

RUMSON ZONING BOARD
September 21, 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. Torcivia, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Shissias, *Mrs. McGill, Mr. Izzo
Absent: Mrs. McGill excused herself after the Cavise Resolution was approved.

Also present, Bernard Reilly, Esq., Fred Andre', Zoning Officer, Kendra Lelie, representing T&M Associates 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 **The Peach Pit, LLC** for property located at **101 East River Road** be presented for the Board's consideration.

Mr. Torcivia and Mrs. McGill certified that they have reviewed the 6/15/2021 hearing of this matter and are eligible to vote on the application.

Mr. Hofferber and Mr. Izzo certified that they have reviewed the 7/20/2021 hearing of this matter and are eligible to vote on the application.

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

Ms. Krimko submitted the following exhibits

Ms. Krimko recalled John McCormack, a New Jersey licensed traffic engineer. Mr. McCormack was sworn in at the last hearing and remains under Oath. Mr. McCormack stated that since the last hearing an analysis has been conducted to update the activity in the area since the schools have opened. There are a significant number of children that walk and bike to and from the schools in this area. Traffic counts were also conducted. Mr. McCormack reported the levels of service at the area's intersections under proposed conditions. The operation of the shared driveway provides safe and efficient two-way traffic access. The site will provide 9 parking spaces and will rely on on-street parking for the remaining required spaces. The parking situation in and around this neighborhood varies at different hours and will accommodate the anticipated activity.

Ms. Krimko introduced John McDonough, a New Jersey licensed Planner. Mr. McDonough was sworn in and the Board accepted his credentials. Mr. McDonough explained the existing conditions at the subject site and the surrounding uses in the area. The proposal is an adaptive reuse of the

property. The relief being sought is to allow for a use that is not expressly permitted in the zone; the parking requirement and signage. The site is conveniently accessible to the public and is particularly suited for the use that is before the Board.

The nature of this use is beneficial, and the visual quality of the site will be improved. This proposal advances multiple purposes of the Land Use Law and promotes a desirable visual environment. The granting of the relief being sought will have no substantial impairment to the intent and purpose of the zone plan, zoning ordinances and Master Plan of the Borough. Mr. McDonough cited the Medici case as a basis for the grant of the variance for a new, novel use. The benefits of this application outweigh any detriments.

Ms. Lelie questioned the landscaping waivers requested, and the traffic levels of service reported. Mr. McDonough commented that there is well-established landscaping and buffering system on the site. Ms. Krimko reiterated the testimony regarding the traffic activity and parking. There is no outdoor seating being proposed. The applicant is amiable to supplement the landscape subject to the suggestions, review and approval of the Board and the Board's professionals.

Chairman Brodsky opened the testimony for public questions. Adam Harris, Esquire questioned Mr. McDonough on the permitted uses in the zone, the suitability, benefits and impacts of the proposed use.

Ronald Cucchiaro, Esquire, representing the Tom Giaimo asked questions regarding the positive criteria for the granting of the variance; the intent and purposes of the Borough's Master Plan, zone plan and the suitability of the property. Mr. Cucchiaro also inquired about the traffic analysis that was performed and the use of RSIS standards for this application.

A brief recess is taken.

Mr. Harris also questioned Mr. McCormack on the revised parking analysis and traffic volume counts that were performed and the on-street parking demand.

Sean Byrnes, Esquire representing the owner of 105 River Road asked Mr. McCormack about the accuracy of the data collected for today's testimony and the traffic counts; the RSIS standards and descriptions applied and the safe vehicular, bicyclists and pedestrian ingress and egress onto the site.

Ms. Krimko elicited further testimony regarding the safe ingress/egress onto the site; the levels of service and parking analysis.

Grant Lucking residing at 1 West Street questioned Mr. McCormack regarding the drop-off/pick-up procedures; parking availability and the trash enclosure capability and accessibility. Mr. Lucking also questioned Mr. McDonough regarding the suitability of the site; permitted uses in the Master Plan recommendations and adequacy of the buffering system.

Mr. Byrnes questioned Mr. McDonough regarding the suitability of the use on the site; adequate parking; impacts of permitted uses versus the proposed use and consistency with the Master Plan of the Borough.

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

Mr. Reilly announced that the application will be carried to the October 19, 2021 meeting at 7:30 pm, without further notice being required.

Mr. Reilly submitted a Resolution approving the application of Robert Ackerman for property located at 58 Bingham Avenue, Block 30, Lot 11. After review and discussion, Mr. Torcivia made a motion to approve the Resolution as submitted; Seconded by Mr. Shissias.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Shissias, Mrs. McGill

Nays: None

Abstain: Mr. Blum, Mr. Hofferber, Mrs. Carras, Mr. Izzo

Mr. Reilly submitted a Resolution approving the application of Adam and Jen Cavise for property located at 18 Edgewood Road, Block 13, Lot 34. After review and discussion, Mr. Izzo made a motion to approve the Resolution as submitted; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Mr. Torcivia, Mr. Hofferber, Chairman Brodsky, Mr. Izzo, Mr. Blum, Mrs. McGill

Nays: None

Abstain: Mrs. Carras, Mr. Shissias

Mrs. McGill excused herself from the meeting.

Mr. Reilly submitted Resolutions approving the applications of North Watch Investors, LLC for property located at 98 East River Road, Block 50, Lot 14; Mary Tierney for property located at 22 Oakwood Lane, Block 32, Lot 2. After review and discussion, Mr. Torcivia made a motion to approve the resolutions as submitted; Seconded by Mr. Hofferber.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mr. Hofferber, Mr. Shissias, Mr. Izzo

Nays: None

Abstain: Mrs. Carras

Chairman Brodsky asked for comments on the August 17, 2021 Zoning Board Minutes. Mr. Blum made a Motion to approve the Minutes as submitted; Seconded by Mr. Torcivia. By voice vote the August 17, 2021 Minutes were approved with Mrs. Carras abstaining from the vote.

There being no further business before the Board, the meeting was adjourned at approximately 10:45 p.m.

The next scheduled meeting will be **October 19, 2021** at 7:30 p.m.

Respectfully submitted,
Michele MacPherson

