

RUMSON ZONING BOARD

MARCH 15, 2016

MINUTES

Regularly scheduled meeting called at order at 7:40 pm with a salute to the flag, followed by a roll call of: Mr. Brodsky, Mr. Thompson, Mrs. Seaman, Mr. Torcivia, Mr. Duddy.

Absent: Mr. Blum, Mr. Cottrell, Dr. Wood, Mr. Lizotte

Also present: Mr. Andre', Mr. Reilly, Esq., and Michele MacPherson representing State Shorthand Reporting Service.

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

Chairman Brodsky announces the first agenda item will be the Resolutions. Mr. Shaheen, attorney representing the applicant 5 Heathcliff Road, addressed the Board. Mr. Shaheen stated the applicant has submitted revised plans for the Board's review. The revisions include a reduction to the height of the addition, setting back the north portion of the dwelling, and increasing the vegetation in the landscape buffer as suggested the February 23, 2016 hearing.

Mr. Duddy motions to approve the Resolution with the standard conditions, seconded by Mr. Thompson.

Roll call vote:

Ayes: Brodsky, Thompson, Duddy

Nays: None

Abstain: Seaman, Torcivia

The Resolution of SURFBBQ Real Estate, 132 East River Road is taken into consideration. Michael Bruno, Esquire, attorney for the applicant appeared before the Board. The detailed Resolution is reviewed by the Board listing the requested variances including the pre-existing variances associated with the property. Mr. Bruno advised that the revised plans reflect the movement of two table to the front area and three to four tables located in the rear outdoor seating area. The applicant, Mr. Rallo described the fencing for the front seating area as a three-foot high steel fence matching the exterior of the building and supplied a photograph of same. The applicant is agreeable to all the conditions listed in the Resolution.

Mr. Thompson motion to approve the Resolution with conditions, seconded by Mr. Duddy.

Chris Sansone residing at 16 Center Street is sworn and addressed the Board. Mr. Reilly advised Mr. Sansone that the application was approved at the last hearing and that the public comment portion was closed, however the Board will extend the courtesy to allow Mr. Sansone to comment. Mr. Sansone stated that although he lives close to the subject property, he did not receive notice. Mr. Reilly explained the notice area is set by law and the Board has no jurisdiction to amend that requirement. Mr. Sansone echoed the concerns of other neighbors with regards to noise, people loitering, et cetera. Chairman Brodsky stated that as a condition of approval the applicant agrees to adhere to a 9 p.m. closing time and has reduced the amount of seating. Mr. Rallo reiterates the type of operation he intends for the property.

John Halligan, residing at 33 Center Street, is sworn and addressed the Board. Mr. Halligan stated his concerns with the noise associated with the application.

Roll call vote:

Ayes: Brodsky, Thompson, Duddy

Nays: None

Abstain: Seaman, Torcivia

The application of Tara and Michael Heal, 45 Washington Street is the next agenda item. Michael Heal, the applicant is sworn. Mr. Heal advised the Board they intend to raise the home to the required Base Flood Elevation along with the existing decks and stairs. The applicant is also requesting to convert existing attic space into living space. Jeremiah Regan, project architect is sworn. Mr. Regan presents a packet to the Board consisting of photographs and reduced floor plans, which are marked A-1.

Mr. Regan stated the house will be lifted to a 12.28' finished floor elevation. The maximum elevation will be 39.4 feet. The attic dormer expansion would be at the pre-existing height. Chairman Brodsky questions the rear deck expansion requiring a variance. Mr. Regan stated that condition is existing and the applicant is demolishing the shed and the porch and expanding the deck into that area. Chairman Brodsky feels the rear deck should be reduced and the additional attic living space exacerbates the FAR and the massing of the structure. The Board Members are in agreement that increasing the deck setback would reduce the variances being requested. The FAR is already exceeded, and no testimony has been present to justify the granting of the requested variances. The Board also suggested a reduction in the privacy screening height.

Mr. Heal stated he would consider the Board's comments and revise the plans accordingly. He asks that the application be carried to the next meeting and would resubmit plans for the Board's consideration. Chairman Brodsky announced that application will be carried to the April 19, 2016 meeting with no further notice.

The application of Meadow Builders, L.L.C., located at 87 Blackpoint Road is presented. The proposal is to amend the previously approved Resolution dated December 16, 2014. Jeffrey Gill, Esquire, appears on behalf of the applicant. The previous approval granted one minor variance for the turning circle where 34 feet was required and 33 feet was proposed. Through discussions with neighboring property owners the application relocated the garage to the backyard creating a longer curved driveway for access. Due to the length of the driveway the approved plans included a small K-turn area in the rear yard. The composition and appearance of the driveway in the rear yard would consist of either pavers or stone so as to present a more aesthetic appearance.

Mr. Gill presented Larry Wilt, representing Meadows Builders, L.L.C., owner of the property. Mr. Wilt was sworn and addressed the Board. Mr. Wilt stated the project was constructed in accordance with the 2014 Resolution. Mr. Wilt testified that the K-turn demonstrated on the approved plans was found to be undersized and very difficult to maneuver. Revised plans were submitted to the Board and marked Exhibit A-1. The increase to the driveway and K-turn area is 40 square feet and is the only deviation from the prior approval granted. The application before the Board this evening is simply an enlarged K-turn area that creates no new variance and is comprised of pavers as required by the original Resolution.

Chairman Brodsky open the public comment portion of the hearing.

Mr. Charles Peter Hopkin, II, Esquire, residing at 29 Center Street, is sworn. Mr. Hopkins informed the Board of the history of amendments made to the initial application. Mr. Hopkins stated the applicant is asking for forgiveness rather than permission for this amendment to the plans. The extension to the K-turn area creates a parking area, allowing for multiple cars to park in the backyard. This situation presents an aesthetic issue. Mr. Hopkins feels this is intrusive on his backyard living space, and also it should adhere to the originally approved configuration and should not be expanded.

Mrs. Seaman commented that she conducted a site visit and used the driveway. She found it to be a tight, narrow situation and didn't feel there was room for a number of cars to park and maneuver in that area. Mr. Hopkins stated that engineering testimony should be supplied by the applicant. Chairman Brodsky stated that the only variance the applicant had requested initially was the lot circle variance. The relocation of the garage created the driveway

configuration, which on the plans appeared to be adequate, however in reality is inadequate. Chairman Brodsky feels the Board should consider this adjustment to plans to create a proper turn-around area. The application is entirely conforming with the adjustment and no variance is being requested.

Mr. Hopkins reiterated that engineering testimony should be supplied with regard to the original approved area not being functional. He objects to having the possibility of two cars parking on the pavers.

Mr. Duddy agrees that the original proposal for the K-turn was inadequate and the revision corrects the situation and is conforming. Mr. Thompson also agrees with the assessment and suggests the parties discuss the possibility of screening. The removal of 40 square feet doesn't solve the neighbor's objection.

Mr. Gill stated that the applicant has gone above and beyond trying to accommodate all the neighbor's concerns. The garage has a house appearance. The request is for pavers on the ground and not a structure, which was preferred at the initial approval. All concessions that have been made to date were to address the neighbor's concerns.

After some further discussion, Chairman Brodsky asks Board Members for comments on the application. There being no further discussion Mr. Duddy motions to approve the application, seconded by Mrs. Seaman.

Roll call vote:

Ayes: Brodsky, Seaman, Torcivia, Duddy

Nays: Thompson

The next application to be heard is Clementine Properties, L.L.C., 22 North Street, to construct a new one-story addition at the existing premise.

The property is currently non-conforming. New construction will create no new non-conformities. David Drossman, Esquire, representing Clementine Properties addressed the Board. The applicant is looking to construct a small, single-story addition to the existing two-story home which currently consists of approximately 1,000 square feet. If approved the house will have three bedrooms and one and a half bathrooms. The shed will be removed to accommodate the addition. There is no garage associated with the property.

Mr. Drossman introduced Robert Gorski. Mr. Gorski, licensed architect, is sworn. Mr. Gorski prepared two drawings illustrating the proposal along with the existing layout of the home. The addition will add 567 square feet to the first floor. Mr. Gorski supplied the Board with aerial demonstrating the surrounding homes to the subject site, which is marked Exhibit A-1. The driveway width is unchanged only shortened to accommodate the addition. The fencing in the backyard is intended to be replaced and a diseased tree will be removed and replaced.

There being no further discussion Chairman Brodsky asked for the Board's pleasure on the application. Mr. Thompson makes a motion to approve the application, seconded by Mrs. Seaman.

Roll call vote:

Ayes: Brodsky, Thompson, Seaman, Torcivia, Duddy

Nays: None

The last application of the evening is Joseph and Amber Guardino, 25 Waterman Avenue, requesting to elevate the residence to meet the required Base Flood Elevation, enclose the existing front and rear covered porches, and construct new rear fill-in addition at the existing premises. Amber Guardino, property owner is sworn. Robert Adler, Jr., licensed architect on the project is sworn.

Mrs. Guardino addressed the Board stating that she and her husband plan to reside in the home and would like to maintain the historic charm of the 100-plus year old home. The structure suffered significant damage during Sandy. Mr. Adler explains that the structure is actually in great shape despite what it has been through and there are no issues structurally with lifting the house. The current elevation is 10.4, proposal is intended at 15.9 to accommodate a garage. The present height of the building is at elevation 45.25 at the existing ridge, where 43 is permitted. If approved the proposal seeks to have the height at 48.96. Applicant is seeking to enclose an existing porch for garage access, create a mud room space and a breakfast room. On the east side of the house the porch will be screened.

Mr. Adler explained that with the exception of the floor area and the height all the existing non-conforming conditions will not change or be exacerbated. The existing attic space is 1,052 square feet with a bedroom which would remain and have an open recreation area.

Chairman Brodsky expressed various concerns with the requested variances and asks for public comments.

Kevin Straine residing at 1 Washington Avenue is sworn and addresses the Board. Mr. Straine is supportive of the renovation of the house but is concerned with the size of the structure. His house is at elevation 9 and had water in the basement during Sandy but suffered no structural damage.

Mr. Adler stated the attic is 1,052 square feet and finished or unfinished it does not change the outside appearance of the house. The east facade of the house will be improved from what exists today.

Board Members expressed concerns with the proposed height of the structure, and the Floor Area and Building Coverage being requested. After further discussions the applicant requests to be carried in order to revisit their proposal and submit revised plans. Mr. Reilly announces the application will be carried to April 19, 2016 without further notice.

Chairman Brodsky asked for comments regarding the February 23, 2016 Minutes. Mr. Thompson makes a motion to approve the Minutes with a few minor corrections, seconded by Mr. Duddy.

By unanimous voice vote February 23, 2016 Minutes are approved.

Mr. Reilly presented the Board with a Resolution for the Meadows Builders, L.L.C., 87 Blackpoint Road. Mr. Duddy motions to approve the Resolution with conditions, seconded by Mr. Torcivia.

Roll call vote:

Ayes: Brodsky, Seaman, Torcivia, Duddy

Nays: Thompson

There being no further business, motion was made and seconded to adjourn. By unanimous voice vote meeting is adjourned at 10:12 p.m.

Next meeting will be April 19, 2016.

Respectfully submitted,

Michele MacPherson

