

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
MAY 5, 2010**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairwoman DeSarno at 7:40 P.M. Members present were Chairwoman DeSarno, Vice Chairwoman Wilma Morrissey, Jim Gray, Ray Slocum, Robert Morris, Nance-ellen Draper, first alternate Mary L. Burne, Attorney Cramer, Planning Secretary Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Zahorsky, Planner Hoffmann, Construction Official Paul Rabenda and Reporter Arnone. Messrs. Gray, Orender and Margadonna were not in attendance.

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 Finegan application will be carried to June 16, 2010. The Sims application will also be carried to June 16, 2010.

NEW APPLICATION

#BOA 5-2010 – Date application complete: March 24, 2010

APPLICANT: ARLENE GLADE POLCARI

PROPERTY: 1211 Minnehaha Trail, Block 338, Lot 60, R-10 zone

RELIEF REQUESTED: Bulk/Use

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

C. Keith Henderson, Esq. appeared for the applicant.

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Plot plan dated November 20, 2009 prepared by Landmark
- A-3 Partial construction plan prepared by Arlene Glade Polcari dated October 29, 2010
- A-4 Tax status certificate
- A-5 Copy of letter prepared by Freda Mercer dated May 18, 1977
- A-6 Aerial photo taken by Jim Higgins

BOA-1 Engineering plan review prepared by Matt Zahorsky dated May 4, 2010

BOA-2 Planning plan review prepared by John Hoffmann dated April 20, 2010

BOA-3 Zoning standards prepared by Matt Zahorsky and John Hoffmann dated April 27, 2010

Sworn by Reporter Arnone:

Arlene Polcari
James Higgins

Matthew Zahorsky
John Hoffmann

Ms. Polcari said she is the owner of the site since 1977.

Attorney Henderson said he has a letter from Mrs. Mercer regarding this being a two family house. Was there any time when it was not a two family? Mrs. Polcari said no.

Attorney Henderson asked her to describe the existing dwelling and the two separate entrances. Ms. Polcari said the house has always been two family. It has two bedrooms, one bath and one kitchen.

Attorney Henderson asked her to describe the basement. It is partially underground it has two rooms and then a crawl space.

Attorney Henderson asked if there are any water problems. Ms. Polcari said she does have a sump pump and French drains.

Ms. Polcari explained in the basement is the furnace, hot water heater, gas meter and storage.

Attorney Henderson asked why bilco doors. Ms. Polcari she wants access from the outside so no one goes through her apartment and for safety reasons. She would like the tenants to access the basement from the outside.

Attorney Henderson asked her to describe the proposed additions. Ms. Polcari said on the right side she is going to extend one bedroom, bathroom and also extend the other bedroom and make a closet.

Attorney Henderson asked if there are any changes proposed to the second floor. Ms. Polcari said no.

Attorney Henderson asked about the other side. Ms. Polcari said she will be extending the bedroom and adding an access door to her apartment. It will go out 4'. She is proposing to make the bedroom a little larger and also to get room for the washer and dryer so she does not have to go down to the basement.

Chairwoman DeSarno asked about the history of the house. Ms. Polcari said she purchased it in July 1977 as a two family home. She said she was told the house was built as a two family.

Chairwoman DeSarno said it also had two kitchens, separate gas and water. Ms. Polcari said yes.

Mr. Slocum asked about the letter from Freda Mercer. Attorney Henderson said she was the zoning officer when the house was purchased. Ms. Polcari received a letter from Mrs. Mercer stating that the home was a valid two family house. Mrs. Mercer also issued a transfer permit confirming it has two family status. I asked if it has ever been abandoned or not rented. It has been rented continually since 1977.

Mrs. Morrissey asked if the second floor is vacant. Ms. Polcari said it is not vacant it is being rented.

Mrs. Morrissey asked if there were any objectors. Ms. Polcari said not that she is aware of.

Mrs. Morrissey asked if there were any other two family homes in the area. Ms. Polcari said not that she is aware of.

Mrs. Morrissey asked if there were any drainage or water problems in the basement. Ms. Polcari said no.

Mrs. Morrissey said in Mr. Hoffmann's review letter starting with #11 he mentions the existing colors, siding and trim will they match. Ms. Polcari said yes. She has samples of the siding with her.

Mrs. Morrissey asked for the height of the bilco door. Attorney Henderson said under 3'.

Mrs. Morrissey asked about landscaping. Ms. Polcari there is shrubs, five large and five small. The five smaller ones will be removed. She said she intends to have the whole place re-landscaped.

Mrs. Morrissey asked about the garage, will it be renovated. Ms. Polcari said the front will match.

Mrs. Morrissey asked if she can reduce the non-conformities. Attorney Henderson said the planner will answer that.

Mr. Zahorsky said the existing and proposed impervious coverage in my report is correct. The plan should be amended. Attorney Henderson said yes Mr. Zahorsky is correct.

Mrs. Morrissey asked if the street parking is sufficient. Mr. Zahorsky said yes parking is permitted on both sides. The street has low traffic.

Chairwoman DeSarno asked if she will submit a landscape plan to Mr. Hoffmann. Ms. Polcari said yes.

Mr. Hoffmann said we can't issue a TCO until we receive the landscape plan.

Mr. Slocum asked if there were any drainage problems on the property. Ms. Polcari said she gets water in her garage.

Mr. Zahorsky said any approval is contingent on a drainage structure. Where will it be located? Ms. Polcari said in front of the garage. Mr. Zahorsky asked if it will be connected to a drywell. Attorney Henderson said yes.

Mrs. Morrissey asked how long have the tenants been in that apartment. Ms. Polcari said four years.

Jim Higgins gave his credentials which were accepted by the Board.

Mr. Higgins described the application. He said he looked at the Master Plan and Township ordinances. He reviewed the reports from John Hoffmann and Matt Zahorsky. He also looked at the surrounding areas and tax maps.

Mr. Higgins explained the surrounding area is residential. Most of the houses are single family residences. 30% of the lots are smaller than this. Seven lots face Minnehaha Trail.

Attorney Henderson said this construction is an expansion. Mr. Higgins explained the use itself is not being expanded. She is bringing the washer and dryer upstairs and putting it in a much more convenient location. It will still be a two family. If the use already exists and there is no need to justify the use itself. The applicant is trying to make it better. The function of the site is being improved.

Mr. Higgins explained the house is one of the smallest in the neighborhood. It makes it more in character with the neighborhood. He said in his opinion the use is not being expanded.

Attorney Henderson said the siding will be an improvement. Mr. Higgins said yes the exterior is much older looking so this will be an improvement.

Attorney Henderson said there will also be safety improvements. Mr. Higgins said yes it will be up-graded to have a smoke detector and carbon monoxide detector. There is also an improvement with the bilco door.

Attorney Henderson asked about the bulk variances. Mr. Higgins said the site is undersized. It is located in the R-10 zone. 10,000 s.f. is required where 6,000 s.f. exists. Lot width is 60' existing where 75' is required. Because of the width of the lot there is a hardship. There is no way to increase the lot. The bilco door will be a maximum of 3'.

Mr. Higgins stated the bilco door will have no negative impact. It will be screened. The other two variances are for building and impervious coverage. Both are being increased by approximately 3% only 351 s.f. 22% building coverage is permitted where 23.75% is proposed and 40% impervious coverage is allowed where 56.45% is proposed. The primary reason for the impervious coverage is the driveway. It provides additional parking spaces. I don't see any negative impact. The hardship is because of the undersized nature of the lot.

Attorney Henderson said in Mr. Hoffmann's review letter he listed the existing bulk non-conformities. Can any of them be reduced? Mr. Higgins said most of them just cannot be changed. Lot area and width there is no way to increase that. Frontage the only way to increase that is to remove the porch. Impervious coverage is because of the driveway. The driveway setback is .4' from the property line it cannot be moved. The only way to improve the garage setback would be to remove the garage. I do not see any reason to eliminate it. The stairway access is existing and there is no way to eliminate that. The deck has been there for a substantial period of time. It is not related to the improvements. The area of the deck is being reduced. It will look much nicer and will fit in aesthetically.

Chairwoman DeSarno asked if the driveways abut each other. Mr. Higgins said there is no buffer there there is a timber rail.

Chairwoman DeSarno asked what type of stone. Ms. Polcari said decorative stone.

Chairwoman DeSarno asked if she will add some plants. Ms. Polcari said yes.

Mrs. Morrissey said to Mr. Hoffmann the deck looks large can it be reduced. Mr. Hoffmann said it goes right up to the property line. Mr. Higgins said there is some buffering there. Mr. Hoffmann said on the adjacent property there appears to be a deck. Is it feasible to trim it back? Mr. Higgins said that is something that can be done.

Mr. Hoffmann said the driveway flares out on the right side. Move it back in so it is even with the rest of the driveway.

Mrs. Morrissey asked how many square feet in each apartment. Mr. Higgins said 1,200 s.f. upstairs and 1,500 s.f. downstairs. The upstairs is not being expanded.

Mrs. Burne asked if there will be any renovations to the garage. Attorney Henderson said we would use the same siding on the front of the garage so that it matches. Ms. Polcari said the garage needs some work but we are doing the house first.

Mrs. Burne asked how many cars. Ms. Polcari said she is the only one that uses the garage.

Mrs. Burne asked is this your home all the time. Ms. Polcari said yes.

Mr. Slocum said since 1977 the house has always been occupied it has never been unoccupied. Ms. Polcari said that is correct.

Mr. Zahorsky said the only issue is when upgrading the existing dwelling the garage is depilated we should have a time frame as to when the garage would be upgraded. Ms. Polcari said when the house is done the garage will be worked on. Mr. Zahorsky said a TCO will be issued until the garage is done within one year. Attorney Henderson said the applicant agrees to that.

The application was open and closed to the public.

Attorney Henderson said being a two family house complicates things. In 1977 when she bought it it was a two family house. It has been used continually as a two family. The expansion is very modest. The bulk variances are necessitated because of the size of the lot. It advances the purpose of the LUL. New siding, windows, etc. will improve this house. This house is much smaller than the surrounding homes.

Mrs. Burne said this will be a great improvement. Freda Mercer's letter stated it was a non-conforming use and not be expanded. Attorney Henderson answered Mrs. Mercer's letter stated if you need to expand you must get a use variance. I brought it to the town's attention that this was a two family. There was nothing in the land use records stating this was a two family.

Mrs. Morrissey made a motion to approve the application subject to a temporary CO being issued until a landscape plan is submitted. The applicant must comply with Mr. Hoffmann's suggestion as far as the driveway is concerned. A temporary CO will be issued until the garage is done. An as-built must be submitted. The drainage structure will be located in front of the garage. A smoke detector and carbon monoxide detector will be installed. Mrs. Burne seconded the motion, which was unanimously approved by a roll call vote. (Mesdames. Morrissey, Burne, Draper, Messrs. Gray, Morris, Slocum and Mrs. DeSarno voted yes.)

RESOLUTIONS TO BE MEMORIALIZED:

JEFFREY & HELEN SHIELDS - #BOA 15-2009

Block 771, Lot 1

Slocum/Draper

LEE ANN GRABICKI - #BOA 2-2010

Block 755, Lot 32.06

Slocum/Draper

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 8:30 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary