

**RUMSON ZONING BOARD OF ADJUSTMENT
NOVEMBER 20, 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, Brodsky, Thompson. 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 Conklin announced that Tom Rogers, Borough Administrator, was present this evening to answer any questions of the Board members and the public regarding the current status after the storm. He reported that the cleanup is ongoing, and they are using outside contractors to help. Their cost is up to \$600,000 so far, and they are about 60-70% done. They are hoping the ultimate costs will be mostly covered by FEMA. The Board thanked Mr. Rogers for his information.

Randolph Rosen, 2 Broadmoor Dr.

This application has been withdrawn, and the applicant will reapply.

JNM Holdings, Inc., 16 Washington St (Corner Hunt St.)

Dr. Wood will not sit in on this application. Mr. Thompson has read the transcript and is eligible to vote on the application.

Michael Leckstein, attorney, appeared on behalf of the applicants. He reviewed their prior appearance, noting the discussion that occurred and the concerns expressed at that meeting. As a result, they have prepared three possible alternatives, and these have been distributed to the Board. James Kennedy, project engineer, still under oath, also was present to explain each proposal:

1. Modify the previous site plan to move the accessory apartment back to be 3' off the garage next door and 3' off the Lot #4 (townhomes). This brings the building more in line with the neighbor's garage and creates a little more of a gap between the structures. This increases the impervious coverage and requires rear setback variances for the accessory structure;
2. Instead of moving the garage back, this plan moves the garage toward Hunt St. and provides parking in front of the garage. Mr. Kennedy thinks this may pose an issue with cars backing out on to the street, although he has heard that Hunt St. will become a one-way street, providing a safer environment, eliminating the view from Lot #6 and providing a large open area behind the garage. This reduces lot coverage, because the driveway is smaller and increases the setback of the accessory structure.
3. This design shows the garage rotated 90 degrees to provide parking and opening up the yard by aligning the garage with the garage on Lot #6. This provides a minimum backup area behind the garage and it would provide three parking spaces next to the garage. They can reduce the driveway somewhat to provide less impervious surface. This would

be the highest coverage alternative. This creates the greatest view shed and staggering of structures between the lots. A report from a surveyor was shown to the Board and marked A-6. This is a certified letter from a professional land surveyor, John Lutz, which gives heights of the next-door structures and the townhomes behind as a comparison, and he thinks their proposed heights fit in with the surrounding structures.

The applicant is open to any of these alternatives, although they believe their original proposal balances the building on the lot, as well as providing an affordable housing unit. This would also allow them to preserve the existing holly tree. He noted that this street was very hard hit as to the trees after the storm, and they would like to keep these trees.

Chairman Conklin asked if they considered putting the garage west of the main structure, and Mr. Kennedy said they did not consider this. He noted that the setbacks for the accessory structure could be 5' off the side and rear, if the Board preferred this. He thinks their alternatives address the questions and concerns heard at the last meeting.

Mr. Blum questioned their determination as to the placement on the lot as it pertains to the holly tree. Mr. Kennedy said that the survey determined the actual branch spread to help them decide on the placement of the house. Mr. Blum asked what they considered to be the disadvantage of Alternative #2. Mr. Kennedy stated that he had a concern with cars backing out on to Hunt St. Now that the street may become a one-way, he feels this will eliminate the safety hazard and only provide traffic from Victory Park to the east, although he said any time vehicles back on to a road, it presents a safety issues.

Chairman Conklin noted that the lot coverage for Alternative #3 is 1200 sq. ft. more than the original plan. The original proposal did not have a lot coverage variance, but it is included in two of the alternatives. If they make the garage centered and shift the parking stalls, they could reduce some coverage (about 200 sq. ft.). Chairman Conklin feels there is a big price to pay by not being able to pull straight in to the site.

Mr. Leckstein said they are looking for guidance from the Board. They have their planner present for testimony, if necessary. He noted they are not any denser than any of the other homes in the area.

Rich Demartino, 18 Washington St., still under oath from the last meeting, spoke again to comment on the alternative plans. He thinks that Alternative #2 opens things up and would be better for him and also requires the least amount of variances. This alternative creates more green space, also. He would not have a problem with #2.

Bruce Matzel, a builder in Rumson, was sworn in and said that the only plan that makes sense from a development standpoint would be #2, and he offered a suggestion to somewhat change the plan as to parking and the garage area, allowing for a safer ingress and egress for the cars on the lot. He would suggest moving the garage at least 8' to the south, adding more distance to the driveway on Hunt St. Mr. Leckstein said they could definitely do this and consider it Alternative #4. This increases the coverage somewhat, but affords a K-turn area for the cars. Mr. Kennedy

said he thinks the people who use this area will probably back into the stall and be able to pullout on to Hunt St. An extra 8-10' would not provide adequate k-turn area, in his opinion.

Steve Gassert, designer of the project, 10 Oakwood Lane, Rumson, was sworn in and commented on the changes proposed by Mr. Matzel, noting that the triple wide apron going straight to the garage is not very attractive and causes a loss of greenery on the site. He thinks it is less appealing than the original proposal. He also likes the Alternative #3, which increases the lot coverage but puts more air between the two structures.

Mr. Leckstein showed the Board a photo of a house across the street, which shows a similar design to what they are proposing. Mr. Demartino pointed out that this property does not back up to another residential dwelling, but only to commercial property and an old garage.

Mr. Kennedy reviewed the original setbacks, commenting that he feels this plan is the best balance for the lot.

Chairman Conklin sees two issues:

- A COAH issue, which will become an issue for the town in the upcoming years, and the town needs to be pro-active and take advantage of opportunities to head in a positive direction;
- The application meets most of the criteria with the consideration of the alternatives presented.

Mr. Reilly further explained the COAH situation and the reasons to consider applications that address this issue.

Mr. Blum is satisfied and thinks the positive criteria have been met. He does not have a problem with the special reasons variance part of the application.

Mr. Duddy concurs with the opinions expressed this far, and he would be in favor of being pro-active as to the COAH issues.

Mr. Brodsky also agrees and thinks it is a reasonable way to go forward and meet the objectives.

Mr. Thompson agrees that this area is applicable to this type of project, and the board now needs to look at this opportunity for a COAH unit.

Mrs. Atwell also supports the application and thinks it is reasonable to take advantage of this location.

Mr. Duddy would support Plan #1. He understands that Mr. Demartino will be losing his view, but he thinks it is the best plan.

Mr. Blum prefers Plan #2 because it reduces the coverage and provides more green space. He is not in favor of moving it farther off the street, as it would invite parking more vehicles on the

site. He does not see backing out on to the street as an issue. He thinks any of the alternatives are good, but he prefers #2.

Mr. Brodsky likes Alternative #3, which is more sensitive to the neighbors. He does not like the three garage doors facing the street.

Mr. Thompson likes Alternative #2.

Mrs. Atwell likes Alternative #2 because of the lesser amount of lot coverage and opening up the green area.

Chairman Conklin explained his reasons for being in favor of Alternative #2, which provides a back yard for the COAH unit.

After discussion, it was decided to agree with the majority of the Board that preferred Alternate #2 as the best plan, which has sound reasons for approval.

Mr. Blum suggested requiring curbs and sidewalks on Hunt St.; however, Mr. Leckstein said they feel this would be an imposition, and also, there are no other sidewalks in this area. Mr. Reilly noted that there will be several people living there, and he did not think it would be too significant a cost to the application. Mr. Kennedy noted that it would be a sidewalk to nowhere. Mr. Blum thinks providing safe pedestrian access to the affordable unit is a good reason to require this, and he thinks it is appropriate for the area. Mr. Leckstein noted that 100' of sidewalk and curb is being suggested for the possibility of one person in the COAH unit. Chairman Conklin suggested asking for just a curb. He does not think the COAH person would be walking on Hunt St. to get to transportation, if they don't have a vehicle. Mr. Demartino said there is a sidewalk on the other side of Hunt St. with a curb. Mr. Blum pointed out that this portion of Hunt St. is the only area that does not have a sidewalk and curb. Mr. Kennedy showed the Board the photos from the last meeting, which shows the house on Hunt St., and he thinks adding curbing to a road this narrow and old may cause water problems in the area. Chairman Conklin does not think this should be a requirement for this development. There is safe traveling on the north side of Hunt St. at present. He does not see the necessity to provide sidewalks on this side. Mr. Duddy noted they are already maxing out the coverage, and he agrees it should not be required for this application. Mr. Brodsky, Mr. Thompson, and Mrs. Atwell agree.

Mr. Duddy moved to approve Alternative #2, and Mr. Thompson seconded.

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

Nays – None

Motion carried.

Dr. Wood rejoined the meeting at this time.

George & Elizabeth DeRose, 77 South Ward Ave

Mrs. DeRose was sworn in and explained her plan to make their space work better for their family.

Antonio Scalise, architect, was sworn in, and the Board accepted his qualifications. He stated that the existing house is 1,800 sq. ft., and they are proposing to add on to the second floor another 260 sq. ft. They are trying to modernize the house and make the kitchen and family room more inviting. They have rearranged the bedrooms – three on the second floor and one on the first floor. They kept the footprint of the first floor in tact, but reduced the square footage of the existing garage, adding to the setbacks of this structure. This reduced the FAR on the property. The garage will remain a two-car structure. They hope to salvage the existing garage and add a new east wall.

He noted that they would not want to maximize every area, so they propose a gambrel roof, which lessens the massive impact on the home. After the recent storm, they had 40” of water on the first floor, so they are looking to raise the home to 13’, or an additional 4’, based on the Board’s comments and suggestions. He mentioned that the current height is 28.3 ½’ at the highest peak, and the requirement is 30’. They may have a 35’ height in the future, should they raise the house. Chairman Conklin noted that the town’s FEMA requirements will be raised, and they will be able to work with them on this issue.

Mr. Scalise reviewed the floor plan on the first and second floors. They are not expanding anything regarding the footprint on the main floor. They are asking for a roof covering over the main entry, and there is already a masonry porch in the area.

They need the variances to expand the building vertically; however, raising the floor will cause them to require a height variance. Mr. Andre noted that the height allowed in this zone is now 35’, and this was adopted this evening by the mayor and council.

There were no questions or comments from the public.

Mr. Blum clarified that there would still be no height variance, if they decide to raise the house to the FEMA requirement with this plan.

Mr. Thompson thinks this is a good job and he is happy they want to build in this area. He moved to approve the application, and Mr. Brodsky seconded.

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

Nays – None

Motion carried.

Jeffrey & Sarah Andreski, 147 Rumson Rd

Steve Gouin, attorney, appeared on behalf of the applicants. He described the property in question, noting the beautiful estate-like setting. The applicants are proposing to add a carport to add functionality to the home. They currently have an attached, two-car garage and a parking area.

Michael Unger, architect, was sworn in, and the Board accepted his qualifications. The property is 4.75 acres on the corner of Rumson Road and Conover Lane. There is an accessory building in the front yard, which is a nonconforming structure used as living space by the caretaker of the property. In 2002 the Board approved to maintain the house as a residential accessory building.

He has been asked to design a carport and trash enclosure, as well as some interior renovations and a small interior addition to expand the kitchen. The property conforms, with the exception of the building in the front yard. Their design will increase the building coverage by 445 sq. ft. over what is permitted. They also intend to remove some paving in the rear. The trash area will be concealed by landscaping. There are no other nonconformities with this application.

Jeff Andreski, property owner, was sworn in and stated that the house was built in 1904. Mr. Unger showed the Board some additional drawings, which show the view from Rumson Road, including the carport extension to the northeast of the property. The materials will be consistent with the rest of the building.

The Board thought the required variance was diminimus. The addition will be aesthetically pleasing and better the functionality of the house.

There were no questions or comments from the public.

Chairman Conklin commented that the house was built many years ago and there is no attached garage. He understands their request for better functionality, and he thinks this is a reasonable request by the applicant.

Mr. Brodsky asked if there was any shrubbery in the area. Mr. Andreski said there is shrubbery all across the property on Rumson Rd., and they will be replacing the shrubs along Conover Lane to also provide a hedge line. They also have a tree that would partially block the site from Conover Lane.

It was noted that the carport does not have any doors, but the opening does face Rumson Road, although it is many feet away from the road. Mr. Unger said there is no other placement that would be as practical as this plan.

Mr. Blum moved to approve the application with the carport facing Rumson Road as a variance. Mr. Duddy seconded.

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

Nays – None

Motion carried.

David & Marlena Redling, 120 Rumson Road

Mr. & Mrs. Redling were sworn in, along with James Anderson, architect. The Board accepted Mr. Anderson's qualifications. He described their proposal to improve the functionality and flow and balance of the house, as well as the proportionality of the house to the lot. They propose a second story addition to the rear of the house. There are a number of pre-existing nonconformities with the site:

- Lot frontage (200' required / 167' provided);
- Circle requirement (115' required / 87' provided);
- Front yard setback (100' required / 95.7' existing / 91' proposed).

The proposed addition is a two-story addition with an extension of the master suite and a playroom on the first floor. They are well under the building coverage allowed for this property,

and the lot coverage is also only 60% of that allowed. The house is also undersized for the lot and street. They have no plans for the attached garage, and there are no plans for any living space for this structure. It was also noted that this is on private right of way, which is maintained by the four homeowner's on the street, as well as the town.

Mr. Anderson pointed out the changes they propose are for the rear.

There were no questions or comments from the public.

Chairman Conklin thinks it is a small addition, and the house could be much larger. It also will not be seen from the road. Mr. Thompson moved to approve the application, and Mrs. Atwell seconded.

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

Motion carried.

Edward & Dorothy Whitehouse, 0 Wilson Circle

Mr. & Mrs. Whitehouse were sworn in, along with Michael Monroe, architect. The Board accepted Mr. Monroe's qualifications.

Mr. Monroe distributed an exhibit showing the properties within 200' of this property, highlighting the accessory structures. They have a nonconforming accessory structure, which they would like to leave in the front yard. He showed the Board an aerial view photo which show accessory structures in the front yards of homes in the area. They are looking to build a totally conforming house – about one half the size of what would be allowed on the lot. They will be moving the house farther away from the water – more appropriate with the adjacent homes. The accessory structure was probably a one-car garage at some point, and is a small structure 18' x 20' in size. There will be no change to the size of the structure. The accessory building is screened off from the road, and they will be adding additional screening.

Mr. Whitehouse explained that it is now used as a hobby/rec room, and it does not have heat. It has been there for at least 50 years. The property is not in a flood zone, and they will have a basement.

David Brown, 6 Wilson Circle, adjacent property owner, was sworn in and expressed his support for the application.

There were no other questions or comments from the public.

Mr. Blum expressed concern that a major investment is being put into the property and asked whether this nonconforming workshop should be made conforming. Mr. & Mrs. Whitehouse said they will be residing the building, but will not be changing the size at all. They think it is a charming place for a building – almost a gate house – and it is screened from the road. The building has an emotional attachment to them, and they would like permission to keep it. There is no detriment to the neighborhood.

Mr. Brodsky is familiar with the structure, and he does not think it was ever used as a garage.

Mr. Blum thinks conditions should be put on the structure to prevent its use as a garage or other use.

Mr. Duddy thinks it contributes to the charm, but he also wondered if it could be moved to conform to the setbacks. Mrs. Whitehouse would prefer to keep it as it is, since it has always been there and it serves as a gate house.

Mr. Brodsky agrees that it provides additional charm to the property. Moving it would take away from what has existed over the years. There is a lot of vegetation in the area, as well.

Mr. Thompson knows the house and the property, and he does not have a problem with the request. He thinks they are doing a great job. It will be renovated, and the neighbor has no objection.

Mrs. Atwell also has no problem with having it remain as is.

Chairman Conklin agrees that it is unique, but conditions should apply, so that it does not become a rental unit, but only continue to be used as a hobby area, not as a garage, and with no heat. Mr. Brodsky moved to approve the application with these conditions, and Dr. Wood seconded.

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

Motion carried.

Approval of Minutes

October minutes will be reviewed next month.

Resolutions

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

1. Paul & Teresa Sperber, 65 Navesink Ave. – approval to replace dormers;
2. Timothy & Christine Leonard, 672 Lennox Ave – approval to construct half story addition and front porch.

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

Motion carried.

Other Business

Mr. Thompson commented on the resignation of Janet McGuire and thanked her for her service to the community over the years. He thinks the town should be very grateful for her service, and the Board members agreed.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Patricia Murphy
Clerk