

**TOWNSHIP OF WALL  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF THE REGULAR MEETING  
HELD IN THE MUNICIPAL MEETING ROOM  
DECEMBER 16, 2009**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairwoman DeSarno at 7:30 P.M. Members present were Chairwoman Mary DeSarno, Vice Chairwoman Wilma Morrissey, Ray Slocum, Kevin Orender, Robert Morris, Nance-ellen Draper, first alternate Mary L. Burne, second alternate Mark Margadonna, Attorney Cramer, Planning Secretary Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken and Reporter Arnone.

**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 Squan application will not be heard this evening. It will be carried to March 3, 2010. No re-noticing is required.

**NEW APPLICATION**

**#BOA24-2009** – Date application complete: September 2, 2009

**APPLICANT:** VALERIE KARABIN

**PROPERTY:** 1005 Glenn Street, Block 24, Lot 1, R-7.5 zone

**RELIEF REQUESTED:** Bulk

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

A-1 Jurisdictional Items  
A-2 Survey of property  
A-2 Photos of property

BOA-1 Engineering plan review prepared by Glenn Gerken dated October 19, 2009  
BOA-2 Planning plan review prepared by John Hoffman dated November 24, 2009  
BOA-3 Water/Sewer report prepared by Carmela Roberts dated September 15, 2009  
BOA-4 Plan review from JCP&L dated November 25, 2009

Sworn by Reporter Arnone:

Valerie Karabin  
Ray Savacol

Ms. Karabin explained she has four daughters and would like to install a swimming pool. The only other area she can put this on the property would not allow her to have a deep end. She said the pool company told her it would not be safe not to have a deep end.

Chairwoman DeSarno said the distance from the deck to the pool is 4'. Ms. Karabin said more like 6' and that would be the low end. Mr. Savacol said it scales 4'. Ms. Karabin explained if they moved it the entire pool would be behind the deck.

Chairwoman DeSarno asked about fencing. Ms. Karabin said there will be fencing along the back. There is 64' of 6' vinyl fencing. She said she is not allowed to run it around without a variance. The other 36' is chain link. She plans to plant arbor vitae to fill in for buffer and privacy.

Chairwoman DeSarno asked where the 6' area is. Ms. Karabin said it runs from the corner 64' over and then goes to a chain link to "J" Street. Chairwoman DeSarno said along "J" it is 4'. Ms. Karabin yes.

Chairwoman DeSarno said you will plant arbor vitae along the 64'. Ms. Karabin said no she would plant them along the chain link side. She said she has seen other houses where something like this has been approved.

Entered into evidence:

A-4 Photo showing other houses with pools

Mr. Slocum said along the south side you will have 36' of chain link fencing will you have enough room for planting. Ms. Karabin explained the fence is already there. There is 2' of buffer where she needs to put stones and that is where she will put the arbor vitae. Along "J" there will be more plantings. Mr. Slocum said he was there today and he is concerned about the fence on the "J" side. He asked can you consider something else besides that 4' fence. That fence will not keep kids from jumping over it. Ms. Karabin said she would have liked to have a 6' fence. I did not want to apply for another variance. She said she would be willing to put additional fencing.

Mrs. Morrissey asked if she could move the pool 2' closer to "J" Street so it is not 4' from the deck. Ms. Karabin said she can do that. She said she would prefer it be closer to "J" Street.

Chairwoman DeSarno asked if she thought about shrinking the size of the pool. Ms. Karabin said she would consider it but she has four children. She would like to have a big enough pool.

Chairwoman DeSarno said if you brought it down in size a little and brought it around, rotate it a little. Ms. Karabin said that is what I told the gentleman from the pool company but he said to have a deep end you have to have a straight wall.

Mrs. Morrissey said this pool is 36' X 18' what would be the next size. Ms. Karabin said 16' X 34'.

Mr. Slocum said his concern is bring the fence up to where the wooden deck is and around to the "J" Street side and then to where the white vinyl fence is. Ms. Karabin said she would agree to that.

Chairwoman DeSarno showed the applicant where the Board wanted the fence, from the stone trench area to the wooden deck and go south enclosing the hot tub.

The application was open and closed to the public.

Mrs. Morrissey moved to approve the 18' X 36' in ground pool subject to the pool being moved 2' closer to "J" Street. The applicant will install parallel to "J" Street running from the back corner for a distance of 30' a 6' high fence. The balance of the fencing on the front yard will be chain link. The applicant will plant arbor vitae on the chain link fence side. Mr. Slocum seconded the motion, which was unanimously approved by a roll call vote. (Mrs. Morrissey, Mr. Slocum, Mesdames. Burne, Draper, Messrs. Morris, Orender and Mrs. DeSarno voted yes.)

**CARRIED APPLICATION**

#BOA14-2007 – Date application complete: April 10, 2007. Carried from May 7, 2008, June 18, 2008, September 3, 2008, October 15, 2008, September 3, 2008, November 12, 2008, January 14, 2009, March 18, 2009, June 3, 2009 and October 7, 2009

**APPLICANT:** SANDRA FORE

**PROPERTY:** 1433 Marconi Road, Block 112, Lot 20, R-20 zone

**RELIEF REQUESTED:** Bulk

Michael Rubino, Esq. appeared for the applicant.

Entered into evidence:

- A-16 Map
- A-17 Revised architecturals dated October 6, 2009
- A-18 Letters from neighbors along the driveway with responses
- A-19 Article on sprinkler systems

Attorney Rubino said he has letters to the neighbors along the easement area. Those people have no interest in working anything out with the applicant. This matter has been around for a while. There have been a number of revisions to the plan.

Sworn by Reporter Arnone:

Paul Lawrence  
Ray Savacol

Attorney Rubino said the applicant has revised the plans since the last meeting. She has met with the neighbors and Attorney Beckman. The variances needed are listed in Mr. Gerken's review letter of September 29, 2009. Variances are for front yard off Beverly

Avenue side. 7' proposed and 30' is required. On Tangier there is no front yard. Maximum impervious coverage allowed is 30% and the applicant is proposing 33.4%. The pool puts the coverage over what is allowed. We think that is a reasonable request. Fencing height along the western lot line proposed is 6' where 4' is allowed. He said they are withdrawing the variance for the fence. The neighbors were not happy with the fence so the removal of the fence would elevate concerns

regarding a fire. We will agree to the removal of the request for the fence. The cabana will be moved to an area where permitted so no variances will be needed for that. The driveway setback is 5' required and 1' proposed. It is in an easement area and there is no way to meet that ordinance. Two variances are being removed.

Attorney Rubino said he spoke with Attorney Beckman who represents the objectors along the Beverly Avenue side. We have come to an agreement that the house would be built according to the plans of October 6, 2009. The existing fence will be removed. When the house is built an as-built will be submitted.

Attorney Beckman said the fence removal will be done before building permits are applied for. Attorney Rubino agreed.

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

Mr. Lawrence explained he has looked at the plans, he has reviewed the plans and he feels comfortable that he can testify regarding them.

Mr. Lawrence explained the house will have five bedrooms with a two car attached garage. The Beverly curb is 20.4' to the covered porch and 23.7' to the house. The home will be 15' from the property line.

Attorney Rubino said variance relief is needed for 7.07' garage setback.

Mr. Gerken said that is technically a front yard. It does not front on a street. Tell us about the other situations with this lot.

Mr. Lawrence said it does not front on Beverly. It is accessed by an easement.

Attorney Rubino asked Mr. Lawrence to tell the Board about the layout of the property and access to the property. Mr. Lawrence said access is from the existing easement off Marconi. While we are seeking variances to construct this house we could build a conforming one that nobody would be happy with. He said there could be a 120' long two-story home. Nobody would be happy with that. The proposed house meets with the rest of the neighborhood. It is set in a way that is not offensive. There is only a small portion visible coming up Beverly.

Mr. Lawrence showed how the house would fit on the property using the aerial photos. The existing house is set further back on the lot. Mr. Lawrence said the lot is 14,666 s.f.

Attorney Rubino said impervious coverage allowed is 30%. Mr. Lawrence said correct. He said we are proposing less than what is allowed.

Attorney Rubino asked do you think this is unreasonable. Mr. Lawrence said not at all.

Attorney Rubino said Mr. Rizzitello still has a problem with our proposal. If an emergency it would be difficult for a fire truck to access the lots. You have gone over this with the applicant she would put in a sprinkler system. Mr. Lawrence said yes residential sprinklers. The system

would keep the fire in a single room. The response time from when the fire starts and when the fire department gets there is approximately nine minutes.

Attorney Rubino said there is an existing house on the property. Mr. Lawrence said correct.

Attorney Rubino said they would continue to live there if this is not approved. Mr. Lawrence said correct.

Mr. Lawrence said the same access would be used as the existing house. The existing house is not in a condition that renovations would help.

Attorney Rubino said the existing house is older. What is the risk if there is a fire? Mr. Lawrence said any house is at risk. Attorney Rubino said the proposal would greatly improve the fire safety. Mr. Lawrence said absolutely.

Entered into evidence:

A-20 Survey

Attorney Rubino asked how far the house is to the western property line. Mr. Lawrence said about 5' and the south is 6.2'. Attorney Rubino said that is for the existing house. Mr. Lawrence said correct.

Entered into evidence:

BOA-20 Planning plan review prepared by John Hoffmann dated September 30, 2009  
BOA-21 Engineering plan review prepared by Glenn Gerken dated September 29, 2009  
BOA-22 Bureau of Fire Prevention review prepared by Joseph Rizzitello dated October 16, 2009

Attorney Rubino said regarding Mr. Rizzitello's review letter there is an existing condition on this property. People do live there and the fire safety will be better with the new proposal. Regarding Mr. Gerken's letter we have covered the variances that he mentions. All grading will be done according to the grading plan. Regarding connections to the water/sewer and street opening permits we will comply with all those ordinances. We agree to put some additional landscaping along the western property line. We will submit a landscape plan to John Hoffmann.

Mr. Savacol asked if the plan showed existing trees. Are they proposed or existing? Mr. Lawrence said all the ones on the plan are proposed.

Attorney Rubino said they can make the changes requested on items 5 & 6. Regarding Mr. Hoffmann's letter of September 30, 2009 we will change the plans with regard to landscaping. Attorney Rubino said the height of the house is 27½' high. Regarding the street address sign that will be done. He explained they do need a front setback variance, height we have withdrawn that variance. The cabana has been taken care of.

Mr. Savacol said the fence existing from the Beverly side is coming down. Attorney Rubino said yes.

Mr. Savacol asked about the pool. Attorney Rubino said there will be just a fence around the pool. Mr. Fore's fence will come down but the neighbor has a fence.

Mr. Savacol said this is a flag lot with an easement. Attorney Rubino said he doesn't know if you want to call it a flag lot.

Mr. Savacol said the 6' portion on Beverly that belongs to Mrs. Fore. Attorney Rubino said that is an easement. Mr. Savacol said if there was no easement the property would be landlocked. Attorney Rubino said correct.

Mr. Savacol said the sprinkler system is fantastic. Why is the fire department so much against this still? Attorney Rubino said he is concerned if there is a fire the trucks' getting there. As stated earlier we are not dealing with a virgin piece of property. It will still be used even if the Board denies this. We asked the neighbors if we can widen the easement. I can understand the fire marshal's concerns. We have an older house if there was a fire there could be a fatality. We are taking a dangerous situation and making it better.

Mrs. Morrissey said a new house is better and a sprinkler system is better. If any damage to the neighbor's would the applicant assume liability for their property.

Mr. Orender said you have to understand Mr. Rizzitello's concern and also the safety of the firefighters. They can get stuck and that is a safety issue.

Attorney Rubin said he can understand that but there is a house there now. There is a much more dangerous situation there now. We are taking a bad situation and making it so much better by putting a new house on the property along with a sprinkler system.

The application was open and closed to the public.

Mr. Slocum said we all know what has been involved from the beginning. A lot of work has gone into this. We are aware of that. It is a hard decision.

Attorney Rubino said he understands. He spoke with Mr. Rizzitello and Attorney Cramer. Mr. Lawrence came up with a very good solution to deal with the problem. We are dealing with a situation where there is an existing house. It is an older house. If there is a fire there it will go up. We are taking a situation and making it better. The other variances are all very responsible. The house will be set pretty much where the existing house is now. The house matches up with the other houses on the street. It is an undersized lot. The application is very responsible. You are taking a bad situation and making it so much better. We don't have the power to widen the easement.

Mrs. Burne said there is a liability. Attorney Rubino said he disagrees with that but you are here to look at land use law. Attorney Cramer said he would say the town is statutory protected.

Mr. Slocum asked if there was some way that we can have this liability accepted by the applicant. Attorney Rubino said he doesn't know if there is some sort of insurance coverage.

Mr. Slocum said a fire truck would go straight down that easement first. Attorney Rubino said I don't know what type of liability could be accepted.

Mr. Lawrence said the sprinklers buy time when they have to regroup and go to Beverly.

Chairwoman DeSarno said put up some sort of sign. Mr. Slocum said a street address sign should be provided and also indicate fire access through Beverly.

Mr. Orender said the applicant should go down to the local fire department and make them aware of the problem.

Attorney Rubino said we would be willing to put something on Marconi telling them to go to Beverly.

Mr. Orender said Mr. Rizzitello has to go by the code he has a book he has to go buy.

Mr. Slocum asked when the sprinkler system goes off does it send an emergency signal. If so then they have to know where that fire is.

Mr. Orender suggested something like ADT. Attorney Rubino said that is acceptable.

Mrs. Draper said she understands about the fire but what is she going to do. There is no way you can change the situation. She is taking the fence down on Beverly that will help. The situation cannot be changed and she is getting a new house. The newer house will be better than having the older house. This situation is always going to exist.

Chairwoman DeSarno said the applicant is making several improvements.

Mrs. Morrissey said she agrees a new house is better than the older one. With the old house you still have the problem. Attorney Rubino sent a letter to the fire department I don't know what else he can do. I am not comfortable but I don't see what else can be done.

Mrs. Morrissey moved to approve the application subject to the fence being removed along Beverly. The applicant must erect signage sending emergency vehicles to Beverly. An as-built survey and a landscape plan must be submitted. The applicant must comply with the review letters from the Board Professionals. Mrs. Draper seconded the motion, which was approved by a roll call vote. (Mesdames. Morrissey, Draper, Mr. Morris and Mrs. DeSarno voted yes. Messrs. Orender and Slocum abstained.) The application is approved.

**RESOLUTIONS TO BE MEMORIALIZED:**

**ARIS & GAIL ATHENS - #BOA21-2009**

Block 260.01, Lot 1

Morrissey/Burne

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**ERIC M. CUNARD - #BOA22-2009**

Block 271, Lot 1

Slocum/Morrissey

Chairwoman DeSarno announced all the professionals will stay the same for 2010.

There being no further business to come before the Board, a motion was made and was unanimously approved to adjourn the meeting at 9:10 P.M.

Respectfully submitted,

Betty Schinestuhl  
Recording Secretary