

**TOWNSHIP OF WALL
ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
HELD IN THE MUNICIPAL MEETING ROOM
JUNE 17, 2009**

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 Morrissey, Jim Gray, Ray Slocum, Robert Morris, Nance-ellen Draper, first alternate Mary L. Burne, second alternate Mark Margadonna, Attorney Cramer, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken, Planner Bergailo and Reporter Arnone. Mr. Orender was not present.

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 stated the Kreider application will not be heard tonight. It is being carried to July 1, 2009. No re-noticing is required.

NEW APPLICATION

#BOA8-2009 – Date application complete: April 8, 2009

APPLICANT: CALI & CHUCK WHEDON

PROPERTY: 1308 Boxwood Drive, Block 721, Lot 2, R-20 zone

RELIEF REQUESTED: Bulk

Sworn by Reporter Arnone:

Cali Whedon
Glenn Gerken
Cheryl Bergailo

Ms. Whedon explained we are seeking a variance for a mother and daughter addition. My mother has fallen on hard times and she is moving in with us. Before she moves her home we are hoping to put an addition on so she can come and live with us. She does help us with our children. She is living on Social Security at this time.

Attorney Cramer explained the applicant made application for approval of bulk variances review of the notice published in the paper and served on property owners but what you are asking for is to construct a separate dwelling unit in your house. Ms. Whedon said she wouldn't call it separate. She said she followed the conditions that were given to her. Attorney Cramer said review of the plans show two kitchens. Ms. Whedon said it is not a full kitchen with everything. It is just something if she wanted to get up in the middle of the night to get a drink she can. Attorney Cramer said the plans show a separate kitchen area. Ms. Whedon said it is like one at a hotel. She said if the kitchen is an issue she will take it out. It is just for us to have some privacy. We just wanted to give her some sort of kitchen area. Attorney Cramer said the ordinance in the R-20 zone only allows single family dwellings. To have two kitchens means

two separate units. The Board cannot hear that this evening because you would be seeking a use variance.

Ms. Whedon said when I came to the town I was not made aware of that. If you want me to take that out I will. She asked if she says no kitchen can we move forward. Attorney Cramer said yes providing that there will be only a single kitchen in the house.

Chairwoman DeSarno asked about the entrances. Attorney Cramer said do you have more than the main entrance? Ms. Wheden said just the one main entrance. Chairwoman DeSarno said isn't there one on the plans. Ms. Whedon said there is one entrance in the rear. It would not be a main entrance it is a backyard entrance that we already have.

Mr. Gray asked no two front doors. Ms. Whedon said no.

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

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Architecturals of proposed addition prepared by Ronald E. Rheume dated March 31, 2009
- A-3 Letter from the architect

- BOA-1 Engineering plan review prepared by Glenn Gerken dated May 27, 2009
- BOA-2 Planning plan review prepared by John Hoffmann dated June 11, 2009
- BOA-3 Letter from JCP&L dated May 7, 2009

Ms. Whedon said they would love to stay in Wall. She said they looked for a mother/daughter and we cannot afford it. The ones we did find needed too much work. We are very much invested in our home. We don't want to move.

Ms. Whedon went over Mr. Hoffmann's review letter. She said there are two sheds on the property one will be taken down after construction. The shed is within the setbacks. Regarding the sidewalk we would like to put sidewalks in. If it is an issue we would not do it we would just put a landing outside that door. Regarding Item 7 this is a single dwelling unit. We are not looking to rent this unit. There is no intention of it being used as income property. Going up is not an option for us. Item 8 regarding landscaping the landscaping is considerable. We plan on replacing the shrubs. We are trying to maintain the shrubs we have now. We would be willing to work out a landscaping plan.

Chairwoman DeSarno asked would you be willing to take out the foyer area in the back. Ms. Whedon said the reason for that is just to give my mother closet space. We will move the closet to the other wall.

Chairwoman DeSarno asked about the storage area. Mr. Gerken asked if it was going down. Ms. Whedon said it is on the same level as the garage.

Chairwoman DeSarno asked about the sliding doors. Ms. Whedon explained those doors are in the den and they go out to the deck.

Chairwoman DeSarno asked if Ms. Whedon would be willing to remove the door in the foyer entrance. Ms. Whedon said her only concern is if she has to exit the house quickly it is a distance for her to get out. I will do that if you deem it necessary.

Mr. Gray said we are looking at an addition and what it is going to do to the neighborhood. What we are looking at is the future, when you sell it, etc. Right now you are going to add a garage where the driveway is the great room is currently the garage. Ms. Whedon said yes.

Mr. Gray asked if anything was going over the garage. Ms. Whedon said nothing over the garage and there will be one big garage door.

Mr. Gray asked how far to the street. Ms. Whedon said 31+'. It will be a double wide driveway for two cars. You can fit two cars in the driveway and two in the garage. Mr. Gray said parking for four. You also have a pop up camper. Ms. Whedon said we are trying to sell that.

Ms. Whedon explained there are no closets in her home. We have five children. We are hoping to add on a master bedroom.

Mr. Gray said you are putting the addition just where I would put it. Everything is great. It is not going to affect the pool area. He said his whole issue is the mother daughter thing and it not being a rental.

Mr. Gray asked Ms. Bergailo if there was anything that could go there that would work. Ms. Bergailo said you can have a wet bar, sink, little refrigerator and plug in microwave. Mr. Gerken said if the Board does approve something like that you can make them file a deed stating it is never to become a two family or rental unit so anyone buying it would know. Attorney Cramer said it can also be in the resolution. Mr. Gerken asked if the resolution can be recorded. Attorney Cramer said yes.

Mr. Gray asked with no kitchen what would you do with that space. Ms. Whedon said whatever her mother wanted.

Chairwoman DeSarno said I don't like the idea of putting a sink in there. Mrs. Morrissey said eliminate the kitchen. Regarding Item 2 in Mr. Gerken's review letter deed restrict it. Also what is the size of the room in the addition? Ms. Whedon said 20' X 25' for the master bedroom. The garage is an existing garage. The additional garage space is 20' X 20'. The rest of the space is my mothers and it is 20' X 40' including the storage area.

Mrs. Morrissey asked Mr. Gerken about the drywells. Mr. Gerken said you are increasing the building coverage and impervious coverage above what is allowed. We are looking for some sort of underground storage system. We have done this in the past.

Chairwoman DeSarno said the mother's space is 20' X 40'. Ms. Whedon said yes.

Mr. Slocum said the existing back door you have decided that you are not going to have it. Ms. Whedon said yes.

Mrs. Morrissey asked about landscaping. Ms. Whedon said we will take away some of the overgrowth and maintain the look of the neighborhood.

Mr. Gerken confirmed that the mother's addition is about 1200 s.f.

The application was open to the public.

Michael Krigstein, 2154 Redwood Drive, asked what the total building and impervious coverage is. Ms. Whedon said if approved the total percentage is 23.8% where 17% building coverage is allowed and 30% impervious coverage is allowed where 36.6% is proposed.

Susan Miller, 1311 Boxwood Drive, asked what assurances she has that it will not be used as a rental. It is really easy to put in a refrigerator and stove. Ms. Whedon said she can't predict the future her goal is to stay there. We are not looking to move anytime soon. We have no intention of moving.

Ms. Miller said in Wall Township there are multiple residents in single family zones.

Mark Roberts said with any expansion of a footprint there are a lot of things that go with it. Everybody should have the right to do what they need to do. I have looked at the plans they look to be an improvement for the house. My concern as a neighbor is that it will become a rental. We have seen uses that were intended for one thing and end up as something else. Take the steps needed to make sure that doesn't happen. I don't want five or ten years down the road a change of ownership and they put in a door and have more than one residence. Please address that. What is the overall size of the existing dwelling and what is the size of the proposed dwelling. Ms. Whedon said existing footprint is 2,600 s.f. and we are proposing another 1,900 s.f.

Mrs. Morrissey asked Mr. Roberts if he was concerned it will be too big for the neighborhood. Mark said he doesn't think so for a ranch it is well built.

Robyn Trimmer said a 2,600 s.f. footprint does that include the basement. Ms. Whedon said no.

Ms. Trimmer said if your mother's circumstances were to change and she left your home is the home going to be structured so that it will flow into a normal single family home. Ms. Whedon said yes. She said she has two kids in college and when they come home they can use it. My goal is to retire there.

Mrs. Morrissey asked with the addition how many bedrooms and how many bathrooms. Ms. Whedon said five bedrooms and four baths.

Michael Krigstein, 2154 Redwood Drive, was sworn. Mr. Krigstein said he has never met the family. He said he thinks she covered everything. As far as deed restriction I think it would be fine with me. He said he has a mother-in-law that lives with him so he knows how Chuck feels. The privacy issue is a great thing. He said he thinks this will improve the neighborhood.

The application was closed to the public.

Mr. Gray said when he is looking at the plans now without a kitchen, without entrances it is just an addition. I would not mind seeing the wet bar.

Mrs. Draper said she is not against the wet bar. She said she can see going in a kitchen and making a cup of coffee. I can see that being a necessity.

Mr. Gray asked Mr. Gerken if they can put in a wet bar without coming to the Board. Mr. Gerken said yes.

Mr. Gray moved to approve the application subject to the kitchen on the plans being removed and the back door being removed. The restrictions must be put in place with the County and Township. A landscape plan must be approved by the Township Planner. A drywell plan must be submitted.

Mrs. Morrissey added the applicant must remove the foyer. Mr. Gerken said they don't have a door, no door no foyer.

Mr. Gray said an as-built must be submitted.

Mr. Gerken said also revised plans showing all the conditions must be submitted before she can get a building permit.

Mr. Gray added they must remove the trailer before construction.

Mrs. Morrissey seconded the motion with the additions, which was unanimously approved by a roll call vote. (Mr. Gray, Mesdames. Morrissey, Burne, Draper, Messrs. Morris, Slocum and DeSarno voted yes.)

8:40 P.M. the Board recessed.

8:50 P.M. the meeting resumed.

Chairwoman DeSarno recused herself on the Edward McCarthy application.

CARRIED APPLICATION

#BOA20-2008 – Date application complete: June 20, 2008. Carried from September 3, 2008, December 17, 2008, March 4, 2009 and April 16, 2009

APPLICANT: EDWARD MCCARTHY

PROPERTY: 2712 Old Bridge Road, Block 887, Lot 1, R-15 zone

RELIEF REQUESTED: Use

Timothy B. Middleton, Esq. appeared for the applicant.

Attorney Middleton explained the applicant is seeking a use variance to locate a boat storage on a residential lot. The lot is one half acre in size. It is vacant and treed. It is in the R-15 zone. It is located across the street from Harpoon Willy's and an office building. The marina is catty-corner to the lot. They have been in business for 67 years. When Route 70 was overhauled the road was expanded. It took away from the storage area. The applicant is requesting to store 20 – 25 new boats. They will be between 13' and 24' in length and no higher than 13'. There is a 25' buffer along the north, west and east portion. That buffer would be the trees currently on site and it will also be supplemented with evergreens. There is a 10' buffer on Old Bridge Road. 40% of the trees existing on the property are going to remain. The location of the property is unusual. If the applicant is denied he would use the lot for residential. There would be a removal of all those trees.

Attorney Middleton explained one of the other issues is the use proposed is a passive use. There is no activity. There will be no outside noise, etc. It is going to clean up some of the area on the existing marina. There will be little or no impact on the surrounding neighbors. The use is suited for the property. The marina has been there for 67 years. The property is located close to other commercial uses. There will be little or no negative impact on the surrounding properties. A residential use would have more of an impact than this use. There are only three or four properties that would be affected by the tree removal.

Mr. Kociuba, using A-5, pointed out Harpoon Willy's and the site they are proposing. To the west of the site are the residential houses. He showed where River Road, Old Bridge Road, the office building and the parking lot for the office building and marina are located.

Attorney Cramer asked if any consideration has been given to making the buffer into an easement. Attorney Middleton said if approved it would be a conservation easement.

Mr. Gray asked if there is a plan showing where the boats will be. Mr. Kociuba explained there is no specific layout. It depends on the size of the boats. The intention is to lay it out like a parking lot.

Mr. McCarthy, previously sworn, explained you would have an aisle down the middle. The boats would not be on trailers. They would be in an orderly fashion. They will be on cement blocks.

Mr. Gray asked about the height. Mr. McCarthy said the bigger ones would be 13' high. Mr. Gray said you are talking about smaller boats. Mr. McCarthy said the biggest would be 13' high.

Mr. Slocum, using photo 8, said the aerial shows the business by the water is that area in there restricted. Mr. Kociuba said no it runs with the marina.

Mrs. Draper asked if the boats are 13' high how high is the fence. Mr. Kociuba said there will be a 6' fence and landscaping. The evergreens will be planted and they will increase in size.

Mr. McCarthy said the number of boats in that 13' market maybe 1, 2, or 3 because they are obviously larger boats and we don't keep an inventory of that size boat. The rest of them will be below the 6' fence.

Rein Haus said he lives next to Harpoon Willy's across the street from the proposed site. He asked if McCarthy had an agreement with Harpoon Willy's to permit parking for 25 cars on their property. Mr. McCarthy said Harpoon Willy's is a very good neighbor. He said he does allow them to use his property for their overflow when his storage boats are in the water. That is from now until October. After that my lot fills in with my storage boats and that property is not accessible. They let me use their docking. We help each other.

Mr. Haus asked you have space for an extra 25 cars. Mr. McCarthy said correct. From September to Memorial Day we have storage. Those boats go in the water in the summer time. Our land is free at that time. What we are looking for is new boat storage. There will be no fuel, no movement what so ever just put them there until they are sold. We will not be in and out of there everyday.

Mr. Haus said when you purchased the property there was two previous applications for parking vehicles. Mr. McCarthy said he purchased it from the Red Ranch. Our intent was it not to be used for parking. We just need room for our business.

Mr. Haus said these previous applications were denied by the Board why do you think the current application would not impair the intent of the Master Plan and not be a detriment to the surrounding neighborhood. Attorney Middleton said a parking lot used by the Red Ranch would be different. Mr. Kociuba said it would be a different application. A parking lot would be a much higher impact. This is for new boat storage only. There will be no vehicles moving in and out unless a boat has to go out. This will be a much less impact. There will be no noise. There will be no lighting.

Mr. Haus said what about impairment of the Master Plan. Mr. Kociuba said the front of this property is a parking lot for the office. This is a passive use. It is for storage only.

Mr. Haus asked why you believe this site is right for boat storage. Mr. Kociuba said its location. The other three corners of that intersection are commercial not residential.

Mr. Haus asked if used as residential why cut all the trees down. Attorney Middleton said if the property is developed as residential someone would have the right to clear cut the property. If this is approved by the Board it would have control over the buffer.

Mrs. Draper asked if people will be working on their boats there. Mr. McCarthy said no they are all new boats. No work done at that storage area. They will be moved over to the main facility for processing.

Mrs. Draper asked about the boat wrap. Mr. McCarthy said anything that would happen would be done at the main property.

Kevin Schuerman said he lives adjacent to the applicant's property. He said he has no problem with the business. He asked about racks. He asked if they have explored other alternatives to gain additional spaces. There is additional property in Brielle and to the east of that. Between the two I can't see why you can't come up with 25 spaces using the existing property. Mr. McCarthy said we do have some racks but they take up a lot of space. They hold eight boats per rack.

Mr. Schueman said there are commercially zoned properties which have existing parking areas which are not being used. Attorney Middleton said that landlord would not entertain winter storage on his property.

Mr. Schueman asked about the Alpha Omega parking lot. Mr. McCarthy said we were constantly moving boats out of the way there. He gave us temporary storage. We left four or five boats there. He helped us out when the bridge was being repaired. We had to move the boats out of there because Brielle was not zoned for boats or storage area.

Mr. Schueman said there is an existing residence on the property and it has been there for many years. Why not demolish that and build a home in a residential zone in Wall. Mr. McCarthy said there are two separate lots. There is no home on this property.

Mr. Schueman said on the main marina property there is a residential structure. Mr. McCarthy said his mother lives there. We don't have any plans on moving her right now.

Mr. Schueman said he is concerned if there is a fire how can Wall Township Fire Department get in there with the proper materials to fight a fire. Attorney Middleton said Wall Township Bureau of Fire Prevention reviewed the application and had no problems.

Guy Barbagelata, 2640 Fox Lane, asked they are all new boats. Mr. McCarthy said yes. Mr. Barbagelata asked what type of material. Mr. McCarthy said fiberglass.

Mr. Barbagelata said there is a stone area shown on the plans what is that. Mr. Kociuba said there is a large stone area to accept run-off. Mr. Barbagelata said it goes underground. Mr. Kociuba said correct.

Mr. Barbagelata asked if there were a fire or other type of emergency is there any procedure for hazard materials. Mr. Kociuba said there is no fuel or oil on this property.

Mr. Barbagelata asked what size boats. Mr. McCarthy said around 30'. Mr. Barbagelata said there is no fuel or oil on these boats. Mr. McCarthy said they are brand new boats. Mr. Barbagelata said they are not previously tested in any way. Mr. McCarthy said no.

Mr. McCarthy explained these boats are brand new and never used. He keeps some inventory on the main facility for show. When we purchase boats we can't just buy one we have to purchase several. The main model will be at the main facility. This would be just for storage of more models.

Mr. Barbagelata said you are saying these boats do not have any hydraulic fluid on them. He said he finds that hard to believe. Mr. McCarthy said we are not talking about large quantities. The larger boats have a few quarts to maintain the power steering. The engines have crank gases and a few quarts of oil, less than eight quarts.

Mr. Barbagelata said when presented to Wall Township Bureau of Fire Prevention what materials did you have on your plan. Attorney Middleton said the same plan that you have reviewed.

Mr. Barbagelata said this will only be new boats how will that be policed. Mr. Kociuba said it will be policed by code enforcement.

Mr. Barbagelata said you call this a passive use boats in and out how is that passive. Mr. Kociuba said there will not be several movements a day. There will only be 25 boats stored there.

Mr. McCarthy explained we will access the site during the hours of 8:00 A.M. – 4:30 P.M., during the winter not at all. We get one or two deliveries a month. Most of the time there would be nothing going on.

Mr. Barbagelata asked if they have done any studies regarding property values. Attorney Middleton said no we have not. Mr. Kociuba indicated that this would not have an impact. We are maintaining significant buffering.

Mr. Barbagelata said the EIS was inadequate. Mr. Kociuba said we have the Board planner's & engineer's review letters and there is nothing in there saying it is inadequate. Mr. Barbagelata said CMX suggested waivers regarding EIS. Mr. Gerken we did not say it was inadequate we are just asking for additional information. We personally don't think there is a problem.

Mr. Gray asked if they planned on submitting an EIS. Mr. Kociuba said yes.

Sal Stagliano, 2647 River road, asked what the biggest size Boston that they sell is. Mr. McCarthy said 37'. Mr. Stagliano asked what is the biggest on your property. Mr. McCarthy said 34'. Attorney Middleton said to make it clear there will be only three boats from 30' – 32'. Mr. McCarthy explained a 34' Boston Whaler is a very very expensive boat. I don't plan on having that in the storage.

Mr. Stagliano said when they are delivered they are on tractor trailers. Mr. McCarthy said yes and they are unloaded.

Mr. Stagliano asked how they are going to get onto the storage area. Mr. McCarthy said we have a large trailer they come off the trailer onto our trailer on the main property until we move it over to the storage property.

Mr. Stagliano said that is a lot of stuff going on. Mr. McCarthy said you are making it sound like its going to be done on a daily basis this is something that is not going to be done all day long.

Mr. Stagliano said this property is in a residential area. No commercial property there. Why not put it on commercial property. Attorney Middleton said the use is suited. This is a very unique property. The commercial use is in Brielle and the residential is in Wall.

Mr. Stagliano said the buffer along River Road would be 6' – 8' high. Attorney Middleton said 10'. Mr. Kociuba said it is going to be 10' wide with existing vegetation and additional.

Mr. Stagliano asked about the height of the boats. Mr. Kociuba said maximum height will be 13'. The smaller boats will be less than 6'. Attorney Middleton said 13' is based on the trailer. On block it is 1' lower.

Mr. McCarthy explained the boats come shrink wrapped.

Attorney Middleton said the only boats stored here will be new boats and they come shrink wrapped.

Mr. McCarthy said he can see the concern about the height of the boats. He said he is not going to have ten of them sitting there. The larger boats will be in the far west corner. They will be away from that 10' buffer. You are only going to see basically the fence.

Mr. Stagliano asked what about near 70. Mr. McCarthy said there are a few trailers stored there.

John Pekarchik, 2650 River Road, said he lives two houses down from this property. What would prevent later on other than new boats being stored there. Attorney Middleton said because we stipulate on record new boats only. If approved that would be in the approval. It would be in the deed and enforced by building and DEO.

Mr. Pekarchik said you mentioned previously that there was an agreement signed about parking. He said there is a problem already at Harpoon Willy's. Attorney Middleton said they are two different applications.

Mr. Pekarchik asked what we will see coming down Old Bridge Road. Mr. McCarthy said there will be a fence. Mr. Kociuba said there will be a fence along there except for the gate and evergreen trees.

Mr. Pekarchik asked about the cell tower do you feel that there is more traffic, noise, how it affects the property values. Mr. Kociuba said he is not familiar with that. Ms. Bergailo said her firm appealed that.

Mr. Pekarchik said he's lived there for a long time and he doesn't want to see a boat parking lot. Isn't this spot zoning? Attorney Middleton said if the applicant went to the Township Committee and the Township Committee rezoned the site then it would be spot zoning.

Mr. Pekarchik said this has no place in a residential area.

John Harkrader, 2649 River Road, asked to have the ROW and how you store boats explained. Mr. McCarthy said there are a few trailers on the highway. He said he asked DOT if he can use that area if he maintained the grass in that area. They had no problem in doing that. Attorney Middleton said that is common.

Mr. Harkrader said last winter there was a lot more than a few boats how many? Mr. McCarthy said only about five or six, maybe. Mr. Harkrader said he disagrees with that.

Mr. Harkrader said there is less and less room to store boats. He said he was wondering if he ever thought about going down the road and renting some property in-land and store them there.

Go to an industrial use. Mr. McCarthy said moving off site the liability risks are tremendous. It is not feasible.

Mr. Harkrader said you should really be thinking about going to a different site. Attorney Middleton explained he needs to keep the storage fairly close.

Attorney Middleton said they will submit an EIS.

Mr. Gray asked how many boats do you sell a year, in a month? Mr. McCarthy selling boats is a luxury business. A good year he may sell six to seven boats a month.

Mr. Gray said you do not have a written agreement with Harpoon Willy's. Mr. McCarthy said they gave him a formal letter. Mr. Gray asked if there was a time limit on that. Mr. McCarthy said no time limit. Mr. Gray said when spaces are available they can park but there are new boats stored there in the summer. Mr. McCarthy said the proposed lot would be used this time of year.

Mrs. Draper said no lighting. Attorney Middleton said correct. Mrs. Draper said that being the case what about crime prevention if you don't have any lighting. Attorney Middleton said the police require some security lighting. Mr. Kociuba said there is a 6' stockade fence, vinyl solid fence proposed.

Mrs. Morrissey said we are going to have to carry this.

Mr. Morris asked about vertical stacking is there something like that available. Mr. McCarthy said we do have two racks. You are looking at a piece of equipment costing one-half million dollars. Also, the township does have height restrictions.

Mrs. Morrissey said this will be carried to September 2, 2009. No re-noticing is required.

RESOLUTIONS TO BE MEMORIALIZED:

MICHAEL & ANDREA WEBSTER - #BOA7-2009

Block 886, Lots 6 & 6.01

Gray/Draper

MINUTES TO BE ADOPTED: Mr. Morris moved to approve the minutes of the study session and regular minutes of May 6, 2009. Mr. Slocum seconded the motion, which was unanimously approved.

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 10:10 P.M.

Respectfully submitted,

Betty Schinestuhl

