

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 67, LOT 4**

WHEREAS, CHERYL MARCHESE have applied to the Board of Adjustment of the Borough of Rumson for permission to raze the existing single-family house and detached garage and construct a new single-family house and detached garage at the existing premises located at 115 Blackpoint Road and known as Block 67, Lot 4 on the Tax Map of the Borough of Rumson, and which premises are in the R-5 Zone; and

WHEREAS, on March 16, 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 site/architectural plans by P. Goodhue, Architect, Sheets A1, A2, A3, A4, dated Last Revised 2/25/21, and Administrative Officer Data Sheet has made the following factual findings:

1. The property is an existing single-family house and detached garage located on a narrow irregular 7,012 s.f lot having 37.5 feet frontage on Black Point Road and depth of approximately 187 feet. The Applicant proposes to raze the existing older house and detached garage and construct a new 2,469 s.f. single-family house and detached garage as shown on the Plans. Variance relief is required for existing non-conformities of minimum lot width/frontage (50 feet required, 37.5 feet existing) and interior lot shape (34 feet required, 20 feet existing). The new construction will create non-conformities in minimum side setback (8 feet one side total 18 feet required, 6 feet one side 15 feet total proposed) and maximum building coverage (1,539 s.f. permitted, 1,546.5 s.f. proposed)
2. As noted, the lot at 37.5 feet in width is very narrow and the variance relief requested is necessary in order to construct a reasonably sized house. Three neighbors appeared and expressed objection to the location of the garage as blocking light to their property and to the proposed second floor rear deck as interfering with privacy. There was extended discussion as to any benefits of relocating the rear detached garage and rear deck. The Board concluded that, given the shape and size of the lot, the proposed house as designed was

reasonable, not intrusive on the adjoining properties, and generally compatible with the neighborhood. The Board further concluded that the proposed location of the garage would not unreasonably impair light and air to the adjoining lot, and it was reasonably located. Again, as noted earlier, the narrow shape of the lot mandates that the variances requested are reasonable to construct a reasonably sized house. The building coverage overage is minimal. The proposed improvements 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 20th day of April, 2021 that the application of CHERYL MARCHESE for a variance to raze the existing single-family house and detached garage and construct a new single-family house 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 certificates 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.

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 April 20, 2021, as copied from the Minutes of the said meeting.

Secretary
Board of Adjustment

DATE: April 20, 2021

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 49, LOT 33**

WHEREAS, DAVID AND PATRICIA SPRINGSTEEN 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 house with two car attached garage, covered front porch, pool with spa and water trough, barbecue and in-ground pool at the existing premises located at 11 Highland Avenue and known as Block 49, Lot 33 on the Tax Map of the Borough of Rumson, and which premises are in the R5 Zone; and

WHEREAS, on February 16, and March 16, 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 in the Application as amended for the March hearing, being site/architectural plans by R. Adler, Sheets 1 to 6 dated 11/30/20, Revised 2/21/21, grading and soil erosion/sediment control plan by D. Cranmer, P.E., Sheets 1-5 dated 12/2/20, Last Revised 2/25/21, 3/3/21, Adler letter dated 2/17/21, and Administrative Officer Data Sheet, and Rendering, has made the following factual findings:

1. The property is an existing older single-family house, located on a 12,682 s.f. slightly irregular lot having approximately 75 feet frontage on Highland Avenue and depth of approximately 195 feet. The Applicant proposes to raze the existing house and construct a new single-family house with a two-car attached garage, covered front porch, pool with spa and water trough, barbecue and in-ground pool. The Application was initially presented on Architectural Plans dated last revised 1/26/21 and Grading Plans dated 12/2/20. The Application initially required variance relief as follows: maximum building coverage (2,261 s.f. permitted, 2,550 s.f. proposed), maximum floor area (3,500 s.f. permitted, 3,754 s.f. proposed), maximum building height (35 feet ridge 26 feet eaves permitted, 36.75 feet ridge 31.83 feet eaves proposed).
2. At the February hearing, the Applicant presented testimony by Architect Adler and Planner Janiw to the effect that the property

is oversized for the R-5 Zone (6,000 s.f. required, 12,682.7 s.f. existing) and has more than adequate area to accommodate the relatively limited floor area overage. The Applicant's experts further indicated that the height overage comes about due to the pitch of the land, and only exceeds the limitation in a limited area. One neighbor appeared and had inquiry about drainage issues. However, Board members had a number of concerns about the cellar and the height and potential mass of the house structure. After some discussion, the Applicant requested a continuance so as to explore revisions to lower the height of the structure, the request for continuance was approved.

3. At the March meeting, the Applicant presented the revised Plans. As explained by Architect Adler, the pitch of the roofline was lowered --- reducing the peak height of the structure by approximately 2.4 feet to below 35-foot height limitation (average 34'5"). Documentation in a 2/17/21 letter to the Borough Engineer also established that the cellar of the house structure was sufficiently below grade so as not to be within floor area and that such calculation would be verified during construction and upon completion. Engineer Cranmer also testified as to the revised grading and drainage plan as establishing define swales along the east and west sidelines to channel stormwater so there would be no drainage impact on adjacent properties. He also noted that approximately 1,500 s.f. of impervious surface is being removed by decreasing the driveway length. It was noted that the approval will be subject to the Borough Engineer's approval of the Grading and Sediment Control Plan and the Applicant's compliance with the requirements of the 2/17/2021 Architect's letter to the Borough Engineer's satisfaction.
4. With the revised Plans and compliance with the above requirements the Board concluded the revised Plans could be properly approved. The house height and mass has been decreased from the initial proposal and the Board concludes is reasonable and compatible with the neighborhood. The lot size is substantially larger than the minimum lot size for the Zone, and can reasonably accommodate the floor area overage and building coverage increase. The new structures will generally 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 20th day of April, 2021 that the application of David and Patricia Springsteen for variances to raze the existing single-family house and construct a new single-family house with two car attached garage, covered front porch, pool with spa and water trough, barbecue and in-ground pool 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 applicant.
 - d. Insurance Certificates must be provided if construction of public improvement 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.
6. The issuance of a CO is subject to the Borough Engineer's approval of the Grading/Soil Erosion/Sediment Control Plan and the Applicant's (or builder's) compliance with all requirements and procedures in the 2/17/2021 Architect's Letter to the Borough Engineer's satisfaction.

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 April 20, 2021 as copied from the minutes of the said meeting.

Secretary
Board of Adjustment

DATE: April 20, 2021

