allowed and we are proposing 5.08%. Impervious coverage allowed is 6% and we are proposing 11.59% for lot 21.02, 7.24% for lot 21.03 and 3.13% for lot 21.04. There is 600' of driveway just to get to the garage area in the new house.

Attorney Aikins asked what the distance is between the edge of the stream and the roadway. Mr. Moore said 150'. Attorney Aikins asked what occurs in that 150'. Mr. Moore said there is over

50' of lawn area.

Ms. Hearn said there is a very large black top area. This is a big part of the overage. It looks like about 80' of black top and then it swings around the left side. Ms. Hearn said on lot 21.03 you are over does that include a driveway. Attorney Aikins said the driveway is there you just need a little stem off there. Ms. Hearn asked if that was included. Attorney Aikins said no.

Mr. Dahms said have you looked at what the overall tract is regarding impervious coverage. Mr. Savage said about 22%.

Mr. Dahms asked if those roof leaders connect to drywells. Mr. Moore said no.

Mr. Addonizio asked for the width of the roadway. Mr. Moore said 16'.

Mr. Addonizio said the review letter from Wall Township Fire Prevention had a few concerns. They state access must be 20' for emergency vehicles. This also includes the bridge and also the location of the fire hydrants must be on the plans. Attorney Aikins said this Board determined that it was not necessary in 2007. No owner of the front two lots would be accessing the rear lot. The board stated 16' was adequate. Mr. Addonizio said he is concerned with that. He said he will refer this to Mayor Newberry. Mayor Newberry said fire apparatus goes within millimeters. One would have to pull off the roadway to have one pass. 16' is going to be tight. Personally I would like 20'. Attorney Aikins said it was raised at that time. The Board said it was not necessary to widen the road or bridge. Mayor Newberry asked if they were sure the shoulders would have some level of support. Attorney Aikins said there are a number of driveways that could be a pull over area. We can work with the Board Engineer. Mayor Newberry said it is a concern mainly because of the size of the fire apparatus. He said he would feel more comfortable if the shoulders would hold the weight.

Mr. Addonizio asked how wide the bridge is. Attorney Aikins said 16'.

Mr. Addonizio asked if it would be possible to install those paver blocks. Attorney Aikins said they can do that.

Mr. Addonizio asked about the existing fire hydrants and if there were any others proposed. What is the distance from the house and the building in the rear? Mr. Savage said there is an existing hydrant along the road frontage to the west. The house is about 100' from the entrance. There is another one to the south of the multi-purpose building.

Attorney Aikins said this is a rural area and we are trying to preserve that. He asked if the sides of the road could be strengthened to make clear that it is strong enough. Mr. Dahms said he would look at that.

Mayor Newberry asked for some sort of pull over area. We were looking more for a 2' shoulder on each side. Mr. Dahms asked some sort of grass paver. Mayor Newberry said something other

than lawn. Regarding the hydrants he said he would have to leave that up to the engineer. Mr. Dahms said the hydrants should be fine.

Ms. Bergailo said lot 21.03 there is no request for additional impervious coverage for a new driveway. Lot 21.02 there is a little more coverage to accommodate the walkway and shoulders. The walkway would be an additional 600 s.f.

Chairman DiRocco asked if the truck can fight the fire from Allaire Road? Footings should be placed on the south side of the bridge.

Committeeman Luttman asked if this could be done without putting additional asphalt down or pavers and just strengthen the ground. Mr. Dahms said they all have the same end result.

Mr. Dahms said there are products available that can be placed below ground. You won't see it. Attorney Aikins said if that is a requirement we will do it.

Mayor Newberry said he agrees. There are products that can be installed and make it look like a country road.

Mrs. Coman asked if the applicant lives in the main house. Attorney Aikins said no.

Mrs. Coman asked if they can live in the multi-purpose building. Attorney Aikins said they will not use the multi-purpose building as a residence.

Mr. Addonizio asked about T & M's letter #1.7 on page 3. Do we have a copy of that LOI? Mr. Savage said we have those in file we can provide them.

Mr. Addonizio asked about #1.8 curbs and sidewalks. Attorney Aikins said the aesthetics is not to have curbs and sidewalks. Mr. Addonizio asked what the township's feel on that is. Committeeman Luttman said we have granted those waivers because of the location not supporting curbs and sidewalks.

The application was open and closed to the public.

Mr. Addonizio 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, Monmouth County Planning Board and Monmouth County Board of Health. 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. The applicant will comply with NJDEP and NJDOT. Variances are granted. The applicant must follow the builder's agreement. The applicant must submit a plan showing the walkway with landscaping to the engineer for approval. The entire driveway must have some sort of support and be reviewed and approved by the engineer. The engineer will inspect the bridge. Mr. Farrell seconded the

motion, which was unanimously approved by a roll call vote. Mr. Addonizio added the variances with accessory structure be added. Mrs. Coman also added the access easements. (Messrs. Addonizio, Farrell, Clayton, Mesdames. Coman, Hearn, Messrs. Luttman, Newberry, Nolan and DiRocco votes yes.)

MINUTES TO BE APPROVED

Committeeman Luttman moved to approve the minutes of the Regular and Workshop Meetings of October 5, 2009. Mr. Farrell seconded the motion, which was unanimously approved by a roll call vote.

Mr. Farrell moved to approve the minutes of the Regular and Workshop Meetings of November 2, 2009. Mayor Newberry seconded the motion, which was unanimously approved by a roll call vote.

Committeeman Luttman moved to approve the minutes of the Regular and Workshop Meetings of December 7, 2009. Mr. Farrell seconded the motion, which was unanimously approved by a roll call vote.

Chairman DiRocco announced the next Planning Board meeting will be held on February 1, 2010.

There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 9:25 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary