Approved: September 25, 2025

RUMSON ZONING BOARD
August 28, 2025
MINUTES

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. Ehrenberg, Mr. Hawley, Mrs. Mayo, Mr. Ward, Chairman Hofferber
Absent: Mr. Izzo

Also present, Michael B. Steib, Esq., David Marks, Borough Engineer, Marie DeSoucey, Board Secretary

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

David Marks and Marie DeSoucey were sworn in.

Announcements
John Anderson, Esquire representing Michael McCluskey for property located at 48 Waterman Avenue, Block 139, Lot 8 in the R-1 Zone requested the Board accept jurisdiction of the application and carry it to the next available meeting.

Mr. Steib advised that service has been reviewed and is in order. The Board does have jurisdiction to hear the application. The application will be carried to the September 25, 2025 Zoning Board Meeting at 7:30 pm without further notice.

Administrative
Mr. Hawley made a motion to approve the June 26, 2025 Zoning Board Meeting Minutes; Seconded by Mrs. Mayo. By voice vote the June 26, 2025 Meeting Minutes were approved with Mrs. Mayo abstaining from the vote.

Mr. Hawley made a motion to approve the July 24, 2025 Zoning Board Meeting Minutes; Seconded by Mrs. Mayo. By voice vote the July 24, 2025 Meeting Minutes were approved.

Mr. Carey made a motion to approve **Resolution #8086** of **Bob and Ellen Ojeda** for property located at **19 Highland Avenue, Block 49, Lot 36 in the R-5 Zone**; Seconded by Mr. Ward. Roll call vote:

Ayes: Mr. Calder, Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mrs. Mayo, Mr. Ward, Chairman Hofferber
Nays: None

Mrs. Mayo made a motion to approve **Resolution #8087** of **Patrick Armstrong** for property located at **2 Oyster Bay Drive, Block 128, Lot 6** in the **R-1 Zone**; Seconded by Mr. Hawley
Roll call vote:

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

Nays: None

Unfinished Business:

None.

New Business

The application of **Stephen and Stephanie Rosone** for property located at **36 Allen Street, Block 32, Lot 10 in the R-5 Zone** was presented for the Board's consideration.

Mr. Steib advised that notice has been reviewed and deem adequate. The Board has jurisdiction to hear the matter.

The Board is in receipt of the following exhibits: A-1 Application for Development Permit dated 1/15/2025; A-2 Denial Memorandum dated 2/10/2025; A-3 Application for Variance; A-4 Survey prepared by Morgan Engineering; A-5 Architectural Elevation and Floor Plans prepared by Anthony M. Condouris revised date of 02/10/2025

Kevin Asadi, Esquire from the Zager Fuchs law firm representing John and Donna Mussio residing at 34 Allen Street placed his appearance on the record.

Eric Anderson, Esquire from the Reardon Anderson law firm representing the applicant addressed the Board. The application is requesting relief to demolish an existing structure on the property and construction a new single-family residence.

Mr. Anderson introduced Stephen Rosone the property owner. Mr. Rosone was sworn in and explained the rationale for the application. Mr. Anderson introduced Anthony M. Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in, and the Board accepted his credentials.

Mr. Condouris explained the existing conditions at the subject premises. The property consists of 4,466 square feet and is encumbered with an eight-foot easement on the north side of the property, which provides ingress and egress to the neighboring property. The property also has existing nonconformities such as minimum lot area, minimum lot width, minimum lot shape circle. Variances are being sought for: floor area ratio, floor area, building and lot coverage, front yard setback of 25 feet to the home and 22 feet to the front porch; rear yard setback due to the depth of the lot, the accessory building (shed) setback, the addition of a driveway on the south side of the property to provide off-street parking and garage requirement not met. Mr. Anderson submitted a series of existing conditions photographs marked A-6 and an aerial marked as A-7.

Mr. Condouris described the surrounding neighboring properties, the proposed architectural details, exterior elevations and interior floor plans. The attic will be unfinished and for storage purposes.

Board Members expressed concern with the application not meeting the garage requirement, the amount of variance relief sought and the easement issue that has not been resolved.

Chairman Hofferber opened the testimony for public questions and/or comments. Alexandra Smith residing at 45 Allen Street was sworn in and spoke in favor of the application and the applicants' commitment to the property and the Borough. Garrett Yardumian residing at 29 Allen Street was sworn in also spoke in favor of the application.

Mr. Asadi reserved his right to ask questions of the witness and introduced his client Donna Mussio. Ms. Mussio was sworn in and described the relationship between her property and the applicant's property regarding the driveway easement history. Ms. Mussio expressed her concern with the easement ingress and egress safety with the location of the new residence.

Mr. Asadi explained in the 1960's the respective owners of both properties entered into the easement agreement. It's a recorded easement since 1968. Mr. Asadi will supply a copy of the easement agreement, which was marked A-8.

There being no further public questions and/or comments, the public portion was closed.

Mr. Anderson requested the application be carried to the next available meeting to continue discussion regarding the easement and/or possibly revising the plans.

The application will be **carried to the September 25, 2025** Zoning Board Meeting at 7:30 pm without further notice required.

The application of **Ajul and Shefali Shah** for property located at **4 Dogwood Lane, Block 19**, **Lot 2 in the R-4 Zone** was presented for the Board's consideration.

Mr. Steib advised that Service has been reviewed and deemed adequate. The Board has jurisdiction to hear the application.

The Board is in receipt of the following exhibits: A-1 Development Permit Application dated 5/8/2025; A-2 Denial Memorandum dated 5/22/2025; A-3 Variance Application dated 6/2/2025; A-4 Site Plan prepared by Cranmer Engineer dated 4/28/2025' A-5 Architectural Elevations and Floor Plans prepared by Anthony M. Condouris dated 5/6/2025; A-6 Location and Topographic Survey prepared by Land Controlled Services, LLC dated 11/4/2024

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron Law Firm on behalf of the applicant addressed the Board. The application is seeking variance approval for maximum floor area with respect to a home that is currently under construction. Mr. Brodsky introduced Shefali

Shah, the applicant. Ms. Shah was sworn in. Ms. Shah explained the reasoning for the requested relief.

Mr. Brodsky introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in, and the Board accepted his credentials. Mr. Condouris explained the conditions at the subject premises. Mr. Condouris submitted two photographs marked as A-7.

Mr. Condouris stated the plan is to drop the ceiling in the family room to the master bedroom of the house and utilize the space above it which increases the square footage. Currently there's a recessed balcony on the end of the house overlooking the porte cochere that is proposed to be enclosed and made part of the master bedroom. Mr. Condouris described the surrounding homes in the neighborhood.

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

Board Members commented the proposal fits into the character of the neighborhood and the amendment is interior change.

After deliberations, Mr. Hawley made a motion to approve the application as presented; Seconded by Mr. Ward.
Roll call vote:

Ayes:	Mr. Calder, Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mrs. Mayo, Mr. Ward, Chairman Hofferber
Nays:	None

The application of **__Lisa and Shane Tutas__** for property located at **__63 Rumson Road, Block 133__**, **__Lot 1 in the R-4 Zone__** was presented for the Board's consideration.

Mr. Steib stated Service is in order and the Board has jurisdiction to hear the application. The Board is in receipt of the following exhibits: A-1 Development Permit Application dated 4/2/2025; A-2 Variance Application dated 5/9/2025; A-3 Denial Memorandum updated 4/28/2025; A-4 Survey prepared by Lakeland Surveying dated 1/25/2022; A-5 Architectural Elevations and Floor Plans prepared by Anthony M. Condouris revised date 3/12/2025

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm representing the applicants addressed the Board. Mr. Brodsky stated is this an oversized property for the zone. Mr. Brodsky introduced Lisa Tutas, the applicant. Ms. Tutas was sworn in and explained the rationale for the proposal.

Mr. Brodsky introduced Anthony M. Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in, and the Board accepted his credentials. Mr. Condouris explained the existing conditions at the subject premises.

Mr. Condouris described the proposal as a second-floor addition on the east side of the u-shaped house, the interior floor plans, exterior elevations and architectural details. Mr. Condouris submitted A-6 and A-7. The currently conforming detached garage is attached by a proposed pergola to the principal-use building. The accessory-use building (garage) is now required to meet the principal dwelling setbacks and considered lot coverage.

Mr. Brodsky introduced Andrew Janiw, a New Jersey licensed planner. Mr. Janiw was sworn in, and the Board accepted his credentials. Mr. Janiw oriented the Board with the subject property. Mr. Janiw submitted a series of photographs marked A-8 and described the existing conditions at the subject property, the surrounding properties and a comparison of their square footages with the proposal. Mr. Janiw stated the proposal is consistent with the character of the neighborhood. The property will be landscaped and screened from Rumson Road and Woodmere?

Mr. Janiw stated parking is provided within and in front of the garage, albeit contained in the front yard. The proposal maintains the character of Rumson, provides an appropriate use of land, provides sufficient light, air and open space, and promotes a desirable visual environment. This proposal advances several purposes of the MLUL.

The benefits of this proposal outweigh any detriments. There is no substantial detriment to the public good, zone plan or zoning ordinance.

Board Members expressed concern with the necessity for the proposed pergola.

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

After deliberations, Chairman Hofferber asked the pleasure of the Board. Mr. Ehrenberg made a motion to approve the application as presented; Seconded by Mr. Hawley.
Roll call vote:

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

Nays: None

The application of **<u>Daniel and Sarah Haaren</u>** for property located at **<u>12 Edwards Point Road</u>**, **<u>Block 124, Lot 6 in the R-1 Zone</u>** was presented for the Board's consideration.

Mr. Steib advised service has been reviewed and is in order. The Board has jurisdiction to hear the application.

The Board is in receipt of the following exhibits: A-1 Zoning Board Resolution adopted 3/19/2002; A-2 Development Permit Application Denial dated 7/22/2025; A-3 Denial Memorandum dated 7/14/2025; A-4 Variance Application dated 7/21/2025; A-5 Architectural Elevations and Floor Plans prepared by Anderson Campanella revised date 7/15/2025; A-6 Existing and Proposed Conditions Plot Plan prepared Lindstrom Diessner & Carr, P.C. revised

date 8/12/2025; A-7 Topographic and Wetlands Delineation and Survey prepared by Lindstrom, Diessner & Carr, P.C. revised date 8/12/2025; A-8 Denial Memorandum updated 7/21/2025
Mark Aikins, Esquire representing the applicants addressed the Board. Mr. Aikins stated that a good portion of the property is a flood zone.

Mr. Aikins introduced Ken Smith, a New Jersey licensed engineer and planner. Mr. Smith was sworn in, and the Board accepted his credentials. Mr. Smith described the existing conditions at the subject property. The proposal is to construct a new single-family home on a slightly undersized lot with an attached garage, pool, and patio. Variances are required for the front yard setback, rear patio height relative to the waterfront. Mr. Smith explained the proposed grading, stormwater management system and the location of HV/AC equipment. Mr. Smith submitted A-9 an aerial photograph.

Mr. Aikins introduced James Anderson, a New Jersey licensed architect. Mr. Anderson was sworn in, and the Board accepted his credentials. Mr. Anderson submitted A-10 existing and proposed conditions, A-11and A-12 Google Maps; A-13 Colorized Site Plan prepared by Allen Tufts; A-14 Flood Zone Map, A-15 Proposed home. Mr. Anderson described the existing conditions at the property, orientation of the proposed home, the attached garage and surrounding properties, and the floor zone areas.

Mr. Anderson described the architectural details, elevations and materials.

Board Members questioned the requested setback and location of the home. Mr. Marks provided the setback requirements for the zone.

Mr. Aikins recalled Mr. Smith. Mr. Smith testified to the front yard setback and rear setback for the proposed patio. The property is an irregular, undersized lot causing a hardship to conform with the setback requirements. The application provides a desirable aesthetic visual environment causes no detriment to the neighborhood, ordinances, zone plan or Master Plan of the Borough.

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

After deliberations, Chairman Hofferber asked the pleasure of the Board. Mr. Hawley made a motion to approve the application as presented; Seconded by Mr. Calder.
Roll call vote:

Ayes: Mr. Calder, Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mrs. Mayo, Mr. Ward, Chairman Hofferber
Nays: None

EXECUTIVE SESSION:
Motion was made and seconded for the Board to conduct an Executive Session to discuss Board business.

There being no further business before the Board, Motion was made and seconded to **adjourn** at approximately 10:50 p.m.

The next scheduled meeting will be **September 25, 2025** at 7:30 p.m.

Respectfully submitted,
Michele MacPherson
State Shorthand Reporting Services, Inc.