

RUMSON ZONING BOARD
OCTOBER 18, 2016
MINUTES

The regularly scheduled meeting was called to order at 7:38 pm with a salute to the flag, followed by a roll call of: Chairman Brodsky, Mr. Lizotte, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Dr. Wood, Mr. Duddy.
Absent: Mr. Cottrell

Also present: Fred Andre', Bernard Reilly, Esq., Bonnie Heard representing T&M Associates and State Shorthand Reporting Service.

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

Fred Andre' the Borough Zoning Officer was sworn.

The application of Martelli Development Group, L.L.C., 2 Markwood Lane is the first application to be heard. Rick Brosky, Esquire, appearing on behalf of the applicant. Mr. Brosky explains that the application to raze the existing damaged structure and construct a new single-family home elevated to comply with the required Base Flood Elevation and an in-ground pool. Mr. Brosky introduces Mr. Marc Leber, New Jersey licensed engineer and planner. Mr. Leber is sworn.
Chairman Brodsky accepts Mr. Leber's credentials.

Mr. Leber submitted two exhibits for the Board's review. A map of properties within 200 feet of the subject property as Exhibit A-1, and a sheet showing the existing home with an overlay of the proposed home marked as A-2. Mr. Leber describes the placement of the proposed house and driveway as being further west than the existing structure and the lot coverage will be 8,500 square feet as opposed to the current 10,200 square feet. The property is 2.83 acres and is bisected by the creek. Mr. Leber explains the topography of the property, grading and flow of water under the proposal.

Michael Monroe, New Jersey licensed architect is sworn. Mr. Monroe stated the structure was position to make it as compliant as possible. The only setback variance is to the water in the rear. The front setback is complying.

After further Board discussion, Chairman Brodsky opens the application for public comments and/or questions. Ms. Rebecca Carvalho, Esq. from the law firm of Davison, Eastman and Munoz, representing the owners of Lot 14, the Wolkomirs, inquired how far the swale being proposed is off the property line between Lots 13 and 14. Mr. Leber stated that will be located approximately 10 feet from the property line. Mr. Carvalho asked if the swale will have any impact on Lot 14. Mr. Leber stated that it would not as Lot 14 is higher than the subject property. The swale is just to eliminate standing water on the lot line and will have no effect on the existing fence. Mr. Leber stated there will be no increased runoff onto Lot 14. Mr. Monroe stated the Rip Rap area will remain grass and no additional landscaping was necessary.

Joe Zerillo, residing at 4 Markwood Lane, Lot 12. Inquired as to the proposed pool. Mr. Monroe stated the pool added to the plans to lock in a location for the placement of one. There being no further public comment and/or questions. Public portion is closed.

Chairman Brodsky stated the applicant is complying with the front setback and is only requesting rear setback relief and feels it is not an unreasonable request. Mrs. Seaman stated she thinks the applicants did a great job in not over building on this property and proposal will be an improvement over the present condition.

There being no further discussion, Mrs. Seaman makes a motion to approve the application as submitted; Seconded by Dr. Wood.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Lizotte, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Dr. Wood, Mr. Duddy

Nays: None

The application of JNM Holding, L.L.C., 95 Avenue of Two River is continued as this time. Dr. Wood recused himself from hearing the application. Mr. Lizotte stated he read the transcript of the last hearing and is eligible to vote on the application. Michael R. Leckstein, Esq., representing the applicants re-introduced James Kennedy, engineer on the project. Mr. Kennedy was sworn at the last hearing and remains under oath. The applicant has submitted revised plans which were marked as follows: A-4 Revised Site Plan dated 10/14/16; A-5 color rendering of proposed building; A-6 Color rendering Avenue of Two Rivers frontage; A-7 southeasterly elevations; A-8 rear elevation; A-9 photograph of proposed Japanese silk tree.

Mr. Kennedy explained the size of the building is now 854 square feet, the front porch has been recessed into the building, and the front area has been narrowed which increased the side setbacks. There is now an eight and a half foot setback to the south, and a five-foot setback on the east. The rear setback has been expanded to 20 feet. This reduces the Floor Area Ratio to 0.460, the Lot Coverage to 15,643 square feet, the Building Coverage to 9,624 square feet.

The garage doors are now proposed to be 18 feet by 12 feet with a more residential appearance. The drainage system has been designed to capture and infiltrate a one-year storm. There will be a third landscape island between Dr. Rosen's driveway the proposed driveway. The proposal is to change the shape of the gutter system to capture more water.

Chairman Brodsky opens the application up for public comments and/or questions. Dennis Kavanaugh residing at 8 Bay Street reiterates his concerns with the project from the last hearing. The Board advised Mr. Kavanaugh that there will be a thorough review of the applicant's drainage system by the Borough Engineer. Mary O'Connor residing at 100 Avenue of Two Rivers read a letter into the record. She stated the different styles of garage doors on the front of the building makes the building's appearance less desirable. Ms. O'Connor also commented that the loss of a parking space or spaces for a driveway cut would be a detriment to the neighborhood. William Stabler residing at 94 Avenue of Two Rivers read a letter into the record. Mr. Stabler questioned the

types of vehicles that will be stored in the building. Mr. Leckstein advised that there are several antique vehicles that were testified to at the last hearing along with some other equipment used by Rumson Management for the maintenance of their properties. Jane Stabler residing at 94 Avenue of Two Rivers is sworn and addressed the Board. Mrs. Stabler submitted three photographs of the existing structure marked as Exhibits O-3, O-4 and O-5. Mrs. Stabler doesn't see the need for more storage space being required.

There being no further public comment, Chairman Brodsky closes the public portion.

Mr. Reilly advised the applicant that the Board wished to carry the application to the November 15, 2016 meeting to allow the Board and its professionals to review the revised plans as they were not submitted 10 days prior to this meeting. After further discussion the application is carried to the November 15, 2016 Zoning Board Meeting without further notice being required.

Dr. Wood resumes his seat at the dais. The application for property located at 29 Third Street is presented. Mark McCabe property owner is sworn. Mr. McCabe testified the proposal is to raze all the existing structures on the property and construct a new single-family residence on the property. The property is currently non-conforming in Minimum Lot Area where 6,000 square feet is required and 5,559.44 square feet is existing; the required Minimum Lot Frontage and Width is 50 feet and the existing 33.3 feet; the required Interior Lot Shape is 34 feet and the existing is 15.3 feet. The proposal will create non-conformities in Side setback with 5.2 feet being proposed on one side for a total of 10.47 feet, where one side of 8 feet for a total of 18 feet is required. The new home will be similar in style to the existing houses in this area and will be more centered on the property. Mr. Duddy stated that the proposed new house could not be any narrower without compromising livability.

There being no public comments and/or questions, the public portion is closed. There being no further discussion, Chairman Brodsky asks the pleasure of the Board. Mr. Duddy makes a motion to approve the application as presented; Seconded by Mr. Lizotte.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Lizotte, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Dr. Wood, Mr. Duddy

Nays: None

The application for property located at 10 Third Street is presented. John Gomez and Beverly Schoenberg-Gomez, property owners are sworn. Mr. Gomez testified that the proposal is to amend the previous Resolution dated October 15, 2016, by expanding the existing driveway parking area width to 27.33 feet where 17 feet is the maximum permitted width. The proposal is to create an additional parking space. Mr. Gomez explains that there is no parking on that side of the street and from December 1st on there's no parking overnight on Third Street. Mr. Blum commented that the plans presented encroach into the public right-of-way. The applicants would need to seek permission from the Borough Council for

this encroachment. Mrs. Gomez stated that they are unable to park a car in their driveway presently without sticking into the street. James Daley, licensed New Jersey Architect is sworn. Mr. Daley explains that the driveway could possibly be reconfigured and the curb cut widened. After further discussion the applicants will submit revised plans and asked to be carried to the November 15, 2016 meeting without further notice.

The application of E.P. Homes, L.L.C., for property located at 9 Maplewood Avenue is presented for the Board's review. Rick Brodsky, Esquire from the law firm of Ansell, Grimm and Aaron representing the applicants addressed the Board. Mr. Brodsky explained that the proposal is to elevate the residence to comply with the Base Flood Elevation, to remove the rear portion and to construct a new two-story addition with an elevated deck. The property is currently non-conforming in Minimum Lot Area, Minimum Lot Frontage and Width, and Interior Lot Shape. The residence is currently non-conforming in the Front and Rear Setbacks. New construction will create non-conformities in the Side and Rear Setbacks, Floor Area and Building Coverage, mainly due to this lot being undersized for this zone.

James Daley, licensed New Jersey architect on the application is sworn. Mr. Daley explained the rationale for the variances being sought. The existing shed located on the lot line will be removed. Chairman Brodsky suggested that the deck could be lowered to reduce the impact, which the applicant agreed to do and revise the plans accordingly.

William Brooks, arborist was sworn. Mr. Brooks advised the Board that the applicant will replace the trees needed to be removed in accordance with his suggestions and will submit the necessary paperwork to the Board's attorney.

There being no public comments and/or questions, the public portion is closed. After further discussion Chairman Brodsky asks the pleasure of the Board. Mrs. Seaman makes a motion to approve the application with the deck two feet lower and revised plans being submitted for review; Seconded by Mr. Lizotte.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Lizotte, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Dr. Wood, Mr. Duddy

Nays: None

Mr. Reilly reviews the following Resolutions for the Board's consideration: Schriber property located at 14 Bellevue Avenue; Bevilacqua property located at 9 Cedar Avenue; Tirnauer property located at 36 Waterman Avenue. After review of the Resolutions, Mr. Duddy makes a motion for approval; Seconded by Mrs. Seaman.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Mr. Duddy

Nays: None

Abstain: Dr. Wood, Mr. Lizotte

Chairman Brodsky asks for comments on the September 20, 2016 Minutes. Mr Duddy makes a motion to approve the Minutes with a few minor corrections; Seconded by Mrs. Seaman. By vote voice the September 20, 2016 Minutes are approved.

There being no further business before the Board, the meeting is adjourned at 11:05 p.m. The next scheduled meeting will be November 15, 2016 at 7:30 p.m.

Respectfully submitted,

Michele MacPherson