

RUMSON ZONING BOARD
June 15, 2021
MINUTES

The regularly scheduled virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by roll call Chairman Brodsky, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Shissias, Mr. Izzo
Absent: Mr. Torcivia, Mrs. McGill

Also present, Bernard Reilly, Esq., Fred Andre', Zoning Officer and Eric Paone Hurd, Moderator.

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

Fred Andre', the Borough Zoning Officer was sworn in.

Chairman Brodsky announced that the continued application of **Coady Lawes** for property located at **32 Holly Street** be presented for the Board's consideration.

Mr. Shissias recused himself from hearing the application.

Coady Lawes and Joseph Calvaruso, the property owners, were sworn in. Mr. Calvaruso introduced Alec Shissias, a New Jersey licensed architect. Mr. Shissias was sworn in and the Board accepted his credentials. Mr. Shissias stated that the application is to remove the existing one-story addition, detached garage and driveway and to construct a new two-story addition, driveway, fence, shed and patio at the existing premises.

Mr. Shissias described the existing interior floor plans of the home and the existing conditions at the subject property. Mr. Shissias stated that the property is currently nonconforming in minimum lot area, primary lot width and frontage and corner lot shape. The residence is currently nonconforming in primary building front setback, porch front setback, secondary building front setback and porch front setback. The new construction will create nonconformities in removing the existing detached garage without a replacement, accessory building side setback and the proposed driveway width not servicing a garage of 20 feet.

Mr. Shissias described the proposed renovations to the interior of the home. Mr. Shissias explained the difficulties in the providing a garage on this wedged-shaped lot, making this a very challenging project. Mr. Shissias described the architectural improvements of the project.

Chairman Brodsky opened the application for public questions and/or comments. There being none, the public portion was closed.

Board Members expressed concern with the loss of a garage at the property, however adding another structure to this property would exacerbate the massing at the premises.

After further discussion, Chairman Brodsky asked the pleasure of the Board. Mrs. Carras made a Motion to approve the application as presented; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Carras, Mr. Hofferber, Mr. Izzo

Nays: Mr. Blum

Recused: Mr. Shissias

Mr. Shissias resumes his place on the dais.

Chairman Brodsky announced that the application of **The Peach Pit, LLC** for property located at **101 East River Road** be presented for the Board's consideration. Mr. Reilly reviewed the publications and notices and they are all deemed adequate and the Board has jurisdiction to hear the application.

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board.

Adam M. Harris, Esquire residing at 10 West Street addressed the Board. Mr. Harris objected to the notice and the application proceeding tonight for several reasons. First asked for confirmation that the 200-foot line should include the impact on Lots 2 and 3 south of the subject property. Mr. Harris stated that the application is incomplete due to lack of easement information being provided for public review

Ms. Krimko confirmed that all the properties within 200 feet of the proposal has been provided. The only easement is for Lot 2 and not Lot 3. The proposal for the access easement was to be presented to the Board through exhibits and testimony. Ms. Krimko is requesting a temporary waiver regarding the access easement.

Mr. Harris further objected to the notice regarding the proposed use. Ms. Krimko stated that the notice contained a general and primary description of the proposal. The specifics of application will be presented during these proceedings.

Ronald Cucchiaro, Esquire, representing the owner of Block 46, Lots 3 and 4, placed his appearance on the record. Mr. Cucchiaro stated that his client has no objection to the notice, however he reserves the right to object should the testimony be insufficient.

Mr. Reilly advised that the notice is deemed adequate and the application should proceed. The proposed access easement details will be posted on the Borough's website for the public prior to the next meeting date.

Ms. Krimko advised that the Board is in receipt of the following exhibits: A-1 Survey by Charles Surmonte dated 7/31/2020; A-2 Architectural Plans by Robert W. Adler dated 2/16/2021. The T&M Associates Engineering Review dated 4/26/2021 was marked B-1 at this time.

Ms. Krimko introduced Tara Lynn Duva, Director of Operations for The Peach Pit. Mrs. Duva was sworn in. Mrs. Duva stated that she has 20

years of experience in various education fields. Due to the Pandemic crisis and the urgent necessity for virtual schooling, she started a "Homeroom Program" in her house to assist students adapting to the process.

Mrs. Duva testified that the first floor of the facility would be open Monday through Friday from 9:00 to 12:00 for a "play café". The after-school hours are proposed to be 2:30 to approximately 7:00 and would be for students only, with the second floor being used for a maximum of 18 students under 16 years old and 3 employees for scheduled tutoring and homework assistance; the first floor for independent work/socializing and limited to 26 students with two employees. On Saturday mornings/afternoons the space would be available for prescheduled, themed parties of limited capacity.

Chairman Brodsky opened the testimony for public questions. Mr. Harris asked questions regarding the academic community center, the Homeroom Program, the play café, rationale for the proposal, membership qualifications/restrictions and weekend facility use.

Mr. Cucchiaro asked questions regarding the usage of the basement, the play café area, State agency involvement, kitchen and restroom facilities, number of employees and food delivery service.

Brief recess is taken.

Phil Kuntz, asked questions regarding the necessity for these services. Claudia O'Connor residing at 8 West Street asked about the facility's capacity, pickup and drop-off capability, age restriction, adequate supervision and parking capacity. Cynthia Conklin Hull residing at 4 West Street questioned the number of staff, food service options, pre-ordering process and volume of participants.

There being no further public questions, the public question portion was closed.

Mr. Reilly announced that the application will be carried to the **July 20, 2021 meeting at 7:30 pm** with notice being required.

Mr. Reilly submitted a Resolution approving the application of **Thomas and Megan Collard** for property located at **48 Shrewsbury Drive, Block 126, Lot 7**.

After review and discussion, Mr. Blum made a Motion to approve the Resolution as submitted; Seconded by Mrs. Carras.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Izzo

Nays: None

Abstain: Mr. Shissias

Mr. Reilly submitted a Resolution approving the application of **Gerald and Sara Brown** for property located at **3 Circle Drive, Block 13, Lot 12**.

After review and discussion, Mr. Hofferber made a Motion to approve the Resolution as submitted; Seconded by Mrs. Carras.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Carras, Mr. Hofferber, Mr. Shissias, Mr. Izzo

Nays: None

Abstain: Mr. Blum

Chairman Brodsky asked for comments on the May 18, 2021 Zoning Board Minutes. Mr. Izzo made a Motion to approve the Minutes with corrections; Seconded by Mrs. Carras. By voice vote the May 18, 2021 Minutes were approved.

There being no further business before the Board, the meeting was adjourned at approximately 10:50 p.m.

The next scheduled meeting will be **July 20, 2021** at 7:30 p.m.

Respectfully submitted,
Michele MacPherson