

**RUMSON ZONING BOARD OF ADJUSTMENT  
DECEMBER 18, 2012  
MINUTES**

Chairman Conklin 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: Conklin, Atwell, Wood, Blum, Duddy, Thompson, Gummer. Also present: Bernard Reilly (Board Attorney), Fred Andre (Zoning Officer), State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

Mr. Andre was sworn in at this time.

**John & Janet Wurch, 19 Ridge Road**

Martin McGann, attorney, appeared on behalf of the applicants. He explained their application to demolish the existing home and construct a new home. The existing height will be reduced by 4'. The Floor Area will be reduced from the existing condition, and the 5' side yard setback will be modified to 28' in compliance. The lot coverage is existing and will be made more conforming to the zone. The property is over 20,000 sq. ft., which is in excess of that required.

Mr. Wurch was sworn in and stated he is the owner of the property, along with his wife. He identified the home via photos, which were marked into evidence:

- **A-1** Photo of the existing home
- **A-2** Photo of the west side of the property
- **A-3** Photo of the east side of the property (depicting some hand railings).

Mr. Wurch stated they purchased the property in July, 2012. The present condition was described as a 2 ½ story home. They originally intended to rehabilitate the home, but found demolition would be a better plan for them, and he proceeded to explain the reasons that determined this decision. The property is 20,000 sq. ft. in size, and this new home will comply with the height ordinance. The setback of the existing home on the side yard is 5', and the new home will have a larger setback (28'). A plot plan was marked A-4, showing the existing foundation and the proposed structure.

The proposed home will be 3,997 sq. ft. in size. The lot coverage will also be reduced by 350 sq. ft. Mr. Wurch described their new home as a four bedroom, 3 ½ bath home with a gambrel roof. An architectural rendering was shown and marked A-5. The garage will be a two-bay structure. The utilities will be located in the crawl space.

Kathy Zukerman, architect, was sworn in, and the Board accepted her qualifications. She designed the home and described the floor plan via Exhibit A-6 (elevation plan), noting a shore colonial style home with wood shingles. It will have an open floor plan, with a guest bedroom on the first floor. It is a 2 ½ story house with attic space above the main portion of the house. The height will be 35'. She confirmed that the current house is not structurally sound enough to restore. They are trying to make the house appear as if it has always been there. The house is located on a double sized lot. She noted that the house does not have much wasted space, and they needed the area over the garage for extra square footage for the family. They are reducing four of the nonconformities on the site. The proposed house sits much better on the lot than the

existing house. She sees no detriment to the public good, and the deficiencies on the lot will be reduced with this plan. It was pointed out that if this house were in the neighboring zone, it could have an additional 1,000 sq. ft. in size.

The garage doors were discussed, with Ms. Zuckerman noting that having the doors face the side yard would call for a much greater amount of pavement, and the property is very well screened. Chairman Conklin would like to see some screening along the front. Ms. Zuckerman said there is an existing hedge that will remain. Mr. Duddy asked if the garage doors could be on the west side, and Ms. Zuckerman explained that there was a concern with moving the driveway to the west, because of a curve in the area that could pose a safety hazard.

Scott Servilla, 21 Ridge Road, was sworn in and expressed his support for the application. He believes this plan will serve to improve his property by providing the additional setback area on his side. He would prefer the garage remain as designed, also.

There were no other questions or comments from the public.

Mr. Blum asked about the square footage of the existing house, and Mr. Wurch said it is 4,005 sq. ft. in size. Mr. Blum also asked if they looked at a way this could be subdividable into two lots, and Ms. Zuckerman stated they did not investigate this. Mr. Blum commented that any screening would add to the site difficulty on the curve, and they need to keep this in mind and make sure it is carefully done. Chairman Conklin thinks it is workable in this case, and they should be able to figure out a way to screen the area. Mr. Thompson agrees and thinks it could be done and still be safe.

Mr. Reilly advised that a reason to justify the additional square footage is because of the oversized lot, and this plan creates uniform housing in the area. He stated that the board has approved this in the past on a significantly oversized lot.

Mr. Thompson likes the way they placed the house on the lot.

Mr. Duddy agrees with the comments and thinks the placement of the house is better. He noted that the water table makes the basement almost unusable, and it is a beautiful-looking home. He thinks the plan is workable.

Mr. Duddy moved to approve the application, and Dr. Wood seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Gummer

Nays – None

Motion carried.

**Robert & Deborah Anderson, 21 Holly St.**

Mr. Anderson was sworn in for testimony. He explained his plan to move his existing garage back and utilize it as an actual parking space for his garage. The existing garage is basically falling down.

Anthony Condouris, architect, was sworn in, and the Board accepted his qualifications. The variance is for the rear garage setback (5' required / 3' proposed). They are proposing a one-car garage, with a little extra storage space. Making it conform would make it almost impossible to navigate a vehicle into the garage. The northwest corner setback will be 5.6'. The garage will be a pole barn structure. They received a variance approval a few years ago for lot coverage. They will be maintaining that lot coverage by decreasing the size of the driveway and also by using applicable credits. The existing garage is 12' x 20' in size. The a/c unit is on the west side, approximately 3' from the property line. They received a variance for this when they did their addition eight years ago. Next to this structure is the neighbor's garage. The property owner to the east has a fence, and they feel 3' is adequate to maintain the building.

There were no questions or comments from the public.

Mr. Thompson asked about the distance from the existing garage to the house next door, and Mr. Anderson pointed out the area for this house on the plan. The proposed garage and the existing dwelling have about 20' between them. Moving the garage up 2' to eliminate the variance in the back would take away from the yard space for the family and also make it a tight space to work around to get into the garage.

Mr. Duddy thinks the space is needed to make the garage useful and functional. The size of the door is 10' x 10', which is oversized and makes it easier to maneuver in and out.

Mr. Blum pointed out a discrepancy in the numbers regarding the floor area and the applicable credit, although it is still less than the maximum permitted.

Ms. Gummer does not think 3' is a desirable setback, although the size of the lot affects their plan to make it a usable garage, and she can see the hardship.

Mr. Blum thinks the accessory building could be made smaller and provide the 5' setback.

Mr. Anderson pointed out that he has a Chevy Suburban, which is a large vehicle.

Mr. Duddy also sees the hardship. The town wants to see residences provide a garage and park the vehicle in the garage whenever possible. If the size were reduced, he does not think they would be able to maneuver the car into the garage.

Mr. Thompson agrees that there is a hardship, but he thinks they could possibly arrive at some type of compromise, perhaps by shortening the length of the building, providing a 4' setback, which is still tight.

Mrs. Atwell does not think they can significantly change the size and still allow for the turn radius. She would like to see a larger setback, but she also sees the hardship with maneuvering a large car in and out of the garage.

Mr. Duddy questioned whether a 3' setback is sufficient to maintain the building.

Chairman Conklin sees a conflict between having a usable garage and one that is not usable. They are asking for a larger structure, and they could provide a smaller structure with a greater setback.

Mr. Anderson asked if they would agree to an additional 6' on each side with the same size garage. The Board suggested the applicant take a few minutes to discuss the matter with his architect, and come back a little later in the meeting.

**Ingeborg Perndorfer, 6 Robin Road**

Brooks Von Arx, attorney, appeared on behalf of the applicant. The property is improved with a post World War II home, with many limitations. It is an unusual lot on a curved corner lot. The existing nonconformities include:

- Lot Area (12,500 sq. ft. required / 12,460 sq. ft. provided);
- Secondary lot width/frontage (100' required / 73.54' existing);
- Secondary front porch setback (30' required / 29.5' existing);
- Rear setback (40' required / 20' existing).

They are asking for one additional nonconformity to make the garage usable – 18.5' proposed rear yard setback.

Ingeborg Perndorfer was sworn in and said she is the owner of the property, where she has lived for 25 years. She described the house as an original to the Robin Road area, built in the 1950's as a traditional Cape Cod style. It has a lot of small rooms and is dark inside, with a small kitchen and dining room. The garage is unusable, because it is very narrow. She would like more space for her car and storage. She would also like to remove a large deck in the rear and install an in ground pool. The lot is screened from the neighbors via a large hedge on both sides. She showed the board a photo (A-1), which depicts the back corner area of the property where the pool is proposed. The existing greenery would remain and be upgraded. Another photo shows the view from the house toward the neighbor's house (A-2). Ms. Perndorfer has spoken to her neighbors, who have expressed no objection to her plan.

Richard Groves, architect, was sworn in, and the board accepted his qualifications. He described the limitations of the house, noting the small rooms. They wanted to extend out the kitchen to make it more livable. Most of the changes are interior. They are under the allowable square footage. The proposed widening of the garage is to accommodate all the athletic equipment that is kept there. The new garage will be 14' wide (currently 12' wide). He would like to keep the sense of style to the house and add a little more functionality. He noted that the general neighborhood has been changing, and many of the small houses have been replaced. It is his opinion that no detrimental effect would occur if the Board approved this application. He thinks the house is in need of a facelift but still maintain the style and charm of the house.

Mary Lou Herrlich, neighbor, was sworn in and expressed her support for the application. She thinks it will be in improvement to the neighborhood.

There were no other questions or comments from the public.

Ms. Gummer expressed difficulty with the nonconformity that is being increased, which is already significantly less than what is required. She does not see the hardship in this case. Mr. Von Arx said that the size of the garage is extremely small and cannot accommodate any storage, such as lawn mowers, garden equipment, etc. Ms. Perndorfer explained that the existing door is very small, and she cannot get her car in the garage. They are asking for another 2' to enable her to be able to get out of the car and into the house, which is very difficult at present.

Mr. Thompson asked about the expansion on the rear of the house. Mr. Groves explained how the additional 2' will afford a better look than what currently exists.

Chairman Conklin commented that the required setbacks are unusual to begin with. It is a house that was built in the 1950's, and it would be difficult to provide a conforming house on this lot. He thinks keeping the original house is good for the town, although they need to be brought up to date. He does not think a new house would ever be able to be built to conform to the setbacks. He thinks this plan is workable, and the variance is diminimus. He would only want to see that the screening be included for all sides around the back of the house.

Mr. Thompson questioned the interior changes as shown, and Mr. Groves explained that the applicant wanted a more open arrangement.

Mr. Blum does not have a problem with the application and thinks it is one variance that is being increased in the corner which is a rear yard and comes about because this is an exceptional lot. He explained the requirements of a corner lot, which this lot is in technicality, existing on a curve. Noting the larger setback requirements for a corner property, he believes this is a technical value, and he has no problem with approving it. The shape of the lot creates a hardship in this case.

Dr. Wood moved to approve the application with the screening as mentioned, and Mr. Thompson seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Gummer  
Nays – None

Motion carried.

**Robert & Deborah Anderson, 21 Holly St. (Continued)**

Mr. Anderson asked if the Board would accept a 4' setback in the rear and keep the building at 21' wide. Chairman Conklin expressed no problem with this. Mr. Thompson moved to approve the application, with that change, and Mr. Blum seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Gummer  
Nays – None

Motion carried.

**Approval of Minutes**

Motion was made and seconded to approve the October 16, 2012, and the November 20, 2012, minutes, with corrections. Voice Vote: Ayes, unanimous.

**Resolutions**

1. **JNM Holdings, Inc., 16 Washington St. (Corner Hunt St.)** – approval to construct new two-family residence and three-car detached garage with second floor apartment. Mr. Thompson moved to adopt the resolution, which some changed wording, and Mrs. Atwell seconded. Roll Call Vote: Ayes (Eligible) – Conklin, Atwell, Blum Duddy, Thompson. Nays – None. Motion carried.

Mr. Thompson moved to adopt the following resolutions, and Mr. Duddy seconded:

2. **George & Elizabeth DeRose, 77 South Ward Ave.** – approval to remove roof of existing residence and construct partial second floor addition, add roof to existing front porch, retain a two-car garage;
3. **Jeffrey & Sarah Andreski, 147 Rumson Road** – approval to remove front porch and construct new one-story front addition and carport;
4. **David & Marlena Redline, 120 Rumson Road** – approval to renovate front entry, construct new front and side additions and partial second floor addition;
5. **Edward and Dorothy Whitehouse, 0 Wilson Circle** – approval to remove existing house and retain existing detached garage/workshop and construct new two-story home.

Roll Call Vote: Ayes (Eligible) – Conklin, Atwell, Blum, Duddy, Thompson Wood  
Nays – None

Motion carried.

**Other Business**

Mr. Andre mentioned that Mayor and Council have suggested possibly holding two meetings per month, if necessary, to accommodate people that need to raise their home based on the new floods requirements. To date, this has not been necessary, but he wanted to make the Board aware of this.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Patricia Murphy  
Clerk