

RUMSON ZONING BOARD
March 28, 2024
MINUTES

Approved: April 25, 2024

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call.

Present: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo, Mr. Ward,
Chairman Torcivia
Absent: Mr. Calder, Mrs. Mayo

Also present, Michael B. Steib, Esq., David Marks, Zoning Officer, and Thomas Rogers, Secretary.

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

Mr. Rogers and Mr. Marks were placed under Oath.

Mr. Izzo, Mr. Ehrenberg and Mr. Hawley certified they reviewed the February 22, 2024 Meeting and are eligible to participate this evening.

Mr. Hawley made a Motion to approve the **February 22, 2024 Meeting Minutes** as submitted; Seconded by Mr. Ward.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia
Nays: None

Mr. Hofferber made a Motion to adopt **Resolution #8050** approving the application of Melissa Monteiro for property located at 116 Ridge Road, Block 16, Lot 15 R-1 Zone; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia
Nays: None

Mr. Izzo made a Motion to adopt **Resolution #8051** approving the application of Chris and Avery Brighton for property located at 60 Rumson Road, Block 100, Lot 3, Zone R-2; Seconded by Mr. Hawley.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia
Nays: None

Mr. Steib advised James and Kelly Annarella requested the application for property located at 14 Auldwood Lane, Block 16, Lot 16, R-1 Zone be withdrawn and dismissed without prejudice.

Chairman Torcivia made a Motion to grant the dismissal without prejudice as **Resolution #8053**; Seconded by Mr. Hawley.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia

Nays: None

Mr. Steib advised the continued **Application** of Ed Moldaver for property located at 31 Ward Avenue, Block 80, Lot 6.04 in the R-2 Zone has requested to be carried to the next available meeting.

Chairman Torcivia made a Motion to carry the application to the April 25, 2024 meeting at 7:30 pm without further notice being required; Seconded by Mr. Hawley. By unanimous voice vote the Motion is carried.

The continued **Application** of Steve Lipitski for property located at 49 East River Road, Block 39, Lot 12 in the R-5 Zone was presented for the Board's consideration.

Mr. Steib advised the Board is in receipt of the following additional exhibits: A-11 Architectural Elevation and Floor Plans prepared by Anthony Condouris Architect revised date 3/19/2024.

Charles Kelly, Esquire representing the applicant advised the Board that Mr. Lipitski had various meetings with his neighbors to discuss their concerns regarding the trees and there was no need to amend the application other than provide more details. Therefore, the application remains the same to modify the Resolution previously approved and to permit the finishing of attic storage space adding a small balcony and adding a bedroom and bathroom facilities in the basement.

Mr. Kelly recalled Anthony Condouris, the project architect. Mr. Condouris was sworn in at the last meeting and remains under Oath.

Mr. Condouris described modifications to the attic recessed balcony and the finished storage space and explained the floor plans for the basement area. There is adequate parking on the premises.

Chairman Torcivia opened the testimony for public questions and/or comments. Kevin Savage residing at 2A Lakeside Avenue was sworn in. Mr. Savage thanked the applicant for taking the concerns voiced at the last meeting into consideration. The revised landscape plan is adequate, and the proposal will add value to the neighborhood and requested any changes to the revised, agreed upon landscape plan be shared with the neighbors. There being no further public questions and/or comments the public portion was closed.

Chairman Torcivia asked the pleasure of the Board. Mr. Ward made a motion to approve the application with the said conditions; Seconded by Mr. Ehrenberg.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia

Nays: None

The **Application** M.G. Kelly Builders, LLC for property located at 86 Black Point Road, Block 63, Lot 8 in the R-6 Zone was presented for the Board's consideration.

Mr. Steib advised the service has been reviewed and the Board has jurisdiction to hear the matter. The Board is in receipt of the following exhibits: A-1 Land Use and Development Permit Application dated 2/16/2024; A-2 Zoning Denial Memorandum dated 2/21/2024; A-3 Application for Variance dated 2/27/2024; A-4 Survey prepared by Charles Surmonte dated 12/12/2023; A-5 Architectural Plan prepared Anthony Condouris dated 2/21/2024; A-6 Amended application dated 3/28/2024.

Mark Aikins, Esquire representing the applicant addressed the Board. There are existing nonconforming conditions on the property, i.e., rear yard setback, which will be eliminated; a front yard setback will be mitigated, and the lot shape circle cannot be changed.

Mr. Aikins introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in, and the Board accepted his credentials.

Mr. Condouris testified the proposal is to demolish the existing single-family home and construct a two-story home. Mr. Condouris explained the existing conditions at the subject premises and described the interior floor plans and the exterior architectural details of the proposal. The attic is proposed for storage purposes only. The proposal also includes a one-car, detached, 14.4 by 19.6-foot garage that is 15 feet in height.

Mr. Condouris submitted an existing and proposed house plan, marked as A-7 demonstrating the setback encroachment.

Mr. Aikins introduced Barbara Ehlen, a New Jersey licensed planner. Ms. Ehlen was sworn in, and the Board accepted her credentials.

Ms. Ehlen submitted packet of four aerial photographs marked as A-8. Ms. Ehlen described the subject property and surrounding properties. The applicant is seeking a front yard variance, and the rear and side yard setbacks will be increased.

Ms. Ehlen explained the front yard setback variance is associated with the skew across the front of the property. The variances requested are associated with configuration of the lot and the proposal is a better alternative. There is no substantial detriment should the application be approved.

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

After discussion, Chairman Torcivia asked the pleasure of the Board. Mr. Hawley made a Motion to approve the application as submitted; Seconded by Mr. Ehrenberg.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia

Nays: None

The **Application** of Frank and Rhea Mallon for property located at 34 First Street, Block 26, Lot 9 in the R-5 Zone was presented for the Board's consideration.

Mr. Steib advised he has reviewed the service and the Board has jurisdiction to hear the application. The Board is in receipt of the following exhibits: A-1 Land Use and Development Permit dated 1/18/2024; A-2 Denial Memorandum dated 2/21/2024; A-3 Variance application dated 2/21/2024; A-4 Architectural Elevation and Floor Plans prepared Rosen Kelly Conway dated 2/22/2024; A-5 Plot Plan prepared by Morgan Engineering revised 3/3/2024; A-6 Rosen Kelly Conway Mallon residence photo display dated 2/22/2024; A-7 Rosen Kelly Conway fence detail w/ photographs.

Frank Mallon, the property owner was sworn in. Mr. Mallon introduced Nicholas Giuliano, a New Jersey licensed architect.

Mr. Giuliano was sworn in, and the Board accepted his credentials.

Mr. Giuliano explained existing conditions at the subject premises. The proposal is to complete various renovations to the existing dwelling. Variances are being sought for Floor Area Ratio; maximum floor area; building coverage; principal building and accessory building setbacks, accessory structure setbacks and location. The driveway will be reconfigured. The size of this lot and the positioning of the existing home causes many of the variances being requested.

Mr. Giuliano described the proposed interior floor plans. The footprint of the home will not change. The new two-car garage structure is proposed to be 16 feet in height is proposed in an optimal location.

Board Members suggested reducing the proposed garage and relocating the generator and AC units to eliminate some relief being requested. Mr. Marks clarified the ordinance requirements for generators.

Mr. Giuliano stated the applicant is amenable to reducing the garage to a one-car garage and relocated the generator and AC units. Revised plans will be submitted for review and approval.

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

After discussion, Chairman Torcivia asked the pleasure of the Board. Chairman Torcivia made a motion to approve the application subject to revised plans for the garage and generator/AC units review and approval; Seconded by Mr. Hawley.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia

Nays: None

A brief recess takes place.

The **Application** of Nathan Mousselli for property located at 21 Holly Street, Block 67, Lot 14 in the R-5 Zone was presented for the Board's consideration.

Mr. Steib reviewed service and the Board has jurisdiction to hear the matter. The Board is in receipt of the following exhibits: A-1 Zoning Denial dated 3/6/2024; A-2 Variance Application dated 3/8/2024; A-3 Variance Plan prepared Shore Point Engineering revised 3/18/2024; A-4 Architectural Plan; A-5 Pergola Brochure; A-6 Zoning Permit Application updated 11/30/23; A-7 Colored Rendered Overhead View of proposed improvements prepared by Elite Landscapes dated 6/13/23.

Nathan Mousselli, the property owner, was sworn in. Mr. Mousselli introduced Kevin Shelly, a New Jersey licensed engineer. Mr. Shelly was sworn in, and the Board accepted his credentials.

Mr. Shelly testified the application is to construct a 450 square foot paver patio and louvered pergola with steps in the rear of the principal dwelling. A variance is being requested for a rear yard setback proposed at 27.2 feet where 43 feet is required. Mr. Marks explained the pergola is considered an accessory structure and since it's attached the home it must meet principal structure setbacks.

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

After discussion Chairman Torcivia asked the pleasure of the Board. Mr. Hofferber made a motion to approve the application as submitted; Seconded by Mr. Ward.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia

Nays: None

The **Application** of Colin and Jessica Dudick for property located at 12 Holly Street, Block 68, Lot 8 in the R-5 Zone was presented for the Board's consideration.

Mr. Steib advised he has reviewed service and the Board has jurisdiction to hear the matter. The Board is in receipt of the following exhibits: A-1 Application dated 3/4/2024; A-2 Zoning

Denials dated 3/12/2024 and 3/13/2024; A-3 Architectural Elevation and Floor Plans prepared by Grasso Design Group dated 3/15/2024; A-4 Plot and Grading Plan prepared by RC Associates dated 2/28/2024; A-5 Survey prepared Nathan Surveying dated 7/17/2023.

Jessica Dudick, the property owner, was sworn in. Ms. Dudick stated the home currently has 1,510 square feet of livable area. The proposal is to construct 1,051 square-foot, two story addition and an additional 296 square foot outdoor patio. The lot is oversized consisting of 6,579 square feet. There are four variances being sought. A Principal Structure Rear yard setback of 33.1 feet where 40' is required. A rear paver patio setback of 21.64 feet where 40' is required. An existing rear yard setback for a shed of 3.3 feet where 5' is required. A Floor Area Ratio of 0.38 where a maximum of 0.376 is permitted. Representing an overage of .004 and equates 20 square feet. The 1964 built home is uniquely placed over 43 feet from Holly Street where a setback of 35 feet is required. The home would have to be moved five feet forward to conform with the rear yard setback. The utility connections would have to be relocated along with the front porch and walkway. Access to the 625 square-foot mostly finished basement would have to be refashioned.

Ms. Dudick introduced Brian Berzinskis, a New Jersey licensed architect. Mr. Berzinskis was sworn in, and the Board accepted his credentials.

Mr. Berzinskis explained the existing conditions at the subject premises and described the proposed interior floor plans and exterior architectural details. The attic is not habitable and proposed for mechanical space.

Board Members suggested the elevated rear patio be placed on grade to eliminate variance relief. The applicant was amenable to that suggestion.

Ms. Dudick believes that leaving the house in its current location is a better planning alternative. The relief being sought is relatively minor and keeps within the general scheme and character of the neighborhood and would be aesthetically pleasing, providing adequate light, air and open space. The variance if granted, would not have a substantial detriment to Rumson's Zoning ordinances.

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

After discussion, Chairman Torcivia asked the pleasure of the Board. Mr. Hawley made a Motion to approve the revised application; Seconded by Mr. Ehrenberg.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Hofferber, Mr. Izzo,
Mr. Ward, Chairman Torcivia

Nays: None

There being no further business before the Board, Motion was made and seconded to **adjourn** at approximately 9:30 p.m.

The next scheduled meeting will be **April 25, 2024** at 7:30 p.m.

Respectfully submitted,
Michele MacPherson