

**WALL TOWNSHIP PLANNING BOARD  
MINUTES - REGULAR MEETING  
MUNICIPAL MEETING ROOM  
MARCH 15, 2010**

Chairman DiRocco called to order the regular meeting of the Wall Township Planning Board at 7:35 P.M. Members present were Timothy Clayton, Dominick DiRocco, Mary Hearn, Todd Luttmann, George Newberry, Matt Nolan, first alternate George Bednarski, second alternate Carl Braun, Attorney Rubino, Engineer Rooney, Planner Bergailo, Planning Board Secretary Lang, Planning Board Recording Secretary Schinestuhl and Court Reporter Arnone. Members Farrell Addonizio and Coman were not present.

Chairman DiRocco announced the meeting was being held in accordance with the “Sunshine Law” and a resolution adopted on January 11, 2010.

**SALUTE TO THE FLAG**

Chairman DiRocco announced there are two matters on for this evening, ASP and Route 70 Office. Summit/Wall Assoc. will be carried to April 12, 2010. No re-noticing is required.

**CARRIED APPLICATION**

**ASP WALL LLC – PB#19-2010** – 5165 Belmar Boulevard, Block 917, Lot 65, GI-5 zone. Application complete: October 16, 2007. Carried from December 7, 2007, July 13, 2009, October 5, 2009 and December 14, 2009. Applicant proposes to construct one 80,000 s.f. warehouse and six 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.

Attorney Middleton said he previously provided engineering testimony regarding the application. It is completely conforming. There were several outside issues that had to be resolved. Two meetings ago the Board members raised concerns regarding access onto Birdsall. Ingress and egress was explored off Belmar Boulevard which is a County road. There was a meeting held with Monmouth County Planning Board which he attended as well as Dan Busch, Bob Mullen and Ross D’Andrea from the Police Department. Dan Busch will provide testimony regarding that meeting. At best it will be 50/50, allowing a right turn out only onto Belmar Boulevard. The other issue we have is in negotiations with SMRRSA, MRRSA and the Township. It should be cleared up within four and six weeks.

Sworn by Reporter Arnone:

Dan Busch  
Charles Rooney  
Cheryl Bergailo

Entered into evidence:

A-14 Letter from Monmouth County DOT

Mr. Busch said they had a meeting on January 21, 2010 with Monmouth County Planning Board, representative from Wall Township Police Department and the Board Engineer.

Entered into evidence:

A-15 Board showing ingress and egress onto Belmar Boulevard and showing the elimination of access on Birdsall

Mr. Busch said two issues were raised. Section 5.2 they talk about alternate access and they said this has alternate access. The County does not allow access on a County road. The distance between Birdsall and our site triangle needs to be a minimum of 250'. We have 250' frontage on Belmar Boulevard. We do not meet their criteria.

Entered into evidence:

A-16 Roadway access concept #4

Mr. Busch explained this plan shows a right turn driveway onto Belmar Boulevard. It retains the full movement access onto Birdsall. This was not presented to the Monmouth County Planning Board.

Attorney Middleton said according to traffic report PM cars that leave the site would be going right out. Mr. Busch said we did meet with the County to go over that issue.

Ms. Hearn asked what the distance was to the intersection. Mr. Busch said they are right at 250'.

Chairman DiRocco said this is a plan we are going to have to take into consideration.

Richard Smith was sworn. Mr. Smith said in your remarks you made a statement about County when you have a County road and it abuts a non-county road. Where did you get that? Mr. Busch said 5.2-3.1B County Alternate access. Mr. Busch read it. Attorney Middleton said that is a County Planning Board Ordinance.

Mr. Smith said he lives in the area and the problem he is having with this is the Phase III project. They have one access only. Wyckoff Road in that area is not County. Attorney Middleton said yes it is. We just want to go forward we are completely conforming. We went to the County and we want to work with this Board.

Mr. Smith said access onto Belmar Boulevard will provide no additional traffic problems.

Walter Lee, Birdsall Road, was sworn. Mr. Lee said is there any guarantee that it would be just a right turn only. You have to go over that narrow two lane bridge. Mr. Busch said egress only, east bound movement onto Belmar Boulevard only. Birdsall Road would be the only means to

get onto the site.

Michele Robbins was sworn. Ms. Robbins asked if there were any other changes besides the access. Mr. Busch said this is not exactly a change it is just a concept.

Ms. Robbins asked Belmar Boulevard is County and Birdsall is Township. Mr. Busch said yes.

Ms. Robbins said the portion that is in Howell Township do they get involved with this. Attorney Middleton said the entire thing is in Wall.

Attorney Rubino asked if they received notice. Attorney Middleton said yes. Attorney Rubino said if Howell has a problem they would send someone.

Attorney Middleton said he would like some direction from the Board we are a fully conforming site plan. We would like to submit this to the County. Chairman DiRocco said clearly there are some concerns regarding ingress and egress. Do what you think is appropriate.

Ms. Bergailo said is the plan before the Board then have ingress and egress on Birdsall Road with the alternate right only on Belmar Boulevard. Attorney Middleton said a right only onto Belmar Boulevard.

Chairman DiRocco said on June 21<sup>st</sup> we will hear about water/sewer.

Attorney Middleton waived the time limits through July 30, 2010.

**ROUTE 70 OFFICE – PB#1-2008** – 2703 Ramshorn Drive, Block 893, Lot 108, OP-10 zone. Application complete: January 29, 2008. Carried from March 17, 2008, July 14, 2008, December 15, 2008, April 20, 2009, June 15, 2009, July 13, 2009, September 21, 2009, November 9, 2009 and December 14, 2009. Applicant proposes to construct three two-story medical office buildings. Building “A” 16,500 s.f. and Buildings “B” & “C” 17,514 s.f. Site with variances.

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

Entered into evidence:

A-14 Water/Sewer review letter from Roberts Engineering dated January 8, 2010

A-23 Board showing over all layout plan. Showing proposed structures.

A-24 Blown up version of Wall Township zoning map

A-25 Two photo boards with a total of ten photos of the site

Sworn by Reporter Arnone:

Joseph Kociuba  
J. Amelchanko  
Charles Rooney  
Cheryl Bergailo

Attorney Rubino explained the Board received twelve letters from neighbors. They basically ask the Board not to proceed subject to approval from DOT, CAFRA and DEP. The Board does take those matters seriously. When applications come in they are received by an in-house engineer/planner to make the determination if the application should be presented to the Board, then our Board engineer and planner review the materials in detail. If there are open issues and they do not think the Board should proceed we don't. According to New Jersey Land Use law the Board has the right and duty to proceed.

Mr. Rooney said he agrees. We do have information we are just asking for additional information.

Attorney Rubino explained we are governed by the time frames in the statute. We are bound by strict time restrictions.

Chairman DiRocco said we would like to get to public comment tonight.

Attorney Middleton explained at the first hearing Mr. Amelchanko testified regarding the architectural plans and location of the buildings. Mr. Kociuba testified regarding the site plan and engineering aspects. He is also a professional planner. Mr. Amelchanko is here tonight because there were issues regarding noise from the AC units. He will provide testimony regarding that.

Joseph Kociuba gave his credentials which were accepted by the Board.

Attorney Middleton asked Mr. Kociuba to provide an overview of the project as a planner.

Mr. Kociuba said the site is located at block 893, lot 108. It is in the Township of Wall. It is an odd shaped lot. There is frontage along 70. A-11 shows frontage on 70, Old Bridge Road as well as Ramshorn Drive. It has 890' frontage on 70. It contains 9.6 acres. It is undeveloped and wooded. It is in the OP-10 zone. The applicant is proposing three buildings. They will conform with the OP-10 zone.

Entered into evidence:

A-26 List showing permitted uses for the OP-10 zone

Mr. Kociuba said the use that we propose does conform to the zone. The 1999 Master Plan does note the OP-10 office use along highway locations.

Mr. Kociuba explained the frontage along the jug handle is under the jurisdiction of NJDOT. It does meet the Master Plan designation. The use conforms to the Master Plan uses. We are providing sufficient parking spaces. The application as proposed meets the required coverage of the site. It also meets the zone designation. The application does maintain a large residential buffer along the rear of the property. The 2005 Master Plan also indicates the goals and objectives of the 1999 Master Plan. This promotes the objections of the Master Plan. The site does meet lot width but is deficient in area.

Attorney Middleton said the Township Committee knew the homes on Horseshoe Drive were there when they re-examined the Master Plan. Mr. Kociuba said those homes were there. The Township Committee wanted to maintain the OP-10 status. The site has a lot area of 9.56 acres where 10 is required. The site is surrounded by Route 70 and Old Bridge Road. To the west there are residential lots and to the north there is some vacant land. The only land available is to the north, lots 114 & 52, and those two lots combined are 2.29 acres. They are also in the OP-10 zone. Both are non-conforming in size. They are under the same ownership.

Mr. Kociuba explained this site is .4 acres deficient. The two lots to the north that are currently vacant have a total of 2.29 acres. They are lots 114 & 52. They are located behind the DOT detention basin.

Attorney Rubino asked if the applicant asked if those lots were available. Attorney Middleton said he will provide the letters.

Mr. Kociuba explained the variances required along Ramshorn Drive are existing non-conformities. There is no reasonable alternative to obtain frontage. There is no land to be obtained to be used by the applicant.

Chairman DiRocco asked for the current frontage. Mr. Kociuba said 500' is required and we are proposing 389'. Old Bridge Road has 1,051' of frontage and 70 has 890' of frontage.

Mr. Kociuba said the only alternative would be to purchase property in a residential zone which would create a hardship. This causes no substantial detriment to the public good. The lots in the area undersized with the exception of the Monmouth Valley Park. That whole section is OP-10 with a substantial amount of lots that are undersized. This is less undersized than most. The project does provide the residential buffer.

Chairman DiRocco said many of the other lots in that area are also undersized.

Mr. Kociuba said this meets all the coverage requirements of the zone.

Attorney Middleton asked about building coverage. Mr. Kociuba said 20% is allowed and we are proposing 6.2%.

Mr. Kociuba explained this application has no detriment to the public good. There is a residential buffer. The width and frontage provides no detriment to the application.

Mr. Kociuba using A23 shows the buildings on the property. The jug handle is considered a front yard. This is 150' from the jug handle and Ramshorn Drive. The frontage for Buildings "B" and "C" are on 70.

Chairman DiRocco asked about the landscaping in the residential area. Mr. Kociuba said that Building "A" is 70' from the jug handle and Building "B" is 81' from the jug handle where 150' is required. Building "B" and "C" are 76' from Route 70 where 150' is required. The building envelop is very small and oddly shaped. We are proposing 6.2% coverage where 20% is allowed. It is very difficult to design a building to conform to everything, rear, frontage, setbacks. We also are providing a benefit by moving the buildings away from the residential properties maintaining a 75' buffer. Building "A" is 90' – 130' from the residential properties.

Mr. Kociuba, using A-25 Photo 1 this is a photo taken looking at the buffer in front of lots 101 & 102. It shows the existing buffer and you can see the balloons which represent the roof peak. The site will have some fill. We wanted to provide this photo to show what it would look like with evergreen trees. There is sufficient cedar forest throughout the area that will be maintained all year long.

Captain Clayton asked what about if you are standing in the street. Mr. Kociuba said we set the balloons up so they are at the peak of the roof. I could not locate them from Horseshoe Drive. The buildings when constructed will be below the trees of the existing buffer. You can hardly see between the vegetation. The existing buffer is substantial in height. View from Horseshoe Drive will be very difficult.

Mr. Kociuba explained Photo 4 was taken from across the street adjacent to the jug handle facing Building "A". It is very difficult to see. Photo 5 is another photo of the buffer area. It was taken toward the residential properties. These were taken in February. Photo 7 is a photo of the rear of some of the properties. The swale is operating correctly but can be improved. The applicant will clean up that area. Photo 8 is very similar to Photo 4. Photo 9 this photo is looking at Building "C". It is very difficult to see the balcony. Photo 10 shows the swale and Photo 11 was taken through the existing screen.

Michael Halpin, 1595 Horseshoe Drive, was sworn. Mr. Halpin said as he looks at this application the applicant is creating his own hardship. He wants to develop this lot. If the buildings were reduced there would be less impact on the neighborhood. Why do the buildings have to be as big as they are. Mr. Kociuba explained the building coverage allowed is 20% and we are proposing 6.2% it is less than what is allowed.

Mr. Halpin asked about the buildings covering existing wetlands. Mr. Kociuba said we will not be covering any existing wetlands. We are asking for relief for the buffer. Any area we impact upon we have to give back.

Mr. Halpin said the lot is deficient, 10 acres is required and you have 9.5. He asked about the letter regarding purchasing additional property. Attorney Middleton said he will present it. Mr. Halpin asked for the reasons the adjacent piece of property is not being purchased. He has a non-

conforming piece of property. Attorney Middleton said then you are making that piece more non-conforming. Mr. Halpin said if you purchase that property this would be conforming.

Mr. Halpin said this property is unique. It is not pure 70 frontage. It has almost a private road running parallel to 70. He said he is in the development right behind this. He said at night he can see Route 70 through the vegetation and he can also see the Lukoil sign. We can hear car doors slam. He asked when this balloon project was done was anyone from the Board present. Mr. Kociuba said we prepared it as a demonstration for the Board. No one from the Board was present.

Mr. Halpin said he was there it was a very windy day. Mr. Kociuba said this was done twice. The first time was scrapped because of the wind. It was done a second time when the wind was less.

Mr. Halpin asked where the cedar forest is and where were you when you saw that. Which residential lots? Mr. Kociuba said behind lots 104 – 107.

Mr. Halpin asked for the heights of the trees. Mr. Kociuba said approximately 22' – 25'.

Mr. Halpin said you are going to elevate the site 6'. Mr. Kociuba said yes.

Mr. Kociuba explained the buildings meet the height requirements for the town.

Mr. Halpin said when you did your balloon experiment you said people on Horseshoe Drive cannot see it. Mr. Kociuba said you can see through small portions of the trees. From the overall standpoint those peaks will be hidden by vegetation.

Attorney Middleton said when you raised the balloons on that day you did so based upon the height calculations. Mr. Kociuba said yes.

Mr. Halpin said the additional vegetation you plant would be 6' – 8' white pines. Mr. Kociuba said 6' – 8' and 8' – 10' Leyland cypress and spruce. They will be along the rear of the parking area at the top of the hill. Mr. Halpin said they will be lower than the buildings. Mr. Kociuba said they will be 6' – 8'. Mr. Halpin said the building is 26'.

Mr. Halpin said you are placing a sign on Ramshorn Drive. Mr. Kociuba said on the corner. It will be closer to the Old Bridge Road access.

Mr. Halpin asked about lighting. Mr. Kociuba said he did provide lighting testimony at the last meeting. Mr. Kociuba said the lighting will meet Wall Township Ordinance, there will be no spillage.

Mr. Halpin asked for the height of the lights. Mr. Kociuba said 25'. Mr. Halpin said that is almost the same height as the buildings. Mr. Kociuba said correct and they are shielded. They will provide zero spillage at the property line. Mr. Kociuba said no spot lights. The lights are

kept at an angle so there will be no glare outside the property. Mr. Halpin said some of them have to be facing west. Mr. Kociuba said only those adjacent to the building.

Mr. Halpin said you are submitting a letter to DEP. There is an intermittent stream. It was moved to the east boundary. The site is soaking wet and the residents have to run their sump pumps 24 hours. Mr. Kociuba explained there is a swale through there. He said he was at the site in January and saw the conditions on the site and designed the drainage accordingly. It was reviewed by the Board Engineer for fine tuning. I believe in their report it states the Stormwater System complies. Mr. Rooney said he has some outstanding questions.

Jim Higgins said in the OP-10 medical is an allowable use. Mr. Kociuba said yes the tenants are not know at this time but it is a permitted use.

Mr. Higgins said you could have 24 hour emergency care there it is possible. Attorney Middleton said this issue was raised. There is a difference between 24 hour emergency care and medical use. The applicant has no intention on having 24 hour emergency care. Mr. Higgins said but it is allowable. He asked for the proposed hours. Attorney Middleton said 8:00 AM to 6:00 PM typical medical hours.

Mr. Higgins asked Mr. Kociuba where he was when he was taking pictures of the balloons. Mr. Kociuba said on the sidewalk.

Mr. Higgins asked how much lower are the houses. Attorney Middleton said we are not asking for a height variance.

Mr. Higgins said he can see Route 70 from his deck. Attorney Middleton said the vegetation is very dense. There are people living back there in a tent and you can't see them.

Mr. Higgins said he suggests you take a walk behind his house. There is a lot of vegetation by the intermittent stream.

Chairman DiRocco asked about the buffer. Mr. Kociuba said 60' of the existing buffer will remain and 15' will be planted.

Paul Taylor, 2641 Ramshorn Drive, was sworn. Mr. Taylor said he has retained a professional architect and planner. Can he ask questions? Attorney Rubino said he is reluctant if he lived within 200' or was an interested party yes. He certainly has a right you can introduce him to give testimony. We will decide by the next meeting.

Mr. Taylor said he lives on the corner of Ramshorn Drive and Old Bridge. He said there is a marker on his driveway what is that. Mr. Kociuba said that marks elevation.

Mr. Taylor asked about the groundwater. Mr. Kociuba said the high water table is 20' – 29'.

Mr. Taylor asked for the height of the berm along Ramshorn Drive. Mr. Kociuba said from the bottom of the basin 3½’.

Mr. Taylor asked for the overall elevation. He said his is 25.4’. Mr. Kociuba said 29.9’.

Mr. Taylor asked about the basin. Mr. Kociuba said it is somewhat in the ground. The southern portion is in the ground and the northern portion is at grade.

Mr. Taylor asked did you ask if any of the neighbors had wet basements. Mr. Kociuba said no.

Mr. Taylor asked what is the height of the vegetation on top of the berm. Mr. Kociuba said 6’ – 8’ above the top.

Mr. Taylor asked if the berm is used to retain water for the detention basin. Mr. Kociuba said the berm serves to create a basin at the height of the storm.

Mr. Taylor said it is acting as a dam. Mr. Kociuba said yes. Mr. Taylor said this will be retaining water. Mr. Kociuba said during the event.

Mr. Taylor said this will be above grade. Mr. Kociuba explained it will not be above grade it will be at grade.

Resident, 2631 Ramshorn Drive asked about sidewalks and curbs along Ramshorn Drive. Kids are always walking back and forth. Was public safety thought about for the children? All subdivisions on Ramshorn Drive were required to put in curbs and sidewalks. Kids will be walking through there. I do not want an entrance on Ramshorn Drive. Curbs and sidewalks are needed. This is a dangerous situation. Mr. Kociuba said it was not contemplated along Ramshorn Drive. DOT came through and constructed the jug handle they did not bring sidewalks into the Ramshorn Drive area. Attorney Middleton said if the Board wants us to add sidewalks and curbs we will.

Chairman DiRocco said there will be time for additional public comment at the next meeting. This will be carried to April 12. No additional noticing will be required.

Attorney Middleton waived the time limits through June 30, 2010.

### **RESOLUTIONS TO BE MEMORIALIZED**

#### **MARY O’NEILL – PB#10-2009**

Block 276, Lots 12 & 13

Attorney Rubino read the resolution of approval. Ms. Hearn moved to adopt the resolution as read. Committeeman Luttman seconded the motion, which was unanimously approved by a roll call vote. (Ms. Hearn, Messrs. Luttman, Bednarski, Clayton, Newberry, Nolan and DiRocco voted yes.)

**2650 ALLAIRE ROAD, LLC AND 2670 ALLAIRE ROAD, LLC – PB#8-2009**  
Block 741, Lots 21.02 and 21.03

Attorney Rubino read the resolution of approval. Committeeman Luttmann moved to adopt the resolution as read. Ms. Hearn seconded the motion, which was unanimously approved by a roll call vote. (Mr. Luttmann, Ms. Hearn, Messrs. Clayton, Newberry, Nolan and DiRocco voted yes.)

**MINUTES TO BE APPROVED**

Committeeman Luttmann moved to approve the minutes of the Regular and Workshop Meetings of January 11, 2010 and February 1, 2010. Mayor Newberry 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 9:30 P.M.

Respectfully submitted,

Betty Schinestuhl  
Recording Secretary