

MINUTES
RED BANK BOARD OF ADJUSTMENT
April 1, 2021

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday April 1, 2021 at 6:30 pm, via Zoom in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

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, Christine Irwin, Sean Murphy, Sharon Lee, Bob Frikker, Bruce Maida, Kevin Kennedy, Esq., Board Attorney, Ed Herrman, P.E. from T&M Associates, Shawna Ebanks, Director of Community Development 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.

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

Applications:

The application for 70 Locust Avenue will be carried to 5/20/2021, with no additional notice required. Mr. Brodsky agreed to extend the time the Board has to decide on this application.

Southbank at Navesink; 16-22 West Front Street; Block-9.01, Lots 6.01 & 7: Z13066

The applicant was represented by John Giunco, Esq. and they are seeking approval to amend the prior Zoning Board approval received (Resolution 2019-15) to increase the FAR.

Christine Irwin recused herself from the application. Ed Herrman was sworn in.

The following Exhibits were entered: A-1; Development Permit Application; A-2; Denial: A-3; Letter from John Giunco, Esq.: A-4; Letter from Kevin Kennedy dated January 28, 2021: A-6; Resolution from the Planning Board dated 11/24/2003 and the Zoning Board Resolution dated 6/6/2019.

Mr. Giunco described the property location. In 2003, Riverwalk Commons received approval from the Planning Board for a mixed-use building; however, a condition of that approval was the lot 7 could not be used in calculating the floor area ratio. The restricted deed was never filed, as they never developed the property.

Denholtz Properties purchased the properties, including lots 6 & 7. They asked for a temporary waiver for lot 5.

The 2019 Resolution over-rided the 2003 Resolution, since they never acted on it.

They are requesting an increase in the FAR from 1.75 to 2.1, as they believe nothing is changing on the site. Mr. Herrman reiterated that this is just a mathematical calculation on paper. It will not change the Zoning Board approval.

A motion was made by Sean Murphy, seconded by Eileen Hogan to approve the application. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Sean Murphy, Sharon Lee, Bob Frikker and Bruce Maida. Recused: Christine Irwin. Nays: none.

Kevin Kennedy prepared the Resolution. A motion was made by Bruce Maida, seconded by Lauren Nicosia to approve. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Sean Murphy, Sharon Lee, Bob Frikker and Bruce Maida. Nays: none.

87 Washington Street, LLC.; 87 Washington Street; Block-50, Lot-12: Z13991

The applicant is seeking variance relief to renovate and extend the second floor of a single-family dwelling. The first-floor footprint will remain the same. A 6.8-foot cantilever is proposed from the side property line.

The following Exhibits were entered: A-1; Denial Letter dated 11/20/20: A-2; Development Permit Application 11/16/20: A-3; Letter from JN Ventures dated 1/19/21: A4; Architectural Renderings dated 11/16/20: A-5; Portion of the Survey.

Ed Herrman was sworn in.

Mr. Rudgonis, Architect, was sworn in and accepted as an expert witness.

The property was built in 1901 and consists of 3 bedrooms and 1 bathroom on the second floor.

They are seeking approval to renovate the dwelling to include an open floor plan on the first floor, with a powder room. They will reconstruct the second floor.

They will be using traditional materials for the exterior and have received approval from the HPC.

The existing parking in the driveway will not change. You can tightly park 2 cars, possibly 3.

Stephen James Whelan, Managing Member of the LLC., was sworn. He has owned the property since June 2020. There was fire damage to the house about 3 years ago and no one is living there. He explained the proposed cantilever is proposed to make a third bedroom. The neighbors have expanded to the rear of their property, but they do not have the room to do it on this property.

The bedrooms will be about 3 feet larger than the existing.

There were no questions from the public and the public portion was closed.

A motion was made by Bruce Maida, seconded by Lauren Nicosia to approve the application. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Sean Murphy, Sharon Lee and Bruce Maida. Nays: none.

American Residential Opportunity Fund; 273 Shrewsbury Avenue; Block 77, Lots 1, 2, 2.01, 3 & 25.02; Z13518

Christine Irwin recused herself. Ed Herrman was sworn in.

The following Exhibits were entered: A-11; Site Plans prepared by Jacklyn Flores, dated 4/3/20 consisting of 9 sheets: A-12; Architectural Plans prepared by Mike Monroe, dated 7/25/20 consisting of 5 sheets: A-13; Stormwater Management Report dated 10/11/20: A-14; Traffic Report dated 4/20.

Robert McGowan, Esq. represented the applicant. He presented the revised plans and explained they will be meeting with the neighbors to hear their concerns.

Jacklyn Flores, PE, was sworn and accepted as an expert witness.

She entered Exhibit A-18; Photos of the Existing Conditions dated 3/23/21: A-19; Rendering of the Plan showing 3 separate buildings: A-20; Colorized Rendering of Proposed Plan dated 3/23/21. It was explained there will be no vehicular access from Dr. James Parker Blvd. and they have received County conditional approval. She explained the access to the parking lot, which includes 26 parking spaces, 2 are ADA compliant and there will be 2 electric charging stations. The project consists of 10 residential units and 1,410 square feet of commercial space, which was lowered from the original plan of 3,000 square feet.

The refuse area will be located on the north side of the site, surrounded by a shielding wall, so it is not visible; there will be 15 feet of landscaping provided around the property, except 10.3 feet in the loading zone. A vinyl fence will be in the rear of the property. A new sidewalk will be installed, except on the corner of Shrewsbury Avenue, where the County requested they not rip up the new concrete they have there.

They have addressed many of the items on the T&M review letter. The items that were addressed were discussed. The project consists of a 19,782 square foot building, including 10 residential 2 bedroom apartments on the 2nd and 3rd floors with surface parking provided.

They need a d(5) variance, a variance for the loading dock and one for the buffering. They are in line with the setbacks of other buildings on Shrewsbury Avenue, which are about 30.1 feet and 30.5 is proposed. The set-back on Drs. James Parker Blvd. are the same. They have an existing non-conformity, where 40 feet from center line is required, they need roughly a 10-foot approval. Basically the building is being put back in the same location.

A height variance is required, as well as for lot coverage.

They agreed to the items regarding paying of water-sewer connection fees.

They are proposing parking tags to be provided to residents. The owner is open to suggestions regarding the marking of spaces.

A PVC fence along rear of property is proposed. Ed Herrman explained that design waivers are not directly applicable to this application, as they pertain to residential condo type projects.

The applicant is open to working with the Board Engineer regarding storm-water management; a private hauler will be scheduled 2 times weekly, during allowable times.

Shade trees are to be provided along the frontages. On Dr's James Parker Blvd., they will be less than 40 feet apart and on Shrewsbury Avenue, they will be more than 50 feet apart. They feel this spacing is adequate, considering the corner with the traffic light etc...

The lighting layout can be revised, if needed, lights will be on timer, any signage will be compliant and there will be no underground parking. The COAH obligation will be met via payment of fees, as per the Borough requirement.

Russ Crossin, Owner Crossing Construction and DMC (Coffee Corral), was sworn. He loves the project and feels it would be an asset to area/community.

He wanted to clarify the storm water management, as to where it is being dropped to. They propose to infiltrate via a retention basin, thus, they are reducing the amount leaving the property. They are willing to storm more if the Engineer would like that. The amount they see currently will be less, once this is completed.

Fred Boynton, was sworn. He does not live in Red Bank, but is here daily. He stated that the building will be located across the street from the Lodge and he has relatives living in that area. He is concerned with residents being able to pay their taxes. He feels this project will increase the taxes in the area and that people are being forced out of the neighborhood. He feels they are pushing people out of town. Sean Murphy confirmed with Kevin Kennedy that they

William Poku, 90 Bank Street, was sworn. He stated the setbacks are unacceptable. Why are they proposing to build a project to continue with the non-conformity? Ms. Flores explained in a business district you keep a consistent street scape. In this area it is preferable to keep the buildings aligned. On Dr. James Parker Blvd., the Boys & Girls Club building is set back further. If the building were to be pulled back, it would expose the parking lot from the street.

Adrian Bilaal, 266 South Pearl Street, was sworn. She questioned the exiting of the property. Would it be a left and right turn, or just a right turn? They have agreed to restrict all left turns onto Shrewsbury Avenue, as per a condition of the County. There will be a median forcing the right turn, as well as a sign.

There was a 5-minute break. A role call showed the same members were in attendance.

Mike Monroe, Architect, was sworn and accepted as an expert witness.

He described the building. It had many iterations. They wanted to create an appealing building with visual interest and keep the streetscape. They don't want it to look like one building. They are sensitive to the architecture of the surrounding buildings.

They referred to the cover of the Architectural Plan. There will be two commercial spaces on the first floor, with 752 and 658 square feet. There will be an area for the storage of bikes. There are 6 residential units proposed on the second floor and 4 units on the third floor. There will be 25% greenery on the rooftop, along with the condensers, which will be screened off and not visible. They will possibly install solar panels, which make the building a little more environmentally sensitive. They will determine if it will be beneficial after they learn about the incentives being offered.

The stairs will stick up about 9 -9 ½ feet and the elevator will stick up about 13 feet. The elevator is required to be at that height. The signs will be in compliance with the Ordinance. There are no COAH

requirements to provide dwelling units at the site, since they are only proposing 10 residential units. There is a monetary requirement. They are adding a trash shoot on each floor.

The green roof will be provided. There are a lot of products available for them to use. They will comply. Lauren Nicosia requested more details for the green roof. Mr. Monroe explained they will use grass, ornamental trees and shrubs. They will comply with the Engineer's guidelines. The plants are primarily maintenance free. Anything that must be maintained, will be done by building management. The drainage includes drainage pipes and porous products.

Sharon Lee questioned who would benefit from the solar panels, if used. Usually it does the common spaces, if used, that would benefit all residents, as it would lower the general costs of the building maintenance. It feels it would be economically beneficial. They will provide solar panels at least for the general areas.

Ed Herrman confirmed the front elevation and the public sidewalk it will be generally flat.

William Poku, NAACP, questioned where the applicant is obtaining the information that there is no COAH obligation. Mr. Monroe clarified with 10 units or less you do not have to provide on-site housing, but, must pay a monetary fee into the account.

Will there be an HOA? It will be an apartment building run by an individual management company. Theresa Poku, was sworn. She questioned why only 2 bedroom apartments, why no studios or 1 bedroom apartments?

Mr. Monroe explained it is a marketing decision. With a project consisting of 10 units, they usually provide 2 bedroom units, as most residents want the second bedroom. They are typically rented by starter families or even single people. The second bedroom could be a home office or guest room.

Lee Klein, Traffic and Parking Expert, was sworn and accepted as an expert witness.

He referred to Exhibit A-14; Traffic Evaluation Study Report dated April 1, 2020, which showed a comparison of the existing current retail use generating 5 trips in the am and 16 trips in the pm; an office use generates 6 trips in the am and 6 trips in the pm. The proposed retail use will generate 7 trips in the am and 11 in the pm. A slight decrease in the pm.

A right turn only in and out of the building will be permitted. An island will assure that.

Parking provided will include 20 spaces for the residential units and 6 for the retail. Shared parking can be utilized, thus providing more than ample parking.

Parking can be left open or they can mark 6 of the spaces for retail during the day. You can have 10 units restricted strictly for the residents. There are different rules they can put into effect.

Loading provided for the delivery trucks.

No impact to the local street network, the traffic signal will create a space for the exiting vehicles.

They may lose 1-2 spaces on Shrewsbury Avenue for on street parking, by shifting the driveway.

There was discussion if only the electric vehicles being charged can park in the designated spaces reserved for that purpose. Mr. Klein felt that with the ample parking and the use of shared parking, that yes, they can restrict those spaces to a charging vehicle.

Eileen Hogan questioned if there will there be parking on Shrewsbury right there at the exit. The parking should be in the same location and the current no parking section would continue.

William and Theresa Poku discussed the trouble parking on Bank Street. They clarified that drivers can exit the property and then turn left onto Bank Street heading to Leighton Avenue towards Parkway. They questioned if the applicant can put the driveway further north. That cannot be done, because they don't own that property. Mr. Klein explained that since the driveway will be located about 200 feet from Bank Street and the addition of only 3 more cars per hour, there should not be an issue.

Snow removal in the parking lot was discussed. There is only a small un-covered section of the lot, where the 15-foot green buffer is and the snow can be pushed forward.

A motion was made by Lauren Nicosia seconded by Sharon Lee to carry the meeting to June 17, 2021, with no further notice required. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan
Mr. McGowan consented to the time for the Board to act on this application.

Eileen Hogan made a motion to adjourn the meeting, seconded by Richard Angowski. The meeting was adjourned at 9:40pm.

Respectfully submitted,
Dina Anastasio