

**RUMSON ZONING BOARD OF ADJUSTMENT
JANUARY 15, 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, Blum, Duddy, Brodsky, Thompson, Gummer. Also present: Bernard Reilly (Board Attorney), Fred Andre (Zoning Officer), State Shorthand.

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

Reorganization

Mr. Reilly swore in the following members:

- Mr. Duddy – To fill one expired term
- Mr. Blum – As alternate No. 1 member

Chairman – Dr. Wood moved to nominate Mr. Conklin as Zoning Board Chairman, and Mr. Thompson seconded.

Roll Call Vote: Ayes – Atwell, Wood, Blum, Duddy, Brodsky, Thompson, Gummer
Nays - None

Motion carried.

Vice-Chairman – Dr. Wood moved to nominate Mr. Brodsky as Zoning Board Vice-Chairman, and Mrs. Atwell seconded.

Roll Call Vote: Ayes – Atwell, Wood, Blum, Duddy, Conklin, Thompson, Gummer
Nays - None

Motion carried.

Zoning Board Attorney – Mr. Thompson moved to adopt the resolution appointing Bernard Reilly as zoning Board attorney, and Mr. Brodsky seconded.

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

Motion carried.

Zoning Board Engineer – Dr. Wood moved to appoint T&M Assoc. as Zoning Board Engineers, and Ms. Gummer seconded.

Roll Call Vote: Ayes – Conklin, Atwell, Wood, Duddy, Thompson, Gummer, Brodsky
Nays - None
Abstain - Blum

Motion carried.

2013 Meeting Schedule - Meetings will occur on the third Tuesday of each month at 7:30 p.m. at the borough hall, except when a holiday interferes:

January 15	July 16
February 19	August 20
March 19	September 17
April 16	October 15
May 21	November 19
June 18	December 17

January 21, 2014

Mr. Thompson moved to adopt the 2013 meeting dates, and Dr. Wood seconded.

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

Motion carried.

At this time, Linda Doyle, Assistant to the Zoning Board Official, was sworn in, in the absence of Fred Andree, who is away on vacation.

Monica Pahuliz, 3 Parmly St.

William Meyer, attorney and co-applicant, appeared on behalf of the applicants. He presented photos that were marked A-1 to A-5, depicting views of the house and the house next door. Via the plans provided, he described the plan to raze the existing residence and detached garage. The house dates back to the 1920's. The survey determined that they had 21.7 more sq. ft. than noted. He explained their decision to not repair the house, which did not seem sensible to them. They propose a new dwelling in the same location as the existing dwelling. The front setback may be the same as what exists. The rear garage that was in a state of disrepair was approximately 1.2' off the side setback and 1.1' off the rear setback. They propose to construct a new garage with a minimum of 260 sq. ft. and a setback of 3' (5' required). They will be making the garage more compliant off the side setback than what currently exists. They will have an open front porch, and they are asking for a setback variance; however, they are consistent with other setbacks on the street, and it will be consistent with what presently exists. It is an open front porch in design. Mr. Meyers said he is the contract purchaser of the property.

Chairman Conklin reviewed the photos presented:

- A-1 Subject property
- A-2 West to East view of the property
- A-3 East side of property showing the distance between the two houses
- A-4 Neighboring property
- A-5 Front of the house across the street, which is similar in setbacks to their proposal.

Jeffrey Kusmick, architect, was sworn in, and the Board accepted his qualifications. Via the plot plan provided, he described the conditions on the lot. They propose a single-family dwelling with similar setbacks to what exists today. The porch will be an open, three-sided structure, and

they would be asking for variance relief for the front yard setback. The driveway is proposed on the left side of the property to maintain one large existing tree. Because of the design and the layout on the driveway side, they are seeking a variance for the garage to encroach into the 5' setback for both side and rear yards (3.2' on the side and rear yard for the proposed garage).

The proposal for the design of the house was described and shown via his drawings, which show the first floor and second floor design and proposed overall size, which is 27.8' x 41.6' (including the porch). He described the floor plan for the two floors, as well as noting a full basement. There is a side entrance along the driveway, and a pad for HVAC units that will not encroach into the side yard setback.

The second floor plan has three bedrooms, a full bath, and a master bedroom with a walk-in closet and stairs to an uninhabitable attic that will be used for storage only.

The driveway is 20' x 13' to lead to a single-car garage. The basement will be for storage and mechanicals only.

The proposed elevations were shown, and Mr. Kusmick described the design for the front porch, a gabled pitch roof with an open sided porch with a hip roof, keeping in character with the neighborhood. Other drawings depict the garage design.

Chairman Conklin questioned the numbers provided, which appear to differ from the numbers from the engineer. Mr. Meyers noted that there is a credit allowed for the garage, and they tailored their design after meeting with Fred Andre, going with his calculations. Mr. Kusmick said he believes his figures are correct and are under that allowed for building coverage. Chairman Conklin pointed out some other inconsistencies, stating he would like to see more consistent figures on the plans. Mr. Meyers said both figures are compliant. Mr. Kusmick stated that the numbers he used were the ones used in the calculations, and sometimes the thickness of the walls can cause a discrepancy in the numbers. Mr. Meyers also explained how this can account for the difference in the numbers. Mr. Blum noted that the variance is in the building coverage, which would have nothing to do with the walls. Mr. Meyers said they are compliant in the building coverage; however, Mr. Blum disagreed, and cited from the engineer's numbers on the plan.

The Board continued to address the numbers and credits. Mr. Kusmick noted that their eaves do not exceed 1', so that would not be a part of the calculations. It appears that their figures are not correct, and the credit has been taken twice, in the Board's opinion. Mr. Meyers said that Mr. Andre prepared the numbers presented. Mr. Blum explained how the numbers are calculated for building coverage, and he thinks they still require a variance. Mr. Meyers said it was not their intention to exceed the floor area or building coverage. It was agreed that this is an issue.

With regard to the trees on the northwest corner, Mr. Meyers said it is a white oak. This tree was inspected by Bill Brooks, Borough Arborist, who stated it was not a specimen tree. They are proposing to take this tree down, and it is in the area of the proposed garage. Chairman Conklin noted the tree is already very close to the house and could be a hazard in its current location.

Chairman Conklin stated that the house to the east appears to be a substantially smaller than the proposed house, and he thinks the proposed house would dwarf this house. He asked if there was anything they could do to make it appear less massive. He noted that they have maxed out every setback, and the push out is toward the street. It will be a two story building. The proposed height is 35', and it is proposed 20' off the street. He thinks it will look very big from the street.

Mrs. Atwell asked why they couldn't make the garage conforming. Mr. Kuzmick explained they requested the 3' setback because the driveway allows for a straight interaction into the garage. Making it conforming would make it more difficult to enter and exit the structure. Mrs. Atwell pointed out they could move it forward 2' to conform to the rear setback, and Mr. Meyers said they could do this. Their intention was to be compliant with the requirements as set forth by Mr. Andre, and their understanding was that they were proposing something compliant with floor area and building coverage. They would make this a condition of approval to correct any discrepancies in this area. Mr. Kuzmick said if they reduced the front setback it would present a hardship in that they would only be able to build a two-bedroom house, which would not be marketable or desirable.

Mr. Brodsky likes the design, but agrees that it is substantially bigger than the houses in the area.

Chairman Conklin thinks it is too much for the lot.

Mr. Blum suggested carrying the public hearing to make sure that the numbers and variances are correct, as the plans presented do appear to exceed the building and floor area coverage. Mr. Reilly advised they could require that the plans be revised to conform, and the resolution could reflect this condition.

Ms. Gummer is concerned that the proposed building will not fit in with the neighborhood, given the overall size. She would like to see the revised plans before any vote is taken.

Mr. Duddy thinks the house should be made smaller.

Chairman Conklin is also uncomfortable with the numbers, and he does not think there will be a vote on this tonight. He asked for additional comments from the board.

Mr. Thompson thinks the numbers discrepancy is an issue, and there are also other issues that raise more questions. He thinks the design is nice, but a little larger than what would fit in the neighborhood.

Mr. Meyers appreciates the board's comments, and he does not want to propose anything that would not fit in with the neighborhood. They might be able to lower the height and adjust the roof pitch to make it look lower. He thinks allowing a bigger eave would make it look better and allow them to lower the roof design.

Dr. Wood thinks the Board is going in the same direction regarding the footprint, hoping for something that presents a softer design.

The application will be carried to a future meeting (March 19). No further notice will be required.

Frederick & Michelle Geissinger, 17 Sheraton Lane

Michael Bruno, attorney, appeared on behalf of the applicants. They need a variance, due to the location on a right-of-way on Sheraton Lane with no street frontage. There is an existing home that they propose to raze, along with the existing garage. They propose a conforming new home, which improves the existing situation.

Michael Unger, architect, was sworn in, and the Board accepted his qualifications. He stated there are four issues with this application:

1. Easement on a non-accepted street (If it were on a street, it would be a conforming lot in the zone);
2. Side yard setbacks;
3. Accessory structure is nonconforming, in that it exceeds 30% of the principal building;
4. The existing driveway encroaches on the neighbor's property 4-5'. They intend to correct this and bring the driveway into conformance with the ordinance.

The new building will be situated so that the garage doors do not face the street. There are many mature trees that they will not interfere with. The landscaping and grading will remain as it is. The existing private driveway is adequate to access the site. There are several other houses on this portion of Sheraton Lane. It is adequate for emergency vehicles, also. This area is maintained by a common association. This portion of the easement is paved. It was created in 1937. The existing nonconformities will be made conforming to this application. The new house will not require the removal of any existing specimen trees. Mr. Unger said they will be removing one small dogwood tree, which may be moved or replaced.

There were no questions or comments from the public.

Mr. Blum questioned the frontage issue, and Mr. Unger said there may be a small amount of frontage (10 or 12 feet) before the easement starts. Mr. Bruno noted they have adequate frontage, but it is not on an approved street. The proposed building totally conforms to the ordinance in all other ways.

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

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

Motion carried.

Burke & Krista Honnold, 71 Waterman Ave.

Mr. & Mrs. Honnold were sworn in and explained their application to elevate their house to meet the required flood elevation. Mr. Blum mentioned that Mr. Honnold did landscaping for him, but he does not think this presents a conflict. The board agreed.

Chairman Conklin noted that if they just wanted to raise the house, they would not have needed to come before the Board. The reason they need to come in was because they were proposing additions also. Mr. Honnold explained that the house is very awkward inside, and they would like to add to the second floor to create four bedrooms with a central hallway. The only addition that would be outside the footprint is a cantilevered stair within the setback on the interior to make the bedroom more livable. The downstairs will be updated to make it more functional. The size of the house will be conforming, and the new construction will create no new nonconformities. There is no plan for the garage at present. If they want to raise this in the future, they would not need to come back before the Board.

Mr. Blum noted that the addition also serves to raise the mechanicals above the flood plain.

There were no questions or comments from the public. Mr. Thompson moved to approve the application, and Mrs. Atwell seconded.

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

Motion carried.

Approval of Minutes

Motion was made and seconded to approve the December minutes, with corrections. Voice Vote: Ayes, unanimous.

Resolutions

1. **John & Janet Wurch, 19 Ridge Road** – Approval to demolish existing home and construct a new residence;
2. **Robert & Deborah Anderson, 21 Holly St.** – Approval to remove existing detached garage and construct new, one-car detached garage;
3. **Ingeborg Perndorfer, 6 Robin Road** – Approval to construct rear and side additions, install in ground pool and patio.

At this time, Joe Sacco was sworn in and appeared on behalf of the architect for the Wurch application, Kathy Zuckerman, who wanted to see if there were any issues with the screening. He understands the concern with the sight triangle, and he stated that the hedge will be cut back 15' from the edge of the driveway to provide a safe sight line. This will be added to the resolution (hedge cut back 15' or subject to the approval of the Zoning Officer).

Mr. Thompson moved to adopt the resolutions, and Dr. Wood seconded.

Roll Call Vote – (Eligible) Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Gummer
Nays – None

Motion carried.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Patricia Murphy
Clerk