

RUMSON PLANNING BOARD

MAY 5, 2014

MINUTES

Chairman Lospinuso called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance.

The Roll was called with the following members present: Lospinuso, Rubin, Williams, Clark, Shanley, Hewitt, Gaynor, White, Ekdahl. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), State Shorthand Services.

Approval of Minutes

Mr. Shanley moved to approve the minutes from the April meeting, and Mr. Clark seconded.

Roll Call Vote: Ayes – Rubin, Lospinuso, Clark, Shanley, Williams

Nays – None

Abstain – White, Ekdahl, Gaynor, Hewitt

Motion carried.

Edgewood Development LLC, 9 Edgewood Road and 2 Orchard Lane

Mr. Steib reviewed the application for a minor subdivision of the property into three new lots. The applicant has provided service, which was found to be in order. The Board has received seven exhibits:

- A-1 Minor subdivision application
- A-2 Elevation drawings
- A-3 Preliminary site plan
- A-4 Completeness and engineer review from T&M Assoc (dated 3/14/14)
- A-5 Second completeness and engineering review (dated 3/31/14)
- A-6 Minor subdivision plat
- A-7 Letter from Mr. Steib to the Board, dated 4/24/14.

Richard Stone, attorney, appeared on behalf of the applicants. Rick Brodsky, attorney, appeared on behalf of some of the neighbors. The completeness issues were reviewed, and Councilman Rubin moved to deem the application complete, subject to any required completeness waivers. Mr. Shanley seconded.

Roll Call Vote: Ayes – Lospinuso, Rubin, Williams, Clark, Shanley, Hewitt, Gaynor, White, Ekdahl

Nays – None

Motion carried.

Mr. Stone explained that they are seeking a minor subdivision, which presents a unique opportunity because the lots are in a split zone. If approved, the Board can correct some of the split zoning in the area. The map provided shows the three lots in question which are partially in the R-1 zone and partially in the R-3 zone. Their application will require one variance in the R-3 zone and correct the split zoning. They intend to present the information so that each expert can explain their reasons for why the application should be approved. Their engineer, planner, and architect are present for testimony, if necessary.

Mr. Steib stated that there is also a case for a relief for a prior condition of the subdivision from 1973, and he has given the Board a memo regarding that process and background. Also, in reviewing the title work provided to them, it appears that the 1973 approval was granted by Mayor and Council, and any approval granted by this Board would be subject to approval by them. Mr. Stone said he was not aware of the memo, but he does not think there is any intent to put a dwelling on the restricted property from that earlier condition although there may be an overlap with their plan. There is no plan to put a house on this lot. If they need to go back to Mayor and Council to seek clarification, they will to this. Mr. Steib recalled seeing a garage connected to the residence that did cross over the line, which would constitute a dwelling

on that piece of property. Mr. Stone said if this is correct, they would need to come back before the Board with another plan.

Mr. Brodsky, attorney for the neighbor, asked Mr. Stone if they were amending the application to withdraw the relief from this restriction. Mr. Stone said he would agree to go back before Mayor and Council if this occurred. He is not amending the application and is asking this Board to consider the fact that there might be a straddling occurring on to the restricted lot. If the Board were to approve the application, they would be willing to accept a condition of approval that they would also need approval from Mayor and Council.

David Boesch, landscape architect and engineer, was sworn in and offered his qualification for Board, who accepted him as an expert witness. He prepared the exhibit before the board this evening. He described the property, identifying the additional exhibit (A-8), which is a final map of the 1973 subdivision (dated 4/30/73, with the lots in question colored in as approved at that time. Each lot contains a single-family dwelling and an accessory structure. The R-3 Zone requires $\frac{3}{4}$ acre lots for interior lots. The Lot 4 is 116,000 sq.ft. in size, where the zone requires 32,670 sq. ft. – 3 $\frac{1}{2}$ times the required size for the zone. They are looking to bring this lot more into alignment with the zone plan for the town. Also, Lot 14 is slightly under requirement for the R-1 Zone, and their plan would eliminate this lot area variance by the consolidation of the lots. It is 1.486 acres where 1.56 acres are required. If the Board permitted the subdivision, this lot would comply.

Another exhibit (A-9) shows a tax map showing how the division occurs along Edgewood Road. They could divide the one lot in the R-3 Zone and provide two conforming lots as to lot area. Other lots in the area were shown on this map, with Mr. Boesch pointing out and explaining the various lot sizes.

Exhibit A-10 was presented and provides a colored rendering of the engineer's drawing, showing the footprint of a potential home on the lots, which will be custom homes. It represents what could possibly be built on the lots. The required lot width for the R-3 zone is 125', and this is provided for both lots. They will need one variance for Lot 4.02 for the location of the lot shape circle due to the shape of the lot, which curves to the south, pushing the setback also to the south. The Lot 14.01 (R-1 zone) adds 1.37 acres to the 1.49 acres, providing 2.8 acres in total lot area, exceeding the 1.5 minimum requirement for the zone. There are a number of existing conditions relating to the dwelling and improvements, which are not proposed to change with this application. They will be eliminating two existing variances for lot area and side yard setback for the detached garage.

They have reviewed the requirements regarding traffic issues, indicating that a single-family home should generate ten one-vehicle trips per day, which he considers normal.

With regard to the drainage issues, Mr. Boesch explained the topography on the site, noting a lower area on the northwest corner that is lower than the adjacent properties, which follows on to their properties. Their drainage calculations included soil tests, which show a storm water management system for the two new single-family dwellings, which will capture and collect all runoff to an underground half pipe and percolate into the ground. The capacity of the system is designed to handle the 100-year storm for the maximum amount of impervious surface coverage permitted on Lot 4.01 and 4.02. In his opinion, their will be no adverse impact to the neighboring properties by either drainage or traffic.

Another exhibit (A-11) was presented which shows a lot shape study for Edgewood Road. This explores the lots that were created by a subdivision in 1948, comparing their Lot 4 to the neighboring lots. This shows that the southwest end of Edgewood Road has been modified since that time and complies with the

lot shape requirement; but others nearby do not comply with the lot shape requirement or the required setback. They only need to move the circle area and not eliminate it with their plan.

With regard to the T&M letter, Mr. Boesch responded to each item, including:

- existing setback variance on Lot 14.01,
- Lot shape circle as discussed,
- orientation of garage doors,
- side yard setback increase requirement on Lot 14.01;
- Existing detached garage height variances
- Noted that all homes must have at least one car garage
- Additional setback requirements for chimneys, etc., will comply
- Circle drive on Lot 14.01
- Utilities – all present and serving the existing dwelling;
- 10 Street trees proposed – They may ask that some be relocated of the street right-of-way
- Tree removal permits will be obtained
- Addressed significant specimen trees on property, noting they are aware that approval would be needed to any removal;
- They would comply with all permits required.

Mr. Brodsky asked about the lot shape study (exhibit A-11), showing the existing lots along Edgewood Rd., noting that the lots were formed before the requirement of the lot circle shape requirement. He thinks this affords a different situation than creating a new lot at this time.. he questioned the two variances on Lot 14 that will be eliminated with this proposal, noting that the remainder of the existing variances remain. Removing these two variances would remain the same, if the proposed only one home for the lots.

The proposed line between the two new lots has to provide the required lot shape circle. If the dividing line were straight, they would not be able to provide the circle requirement on either of the properties, according to Mr. Boesch. He was not asked to design a single home on Lot 4. It was his opinion that the two lots would be appropriate, since a single lot would be twice the size needed for the zone, and the variances they are requesting are de minimus, in his opinion.

Mr. Brodsky questioned the drainage testimony, and Mr. Boesch stated that the system would be maintained by the homeowner. Failure to maintain the system would result in having the water flow on to the lawns.

Michael Leckstein, attorney representing the owner of Lot 3 (Tait), asked if there is any reason to remove the restrictions on old Lot 4, and Mr. Boesch said he does not see any engineering reason to change the restriction.

Mr. Brodsky questioned the tree removal request, and Mr. Boesch said they were proposing to remove 40 trees – most from Lot 4.02. They are required to present a tree-removal plan and obtain a permit. They would agree to the comments from T&M Assoc regarding the tree removal.

Mr. Stone raised the issue of the dividing line between the two lots, and Mr. Boesch explained that their design was to provide two conforming lots, if possible.

Mr. Herbert Kaiser, speaking from the public, asked about a proposed length of the lot on Edgewood Rd. with the curve, if the curve did not exist. Mr. Boesch said he did not know. Mr. Kaiser also asked about

the one-car garage proposal and parking area, and Mr. Boesch said the final design would conform to the borough requirement for the minimum one-car garage.

Mr. Kaiser asked Mr. Boesch if he thought this plan would add to the betterment of the area, and Mr. Boesch said he believes this will improve the area, again explaining that it fits the design and purpose of the Land Use Law.

Mr. Boesch was asked if he compared the size of the nearby lots to this plan, and he said that he did.

Terry Sheridan, 15 Edgewood Rd., asked about the drainage, referring to the grading plan provided, noting that the lowest point of the site, as explained by Mr. Boesch, is 10' from his property. He asked about potential ponding in the area, and Mr. Boesch again explained their drainage plan, collection, and recharge system. Mr. Boesch stated that their final grading plan could be modified and adjusted, based on the construction approved for the lot.

Brett Lawrence, 20 Edgewood Rd., asked how big the proposed houses could be on the two lots. Mr. Boesch said the gross floor area for Lot 4.01 could be 5,900 sq. ft., with 5,768 sq. ft. permitted for Lot 4.02. Mr. Lawrence asked if there was a building plan as yet, and Mr. Stone said there is no proposed as yet. If the application is approved, any home would be compliant with the borough ordinance. They would be allowed to build to the maximum, under the ordinance.

Mrs. White noted the existence of a hill on the lot on Edgewood Rd. She asked how they would propose to provide two homes. Mr. Boesch said they envision a house on Lot 4.01 in the same location as the existing home. The proposed home on Lot 4.02 will be about half way between the elevation of the existing home and the lowest spot on the lot.

Chairman Lospinuso asked about the storm water management system and where the storm drain would be located. Mr. Boesch said it would be out toward Buena Vista Ave. This will collect all roof, patio, and driveway water, recharging it into the ground.

Steve Cottrell, 21 Edgewood Rd., asked if it fell from the highest portion of the lot and recharged to the lower portion to create the step, or will they bring in fill. Mr. Boesch said they will try to achieve a balanced design and only use on-site fill material. In the area of the extreme slope on the property, Mr. Boesch said he would not rule out the use of retaining walls to minimize the disturbance. He located the existing retaining walls on the plan and proceeded to describe them.

Richard Jones, 37 Navesink Ave., asked if the storm water management required 100 year recharge in a minor subdivision, and Mr. Boesch said it was not. Ms. Heard said if the application were approved, and a condition required them to comply with the 100-year storm requirement, they would be made to comply. This application is proposing a 100 year recharge plan.

There being no further business and no need for an executive session, Councilman Rubin moved to adjourn the meeting. Mr. Clark seconded. Voice Vote: Ayes, unanimous. The meeting was adjourned at 10:35 p.m.

The next meeting will be **Monday June 2, 2014.**

Respectfully submitted,
Patricia Murphy
Clerk