

**RUMSON PLANNING BOARD
SEPTEMBER 14, 2015
MINUTES**

Vice-Chairman Casazza called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Casazza, Clark, Shanley, Hewitt, Rubin, Baret, Williams, White, Ekdahl. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Bonnie Heard (T&M Assoc.), State Shorthand Services.

Approval of Minutes

April 13, 2015:

Councilman Rubin moved to approve the minutes from the April meeting, with corrections, and Mrs. White seconded.

Roll Call Vote: Ayes - (Eligible) Rubin, Ekdahl, White, Clark, Baret, Hewitt, Shanley

Nays: None

Motion Carried.

July 13, 2015:

May: Councilman Rubin moved to approve the minutes from the May meeting, and Mrs. White seconded.

Roll Call Vote: Ayes – (Eligible) Rubin, Clark, Shanley, White, Hewitt, Baret

Nays – None

Rumson Clover, LLC, 6 Cover Lane

Mr. Shanley will not sit in on this application, due to a possible conflict of interest.

Mr. Steib stated that the notices are in order, and the Board has jurisdiction.

Ms. Heard noted some completeness items that need to be addressed. She has no objections to granting waivers for these items. Ms. Baret moved to grant the waivers, and Councilman Rubin seconded.

Roll Call Vote: Ayes – Casazza, Rubin, White, Clark, Hewitt, Baret, Williams, Ekdahl.

Nays – None

Motion carried.

Mr. Steib stated the following exhibits have been received:

- A-1 Check list
- A-2 Minor subdivision plan dated 7/15/15
- A-3 Completeness and engineering review from T&M Assoc, dated 8/5/15
- A-4 Second completeness and engineering review from T&M Assoc. dated 8/25/15

Martin McGann, attorney, appeared on behalf of the applicants, substituting for Brooks Von Arx, who is on vacation. He explained that the existing home on the property will be demolished, and the two proposed lots comply with the zone. He noted that there are two new driveways and all new curbing along the frontage will occur. A grading and drainage plan will be submitted, and the soil borings report will be submitted to T&M Assoc.

Thomas Santry, licensed surveyor, was sworn in, and the Board accepted his qualifications. He has prepared the plans before the Board this evening. He confirmed that the property conforms to all bulk standards for the zone. He addressed the items mentioned by Ms. Heard in the completeness letter. He

explained the trips per day for this area, stating an extra 10 trips a day would occur from this use. They will have seepage pits for each lot. The existing driveway will be removed and a new driveway and

curbing will be provided along the front. The size of the apron will be modified to reflect the new driveway. There are no fresh water wetlands on the site. The site will be served by all utilities, which are existing. No on-site trees will be affected, to his knowledge. He will revise the plans, as per Ms. Heard's comments, with regard to the names listed on the plan. The subdivision will be effected by deed and not by map.

Mrs. White asked if the LLC are the owners, and Mr. McGann said they were, and he named the owners.

Ms. Heard asked if they are requesting any waivers for the borough's storm water management requirements, and Mr. Santry said they were not seeking any waivers. The water will drain west to east toward Avenue of Two Rivers.

Mr. McGann noted that the new lot coverage will actually be less than what exists today, and there will not be much of a grading change, according to Mr. Santry. Four street trees will be provided.

Ms. Baret asked if there are sidewalks on the street, and she was told none exist in this area.

William Hyatt, 2 Clover Lane, asked about the drainage plan, noting that the board has addressed his concerns in the past on this issue.

Mike Ban, 5 Clover Lane, was sworn in and commented on the bend in the street that is narrow and affords a blind spot in the road. He thinks the narrowness of the street presents a concern with this plan. He also asked the Board about the zone for his neighbor's property. Ms. Baret showed him the current zone map, which shows this property in the R-4 zone. The requirement for the R-1 zone requires 1.5 acre lots. Mr. Ban commented on the change in the schematics of the neighborhood, noting that adding more homes will add more traffic to the narrow street and present a safety issue.

Paul Damiano, architect, was sworn in, and the Board accepted his qualifications. He presented exhibits showing a rendering of another house he has built in Rumson, demonstrating the level of quality they provide (A-5). The homes are approximately the same size as what will be allowed on the new lots and are approximately the same size as the newly-proposed lots. (A-6, A-7, A-8). A colored rendering of elevations for proposed new homes on the lots was also shown (A-9). They will be shingle-style homes with open porches. He is careful to maintain setbacks and have a complementary architecture to the rest of the neighborhood.

Ms. Baret asked about the dividing line between the R-1 and R-4 zones, and Ms. Heard explained this. Mr. Steib noted that in terms of this applicant, it would not be his responsibility to change or widen the street. All the lots conform to the zone.

Mr. Casazza explained to the public the Board's consideration when discussing this type of application, which is not requiring any variances for the zone.

Mr. McGann reviewed that the application conforms to the zoning ordinance. He feels the narrowness of the road could add to the charm of the area.

Mrs. Williams questioned the setbacks as proposed, and Mr. Damiano discussed this issue, noting the restrictions they have with the size of the property.

Mike Ban again spoke from the public to ask how many other R-4 zones in town have only one ingress and egress. He thinks it may serve to be dangerous for children.

Mr. Casazza commented that the board does not want to make any decisions that would be negative for the community or hurt a child. He noted, however, they have an obligation to follow the law.

Ms. Heard said there are two other areas in town in the R-4 zone with one entrance.

Councilman Rubin and Mayor Ekdahl both think this is a very straight-forward application.

Mr. Steib stated that this street has existed for many years, and there has been no testimony that the street has resulted in injury to anyone. It is a legal street in terms of size, and there is nothing that empowers this Board to show that this is a dangerous situation. The lot is compliant and meets the law.

Mr. Casazza suggested making a recommendation to lower the speed limit on the street; however, it was noted that it is currently the lowest allowed. The police could be asked to closer observe the speed limit.

Mayor Ekdahl commented that 98% of the travel on the street are the people who live there.

Councilman Rubin moved to approve the application, and Ms. Baret seconded.

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

Motion carried.

Mr. Shanley rejoined the meeting at this time. A short recess was taken at this time (8:20 p.m.)

50 Rumson Road, LLC, 50 and 54 Rumson road

Roger Foss, attorney, appeared on behalf of the applicants. Ms. Heard noted eight items on the completeness letter that need to be addressed – none of which she has any objection to having waivers granted. Councilman Rubin moved to grant the completeness waivers, and Mrs. White seconded.

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

Motion carried.

The following exhibits have been received:

- A-1 Minor subdivision application
- A-2 Minor subdivision plat
- A-3 Report form T&M Assoc., dated 5/6/15
- A-4 Supplemental report from T&M Assoc., dated 8/27/15

Mr. Foss explained that 54 Rumson Road (Lot #2) is owned by Mr. & Mrs. Sykes. They have adequate frontage along Rumson road. They purchased Lot #1 in the name of the LLC. They would like to subdivide .22 acres, to supplement their frontage, making it conforming. They have three accessory structures, which are very close to the property line with pre-existing conditions regarding setbacks and

height variances. Lot #1 no longer has a building on it. They would like to make two conforming lots. The interior lot would be on Tennis Court Lane, which is not an approved street. They have applied to the county to keep the driveway on Rumson Road. The interior lot would have a driveway off Tennis Court

Lane, which is a small, private road, and they have been in touch with the club and entered into an agreement with them. There is an easement to allow the tennis club to park along the west side of Tennis Court Lane. This is a roadway easement for use of parking. They have no intention to widen or improve Tennis Court Lane.

Thomas Santry, Jr., professional land surveyor, was sworn in, and the board accepted his qualifications. He prepared the plans before the board and is familiar with the property. He also prepared the original survey from 2013. He explained Lot# 2, which includes the main house and an accessory residential structure. No changes are proposed to any of these existing structures. There is no opportunity to acquire any additional property to provide any additional setbacks for these structures. The frontage of Lot #2 along Rumson Road is 150'. The purpose of moving the lot line between Lot #1 and Lot #2 is to increase the width of Lot #2 along Rumson Road in terms of frontage. The resulting lots 1.01 and 1.02 will both conform in size. A proposed concept for single-family homes has been provided for these lots.

The frontage for Lot #1 on Rumson Road will be conforming to the zone. Mr. Santry showed the topography of the property, including the existing trees. The existing driveway on Lot 1.01 goes from Rumson Road to Tennis Court Lane. The area to the east of Tennis Court Lane is owned by the Sea Bright Lawn and Tennis Club. There are four other lots that face the unimproved road. He showed the Board the subdivision plan, pointing out the driveway on Rumson Road and the proposed driveway to Tennis Court Lane.

Mr. Santry described the trees currently on the lot, and Mr. Foss noted there are no plans to remove any trees at present with this plan. Photos were shown which depict:

- View from the existing driveway looking northeast (A-5)
- View into the driveway across Rumson Road to the existing driveway. There are a number of trees in this view that are depicted on their plan (A-6)
- View looking from Rumson Road slightly northwest (A-7)
- View of street trees between the brick wall and the pavement (A-8)
- Similar view showing the street trees and wall, showing the main house in the rear (A-9)
- View from the front of the driveway entrance looking west along Rumson Road (A-10)
- View along Tennis Court Lane (northwest). The area of grass shown in the photo will be where the parking easement will occur.

Regarding Lot 1.01, the driveway on to Tennis Court Lane will be the only entrance, and there is a driveway in this area that currently exists. They have asked for a waiver from the requirement to plant street trees, and Mr. Foss and Mr. Santry noted there are already approximately 99 trees in the area. Mr. Santry said the lots are adequately landscaped with mature trees, and he does not think adding street trees is necessary.

The pre-existing conditions on Lot 2 can be granted without substantial detriment to the public good, in Mr. Santry's opinion.

Ms. Baret questioned the need for street trees, and Ms. Heard explained the ordinance and the Board's discretion to provide relief. Ms. Heard confirmed with Mr. Foss that they would comply with the town's tree ordinance.

Arthur Sorenson, representing the club, stated they support the Sykes' application. The plan addresses their original concern regarding the parking.

Sean Duddy, club treasurer, asked Mr. Santry about the trees and whether he has spoken Mr. Brooks, borough arborist. Mr. Santry said he had not as yet. Mr. Duddy was sworn in and stated they supported this subdivision, and the concern was that they needed to maintain the parking on Tennis Court Lane. They have an agreement with the owner, and he wants to make sure it is included in the approval. Mr. Steib said this is a private road under private ownership, and this is a private agreement.

Ms. Heard informed Mr. Duddy that the tree ordinance will be in effect at the time of any building permit application.

Frances Sykes, 54 Rumson Road, was sworn in and said she is the sole owner of the LLC that owns Lot #1. She came to an agreement with the tennis club regarding the parking on Tennis Court Lane. The formal agreement, signed by Mrs. Sykes, was marked into the record (A-12). The document has been recalled and attached to the property (Lot #1). She voluntarily entered into an agreement with the tennis club. She thinks the private road helps the tennis club function better. Lot #1.01 would front on Tennis Court Lane, but no curbs or gutters are proposed, which would interfere with the parking for the tennis club. She has owned Lot #1.01 for approximately five years.

Mr. Clark asked about the existing wall, and Mrs. Sykes said the wall will stay. Mr. Foss noted that the agreement would be a deed recorded easement for this property. Mr. Duddy further explained the easement agreements for this right-of-way on Tennis Court Lane.

There were no other questions or comments from the public.

Councilman Rubin moved to approve the application, and Ms. Baret seconded.

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

Motion carried.

There was no need for an executive session.

The next meeting will be **Monday, October 5, 2015 (7:30 p.m.)**

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 9:15 p.m.

Respectfully submitted,
Patricia Murphy
Clerk