

**RUMSON PLANNING BOARD  
DECEMBER 2, 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, Rubin, Ekdahl, Shanley, Clarke, Koenig, White, Baret, Hewitt, Casazza. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), State Shorthand Services.

**Approval of Minutes**

Motion was made and seconded to approve the minutes from the October meeting. Voice Vote: Ayes, unanimous.

**Resolutions**

1. **Aaron Finch, 64 Waterman Ave.** – Mr. Stein presented a memorializing resolution approving the minor subdivision. Councilman Rubin moved to adopt the resolution, and Mr. Casazza seconded.  
Roll Call Vote: Ayes (Eligible) – Lospinuso, Rubin, Shanley, Baret, Clarke, White, Koenig  
Nays – None  
Motion carried.

**Estate of Sue Mercy, 138 Bingham Ave.**

Mr. Steib reported that this is an informal review of the application, and any discussion and / or comments are nonbinding.

Brooks Von Arx, attorney, appeared on behalf of the applicants. He explained that the estate is considering a number of different options as to how the property should be treated. They could create a number of lots, given the size of the property. The family, however, is in favor of a more restricted development, which is shown on a rough sketch provided by them. They are looking for the Board's thoughts on creating a two-lot subdivision out of the existing eight acres of property – one lot housing the existing house (3.67 acres), and the second lot to be a flag lot, which they know the Board does not normally approve. It would preserve the existing house and allow development in the rear. They would require a lot frontage variance for the flag portion (50' provided / 100' required), as well as a slight encroachment on the side yard of the existing dwelling. They would be creating two lots, as opposed to three or four lots on the property. The family would prefer this plan, but would like the Board's comments.

Mr. Casazza asked how four lots could be developed, with a road installed on the property, and Mr. Von Arx said this could be possible, but the family did not prefer this option. They have not spoken to any of the neighbors as yet.

Councilman Rubin asked if a deed restriction could be included that no further subdivision be allowed, and Mr. Steib said this would need to be recorded in the deed. He reported on case law that has said these types of conditions be lifted, so it could be overthrown in the future.

Mr. Von Arx said they have investigated putting in four lots, which would be fully conforming, according to their experts. The existing home would need to be demolished in that case.

Mr. Shanley asked if the estate wants to maintain the residence or put the entire property on the market. Mr. Von Arx said they would be putting it on the market, although they may decide to retain the home in the rear as a vacation home. The price of the property is \$4,850,000 for the entire eight acres.

Mayor Ekdahl thinks the plan as shown is the best use for the borough. It was noted that the surrounding lots are all substantial in size. Mr. Shanley asked if the borough was interested in the property for possible recreation purposes, and Mayor Ekdahl said they were not. Mr. Shanley commented that granting this request could open up the possibility for many more flag lots in this area.

The taxes are \$46,000 for the entire piece of property, and none would be lost by this proposal.

Mr. Steib stated that the Board would possibly like to see what a conforming subdivision would look like, as a form of reference, as well as a copy of the tax map showing the surrounding properties and any potential for similar applications that may arise from this application.

It was noted that flag lots are not usually approved, and existing ones were created many years ago.

Mr. Von Arx thinks it is worthwhile for them to proceed at this time, and the Board again said they would need to see a detailed plan.

**Consistency Review Proposed Ordinance Amendments**

Mr. Steib reviewed the changes in the fee schedule, and Ms. Heard noted a change in the height ordinance on Barley Point, due to the new flood requirements. They are increasing the height from the flood elevation by 1'. There is also a change to see that invasive plantings, such as bamboo, would not be allowed.

Mr. Casazza agrees with the ordinance changes, but thinks it is complicated for the public to understand. Ms. Heard said they provided a picture of how a house might look with these new regulations.

Discussion arose regarding a new business in town, as it pertains to restricting seating, use, parking, etc.

Councilman Rubin moved to adopt the proposed ordinance amendments, and Mr. Koenig seconded.

Roll Call Vote: Ayes – Lospinuso, Casazza, Rubin, Ekdahl, White, Clarke, Shanley, Baret, Hewitt,

Koenig

Nays – None

Motion carried.

**Other Business**

Mr. Steib reviewed a memo that he sent to the Board regarding recent cases from the Supreme Court that clarify suitability and compatibility and standards for control. He also provided an article for the board information regarding COAH regulations.

Ms. Heard distributed photos of a property that had been approved, which has not complied with the landscape plan. She asked the board if the property owners should be asked to come back to explain the changes, or could it be handled administratively. The Board decided that the applicant must comply with the original approval or come back before the Board to request a revision.

**2014 Meeting Schedule**

Mr. Andre presented the 2014 meeting schedule. He also reported on a plan coming in form Rumson Country Club, which may be on the January agenda. The January 6, 2014, meeting will be the reorganization meeting.

The next meeting will be **Monday, January 6, 2014.**

There being no need for an executive session, motion was made and seconded to adjourn. Voice Vote: ayes, unanimous. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,  
Patricia Murphy  
Clerk