

MINUTES
RED BANK PLANNING BOARD
April 15, 2019

The Red Bank Planning Board held its regularly scheduled meeting on Monday April 15, 2019 in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chairman Dan Mancuso called the meeting to order at 7:00pm He announced that notice of the meeting was mailed to the Asbury Park Press, Two River Times, and the Star Ledger; was filed with the Borough Clerk; and posted on the Municipal Bulletin board. A roll call showed the following members in attendance: Mayor Menna, Councilman Mike Ballard, Lou DiMento, Barbara Boas, Juanita Lewis, Dave Cassidy, Fred Stone and Erik Perry. Also present were Mike Leckstein, Esq., Board Attorney, Glenn Carter P.P., Director of Planning & Zoning and Dina Anastasio, Board Secretary.

Administrative Matters:

A motion was made by Barbara Boas, seconded by Mayor Menna to approve the minutes of the March 18, 2019 meeting. Ayes: Mayor Menna, Lou DiMento, Barbara Boas, Juanita Lewis, Dave Cassidy and Fred Stone. Nays: none.

A motion was made by Mayor Menna, seconded by Barbara Boas to approve the Resolution for RB River Properties, LLC. Ayes: Mayor Menna, Lou DiMento, Barbara Boas, Juanita Lewis, Dave Cassidy and Fred Stone. Nays: none.

Mayor Menna confirmed the approval is subject to receiving County Planning Board approval.

A motion was made by Mike Ballard, seconded by Dave Cassidy to adopt the Master Plan Housing Element and Fair Share Plan. Ayes: Mayor Menna, Mike Ballard, Dan Mancuso, Lou DiMento, Barbara Boas, Juanita Lewis, Dave Cassidy and Fred Stone. Nays: none.

A motion was made by Barbara Boas, seconded by Mike Ballard to approve the following Ordinance referrals to the Council, as they are consistent with the Master Plan: (1) implementing terms of the Settlement Agreement and Fair Share Plan: (2) implementing Affordable Housing Sliding Scale: (3) amending development fees. Ayes: Mayor Menna, Mike Ballard, Dan Mancuso, Lou DiMento, Barbara Boas, Juanita Lewis, Dave Cassidy and Fred Stone. Nays: none.

A motion was made by Fred Stone, seconded by Lou DiMento to approve the following Ordinance referrals to the Council: (4) reducing allowed shed heights: (5) amending the CCD-1 & CCD-2 Zones related to units above the street floor level: (6) amending the permitted uses in the PO Zone allowing business offices to the same standards as professional offices: (7) amending the front yard setback requirements for one and two family houses in various zones: (8) amending engineering inspection fee escrows: (9) amending concept review and development submission requirements. Ayes: Mayor Menna, Mike Ballard, Dan Mancuso, Lou DiMento, Barbara Boas, Juanita Lewis, Dave Cassidy and Fred Stone. Nays: none.

Public Hearings:

RBank Capital, LLC., 80 Rector Place, Block 1, Lot 1, P10249 (Extension Request)

The applicant was represented by Mike Convery, Esq. Larry Cohen, the applicant, was sworn. He explained the request of the applicant to request an extension for this application. In May 2017 Mr. Cohen received approval for the application, but due to the lawsuit from an objector, which wasn't dropped until August 2017, Mr. Cohen could not proceed with the project. Once the lawsuit was dropped, he was able to pursue the efforts on behalf of the project. The first step in the process was applying to the DOT. There were initial discussions with DEP and they wanted assurance that DOT would approve the project first. After multiple submissions and awaiting comments with several months in between, they finally received DOT approval, with some bonding requirements.

Mike Leckstein confirmed there was no change in the plan submitted to the DOT then what was approved by the Planning Board. There was some discussion regarding a left turning lane into the property. Mr. Cohen confirmed the DOT approval required the removal of that lane and the Planning Board approval does not include a left turn into the property. Dan Mancuso confirmed there is no northbound turn lane exiting the property.

Barbara Boas is concerned with the condition of the property. She feels the property is disgraceful and it is an entry into the town. The grass is not cut. Mr. Cohen stated he has personally repainted the building to cover the graffiti which was done to the building. He also stated a landscaper is there every 2 weeks. Mayor Menna stated the overgrowth is only attended to when violations are received. Mr. Cohen stated he received 2-3 violations.

Edmund Fitterer, Esq., from McOmber & McOmber represented John Mulvihill, who owns 83 Rector Place. John Mulvihill was sworn. He wanted to confirm the existing fence-line, which extends about 10 feet onto the applicant's property, would remain as it has for 20-30 years. There was an agreement worked out about 1 -1 ½ years ago regarding this issue and he would like to request the Board to make this a part of the approval, if the extension is granted. They have not memorialized the easement yet. There was some discussion regarding the area on the property where this proposed easement is located, and Mr. Mulvihill confirmed it was not on the river side.

Michael Ballard explained he never liked the project. He felt it was too big and a bad spot that begs for accidents and congestion.

The public portion was closed.

Chris Dochney from CME Associates confirmed that block 1, lot 1, the applicant's property, is not listed on the DEP website.

Mike Convery stated the Developer's Agreement dated 2/15/18 was not executed until 4/23/18

A motion was made by Dan Mancuso, seconded by Michael Ballard to deny the extension request. Ayes: Mayor Menna, Mike Ballard, Dan Mancuso, Lou DiMento, Barbara Boas, Juanita Lewis, Dave Cassidy and Fred Stone. Nays: none.

Mayor Menna added there has been no movement since the approval was granted. The town is moving forward in different directions. The property hasn't even been secured with fencing to address the maintenance issues.

There was discussion regarding the Master Plan Housing Element and Fair Share Plan. The information was provided by Chris Dochney, P.P. from CME Associates. He explained the plan to be adopted as an element to the Master Plan. The purpose is to address the affordable housing issue, which every town is required to do, as a result of the Mr. Laurel litigation. The obligation of Red Bank is to provide 427 units plus 313 required for round 3 obligation covering the period from 1999 – 2025 for a total of 740 required units. 129 units are required to be rehabilitated to bring to code. A vacant land adjustment was prepared and this showed there is very little vacancy available. There are only 10 properties to which only 10 affordable units could be built. They prepared a realistic approach using previously approved projects going back 12-13 years and combined this with the 10 properties to reach a total of 92 affordable units required. This is the amount required in order to have immunity from a builder's remedy lawsuit.

The Borough currently has 2 different guidelines (20% in certain areas and 11% in others). This new plan will provide for a sliding scale calculation to be used as follows: if providing 10 units or less, the developer is not required to provide affordable units on site, but must pay into the trust fund; 11 -25 units a 10% set-aside is required; 26 – 150 units a 15% set-aside is required; 151 – 215 units a 17 ½ % set-aside is required; 216 or more, a 20% set-aside is required.

Glenn Carter also noted the importance of the 1st time homebuyers program and the clear guidelines for the plans submitted by the developers.

The public portion was closed.

On a motion made by Dave Cassidy, seconded by Barbara Boas, the meeting was adjourned at 7:55pm.

Respectfully Submitted,
Dina Anastasio
Secretary, Red Bank Planning Board