

RUMSON ZONING BOARD
March 16, 2021
MINUTES

The regularly scheduled virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Shissias, Mr. Izzo (arrived after roll call was taken)
Absent: Mr. Hofferber, 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 Laura Kirkpatrick has tendered her resignation as Zoning Board Member. Chairman Brodsky thanked her for her service and dedication as a Member of the Zoning Board and wished her good luck in future endeavors.

Chairman Brodsky announced that the continued application of **Brad and Katie Weber** for property located at **78 Bingham Avenue** be presented for the Board's consideration.

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm, representing the applicants addressed the Board. Mr. Brodsky stated that after the last meeting applicants have amended their application taking the Board Members' concerns into consideration.

Mr. Brodsky recalled Paul Grabowski, a New Jersey licensed architect, who was sworn in at the last meeting and remains under oath. Mr. Grabowski described the revisions to the application and testified that the second-floor addition above the porte-cochere has been reduced in size to increase the setback and reduce the massing of the structure.

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

After Board discussion Chairman Brodsky asked the pleasure of the Board. Mrs. Carras made a Motion to approve the application as amended; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Shissias, Mr. Izzo

Nays: None

Chairman Brodsky announced that the continued application of **David and Patricia Springsteen** for property located at **11 Highland Avenue** be presented for the Board's consideration.

Mark Aikins, Esquire representing the applicants addressed the Board. Mr. Aikins stated that after the last meeting that applicants took the Board Members' concerns into consideration and revised the application.

Mr. Aikins recalled Robert W. Adler, Jr., a New Jersey licensed architect. Mr. Adler was sworn in at the last meeting and remains under oath.

Mr. Adler reviewed the architectural revisions made to the plans and submitted a letter dated 2/17/21 to David Marks, Borough Engineer memorializing the fact that during construction the foundation and grading process will be monitored and the fact that this project proposes a cellar and not a basement. The height of the structure has been reduced and the setbacks have been increased and explained how that was accomplished.

Mr. Aikins introduced David A. Cranmer, a New Jersey licensed engineer. Mr. Cranmer was sworn in and the Board accepted his credentials. Mr. Cranmer reviewed the revisions made to the plans in concert with the architectural revisions further addressing the Board's concerns and decreasing any runoff from the property and that there would be no adverse impact onto the adjacent properties.

Chairman Brodsky opened the testimony for public questions and/or comments. There being no public questions and/or comments, the public portion was closed.

After Board discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Torcivia made a Motion to approve the revised application as presented conditioned upon review and approval of the grading and compliance with the procedures set forth in the submitted 2/17/21 letter; Seconded by Mr. Shissias.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Shissias, Mr. Izzo

Nays: None

Chairman Brodsky announced that the continued application of **Atlantic Builders Custom Homes, LLC**, for property located at **20 Shrewsbury Drive** be presented for the Board's consideration.

Mr. Blum recused himself from hearing the application.

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm, representing the applicant addressed the Board. Mr. Brodsky refreshed the Board on the testimony supplied at the last hearing. The variances requested by this application are for the porte-cochere side setback on the westerly side, building coverage driven by the porte-cochere and the garage doors facing Shrewsbury Drive.

Mr. Brodsky introduced David A. Cranmer, a New Jersey licensed engineer. Mr. Cranmer was sworn in and the Board accepted his credentials. Mr. Cranmer submitted a grading plan, which was marked A-4. Mr. Cranmer

described the subject property, existing conditions, and proposed elevations, grading plans and stormwater management plans.

Mr. Cranmer submitted a GIS Map dated March 15, 2021, which was marked A-5. Mr. Cranmer described the existing topography and runoff patterns of the area. Mr. Cranmer testified that the proposed grading plan will be less intrusive and more attractive for the neighborhood. The proposed stormwater management system will include a porous gravel driveway with a storage bed and the roof leaders will be directed into the driveway to minimize the degree of runoff from the site.

Mr. Brodsky recalled Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in at the last meeting and remains under oath. Mr. Condouris testified that the porte-cochere is the reason for the building coverage square footage and side setback variances being requested.

Chairman Brodsky opened the testimony for public questions and/or comments. Eveline Brownstein residing 39 Rumson Road was sworn in at the last meeting and remains under oath. Mrs. Brownstein inquired about the type of pool proposed, and as for further information on drainage patterns. Mr. Cranmer responded to Mrs. Brownstein's concerns. Lori Krikorian residing at 43 Rumson Road was sworn in at the last meeting and remains under oath. Mrs. Krikorian asked for clarification on the topography of the properties in the area. Mr. Cranmer described the grading/drainage plans proposed for the subject property.

There being no further public questions and/or comments, the public portion was closed.

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

Roll call vote:

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

Nays: None

Recused: Mr. Blum

Mr. Blum resumes his place on the dais.

Chairman Brodsky announced that the application of **Michael and Katherine Maguire** for property located at **18 Warren Street** be presented for the Board's consideration.

Mr. Shissias recused himself from hearing the application.

Michael Maguire, the property owner, was sworn in. Mr. Maguire testified that the application is to retain the existing driveway width and sports court with striping located in the front yard at the existing premises. The property is currently nonconforming in the existing maximum driveway width serving an attached garage within the front yard setback is 17 feet. The driveway installed is approximately forty feet wide and the sports court with striping are located within the front yard setback. Mr. Maguire described existing conditions of properties in the neighborhood.

Chairman Brodsky opened the application for public questions and/or comments. Nancy Haaren residing at 34 Warren Street was sworn in. Ms. Haaren commented that this application seems to be "an ask for forgiveness rather than permission application". Dennis Nitka residing at 14 Warren Street was sworn in. Mr. Nitka stated that he objects to granting of the variance and is concerned with it increasing flooding in the neighborhood. Kelly Libro residing at 12 Warren Street was sworn in. Ms. Libro spoke in favor of the application. Paul Frieze residing at 17 Warren Street was sworn in. Mr. Frieze objected to the application due to flooding conditions in the neighborhood and noise nuisance issues. Garth Hagner residing at 10 Warren Street was sworn in. Mr. Hagner spoke in favor of the application and stated that parking is limited in this neighborhood. Cindy O'Brien residing at 21 Warren Street was sworn in. Ms. O'Brien expressed concern with flooding issues. Kevin Cody residing at 79 South Ward Avenue was sworn in. Mr. Cody spoke in favor of the application and stated that there's very little space in the backyards in the neighborhood.

There being no further public questions and/or comments, the public portion was closed.

Board Members expressed concerns with the maximum lot coverage exceeding the permitted for the zone, the sports court in the front yard and lack of justification for the granting of the variances.

Mr. Maguire withdrew the application. Mr. Reilly announced that the application has been withdrawn without prejudice.

A short recess is taken.

Mr. Shissias resumes his place on the dais.

Chairman Brodsky announced that the application of **Cheryl Marchese** for property located at **115 Blackpoint Road** be presented for the Board's consideration. Ms. Marchese was sworn in and introduced Peter A. Goodhue, a New Jersey licensed architect. Mr. Goodhue was sworn in.

Mr. Goodhue testified that the application is to raze the existing residence and detached garage and construct a new single-family residence and detached garage at the premises. The property is currently nonconforming in minimum lot width and frontage and interior lot shape. New construction will create nonconformities in the residence's minimum side setback requirement and maximum building coverage. Mr. Goodhue described the architectural details and elevations of the proposed residence.

Chairman Brodsky opened the testimony for questions and/or comments from the public. Lance Parrish residing at 117 Blackpoint Road was sworn in. Mr. Parrish voiced an objection to the size of the structure on a small, narrow lot and feels it will impair the light, air and open space of his property. Mr. Parrish also objected to the location of the detached garage and the open-air, rooftop deck. Tom Hogan residing at 5 Maple Avenue was sworn in. Mr. Hogan spoke in favor of the location of the dwelling but was opposed to the rear rooftop deck. Kelly Parrotto

residing at 117 Blackpoint Road was sworn in. Ms. Parrotto expressed her objection to the size of the dwelling and garage on the lot and echoed Mr. Parrish and Mr. Hogan's concerns. Brian Didonato residing at 113 Blackpoint Road was sworn in. Mr. Didonato spoke in favor of the application.

There being no further public questions and/or comments, the public portion was closed.

Board Members asked for clarification on the front and side setback calculations and stated that building coverage being requested is de minimis and the side setback relief is due to the narrowness of the lot.

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

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Shissias, Mr. Izzo

Nays: None

Chairman Brodsky announced that due to the lateness of the hour the application of **Julian Petrella** for property located at **75 Rumson Road** will be **carried to the April 20, 2021 meeting** without further notice being required.

Mr. Reilly submitted Resolutions approving the applications of Steven and Janice Weinreb for property located at 77 Waterman Avenue, Block 144, Lot 10; Brad and Katie Weber for property located at 78 Bingham Avenue, Block 35, Lot 9.

After review and discussion, Mr. Torcivia made a motion to adopt the Resolutions as submitted; Seconded by Mrs. Carras

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Shissias, Mr. Izzo

Nays: None

Mr. Reilly submitted a Resolution approving the application of Atlantic Builders Custom Homes, LLC for property located at 20 Shrewsbury Drive, Block 134, Lot 16. Mr. Torcivia made a motion to adopt the resolution as submitted; Seconded by Mrs. Carras.

Roll call vote:

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

Nays: None

Recused: Mr. Blum

Chairman Brodsky asked for comments on the February 16, 2021 Zoning Board Minutes. Mrs. Carras made a Motion to approve the Minutes with corrections; Seconded by Mr. Blum. By voice vote the February 16, 2021 Minutes were approved.

There being no further business before the Board, the meeting was adjourned at approximately 11:00 p.m.

The next scheduled meeting will be **April 20, 2021** at 7:30 p.m.
Respectfully submitted,
Michele MacPherson