

**RUMSON ZONING BOARD OF ADJUSTMENT  
FEBRUARY 19 2013  
MINUTES**

Chairman Conklin 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: Conklin, Atwell, Wood, Duddy, Brodsky, Thompson. Also present: Bernard Reilly (Board Attorney), Fred Andre (Zoning Officer), State Shorthand.

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

Mr. Andre was sworn in at this time.

Chairman Conklin announced that Ms. Gummer, a member of the Board for the past few years, has been appointed as a Supreme Court Judge and will be resigning from the Board. Chairman Conklin expressed his appreciation for her past service to the Zoning Board of Adjustment.

**Christopher & Stasia Pearson, 7 Heathcliff Road**

Mrs. Pearson was sworn in, along with her architect, Keith Mazurek. The board accepted his qualifications.

Mr. Mazurek explained that the existing property is unique in that it is extremely wide, but not as deep as necessary. It has 394' of frontage, with a pond and easement along the back of the property. There is an existing home that is approximately 60 years old and has not been renovated in the past. They propose to raze the house and build a new residence. Their biggest issue is with the front and rear setbacks. They are proposing the home to sit within the requirements of the zoning ordinance (FAR, height, lot coverage, building coverage). They propose that the front setback be 75.3' to the porch, which is what currently exists. This will give them a more usable back yard. The existing stone driveway will be used with the same curb cut. There is currently a 1 ½ - 2 story structure, according to Mr. Mazurek.

Chairman Conklin asked about the proposed drainage, and Mr. Mazurek stated that the existing first floor is at a 15.8' elevation, and they will be going to 18', with a crawl space beneath. There will be no substantial regrading.

Mr. Brodsky questioned the elevations shown on the plan, and Mr. Mazurek explained the proposed front and back elevations. The 34' height to the ridge is from the 15.5' elevation (35' are allowed). The pond area does not pose any wetlands issues, according to Mr. Brian Lowrie, builder, who was sworn in at this time. Mr. Lowrie explained that the pond is a man-made structure, and they do not propose to encroach on it in any way. Mr. Andre stated that the pond does not pose any issues with this application. He noted that the grading will be reviewed by T&M Assoc. prior to the issuing of construction permits.

Charles Parton, speaking from the public, was sworn in at this time. He stated he lives across the street from the home. He thinks the new plan is a good plan; however, they have some concerns regarding drainage. They want to make sure that the drainage does not go into their neighbor's

property. He described a low spot in the rear, and the pond to the north. Their issue is with the east and south sides, so that water does not collect and impact the neighbor. They are also concerned about a visual buffer and want to make sure there is a buffer on the west side, as they prefer not to be looking into this structure from their property. He asked if they were proposing any fill on the site, and Mr. Lowrie said no fill was proposed.

Christina Berti, also speaking from the public, was sworn in and said she lives south of this property. She has had many issues with water, as they are in a low area on the corner. Other new homes constructed nearby caused water problems, and she wants to make sure that proper drainage systems are put in place to make sure they do not get additional water on to their property. She is also concerned about the view from her ranch home to this multi-story home, and she would also like to see some buffer on her side. She also asked about the lighting plan for the garage and driveway area. Her house is approximately 50' off the property line between the two homes, and 150' from the proposed driveway. Mrs. Pearson said they do not propose lighting in this area. Mr. Lowrie commented on the drainage question stating they will be providing underground pits to handle the drainage through piping. These pits will be 15' - 20' off the house, and they will take a look at the specific area mentioned by Mrs. Berti. This could be made a part of any approval for this application.

Mrs. Pearson said they would be willing to provide a landscape plan to address the buffer requests of the neighbors.

Trudy Parton was sworn in and addressed the buffer issue, noting that Leland Cypress trees grow well in wet areas, growing tall and providing good buffer. There are evergreens currently existing and they would like to see more planted for additional buffer. Mrs. Pearson said they are willing to meet with the neighbors to discuss this buffer area. Mrs. Parton mentioned the drainage and asked if it could drain toward the pond, and Mr. Lowrie said he would check to see if this would be possible. Mr. Andre said drainage normally needs to be recharged before it goes into a waterway, and this is something for the engineer to address. Mrs. Parton also mentioned any proposed lighting, and she would not want to see any flood lighting or spot lights shining into their property. Mrs. Pearson said they will make sure this does not happen. Mrs. Parton asked about the proposed siding, and Mr. Mazurek said it will be cedar shakes. Mrs. Parton also asked about the pond, which is in need of cleaning up, and the applicant stated they will be looking into this.

There were no other questions or comments from the public. Mr. Thompson commented that the neighbors may want to have their own expert look at the plan, if the drainage is a large issue for them. He thinks it is good that the neighbors appeared to offer their comments.

Mr. Duddy thinks it is a beautiful house, and it is a unique lot. He has looked at the lot and does not think there is anywhere else to locate the house on the lot.

Mr. Brodsky agrees with Mr. Duddy's comments. He thinks it will be a big house that is longer than what currently exists. He agrees with the buffer suggestions of the neighbors, which he thinks are reasonable.

Mr. Thompson noted that the Leland Cypress trees are beautiful and provide a very nice buffer.

Chairman Conklin also agrees that the house will be big, and the permitted drainage and buffer will greatly help with the visual impact of the house. He feels there should be documents as to what they will be planting, so that the neighbors agree.

Mr. Brodsky moved to approve the application, and Mr. Duddy seconded.

Roll Call Vote: Ayes – Conklin, Atwell, wood, Brodsky, Thompson, duddy

Nays – None

Motion carried.

**Christine & Michelle Frank, 7 Brookside Drive**

Chairman Conklin will not sit in on this application, due to a possible conflict of interest. Vice-Chairman Brodsky took over the meeting at this time.

Mr. Frank was sworn in and explained that his lot is 1.9 acres with a stream running through it, which means there are wetlands on the property. They are adding a 750 sq. ft. room, which will not be visible from the street. He showed the Board photos of the house, which depict a highly wooded lot. An existing bay window will provide an archway into a new room, which will be a playroom for his children. The existing deck will have a permanent cover over it. They are required to subtract square footage due to the wetlands, which drives up the building coverage. The cover over the deck also adds to the building coverage. They are not enclosing the deck. His plan shows the wetlands boundary on the lot. They are also proposing an open cover over the front porch, and the same thing over the side entry. The house next door is approximately 70' away.

There were no questions or comments from the public.

Mr. Duddy said he is familiar with the property, and the construction will not be visible. There is also a lot of buffer between the neighbor's house.

Mr. Andre noted that if they did not need to lose all the property due to the wetlands, they would be below that allowed under the ordinance.

Mr. Frank said they will not be removing any trees with this construction.

Mr. Thompson thinks the wetlands situation is a hardship for this property, and most of the work is in the rear of the property. He would be in favor of the application.

Mr. Duddy moved to approve the application, and Mr. Thompson seconded.

Roll Call Vote: Ayes – Atwell, Wood, Brodsky, Thompson, Duddy

Nays – None

Motion carried.

Chairman Conklin rejoined the meeting at this time.

**Joseph & Eileen Pucci, 14 Edwards Point Road**

Joseph Lane, attorney, appeared on behalf of the applicants. He explained their proposal to raze the existing home and construct a new residence. The two variances required are existing, and Michael Monroe, architect, was sworn in at this time. The Board accepted his qualifications.

Mr. Monroe explained their plan for a conforming house. The two variances required are existing and cannot change:

- Lot frontage 99.07' existing / 100' required;
- Interior lot shape 102' existing / 115' required.

They have a one-story ranch house on a nice lot. They have all their CAFRA permits. The house is 32' high, which will be at elevation 15', providing a 37' height via the new formula for the right elevation for the property. It will be a two-story structure. There are only two neighbors within 200' – both substantial homes. The existing elevation is 9', and they are raising the grade to 10-12' around the house. The adjacent property to the north is at 10'. The grading has already been engineered and has not been an issue.

The proposed garage was described by Mr. Monroe, which is not a detached structure. The house will be built in the same area as the existing house, and no trees will be affected by their construction. They will also be providing buffer.

There were no questions or comments from the public. Mr. Brodsky asked about the bulkhead, and Mr. Monroe said the bulkhead work has already been done. Mr. Brodsky moved to approve the application, and Mr. Thompson seconded.

Roll Call Vote: Ayes – Conklin, Atwell, Wood, Brodsky, Thompson, Duddy  
Nays – None

Motion carried.

**Resolutions**

1. **Frederick & Michelle Geissinger, 17 Sheraton Lane** – Approval to raze existing house and construct new home;
2. **Burke & Krista Honnold, 71 Waterman Ave.** – Approval to elevate home to meet required flood elevation.

Mr. Thompson moved to adopt the resolutions, and Mrs. Atwell seconded. Voice Vote: Ayes, unanimous.

Chairman Conklin reported that the Board is now short two alternates, and he asked the members to submit any suggestions for new members.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,  
Patricia Murphy  
Clerk