

**MINUTES**  
**RED BANK ZONING BOARD OF ADJUSTMENT**  
**April 4, 2024**

The Red Bank Zoning Board held a public meeting on Thursday, April 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	Present
Ben Yuro	Present	Eugene Horowitz	Present
Sharon Lee	Present	Chris Havens	Present
Vincent Light	Present		

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

**Regular Meeting Minutes: February 1, 2024**

Motion: Approved as presented

Moved by: Anne Torre

Seconded by: Raymond Mass

Ayes: Anne Torre, Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Vincent Light, and Paul Cagno.

Nays: None

Abstained: None

**Resolution of Extension – Z14322 173 Maple Avenue; Block 103, Lot 11**

Motion: Approved as presented

Moved by: Eileen Hogan

Seconded by: Anne Torre

Ayes: Anne Torre, Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Vincent Light, and Anna Cruz.

Nays: None

Abstained: Paul Cagno

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

Jennifer S. Krimko, Esq, represented the OutFront Media, L.L.C. applicant.

The following witness was sworn in for the presentation:

Christine Cofone, P.P. – Cofone Consulting Group, LLC

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

Exhibit A-27 was marked and presented.

A-27: Narrow view technology Exhibit prepared by Daniel J. Dougherty, P.E., of Dynamic Engineering, dated April 4, 2024, consisting of one (1) sheet.

Exhibit B-8 was marked and presented.

B-7: 02/02/23 meeting minutes/recording certification – Vincent Light.

Ms. Krimko briefed the Board on the applicant's last appearance on January 1, 2024. 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 (6) static billboard faces within the Borough. Furthermore, besides the billboard being available to the Borough to display non-emergency municipal announcements at no cost, the applicant proposes donating 12.5% of the time to the Borough for any message that wishes to be displayed.

Chair Mass asked where the six (6) signs throughout the Borough are located. Mr. Dougherty responded that six (6) sign faces are being removed from two locations: one on Shrewsbury Avenue and the other at the eastern parking lot entrance to the train station parking lot.

Paul Cagno asked what the proposed impacts would be on the building behind the billboard. Mr. Dougherty replied that they are very similar to the existing conditions.

Edward Herman asked the distance from the house to the back of the sign. Mr. Dougherty replied that it was 6 feet.

Victor Rallo, owner of Birravino, asked if there were any photos showing how the proposed sign would possibly affect his property. Ms. Krimko responded that there aren't.

Jay Herman asked if the restaurant would be six feet from the sign. Ms. Krimko replied that it is .6 feet.

Amanda Doremus asked how many inches from Mr. Rallo's property line the base of the sign. Mr. Dougherty replied that it is about 7 ½ inches.

Christine Cofone provided professional planning testimony on the positive and negative criteria of the applicant's variance request. She believes this application is both a principal use and a principal structure.

Chair Mass asked if there was a distinction between a sign and a billboard. Ms. Krimko replied that a billboard is a sign larger than 200 sq ft, so this application is both a sign and a billboard.

Ms. Cofone and Ms. Krimko reviewed and commented on the Board Engineer's review letter.

Chris Havens asked if the applicant could convert any other signs if they were to get approval from the Board. Ms. Krimko explained that they would need variance relief regardless of state limits and how close signs can be.

Ms. Krimko explained that the narrow view technology prevents light spillage or visibility of lights from the side or behind. Therefore, the proposed billboard will have less of an impact on the adjoining properties than the existing sign.

Chair Mass asked if Ms. Cofone sees this proposed billboard as a distraction to drivers. Ms. Cofone said she doesn't because the D.O.T. regulates this part of the process and has issued the applicant a permit.

Paul Cagno voiced his concern about other towns advertising their businesses in Red Bank every 8 seconds.

Ms. Krimko explained that the proposed billboard would allow smaller businesses in Red Bank to advertise at a lower cost.

Paul Cagno disagrees with Ms. Krimko.

Mr. Cagno asked if the site was clean since it was a gas station in the past. Ms. Krimko said that if a soil test is required in the area where they would dig, they will follow all the state regulations.

Amanda Doremus also voiced her concerns about other businesses advertising their businesses in Red Bank. She said that this change is not beneficial to Red Bank.

The Board took a break at 8:10 PM; the meeting resumed at 8:20 PM.

Ms. Cofone said that she understands that this is a non-conforming use for the structure; however, it does have the right to continue to be a non-conforming site. She believes that this modernization will make it more harmonious and compatible with its existing surroundings.

Her opinion is that the entrance to Red Bank could be more tidy, and perhaps having a new sign with a percentage dedicated to the Borough activities would do a better job introducing Red Bank to new visitors.

Kevin Kennedy asked Ms. Cofone if she thinks a D (1) or a D (2) variance is necessary. Ms. Cofone replied that she didn't think so.

Ms. Krimko added that they are seeking a C variance relief, but if the Board determines that no D (1) or D (2) is required but a site plan is required, she is aware that she will need to seek approval from the planning board instead.

Mr. Kennedy asked Mr. Herrman if the applicant was exempt from the site plan. Mr. Herrman responded that, in his opinion, this application is not exempt from the site plan.

Mr. Kennedy asked about the height increasing from 22 feet to 27 feet. Ms. Krimko replied that the zone allows 40 feet for a principal structure and that the height increase does not change its use.

Mr. Kennedy asked if the site would still be unsightly with the new billboard. Ms. Cofone replied that the proposed billboard would better welcome new visitors and would not prevent future redevelopments in this property.

Mr. Kennedy asked if the eight-second dwell time differentiates between commercial and residential areas. Ms. Cofone replied that she is not aware of it.

After listening to the testimony, Raymond Mass asked Ed Hermann if he still thinks a D variance is required. Ed Hermann replied that he still needs help getting away from the D (1) variance.

Eileen Hogan asked if the sign was the principal structure. Ms. Krimko replied that there are two (2) principal structures.

Anne Torre voiced concern about the message expansion.

Thomas Wilson, 7 Conover Lane, Middletown, NJ, asked Ms. Cofone about her traffic safety certification. Ms. Cofone advised that she testified about her credentials, including traffic safety engineering.

Mr. Wilson asked if Ms. Cofone thought the proposed sign would be helpful to local businesses. Ms. Cofone replied that it would be.

Mr. Wilson expressed his concern about the rates for the proposed billboard as he believes small businesses will need help to afford it.

Mr. Wilson asked if Ms. Cofone considered conducting a traffic impact study. Ms. Cofone replied that she is not licensed to conduct such studies.

Mr. Wilson asked if a traffic study was concluded for this application. Ms. Krimko responded that the Department of Transportation regulates traffic safety for this application. She advised that the Department of Transportation issued a permit confirming that the applicant meets the State safety regulations.

Mr. Rallo asked what type of building would be suitable for this property. Ms. Cofone replied that one can repurpose the existing structure or build another one.

Chris Havens believes that this proposed billboard will prevent better use of this lot. He said that an illuminated sign is a radical change.

Ms. Krimko clarified that the applicant has a lease permitting the current height and clearance, so the restriction exists under the current sign. The proposed sign will add 5 feet.

Jay Herman asked how the billboard would impact Mr. Rallo's property. Ms. Cofone replied that it would have less impact than the existing sign.

Mr. Herman asked if there was a way to modernize the existing sign without making it digital. Ms. Cofone replied that, in this case, it would fall under maintenance rather than modernization.

He also asked if Ms. Cofone thinks Red Bank should allow billboards to be modernized. Ms. Cofone replied that the case law clearly states that modernization is permissible.

Jay Herman asked if Ms. Cofone ever saw the lease. She replied that she didn't. Ms. Krimko testified that she has seen the lease and will ask her client about submitting a redacted version to the Board.

Chair Mass motioned to carry the application to August 15<sup>th</sup> without further notice, and Vincent Light seconded.

Ayes: Torre, Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Vincent Light, and Paul Cagno.

Nays: None

Abstained: Anna Cruz, Amanda Doremus, and Chris Havens

Raymond Mass motioned to adjourn the meeting, and Paul Eileen Hogan seconded.

Ayes: All in favor

Nays: None

Abstained: None

The meeting adjourned at 9:36 PM.

Respectfully submitted,

Aline Macatrao

Board Secretary