

RUMSON ZONING BOARD OF ADJUSTMENT
JULY 16, 2013
MINUTES

Chairman Conklin called the regular meeting to order at 7:00 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Conklin, Atwell, Wood, Brodsky, Blum, Duddy, Seaman.

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.

David & Patricia Docherty, 20 Avenue of Two Rivers

Chairman Conklin announced that this application has been withdrawn.

Mark & Adrian Marascio, 1 Lennox Ave.

Mr. & Mrs. Marascio were sworn in, along with Robert Adler, their architect. The Board accepted his qualifications.

Mr. Marascio said they purchased the house three years ago and feel they need to expand to meet the needs of their family.

Mr. Adler explained they are looking to expand the single-family, split-level home. There is a good sized lot with a decent amount of open space. The house is presently oriented toward Lennox Ave., and the ordinance says the front should be facing River Road. The rear setback requirement is 35'. In relationship to the house next door, they have 21 +/- feet, although it is considered a rear yard. The rear yard has 34'. If they kept the front entrance toward Lennox Ave., they could only have a 14' deep house, and they think this would be a hardship, as they have a larger lot. They would like to put a second floor on the side that has one floor at present, providing a nicer master suite. This will be expanded by 3.7'. They meet all other requirements as to coverage, lot size, etc.

The other issue is the front setback, which exists at 34.83', and they are proposing 23.4' to the front porch. The building will still be about 33' set back. The porch is not a wrap-around, but only exists at the entrance area. They have a hardship, since the orientation of the house causes a setback problem. There is no negative impact to the neighbor on the side yard. Mr. Adler thinks they are providing a positive application.

The house is proposed about 70' in length.

Chairman Conklin understands their argument; however, the Lennox Ave. is only 84' wide, and with the proposed setbacks, they could not get the size of the house they propose. Mr. Adler feels they would be able to, based on the orientation of the home. Chairman Conklin pointed out that the house orientation will not change, and he asked if they could go toward the north somewhat. Mr. Adler said it would not provide as nice a quality of design. He thinks the orientation is about impacting the neighbor properly, and he thinks their plan is acceptable with

the setbacks provided. Chairman Conklin said that the neighbors would be looking at the 70' length. Mr. Adler said they typically consider the rear yard as the recreation space, which is on the River Road side. This side is also well landscaped. Upon further questioning by Chairman Conklin, it was noted that the height of the back of the house is 21' off the property line and is 31.75' to the ridge, which is lower than the maximum allowed. The 70' length will have a 3.7' bump out in the rear with a width of 20'. The majority of the house remains at the present setback.

Mark Osmulski, 17 E. River Road, was sworn in and stated this plan will encroach on his property, which is to the east of this lot. The height is a concern for him. Mr. Adler said they are planning on connecting the roof leaders on this side to a dry well in the front open space yard, pulling the water away from Mr. Osmulski's property. Mr. Osmulski thinks they have more room to go to the north. His house is set back 7' from the property line on this side, which has a garage, dining room, kitchen, and bedroom. Mr. Adler said the height of the addition area will be increased from the existing height by about 11'. The other part of the roof will stay the same, and may have dormers added. Mr. Adler said there is a patio on Mr. Osmulski's side, and the existing grade was used to calculate the height. The patio is about 19' 35" in size. This area will not change.

Colleen O'Connor, 22 Lennox Ave., was sworn in and spoke in support of the application. She thinks this application will improve the neighborhood.

Elise Boman, 18 Lennox Ave., was sworn in and also spoke in support of the application, which she thinks will be an improvement to the neighborhood.

Daniel Rosa, 3 Lennox Ave., was sworn and commented that there are many new homes in the neighborhood, and this application will be more conducive to the neighborhood with the addition, rather than building a new house.

Hubert Gottek, 17 Lennox Ave., was sworn in and said he has lived in his home for 45 years. He thinks this will be an improvement for the neighborhood.

Violet Gottek, 17 Lennox Ave., was sworn in and expressed her support for the application.

There were no other comments or questions from the public.

Mr. Brodsky asked if there was any vegetation behind the kitchen area, and Mr. Adler said there were some evergreens, but it was very thin. They would agree to add screening, although there is already an existing buffer. They would agree to include this as a part of the resolution.

Mrs. Seaman would like to see something more added to provide more screening to the north. Mr. Adler said they could do this.

Mr. Duddy thinks this is a hardship, and he acknowledged that the current requirements would provide a trailer-like design. He thinks the required variance is diminimus.

Mr. Blum stated that the survey submitted does not show the patio, and Mr. Adler said it was built after they purchased the property, but the drawings are accurate. Mr. Blum noted that they are creating three variances. The rear addition variance could be eliminated by adding floor area to the front, and he asked why there is a hardship to not do this. Mr. Adler said this would continue to make it longer and longer, and sacrifice the quality of the architecture. The width of the interior space is relatively narrow, and the three extra feet enables them to create better family space.

Mr. Blum asked if the porch were shorter on Lennox Ave., what hardship would they then incur. Mr. Adler said it would still require a variance, and their plan is aesthetically proportioned. The porch on River Road is the real outdoor living space.

Mr. Brodsky likes the front porch, but thinks it could be made somewhat shorter. Most of the other homes are in line with the current setback, and he would like to see this area setback somewhat. Also, the other porch could be shifted to the east, but Mr. Adler said in either case, he would be impacting the setback. He could reduce the roof pitch and move the porch somewhat, although it would affect the balance of the design. He could redesign it, if the Board so imposed. He could reduce the front porch by 3' for a depth of 6', instead of 9'.

Chairman Conklin does not think the rear setback variance is egregious, and they could have a bigger house facing River Road. He thinks it is a doable plan.

Mr. Adler further explained the design for the dry well in the front yard, and agreed to additional buffer in the rear.

Mr. Reilly suggested they prepare a landscape plan for the Board's review before the next meeting, to be discussed with the neighbor. It was noted that the borough engineer will review this plan also.

Mr. Brodsky moved to approve the application with the conditions that the porch be brought back 3' and a revised landscape plan be provided for the next meeting. Mr. Duddy thinks the porch to the north has a lot of space and is aesthetically pleasing and does not block any view. He does not think it needs to be changed. Mr. Reilly advised Mr. Osmulski to come to the next meeting, if they are not happy with the landscape plan.

Mr. Duddy seconded the motion.

Roll Call Vote: Ayes – Conklin, Brodsky, Atwell, Duddy, Seaman, Wood

Nays – Blum

Motion carried.

Jeffrey Wadley, 17 Grant Ave.

Mr. Wadley was sworn in, and a presentation booklet was distributed to the Board, showing the current home and proposed new home. They will be razing the existing house and building a new home, elevated to the required flood requirements. He showed the Board the proposed elevations, noting that the height is below that allowed.

The numbers provided do not include the garage, which is not required in the flood zone. The proposed elevation is 14’.

The height is in compliance for the zone (41’ proposed).

The floor plan was reviewed, and he reported on an external oil spill, which also dictates the elevation and razing of the home. There has been a preliminary clean up on the site.

There were no questions or comments for the public. Mr. Wadley reported that he has spoken to his neighbors, who had no objection to the plan.

Chairman Conklin commented that the presentation was very well done. He thinks they are doing the best they can with what they have. They are asking for a modest structure.

Mr. Duddy thinks the house is placed the best they can on the lot, and they have improved over the existing structure. He moved to approve the application, and Mrs. Atwell seconded.

Roll Call Vote: Ayes – Conklin, Brodsky, Atwell, Duddy, Seaman, Wood, Blum

Nays – None

Motion carried.

Brian & Colleen Hennen, 54 Shrewsbury Dr.

Mr. & Mrs. Hennen were sworn in, along with their architect, James Daley, whose qualifications were accepted by the Board. Mr. Hennen explained that they moved to Rumson two years ago. Their home is a 1960’s ranch. They had considered putting on a second floor, but they were substantially damaged by Sandy, and they are now looking to raze the existing home and build a new home. They will be reducing the footprint, but constructing a two-story structure.

Mr. Daley was asked why the address is different from the current home, and he stated this was a mistake by the engineer. Everything is in compliance, except for the circle requirement. They are maintaining the residence in the existing location basically. The major variance is for the front yard set back, which is currently less than 50, and they are proposing a 54’ setback where 100’ are required. They are raising the height to a 14’ ft elevation (base flood elevation is 9’). The proposed house height is conforming (35’). They will be retaining the existing pool and patio, and he pointed out an area that has many existing trees that they will also be maintaining. The new construction will not have any additional trees removed. They are basically staying within the existing footprint, built on a crawl space. They will try to use a portion of the existing foundation in the rear, maintaining the rear yard setback. Also, the pool and the trees affect the placement of the home. The driveway will be added on the right to go into the garage, and they will be maintaining the existing driveway as a parking area.

Chairman Conklin asked if they could do something with this driveway to get it more off the street, as this area is another variance, due to the width in the front yard. Mr. Daley said they would be willing to remove the existing driveway. Mr. Blum suggested having the parking area on the left, behind the cabana, which would put it mostly out of the setback area. Chairman Conklin thinks this would be a good idea, although they may need to move the cabana.

There were no questions or comments from the public.

Mr. Daley said they would be willing to move the driveway as suggested, and they could submit a revised plan to show this change before the next meeting.

Mr. Brodsky asked about the elevation, and Mr. Daley said it will be brought up 6' from its current elevation. The grade will be brought up around the house and steps will be added. The ridge height will be 35', which is less than permitted.

Mr. Blum noted that the grading is an issue in this neighborhood and will need a thorough review by the borough engineer. There is a low area on the west part of the lot towards the northwest corner where water collects. Grading is an issue, although there is a ditch in the area to help keep the water on the property. The front part of the lot grading can be handled so that the runoff from the house goes out to the road. This would all be a part of the grading plan to be approved by the borough engineer. He noted that the coverage is not being substantially increased with this application. Porous pavers will also help to percolate the water.

Mrs. Seaman thinks it appears to be an improvement, and the water should not adversely affect the neighbor.

Mr. Duddy thinks it is an improvement, but would like to see the parking area as far from the front setback as possible.

Mr. Daley said he could bring the parking to behind the house.

Mr. Brodsky moved to approve the application, with the condition that the parking is taken farther back on the lot. Dr. Wood seconded.

Roll Call Vote: Ayes – Conklin, Brodsky, Atwell, Duddy, Seaman, Wood, Blum

Nays – None

Motion carried.

Siabhan & Peer Hogan, 27 Forrest Ave.

Mr. Hogan was sworn in and explained his plan to install an in ground pool. They are adding 700 sq. ft., and they will be removing 1,800 sq. ft. – thereby reducing the lot coverage to 4,828 sq. ft. The reduction will be achieved by removing pavers and changing the pavement on the driveway to gravel and cutting down a turn-around area on the lot.

Chairman Conklin asked why it was not done as a part of the original resolution. Mr. Hogan said the original resolution called for blacktop, and he installed stone instead. The pavers on the south side will be removed also, as well as the pavers on the north side. He noted the natural runoff on the lot to the nearby stream, and they have no problems with water going on to the neighbors' properties.

Mr. Reilly said any approval would be conditioned on the removal of the pavers on the borough property and whatever else would have been removed with the original resolution.

Mr. Blum asked what portion of the driveway currently exists, and Mr. Hogan pointed out this on his plan. As a practical matter, Mr. Blum thinks there needs to be a connection from the driveway to the house. He thinks it is a technical application.

Chairman Conklin noted that a condition of approval at the time of the last resolution was not accomplished.

Mr. Hogan again noted his proposal to eliminate most of the pavers of the portion of the driveway, which could then conform to the required square footage allowed. Any construction access would be accomplished by crossing over borough property on the side. Mr. Reilly said this would be a temporary situation.

The driveway is 70' from the road to the house. Sidewalks on grade do not count in lot coverage, according to Mr. Andre.

Mr. Blum suggested the applicant find out if the borough would give him access, so he can build his pool. Mr. Reilly said the application should be considered first by the Board, and then if it is approved, it would go before the Borough Council, which could be made a condition of any approval.

Mr. Blum thinks it is important to maintain the turnaround, and he thinks it is a problem backing out on to Forrest Ave. If the driveway was shortened up, the turnaround area could be maintained. He thinks they should require that the side line be fenced to eliminate the possibility of encroachment.

Mr. Reilly thinks the Board should require approval for the access on to borough property.

Mr. Brodsky thinks the driveway is a hardship, adding to lot coverage. He agrees that the turnaround makes sense. He is less concerned with the coverage problems since it is a condition of the long driveway. He thinks some lot coverage could be removed to allow the additional lot coverage for the pool. He does not agree with the suggestion of the fence requirement.

Mr. Duddy agrees that a fence should not be required. Mr. Hogan said he maintains this property, and he does not think it would look right to have a fence.

Mr. Reilly thinks Mr. Hogan should definitely get consent from the borough to use this area for construction equipment for the pool, and any Board approval of this application should be subject to the town approval before any building permit is issued and also whatever the Board decides should be removed. The Board would be lax, if they did not require this.

There were no questions or comments from the public.

Mr. Duddy thinks that the gravel driveway does not add that much coverage, and a turn around is a good idea and should be allowed.

Chairman Conklin thinks all the pavers need to come out and approval from the borough is needed to use their portion of the property. The turnaround should be maintained.

It was noted that removal of the pavers will not amount to a conforming condition, due to the additional driveway area.

Mr. Blum would support approval that maintains the turnaround and the lot coverage is kept below 5,000 sq. ft. Mr. Hogan said if he is to keep the turnaround, he would need more than 5,000 sq. ft. of lot coverage.

Chairman Conklin noted that the house is set back 130' from the street, which is a long way.

Mr. Brodsky thinks the turnaround is reasonable, and he thinks he can get it close with the removal of the pavers.

Chairman Conklin thinks something less than 5,648 sq. ft. is possible and reasonable.

Mr. Reilly will do a resolution to be approved at the next meeting so that Mr. Hogan does not have a delay. This will be conditioned upon everything being removed before any building permit is issued, along with consent being received from the borough to allow construction vehicles on the property.

The application will be carried to the August meeting, when a resolution can be adopted. No further notice will be required.

Approval of Minutes

Motion was made and seconded to approve the minutes from the following meetings:

- April 16, 2013
- May 13, 2013
- June 18, 2013

Voice Vote: Ayes, unanimous. Motion carried.

Sean & Marion Moran, 9 North Ward Ave.

Mark Aikens, attorney, appeared on behalf of the applicants. This application relates to a special property in a special area in Rumson, according to Mr. Aikens. The property dates to the late part of the Victorian Era. Their presentation will include testimony as to the architecture, history, landscaping, grading, drainage, etc. They are before the Board because the property has a carriage house on the property that had 5' of water, and the main home had over 3' of water. They are seeking to relocate the carriage house and make site improvements as to grading and drainage, as well as moving the driveway. They will eventually rebuild the main home at a future time. The idea will be to tie in the architectural elements of the carriage house to the manner house.

James Anderson, architect, Steve Krog, landscape architect, and Jason Fichter, project engineer and planner, were sworn in, along with Mr. & Mrs. Moran. The Board accepted the experts' qualifications.

Mr. Anderson addressed the site, explaining that the main house and carriage house were damaged during the storm. Also, there have been a number of modifications made to the carriage house over the years that they are looking to redo to be more consistent with the older parts of the structure, but also with the history of the main house and proposed manner house.

Mr. Anderson described the origins of the property and showed the Board a photo of the original house both before and after it was moved and updated on to its current location, along with a colored rendering of the carriage house (A-1 & A-2). The original dwelling was from 1870. The existing carriage house is on the northwest corner of the lot, and Mr. Anderson confirmed that they had about 5' of water in this structure during the storm. They had thought to move it off the street and rotate it and relocate it to the south side of the property to de-emphasize it on the lot. The door would face the main house with their plan. Elevations of the proposed plan were shown to the Board (A-3).

Mr. Anderson explained that they are keeping the same amount of functional space within the structure, but keeping the carriage house feel all around the house. Another colored rendering of the carriage house was marked A-4, showing the view looking east from North Ward Avenue. There was some reconfiguration of the space also. The choice of materials for the carriage house was described, including cedar shingled roof, cedar siding, and a stone foundation. The footprint and square footage of the structure will not change.

Steven Krog marked his plan A-5 (colorized rendering of the plan). His proposal includes a portion of the site that fronts on North Ward Ave. They will be moving the structure in a southwest direction and provide a 30' setback on the North Ward property line and a 27' setback from the south property line. He pointed out the access to the carriage house that has a sloping driveway access at an elevation of 11', and the interior of the elevation is 12'. He described the proposed grading that allows them to maintain the existing trees with a gentle transition back down to the street. There is an existing privet hedge 7 – 9' tall along the north property line, and Sycamore trees along North Ward Ave. They will be maintaining the privet hedge and adding a number of additional evergreen trees along the south portion to help block the view of the building. The plan also shows the trees to be removed, in order to move the carriage house to its proposed location. A listing of the trees slated for removal, along with those proposed as replacements, are shown on their plan. Nine trees will be removed (two are dead). They propose to add four new Hollies, as well as 11 evergreens along the south property line. There is also a plan to add flowering trees along the road way. The balance of the site would be returned to lawn. This plan would be an aesthetic enhancement to the current street and the road. Mr. Krog has reviewed the Rumson Tree Ordinance and said that the two Hollies slated for removal would be classified as specimen trees, but the balance are not sizeable and would not be included as specimen trees. They are mitigating the removal of the Hollies at a 2-1 ratio.

Jason Fichter showed the Board an aerial photo (A-6) and another submitted plan (A-7). He explained the site grading and drainage. The aerial photo orients the property. The location of

the house has been explained, and he noted that this existing carriage house is being aesthetically enhanced to bring it back to the historic character of the neighborhood, as well as elevating it. Storm water was discussed, and he noted that this is a two-acre piece of property that saw quite a bit of water during Sandy. They are presenting a drainage design that minimizes what was there before. The water flows from the bottom to the top. Raising the dwelling creates a dam. They will be installing a pipe system to recharge into the ground. The topography in the area was shown, with Mr. Fichter stating that due to the existence of two ridges on the property, the water will flow out to the street from the inlet.

Concerns of the neighbors to the south were addressed regarding how this would affect their property. He noted that their plan was designed to protect the neighbors, who contacted their own engineer. The concerns of these neighbors were related to Mr. Fichter, who addressed them. The result of the storm water design is that Mr. & Mrs. Greenleaf are protected, and the property to the north will see less water and see a slight improvement with their plan.

There is no increase in the number of units and no change in the traffic volume. The plan meets all requirements for off-street parking. The landscaping has been described, and the picturesque nature of the property will be continued.

The existing finished floor of the garage is proposed at 11.08', and the house at 12.08', to protect them from future water damage. The current flood map used by FEMA has this property in an "A" zone at elevation 9'.

The variances they required include:

- Pre-existing nonconforming use;
- No secondary accessory building to have heat (The current structure has heat. The ordinance permits the continuation of nonconforming lots with conditions, and they have met all conditions);
- Proposed building height is 25' and is being measured from the existing grade (24' permitted);
- Accessory building in front yard (being improved with a 30' setback proposed / 19' existing);
- Accessory building usable area of second floor (reduction proposed – 802 sq. ft. existing – 795 sq. ft. proposed);
- Driveway width – 15' permitted in front yard /20' existing/26' proposed. This is a technicality based on the location of the carriage house. The 26' area is near the garage, which provides space for vehicles to maneuver and park;
- Building coverage now conforms, due to the removal of the deck;

Their objective is to improve the architecture of the house and not expand it. They will raise the dwelling and get it out of the "Coastal A" flood zone. Thoughtful landscape design will mitigate the location of the house. Mr. Fichter thinks there is a hardship based on the new flood regulations and the existing construction, which is too close to the property line. He thinks that the applicants have worked very diligently to minimize the variances being requested. The proposed conditions are creating improvement for the community, and the benefits are numerous. This is the continuation of a long-time use, and he thinks the improvements will have

no substantial detriment to the public good and will improve the property and present no impairment to the zoning of the borough.

Mr. Aikens said the Moran's purchased the property shortly after the storm. The property was rented for many years and continues as a valid nonconforming use.

Chairman Conklin noted that the testimony has been that the main house will be a conforming structure, and he reviewed several issues that could affect this. Mr. Aikens understands the Board's concern, stating that the goal is to get the property back to an income producing property. The carriage house will be rented to a third party. The intention is to fully conform to the ordinance for the manner house. He does not have any knowledge of a plan for the manner house, which would be capped at 6,000 sq. ft. in size. It is their intention to have a house that is big enough so it did not trigger the 30% rule. They will consider the entire property in any design presented.

Mr. Aikens reviewed the rule regarding having a carriage house on a property as the principal residence, but in this case, there is an existing manner house that will not be taken down soon. According to Mr. Reilly, he does not know of any reason why they could not rent out the carriage house or have it occupied as an accessory residence because the main house is not occupied. Mr. Andre noted that when the manner house is taken down, there will be an accessory structure without a principal residence.

Arthur Sorenson, next door neighbor, was sworn in and spoke in support of the application.

Wayne Greenleaf, 11 North Ward Ave., was sworn in and said they support the project. They would have liked to see the main house preserved, but he understands it needs to be rebuilt. Their initial concerns with the application have been addressed, and are satisfied with the water and drainage issues.

There were no other questions or comments from the public.

Mr. Blum asked about the drainage testimony, noting a high point in the driveway. He expressed concern about future grading for the manner house. Mr. Fichter noted that the general lay of the land goes down hill from south to north, and there is a low point where this property meets the properties to the north. If they have a low point in the future, it would be where it currently exists, and they would continue the drainage pattern as is. Mr. Blum suggested grading options to address any problems. Mr. Aikens said they could submit a preliminary grading plan for the entire site. Mr. Blum stated he would be more comfortable with this. Mr. Fichter said they could submit a preliminary grading plan for future construction to be reviewed before the next meeting for the Board's consideration.

Mr. Aikens summarized the application and expressed appreciation for the Board's consideration.

Mr. Duddy thinks they have been very thorough with their presentation. He moved to approve the application, and Dr. Wood seconded.

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

Motion carried.

Resolutions

1. **James & Jaime Dorment, 4 Wood Lane** – Approval to raze existing house and construct new residence. Mr. Brodsky moved to adopt this resolution, and Mrs. Atwell seconded. Roll Call Vote: Ayes (Eligible) – Conklin, Atwell, Blum, Brodsky
Nays – None. Motion carried.

2. **Michael & Andrea Trebino, 26 Buttonwood Lane** – Approval to raze existing house and detached garage and construct new residence. Dr. Wood moved to adopt the resolution and Mr. Brodsky seconded.
Roll Call Vote: Ayes (Eligible) – Conklin, Atwell, Blum, Wood, Brodsky
Nays – None. Motion carried

Mr. Brodsky moved to adopt the following resolutions, and Mr. Duddy seconded. Voice Vote: Ayes, unanimous.

3. **Rumson Estates LLC, 7 Warren St.** – Approval to raze existing house and construct new residence

4. **Judith Trepanier, 27 Waterman Ave.** – Approval to elevate secondary residence (cottage) and construct side addition, rear deck and stairs, as well as add deck to principal residence and a detached garage;

5. **Rumson Country Day School, 35 Bellevue Ave.** – Approval of amended major site plan to construct security vestibule and regrade portion of existing courtyard.

Other Business

Mr. Andre reported Mr. & Mrs. Dennis Devine, 7 Evergreen Dr., who received prior approval from the board for their property, would like to now reconfigure the turnaround area in front. The amended plan was shown to the board, and they will be asked to come back to present the amended plan at a future meeting.

Also, in April 2012, a pool and patio was approved on Tennis Court Lane. The improvements were done and they now want to add an outdoor kitchen. The proposal was shown to the board, who thought it could be completed without the need to come back before them.

The August meeting will start at 7:30 p.m.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 10:55 p.m.

Respectively submitted,
Patricia Murphy, Clerk