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RUMSON ZONING BOARD
MARCH 23, 2023
MINUTES

The regularly scheduled virtual 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. Ehrenberg, Mr. Hawley, Mr. Ward, Chairman Torcivia
Absent: Mr. Calder, Mrs. Mayo

Also present, Bernard Reilly, Esq., David Marks, Zoning Officer, Thomas Rogers, Secretary, Thomas Neff representing T&M Associates

Mr. Reilly administered the Oath of office to Andrew Ward as Alternate Member of the Zoning Board for the calendar year 2023.

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

Mr. Hofferber made a Motion to approve the January 26, 2023 Meeting Minutes as submitted; Seconded by Mr. Hawley. By voice vote the January 26, 2023 Minutes were approved with Mr. Carey abstaining from the vote.

Motion was made and seconded to approve the February 23, 2023 Meeting Minutes as submitted. By voice vote the February 23, 2023 Minutes were approved with Mr. Izzo and Mr. Carey abstaining from the vote.

Mr. Reilly advised the Board has received a request from Laura Rodgers and Justin Nastro for property located at 21 Blossom Road, Block 97, Lot 2.01 for a one-year extension of time on the May 17, 2022 Zoning Board approval.

Mr. Hofferber made a Motion to grant the extension through to May 17, 2024; Seconded by Mr. Hawley.
Roll call vote:

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Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Ward, Chairman Torcivia
Nays: None

Mr. Reilly announced that the application of the French Market 2, Inc. for property located at 114 E. River Road, Block 52, Lot 14 has requested the application be carried to the April 27, 2023 Zoning Board Meeting at 7:30 pm without further notice required.

The continued application of **Rumson Country Day School** located at **35 Bellevue Avenue, Block 90, Lot 1.01** was presented for the Board's consideration.

Chairman Torcivia and Mr. Izzo recused themselves from hearing the application. Vice-Chairman Hofferber steps in as Chairman for the application.

Michael Bruno, Esquire representing the applicant summarized the testimony from the last hearing and submitted an alternative coloring of the proposed sign.

Alexis Gasiorowski, Esquire representing an objector placed her appearance on the record.

Ms. Gasiorowski recalled Matthew Malyar. Mr. Malyar was previously sworn in and remains under Oath.

Ms. Gasiorowski cross-examined Mr. Malyar regarding his education and testimony from the February meeting. Mr. Malyar supplied additional testimony on the foot candle measurements for the proposed lighting and the applicant's compliance with the Borough's lighting ordinance.

Ms. Gasiorowski recalled James Kennedy. Mr. Kennedy was previously sworn in and remains under Oath.

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Ms. Gasiorowski cross-examined Mr. Kennedy regarding his testimony from the February meeting, the conditional use standards and justification for the variance request.

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

Ms. Gasiorowski introduced Peter Steck, a New Jersey licensed planner.

Mr. Steck submitted a handout for the Board's consideration, which was marked O-1. Mr. Steck reviewed the handout for the Board; existing and proposed conditions of the property and lighting. Mr. Steck reviewed the conditional use standards of the Borough and testified the application should be considered as an intensification of a nonconforming use. Mr. Steck cited case law and MLUL in support of his opinion.

Mr. Bruno questioned Mr. Steck regarding his opinion of the application.

Ms. Gasiorowski elicited further testimony from Mr. Steck in support of his opinion.

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

Chairman Hofferber opened the public comment portion of the application. Suzanne Mazurczyk residing at 4 South Cherry Lane was sworn in. Ms. Mazurczyk spoke in favor of the proposal.

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

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Mr. Bruno gave a summary of the application.

Ms. Gasiorowski gave a summary of the objector's position on the application.

After deliberations, Chairman Hofferber asked the pleasure of the Board. Mr. Hawley made a motion to approve the application with the green colored sign; Seconded by Mr. Ward.

Roll call vote:

Ayes: Acting Chairman Hofferber, Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Ward

Nays: None

Recused: Chairman Torcivia, Mr. Izzo

A brief recess takes place.

Chairman Torcivia and Mr. Izzo resume their seats on the dais.

Chairman Torcivia announced the application of **David and Laura DiPietro** for property located at **124 Bingham Avenue, Block 18, Lot 68** be presented for the Board's consideration.

Mr. Reilly advised he reviewed the notices and the Board has jurisdiction to hear the application.

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board.

Mr. Brodsky introduced Laura DiPietro, the property owner. Mrs. DiPietro was sworn in and explain the rationale for the proposal.

Mr. Brodsky introduced Caroline Grieco, a New Jersey licensed architect. Ms. Grieco was sworn in and the Board accepted her credentials.

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Ms. Grieco described the existing conditions at the premises. The property is encumbered with wetlands, retention basin and 13,000 square foot driveway. The applicant plans on enhancing the landscape buffering at the property. The proposal is to add a cabana and patio/seating area to the property. The cabana's proposed sideyard setback is 20.6 feet with a rear yard setback of 12.2 feet.

Chairman Torcivia opened the application for public comments and/or questions. Wesley Gaus residing at 80 Ridge Road was sworn in. Mr. Gaus expressed concern with the impacts on his property with the granting of the setback variances. Ann Gaus residing at 80 Ridge Road was sworn in. Mrs. Gaus echoed her husband's concerns with the application. Victoria Aleniewski residing at 9 South Cherry Lane was sworn in. Mrs. Aleniewski expressed her opinion on all the amenities on this property. Suzanne Mazurczyk residing at 4 South Cherry Lane was sworn in. Mrs. Mazurczyk state her concerns with the proximity of the proposal to the neighbor's property and the impacts on her mother's property and surrounding area.

David DiPietro, the property owner, was sworn in. Mr. DiPietro described the existing landscape buffering at the property and stated he is willing to enhance the buffering on the property.

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

Board Members expressed concern with the side and rear yard setback requested and made various suggestions to alleviate the impacts of this application.

Mr. Brodsky requested the application be carried to next available meeting to allow for potential revisions to the plans.

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Mr. Reilly announced the application will be carried to the April 27, 2023 Zoning Board meeting at 7:30 pm with notice required, if necessary.

Mr. Reilly announced that the application of XL Holdings, L.L.C. / Val's Tavern for property located at 123 E. River Road, Block 59, Lot 9 will be carried to the April 27, 2023 Zoning Board Meeting at 7:30 pm without notice being required.

There being no further business before the Board, Motion was made and seconded to adjourn at approximately 10:40 p.m.

The next scheduled meeting will be **April 27, 2023** at 7:30 p.m.

Respectfully submitted,
Michele MacPherson