

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
January 4, 2024

The Red Bank Zoning Board held a public meeting on Thursday, January 4, 2024, at 6:30 PM in the Municipal Building, first floor, Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Raymond Mass called the meeting to order at 6:30 PM. A roll call showed the following members were in attendance:

Anne Torre	Present	Paul Cagno	Present
Ray Mass	Present	Anna Cruz	Present
Eileen Hogan	Present	Amanda Doremus	Absent
Ben Yuro	Present	Eugene Horowitz	Present
Sharon Lee	Present	Chris Havens	Present
Vincent Light	Absent		

Also, present were Kevin Kennedy, Esq., Board Attorney; Edward Herrman, P.E., P.P., Board Engineer; Shawna Ebanks, P.P., AICP, Director of Community Development; and Aline Macatralo, Board Secretary.

Chair Raymond Mass read the Open Public Meeting Statement Act. In addition, an adequate and electronic notice of time, place, and matter was posted in two newspapers, the Borough Clerk's Office, the Borough's website, outside the council chambers, and on the front door of Borough Hall.

Kevin Kennedy read the Oath of Office and swore in the following new and existing members to the Planning Board:

<u>Member</u>	<u>Term Ends</u>
Paul Cagno	2025
Eugene Horowitz	2025

Reorganization of the Board:

Members of the Board announced nominations for the following positions:

1) Chairperson:

Motion: Nomination for Raymond Mass as Chairperson.
Moved By: Eileen Hogan
Seconded By: Anne Torre
Ayes: All in favor

Nays: None
Abstain: None

2) Vice Chair:

Motion: Nomination for Anne Torre for Vice-Chair.
Moved By: Sharon Lee
Seconded By: Eileen Hogan
Ayes: All in favor
Nays: None
Abstain: None

3) Board Secretary:

Motion: Nomination for Aline Macatralo as Board Secretary.
Moved By: Eileen Hogan
Seconded By: Sharon Lee
Ayes: All in favor
Nays: None
Abstain: None

4) Board Attorney:

Motion: Nomination for Kevin Kennedy as Board Attorney.
Moved By: Raymond Mass
Seconded By: Anna Cruz
Ayes: Anne Torre, Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Paul Cagno, and Anna Cruz
Nays: None
Abstain: None

5) Board Engineer:

Motion: Nomination for Edward Herrman, P.E. (T&M Associates) as Board Engineer.
Moved By: Sharon Lee
Seconded By: Raymond Mass
Ayes: Anne Torre, Raymond Mass, Eileen Hogan, Sharon Lee, Paul Cagno, Eugene Horowitz, and Anna Cruz
Nays: None
Abstain: Ben Yuro

6) Reaffirmation of Zoning Board Bylaws

Motion: Reaffirmation of the Zoning Board of Adjustment Bylaws.
Moved By: Anne Torre
Seconded By: Raymond Mass
Ayes: All in favor

Nays: N/A
Abstain: N/A

7) Official Newspaper

Motion: Nomination for Asbury Park Press, Two River Times & Star Ledger as the Board's official newspapers.
Moved By: Raymond Mass
Seconded By: Sharon Lee
Ayes: All in favor
Nays: N/A
Abstain: N/A

8) Conflict Board Professional

Motion: Nomination for CME as Conflict Board Engineer.
Moved By: Anne Torre
Seconded By: Eileen Hogan
Ayes: All in favor
Nays: N/A
Abstain: N/A

9) Conflict Board Professional

Motion: Nomination for Marc Leckstein as Conflict Board Attorney.
Moved By: Anne Torre
Seconded By: Sharon Lee
Ayes: All in favor
Nays: N/A
Abstain: N/A

10) 2024 Board Meeting Calendar

Motion: Approve the 2024 meeting dates as presented.
Moved By: Raymond Mass
Seconded By: Eileen Hogan
Ayes: All in favor
Nays: N/A
Abstain: N/A

Regular Meeting Minutes: December 7, 2023

Motion: Approved as presented
Moved by: Anne Torre
Seconded by: Raymond Mass
Ayes: All in favor

Nays: N/A
Abstained: N/A

Resolution of Dismissal – Application #P15250: 1 Berry Street, Block 76, Lot 1.01

Motion: Approved as presented
Moved by: Raymond Mass
Seconded by: Sharon Lee
Ayes: All in favor
Nays: None
Abstained: None

Resolution of Dismissal – Application #Z14989: 78 Bridge Avenue, Block 40, Lot 12

Motion: Approved as presented
Moved by: Raymond Mass
Seconded by: Eileen Hogan
Ayes: All in favor
Nays: None
Abstained: None

Z12490: 42 Monmouth Street; Block 31, Lot 26

The applicant, Phoenix of Matawan, was represented by Dante Alfieri, Esq.

The following witnesses were sworn in for the presentation:

Christine Cofone, P.P. – Cofone Consulting Group, LLC.
James Kennedy, P.E – Kennedy Consulting Engineers, LLC.

Exhibits A-1 through A-6 were marked and presented.

A-1: Red line mark-up of the Parking Plan, unsigned, undated, submitted on or about November 29, 2023.

A-2: Preliminary/Final Site Plan consisting of one sheet, prepared by Kennedy Consulting Engineers, dated December 15, 2023.

A-3: Resolution of Conditional Approval (Resolution 2019-14), adopted on or about June 6, 2019.

A-4: Email from Andrew Comi, P.E., to the Board Engineer, dated December 7, 2023.

A-5: T&M Associates review memorandum dated January 3, 2024.

A-6: Preliminary/Final Site Plan consisting of one sheet, prepared by Kennedy Consulting Engineers, dated December 15, 2023

Mr. Alfieri briefed the Board on the original approval of the application. The applicant was previously approved for separating the ground floor commercial space into a microbrewery and another permitted use. The second and third floors would be converted into two (2) two-bedroom apartments. Eight off-street parking spaces would be provided as part of the approved plans.

James Kennedy provided testimony on the amended site plan, consisting of the relocation of parking spaces within the access easement and trash enclosure. The parking spaces needed to be relocated to avoid violating the terms of the 12-foot access easement.

The newly proposed trash enclosure would be a 10X18-foot refuse area adjacent to the building. The area will include two 6-yard dumpsters and several rolling totes. A private hauler will collect the garbage.

Eileen Hogan asked for clarification on parking spaces #7 and #8. Mr. Comi explained that these two parking spots would belong to the same unit.

Edward Herrman commented that the reconfiguration is a reasonable adjustment based on the testimony presented. The applicant should include end-line stripes for the parking spaces as a condition of the approval.

Christine Cofone provided professional planning testimony on the positive and negative criteria of the applicant's variance request. She stated that there are no proposed changes to the building. The applicant is only proposing minor modifications to the parking layout. There will be no change in the floor area.

Kevin Kennedy reiterated the conditions of the amended application, and the applicant agreed to all conditions.

Eileen Hogan motioned to approve the amended application, and Anna Cruz seconded.
Ayes Anne Torre, Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Paul Cagno, and Anna Cruz.
Nays: None
Abstained: None

Z14822: 187 Riverside Avenue; Block 4.01, Lots 1 & 2

Jennifer S. Krimko, Esq., represented the OutFront Media, LLC applicant.

The following witnesses were sworn in for the presentation:

Daniel J. Dougherty, P.E., C.M.E.- Dynamic Engineering

Exhibits B-2 through B-7 were marked and presented.

B-2: 02/02/23 meeting minutes/recording certification - Anne Torre.
B-3: 02/02/23 meeting minutes/recording certification – Paul Cagno.
B-4: 02/02/23 meeting minutes/recording certification – Eugene Horowitz.
B-5: 02/02/23 meeting minutes/recording certification – Ben Yuro.
B-6: T&M associates review memorandum dated January 4, 2024.
B-7: Letter from Red Bank RiverCenter dated January 4, 2024.

Exhibits A-19 through A22- were marked and presented.

- A-19: Bulk Variance Plan prepared by Tiago F. Duarte, P.E., of Dynamic Engineering, dated May 4, 2022, and last revised on December 7, 2023, consisting of four (4) sheets.
- A-20: Billboard Location Exhibit prepared by Tiago F. Duarte, P.E., of Dynamic Engineering, dated December 7, 2023, consisting of one (1) sheet.
- A-21: Narrow View Technology Exhibit prepared by Tiago F. Duarte, P.E., of Dynamic Engineering, dated December 7, 2023, consisting of one (1) sheet.
- A-22: Narrative cover letter prepared by Jennifer S. Krimko, Esq., dated December 18, 2023.
- A-23: Revised Local Municipal LED multi-message sign protocol.
- A-24: List of local advertisers on OutFront billboards since 2022.
- A-25: Photo of the existing site.
- A-26: Photos of the six proposed billboard faces to be removed, consisting of (2) pages.
- A-27: Photos of the existing condition vs proposed prepared by OutFront, consisting of 13 pages.

Ms. Krimko briefed the Board on the applicant's last appearance on February 2, 2023. She explained that the applicant still seeks approval to modernize a non-conforming static sign. The proposed billboard would now only operate from 7 AM to 11 PM. The initial proposal was to construct a 40-foot-tall billboard with a sign face of 454.7 square feet. The applicant is now proposing to reduce the billboard sign to 27 feet in height, and a 380 square feet sign face.

Additionally, as a concession to approving the subject billboard, the applicant proposes to remove six static billboards within the Borough, including four "faces" billboards on Shrewsbury Avenue between West Front and Monmouth Street and two on Oakland Street near train tracks. Furthermore, the proposed billboard will be available to the Borough to display non-emergency municipal announcements at no cost. Local and smaller business owners can pay for an ad at a lower rate than a monthly static billboard rental.

Daniel Dougherty provided professional engineering testimony on the changes to the proposed billboard sign. The changes will include a decrease in size and height. Additionally, the billboard location will be slightly adjusted due to the smaller sign. A new LED technology called narrow view technology will limit the sign view area or the angle at which the sign can be seen.

Chair Mass commented on the proposed billboard location and the existing turning angles for the street. Ms. Krimko replied that there is a state statute regulating billboards' safety, and DOT has exclusive jurisdiction over the safety element.

Paul Cagno asked if there was a memo from the State indicating what Ms. Krimko had attested. Ms. Krimko replied that the State approval was included in the application package.

Edward Herrman questioned the impact on the homes located behind the sign. Mr. Dougherty replied that there is no direct line of sight, similar to the existing sign.

Mr. Herrman asked if there were limitations on what would be displayed. Mr. Dougherty said that it depends on what a customer wants to show.

Mr. Herrman asked if any other locations in Monmouth County were using the same narrow-view technology. Mr. Dougherty replied there were no locations in New Jersey.

Paul Cagno asked about the impact of the billboard on the approved residential building across the street from the proposed sign. He wondered how many units would be affected by the lights from the billboard sign. Ms. Krimko replied that they might be able to see the light, but it won't necessarily affect them.

Chris Havens was concerned about the proposed sign affecting future and present residents. He said that the idea of the technology, the message flipping/flashing every second, might irritate the neighbors. Ms. Krimko said the billboard display is not going to flash.

Eugene Horowitz asked if the existing gas sign was higher than the proposed sign. Ms. Krimko replied that it appears to be higher or the same size.

The Board took a break at 8:32 PM and resumed at 8:44 PM.

Susan Viscome, 25 Cedar Street, asked if there was a timeline for removing the six billboard signs. Ms. Krimko replied that the applicant would agree to the Board's timetable if approved.

The applicant requested to carry the application to April 4, 2024, without further notice.

Ray Mass motioned to carry the application to April 4, 2024, and Anna Cruz seconded.

Ayes: All in favor.

Nays: None

Abstained: None

Anne Torre motioned to adjourn the meeting, and Eileen Hogan seconded.

Ayes: All in favor

Nays: N/A

Abstained: N/A

The meeting adjourned at 8:50 PM.

Respectfully submitted,

Aline Macatralo

Board Secretary