

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
April 18, 2019

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, April 18, 2019 in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

A workshop meeting was held at 6:00pm. The following members were in attendance: Ray Mass, Eileen Hogan, Sean Murphy, Anne Torre, Richard Angowski, Sharon Lee and Stephanie Albanese. Also present were Glenn Carter, P.P., Director of Planning & Zoning, Ed Herrman, P.E. from T&M Associates, Kevin Kennedy, Esq., Board Attorney and Dina Anastasio, Board Secretary. At the workshop meeting the Board discussed the evening's agenda.

Acting Chair Ray Mass called the meeting to order at 6:40pm. He announced that notice of the meeting was mailed to the Asbury Park Press and the Two River Times; was filed with the Borough Clerk; and posted on the Municipal Bulletin board. A roll call showed the same members in attendance.

The Board saluted the flag and opened the meeting to the public for non-agenda items of which there were none.

Administrative Matters:

A motion was made by Sean Murphy, seconded by Anne Torre to approve the minutes of the April 4, 2019 meeting. Ayes: Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy, Anne Torre, Sharon Lee and Stephanie Albanese. Nays: none.

Public Hearings:

Phoenix of Matawan, Inc., 42 Monmouth Street, Block 31, Lot 26, Z12490

The application was carried to May 16, 2019, at the request of the applicant, with no further notice required.

Denholtz Associates (Southbank at Navesink), 16-22 West Front Street, Block 9.01, Lots 6.01 & 7, Z13066 (continued from April 4, 2019 meeting)

The applicant was represented by John Giunco, Esq. Ed Herrman was sworn.

Andrew Janiw, P.P. was sworn and accepted as an expert witness.

The following Exhibits were entered: A-25; Google Image of an Aerial View of the Property dated 4/18/19; A-26; 1995 Master Plan; A-27; Borough Zoning Map dated 8/23/17.

Mr. Janiw explained the use variance being requested for the exception of the first floor commercial use. The proposed project of 18 units per acre is under the permitted density of 25 units. There are "c" variances required for buffering and height.

He referred to the 1995 Master Plan indicating the property being located in the CCD-2 area, where they envisioned this a mixed use area. Structured parking in an underground setting is the preferred method instead of surface parking. There is no commercial traffic in this area, which is clearly located at the end of the downtown area.

The objectives include enhancing the character of Red Bank, promoting the highest quality of design, providing a variety of uses and promoting walkability.

This was not the first project for this site. K Hovnanian received approval in 2004-05 for application Z6411 for a 6 story building, with 24 residential units including 1, 2 and 3 bedroom units. Also included was a 2 level parking garage.

This application proposes (10) 2 bedroom units, which is a less intense use than what was previously approved. Retail use is not appropriate for this site and the first floor will be better utilized providing much needed parking.

Section (A) of the MLUL is met with this project, which is to encourage appropriate use to promote public health and the general welfare. This proposal is not detrimental to the area and will provide multi family, high quality housing.

Section (G) to provide sufficient space for a variety of reasons to meet the needs of the citizens is also met.

The reconciliation of the required first floor retail is met via the Medici Criteria. This site is not conducive to retail and the first floor is better used for parking.

The Board had also previously approved a project which was taller and closer to the lot line with no detriment.

The bulk variances requested are de-minimis. The applicant is cognizant of the neighbors behind them and have revised the plan so as not to create an obstructed view.

Exhibit A-28; Photo-board consisting of 6 photos dated 2/6/19 – 4/2/19 taken by Andrew Janiw was entered. Photo 1; Current lot: Photo 2; Driveway access: Photo 3; Taken from Union Street showing metered parking (not conducive to a true retail or restaurant use): Photo 4; Buildings on Front Street backing to the property (CCD-2 Zone – appropriate retail area): Photo 5; Access to the site via the top of the hill: Photo 6; View looking up towards Front Street.

Sean Murphy likes the project, although, he indicated the area has changed since the 2004 approval. There is more foot traffic. He also questioned if there are any other properties in town, other than the boat club, that do not have a sidewalk. Mr. Janiw was not aware of any. There is no variance required to build without a sidewalk. Just a design waiver would be requested. The topography of this site is extremely challenging. Mr. Giunco stated the concerns addressing this issue should not be the sole responsibility of his client.

Cindy Burnham, 71 Wallace Street, was previously sworn. She questioned Mr. Janiw if he finds this proposal comparable to the Union House or the Bluffs. Mr. Janiw explained there is a diversity of architecture throughout the area. Ms. Burnham cited the Master Plan, as it notes any new development should be compatible with surrounding buildings and that the Navesink River is a gateway to the town. Mr. Janiw believes this is an award winning design.

James Kennedy, P.E. was still under oath. He discussed the 8 proposed parking spaces to be located in the ROW, perpendicular to the building. As previously stated, the 3 residential spaces will be located in the garage and the 5 commercial spaces will be along the building. Mr. Kennedy worked with the design to come up with the appropriate size. If a wider stall is used, the maneuverability is increased, which enables the driver to begin the turn sooner; however, you don't want the space too large, as drivers may try to put 2 vehicles into one space. He recommends 5 stalls at 12 feet each. This will provide a turn aisle.

There was discussion regarding the illegal parking on the southside of the alley.

Ray Mass questioned the possibility of designating this a fire lane to inhibit the parking of vehicles here. Mr. Kennedy indicated there have been discussions with Ed Herrman.

There is nothing this Board or the applicant can do for this issue, that has been a problem. It was also noted, there are trash cans from the neighboring businesses that are in the way.

Ed Herrman stated there is currently no appropriate signage or Ordinance to enforce these vehicles parking here. Also, as the alley is only 20 feet wide, it is probably not wide enough for a ladder truck to operate here. He also noted if the Board chooses to pursue different avenues, they can arrange a meeting with the various people who would have interest in this topic. Eileen Hogan confirmed with Jim Kennedy in order for the plan to work, the 3 cars currently parking in the alley must not be parked there. He also stated any enforcement is done by the governing body.

Exhibit A-29; Google Street View of Boat Club Court was entered. This picture shows the walkway along the Power Center and the slope. Boat Club Court measures 20 feet at the south end and narrows to 14 feet on the north end. Mr. Kennedy stated the applicant is proposing a full sidewalk along Union Street at the Borough owned property for lot 25.01 up until the end of the area where the cars are currently parked. There is currently no pedestrian connection to Marine Park. This is not an easy task, as a curb-wall would have to be installed. This is a low wall along the uphill side of the property. They are also proposing a stairway on the east side of the structure for the residents to use, which is also not easy. It will be in excess of 36 risers and they will have to be creative, but it will connect the ROW with Union Street.

Ed Herrman clarified that walking around this route is only about 135 feet longer than going along the back way on Boat Club Court. Also, the sidewalk is primarily in place, which would save about \$150,000 in development costs. The Borough Administrator, Attorney and DPW would most likely weigh in on the development of this part of the project. Mr. Giunco also added this is a safer, more cost effective alternative.

Mr. Giunco summed up the public improvements proposed by the applicant include the following: (1) re-pave the alley and to provide curbing and appropriate signage: (2) 5 parking spaces in the alley (3) provide a stairway, with a minimum of 1 landing connecting the project to Union Street for the private use of the residents of this project. The sidewalk will connect from the point of where cars park to join with the existing sidewalk at Wharf Street. They would also request the Board to petition the Council to make no parking on the southside of the alley.

Mr. Herrman stated the applicant is doing what they are empowered to do and the next step is that of the Borough.

Anthony Barbera was previously sworn. He stated the approval should have conditions, such as making the alley a fire lane and for the neighboring business (Playa Bowls) to keep their trash in the rear of the alley. Mr. Giunco replied his client cannot be responsible for the trash of other businesses. He later added this should be a 2-way street and now would be the time to address this. Mr. Herrman stated that would be expensive having to relocate the utilities and probably not something the Borough would want to do.

Peter Soviero, with a business address of 165 Monmouth Street, was sworn. He complimented Mr. Denholtz as a developer and likes the project.

Anthony Busch, 30 West Front Street, was sworn. He provided his approval of the project. He stated the alley being a fire lane would not be an issue. He also said the sidewalk would not be valuable, as the residents will not use it.

Arthur Sorensen, Esq. represented the Ice Boat Club questioned where deliveries would take place for UPS or Fed-Ex. Mr. Kennedy stated the same as they currently do, which was confirmed at the previous meeting.

Mr. Sorensen also questioned the need to apply for CAFRA approval.

Exhibit O-Sorensen-1; Survey prepared by Richard Stockton dated 10/13/11 was entered.

He stated the tide claims line shows the property within 150 feet, thus requiring their approval. After reviewing the document, Mr. Giunco objected to the purpose of the exhibit.

Jim Kennedy stated the tide line is not jurisdictional and would not determine the need for CAFRA approval. Also, the property is not located within the 150 feet. It is noted, that if CAFRA approval is required, the applicant will have to obtain it.

Paul Markoff, a resident of Shrewsbury and member of the Ice Boat Club, was sworn. He indicated that law enforcement in Red Bank must take a good look at the enforcement issue of the cars parking in the alley.

Cindy Burnham questioned what portion of the riverfront is listed as historic. Mr. Kennedy did not know. She supports the project, but wants less of a modern look.

Mr. Giunco stated the client tried to plan a project that would benefit the town and they have effectively presented unchallenged testimony.

Anne Torre made a motion to approve the project, seconded by Sharon Lee. She feels the project will be a credit to the town, is an attractive building and appreciates the efforts of the applicant. Sharon Lee thanked the Engineer and Attorney going forth to ensure the safety of the proposed improvements. Ayes: Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy, Anne Torre, Sharon Lee and Stephanie Albanese. Nays: none.

Kevin Kennedy listed some of the approval conditions, to which Mr. Giunco agreed, will include the following: a Developer's Agreement (if required); Title 39 Jurisdiction for the parking garage; abandonment of the prior approval, if still in effect; unless, this application cannot proceed, then the prior approval remains and a provision for the pedestrian connection from the building to Union Street.

On a motion made by Sean Murphy and seconded by Ray Mass, the meeting was adjourned at 9:20pm.

Respectfully Submitted,
Dina Anastasio, Secretary
Red Bank Zoning Board of Adjustment