

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 50, LOT 14**

WHEREAS, NORTH WATCH INVESTORS, LLC have applied to the Board of Adjustment of the Borough of Rumson for permission to raze the existing single-family house and construct a new single-family residence and detached garage at the existing premises located at 98 East River Road and known as Block 50, Lot 14 on the Tax Map of the Borough of Rumson, and which premises are in the R-6 Zone; and

WHEREAS, on August 17, 2021, at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned Application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and the public, including Plot Plan by C. Surmonte, P.E., 1 Sheet dated 5/10/21; Architectural Plans by R. Villano, A.I.A., 4 Sheets dated 5/4/21 and Garage Plans, 2 Sheet date 7/30/21; and Administrative Officer Data Sheet, has made the following factual findings:

1. The Property is an existing older single-family house, in poor condition, located on a 6393 s.f. rectangular corner lot having 50 feet frontage on East River Road (primary front) and 128 feet frontage on Maplewood Avenue (secondary front). The Applicant proposes to raze the existing house and construct in its stead a new 2307 s.f. single-family house and one-car detached garage, all as shown on the Plans. The Property is currently non-conforming in minimum lot area (7000 s.f. required, 6393 s.f. existing), minimum lot width/frontage (70 feet required, 50 feet existing), and corner lot shape (33 feet required, 12 feet existing). The existing house presently has a secondary front setback deficiency (30 feet required, 9 feet existing); the new proposed house will have a secondary front setback non-conformity (30 feet required, 14.4 feet proposed), and variance relief is requested.
2. As noted, the lot is undersized with only 50 feet frontage/width on River Road. No adjacent property is available. Consequently, variance relief is required and supported in order to construct an appropriate house. As noted, the existing house is in poor condition and warrants removal and replacement. The proposed new house is compatible with the neighborhood and the Zone Plan. The secondary building front setback variance from Maplewood

Avenue is warranted due to the 50-foot lot width requiring such relief in order to construct an appropriate house. As noted, the existing house is closer to the street, so the proposal is an improvement.

3. One neighbor appeared and had concerns about the recent removal by the Applicant of two trees on the site and the possibility of lighting on the rear deck of the new house being intrusive on his property (located north of this property). The Applicant testified the trees were removed in consultation with the Borough Arborist because of damage and a possible safety hazard, and the Applicant would replace the trees as approved by the Arborist. As to the deck lighting, the Applicant agreed that the lighting fixture to be installed on the rear deck would be shielded from light spillage to the north. A further concern was raised by the Board as to (1) that the calculation of floor area was correct as to the finished basement not being included, and (2) that the grading and drainage plans be approved by the Borough Engineer prior to construction. The Applicant agreed to those two issues being reviewed and approved by the Borough Engineer as requirements of this approval. There were no other public comments.
4. With that, the Board concluded the Application could be approved as presented, subject to compliance with the conditions. The lot has been used for a single-family residence for many years, and variance relief is required due to the shape and size of the lot to continue that use. The proposal is compatible with the neighborhood and Zone Plan and will enhance the appearance and utility of the property.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by Applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the Application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the Applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 15th day of June, 2021 that the Application of NORTH WATCH INVESTORS, LLC for a variance to raze the existing single-family house and construct a new single-family residence and detached garage on the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.

2. All factual representations made on behalf of the Applicants are incorporated herein as conditions of this variance.

3. The action of the Board of Adjustment in approving this Application shall not relieve the Applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the project or for any damage which may be caused by the project.

4. Prior to issuance of any Certificate of Occupancy the Applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project.

5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:

a. Evidence must be provided by the Applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.

b. Taxes must be current.

c. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the Applicant.

d. Insurance certificate must be provided if construction of public improvements is involved.

e. Any outstanding review fees or escrow deficiency must be paid.

f. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

g. The Applicant must provide the detail of the lighting fixture to be installed on the rear deck with adequate shielding of light spillage to the north, to the approval of the Administrative Officer.

h. The Applicant must provide plans and adequate security providing for the replacement of the two trees removed from the site, approved by the Arborist.

i. Subject to production of the Certification by a licensed Engineer that the basement complies with the 50% below average grade requirement so as to not constitute floor area.

Above Resolution moved by
seconded by _____, and on roll call the
following vote was recorded:

In the Affirmative:

In the Negative:

Abstain:

The foregoing is a true copy of a Resolution adopted by
the Board of Adjustment of the Borough of Rumson at its meeting on
September 21, 2021, as copied from the Minutes of the said
meeting.

DATE:

Secretary
Board of Adjustment