

**RUMSON ZONING BOARD OF ADJUSTMENT
OCTOBER 20, 2015
MINUTES**

Chairman Brodsky 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: Brodsky, Blum, Seaman, Lizotte, Wood. Also present: Bernard Reilly (Board Attorney), Fred Andre, Zoning Officer), State Shorthand.

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

Shawn & Christine Reynolds, 15 Blackpoint Horseshoe

Mr. Reilly reported that the attorney for the applicants has requested that the application be carried for one month. He also asked the Board members to visit the site to observe the conditions included in the application. Revised plans may be submitted. No one from the public was in attendance regarding this application, and no further notice will be required to carry the application to the November 17, 2015, meeting.

Thomas & Nancy Mertens, 62 Blackpoint Road

Mr. Mertens was sworn in and explained their proposal to construct a larger, open front porch. They would like a porch that is usable for their family, and they also feel it would enhance the curb appeal and property values of the neighborhood.

Kathy Zuckerman, architect, was sworn in and the Board accepted her qualifications. She showed the Board a photo of the existing home. There was a previous variance several years ago for this residence pertaining to a rear yard setback, which will not be affected with this application. The house is 24' to the garage. There are no other variances required. The open porch setback is proposed as 18' where 25' are required (24.14' existing). They are not changing any of the coverages, and they are over the maximum building coverage; however, front porches are not included in the number. Ms. Zuckerman also showed the Board a rendering of the proposed porch, which will be 2' deeper than what currently exists. The dimensions of the front porch will be 8' deep where 6' exists. There is an existing bay window in this space. She showed the Board an aerial view of the other homes on the street, and she feels they are in line with the other homes on the street. They are adding a total of 45 sq. ft.

Mr. Mertens stated they will be re-landscaping the front of the property, but keeping the existing tree.

Tom Ridgeway, 56 Blackpoint Road, was sworn in and stated he thinks the plan will help with the property values in the neighborhood.

Mr. Blum asked about the corresponding setbacks of the other homes on the street. Ms. Zukerman explained that they measured other setbacks of nearby homes, which are all similar, and this will not be the least setback. Mr. Blum does not think this is unreasonable for the neighborhood. Mrs. Seaman also thinks this is a minimal request.

Mrs. Seaman moved to approve the application, and Dr. Wood seconded.

Roll Call Vote: Ayes – Brodsky, Blum, Lizotte, Seaman, Wood

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Nays – None

Motion carried.

Joseph & Miriam Tort, 14 Heathcliff road

John Giunco, attorney, appeared on behalf of the applicants. He explained that the applicants would like to construct a new pergola in the rear yard. The lot coverage would not be affected, since it is already a patio area.

Richard Velsor, architect, was sworn in, and the Board accepted his qualifications. He described the proposed pergola as a standard structure coming out from the house 22' – 21.6' wide. This will provide additional shade, which is needed in the rear yard. They are extending the cooking area with a similar structure. They are changing the shape of the existing patio, but not adding any lot coverage.

Chairman Brodsky noted that the issue is that the property is already over on building coverage. Mr. Giunco said the house was built in 2004, and there have been no changes since then, to his knowledge. They will be over on building coverage by 729 sq. ft. Mr. Velsor stated his opinion that the application will provide no detriment to the neighborhood, as you can barely see the neighbor from the rear yard, and this will be in keeping with the size of the house. The benefit will be that the homeowners will have adequate shade in the rear yard. The structure will not be visible from the street. Granting of the variance will not affect the safety or health of the community.

Mr. Reilly said a condition of approval might be that the structure could not be closed in in the future.

Miriam Tort was sworn in and confirmed that they purchased the property in 2004. There is currently a kitchen in this area, which they are proposing to renovate to add some shaded area. No additional building occurred after the original construction, according to Mrs. Tort. Mr. Giunco mentioned the possible issue of eaves, and Mr. Blum and Mr. Reilly said there may have been an ordinance change with reference to the eaves, which may have affected this property.

Chairman Brodsky noted their dilemma allowing the additional building coverage, which is over a 10% increase in size. Mr. Giunco stated that the ordinance deviation applies to a roof, and pergolas are not a roof, in his opinion. Mr. Andre noted other applications for pergolas that the Board has heard, noting that the Board has granted relief in these cases.

Chairman Brodsky said they are covering existing cooking areas and not adding new structure. The property is 1.5 acres in size. The existing house is 5700 sq. ft. in size. The house is 4,563 sq. ft. – 5,442 sq. ft. with the eaves. A front porch also fits in this number. He said the problem they have is that they are adding a new structure that is 10% over the maximum allowed. Mr. Giunco said they are not presenting a hardship, but it will be an overall benefit to the property and provide no adverse impact to the community.

Mr. Blum said he would be willing to allow the overage, due to the change in the ordinance that affected this property. He does not have a problem with the application and thinks it is not a

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whole roof, but it is a structure that is treated as a roof by the borough. He does not see any detriment to the neighbors, but he does wonder if it bends the ordinance too far.

Mr. Giunco said they could possibly decrease the dimensions of the pergola from the deck somewhat. He thinks the site is unique, since most of the area is already there, and the overage over the cooking area is not a solid roof and serves the function of protection from the sun and providing shade. It is self-contained in the rear area and blocked from view of the neighbors. He does not see the impact on the neighbors or the community.

Chairman Brodsky is having a hard time with granting this much of a variance over the zoning ordinance. He would feel better if they decreased the coverage.

It was noted there are no trees affected by this application.

Mrs. Seaman agrees that the overage is a lot, and the Board does not normally allow this much of a variance from the zoning ordinance. Mr. Giunco again offered his opinion that there is no detriment, which would be a basis to grant the variance and approve the application.

After discussion, the applicant agreed to reduce the structure by 100 sq. ft. or not more than 10% over what the ordinance permits. Mr. Velsor will investigate to see what the original numbers were, and he will submit a revised plan to adhere to this requirement (6,082 sq. ft. maximum building coverage would be permitted). Mr. Reilly will provide a resolution to be adopted at the next meeting.

It was the consensus of the Board that this would be approved. No further notice will be required for the application to be continued to the next meeting.

Resolutions

- 1. James & Catherine McHugh, 456 Waterman Ave** – Mr. Monroe has resubmitted plans, as required. Since that time, a recent storm had water come up to the floor joists, and now they think they may want to amend the application to revise the height to 32'8" and raise the driveway slightly. They are changing the sidewalk slightly also and adding three more stairs on the side and back. Mr. Reilly has concerns regarding the notice to the neighbors. Chairman Brodsky thinks the change makes sense. Mr. Reilly suggested they re-notice for the next meeting and submit revised plans. He will change the resolution to confirm these changes. The Board will review and vote on the amended plan at the next meeting.
- 2. John & Beverly Gomez, 10 Third St.** – Approval to construct a new, two-story front/side addition and relocate patio. Dr. Wood moved to adopt the resolution, and Mrs. Seaman seconded.
Roll Call Vote: Ayes (Eligible) – Brodsky, Lizotte, Seaman, Wood
Nays - None
Motion carried.

Approval of Minutes

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Mrs. Seaman moved to approve the September minutes, with corrections, and Dr. Wood seconded.

Voice Vote: Ayes, unanimous.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 8:45 p.m.

The next meeting will be **November 17, 2015**

Respectfully submitted,

Patricia Murphy
Clerk