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**RUMSON ZONING BOARD  
JUNE 22, 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. Hawley, Mrs. Mayo, Chairman Torcivia

Absent: Mr. Calder, Mr. Ehrenberg, Mr. Ward

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

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

Mr. Rogers and Mr. Marks were sworn in.

Mr. Hofferber made a Motion to approve the **May 25, 2023 Meeting Minutes** as submitted; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Hawley, Mrs. Mayo, Chairman Torcivia

Nays: None

Mr. Reilly submitted a Resolutions for the application of the Edward and Tara Ward for property located at **15 Conover Lane, Block 114, Lot 6**; Robert and Ann Cosgrove for property located at **18 Maplewood Avenue, Block 51, Lot 21**; Hestia Group, L.L.C. for property located at **15 Oakwood Lane, Block 31, Lot 12** for the Board's consideration. After review Mr. Hawley made a Motion to approve the Resolutions as submitted; Seconded by Mrs. Mayo.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Hawley, Mrs. Mayo, Chairman Torcivia

Nays: None

Mr. Reilly submitted a Resolution granting an extension of time to the existing approval of Robert and Lauren Post for property located at **14 Warren Street, Block 137 Lot 12** originally approved 7/19/2022 with a deadline date of 7/19/2023.

Chairman Torcivia made a motion to grant the extension of time to 7/19/2024; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Hawley, Mrs. Mayo, Chairman Torcivia

Nays: None

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

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Mr. Rogers announced the application of **John Daccurso** for property located at **12 Hunt Street, Block 6, Lot 2** has requested the application be carried to the **August 24, 2023** Zoning Board Meeting at 7:30 pm without further notice being required.

Mr. Rogers announced the application of **Michael Feminello** for property located at **40 Warren Street, Block 137, Lot 2** be presented for the Board's consideration.

Michael Feminello, the property owner, was sworn in. Mr. Feminello stated the application is seeking variance relief to construct a second-story 12' by 10' by 4' addition to the single-family residence to be used as a sitting area. The area for the addition is currently a second-story, open, flat-roofed deck off the master bedroom. There is no proposed change to the building footprint. The addition will intensify the existing nonconformities in front and rear yard setbacks.

Mr. Reilly advised the Board that the over 100-year-old residence was previously renovated in 2007 with Board approval for the existing nonconformities.

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

After discussion, Chairman Torcivia asked the pleasure of the Board. Mr. Hofferber made a motion to approve the application as presented; Seconded by Mrs. Mayo.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Hawley, Mrs. Mayo, Chairman Torcivia

Nays: None

Mr. Rogers announced the application of **XL Holdings, L.L.C. for property located at 123 E. River Road, Block 59, Lot 9** be presented for the Board's consideration.

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm, representing the applicant addressed the Board. Ms. Krimko stated the applicant received prior approval for the front outdoor seating area. The proposal is to create a removable fabric awning over this front seating area and to create a permanent outdoor seating area on a paver patio with a pergola and fire pit on the Carton Street side of the property.

Ms. Krimko submitted the following exhibits: A-1 Architectural Plans dated 2/22/2023; A-2 InSite Engineering line of site plan revised 2/2023; A-3 Colored Rendering; A-4 Aerial Mapping dated 3/2023; A-5 Survey dated 6/12/2022; A-6 Parking Analysis.

Ms. Krimko introduced Anthony 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 site. Mr. Condouris described the architectural details of the proposed open, paver patio seating area with string and low-level

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lighting. Mr. Condouris explained the traffic circulation pattern for take-out and delivery service.

Ms. Krimko introduced Patrick Ward, a New Jersey licensed professional engineer and planner. Mr. Ward was sworn in and the Board accepted his credentials.

Mr. Ward described the existing site conditions and surrounding area. Mr. Ward testified the proposal is to add a concrete pad between the restaurant and storage garage for the refuse dumpster enclosure, which will be fenced in and gated, freeing up a parking space. The landscaping that was approved in 2018 will be completed under this proposal.

Ms. Krimko introduced Douglas Polymiak, a New Jersey licensed traffic engineer. Mr. Polymiak was sworn in and the Board accepted his credentials.

Mr. Polymiak testified the proposal is seeking a variance for a deficit of 15 on-site parking spaces. Mr. Polymiak explained the parking analysis he performed during peak hours. Mr. Polymiak stated that there were ample available off-site parking spaces in the area during the peak periods.

Ms. Krimko recalled Patrick Ward. Mr. Ward testified regarding the previously approved variances granted to the property. Mr. Ward stated the bulk variance being sought under this proposal are for front yard setback; building coverage; lot coverage and parking spaces.

Mr. Ward stated this is an appropriate use and will promote the general welfare. This application provides adequate light, air and open space and promotes a desirable visual environment.

Mr. Ward stated the proposed development will not cause substantial detriment to the public good nor substantial impairment to the intent and purpose of the zone plan. The benefits of this application substantially outweigh any detriments.

A brief recess takes place.

David Marks, Borough Engineer/interim Zoning Officer reviewed the T&M Associates Engineering Review dated 3/13/2023 and elicited additional testimony from the witnesses and the applicant. Ms. Krimko stipulated the applicant will comply with the Borough's ordinances regarding outdoor dining.

Chairman Torcivia opened the testimony for public questions and/or comments. Anthony Furino residing at 58 Carton Street was sworn in. Mr. Furino expressed concerns regarding the lack of parking and traffic safety issues. Joe Lacosta residing at 52 Carton Street was sworn in. Mr. Lacosta questioned the accuracy of the parking analysis, lack of on-site parking and the intensification of the use.

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

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Board Members expressed concern with the additional variances being sought.

Ms. Krimko requested the application be carried to the next available Zoning Board meeting to allow the applicant the benefit of the full complement of the Board eligible to vote on the application.

Mr. Hofferber made a Motion to carry the application to the July 27, 2023 Zoning Board Meeting at 7:30 pm without notice required; Seconded by Mr. Hawley.

Roll call vote:

Ayes: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Hawley, Mrs. Mayo, Chairman Torcivia

Nays: None

There being no further business before the Board, Motion was made and seconded to adjourn at approximately 9:30 p.m.

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

Respectfully submitted,

Michele MacPherson