

**MINUTES**  
**RED BANK BOARD OF ADJUSTMENT**  
**January 21, 2021**

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday, January 21, 2021 at 6:30 pm, via Zoom in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Lauren Nicosia called the meeting to order at 6:30 pm. The Board saluted the flag. A roll call showed the following members were in attendance: Lauren Nicosia, Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy, Anne Torre, Sharon Lee, Matt Anderson and Robert Friker. Kevin Kennedy, Esq., Board Attorney and Maria Graziano Board Secretary.

Kevin Kennedy read the Open Public Meeting Statement Act. An Adequate and electronic notice with the time, place and matter was posted in the two newspapers, with the Borough Clerk's office, the Borough website and posted outside the Red Bank Meeting room and on the front door of Borough Hall. Mr. Kennedy also announced the login information was advertised as well. Mr. Kennedy announced that if the public needed to contact us they could raise their electronic hand, call Maria Graziano or send her email at [mgraziano@redbanknj.org](mailto:mgraziano@redbanknj.org).

Lauren Nicosia opened the meeting to the public for non-agenda items of which there were none.

Matt Anderson was sworn in as a Board Member by Kevin Kennedy.

Ed Herrman was sworn in by Kevin Kennedy.

Applicant Maria Grzegorski, 134 Bridge Avenue was sworn in by Kevin Kennedy.

Exhibits: A-1: Application, A-2: Survey by Mr. Lynch, dated 4/26/2012, A-3: Garage Plan dated 8/10/2020, A-4: Denial, A-5: Review Memo from Zoning Officer dated 11/18/2020. Maria Grzegorski has been the owner for 8 years, this is a single family residence and an existing shed. This application is to construct a garage 3 feet from the neighbors property. She would like to keep her car, lawn and patio furniture. She needs 3 feet instead of 5 feet because it is the safest way in and out from the garage. There will be underground wire running to the garage for the garage door. It will be 14 x26 and no other utilities. She has spoken to the neighbors (which some tenants) on either side and no neighbors had no complaints. Have you spoken to the either owners on either side of you. One lives in Florida and the other in PA. No one has contacted her regarding the garage. The driveway existed when she purchased the house. She will be taking down the shed and building on the existing pad if it can be used. There will be no living arrangements, no water and will be strictly used for the car and storage.

No public comments.

Ed Herrman had one comment. Given the size of the garage and proximity to the property line. There should be a condition that there should be roof leaders onto the property or down the driveway. It should be directed away from the neighbors property.

Sean Murphy made a motion to approve the application and seconded by Anne Torre. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy, Anne Torre, and Sharon Lee. Nays: None

70 Locust Avenue. Kevin Kennedy went over some preliminary details. Exhibits: A-1: DPA, A-2: Denial, A-3: Intent to Proceed, A-4: Survey dated 12/14/19, A-5: Architectural Plans, A-6: T & M Associates Review Letter.

Ed Herman was sworn in by Kevin Kennedy.

Rick Brodsky for the applicant 70 Locust Avenue, LLC, owner of the property, Stephen Houck and Lonnie Gordan (Stephen's mother).

Daniel Himelmann represents Bell Haven Condo Association: Members of the Board of Trustees, Kathleen Gasienica, Eric Anderson, & Paul Campbelle.

Anne Torre is friends with Kathleen Gasienica. Kevin Kennedy went over conflicts. Mr. Brodsky and Mr. Himelman had no issues. Kevin Kennedy declared there are no disclosure issues. Anne Torre stated there is nothing to jeopardize the decision.

Mr. Brodsky went over the application. Property is an oversized lot which is on the water. Lot sizes is about 28,820 sq ft. This is a minor site plan application to subdivide the existing lot into two lots. The existing lot consists of a 4 unit residential structure that is located deep into the site closer to the water. They would like to subdivide the property to a 43 X 100 single family parcel on the opposite side of the property towards the front. This will result in 2 lots 1 new lot being 4300 sq. ft, needing frontage variance. The main parcel would be reduced to 23, 820 sq ft where 5000 is required. The existing structure would be accessed from the driveway off of Locust which is there now. The d variance associated with the application has to do with density. The ordinance requirement is 6 units per acre. If the subdivision happens the density would go to the 7.32 dwelling per acre. The subdivision property would comply with the parking requirements through RSIS, and complies with coverage. There are existing non-conformities. The setback is 9.7 ft where 10 ft is required, on the other side it 9.1 ft where 10 ft is required. Neither side will be touched.

Kevin Kennedy swore in Mathew Cronin, licensed architect. Mr. Cronin stated is credentials which was accepted by Madame Chair Lauren Nicosia and Mr. Himelman.

Mr. Cronin presented the survey plan of the sub-division. Existing house has 4 apartments: 1 efficiency/studio, 1 (1) Bedroom, and 2 (2) Bedroom. There are currently 9 spaces including and a 2 car garage. 9 spaces meet and exceed the RSIS which is 7.6 and the Red Bank Borough of 7 spaces required. The parking will not be affected by the subdivision. Mr. Cronin went over all the setbacks. The house is designed to fit the neighborhood. It is a 2 ½ story, 3 Bedroom house. The existing lot will have 32.19 foot frontage where 250 is required because of the multi-family required.

Stephen Houck of 60 Locust Avenue testifying as a member of the LLC was sworn in by Kevin Kennedy. A question was asked by a member regarding the garage. Mr. Houck stated that his mother uses one side of the garage and the other is designated to a tenant. His mother lives in a 2 bedroom unit for ½ a year. Ed Herrman asked what the height of the new building will be. The new building will be 26.10 to the midpoint of the roof slope. That is compliant with the zone.

Mr. Himelman asked Mr. Cronin some questions. He confirmed that this is a mirror image of 58 Locust. He asked if the 5 units at the Bell Haven Condos will be affected by the new house. It appears that more than ½ the units will not be affected. Will there be some impact on the height and air? It is

answered that they are within the ordinances and are not seeking any variances. Has there been any information on water run-off in the plan. It has not been submitted as of yet but if the application is approved there would be a grading and drainage plan.

Was there any consideration to moving the house closer to the other side of the property? You would have the driveway running along the Bell Haven property closer to their patios.

Meeting was open to the public. No comments from the public.

Gordon Gemma, 68 Seneca Place, Oceanport, NJ. Licensed Professional Planner. He stated his credentials and it was accepted by Madame Chair and Mr. Himelman. Exhibit A-7: Aerial taken from Google Earth. There were not objection by Mr. Himelman. Mr. Gemma went over the aerial view and the location of the properties. A (d) variance is required for not what is proposed but what exists. Mr. Gemma summarized the setback (d) variances needed for this application. There is only 1 bulk variance needed for the new lot. All others are for the original lot. Mr. Gemma presented the Master Plan sections that are consistent with supporting this application. Mr. Brodsky asked if the 250 ft frontage would be inconsistent with the zone plan and zoning ordinance and how this neighborhood has been developed for a single structure with 4 small apartments. If you look at what is consistent with the whole area, not just property it is consistent and you need to take it all into consideration. There are no protected view rights in the state of New Jersey. If asked, are you blocking a view, the answer would be more no than the other residences in the area. Mr. Gemma testified there are no negative impacts.

A Board member asked if there are any plans for a proposed screening Condominium complex? We can plant between the driveway and the property line. They will be putting up a white vinyl screening fence. How many trees will need to be removed? Several of those trees have been removed several months ago. Mr. Houck testified that he plans on putting arborvitaes all along the east side of the fence. Is that agreeable to the opposing counsel? No, we reject this application. How many trees have to be removed for this to move forward? There were trees that were removed because of a letter sent to his mother requesting they be removed because a tree fell on the Condo Complex during the storm. There are no more trees to be removed. Mr. Himelman asked Mr. Gemma the reduction of the lot 3, that does expand the density of the property to 7.32. Yes. By adding that house to the front you are increasing the density of the property overall. No it doesn't. The property density on the remaining lot is increased but does not increase the density for the new lot.

Mr. Brodsky asked Mr. Gemma to clarify the intensity of both lots exceed the minimum lot size within the zone. Yes that is correct. Neither of lots are seeking variances for coverage. That is correct.

Meeting was open to the public to ask Mr. Gemma questions excluding the people represented by Mr. Himelman.

Ronald Dee, 122 Locust Avenue. Are you represented by Mr. Himelman? I live in Bell Haven but not on the board. Mr. Himelman asked Mr. Dee to hold his question being Mr. Himelman is representing Bell Haven.

Mr. Himelman made a statement. Both uses are permitted in the zone. Lot size being deep and narrow has some challenges. Remaining of Lot 3 is increasing the density by adding a property in front of it intensifying the use of the property. Although it is a use in the zone. House in front will negatively impact the building at Bell Haven Condominium. It may have an impact not only on the air, light could

have an impact on the value of the unit. He stated that this application will have an impact on the 1 building. There could be a problem with runoff. Overall, the Bell Haven residents see this as a substantial impact on them.

Eric Anderson, treasure of Board, 100 Locust Avenue was sworn in by Kevin Kennedy. Mr. Anderson read his letter into the record. Lot fronting Locust Avenue to the east of Leighton Avenue, you will notice every lot is 50 ft or more. By increasing the density of Lot 3 will worsen the density of the existing lot. Technical errors when reviewing the architectural plans had old lot #. 58 Locust dwarfs 52 Locust. It is significantly taller. It appears it may be taller than Bell Haven. It will block the majority of light for 100, 102, 104, 106 and 108 which faces East. By granting a variance now for 70 Locust will deed to another variance down the road for 70 Variance. There is a deed gap on the land and it affects the density. All deed issues should be sorted out before this application is approved. Engineering Review failure to meet negative criteria. On September 26, 2020 residents woke up to a jack hammer at 52 Locust Ave where a sidewalk was being ripped up. It appears on 10/7 that they hit the water main. It raises questions whether this work is being done safely and professionally. Survey shows an orange gas line. What is the plan for the gas service? We would definitely recommend a utility plan before approval. Also the drainage plan, this application will add 1,849 sq ft of impervious coverage. Lack of detail how drainage will come off the new structure and the driveway. Lack of detail how the driveway will lead to Locust Avenue. There has been some discussion of trees. Multiple trees have been taken down including a healthy pine tree. Some of the trees that are left can pose a problem for utilities if there is a storm.

Mr. Brodsky. Mr. Anderson did bring up drainage. Is there something that Mr. Gemma or the architect can report on. There is no drainage report at this time. Mr. Herrman stated there would have to be a dry well and driveway grading to appropriately handle this application. Mr. Herrman stated it could handle the runoff.

Kathleen Gasienica, 110 Locust Avenue was Sworn in by Kevin Kennedy. Ms. Gasienica read her letter into record. She is the Board President but is speaking as an individual. She is requesting that this application be turned down. Tree that Mr. Houck that fell into Bell Haven. It fell during Superstorm Sandy. The condo complex had insurance but it was over \$100,000 of damage. We had to ask Mr. Houck to allow us to put the crane on his property to remove this tree. House that owned the tree did not pay for any of the reconstruction. The arborvitae for screening purposes, it is a tree that is known to be decimated by deer. We had to replace many shrubs and bushes because of the deer.

Ronald Dee, 122 Locust Avenue was sworn in by Kevin Kennedy. Mr. Dee commented that he chose his unit due to the views of the brown house and the nature reserve that was turned into a small playground. He stated it isn't fair how the property has changed. He stated that Mr. Houck's statement that Bell Haven asked them to cut the trees. He said that was not true. The trees were hitting their building and they asked her to trim the trees but she refused. She did allow them to put the trucks on her property so that the trees could be trimmed on the Condo's expense. A letter was sent to the property owner that any trees that were not alive, would be her responsibility if they fell. It wasn't that we did not want the trees taken down just the dead ones. He feels that adding another home would increase the traffic and garage and that it would be dangerous for the kids walking to school. The house that was built is much taller and does not fit the neighborhood.

Adam Potulski, 102 Locust Avenue was sworn in by Kevin Kennedy. Regarding the trees next to building 1. I never liked the trees. I was not sad to see them go but it was upsetting to find out that something worse would be replacing it. If you put up a house it will kill the light, air, and quality of life that will

impact in the future. The new house they built was too big and does not fit the neighborhood. This new house will be the same way and it will bother my quality of life and will impact the value and property tax in the future. I would hope the new bushes will be well kept.

Mr. Brodsky stated that there are 22 properties less than 50 feet, 19 less than 43 from the front property line. There are no variances being sought for height, it complies with our ordinances. As for the trees, they were an issue with them. Bell Haven sent the applicant a letter putting them on notice that they were responsible for any fallen trees. The trees ultimately died and they were removed. As to the sidewalk. The town requested that he replace the sidewalk. The applicant has lived on the block for many years. As for street parking, Bell Haven residents have been using the street parking for their overflow parking. Mr. Brodsky closed with summarizing the application.

Dan Himelman had nothing further.

Richard Angowski wanted to put on the record that the Board listens to all applications and takes all applications seriously.

Lauren Nicosia made a motion to deny the application. Eileen Hogan seconded. Remember when the board secretary calls the vote a yes is to deny.

Ray Mass abstained, Richard Angowski in response to the application I have listened to Mr. Gemma's testimony at length. I have taken a hard look at the property and considered all the factors including the acreage per unit and that it would create a flag lot. I do believe Mr. Gemma is for the application and I believe I would have to vote No which is in favor of the applicant. Sean Murphy, No, Anne Torre, No following Richard Angowski's reasons no significant impact on the community. Sharon Lee, No following Rich's logic. Unfortunately, I do not feel either side has been properly prepared to present their position to the board. The motion to deny the application has not been approved. Are there any other motions? Sean Murphy made a motion to approve. Kevin Kennedy made that statement that the abstention without cause goes with the majority so it would be No. Sean Murphy stated before we take another vote, would the applicant and the attorney like to get together and talk about this or take a vote tonight. Would both sides like to get together and try to come up with a compromise. Rich Angowski agreed with Sean Murphy. Anne Torre asked if they do come back, would they be able to present a drainage and landscaping plan. Mr. Brodsky stated they could submit the drainage and landscaping plans. He has spoken to Mr. Himelman and they could not come up with a plan but he is willing to try again. Ray Mass stated that this is the first time in 14 years that he was not able to make a decision. Kevin Kennedy stated that both sides need to supply more information for the board to make a decision. Sean Murphy withdrawn his approval. This application has been carried to April 1, 2021 with no further public notice unless there are variance changes. Mr. Brodsky consented to extending the time frame.

Motion to carry was made by Anne Torre and seconded by Sean Murphy. Ayes, Lauren Nicosia, Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy, Anne Torre, and Sharon Lee.

Anne Torre made a motion to adjourn and seconded by Eileen Hogan. All in Favor: Ayes.

Respectfully submitted,

Maria Graziano  
Zoning Board Secretary