

May 3, 1978

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NEW BUSINESS:

Donald A. Vreeland, Block 31305, Lot 13, 114 Bishop Rd. Cal: 780010: 5-0010
Board Attorney Mr. Lang asked Mr. Benson if he was here objecting and when Mr. Benson replied, Yes, Mr. Lang stated, for the record, that he would like to disqualify himself from this hearing. Chairman Grove asked that this be so noted in the minutes. Mr. Donald A. Vreeland, the applicant, was present and was sworn in by the Chairman. Mr. Vreeland stated that he would like to add a garage 12x24' because the garage that he has now is inadequate due to the fact that he has a van and it is tough getting in and out. Mr. Yates stated that Mr. Vreeland does not know, he has not been able to talk to him on this when this, when this particular house was build back in 1972. Mr. Yates stated, the Wildwood Shores Association asked him to dig into the files and this is now six years later and he could not remember everything that was done. The original builder was Mr. Chaplin and he submitted a set of plans to his office concerning this building. What he submitted to him and what was submitted to the Wildwood Shores Association were two different lay-outs. He has them in front of him now and the Board can review them. What happened, they were deciding which was going to be the front and which was going to be the side of the building. According to the records that he has and a certified survey, dated October 24, 72, that building was moved from the original position of 7.70, at that time they thought it was going to be the side property line, and that meant that the building did not have 20 feet from the front property line and he couldn't conform. He went back to the Wildwood Shores Association and they moved the building 19.98 feet from the rear property line. This was done in a certified survey and it was re-surveyed again in October 23, 1974 and proved that the foundation is in the place that it was in 1972. The side that Mr. Vreeland wants to go on now is the 19.98 feet which would be the rear of the property. Wildwood Shores had a number of letters written to the Building Department concerning this and if he was able to maintain the 20 feet from that what they call rear property line, Mr. Chaplin was permitted to go ahead and put up the building. Mr. Yates stated that he believes that he believed that the representative of the Wildwood Shores Property Association can verify everything that he has said. Mr. Yates again stated that Mr. Vreeland had no knowledge of this and he never thought about this when Mr. Vreeland applied, he did not advise Mr. Vreeland of this situation, but he brings it to the Board's attention now. Mr. Wetherill stated that he remembers the case, we did not hear it, but suggested that the applicant go to the Wildwood Shores Association if he can make the thing legal as long as the Borough is concerned, the Board

did not care. Mr. Stanley Benson, after being sworn in by the Chairman, stated that he was present at the time of the original construction. Wildwood Shores procedure was when new construction came in, they took a vote and attach a letter from the Association to the plans that were submitted to Mr. Yates and the reason for this is that for years they granted us several different privileges other than your own zoning. Wildwood Shores a long time ago asked the restrictions for 35 feet from the road, you got 20. We asked for 8 feet off the sidelines, you got 15 feet, so when the initial builder came in, he could not fit the house on the property, somehow the letter and the set of plans that arrived at Mr. Yates' office was not the set of plans that they submitted. When building started, they found that the foundation was not the same at all. Mr. Dave Moore stopped construction of the building. A new owner came in that was willing to accept the chopped down wall and moved it back, and we agreed to go ahead and move his house out of alignment with all the houses on Pebble Beach Road approximately five feet. This is a corner lot. The lot is also out of alignment with the houses on Bishop Rock Road. Decision was made that Pebble Beach Road would be the entrance. The garage was built on Bishop Rock Road. The people that moved in put their mail box there and now it is generally considered the front side. Because of Wildwood Shores restrictions, the Building Committee can't grant this application to Mr. Vreeland. We cannot approve it, if we would, he would actually wind up with two side lines and one front. His garage floor level on Bishop Rock Road drops quite deeply. The garage floor level adjacent to his driveway is a differential of approximately of 6½ to 7 foot drop. If he comes across the same level, he now comes over 12 feet, leaving 7'9" with a drop coming straight down. If you grant that you wind up with everything that is wall. That is the reason that Wildwood Shores is concerned. 5-0240. Mr. Yates stated that this is a situation that is going back a great many years, before the roads in Wildwood Shores were taken over by the town, they had a close-knit organization and they had it all in their deeds and deed descriptions and the Borough more or less honored it at that time. After the Borough took over the roads, Mr. Yates stated, he couldn't enforce what is in the deed, that is up to the Wildwood Shores Association, he has to go by zoning. Lot coverage under the proposal will be 21.32%. Mr. Vreeland stated that he has another vehicle on order, that is why he wants the garage. Chairman Grove stated that we have received a couple of comments from adjoining property owners and read them: From Lawrence & Mary Quinn, Block 31304, Lot 1. From Jeremy C. & Sarah L. Hewitt, Block 31304, Lot 36. From John P. & Elizabeth H. Paylovich, Block 31305, Lot 10 and Mr. Robert C. Gebhardt, Block 31306, Lot 16, all stating "No Objections".

Chairman Grove opened the meeting to the public and Mr. Robert Botti, after being sworn in by the Chairman stated that he resides at 26 Bonaparte Drive and he owns Lot 6 & 7 of Block 31305. As a citizen Mr. Botti stated he has no objection. He lives in the area, he has seen what these people are doing to it. They are adding a very nice brick fireplace, they are attempting to add a garage and he doesn't think it will have any effect at all on the value of the property. The names that were read are some of the closest neighbors, we have to live with it and we don't seem to have any objections to it. As far as some of the deed restrictions, that were mentioned, those deed restrictions were drawn up in 1939. Some of those deed restrictions have been voided by Superior Court of the United States, one of them had to do with real estate signs. Wildwood deed saying you can not have a real estate sign. But the Court ruled that you are able to have them as freedom of speech. As an Expert, Mr. Botti stated that he wishes to testify as, he is a real estate broker in the State of New Jersey, has been active in the profession for six years, has testified in several cases as an expert witness for variances in Byram Twp. in Mendham Twp. and his testimony has been accepted. He would like to testify that on viewing the property, seeing what is proposed and in his knowledge of construction what the after-effect would be, it should have no effect whatsoever on the financial value of any properties surrounding. Mr. Benson is owning more property and has provided a natural buffer between what the end effect of this garage would be and what is already there now. There are shrubs that are as high as that door and should shield the property from view of the neighbors. He concurs with Mr. Benson as to what effect any weight of dirt fill would have on the property, he thinks that could be overcome. An on-site inspection was discussed and after the Members expressed a desire to have it, Mr. Matteo moved that we have an on-site inspection of the property of Block 31305, Lot 13 before a vote is taken on the matter. Motion was seconded by Mrs. Mathison and the call of the roll showed motion passed unanimously.

Edward Kurkoski, Block 11014, Lot 11, 103 Lackawant Tr. Cal: 780011:

Chairman Grove stated that relief is requested from 77-16, Substandard Lot, 77-3.1D Steep Slope area to permit the erection of a one-family dwelling. The Board is in receipt of a note "I oppose the issuing of a building permit" from Gloria Pavlik of 103 Tulsa Trail. There are no letters of approval. Mr. DiRosa, after being sworn in by the Chairman, stated that he is representing the applicant, he is applicant's son-in-law. Mr. DiRosa stated that the lot is 71'x108', it is a perfectly flat piece of property and it is all lawn.