

**RUMSON PLANNING BOARD
AUGUST 5, 2013
MINUTES**

Chairman Lospinuso called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The requirements of the Open Public Meetings Act were stated as met. The roll was called, with the following members present: Lospinuso, Casazza, Ekdahl, Rubin, Shanley, Clark, Koenig, White, Hewitt, Baret. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Bonnie Heard, (T&M Assoc.), State Shorthand Services.

Chairman Lospinuso welcomed new Board member Maryann Barrett.

Resolution

1. **Rumson Country Club, 163 Rumson Road** – Approval to amend major site plan approval for installation of 100' x 50' sq ft social functions tent and 200 sq. ft. mobile restroom facility from 5/15/13 through 10/31/13. Councilman Rubin moved to adopt the resolution, and Mr. Koenig seconded.

Roll Call Vote: (Eligible) Ayes – Ekdahl, White, Baret, Lospinuso, Rubin, Clark, Williams, Shanley, Hewitt, Koenig, Casazza
Nays – None

Motion carried.

Bernard Goldsmith, III, 10-16 Avenue of Two Rivers

Mr. Steib noted that the service was in order, and the Board had jurisdiction to hear this application. Exhibits received were as follows:

- A-1 Application
- A-2 Minor subdivision plan
- A-3 T&M Report dated 7/11/13

David Shaheen, attorney, appeared on behalf of the applicant. He reviewed the subdivision application to divide two lots into three lots. The existing home was heavily damaged by Sandy and is scheduled for demolition. The home on 10 Avenue of Two Rivers will be restored and remain on the lot. The application involves moving the existing lot line and creating two additional lots, resulting in three conforming, single-family lots. Their engineer, Tom Santry, is present for testimony, as well as their architect, James Anderson.

Ms. Heard addressed the completeness issues, expressing no objection to granting waivers. They recommend that the applicant be required to submit evidence that taxes are current, and this has now been done. Mr. Koenig moved to grant the completeness waivers and deem the application complete. Mrs. White seconded.

Roll Call Vote: Ayes – Ekdahl, White, Baret, Lospinuso, Rubin, Clark, Williams, Shanley, Hewitt, Koenig, Casazza
Nays – None

Motion carried.

Thomas Santry, Jr., was sworn in, and the Board accepted his qualifications. He described the application for a subdivision of two existing lots into three lots, moving the north property line 25' to the north and subdividing the remainder into three lots. He has reviewed the T&M letter and has no problem with meeting the requirements set forth in the letter.

The one issue was with the driveway, which is somewhat wider than allowed. The current driveway is 17' in width, and there are two existing columns that they would like to keep. This driveway will service the middle lot, and a new driveway will be created for the other two lots. This would be another variance, but they think it will look better. There are currently no sidewalks or curbs on the street, and they would prefer a waiver so that they do not have to adhere to this requirement.

The one easement on the property is for a site easement from Lot 8 going west to the corner of the proposed lot. This is a site easement only and does not impact the development. There are no other easements that affect the property or present a burden on the property.

The aerial map presented was identified by Mr. Santry and marked A-4. There are only three houses within 200' of this property, and this was shown on this exhibit.

The traffic impact will be minimum, since they are adding one additional house to this area.

Councilman Rubin asked if the LOI might impact these plans, and Mr. Santry said it did not.

Mr. Anderson was sworn in, and the Board accepted his qualifications. Exhibit A-5 showed the elevations for the three proposed homes on the subdivision. They have just started to work on the floor plans, but the elevations show the general direction for their designs, which will be about 3,500 – 5,000 sq. ft. in size – less than what would be allowed for these size lots. The homes will be compliant with the recent flood requirements for the zone.

Mr. Koenig asked if the main house will be raised, and Mr. Shaheen said it will not be at this time.

There were no questions or comments from the public at this time.

Mr. Casazza said it appears to be a very nice project, and he has no objections.

Mrs. White noted that the lots are a good size, and the houses are not too large.

Mrs. Williams asked if the driveway width would remain if the pillars came down, and Mr. Shaheen said the driveway width would be brought back to the 12' width if they decided not to keep the columns.

Mrs. White moved to approve the application, and Mr. Casazza seconded, subject to the adherence to the requirements in the T&M report and the condition that the driveway be reduced, if the columns do not remain.

Roll Call Vote: Ayes – Ekdalh, White, Baret, Lospinuso, Rubin, Clark, Williams, Shanley, Hewitt,
Koenig, Casazza
Nays – None

Motion carried.

HJR Properties, LLC, 101 Avenue of Two Rivers

Chairman Lospinuso and Councilman Rubin, will not sit in on this application, and Vice-Chairman Casazza will take over the chair for the hearing. It was noted that the service is in order, and the Board has jurisdiction. A number of completeness issues need to be addressed.

The following exhibits were presented:

- A-1 Application
- A-2 Preliminary and final site plan, dated 6/17/13
- A-3 Architect's elevations, dated 6/24/13
- A-4 Completeness review by T&M Assoc., dated 7/22/13.

Ms. Heard addressed the completeness issues, which they have no objection to waiving at this time.

Albert Zager, attorney, appeared on behalf of the applicant. He noted a number of nonconformities with the lot that they do not plan to change and will ask for variances for these items. He has the property owner, architect, and project engineer available for testimony. There are no easements or restrictions for this property. Mr. Koenig moved to grant the completeness waivers, and Mrs. White seconded.

Roll Call Vote: Ayes – Ekdalh, White, Barrett, Clark, Shanley, Hewitt, Koenig, Casazza, Williams
Nays – None

Motion carried.

Dr. Randolph Rosen, property owner, was sworn in and stated he is the owner of the property, which he purchased to open a second dental office in Rumson. He has another office in Eatontown. The parking requirement would be 18 spaces, and the lot allows for nine spaces. Dr. Rosen explained the proposed usage of the building, noting he has one hygienist, one front desk person, and one additional helper. He schedules approximately four patients at any one time. The addition he is proposing for the property is necessary to provide four chairs, which would provide a more efficient office and is what he is used to having in his other practice location. The practice would be open from 9:00 a.m. – 5:00 p.m. during the week and also Saturday mornings.

Mrs. White is familiar with the building and thinks it makes sense.

Mrs. Baret asked about the space between this building and the Fromagerie, and Mr. Zager said there is no walkway between the buildings.

Mr. Shanley questioned the number of patients and available parking, and Dr. Rosen again noted four dental chairs proposed, and there could be one or two additional patients in the waiting room. There is one handicapped space provided in the rear.

Mr. Casazza noted a parking issue in the evening, but none usually during the day.

Andrew Cami, Engineer, was sworn in, and the Board accepted his qualifications. He presented a colored rendering (A-5), along with reduced copies of this exhibit, which he distributed to the Board members.

The building is located in the NB Zone and is 8,100 sq. ft. in size. There is an existing florist to the north, and a restaurant to the south. The west is Avenue of Two Rivers, and another restaurant and gym studio are across the street. There is an asphalt parking area to the rear of the building, with a sidewalk in the front. The existing access is in the front and another one in the rear. The two-way driveway off Avenue of Two Rivers is 9' wide at the rear.

The proposed addition of 368 sq. ft. is in the back of the building, and the parking area will be expanded to the west edge to increase the parking to 9 spaces (7 currently exist). One space will be an ADA parking space with an 8' wide wheel chair area.

Access to the building will remain at the front. The rear door will have a concrete walk and steps for employee access. The trash enclosure will have a concrete dumpster pad. A 3' high fence around three sides of the dumpster pad is also proposed, but not shown on this plan. Medical waste will be stored inside the building and picked up by a private hauler.

Storm water management was addressed, and the existing drainage will not change. They analyzed the site and found no increase in peak storm water run off. Mr. Casazza asked how there could be no increase in runoff, since they are increasing the building coverage and pavement, and Mr. Cami noted that some of the existing brick pavers in the rear will be exchanged, resulting in a slight increase in impervious coverage.

The landscaping will be improved by pruning, and they will be removing an existing tree that is too close to the building. They propose to add 61 shrubs to the site, as well as one tree. The south property line will have arborvitae, and lower shrubs will be planted along the building. The rear will have foundation shrubs, four evergreens, and one shade tree. The existing trees along the edge will remain, and only weed trees will be removed.

The utilities will remain the same.

Mr. Clark asked about the entrance, and Mr. Cami said customers will be required to walk along the side driveway to the front entrance, and they could install some striping to provide a safer walkway along this driveway. He said they are proposing signage that will instruct drivers to "yield to pedestrians".

The ADA parking issue was reviewed, with Mr. Cami noting that the only public access will be in the front. Mr. Casazza asked if there could be a ramp in the rear to address the handicapped space in this area. It was stated that they are not changing anything on the street, and there are two spaces in the front of the building available for their customers.

Mr. Shanley asked about the three spaces in the rear marked "staff only", and if this could be taking away from the green area. Mr. Cami showed where the parking line ends and the area they will be extending with their landscape plan to improve the look of the area.

Ryan Henke, speaking from the public, was sworn in at this time. He asked about the proposed drainage, noting they currently have some water issues, and he wants to make sure this will not make the situation worse. Mr. Cami said he was not aware of any flooding problems, and they are abiding by the Rumson ordinances as to drainage. They would be willing to take a look at the area to make sure they do not adversely impact Mr. Henke's property. Ms. Heard suggested the applicant look at a recharge drain or something like that along the rear to mitigate any water issue in this area.

Mr. Henke said he is happy with the landscape plan for the additional trees, and he is grateful they are leaving the larger trees.

The T&M letter was addressed by Mr. Cami and Mr. Zager, and they will comply with all requirements as noted.

James Monteforte, architect, was sworn in, and the Board accepted his qualifications. He presented his plans, which show the current building on the site, along with his proposed design changes. They will be adding a new crawl space, but no extension or addition to the existing basement. The building had a fire

at one time, and the building is made out of block. They are proposing a carriage-house design with a wall installed around the top to hold the compressors. The interior will have a waiting area and four examination rooms along the back of the building. The addition in the rear will be for a handicapped bathroom. He thinks this use will be less dense than the prior hair salon use.

The design elevations were shown, along with a colored rendering of the site. They would like to have recessed lights in the soffits to light the area for walking, but not disturb nearby homes.

Mr. Monteforte also addressed the T&M letter, and Ms. Heard said most items have been addressed, except for the sign detail, which is proposed as a projecting sign, which is not allowed under the ordinance and is also within the right-of-way, since there is no setback. A picture of the sign was shown (A-6), depicting a 3' x 3' structure. Mr. Monteforte said they would like to use the existing bracket, and this sign was designed to fit it. Ms. Heard said the remaining items were already discussed. Mr. Zager noted that the restaurant across the street also has a projecting sign, as does the greenhouse next door.

Mr. Shanley thinks it is a nice improvement, but he thinks the handicapped space is not adequate and is a problem coming from the back to the front. He asked if the front space could be marked "handicapped". Ms. Heard said this would be an issue for the borough to consider. Mr. Zager noted they are dealing with an existing condition. They would have no objection to requesting handicapped parking on the street, but he would not want this to be a condition of approval.

Mr. Cami agreed that it makes sense to have a handicapped space in the front of the building where there are no steps. Pursing this parking request could be made a condition of approval.

Mr. Casazza asked if they could put some trees in the front. Ms. Heard said they would only be required to provide one tree in the front; however, it was noted that the site does not accommodate space for this.

Will Stabler, 94 Avenue of Two Rivers, was sworn in and commented that he has lived in this area for 12 years and feels the congestion in the area is getting worse and is dangerous. He reported on much speeding and little parking, stating that there are parking problems during the day, as well as the night. He would like a remedy to eliminate these problems with speeding, traffic, etc. He noted that the current site has been vacant for quite some time, and they look forward to having Dr. Rosen's business flourish; however, he thinks the additional traffic will present a more dangerous situation.

Mayor Ekdahl noted that the larger establishments in the area have large parking lots at present. Mr. Stabler said the speeding is the issue in the street, and they need to look for a remedy. Mayor Ekdahl noted that this is a business zone, and no new business is being created. He thinks they can address the speeding issue, and this would be a matter for the police. Mr. Stabler thinks this should be a residential area first, but the amount of traffic over the past few years has made the neighborhood dangerous. Mayor Ekdahl said no new businesses have been permitted on the street; however, Mr. Stabler feels the amount of usage is greater.

Mrs. Barrett asked if there could be a rear entrance from the parking lot, and Mr. Monteforte noted there is an entrance, but the grade does not permit a ramp. Mrs. Barrett agrees that the signage should be including regarding the pedestrian safety, and also having a handicapped space in the front with proper striping would be a good idea. The applicant stated no objection to try to obtain this option.

Mr. Koenig moved to approve the application with the following conditions: 1) drainage plan approved by T&M Assoc to maintain the water on the site; 2) signage included for pedestrian safety; 3) request made to the borough to have one handicapped parking space in the front of the building; 4) repair made to any damaged pavers and pavement. Mr. Shanley seconded.

Roll Call Vote: Ayes – Ekdalh, White, Baret, Clark, Williams, Shanley, Hewitt, Koenig , Casazza

Nays – None

Motion carried.

Dr. Lospinuso and Councilman Rubin rejoined the meeting at this time.

Other Business

Mr. Steib reported on an issue in Pt. Pleasant regarding council members adopting an ordinance that affected their personal property, noting that the court found that the individual council member that owned the property should not have voted on the matter. Chairman Lospinuso reminded the board that Mr. Steib would be available for the members to consult in case they had questions regarding recusing themselves from any upcoming applications.

The next meeting will be **Monday, September 9, 2013.**

There being no need for an executive session, motion was made and seconded to adjourn. Voice Vote: ayes, unanimous. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,
Patricia Murphy
Clerk