

RUMSON ZONING BOARD OF ADJUSTMENT
JUNE 16, 2015
MINUTES

Chairman Brodsky 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: Brodsky, Wood, Cottrell, Seaman, Thompson, Lizotti, Duddy, Blum. Also present: Bernard Reilly (Board Attorney), Fred Andre, (Zoning Officer), State Shorthand.

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

Chairman Brodsky welcomed Mr. Lizotti as the new, 2nd alternate, member of the Rumson Zoning Board of Adjustment.

Ryan & Courtney Zanetich, 28 Navesink Ave.

Mr. Zanetich was sworn in and explained their plan to put a detached garage in the rear of their property. He reviewed the zone, which requires setbacks that would not be practical for their needs. He noted several properties nearby that have the same lot size that also have detached garages. The garage will be 433 sq. ft. in size (22' x 19'). It is a one-car, oversized garage. There is gravel to the rear of the property to the garage area. There is an existing shed that will be removed. His neighbors in this corner also have a garage next to their proposed structure. They are trying to provide as much back yard area as possible. An existing cherry tree will probably need to be removed and relocated, since it will be in the area of the proposed driveway.

It was noted that this lot should be in the R-4 Zone and not the R-2 Zone, which would make this application conforming.

Mrs. Seaman also noted that many properties along this street have the same situation.

There were no questions or comments from the public.

Mr. Cottrell moved to approve the application, and Mrs. Seaman seconded.

Roll Call Vote: Ayes – Brodsky, Wood, Cottrell, Seaman, Thompson, Lizotti, Duddy, Blum
Nays – None

Motion carried.

Jeffrey Guarino, 22 Center Street

Keith Mazurek, architect, appeared on behalf of Mr. Guarino. The Board accepted his qualifications. He noted on the engineering table the maximum building coverage presented (1,235 sq. ft. required – 1,333 sq. ft. proposed). This number is incorrect and should indicate 1,160 sq. ft. proposed, which conforms to the ordinance. The property has a two-story existing single-family home. It is a nonconforming lot as to width, frontage, and circle diameter. The existing building also has a nonconforming side yard and front yard setback. They would like to raze the building and construct a new, two-story home with a full basement. Due to the narrowness of the lot, the proposed house will have a one-car, attached garage. They are trying to create a narrow home on a narrow lot and conform to the setback requirements. They have minimized the garage size to 11.4' on the inside, which is about the same size as other homes that have been approved on undersized lots. The FAR and height both conform to the ordinance.

Chairman Brodsky questioned the engineering figures for the building coverage (1,160 sq.ft.) and whether this was accurate, as it is less than what is allowed for the lot. Mr. Blum also questioned the figures, with Mr. Mazurek noting that their proposal is 75 sq. ft. less than that allowed for the lot. The existing house has a 26' setback from the street and they propose 36' for the new house. They are farther away from the north property line. The house is about the same width as the existing house, but more centered on the lot. There was no garage previously on the lot. Their design with the attached garage allows them to better center the house on the lot.

Mr. Mazurek believes most of the trees are behind their proposed construction; however, he is not sure about this. Mr. Cottrell said there did not seem to be any trees of any size in the area of the newly-proposed house.

Mrs. Seaman also did not see any specimen trees in the building area, and it was noted that there will be a follow up with the Rumson Shade Tree Commission.

Mr. Cottrell thinks it seems to be a straight forward application.

John Halligan, 33 Center St., was sworn in and expressed a concern regarding the possibility of dealing with asbestos shingles and other building materials with the demolition of the house. Also, he mentioned the parking spaces in the driveway and the availability of spaces on the street. Mr. Mazurek stated that the asbestos issue will be handled by the building department, and there are measures in force to deal with this, according to state requirements. Also, Mr. Mazurek said the proposed driveway would accommodate two cars.

Tricia Stuart-Shanes, 24 Center St., was sworn in and asked about the proposed driveway, which Mr. Mazurek said would be farther away from her property. She also questioned the plans for the asbestos removal.

Scott Shanes, 24 Center St., asked if they would be notified regarding any asbestos removal. Mr. Andre said they would be notified of the demolition. Mr. Shanes also questioned the positioning of the house on the lot, and Mr. Mazurek said it would be 3' closer to Mr. Shanes' property. The proposed house will be larger than the existing house, and Mr. Mazurek demonstrated the size via the plans provided.

There were no other questions or comments from the public.

Mr. Thompson would like to see the landscaping on the property.

Chairman Brodsky recalled tall trees on either side in the rear of the lot. Mr. Shanes noted that there are hedges and tall trees on both sides in the rear of the property. He does not think any trees would need to come down.

Mrs. Seaman would like to see the trees located on the lot and be assured that they will not be removed.

Chairman Brodsky said they could move forward with the application, with the condition that a tree plan be submitted. Mr. Blum does not think there are any trees in the area of the proposed construction, but the Board thought they would like to see the trees shown on the plan.

Chairman Brodsky thinks there is a hardship, due to the narrowness of the lot and the setback in this zone. He thinks the plan appears to be centered better on the lot, and he thinks the plan is reasonable. The house is set farther back from the road, and two cars can be accommodated in the driveway.

Mrs. Seaman agrees that it would be good to see the trees on the plan. She moved to approve the application, subject to the submission of a landscape plan to be approved before the resolution is approved. Mr. Thompson seconded.

Roll Call Vote: Ayes – Brodsky, Wood, Cottrell, Seaman, Thompson, Lizotti, Duddy, Blum
Nays – None

Motion carried.

Scott & Lauren Zoeller, 2 A Lakeside Ave.

Mr. Doran, architect, was sworn in and explained their plan to construct a covered front porch, construct a shed roof over an existing garage, and install a small deck in the rear of the property. The porch and overhang are for aesthetic purposes, and the deck will provide access to the back yard. The unusual shape of the lot requires them to come before the Board. The setbacks are nonconforming, requiring them to seek a variance. The back deck is at the exit door from the house and will not go much farther than the existing rear steps (2' past the existing steps, which will go to the left). The steps will be connected to the patio to the left.

Scott Zoeller was sworn in and further explained that the back deck area would be raised about 2', and they would be raising the grade somewhat, so that they will be able to walk from the back patio to the deck (about 2 1/2' higher). There is a slight grade that comes down to the water. The walkway from the steps to the deck was discussed, with Mr. Doran stating they would not go over allowable coverage with this walkway area. Mr. Andre noted that it would be permissible if it is within the setback, which it is. Mr. Doran said they would be making the walkway a part of the deck going to the patio – about 2 1/2' high and 4' wide. The applicant would be asked to provide an amended plan to show this walkway.

Chairman Brodsky commented that the covered front porch provides more appeal; however, he is concerned with the proposed depth (8'). Mr. Zoeller explained that the house is very flat, and they wanted to achieve a design that would be appropriate for the house. He would be willing to change the depth to 6', as that would be appropriate for the look of the house. Mr. Doran said a 6' depth could be provided and still afford the aesthetics they are looking for. They will also revise the plan to show this change. The entire house will be sided.

Lauren Zoeller was sworn in and further explained their design for the overhang at the garage.

There were no questions or comments from the public.

It was noted that an existing Maple tree in the area of the garage will be moved to the center of the front yard.

Chairman Brodsky appreciates their moving the front porch back 2', and he thinks it is a reasonable application and will dress up the house nicely.

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

Roll Call Vote: Ayes – Brodsky, Wood, Cottrell, Seaman, Thompson, Lizotti, Duddy, Blum
Nays – None

Motion carried.

Clockworks Development Group, LLC, 4 Pond Road

Brooks Von Arx, attorney, appeared on behalf of the applicant, who is the contract purchaser of the property. The property has an extremely odd shape, and they cannot meet the zone requirements and need a variance to build a house. The property is currently vacant. They propose to build a new house, but they are constrained by a wetlands area and also a required 50' buffer area. He thinks this is a classic example of a "C" hardship variance, because the property cannot be developed with a single-family house, except for a specific area. They are asking for a front yard setback of 50' where 75' are required. The location of this proposed house would be an improvement over what previously occurred on the lot.

Jack Pryor, wetlands environmental scientist, was sworn in, and the Board accepted his qualifications. He has reviewed the property and noted that wetlands are found on the lot. The blue line on their plan indicates the extent of the wetlands as best they can determine. The red line indicates the 50' buffer required by the county for any developed area. The buffer area determines the building area for the house.

Chairman Brodsky noted that the DEP has said that there are no wetlands on the property; however Mr. Pryor said they use older maps, which have discrepancies. The DEP does have the final say; however, they take the word of conservationists, such as the work he does, to verify the existence of these wetlands. The delineation of the wetlands determines the line for the 50' required buffer. Mr. Pryor said there is some "wiggle" room for the buffer, but not much. He explained how they determine the area of wetlands.

Paul Grabowski, architect, was sworn in, and the Board accepted his qualifications. He has developed the plans for the single-family residence, based on the requirements of FEMA. He noted the small window of opportunity they had to place the house on the buildable area of the lot. The height is proposed at 36 3/8', which is less than what is allowed. He used lower roof lines to minimize the scale of the house. The grade will not be changed. The Floor Area is 5,361 sq. ft., which is again under that permitted.

Mr. Von Arx noted the problems with the lot preventing them from providing the 75' setback in the front, as required. The lot is almost 50% larger than required with more frontage than required. He does not think any detrimental effect will be felt by the zone plan or the public. He asked the Board to approve the application.

There were no questions or comments from the public.

Chairman Brodsky agrees that there is a hardship in this case, and they have done a nice job of setting the house on the lot. He agrees with the architect's design to minimize the appearance of the height from the road. He thinks it is a good solution for the property.

Mr. Duddy said that if they accept the testimony of the experts, they appear to have done the best that could.

Mr. Thompson moved to approve the application, and Mrs. Seaman seconded.

Roll Call Vote: Ayes – Brodsky, Wood, Cottrell, Seaman, Thompson, Lizotti, Duddy, Blum

Nays – None

Motion carried.

Michael & Shanley Walker, 52 Navesink Ave.

Dr. Wood will recuse himself from sitting in on this application.

Michael Walker was sworn in, along with Paul Moore, architect. The Board accepted Mr. Moore's qualifications. Mr. Walker said they were before the Board in December for a variance for a wrap-around porch. Since then, they have decided to add on to the home. Mr. Moore showed the Board an existing plan. They are seeking several variances. They would like to add on to the existing house with a rear, screened porch, side entryway, and detached garage and cabana. Mr. Walker noted that the house is 110 years old and in need of repairs. The property is located in the R-2 Zone and backs up to the R-4 Zone. Their development will meet all building coverage requirements, including the proposed pool.

Mr. Moore pointed out the existing driveway and garage. They are proposing a new, detached garage, driveway, and cabana. He described the existing first floor and explained what they were adding on that floor. They are trying to make the rooms larger and expand the kitchen on this level. The rear of the house has a family room and small entryway.

The second floor will have a new master bedroom suite. The exterior elevations were shown, with Mr. Moore explaining their design for the house and garage and cabana, which will be an open-air space with a bathroom, changing room, and kitchen area. No heat is proposed for the cabana. There will be a second floor to the garage that will be used for storage.

The variances they are seeking include:

- Lot size – 1 acre required / .954 acre existing
- Lot width – 150' required / 108' existing
- Lot shape – 100' required / 58' existing
- Side yard setback – 25' required / 20' existing
- Side yard accessory setback – 25' required / 22' proposed
- Accessory floor area – 30% of main floor area / 46% proposed.

Chairman Brodsky reviewed the proposal, stating his opinion that the garage could be moved to provide a setback closer to the requirement. Mr. Moore said he could do this; however, it brings it very close to the corner of the house, which makes it unsatisfactory. He noted that they have a hardship due to the width of the property. Attaching the garage to the house would be out of character to this style and age of the house.

Mrs. Seaman suggested putting the garage on the other side of the lot, but Mr. Moore felt the flow would not be as good.

Mr. Walker noted that the existing garage was only 2' off the property line, and their proposal is an improvement over what existed. He has spoken to his neighbor about this proposal.

Chairman Brodsky thought it was unusual to have two driveways coming into the house, which he thinks intensifies the use where they are already in violation of the setbacks. He asked if they needed two driveways as shown. Mr. Moore explained the process for the two driveways. He pointed out an existing Beech tree that they are also working to preserve.

William Brooks, Borough Forester, was sworn in and said that the Beech tree in question is spectacular. He feels this plan for the driveway presents the least disturbance to the tree. He noted the remaining trees that would need to be removed:

- 2 Red Cedars
- 1 Red Maple.

None of these are significant specimen trees. One American Holly will be replaced with two like specimens, as per the requirements of the borough, and there are no other significant specimen or restricted trees proposed for removal.

Mr. Moore explained their plan for a stone wall on the property, as well as pillars.

Mr. Duddy asked if they considered any other design so that the garage could be setback at 15', and Mr. Moore again said this would make the garage a feature of the back yard, which they are trying to avoid. He does not think this design presents a detriment to the zone plan.

P.J. Rotchford, speaking from the public, was sworn in and said he lives at 54 Navesink Ave. and is the most affected by these changes. He is happy with the proposal and the fact that they are keeping the house and not razing it and rebuilding. The current garage is not attractive and is directly on their property line. Anything that replaces it would be an improvement, in his opinion. The garage is on the same side as his garage, and this would not be visible when they are in their yard. He knows they will be doing the right thing with the property. He would support the application.

There were no other questions or comments from the public.

Mr. Thompson said it appears the neighbors have been approached and do not object to the plan. He would prefer to see the garage moved in a little, but other than that, he thinks it looks good.

Chairman Brodsky questioned the percentage of accessory structures, and it was noted that they are about 50% over that allowed. Even though the cabana is open, it still has a roof and counts in the figures. He acknowledged that they are working with an existing house, and they have been improving the house. He can see reasons for some hardship considerations, but he thinks they could minimize some of the nonconformities as a compromise. They have a big back yard and he is not convinced that the hardship is sufficient to allow for the garage to be so close to the property line. They are within 50' of the maximum lot coverage, mainly due to the driveways. He would like to see some change in the garage and cabana.

Mr. Cottrell agreed; however, he does not like the idea of pushing the garage and cabana back. He thinks there might be some compromise available. He applauds their maintaining a 100-year-old home and preserving the trees.

Mr. Rochford also said he would prefer that the cabana not be pushed back farther into the yard. Mr. Walker said he would be willing to compromise and move it 5' on both sides, and Mr. Rochford said he thinks that would also work for him.

Mr. Duddy thinks they have presented their position very well, based on the hardship with the lot. He commented that the garage is coming down, and the Board tries to keep new construction as close to compliance as possible.

Mrs. Seaman likes the plan and thinks it will look beautiful, and moving the garage 5' on both sides is acceptable to her.

It was noted that the pool also needs to be 15' off the property line, and this will be done.

Mr. Blum stated he does not see any justification for the variances being requested. They have enough room, and he does not see why they need the side yard variances. They have maxed out the building and lot coverages. He would not support the variances.

Mr. Moore explained the driveway and garage access and why they needed to have it face the side. He thinks it meets the intent of the zoning ordinance. The setbacks are affected by the placement of the house, which presents the hardship for them, and they are trying to maintain the character of the older home.

Mr. Blum stated he does not accept Mr. Moore's explanation, and asked about their alternate plans. Mr. Moore explained their other plans, and Mr. Blum thinks there may be other options that would not require variances.

Mr. Thompson thinks the overall point is they are working with an existing house and with the neighbor. The plan is not perfect, and there may be some type of adjustment they could present as a compromise.

Mr. Cottrell moved to approve the application, with the condition that the garage be moved back and over 5', and the adjustment to the deck. Mr. Duddy seconded.

Roll Call Vote: Ayes – Brodsky, Cottrell, Seaman, Thompson, Lizotti, Duddy

Nays – Blum

Motion carried.

Revised plans will be submitted to show the changed location before the next meeting, when a resolution will be presented for approval.

Other Business

At this time, Mr. Reilly swore in Mr. Lizotti as the #2 alternate member to the Zoning Board of Adjustment.

Resolutions

- 1. Thomas & Richelle Frangione, 6 Narumsunk St.** – Approval to construct a new front porch. Mr. Thompson moved to adopt the resolution, and Mrs. Seaman seconded.

Roll Call Vote: Ayes (Eligible) – Brodsky, Blum, Thompson, Duddy, Seaman

Nays – None

Motion carried.

Approval of Minutes

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

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 9:55 p.m.

The next meeting will be **July 21, 2015.**

Respectfully submitted,

Patricia Murphy
Clerk