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RUMSON ZONING BOARD
AUGUST 24, 2022
MINUTES

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Calder, Mr. Ehrenberg, Mr. Hawley, Mr. Ward, Chairman Torcivia
Absent: Mrs. Mayo

Also present, Bernard Reilly, Esq., David Marks, Borough Engineer & Interim Zoning Officer, Thomas Rogers, Secretary, Marie DeSoucey, Land Use & Development Official

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

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

Mr. Hofferber made a Motion to approve the July 27, 2023 Meeting Minutes as submitted; Seconded by Mr. Hawley. By voice vote the July 27, 2023 Meeting Minutes were approved.

Mr. Reilly submitted a Resolution approving the application of the Marc Guss for property located at 16 Church Street, Block 26, Lot 14, R5 Zone. After review Mr. Hofferber made a Motion to approve the Resolution as submitted; Seconded by Mr. Calder.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Calder, Mr. Ehrenberg, Mr. Hawley, Mr. Ward, Chairman Torcivia

Nays: None

Mr. Reilly submitted a Resolution approving the application of Victory Park Tavern, L.L.C. for property located at 21 West River Road, Block 28, Lot 4, GB Zone. Mr. Hawley made a motion to approve the Resolution as Submitted; Seconded by Mr. Carey.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Calder, Mr. Ehrenberg, Mr. Hawley, Mr. Ward, Chairman Torcivia

Nays: None

It was announced the applications of **French Market 2, Inc.** located at **114 E. River Road, Block 52, Lot 14**; **John Daccurso** for property located at **12 Hunt Street, Block 6, Lot 2** will be

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carried to the **September 28, 2023** Zoning Board Meeting at 7:30 pm without further notice being required.

The continued application of **XL Holdings, LLC / Val's Tavern** for property located at **123 East River Road** from the June 22, 2023 Meeting was presented for the Board's consideration.

Mr. Ward, Mr. Calder and Mr. Ehrenberg certified they have reviewed the 6/22/2023 meeting and are eligible to vote on the application.

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant placed her appearance on the record. Ms. Krimko stated the application was carried to this evening due to concerns with parking along Carton Street, which have been rectified by revisions to the Borough's Ordinance, and to allow the applicant the benefit of a full complement of the Board.

Ms. Krimko introduced Christian Smith, principle of XL Holdings, LLC. Mr. Smith was sworn in and testified regarding the operations of the business.

Chairman Torcivia opened the testimony for public questions and/or comments. Joseph Lacosta residing at 52 Carton Street expressed his concerns with increased noise from the property, impacts on the neighborhood and the accuracy of the parking count. Nancy Martinez residing at 52 Carton Street was sworn in. Ms. Martinez questioned whether a sound study was performed and asked about outdoor trash storage and removal. Mr. Smith stated no sound study has been done, the refuse area will be screened and they police liter around the property.

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

Ms. Krimko placed her objection on the record to the public comments going beyond the scope of the testimony this evening, and the lack of expert testimony verifying the comments that were made.

Ms. Krimko summed up the proposal before the Board and the applicant will comply with the Borough Ordinances and any conditions or limitations the Board may place in the Resolution.

It was decided to bifurcate the application.

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After discussion, Chairman Torcivia asked the pleasure of the Board. Mr. Hofferber made a motion to approve the canopy over the front porch; Seconded by Mr. Hawley.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr.
Calder, Mr. Ehrenberg, Mr. Hawley,
Chairman Torcivia

Nays: None

Mr. Ehrenberg made a motion to approve the improvements to the rear of the structure and the parking lot; Seconded by Mr. Calder.

Roll call vote:

Ayes: Mr. Izzo, Mr. Carey, Mr. Calder, Mr.
Ehrenberg

Nays: Mr. Hofferber, Mr. Hawley, Chairman
Torcivia

Chairman Torcivia made a motion to deny the proposed rear construction; Seconded by Mr. Hofferber.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Hawley, Chairman
Torcivia

Nays: Mr. Izzo, Mr. Carey, Mr. Calder, Mr.
Ehrenberg

A brief recess is taken.

The application of **Chris Kuelzow** for property located at **78 Buena Vista Avenue** is presented for the Board's consideration.

Notices have been reviewed and the Board has jurisdiction to hear the application.

Ann Kuelzow, property owner, was sworn in. Mrs. Kuelzow stated that the application is for a variance to replace an existing emergency standby generator with a new 30KW natural gas generator. The proposed new generator will be placed in the same location as the existing generator and does not meet the principal structure setbacks defined by Ordinance. The proposed 1800 RPM generator will be quieter than the existing one.

Mr. Marks confirmed the proposed generator specifications that were submitted for review and verified the ordinance requirements.

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

After discussion, Mr. Hofferber made a motion to approve the application as submitted; Seconded by Mr. Ehrenberg.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Calder, Mr. Ehrenberg, Mr. Hawley, Mr. Ward, Chairman Torcivia

Nays: None

The application of **Randolph and Margot Takian** for property located at **20 Wilson Circle** was presented for the Board's consideration.

Notices have been reviewed and the Board has jurisdiction to hear the application.

Rick Brodsky from the Ansell, Grimm and Aaron law firm representing the applicants placed his appearance on the record. Mr. Brodsky stated the application is to demolish the existing dwelling and reconstruct a new home on the existing foundation. The application is seeking variance relief for combined side yard setback, maximum lot coverage and existing pre-existing nonconformities.

Mr. Brodsky introduced David Cranmer, a New Jersey licensed engineer. Mr. Cranmer was sworn in and the Board accepted his credentials.

Mr. Cranmer described the existing conditions of the property. The proposal is to construct a new dwelling on the existing foundation with a modest expansion with porches, installation of an in-ground pool and relocation of at-grade walkways. There is an existing detached two-story garage on the premises, which is to remain. The 120' driveway takes up approximately 50 percent of the lot coverage.

The property also has environmental constraints and DEP approval is in the process. The stormwater management plan will be submitted for review and approval of the Borough's and Board's professionals.

Mr. Brodsky introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in and the Board accepted his credentials. Mr. Condouris described the exterior

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architectural details and elevations, and the interior floor plans of the proposed dwelling.

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

Mr. Janiw described the subject premises, the surrounding properties and pre-existing nonconformities. Variances are sought for the maximum lot coverage of 7,483 square feet, principle combined side yard setbacks of 24.1 feet. The lot is undersized and oddly shaped. There are also CAFRA restrictions on the property.

The proposal maintains the character of the neighborhood and promotes a desirable visual environment. The benefits of granting the relief being requested will not be a substantial detriment to the public good, the Borough's Master Plan or zone plan.

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

After discussion, Mr. Hofferber made a Motion to approve the application as presented; Seconded by Mr. Ehrenberg.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Calder, Mr. Ehrenberg, Mr. Hawley, Mr. Ward, Chairman Torcivia

Nays: None

Mr. Reilly announced that the applications of Rakesh and Suhma Sahni for property located at 56 Wardell Avenue and Charles Fine for property located at 82 Black Point Road will be carried to the September 28, 2023 Zoning Board Meeting commencing at 7:30 pm without further notice required.

There being no further business before the Board, Motion was made and seconded to adjourn at approximately 10:00 p.m.

The next scheduled meeting will be **September 28, 2023** at 7:30 p.m.

Respectfully submitted, Michele MacPherson