

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
April 4, 2019

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, April 4, 2019 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, Richard Angowski (arrived 6:35pm), Kellen Murphy (arrived 6:30pm), Sharon Lee and Stephanie Albanese. Also present were Glenn Carter, P.P., Director of Planning & Zoning, Ed Herrman, P.E. from T&M Associates, Kevin Kennedy, Esq., Board Attorney and Dina Anastasio, Board Secretary. At the workshop meeting the Board discussed the evening's agenda.

Board Chair Lauren Nicosia called the meeting to order at 6:30pm. 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:

A motion was made by Eileen Hogan, seconded by Sean Murphy to approve the minutes of the March 21, 2019 meeting. Ayes: Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy, Anne Torre, Kellen Murphy and Sharon Lee. Nays: none.

Public Hearings:

Hackensack Meridian Health Hospitals Corporation, 1 Riverview Plaza, Block 9, Lot 33.01 and Block 11, Lot 1.02, Z12981

The applicant was represented by John Giunco, Esq. Glenn Carter was sworn. Eileen Hogan recused herself.

The following Exhibits were entered: A-1; Application for Development Permit: A-2; Denial Letter: A-3; Sign Location Map titled "Easement Exhibit Plan" prepared by Dewberry dated 4/19/16: A-4; Summary Table of Proposed Signage: A-5; Sign Details prepared by Philadelphia Sign dated 8/24/18 (8 sheets): A-6; Construction Details by Philadelphia Sign dated 8/24/18 (6 sheets): A-7; Sign Plans by Brand Active dated 6/1/18 (11 sheets): A-8; Letter from John Giunco, Esq. withdrawing various signs from application: A-9; Ownership Disclosure: A-10; Review Letter from Glenn Carter revised 3/28/19.

Mr. Giunco explained the application which originally was submitted for 26 signs; however, the applicant has removed 21 of those signs and is requesting a variance for only 5 signs. The remaining 21 signs will just be refaced with the updated information. Variances are required for height, size and dimensions. Due to the building size, the larger dimensions are required. This application completes the merger.

Key Whiston, Consultant with Brand Active, was sworn and accepted as an expert witness. He has been tasked with implementing the new brand for all 16 of the Hackensack Meridian Hospitals throughout the state.

The signs are basically being replaced in the same location as the existing signs with the addition of the logo and reducing the letter size. The existing banner in the front of the building will be removed. They are not modifying the Jane Booker Pavillion sign.

The 5 signs to be replaced are items #E5; E15a, E15b, E27a and E27b from the plan sheet. Items E27a and 27b are direct replacements except they will be back lit channel letters. Sign 27a will be 81.3 feet up, having the same grade to height ratio, just moved slightly to the left. All signs will be lit 24 hours.

Glenn Carter clarified the testimony presented differed from the submission for the sign located on the back end facing the river, as this would require a variance due to it being an illuminated sign with channel lit letters. Lauren Nicosia requested Mr. Giunco to justify the need for a lit sign on the river. Mr. Giunco stated it was to continue the brand and provide a guiding light.

Andrew Janiw, Professional Planner from Beacon Planning, was sworn and accepted as an expert witness. He explained the balance test required to prove this application as being appropriate for this location. There is no hardship created and the signage enhances all directions and promotes safety for drivers and pedestrians. The MS zone encourages flexibility for the hospital to communicate with the public. The proposed signs are virtually the same size as the existing.

Arthur Sorensen Esq., was sworn. He questioned why a sign must be placed on the river side of the building. Mr. Janiw explained a sign already exists there and it is intended to help people locate the hospital. Mr. Sorensen feels it is not necessary, as there is only boat traffic there and everyone knows where the hospital is. He feels it takes away from the beauty of the river. Lauren Nicosia confirmed that Mr. Sorensen does not live on the river and lives in Rumson. Sean Murphy stated the signs are refreshing and enhances the property and the view. He wanted to confirm the area where the banner is to be removed will be spot cleaned and there would be no other advertising, just the hospital name.

A motion was made by Sean Murphy, seconded by Ray Mass to approve the application. Ayes: Lauren Nicosia, Ray Mass, Richard Angowski, Sean Murphy, Anne Torre, Kellen Murphy and Sharon Lee. Nays: none.

Glenn Carter confirmed the variance required for an internally illuminated channel lit sign.

Denholtz Associates (Southbank at Navesink), 16-22 West Front Street, Block 9.01, Lots 6.01 & 7, P13066

The applicant was represented by John Giunco, Esq. Ed Herrman was sworn. Eileen Hogan returned.

The following Exhibits were entered: A-1; Application for Development Permit: A-2; Denial Letter: A-3; Stormwater Management Report prepared by James Kennedy dated 2/6/2019: A-4; Preliminary & Final Major Site Plan prepared by James Kennedy dated 2/6/2019 (8 sheets): A-5; Architectural Plan prepared by Lance Blake dated 2/12/19: A-6; Letter and revised Zoning Table dated 3/25/2019: A-7; Project Narrative dated 10/30/18: A-8; Letter from Freehold Soil date 12/20/18: A-9; letter from Monmouth County Planning Board dated 12/10/18: A-10; RiverCenter Review Letter dated 2/28/19: A-11; Disclosure of Ownership: A-12; Memo from the Building Department: A-13; Environmental Commission Letter dated 2/27/18: A-14; (11) Photos taken by Glenn Carter 12/7/18: A-15; T&M Review Letter dated 3/28/19.

Stephen Denholtz is the proposed purchaser for this property currently owned by K Hovnanian. Hovnanian had received approval to construct at this location, but never pursued the application. Mr. Denholtz is proposing to construct a 10-unit residential building with enclosed parking required for the 20 cars. The property is located on the north side of East Front Street, behind the marina. There is an easement agreement to provide 8 parking spaces to the tenant located on lot 8.01 and Mr. Denholtz will honor this agreement.

The application is for a d(1) use variance, as there is no commercial use proposed on the first floor, which is a requirement in this zone. There is also a d(4) variance required for FAR; where 1.70 is permitted and 1.75 is proposed. Bulk variances are required for a buffer; where 15 feet and 10 feet are required and 9.2 feet is proposed. A height variance is required for the 41.03 feet proposed where 40 feet is permitted.

Lance Blake, Architect, was sworn and accepted as an expert witness. He tried to meet the ordinance requirements while working with the small size of the lot, which slopes down. There is a small alleyway owned by the Borough. He referred to A-01 explaining the parking to be located on the first level, which will have 2 sets of stairs and will provide 26 spaces; whereas, 20 are required. He explained the location for the required 8 parking spaces for the neighboring property, confirming there will be a total of 34 spaces provided.

Each residential unit will be 2,000 – 2,400 square feet with 2 bedrooms, spacious living areas and generous amount of outdoor terrace area. There will be 2 means of egress and the units located on the upper levels are the larger units. These units will also have dens and master bedroom suites. They will have dramatic 2-story living rooms.

The following Exhibits were entered: A-16; Rendering looking north prepared by Lance Blake dated 4/4/19 and A-17; Rendering of upward view taken from Boat Club Court looking east dated 4/4/19. He showed the building design, stating the proposal keeps with the design and vibe of the downtown area. It includes arched windows and a mix of material including red brick, glass, wood and a translucent polycarbonate material. The garage entrance is via the easement down at the building corner. The plan was revised to eliminate the penthouse to reduce the height of the rear of the building. This enables the current neighboring tenants to not lose their view.

Lauren Nicosia confirmed they will try to match the bricks from the neighboring buildings and the white posts at the ground level are timber.

Sharon Lee confirmed the metal proposed will appear like patina.

Exhibit A-18; Rendering of before and after looking down the easement was entered. This shows the intention of the applicant to clean up the alley, which includes paving, installing curbs and removing electrical wiring for underground placement.

Sean Murphy stated the existing parking in the alley shows about 12 cars. Kellen Murphy clarified signage will be placed to mark the spaces. Mr. Giunco also stated there would be telescoping bollards installed.

Ed Herrman had Mr. Blake confirm there was no concern with sun glare for the glass would not reflect. The lobby entrance will have a canopied area.

Charles Gross, 190 Manor Parkway, Lincroft, was sworn. He questioned the Fire Marshal report referred to in the T&M letter. Mr. Giunco stated the applicant can comply with the 7 items referred to in the Fire Official report.

Exhibit A-19; Fire Official Report dated 2/26/19 was entered. It was later clarified also that the Fire Official provides more in depth information as the application process progresses.

Michael Soldati, 27 Highland Avenue, was sworn. He clarified the 8 parking spaces would be straight on as opposed to parallel. He also confirmed the trash would be picked up from the interior trash area by a private hauler.

Anthony Barbera, 22-24 West Front Street, was sworn. He complimented the applicant and how they have worked with him regarding his concerns, as he owns the building next door, which the 8 parking spaces are provided to. He clarified the trash won't come out into the alley or street. Mr. lance confirmed there will be a substantial trash room provided.

Anthony also explained the parking plan that was received from K. Hovnanian during the prior approval which provided parking spaces for the 3 residential tenants and 5 for the business tenants located on lot 8.01. There was a gate installed some time later, as prior to that, cars would be hitting into each other.

Cindy Burnham, 71 Wallace Street, was sworn. She questioned Mr. Blake regarding his thoughts if the proposed building is in character with the existing area, to which Mr. Blake feels it keeps with the character of the downtown area. He also referred to the approval received from RiverCenter and their response that they would like for the west side of the building to have the same appearance as the other side. Cindy disagreed stating this was a modern building for this gateway into the town.

Rose Costa, 140 River Road, was sworn. She questioned what type of soundproofing was planned. Mr. Blake stated there would be insulated windows.

James Kennedy, Engineer, was sworn and accepted as an expert witness.

Exhibit A-20; Aerial Photo of the Property was entered.

The property is 24,169 square feet and there is a 20 foot wide ROW. The property consists of 3 frontages. It is very steep and you cannot install a sidewalk. The plan is for garden apartments and per the RSIS this is considered a mid-rise building (with between 3-10 levels), required to provide 2 parking spaces per unit. This agrees with the Borough Ordinance also.

Exhibit A-21; Colored Site Plan Rendering dated 2/6/19: A-22 – 24; Photos of the Buildings to the East taken in the fall of 2018, were entered.

Mr. Kennedy explained the plan to stabilize the slope, which includes a Geoweb technology and planting about 3,500 individual plants. This increases the open space, reduces impervious coverage and decreases rainwater run-off. Regarding the buffer, there is one section located between two buildings which will not allow certain plants to prosper, as there is no sunlight. He will work with Ed Herrman on this issue.

The straight on parking proposed for the 8 spaces provided is a better alternative than parallel parking. The spaces will be 9 X 18 feet and no design waivers required.

The stormwater report was done for the 2, 10 and 100 year storms. The water will flow down into multiple inlets. The roof leaders are all internal and in accordance with IBC. The stormwater connection points are completely underground.

The lighting provided is turtle friendly, which cuts out the blue light that attracts turtles.

There is a FAR of 1.75 provided, where 1.70 is permitted. The 18 dwelling units per acre is well below the permitted 25. Variances are also required for side yard set-back, buffers and height. As there are 3 frontages on the property and no parking is permitted in the front yard, a variance is required. There are also variances needed for backing out into the ROW and no safety aisle being provided. Mr. Kennedy is comfortable with this, as this is basically an alleyway and not a lot of cars travel here. The applicant is proposing single line striping in the parking garage; whereas, our Ordinance states hair-pin striping is required. They will comply with the requirement.

The proposed signs and telescoping bollards will be worked out with the property owners. Items #2.8, 5.5 and 8.1 listed on the T&M review letter will be further discussed with Ed Herrman. They will pay into the Shade Tree Fund. They will work together with the Environmental Commission regarding the landscaping and the Geoweb system. The other requirements set forth from Ed Herrman will be complied with.

Sean Murphy stated his concern that no sidewalk was proposed. He wants to make sure people are out of the street. Jim Kennedy stated it couldn't be done as they could not provide a barrier free walkway. After discussion, it was determined they would try to work out something; however, it would not be a continual walk. Steps could be used if needed. They would make it a condition of the approval to investigate the matter and work things out with Ed Herrman. This could be an administrative approval.

Richard Angowski questioned Ed Herrman if the Ordinance requires a sidewalk. Ed was not sure, but felt it probably was required.

Lauren Nicosia confirmed with Jim Kennedy that the slope would have decorative ground cover and you would not be able to sit on it.

Richard Angowski clarified a traffic study was done. The result was 55 trips per day and the impact on the zone is less than the density permitted by the Master Plan.

Ed Herrman clarified the bollard will pop-up once the car leaves the parking space.

He also clarified the trash will be collected via a tote which is wheeled out to the collection vehicle. There are no cans or dumpsters placed outside. There will be sprinklers in the building and the garage. The garage door has a height of 8.6 feet. The mechanicals will be roof mounted except for the transformer.

Suzanne Viscomi, 25 Cedar Street clarified with Jim Kennedy that delivery trucks (UPS/Fed-Ex) will continue the same process they currently use, which is pulling into the alley (usually reversing in) make the delivery and leaving. These are quick deliveries.

Mike Soldati, confirmed he was representing the Ice Boat Club, and questioned how long the project would take. They anticipate about 1 year. He was concerned with the vibrations from the machinery doing damage. Jim Kennedy confirmed the Boat Club building is a considerable distance away and there would be no impact to adjacent structures. A developer is responsible for any damages incurred. He also wanted to clarify where the construction vehicles would park overnight. John Giunco confirmed they will comply with the Ordinances.

Arthur Sorensen, Esq., was sworn. He questioned how close was the closest point to the river and if CAFRA approval was required. Jim Kennedy did not think it was required, but they would comply if it was. He also questioned if the problems regarding a sidewalk, parking or traffic

would be decreased if the project were scaled back to 8 units. Jim confirmed there are no traffic or parking issues associated with this current application.

Anthony Barbera represents the tenants for the 8 provided parking spaces. After discussion and suggestions, Mr. Denholtz agreed to providing the 3 residential tenants parking via designated spaces in the garage and the 5 business spaces would remain outside. That would leave 3 additional spaces the town can use.

The application will continue on April 18, 2019 with no further notice required, as per the consent of the applicant.

On a motion made by Ray Mass and seconded by Sean Murphy, the meeting was adjourned at 9:25pm.

Respectfully Submitted,
Dina Anastasio, Secretary
Red Bank Zoning Board of Adjustment