

RESOLUTIONS
OCTOBER 20, 2020

Little Silver Investors, LLC
1 Meadowbrook Avenue
Block 49 Lot 12, R-6 Zone

Robert & Laila LoCascio
25 Robin Road
Block 97 Lot 12, R-4 Zone

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 97, LOT 12**

WHEREAS, ROBERT and LAILA LOCASCIO has applied to the Board of Adjustment of the Borough of Rumson for permission to raze the existing house and construct a new 3849 s.f. single-family house and detached garage at the existing premises located at 25 Robin Road and known as Block 97, Lot 12 on the Tax Map of the Borough of Rumson, and which premises are in the R-4 Zone; and

WHEREAS, on September 15, 2020, at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and the public, including Building Plot Plan, 1 Sheet dated 7/22/20 by M. Wilder, PE; Architectural Plans, Sheets 1 through 7 dated 7/16/20 by R. Adler, Architect; and the Administrative Officer Data Sheet has made the following factual findings:

1. The property is an existing single-family house, located on an irregular 22122 s.f. lot having 65 feet frontage on Robin Road and irregular depth to a maximum 253 feet deep. The property is in the R-4 Zone, with a minimum lot area requirement of 10000 s.f.; consequently 22122 s.f. lot is significantly oversized. The Applicant's proposal is to raze the existing older house and construct a new single-family house and detached garage, with a total floor area of 3849 s.f., all as shown on the Plans. The property is in the R-4 Zone, which has a floor area cap of 3500 s.f., so the Applicant is requesting a variance to exceed that cap to construct the 3849 s.f. house. Other than that, the proposal conforms to all other bulk requirements.
2. The Applicant presented extensive testimony through Architect Adler and Planner Janiw as to the placement of the house and detached garage, landscaping treatment, and efforts to make the proposal compatible with the neighborhood. The testimony established that several other lots in the area were also significantly oversized, and had houses thereon a few hundred feet in excess of the 3500 s.f. cap. The Planner's testimony established that this area along Robin Road in the R-4 Zone abuts an adjacent R-1 Zone area to the rear, with 1.5 acre lots and larger houses. As a consequence,

this Robin Road area is a partial transition area with a number of properties having larger than the 10000 s.f. lot size and larger than 3500 s.f. homes. The testimony was to the effect that the proposed 3849 s.f. house was compatible in this transition area. Only one neighbor appeared, an adjoining owner, who spoke in favor of the proposal.

3. The Board had some concerns as to the amount of fill to be placed on the property and its possible impact on grades and drainage. The condition referenced below is to require the Applicant to provide all information as to fill, elevations, and grading on this and adjoining properties as the Borough Engineer might require or deem necessary in order to properly review the drainage on and from the site and require appropriate drainage requirements as a condition of issuance of a building permit. The Board also noted that the Applicant (and any successor-in-title) should be cognizant that the Plans, inclusive of the in-ground pool and patios proposed, is very close or at maximum in lot coverage, building coverage, and floor area. Given that, any further construction or expansion would require further variance relief and would be looked at critically by any future Board.
4. With those comments, the Board concludes the present proposal is compatible with the neighborhood and Zone and will enhance and improve the property and the immediate neighborhood. The large size of the lot warrants the requested relief from the floor area cap, particularly given the proximity of other similar homes/lots and the proximity of the R-1 Zone and larger homes.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 20th day of October, 2020 that the application of ROBERT and LAILA LOCASCIO for a variance to raze the existing house and construct a new 3849 s.f. single-family

house and detached garage on the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.
2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.
3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the project or for any damage which may be caused by the project.
4. Prior to issuance of any Certificate of Occupancy the applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project.
5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:
 - a. Evidence must be provided by the applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.
 - b. Taxes must be current.
 - c. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.
 - d. Insurance certificates must be provided if construction of public improvements is involved.
 - e. Any outstanding review fees or escrow deficiency must be paid.
 - f. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

6. The Applicant (and/or successor) will provide any and all information as to fill, elevations, grades, etc. on the property and adjoining properties as requested by the Borough Engineer in order for the Engineer to review and require proper and sufficient drainage plans/improvements on the site

Above Resolution moved by _____, and on roll call the following vote was recorded:

In the Affirmative:

In the Negative:

Abstain:

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on October 20, 2020, as copied from the Minutes of the said meeting.

DATE:

Secretary
Board of Adjustment

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 49, LOT 12**

WHEREAS, LITTLE SILVER INVESTORS, LLC has applied to the Board of Adjustment of the Borough of Rumson for permission to raze the existing house and construct a new single-family residence at the existing premises located at 1 Meadowbrook Avenue and known as Block 49, Lot 12 on the Tax Map of the Borough of Rumson, and which premises are in the R-6 Zone; and

WHEREAS, on September 15, 2020, at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and the public, including a Site Development Plan, 1 Sheet dated 5/18/20 by R. Stockton, L.S.; an Architectural Plan, 1 Sheet SP1 dated 5/18/20 by R. Villano, Architect; Elevation Certificate by F. Andre Zoning dated 8/20/20; and Administrative Officer Data Sheet 8/24/20 has made the following factual findings:

1. The property is an existing single-family house, located on a 3998 s.f. rectangular lot with 40 feet frontage on Meadowbrook Avenue and depth of 100 feet. The existing older house is not flood elevation compliant and was damaged in Superstorm Sandy in 2012. The Applicant proposes to raze the existing house, and construct a new 1675 s.f. two-story house elevated to comply with Base Flood Elevation standards. Variance relief is required as the property is non-conforming as to Lot Area (5000 s.f. required, 3998 s.f. existing); Lot Width Frontage (50 ft. required, 40 ft. existing); and Interior Lot Shape (34 ft. required, 24 ft. existing). The new construction will require variances for Side Setback (one side 8 ft. total 18 ft. required, one side 8 ft. total 16 ft. proposed); Maximum Building Coverage (931 s.f. permitted, 968 s.f. proposed); and Maximum Floor Area (1599 s.f. permitted, 1675 s.f. proposed)
2. The existing house has been storm damaged and requires replacement. The surrounding area has a number of similar undersized lots. The proposed new house, to meet BFE standards, will have a non-habitable ground floor (garage, storage area, entry vestibule) and two additional habitable stories. The house is generally

compatible with the surrounding neighborhood, and no neighbors or objectors appeared. The new house will enhance the appearance and utility of the property.

3. The variances required are generally arising from the lot being undersized, and there is no adjoining property available to increase the lot size. As note, the house architecture and size is generally compatible with the neighborhood. The building coverage and floor area variances are relatively minimal, and the evidence established that these are appropriate under the circumstances to construct an appropriate house on this lot.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 20th day of October, 2020 that the application of LITTLE SILVER INVESTORS, LLC for a variance to raze the existing house and construct a new single-family residence at the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.
2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.
3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the project or for any damage which may be caused by the project.

4. Prior to issuance of any Certificate of Occupancy the applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project.
5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:
 - a. Evidence must be provided by the applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.
 - b. Taxes must be current.
 - c. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.
 - d. Insurance certificates must be provided if construction of public improvements is involved.
 - e. Any outstanding review fees or escrow deficiency must be paid.
 - f. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

Above Resolution moved by _____,
seconded by _____, and on roll call the
following vote was recorded:

In the Affirmative:

In the Negative:

Abstain:

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on October 20, 2020, as copied from the Minutes of the said meeting.

DATE:

Secretary
Board of Adjustment