

RUMSON ZONING BOARD
February 22, 2024
MINUTES

Approved: March 28, 2024

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call.

Present: Mr. Calder, Mr. Carey, Mr. Hofferber, Mrs. Mayo, Mr. Ward, Chairman
Torcivia

Absent: Mr. Ehrenberg, Mr. Hawley, Mr. Izzo

Also present, Michael B. Steib, Esq., David Marks, Zoning Officer, and Thomas Rogers, Secretary.

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

Mr. Steib announced the application of **James and Kelly Annarella** for property located at **14 Auldwood Lane** has requested to be carried to the next available meeting. Mr. Steib reviewed the notice and found it to be in order. The Board has jurisdiction to hear the matter. The Annarella application will be carried to the March 28, 2024 Zoning Board Meeting at 7:30 pm, no further notice required.

Mr. Rogers and Mr. Marks were placed under Oath.

Mr. Calder made a Motion to approve the **January 25, 2024 Meeting Minutes** as submitted; Seconded by Mr. Ward.

Roll call vote:

Ayes: Mr. Calder, Mr. Carey, Mr. Hofferber, Mrs. Mayo, Mr. Ward, Chairman Torcivia

Nays: None

Mr. Ward made a Motion to adopt a **Resolution** approving the application of Al Shissias for property located at 27 First Street, Block 27, Lot 20, R-5 Zone; Seconded by Mrs. Mayo.

Roll call vote:

Ayes: Mr. Calder, Mr. Carey, Mr. Hofferber, Mrs. Mayo, Mr. Ward, Chairman Torcivia

Nays: None

The **Continued Application** of Melissa Monteiro for property located at 116 Ridge Road (aka 18 Auldwood Lane), Block 16, Lot 15 in the R-1 Zone was presented for the Board's consideration.

Mr. Steib advised the Board is in receipt of the additional exhibits: A-9 Tree Location Plan; A-10 Landscape Schematic revised through 2/14/2024

Melissa Monteiro, the property owner and Al Shissias, the project architect were sworn in at the last meeting and remain under Oath.

Ms. Monteiro submitted a series of current photographs marked A-11. Ms. Monteiro explained the photographs to illustrate the existing trees on the property from street views and the trees that will be impacted by the proposal; and A-12 renderings of proposed landscaping conditions.

Mr. Shissias explained the supplemental landscape screening surrounding the pool/patio areas, the tree removal and replacement plan. Board Members requested more specific landscaped screening details be submitted for review and approval.

Chairman Torcivia opened the testimony for public questions and/or comments. There being none, the public portion was closed.

After deliberations, Chairman Torcivia asked the pleasure of the Board. Mr. Hofferber made a Motion to approve the application contingent upon approval of landscaping plan; Seconded by Mr. Ward.

Roll call vote:

Ayes: Mr. Calder, Mr. Carey, Mr. Hofferber, Mrs. Mayo, Mr. Ward, Chairman Torcivia

Nays: None

The **Application** of Chris and Avery Brighton for property located at 60 Rumson Road, Block 100, Lot 3 in the R-2 Zone was presented for the Board's consideration.

Mr. Steib advised the Board is in receipt of the following exhibits: A-1 Application dated 11/9/2023; A-2 Development Permit Denial dated 3/28/2023; A-3 Memorandum from Zoning Officer dated 4/11/2023; A-4 Survey dated 2/10/2023; A-5 Floor Plan; A-6 Taxes Paid Statement; A-7 Site Plan w/ elevation and floor plans revised dated 2/12/2024

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board. Mr. Brodsky introduced Russell Bodner, a New Jersey licensed architect. Mr. Bodner was sworn in, and the Board accepted his credentials.

Mr. Bodner described existing conditions at the premises and carriage house. Mr. Bodner explained the proposed renovations and interior floor plans and described the exterior architectural details.

Chairman Torcivia opened the testimony for public questions. There being none, the public question portion was closed.

Mr. Brodsky introduced Andrew Janiw, a New Jersey licensed planner. Mr. Janiw was sworn in, and the Board accepted his credentials.

Mr. Janiw submitted Rumson Borough Tax Record with attachments marked as A-8; A-9 Aerial. Mr. Janiw described the existing 6.2-acre property consisting of the main residence with three accessory structures. The additional 515 square feet will make the existing carriage house, which has existed on the property since 1934, more livable and adaptable for family use.

The two variances are being requested for the expansion of a pre-existing nonconforming use and the aggregate ground floor area of all accessory buildings proposed at 3,849 square feet. Mr. Janiw submitted a photoboard marked as A-10. The proposed addition will be to the rear of the carriage with significant landscape screening.

The property can accommodate the addition 515 square feet of floor area and will not have substantial detriment to the public, zone plan or Master Plan.

Chairman Torcivia opens the testimony for public questions. There being none, the public portion was closed.

Chairman Torcivia opened the application for public comments. Richard Blank residing at 137 Avenue of Two Rivers was sworn. Mr. Blank spoke in favor of the proposal. John Quigley residing at 133 Avenue of Two Rivers was sworn. Mr. Quigley spoke in favor of the proposal.

There being no further public comments, the public comment portion was closed.

After deliberations, Chairman Torcivia asked the pleasure of the Board. Mr. Hofferber made a Motion to approve the application with conditions; Seconded by Mrs. Mayo.

Roll call vote:

Ayes: Mr. Calder, Mr. Carey, Mr. Hofferber, Mrs. Mayo, Mr. Ward, Chairman Torcivia

Nays: None

A brief recess takes place.

The **Application** of Steve Lipitski for property located at 49 East River Road, Block 39, Lot 12 in the R-5 Zone was presented for the Board's consideration.

Mr. Steib reviewed service and the Board has jurisdiction to hear the matter. The Board is in receipt of the following exhibits: A-1 Permit Denial Memorandum dated 10/30/2023; A-2 Application dated 12/3/2023; A-3 Land Use and Development Permit dated 10/13/2023; A-4 7/19/2022 Resolution #8016; A-5 Architectural Elevation and Floor Plans dated 12/4/2022; A-6 Letter from Anthony Condouris dated 10/26/2023; A-7 Compliance Review Memorandum dated 11/10/2023; A-8 Board Information package; A-9 Comparison Architectural dated 2/22/2024.

Charles Kelly, Esquire representing the applicant addressed the Board. Mr. Kelly introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in, and the Board accepted his credentials. Mr. Condouris reviewed the previously approved plans and described the amendments being proposed. The approved Juliet balcony on the front elevation is intended to be recessed. The attic was originally approved as unfinished space and the proposal is to install sheetrock and insulation and will be used for storage space without heating or air conditioning. The proposed finished basement will contain a bedroom.

Chairman Torcivia opened the application for public questions and/or comments. Kevin Savage residing at 2A Lakeside Avenue was sworn in. Mr. Savage objected to the amendments to the

previously approved plans and inquired about a landscaping plan. Siobhan Hogan residing at 27 Forrest Avenue was sworn in. Ms. Hogan echoed Mr. Savage's comments. Gilbert Warren residing at 27 Forrest Avenue was sworn in. Mr. Warren reiterated the lack of compliance with the previous plans. Peter Visone residing at 2 Lakeside Avenue was sworn in. Mr. Visone felt this is an "ask for forgiveness rather than permission" situation and exacerbating variances already granted. Martha Connolly residing at 47 East River Road was sworn in. Ms. Connolly expressed concern with the length of time the project has been going on.

There being no further public comment, the public portion was closed.

Board Members questioned enlarging the Juliet balcony on the third-floor storage space, adding one bedroom and bathroom facilities in the finished basement and the public's concerns with the landscaping. Board Members commented on whether these amendments would have been approved in the original application and feels the lack of a proper tree inventory would have been beneficial to the Board and public.

Mr. Marks advised the Board a tree removal plan was reviewed and approved. Prior to the applicant receiving a Certificate of Occupancy the landscaping will be inspected for compliance with approved plans, which has been included in the engineering review.

A Board majority felt a comprehensive review of the application is warranted.

Mr. Kelly requested a few minutes to confer with his client. The applicant requested they be carried to the next available meeting. Mr. Steib announced the application will be carried to the March 28, 2024 meeting at 7:30 pm without further notice being required.

The **Application** of Ed Moldaver for property located at 31 Ward Avenue, Block 80, Lot 6.04 in the R-2 Zone was presented for the Board's consideration.

Mr. Steib reviewed service and the Board has jurisdiction to hear the matter. The Board is in receipt of the following exhibits: A-1 Resolution dated 1/6/2015; A-2 Land Use and Development Permit dated 11/14/2023; A-3 Variance Application dated 1/14/2024; A-4 Site Plan dated 11/15/2023; A-5 Survey dated 6/12/2013; A-6 Partial Topographic Survey dated 2/9/2023

Danielle Simone Chardonnet, Esquire from the Shebell and Shebell law firm representing the applicant addressed the Board. Ms. Cardonnet introduced Michael James Monroe, a New Jersey licensed architect. Mr. Monroe was sworn in, and the Board accepted his credentials.

Mr. Monroe described the existing conditions at the subject premises. The river front of this property is considered the front yard and has pre-existing nonconformities in building coverage, maximum garage spaces and driveway width. The proposal is to construct a 7,000 square foot tennis court, a fence, retaining wall and enhanced landscaping. Variances are being requested for a residential sports facility located between the residence and the street and front yard setback. Mr. Monroe described the setback details. A stormwater management plan will be submitted for review and approval.

Chairman Torcivia opened the testimony for public questions and/or comments. Chalmer Taylor residing at 37 Ward Avenue was sworn in. Mr. Taylor questioned the topography of the property and impact of runoff onto his property. Mr. Taylor expressed concern with the number of variances associated with the property and exacerbating the nonconformities. There being no further public questions and/or comments, the public portion was closed.

Mr. Marks verified the front yard as being Ward Avenue side of the property.

The applicant requested they be carried to the next available meeting. Mr. Steib announced the application will be carried to the March 28, 2024 meeting at 7:30 pm without further notice being required.

There being no further business before the Board, Motion was made and seconded to **adjourn** at approximately 9:50 p.m.

The next scheduled meeting will be **March 28, 2024** at 7:30 p.m.

Respectfully submitted,
Michele MacPherson