



Borough of Rumson
BOROUGH HALL
80 East River Road
Rumson, New Jersey 07760-1689
rumsonnj.gov

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT

Michael McCluskey
Name of Applicant
mccluskey92@gmail.com
Email
847-287-2733
Phone Number

48 Waterman Avenue
Property Address
139
Block
8
Lot

N/A - same
Name of Owner (IF NOT APPLICANT)
A corporation, S-Corp, LLC or LLP MUST be represented by a licensed attorney in the State of New Jersey.

John Andersen, 225 Broad Street, PO Box 896, Rumson, NJ 07760
Applicant's Attorney and contact information (if any)
732-741-2525 jandersen@fslm-law.com

Anthony Condoris Architect Inc, 20 Bingham Avenue, Rumson, NJ 07760
Applicant's Architect and contact information (if any)

TBD - if applicable
Applicant's Engineer and contact information (if any)

M-McCluskey
Signature of Applicant or Agent
6/23/2025
Date

Proposed plan See narrative of development

Hardship Encountered See statement of variances

Variances Requested See statement of variances

Michael McCluskey
48 Waterman Avenue
Block 139, Lot 8
Zone District: R-5
Rumson, New Jersey 07760
FSFM File No.: 9766.00001

NARRATIVE OF DEVELOPMENT

Michael McCluskey (the "Applicant") owns 48 Waterman (Block 139, Lot 8), Rumson, New Jersey (the "Property").

The Property is presently improved with a single-family home with detached garage and rear patio at grade.

The Applicant proposes to perform the following work:

1. Remove the detached garage;
2. Remove the patio at grade;
3. Raise the existing home so that the first finished floor has an elevation of approximately 14.3';
4. Utilize the newly created area underneath the raised home to accommodate a two (2) car side-entry garage, storage and enclosed stairwell;
5. Add new stairs to the front of the home accessing the raised first floor;
6. Add a new rear patio and stairs accessing the raised first floor;
7. Enclose what is presently a first-floor rear, covered, porch for use as a first-floor mudroom half bath and expanded living room;
8. Enclose what is presently a second-floor open balcony to enlarge the master bath; and
9. Make interior alterations to the first floor to alter the kitchen layout.

The only variances in connection with the application are for rear setback to the open porch, front setback to the open porch and entry stairs and side setback leave an existing non-confirming condition unchanged.

The removal of the garage results in the reduction of both building and lot coverage so as to remove two (2) existing non-confirming conditions.

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48 Waterman Avenue
Block 139, Lot 8
Zone District: R-5
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STATEMENT OF VARIANCES AND WAIVERS

STATEMENT OF VARIANCES

- 1) SCHEDULE 5-1: A PRINCIPAL FRONT YARD SETBACK VARIANCE TO LOCATE THE FRONT STAIRS 22.1' FROM THE FRONT LOT LINE WHERE STAIRS WITHIN A FRONT YARD IN A SPECIAL FLOOD HAZARD AREA WITHIN THE R-5 ZONE DISTRICT ARE ALLOWED TO EXTEND 10' BEYOND THE 35' MINIMUM FRONT YARD SETBACK IN THE R-5 ZONE (I.E. WHERE STAIRS MUST BE A MINIMUM OF 25' FROM THE FRONT LOT LINE).

A) FACTUAL/LEGAL CONTENTIONS: The Applicant believes that the following are relevant in consideration of this variance request, namely:

1. The principal front yard setback variance is *de minimis* with a deviation of just 2.9'.
2. The principal front yard setback is to an open set of stairs accessing the first floor only.
3. The front porch already encroaches into the required front setback.
4. The front wall of the home itself conforms to the prevailing setback.
5. The principal front yard setback is necessary to assist to raise the home thereby securing against flood and other natural and manmade disasters.

- 2) SCHEDULE 5-1: A PRINCIPAL FRONT YARD SETBACK VARIANCE TO LOCATE THE FRONT PORCH 27.5' FROM THE FRONT LOT LINE WHERE FRONT PORCHES WITHIN A FRONT YARD IN A SPECIAL FLOOD HAZARD AREA WITHIN THE R-5 ZONE DISTRICT ARE ALLOWED TO EXTEND 5' BEYOND THE 35' MINIMUM FRONT YARD SETBACK IN THE R-5 ZONE (I.E. WHERE PORCHES MUST BE A MINIMUM OF 30' FROM THE FRONT LOT LINE).

A) FACTUAL/LEGAL CONTENTIONS: The Applicant believes that the following are relevant in consideration of this variance request, namely:

1. The principal front yard setback variance is *de minimis* with a deviation of just 2.5'.
 2. The principal front yard setback is to an open albeit covered porch on the first floor only.
 3. The front wall of the home itself conforms to the prevailing setback.
 4. The principal front yard setback is necessary to assist to raise the home thereby securing against flood and other natural and manmade disasters.
- 3) SCHEDULE 5-1: A PRINCIPAL REAR YARD SETBACK TO ALLOW A REAR YARD SETBACK TO AN OPEN, ATTACHED, REAR PORCH OF 43' WHERE THE MINIMUM REAR SETBACK IN THE R-5 ZONE BASED UPON THE DEPTH OF THE LOT IN QUESTION IS 45'.

A) FACTUAL/LEGAL CONTENTIONS: The Applicant believes that the following are relevant in consideration of this variance request, namely:

1. The principal rear yard setback variance is *de minimis* with a deviation of just 2'.
 2. The principal rear yard setback is to an open (single-story) porch.
 3. The principal rear yard setback that Applicant proposes is conforming based upon the general requirement of 35' for the R-5 zone, but falls slightly short of the modified requirement that is calculated based upon 30% of lot depth.
 4. The principal rear yard setback is necessary to assist to raise the home thereby securing against flood and other natural and manmade disasters.
- 4) SCHEDULE 5-1: A PRINCIPAL SIDE YARD SETBACK TO ALLOW A SIDE YARD SETBACK OF 5' TO REMAIN UNCHANGED WHERE THE MINIMUM SIDE YARD SETBACK FOR HOMES WITH 85% OR MORE OF THE ALLOWABLE FLOOR AREA IN THE R-5 ZONE IS 8'.

A) FACTUAL/LEGAL CONTENTIONS: The Applicant believes that the following are relevant in consideration of this variance request, namely:

1. This is an existing condition that is not proposed to be exacerbated.



Borough of Rumson
BOROUGH HALL
80 East River Road
Rumson, New Jersey 07760-1689
rumsonnj.gov

Marie DeSoucey
Land Use & Development Official

office 732.842.3300
fax 732.219.0714
mdesoucey@rumsonnj.gov

Denial Memorandum

Date: July 24, 2025

Applicant: Michael McClusky
Address: 48 Waterman Avenue, Rumson, NJ 07760
Block 139, Lot 8, Zone: R-5

I have reviewed the revised Land Use & Development Permit application for improvements at 48 Waterman Avenue in Rumson. The existing lot is conforming in size and shape. The principal dwelling is nonconforming due to the existing side yard setback of 5'. The proposed improvements include the house lift, porch enclosure, additions, new rear deck and existing garage removal.

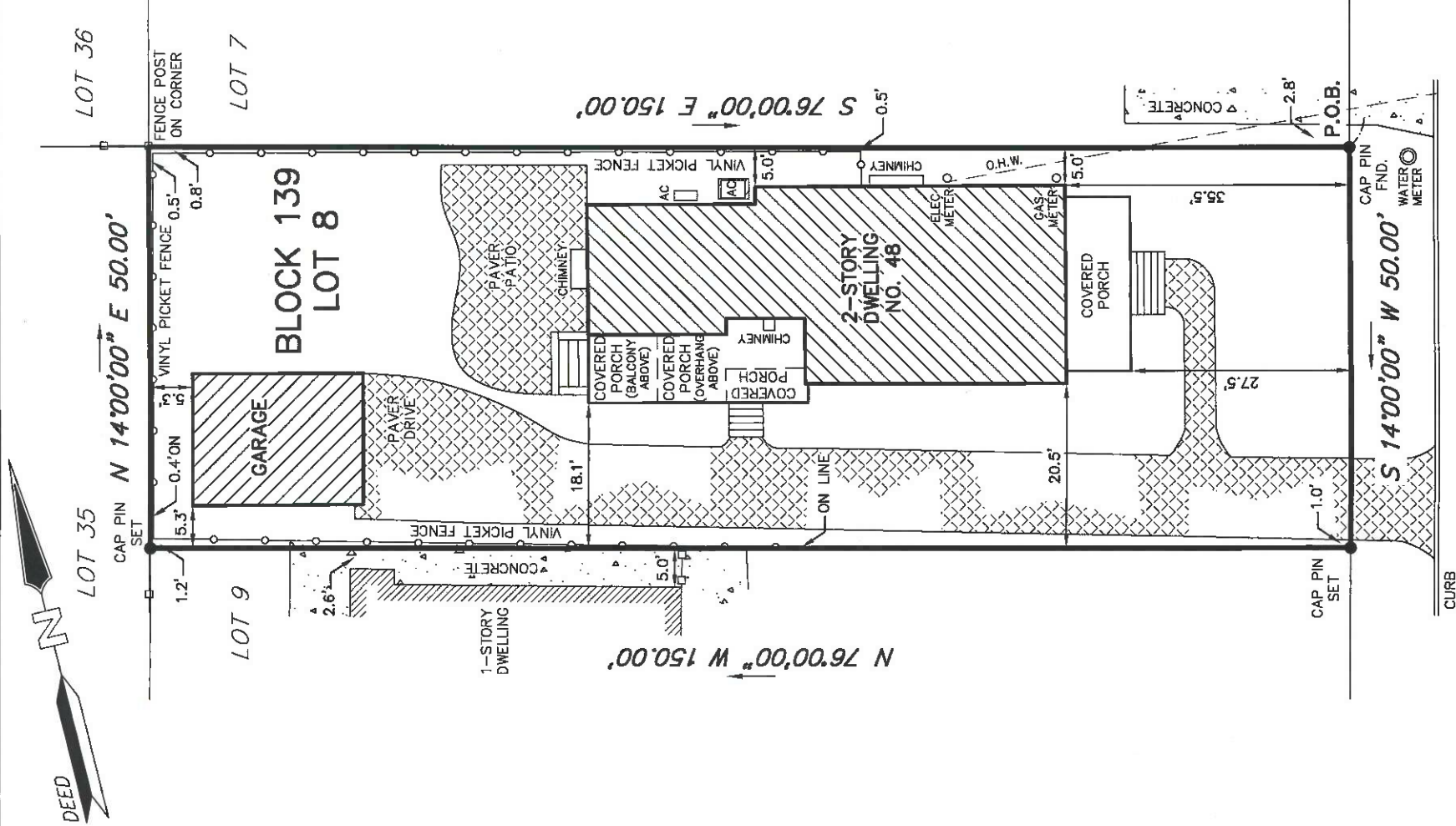
As per Borough Ordinance 22-7.3f, relating to nonconforming buildings, a nonconforming building may not be enlarged, extended, increased in height, width or depth; moved or relocated; or modified in such a way so as to increase habitable or usable space unless it is changed to conform and/or the enlargement, extension or addition conforms to all requirements of this chapter and will not result in the creation of any new nonconformities. Therefore, the application was **denied** for the following:

Borough of Rumson Ordinances/Development Regulations

- Lifting dwelling while maintaining side yard setback and front porch nonconformities (**Existing nonconformities – Intensified**).
 - Principal dwelling SYSB of 3.5', whereas 8' is required.
 - Front porch SYSB of 7', whereas 8' is required.
 - Front porch FYSB of 27.5' whereas 30' is required.
- Proposed rear raised deck with rear setback of 43' whereas 45' is required. (**New**)
- Entry steps in a flood zone are permitted to extend an additional 10' in the FYSB and 5' in the RYSB. The following nonconformities require variances (**New**):
 - Front steps setback at 22.1' whereas 25' is required.
 - Rear steps setback at 39' whereas 40' is required.

Supporting documents to the application include:

- Copy of Survey Of Property – 48 Waterman Avenue, prepared and signed by Charles Surmonte PE & PLS, dated June 6, 2022.



THIS SURVEY IS CERTIFIED TO:

- MICHAEL McCLUSKEY
- FIDELITY NATIONAL TITLE INSURANCE COMPANY
- TRIDENT ABSTRACT TITLE AGENCY, LLC (TA-155534)
- BROOKS VON ARX, ESQUIRE

DEED REFERENCE:

DEED BOOK 9514, PAGE 2720 et seq.

NOTES:

1. KNOWN AS LOT 8 IN BLOCK 139 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH OF RUMSON, MONMOUTH COUNTY, NEW JERSEY, SHEET No. 50.
2. EXCEPT AS SHOWN, UNDERGROUND UTILITIES NOT LOCATED BY THIS SURVEY.
3. THIS SURVEY IS SUBJECT TO CONDITIONS WHICH MIGHT BE DISCLOSED BY AN ACCURATE TITLE SEARCH.
4. OFFSETS AS SHOWN HEREON ARE NOT TO BE USED TO ESTABLISH PROPERTY LINES.

SURVEY OF PROPERTY

48 WATERMAN AVENUE
LOT 8 BLOCK 139

BOROUGH OF RUMSON MONMOUTH COUNTY NEW JERSEY

Charles Surmonte P.E. & P.L.S.
New Jersey Professional Engineer and Land Surveyor
License No. 35885

301 Main Street, 2nd Floor
Allenhurst, New Jersey, 07711
Phone 732-660-0606
Fax 732-660-0404

NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY. THIS SURVEY IS SUBJECT TO CONDITIONS WHICH MIGHT BE DISCLOSED BY AN ACCURATE TITLE SEARCH.
OFFSETS AS SHOWN HEREON ARE NOT TO BE USED TO ESTABLISH PROPERTY LINES.

PROJECT No.

22-501

DATE:

06-06-22

SCALE:

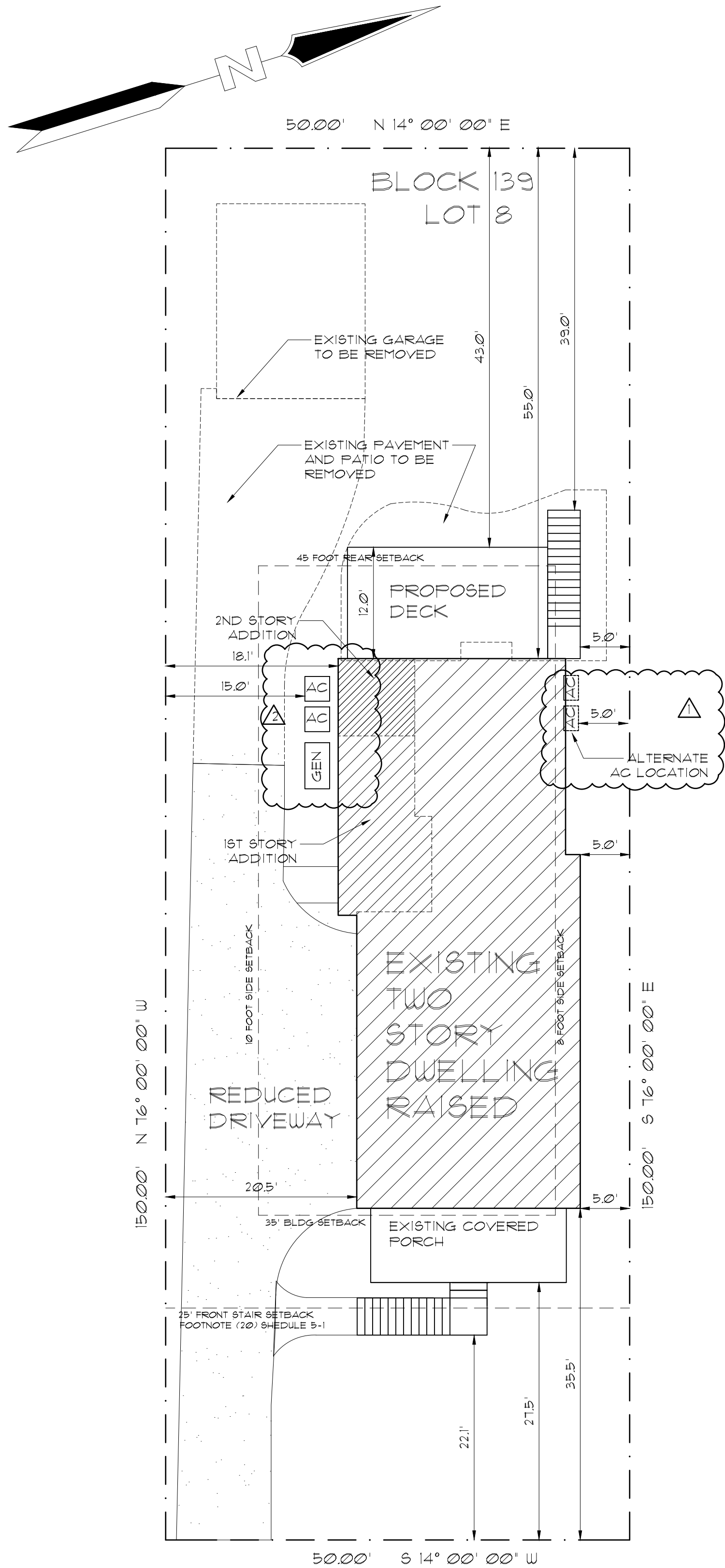
1"=20'

SHEET:

1 OF 1

PROPOSED VARIANCE FOR
McCLUSKEY RESIDENCE

48 WATERMAN AVENUE
RUMSON, NEW JERSEY
BLOCK 139 ~ LOT 8



WATERMAN AVENUE

INFORMATION SHOWN ON THIS PLAN IS BASED ON SURVEY
DONE BY CHARLES SURMONTE N.J. P.L.S. LIC. NO. 35885
DATED 06/06/22

SITE PLAN

SCALE: 1" = 10'-0"

FLOOR AREA CALCULATIONS		
	EXISTING	PROPOSED
FIRST FLOOR (INSIDE WALLS)	1,149 SQ. FT.	1,385 SQ. FT.
SECOND FLOOR (INSIDE WALLS)	1,273 SQ. FT.	1,341 SQ. FT.
GARAGE (INSIDE WALLS)	312 SQ. FT.	0 SQ. FT.
SUB TOTAL	2,734 SQ. FT.	2,726 SQ. FT.
GARAGE CREDIT 130 SF.	-130 SQ. FT.	N/A
TOTAL FLOOR AREA	2,604 SQ. FT.	2,726 SQ. FT.

ENTIRE ATTIC CEILING HEIGHT ABOVE 5 FEET IS LESS THAN 25 SQUARE FEET

BUILDING COVERAGE CALCULATIONS		
	EXISTING	PROPOSED
HOUSE	1,579 SQ. FT.	1,629 SQ. FT.
GARAGE	336 SQ. FT.	0 SQ. FT.
SUB TOTAL	1,915 SQ. FT.	1,629 SQ. FT.
FRONT PORCH CREDIT (10% OF GROUND FLOOR AREA)	EXIST. 1,149 SQ. FT. 114 SQ. FT. PROP. 1,385 SQ. FT. 138 SQ. FT.	-114 SQ. FT. -138 SQ. FT.
GARAGE CREDIT 130 SF.	-130 SQ. FT.	N/A
TOTAL BUILDING COVERAGE	1,671 SQ. FT.	1,491 SQ. FT.

LOT COVERAGE CALCULATIONS		
	EXISTING	PROPOSED
HOUSE	1,579 SQ. FT.	1,629 SQ. FT.
GARAGE	336 SQ. FT.	0 SQ. FT.
DRIVEWAY	1,369 SQ. FT.	1,111 SQ. FT.
DECK	501 SQ. FT.	224 SQ. FT.
SUB TOTAL	3,791 SQ. FT.	2,970 SQ. FT.
FRONT PORCH CREDIT (10% OF GROUND FLOOR AREA)	EXIST. 1,149 SQ. FT. 114 SQ. FT. PROP. 1,385 SQ. FT. 138 SQ. FT.	-114 SQ. FT. -138 SQ. FT.
DECK CREDIT (20% OF GROUND FLOOR AREA)	EXIST. 1,149 SQ. FT. 229 SQ. FT. PROP. 1,385 SQ. FT. 271 SQ. FT.	-229 SQ. FT. -271 SQ. FT.
GARAGE CREDIT 130 SF.	-130 SQ. FT.	N/A
TOTAL LOT COVERAGE	3,318 SQ. FT.	2,608 SQ. FT.

Borough of Rumson
Interior Lot

Zone: R-5

Date: 12/18/24

Applicant:

Block: 139

Address: 48 WATERMAN AVENUE

Lot: 8

REQUIREMENTS		EXISTING		PROPOSED		COMMENTS	
Minimum Lot Area	6,000 SF.	7,500 SF.		7,500 SF.			
Minimum Lot Width/Lot Frontage	50 ft.	50 ft.		50 ft.			
Interior Lot Shape Circle	34 ft.	COMPLIES		COMPLIES			
Principal Structure		Bldg/Porch		Bldg/Porch		Bldg/Porch	
Front Yard Setback	35 ft. 30 ft.	35.5 ft.	27.5 ft.	35.5 ft.	22.1 ft.	EXISTING NON-CONFORMITY INTENSIFIED VARIANCE REQUIRED	
Minimum Side Yard setback							
One Side	0 ft.	5 ft.		5 ft.		EXISTING NON-CONFORMITY - NO CHANGE	
Total Both Sides	10 ft.	23.1 ft.		23.1 ft.			
Minimum Rear Yard setback	45 ft.	55 ft.		39 ft.		VARIANCE REQUIRED	
Building Height							
Ridge	35 ft. FROM BFE	23.6 ft.		29.6 ft.			
Eaves	26 ft. FROM BFE	16.6 ft.		22.6 ft.			
Accessory Building							
Minimum Side Yard setback	5 ft.	5.3 ft.		N/A			
Rear Yard setback	5 ft.	5.3 ft.		N/A			
Height	16 ft.			N/A			
Accessory Structure							
Minimum Side Yard setback	5 ft.	N/A		N/A			
Minimum Rear Yard setback	5 ft.	N/A		N/A			
Permitted Lot Coverage, Building Coverage Floor Area							
Max. Lot Coverage	3,172 sf.	3,318 sf.		2,608 sf.		EXISTING NON-CONFORMITY ELIMINATED	
Max. Build Coverage	1,630 sf.	1,611 sf.		1,491 sf.		EXISTING NON-CONFORMITY ELIMINATED	
Maximum Floor Area	2,750 sf.	2,604 sf.		2,726 sf.			
Floor Area Ratio	0.366	0.341		0.363			

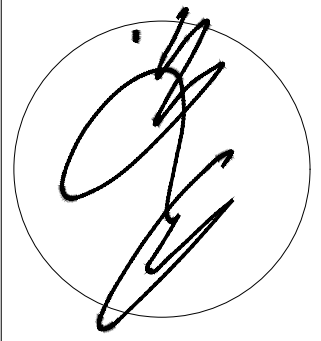
() Increased Side Yard Setback for additional floor area or lot width exceeds minimum required
() 85% of permitted floor area - Side Set Back Increase 2 ft. Each Side (Schedule 5-1 note 1b)
() Exceeds Minimum Lot Width (Schedule 5-1 note 1)
Lot Width -Minimum Lot Width: Side Setbacks One Side = Total Both Sides =

() Increased Rear Yard Setback for additional depth
Rear Yard Setback =

() Lot Coverage (Schedule 5-4)
1500-5000 +2500 + 0.3150 = 1915
1915 + 2375 = 3172

() Building Coverage (Schedule 5-4)
1500-5000 +2500 + 0.1660 = 465
465 + 1165 = 1630

() Floor Area (Schedule 5-3)
1500-5000 +2500 + 0.3 = 150
150 + 2000 = 2150



ANTHONY M. CONDO ARCHITECT
20 BINGHAM AVENUE, RUMSON, NJ 07760
phone: 732-842-3800 ~ fax: 732-842-7777 ~ email: info@amcarchitect.com ~ www.amcarchitect.com

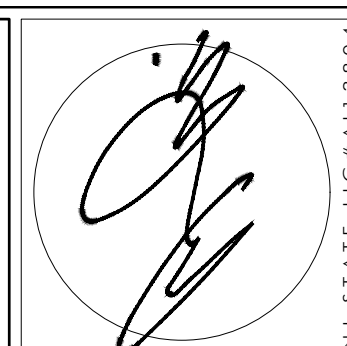
REVISIONS	DATE
Δ	6/25/25
Δ	PER ZONING PERVAL DATED 3/26/25
Δ	AC UNITS / GENERATOR

CLIENT	McCLUSKEY RESIDENCE
ADDRESS	48 WATERMAN AVE RUMSON, NEW JERSEY
JOB NUMBER	24-159
BLOCK	139
LOT	8

DATE	3/27/25
DRAWN BY	JM
SHEET NO.	V-1

NOTIFY ARCHITECT IMMEDIATELY OF
ANY DISCREPANCIES PRIOR TO THE
START AND COMPLETION OF WORK.





ANTHONY M. CONDOURIS
ARCHITECT
20 BINGHAM AVENUE, RUMSON, NJ 07760
PHONE: 732-842-3800 ~ FAX: 732-842-7777 ~ email: info@amcarchitect.com ~ www.amcarchitect.com

REVISIONS		DATE
Δ	PER ZONING PERMITS DATED 3/26/25	6/25/25
Δ	AC UNITS / GENERATOR	8/13/25
Δ		

CLIENT	McCLUSKEY RESIDENCE		
ADDRESS	48 WATERMAN AVE RUMSON, NEW JERSEY		
JOB NUMBER	24-159	BLOCK	139
		LOT	8

DATE
3/27/25

SHEET NO.
V-2

NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE START AND COMPLETION OF WORK.



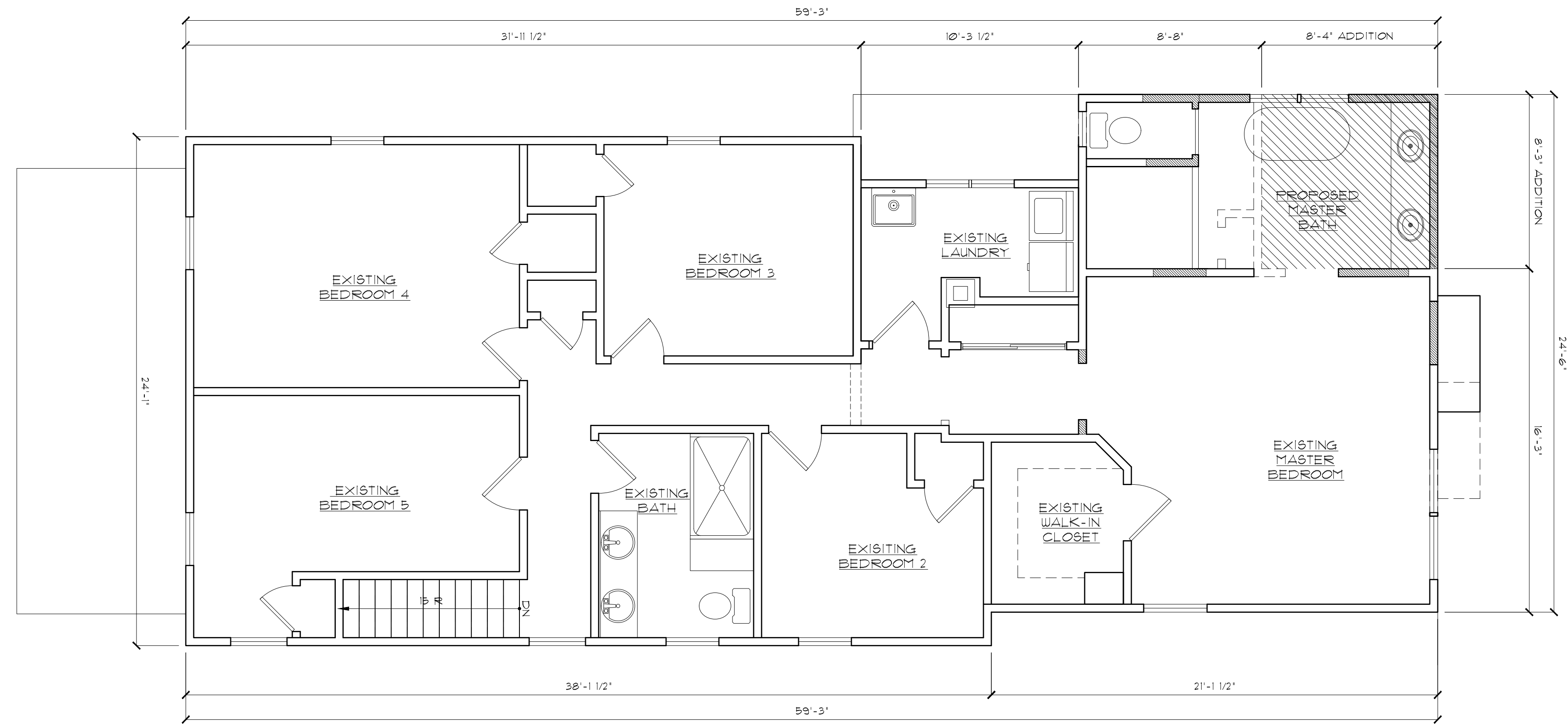
A N T H O N Y M. C O N D O U R I S
A R C H I T E C T - I N C
220 B I N G H A M A V E N U E , R U M S O N N J 07760
phone: 732-842-3800 ~ fax: 732-842-7777 ~ email: info@amcarchitect.com ~ www.amcarchitect.com

Δ	REVISIONS	DATE
Δ	PER ZONING DENIAL DATED 3/26/25	6/25/25
Δ	AC UNITS / GENERATOR	8/13/25
Δ		

CLIENT	MACLUSKEY RESIDENCE		
ADDRESS	48 WATERMAN AVE RUMSON, NEW JERSEY		
JOB NUMBER	BLOCK	LOT	
24-159	139		8

DATE 3/27/25	DRAWN BY JM
SHEET NO.	

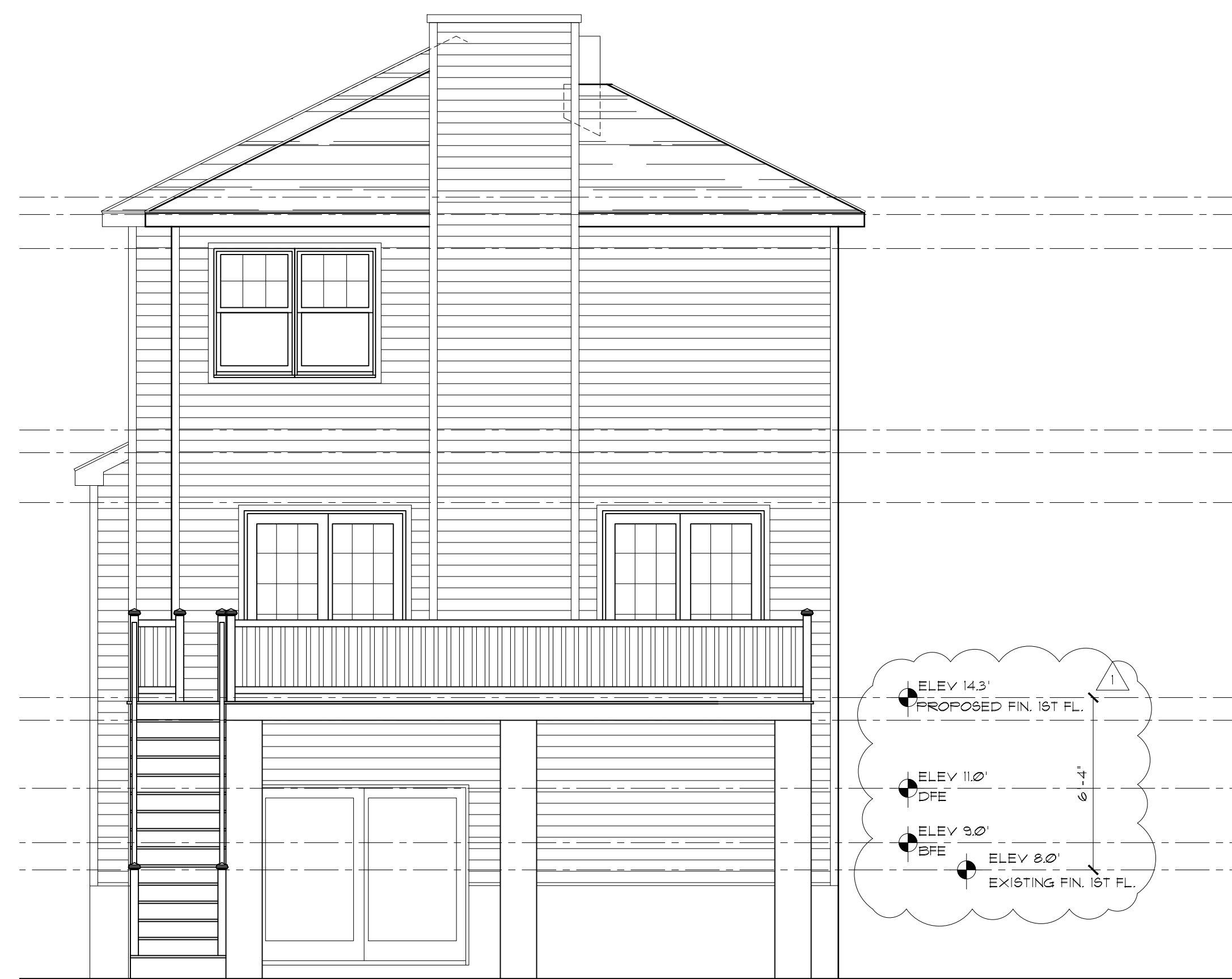
V-3



○ SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



○ FRONT ELEVATION
SCALE: 1/4" = 1'-0"



○ REAR ELEVATION
SCALE: 1/4" = 1'-0"



A N T H O N Y M. C O N D O U R I S
A R C H I T E C T
20 B I N G H A M A V E N U E , R U M S O N N J 0 7 7 6 0
phone-732-842-3800 ~ fax-732-842-7777 ~ email-info@amcarchitect.com ~ www.amcarchitect.com

Δ	REVISIONS	DATE
Δ	PER ZONING PERVAL DATED 3/26/25	6/25/25
Δ	AC UNITS / GENERATOR	8/13/25

CLIENT	McCLUSKEY RESIDENCE
ADDRESS	48 WATERMAN AVE RUMSON NEW JERSEY
JOB NUMBER	24-159
BLOCK	139
LOT	8

DATE	3/27/25
DRAWN BY	JM
SHEET NO.	V-4

NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE START AND COMPLETION OF WORK.

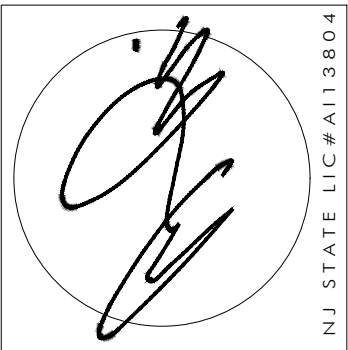


10 LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



20 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE START AND COMPLETION OF WORK.



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REVISIONS	DATE
Δ	6/25/25
Δ	PER ZONING PERVAL DATED 3/26/25
Δ	AC UNITS / GENERATOR

CLIENT	McCLUSKEY RESIDENCE
ADDRESS	48 WATERMAN AVE RUMSON, NEW JERSEY
JOB NUMBER	24-159
BLOCK	139
LOT	8

DATE	3/27/25
DRAWN BY	JM
SHEET NO.	V-5