

**WALL TOWNSHIP PLANNING BOARD  
MINUTES - REGULAR MEETING  
MUNICIPAL MEETING ROOM  
OCTOBER 5, 2009**

Chairman Aromando called to order the regular meeting of the Wall Township Planning Board at 7:40 P.M. Members present were Ralph Addonizio, Michael Clayton, Tim Clayton, Dominic DiRocco, Timothy Farrell, Todd Luttmann, George Newberry, first alternate Kristin Coman, second alternate George Bednarski, Attorney Hirsch, Engineer Mullin, Planner Bergailo, Planning Board Secretary Lang, Planning Board Recording Secretary Schinestuhl and Court Reporter Arnone. Members Aromando and Hearn were not present.

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**

Vice Chairman Luttmann announced there are three applications on the agenda. Metrovation Terranomics will be carried to December 14, 2009. There will be re-noticing.

**CARRIED APPLICATION**

**ASP WALL, LLC – PB#19-2007** – 5165 Belmar Blvd., Block 917, Lot 65, GI-5 zone.  
Application complete: October 16, 2007. Carried from December 3, 2007 and July 13, 2009.  
Applicant proposes to construction one 80,000 s.f. warehouse building and six (6) 15,000 s.f. buildings containing warehouse/office. The six 15,000 s.f. buildings are proposed with a breakdown of 25% office and 75% warehouse. Site

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

Sworn by Reporter Arnone:	John Jahr Raymond Syms Robert Mullin Cheryl Bergailo
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Attorney Middleton said the applicant appeared here several months ago. At the last meeting we put on the record two remaining issues we had to address. One of the issues was SMRSA and MRRSA. We are in the process of resolving that. The other issue has to do with DOT. John Jahr is a traffic expert. He will discuss the driveway location.

John Jahr gave his credentials which were accepted by the Board.

Attorney Middleton said at the last meeting there were questions by the members of the public and Board regarding the location of ingress and egress it is now on Birdsall Road. We discussed this. Mr. Jahr performed an analysis and visited the site and reviewed the plans. Mr. Jahr said that is correct.

Mr. Jahr said he reviewed the existing conditions. Belmar Blvd. is a County road – 50 MPH. Birdsall is a local road with no posted speed limit. Using A-13 he showed where the driveway is located. The driveway will go out Birdsall Road. Most of the concerns are what the safest approach is. We have different roads, Belmar Blvd. is a 50 MPH county road which has clearly more traffic than Birdsall. Birdsall is a residential road. Belmar Blvd. does have a mix of uses, residential, business, some vacant lots. There are additional intersections on Belmar Blvd. and there are serious safety concerns. It is a corner property. He said they could put a driveway on Belmar Blvd. but it would not be as safe. The County has reviewed this and asked the applicant to install a left hand lane. Birdsall is a much safer access to the site.

Mr. Addonizio asked if the County was aware that we want access on Belmar Blvd. Mr. Jahr said the County wants it on a residential road and not on Belmar Blvd. He said they also would like to have a turning lane installed.

Mr. Addonizio said Belmar Blvd. has many exit points. It seems consistent and there will be less impact on the neighbors. Mr. Jahr said his opinion is based on what is safest and that is Birdsall.

Mr. Addonizio said if talking safety we are putting additional cars where the road is 35 MPH and they will not be familiar with that street. Pulling onto Belmar Blvd. it is a 55 MPH road. Cars go out and they speed and it becomes a Police issue.

Attorney Middleton asked Mr. Jahr to show where the driveway will be on Belmar Blvd. Mr. Jahr said they would put the driveway where it would be very close to the edge of the property. By adding another driveway by an intersection you are having another set of conflicts. The driveway is about 500' away. We are trying to keep the intersection directly across from each other. Most of the traffic will use Belmar Blvd. Most people will want to head out to the highway. They are not going to want to go down the residential area. He said he doesn't think a lot of traffic will go down there. This is much safer.

Mr. Addonizio said he has to disagree it will not only be two houses impacted it will be a whole neighborhood. You have trucks coming out, trucks in a 35 MPH residential area. You are going to introduce bigger vehicles into a residential zone.

Mr. Luttmann asked what type of traffic will go onto Birdsall Road. Mr. Jahr said on page 10 of his report he breaks down the number of vehicles in the AM and PM hours. The warehouse section will have trucks but they will be sporadic. The volume will be very low.

Mr. DiRocco said you have 250' between driveways and DOT requires 200'. Mr. Jahr said we just barely make what they require.

Mr. DiRocco said in your opinion most of the traffic will head toward Belmar Blvd. Mr. Jahr said correct.

Mr. DiRocco said what is the difference between coming out of a driveway and going right or left. Mr. Jahr said traffic speed is the biggest detriment.

Mr. DiRocco said he doesn't understand what the difference is. Coming out Belmar Blvd. or going out Birdsall and going to Belmar and then out. Mr. Jahr said as you add another driveway you are going to create additional conflicts. If you want me to talk to the County regarding the access on Belmar Blvd. I will.

Mr. Jahr said it is safer to go out Birdsall. The right thing to do is to keep your access points on your rural roads.

Mr. Addonizio said you have 500' on Birdsall to the intersection you are talking about putting all the traffic on to Birdsall. I would like to see this driveway on Belmar Blvd. I don't want trucks going down Birdsall during the night. Keep the traffic where it belongs on Belmar Blvd.

Mr. Luttmann said the other side of Birdsall can it handle larger trucks there is a bridge there. Mr. Jahr said he drove all the way to the end. I don't remember seeing a bridge. The road is clearly a wide road. Trucks always look to get back onto a main highway.

Captain Clayton said when pulling out onto Belmar Blvd. wouldn't the site triangle be better. Mr. Jahr said the existing site triangle to the east is unacceptable. It does not meet the requirements. We are going to re-grade the area to get more site. He said either way it needs to be fixed.

Attorney Hirsch asked if there were any restrictions on Birdsall as far as the size of the trucks. Mr. Jahr said he did not see any restrictions. He said he will check.

Attorney Middleton said we can re-grade for site triangle, we will check on the restrictions regarding the size of the trucks and we will check on the other things raised by the next meeting.

Mr. Mullin asked what was the date of the traffic report. Mr. Jahr said May 2007. Mr. Morris said he has not seen it. Mr. Jahr said they will provide the Board with copies.

Mayor Clayton said a tractor trailer doesn't look like it will stay in its lane when turning from Birdsall to Belmar Blvd.

Mr. Mullin said it will certainly go across the road when making a left. You did note DOT requirement. Attorney Middleton said we are addressing those issues.

Mr. Luttmann said this application will be carried to December 14, 2009.

Attorney Middleton said he will waive the time limits.

Mr. Luttmann said no re-noticing is required.

Mayor Clayton recused himself on the Perry application.

**NEW APPLICATION**

**RICHARD & RANDI PERRY – PB#5-2008** – 1733 “I” Street, Block 24, Lots 8 & 9, R7.5 zone. Application complete: March 14, 2008. Applicant seeks an extension of time.

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

Entered into evidence:

A-1 Jurisdictional Items

A-2 Prior resolution of approval dated June 2, 2008

Mr. Luttmann explained this was approved June 2, 2008. The applicant is asking for an amendment to the original resolution. The existing house was to be vacated by June 30, 2009 and demolished within 30 days. You have a tenant in the house now. Mr. Perry said yes.

Mr. Luttmann said the house will be demolished by September 15, 2010. Mr. Perry said he thought the extension would happen automatically he did not know he needed to come back before the Board. He said he would not be here tonight if the house was sold two years ago.

Mr. Addonizio said you are asking for an extension to July 7, 2010? Mr. Perry said the house would be demolished by September 15, 2010. Mr. Addonizio said everything is still the same. Mr. Perry said a month after approval he had to remove the tenants. He said the tenant fell on hard times and the house became vacant. He said his wife has a friend who has a special needs child and the house was empty so they moved in.

Mr. Addonizio said you don't see a problem having that person out of the house. Mr. Perry said this is the child's last year in that school so it will not be a problem.

Mr. Luttmann said what happens if they can't pay the rent you won't put in another tenant. Mr. Perry said he would take the house down almost immediately.

Deputy Mayor Newberry said you understand why this was not a part of the extension act. Mr. Perry said he understands a little.

Deputy Mayor Newberry said are you comfortable with the date. Mr. Perry said yes.

Mr. Luttmann said you have to perfect the sub-division yourself. Mr. Perry said yes.

Mr. Addonizio said if a tenant moves out before the date should we have something in the resolution to take the house down earlier. Attorney Hirsch said 30 days after the tenant moves out.

Mr. Perry said just to play it safe how about 60 days from date of the tenant getting out.

Mr. Bednarski asked if there was a lease. Mr. Perry said it is month to month.

Mr. Bednarski asked what if this tenant refuses to move out. Attorney Hirsch said there are some actions you can take. You can move to dispossess. It is a fairly quick process.

Deputy Mayor Newberry asked if the tenants were aware of what is going on. Mr. Perry said they are aware.

Attorney Hirsch asked have you provided them with the information that this house is going to be demolished. Mr. Perry said yes.

Mr. Luttman said he wants to make sure the tenant has the information in writing. He suggested Mr. Perry consult an attorney.

Ms. Coman said in the prior resolution there was a condition that there would be the removal of a shed and a portion of the driveway. Have any of those been done. Mr. Perry said the driveway is sitting on the right hand side and has to come out. The shed will come down with the house. No work at all has been done.

The application was open and closed to the public.

Mr. Addonizio moved to approve the amendment to the conditions in the approved resolution subject to the approved resolution's conditions being enforced. The extension will go to July 7, 2010 and the house must be demolished by September 15, 2010 no later. If the tenants move out before the applicant will not seek or have any one stay in the house. Once vacated the house will be demolished within 60 days but no later than September 15, 2010.

Attorney Hirsch told the applicant this does not mean he can't demolish the home tomorrow. Mr. Addonizio said this has nothing to do with perfecting the sub-division.

Deputy Mayor Newberry asked if Mr. Perry perfects the sub-division and then doesn't meet the date what happens. Attorney Hirsch said then he loses the extension. He cannot get a building permit.

Deputy Mayor Newberry said give him 90 days to perfect the sub-division.

Mr. Addonizio agreed. Mr. Farrell seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Addonizio, Farrell, Bednarski, M. Clayton, Ms. Coman, Messrs. DiRocco, Newberry and Luttman voted yes.)

Mr. Luttman recused himself on the Chapman matter.

**CHAPMAN** – Mr. Farrell said the board received a letter from Mr. Rooney regarding the Chapman application. It was approved September 21, 2009. This has to do with the light poles on the other side of the street. He is unable to put the utilities underground. We need to amend the resolution to state no underground utilities. Mr. Rooney, Mr. Zahorsky and the Board

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attorney said there is no problem.

Mr. Farrell made a motion to revise the resolution to reflect Charles Rooney's letter of September 28, 2009. Mr. DiRocco seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Farrell, DiRocco, M. Clayton, Newberry and Ms. Coman voted yes.)

Mr. Luttmann returned to the meeting.

**MINUTES TO BE APPROVED**

Mr. Addonizio moved to approve the minutes of the Regular and Workshop Meetings of July 20, 2009 and August 3, 2009. Mr. Farrell seconded the motion, which was unanimously approved by a roll call vote.

There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 9:00 P.M.

Respectfully submitted,

Betty Schinestuhl  
Recording Secretary