

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
January 2, 2020

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, January 2, 2020 in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

A workshop meeting was held at 6:00pm. The following members were in attendance: Lauren Nicosia, Ray Mass, Eileen Hogan, Sean Murphy, Anne Torre, Matt Anderson, Sharon Lee, Stephanie Albanese and Bruce Maida. Also present were Kevin Kennedy, Esq., Board Attorney, Ed Herrmann, T&M, and Maria Graziano, Board Secretary. At the workshop meeting the Board discussed the evening's agenda. Kevin Kennedy and Ed Herrmann were asked to leave the room. At 6:18 pm we went into Executive Session. Board Members discussed proposal to reappointment Zoning Board Attorney and Engineering Firm. Discussion of names who would be the Conflict Attorney and Conflict Engineer. Executive Session ended at 6:25 pm.

Chair Lauren Nicosia called the meeting to order at 6:32pm. She announced that notice of the meeting was mailed to the Asbury Park Press and the Two River Times; was filed with the Borough Clerk; and posted on the Municipal Bulletin board. A roll call showed the same members in attendance. The Board saluted the flag and opened the meeting to the public for non-agenda items of which there were none.

Administrative Matters:

Oaths of Office for reorganizations for the Zoning Board. Kevin Kennedy sworn in: Eileen Hogan, Sharon Lee, Stephanie Albanese, Mathew Anderson and Bruce Maida. Christine Irwin was not in attendance and will be sworn in at the next meeting.

Reorganization of the board:

Chair: Lauren Nicosia was nominated by Sean Murphy and 2nd by Anne Torre. A voice vote showed all in favor. Nays None.

Co-Chair: Ray Mass was nominated by Anne Torre and 2nd by Lauren Nicosia. A voice vote showed all in favor. Nays none.

Board Secretary: Maria Graziano was nominated by Ray Mass and 2nd by Eileen Hogan. A voice vote showed all in favor. Nays none.

Board Attorney: Kevin Kennedy was nominated by Ray Mass and 2nd by Stephanie Albanese. A voice showed all in favor. Nays none.

Board Engineer: T&M Associates was nominated by Sean Murphy and 2nd by Ray Mass. A voice vote showed all in favor. Nays none.

Official Newspapers: Asbury Park Press and Two Rivers Times was nominated by Lauren Nicosia and 2nd Matt Anderson. A voice voted showed all in favor. Nays none.

Reaffirmation of the Zoning Board By-Laws: Anne Torre made a motion and 2nd by Sean Murphy. A voice vote showed all in favor. Nays none.

Special Council: Conflict Attorney Mark Leckstein was nominated by Ray Mass and 2nd by Anne Torre. A voice vote showed all in favor. Nays none. Conflict Engineer CME was nominated by Anne Torre and 2nd by Sean Murphy. A voice vote showed all in favor. Nays none.

Meetings minutes from the 12/5/19 meeting were approved. Eileen Hogan made a motion, 2nd by Lauren Nicosia. Roll Call: Lauren Nicosia, Ray Mass, Eileen Hogan, Sean Murphy and Anne Torre. Nays none.

A motion was made by Anne Torre, seconded by Sean Murphy to approve the Resolution for Malgorzata Voelkel/Brooke Barnett - 50 Hubbard Park. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Sean Murphy and Anne Torre. Nays: none

A motion was made by Ray Mass seconded by Eileen Hogan to approve the Resolution for Elizabeth Falvo - 63 Tower Hill Avenue. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Sean Murphy and Anne Torre. Nays: none.

Rich Angowski, Board Member arrived at 6:43 pm.

Public Hearings:

American Real Estate Opportunity Fund, LLC – 273 Shrewsbury Avenue B. 77 L 1, 2.01, 2, 3, 25.02 Z13518

Robert McGowan Attorney for the applicant introduced himself.

Kevin Kennedy sworn in Board Engineer Ed Herrmann from T&M Associates.
Any questions or comments regarding the notice. None.
Kevin Kennedy and Board Secretary has find the public notice was sufficient.

Exhibit List:

- A-1 Application Development Permit.
- A-2 Denial of Development Permit, dated October 16, 2019.
- A-3 Major Site Plan prepared by Jaclyn J. Flor, P.E., P.P., C.M.E., of ENGenuity Infrastructure, LLC, dated September 25, 2019, consisting of ten (10) sheets.
- A-4 Architectural Plans prepared by Michael James Monroe Architect, dated September 20, 2019, consisting of eight (8) sheets.
- A-5 Stormwater Management Report prepared by Jaclyn J. Flor, P.E., P.P., C.M.E., of ENGenuity Infrastructure, LLC, dated October 11, 2019.
- A-6 Soils and Foundation Investigation prepared by Melick-Tully & Associates, dated August 26, 2019.
- A-7 Traffic and Parking letter report prepared by Klein Traffic Consulting, LLC dated December 18, 2019.
- A-8 T&M Associates Memo dated December 31, 2019.

Kevin Kennedy explained the application process of the Zoning Board to the public/audience.

Robert McGowan identified the owners of the LLC. are: Warren Diamond, resident of Rumson, owning 51% and Grace Guilatano resident of Staten Island, NY, owning 49%. The LLC owns all the properties named in this application. Kevin Kennedy asked if any of these names cause a conflict for everyone. No one had any issues or conflicts.

Mike McGowan spoke about the project and the plans moving forward. Between conversation with Glenn Carter and letter from T&M Assoc., many issues have been resolved regarding what type of variances are needed. The only issue that remains is if there should be a credit for the underground parking structure. Mr. Herrman indicates the classification only gives credit in certain zones as we do not fit into the zone.

Mike James Monroe, Architect was sworn in and professional credentials accepted.

Mr. Monroe explained combining the five lots into one building vs. four individual properties being developed separately. He tried to minimize the traffic off Shrewsbury Avenue making the access point off of Drs. James Parker Blvd. They would like commercial space on the first floor and four residential rentals in each building. They want 3000 square feet commercial/retail space and 16 residential space. It will be a three (3) story building. Retail on first floor, residential space on the 2nd & 3rd floors. No retail store will be over 1000 square feet.

Question was asked by the Board if they reached out to the neighborhood and it was reported they had not. They are looking for feedback from the project from the board and the neighborhood.

Question was opened up to the public for the Architect.

Darlene Tyler, 18 Willow Drive, Ocean Township. She was sworn in by Kevin Kennedy.

She asked how much of the property will have underground parking. Architect explained it would be most of the lot.

Exhibit A-9 was introduced. Google Ariel view site.

Ms. Tyler asked which properties will be used. Attorney clarified what properties will be used and that American Real Estate Opportunity Fund, LLC already owns all the properties.

Exhibit A-10 was introduced. Illustrated color rendering of proposed building by Stephen Gasser January 2, 2020.

Public: Richard Ashton, 15 Clifford Place, Red Bank. Refused to be sworn in. Mr. Ashton suggested that Mr. Monroe is working for another Governing Body in the town and will show favoritism because the Architect is on a Board in Red Bank.

Public: Freddie Boyton, P.O. Box 2074, Red Bank. Mr. Boyton was sworn in by Kevin Kennedy. Did you look at the empty lot on Shrewsbury Avenue that was turned down? Architect answered yes. Mr. Boyton expressed some concerns.

How deep will you be digging? 10-12 feet down. What about oil tanks? They will come out if they find any.

William Boku, 90 Bank Street, Red Bank. Mr. Boku was sworn in by Kevin Kennedy.

Are you aware that the area is basically the center of the Westside of Red Bank. There is a block party every year and the street is closed between 11:00 am – 7:00 pm. The street will be blocked and the residents will not be allowed in. There are other activities held throughout the year by the church. How will you position this situation that if a conflict should arise regarding activities/events that are planned? How will you address these issues? Architect. We can redesign to drive in off of Shrewsbury Avenue. We will look at that.

The architect stated that he is confident that he could incorporate all the comments provided by T&M. Mr. Herrmann asked about the ground water. They will be monitoring and adjusted for seasonal water and stay 2 feet above that.

Mr. McGowan stated that he would prefer to keep this meeting as an overview. Trying to get feedback for this project.

Jaclyn Flor, Licensed Professional Engineer. Kevin Kennedy sworn her in. She provided her credentials: Licensed Professional Engineer in NJ, PA and NJ. Professional Planner in NJ, CEO - Engenuity Infrastructure in Red Bank, NJ. Her credentials were accepted by the board.

Jaclyn Flor addressed point by point Mr. Herrmann's (T&M) letter dated December 31, 2019.

Public: William Boku. Asked where the sewer tie ins are located? Drs. Parker and Shrewsbury Avenue. Mr. Boku stated that the main sewer lines on Bank Street gets clogged and it was clogged on New Year's Eve. Ms. Flor stated they would review that with the Engineer.

There was some discussion of where the trash will be located, two fences around it and landscaping.

Public: Richard Ashton. If the water and sewer lines need to be upgrade, would the burden be on the township and tax payers of Red Bank or would the project take it on. It was stated by Ms. Flor the engineer would have the applicant pick up the cost.

Darlene Tyler: Where would people park for the retail space? Ms. Flor clarified where the parking would be.

Freddie Boyton: Sanitation Department Dumpsters – He expressed a concern regarding the noise. Concerns about traffic on West Bergen.

10 minute Break.

Resumed – Attendance was taken.

Mr. McGowan expressed that we were not going to be able to finish tonight. He would like to call up Mike Monroe address some issues then would like to ask for a continuance.

Mike Monroe spoke about possibly moving the trash underground. It would eliminate the outdoor trash, the banging and the noise. The trash would be picked up from the basement instead of picking it up outside. It would free up a parking space for the deliveries.

Would like to get a feeling from the board on the size of the project, access on Shrewsbury Avenue or just a general feeling on traffic and other issues. They also plan to meet with the neighbors at the lodge to get their input.

Many board members expressed that they thought the project is just too big for that area. They are concerned about the amount of traffic that is already an issue.

For the Record. Ed Herrmann stated Shrewsbury Avenue is a County road. The County will have the ultimate say so on access points. Their policy is typically, if they have a corner lot, dual access they will prohibit access onto Shrewsbury Avenue unless there are some mitigated circumstance. They will ask the driveway be off of Drs. Parker Blvd which is a municipal street. It is also a little more complicated because there is a traffic signal within 65-70 feet from the proposed driveway and that falls under the County's jurisdiction as well. It will be helpful to have a preliminary conversation with the County before you revamp and get the Boards approval and then the County might not approve the plans.

Board member stated that there should be access to the retail spaces off the street through a front door.

Borough Engineer asked that if they choose to do the 4 buildings will there be adequate parking. It was answered that they would need a parking variance.

It was decided that we will reconvene on March 5, 2020.

Kevin Kennedy asked Mr. McGowan do you on behalf of your client consent to extend the time frame in which the Board has to act on this matter? Mr. McGowan "Yes I do."

Kevin Kennedy - We are going to carry this without further notice until March 5, 2020. Please let your friends know because you will not be getting another notice unless the plans change. This is your notice you will not get another certified letter.

On a motion made by Sean Murphy and seconded by Ray Mass the meeting was adjourned at 8:45 pm.

Respectfully Submitted,
Maria Graziano, Secretary Red Bank Zoning Board of Adjustment