

Present: Betesh, Canonico (7:45), Walsh, Stambaugh, Waterbury, Fisher,
Clark, Garley
Forrester (Attorney)

Absent: Peterson

Vice Chairman, Mr. Betesh, called the meeting to order at, 7:30 p.m.
All saluted the flag, and the presiding officer's statement was read.

Minutes: 10/7/09 next month

Planning Board Representative: no report

Correspondence:

Letter received from Mr. Edward McKenna, Esq. requested that the Paul David Partywares application be carried to the 12/2/09 without further notice.

Unfinished Business:

Mt. Builders:

continuation of public hearing

Bl:22, Lot: 3

Mr. Paul Zager, Esq represents the applicant.

Mr. Zager explained that the plans have been revised per the comments of the engineer and board members. The house has been reduced, options for roof lines, drainage has been addressed.

Mr. Anthony Ercolino, Architect, reviewed the revised plans dated 10/23/09, 3 pages, marked **A-9** into evidence.

- Reduced the house in the rear making the house 3,441 sq. ft.
- Page A-2 proposed side elevations, which he feels is the most pleasing, which is the original plan with a small reduction in the rear of the house
- Page A-3: 3 elevations described by Mr. Ercolino: **A:** original, **B:** hip roof with a gable/dormer, **C:** Hip roof no dormer
- West elevation C - Mr. Ercolino described the elevations with the allowable mean height vs. what is being proposed - where no variance is required

Ms. Canonico arrived at 7:45 pm.

Discussion on the mean height definition, Mr. Zager clarified that the proposed home does not need a height variance since they are within the ordinance requirements.

Mr. Ercolino testified that he did a Sun Angle Study, S1, marked **A-10** into evidence, and discussed the 3 day study for the neighbor to the north of the property.

Ms. Waterbury said that she likes the elevation "C" on A-3, hip roof & dormer, which will reduce the mass of the roof line, and she also likes the dormer to add additional some aesthetics. She feels that the hip roof will reduce the volume along the side yard set back.

Mr. Forrester asked Mr. Ercolino to add the revision date of 10/7/09 to exhibit A-7. Mr. Ercolino agreed. Mr. Forrester referred to the zoning chart - lot coverage of 15.4% @ 2,194 sq. ft., there is a reduction of 58 sq. ft. should be noted by .4% Mr. Ercolino agreed.

Ms. Waterbury asked if the grading is split? Mr. Ercolino said that is correct. Ms. Waterbury asked if some of the roof drains could be placed into some type of recharge system? Mr. Ercolino said that he would agree to do that. Mr. Zager said that his applicant has agreed to do dry wells if required.

A motion was made by Ms. Canonico, seconded by Ms. Waterbury to open the meeting to the public for questions of Mr. Ercolino only. All approved.

Susan Murphy, 35 Shadowbrook Rd, asked how many variances are being requested. Mr. Ercolino explained to Mrs. Murphy explained that they have reduced 6 variances down to 4 variances, which 2 are preexisting non conforming conditions. Front yard set back will now be in compliance of 50.2', side yard set will be in compliance for the northern property line, at 25', and 17' from the south. Rear yard set back requirement 50' proposed 51'.2. Building coverage, 13.8% exists, proposing 15%, which requires a variance. Garage door facing the street, requires a variance.

Mr. Andrew White, 30 Meadow Dr., asked Mr. Ercolino to describe the reduction. Mr. Ercolino explained that the family room was reduced & the family room was reduced, and the rooms above. Mr. Ercolino said that he will add the 6' fence that they are proposing along the northern property line. Mr. White asked if there will be any cantilevers? Mr. Ercolino said no

Ms. Waterbury asked if the garage is included in the footprint? Mr. Ercolino said yes.

A motion was made by Ms. Waterbury, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Daniel Busch, Engineer, Maser Consulting, Red Bank, was sworn and accepted as an expert witness in engineering.

Mr. Busch testified that he prepared the drainage report from the survey and visited the site. He explained that he compared the existing & what is being proposed. He explained that he calculated impervious as everything that covered and was solid on the ground. He explained that Mr. Ercolino did not take into consideration the concrete area in the front making his calculations 430 sq. ft. not included in his calculations, his existing coverage is lower because in the Ordinance that is not defined as coverage for impervious as well as sidewalks. The end result is the difference between the existing

and proposed or 40 sq. ft. He explained since this project is less than an acre would not trigger the need to comply with the D.E.P. regulations. The 40 sq. ft. cannot be measured. The soils in the area are sandy soil, which is permeable, and he feels that this run off will reach the street due to the soils and the street is flat. He feels that there is no need to do any storm water management, but his client is willing to do some dry wells in the rear yard area.

Mr. Betesh asked Mr. Busch if it is his opinion that this project will not impact the water conditions that already exists? Mr. Busch said that he is not aware of a drainage problem, there is new paving on the front of the property, the inlet is in good condition, but he did not see a drainage problem.

Mr. Forrester said that he has spoken to the Board Engineer and the road has been engineered to borough stands. It was inspected during the construction phase, but it is not a borough street since the borough has not accepted it.

Mr. Busch said that if a dry well is constructed it would be within the Stormwater requirements to bring the project within the building coverage amount or a 5 year storm, or bring 1/3 of the roof drainage into a drywell, even though they would not be requirements.

Mr. Busch said that it is his testimony that the additional 40 sq ft will not impact Meadow Drive.

A motion was made by Ms. Canonico, seconded by Mr. Walsh to open the meeting to the public for questions of Mr. Busch. All approved.

Mr. Tim Murphy, 35 Shadowbrook Rd, asked questions of Mr. Busch with regard to lot coverage, the types of soil in the area, and the grading for the proposed lot. He has concerns with the additional water going onto Mrs. Jailer's property. He suggested that the applicant agreed to install dry wells on the property for the additional storm water. Mr. Busch said that the applicant has agreed to install dry wells for the 5% or 1/3 of the footprint of the building. Mr. Murphy asked if the driveway was gravel would that be impervious coverage? Mr. Busch said yes, according to the Ordinance it would. The drywell that is proposed will take the 40% additional building coverage and additional driveway coverage.

Mr. Betesh asked if currently there is 1970 sq. ft. of coverage according to Borough Standards and that number is going up 166 sq. ft. to 2,136 sq. ft.? Mr. Busch said that is correct, which it is only 40 sq. ft difference in building coverage only.

Sue Murphy, 35 Shadowbrook Rd, asked questions with regard to the impact when the trees are taken down with regards to water flow. Mr. Busch said that the trees do take up water, but he could quantify the amount.

Andrew White, 30 Meadow Drive, asked questions with regard to the additional volume being added and the displacement of the water. Mr. Busch described the process that is used when rain water hits the ground vertically. Mr. White asked questions with regard to the new driveways pitch vs. the current flat driveway. Mr. Busch testified that the slope is 2 ½% and 450 sq. ft. Mr. White asked if a gravel driveway was considered for less impervious. Mr. Busch said that he could not address that issue.

Mr. Forrester asked questions with volume vs. velocity of the drainage, where the volume has been deemed diminimous, and asked if the velocity would be greater? Mr. Busch said that he cannot answer that question, but the driveway is a typical driveway.

Mr. Fisher asked if it is his opinion that the total storm water run off of the site will have a minimal affect? Mr. Busch said yes, and the applicant will install dry wells which would create a net reduction of the total run off of the site, and will improve the site.

A motion was made by Ms. Canonico, seconded by Mr. Walsh, to close the meeting to the public. All approved.

A motion was made by Mr. Walsh, seconded by Mr. Fisher to open the meeting to the public for any comments. All approved.

Mr. Zager presented the Agreement with Mr. Zweben for various issues of Maple Road, marked as A-11 into evidence, and explained the agreement.

Sue Murphy, 35 Shadowbrook Rd, asked questions with regard to the Agreement with Mr. Zweben. Mr. Zager described the agreement, from Maple Rd to Shadowbrook Road to the improvements of the prior developer will be improved to Borough Standards Mr. Forrester said that this will be made a condition of approval.

Tim Murphy, 35 Shadowbrook Rd, made a statement that he has concerns with the size and that he doesn't want to see the neighbor to the north inherent any water issues, and these concerns are addressed.

Andrew White, 30 Meadow Drive, was sworn. He explained that there is an easement on Meadow Drive, and that any purchasers must maintain the road and to bond the road for insurance purposes. He has a letter (from the Borough Attorney) stating that the road is up to Borough Standards and it is ready to be dedicated to the town. Currently he does not have an easement, and he doesn't have to maintain or insure the road. He would like to know who has maintenance requirements and insurance requirements. He explained that there are ownership concerns, rights to the road, and he would like the board to be aware of these issues.

Mr. Forrester explained that the Board of Adjustment is not an enforcement body. The Borough would enforce, there are several roads in town that are not public streets and they are maintained by associations. The Borough is responsible to pick up trash and plow the streets. He explained how the Meadow/Maple would be dedicated to the Borough and who would be responsible. He feels that currently the homeowners are responsible for maintaining the road. Mr. Betesh asked Mr. Forrester if the private road situation would be between Mr. Zweben & the homeowners? Mr. Forrester said yes.

Sue Murphy, Shadowbrook Rd, asked if the road will be used during construction? Mr. Forrester said that there is a written requirement to only use Shadowbrook Rd for access to Maple Rd to this lot for construction purposes. Mr. Forrester said that the conditions will be included into the resolution, and will include the terms of the agreement between Mr. Zweben & the developer.

Mr. Zager suggested that she go to the Borough and complain about the condition of Maple Rd. Mrs. Murphy feels that the road should be repaired the pot holes before any construction starts.

A motion was made by Mr. Walsh, seconded by Ms. Canonico to close the meeting to the public. All approved.

Break: 9:35 pm to 9:45 pm. All present at roll call

Mr. Forrester stated that he had a conversation with the applicant with respect to the condition of Maple Rd. The developer agreed to a minimal improvement to Maple Rd with regards to the pot holes, with a sub base to the approval of the Board Engineer.

Board discussion:

Mr. Fisher stated that he is in favor of the application based on the changes and the agreement to fixing the pot holes on Maple Road, some of the variances have been brought more into compliance and the installation of the dry wells he could act favorably.

Mr. Garley said that his concerns were height & drainage. They have addressed the drainage and have stated that no additional impact will be made, and they have agreed to install remedies to address the drainage and addressed his concerns. He would be in favor of the application

Mrs. Clark feels that this is a large house on this piece of property and the people are calling for larger homes. There have been a number of changes to remedy the neighbors concerns and the boards concerns. The paving of the street she feels will improve the neighborhood and there have been some nice changes to the house with regard to the volume concerns. She also feels that she would be in favor of the application.

Ms. Canonico feels that the house is too big for the lot; she is not in favor of overdeveloped houses on undersize lots. When she looks at the improvement of the street, the 1.2% difference in building coverage is less than other applications that this board has approved. If the applicant mitigates the additional run off from the construction, even though testimony was that there isn't an issue, for those reasons she could vote in favor of the application.

Mr. Walsh feels that the builder has made numerous accommodations. He does feel for the neighbors, but hopefully this approval will not contribute to the run off problem. The improvement to Maple Road will be a big plus and the drainage issue has been addressed. The soil is not sandy, but the accommodation of installing a dry well will help the run off. He would be in favor of the application.

Ms. Stambaugh stated that she too is in favor of the application. The builder has been accommodating with all of the comments made. She feels that there will be a run off problem but she would be in favor with the installation of the dry wells.

Ms. Waterbury agrees with all the comments made. She feels that the dry well should be based on the existing site soil and not the soil maps. She likes the front hip roof with the dormer.

Mr. Betesh feels that the applicant has been accommodating. The main objective was the building itself and imposing and even though 80% of what was proposed would be allowed, he feels that the changes in the design as well as moving the house toward the center of the lot help with the relief of the lot. He feels that the shade from trees would be more imposing than the house itself. The drainage & road improvements will shape an application that is acceptable to him and the board. He would be in favor of the application.

Mr. Forrester stated that the hardship variance lot area & lot frontage cannot be changed and broad "C" and described each point.

Mr. Zager referred to revised A-9 page A3, elevation "B" and asked if this has been chosen with the hip roof/dormer by board members. Ms. Waterbury said that is the one that she prefers.

A motion was made by Ms. Waterbury, seconded by Mr. Walsh to approve the application of Mt. Builders for the construction of a single family home with the following conditions:

- Fulfilling the agreement between the applicant & Mr. Zweben
- Preliminary or initial repair of the pot holes of Maple Road to the satisfaction of the engineer, prior to the start of construction
- Dry well installed to mitigate the additional building coverage subject to review & approval of the board engineer
- Architectural Elevation “B” front hip roof/dormer
- Compliance with Mr. Cranmer’s review letter 10/10/09
- Concept of elevation “B” A-9 (aesthetics, heights, layout of the site)
- Prior to C.O. road improvements to Borough Standards

Roll Call:

Affirmative: Betesh, Canonico, Walsh, Stambaugh, Waterbury, Fisher, Clark

Negative: None

Resolution: 12/2/09.....

New Business:

Ms. Waterbury disclosed that she has worked with Mr. San Filippo and has not had an exchange of funds.

NWDG, Inc. t/a Collex Collison Experts:

new free standing sign

Bl: 2, Lot: 14

Mr. Philip San Filippo, Esq., represented the applicant.

Mr. Michael Grant, owner of NWDG, Inc., since 1977 with his father and on his own since 2002. His previous place of business before moving to Shrewsbury 2 ½ years was in Red Bank.

Mr. Grant testified that he has never had a free standing sign at this location, which he feels is very difficult for his customers to locate him. Mr. Grant stated that even with the doors and roof painted blue customers cannot locate him.

Mr. Grant described the proposed sign as 3 ½ x 8 or 28 sq. ft, 13 ½’ from the top of the sign, with a tapered pole 4.125 sq. ft., The following “balloon test” photos were taken by Mr. Grant in July 2009, **A-1** marked into evidence graphic of proposed sign & inside the sign, which was prepared by REX signs.

Mr. Grant stated that it has been determined that 13 ½ ‘, with a 12’ set back gave the best visual amount of time to enter his egress. **A-2** marked into evidence- 375’ traveling south on Shrewsbury from Collex, **A-3**, traveling south on Shrewsbury Ave or 300’ from Collex, **A-4**; traveling south on Shrewsbury Ave 30’ from Collex driveway. **A-5**;

traveling north on Shrewsbury Ave 325' from Collex, A-6: traveling north on Shrewsbury Ave, 140' from Collex driveway.

Mr. Grant testified that the sign will be internally illuminated, as will define the name, street address, phone and years of service. The original sign was 36 sq. ft and now it is 32.12 sq. ft. The set back was moved in from 4' to 12' off Shrewsbury Ave. The underside clearance from 6 ½' to 9 ½', which would allow any type of vehicle that patronizes his place of business would be able to see under the sign, for this reason he is requesting the variance of 13' where 10' is permitted.

Mr. Grant referred to the proposed 12' set back where 20' is required. He explained that if he were to comply with the 20' set back the sign would be difficult to be seen and to make a safe turn into the site, the building itself is only 22.9' from the property line. Mr. Grant presented a photo of the front of the building as it exists today, marked A-7 into evidence. The sign is proposed in the landscaped area in the front of the building as shown in A-8, which was marked into evidence.

Mr. Grant testified that the sign at the allowed 10' would create a hardship, since customers still will not be able to see where the building entrance is.

Mr. San Filippo referred to the letter from the Monmouth County Planning Board with respect to the open dedication of an easement from 1985 from a previous owner (Circle Chevrolet). Mr. San Filippo has asked for a Letter of No Interest from the County since the dedication of easement is from 1985. Mr. San Filippo explained that Circle had asked for extension to file until a C.O. was issued to the building. Mr. San Filippo asked for a Letter of No Interest from the 24 year old open issue. He hopes to have the information to him by the end of the month.

There was a brief discussion on the site distance from the proposed sign and the driveway to the north. Mr. Grant said that he sometimes parks in the driveway and he doesn't have any difficulties, there is almost 18' from the curb.

Mr. Forrester marked the survey as A-9 into evidence.

A motion was made by Ms. Canonico, seconded by Mr. Walsh to open the meeting to the public. All approved.

No public

A motion was made by Mr. Walsh, seconded by Ms. Canonico to close the meeting to the public. All approved.

All board members agreed that since there was no impact to any wires, driveways, or other business signs, the application could be approved.

A motion was made by Ms. Canonico, seconded by Mr. Fisher to approve the new freestanding sign for Collex Collison Experts, as submitted with the height of 13' where 10' is permitted, set back of 12' where 20' is required, with the condition that a Letter of No Interest is obtained, and approval for the waiver of site plan approval.

Roll Call:

Affirmative: Betesh, Canonico, Walsh, Stambaugh, Waterbury, Fisher, Clark

Negative: None

Resolution 12/02/09.....

A motion was made by Mr. Walsh, seconded by Ms. Canonico to adjourn the meeting at 10:25 pm. All approved.