

MINUTES
RED BANK PLANNING BOARD
May 8, 2024

The Red Bank Planning Board held a public meeting on May 8, 2024, at 7 PM in the Municipal Building, first floor, Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Dan Mancuso called the meeting to order at 7:00 PM. A roll call showed the following members were in attendance:

Mayor Portman	Present	Megan Massey	Present
Greg Fitzgerald	Absent	Louis DiMento	Absent
Dan Mancuso	Present	Kristina Bonatakis	Present
Thomas Welsh	Absent	Barbara Boas	Present
Frederick Stone	Present	Wilson Beebe	Absent
Itzel Hernandez	Present	Brian Parnagain	Present

Also present were Kevin Kennedy, Esq., Acting Board Attorney; Jacqueline Dirmann, P.E, P.P., Board Engineer; and Shawna Ebanks, P.P, A.I.C.P., Director of Community Development.

Chair Mancuso 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: April 10, 2024

Motion: Approved as presented
Moved by: Dan Mancuso
Seconded by: Itzel Hernandez
Ayes: Kristina Bonatakis, Dan Mancuso, Barbara Boas, Itzel Hernandez, Brian Parnagain
Nays: None
Abstained: Mayor Portman, Fredrick Stone

Regular Meeting Minutes: April 15, 2024

Motion: Approved as presented
Moved by: Dan Mancuso
Seconded by: Itzel Hernandez
Ayes: Kristina Bonatakis, Dan Mancuso, Megan Massey, Itzel Hernandez, Frederick Stone
Nays: None
Abstained: Mayor Portman, Barbara Boas, Brian Parnagain

Resolution of Extension: P13263: 176 Riverside Avenue; Block 3, Lots 2.01, 4.01, 6, and 9.01

Motion: Approved as presented

Moved by: Dan Mancuso

Seconded by: Megan Massey

Ayes: Kristina Bonatakis, Dan Mancuso, Megan Massey, Itzel Hernandez, Frederick Stone, Mayor Portman, Barbara Boas, Brian Parnagain

Nays: None

Abstained: None

P15188: 54 North Bridge Avenue: Block 2, Lot 18

The applicant, Two River Greens LLC., was represented by Edward Mainardi, Esq.

Michael Convery Esq., representing Sylvia Constantino, in opposition to the application.

The following witness was sworn in for the presentation:

Victor C. Anosike, P.E., PTOE - Bowman Consulting Group

Alexandra De La Torre, Esq. - Puzzle Group

Exhibits A-17 through A-29 were marked and presented.

A-17: Revised T&M Associates Review Memorandum dated May 7, 2024.

A-18: Response Letter from Dynamic Engineering dated April 4, 2024.

A-19: Communication from Dynamic Engineering to the Red Bank Land Use Board dated April 26, 2024.

A-20: Trip and Parking Generation Letter, prepared by Victor C. Anosike, PE, P.T.O.E., of Bowman Consulting Group, dated April 2, 2024.

A-21: Appalachian State University Department of Economics Working Paper dated October of 2021, titled "Smoke and Fears: The Effects of Marijuana Prohibition on Crime," by Scott Callahan, David M. Bruner, and Chris Giguere.

A-22: Article on the effect of legalizing retail marijuana on housing values: evidence from Colorado, dated July 2018 by Cheng Cheng, Walter J. Mayer, and Yaling Mayer.

A-23: Report from Rutgers University titled "The Determinants and Impacts of Allowing Cannabis Businesses: Evidence from New Jersey Municipalities dated September 2022 by Michael S. Hayes and Prakash Kandel.

A-24: Article titled "The Spillover Effect of Recreational Marijuana Legalization on Crime: Evidence from Neighboring States of Colorado and Washington State" by Guangzhou Wu, Francis D. Boateng, and Xiaodong Lang, dated May 2020.

A-25: The odor mitigation practices pamphlet is undated and consists of (3) pages.

A-26: Supplemental Discussion on the I.T.E. Parking Demand and Supply Rates dated April 25, 2024, prepared by Bowman Consulting Group, Ltd.

A-27: Carbon filter specification and detail sheet consisting of two (2) sheets.

A-28: Supplemental Traffic Evaluation prepared by Bowman Consulting Group, Ltd, dated April 26, 2024.

A-29: Armorcoat Solar Guard, 14 mil clear safety and security file specification sheet.

Mr. Convery challenged the sufficiency of the public notice. After discussion, the Board found they had jurisdiction over the application and could proceed with the hearing.

Mr. Mainardi briefed the Board on the applicant's last appearance on April 15, 2024.

Victor C. Anosike provided additional traffic testimony based on the commentary from the public and the Board at the last hearing. He testified that the current use as a laundromat generates 24 trips in the morning and 36 in the evening on weekdays. On Saturdays, the business generates 49 trips. The proposed business will generate 23 trips in the morning and 42 in the evening on weekdays. The proposed business will generate 64 trips on Saturdays. The new use and traffic pattern will reduce the delay on Rector Place. The delay is 16.6 seconds in the morning and 18.1 seconds in the evening. The traffic delay will be reduced to 13 seconds in the morning and 14.3 seconds in the evening.

Chair Mancuso asked about the service levels. Mr. Anosike responded that Rector Place is currently at level "C." The rating for the proposed dispensary will be a "B."

Christopher Fabricant, 35 Rector Place, asked if there is an existing nonconforming use. Mr. Mainardi replied that the engineering plans show the existing conditions.

Mr. Fabricant asked if cameras and lights would expand the existing circumstances. Chair Mancuso responded that the State would require them to have certain types of cameras for the dispensary, which is a permitted use.

Victor Tudorov, 41 Rector Place, voiced concern about parking for employees.

Mr. Fabricant voiced concern about the surveillance cameras not providing enough security per State requirements.

Alexandra De La Torre explained that based on the last hearing, the applicant had changed the number of customers in certain areas. Five customers will be permitted in the lobby at once, and they expect eight to ten customers per hour. The applicant still intends to have four to six employees during hours of operation.

Kevin Kennedy asked what the procedures would be if the space was at full capacity. Ms. De La Torre replied that customers would be advised to use the Q.R. code or join the online waitlist.

Barbara Boas asked about the average length of a visit. Ms. De La Torre responded that it ranges from five to ten minutes.

Ms. De La Torre repeated the odor mitigation plan, which would involve installing multiple carbon filters throughout the establishment. No consumption will be done on-site. The products will be stored and enclosed where only staff are permitted, and cleaning will occur daily.

The lighting on the south side of the back of the building was adjusted to prevent a minimum effect on the adjacent property. The applicant proposes installing infrared security cameras to alleviate the need for additional lighting.

The site will have a generator and U.P.S. batteries to power all P.O.S. systems and security systems in case of an electrical outage.

Mr. Convery questioned whether the odor mitigation plan was prepared for this application. Ms. De La Torre replied that yes, it was, and it was submitted to the State.

Mr. Convery asked what the purpose of the carbon filter was. Ms. De La Torre explained that it would offer superior filtration capabilities.

Mr. Convery asked about the HVAC systems. Ms. De La Torre advised that all systems should be replaced.

Mr. Convery asked whether the reports submitted were outdated or unrelated to the State of New Jersey. Ms. De La Torre replied they were not.

Mr. Convery commented on the proximity of the existing structure to the adjacent property.

Mr. Convery asked if the number of employees was reduced due to the traffic report results. Ms. De La Torre replied that the number of employees is the same.

The Planning Board took a break at 8:55 PM and resumed the meeting at 9:05 PM. A roll was called, and all members were present.

Mr. Mainardi asked if there was any information about what New Jersey law requires in terms of security and lighting. Ms. De La Torre responded that it is in the New Jersey Administrative Code 1730-9.10 B Section 10.

Kristina Bonatakis asked if C.R.C. requires any mitigation of loitering. Ms. De La Torre replied that loitering is not permitted on the premises, and there will be a security guard.

Ms. Boas asked if the security team would be in uniform. Ms. De La Torre replied yes, and it would be contracted security.

Brian Parnagain asked for more clarity regarding the HVAC system. Mr. Mainardi explained that a mechanical engineer would design it, and it would comply with the code.

Mr. Fabricant voiced concern about the lighting. Mr. Mainardi replied that the lighting would be installed according to the code.

Megan Massey asked if residential properties abutted the subject site. Ms. De La Torre replied no, only commercial businesses: a law firm and a security firm. Ms. Massey commented that the lighting shouldn't affect the neighbors since no residential homes are next to the property.

Sylvia Constantino, owner of 58 Rector Place, commented that her property is in the BR-1 zone, which permits residential use. Should she want to change the use, she has concerns about her privacy.

Chair Mancuso asked what the footcandle projection into the south property was. Jacqueline Dirmann responded that it is zero.

Dan Mancuso motioned to carry the application to July 10, 2024, without further notice, and Itzel Hernandez seconded.

Ayes: All in favor

Nays: None

Abstained: None

P15337: 17-19 Broad Street: Block 25, Lot 10.02

The applicant, 17-19 Board Street Realty, LLC., was represented by John B. Anderson, III, Esq.

The following witness was sworn in for the presentation:

Norman Rella – Operations Manager

Michael M. Simpson R.A. - S.O.M.E. Architects, P.C.

Exhibits A-1 through A-12 were marked and presented.

A-1: Architectural Plans prepared by Michael M. Simpson., of S.O.M.E. Architects, P.C., dated February 8, 2024, last revised March 26, 2024, consisting of three (3) sheets.

A-2: Survey of Property Plan, prepared by Marc J. Cifone, P.L.S., of Lakeland Surveying, dated June 27, 2023, consisting of one (1) sheet.

A-3: Red Bank Green Development Checklist.

A-4: Project Narrative and Request for Site Plan Waiver and/or Waiver of Site Plan Submissions and Details, undated.

A-5: Disclosure of Ownership Form & W-9 Form.

A-6: Borough of Red Bank Department of Planning and Zoning Application.

A-7: Borough of Red Bank Denial Letter dated January 30, 2024.

A-8: Email Correspondence from John B. Anderson, III, Esq., dated March 28, 2024.

A-9: Transmittal Letter, prepared by John B. Anderson, III, Esq., dated April 1, 2024.

A-10: Trip generation calculation prepared by Klein traffic consultants, dated April 26, 2024.

A-11: T&M associates review memorandum dated April 19, 2024.

A-12: Historic Preservation Commission Approved Application.

A-13: Rendering of the exterior building dated May 7, 2024, prepared by S.O.M.E. Architects.

A-14: Google aerial photo prepared by S.O.M.E. Architects.

John Anderson, III, Esq. explained that the applicant is seeking approval to change retail use on the first floor of the existing building to retail, commercial use, and a primary food service establishment, both of which are permitted in the CCD-2 zone district. The primary food-service establishment would seek appropriate licensure to allow for the service of alcoholic beverages as a secondary service. The applicant also seeks approval for interior alterations to the first floor to remove and replace the first-floor façade and to re-paint the entire façade, including the upper stories.

Mr. Anderson added that the existing site/use has no parking spaces or ability to get any.

Norman Rella provided testimony on the operations of the two proposed uses. He explained that a potential tenant for the retail space would be a high-end shoe store, and its hours of operation would be from 10 AM to 8 PM. He anticipates having two employees. The refuse area will be shared with the primary food service establishment.

The proposed primary food service use would potentially be an open-style restaurant with two sections: a café front and an intimate bar in the back. The applicant anticipates having the same employees serve both sections of the establishment. The café would be open Sunday through Thursday from 11 AM to 10 PM and Fridays and Saturdays from 11 AM to midnight. The bar would be open Thursdays, Fridays, and Saturdays from 7 PM to 1 AM.

Chair Mancuso asked if the applicant would be sharing a liquor license or if they had a new one. Mr. Rella replied that they will be sharing with Catch 19.

Mr. Rella added that the two spaces will share a door used by employees.

Chair Mancuso asked if there will be any live music. Mr. Rella replied that possibly in the future and that the applicant will comply with the ordinance.

Michael Simpson described the subject site and the proposed renovations to the exterior and interior. The staircase that served the previous retail business will be eliminated. The second floor will be accessed through a doorway and staircase at 19 Broad St. No easement will be required since the same entity owns 17 and 19 Broad St.

Jacqueline Dirmann asked if it is two separate lots and if it would be easier to give an easement now in case of an ownership transfer. Mr. Anderson replied that an existing easement is already in place and that the applicant will provide a copy as a condition of approval.

Mr. Simpson said that all utilities will remain the same and there is no increase in the lot coverage. He said that the primary variance relief is the parking and other variances that are preexisting nonconforming conditions, and these conditions are not changing.

Chair Mancuso asked if the HPC recommended replacing the lower facade. Mr. Simpson replied that they would.

Ms. Dirmann asked if the applicant would comply with the trash and enclosure area requirements. Mr. Simpson replied that they would provide documentation as a condition of approval.

Ms. Dirmann asked if they would request a waiver for the landscaping requirement. Mr. Simpson responded yes.

Ms. Dirmann asked about the door's A.D.A. compliance. Mr. Simpson said the elevation would be the same, with less than a 7% rise.

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

Megan Massey motioned to approve the application, and Dan Mancuso seconded.

Ayes: Mayor Portman, Kristina Bonatakis, Dan Mancuso, Barbara Boas, Megan Massey, Itzel Hernandez, Frederick Stone and Brian Parnagain

Nays: None

Abstained: None

Dan Mancuso motioned to adjourn the meeting, and Frederick Stone seconded.

Ayes: All in favor

Nays: None

Abstained: None

The meeting adjourned at 10:07 PM.

Respectfully submitted,
Aline Macatrao
Board Secretary